



Leicester

WARDS AFFECTED

All Wards

ADDENDUM

**CONSULTATION AND MEETINGS:
Cabinet**

20 February 2006

**Report on the Corporate Review of Service Directors
and Integrated Services Programme (ISP)**

Report of the Chief Executive

The legal implications in the report are not correct. Below are the correct ones.

LEGAL IMPLICATIONS

Cabinet has within its Terms of Reference relating to “human resources and equal opportunities”:

- The establishment and review of the Council's overall officer structure.

Employees Committee has within its Terms of Reference the role of:

- Determining the Terms and Conditions on which staff hold office, including procedures for their dismissal.
- Recruitment and overseeing the appointment, training, transfer between departments, promotion, relegation and dismissal of Service Directors.
- The exercise of discretion in relation to superannuation benefits and contributions, extensions of service, gratuities and applications to serve after retirement age.

Staffing reviews must be carried out in accord with the Council's currently authorised Organisational Staffing Change Protocol which is incorporated into the conditions of employment for all staff affected.

“Redundancy” is a dismissal in law, one of the admissible reasons for dismissal set out in s98(2) of the Employment Rights Act, 1996 (ERA). It is defined by s.139(1) of the ERA as a dismissal attributable wholly or mainly where:

- The establishment where the employee works closes down.
- The need for workers carrying out a certain type of work has ceased or reduced (the work itself may not have reduced – it is the need for employees which is the test).
- There is a change in the place of work of the employee.

The City Council, as an employer, is expected to reduce the effect of redundancies by seeking and taking avoiding action. Section 5 of the Leicester City Council Guide for Managers and Personnel Officers on Redundancy requires that the Authority looks at ways of avoiding redundancy by for example:

- Not advertising posts which may then be filled by employees using the redeployment scheme.
- Redeployment under the City Council's Redeployment Scheme.
- Retraining under the Redeployment Scheme.
- Job sharing reduced working hours etc.
- Considering jobs filled by temporary employees.
- Considering voluntary redundancy.
- Considering early retirement.

Consideration of early retirement proposals is a matter for the Employees Committee. Any decision must be strictly in accord with law including current Pension Scheme Regulations. Any decision will be subject to scrutiny by the District Auditor.

Under the Local Government Pension Scheme Regulations, 1997 (SI 1612), para 26, if a member aged 50 or more retires and the Council certifies that the reason is redundancy then the person is entitled to a pension and retirement grant. Payment of added years is discretionary under Regulation 52. (Peter Nicholls, Head of Legal Services ext 6311)