

PERSONNEL COMMITTEE – 13TH OCTOBER 2020

Report of the Head of Strategic Support

Part A

ITEM 14 SECONDMENT POLICY AND PROCEDURE

Purpose of Report

Personnel Committee to consider and agree the revisions to the Secondment Policy and Procedure.

Recommendation

That the proposed Secondment Policy and Procedure be agreed by Personnel Committee.

Reason

The purpose of the policy is to provide managers with practical information on secondments and measures to be implemented within the workplace.

Policy Justification and Previous Decisions

The proposed Secondment Policy and Procedure outlines the Council's commitment to ensuring good practice and compliance with legislative requirements relating to secondments.

Implementation Timetable including Future Decisions

It is recommended that the Secondments Policy and Procedure be published on the intranet, following the Personnel Committee meeting.

Financial Implications

There are no immediate financial implications arising from this decision.

Risk Management

There are no specific risks associated with this decision.

Appendix: Secondment Policy and Procedure

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Part B

Background

1. The Secondment Policy and Procedure has been reviewed and redrafted to make the process for secondments clearer. The previous policy made specific references to processes for internal and external recruitment which resulted in a lengthy policy document with duplication of content. The revised policy streamlines this by merging the processes and making it easier for employees to follow.
2. Key changes include:
 - 2.1 Timescales for secondment
 - 2.1.1 It is proposed that the secondment period be increased to a maximum period of one year, with the opportunity to extend in exceptional circumstances through the delegated decision process.
 - 2.1.2 The current policy states that secondments would not ordinarily last for more than 6 months. Current practice demonstrates that managers often need to extend this period, and therefore the proposed timescale allows greater flexibility for managers responsible for secondment positions.
 - 2.2 Internal Recruitment process
 - 2.2.1 The revised policy recommends that, in exceptional circumstances, where a short term vacancy needs to be filled urgently and/or requires specialist skills, it may be appropriate to ring fence the opportunity to a specific group of existing employees subject to Head of Service approval. It is therefore recommended that in exceptional circumstances, internal recruitment is approved as an option within the policy revisions.
 - 2.3 In all other cases the vacancy will be advertised internally and externally.
 - 2.3.1 The Council's recruitment and selection process outlines that all posts within the Council will be advertised internally and externally. However, custom and practice with secondment positions has on occasion been to ring fence the post to a specialist group of employees. Where there is no need to fill the vacancy urgently or specialist skills are not required, the normal recruitment and selection process should be followed.
 - 2.4 Amendment to Forms
 - 2.4.1 Prior to undertaking a secondment, employees were previously requested to complete a Prior Permission Pro-Forma to gain a manager's permission to undertake a secondment.
 - 2.4.2 The revised proposal intends to simplify this process by specifying that the employee must obtain permission from their substantive manager before

submitting an application for the secondment. There is no need to complete the Prior Permission Pro-Forma.

2.4.2 The Secondment – Variation to Contract document has also been updated to comply with the policy and relevant terms and conditions.

3. Consideration at Meetings - the Secondment Policy and Procedure was issued to SLT on 29th January 2020 and considered at JMTUM on the 27th August 2020.

Secondment Policy and Procedure

Contents

Scope	1
Purpose	1
Definitions	2
Advertising and Applying for a Secondment Opportunity	2
Considering a Secondment Request	3
Confirming the Secondment Terms and Conditions	4
Internal secondments	4
External and incoming secondments	4
Maintaining Contact during the Secondment	5
Dealing with Issues that Arise during the Secondment	5
Extending a Secondment	5
Terminating a Secondment	6
Host manager wishes to end the secondment early or on the original end date	6
Employee wishes to end the secondment in advance of the original end date	6
Substantive manager wishes to recall the employee to their substantive post	6
Managing the Employee’s Return to their Substantive Post	7
Secondment Positions which Become Available on a Permanent Basis	7
Secondments and Organisational Change	7
Maintaining Professional Registration during Secondments	8

Scope

This policy applies to all employees of Charnwood Borough Council with the exception of those employed by schools and colleges with delegated budgets. It is also not applicable to agency workers, self-employed individuals, apprentices or casual workers.

Purpose

The Council recognises the benefits that secondment opportunities can provide both in terms of employee development and covering posts on a temporary basis. Whilst the Council is committed to supporting the use of secondments, it also needs to ensure that, when agreeing to a secondment, the secondee’s employment status is made clear so that no unwarranted liabilities are incurred as a result.

The purpose of this policy is to encourage managers to adopt a fair and consistent approach when considering secondment requests and provides practical guidance on the successful implementation and management of secondment arrangements. It is not

intended to cover the specifics of individual secondment arrangements but to provide general guidance to managers and employees.

[Back to Contents](#)

Definitions

For the purposes of this policy, the following definitions will apply:

- **Internal Secondment** - Where an employee transfers to an alternative post in their own or another department within the Council for a fixed-term period (up to a maximum of one year in duration except in exceptional circumstances).
- **External Secondment** - Where an employee transfers from the Council to work in another organisation for a fixed-term period (up to a maximum of one year in duration except in exceptional circumstances). The external organisation is the host organisation, not the employer. The employee will retain their employment with the Council during the secondment and will return to their substantive post on its completion.
- **Incoming Secondment** - Where an employee from another organisation works for the Council for a fixed-term period. The Council is the host organisation, not the employer. The employee will retain their employment with the external organisation during the secondment and will return to their substantive post on its completion.
- **Host Manager or Organisation** - The manager or organisation who is recruiting to the secondment position.
- **Substantive Manager** - The manager whose team the employee would normally work in and who will give permission to the employee to undertake the secondment.

[Back to Contents](#)

Advertising and Applying for a Secondment Opportunity

Managers must obtain Head of Service approval to recruit to a secondment post by completing and submitting the Recruitment Approval Request Form.

The post should be advertised as a fixed term opportunity both internally and externally and normal recruitment and selection procedures apply.

Applications from redeployees must still be considered in accordance with the Redeployment Policy and Procedure and if successful, a fixed term contract should be issued.

The Council does not routinely advertise a secondment opportunity to specific internal employees. However, in exceptional circumstances where a short term vacancy needs to

be filled urgently and/or requires highly specialist skills, it may be appropriate to ring-fence the opportunity to a specific group of existing employees. In such circumstances, managers will need to obtain Head of Service approval and follow a fair and transparent selection process. Formal records must still be kept as to how the appointment decision was reached.

A Council employee wishing to apply for a post on a secondment basis must obtain permission from their substantive manager **before** submitting an application. Failure to obtain this approval may result in the employee having to resign from their substantive post in order to take up the fixed-term position.

An employee wishing to apply for an external secondment should contact the host organisation to confirm if they would be willing, in principle, to consider such an arrangement. The employee will be subject to the host organisation's recruitment and selection procedures.

[Back to Contents](#)

Considering a Secondment Request

Employees do not have an automatic right to be released to undertake a secondment. Decisions should be based on operational considerations, for example:

- Whether the Head of Service is likely to give permission to recruit someone to fill the employee's vacated post on a fixed-term basis;
- If the employee cannot be replaced, whether a significant amount of additional work is likely to fall to colleagues and the impact this will have;
- The impact any cover arrangements will have on the service and/or customers;
- Peaks and troughs in work activities and whether these coincide favourably or unfavourably with the secondment timescales;
- Whether there are mutual benefits for the employee and the service/Council in terms of the knowledge, skills and experience that the employee will gain from the secondment;
- If there are any circumstances (e.g. imminent service restructure) which may impact on the requirement to hold the employee's post open for their return.

If permission is given, the employee's substantive post must be held open for their return. Where permission is not granted, the employee should be advised of the reason(s) why their request cannot be agreed.

Where an incoming secondment request is received for the Council to host a secondee from a third party employer, managers should only consider accepting such a request where the arrangement would be in the interests of the Council.

[Back to Contents](#)

Confirming the Secondment Terms and Conditions

Once the selection process is complete, the host manager should complete the Selection Outcome e-form and normal recruitment and selection procedures will apply.

Internal secondments

Human Resources will send the employee a variation to contract letter confirming the details of the secondment. As secondments are a voluntary arrangement, the employee will not be entitled to pay protection or disturbance allowance during the period of their secondment.

External and incoming secondments

A formal secondment agreement is required which will be signed by the employee, the host manager and the substantive manager. The agreement may be drawn up by either the external organisation or the Council, depending on the circumstances of the secondment. As this is a legally binding document, managers must seek advice from Human Resources when drafting and/or finalising the contents of the agreement. A copy of the signed agreement should be retained on the employee's personal file.

Employees on external secondment will remain in the employment of the Council during the period of their secondment. Consequently, their continuity of service will be preserved for the purposes of service-related entitlements, such as annual leave, and statutory employment rights (e.g. redundancy payments). These employees will also remain subject to the Council's policies, procedures and contractual terms and conditions during their secondment. This includes the Council's performance management policies (i.e. attendance management, capability, behaviour in the workplace, disciplinary, and grievance). However, they will also be expected to observe the policies and procedures of the host organisation. It is therefore important that any specific conditions (e.g. dress code, health and safety requirements) are included in the secondment agreement.

The contractual management of employees on external secondments will continue to be the responsibility of their substantive manager (e.g. for booking annual leave, sickness recording and monitoring) although day-to-day supervision will be undertaken by the host manager. The substantive manager will need to liaise closely with the host manager to ensure that they are familiar with the Council's procedures so that the necessary processes are followed.

It is usual practice for the Council to continue to pay the salary of an employee on external secondment and then invoice the host organisation for the salary costs incurred. The substantive manager should liaise with Finance Payroll to put these arrangements in place.

Employees who wish to undertake an external secondment are advised to contact the pension scheme, prior to signing any agreement, to discuss the potential impact of the arrangement on their scheme membership:

- Local Government Pension Scheme (LGPS)
Email: pensions@leics.gov.uk or Telephone: (0116) 3057654

In the case of incoming secondments, the employee will remain in the employment of the external organisation during the period of the secondment. The employee should continue to be paid by their employer, who will then invoice the Council for the appropriate salary costs. They will also usually remain subject to their employer's policies, procedures and contractual terms and conditions during the secondment. A copy of the secondee's employment contract with the external organisation should be disclosed to the Council and included within the secondment agreement. Any Council policies or other conditions which will apply to the employee during their incoming secondment should be set out in the secondment agreement.

[Back to Contents](#)

Maintaining Contact during the Secondment

The employee and the substantive manager are both responsible for ensuring that regular contact is maintained during the secondment period. This will ensure that the employee is kept informed of any changes and/or developments within their substantive team and/or the Council. Depending on the length of the secondment, it may also be appropriate, especially in the case of external secondments, for periodic review meetings to take place. This will enable the host manager, the substantive manager and the employee to discuss the ongoing progress of the secondment.

[Back to Contents](#)

Dealing with Issues that Arise during the Secondment

In the case of external and incoming secondments, the host manager should alert the substantive manager if any performance or conduct issues arise. The substantive manager will usually be responsible for invoking any action required however this will depend on the arrangements specified in the secondment agreement. It is expected that the host manager (and colleagues within the host organisation) will co-operate fully with any investigation or formal proceedings that may be required. This requirement should be stipulated in the secondment agreement.

[Back to Contents](#)

Extending a Secondment

Any proposed extension to the original secondment period must be discussed and agreed between the host manager and the substantive manager in the first instance. The same considerations should be taken into account as above (Considering a Secondment Request). In the case of internal and incoming secondments, the host manager will also need to obtain permission for the extension through the delegated decision process before offering it to the employee. If all parties are in agreement, the details of the extension should be confirmed in writing to the employee.

For internal secondments, the host manager should submit the [Variation to Contract E-Form](#), following approval of the delegated decision. Human Resources will then send the employee written confirmation of the extension. In the case of external and incoming secondments, a further secondment agreement will need to be produced and issued by the originator of the original agreement. As this is a legally binding document, managers must seek advice from Human Resources before signing the new agreement.

Where the substantive manager is unable to agree the continued release of the employee or the employee does not wish to accept the extension, the secondment will end in accordance with the original variation to contract letter or secondment agreement.

[Back to Contents](#)

Terminating a Secondment

Host manager wishes to end the secondment early or on the original end date

The host manager should contact the employee's substantive manager to confirm that the secondment will be ending. This will enable them to terminate any cover arrangements that may be in place. The host manager should then meet with the employee to advise that the secondment will be ending and confirm this in writing. A template letter is available by clicking [here](#). If the secondment is ending earlier than expected, the employee must be given the required notice as set out in the variation to contract letter or secondment agreement. For internal secondments, the manager will also need to complete the [Variation to Contract E-Form](#) to advise Human Resources of the employee's return to their substantive post.

If an employee is unable to work for a consecutive period of 3 months or more, the host manager reserves the right to terminate the individual's secondment, following the above procedure, where this provision is set out in the variation to contract letter or secondment agreement.

Employee wishes to end the secondment in advance of the original end date

The employee should discuss the matter with both the host manager and the substantive manager in the first instance. If, following these discussions, the employee still wishes to terminate their secondment, they should provide the notice required under the variation to contract letter or secondment agreement. The substantive manager has the right to delay the employee's proposed return date if there is insufficient time to terminate any cover arrangements that may be in place or where the date would seriously affect the service for other significant business reasons.

Substantive manager wishes to recall the employee to their substantive post

The substantive manager reserves the right to recall a seconded employee to their substantive post. Where possible, the employee should be provided with the notice attached to the seconded post. However, in exceptional circumstances it may be necessary to recall the employee at short notice. In these situations, the substantive manager should discuss and agree the early return date with the host manager before

notifying the employee. The employee's variation to contract letter or secondment agreement should make provision for such early termination.

[Back to Contents](#)

Managing the Employee's Return to their Substantive Post

The substantive manager is responsible for managing the employee's return to their substantive post. On their return, the employee should be provided with an update of any changes that may have taken place during their absence. Depending on the length of the secondment and/or the number of changes which have taken place, it may also be appropriate to provide the employee with (refresher) training. In addition, a review of the secondment experience should be conducted, ideally as part of the Personal Review process, in order to evaluate and recognise the benefits gained. It may also be useful for the employee to feed back what they have learnt from their experience to colleagues and to continue to maintain the contacts and networks they have established whilst on secondment.

When the employee returns to their substantive post, their salary in that role will reflect any incremental changes and/or annual pay awards that have taken place during the secondment period.

[Back to Contents](#)

Secondment Positions which Become Available on a Permanent Basis

If, during the course of an internal or incoming secondment, the secondment post becomes available on a permanent basis (e.g. the substantive post holder does not return from maternity leave), the position should be advertised in open competition and normal recruitment and selection procedures will apply.

An employee who is seconded to an external organisation and is offered the opportunity to take up this post on a permanent basis must submit their resignation to their manager giving the notice required under their substantive post's contract of employment.

In both cases, the terms of any secondment agreement should be considered as they may contain restrictions on the ability to recruit to or take up a position during or immediately after the secondment.

[Back to Contents](#)

Secondments and Organisational Change

If, during the period of the secondment, the employee's substantive post becomes subject to organisational change, it will be necessary for the employee to be advised, consulted and involved as if they were in their substantive role. This includes ensuring that the employee is provided with sufficient time away from their secondment post to be fully engaged in the process (e.g. to attend consultation meetings, participate in selection processes, etc.). In the case of external secondments, consideration should be given to

informing the host organisation of any proposed restructuring which may affect the seconded employee.

Further guidance on managing secondments during organisational change is available in the Organisational Change Policy and Procedure.

[Back to Contents](#)

Maintaining Professional Registration during Secondments

It may be necessary for some employees to return to their substantive post for a short period during their secondment in order to satisfy any statutory requirement to maintain their professional registration. Any such requirement should be made explicit in the secondment agreement.

[Back to Contents](#)