

**Agenda Item No:** 7

**Report To:** Cabinet

**Date of Meeting:** 11<sup>th</sup> October 2018

**Report Title:** Personnel Policy Review - Managing Redundancy, Restructures and Organisational Change & Social Media Policy

**Report Author & Job Title:** Joy Cross – HR Manager

**Portfolio Holder** Cllr. Pickering – Portfolio Holder for Human Resources and  
**Portfolio Holder for:** Customer Services



**Summary:**

As part of a wider programme of personnel policy reviews, Cabinet are asked to consider and advise upon two new personnel policies, which materially alter the existing policies.

The proposed new policy documents are;

- Managing Redundancy, Restructure and Organisational Change Policy
- Social Media Policy

The above policy replaces the following policy document in the current Conditions of Service;

- R2 Managing Redundancy and Organisation Change
- S8 Social Media Policy

**Key Decision:** NO

**Significantly Affected Wards:** None specifically

**Recommendations:** **Cabinet are requested to:**

**Review and approve the following policy documents which form part of the Conditions of Service.**

- Managing Redundancy, Restructure and Organisational Change Policy
- Social Media Policy

**Policy Overview:**

- R2 Managing Redundancy and Organisation Change
- S8 Social Media Policy

**Financial Implications:** None

<b>Legal Implications</b>	The policy documents form part of the contract of employment (contained with the Conditions Of Service) and as such the Conditions of Service is referred to together with notable employment legislation and codes of practice <ul style="list-style-type: none"><li>• ACAS Code of Practice</li><li>• Employment Rights Act 1996</li><li>• Employment Relations Act 1999</li></ul>
<b>Equalities Impact Assessment</b>	See Attached
<b>Other Material Implications:</b>	None
<b>Exempt from Publication:</b>	<b>NO</b>
<b>Background Papers:</b>	<b>N/A</b>
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## **Report Title: Review of Personnel Policies – Managing Redundancy, Restructure and Organisational Change Policy and Social Media Policy**

### **Introduction and Background**

1. A review of six key Personnel Policies was initiated in late 2017. The review involved six key policy documents contained within the Conditions Of Service:
  - Disciplinary procedure,
  - Managing Poor Performance (Capability),
  - Welfare policy,
  - Grievance procedure,
  - Redundancy and Organisational change,
  - Sickness.
2. The purpose of the review was to respond to feedback and observations from across the organisation and, following meaningful consultation, produce a set of six frequently used personnel policies which;
  - Reflect the organisation's reputation as a forward-thinking employer that supports all employees across the organisation.
  - Provide an accurate reflection of the organisation's values and digital agenda.
  - Offer effective methodologies that aim to resolve situations.
  - Outline simple processes and self-help guides, which reduce management and HR time and therefore the indirect costs incurred in adhering to policies and procedures.
  - Support best practice and emerging social trends.
  - Include recent changes in employment case law and changes on the horizon.
3. The review commenced and a meaningful consultation process has been followed as detailed below.
4. Three policy documents were approved by Cabinet (July 2018), namely:
  - Disciplinary Policy and Procedure
  - Performance Management Policy and Procedure
  - Welfare Support For Employees Policy
5. As a separate matter, the Social Media Access Controls Audit took place in May 2017, this audit, conducted by Mid Kent Audit Partnership, put forward four recommendations.
  - **R5. Account Security.** Enhance account security within the Social Media Policy. (Medium)
  - **R1. Update Social Media Policy.** Update the Social Media Policy to clarify account handling. (Low)
  - **R4. Criteria for Account Review** Add criteria for review and deletion of accounts within Social Media Policy. (Low)
  - **R7. Response Standards.** Set out response standards in Social Media Policy.

6. The Social Media Policy document has been revised to reflect the adherence to the recommendations set out above. Additionally, as part of the review it was noted that the overall Social Media Policy was outdated; such has been the fast paced change in usage of social media since the current version of the policy was produced in 2014.
7. It is not proposed to amend the policy documents that are applicable to the group of employees at ASPIRE who transferred to Ashford Borough Council from Commercial Services Ltd in October 2016. Amendments to contractual terms associated with a TUPE transfer are likely to be unlawful under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (as amended).

## **Proposal / Summary of Changes**

### **Managing Redundancy, Restructure and Organisational Change**

8. The Title of the revised policy has been amended to refer to restructures as a specific type of organisational change, this is in response to clarity previously requested from the JCC.
9. The Application, Definition Of Redundancy and Organisational Change sections of the existing policy have been revised to form Introduction, Definitions and Policy Exclusions sections to simplify the content of these sections and reduce their length, owing to the repetition that was identified in these sections previously.
10. Within the Definitions section of the revised policy a definition of restructures has been provided.
11. A Policy Exclusions section has been added to the revised policy drawing out an existing reference to TUPE Transfers and also adding information regarding Minor Organisational Change as not covered by this policy.
12. An *Informal Consultation* section has been added to the revised policy in order to highlight its legitimacy. This section also emphasises the relevancy and reasonableness of regularly exchanging ideas with employees regarding working practices and service requirements. The *Informal Consultation* section now includes section 4.4 from the current policy regarding steps to be taken to avoid the possible impact of redundancies.
13. A *Counselling Support* section has been added to the revised policy following the removal of this topic from the previous Welfare Support Policy (reviewed by Cabinet July 2018).
14. The *Consultation* and *At Risk Procedure* in the current policy have been merged and amended within a new *Procedure – Formal Consultation* section. This section clarifies responsibility levels for formal consultation and also references approval processes (which remain unchanged under the revised policy). The revised consultation process is explained in this section and replaces the current explanation covered in Appendix Two of the current policy. This amended process offers a more practical route to consultation whilst still ensuring the important elements of the process are properly completed. The revised process significantly reduces the time spent in the early stages of the consultation

process enabling a less time consuming process for the organisation, more meaningful consultation during the latter stages of consultation and reduced periods of time when employees are waiting for information.

15. A new *Voluntary Redundancy* section has been added to the revised policy which makes a consideration of Voluntary Redundancy applications by the Council mandatory within a process, rather than optional as was previously the case. Under the proposed policy applications for voluntary redundancy will be accepted from similar employees. Similar employee are classified as those individuals who work in the same service area and who could reasonably transfer to the affected post (potentially to be deleted) following the principles of assimilation as set out in the proposed policy.
16. The principles of *Assimilation* in the proposed policy are consistent with those in the current policy, namely 'assimilation will only take place where there is very little change to a job i.e. less than 30% of duties and factors specified in the job description and person specification. These principals replace those set out in The Retention Of Employees During The Business Change Process report 12<sup>th</sup> August 2010 which stated that for a five year period the principals of assimilation would be based upon a percentage change in roles of no more than 40%. Appendix three of the current policy has been removed.
17. The *Selection Criteria* section has been amended to offer a less prescriptive approach to criteria which will be used should this be required, Appendix One of the current policy has been removed. It is notable that that the council remains committed to a fair consistent and non-discriminatory selection procedure.
18. A section has been added to the revised policy, *Outcome of The Formal Consultation Process* which references approval levels and authorisation levels which, whilst unchanged, were not referred to in the current policy.
19. The section on *Redeployment* has been amended to provide a practical approach to redeployment which continues to protect the rights of employees, noting, for example, that employees are not ready to consider redeployment at an early stage in the consultation process.
20. The section on *Additional Measures* has been removed from the current policy. A reduction in the use of temporary agency workers or consultants elsewhere in the council is unlikely to have an impact on the rationale behind the service proposal in question. Such action would, in reality, place unnecessary pressure on council resources. It is not always appropriate for approaches to be made to other authorities regarding suitable vacancies and this type of support is limited. Instead, a new section has been added to the revised policy *Additional Support* which reflects a more rounded HR offering to employees who may be dealing with the challenge of finding new employment.
21. The *Notice Period* section of the policy has been amended to include detail on when an employee wishes to leave prior to the end of their notice period.
22. The principles of the *Salary Protection* section in the policy remain unchanged. The section on further expectations regarding redeployment has been amended to reflect the formal change in contractual terms that would have been accepted as part of the consultation process.

23. A new section has been added regarding *Suitable Alternative Employment* to reflect an employee's reasonable legal obligation to accept suitable alternative employment.
24. A new section on Appeals has been added to bring together all references to the appeal process which were previously dispersed in the policy document.
25. The principles of the Severance Payments section of the policy remain unchanged.

### **Proposal / Summary of Changes – Social Media Policy**

26. The policy overview section has been revised to focus on the benefit of social media and how it can be used productively in the workplace. This section reflects a general theme throughout the document to embrace social media and use it in an informed and productive manner.
27. The general principles section and the professional responsibilities sections have been simplified and take a 'dos and don'ts' format, which is simple to understand.
28. A using social media at work section has been added to draw together previous references to reasonable use at work and signpost this legitimate use of social media.
29. A new section **opening and managing social media accounts** has been added to fulfil the recommendations put forward in the afore mentioned audit report. This section includes a process on setting up accounts, account use and content monitoring and reviewing accounts.
30. A new section use of **social media in the recruitment process** has been added in accordance with best practice.
31. A new section use of **social media in investigations and enforcement** has been added to reflect our adherence to Part 2 of the Regulation of Investigatory Powers Act 2000.
32. The **using social media in a personal capacity** section has been refreshed and partly incorporated into the general principles section.
33. The **excessive personal use of social media in the workplace** section has been softened and clarified to reflect a more positive and proportionate attitude towards the use of social media at work.
34. A section on **cyber bullying** has been added to ensure that employees are aware of bullying of this nature and provided with information on how to escalate such occurrences and gain support.

35. A new section has been added regarding the overall process regarding access to corporate accounts and references to Ashford Borough Council when an employee **leaves employment**.

## **Implications and Risk Assessment**

36. The main risks and implications of the course of action proposed are around introducing policy documents that are unlawful and/or represent an overall failure to consult with employees regarding proposed changes to their contractual terms of employment (as detailed within the aforementioned conditions of service).

37. The HR team have worked to ensure that the two revised policy documents comply with key legislation in this area.

38. A meaningful consultation process has been followed with regard to this issue and is detailed below.

## **Equalities Impact Assessment**

39. Members are referred to the attached Assessment.

## **Consultation Planned or Undertaken**

40. As the policy documents form part of our Conditions of Services, the policies are contractual and therefore employees must be consulted regarding any proposed changes. Additionally as the proposed changes are significant they must be referred to by Cabinet and approved.

41. With regard to the Managing Redundancy Restructure and Organisational Change policy, the HR Manager and HR Officers have facilitated twelve focus groups with employees, managers, staff-side JCC representatives and Unison executives.

42. During these focus groups discussions were held regarding;

- Positive elements of the policy or positive experiences related to the policy,
- Negative elements to the policy or negative experiences caused by the policy,
- Important procedural points to gain feedback on,
- Changes in caselaw, HR or social trends to gain feedback on.

43. Feedback from these focus groups was collated and used by the HR Manager and HR Officers in the creation of the first draft of the policy documents.

44. A first draft was submitted to the Unison executive who provided specific feedback that was discussed with the HR Manager.

45. Second drafts were created following acceptance of the feedback provided by Unison.

46. With regard to the Social Media policy; as the changes are not considered contentious but instead reflective of the accepted changes in society the consultation process regarding these changes has been proportionate to the situation. The HR Manager has outlined these changes to Management Team

and also discussed the proposed changes with Unison and the Vice Chair of JCC.

47. The drafts of the two revised policy documents were provided to JCC for consideration on June 2018 (Social Media) and August 2018 (Managing Restructures Redundancy and Organisational Change).
48. Comments from the JCC were broadly supportive and included the following comments as set out below. Full details of these discussions can be reviewed in the minutes that are available from this meeting.

#### Managing Restructures Redundancy and Organisational Change Policy August 2018

49. Unison had requested that the definition of redundancy at page 1 was amended to quote directly the definition in the Employment Rights Act 1996 to prevent any confusion.
50. Unison and Staff Side had questioned why Appendix 1 of the existing policy had been removed (Selection Criteria). The revised policy had enhanced the process in two ways: firstly, a list of common criteria were highlighted within the policy, allowing flexibility to ensure the criteria were suited to the situation as different roles required different criteria. Secondly, the revised policy stated that employees would be consulted regarding the selection criteria used and scoring applied.
51. Unison had stated that only self-certificated absences were taken into account within absence records as a common criteria for selection. However, the paragraph already referred to the fact that absences related to a disability or a pregnancy would be excluded, should this situation occur.
52. Staffside and Unison had questioned whether a 7-day period was reasonable within a consultation process. However, the seven day period referred to a specific timeframe within the process rather than the entirety of the consultation process.
53. Unison and Staff Side had asked about the reduction in the trial period from six months to four weeks. The policy remains unchanged in this area. Where an employee was offered a redeployed position, they were entitled to a trial period in the job of at least four weeks. If, before the job was offered it was agreed that a longer period of time was necessary, for example to enable retraining, then this period would form part of the trial period. However, in practical terms it was sometimes necessary to extend trial periods, as had occurred recently.
54. Both Staff side and Unison had raised questions about assimilation and the removal of the appendix on assimilation.
55. Unison had raised a question regarding salary protection. This had not altered and salary protection principles remained unchanged and applied over a three-year period. However, it was acknowledged that some individuals may have a four-year lease car and if the agreement had just been entered into, it should be protected (as the employee had entered into that arrangement in good faith and should not be penalised).

56. Staff Side and Unison had asked about the use of consultants. The revised policy stated that there would be a reduction in the use of agency staff and consultants in areas where affected employees could be deployed.
57. Staff Side had received positive feedback about the inclusion of voluntary redundancy in the policy. The proposed version enhanced the policy in order that it must always be offered to those employees in a similar post in the same service. A request had been made that the scope of this enhancement was broadened further to include all posts that the employee could reasonably transfer into across the Council. The policy stopped short of a Council-wide approach as it would be disproportionately disruptive.
58. A Unison representative drew attention to page 18 and asked what would happen at the end of a trial period if the employee was not retained in the new post. The Human Resources Manager explained that the employee would return to the redeployment pool, but she would clarify this point within the report.

### Social Media Policy June 2018

59. A Councillor expressed concern with regard to social media account security and this was handled in accordance with the new processes put forward within the policy.

### **Other Options Considered**

60. Other options available rather than proceed with the above detailed proposal are to either continue with the current policy documents or accept a first draft of the policy documents as presented to Unison.
61. The current policy document is recognised by employees, managers and Unison as requiring an update.
62. The first draft of the proposed policy document would not be acceptable to Unison.

### **63. Reasons for Supporting Option Recommended**

64. The proposed policy document has been produced following consultation across the organisation and specifically with Unison.

### **65. Next Steps in Process**

66. If approved by Cabinet the policy documents will be amended within the Conditions of Service and communicated to employees.

### **67. Conclusion**

68. The proposed policy documents have been produced following thorough consultation across the organisation and represent a transparent, fair and consistent set of procedures, supporting employees and the organisation equally.

### **69. Portfolio Holder's Views**

70.A review has been carried out on the attached policy documents involving meaningful consultations with all appropriate bodies within our organisation. The aim is to ensure we continue to update ourselves to meet changing demands and needs of the organisation. I am grateful that all parties see the advantages of such changes to these areas.

### **71. Contact and Email**

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R2



## Managing Redundancy, Restructures and Organisational Change

### Introduction

1. It is the policy of the Council, by careful forward planning to ensure job security for its employees. However, it is recognised that change is a constant and therefore there will be external and internal factors which will impact upon the way in which our services are delivered, the number of employees required and the way in which the Council employs them.
2. It is the agreed aim of the Council and Unison to maintain and continuously improve the efficiency of the Council in order to safeguard current and future employment. The Council, in consultation with Unison, will seek to minimise compulsory redundancies through, proper consideration of alternatives to redundancy, meaningful and sensitive consultation and using reasonable efforts to find alternative employment for employees whose posts are affected.
3. Where compulsory redundancy is unavoidable the council will handle the redundancy in a fair, consistent and sympathetic manner.

### Definitions

#### *Redundancy*

4. Under the Employment Rights Act 1996 an employee who is dismissed shall be taken to be dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to;
  - the fact that his employer has ceased or intends to cease—
    - to carry on the business for the purposes of which the employee was employed by him, or
    - to carry on that business in the place where the employee was so employed, or
  - the fact that the requirements of that business—
    - for employees to carry out work of a particular kind, or
    - for employees to carry out work of a particular kind in the place where the employee was employed by the employer,

- have ceased or diminished or are expected to cease or diminish.

### ***Restructure***

5. There will be occasions when, as a response to external and internal changes, a service will need to consider restructuring. The changes proposed within a restructure can range from minor changes which do not require formal consultation (such as the creation of additional posts within a team), through to substantial changes in contractual terms which do require formal consultation, (such as significant changes in job duties, reporting lines or other contractual terms). Restructures may also propose the deletion of individual posts or a reduction in the number of posts of a similar type which would constitute a redundancy situation. In such circumstances a formal consultation process will be followed which will involve the stages set out below in the formal procedure.

### **Policy Exclusions**

#### ***Minor Organisational Change***

6. There will be times when the change that is proposed does not impact upon an employee's contractual terms or the provision of the service in a material fashion and therefore changes can be agreed informally. It is not the intention of this policy to inhibit necessary change or impose bureaucracy.

#### ***TUPE transfers***

7. Although this policy does not cover TUPE transfers (Transfer of Undertakings Protection of Employment Regulations) it is expected that there will be a similar approach to consultation with employees transferring out of the Council or into it. The process for consultation in these situations will be in accordance with the Regulations and current best practice.

### **Informal Consultation**

8. Heads of Service and Senior Managers will reasonably review and discuss working practices at regular intervals to take into account changing requirements with regard to the services delivered by the Council.
9. It is reasonable that Heads of Service and Senior Managers will informally consult with employees in their areas regarding potential organisational change. However, such discussions will be handled sensitively and should not progress past an informal exchange of ideas or a request for information/opinion.
10. Prior to pursuing change which would result in redundancies, the Council will make every effort to reduce the number of possible redundancies, for example by:
  - Considering expected employee turnover;
  - Restricting the recruitment of permanent staff;

- Reducing the use of agency staff and consultants in areas where affected employees could be deployed.
- Filling vacancies from among existing staff;
- Training, re-training or redeploying staff for different work for which there is a requirement.

## **Counselling Support**

11. Although it is not the intention, the Council recognises that consultation processes can cause worry and upset and wishes to support employees during what can be an emotive and uncertain time. In addition to support that is available from their line manager an employee can also contact any member of the HR team or utilise the Council's Employee Assistance Programme. Further information is available in the Human Resources section of the intranet.

## **Procedure**

### **Formal consultation**

12. The HR team has a key role to play in formal consultation processes and must be involved in all formal stages of the management of redundancy, restructures and organisational change.
13. Heads of Service / Senior Managers are responsible for formal consultation processes in their area and should engage with their relevant Corporate Director and key stakeholders; Finance, HR and associated services prior to finalising formal consultation proposals.
14. All formal consultation proposals should be approved by Management Team prior to them being discussed with employees in order to ensure that consultation is handled sensitively. Consultation proposals are typically presented in a report format and should include; the reasons for the proposed restructure and /or redundancy, the operational and financial implications and how the consequences of the proposals could be mitigated.
15. At the earliest practicable opportunity the Council will send to the Unison Branch Secretary and Chair a copy of the consultation paper, at which point the formal consultation process will commence.
16. Specifically the Council will disclose in writing to Unison;
- The reasons for its proposals;
  - The numbers and descriptions of employees who are affected by the proposals for contractual change or redundancy
  - The total number of employees of that description employed in the Council;
  - The proposed method of selecting the employees who may be dismissed or redeployed;
  - The proposed method of carrying out any dismissals or redeployment including the period over which they are to take effect;

17. The proposed method of calculating the amount of any redundancy payments to be made (other than statutory redundancy pay) to employees who may be dismissed;
18. The effect on earnings where transfer or downgrading is accepted in preference to redundancy or due to change.
19. The period of consultation will begin at least 45 days before the first of the proposed dismissals/redeployments take effect where 100 or more staff are affected and at least 30 days where fewer are affected.
20. The formal consultation process will be managed by the relevant senior manager and supported appropriately by an HR professional. At all times the consultation process will be meaningful and handled sensitively.
21. All potentially affected employees will be spoken to directly and provided with a copy of the consultation paper together with relevant correspondence detailing the specific implications of the proposals e.g. an 'at risk' letter and inviting the employee to participate in formal consultation meetings. This discussion will be informal and therefore prior notice is not required, however to minimise any undue stress or anxiety the relevant senior manager will be prepared to explain the proposals succinctly and answer any initial questions. Additionally, a Unison representative will be invited to attend this discussion.
22. An 'at risk' letter is purely a warning of the possibility of future redundancies and is not a dismissal with notice. If an employee leaves following such a warning, they will be treated as having resigned and will not be entitled to a redundancy or compensatory payment.
23. The first consultation meeting will typically be held seven days after the initial discussion or within a reasonable timescale. It is anticipated that the employee will have had sufficient time to digest the consultation paper and therefore during the consultation meeting can ask meaningful questions to clarify understanding. There is no obligation for the employee to attend a consultation meeting should they not wish to do so.
24. Employees have the right to bring a trade union representative or workplace companion with them to all formal consultation meetings. The role of the representative during this meeting is to support the employee by asking questions on the employees behalf, providing moral support, put forward and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the meeting
25. The employee will be invited to submit their comments, views and further questions regarding the proposals in the consultation paper and are able to do this in writing or via a consultation meeting.
26. The relevant managers will review the responses to the consultation and research where necessary. Relevant managers will respond to all questions

and collate the consultation feedback for discussion at the Council's next appropriate Joint Consultative Committee.

27. The Joint Consultative Committee is a Council committee which considers organisational structural changes and material amendments to staff terms and conditions of service.

### **Voluntary Redundancy**

28. Where a redundancy situation forms part of a proposal, the Council will invite applications for voluntary redundancy from affected employees and will also consider voluntary redundancy applications from employees who are employed in a similar role to the affected employees. A role will be deemed as similar if it is within the same service area and the nature of the role is such that an affected employee can reasonably transfer into this post, following the principles of assimilation as set out below. All voluntary applications will be handled in an objective manner and employees afforded time, in parallel with the formal consultation process, to consider making applications.

### **Selection criteria**

29. If following the steps outlined above a redundancy situation has been identified, and that situation involves selecting posts from within a pool of similar posts, an objective selection criteria will be applied. The Council is committed to a fair, consistent, objective and non-discriminatory selection procedure.

30. Common criteria used in selection for redundancy include:

- skills or experience
- formal appropriate qualifications, advanced skills and other aptitudes
- attendance records (but excluding any absences which were due to pregnancy, disability or industrial injuries)
- current disciplinary sanctions
- current capability warnings
- current warnings under the attendance improvement procedure
- objective evidence of performance such as achievement of individual objectives, achievement of relevant KPIs and reference to the Councils appraisal process

31. The Council does not follow a last in first out policy.

32. As detailed above potential selection criteria will be highlighted within the consultation paper and consulted upon during the formal process together with a consideration of a fair scoring mechanism.

33. Where it is not appropriate to select for redundancy or redeployment using these criteria, for example when there is more than one eligible candidate for the remaining post, then a more formal selection process will be implemented involving individual interviews.

## **Outcome of the formal consultation process**

34. Approval levels and authorisation processes are set out in the Retirement, Redundancy and Discretionary Compensation Policy. If, following a meaningful consultation process and the proper approval and authorisation processes, the proposals set out within the consultation paper are confirmed employees will be formally advised of the implications. If it is determined that a post be deleted from the establishment the employee will be advised of this matter and further consultation will take place.

## **Redeployment**

35. In a redundancy situation employees will be eligible for redeployment using the following principles:
36. All employees who are placed 'at risk' of redundancy will be 'ring-fenced' so that they receive priority consideration for current vacancies within the Council. It is recognised that in the majority of cases employees will not feel it appropriate to consider redeployment prior to the completion of the consultation process and likewise a recruiting manager may not be able to reasonably hold an offer of employment until the completion of the consultation process. In such circumstances the role will be started before the outcome of the consultation process.
37. At risk employees will be considered for assimilation which will only take place where there is very little change to a job i.e. less than 30% of duties and factors specified in the job description and person specification.
38. Individuals in such posts will be assimilated providing there are no other persons eligible for assimilation to a particular post. If there is more than one eligible individual then interviews will be held to select the most suitable candidate.
39. Where more than 30% of the job has altered, the affected employees will be considered for posts via normal selection processes.
40. Where an employee is offered a redeployed position, they are entitled to a trial period in the new job of at least four weeks. If, before the job is offered, it is agreed that a longer period of time is necessary, for example to enable re-training to be given, then that period shall form the trial period. This should be confirmed in writing before the employee starts the new job.
41. If the manager and the redeployed employee agree that the new post is not suitable before the end of the trial period, the employee may be placed again 'at risk' and be matched to, or apply for other posts which may become vacant or be created and, if successful, be entitled to another trial period in another post, should one arise.

42. All reasonable steps will be taken in this period to facilitate the successful redeployment of the individual into the new post. Regular review meetings will be held with the individual and the manager to discuss progress and training needs.
43. Before the end of the trial period, the manager will discuss progress with the individual and a decision will be reached as to whether the employee will be permanently appointed in the post.

### **Salary Protection**

44. If an alternative job is available, it may be on a lower salary and employees shall have their total gross earnings protected. Protection will be for a period of three years and on no more than a maximum of one grade above their redeployed substantive post.
45. Those terms and conditions which will not be protected are:
- Annual Increments (including cost of living increments);
  - Local Pay Awards;
  - Holiday entitlement - where holiday entitlement in the redeployed post is lower than this will apply.
46. If the redeployed individual has the use of a lease vehicle but the redeployed post does not carry this entitlement, then they will be permitted to keep the vehicle until such time as the existing lease expires. If the employee does not wish to keep their lease car they should discuss this with the HR Manager in the first instance. Where the individual has a cash alternative this will be protected for four years from the date the benefit was last reviewed.
47. A successful redeployment constitutes a formal change to contractual terms and therefore the employee will cease to be considered for any further redeployment opportunities. However, the employee is able to apply for any future vacancies that become available in the normal way.
48. Individuals who have been assimilated or redeployed will receive a letter advising them of the details and when they will take up their new post.

### **Suitable Alternative Employment**

49. The Council will take reasonable steps to redeploy employees in order to ensure job security and unnecessary public spending. Employees must consider redeployment to suitable, alternative work should they be notified that their post is redundant. If an employee unreasonably refuses a suitable reasonable alternative post they may forfeit their right to their contractual redundancy payment.

### **Appeal**

50. Employees who are to be dismissed due to redundancy have the right of appeal against the decision and should do so within 21 days of their letter confirming the

outcome of the consultation process. Letters of appeal should be sent to the Head of HR and Customer Services, stating clearly the grounds for appeal.

51. Employees may choose to raise appeals on a number of grounds which could include the perceived unfairness of the consultation process, the outcome of the consultation process, new evidence coming to light or procedural irregularities.
52. Appeals will be held by a members' appeal panel (Appeal Committee) and a meeting will be arranged in accordance with the Council's normal procedure as soon as is practicable. Further information regarding a members' appeal panel (Appeals Committee) can be found on the Human Resources section of the intranet.

### **Notice**

53. The proper amount of notice that an employee is entitled to receive will depend on the terms of their contract of employment. Affected employees will be issued with a notice of redundancy informing them that their employment will end and on which date.
54. An employee who has been given notice of dismissal due to redundancy and wishes to leave before the expiry of their notice should discuss the matter with their manager to determine whether they can leave early without affecting any redundancy or compensatory payment where applicable.

### **Severance Payments**

55. All severance payments will be in accordance with the Council's current policy on Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006.
56. If the authority gives the employee notice of redundancy and before the dismissal takes effect the employee accepts an offer of employment from another body specified within the Modification Order the individual will lose entitlement to a redundancy payment. This only applies where the relevant body makes the offer of a new job before the end of the old contract and the employment starts within four weeks of the date of redundancy.

### **Additional Support**

57. To help employees deal with the challenge of finding new employment the Council will offer tailored support to affected employees. The type of support available may include:
  - One-to-one confidential career counselling.
  - Advice regarding recruitment selection activities, such as CV preparation and interview skills.
  - Arrangements for reasonable time off with pay to seek alternative work or to make arrangements for training.

## Social Media Policy

### 1 Policy Overview

- 1.1 Ashford Borough Council is committed to making the best use of all available technology and innovation to improve the way we provide services. This includes using all reasonable and cost-effective means to improve the way we communicate, reach out and interact with the different communities we serve.
- 1.2 We embrace social media as a powerful tool through which we can achieve our objectives. An important part of ensuring that this tool is used effectively is to have a social media policy which provides clear guidelines for employees on using social media at work and using social media in a personal capacity. This policy document provides employees with a set of general principles for using social media and also explains the process for setting up corporate social media accounts.
- 1.3 The policy, together with the Guide to Using Social Media sets out the professional and personal responsibilities for the participation in, or use of social media whenever an individual identifies their self as an ABC employee or a connection is identifiable via an online profile .e.g. workplace on a Facebook Profile.
- 1.4 This policy complements the council's Internet Acceptable Use Policy, Data Protection Policy and Code Of Conduct, and should be read in conjunction with these policy documents.

### 2 Using Social Media at Work

- 2.1 The council's communications team run our social media channels and have received in depth training regarding social media and its associated benefits and risks.
- 2.2 Employees cannot set up any social media account or page linked to the council without approval from the communications team. Employees should also alert their line manager before approaching the communications team, and obtain their approval to discuss options. Employees should make sure that they have read and understood the *Guide to Using Social Media* attached to this policy and adhere to the process detailed below regarding opening and managing social media accounts
- 2.3 If employees notice any issue, a comment or a story on social media that you feel the council should respond to, please contact the communications team so they can advise and draft a suitable response that meets with our requirements and guidelines.
- 2.4 If employees are contacted personally about a council matter on social media they should contact the communications team for advice.

### **3 Opening and Managing Social Media Accounts**

3.1 The council's communications team run our social media channels and have received in depth training regarding social media and its associated benefits and risks.

#### Setting up accounts

3.2 All requests to set up a work related social media account, page or campaign must be approved by the Communications & Marketing Manager.

3.3 If you want to set up a social media account for your department, or a specific project, the first thing you need to do is speak to your line manager, agree the purpose and objectives of the account and understand the resource implications.

3.4 Once this is agreed, come and speak to the Communications Team. We can discuss with you your needs and provide some guidance, tips and advice.

3.5 Frequently, the Communications Team can assist using the standard ABC accounts, and therefore a separate account might not be required, and could save you a lot of work. More often than not, using the well-followed and well-resourced corporate accounts is the best tactic.

3.6 If you do need to set up an account, please fill in the Social Media Account Request form (link) and send this to the Communications Team.

3.7 It is vital that we monitor and protect any accounts associated with the Council, therefore we have a log of all the corporate and department accounts associated with the authority.

#### Account use and content monitoring

3.8 Managing social media accounts can be resource intensive. The Communications Team uses software which allows us to monitor several accounts at once, but even this is time consuming.

3.9 As a minimum response standard we recommend accounts need to:

- Be checked and monitored several times a day
- Updated at least once a day
- Respond to any questions or comments quickly (usually within the hour, even if it is to acknowledge receipt and that you are looking into the issue)
- Plan and schedule messages over the week, including weekends and evenings
- Include the hours the account is monitored, so that people know when they can expect a response
- Deal with complaints in an appropriate and professional manner

## Reviewing accounts

- 3.10 It is important that once an account is set up, it is regularly used and monitored. As a minimum, we recommend keeping a monthly log of the number of followers, posts and engagement so you can measure the impact your account is having.. There are free tools available to assist with this – please speak to the Communications Team.

## Deleting accounts

- 3.11 If an account is inactive for several months it could be closed down by the Communications Team. We will notify you in advance and discuss why the account has not been used.
- 3.12 If an employee should end their contract with ABC or should their contract be terminated, that employee should remove all their access to the account. The Communications Team can then ensure that all passwords are changed once they leave the organisation, see section below *Leaving Employment*.

## Account security

- 3.13 The Communications Team has a central log of all corporate social media accounts and passwords. Passwords must be regularly changed - every 90 days - to ensure we mitigate against the risk of hacking, vandalism and mistakenly posted content.
- 3.14 Each account owner is responsible for the security of the account and should ensure they have read the Data Protection Policy ([link](#)).

## **4 Use of social media in recruitment process**

- 4.1 Unless it is in relation to finding candidates (for example if an individual has put his her details on social media for the purposes of attracting prospective employers), the HR department and managers will not conduct searches on applicants on social media. This is because conducting these searches during the selection process might lead to a presumption that an applicants protected characteristics (for example, sexual orientation or religious beliefs) played a part in a recruitment decision. This is in line with the council's Equal Opportunities Policy.

## **5 Use of social media in investigations and enforcement**

- 5.1 The implications of monitoring public information through the use of social media has serious implications with regard to human rights and privacy. The council operates in accordance with the regulations set out within Part 2 of the Regulation of Investigatory Powers Act 2000 (RIPA) and therefore the practices followed by the Investigations Team comply with these regulations and associated guidance.

## **6 Using social media in a personal capacity**

- 6.1 The council recognises that most employees make use of social media in a personal capacity. While they are not acting on behalf of the organisation, employees must be aware of the possibility that they could damage the reputation of the council if

they are recognised as being one of our employees and subsequently bring the council's name into disrepute e.g. when expressing their views on a contentious or defamatory topic.

- 6.2 Employees are allowed to say that they work for the organisation, which recognises that it is natural for its staff sometimes to want to discuss their area of professional expertise on social media. However, the employee's online profile (for example, the name of a blog, Facebook profile name or a Twitter name) must not contain (either explicitly or implicitly) the council's name or otherwise give the impression that it is an "official" ABC account.
- 6.3 If employees do discuss their work on social media (for example, giving opinions on their specialism or the sector in which the organisation operates), they should include on their profile a statement along the following lines: "*The views I express here are mine alone and do not necessarily reflect the views of my employer*" and should ensure that specific cases are not discussed.
- 6.4 Any communications that employees make in a personal capacity through social media must not bring the council into disrepute by breaching the general principles detailed below.

## 7 Using social media – general principles

### Do's

- Do use social media productively to help you to do your job, social media is a great tool for research, building social networks, sharing expertise and information and also engaging with communities.
- Do remember that you, as an individual have personal responsibility for any content you publish. If you wouldn't be happy to see what you are saying published in a newspaper, don't post it in social media.
- Do be aware of libel and defamation. The law of defamation allows persons who consider that their reputation has been or may be harmed by statements made by others, to sue for damages. This can apply to any comments or opinions posted on social media sites. It is the personal and professional responsibility of each member of staff to avoid making any such statements on social media sites as elsewhere
- Do understand your online privacy settings. Check your settings and understand who can see your personal information and the information you publish. Be aware of location settings and don't share more information than you mean to.
- Do be aware of and follow other related policies i.e. *Employee Code of Conduct; Internet Acceptable Use Policy; Data Protection Policy*
- If you make it known that you are an ABC employee, as detailed above, do make it clear that you are speaking for yourself in either a personal or professional capacity and not on behalf of the Council. Use a disclaimer such as: "The views expressed here are my own and do not necessarily represent the views of the council." Be aware that this disclaimer will assist in demonstrating that you are speaking independently of the council, but it will not protect you from libel prosecution etc.

- Do remember, you are the public face of the council and should participate in social media in the same way as you would with other media, public meetings or forums.
- Do make sure you are always seen to act professionally and in an honest, accurate and responsible way.

### **Don't**

- Don't criticise the council's policies, its members, officers or service users.
- Don't breach confidentiality, for example by giving away confidential information about an individual (such as a colleague or customer).
- Don't disclose sensitive information– think about what is in the public domain and what is not. Remember to ask and obtain permission to publish any information, report or conversation that is not already in the public domain. Do not cite or reference customers, partners or suppliers without their approval.
- Don't breach copyright, for example by using someone else's images or written content without permission or failing to give acknowledgement where permission has been given to reproduce something.
- Don't breach security by posting security sensitive information such as photographs of ID badges.
- Don't respond to any offensive or contentious discussions, this includes messages containing offensive language or material.
- Don't engage with offensive individuals or groups instead promptly report the matter to your line manager who will handle this situation with support from the HR and communications Team
- If in doubt don't post

## **8 Excessive Personal Usage of Social Media in the Workplace**

- 8.1 The *council's Internet Acceptable Use Policy* allows for the personal use of Internet facilities during work time.
- 8.2 Employees should not spend time while at work for purely personal usage of social media websites and must ensure that legitimate usage is not disproportionate and does not interfere with their overall duties. Personal usage should be during flexi time and when clocked out.
- 8.3 The council has software and systems in place that monitor and record all Internet usage. Monitoring of internet usage takes place for specific purposes, namely:
- To ensure that the internet is not used for illegal or improper purposes.
  - To ensure that staff are restricting their non-business use of the internet to times outside their core working hours.
- 8.4 Access to particular social media websites may be withdrawn in any case of misuse.

## **9 Breach of the Policy**

- 9.1 All employees are required to adhere to this policy. Employees should note that any breaches of this policy may lead to disciplinary action. Serious breaches of this

policy, for example incidents of bullying of colleagues or social media activity causing damage to the council will be investigating in accordance with the Disciplinary Policy and may constitute gross misconduct.

- 9.2 Employees should always alert their manager, as soon as possible, if they think they have breached this policy or if a problem has arisen regarding social media, in order that the council can take prompt remedial action.

## **10 Cyber Bullying**

- 10.1 The organisation takes bullying or harassment of any kind extremely seriously and recognises that bullying can take place over social media. Using social media to bully another individual (such as an employee of the organisation); or posting images that are discriminatory, offensive, derogatory, attempt to bully or make defamatory comments about individuals or other organisations/groups (or links to such content) is strictly prohibited and any allegations of this nature will be investigated in accordance with the bullying and harassment policy and the disciplinary policy.
- 10.2 Cyber bullying or dealing with trolls can be particularly damaging for individuals. If an employee encounters cyber bullying in any form they are asked to speak to their manager immediately or any member of the HR team. Appropriate action can then be taken regarding this matter potentially involving the communications team who can advise on options such as blocking offending accounts/users.

## **11 Leaving employment**

- 11.1 If employees have access to any corporate social media accounts and are leaving employment with Ashford Borough Council you must notify the communications team so they can revoke access to such accounts, as detailed above.
- 11.2 With regard to your personal accounts employees are required to update their profile or bios promptly indicating that they no longer work for Ashford Borough Council.

# **A GUIDE TO USING SOCIAL MEDIA**

## **Ashford Borough Council**

This document will give you an overview of how the council uses social media, and best practice guidance if you are thinking of using it yourself for purposes associated with your work at Ashford Borough Council.

The guide accompanies the ABC In House Style Guide (for all written material – online or in print) and the Writing for the Web Guidelines (specifically for website pages).

It also supports our Social Media Policy for staff, which contains important information on use of social media both at work and outside of work.

### **INTRODUCTION**

Social media is the number one communications tool in the world, with billions of users. Most of us will have at least one social media account and will use to communicate with friends and to share information or advice with people.

Ashford Borough Council is recognised nationally for its positive social media presence, as we have made great efforts to embrace online communications to reach more customers and to share stories and good news quickly.

However, some of us are still wary of using ‘digital communications’ for work purposes, or in our social lives.

As a public organisation, we simply do not have the choice as to whether or not we use social media – we have to. The only question is how well we use it.

- Increasingly, people choose not to engage by email, as an example some universities have stopped giving out email addresses. Many schools use iPads instead of chalk boards for their students
- 90% of consumers trust peer recommendations, which they access through social media, and NOT adverts
- Products and news now find us via social media, rather than us having to find them

Social media’s reach is now so wide and strong that any organisation without it is seen to be at best old fashioned and at worst untrustworthy.

The need to deliver more cost-effective services dictates that we need to encourage people to get online, as it is cheaper and more efficient for everyone concerned. We will always have options available for people who still want printed material, or to speak to us on the phone, but we must get used to doing more online.

But working online is not just for our benefit – the vast majority of people *expect* to be able to access information online first and foremost, as it is often quicker and more convenient for them.

## **USING SOCIAL MEDIA**

**So you want to set up a social media account for your department, or a specific project.**

As detailed in the Social Media Policy, all requests to set up a work related social media account/page/campaign **must** be approved by the Communications & Marketing Manager first.

It is vital that we monitor and protect any accounts associated with the council. Frequently, the Communications Team can assist using the standard ABC corporate accounts, and save you a lot of work.

If you think you need an ABC account, speak to your line manager first and then come and talk to the Comms Team, and we can see what will work best for you.

### **How much time will using social media take?**

A lot. More than you think if you want to make the most of out of it. The Comms Team has special technology monitoring all our accounts at once, but even then we have to check in hourly, respond to queries, plan tweets etc.

If you have a social media account that has been approved by The Comms Team, or are thinking of getting one, this is what you have to be prepared to do:

- Check and monitor it several times a day (once a day is **not enough**)
- Respond to any questions or comments instantly, or within one hour MAX
- Follow, tweet, favourite and talk to other organisations and people on Twitter to build relationships
- Develop a friendly social media voice and think about every character you type
- Devise, research and check hashtags
- Post pictures and encourage people to interact with you
- Plan and schedule messages and tweets over the week, including weekends and evenings – and you can't repeat the same one four times!
- Constantly think about how your project or any activity could be shared on social media
- Be prepared to be abused, insulted and deal with upset customers wanting an answer NOW
- Understand that whatever you put online is visible to **millions of people** and cannot easily be deleted
- Do monthly stats to see how effective your social media presence is.

The list is so long because these are the basic steps to ensure you get the most out of social media – and if you use it properly, you will get big results.

But if you can't commit to this level of work, or you let things slide after a month, people will not respect or trust you and you will do more damage than good.

## Research

Before you start using Facebook, Twitter or any other social media platform, go out and explore it. Find and follow similar organisations or people you like – how do they communicate? Which messages really speak to you? What style do you like? Who is doing it wrong? What do you like about their profiles? Look at everything, it's the best way to learn.

## Social media is an amazing tool – but can be dangerous

People often think that libel laws do not apply to the 'average' person making a remark on Twitter – WRONG! You can be sued, questioned and blocked if you are not careful.

The Comms Team can give you a crash course on how to use social media safely, and what to watch out for - contact us for a chat.

Regardless of which social networks employees are using, or whether they are using business or personal accounts on company time, following these simple rules helps avoid the most common pitfalls:

- **Know the social network.** Spend time becoming familiar with the social network before contributing. It is important to read any FAQs and understand what is and is not acceptable on a network before posting messages or updates.
- **If unsure, do not post it.** Always err on the side of caution when posting to social networks. If an employee feels an update or message might cause complaints or offence - or be otherwise unsuitable - they should not post it.
- **Be thoughtful and polite.** Many social media users have got into trouble simply by failing to observe basic good manners online. Always adopt the same level of courtesy used when communicating via email.
- **Look out for security threats.** Be on guard for social engineering and phishing attempts. Social networks are also used to distribute spam and malware.
- **Do not make promises without checking.** Some social networks are very public, so employees should not make any commitments or promises without checking that you can deliver on the promises.
- **Handle complex queries via other channels.** Social networks are not a good place to resolve complicated enquiries and user issues. Once a user has made contact, representatives should handle further communications via the most appropriate channel — usually email or telephone once they have asked for support from a member of the Communications Team.
- **Do not escalate things.** It is easy to post a quick response to a contentious status update and then regret it. Always take the time to think before responding, and hold back if they are in any doubt at all.

- **What happens on Facebook, STAYS on Facebook** – even if you delete a comment, people can take a screen grab with one click.
- **Journalists scour social media every day for stories** – all they need to do is type a key word into the search bar, and they can find your tweets or Facebook comments. Do not give them a story!
- **If in doubt, DO NOT PUBLISH!** This is applicable at work or in your social lives – if you are worried about the tone or content of any of your posts, get someone to check it.
- **Watch out for sarcasm and ‘jokes’** – what sounds funny or sweet in your head can sound *very* different out of context. Check with a colleague, and if in doubt, do not do it. Being nice and helpful is always a winner!
- **Keep work and play SEPARATE** – do not talk about work in an inappropriate manner on your personal social media channels. Even if your profile reads “my views are my own”, you can still get into a lot of trouble if you make comments about other people or your colleagues – and so can the council.
- **If someone is angry online, get them off social media** – suggest the person contacts you by email so you can get things sorted. Do not let people keep spilling out their woes in a public arena. We usually go with: “V sorry to hear that, please email \*\*\*\* and we can look into this straight away”.
- **Never argue with anyone offensive online** – as a rule, we do not respond to offensive tweets or bad language. If someone is angry, try to help them, but if they keep being offensive, step away and hand over to the Comms Team. Even if you are defending the council, or using your own profile, you can be traced.

Remember, you become a publisher when you post on social media and are open to the usual libel laws that for example a national newspaper would be open to.

### **Be friendly, bright and HUMAN**

People want to feel like they are talking to a real person, not a machine. Use normal language, and be warm and helpful. Do not take offence easily. By the same token, be careful when you are being casual.

### **Make every character count**

It is good practice, in any communications, to be concise and not to waffle. Twitter only allows 140 characters, so you have to make them count. Be comfortable using abbreviations! E.g:

And = &  
 Your = Yr  
 Pictures = pix/pics  
 Please = Pls

Also think about mentioning other users (who might “retweet” you) and using hashtags to get more coverage.

## Hashtags

These are little ‘tags’ in your social media posts that people use to a) tell others what their message is about, b) join in larger conversations by giving their message a searchable ‘subject’, and c) to be funny

They are most commonly used on Twitter, but Facebook also counts hashtags so you can use them on there too. If you see a hashtag in Twitter, you will see it is a blue link. Click on it, and you will be given a list of every tweet featuring that hashtag.

You’ll see that a lot of TV shows flash up a hashtag at the start of their programme – this is because they know people will be talking about the show on Twitter, and want everyone to be on the same conversation thread.

e.g. #bgt (for Britain’s Got Talent) #strictly (for Strictly Come Dancing)

In addition to news and sports, members of the public tend to use well known and common phrases associated with what they are writing about for a hashtag, as a way of connecting with other users.

In the earlier examples of good and bad practice with social media messages, we saw the good example was: *Phew! What a day! Glad it’s the weekend, bring on the wine! #happyfriday #wineoclock !*

#happyfriday is a very popular hashtag to use on a Friday, so by including it in the positive message, other people are more likely to see it.

On the flip side, we have the bad example: *What a day! Some people in Ashford are so rude, can’t believe the number of idiots I had to deal with today!! I need a drink! #trashford*

#trashford is used humorously by some Ashford residents, but it is negative. By using this hashtag, you are labelling Ashford as ‘trash’ and you are telling the whole of Twitter about it!

Here are some easy hashtag rules:

1. Thought of a new hashtag? Before you use it, search in Twitter to see if it’s already in use or if it’s being used for something very inappropriate!
2. If it’s already in use, add a number, location or initials to make it individual. But keep it short!
3. Is there an existing popular hashtag related to your topic that you can use as well? Search for some similar ones - anyone doing the same will find your message
4. Be VERY careful how the phrase looks to other’s

Have a look at trending hashtag, listed on the left of the Twitter homepage, and see if you can get involved in those conversations. More people will see them and might connect with you.

# Equality Impact Assessment

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1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:

- (a) No major change – the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
- (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
- (c) Continue the policy – if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
- (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

## Public sector equality duty

2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:
- (a) Eliminate discrimination, harassment and victimisation;
  - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).

3. These are known as the three aims of the general equality duty.

## Protected characteristics

4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership\*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

\*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

## Due regard

5. Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.
6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:
- removing or minimising disadvantages suffered by people due to their protected characteristics.
  - taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.
  - encouraging people with certain protected characteristics to participate in public life or in other activities where it is disproportionately low.
7. How much regard is 'due' will depend on the circumstances. The greater the

potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.

8. In terms of timing:

- Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
- Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.
- The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.

**Case law principles**

9. A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's must be attached to any relevant committee reports.
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one so that it needs to be considered not only when a

policy, for example, is being developed and agreed but also when it is implemented.

- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

The Equality and Human Rights Commission has produced helpful guidance on "Meeting the Equality Duty in Policy and Decision-Making" (October 2014). It is available on the following link and report authors should read and follow this when developing or reporting on proposals for policy or service development or change and other decisions likely to engage the equality duty. [Equality Duty in decision-making](#)

<b>Lead officer:</b>	Joy Cross – HR Manager
<b>Decision maker:</b>	Cabinet
<b>Decision:</b> <ul style="list-style-type: none"> <li>• Policy, project, service, contract</li> <li>• Review, change, new, stop</li> </ul>	Revised personnel policy documents which form part of the conditions of service.
<b>Date of decision:</b> The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	August 2018
<b>Summary of the proposed decision:</b> <ul style="list-style-type: none"> <li>• Aims and objectives</li> <li>• Key actions</li> <li>• Expected outcomes</li> <li>• Who will be affected and how?</li> <li>• How many people will be affected?</li> </ul>	Proposed new policy documents for 1.Social Media and 2. Managing Redundancy Restructure and Organisational Change which will be applicable to all Ashford Borough Council employees
<b>Information and research:</b> <ul style="list-style-type: none"> <li>• Outline the information and research that has informed the decision.</li> <li>• Include sources and key findings.</li> </ul>	12 focus groups, caselaw research, best practice guidance, consultation with employees, managers, Unison and staff side.
<b>Consultation:</b> <ul style="list-style-type: none"> <li>• What specific consultation has occurred on this decision?</li> <li>• What were the results of the consultation?</li> <li>• Did the consultation analysis reveal any difference in views across the protected characteristics?</li> <li>• What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics?</li> </ul>	<p>Consultation was undertaken as detailed above which resulted in two drafts of the proposed policy being produced and discussed.</p> <p>The policy document complies with UK employment law.</p>

**Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.**

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

<b>Protected characteristic</b>	<b>Relevance to Decision High/Medium/Low/None</b>	<b>Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral</b>
<u>AGE</u> Elderly	None	Neutral
Middle age	None	Neutral
Young adult	None	Neutral
Children	None	Neutral
<u>DISABILITY</u> Physical	None	Neutral
Mental	None	Neutral
Sensory	None	Neutral
<u>GENDER RE- ASSIGNMENT</u>	None	Neutral
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	None	Neutral
<u>PREGNANCY/MATERNITY</u>	None	Neutral
<u>RACE</u>	None	Neutral
<u>RELIGION OR BELIEF</u>	None	Neutral
<u>SEX</u> Men	None	Neutral
Women	None	Neutral
<u>SEXUAL ORIENTATION</u>	None	Neutral

<b>Mitigating negative impact:</b> Where any negative impact has been identified, outline the measures taken to mitigate against it.	n/a
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**Is the decision relevant to the aims of the equality duty?**

Guidance on the aims can be found in the EHRC's [Essential Guide](#), alongside fuller [PSED Technical Guidance](#).

Aim	Yes / No / N/A
1) Eliminate discrimination, harassment and victimisation	n/a
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	n/a
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	n/a

**Conclusion:**

- Consider how due regard has been had to the equality duty, from start to finish.
- There should be no unlawful discrimination arising from the decision (see guidance above).
- Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified.
- How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported?

Due regard has been paid to equality through the drafting of documentation by qualified HR professionals trained in equality issues and review of relevant employment case law.

Via consultation with affected employees.

*The council's revised policy register will assist services to meet this*

**EIA completion date:**

06.08.18