

Employment Committee

24 March 2020



Time and venue:

10.00 am in the Ditchling Room - Southover House, Southover Road, Lewes, BN7 1AB

Membership:

Councillor Isabelle Linington (Chair); Councillors Roy Burman (Vice-Chair)
Nancy Bikson, William Meyer and Zoe Nicholson.

Quorum: 2

Published: Friday, 13 March 2020

Agenda

- 1 **Minutes of the meeting held on 7 October 2019** (Pages 5 - 10)
To confirm and sign the minutes of the previous meeting held on 7 October 2019.
- 2 **Apologies for absence/declaration of substitute members**
- 3 **Declarations of interest**
Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct.
- 4 **Urgent items**
Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972.
- 5 **Written questions from Councillors**
To deal with written questions from Councillors pursuant to Council Procedure Rule 12.3.
- 6 **Health and Safety - Accident Report for Quarter 3** (Pages 11 - 16)
Presentation from Specialist Advisor Health and Safety
- 7 **Flexible Retirement Policy** (Pages 17 - 46)
Report of the Head of Human Resources

8 Medical Redeployment Policy (Pages 47 - 66)

Report of the Head of Human Resources

9 Consideration of matters raised by the employees' side

To consider any matters raised by the employees' side in respect of the items on this agenda.

10 Consideration of health and safety matters raised by the employees' side

To consider any matters raised by the employees' side in respect of health and safety.

11 Date of next meeting

To note that the next meeting of the Joint Staff Advisory Committee (which replaces the Employment Committee) is scheduled to take place on Monday 15 July 2020 at 2.30 p.m. in the Telscombe Room, Southover House, Southover Road, Lewes, BN7 1AB.

12 Exclusion of the public and press

To consider, under Section 100(A) of the Local Government Act 1972 (as amended), excluding the public and press from the meeting during the discussion of Item 13 on this agenda as there are likely to be disclosures of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act.

13 Sickness Report (Pages 67 - 90)

Report of the Head of Human Resources

Information for the public

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Information for Councillors

Disclosure of interests: Members should declare their interest in a matter at the beginning of the meeting.

In the case of a disclosable pecuniary interest (DPI), if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

Councillor right of address: A member of the Council may ask the Leader, a Cabinet Member or the Chair of a committee or sub-committee any question without notice upon an item of the report of the Cabinet or a committee or subcommittee when that item is being received or under consideration by the Council.

A member of the Council may ask the Chair of a committee or sub-committee a question on any matter in relation to which the Council has powers or duties or which affect the District and which falls within the terms of reference of that committee or subcommittee.

A member must give notice of the question to the Head of Democratic Services in writing or by electronic mail no later than close of business on the fourth working day before the meeting at which the question is to be asked.

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Employment Committee

Minutes of the meeting held in Warren Room - Lewes House, High Street, Lewes on 7 October 2019 at 10.00 am

Present:

Councillors - Councillor Isabelle Linington (Chair), Councillors Roy Burman (Vice-Chair), Nancy Bikson and Zoe Nicholson.

Staff Side: Mathew Busby and Graham Purdye

Officers in attendance: Ed Hele (Functional Lead (Quality Environment)), Becky Holloway (Specialist Advisor for Health and Safety), Helen Knight (Head of Human Resources), Oliver Dixon (Senior Lawyer and Data Protection Officer), Catherine Knight (Assistant Director of Legal and Democratic Services) and Sarah Lawrence (Senior Committee Officer).

Also in attendance:

Sarah McGreal (Regional Unison Representative)

1 Appointment of Chair

Councillor Nicolson proposed and Councillor Bikson seconded that and it was:

RESOLVED – That Councillor Linington be appointed as Chair of the Committee for the remainder of the municipal year.

2 Minutes of the meeting held on 25 March 2019

The minutes of the meeting held on 25 March 2019 were confirmed and signed as a correct record.

3 Apologies for absence/declaration of substitute members

Apologies were received from Councillor William Meyer.

4 Declarations of interest

There were none.

5 Urgent items

There were none.

6 Written questions from Councillors

There were none.

7 Health and Safety - Accident Report for Quarter 2

The Specialist Advisor Health and Safety gave a presentation to the Committee on the accident statistics for quarter 2.

She confirmed that there had been a very slight rise in incidents from 11 to 12 in Lewes this quarter; 10 of these related to the area of waste and recycling, and 4 of these were near misses. However, in the context of the huge numbers of collections and that it was a higher risk area, the numbers were still small. Actions taken in response included reminders to operatives to wear safety gloves when collecting bagged rubbish, and a media campaign to reduce the danger driving of the public near to refuse vehicles. It was noted that as part of the absence data there had been a drop in muscular / skeletal injuries as a result of switching across to wheeled bins.

A question was raised how Members could be assured that the Council's statutory responsibilities were being met in terms of its role in relation to public safety and as an employer, as this report included both incidents related to staff and the public. It was confirmed that a main part of the Specialist Advisor Health and Safety's role was to ensure that all data was collected, that all statutory notifications took place and that follow up actions were identified, and Members were assured that all these had taken place.

On an operational basis, managers reported incidents via online forms and were responsible for actions following on from these. However, the Council was due to switch across to a new software system in the new year which would enable a greater breakdown in types of incident.

A question was asked as to whether risk assessments were in place in all areas and could be reported to the Committee to see if there was a trend. It was noted that the more detailed reports in this area were usually reported to the Joint Safety Committee. The Functional Lead Quality and Environment advised that since the appointment of the new Specialist Advisor Health and Safety, additional assessments had taken place targeted at areas of the highest risk.

RESOLVED – To note the Quarter 2 accident statistics report.

8 Social Media Policy

The Head of HR and the RIPA Monitoring Officer introduced the report, which was to note a combined policy and guidelines for staff use of Social Media,

pulling together those previously held by Eastbourne and Lewes Councils. It was recognised that this policy sat alongside a more detailed policy on conducting internet and social media research into individuals, approved by both councils earlier this year.

It was confirmed that in the past the Council had had a more open approach to staff use of social media, where the IT access was unlocked but there were policies in place to govern usage. In more recent years, as staff were able to use their own personal devices to look at such sites during lunch times, it was considered appropriate that the access to social media sites on Council-owned devices was locked to staff whose use was an integral part of their jobs, and approved by managers. This was both a protection for the Council and for the officers themselves. The policy was in line with this position.

Members discussed the balance of this protection with a wish to promote a culture of trust in employees, and recognition that Officers were often best placed to promote the Council through social media. It was agreed that the policy and guidelines be supported, subject to an inclusion of a sentence in paragraph 1.2 to recognise that employees were a vital asset to the Council in this area.

RESOLVED –

- 1) To note that the Council's previously separate policies have now been aligned and updated; and
- 2) To request that the Social Media Policy and Guidelines be amended to include the following sentence at paragraph 1.2:

“It is recognised that Officers can be the greatest asset in promoting Councils' work via social media, whilst working within the confines of this policy”.

9 Proposed Joint Staff Advisory Committee

The Assistant Director – Legal and Democratic Services introduced the report to consult the Committee on arrangements for a new Joint Staff Advisory Committee and Joint Appointments Committee. This recognised that most staff worked across both Lewes District and Eastbourne Borough Councils, and there was a need for consultation and decision-making on staff matters to be made on a joint basis. This had been considered at the meeting of the Eastbourne Joint Staff Committee on 26 September, and agreed subject to any additional comments received from Unison at this meeting.

Unison representatives at the meeting highlighted three areas where they would wish to see additional changes in relation to the terms of reference for the Joint Staff Advisory Committee:

- a) It was requested that paragraph 1.2, specify that the union representatives were from Unison. In addition, it was asked that the number of its representatives be increased to 3, replacing one of the

other staff representatives, as Unison representatives stated that they believed that 75% of staff were Unison members.

- b) It was requested that the regional unison representatives and other staff representatives in training should be able to attend the meetings.
- c) It was advised that in Unison's view Member attendance on appeals against dismissal, grading and grievance should be mandatory not optional, as this was the purpose of this final appeal stage.

The Committee discussed each of these issues.

In relation to the Unison representation, HR confirmed that Unison was the only recognised union for the Council. Members agreed that the terms of reference should be amended to specify that the union representation should be 'from the recognised union', but felt the number of representatives from the union and staff, of two each, was appropriate.

In relation to the attendance of regional and other representatives, it was agreed that it was up to Unison to confirm who their two representatives were. However, holding the meeting in public, with restricted access on specific papers, would enable Unison to send other regional representatives and representatives in training as observers.

Finally, in relation to the role of the Committee in appeals, the Head of HR advised that Officers had suggested that Member involvement be at the request of the staff member, as many staff had reported they found it more intimidating for appeals to go to Members, and it often meant a longer delay in setting up such panels. The Committee agreed that two Members should be involved in the final stage of appeals as the employer, but only in relation to dismissal and grievance matters.

It was recognised that as this was different to the terms of reference approved by the Eastbourne Joint Staff Committee, there would likely need to be a delay in recommending this to each Full Council, to check that these changes could be approved by both authorities.

RESOLVED- To ask the Assistant Director HR and Transformation to put the proposals for a new 'Joint Staff Advisory Committee' and 'Joint Appointments and Appeals Committee' forward to the Full Council, subject to the following amendments to the Terms of Reference for the Joint Staff Advisory Committee, and to those being agreed by the Eastbourne Joint Staff Committee:

- a) The new Joint Staff Advisory Committee be held in public.
- b) Paragraph 1.2 of the terms of reference be amended so that the staff representatives were: '2 representatives from the recognised union and 2 staff group representatives'.
- c) Paragraph 6.5 of the terms of reference be amended to state that: 'For all appeals against staff dismissal and grievance, the Assistant Director – HR and Transformation shall invite 2 members of this Committee to be a part of the relevant appeals panel'.

10 Flexible Working Policy

The Head of HR presented the new flexible working policy, which was a combined document for both Councils. This set out the basis on which requests for flexible working arrangements by staff would be determined. This was distinct from flexi time or agile working. It was noted that the policy contained no significant changes to previous policies, but was a much clearer document for staff and managers to follow.

RESOLVED - To note and endorse the new combined Flexible Working Policy.

11 Sickness Absence Quarter 4 (2018/19) and Quarter 1 (2019/20)

The Head of HR presented the quarter 4 and quarter 2 sickness absence figures, both with and without waste services, as previously requested. This showed that against a target of 8 days sick leave per FTE, the Council had achieved in 2018/19 was 8.9 days, but this reduced to 7.93 days if waste service operatives were excluded. This compared well to the public sector average of 8.5 days and to other neighbouring authorities. The Quarter 1 figure was currently 2.20 (or 2.08 without waste services).

The Committee reviewed the levels and reasons for absence set out in the report.

It was appreciated that long term absence often had a larger effect on smaller teams. In addition, it was noted that areas of high pressure and those who worked in close-knit teams, such as the customer contact team and account managers, had higher levels of absence due to the type of work and because it was easier for seasonal colds and flu to be passed around. The Head of HR advised that the Council did have wellbeing activities in place available to all staff, and paid particular attention to supporting teams in pressurised areas.

The Committee received information on the breakdown between short and long term absence. It was clarified that the short-term absence was defined as that which was 4 weeks or less. Assurances were given that managers regularly reviewed this information with their HR Business Partners. The Head of HR agreed to send an example of the type of data managers received to the Leader of the Council for information.

A question was asked by unison representatives as to whether a question on absence had been included in the recent Employee Engagement Survey and if the results had been published. The Head of HR confirmed that the question had been included, and the results of the survey had now been published for all staff on the Hub (intranet) and an action plan made available for all managers.

Members asked on how absence was managed within tight-knit waste crews. Matthew Busby (unison representative) advised that the Lewes waste service had a floating crew of 6 operatives and 3 drivers and this was enabling a reduction in the reliance on agency staff to cover absence. It was noted that although a request had been made to account for waste services separately, the area did not have disproportionate levels of absence.

RESOLVED – To note the report.

12 Update on Joint Transformation Programme

The Head of HR advised that the Joint Transformation Programme was now complete, and that this was the last update on this matter.

She advised that a report on lessons learned from the programme had been sent to the Joint Consultative Committee, and agreed to email a copy to Members.

RESOLVED – To note the update.

13 Consideration of matters raised by the employees' side

Unison raised two matters under this item:

- a) **Removal of occupational sick pay from for the first year of new starters** – Unison expressed concern that they had not been consulted on this change. The Head of HR advised that this would impact new employees only from 1 November 2019 and the terms and conditions of no existing employees would change. This had been an operational decision, due to recent costs of occupational sick pay for new appointees, but did not affect statutory sick pay. The Head of HR agreed to brief the Leader of the Council on the details of the decision.
- b) **Request for the regional unison representative to attend branch secretary meetings with HR** - The Head of HR advised that she would need to consult with the Assistant Director HR and Transformation and would come back to unison on the matter.

14 Date of next meeting

The next meeting of the Committee was scheduled for 9 December 2019 at 10 am.

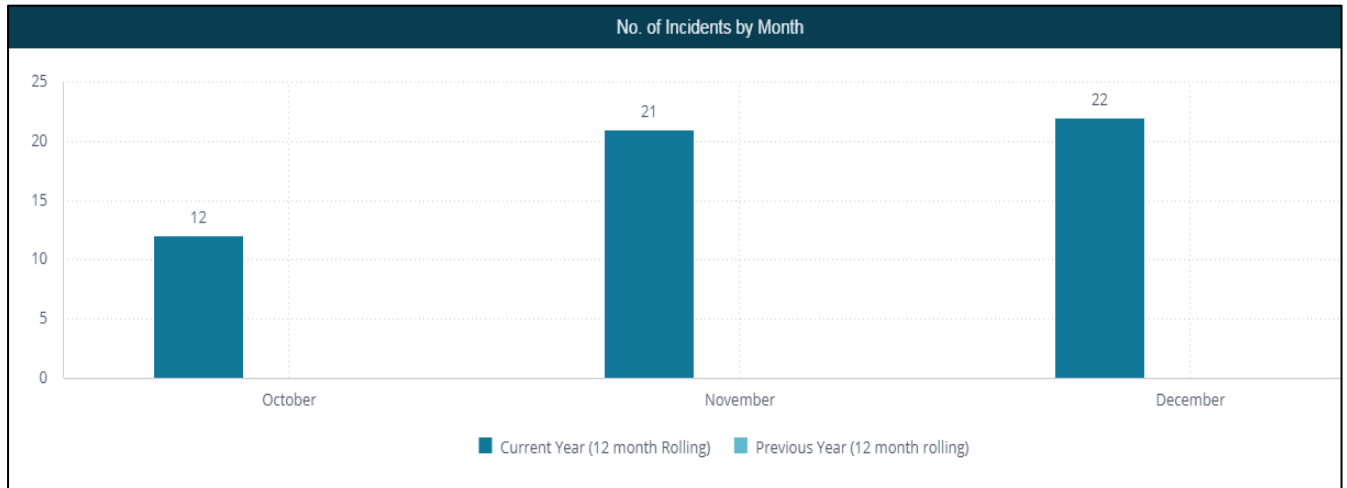
The meeting ended at 11.56 am

Councillor Isabelle Linington (Chair)

Accident/Incident report 2019/2020 3rd Quarter October to December

Note: This report was compiled using the new system, accidents are categorised by answers given on the report. Some of the near misses listed are actually accidents, this has highlighted the need to provide a clearer definition of a near miss on the new form.

Section 1: Overview



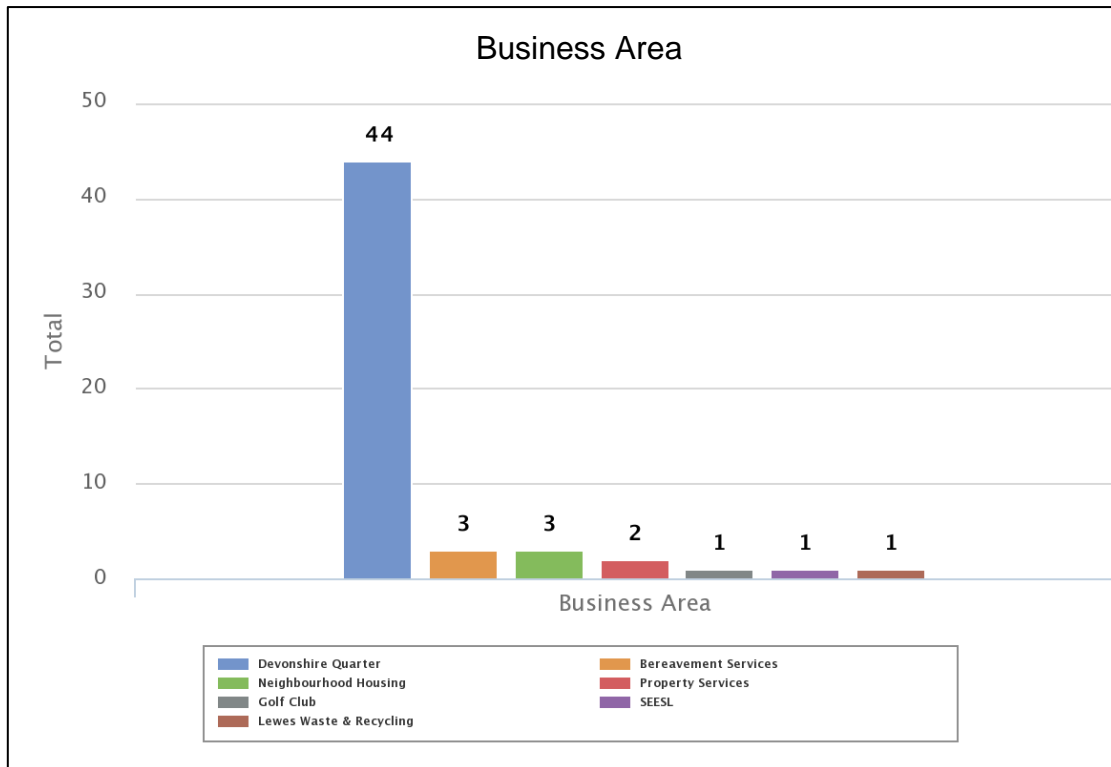
Total Incidents = 55

Lewes = 4

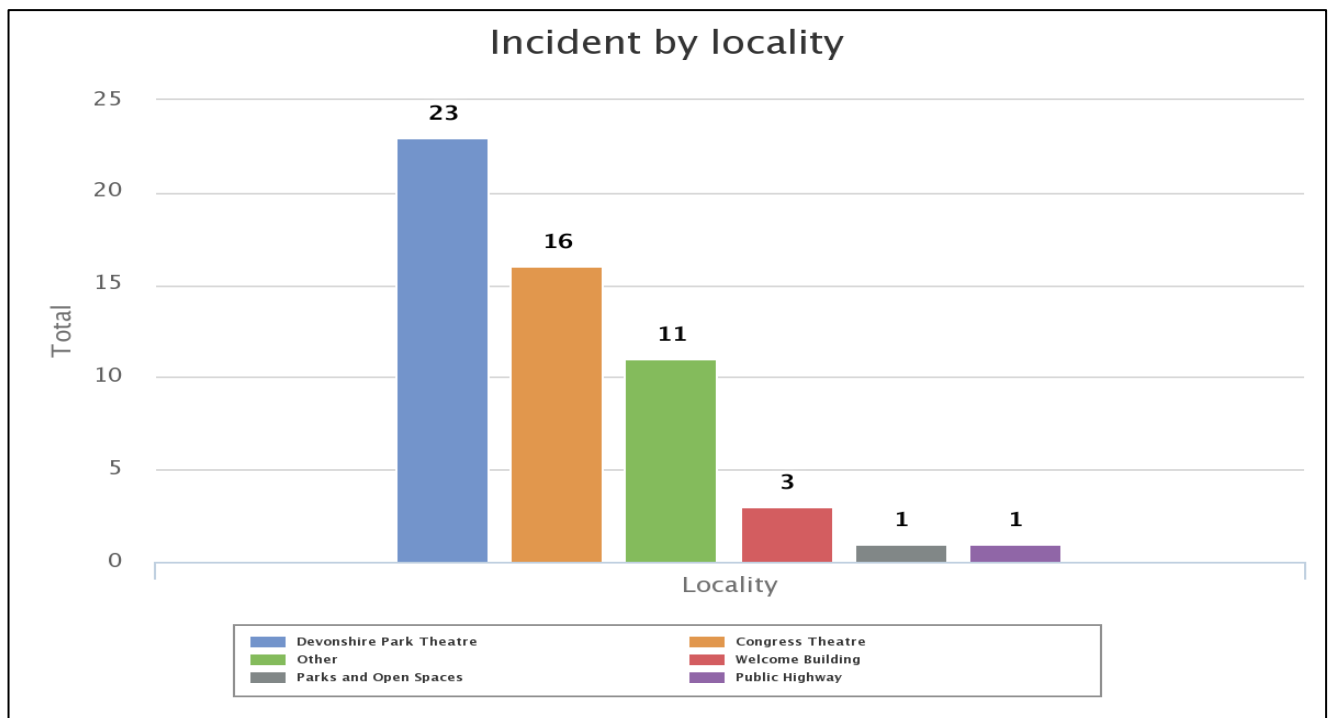
Eastbourne = 48

SEESL = 1

EHL = 2



*Devonshire Quarter = Theatres and associated buildings



Other

Sheltered Accommodation (Lewes) = 2

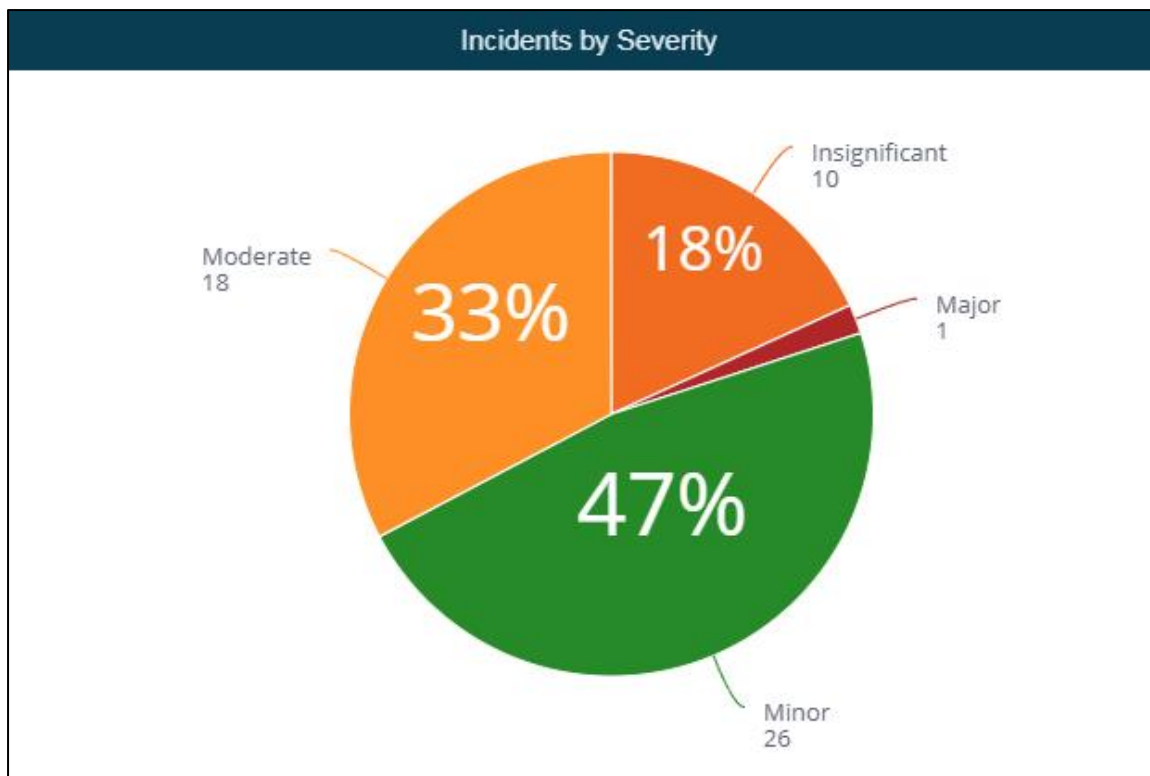
Public Highway = 2

Golf Club = 1

Eastbourne Homes = 2

Crematorium/Langney Cemetery = 3

Theatre (not specified) = 1



Insignificant = No first aid required

2 instances of ill health

8 Near misses

Minor = First Aid required, small incident with no potential for escalation.

3 instances of ill health

17 Injuries

2 Near Misses

3 Uncategorised

1 Anti-social behaviour

Moderate = Hospital treatment, referral to GP or Incident with potential for escalation

2 Dangerous near misses

1 Instance of ill health

5 Injuries

1 uncategorised

1 Security/unauthorised access

8 Anti-social behaviour

Major = RIDDOR* Injury/Incident

1 RIDDOR Reportable (over 7 day injury)

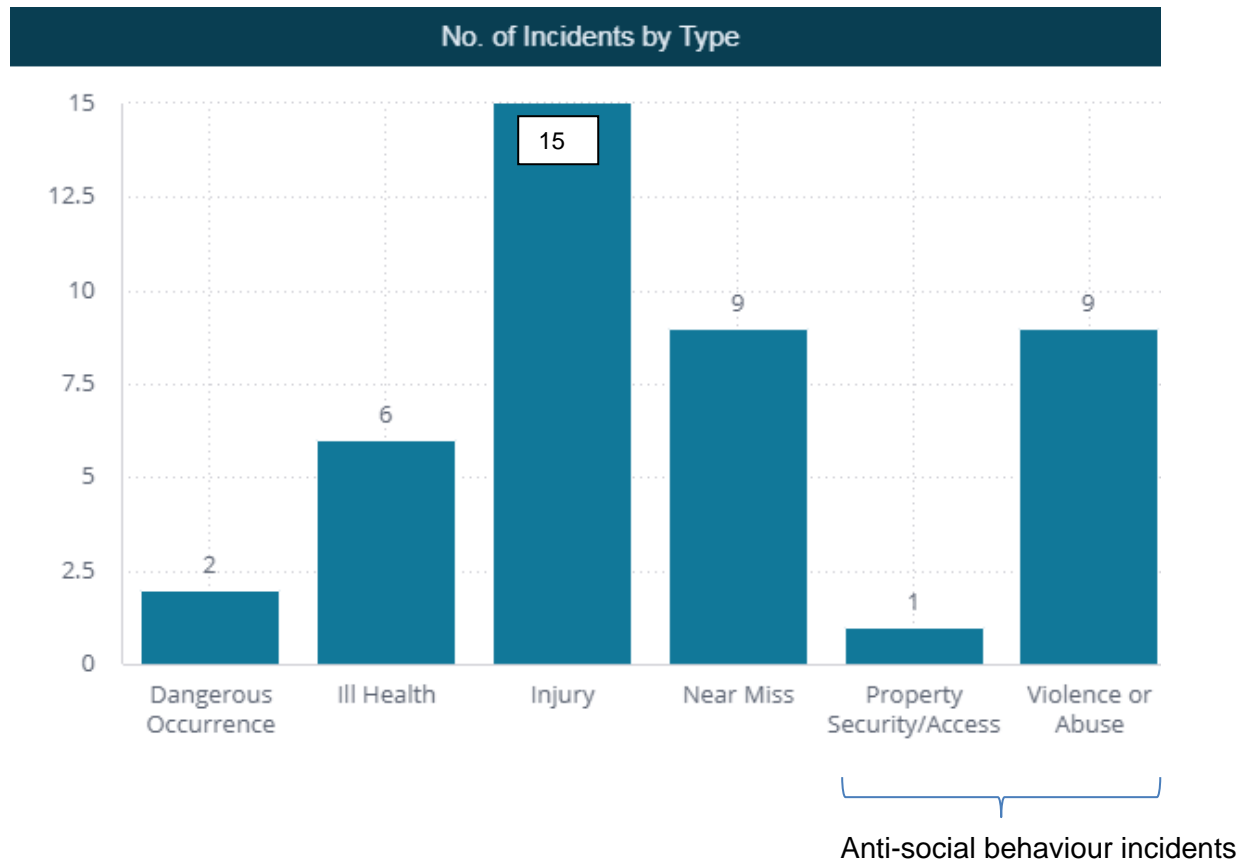
*Reporting of Injuries, Diseases and Dangerous Occurrences Regulations –includes specified injuries to workers, injuries or work related ill health that results in over 7 days absence.

Section 2: Details

Theatres Breakdown

69,029 visitors and 1200 staff (includes performers and visiting companies) over the 3rd Quarter. Reports account for 0.6% of total amount of people in theatres over 3rd quarter.

45 Incidents (3 logged as 'other')



Injury/Near Miss

Employees: 8 (7 Injuries, 2 Near Misses)

Members of the Public: 11 (5 injuries, 6 Near Miss)

Performers: 5 (3 Injuries, 2 Near Misses)

Near Misses: 8, mainly slips and trips due to lack of due care and attention/no apparent cause. There is no trend to these accidents all were in different locations. 1 Gentleman slipped on wet floor in Welcome Building during heavy rain – Mats put in place to prevent further occurrence.

Injuries: 7 mainly slips and trips due to lack of due care and attention/no apparent cause. There is no trend to these accidents all were in different locations.

1 Member of staff banged head on low doorway – Procedures in place to be followed.

- 2 Members of staff got a splinter from a kiosk post – Maintenance notified
- 1 Swinging bucket hit performer during rehearsal. (Action part of performance) – Briefed and shown technique to prevent further occurrence
- 1 Cable fell off boom, hit employee on head – Briefings given, toolbox talk on safe working at height and PPE.
- 1 Manual Handling injury, lifting bucket – review of manual handling procedures.
- 1 Member of the Public, tripped due to poor light in car park – Looking into improving lighting

Anti-social Behaviour

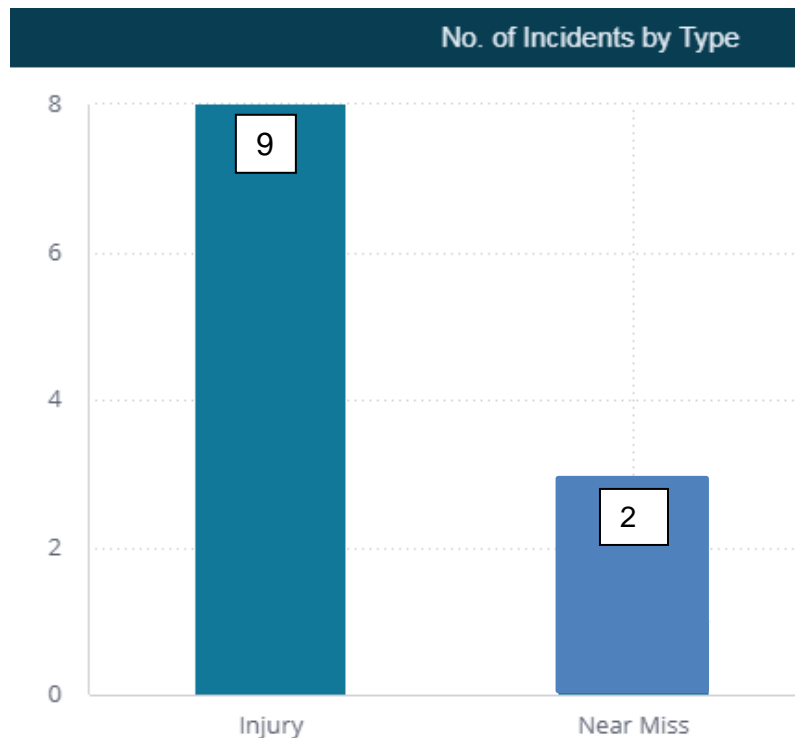
Directed at staff: 11

- 3 incidents of audience members under the influence of alcohol causing problems.
- 8 incidents of people from outside under the influence of drugs and/or alcohol entering the theatres and giving staff verbal abuse.

Dangerous Occurrences

- 1 Glass from Lantern (skylight) in Congress fell onto stage overnight during storm.
- 1 Butterfly knife confiscated during routine bag search – handed to police.

Other Areas



Injury/Near Miss

Employees: 4 (Injuries)

- 1 Traffic Collision travelling from one place to another for work in personal vehicle.
- 1 Glass bottle in bin bag struck leg in high winds – Briefing on adverse weather

1 Fell and twisted knee whilst emptying dog litter bin – RIDDOR reportable as off over 7 days. – Dynamic risk assessment of ground should be carried out before task begins. Member of staff went off sick before Team Leader could obtain the details.
1 Employee tripped over vacuum cleaner cord – cleaners now starting one hour later to avoid crossover with office staff.

Tenants: 3 (Injuries)

1 fall from ladder due to loose floorboard – Floorboard was loose due to tenant removing laminate flooring. Mears have secured it and made safe.

1 Fell on loose paving slab in sheltered accommodation – area cordoned off and remedial works undertaken.

1 Slipped on driveway – Surveyor attended, no issues with the surface were apparent.

Members of the Public: 4 (2 Injury, 2 Near Miss)

2 falls due to wet ground at Langney Cemetary in heavy rain, members of public were walking on the grass rather than pathways.

1 Man reversed into low wall at Crematorium damaging wall – damage reported.

1 Member of the Golf Club hit in head with ball – He had followed procedure to duck when 'Four' is called but ducked into the ball.

Report to:	Employment Committee
Date:	24 March 2020
Title:	Flexible Retirement Policy
Report of:	Assistant Director of HR and Transformation
Ward(s):	All
Purpose of report:	To align the policies of Lewes District and Eastbourne Borough Council regarding flexible retirement.
Officer recommendation(s):	To approve the new Medical Redeployment Policy.
Reasons for recommendations:	To ensure that the Councils have a consistent approach to this scheme which permits employees in the Local Government Pension Scheme (LGPS) to choose to retire anytime from age 55 to 75 and draw their pension.
Contact Officer(s):	Name: Helen Knight Post title: Head of HR E-mail: Helen.knight@lewes-eastbourne.gov.uk Telephone number: 07966 645102

1 Introduction

- 1.1 Lewes District and Eastbourne Borough Councils have jointly committed to bringing policies and procedures together as part of the Joint Transformation Programme (JTP) which is an important step towards aligning our people and business practices.

2 Report

- 2.1 A review of the existing policies regarding medical redeployment across Lewes and Eastbourne has been undertaken and a new policy developed.
- 2.2 This revised policy will be implemented by publication on the Council intranet known as 'The Hub' following approval with communication and training issued to managers and staff.
- 2.3 Unison has been consulted on the new policy and did not have any comments.

3 Financial appraisal

- 3.1 The implementation of this revised policy should have no financial impact. Any employees making an application for flexible retirement are advised that if they choose to take their pension before their normal pension age it that it may be

reduced, as it's being paid earlier. They are also given an estimate of the forecast pension and advised to take independent financial advice.

3.2 The Council are advised by the pension scheme of the costs an application may present to us and we have an Early Termination of Employment (Discretionary Compensation) Policy already in place.

3.3 This policy does not necessitate any immediate changes to the Councils Medium Term Financial Plans. Flexible retirements that take place are assessed for their financial viability before being approved and any additional cost of exercising any discretion under this policy will be considered on a case by case basis.

3.4 In the current financial climate, the introduction of this policy is intended to be cost neutral as agreement to flexible retirement will only be given when confirmation is received from the Council's LGPS administrators that no cost will fall to the council. It is possible that the business case for agreeing flexible retirement could enable a review of resourcing requirements within service areas/teams and achieve potential budget savings. At this stage it is impossible to predict take up and quantify potential savings.

4 Legal Implications

4.1 On the basis that the Flexible Retirement Policy under consideration merely aligns, simplifies and clarifies the individual policies held by Lewes District Council and Eastbourne Borough Council, and represents no significant change, there are no legal implications arising directly from this report.

Lawyer consulted 31.01.20 Legal Ref: 008930-JOINT-OD

5 Risk Management Implications

5.1 The Risk Management Implications questionnaire has been completed, and this report is exempt from the requirement because it is a progress report.

6 Equality Analysis

6.1 Equality analysis is attached as an appendix to this report.

7 Appendices

Appendix 1 - Eastbourne Borough Council and Lewes District Flexible Retirement Policy

Appendix 2 - Equality and Fairness Analysis on Flexible Retirement Policy

8 Background papers

None

STRONGER together



Lewes District Council



Working in partnership with **Eastbourne Homes**

Document name:	Flexible Retirement
Document type:	Policy

Authority(ies) covered:	Aligned
Responsible (Executive Lead):	Becky Cooke Assistant Director HR and Transformation.
Accountable (Operational Lead):	Helen Knight Head of HR
Version (e.g. first draft, final report):	First draft
Approved by:	CMT
Date of publication:	2018
Revision due:	2020
Final Equality and Fairness Analysis (EaFA) report approved by:	Assistant Director of HR
Date final EaFA report approved:	Date

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1. Introduction

1.1. This policy relates to all staff who are eligible members of the Local Government Pension Scheme (LGPS). It establishes guidelines for managers, staff and HR in relation to a staff member requesting flexible retirement. The policy will help managers and staff members to understand the options which are available in relation to flexible retirement.

The regulations are complex and while the councils are legally prohibited from giving direct financial advice, we are encouraged to provide information and interpretation.

2. Scope of the Policy

2.1 We hope that the policy framework that is set out here will help to inform staff to make personal retirement arrangements that take account of the wishes of the individual as well as the needs of the councils.

This policy and procedure does not form part of any staff member's contract of employment, it may be amended from time to time with appropriate consultation with recognised trade unions representatives.

More details about how flexible retirement works are available from the Local Government Pension Scheme website www.lgpsmember.org

3. What is Flexible Retirement

3.1 Flexible retirement means being able to draw part of your pension benefits, whilst continuing in pensionable employment and building up further pension rights. In general terms, this means that an **eligible staff member** can take flexible retirement at any point from age 55 years with the agreement of the councils and draw part of their accrued benefits. To do so they must reduce both their working hours and salary or grade within the provisions of the pension scheme guidelines.

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4. Eligibility to apply for flexible retirement.

4.1 To be considered for flexible retirement the staff member must be an active member of the local government pension scheme (LGPS) which operates a flexible retirement scheme, they must be eligible for flexible retirement and be at least 55 years old. If the staff member is 55 years old or over and wish to consider flexible retirement they will need to contact the Local Government Pension Scheme to determine whether or not you would be eligible to immediately gain access to your pension. The Councils will only consider all requests for flexible retirement and only approve when it is in the Councils interest to do so.

4.2. Equalities.

Where a staff member requires reasonable adjustments to attend and participate in a meeting regarding flexible retirement such as a disability or language barrier the member of staff may be accompanied by an appropriate person to provide support. The manager responsible for the meetings will ensure all reasonable adjustments and special arrangements are made. This includes ensuring all information is in an accessible format, that meeting venues are accessible to all parties and that any reasonable adjustments are made to enable fair and complete participation by all parties. Staff members are invited to advise their line manager and subsequent managers of their needs and requirements to ensure they are fulfilled throughout the process wherever possible. This right is also extended to the appeal meeting.

5. The terms of a flexible retirement application

5.1 Once eligible a staff member can choose when to make an application for flexible retirement. By applying, the staff member is agreeing to a long-term reduction in their current working hours and salary of at least 35%. An application requires approval by the Director of Service and the agreement of the LGPS. Any effective date must be at least two months in the future after the approval date.

If flexible retirement is agreed before your Normal Pension Age your benefits will normally be reduced for early payment.

5.2 Protection of the Rule of 85

This rule requires that your age in whole years, when added to the number of years of contributions made to the local government pension scheme total 85 or more at the time of retirement. In the past, individuals who met the 'rule of 85' at the time of retirement did not have any reduction in their pension benefits and those who did not meet the 'rule of 85' at retirement only had a reduction in respect of the period up to the date when they would have met the 'rule'.

The rule of 85' has been removed from the pension scheme legislation from 1 October 2006, although some transitional protection has been introduced for those individuals who previously had an expectation of meeting the 'rule of 85'. Consequently their pension benefits will be either unreduced or subject to a lesser reduction.

Those who joined the pension scheme prior to 30 September 2006 wishing to retire voluntarily before the age of 65 will receive some protection, as follows:

- those who will be 60 between 1 April 2016 and 31 March 2020 and would satisfy the rule of 85 by 31 March 2020 will receive partial protection and therefore will have a 'tapered' reduction to their pension benefits in respect of the period from 1 April 2008 to their date of leaving (or 31 March 2020 if earlier);
- those who do not meet any of the above two categories will be subject to a full reduction to their pension benefits in relation to the period on or after 1 April 2008. They will not, however, receive any reduction to their pension benefits in respect of the period prior to 1 April 2008.

Those who joined the pension scheme on or before 30 September 2006, but who would not have met the 'rule of 85' by age 65 or those who joined the pension scheme after this date and who retire voluntarily before age 65, will have a reduction applied to their pension benefits in respect of all of their service - i.e. they do not have any protection. No reduction will apply to those members who retire at or after the age of 65.

The Local Government Pension Scheme regulations allow employers the discretion to waive the pension reduction.

This will only be possible in exceptional circumstances, for example, on compassionate grounds or as an alternative to retirement on grounds of redundancy or efficiency, if there is a strong business case. The councils have adopted the County Council's definition of "compassionate grounds" for waiving pension reductions which is;

- compelling domestic reasons which will affect the ability of the individual to continue with his/her present working arrangements
- ill-health which does not meet the ill-health retirement criteria for an enhanced pension

The annual pension and lump sum retirement grant are paid with effect from the date of flexible retirement, but Additional Voluntary Contributions (AVC's) cannot be paid until the employee finally retires completely.

5.3. Increasing working hours after the commencement of flexible retirement

It is not normally possible to increase working hours again after flexible retirement has been processed and has commenced. However, in exceptional circumstances, a staff member's application to increase their hours after flexible retirement will be considered by the councils, subject to line management support, and where a reduction in hours and salary has been effective for a minimum period of 12 months. The staff member will not accrue pension benefits on the additional hours worked.

5.4. Reversing flexible retirement actions

Once a flexible retirement request is processed and has commenced, it cannot be amended or reversed. Any changes would need to be subject to a new application.

5.5. Fully retiring after flexible retirement

If the staff member wishes to fully retire after taking flexible retirement, they should do this in the normal way. Please contact your line manager for more information.

5.6. Advice on flexible retirement

Staff are encouraged to take independent financial advice before making a decision about flexible retirement.

5.7. Other Pension Arrangements

When planning for retirement, staff should take into consideration any state pension entitlements or other pension benefits that they have. The councils can't provide information about these arrangements.

5.8 Rules on transferring Flexible Retirement

If an employee has an agreement for Flexible Retirement in place and then changes employers the LGPS have agreed rules in place around this and advice should be sought from HR and LGPS at the earliest possible opportunity.

5.9. Disputes

Staff who are unhappy with a decision in respect of their flexible retirement arrangements are advised to contact Human Resources in the first instance to determine whether an informal resolution can be achieved. Staff who wish to formally dispute a decision in respect of the flexible retirement policy should do so via the Appeals process outlined in section 9.

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6. PROCEDURE FOR FLEXIBLE RETIREMENT

6.1 Submitting an Application

The staff member must submit the application form FXR1 to their Head of Service, the form can be found on The Hub. They may choose to discuss the application with the staff member's line manager (if they are not the staff member's direct line manager) to add context to the application and to ensure a full understanding of operational needs.

6.2 Considering an Application

The Head of Service and the staff member's line manager must hold a meeting with the staff member to consider the request within 14 days of the application being received. The staff member can be accompanied by a recognised trade union representative or by another person of their choice who must be a staff member of the council's, a representative from HR may also be present. If the Head of Service is away consideration of the application may be referred upwards or delayed until their return, depending on what is appropriate under the circumstances.

The meeting will provide the manager and the staff member with the opportunity to discuss the flexible retirement request in depth and consider how it might be accommodated. At the meeting the staff member should be prepared to expand on any points within their application. It may be necessary for both sides to compromise and both should be prepared to be flexible.

Following the meeting, the Head of Service will write to the staff member, informing them of the decision within 14 days of the date of the meeting. It may be necessary to extend this period i.e. the manager may need extra time to consult with other staff members about covering the work. Where additional time is required, the staff member will be kept informed.

If a staff member is asked to provide more information on their application and they unreasonably refuse, the application will be considered to have been withdrawn.

6.3 Where the Flexible Retirement Application is agreed

Where the application for flexible retirement is agreed by the councils, HR will obtain a full quotation based on the agreed level of flexing from the pension provider for the staff member's consideration. HR will contact the staff member to discuss the quotation with them.

The staff member then chooses whether to formally accept the agreed flexible retirement by confirming in writing to HR within 14 days from receipt of the figures. If the staff member accepts the flexible retirement, HR will write to the individual confirming this and will make the change to their employment contract. The date of this letter is the "approval date". They will agree an effective date with the staff member of a minimum of two months in the future from the formal written acceptance (or "approval date").

Once formal agreement has been confirmed by HR, the Head of Service or the line manager will complete the pension's paperwork with the staff member. If the staff member rejects the flexible retirement, the process ends and no further action is taken. The Head of Service will inform HR, who will inform the LGPS of the staff member's decision not to proceed.

The staff member can withdraw a **request** for flexible retirement up until the effective date. However, it is important to note that if it is withdrawn, another application cannot be made for another 12 months from the date of the original application. A withdrawal needs to be made as soon as possible and in writing, to avoid misunderstandings.

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7. Flexible Retirement application is refused.

7.1 The councils can refuse the application on business grounds. (A non-exhaustive list is shown below):

- The reduction in hours or change to the working pattern will carry with it additional costs.
- The reduction in hours will have a detrimental effect on the ability to meet council's customers' and service user's demands.
- The reduction in hours will have a detrimental effect on the ability of the councils to provide expected operational services.
- The workplace is unable to re-organise the work amongst existing staff.
- The councils are unable to recruit additional staff members to perform the outstanding work.
- The change will lead to a detrimental affect on quality and/or individual performance

7.2 If a request has been rejected, the notification to the member of staff will state the business reason(s) for refusal, together with an explanation on why this applies in his/her particular case. In such cases as an alternative to flexible retirement, staff can apply to work flexibly, please see the Flexible Working policy on The Hub for further details.

8. Appeals Process.

8.1 The staff member must lodge the appeal in writing to the Head of HR within 14 days of receipt of the decision. It must be dated and state clearly the grounds on which the appeal is being made. The Head of HR will also receive a copy of the staff members original application form FXR1.

There are no constraints on the grounds under which a staff member can appeal, although the following grounds of appeal are given for guidance:

- Procedure - a failure to follow procedure had a material effect on the decision.
- Decision - the evidence did not support the conclusion reached or is inconsistent.
- With other decisions within the councils.
- New evidence.

9. Flexible retirement application form. (FXR1)

9.1 Please ensure you complete all sections of the form in full in order that sufficient information is available to enable proper consideration of your request. When completing sections 3 and 4 think about what effect your reduction in working hours will have on both the work you do and on your colleagues. Once you have completed the form you should immediately forward it to your Head of Service. **You will need to have made contact with the LGPS and obtained a pension estimate before submitting this application form.**

1. Personal details

Full name: _____
Name of Line Manager: _____

2. Application Details

I would like to apply for flexible retirement.

2a. Describe your current working pattern (days/hours/times worked)
--

2b. Describe the working pattern you would like to work in future (days/hours/times worked). This should be at least a reduction of 35% in working hours.

2c. I would like this working pattern to commence from:

This is an estimated date, and will be confirmed once the flexible retirement quote from the pension provider is accepted by the staff member. It should be at least two months from that acceptance date.

3. Impact of the new working hours

3.1 I think the proposed change in my working pattern through flexible retirement will affect my Department and my colleagues as follows;

4 Accommodating the new working hours

4.1 I think the effect on the Department and my colleagues can be dealt with as follows;

I confirm that I have discussed flexible retirement with a HRBP and they have confirmed I am eligible to apply for flexible retirement. I have contacted the LGPS direct to obtain a pension estimate before applying.

Signed: _____ (Staff Member)

Name: _____

Date: _____

5. To be completed by Head of Service

Meeting held to discuss request on: _____

In the presence of _____

5.1 Summary of Discussion: (Include considered reasons and refer to previous sections of the form completed by the member of staff)

6..Flexible Retirement Request.

*Accepted/*Rejected (**please delete as necessary*).

ACCEPTED: If accepted, please give details of reduction in hours:

Hours worked (per week): _____

If accepted, line manager to notify HRBP

Date HRBP notified: _____

REJECTED:

6.2 If rejected, please give reason:

HR notifies the staff member that the application has been accepted and will then obtain an official quotation from the pension provider. Once received, the staff member formally accepts or rejects (by writing to HR) both the contractual changes offered and pension benefits offered. If accepted, HR will write to the member of staff confirming the flexible retirement, the change to contract and the effective date, informing the Payroll Department so that they can take the necessary action. If the employee rejects the offer no further action is necessary.

Employee accepts quotation: YES/NO

If YES, effective date of flexible retirement: (at least two months from date of formal acceptance)

Signed
Employee: _____

Signed
Line Manager: _____

Name: _____

Name: _____

Date: _____

Date: _____

Please pass one copy to staff member and one copy to HR

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Equality and Fairness Analysis

Report assessing the impact of proposed changes and decisions

Report title (same as Cabinet / Board report title)	Flexible Retirement Policy
Report author (same as Cabinet / Board report author)	Karen Joyce HRBP
Report author's email address – for comments	Karen.joyce@lewes-eastbourne.gov.uk
Responsible Head of Service	Helen Knight
Responsible Director/Assistant Director	Becky Cooke
Who will be making the decisions? – e.g. LDC or EBC - Full Council / Cabinet / Committee / name of Board / Cabinet Member / Service Head	LDC and EBC
Date draft EaFA and report sent to Equalities Email and Cabinet / Board Officer	

This form is to be used to give decision makers an understanding of the likely impact of decisions they are being asked to make on groups protected under the Equality Act, and on other groups who may be affected. It should be used to assess the impact of new projects, services, initiatives and changes in the way we deliver services that will affect staff, residents and service users.

Where this report relates to Council, Cabinet, Scrutiny or Board Reports, Part 1 of this form must be completed and submitted to EqualitiesEmail@lewes-eastbourne.gov.uk before or, at the latest, on the date for submission of draft reports to the Cabinet Officer. It should have been approved by the Director/Assistant Director and Lead Cabinet Member along with the draft report and signed off – at the end of Part 1 – at that point.

Part 2 should be completed and submitted to the Cabinet Officer and to EqualitiesEmail@lewes-eastbourne.gov.uk with the final Cabinet Report, and must incorporate any comments from the Equality and Fairness Planning Group and Stakeholder Group and amendments / responses / actions arising from these.

In some cases, there may not be an immediate impact on residents or customers. In these cases, an Equality and Fairness 'Relevance' Form **must** be completed and submitted to the EqualitiesEmail@lewes-eastbourne.gov.uk for our files.

The Public Sector Equality Duty

The Council and its companies must, in the exercise of our functions and in our decision making, have due regard to the need to:

1. Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
2. Advance equality of opportunity between people who share a characteristic and those who do not share it;
3. Foster good relations between people who share a characteristic and those who do not share it.

The second aim (advancing equality of opportunity) involves, in particular, having due regard to the need to:

- Remove or minimise disadvantages experienced by people because of their protected characteristics.
- Take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
- Encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

It describes the third aim (fostering good relations) as tackling prejudice and promoting understanding between people who share protected characteristics and those who do not.

It explains that compliance with the general equality duty may involve treating some people more favourably than others, as long as this is within the law.

By thoroughly assessing what we do against the general duty we are able to make better decisions about what we do, leading to better outcomes for people who work for us and for people who access our services and facilities.

An Equality and Fairness Analysis should be carried out when

- developing or reviewing strategies, plans, policies and procedures;
- proposing changes to the services delivered or the way these are delivered
- Proposing new services, functions, projects or initiatives.

All reports to Council, Cabinet, and Cabinet Members seeking decisions which will have an impact on residents and customers should include either:

- a full Equality and Fairness Analysis, using this form
- a completed Equality and Fairness 'Relevance' Form setting out why a full EaFA is not needed.

Assessing the impact of the options you are considering

In your answers to the questions on the next pages, please spell out any positive or negative impacts relating to the three general duties to:

1. Eliminate discrimination, harassment and victimisation
2. Advance equality of opportunity between people who share a characteristic and those who do not share it;
3. Foster good relations between people who share a characteristic and those who do not share it.

You need to think about the protected characteristics below – some potential issues have been suggested, but this is not intended as a comprehensive list:

Age - are there any reasons for thinking young people or older people may be affected differently by the proposals? School times? Digital access / confidence?

Disability – could your proposals impact differently on people with particular impairments or long-term limiting illnesses? Consider, for example, physical access, format or information / communication, design of service / buildings, interpreting / equipment / assistance that can be used, impact of proposals on people with long-term health conditions, including mental health, children and adults with special needs, drug and alcohol addictions

Gender reassignment - are there any specific issues to consider, e.g. around confidentiality, stage of transition?

Marriage and civil partnership - are there any issues to consider – e.g. confidentiality, equal access?

Pregnancy and maternity – you may need to consider how best to ensure equal access to opportunities or services, facilities for breastfeeding for example

Race and ethnicity – you need to consider different levels of knowledge about the services available and how these are accessed; the provision of translation and interpreters – e.g. in consultation, and avoidance of jargon / colloquialisms

Religion, belief and culture – prayer facilities; dietary requirements; religious observances (days and times) and festivals

Sex / gender – promoting equality of opportunity, childcare arrangements, provision of single sex facilities

Sexual orientation – equality of opportunity, confidentiality

Part 1 - for completion, approval and submission with draft Report

Section A – What is your proposal and what will change as a result?

Please give an overview of the changes you are considering and decisions you are requesting and say why are they needed. What are the options you are considering?

This is a joint Flexible Retirement Policy for Lewes and Eastbourne to ensure a consistent approach across both councils. Previously both councils had Flexible Retirement Policies in place this revised policy seeks to combine both and make it easy to use for both managers and employees.

Who will be affected by the changes and how?

Thinking about groups protected under the Equality Act, will any of them benefit positively from the changes you are considering more than other people? In what way?

Will there be any negative impacts on these groups which may arise? What are these?

The Council's Equality and Fairness Policy states that 'we also recognise that socio-economic status can be a significant barrier to equality of opportunity'. What might the financial impact of any changes on people on low incomes or with limited savings? Are there any actions the council could take to mitigate the impact – e.g. support, advice, access to loans, transitional arrangements?

Are there any other groups of people who might be affected negatively by the changes you are considering? For example, homeless people; people with mental health conditions; people who use assistance dogs or rely on helpers to guide and support them or translate for them; people with caring responsibilities; people living in rural areas; people with limited access to the internet.

This policy is only relevant for eligible employees who are in the Local Government Pension Scheme and aged 55 years or over who wish to flexible retire, therefore there is a positive impact for the Age protected characteristic group.

No other protected characteristic groups are negatively affected as this policy applies to everyone who is in the Local Government Pension scheme who reached the age of 55 years.

Section B – Bearing in mind the potential impact on these groups, what information have you used to consider the different options?

How have you consulted so far with the people likely to be affected by any changes? What were the key points that came out of this consultation and how have you amended your proposals in response? If you have not yet consulted, at what stage are you proposing to carry out consultation and who / how are you proposing to consult?

The Flexible Retirement Policy structure, content and guidance and is governed by the Local Government Pension Scheme, therefore this policy can only be changed or amended within the parameters laid out by the LGPS. We have just combined the two policies to make one joint policy for Eastbourne and Lewes. Therefore consultation is not required with employees.

What information, research findings and data have you used to assess the potential impact of any changes on people protected under the Equality Act and those who may face financial hardship as a result, and what did that information tell you about the potential impact?

There is no impact on any other protected characteristics as this policy only applies to the Age characteristic only and is positive for the employees who are aged 55 years and over who are in the LGPS.

Is there any information that you needed to understand the impact on these groups but are not able to find? What are the gaps and what can your service / the Council do to collect the information needed? Are there any actions you will take to address this?

This is not relevant as this policy only affects positively the Age protected characteristic.

Section C: Actions taken and planned

What actions or options are you considering to deal with any negative impacts? This may not always be possible (e.g. some changes might have a disproportionate impact on the Council's finances). If you are not proposing any actions or amendments to your proposals, please explain why not.

There is a change to the % of time and salary reduction previously Eastbourne Flexible Retirement Policy required a 30% reduction and Lewes required 40% reduction it has been agreed to meet this number in the middle at 35% which is a positive impact for all employee's who are eligible to access this policy.

Part 1 sign off

Part 1 should now be reviewed and approved by your Director/Assistant Director, and submitted with your Cabinet / Board report as a separate document to the Cabinet Officer / Company Secretary and to EqualitiesEmail@lewes-eastbourne.gov.uk.

Name of Director/Assistant Director:

Signed:

Dated:

Next steps:

It will then be forwarded to members of the Equality and Fairness Planning Group and Stakeholder Group for their comments and they will be asked to give any feedback or suggest amendments directly to you as the report author within 5 working days.

Confidential reports will be sent to the internal Planning Group only.

If you receive any comments or suggestions from a member of the Stakeholder Group, please reply by email saying:

'Thank you for your comments. We will take these into consideration and you will receive feedback at the next meeting of the Equality and Fairness Stakeholder Group'.

Please add any comments you receive from members of these groups in Part 2 below and any actions or amendments to your report arising from their feedback.

Unless specifically asked to attach the EaFA as an appendix to a Cabinet or Board Report, the completed EaFA form must be sent as a separate document with the Cabinet or Board report and listed as a background paper 'available from the report author'. In some cases it will need to be published with the report; in others you will be advised to reference this as a Background Paper.

Part 2 - for completion, approval and submission with final Report

Please note: both parts of this Equality and Fairness Analysis will be made available on publication of the Cabinet / Board report they relate to. You may also be asked to present your final report and EaFA to the Equality and Fairness Steering group.

Please describe in more detail the proposals you are making to Cabinet / Board in more detail. Please spell out your reasons for making these proposals / choosing the option(s) you are recommending.

Please give any additional information on the impact of your recommended options on groups protected under the Equality Act and any other groups.

Please set out below any comments from members of the Equality and Fairness Planning Group and the Equality and Fairness Stakeholder Group. Please include any comments and suggestions for amendment / action below.

Response to feedback. Please describe any changes you have made to your policy / proposals as a result of the feedback. If you are not proposing changes in response to any of the feedback, please explain why. Please ensure you give a full explanation.

Please list any additional actions you are proposing to take in response to the feedback.

Executive Summary – to be completed when you finalise your report. This is for you to paste into your Council / Cabinet / Committee / Member Board report. Keep this to 2–3 paragraphs only and incorporate any points raised by members of the Equality and Fairness Planning Group and Stakeholder Group and actions.


Please then include this summary in your report under the heading **Implications for Equality and Fairness.**

Please now include any actions you have referred to in Parts 1 and 2 in the Action Plan on the next page.

Action Planning

Issue identified	Action to be completed	Lead Officer	Required Resources	Target Date	Measure of Success

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Approval	
I confirm I have approved this Analysis and will review the action plan to ensure it is completed within the dates identified	
I confirm that I have received this Analysis and approved it	January 2020 <i>To be signed and dated by Director/Assistant Director</i>

Please now send this report to EqualitiesEmail@lewes-eastbourne.gov.uk and to the Cabinet Officer / Company Secretary with your final report.

Date final report submitted to Equalities and Cabinet Officer	
--	--

Report to:	Employment Committee
Date:	24 March 2020
Title:	Medical Redeployment Policy
Report of:	Assistant Director of HR and Transformation
Ward(s):	All
Purpose of report:	To align the policies of Lewes District and Eastbourne Borough Council regarding medical redeployment.
Officer recommendation(s):	To approve the new Medical Redeployment Policy.
Reasons for recommendations:	<p>The Councils take seriously their obligation to seek redeployment for staff who find themselves unable to continue in their present post due to a medical condition or disability.</p> <p>Medical redeployment is considered when we have explored whether reasonable adjustments can be made to the individual's current role to enable them to continue in that post, but has determined that such adjustments are not feasible.</p>
Contact Officer(s):	Name: Helen Knight Post title: Head of HR E-mail: Helen.knight@lewes-eastbourne.gov.uk Telephone number: 07966 645102

1 Introduction

- 1.1 Lewes District and Eastbourne Borough Councils have jointly committed to bringing policies and procedures together as part of the Joint Transformation Programme (JTP) which is an important step towards aligning our people and business practices.

2 Report

- 2.1 A review of the existing policies regarding medical redeployment across Lewes and Eastbourne has been undertaken and a new policy developed.
- 2.2 There are no significant changes to the policies previously held by both Councils although we have aligned the position on pay protection to reflect the approach taken by the Councils in redundancy situations.
- 2.3 This revised policy will be implemented by publication on the Council intranet known as 'The Hub' following approval with communication and training issued to managers and staff.

2.4 Unison has been consulted on the new policy and requested some further clarity which has been incorporated.

3 Financial appraisal

3.1 The implementation of this revised policy should have no financial impact in that it will not increase the cost to the council of medically redeploying a member of staff and it ensures clarity and consistency for the member of staff regarding their financial position in this situation.

3.2 Any costs associated with the roll out of this policy and the subsequent training will be contained within the current budget provision. However, financial implications may arise if and when the matters under review are implemented with or without any modifications.

3.3 Taking into consideration that future numbers of staff that will qualify for protected payments are difficult to predict and so future savings levels would be uncertain at this time. Any report with recommendations for decision that goes to Cabinet/ Council will set out any financial implications arising from those recommendations.

4 Legal Implications

4.1 On the basis that the Medical Redeployment Policy under consideration represents no significant change from the separate policies previously applicable to Eastbourne Borough Council and Lewes District Council, there are no legal implications associated with this report.

Lawyer consulted 31.01.20

Legal Ref: 008932-JOINT-OD

5 Risk Management Implications

5.1 The Risk Management Implications questionnaire has been completed, and this report is exempt from the requirement because it is a progress report.

6 Equality Analysis

6.1 Equality analysis is attached as an appendix to this report.

7 Appendices

Appendix 1 - Eastbourne Borough Council and Lewes District Medical Redeployment Policy

Appendix 2 - Equality and Fairness Analysis on Medical Redeployment Policy

8 Background papers

None

STRONGER together



Lewes District Council



Working in partnership with **Eastbourne Homes**

Document name:	Medical Redeployment Policy
Document type:	Policy

Authority(ies) covered:	Aligned
Responsible (Executive Lead):	Laura Tsang HR Business Partner
Accountable (Operational Lead):	Helen Knight Head of HR
Version (e.g. first draft, final report):	First Draft
Approved by:	e.g. Council, Cabinet, Cabinet Member, CMT, Director
Date of publication:	Date
Revision due:	Date
Final Equality and Fairness Analysis (EaFA) report approved by:	e.g. Director/Assistant Director
Date final EaFA report approved:	Date

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3.	Procedure	1-3
4.	Pay	3
5.	Unsuccessful redeployment	3-4

1. Introduction

- 1.1 The aim of this policy is to, wherever possible, enable employees who are suffering from disability or ill health and are unable to continue within their current role, to be redeployed to other employment within the organisation, therefore retaining valued skills and knowledge.

2. Equality and Diversity

- 2.1 The councils are committed to good practice in equality and diversity, and to meeting our statutory equality responsibilities, both as an employer and in the provision of services. Redeployment will be dealt with in a way that is non-discriminatory and in accordance with the Equalities Act (2010)
- 2.2 An equality and fairness analysis has been conducted and will be reviewed periodically.
- 2.3 Where a staff member requires a meeting to discuss medical redeployment they may be accompanied by an appropriate person to provide support, in addition to their right to be accompanied by a colleague or trade union official. The manager responsible for the meeting should ensure reasonable adjustments and special arrangements are considered where possible.
- 2.4 Staff members are encouraged to advise their line manager and subsequent managers of their needs and requirements to ensure they are known to the councils and can be supported where possible. There may be a requirement to attend an occupational health assessment so that the council can seek professional advice on medical conditions.
- 2.5 Medical redeployment cases will be conducted with respect for confidentiality and sensitivity and in accordance with the requirements of GDPR and the Access to Medical Reports Act.
- 2.6 The support and guidance available will apply to any job vacancy within the authority regardless of the level of responsibility or terms and conditions of the appointment.

3. Procedure

- 3.1 Occupational Health Recommendation
The medical redeployment procedure will apply if the occupational health report, following consultation with the employee's GP and/or specialist recommends that redeployment on medical grounds be investigated. This

does not prevent an employee from pursuing alternative employment within the organisation through the usual recruitment and selection process.

3.2 If the staff member disagrees with the decision to redeploy on medical grounds, they should raise their objections with a HR Business Partner.

Occupational Health may review the recommendation, but if their recommendation remains the same, the councils will consider what further action to take in relation to the employment, based on the recommendations received and the work situation of the member of staff it concerns.

3.3 Redeployment Meeting

Following the recommendation from the occupational health report, a meeting should be arranged between the staff member, their line manager and HR.

The purpose of the meeting will be to discuss:

- The recommendation from Occupational Health
- The Medical Redeployment policy
- The support available during the process
- The 12 week time frame allocated to the redeployment
- What happens if the redeployment is unsuccessful

3.4 Redeployment Reviews

During the redeployment period, a review will take place every four weeks.

This should involve a meeting with the staff member, their representative, the line manager and HR. The purpose of the meeting will be to discuss:

- What actions the staff member has taken during the period
- What actions the organisation has taken during the period
- If there is any additional support that can be provided such as training
- What vacancies have arisen during the period

3.5 Identifying a suitable role

Job vacancies will be circulated to all staff members that are pursuing redeployment (whether under the medical redeployment or redundancy redeployment procedures) prior to the vacancies being advertised more widely. This will include the job description and person specification. If a suitable position is identified the staff member should complete an abridged application form (available on the hub) and forward this to HR within 7 days of the date on which the vacancy was sent to them.

3.6 If the staff member meets the selection criteria and person specification, they will then go through the recruitment process.

3.7 If successful following an interview, HR, with the staff members' permission, will seek information from Occupational Health as to whether or not the post is

medically suitable and whether any additional training, support or adjustments need to be made.

3.8 If the outcome of the occupational health referral is that the new role is medically suitable, and the appointing department is satisfied that the staff member can, with reasonable additional training, support, or other adjustments, perform the duties of the post successfully, the staff member will be offered the post. If suitable, this can be on a trial basis which will be between 3 and 6 months.

3.9 A risk assessment should be undertaken on the new role, which can be revisited periodically

3.10 Job Offers

The member of staff should agree a suitable start date with the recruiting manager and their current line manager.

3.11 The staff member should meet with their line manager every 4 weeks for 6 months through appointment support to review their progress. If any additional training or support is needed this should be arranged as soon as possible

4. Pay

4.1 In circumstances where a staff member redeploys to a lower grade role than their current pay, including any increment or other award pending, their pay will be protected as follows:

- Year 1 100% of previous salary
- Year 2 66% of the difference between the new and old salary
- Year 3 33% of the difference between the new and old salary

Pay will then reduce to the highest spinal column point of the grade of the new post.

4.2 Pay protection will be on the condition that the staff member had not unreasonably refused a previous offer of employment in an alternative suitable role, where the salary matches or nearly matches the level at which the pay would be preserved.

4.3 If the new role is at the same or a higher spinal column point, pay protection will not apply.

5. Unsuccessful redeployment

5.1 Where the redeployment period is coming to an end without successfully obtaining an alternative role and/or where there are concerns about the

success of the redeployment, decisions will need to be made as to what further action or steps can be taken in relation to employment. Advice should be sought from Occupational Health to determine whether any other options such as returning to the original role or ill health retirement could be pursued.

- 5.2 A capability hearing should be arranged in line with the Attendance Management policy, to determine if the employment can continue. The capability hearing would be in line with the councils agreed policy and procedure including the right to appeal the outcome.
- 5.3 If the staff member is issued with notice of termination of employment, medical redeployment will continue to be pursued during the notice period and notice will be withdrawn (with the agreement of the staff member) if a suitable redeployment opportunity is found.

Equality and Fairness Analysis Report assessing the impact of proposed changes and decisions

Report title (same as Cabinet / Board report title)	Medical Redeployment Policy
Report author (same as Cabinet / Board report author)	Laura Tsang
Report author's email address – for comments	Laura.tsang@eastbourne-lewes.gov.uk
Responsible Head of Service	Helen Knight
Responsible Director/Assistant Director	Becky Cooke
Who will be making the decisions? – e.g. LDC or EBC - Full Council / Cabinet / Committee / name of Board / Cabinet Member / Service Head	
Date draft EaFA and report sent to Equalities Email and Cabinet / Board Officer	

This form is to be used to give decision makers an understanding of the likely impact of decisions they are being asked to make on groups protected under the Equality Act, and on other groups who may be affected. It should be used to assess the impact of new projects, services, initiatives and changes in the way we deliver services that will affect staff, residents and service users.

Where this report relates to Council, Cabinet, Scrutiny or Board Reports, Part 1 of this form must be completed and submitted to EqualitiesEmail@lewes-eastbourne.gov.uk before or, at the latest, on the date for submission of draft reports to the Cabinet Officer. It should have been approved by the Director/Assistant Director and Lead Cabinet Member along with the draft report and signed off – at the end of Part 1 – at that point.

Part 2 should be completed and submitted to the Cabinet Officer and to EqualitiesEmail@lewes-eastbourne.gov.uk with the final Cabinet Report, and must incorporate any comments from the Equality and Fairness Planning Group and Stakeholder Group and amendments / responses / actions arising from these.

In some cases, there may not be an immediate impact on residents or customers. In these cases, an Equality and Fairness 'Relevance' Form **must** be completed and submitted to the EqualitiesEmail@lewes-eastbourne.gov.uk for our files.

The Public Sector Equality Duty

The Council and its companies must, in the exercise of our functions and in our decision making, have due regard to the need to:

1. Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
2. Advance equality of opportunity between people who share a characteristic and those who do not share it;
3. Foster good relations between people who share a characteristic and those who do not share it.

The second aim (advancing equality of opportunity) involves, in particular, having due regard to the need to:

- Remove or minimise disadvantages experienced by people because of their protected characteristics.
- Take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
- Encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

It describes the third aim (fostering good relations) as tackling prejudice and promoting understanding between people who share protected characteristics and those who do not.

It explains that compliance with the general equality duty may involve treating some people more favourably than others, as long as this is within the law.

By thoroughly assessing what we do against the general duty we are able to make better decisions about what we do, leading to better outcomes for people who work for us and for people who access our services and facilities.

An Equality and Fairness Analysis should be carried out when

- developing or reviewing strategies, plans, policies and procedures;
- proposing changes to the services delivered or the way these are delivered
- proposing new services, functions, projects or initiatives.

All reports to Council, Cabinet, and Cabinet Members seeking decisions which will have an impact on residents and customers should include either:

- a full Equality and Fairness Analysis, using this form
- a completed Equality and Fairness 'Relevance' Form setting out why a full EaFA is not needed.

Assessing the impact of the options you are considering

In your answers to the questions on the next pages, please spell out any positive or negative impacts relating to the three general duties to:

1. Eliminate discrimination, harassment and victimisation
2. Advance equality of opportunity between people who share a characteristic and those who do not share it;
3. Foster good relations between people who share a characteristic and those who do not share it.

You need to think about the protected characteristics below – some potential issues have been suggested, but this is not intended as a comprehensive list:

Age - are there any reasons for thinking young people or older people may be affected differently by the proposals? School times? Digital access / confidence?

Disability – could your proposals impact differently on people with particular impairments or long-term limiting illnesses? Consider, for example, physical access, format or information / communication, design of service / buildings, interpreting / equipment / assistance that can be used, impact of proposals on people with long-term health conditions, including mental health, children and adults with special needs, drug and alcohol addictions

Gender reassignment - are there any specific issues to consider, e.g. around confidentiality, stage of transition?

Marriage and civil partnership - are there any issues to consider – e.g. confidentiality, equal access?

Pregnancy and maternity – you may need to consider how best to ensure equal access to opportunities or services, facilities for breastfeeding for example

Race and ethnicity – you need to consider different levels of knowledge about the services available and how these are accessed; the provision of translation and interpreters – e.g. in consultation, and avoidance of jargon / colloquialisms

Religion, belief and culture – prayer facilities; dietary requirements; religious observances (days and times) and festivals

Sex / gender – promoting equality of opportunity, childcare arrangements, provision of single sex facilities

Sexual orientation – equality of opportunity, confidentiality

Part 1 - for completion, approval and submission with draft Report

Section A – What is your proposal and what will change as a result?

Please give an overview of the changes you are considering and decisions you are requesting and say why are they needed. What are the options you are considering?

To implement an aligned policy for medical redeployment that will be used across both councils. Currently Lewes has its own policy and Eastbourne does not have one but has actioned medical redeployments.

The aim of the policy is to put a procedure in place to create as much opportunity as possible for people that for medical reasons cannot continue in their current roles. The procedure will include occupational health assessments and risk assessments to ensure that all of the information needed to make a decision is available.

If a staff member is redeployed under the current Lewes policy into a lower graded role, they are pay protected for three years at the present spinal column point, with nationally negotiated pay awards to be paid. After three years, the employee's salary will reduce to the maximum point of the grade for the post in which they have been redeployed. If the grade of the new role is the same as their existing grade they are transferred on their existing terms and conditions

If a staff member is redeployed for medical reasons at Eastbourne Council, historically they have been paid at the rate for the new role from the date that they were redeployed without any pay protection. The impact of this may not have been severe because the Eastbourne salary scales give more flexibility.

The joint policy proposes that payment protection will be:

Year 1 100% of old salary

Year 2 66% of the difference between the new and old salary

Year 3 33% of the difference between the new and old salary

From here, the employees' salary will be reduced to the highest spinal column point of the grade of their new role.

Who will be affected by the changes and how?

Thinking about groups protected under the Equality Act, will any of them benefit positively from the changes you are considering more than other people? In what way?

Will there be any negative impacts on these groups which may arise? What are these?

The Council's Equality and Fairness Policy states that 'we also recognise that socio-economic status can be a significant barrier to equality of opportunity'. What might the financial impact of any changes on people on low incomes or with limited savings? Are there any actions the council could take to mitigate the impact – e.g. support, advice, access to loans, transitional arrangements?

Are there any other groups of people who might be affected negatively by the changes you are considering? For example, homeless people; people with mental health conditions; people who use assistance dogs or rely on helpers to guide and support them or translate for them; people with caring responsibilities; people living in rural areas; people with limited access to the internet.

People who are unable to, for medical reasons or disabilities, continue in their current role will benefit from the policy, as they will be given access to internal vacancies in advance of other employees. They will also be given support throughout the process for a minimum of 6 months. Risk assessments will be carried out to make sure that the new role is suitable. They will receive pay protection as explained previously to reduce the financial impact of being redeployed into a lower graded role.

Other candidates that are not covered by this policy may be disadvantaged, as medical redeployees will have priority, however they will still follow a recruitment process and will only be assigned a new role if they fit the person specification and can, with reasonable training perform the role.

All medical redeployees will be directly contacted via email or otherwise to inform them of existing vacancies so that they do not miss any opportunities.

We will take advice from occupational health and the employees GP as to whether or not they should be put on the redeployment register.

Section B – Bearing in mind the potential impact on these groups, what information have you used to consider the different options?

How have you consulted so far with the people likely to be affected by any changes? What were the key points that came out of this consultation and how have you amended your proposals in response? If you have not yet consulted, at what stage are you proposing to carry out consultation and who / how are you proposing to consult?

We have not consulted yet.

We have looked at existing policies and practices across both councils, as well as referring to current legislation and best practice in this subject area to formulate the policy.

Groups to be consulted include Joint Staff (including Unison) and Employment Committee, Consultative forum and Managers forum .

What information, research findings and data have you used to assess the potential impact of any changes on people protected under the Equality Act and those who may face financial hardship as a result, and what did that information tell you about the potential impact?

As above

We have also looked at data that details the people that are currently on the medical redeployment register and how successful the procedure and placements have been.

The information showed that there have been no medical redeployments where an employee has been redeployed into a higher-grade role. There have been five successful medical redeployments in the last five years. Two of these were redeployed into another role on the same band and two were moved onto lower grades. One of these employees was employed by Eastbourne and agreed a pay protection of three months. The other was employed by Lewes, and as per the Lewes policy, was pay protected for three years. Bringing in a joint medical redeployment policy will ensure fairness and consistency between the councils.

Is there any information that you needed to understand the impact on these groups but are not able to find? What are the gaps and what can your service / the Council do to collect the information needed? Are there any actions you will take to address this?

No

Section C: Actions taken and planned

What actions or options are you considering to deal with any negative impacts This may not always be possible (e.g. some changes might have a disproportionate impact on the Council's finances). If you are not proposing any actions or amendments to your proposals, please explain why not.

Ensure that as far as possible, medical redeployment cases are handled with dignity and in a fair and consistent way by all and that the employees being medically redeployed have access to all of the opportunities available to them.

Although the policy will offer opportunity and additional support to those following the medical redeployment procedure, they will still be assessed (with additional support and training where possible) as all other candidates are, against the person specification and job description.

Part 1 sign off

Part 1 should now be reviewed and approved by your Director/Assistant Director, and submitted with your Cabinet / Board report as a separate document to the Cabinet Officer / Company Secretary and to EqualitiesEmail@lewes-eastbourne.gov.uk.

Name of Director/Assistant Director:

Signed:

Dated:

Next steps:

It will then be forwarded to members of the Equality and Fairness Planning Group and Stakeholder Group for their comments and they will be asked to give any feedback or suggest amendments directly to you as the report author within 5 working days.

Confidential reports will be sent to the internal Planning Group only.

If you receive any comments or suggestions from a member of the Stakeholder Group, please reply by email saying:

'Thank you for your comments. We will take these into consideration and you will receive feedback at the next meeting of the Equality and Fairness Stakeholder Group'.

Please add any comments you receive from members of these groups in Part 2 below and any actions or amendments to your report arising from their feedback.

Unless specifically asked to attach the EaFA as an appendix to a Cabinet or Board Report, the completed EaFA form must be sent as a separate document with the Cabinet or Board report and listed as a background paper 'available from the report author'. In some cases it will need to be published with the report; in others you will be advised to reference this as a Background Paper.

Part 2 - for completion, approval and submission with final Report

Please note: both parts of this Equality and Fairness Analysis will be made available on publication of the Cabinet / Board report they relate to. You may also be asked to present your final report and EaFA to the Equality and Fairness Steering group.

Please describe in more detail the proposals you are making to Cabinet / Board in more detail. Please spell out your reasons for making these proposals / choosing the option(s) you are recommending.

Please give any additional information on the impact of your recommended options on groups protected under the Equality Act and any other groups.

Please set out below any comments from members of the Equality and Fairness Planning Group and the Equality and Fairness Stakeholder Group. Please include any comments and suggestions for amendment / action below.

Response to feedback. Please describe any changes you have made to your policy / proposals as a result of the feedback. If you are not proposing changes in response to any of the feedback, please explain why. Please ensure you give a full explanation.

Please list any additional actions you are proposing to take in response to the feedback.

Executive Summary – to be completed when you finalise your report. This is for you to paste into your Council / Cabinet / Committee / Member Board report. Keep this to 2–3 paragraphs only and incorporate any points raised by members of the Equality and Fairness Planning Group and Stakeholder Group and actions.


Please then include this summary in your report under the heading **Implications for Equality and Fairness.**

Please now include any actions you have referred to in Parts 1 and 2 in the Action Plan on the next page.

Action Planning

Issue identified	Action to be completed	Lead Officer	Required Resources	Target Date	Measure of Success

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Approval	
I confirm I have approved this Analysis and will review the action plan to ensure it is completed within the dates identified	 <i>January 2020</i>
I confirm that I have received this Analysis and approved it	<i>Director/Assistant Director</i>

Please now send this report to EqualitiesEmail@lewes-eastbourne.gov.uk and to the Cabinet Officer / Company Secretary with your final report.

Date final report submitted to Equalities and Cabinet Officer	
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