

PROCEDURE ON REASONABLENESS CRITERIA FOR CONSIDERATION OF SUITABLE ALTERNATIVE ROLES

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1. Introduction

- 1.1. The creation of a Regional Control Centre (RCC) and the resulting transfer of the employment of staff from the existing five Fire and Rescue Authorities (FRAs) is planned to be implemented from Autumn 2009. This implementation, final transference of staff and consequent responsibility for Control call-handling and mobilisation is defined as Cut-over.
- 1.2. At the time of writing, staffing numbers required at each level within the RCC are only indicative, dependent upon further analysis of call-volume data, role-comparisons, shift patterns etc.
- 1.3. Subject to this final analysis, it is clear that there will be a greater number of staff employed in the five FRA-managed Control Rooms immediately prior to Cut-over than the total number of posts available in RCC.
- 1.4. A major strategic consideration relating to this programme of change is the minimising of any unavoidable detrimental affect to staff in financial or non-financial terms, including minimising any potential loss of jobs.
- 1.5. The criteria set out in this procedure has been based on this consideration by ensuring staff who face an unreasonable level of upheaval will not be expected to be considered for transfer, although they can still elect to be considered for transfer if they so choose.
- 1.6. Due to current considerations on the creation of the Initial Staffing Pool that will be seconded to RCC prior to cut-over and discussions on one single selection process being undertaken for all operational and support LACC roles, RCC vacancies will only be filled by the implementation of the Reasonableness Criteria where vacancies remain after formal expressions of interest have been considered. More detail is provided in paragraphs 3.2 to 3.4 of this procedure and in the RCC Recruitment & Selection Policy.
- 1.7. Consideration of whether implementation of the Reasonableness Criteria is appropriate in order to fill remaining RCC vacancies will be made based on a number of factors including:
 - Best Value in relation to the cost of redundancy payments, training for new staff, relocation support for staff who fall outside of Reasonableness Criteria but positively apply for an RCC role etc
 - The ability for RCC to operate effectively, taking into consideration skill and experience levels of those who have formally expressed interest in RCC roles
- 1.8. This procedure prescribes the criteria to be used when considering whether an offer of an RCC role should be deemed suitable alternative employment to redundancy.
- 1.9. Additionally, this same criteria should be used when considering whether an offer of redeployment to an alternative role with an FRA employer should be deemed reasonable where a transfer to the RCC is inappropriate or not possible.
- 1.10. Those staff who fall within this criteria ie where it is not unreasonable to take up a role with the new employer, **will forfeit any right to a redundancy payment should they choose to decline the offer of suitable alternative employment with the RCC** and they are unsuccessful in obtaining redeployment within their FRA or any employer falling under the provisions of the Redundancy Payments (Continuity of Employment in Local Govt etc) (Modification) Order 1999.
- 1.11. This procedure also provides general guidance on the extended processes that will be adopted for staff when either satisfying or not meeting the criteria. Further reference is made to associated policies and procedures produced by either the RCC or the individual FRAs which provide more detailed and prescriptive guidance on these extended processes.

These associated documents also adopt the same strategy of minimising the effects on staff as detailed above.

- 1.12. Together with this document, these associated procedures provide the full guidance on matters relating to:
 - Protection of existing FRA employment terms and conditions for those staff transferred to the RCC.
 - Suitable alternative employment and redeployment.
 - Protection of earnings on redeployment (in FRA or RCC).
 - Redundancy selection and compensation packages.

2. Scope of Procedure

- 2.1. This procedure has been specifically approved for the transfer of roles to the RCC or redeployment within FRAs (pre-TUPE-transfer due to the LACC affecting any unavoidable redundancies post-transfer) due to the creation of the RCC and is not intended to apply to any other programmes of organisational change either now or in the future.
- 2.2. Any existing policies within the FRAs, current at the time of transfer take precedence over the contents of this procedure where they contradict issues; such as reasonableness criteria, redeployment, selection for redundancy etc.

3. How Reasonableness Criteria Fits in with Other Stages of the Transfer, Redeployment and Redundancy Processes

- 3.1. The flowchart at Appendix 1 details the overall process involved in assessing and selecting staff to take up roles within the RCC, redeployment or redundancy and agreeing methods of supporting employees through these processes. The flowcharts are colour coded to highlight whether the RCC or the individual FRA is responsible for these stages and which policy / procedure covers each stage of the process.
- 3.2. In line with the contents of paragraphs 1.6 and 1.7, current considerations on creating the Staffing Pool suggest that selection from the pool of existing staff will initially be based upon a single process (in respect of staff from all 5 FRAs) for staff to formally express interest in LACC roles, prior to any cut-over of calls to the LACC.
- 3.3. If any vacancies remain when the formal expression of interest process has been exhausted, the Reasonableness Criteria will be used to assess if any staff remaining could reasonably be expected to accept an RCC role**.
- 3.4. Wherever possible, it is only if the scenario in paragraph 3.3 occurs that the Reasonableness Criteria will be used to assess those staff for whom it is reasonable to offer a remaining RCC vacancy**.
- 3.5. The flowchart covers 2 scenarios:
 - Where the pool of staff falling within the reasonableness criteria (plus the number of staff falling outside the criteria but requesting to be considered for an RCC role) **exceeds** the number of RCC posts available at the comparable role.

- Where the pool, as defined above, is **less than or equal to** the number of RCC posts available at the comparable role.

*NB during consultation on **this** procedure, the flowchart at Appendix 1 is purely indicative of the expected **overall** process. The overall process illustrated in Appendix 1 is subject to further amendment where it does not directly relate to Reasonableness Criteria (only blue and white boxes relate directly to this procedure). Only when consultation on **all** the procedures indicated in Appendix 1 has been completed will consultation be deemed as finalised on the **overall** process. At this time, Appendix 1 is therefore attached purely for guidance as to how Reasonableness Criteria is **expected** to fit in the overall process.*

****** As part of the enhanced resilience measures of FiReControl, it will be an essential requirement for operational and support staff to satisfy a formal security clearance check before being appointed to an LACC role. In the rare occurrence that an existing member of staff did not achieve clearance, they would be eligible for other options including a redundancy payment as long as they had completed their security application form truthfully. More details of this will be described in the RCC Selection Procedure.

4. Reasonableness Criteria (1st stage) – Paper-based Process

4.1. The first stage of assessment in identifying those staff for whom an offer of transfer to RCC should be deemed a suitable alternative role should be based on the following criteria:

- The additional¹ mileage is no greater than 30 miles **and** the additional¹ travelling time is no greater than one hour for a daily return journey from home to the RCC.
- In the case of employees who already make relatively long journeys to their current employment, the above criteria is subject to a maximum daily return journey of 70 miles and / or 2.5 hours from home to the RCC.

NB The above criteria is not absolute but simply an indication of the distance / travelling time in excess of which a transfer to the RCC would be deemed unreasonable. It is subject to management discretion and times / distances may be varied where it is felt individual circumstances make this discretion fair and appropriate to the individual's needs.

- In the event that the RCC is unable to offer a role at exactly the same level, that the alternative role offered is no greater than one role lower (or equivalent to one role lower in pay terms) on the IPDS Role Map for Control Staff. For example, an existing Watch Manager Control being offered a role comparable to Crew Manager Control would be deemed a suitable alternative role (any difference in pay would be protected in line with the individual's current FRA Protection of Pay policy). For employees on Temporary Promotion, a decision will be made on whether this is based on substantive or acting role based on individual circumstances eg length of TP, whether there is a substantive postholder in role, reason for TP, any feedback on performance/competence in role etc
- That the responsibilities and tasks of the alternative role offered are significantly similar to the current role in terms of content and status (subject to the criterion above).

4.2. For individuals who do not meet all of the criteria in at least one of the above bullet points, , it will be deemed that an offer of employment (alternative role) within the RCC would not

¹ This is additional travelling time / distance to that already spent travelling from home to current FRA base. Home is defined as either the employee's permanent residence or if different, their usual residence during working days, whichever is the nearest to RCC. Travelling time is assessed at time of day when employee would be expected to be travelling taking RCC shift system into consideration. Additionally, when considering reasonableness, consideration will be taken into whether the journey involves car travel on rural roads or A roads / motorway, numerous changes with buses / trains etc

be suitable.. Other options will be considered in line with the overall process detailed in Appendix 1.

- 4.3. Current considerations on the creation of the Initial Staffing Pool and/or a single selection process for all operational and support roles prior to cut-over suggest that RCC will fill a significant number of roles prior to considering the implementation of the Reasonableness Criteria. Therefore, staff who do not meet either stage of the criteria but who still wish to be considered for an RCC role will be able to make this known during the selection process for the Initial Staffing Pool.
- 4.4. If the LACC considers that implementation of the Reasonableness Criteria is required, individuals who fall within the Reasonableness Criteria as described in paragraph 4.1 will make up the pool of staff to be considered for any RCC roles that remain after the selection processes of staff who have made formal expressions of interest have been exhausted. This will be subject to a detailed assessment being made under the 2nd Stage of the Reasonableness Criteria.
- 4.5. The assessment of Reasonableness Criteria (1st stage), will be undertaken in liaison between RCC and each FRA, based solely on home address data held by the FRA. The calculation of current home-to-base mileage and additional home-to-RCC mileage will be made by reference to a proprietary internet-based routing service ie AA Routefinder. To ease administrative burden, calculations will be processed in batches using post code prefixes eg DE22, LE8 etc rather than individual calculations for each employee.

5. Individual Meetings with Employees

- 5.1. Following the above paper-based process, all employees will be invited to have an individual meeting, irrespective of the result of the Reasonableness Criteria (1st stage) assessment. In order that staff can make an informed decision when expressing interest in an LACC role (see para. 3.2) this individual meeting will be held with staff **before** the LACC decides on implementing the Reasonableness Criteria.
- 5.2. The overall purpose of the meeting is to inform and consult the employee and to offer him / her moral and practical support. This will be achieved by various means but should include:
 - Informing the employee of the outcome of the Reasonableness Criteria (1st stage) assessment.
 - Explaining the options available to the employee based on the above assessment and in line with the overall process detailed in Appendix 1 of this procedure.
 - In the case of an employee where the initial assessment of Reasonableness Criteria (1st stage) suggests taking up an RCC role is suitable, discussing with the employee any exceptional extenuating personal circumstances (see Section 6) that the employee feels makes taking up an RCC role unreasonable.
 - Agree any actions and timescales that the parties need to complete in order to progress to a final decision on the most appropriate outcome. If appropriate, this may include the obtaining of extra evidence in support of the employee's extenuating personal circumstances.
 - Discussing any further support that may be available including counselling, CV and interview preparation, re-training options, financial support etc (see paragraph 7.1).

The parties involved in the meeting will be:

- The employee, who may be accompanied by:
 - an accredited representative from a Trade Union recognised by the FRA currently employing the individual; or
 - a work colleague.
- A senior member representing the FRA management team accompanied by:
 - HR support to the FRA management team
- A senior member representing the RCC management team leading the meeting, accompanied by:
 - HR support to the RCC management team

5.3 Due to feedback from some staff via their unions during consultation on this document, the meeting will initially take place with only FRA management being present. This allows the member of staff the opportunity to air any concern with their current employer at the prospect of taking up an LACC role prior to LACC management being present in the meeting. If the employee wishes, the FRA management or their union representation may represent these concerns to the LACC management on the employee's behalf.

6. Reasonableness Criteria (2nd stage)

- 6.1. As commented, part of the discussions held at the individual employee meeting include the employee's feelings regarding his / her extenuating personal circumstances make taking up an RCC role unreasonable even though the employee satisfies the Reasonableness Criteria (1st stage).
- 6.2. Due to the nature of individual circumstances, it is not possible to lay down a definitive, exhaustive list of criteria but they may include:
- Caring responsibilities of a close relative / friend where the extra travelling time or change in working patterns associated with the transfer would unreasonably lower the quality of care provided, with no alternative method of care provision being available.
 - Significant detrimental effect on a social commitment due to the extra travelling time or change in working patterns associated with the transfer. To satisfy this criterion, the social commitment would need to be relatively significant (eg help organise the activity rather than solely take part), play a large part in the employee's life and not be possible to pursue at other times of the day / week.
 - Lack of available personal or public transport allowing travel to RCC during the agreed working pattern.
 - Medical / health reason making an otherwise suitable transfer unreasonable eg an underlying medical condition where prolonged journeys exacerbate the symptoms of the condition.
- 6.3. To ensure equity and consistency of decision-making, a number of Integration Exercises will be held to review the evidence and the rationale behind decisions reached. To allow for decisions to be reviewed and amended, individuals will not be informed of the decision made until it has been subjected to this verification process.

7. Employers' and Employees' Responsibilities in Increasing the Possibility of Meeting the Reasonableness Criteria (2nd stage)

- 7.1. When offering an alternative role within RCC, the employing parties should take all reasonable steps to increase the employee's opportunity of employment and as far as reasonably possible, secure a suitable alternative role.
- 7.2. This will be achieved by:
- Considering reasonable adjustments and flexibility to working patterns to allow employees to continue undertaking caring commitments, social interests or to fit in with transportation availability and personal health needs.
 - To consider where reasonable the provision of financial support to allow the purchase / lease of a vehicle, purchase of rail / bus season ticket, provisions of alternative child-care etc.
 - To consider where reasonable the provision of financial support to allow permanent relocation or ongoing lodging on working days.
- 7.3. In return, the employees have a responsibility to mitigate any extenuating personal circumstances so that the factors that constrain them in satisfying the Reasonableness Criteria (2nd stage) are reduced as far as possible. These include:
- Making adjustments such as arranging third party caring provision, sharing the responsibility with other relatives etc to increase the availability to travel and undertake working patterns that meet the needs of the organisation.
 - Making reasonable adjustments to lifestyle and social interests so that the balance between work and life is more equitable.
 - To reasonably consider alternative transportation solutions eg car-sharing, changing buses / trains part way through the journey, learning to drive etc.
 - To make all reasonable effort to support the employing parties in assessing the potential affect of an underlying medical condition and arriving at an appropriate solution. This includes undergoing consultations with Occupational Health (OH), consenting to OH requests for access to GP / hospital records, to follow any practical advice and support mechanisms offered by OH and other health professionals in order to facilitate reasonable adjustments offered by RCC etc.
- 7.4. Subsequent to any final decisions being made during the Reasonableness Criteria (2nd stage) assessment, 2 pools of staff will have been identified:
- Those individuals who have **not met** either stage of the Reasonableness Criteria will be considered for the remaining options detailed in Appendix 1. If no other option is available, then the RCC will have no option but to make the employee redundant, supported by a redundancy payment and support package in line with the FRAs existing policy.
 - Those individuals who **do meet** both stages of the Reasonableness Criteria will be put forward for consideration of a suitable RCC role. Employees should bear in mind that there may be more staff put forward for consideration than the number of roles available. In this scenario, a subsequent selection process would be followed. If an individual **meets the Reasonableness Criteria**, is subsequently offered a suitable

alternative role but **does not accept it**, that individual **forfeits the right to receive a redundancy payment**.

8. Further Individual Meetings for Those Employees Meeting the Reasonableness Criteria

- 8.1. For those employees who meet the Reasonableness Criteria at both the first and second stages and therefore are confirmed as being put forward to be considered for an RCC role, there will be a further individual meeting between the employee and RCC management.
- 8.2. The overall purpose of the meeting is to inform and consult with the employee and to offer him / her moral and practical support regarding the consideration of alternative employment with the RCC.

9. Appeal Process

- 9.1. If an employee disagrees with a decision that she / he falls **outside** of the Reasonableness Criteria, an appeal is unnecessary as the employee will simply have elected to be put forward for consideration of an RCC role during the selection processes for the Initial Staffing Pool etc (see Paragraph 1.5) and will therefore face no detriment.
- 9.2. An employee does have the right of appeal against a decision that she / he falls **within** the Reasonableness Criteria.
- 9.3. To exercise their right of appeal, the employee must notify, in writing the RCC Director. The RCCD is the appropriate executive as the LACC is the organisation making the decision and will also be the organisation which effects any unavoidable redundancies.. This must be submitted within 14 days of the date the original decision was issued, giving the employee's grounds of appeal. These grounds should be based around the criteria contained in Sections 4 and / or 6 eg travelling distance, significant effect on personal commitments etc. and should wherever possible be accompanied by written evidence to substantiate these grounds.
- 9.4. On receipt of the appeal, the LACC will arrange an appeal to be heard within 14 days. The employee, accompanied by a work colleague or accredited union representative will be given the opportunity to present to the Hearing Panel. The manager(s) who made the original decision will respond to the employee's presentation, providing the rationale behind the original decision.
- 9.5. The Hearing will be chaired by a manager senior to the manager who made the original decision. The Chair will be accompanied by a management colleague, neither of whom will have been involved in the original decision in respect of the appellant.

10. Equality Consideration

- 10.1. The employing parties are fully and pro-actively supportive of their obligations under equality legislation.
- 10.2. When considering the assessment of Reasonableness Criteria at the 1st or 2nd stage, consequent considerations of whether an offer of an alternative role is suitable, assessing the appropriateness of proposed shift patterns etc, the employing parties will make their decisions considering all equality legislation.

- 10.3. Wherever possible subject to the needs of an organisation providing a 24 / 7 emergency service, reasonable adjustments will be made in order to increase the employment opportunity for all individuals.
- 10.4. This policy will be implemented in a way that ensures individuals are not detrimentally affected due to their gender, race, disability, age, sexual orientation, marital status or religious belief.
- 10.5. This procedure has been Equality Impact Assessed, the EIA being provided to stakeholders during the consultation on this document.
- 10.6. Application of this procedure will be monitored on an ongoing basis and trend analysis undertaken at key stages (eg at 1st and 2nd stages of Reasonableness Criteria decisions). If this trend analysis suggests any evidence of potential discrimination, the individual decisions taken in respect of employees within that particular group will be reviewed in appropriate consultation between relevant parties including if appropriate, external organisations.

PROCEDURE ON REASONABLENESS CRITERIA

