
Frequently Asked Questions (FAQ's)

The following questions and answers are provided to help guide colleagues during consultation. This list is not exhaustive, so should you have any queries, please do not hesitate to contact your Assistant Director/Head of Service

- **What does the Future Operating Model mean to me?**

The implications may be different from employee to employee, but critically, as an organisation, we need to find new ways of working. This includes identifying opportunities for partnerships, community working, enablement and commissioning models, as well as consolidating and streamlining our internal processes to ensure we sustain our offer for the future.

As individuals, this may mean that the structures within which we work may change, the processes we have adhered to are overhauled/reviewed/refreshed with the support of our Change Academy and Innovation Lab and Ideas Forum, and, roles may be changed to support the needs of the council to deliver our priorities.

- **Isn't this the same as what has been done before?**

The work we have been doing on our Purpose, Vision and Values and Behaviours over the last few years has been the foundation for commitment to long term change. This is part of that commitment to augment and implement the changes we need to fulfil and sustain the delivery of our Purpose.

- **When will the new Future Operating Model be effective from?**

January 2017 saw the launch of Phase 1 of the Future Operating Model and as explained a phased approach will be taken on these proposals. In addition to the Future Operating Model, which is a corporate wide umbrella proposal, there is also a range of proposals that are specific to particular services. We intend to ensure that options proposed have been clearly considered in advance to enable meaningful consultation, thus, a phased basis is necessary. The full extent of the FOM is intended to be realised by September 2018, and this is by no means the end, as we continue to review our business and adapt to demands in order to deliver our Purpose.

- **It is stated that "all" staff are affected – to what degree and will this mean that we lose our services and jobs?**

As we all know, funding has significantly affected how we deliver our services. We have to take a proactive look at what we offer and consider commercial and enabling opportunities alongside partnership and community arrangements, in order to exploit avenues to generate our own revenue, and thus, ensure a viable and sustainable set of City Council services to be delivered, in line with our Purpose. Every member of staff will be affected by the proposal to some degree; be it through different line management, alternative back office support, transfer to a different team/division/directorate or indeed, in a new role. Inevitably, some roles will be lost as set out in the Section 188 letter. To clarify, a Section 188 letter is a legal notification to the recognised Trade Unions, that we are considering the need to make redundancies, for the purpose of openness and transparency and to allow the Trade Unions full access to potential redundancies and propose mitigations, but we will always follow our re-deployment and priority movers process and minimise loss, wherever possible.

- **How will these opportunities for transformation be sought whilst trying to deliver the day job?**

The creation and launch of the Improvement Hub, Change Academy and Improvement Team will provide colleagues the opportunities to develop skills, identify opportunities, grow ideas and foster solutions that are not one-off or the exception, but becomes second nature as an integral part of all our roles and our “Business As Usual”.

- **How can we ensure we retain good staff and recruit in the event of a vacancy, when we cannot offer salary progression and the Future Operating Model may not guarantee longevity?**

Our common purpose is to make a positive difference every day to people’s lives. Many of us come to work because we love doing what we do. This is an important aspect of motivation - it enables us to “make the difference” in the toughest of times. Pay is important and roles will continue to be evaluated and graded appropriately in line with our Job Evaluation scheme, but in these times of financial restriction, we are not able to do what we have always done. We are working on additional ways to reward and motivate our staff, including examples such as the Improvement Hub and Ideas Forums – tell us an idea and if it’s great, it could be implemented. We continue to be committed to providing a Birmingham Living Wage for the lower graded jobs, to ensure they do not suffer detriment. In addition to this, we have been working highlighting the rewards and benefits that are available to colleagues; from the new flexi scheme to My Rewards discounts.

- **Who will meet with me and when?**

You will be advised as phases commence and complete, as to when you will be consulted with and with whom. Please be assured of maximum communications throughout this process, via TU’s, management teams, communication events and one-to-one meetings. Corporate updates will also be distributed throughout.

The Trade Unions have a collective agreement with the City Council, which means that they will represent staff during consultation, regardless of membership.

Staff that are absent will be kept informed of developments via their management, details of which should be agreed between individual and manager. Colleagues with disabilities will be invited to advise of any reasonable adjustments that may need to be taken into account or made, in order to support them through the process.

- **Who can be ring fenced**

If you are acting up or have a temporary promotion for less than two years, you will be considered on your substantive post. If you have been acting up or temporary promotion for more than two years via a fair selection process, you may be ring fenced in accordance with your temporary position.

If you are on a fixed term contract ring fence principles generally do not extend to you, except in extenuating circumstances where Fixed Term Workers Regulations may apply. You will, however, be registered with Priority Movers prior to the end of your contract and will have 12 weeks support to look for alternative posts as a Priority Mover.

If you are on a placement from elsewhere within the organisation, you will be included in the appropriate ring fence according to your substantive post. If you do not wish to take part in the selection process, you will be treated as a priority mover when your placement ends. If you are on an ‘inward placement’ you will return to your substantive post when the placement ends and will not be in scope for the changes.

If you are on secondment from your substantive post that is affected by the proposals, you will be considered as part of the process and offered a post, if you wish to do so. Alternatively, you may be a priority mover upon cessation of your secondment. If the post to which you have been seconded becomes permanent, you should be offered the opportunity to accept this.

If you are seconded into a post that is affected by the proposals, you will not be included in the process if you have a substantive role to return to. If you do not have a substantive role, you will be included in the process or will become a priority mover at the cessation of your secondment.

If you are absent, consideration will be given in line with the Equality Act 2010, if appropriate.

If you are on maternity leave, then you may be protected by the Equality Act 2010, and a suitable alternative will be sought where possible.

- **Can I refuse to move directorates?**

If you have concerns about moving directorates, it is wise to offer your feedback on this via the consultation process, including constructive reasons as to why this might be a problem for you. You can do this via your Trade union, writing to the mailbox, one-to-one meeting or at consultation meetings. However, once consultation has ended and the new structure agreed, you will need to embrace the new structure or you may be in breach of contract.

- **Can I choose not to express an interest in any new role or refuse to be assimilated?**

If you refuse to be assimilated, this will be explored with you during a meeting. Ultimately, we will identify, wherever possible, a suitable alternative. If you fail to take up this offer, you could be considered as offering your resignation and as such, you would not be entitled to any redundancy payments.

If you do not wish to express an interest in a role, again, we will explore this with you to discuss concerns as we will, wherever possible, aim to avoid redundancy situations.

- **What if I am in a redundancy situation, what are my options and is Voluntary Redundancy available for people that may wish to pursue this route?**

Support is offered to all those at risk of redundancy and there is a comprehensive support package for career transition available, including; priority movers, upskilling on interview skills, and support for alternative employment, along with financial and pension advice. The Employee Assistance Scheme (Help) is also available to support people on an individual level.

Employees wherever possible will be offered suitable alternative posts. If someone would like consideration for a post that has more contractual hours than they currently possess, they may only be eligible to apply once any vacancies are advertised. In addition, some posts that may be advertised in other directorates, defined as business critical and thus not subject to recruitment freeze, will be available to Priority Movers and lateral moves, before being inserted in the internal bulletin.

If you are a member of a Trade Union, you may wish to seek their support.

Voluntary Redundancy

Voluntary Redundancy may only be open to those invited to apply where there are still posts within the new structure but where there are more people than posts available. If there is a whole job group or if all the team is being disbanded, this will be a compulsory redundancy situation. If you choose to take Voluntary Redundancy without pension, you will be unable to return to City Council employment for the immediate 12 months after your leaving date, this includes working as an agency worker. In the event of taking VR with a pension payment, you will be unable to return to City Council employment for the immediate 3 years after your leaving date, again, this includes working as an agency worker.

Payments made up to the sum of £30,000 are tax free. It is possible that should you choose to leave, you may be able to be paid in lieu of notice (please note that this is subject to normal employee deductions), unless there is a business need for you to observe your notice period. If you are 55 or older and contribute to the pension scheme, you will be able to access your pension upon leaving the City Council.

Compulsory Redundancy

Any compulsory redundancy payments are calculated on your substantive salary and length of service, including any maternity leave. Redundancy is calculated using the statutory number of week's pay, although Birmingham payments do not get capped at the upper limit, and payments will be made on your actual contractual weekly pay if this is in excess of the upper limit;

Counting back 12 weeks from the date of leaving (including those on variable pay), the statutory payment is based on your age and length of service (up to a maximum of 20 years) to determine the number of weeks (maximum 30 weeks) to be paid;

- 1.5 weeks' pay for each year of employment after their 41st birthday
- a week's pay for each year of employment after their 22nd birthday
- half a week's pay for each year of employment up to their 22nd birthday

If you are in receipt of additional allowances such as; overtime, shift payments, standby, acting up etc., then the estimated redundancy calculation will be amended upon observation of your period of notice.

The City Council Redundancy Selection procedure will be used in the event of there being more people than posts, or if there is no suitable alternative. If an entire team is to be deleted, there will be automatic compulsory redundancy. Selection for redundancy may take place before the end of the consultation period, however, any formal notice of compulsory redundancy cannot be issued until after consultation has ended.

Pension

If you are in the pension scheme, your pension will automatically be released in the event of a redundancy situation and you will not be able to defer this if you are 55 or over. If you are under 55, your pension can be suspended, recommenced or transferred, depending on where your next employment is. If you are a higher earner, please see the FAQ regarding Public Sector Exit Payments and the Exit Cap below.

- **Do I need to be considering the regulations around Public Sector Exit Payments and the Exit Cap?**

The legislation is not finalised at the moment, but is expected any time soon. There is a proposed maximum salary for calculation of redundancy payments of £80,000. The Exit Cap limits payments up to £95,000 which includes redundancy and pension strain contributions (unless the employee contributes to the pension strain). You would take a reduced pension and deferment is not allowed, for redundancy purposes. You would also need to consider the repayment of such payments, in the event that you return to public service. Further information should be available soon.

- **This looks like a very corporate thing, and I work out in a depot, so this doesn't really affect me, does it?**

This affects every single employee of the Council, but to differing extents. It is imperative that we all acknowledge that the Future Operating Model is the way we intend to undertake our business, survive, but most of all, deliver our Purpose every day.

- **How can I offer my feedback throughout the consultation process?**

Feedback is encouraged and welcomed on any part of the proposal – all or just part. You may be able to identify opportunities for partnerships, community working, enablement or process improvements. You may suggest mitigating factors, you may have questions, all of which is valid and valuable. We need to remember that whilst the structures and roles may change, we will support one another in order to deliver our priorities and this needs your feedback and engagement. You can share your thoughts during one-to-one meetings, consultation meetings, via your Trade Union, or in writing to the Employee Consultation mailbox. If you have any queries, your line manager will be able to support you, in the first instance.