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AGENDA

Committee:	Staff Appointments & Review Panel
Date and Time:	<u>Wednesday 5th July 2022 at 7pm</u>
Venue: <u>NB</u>	<u>Committee Room 1 Council Offices Kiln Road</u>
Membership:	Councillors Blackwell (Chairman), Acott, Campagna ,Mrs Egan, W. Gibson, Mountford, Savage.
Officers attending:	Ms Angela Hutchings – Chief Executive Ms Deborah Cook – Head of HR &OD Transformation Miss Ann Horgan – Head of Governance
Committee Enquiries:	Ann Horgan, Ext. No. 2413

PART 1

(Business to be taken in public)

1. Apologies for Absence

2. Terms of Reference

A copy of the Terms of Reference are attached.

3. Transforming Together – Corporate HR Update.

A report is attached.

4. Exclusion of the Public

The Panel will be asked to pass the following resolution:

Resolved:

To exclude the press and public from the meeting to enable the business of the meeting to be transacted in private as the business contains information relating to any individual; information which is likely to reveal the identity of an individual; information relating to any consultations or negotiations (Exempt Information under Paragraphs 1, 2 & 4 Schedule 12A Local Government Act 1972)

PART 2
(Business to be taken in private)
(Item to be considered with the press and public excluded from the meeting)

- 4. Transforming Together – Reorganisation Workstream.**
A report is attached.

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AGENDA ITEM NO.3

STAFF APPOINTMENTS & REVIEW PANEL

5th July 2023

Subject:

Transforming Together – Corporate HR Update

1. Purpose of Report

In accordance with the terms for reference for the Staff Appointments and Review panel, the purpose of this report is to enable the panel to have oversight and accountability over workforce management matters.

2. Links to Council's Priorities and Objectives

This item has links to all Council priorities and objectives.

3. Recommendations

That the Panel reviews and notes the contents of this report .

4. Background

HR Policies

4.1 It is good practice to review existing HR policies on a regular basis to ensure they meet the needs of the business and remain compliant with employment law. Details of new or revised policies will be reported as and when appropriate, to ensure the panel has oversight of any HR related policy changes.

5. Revised Policies

Market Supplement Policy (Copy attached)

5.1 To enable the Council to attract and retain staff in key roles that due to skills shortages in the market, resulting in an upward pressure on salaries a market supplement policy has been introduced. This policy will enable the council to respond effectively to maintain required workforce numbers to mitigate risk to service provision.

5.2 Consultation was held with Unison and GMB trades union partners and their sign off to the policy has been provided.

- 5.3 Application of the policy requires a business case with supporting evidence to be considered and approved by officers in accordance with relevant delegations. The award of a market supplement is time bound and will be reviewed after 12 months.
- 5.4 Monitoring of the market supplement policy is the responsibility of HR working with the Senior Officer responsible for the service the role sits within and will be reporting through the Pay Policy Statement to Full Council.

Redundancy Policy (Copy attached)

- 5.5 This policy updates the Council Policy that had been in place since 2011 and reflects the Council's legal obligations and the details of the enhanced redundancy payments available to all employees.
- 5.6 No change has been made to the 1.8 multiplier for redundancy payments that was in place, however, after reviewing the policy it was found that the Council was not using the Government's Statutory Redundancy Calculator as the starting point for the calculation of redundancy pay.
- 5.7 The policy has been updated to rectify this point and agreement was made with the Trade Unions as follows: -

Special Provision: Any employee made redundant on or before 31 March 2024 as a result of the Transforming Together programme, will receive enhanced redundancy pay based on the terms of this policy, or if more beneficial to that employee, the enhanced redundancy pay from the previous CPBC redundancy scheme.

- 5.8 This Special Provision will not apply in respect of any employee made redundant on or after 1 April 2024 on which date this Special Provision wording will be removed from this policy and will have no further effect.
- 5.9 A full review of the redundancy policy with trades union partners is intended to take place during 2024.

Corporate Implications

(a) Financial Implications

The costs of restructuring, including those arising from the revised redundancy policy, will be met predominately from within the earmarked reserves. However, any in-year savings on staffing will be utilised first to reduce the draw on reserves. Any savings arising from 1st April 2024 will be factored into the budget and contribute towards closing the budget gap.

Any costs arising from the agreement of a market supplement will need to be met from within the service area's existing budget. Where this proves to not be possible, underspends from elsewhere within the directorate or across the Council will be utilised. Only as a last resort will a draw from the Council's general reserve be made under existing delegated authorities.

(b) Legal Implications

Legal issues arising as a result of the Transforming Together programme will be kept under review as the detail emerges relating to proposed structural changes. Any transformation process should comply with all relevant employment law legislation, including the Equality Act 2010.

(c) Human Resources and Equality Implications

Equality Impact assessments have been completed for the Market Supplement Policy and Redundancy Policy and the impact is neutral.

(d) IT and Asset Management Implications

None

7. Timescale for implementation and Risk Factors

The policies have immediate effect.

8. Background Papers

Staff Appointments & Review Panel Terms of Reference

Redundancy Policy

Market Supplement Policy

Report Author: Deborah Cook, Head of OD & Transformation



MARKET SUPPLEMENT POLICY

December 2022

Strategy or policy: MARKET SUPPLEMENT POLICY**Date adopted:** 10 February 2023**Version control:** [COMPLETE / UPDATE THE TABLE BELOW – see [Version Control: A Good Practice Guide](#)]

Version Number	Purpose / Change	Author	Date
One	Approved by GMB	Barbara Cree	07/12/2022
One	Approved by Union	Barbara Cree	10/02/2023

Links to Council priorities:

Council priority	Linked?
Economy and Growth (Productivity; Business Growth; Work & Prosperity; Skills)	No
People (Community; Health & Wellbeing; Vulnerable People; Young & Elderly)	Yes
Place (Homes; Infrastructure; Getting Around)	No
Environment (Natural & Historic Assets; Clean & Green; Reducing Waste; Climate Change)	No
Enablers (Leadership; Democracy; Partnerships; Resources)	Yes

Links to other strategies and policies:

- There are indirect links to other Council policies relating to employment, pay and conditions.

Action plan included. Yes/No –

Lead officer responsible for implementing the action plan: N/A but Policy is owned by the Head of Paid Service

Lead Member and Member body responsible for monitoring implementation of the action plan: N/A

Equality Impact Assessment undertaken? Yes

Sustainability appraisal undertaken? N/A

Policy register on Shared Drive updated? Yes

Payment of Market Supplements

1. Introduction

The Council is committed to using Job Evaluation as the mechanism for ensuring jobs are correctly graded.

On occasion, it may be necessary to pay an addition to basic pay to bring the salary closer to the 'going market rate' (a market supplement) for an individual post or job group where it can be shown that the substantive salary level of the post is adversely affecting the Council's ability to recruit and / or retain staff in that role.

The Council will only consider paying a market supplement where it can be objectively justified in terms of the Equality Act 2010 i.e. the additional payment made must relate wholly to market forces and must not be tainted by unlawful discrimination.

2. Process

Real and objective evidence is required to demonstrate that the rate of pay the Council currently offers:-

- has resulted in or is highly likely to result in, the inability of the Council to recruit to the post in question
- has directly contributed to increased staff turnover; and / or has led or will lead to serious service delivery or operational difficulties

Documented evidence must be collected over a reasonable period and should be substantial, thorough and robust. This evidence may consist of at least two or three of the following:

- Unsuccessful recruitment campaigns with details of attempts to fill the post and the cost of the campaigns
- Staff turnover figures for the post
- Exit interview data that supports the reason for staff leaving is for more pay (excluding those who leave for the normal career/personal development reasons)
- Details of the pay and reward of directly comparable jobs in other public sector organisations of a similar size, scope, and demographics especially those which are local geographically to the Council
- What consideration has been given to alternative solutions e.g. job redesign,

The line manager, in consultation with HR, must put forward a business case for the payment of a market supplement. The business case must be supported by the relevant member of the Leadership Team who has responsibility for the service area in question.

Where the market supplement is proposed to be payable to a member of the Leadership Team, the relevant line manager will be the Head of Paid Service (HOPS) and the business case must be supported by the Leader of the Council.

Once agreed, the business case will be reviewed by the Head of Paid Service in consultation with the Leadership Team.

Human Resources will advise on the amount of the market supplement based on the level necessary to address the recruitment / retention difficulties and to make the total remuneration for the job comparable with comparator jobs in the current market place.

The following sources may be used to establish comparative salary data on which to base any potential market supplement:

- Salary surveys published by professional bodies
- Benchmark data
- Published pay rates in job advertisements offered by competing employers in directly comparable jobs
- IDS Salary Survey
- Published pay and trend data in journals e.g. IRS reviews, labour force surveys, new earnings surveys
- Management consultant databases e.g. Hay

The final decision on whether a market supplement is approved rests with the Head of Paid Service and decisions will be reported to the Staff Appointments Panel.

3. Application of the payment

Once a market supplement has been agreed, employees will be advised in writing of the market supplement and advised that it is a temporary payment which will be reviewed annually. The substantive grading of the post will not change where a supplement is paid.

Typically, because market supplement payments are paid as a fixed amount in addition to the substantive salary for the post, they are not increased in line with annual pay awards / cost of living increases and / or incremental progression.

Where a market supplement is paid to a role which is identified as a 'Job Group' it will automatically be applied to all current employees in that job working to the same job description eg. Refuse Loader

Part time employees will be paid a pro-rata amount, according to their contracted hours.

A market supplement is part of an employee's pay and is therefore pensionable and automatically incorporated into Statutory and Occupational Maternity Pay calculations. The supplement will continue to be paid during periods of sickness absence and annual leave.

Should an employee receiving a market supplement change jobs within the Council, the market supplement will cease from the date they take up their new post and their vacant post shall be subject to review to establish if a market supplement is still appropriate, before it is advertised, unless that vacant post is part of a job group where a market supplement is in place. A new job evaluation or regrading of the post will also mean that a review of the market supplement is required.

All costs must be met from the relevant service area's budget wherever possible.

4. Review

The supplement will be payable for a period of 12 months and will be subject to an annual review in the 12th month to determine if the supplement is still necessary.

The review will be undertaken by the Head of Paid Service in conjunction with Human Resources. HR will provide the up-to-date evidence on the relevance of the market supplement following consultation with the relevant line manager (who will have consulted the affected employee/s) and/or the Head of Service. In the case of a job group then the unions will be included in the consultation.

Where the market supplement is proposed to be payable to a member of the Leadership Team, HR will provide the up-to-date evidence on the relevance of the market supplement and the subsequent review will be by the HOPS in consultation with the Leader.

If the HOPS is satisfied that the market supplement is justified at the same level, then it can be approved for a further year. However, if the evidence brings into question whether the market supplement is justified or not at the correct level then a full business case will need to be submitted by the line manager.

After completion of the review, the affected employee(s) will be notified that the market supplement is:-

- to be continued at the same amount;
- or increased for a further 12 months;
- or will be given contractual notice and the reason the market supplement is to be withdrawn or amended.

There will be NO right of appeal against a decision to revise or remove the payment of a market supplement. The payment is temporary and based on the market conditions at the time and used solely as a method of recruiting and / or retaining staff.

On a quarterly basis a report on the status of market supplements will be made to the Staff Appointments and Review Panel and the Trade Unions, this will be anonymised to observe confidentiality.

The guidance on market supplements will be reviewed regularly in consultation with the Trade Unions to ensure that the policy remains relevant and that market supplements are still justified to recruit or retain staff.



Castle Point Borough Council

Redundancy Policy and Procedure

Scope

- The policy applies to all Castle Point Borough Council employees.

Approval

- Approval is required from the Chief Executive
- The Chief Executive will consult with the Leader of the Council and Lead Member for Resources when considering applications from second and third tier officers.

Amendments

- Updated policy replacing the previous Redundancy Policy dated September 2011.
- The Council has consulted the recognised Trade Union(s) before effecting any material alteration to this policy.
- April 2023 - policy reviewed to ensure compliance with Employment legislation.

Links

- Managing Organisational Change Policy
- Redeployment Policy
- Pay Protection Policy
- Retirement Policy and Procedures

Equality Impact Assessment

- Conducted 18 April 2023

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1. Redundancy Policy Statement

- 1.1 Castle Point Borough Council recognises the importance of creating a secure working environment for employees. The Council will seek to ensure continuity of employment so far as it is compatible with the effective, economic and efficient provision of local government services.
- 1.2 There may be occasions where financial pressures, changes in working practices, technological, legal, or organisational developments may lead to an impact on our workforce requirements.
- 1.3 In responding to any changes required, it is the Council's policy to try to avoid compulsory redundancy and the Council will look at alternative measures. Compulsory redundancy will only be resorted to when circumstances make it unavoidable.
- 1.4 Where redundancies are necessary, the Council will ensure that:
 - Every effort is made to avoid compulsory redundancies and to keep the total number of redundancies to a minimum;
 - Employees are kept fully informed and updated on developments during any potential redundancy procedure;
 - The recognised Trade Unions are fully consulted;
 - Selection for redundancy is based on clear criteria that will be objectively and fairly applied;
 - Every effort is made to redeploy or find alternative work for employees selected for redundancy and
 - Support and advice is provided to employees selected for redundancy.
- 1.4 This policy commitment is reflected in the procedure below which outlines the Council's approach to managing redundancy situations.
- 1.5 This policy applies to all Council employees.
- 1.6 This redundancy policy does not form part of the terms and conditions of employment and the Council reserves the right to amend it or withdraw it at any time following consultation with the Trade Unions.

2. Minimising the need for redundancies

- 2.1 It is the Council's policy to try to avoid compulsory redundancy and it will only be resorted to when circumstances make it unavoidable.
- 2.2 When entering into consultation with the recognised Trade Union(s) on redundancy proposals, a full review will be made by the Strategic Director/ Head of Service to ensure that redundancies are unavoidable.

Where a reorganisation is proposed which will affect job security the Strategic Director/ Head of Service will first consult the Chief Executive. In this instance the Managing Organisational Change Policy will normally be followed.

The Strategic Director/Head of Service will act in close liaison with Human Resources.

- 2.3 Consideration will be given to the following measures which might avoid the need for redundancy. This will be undertaken by Strategic Director/Head of Service in consultation with Human Resources:-

- not filling vacancies, reductions in overtime, voluntary reductions in working hours, flexible working arrangements
- ensuring that “at risk” employees are considered prior to any external advertising.
- suspending the engagement of agency and casual employees
- reviewing the use of consultants, contracting and agency services where this would create employment opportunities for employees “at risk” and would not be in conflict with other Council policies, or legal or operational requirements.
- the redeployment and retraining of employees “at risk”.

- 2.4 Restrictions on recruitment

No vacant post is to be advertised externally until it has been ascertained that there are no candidates on the “at risk” register that meet the essential criteria, or until any suitable “at risk” candidates have been given the opportunity to apply and for whatever reason have not been successful.

The engagement of agency and casual employees will be reviewed on a case-by-case basis to identify circumstances where employment opportunities can be made available to employees “at risk”.

3 Voluntary Redundancy and Early Retirement

- 3.1. Among the employees “at risk” there may be individuals who wish to volunteer for early retirement or employees wish to be considered for redundancy.

Any employee contemplating early retirement should refer to the Retirement Policy and Procedures for further information.

Any employee contemplating voluntary redundancy will be advised of their terms of severance before making his or her final decision to apply for redundancy. A request for an estimate does not mean that the individual has formally applied for voluntary redundancy, merely that they have registered an interest. It also does not mean that voluntary redundancy will be successful.

- 3.2 Acceptance of an application for Voluntary Redundancy or Early Retirement is at the absolute discretion of the Council subject to the requirements of the

service, including costs and the conditions of the Employment Rights Act 1996.

- 3.3 The procedures for notification and consultation must be followed for voluntary redundancies.

4. Redundancy Procedure

4.1 Step One - Notification and Consultation with recognised Trade Unions

The Trade Union and Labour Relations (Consolidation) Act 1992 places a statutory requirement on an employer to discuss any impending redundancies with recognised Trade Union representatives.

Where a reorganisation of services or other measure which affects job security is contemplated, the Council will formally notify the appropriate recognised Trade Union(s) as soon as possible before the proposed date of implementation, and not later than the statutory periods of notification to Trade Unions.

- 4.1.2 The following table sets out the current statutory minimum periods for collective consultation:

Total number of proposed redundancies	Period over which the proposed redundancies are to be phased	Consultation should start at least x days before the first redundancy (dismissal) takes place
100 or more	90 days or less	45 days
20 to 99	90 days or less	30 days

- 4.1.3 Irrespective of the number of redundancies proposed, consultation should begin at the earliest opportunity.

- 4.1.4 Trade Unions must be consulted in all cases irrespective of whether the staff selected for redundancy are members of a trade union.

If an "at risk" employee is not a Trade Union member, consultation will be with the appropriate Trade Union(s) for the employee's category of employment.

- 4.1.5 The Strategic Director/Head of Service will include all employees who are "at risk" in calculating the figures to be given to the Trade Union representative(s).

- 4.1.6 The following information will be provided in writing to the Trade Union(s) involved in the consultation:

- The reasons for the redundancy proposals,

- The number and descriptions (ie job categories) of the employees who are expected to be affected,
 - The total number of employees in the department affected,
 - The proposed method of selecting employees to be made redundant,
 - The proposed method of carrying out the redundancies including a timetable with timescales,
 - The proposed method of calculating the amount of any redundancy payment.
- 4.1.7 The intention is that the Trade Union representative(s) should be given all information relevant to the proposed redundancies to enable meaningful and effective consultation to take place. If representations are made by the Trade Union(s) these must be given considered replies, in writing wherever possible by the Strategic Director/ Head of Service after consultation with Human Resources.
- 4.1.8 **Statutory Notification** - Where the Council is proposing to make 20 or more employees redundant there is a statutory requirement to notify the relevant Government department of the proposed redundancies. Human Resources will carry out the notification process using the form HR1, within the required timescales.

4.2 Step Two – Consultation with Employees

- 4.2.1 In addition to the statutory requirement of consultation with recognised Trade Unions, each employee at risk of potential redundancy shall be invited to a first consultation meeting. The letter will outline the situation and advise them they may be accompanied by a trade union representative or colleague.
- 4.2.2 The first consultation meeting should include that the employee understands why they are at risk of redundancy, ways of avoiding redundancy, voluntary redundancy, redeployment and the selection process (if one is to be undertaken) and any support available or required.
The information presented at the meeting should be provided to the employee as a record of the discussion.
- 4.2.3 All employees potentially at risk of redundancy have the right to consultation, therefore the manager must ensure that any employees who are absent from work (eg due to maternity/paternity/adoption leave, long term ill health etc) are invited to consultation meetings and have access to the same information as their colleagues.

4.3 Step Three - Consultation review and outcome

- 4.3.1 At the conclusion of the statutory consultation with recognised Trade Unions, and the employees at risk, the alternatives to redundancy should be considered.
If after reviewing this, it is identified that redundancies are required, the Strategic Director/Head of Service shall identify those employees who will be

placed in the selection pool and will notify them in writing of the selection criteria.

4.4 Step Four – Selection Process

- 4.4.1 Should compulsory redundancy become unavoidable, the Strategic Director/Head of Service will review the requirements of the department and it may be necessary to implement a process for assessment and selection, for example where there are more employees undertaking a role than required.
- 4.4.2 When using a process for selection, the criteria must be clear, objective and precisely defined. The pool for selection and the selection criteria should be clear and understood by managers, employees and employee representatives.
- 4.4.3 Any selection criteria eg a mix of attendance or disciplinary record, skills, experience, aptitude and performance criteria, must be applied in a reasonable, fair and objective manner and should not discriminate against any member of staff. For further details refer to the Council's Inclusion and Diversity Statement,

HR can provide advice and support in setting selection criteria.

4.5 Step Five - Selection outcome

- 4.5.1 Once the selection process is complete, all employees who have gone through that process will be invited to attend a meeting where they may be accompanied by a trade union or work colleague. The purpose of the meeting will be for the selection process outcome to be given.

4.6 Step Six - Notice of redundancy

- 4.6.1 The Strategic Director/Head of Service should provide formal written notification of the termination of employment to employee(s) who have been selected for redundancy.
This should be in accordance with the notice period set out in the individual written statement of terms and conditions.

4.7 Step 7- Right to Appeal

- 4.7.1 An employee selected for redundancy, should also be informed of their right of appeal at the time of notification.

5 Redeployment and retraining of employees “at risk”

- 5.1 Where compulsory redundancies are necessary the Strategic Director/Head of Service will declare the relevant employees "at risk" to Human Resources to start the redeployment process.
- "At risk" employees will be advised of any suitable vacancies within the Council for which they might consider applying. For further details refer to the Council's Redeployment Policy.
- 'At risk' employees who are on, or going on, Maternity, Adoption or Additional Paternity Leave will need to be given preference over other 'at risk' employees should a suitable vacancy be available. Where these circumstances arise, further advice must be sought from HR.
- 5.2 Employees facing redundancy may undertake alternative Council employment for a trial period of 4 weeks; at the end of which they may choose to remain in the new post or opt for redundancy.

6 Employee under notice of redundancy

- 6.1 Time off to attend interviews
- Employees who have received notice of dismissal by reason of redundancy will be allowed reasonable time off with full pay, in order to look for new employment or to make arrangements for training.
- 6.2 Notice Period:
- Notice of termination of employment will be given as early as possible to the employees concerned. However, the Council will always adhere to the minimum period of notice as specified in the contract of employment.

Employees will work their notice period unless the Strategic Director/HOS in consultation with the Strategic Director and HR, considers this is impractical. If employees are not required to work their notice period, with their agreement they will receive their redundancy payment which will include pay in lieu of notice, together with any annual leave remaining. In the event that an employee is offered / requests the opportunity to waive their entitlement to a notice period, and agrees to do so, there will be no payment in lieu of notice.

- 6.3 Loss of Entitlement to Redundancy Payments
- An employee who would normally be entitled to a redundancy payment will lose this entitlement under the following circumstances:

- They are dismissed on the grounds of conduct, capability or sickness absence before the expiry of the notice period.
- They leave before the notice of redundancy period has expired without giving the appropriate notice of resignation due under their contract of employment, and without the Council's agreement.

- They receive an offer of employment from another organisation specified in the Modification Order and their new contract starts within four weeks of the end of their Council employment.

In exceptional circumstances, the Council may agree to allow an employee to give less notice than required under their contract of employment whilst retaining their redundancy payment. The Council's decision in such situation is final.

6.4 Annual Leave

Employees dismissed due to redundancy will normally be required to take any remaining annual leave due to them before they leave the Council. However, if this is not possible due to business reasons, they will be entitled to receive payment for any annual leave accrued but not taken as at their termination date.

7 Redundancy Payments

Employees will be entitled to redundancy payments depending upon age and length of Local Government service using the Statutory Calculator and based on actual weekly pay with a multiplier of 1.8.

Enhanced Redundancy Pay

- 0.5 week's pay for each full year worked when you're under 22
- 1 week's pay for each full year worked when you're between 22 and 40
- 1.5 week's pay for each full year worked when you're 41 or older

Length of service is capped at 20 years

Redundancy pay is capped at 45 weeks

A multiplier of 1.8 has been applied to the Statutory Calculator. (See Annex 1)

Redundancy pay up to £30,000 is tax free.

Special Provision: Any employee made redundant on or before 31 March 2024 as a result of the Transforming Together programme, will receive enhanced redundancy pay based on the terms of this policy, or if more beneficial to that employee, the enhanced redundancy pay from the previous CPBC redundancy

scheme. This Special Provision will not apply in respect of any employee made redundant on or after 1 April 2024 on which date this Special Provision wording will be removed from this policy and will have no further effect.

8 Appeals Procedure

The Council's Appeal procedure is to be followed where an employee who has received a written notification of redundancy believes that:

- he or she has been unfairly dismissed.
- he or she has been unfairly selected for redundancy.
- he or she has reasonable grounds for refusing an offer of alternative employment.

9 Policy Review

This policy will be reviewed in 2024 in consultation with our recognised Trade Unions.