

Somerset County Council

Human Resources Committee
– 11 October 2022

Organisation Change Principles for Local Government Reorganisation – Update on Position

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<i>Please complete sign off boxes below prior to submission to Community Governance</i>			
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Summary:	<p>This report sets out the current position on the principles that are being agreed to govern organisational change for Local Government Reorganisation in Somerset. These principles will be used to inform restructures and recruitment processes.</p> <p>This document has been consulted on with trade unions, leadership teams, chief executives and HR teams from all five organisations and has also received comment from legal advisors. Whilst they are still in draft form, it is important that they receive scrutiny at this stage so that elected members are assured that processes are fair, legal and consistent.</p>		
Recommendations:	<p>The members of the HR Policy Committee are asked to:</p> <ol style="list-style-type: none">1. Review the Organisational Change Principles and comment on any areas where additional clarity is required2. Note that the Principles are not 'policy', however they are an overarching framework to inform organisational change processes		

Reasons for Recommendations:	A set of principles that has been agreed across the unitary programme is an important step in assuring staff and elected members that organisational change for is fair, legal, transparent and consistent.
Links to Priorities and Impact on Service Plans:	Part of the People Workstream for Local Government Reorganisation.
Financial, Legal and HR Implications:	<p>Financial – A set of agreed principles will help minimise legal and, from there, financial risks to Somerset Council.</p> <p>HR – The Organisational Change Principles will underpin restructures and recruitment processes to the new Somerset Council.</p> <p>Legal – Principles that have been consulted on and agreed with stakeholders from the five local authorities in Somerset will help to minimise risks related to employment law.</p>
Equalities Implications:	The Council’s duty under Section 149 of the Equality Act 2010 is to have “due regard” to the matters set out in relation to equalities when considering and making decisions. A full Equality Impact Assessment will be completed for each restructure as part of the unitary programme.
Risk Assessment:	N/A
Scrutiny comments / recommendation (if any):	N/A

1 Background

- 1.1 Local Government in Somerset is being reorganised with the formation of a single unitary authority covering the work of the current County Council and four District Councils (Mendip, Sedgemoor, Somerset West & Taunton, and South Somerset) with effect from 1 April 2023 (Vesting Day). Somerset County Council remains as the continuing authority.
- 1.2 The merger of five councils will necessitate restructures and recruitment processes to Somerset Council.
- 1.3 The Organisational Design Principles do not constitute policy, as such, however they will be used to underpin restructures and recruitment processes.

- 1.4 The Principles have been through extensive consultation with chief executives, leadership teams, trade union representatives and HR teams. They have also received legal scrutiny and comment. They are currently in a 'final draft' form, pending feedback from the new Chief Executive of Somerset County Council who started on 3rd October 2022.

2 Options Considered

- 2.1 **Option 1** – Use Somerset County Council's approaches and processes for Organisational Change. Whilst this would have been lawful, it would not have demonstrated partnership and collaborative working with district councils.
- 2.2 **Option 2** – Work in partnership with colleagues from district and county councils, to produce a framework that is viewed as fair by all of our organisations.
- 2.3 Option 2 was selected as the most appropriate form for the unitary programme.

3 Consultations Undertaken

- 3.1 The Organisational Design Principles have been shared and discussed with Trade Union representatives, chief executives, leadership teams and HR staff from the five organisations. The document was originally drafted by the HR lead from one of the district councils.

4 Implications

- 4.1 The recommendation to adopt option 2 above will help with restructures and recruitment processes as we develop Somerset Council. They should also have a positive impact on the culture of the new organisation, showing an intention to work in a spirit of openness and partnership.

5 Background Papers

- 5.1 Appendix 1 – Somerset Council – Key Principles of Organisational Change
- 5.2 Appendix 2 – Summary of Comments & Responses

Appendix One

Somerset Council Key Principles of Organisational Change

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Organisational Change Principles and Approach

1. Introduction

- The principles described in this document have been developed to underpin change and consultation processes, as we merge five councils into one. They follow extensive consultation and conversations with trade unions, chief executives, HR staff, politicians and leadership teams and will apply to all posts impacted by the creation of Somerset Council.
- These principles are presented in recognition that organisational change is essential to the delivery of a successful Somerset Council and will be key to improving services and reducing costs. It is recognised that they need to be both legally compliant and handled appropriately to avoid damage to morale and motivation among employees, with the resulting negative consequences for service standards.
- Therefore, these principles aim to ensure that organisational change is conducted through fair, non-discriminatory and consistent procedures that put communication with employees, listening to employees concerns and addressing those concerns at the heart of the process.
- The principles will be established in consultation with our recognised Trade Unions and other key stakeholders.
- Underpinning the principles set out below, the resulting processes will be implemented with a commitment to transparency, appropriate and timely sharing of information and good employee relations / partnership working.
- There is a desire to avoid the need for compulsory redundancies wherever possible. Voluntary redundancies may be sought or requested prior to Vesting Day and consideration will be given to requests for other arrangements, such as early retirement.
- The initial organisation design that will be consulted on will be tier 2 (direct reports of the CEO) and tier 3 (direct reports to typically tier 2 posts) before we move to the other staff groups.
- Information regarding staffing numbers will be as accurate as can be achieved across the five organisations, however will provide for flexibility during the implementation period. This will allow us to adapt to reflect our learning during the different implementation phases. Recognised Trade Unions will be consulted at each phase of organisational design development.
- All new roles will be evaluated using the County Council's existing job evaluation process. Existing roles that continue unchanged after Vesting Day will not routinely be re-evaluated as part of this organisational change.

2. Types of Change

2.1. The broad types of change that the Organisational Change Procedure will cover are:

- Creation of a single organisation under the SCO (Structural Changes Order)

2.2. Recruitment to Tiers 2 & 3 of the Senior Leadership Team

- Internal restructuring and realignment of services post 1st April 2023

2.3. The key features of organisational change, under these headings, are those that may alter some or all of the following dimensions:

- Organisational structure
- Reporting lines
- Pay or other terms and conditions of service
- Contractual entitlements
- Work patterns
- Work location
- Numbers of posts
- Nature of roles and main responsibilities / duties

3. Restructuring

3.1. General principles

3.1.1. An initial briefing will be held with trade union representatives.

3.1.2. Where individuals may be at risk of redundancy (i.e., where it is proposed to remove their existing role) individual briefings will be held with each individual ahead of any meeting with all affected employees and trade union representatives

3.1.3. A meeting with all affected employees and their trade union representatives will be held at an early stage to enable all to input to the proposals.

3.1.4. The following information will be provided to affected employees and trade union representatives:

- Rationale for change including a business case and Equality Impact Assessment.
- Current and proposed people structure.
- Essential skills and competencies required for the new structure and any likely training requirements.
- People/person specifications and job descriptions for roles in the new structure.
- Proposed method by which employees will be selected for posts.
- The anticipated timeframe for consultation.

- Feedback methods through the consultation process.
 - Process to be followed once the consultation period concludes.
- 3.1.5. The consultation period will allow employees and their representatives sufficient time to consider the proposals fully.
- 3.1.6. Meetings will be held with employees and their representatives to provide feedback on concerns throughout the change process and facilitate dialogue on solutions to areas of concern. Employees will be given an opportunity to meet with their representatives prior and/or after the meetings.
- 3.1.7. Formal meetings with individual employees over the proposals will allow for the right to be accompanied by a colleague or Trade Union representative throughout the process.
- 3.1.8. For any area subject to restructuring a set of job descriptions for new posts will be available.
- 3.1.9. Posts shall be filled utilising slotting in and ring-fencing (where appropriate) during a first round of selection
- 3.1.10. Eligibility for slotting in and ring-fencing will be based on an individual's substantive post.
- 3.1.11. Slotting-in without the need to go through an application or selection process will apply where there has been no significant change in the duties and responsibilities of a post following restructuring and where the number of posts available is equal to or more than the number of existing post holders in the workplace unit. No significant change is defined as 75% the same job content before and after restructuring. For slotting-in, it needs to be clear that there are no other employees impacted by the restructure that could have a comparable claim on the post, including those who have been displaced from other roles where the post might be deemed to be suitable alternative employment.
- 3.1.12. Ring-fencing of applications for posts in a new structure will apply where the former unit/units contained posts that carried substantially the same duties and responsibilities, but the number of employees exceeds the number of posts available in the new unit. Also, consideration needs to be given as to whether there are other employees impacted by the restructure that could have a claim on the posts.
- The criteria utilised to decide on the application of slotting and ring-fencing procedures for each role will be the subject of consultation with the relevant Trade Unions. The purpose will be to establish fair, objective, consistently applied job related criteria, backed by evidence. The criteria will be non-discriminatory against all characteristics protected under the Equalities Act 2010 and supported by an Equality Impact Assessment.
 - Where ring-fencing is used to fill a post, candidates may need to produce a CV as part of the process.

- 3.1.13. It is possible that a post cannot be filled via a Slotting or Ring-Fencing process, perhaps because there is doubt as to whether any relevant population for ring fencing can be identified fairly. In such cases, the role will be advertised internally across the five councils (the new council from 1st April 2023). Potential candidates will be asked to provide a CV plus a statement setting out how they fit the selection criteria outlined in the person specification.
- 3.1.14. Posts that cannot be filled through internal application will be advertised externally as soon as possible. This may happen whilst a post is being advertised, priority will always be given to staff who are at-risk of redundancy.

3.2. Senior Leadership Team Officers tiers 2 and 3 in the hierarchy *

For appointments to Senior Leadership Team Officers, the following approach will be adopted.

- 3.2.1. Appointments to posts that fall within this category will follow the process as specified in Somerset County Council's Constitution and therefore must involve Elected Members and an Appointments Panel & Appointments Committee.
- 3.2.2. The process used for appointments will be decided by the Appointments Panel, which will appoint the Appointments Committee to undertake the appointments process.
- 3.2.3. The ring-fenced population for posts will be decided in consultation with the trade unions and in accordance with these key principles. Establishing the population for ring fencing will include the essential criteria of the role, the individual's skill set match, current role, span of control and position in the existing hierarchy. There may be examples of similar roles sitting in different tiers, in respective organisations, and this process will take account of those.
- 3.2.4. Where an appointment is made prior to any new terms and conditions for Somerset Council coming into force, Somerset County Council terms will be used.
- 3.2.5. 'Slot-ins' will receive their current terms & conditions, although salaries may be reviewed by the chief executive/manager in accordance with existing processes. If the salary for the role is increased following this review (outside of annual cost of living increases), then the postholder will move to Somerset Council terms & conditions in return for accepting the new salary.
- 3.2.6. Appointments for tiers 2 and 3 will take effect from 1st April 2023 unless agreed between the Chief Executive, designate appointment and the current employing organisation.
- 3.2.7. Those employees who are unsuccessful at their current hierarchical level, will be given the opportunity to apply for vacancies that come available at the next tier below, subject to arrangements reflecting slot-ins or ring-fencing.

- 3.2.8. Chief executives in Somerset local authorities may apply for posts tiers 2 & 3 in the new structure, subject to arrangements reflecting slot-ins or ring-fencing.
- 3.2.9. Should these employees remain unsuccessful at Vesting Day, they will be subject to a redundancy process which will follow processes specified in Somerset Council's Constitution. Typically, this will apply to senior leadership roles and/or redundancy costs that exceed £100k. Redundancy payments will be in line with their transferring terms & conditions of employment, subject to any agreed changes.
- 3.2.10. Employees who are issued with notice of redundancy will have the right to appeal against the decision to make them compulsorily redundant.
- 3.2.11. Appointments processes to tiers 2 & 3 will be supported by a voluntary redundancy programme (the precise details, including the timing and entitlement rules, of which are to be determined), in line with contractual redundancy multipliers.

*** N.B. The process detailed above is subject to further discussions with the Leader of the Council and Chief Executive and may therefore be subject to change.**

3.3. All other posts

For all other posts, the selection process and criteria will be the subject of consultation with the recognised Trade Unions. Skill set, essential role criteria, current salary position, current role scope and hierarchical level will be factors in determining the ring-fenced population.

- 3.3.1. Those employees who are unsuccessful at their current hierarchical level, will be given the opportunity to apply for any vacancies that are available at other tiers, subject to the requirements of processes for slotting-in and ring-fencing and relevant HR policies.
- 3.3.2. For posts that remain unfilled, priority will be given to applications from employees who are either "at risk" of redundancy or been issued notice of redundancy and who meet the essential criteria of the role or would be able to do so within a reasonable timeframe with suitable training
- 3.3.3. If a post remains vacant, the post will be advertised internally across the Council. If the post remains vacant after an internal advert, it is possible at this stage to go to external advertisement.
- 3.3.4. Employees who have been issued with notice of redundancy will have the right to appeal against the decision to make them compulsorily redundant.

4. Redeployment

- 4.1. “At risk” employees will be entitled to consideration for redeployment to suitable alternative employment where they meet all the essential criteria for the post or would be able to do so within a reasonable timeframe with suitable training. If there is more than one “at risk” employee for such a post, then a decision will be made as to who is most suitable as against the criteria for the role.
- 4.2. “At risk” employees will be kept aware of posts which could be considered as suitable alternative employment for an initial period of four weeks, following which progress should be reviewed with the employee and the designated manager.
- 4.3. Where an application is successful, the redeployee will be entitled to a trial period of four weeks following which the redeployment will either be identified as successful, or the redeployee will return to the redundancy process.
- 4.4. During the 4 weeks of the trial period, the redeployee will continue to have their salary and other benefits paid by the “outgoing” service area.
 - 4.4.1. Where redeployment is mutually deemed successful by both parties, this will be confirmed in writing to the redeployee. The employee will then adopt the terms & conditions of their new post, which will include any applicable arrangements for pay protection.
- 4.5. In accordance with the statutory duty, employees on maternity, adoption or shared parental leave will be offered suitable alternative employment, if it is available, without competition. They will be given relevant support where required e.g., training.

5. Avoiding Redundancies

Where redundancies are proposed, compulsory redundancy will always represent a last resort in the process of organisational change.

All options for avoiding compulsory redundancy will be explored, including:

- 5.1. Limiting the refilling of posts on a permanent basis when employees leave the organisation.
- 5.2. Restrictions on recruitment.
- 5.3. Opportunities for secondments across the organisation.
- 5.4. Seeking volunteers for job-share or part-time work.
- 5.5. Retraining existing employees to cover any skills gaps.
- 5.6. Agency resource to cover fluctuations in requirements and to ensure redeployment opportunities are available for permanent staff.
- 5.7. Redeployment of employees, within their contract of employment, to suitable alternative employment.
- 5.8. If appropriate, seeking volunteers for voluntary redundancy or early retirement. This would not be appropriate for example where it is likely others would not be able to be redeployed.
- 5.9. Other cost saving measures that preclude the need for redundancy.
- 5.10. However, where it first becomes apparent that the proposal for restructuring potentially entails compulsory redundancies, consultation shall take place with employees and their representatives that allows genuine and meaningful consideration of ways to avoid redundancy.
- 5.11. By law, where the number of proposed redundancies exceeds 99 employees over a period of 90 days or less, formal consultation will begin at least 45 days before the first dismissal takes effect. Where less than 100 but more than 20 redundancies are proposed, formal consultation will begin at least 30 days before the first dismissal takes effect.
- 5.12. If the number of proposed redundancies meets the thresholds set out in 5.1.11 above, employee representatives will be provided with the following written information in the form of a business case and Equality Impact Assessment at the earliest opportunity:
 - The reasons for the proposed dismissals.
 - The numbers and descriptions of employees whom it is proposed to dismiss as redundant.
 - The total number of employees of any such description employed by the employer at the location/s in question.
 - The proposed method of selecting employees who may be dismissed.
 - The proposed method of carrying out the dismissals, with due regard to any agreed procedure, including the period over which the dismissals are to take effect.
 - The proposed method of calculating the amount of any redundancy payments to be made (to employees who may be dismissed).
 - The number of agency workers working temporarily for and under the supervision and direction of the employer.

- The parts of the employer's organisation in which agency workers are working.
- 5.13. The type of work agency workers carry-out.
- 5.14. Consultation will take place with trade unions, as required, over the criteria by which employees will be selected for redundancy.
- 5.15. The criteria will be fair, objective, consistently applied job related criteria, backed by evidence where possible They will be non-discriminatory on the grounds of sex, sexual orientation, race, disability, religion or belief, gender reassignment, marriage and civil partnership, maternity and pregnancy or age. They will also not discriminate on the grounds of trade union membership, or part-time status or fixed-term contract status.

6. Redundancy payments

- 6.1. Employees with at least two years continuous service will as a minimum be entitled to a statutory redundancy payment in line with Government guidelines.
- 6.2. Depending on the circumstances, the organisation may waive its right to insist on employees working their notice and instead give a payment in lieu of notice.
- 6.3. A contractual redundancy payment will be as per the policy of the individual's employer pre-April 2023, unless at the time of the redundancy an individual has accepted a post and moved to Somerset Council's terms & conditions.

Appendix Two

Organisational Change Principles – Summary of Comments and Responses w/c 26th September

1) Somerset West & Taunton

- Which is where we then tease out the issue, having been unsuccessful at their Tier the individual is then 'at risk', but our approach prevents an 'at risk' individual from being considered at the Tier below against a slot or ringfenced role
 - o *Those who are at-risk and eligible for SAE can be included in ring-fenced processes if their experience and skills match, this is standard. They will of course be considered for roles that become available more widely. Very difficult to define this precisely, given that SAE is very subjective and what might be suitable to an organisation might not be deemed to be so by the individual*
- Can we talk about the New Council, rather than referring to the Business Case
 - o *Yes, we will make that change*
- Is it worth adding in early job share / flexible retirement 'where appropriate and based on service need'
 - o *Yes, we can add this (it is also mentioned at 5.1.8)*
- For avoidance of doubt – do we add in Statutory Officers MO & s151. I know they will likely be @ Tier 2 or 3 but adds clarity just in case. The MO could be the head of legal and that could be Tier 4?
 - o *I don't think we need to be that specific. Those roles (and other statutory posts) will be referred to in consultation documentation for tiers 2 & 3*
- Sorry! If we go for a 75% figure for ringfenced / slotting, that figure for most Councils would be a material change that would require a JE re-evaluation. Do we need to think through someone who is slotted as a 75% match who then applies for a regrading (as they want more money) as the 25% that wasn't in their original role constitutes a material change where additional remuneration is warranted.
 - o *You may be mixing up different processes. We refer to 'Existing Roles' not being routinely evaluated. Yes, there will be some changes and I wouldn't necessarily apply the 75% figure here (this is for candidates whose current roles are a 75% match to the new role or reduced number of roles). New posts or those that are significantly adjusted will be evaluated*
- 3.1 - There is a bit of ambiguity here – being at risk is binary – so the individual briefing can really only happen once the individual has been unsuccessful in securing a role i.e sits outside the structure and so they are very much 'at risk'.

- *There is deliberate ambiguity. If a new structure is being proposed and certain roles are being deleted/significantly changed, I would expect (out of courtesy and duty of care, as well as employment law risks) that those who are in roles that may be deleted or changed significantly will be briefed ahead of general issuing of consultation packs. Personally, I would meet with each individual member of my team, irrespective of what may be happening to their role.*
- If this is identified pre-vesting day who is engaging in the briefings? My sense is whichever organisation is going to process the redundancy?
 - *Correct, it has to be the employing organisation*
- Is there a challenge / appeal process to this? (in relation to 75% match to roles)
 - *There will be an opportunity to ask questions and provide feedback as part of consultation. This would then move to the redundancy appeals process*
- For ring fencing and slotting in – is there a conversation here about anyone under competency or disciplinary action – i.e. the slot confirmed only at the end of that relevant process.
 - *Any investigation or performance management process would continue into the new organisation. You can't simply remove someone from what is effectively their role ('the slot'), irrespective of what process they might be going through. There may of course be a different approach under competitive interviews for a new post.*
- If you accept a ring-fenced role in the new structure, on what Terms and Conditions? As this would be a TUPE then slot I presume it would be on the individual's existing T&Cs?
 - *Correct, as it's the same role that you've been doing.*
- What happens if the members refuse to endorse a slot in / ringfenced appointment?
 - *We anticipate all processes to be followed fairly and openly, in accordance with these principles and employment law.*
- 3.2.5 - and if they don't agree to SCC T&Cs are we saying the salary uplift will be withheld? As I don't think you can legally do that.
 - *There's a conversation to be had, as people cannot pick and choose from different terms & conditions. The proposal is that if there is a salary review for a post (e.g. because of market factors), that results in an increase for a post that's subject to a 'slot-in', then the postholder will have a choice – remain on current salary and Ts & Cs, or move to the new Ts & Cs and increased salary.*
- 3.2.5 - Surely the T&Cs and salary need to be known before the process start – as someone would be within their rights to turn down a slot in based on the 'offer' and seek redundancy as their preferred outcome. You don't take a job not knowing the salary!
 - *The term 'slot-in' probably isn't helping here. The role is someone's current post and it continues (or transfers in), therefore the terms &*

conditions stay the same. In effect, if someone rejects what they're currently on, then they've in all likelihood resigned from the role!

- 3.2.7 - So we are actively stopping cascade – is that the intent?
 - *You can't simply 'drop' someone into a ring-fenced process if they haven't got the 75% match to the role; that would be unfair on those already in the ringfence. We are saying that people will be free to apply for posts as they come up outside of slotting-in and ringfenced processes. This is a very strong point from trade unions. If someone does have that match, then it's fair that they are considered.*
- 3.2.9 - Just clarity on language. If unsuccessful the individual will TUPE into the redeployment pool and then follow due process as appropriate for their personal circumstances.
 - *Yes, correct*
- 3.2.10 - will any appeal suspend the time frame for redundancy?
 - *This will depend on what is in someone's contractual redundancy policy.*
- 3.3.1 - Is this a statement to avoid cascade i.e one level and one level only? Then we should say so explicitly.
 - *There is nothing to stop people applying for posts at any level, so will change this. Please note that the terms & conditions for that post will apply.*
- 5.1.11 - Just for clarity – are you going to round up as 'LGR' or scale down by service areas? i.e. is it multiples of <99 impacted employees or one 'big bang'? it makes a difference as to whether its one corporate consultation or multiple service managers having to consult service by service.
 - *Strictly speaking, the staff numbers apply to an 'establishment', which can be interpreted as a workplace location, single organisation, discrete business unit, for example. This is a tricky area to define and I would urge caution. Given the number of posts that may be closed due to the business case and MTFP (including vacant posts & voluntary redundancies), we recommend the following: 30-days consultation for tiers 2 & 3, which will then be revisited as further restructuring plans develop.*
 - *We can't do a 'big-bang' as we don't have sufficient detail for meaningful consultation yet. Therefore we will focus consultation on a tier-by-tier, structure-by-structure basis*

2) Mendip Feedback

- General feedback – We note that VR will run alongside the recruitment process but would like to suggest that it is launched ahead of the recruitment process starting. We would like to see all affected employees notified that they are at risk of redundancy so that they can benefit from paid time off to look for other employment, outplacement support and receive the required financial information to enable them to make an informed choice.

- *It is likely that VR will run alongside consultation processes, so there is an opportunity for people to view the relevant proposal and structure whilst considering their options*
- *We cannot identify staff as 'at-risk' of redundancy until the recruitment processes have been completed. They are then of course entitled to reasonable time off to look for other employment and consider other options.*

1. Introduction

- Tier 3 (direct reports to typically tier 2 posts) - why does this definition need to be defined as 'typically'? Surely this will widen those employees deemed to be tier 3 which could be to their/our detriment.
 - *Because the tiers across the 5 authorities don't align. It is perfectly possible that a tier 4 or even 5 role in one council is a tier 3 in another. The fallback position must always be the role that is being done, not necessarily the level at which it sits in a structure*

3. Restructuring

3.1 General principles

- meeting held at an early stage – please could we have a timeline for this activity or a month when it will start?
 - *At the time of writing, we can't be more specific. Agreement on the new structure will then trigger the timeline for appointments processes for tiers 2 & 3*
- Advertising of roles across 5 councils if slotting in/ ring-fencing is unsuccessful. Please could we have clarification as to whether this is to all staff including agency workers or employees only.
 - *Agency staff will not be included in ringfenced processes/slot-ins, however they will be informed of posts as they are advertised across Somerset Council*

3.2 Senior Leadership Team Officers tiers 2 & 3 in the hierarchy

- 3.2.3 – is there any more details available on the weighting that will be attached to each of these criteria?
 - *No, there will need to be a judgment call on whether a post is matched or not, but these are the considerations that will need to be applied*
- use of the word 'population' does this mean all employees who have been deemed to be in a specific tier
 - *The relevant population will be those whose roles broadly match the role(s) being appointed to, as part of ringfencing. As referred to above, strict interpretation of tiers will not necessarily be applied.*
- 3.2.8 – From an equity point of view it seems unfair that CEOs have been able to apply for roles in tiers 1-3 but all other employees will be limited to only 2 tiers – the one that they are allocated to and if unsuccessful, the one below
 - *That's not a correct interpretation. Anyone can apply for any role that's being advertised across the council (relevant policies for e.g. eligibility*

for pay protection will apply). The Chief Execs asked for this point to made specifically, due to uncertainties reflected in other unitary processes.

- 3.2.11 – Mendip staff will be financially disadvantaged if there is no comparable role in the new structure for them and they choose not to apply and opt for redundancy which is deemed to be voluntary. Mendip is the only council that has a lower multiplier for voluntary redundancy. Has any thought been given to the fact that this is a compulsory redundancy and it would be deemed this after vesting day so it should be treated as compulsory from the start of the process.
 - *Mendip (together with Sedgemoor) staff have the highest redundancy multipliers across the 5 councils. Relevant contractual policies will need to be applied, as per agreement with staff representatives.*

4. Redeployment

- 4.1.5 – employee will adopt the t's and c's of their new post.'

We would like to question this statement – our understanding is that suitable alternative employment is offered on no less favourable terms than the employee's previous role and this includes terms and conditions. We don't yet know if the new Somerset council t's and c's will provide the same or better, or is this a guarantee that they will?

- *Suitable alternative employment is based on the terms & conditions of the post being offered. This includes pay protection.*

3) SSDC Feedback

- JE – clear any JE would follow from the Tier 1 and 2 process; would any JE panel be undertaken by SSDC staff or wider? Better, cross section of officers should make up the JE panel, not just SCC; could look SCC led.
 - *No, this isn't quite correct. Tier 1 & 2 new roles would undergo a JE process based on SCC's JE scheme. Happy if HR leads from districts want to join this process*
- What is Tier 2,3,4? Is LMT tier 4?
- Legal advice has already been sought. The staffing regulations (*for local government reorganisations*) state that if you report to a Director, you are Tier 3.
 - *I don't think this is correct; the staffing regulations aren't necessarily legal advice (they don't trump employment law) and there could well be examples where someone is in Tier 4, but reports to a Tier 2 (for example, this happens with several roles in SCC currently). The overarching principle is one of fairness, but we will need to retain a sense of pragmatism for what is right for the organisation and for individuals.*
- County structure could be aligned to LMT, but our Tier 3 structure is quite different to SCC tier 3.
 - *We don't have the structure yet. Tier 2 is likely to be identified first; and when we can see what sits in what roles and then we will have more clarity.*

- Statutory definition of a chief officer – this is officers who report directly to the CEO. SCC and Districts have different views and roles – need to look at common understanding needs establishing for tiers 2 and 3 and what that means within the statutory regs.
 - *Correct, however remember what is in the new structure will be the guiding principle. We won't necessarily pool or slot people in based on chief officer status, rather it will be the proportion of the job that they're currently doing that then matches the new role.*
- Slide 2 point 4 – concerned with wording .. endeavour to be as accurate as we can, and the wordingAnd need to over include.. Is that not disadvantaging some officers?
 - *Easier to answer when we have the structure.*
 - *We will endeavour to be as accurate as we can, but we need to retain some latitude to account for any 'unknowns' that may come along.*
- Slide 3 – slot ins etc .. ring fencing – some concern. We have a flat structure at SSDC covering broad areas of work. Worry that this translates as harder to ring fence into pools, and we might miss out.
 - *I understand the concern and we will do our best to account for this. Rather than 'narrowing things down' as much as possible, we will look to over-include to enable people to opt out of processes if they don't think they match.*
- Slide 4 – restructure: CEOs can apply for other tiers. What can tiers 2 and 3 apply for if they are not successful? Do they drop down? More clarity needed.
 - *Once a job is advertised internally, anyone can apply for it irrespective of their tier. Obviously shortlisting procedures would then be used if necessary. CEOs aren't dropping into ring-fenced pools unless they are eligible; same for tiers 2,3,4 etc*
- Slide 3 about ring fencing. Confused by the wording .. where there is no significant change to a post? How can that be a significant change when it is ring fenced and not slot in?
 - *If there's a significant change to a post, then it is likely to be a new post and no one can be slotted into it or part of a ringfenced process.*
- On 1 April 23 officers below tier 3 will TUPE on their exiting term and conditions but at some point in the future there will be further restructures, jobs to apply for. Does that mean those new jobs will be subject to new terms and conditions ? Is this a way of eroding terms and conditions by stealth? We need to see any new terms and conditions in order to be reassured.
 - *Staff will TUPE on their existing terms & conditions unless they have secured a new job in Somerset Council. Same principles for later restructures, so slot-ins and ringfenced processes (so people doing the same roles post-restructure) will be on their transferred Ts & Cs.*
- But if Tiers 2 and 3 are appointed before vesting day on 1.4.23 they will be on new terms and conditions – what do those conditions look like for those new jobs?

- *It is unlikely that staff in Tiers 2 & 3 will move to new terms & conditions prior to transfer, unless agreed otherwise with the Chief Executive. Ts & Cs for these roles will be part of the consultation packs*
- *Everyone else will be on their existing terms and conditions.*
- Concerned about ring fencing Was any consideration given to **no** ring fencing and allowing officers to apply for Tier 2 jobs as an alternative?
 - *This was considered, but doesn't make sense under employment law. For example, if you're in a job and that job is unique to you and it transfers or continues into Somerset Council, would you be happy that it was opened for anyone to apply for?*
 - *There is of course tension between being fair to all and fair to officers who could be at risk.*
- Ring fencing – if you should be in a ring-fenced group and you are not, how do you tackle why you have not been included?
 - *There will be an appeals process included in the consultation documents, plus staff comms as to what is taking place to ensure that people are not left out.*
 - *Because of the link between ring fencing and the redundancy procedure, there would have to be consultation on who was in the ring fence group; opportunity to challenge would be there.*
- Terms and conditions - different between us and SCC – summary of the differences would be good.
 - *We have a summary of differences which will be shared with staff.*
- Job Evaluation – not clear how our salaries match with SCC. For roles that require JE, if SCC posts have lower salaries, how will that work? Differences could affect whether officers would be interested in going for other jobs. Disparity in salary mapping.
 - *For JE work, SCC use Korn Ferry and Hay. Whilst the unions have different opinions about Hay, we will use the SCC system as it enables us to obtain national benchmarking information, vacancy issues etc across the county, as well as nationally. This useful information will save time. Because of the size of SCC, they are remaining with their existing systems.*
 - *We will have officers trained on the JE system – and quite quickly. We will map some of our JE'd posts to the SCC system for checks and balances, and fairness, already being worked on. Any oddities will be picked up straight away.*
- Overall, looks ok. Good to know what the rules of engagement are. Needs to be fair.
- If it is just a model based on SCC structures, then there is a question mark.
- Not a totally comparable job in the Districts and County so ring fencing will be interesting. (75% rule)

- Having a right of appeal is good. At SSDC we get involved in so much within our current broad roles.
- Redundancy payment/exit information good. What will it mean in terms of pension or not mean in terms of pension? Clarification useful.
 - *Data will be shared with you so that you can make informed decisions by 1.4.23, if you request it. Peninsula Pensions will be asked to prepare the detail for those officers in that situation.*
- How confident are we around fairness? Feels like a pre-strike. We are blind to the structure, but this information has come out. Someone must know!
 - *No – some draft structures before Duncan Sharkey was appointed were discussed with CEOs and Cabinet Leaders, purely to illustrate what things might look like. Duncan has worked on his preferred structure and is currently consulting with chief executives and politicians on his thinking*
- If Tiers 2 and 3 are unsuccessful, will they be pushed down to Tier 4?
 - *It's the same rules that apply. People won't be 'pushed down', but they will be able to apply for posts at other tiers that become available, subject to slotting-in and ring-fenced processes, as well as the requirements for the role.*
- If Tier 3 post not secure but Tier 4 is, what will be the salary protection position? How long?
 - *If you are redeployed to a post under Suitable Alternative Employment, then the salary protection policy for that role will apply.*
- Slot-in concerns – 75% seems low. What happens if more than one officer could have slotted in?
 - *Has to be materially the same role for slot ins; some organisations use 80%. The Unions argued 80% was too high and 75% was agreed.*
 - *If there are more people than posts due to a restructure (doing the same role), then a ringfenced process will be used*
- I would argue the point - if the unions are kicking back on tiers 2 and 3 going down, when CEOs can head to tier 2 ?
 - *Not strictly true, same rules apply. We were asked to be specific about CEOs but they don't automatically drop into a ringfenced pool unless their role and experience match. Jobs that don't have a match will be advertised and anyone can apply for them (and they may then be shortlisting processes to be run)*
- Ring fencing - is it possible an individual could be ring fenced in more than one area where we have split roles?
- Will there be a programme about when ring fencing has taken place and you feel you should have been included? Can you be added retrospectively?
 - *Some Districts have generic roles where SCC cover only one role; in that situation we look at carefully to ensure fairness.*
- If not selected, what happens then? Not ring fenced due to role split and no one part adds up to 75%?

- *Yes, we will need to check and look at this possible on a case-by-case basis, with trade union involvement*
- Concerns around the 75% and whatever tier LMT ends up in; that may not be clear yet but our structure in SSDC is unusual; this needs to be dealt with fairly. People Managers/Leaders are role examples.
 - *Already aware of the issues about people managers and team leaders and being discussed.*
- At some point this information will start formally; Will there be Comms and outreach to the wider employee group? What will it look like? What does this mean for me, queries from staff?
 - *Yes. Don't know how quickly the structure will be agreed. Could be a week or longer. There will be a package of comms across the 5 councils but don't have the detail yet.*
 - *No full guide yet. Closely linked to the structure. Little to be articulated at the moment. In principle, separate briefings; briefings led by DS and SCC HR Director. FAQs will be kept up to date; likely new set around these issues for all staff. Fully aware of the need for clear comms.*
- There is no timetable for when the new Tiers 2 and 3 will be in place. Is there one? Suggests a lot of officers TUPE'd across
 - *Tier 2 before end of December. Tier 3 shortly afterwards is the indicative process. Tier 4 onwards after vesting day 1.4.23 if not some areas before. Input from Tiers 3 tiers 3 on tier 4 design etc.*
- Appointments Panel: Tiers 2 and 3 presumably need to go to the panel. Opportunity to share fairness across the five councils.
 - *We will use an external agency to administer the process (but not act as the formal advisors), but we are following SCC's constitution. It is likely that the Chief Exec and Director responsible for HR will be the advisors to the appointments' committees (standard practice). If there is a conflict of interest, then appropriate senior HR or other resource will be used as substitute.*
 - *The Appointments Panel will be the Leader of the Council, Leader of the largest opposition group, Deputy Leader plus the 4 district leaders as consultees. This was the process used for the chief exec appointment*