

Chester-le-Street

District Council

PROCEDURES FOR MANAGING ORGANISATIONAL CHANGE



Human Resources
Employee communication



Working together to fulfil the needs of our communities

HANDLING OF RESTRUCTURES

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1. INTRODUCTION

- 1.1. Due to changes required in the delivery of services, efficiency savings and other requirements, changes to the structure of service teams will often be required.
- 1.2. In order to ensure consistency and fairness in dealing with all council restructures this procedure will identify the stages and considerations required, outline the relevant consultation which must take place with employees affected as well as setting out guidance on the implementation of any approved restructures.
- 1.3. The procedure meets all legislative requirements and reflects best practice in the management of change within organisations.
- 1.4. The guidance and stages outlined within the procedure will assist managers in managing change effectively throughout the authority.
- 1.5 This policy and procedure supports strategic goal 5 of the Human Resources Service Plan which is “to operate modern and inclusive employment policies, compliant with legislative requirements”.**
- 1.6 These policies and procedures are available in other languages, Braille, audio tape or CD, or in large print on request. Please contact Cheryl Harvey on extension 2236.**
- 1.7 Support and advice is available for those people who have difficulty with reading or understanding the content of this policy. This may include providing a reader or having a support worker/carer in attendance.**

2. GENERAL PRINCIPLES

- 2.1. Where organisational change is required the Council will seek to minimise the impact on employees through effective planning and consultation.
- 2.2. All organisational change will be justified and relevant and employees will be advised of the reasons necessary for any change to take place at the earliest opportunity.
- 2.3. Effective consultation and engagement in any change process will be required and the views of employees both collective and individual will be taken into account before any changes take place.
- 2.4. Organisational restructures will be handled consistently across the Council in line with the requirements as detailed within this procedure.
- 2.5. Consideration will be given at each stage of the process to equality and diversity issues.

3. RESPONSIBILITIES

- 3.1. The Head of Organisational Development will have overall responsibility for ensuring consistent application of this policy and procedure.

- 3.2. The Human Resources team will be responsible for providing advice and support to managers and employees during any organisational restructures.
- 3.3. The Human Resources team will ensure that all paperwork and audit trails are in place for changes made and that an accurate record is centrally maintained for all restructure exercises.
- 3.4. Chief Officers will provide and demonstrate their full support for this policy and procedure and will ensure it is applied within their directorates throughout any change process.
- 3.5. Service Team Managers will have responsibility for liaising with the Human Resources Team regarding any proposed organisational changes in the first instance before taking any action.
- 3.6. Service Team Managers will have responsibility for implementing this procedure fairly and consistently within their directorates.
- 3.7. All employees have the responsibility to keep up to date with organisational developments and to participate in change by responding to consultation exercises in order that their views are taken into account.

4. ORGANISATIONAL RESTRUCTURES AND LINKS TO CONSTITUTION

The Council's Constitution makes reference to staffing issues including organisational restructures and confirms the following:

- organisational restructures within existing budget which will not result in a change to the way services are provided, will not have any significant implications and **which do not affect a Head of Service post**, can be progressed without approval of elected members in accordance with the internal approval process set out in this procedure
- organisational restructures which will result in additional expenditure (outside of existing budget provision), **which affect a Head of Service post** or which will have significant implications on the way services are provided will require formal approval by Corporate Management Team and Council.

5. PROCEDURE FOR ORGANISATIONAL RESTRUCTURES – WITHIN EXISTING BUDGET & WHERE THERE ARE NO SIGNIFICANT IMPLICATIONS

- 5.1. Where a Service Team Manager proposes a restructure which is within existing budget provision, which **does not affect a Head of Service and/or** which is of a minor nature, the following process should be followed:
- 5.2. The proposals to restructure should be initially discussed with and supported by the relevant director.

- 5.3. The Director of Resources and Head of Organisational Development must also be consulted on the proposals in the early stages of consideration; to ensure:
- there are no additional financial implications
 - there are no significant employee relations issues which must be discussed with Corporate Management Team
- 5.4. In order that the Council have an audit trail for the early stages of this process a form is attached as Appendix A which must be completed by the relevant Service Team Manager and forwarded to the Head of Organisational Development.
- 5.5. Upon receipt of this form, the Head of Organisational Development will take a view on the following:
- are the changes to be made within existing budget
 - will the changes result in any significant change to the way services are delivered
 - are there any significant employee relations issues
 - are there any equality and diversity issues
 - **do the proposals have an affect on a Head of Service post?**

Based on the above a decision will be made as to whether a report needs to be submitted to Corporate Management Team or whether the process as outlined in this section will suffice.

- 5.6. Once the Service Team Manager has been given approval to proceed, the following process should be followed:
- All employees affected should be advised of the intention to re-structure, the rationale, predicted timescales and how the Council will manage the change. This exercise should be undertaken by the relevant Service Team Manager and a representative from the HR Team. The relevant Trade Union representative should also be included in any discussions which take place.
 - There will be a requirement as part of the consultation process to share information with employees and trade union representatives including; the existing structure chart, the proposed structure chart to include all new/revised posts, together with the job descriptions and person specifications for the new/revised posts when these are available.
 - The grades for any new posts will be determined by the Council's Job Evaluation Scheme once the relevant manager has provided the Human Resources Team with a job Evaluation Questionnaire, job description and person specification.
- 5.7. Once again, adequate time will need to be afforded for adequate consultation. If during the consultation process significant employee relations, or equality and diversity, issues arise these must be reported to and discussed by Corporate Management Team.

- 5.8 Proposals for the final restructure will then need to be confirmed in writing to the Head of Organisational Development, including any comments from the trade unions, including an anticipated date that the changes will be effective from. Should the Head of Organisational Development consider there to be significant employee relations issues involved, a decision may be taken that a report needs to be submitted to Corporate Management Team for final approval of the changes, otherwise approval for progressing the changes will be the responsibility of the Head of Organisational Development.
- 5.9 An implementation plan will then be drawn up with assistance from the Human Resources Team.
- 5.10 A copy of all documentation in relation to the changes will be retained by the Human Resources Team.
- 5.11 A flowchart is attached as Appendix B outlining the process in brief.

6 PROCEDURE FOR ORGANISATIONAL RESTRUCTURES – ADDITIONAL BUDGET/ SIGNIFICANT CHANGES/AFFECTING A HEAD OF SERVICE POST

- 6.1. Where as a result of a service team restructure, additional expenditure to the current budget level will be required, or where there will be significant implications resulting from the changes, the following process must be adhered to:
- 6.2. If the restructure of a Service Team or Section is identified as necessary, a report will be submitted to the Corporate Management Team detailing the changes proposed. Consultation with the Head of Organisational Development and Director of Resources must have taken place in order that the main implications can be included. Service Team Managers should also seek the approval of their director prior to the report going to Corporate Management Team.
- 6.3. The restructure must be able to be funded, and the report should detail how the costs will be met.
- 6.4. Following provisional approval by Corporate Management Team, all employees affected should be advised of the intention to restructure, the rationale, predicted timescales and how the Council will manage the change. This exercise should be undertaken by the relevant service team manager and a representative from the Human Resources Team. The relevant trade union representatives should also be included in any discussions which take place.
- 6.5. There will be a requirement as part of the consultation process to share information with employees and trade union representatives including; the existing structure chart, the proposed structure chart to include all of the new/revised posts, together with the job descriptions and person specifications for the new/revised posts when these are available.
- 6.6. The grades for all new posts will be determined by the Council's Job Evaluation Scheme once the relevant manager has provided the Human Resources Team with a Job Evaluation Questionnaire, job description and person specification.

- 6.7. A draft report must then be developed to be submitted to Council for approval. A copy of this report should be shared with the relevant trade unions before it is submitted to Council. They should be given a practical timescale in which to submit any comments. Adequate time will be given for meaningful consultation to take place.
- 6.8. Any comments or alternative proposals put forward by the Trade Unions will be reported as received to Council at which the Manager's report is considered.
- 6.9. The Head of Organisational Development, Director of Resources and Legal & Democratic Services Manager must be given the opportunity to comment on the final draft report before submission to Council.
- 6.10. Following approval by Council, and once grades for the posts have been determined, an implementation plan should be produced. This will outline how the Council will appoint individuals to posts etc. once again trade unions representatives should be consulted on this implementation plan. A Flow chart is attached as Appendix C outlining the process.

7. IMPLEMENTATION OF RESTRUCTURES

- 7.1. For all restructure exercises an Implementation Plan will be required which will have the agreement of the trade unions. The purpose of this plan will be to ensure that all restructures are implemented using the same framework, applying fairness and consistency. **It is important during any restructure exercise that consideration is given to posts which will remain unaffected by the proposals. It should not be assumed that all posts will or should be affected. Where posts continue and are unaffected, the post holder will continue in the post, outside of this process.**

7.2. New Posts

As a general rule any new posts will be advertised in line with the Council's Recruitment and Selection Policy and Procedure. However, if an employee can demonstrate that they have been undertaking at least 80% of a post for a period greater than a year, they meet the criteria in the person specification and there have been no performance issues, then provided the post does not change by more than 2 grades, the employee may at the discretion of the Director and/or Service Team Manager and subject to agreement by the Head Organisational Development automatically slot into the post.

Where the above applies but the post changes by more than 2 grades, normal competition will apply as detailed in 7.4.

In line with the Council's Job Evaluation Process, there will be no right of appeal against the grade allocated to this post, until the post holder has been in the 'slotted-in' post for a period of 6 months, at which point they can request a "re-evaluation."

7.3 Existing Posts/Posts remaining largely unchanged

“Slotting-in” shall apply to all posts where the job remains virtually unchanged, the post-holder continues to undertake substantially the same duties, none of the criteria for competition are met and the post does not change by more than two grades.

The individual shall continue in the post; the post shall not be open to competition and the postholder shall be barred from applying for other posts until they are open to unrestricted internal competition.

Care will need to be taken during re-structure exercises in establishing whether a post is new and needs to be included in the re-structure exercise. If there are to be minor changes to an existing post, this should, with agreement of the individual employee be unaffected by the department re-structure. The HR Team can provide advice in determining this.

7.4 Deleted Posts

Where post(s) are to be deleted or the number of posts is less than the number of displaced employees in a particular work area, those employees will be classed as ‘at risk of redundancy’ and will be placed on the Council’s redeployment register.

Full consultation will take place with affected employees and they will be advised of their right to be accompanied during any consultation meetings.

Affected employees will be informed of any posts within the re-structuring department to which they are eligible to be ‘ring fenced’ for.

Suitable vacancies which arise in other departments, may be frozen to allow affected employees to be ‘ring fenced’ before the post is opened to competition. Employees will be informed of all vacancies, regardless of whether they are frozen, prior to advertising. Further details regarding redeployment, please see the Council’s separate redeployment policy, attached at Appendix F.

7.5 Competition

Competition will normally apply when any of the following occurs:

- i) a post is clearly new in content and/or carries a substantially increased level of responsibility
- ii) more than one employee could be regarded as suitable and be available within the ring-fence
- iii) the direct transfer of an individual would involve promotion of more than two grades (**unless circumstances as outlined in 7.2. regarding acting up apply**)

If a post or posts cannot be filled from employees in the ring-fence, then other employees on the Redeployment Register will be considered. If the post is still unable to be filled the normal recruitment and selection procedure operating at the Authority will apply.

7.6. Preference Exercises

In situations where there are to be a number of changes to organisational structures/posts, an employee may have a number of options as to where they could work following a restructure. In such cases, a preference exercise may be undertaken to help facilitate the change. Employees will be provided with a revised organisation chart and advised of all the posts for which they are eligible to be considered. Employees will then be given a reasonable amount of time in relation to each particular situation to consider their options and advise the person leading the exercise for which posts they would like to be considered.

This may involve giving an order of preference. In such cases, the Council will take into account the employee's first or second choice wherever possible.

7.7. Moving to other Teams and/or Council Departments

In some cases, reorganisations or changes to posts may mean that an employee's post moves over to a different team or Council Department. These may not necessarily involve any major changes to terms and conditions of employment, given that the employee would be working for the same organisation. However, the employees concerned will naturally be consulted about such changes and their views taken into account where possible.

The Council has a mobility clause in its contracts that covers changes to an employee's work location. However, employees may be eligible to receive travelling allowances in certain circumstances.

7.8. Moving to Other Organisations

In certain cases, restructures may mean that areas of work currently undertaken by the Council move to a partner organisation. Provisions relating to employment rights in cases of such transfers are mainly covered by the Transfer of Undertakings (Protection of Employment) Regulations 1981, as amended in 1987 (generally referred to as 'TUPE'). Where these provisions apply, they preserve employees' terms and conditions of employment when a business or undertaking, or part of one, is transferred to a new employer.

The TUPE Regulations do not govern the transfer of pension rights. These are covered by The Office of the Deputy Prime Minister's (ODPM) Code of Practice on Workforce Matters in Local Authority Contracts, dated 13th March 2003.

8. REDUNDANCY

- 8.1. There may on occasion as part of a Council re-organisation or service team re-structure be some posts which are proposed to be deleted from the establishment for which there is no clear comparative post.
- 8.2. Where this is the case affected employees and relevant trade unions will be consulted at the earliest opportunity and suitable alternative employment opportunities will be sought for them. Where a vacancy arises, providing that the employee meets the essential criteria as detailed on the person specification, they will be offered a "Non Competitive Interview."
- 8.3. In redundancy situations, the Council will seek **to avoid compulsory redundancies, through seeking suitable alternative employment opportunities for employees affected, asking for volunteers for redundancy from suitable posts and considering applications for early retirement/linked to voluntary redundancy from those employees at the age to take advantage of this in accordance with the requirements as detailed in the** Local Government Pension Scheme Regulations. This will enable the Council to take the necessary steps to avoid compulsory redundancies. Further advice and guidance relating to redundancy is included in the Council's Redundancy Policy and Procedure, which is attached to this document at Appendix D. Further advice regarding redundancy is available from the HR team.

9. RETIREMENT AND REDEPLOYMENT

- 9.1 There may on occasion as part of a Council re-organisation or service team re-structure be some posts which are proposed to be deleted from the establishment for which there is no clear comparative post. As part of the Council's measures to avoid the need for compulsory redundancy, early retirement and redeployment may be considered as alternative options. Further information relating to early retirement is included in the Council's Retirement Policy and Procedure included at Appendix E and further information on Redeployment is included in the Council's Policy and Procedure on Redeployment attached at Appendix F. Further advice regarding retirement and redeployment is also available from the HR team.

10. EQUALITIES AND DIVERSITY

- 10.1 Chester-le-Street District Council is committed to promoting equality and valuing diversity in both service delivery and employment. Care has been taken in drafting this policy and procedure to ensure that the Council do not unjustifiably discriminate against any minority group. This policy and procedure supports the Council's Equalities Policy and will undergo a diversity impact assessment in due course.

11. MONITORING AND REVIEW

- 11.1 The HR and Policy Manager is responsible for monitoring this policy and procedure and ensuring that it is implemented and applied consistently. The policy will be reviewed every 24 months or earlier if legislative changes dictate.

CHESTER-LE-STREET DISTRICT COUNCIL
NOTIFICATION OF RE-STRUCTURE

SERVICE TEAM:

SERVICE TEAM MANAGER:

Please explain the changes you wish to make to the structure of your team and the rational for the changes required.

Outline how these changes can be met within existing budget. Please include estimated costs of your proposals.

Please identify any employees who will be directly/ indirectly affected.

Please identify if there will be any significant changes to the way the service is provided as a result of your proposals

(Please note a copy of your current structure chart and proposed structure chart must be submitted with this form)

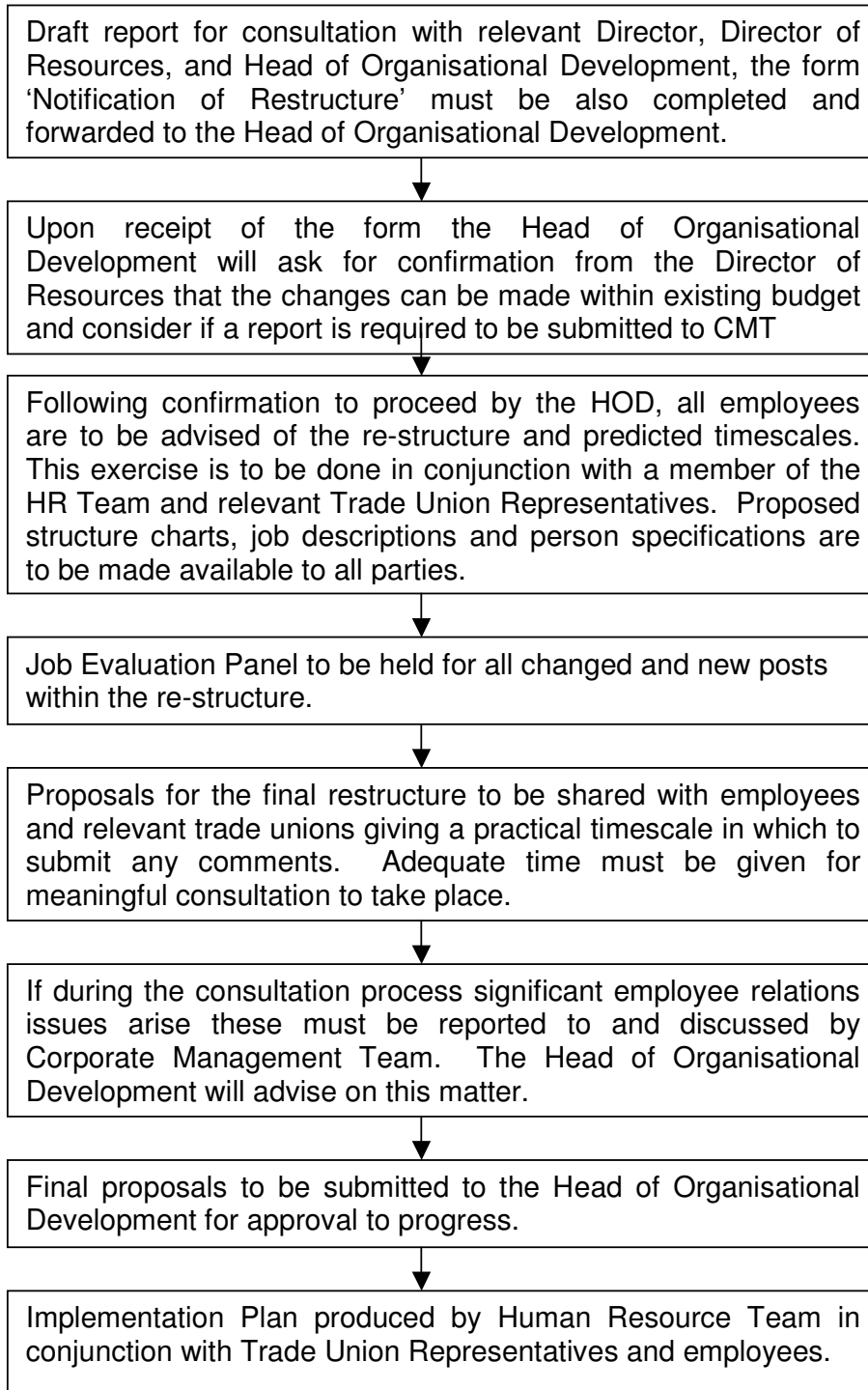
Signature of Service Team Manager Date

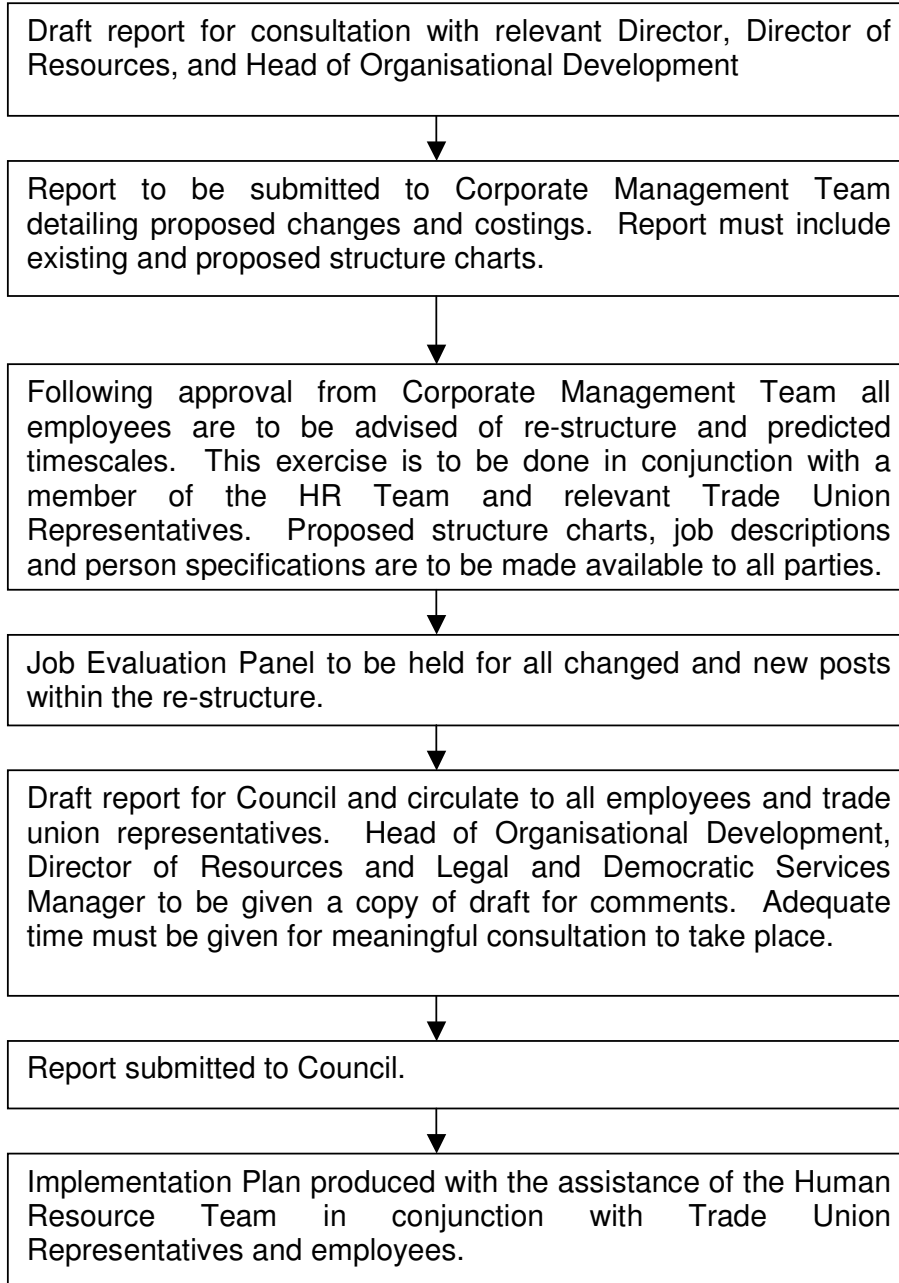
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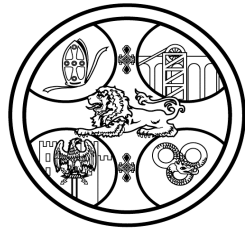
Date received by Head of Organisational Development

Approval of Head of Organisational Development

Date of Approval

**PROCEDURE FOR ORGANISATIONAL RESTRUCTURE WITHIN EXISTING BUDGET/
MINOR IMPLICATIONS/NOT AFFECTING HEAD OF SERVICE**

PROCEDURE FOR ORGANISATIONAL RESTRUCTURE**ADDITIONAL BUDGET/ SIGNIFICANT IMPLICATIONS/HEAD OF SERVICE
AFFECTED**



Chester-le-Street

District Council

REDUNDANCY POLICY AND PROCEDURE



Human Resources
Employee communication



Working together to fulfil the needs of our communities

REDUNDANCY POLICY AND PROCEDURE

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1. INTRODUCTION

- 1.1 The Authority is committed to continually developing strategies which reduce, avoid or limit redundancy, to ensure as far as possible security of employment for its employees. However, the Authority recognises that there may be changes in organisational requirements and technological developments which may affect staffing needs. It is the agreed aim of the Authority and the Trade Union(s) to maintain and enhance the efficiency of the Authority in order to safeguard the current and future employment of the Authority's employees. The Authority, in consultation with the Trade Union(s) will seek to minimise the effect of redundancies through the provision of sufficient time and effort to finding alternative employment for surplus staff. Where compulsory redundancy is inevitable the Authority will handle the redundancy in the most fair, consistent and sympathetic manner possible and minimise as far as possible any hardship that may be suffered by the employees concerned.

This policy seeks to ensure that if redundancy does occur it is handled in accordance with the law, and deploys strategies which assist those affected to retain self-respect and enhance employability.

The Authority recognises that redundancy is one of the most traumatic events an employee may experience and this policy is aimed at reducing the negative effects by encouraging the sensitive handling of redundant employees and those remaining.

- 1.2 This policy and procedure has been produced in accordance with the Employment Rights Act 2002 relating to the changes made to statutory dismissal and disciplinary procedures. **The policy and procedure also seeks to comply with anti-discrimination legislation and the Local Government (Early Termination of Employment) (Discretionary Compensation (England and Wales) Regulations 2006.**
- 1.3 This policy and procedure relates to all employees of the Council.
- 1.4 **The main considerations which will need to be undertaken in any redundancy situations will be:**
- **is there a redundancy**
 - **has proper consultation taken place**
 - **have all alternative options been exhausted (e.g. redeployment, volunteers, ER/VR, freezing of recruitment etc**
- 1.5 **This policy and procedure supports strategic goal 5 of the Human Resources Service Plan which is "to operate modern and inclusive employment policies, compliant with legislative requirements".**

2. CONSULTATION

- 2.1 The Authority has made a commitment to keep local trade union and employee representatives informed as fully as possible about staffing requirements and any need for redundancies.

2.2 If dismissals are proposed , the law outlines the following:

- **if there are 20 or more employees to be dismissed in 90 days or less there is a duty to consult with trade union or elected representatives**
- **consultation obligations extend to employees who are likely to be dismissed and to those affected by dismissals**
- **consultation must begin in good time but at least 30 days before notification of redundancies for between 20 and 99 employees**
- **if more than 100 employees are to be dismissed, then consultation must begin at least 90 days before**
- **the 30 or 90 day period of consultation must be completed before notice of dismissal is given**
- **during any consultation period individuals should also be allowed time off to seek other employment**
- **The Authority must give the DTI notice of 30 days or more if 20 redundancies are proposed. 90 days notice is required if over 100 are proposed.**

Although the law prescribes consultation only for multiple redundancies (more than 20), the Authority believe that consultation is also necessary for individual redundancy with individual employees and trade union and employee representatives.

2.3 Although the law states the above minimum requirements the Authority have made a commitment to consult with the recognised trade unions and employee representatives at the earliest opportunity. A commitment to consider any alternative proposals with a view to reaching agreement on ways of avoiding dismissals, reducing the number of employees to be dismissed and how to mitigate the effect of the dismissals has also been agreed.

2.4 The Authority recognises the need for meaningful consultation and are required by law to disclose the following information in writing to appropriate employees and their representatives:

- **the reasons for the proposals**
- **the numbers and descriptions of employees it is proposed to dismiss as redundant**
- **the total number of employees of any such description employed at the establishment in question**
- **the way in which the employees will be selected for redundancy**

- **how the dismissals are to be carried out, including the period over which the dismissals are to take effect**
- **the method of calculating the amount of redundancy payments to be made to those who are dismissed**

The Authority will write to each individual who may be affected by the proposals outlining the above.

2.5 The law states the above as minimum requirements and the Authority have also given the commitment to trade unions and employee representatives to consult on the following additional areas:

- the effect on earnings where transfer or downgrading is accepted in preference to redundancy
- arrangements for travel, and related expenses where work is accepted at another site operated by the Authority
- arrangements for reasonable time off with pay to seek alternative work or to make arrangements for training
- assistance with job seeking

3. MEASURES FOR MINIMISING COMPULSORY REDUNDANCIES

3.1 The Authority is committed to continually developing strategies which reduce, avoid or limit redundancy, to ensure as far as possible security of employment for its employees. Every effort will be made to reduce the number of possible redundancies, for example by:

A suggested logical approach would be:

- **restricting the recruitment of permanent staff/ freezing recruitment for suitable posts.**
- **seeking suitable alternative work for those affected/redeployment. Every effort will be made to ensure that employees whose posts have been declared redundant will be offered suitable alternative employment. Where there are no suitable alternative posts available the Authority will seek volunteers for redundancy from employees in similar posts and grades. Further guidance on redeployment in redundancy situations is included in the Council's Redeployment Policy (attached as Appendix F).**
- **seeking applications from those interested in voluntary redundancy in suitable posts (this may extend further than the immediate service team if the posts effected are of a generalist nature). Requests for voluntary redundancy will be given careful consideration, however overriding consideration should be given to**

the continued efficient running of the Council and the maintenance and an appropriate and high quality skills base. Therefore the Council reserves the right to reject requests from volunteers where it is deemed not to be in the best interest of the Council.

- **seeking applications from those in suitable posts for Voluntary redundancy linked to early retirement. Further guidance on voluntary redundancy and early retirement is included in the Council's Retirement Policy and Procedures at Appendix E.**
- **reducing the use of temporary staff**
- **review of overtime working and other working arrangements**
- **training, re-training or redeploying employees for different work for which there is a requirement either at the same or at a different location.**

4. GUIDANCE ON SELECTION CRITERIA

4.1. If having taken all the above steps in 3.1, the number of employees still exceeds requirements, consultation with the trade unions and employee representatives will take place regarding how employees will be selected for redundancy, and by whom. For example selection may be based on the following:

- the skills, experience and aptitude of the employee
- the standard of work performance
- the attendance or disciplinary record of the employee
- voluntary redundancy and/or early retirement

4.2 The criteria used for redundancy selection must be clear and objective and based on the future needs of the Council. In particular, care should be taken to ensure any criteria are applied fairly and consistently and that they do not discriminate on grounds of gender or gender identity, marital status, full or part time employment, sexual orientation, race, language, ethnic or national origins, faith or religion, disability, medical condition, age, trade union membership or activity and political view or affiliation,

4.3 In the case of one employee only undertaking the duties and responsibilities of the redundant post, the criteria for selection will not apply as the employee will be deemed to be "self-selecting".

4.4 The employees selected for redundancy will be informed in writing and will be given five working days notice (or earlier by mutual agreement) that they are required to attend a meeting to discuss how they were selected for redundancy. The employee will be provided with details of the selection criteria and how they were applied, the time and place of the hearing and informed of their right to be accompanied by a Trade Union Representative or work colleague.

4.5 At the meeting the employee or their representative will be given the opportunity to question the reasons for selection.

- 4.6 After the meeting the employee will be informed in writing about the discussions of the meeting and the decisions reached confirmed. The employee will then be given the right of appeal. (See Section 7)

5. ASSISTANCE WITH JOB SEEKING

- 5.1 Employees, who are under notice of redundancy and have been continuously employed for at least two years, qualify for a statutory entitlement to a reasonable amount of paid time off to look for another job or training. The Authority have made a commitment to allow all employees, irrespective of length of service, affected by redundancy paid time off to look for another job or training.

- 5.2 The Authority will also assist employees under the notice of redundancy through the following measures:

- contacting the local Jobcentre which provides a service for bringing together employees with vacancies and people looking for work. The Jobcentre can also give the Authority details of training opportunities available.
- contacting other Local Authorities and employers with a view to canvassing for any vacancies which may be offered to redundant employees.
- advice and guidance on how to complete application forms and present themselves at job interviews.
- how to search for appropriate vacancies in the press and follow up opportunities
- the importance of being prepared to consider a wide range of alternative jobs.

- 5.3 The Authority will also offer Counselling to all employees affected by redundancy through the Authorities Lancaster LifeAssist Programme. Details can be obtained for the HR Team.

6. DETAILS OF SEVERANCE TERMS

- 6.1 A payment is due only if the worker is an employee. For example, the self-employed and agency workers do not qualify. An employee must have at least two years' continuous service. With effect from 01 October 2006, the limits on service before the age of 18 does will be removed. In addition, the upper limit of 65 and the tapering down provisions for employees over 64 for redundancy entitlements will be removed. .**

- 6.2 All redundancy payments will be made in line with the Local Government (Early Termination of Employment (Discretionary Compensation) (England and Wales) Regulations 2006. The Authority will use its maximum discretion available to enhance an individual's redundancy payment by calculating redundancy payments on an actual**

week's pay.

- 6.3** In addition, the Council have the discretion to pay an enhanced severance payment to an eligible employee under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006. To be eligible, the employee must be under 50 and have 2 years' qualifying service. Enhanced severance would also include the statutory redundancy payment. The enhancement is normally in the form of a one-off lump sum payment and the Council currently caps this at a maximum of 66 weeks pay. However under the new regulations, there is the provision to award up to a maximum of 104 weeks. A higher award will be only considered in extreme circumstances such as large-scale re-structures and will be subject to approval by the Chief Executive and Head of Organisational Development. The regulations no longer provide for the award of compensatory added years, however under regulation 52 of the Local Government Pension Scheme, the Council do have the discretion to award added years in the pension scheme.
- 6.4** If an employee, under notice of redundancy, receives an offer of work (in local government or related employer), to commence the fifth Monday following the date of termination, there will be no entitlement to a redundancy payment. Related employers are those covered by the Redundancy Modification Offer.
- 6.5** An employee's continuity of service will not be broken if the employee receives and accepts an offer of employment with an organisation covered by the Redundancy Modification Order before their employment ends with Chester-le-Street District Council and they start their new job before the fifth Monday following the date of termination of employment. However as stated above, they will not be entitled to a redundancy payment.
- 6.6** Where a redundancy payment is made, continuity of service will be broken for the purpose of calculating a future redundancy payment. However, there is an entitlement to count previous service for notice periods, annual leave, sickness payments and maternity leave, provided the break has not exceeded two years.

7. NOTICE PERIOD

- 7.1** Where a redundancy is unavoidable, the Council's procedure on Disciplinary and Dismissal must be adhered to (i.e. 4 stages – put matter in writing, hold a meeting, confirm outcome of meeting in writing, right of appeal)
- 7.2** Employees will be entitled to either their contractual or statutory notice period, whichever is the greater.

8. RIGHT OF APPEAL

- 8.1** Any employee who has been selected for redundancy has a right of appeal. Appeals should be made in writing where possible or verbally to the Head of

Organisational Development within 10 working days (or earlier by mutual agreement) of receipt of the letter confirming the Authority's decision to make the employee redundant.

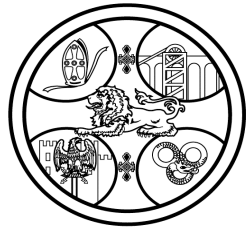
- 8.2 Following receipt of confirmation to appeal against the decision, an appeal hearing will be scheduled. The employee will be informed in writing and/or verbally if required of the date, time and location of the hearing and their right to be accompanied by a Trade Union Representative or work colleague at least five working days in advance of the appeal hearing.
- 8.3 Appeals will normally be heard by the Chief Officer, supported by the Head of Organisational Development. The HR and Policy Manager **and relevant Service Team Manager** will present the evidence to the appeal hearing including the selection criteria reasons for redundancy selection. The employee will then be asked to present their case for appeal. The Chair of the appeal hearing may wish to question the **relevant Service Team Manager** and HR and Policy Manager or employee during the proceedings.
- 8.4 Following the appeal hearing, the following options will be available:
- a) Fully uphold the decision of the original panel.
 - b) Overturn the decision of the original panel.
- 8.5 On completion of the appeal hearing, the decision of the appeal panel will be confirmed in writing and/or verbally to the employee.
- 8.6 In cases where the first appeal is unsuccessful, the employee will have the right of appeal to the Staff Sub Committee. Appeals should be made in writing where possible or verbally within 10 working days of receipt of the letter informing the employee of the outcome of the first appeal.

9. EQUALITIES AND DIVERSITY

- 9.1 Chester-le-Street District Council is committed to promoting equality and valuing diversity in both service delivery and employment. Care has been taken in drafting this policy and procedure to ensure that the Council do not unjustifiably discriminate against any minority group. This policy and procedure supports the Council's Equalities Policy and will undergo a diversity impact assessment in due course.

10. MONITORING AND REVIEW

- 10.1 The HR and Policy Manager is responsible for monitoring this policy and procedure and ensuring that is implemented and applied consistently. The policy will be reviewed every 24 months or earlier if legislative changes dictate.



Chester-le-Street

District Council

RETIREMENT POLICY



Human Resources
Employee communication



Working together to fulfil the needs of our communities

RETIREMENT POLICY

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1. INTRODUCTION

- 1.1 The Employment Equality (Age Discrimination) Regulations 2006 effective from 01 October 2006 set a national default retirement age of 65 and impose procedural requirements on employers in respect of retirement.**
- 1.2 It is the purpose of this policy to provide details of the Council's normal retirement age and the statutory procedures to be followed in respect of normal retirement.**
- 1.3 This policy will also provide information about the Council's Early Retirement Scheme on the grounds of either redundancy or "efficiency of the service" and the procedure to follow in respect of Early Retirement.**
- 1.4 In addition, the policy will also detail the Council's procedure in respect of Ill-health Retirements and Flexible Retirement.**
- 1.5 This policy and procedure has been produced in accordance with the Local Government Pension Scheme (Amendment) (No.3) Regulations 2005, Age Discrimination Legislation 2006 and the Local Government (Early Termination of Employment) (Discretionary Compensation (England and Wales) Regulations 2006.**
- 1.6 This policy and procedure supports strategic goal 5 of the Human Resources Service Plan which is "to operate modern and inclusive employment policies, compliant with legislative requirements".**

2. NORMAL RETIREMENT AGE

- 2.1 The Employment Equality (Age Discrimination) Regulations 2006 set a national default retirement age of 65 for both men and women.**
- 2.2 The Council's normal retirement age is also set at 65.**
- 2.3 Employees contributing to the Local Government Pension Scheme will qualify for an unreduced pension based on the years of scheme membership once they reach normal retirement age under the pension scheme regulations.**

3. PROCEDURE FOR NORMAL RETIREMENT

- 3.1 The new regulations set out a 'duty to consider' working beyond retirement, if an employee is to be retired. Under the regulations, all employers' must comply with the statutory consultation procedures whenever an employee retires. Failure to do so may allow employees to claim for automatic unfair dismissal and/or up to eight weeks' pay.**
- 3.2 The Council must consult with employees and give them the opportunity to request working beyond the Council's normal retirement age. If a request is made, the employer is obliged to consider the request, but need not agree to it. Providing the procedure is fully complied with, the**

employee will have no claim for unfair dismissal, irrespective of the employer's reasons for not agreeing it.

- 3.3 The Human Resources Team will write to employees no more than 12 months but no later than 6 months prior to their intended date of retirement advising them of their intended retirement date and their right to request to work beyond their normal retirement age. (Model letter provided in Appendix 1).
- 3.4 If the employee wishes to work beyond their normal retirement age, they must make a request in writing to the HR team using the form attached at Appendix 2, no later than 3 months but not more than 6 months prior to their retirement date. The request should state whether the employee wishes to continue to work:
 - indefinitely
 - for a stated period
 - or until a certain date.
- 3.5 Employees may only make one request in relation to carry on working after an intended retirement date. However, if the request is granted and a new intended retirement date is established, it becomes possible to make a further request to carry on working beyond that revised date.
- 3.5 On receipt of the request, the HR team will liaise with the employee's line manager regarding their request to work beyond normal retirement age. A meeting will be arranged with the employee, their line manager and a member of the HR team to discuss the individual's request.
- 3.6 The employee will have the right to be accompanied to the meeting by either a trade union representative or a colleague. The companion can address the meeting but not answer questions on the employee's behalf or confer with the employee during the meeting.
- 3.7 The meeting should take place within 28 days of receipt of the employee's request.
- 3.8 The line manager must provide the employee with written and/or verbal confirmation of his/her decision within 14 days of any meeting.
- 3.9 If the Council agrees to the employee's request to work beyond 65, the employee will be notified in writing of their new intended retirement date and their contract of employment will be amended.
- 3.10 Where a Line/Service Team Manager or Chief Officer is unable to approve the employee's request to work beyond 65, the employee should be notified in writing that the retirement will take place on the intended retirement date. Whilst the regulations do not require a reason for refusal to be given, it is recommended that if possible that the circumstances for the decision are discussed with the employee.
- 3.11 The employee has the right to appeal against any refusal and must write

to the Head of Organisational Development within 14 days of notification to register their appeal.

- 3.12 An appeal meeting with the relevant Chief Officer or Chief Executive in the case of Service Team Managers must then be held within 28 days. An employee will have the right to be accompanied at any meetings.**
- 3.13 Written and/or verbal confirmation of the appeal decision and the grounds for the decision must be given to the employee within 14 days of the appeal hearing.**
- 3.14 There may be exceptional circumstances where the above deadlines are extended as agreed by both parties. Advice from the Human Resources Team will be available.**
- 3.15 The 'duty to consider' procedure must be followed every time the employee is nearing their intended retirement date. For example, if a new intended retirement date beyond 65 is agreed, the above procedures must be followed.**
- 3.16 Appendix 3 provides a flowchart summarising the procedure for normal retirement.**

4. EARLY RETIREMENT SCHEME

- 4.1 The Council's Early Retirement Scheme is driven by the desire for good employee relations and the need to implement organisational change. Employees who are members of the Local Government Pension Scheme can choose to retire on or after the age of 60 on a voluntary basis or after age 50 and before age 60 with the employer's consent.**
- 4.2 The Council's scheme therefore addresses two scenarios that may result in an employee leaving the authority and receiving their pension benefits immediately:**
 - (i) when an employees applies for early retirement for personal reasons (employee-led);**
 - (ii) when an employee applies for early retirement linked to redundancy following a decision by the Council (employer-led);**

5 PROCEDURE FOR EMPLOYEE-LED EARLY RETIREMENT

- 5.1 An employee may make a request to retire prior to the normal retirement age of 65. Prior to 01 October 2006, the 85 year rule allowed some employees to retire before 65 with unreduced benefits subject to meeting the 'rule of 85' (i.e an employee is over 50 with combined age and length of service equalling 85 years').**
- 5.2 With effect from 01 October 2006, 'the rule of 85' has been removed from the Local Government Pension Scheme. Employees choosing to withdraw their benefits before age 65 will have their benefits reduced**

unless they are protected by the changes as detailed below or the Council waives the reduction on compassionate grounds,

Those employees who will be aged 60 or over by 31 March 2016 and choose to retire before 65 (with the Council's consent in retiring before 60) and meet the 85 rule when they start to draw their pension, will have the benefits they have accrued up to 31 March 2016 fully protected. Any benefits build up after 31 March 2016 will be reduced.

Those employees who will be aged under 60 by 31 March 2016 and choose to retire before 65 (with the Council's consent in retiring before 60) and meet the 85 rule when they start to draw their pension, will not have the benefits they have accrued up to 31 March 2008 unreduced. Any benefits build up after 31 March 2008 will be reduced.

Tapered transitional protection will be provided for anyone who will be aged 60 or over and will meet the 'rule of 85' between 01 April 2016 and 31 March 2020 i.e. full protection for service to 31 March 2008, but tapered protection for service between 01 April 2008 and 31 March 2020.

5.3 In order for an early retirement application to be successful, the following criteria need to be satisfied;

- Long-term financial benefit to the Council
- Aged 50 years and over
- At least 5 years membership of the Local Government Pension Scheme

5.4 Employees may apply for added years under the scheme. As added years represents additional cost to the Authority, employees are asked to specify their reasons for applying for added years when completing their application for early retirement. Added years may be awarded at the discretion of the Council, in accordance with the Local Government Pension Regulations. The added years must not:

- Exceed the shortest of the following
 - A period of 5 years
 - A period equivalent in length to the aggregate of the rechargeable and qualifying service
 - A period equivalent to that remaining before normal retiring age.
 - Nor exceed the percentage entitlement detailed below:

Years Service with Chester-le-Street D.C.	Maximum enhancement
Over 5, less than 10	25%
Over 10, less than 20	50%
20 and over	100%

5.5 Members of the Local Government Pension Scheme can request an estimate of pension benefits at any time. Confirmation will be required from

the employee that estimates have been received and are acceptable.

- 5.6 All employees regardless of whether they require the Council's consent to retire early are asked to complete an early retirement application form (Appendix 4), indicating whether they are requesting added years and forward it to the Human Resources team.
- 5.7 The Human Resources team will acknowledge applications within 7 working days of receipt.
- 5.8 The HR team will write to Service Team Managers advising that an early retirement application has been received and request comments as to whether they are able to support the employee's request for early retirement, including whether they support added years.
- 5.9 On receipt of the Service Team Manager's comments, the HR team will organise an Early Retirement Panel to consider the application. Appendix 5 identifies the criteria to be satisfied and enhancements available. The Panel will comprise of the Chief Executive, the Director of Finance and the Head of Organisational Development.
- 5.10 In considering whether to award added years, the panel will consider the following criteria:
- There is a long term benefit to Council to let employee leave
 - The Council can afford to pay the added years
 - It is in the best interests in the efficiency of the service for the employee to leave
 - A redundancy situation occurs and volunteers are invited
- 5.11 The employee will be advised of the Early Retirement Panel and asked to confirm whether they wish their application to proceed. The HR team will write to the employee to advise whether their request has been approved.

6. PROCEDURE FOR EARLY RETIREMENT LINKED WITH VOLUNTARY REDUNDANCY OR EFFICIENCY

- 6.1 Where the Council decides to review a service which affects the number of employees needed to carry out that work the appropriate consultations with employee representatives will be undertaken. In order to minimise the risk of compulsory redundancies within the Authority, employees may be invited to apply for voluntary redundancy linked to early retirement.
- 6.2 Early retirement linked with Voluntary Redundancy will apply to all employees of the Council who will be aged 50 or over at the time of termination with a minimum of two years pensionable service.
- 6.3 This procedure complements the Council's Redundancy Policy.

- 6.4 The Scheme is voluntary and no employee will be required to accept voluntary redundancy against his or her will. The Scheme will operate entirely at the discretion of the Council.
- 6.5 The Payroll Manager will provide estimates of retirement and redundancy benefits to employees.
- 6.6 Every employee over 50 and with two or more years reckonable and qualifying service who is granted voluntary redundancy linked to early retirement will receive immediate **unreduced** pension benefits. Only employees with five years or more service will qualify to have their pension benefits enhanced in accordance with the early retirement scheme, the additional years not exceeding the shortest of the following:-
- A period of 5 years
 - A period equivalent in length to the aggregate of the rechargeable and qualifying service
 - A period equivalent to that remaining before normal retiring age.
 - Nor exceed the percentage entitlement detailed below:

Years Service with Chester-le-Street D.C.	Maximum enhancement
Over 5, less than 10	25%
Over 10, less than 20	50%
20 and over	100%

- 6.7 The decision taken in relation to whether to approve enhanced years will be the responsibility of the Early Retirement Panel, consisting of the Chief Executive, Director of Resources and the Head of Organisational Development. The criteria set out previously would need to be taken into account in making this decision:
- 6.8 Pensionable employees with five or more years will in addition to the added years also receive a redundancy payment; Pension (lump sum) will not be offset against the redundancy payment except where a reduction is aggregated where an employee is awarded more than 6 2/3 compensatory added years.
- 6.9 The length of service for any redundancy payment is calculated on actual continuous years of service with any Local Authority.
- 6.10 An employee who is considering voluntary redundancy linked with early retirement should complete the application form included at Appendix 4 indicating whether they are requesting added years and forward it to the Human Resources team.
- 6.11 The Human Resources team will acknowledge applications within 7 working days of receipt.
- 6.12 The HR team will write to Service Team Managers advising that an early

retirement application has been received and request comments as to whether they are able to support the employee's request for early retirement, including whether they support added years. Applications should be considered with regard to cost, remaining skills mix and other appropriate factors relating to service delivery.

- 6.13 On receipt of the Service Team Manager's comments, the HR team will organise an Early Retirement Panel to consider the application. Appendix 5 identifies the criteria to be satisfied and enhancements available. The Panel will comprise of the Chief Executive, the Director of Finance and the Head of Organisational Development.
- 6.15 The employee will be advised of the Early Retirement Panel and asked to confirm whether they wish their application to proceed. The HR team will write to the employee to advise whether their request has been approved.
- 6.16 Employees selected for voluntary redundancy will retain their rights to statutory periods of notice.
- 6.17 If an employee under notice of redundancy obtains another job, he/she can ask to leave early. The Authority will make every effort to comply with such a request and if agreed this will not affect the employees entitlement to redundancy pay. If not agreed, e.g. because of existing work commitments, the employee will be required to stay on to the end of the redundancy notice period.
- 6.18 Under the Local Government (Compensation for Redundancy) Regulations 1994, the Authority will use the maximum discretion available to enhance an individual's redundancy payment.

7. CONDITIONS RELATING TO EARLY RETIREMENT.

- 7.1 **Employees** who retire early from the Council shall not be re-employed in any capacity.
- 7.2 The decision of the Early Retirement is final. **Employees** have no right of appeal.
- 7.3 **Employees** must repay any excess holiday leave from last pay. The **Council** will conversely allow any holiday outstanding to be taken or credited.
- 7.4 **Employees** must repay any outstanding car loan.
- 7.5 **Employees** must repay any sums due under a Contract Car Hire Agreement.
- 7.6 The **Council** will not normally award "garden leave".
- 7.7 Provision will be made in the accounts of the employing service for the repayment, over five years, of the capitalised cost of the early payment of benefits. These provisions will be held by the District Council until the provisional results of the next valuation of the Pension Fund are known at which

time they will either be paid over to the Fund as necessary, with any balance being available to support District Council services.

8. PROCEDURE FOR EARLY RETIREMENT ON THE GROUNDS OF ILL-HEALTH

8.1 Where an employee is unable to attend work as a result of ill health the Council will seek advice from the Occupational Health Adviser. If it not possible for an employees to return to their post consideration will be given in the first instance to:

- **adjustments to tasks and work procedures;**
- **adjustments to working arrangements;**
- **adaptations to the physical environment;**
- **introduction of aids/equipment;**
- **assistance from the Employment Service Disability Employment Adviser;**
- **redeployment;**
- **retraining.**

8.2 In circumstances where redeployment or reasonable adjustments are not feasible, employees will be referred to an independent medical practitioner to assess whether they qualify for early retirement on the grounds of ill-health. Early Retirement on the grounds of ill health will only be considered as a last resort.

8.3 The independent medical practitioner must certify that an employee has become permanently unable/incapable (until their 65th birthday) to do their job, or any comparable job with your employer, efficiently because of ill health or infirmity of mind or body. Employees who qualify for early retirement on the grounds of ill-health will receive an unreduced pension and lump sum immediately, or in a few cases to a grant only.

8.4 The independent medical practitioner issuing the ill-health certificate must be qualified in occupational health medicine and must not have previously been involved in the case.

8.5 The HR team will be responsible for arranging a referral to an independent medical practitioner via the Occupational Health Unit. The independent medical practitioner is responsible for assessing whether the employee is deemed permanently incapable.

8.6 If the employee is deemed permanently unfit, the independent medical practitioner will complete the relevant certificate. A copy of which will be sent to the Human Resources Team, who will write to the employee to advise them that they qualify for early retirement on the grounds of ill-health.

8.7 Employees who are not certified as permanently unfit and who are subsequently dismissed on the grounds of incapability, can appeal against the decision not to award ill-health retirement through the LGPS

two stage internal dispute resolution procedure. The procedure is available from the HR team. This is in addition to any claim the employee may have against dismissal

- 8.8** Where an employee who has at least two years membership of the LGPS leaves local government employment without receiving any immediate pension benefits, their pension benefits are deferred until normal retirement age when they are paid to the employee. However if an individual who has left local government service becomes, at some point in the future, permanently incapable of undertaking their former work because of ill health they can request their benefits be brought into payment early on ill health grounds. There are strict criteria for when benefits can be paid early.
- 8.9** The initiative for bringing the benefits into payment early normally rests with the individual. Employees who have left the Council's employment should write to the Human Resources team requesting that they wish to be considered for early retirement on the grounds of ill-health.
- 8.10.1** Once the former employee requests early payment of their deferred benefits on ill health grounds, the Council will take action to obtain an independent medical opinion.
- 8.11** There is nothing to stop an individual from making several applications for early payment over a period. However if these are turned down by the independent medical practitioner, the Council may wish to state that they are not prepared to consider further applications unless the individual can provide evidence that the medical condition has materially changed.
- 8.12** There may be cases where the independent medical practitioner believes that the permanent incapacity existed at the date the person ceased employment. What needs to be established is whether or not the permanent incapacity was capable of discovery at the date when the person ceased , in which case the enhanced ill health retirement benefits should retrospectively be paid; of it the independent medical practitioner believes that, in hindsight and with the benefit of the intervening time, it is only now possible to determine that the person was permanently incapacitated at the date of leaving, in which case only the unenhanced deferred benefits can be brought into payment from, at the earliest, the day following the termination.

9. FLEXIBLE RETIREMENT

- 9.1** With effect from 06 April 2006, under the LGPS regulations, employees who you have at least three months total membership or have brought a transfer value into the LGPS, may wish to consider the possibility of flexible retirement. Rather than continuing to work until 65 and drawing your pension from then, employees may from age 50, with the Council's consent, reduce their working hours or move to a position on a lower grade and elect in writing to the LGPS administering authority to draw the pension benefits you have already built up. This enables employees to

ease into retirement – whilst still drawing their salary from their job on the reduced hours or grade.

9.2 Employees who pursue flexible retirement can continue paying into the LGPS to build up further benefits in the Scheme. Any pension benefits may be reduced if paid before age 65. The Council may however, determine not to apply all or part of this reduction at its' discretion.

9.3 Employees who are interested in pursuing flexible retirement should contact the Human Resources team for further information.

10. EQUALITIES AND DIVERSITY

10.1 Chester-le-Street District Council is committed to promoting equality and valuing diversity in both service delivery and employment. Care has been taken in drafting this policy and procedure to ensure that the Council do not unjustifiably discriminate against any minority group. This policy and procedure supports the Council's Equalities Policy and will undergo a diversity impact assessment in due course.

11. MONITORING AND REVIEW

11.1 The HR and Policy Manager is responsible for monitoring this policy and procedure and ensuring that is implemented and applied consistently. The policy will be reviewed every 24 months or earlier if legislative changes dictate.

Appendix 1

Model letter to advise the employee about their retirement

Dear (First name)

Intended Retirement Date

From our records we note that you reach the age of 65 on, which is the retirement age for employees of Chester-le-Street District Council.

You may also be aware that in line with the council's intended retirement procedures you can request to work beyond the age of 65 if you wish.

I enclose a copy of the current guidelines, which outlines the process if you wish to seek to carry on working.

If you want to apply to work beyond 65 you will need to submit your request in writing to me (see appendix 2). Any request should be submitted by (*At least 3 months before the intended retirement date*). Within any application, you should indicate how long you might want the extension to last.

If you wish to retire on your intended retirement date as detailed above, please complete and return the attached form (see appendix 2). In order to allow sufficient time to be available to arrange your pension you must return the form by.....(suggests 3 months before intended retirement date) to allow sufficient time to be available to arrange your pension.

If you have any queries regarding your retirement or the contents of this letter, please speak to your manager.

Yours sincerely

Expression of interest to be considered for employment beyond the age of 65

Section 1 - To be completed by the employee

(Please tick ONE box below and complete the details requested before discussions with your line manager)

- I wish to proceed with my intended retirement date at age 65
- I wish to request, as under paragraph 5 of Schedule 6 of the Employment Equality (Age) Regulations, that I continue to work beyond the age of 65. I wish to work on:
 - Indefinitely
 - For a stated period or
 - Until a certain date(Exact period need not be specified at this stage)

Name in block capitals

Employee signature

Section/ Dept

Date

Section 2 - To be completed by the line manager

- I support this application to work beyond the age of 65
- I do not support this application to work beyond the age of 65
- I confirm that [NAME] does not wish to work beyond intended retirement date and we should proceed with the retirement date as planned

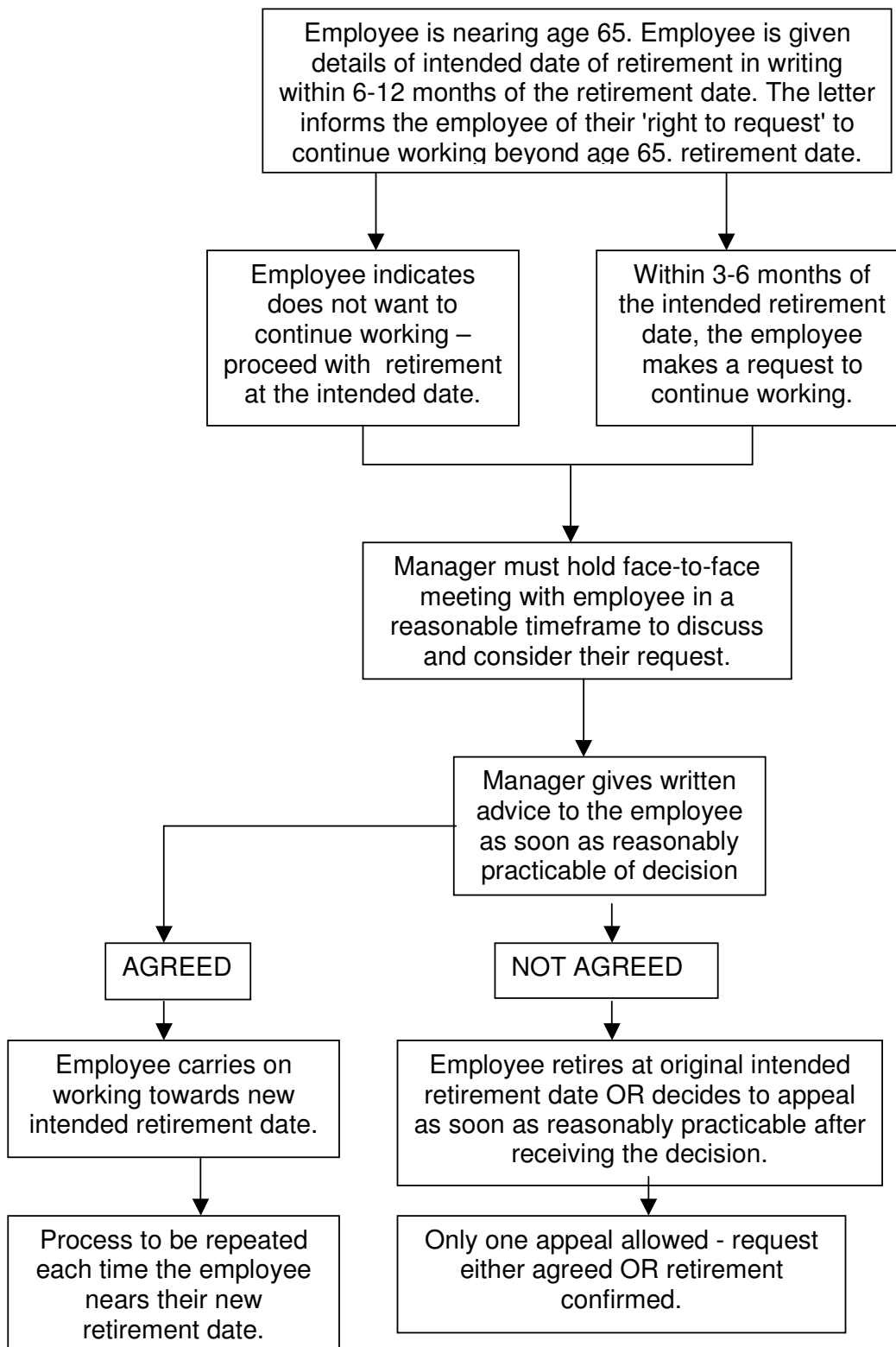
Name in block letters

Line manager signature

Date

Please return this slip no later than 3 months before your 65th birthday/retirement date.

Flowchart for the process of intended retirement and extended working



CHESTER-LE-STREET DISTRICT COUNCIL

APPLICATION FOR EARLY RETIREMENT

Your personal details

Your full name Date of birth

Home address.....

.....

.....Post Code.....

What is your National Insurance number?

Your employment details

What is your job title? What grade are you paid?

Which section and department do you work in?

.....

Where is your work base?

What is your telephone number at work?

When did you start with Chester-le-Street District Council?.....

When did you start working in local government?

Retirement details

When, approximately, would you like to retire?

Are you in the Local Government Pension Scheme?

Do you apply for "added years" under the Early Retirement Scheme

Justification for requesting added years

.....

.....

.....

Have you received an estimate of your Pension benefits?

I have read and understood the details overleaf and wish to apply for early retirement

Signed Date

Criteria

The Council agreed revisions to the Early Retirement Policy in September 1999. The criteria to be satisfied for an early retirement application to be successful is:

- “ Long-term financial benefit to the Council
- “ Aged 50 years and over
- “ At least 5 years membership of the Local Government Pension Scheme

Enhancements

Added years may be awarded at the discretion of the Council, in accordance with the Local Government Pension Regulations. The added years must not:

- Exceed the shortest of the following
- A period of 5 years
- A period equivalent in length to the aggregate of the rechargeable and qualifying service
- A period which when added to reckonable service does not produce a total in excess of 40 years
- A period equivalent to that remaining before normal retiring age.
- Nor exceed the percentage entitlement detailed below:

Years Service with Chester-le-Street D.C.	Maximum enhancement
Over 5, less than 10	25%
Over 10, less than 20	50%
20 and over	100%

Information to Elected Members

Full capital costs of the early payment of pension must be taken into account by the Early Retirement Panel. This cost of the early retirement must be funded from the associated savings and be recovered within five years. The application process will assist managers, the Early Retirement Panel and Council to accurately assess the likely savings resulting from an application.

CHESTER-LE-STREET DISTRICT COUNCIL

Framework For Early Retirement & Added Years

1. DOES EMPLOYEE MEET CRITERIA FOR EARLY RETIREMENT

- Age 50 years or over
- Long term financial benefit to Council
- At least 5 years membership of local government pension scheme

2. CRITERIA FOR GRANTING ADDED YEARS

- There is a long term benefit to Council to let employee leave
- The Council can afford to pay the added years
- It is in the best interests in the efficiency of the service for the employee to leave
- A redundancy situation occurs and volunteers are invited

Please consider implications of not awarding years:

Added years recommended YES/NO

_____ Chief Executive _____ Director of Resources

_____ Head of Organisational Development

3. CALCULATION OF ADDED YEARS

- Service with the Council

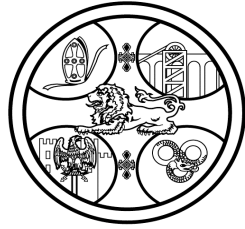
Years Service Factor

Maximum Enhancement

Under 5	Nil
Over 5 but less than 10	25%
Over 10 but less than 20	50%
20 and over	100%

- Age of the employee
(with added years not to exceed 65 years)

NB Maximum added years added is 5.



Chester-le-Street

District Council

REDEPLOYMENT POLICY



Human Resources
Employee communication



Working together to fulfil the needs of our communities

REDEPLOYMENT POLICY

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1. INTRODUCTION

- 1.1 The Council recognises that some employees will be affected by changing circumstances during the course of their employment which may result in them being unable to continue in the job they were originally employed to do.
- 1.2 Change, whether related to redundancy, ill-health or disability can be an unsettling experience for employees and redeployment can provide employees with the opportunity to remain in employment with the Council or enable employees to gain new skills.
- 1.3 It is the aim of this policy to ensure that the Council meets its legal obligations as an employer in respect of redundancy, disability or lack of capability due to ill health. In addition, redeployment provides an opportunity to retain employees with valuable skills, experience and competencies.
- 1.4 The Council will make every reasonable effort to find suitable alternative employment, however there will be circumstances where this is not possible. This policy does not guarantee that employees will be redeployed and there will be circumstances, where termination of employment is necessary.
- 1.5 This policy sets out the Council's procedure in respect of redeployment and links to the Council's policies on Handling of Re-structures, Redundancy, Managing Attendance at Work, Disciplinary and Dismissal, Grievance, Dignity at Work and Managing Poor Performance and Capability.
- 1.6 This policy and procedure supports strategic goal 5 of the Human Resources Service Plan which is "to operate modern and inclusive employment policies, compliant with legislative requirements".

2. REASONS FOR REDEPLOYMENT

- 2.1 Redeployment is a formal process involving the transfer of an employee from their existing job to a suitable alternative post within the Council
- 2.2 The Council seeks to provide continuity of employment by seeking suitable alternative employment for employees identified as being 'at risk of redundancy' or following notice of redundancy because of organisational re-structuring, or because a job, which is for a fixed term or temporary of more than two years, is due to come to an end.
- 2.3 Redeployment will also apply in the following situations:
 - where an employee becomes unable to carry out their role due to disability or ill-health and it is clear that no practicable adjustments can be made to employees current role, however the employee may be fit to undertake an alternative post.
 - where an employee has been the subject of one of Council's policies, e.g. Grievance, Dignity at Work, Discipline and Dismissal and it is

deemed that the employee is no longer able to continue in their existing post.

- 2.4 There may be other circumstances where redeployment is an appropriate alternative to termination of employment. The Human Resources team can provide further advice and guidance on such cases.
- 2.5 Priority for redeployment will be given to those employees, whose jobs are redundant or 'at risk of redundancy', or where an employee has a disability that meets the provisions of the Disability Discrimination Act and they are no longer able to continue in their substantive post.

3. CONSULTATION

- 3.1 In all cases of organisational change or re-structuring, the Council will ensure that full consultation and communication will take place with staff both collectively and individually and with trade union representatives at the earliest opportunity.

4. PRINCIPLES FOR REDEPLOYMENT

- 4.1 The Council will give prior consideration to all employees accepted for redeployment, in advance of other candidates, provided the following criteria are met;
- The employee's qualifications, skills, knowledge, experience and competencies must match the essential criteria of the post as specified in the person specification. The employee will be required to complete an application for the job detailing how they meet the essential criteria.
 - In cases of redeployment for reason of redundancy, priority will only be given where the alternative employment is deemed 'suitable' (see paragraph 6.3 below.)
 - An employee without specific experience for a particular post but with transferable skills will be considered provided that the experience can be acquired within a short induction period in the job.
- 4.2 If an employee expresses an interest in a post graded 2 grades higher than his/her existing one, whilst support will be given, an employee must apply for the post through open competition.
- 4.3 Redeployment will be dealt with in a way that is non-discriminatory and in accordance with the Council's Equality Policy.
- 4.4 Employees will be made fully aware of the pay, including protection where appropriate, and any pension implications of any redeployment offered.
- 4.5 Employees will be offered training and support to assist them during the redeployment process.

- 4.7 The HR team will maintain a central 'Redeployment Register', which will include details of all employees where redeployment is deemed appropriate. Before recruiting to any vacancies, managers should check the Council's redeployment register.
- 4.8 In all cases of redeployment, the Human Resources team will keep a log on the employee's personal file of any vacancies identified and details of whether the employee applied for the vacancy and whether they were short-listed and/or interviewed and if a post is refused, reasons as to why.

5. TIMESCALES FOR REDEPLOYMENT

- 5.1 In most cases of redeployment, with the exception of medical/ill-health redeployment and redeployment as a result of the Council's disciplinary or poor performance procedures, there will normally be a 3 month period during which attempts will be made to find suitable alternative employment. This period may be shortened or extended depending upon circumstances and only following consultation with the Head of Organisational Development. The 3 month period will commence from the date at which the employee is first identified as being suitable for redeployment.
- 5.2 The timescale for medical or ill-health redeployment will run alongside the procedure for managing long-term sickness detailed in the Managing Attendance at Work Policy and Procedure. The redeployment process will commence once the employee has had their second formal review in line with the Managing Attendance at Work Policy and Procedure and redeployment has been identified as an option. Where redeployment is unsuccessful, a decision to dismiss on the grounds of capability will need to be considered. Redeployment in cases of ill health will need to be considered in line with up to date medical advice from the Council's occupational health adviser. It should be noted that redeployment may not be an option in all cases, particularly where medical advice suggests that the employee remains unfit to return to work.
- 5.3 Where redeployment is considered appropriate action following a disciplinary or as a result of following the Council's poor performance procedure, the timescale will normally be limited to a period of 28 working days.
- 5.4 Employees identified for redeployment must play an active role in identifying suitable posts.
- 5.5 Whilst preference should be given to redeployment to permanent posts, temporary posts may be considered suitable as a short-term measure. In such cases, the employee will retain their existing service entitlements. On completion of the temporary post, if the employee has not been redeployed to a permanent post, the employee will return to the redeployment process as detailed above and in redundancy cases, will still have an entitlement to a redundancy payment.

6. REDEPLOYMENT FOR REASONS OF REDUNDANCY

- 6.1 Every effort will be made to ensure that employees whose posts have been declared redundant will be offered suitable alternative employment. Where there are no suitable alternative posts available the Authority will in the first instance seek volunteers for redundancy from employees in similar posts and grades.
- 6.2 As an alternative to redundancy, the Council may offer 'suitable alternative employment' to be available no later than four weeks after the dismissal date.
- 6.3 The factors to be considered in determining whether a particular post provides 'suitable alternative employment' include;
- Relevance of an employee's skills, qualifications, experience and competencies to the requirements of the post.
 - Practicality and cost of retraining the employee to function effectively within a reasonable period of time.
 - Salary difference between the original post and the alternative job offered. If the level of pay in the alternative job is lower than that for the job from which the employee is displaced, the protection of salary arrangements detailed in the Redundancy Policy will apply. Employees redeployed to a lower grade will be placed on the maximum Spinal Column Point for that grade.
 - Status. Any loss of status may be eased by allowing the employee preferential treatment should the original job become available again following an upturn in business.
 - Location. Management should consider the extent to which a redeployed employee may suffer disruption through a change in his/her work location, including any additional travelling expenses which may be incurred. Employees who are redeployed to posts at a different location will be reimbursed any excess travelling expenses for a period of one year following their redeployment. Reimbursement will be based upon public transport rates only.
 - Working environment. This may be especially important for those employees who suffer a health complaint or physical disability.
 - Hours of work . Any change in an employee's hours of work, for example in shift patterns, may be considered unsuitable if it fails to take account of the individual's personal circumstances.
 - Terms and conditions of the alternative post compared to those of the original post.

Procedure

- 6.4 The procedure for initiating a redeployment exercise will be as follows:-

- i) Management will initially identify which employees are directly affected by the proposed changes and class them, in appropriate cases as 'at risk of compulsory redundancy', registering them with the Human Resources team to go on the Redeployment Register. Registration will be after consultation with the trade unions. This redeployment register will be held centrally by the Human Resources Team and will be regularly monitored and updated.
- ii) Management will consult with the trade unions on how all vacant posts will be filled, not only within the department affected by the change, but elsewhere in the Authority as well. The objective will be to ensure that as many posts as appropriate and possible are made available for redeployment and to avoid redundancies. In some circumstances, it may be necessary to freeze vacancies in order to facilitate redeployment or to consider terminating temporary or casual contracts of employment. Further details are contained in the Redundancy Policy.
- iii) In order to ascertain the levels of skill, capability and flexibility among those employees who are to become displaced it is essential to carry out individual counselling and consultation sessions with each employee once they have been identified as 'at risk' of redundancy. This procedure of skills auditing and counselling interlinked will give the employee concerned the opportunity to present him/herself as a suitable candidate for redeployment. If desired the employee may be accompanied by his/her trade union representative.
- iv) Employees will be informed of any vacancies by the Human Resources Team and will be required to complete a generic Application for Redeployment Form (Appendix 1) setting out details of their employment history, skills, qualifications, previous training/professional development and other experience. This will be kept on file and used by recruiting managers to determine whether the employee might be suitable for vacant positions identified for possible redeployment.
- v) The employee will be provided with guidance and support during the redeployment process to enable them to complete the application for redeployment form and attend any interviews for redeployment. Additional support is available to employees through the Council's Employee Assistance Programme.
- vi) The recruiting manager will consider the details from employees application for redeployment form to ascertain how they meet the post requirements and whether the job is a reasonable alternative and/or adjustment. When considering suitability, the recruiting manager will also identify whether any additional training or support could be provided to enable the employee to meet the requirements of the post. The recruiting manager must seek advice and guidance from the HR team when reaching a decision regarding an employee's suitability.
- vii) Employees wishing to be considered for a post graded two or more grades above their existing grade must submit an application in line with

the Council's normal Recruitment and Selection policy and the post will be subject to normal competition.

- viii) Where there is only one person at risk, the employee will be asked to attend a non-competitive interview with the recruiting manager to assess whether there is a skills match and whether the post is considered suitable alternative employment.
- ix) If there is more than one person at risk, for whom the post be suitable, a selection process will be necessary, as detailed in the Council's Recruitment and Selection Policy.

6.5 An offer of suitable alternative employment will be made where possible, dependent on suitable vacancies arising. If an employee is offered suitable alternative employment, he/she will have a maximum of five working days to confirm the offer. Employees who have concerns regarding the offer and wish to consult their Trade Union official should register the fact with the Human Resource and Policy Manager within five working days. If a suitable job is found the employee must be offered the new contract before the old contract comes to an end.

Consideration should be given to retaining employees on a temporary basis where possible to extend the possibility of finding suitable alternative employment.

An employee who is redeployed to a lower graded post will be placed on a secondary Register until one suitable offer of alternative employment is made at the same level as his/her original post.

- 6.6 If, following an interview an employee is offered a post, which the employing department does not consider to be a 'suitable alternative post', but the employee wishes to take up the appointment, there will be no pay protection.
- 6.7 If an employee is offered and unreasonably refuses an offer of suitable alternative employment, the redeployment will cease and the employee should be advised that if they are made redundant, they will not be entitled to a redundancy payment.

Trial Period

6.8 An employee who is offered redeployment into an alternative post, is entitled to a trial period of 4 weeks in the new post to determine whether the redeployment is suitable. This trial period may be extended to enable any appropriate job related training to be given, however prior approval from the Head of Organisational Development must be sought.

Should the Authority decide that the redeployed employee is not suitable for the new post within the trial period; the employee will maintain the right to any redundancy payment that might apply under the old contract. If the dismissal is due to a reason unconnected with redundancy, the employee may lose that entitlement.

If the employee turns down the alternative post during, or at the end of the trial period, the reasons must be clearly outlined. If these are not reasonable, the employee will lose his/her right to any further offer. In any case the employee will return to the post he/she would have been in had the alternative offer not been made or accepted. If the employee has been undertaking a trial period it may be that his/her notice period is due to end, thus they will become redundant from the specified date as notified.

- 6.9 During the first three months of employment in the redeployed post, review meetings should be held with the employee, their new line manager and a member of the HR team to discuss the employee's progress and identify if any additional training and support is required.
- 6.10 Once an employee has officially accepted an alternative offer of employment, he/she will be deemed to have taken another contract and will be bound by any revised terms and conditions of employment which may be necessary.

Protection Arrangements for Redeployment

6.11 Protection of Salary

The Council will protect the contracted pay *(including bonus) the employee actually received in the previous job at the time of notice for the first two years only. In year three any differential will be paid at 50% and this will reduce to zero in the fourth and subsequent years.

Should the new salary grade or earnings exceed the previous frozen earnings during this two year period, then protection will cease immediately. Overtime will be paid at the protected rate.

For employees who receive bonus, the Council will protect their average earnings including bonus, unsociable hour's payments and shift allowances, taken from the best thirteen consecutive weeks of the preceding fifty-two weeks.

The protection offered to employees will relate to the current incremental point of the employees salary and not the maximum of the grade.

6.12 Car Allowances

Where an employee's original post had an essential car user allowance attached and the employee accepts a post without the allowance, the lump sum payments will continue for a period of 18 months, and then cease. (18 months being the average period outstanding on all employees Contract Hire Agreements). If the employee has a lease car, the remainder of the term of the lease will be allowed to expire.

Where an employee's original post had a car user allowance attached and the employee accepts a post without an allowance, any outstanding loan will continue to be repaid in accordance with the terms and conditions of the Assisted Car Purchase Scheme.

6.13 Holiday Entitlement

Where an employee's holiday entitlement is reduced, protection will be Given in accordance with that for salary as follows:-

Year 1 and 2	100% Protection
Year 3	50% Protection
Year 4	Zero Protection

No remaining conditions of service will be protected.

7. REDEPLOYMENT IN OTHER SITUATIONS, INCLUDING FOR REASONS OF ILL-HEALTH AND DISABILITY.

7.1 Medical redeployment will apply when one of the following criteria are met:

- The Council's Occupational Health Physician specifically recommends that redeployment on medical grounds should be investigated
- The employee is identified as having a disability, reasonable adjustments can not be made to their substantive post and the employee requests redeployment.

7.2 The following procedure may also be applied following the outcome of a disciplinary or grievance hearing, a dignity at work complaint or as an outcome of the Council's poor performance procedure, in which it is considered that redeployment is an appropriate option.

7.3 In addition, this procedure may be adopted because a post, which is for a fixed term or temporary of more than two years is due come to an end.

Procedure

7.4 Once an employee has been identified for redeployment under the above circumstances, a meeting will be held between the employee, their line manager and a representative from the HR team. The purpose of the meeting is to explain the Council's redeployment policy and procedure and advise the employee of any support mechanisms and training opportunities may be available during the redeployment period.

7.5 At the meeting, the employee will also have the opportunity to outline their skills, experience, knowledge, any redeployment options they consider may be suitable, the support, training and any adjustments that may be required.

7.6 The employee may if they wish me accompanied to the meeting by either a trade union representative or a colleague.

7.7 The employee will also be required to complete a generic Application for Redeployment Form (Appendix 1) setting out details of their employment history, skills, qualifications, previous training/professional development and other experience. This will be kept on file and used by recruiting managers to determine whether the employee might be suitable for vacant positions identified for possible redeployment.

- 7.8 The employee will be provided with guidance and support during the redeployment process to enable them to complete the application for redeployment form and attend any interviews for redeployment. Additional support is available to employees through the Council's Employee Assistance Programme.
- 7.9 The Human Resources team will keep employees identified for redeployment of any vacancies. The employee must advise the HR team of any vacancies they are interested in.
- 7.10 The recruiting manager will consider the details from employees application for redeployment form to ascertain how they meet the post requirements and whether the job is a reasonable alternative and/or adjustment. When considering suitability, the recruiting manager will also identify whether any additional training or support could be provided to enable the employee to meet the requirements of the post. The recruiting manager must seek advice and guidance from the HR team when reaching a decision regarding an employee's suitability.
- 7.11 Where there is only one person identified for re-deployment, the employee will be asked to attend a non-competitive interview with the recruiting manager to assess whether there is a skills match and whether the post is considered suitable alternative employment.
- 7.12 If there is more than one person at risk, for whom the post may be suitable, a selection process will be necessary, as detailed in the Council's Recruitment and Selection Policy.
- 7.13 The recruiting manager will contact the employee and the HR team to advise them of their decision.
- 7.14 If the employee is unsuccessful, the recruiting manager should inform them of the reasons for their decision.
- 7.15 In redeployment cases relating to ill-health or disability, the HR team will seek advice from the Council's Occupational Health Service as to the suitability of the redeployment post and if necessary whether any adjustments are required.

Trial Period

- 7.16 An employee who is offered redeployment into an alternative post, is entitled to a trial period of 4 weeks in the new post to determine whether the redeployment is suitable. This trial period may be extended to enable any appropriate job related training to be given, however prior approval from the Head of Organisational Development must be sought.

Should the Authority decide that the redeployed employee is not suitable for the new post within the trial period; depending on the grounds for re-deployment, the employee may be dismissed on the grounds of capability, retired on the grounds of ill-health or be placed back on the redeployment register.

If the employee turns down the alternative post during, or at the end of the trial period, the reasons must be clearly outlined. If these are not reasonable, the employee's contract of employment may be terminated.

Protection Arrangements

- 7.17 As a general rule, salary protection will not be afforded in the redeployment situations identified under paragraphs 7.1, 7.2 and 7.3. Decisions about whether or not protection arrangements will apply will be considered by the Head of Organisational Development and will depend upon the circumstances of the individual case. If it is decided that protection arrangements will be offered, the arrangements detailed in paragraphs 6.11, 6.12 and 6.13 will apply.
- 7.18 Where an employee accepts the post offered, a starting date should be agreed between the recruiting manager and the employee's current line manager.
- 7.19 Full details and implications of the new post must be provided to the employee when they are offered the post. The employee will be issued with a letter confirming the details of their redeployment and a revised statement of particulars.
- 7.20 During the first three months of employment in the redeployed post, review meetings should be held with the employee, their new line manager and a member of the HR team to discuss the employee's progress and identify if any additional training and support is required.
- 7.21 Where an employee refuses a job offer considered to be suitable/comparable without acceptable reason or refuses a job offer considered to be non-comparable, the employee should be advised that their employment may be terminated.

8. UNSUCCESSFUL REDEPLOYMENT

- 8.1 Where the redeployment is coming to an end or where it is apparent that the redeployment is not working, decisions will be made regarding what further action or steps can be taken in relation to the employee's continued employment. In the case of 'medical' redeployment, advice should be sought from Occupational Health as to whether the employee's health has changed and whether they are well enough to consider a return to their original post or whether retirement on the grounds of ill-health may be a consideration.
- 8.2 Consideration will need to be given to dismissing the employee in line with the Council's Disciplinary and Dismissal Policy and Procedure where redeployment is unsuccessful and any other available options have been considered.

9. EQUALITIES AND DIVERSITY

- 9.1 Chester-le-Street District Council is committed to promoting equality and valuing diversity in both service delivery and employment. Care has been taken in drafting this policy and procedure to ensure that the Council do not unjustifiably discriminate against any minority group. This policy and procedure supports the Council's Equalities Policy and will undergo a diversity impact assessment in due course.

10. MONITORING AND REVIEW

- 10.1 The HR and Policy Manager is responsible for monitoring this policy and procedure and ensuring that is implemented and applied consistently. The policy will be reviewed every 24 months or earlier if legislative changes dictate.

APPLICATION FOR REDEPLOYMENT

I am eligible for redeployment under the Council's Redeployment Policy on the following grounds: Risk of Redundancy / Ill Health / Disability / Other (delete as appropriate).

Personal Details

Employee Name

Address

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Contact Number

Current Employment Details

Current Job Title

Department

Current Grade/Salary.....

Contracted Hours

Main Duties and Responsibilities

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Previous Employment Details

Job Title	Dates (from/To)
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Qualifications

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Training/Professional Development

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Supporting Statement

Please provide a support statement, which sets out, what skills, experience, etc. you have which may be transferable to any redeployment opportunities identified.

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I certify that the information I have provided is true and accurate, to the best of my knowledge.

Signed..... Date.....