

# Harlow Council Secondment Policy

## Document Information

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## 1.0 Purpose

The secondment policy supports managers in adopting a consistent, fair and effective process when considering and managing secondments. This policy should be read in conjunction with other related employment policies.

## 2.0 Scope

This Policy applies to all employees of Harlow Council who have at least 6 months service and have successfully completed their probationary period.

## 3.0 Introduction

A secondment is the temporary movement or 'loan' of an employee to another part of the organisation (or to/from an external organisation) for the mutual benefit of the employee and the organisation. The employee's substantive job remains available for them to return to at the end of the secondment. If for any reason the employee's substantive post is proposed to be deleted then they will be contacted and included in any consultation arrangements. A secondment agreement is not a fixed term contract.

A secondment is when the employee fulfils the full duties of another post. Where an employee undertakes part of the duties these should be dealt with as separate matter. Human Resources will advise managers on whether an honorarium is appropriate in these circumstances.

Short term secondment opportunities for longer than six months should be recruited to in accordance with the relevant council policies and processes. Managers should seek permission to fill a role suitable for secondment in the normal way (using the permission to fill process) and the post should be advertised internally. Employees are encouraged to apply for these opportunities on a secondment basis, returning to their substantive job at the end of the secondment.

Secondments must be mutually agreed between the employee, substantive manager, and secondment manager. There is no automatic right to be released to undertake a secondment, however managers are encouraged to support requests.

### a. Benefits of Secondments

Managers are encouraged to release employees for secondments, as this benefits both the employee and the organisation by:

- Providing a short-term resource such as for specific projects, fluctuating service needs, maternity leave cover, staff shortages, etc.
- Enabling employees to gain enhanced skills, knowledge and confidence to support career development and succession planning.
- Making the best of our resources and tapping into the talent and creativity of our employees.

- Strengthening a culture of flexibility and supporting employees to embrace change.
- Supporting service improvement and 'one council' working across all departments.
- Fully utilising expertise and sharing skills and knowledge across the organisation and wider community.
- Supporting partnership working.
- Helping to attract employees who are flexible and keen to develop by actively promoting learning and development.

#### b. Types of secondment

Secondments will be either:

##### i) Internal - within or between sections/departments within the council:

On a short term basis for less than six months where an employee is seconded into a temporary promotion within the same team, undertaking all or some of a more senior role, ('acting up') to cover a short term absence, or pending recruitment. Short term secondment opportunities of less than six months should be advertised internally. If the duration is anticipated to be over six months, it may be advertised externally as a temporary/fixed term post but one that is open to secondment applications from existing employees.

If all the duties of the more senior role are being covered then the full increased pay rate will be paid. If only some of the duties are being covered then seek HR advice as this will need to be assessed by the manager. A variation to contract relating to the temporary promotion will be issued to the employee by HR and arrangements for pay agreed in accordance with the appropriate terms and conditions. If the secondment is into a lower graded post then the employee would be paid at the rate of pay for their substantive role.

If the contract is anticipated to last longer than two years it will be regarded as a fixed term or permanent contract and not normally be open to secondment.

ii) External - from the council to an external organisation where the council will remain the employer and the secondee will continue to be subject to the council's policies and procedures.

iii) Inward - from an external organisation to the council where the council is the host, not the employer.

A secondment can be either full time, for the whole working time of the secondee, or part time, where part of the secondee's working time is spent in their substantive job, and part in the seconded job.

A secondment arrangement would not apply in the following circumstances:

- Short term placements such as work shadowing, which are arranged informally between teams or work tasters.

## 4.0 Duration

### a. Length of secondment

A secondment will typically be for a period of up to one year but may be for up to two years. Secondments will only be extended beyond two years in exceptional circumstances. All parties will need to agree any extension to the original secondment which should be confirmed through the relevant resourcing approval process. Services should monitor and manage secondments effectively to ensure they do not continue indefinitely.

Managers should seek HR advice prior to extending a secondment beyond two years. Consideration must be given as to whether the job should continue as a secondment or be appointed to on a fixed term or permanent basis through the process below.

At the end of the secondment the employee and their manager should reflect on and capture the learning, skills and experience the employee has gained, and the benefits to both them and the service.

### b. If the secondment opportunity becomes permanent

A seconded employee does not have an automatic entitlement to be 'slotted' into the post they are seconded into if it becomes permanent or is extended beyond two years unless the secondment has already been advertised and recruited to. However, the manager should consider which of the following options most effectively meets service needs:

ii) Advertise the post as permanent through the appropriate council recruitment process if the secondee has been on secondment for less than 12 months (if the secondee is unsuccessful then they return to their substantive post) or,

ii) Offer the employee currently seconded into the post the opportunity on a permanent basis, as long as:

- The employee was offered the secondment originally through the appropriate recruitment process (as a minimum the opportunity must have been advertised internally).
- The employee has been on secondment 12 months or more.
- The duties of the job they were recruited to have not changed and the grade for the seconded post is the same.
- The person in the role is not on a temporary contract, an agency worker, or any other contract that classifies them as a 'worker' rather than 'employee' (if required, seek further clarification from HR on the definitions of 'employee' and 'worker').
- There are no employees 'at risk' with priority status who should be considered for redeployment into the role.

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## 5.0 Roles and Responsibilities

### a. Secondment Manager

- Advertises/fills the opportunity through the appropriate resourcing process giving suitable employees equal opportunity to apply.
- Meets the salary costs of the secondee, including any contractual/statutory sick pay, maternity/paternity pay.
- Identifies any contractual changes for the duration of the secondment, discusses these with the employee, and seeks HR advice if required.
- Ensures that HR are notified and any required pre-employment checks, e.g. DBS check/medical, are carried out before the secondment starts.
- Ensures any reasonable adjustments are put in place prior to the commencement of the secondment.
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- Provides an induction, in line with the relevant induction policy and process, and any training and development that may reasonably be required to carry out the job.
- Agrees objectives relating to the seconded job, which should be reflected in the secondee's 1:1, review or supervision meetings.
- Assumes day to day management responsibility, including for leave, sickness absence etc.
- Reports to the substantive manager any performance, health and safety, grievance or disciplinary matter that relates to the secondee which arises out of, or is in any way connected with, the secondment.
- Has responsibility for reviewing the secondment, and contacts the substantive manager and the secondee at least one month prior to the secondee's proposed return date to their substantive job.
- Reflects with the secondee on the learning, skills and experience gained, and benefits to the individual and service, to evaluate the success of the secondment and make recommendations for further development, where appropriate.
- If the secondment arrangement is with an external organisation, liaises with finance and the external organisation to ensure that appropriate cross charging arrangements are in place.

### b. Substantive Manager

- Makes the decision whether to 'release' the employee from their substantive job, for the period of the secondment, supporting requests for release whenever possible.

- In making the decision considers the temporary backfill arrangements, impact on the team, additional training required and whether to cover the absence on a fixed term contract basis
- If agreeing to a secondment request, makes arrangements for the appropriate variation of contract to be issued by Human Resources
- If refusing a secondment request, has clear business reasons for the decision and explains these to the employee. Where a manager is not able to agree a secondment, and an existing employee chooses to move from a permanent to a fixed term contract, the employee must be made aware of the implications of changing their contractual status from permanent to fixed term, and that they will not have any entitlement to return to their substantive post at the end of the fixed term contract.
- Makes arrangements to ensure the secondee is kept in touch regularly with general developments affecting their substantive job.
- Includes the secondee fully in any consultation process which affects their substantive job.
- Monitors relevant statutory requirements for maintenance of professional registrations in consultation with the secondee.
- Meets with the secondee prior to their return date.
- Ensures that the secondee understands that if the post they are seconded to is at a higher grade that they will on return to their substantive role, revert to their substantive grade.
- On return, discusses the value of the secondment, in terms of the learning, skills and experience gained, where appropriate, and benefits to the individual and service, and resets their role and development objectives.

### c. Employee

- Discusses any secondment opportunities with their substantive manager and gains approval for release prior to applying.
- Give appropriate notice to their manager in order to take up the secondment.
- If a release on secondment, or extension to a secondment, is not agreed, and the employee wishes to be considered for the job on a fixed term contract basis, discusses with their substantive manager the implications of doing so on their employment contract, with advice from HR if required.
- At the end of the secondment reflects on and captures the learning, skills and experience they have gained, where appropriate, and discuss this, and how it can benefit the service, with their manager

- Maintain professional registration/s
- Undertake any training required when returning to their substantive post to ensure they are up to date.

## 6.0 Contractual Arrangements

- A secondment agreement by way of variation of contract for secondments over 3 months will be formally issued by HR. Short term secondments of 3 months or less will receive a letter confirming the arrangements of the short term secondment.
- The salary, grade and terms and conditions of employment of the seconded employee will be those applicable to the secondment post unless the seconded post is at a lower grade in which case the employee will retain their substantive pay and terms and conditions.
- The employee should be made aware of any contractual changes for the duration of the secondment and issues with a variation of contract.
- The secondment agreement may include a break clause.
- If there is no agreement from the substantive manager to release the employee from their substantive job, or to extend an existing secondment agreement, the employee may decide to accept an offer of a fixed term contract instead and resign from their substantive job. There will be no right of return to their substantive job and a fixed term contract will be issued.
- If a secondment is to be extended (see section 4), the secondment manager must obtain agreement from the substantive manager, employee, and through the relevant approval process, prior to contacting HR who will then issue a secondment extension.
- If the secondment is required to end early for any reason, instigated by any party e.g. there is a change to service requirements, the secondment will end with the agreement of the secondment manager and substantive manager, subject to a minimum notice period to be agreed between all parties, usually one month. If the employee resigns from Harlow Council employment, the normal contractual notice period will apply.

## 7.0 Organisational Reviews

### a. Substantive post affected by a review

If the employee's substantive job is included in a restructure during the secondment period, the employee will automatically be fully included in any consultation or process which affects the job, including the redeployment process where this applies.

If the substantive job is deleted from the structure, the term “secondment” will no longer apply as there is no substantive job to return to. The seconded employee may continue in the secondment role until their last day of notice, provided that this was agreed with all parties and the notice provisions of the secondment were adhered to. Following this, if the employee continued in the temporary job, this would be on a fixed term contractual basis (which would also include a statutory four week trial period). At the end of the fixed term contract period, employment would be terminated unless an alternative job could be secured. HR advice should be sought and the employee made fully aware, in writing, of the implications of the changed contractual status, prior to them being asked to make a decision as regards to their continuation, or otherwise, in their substantive job.

**b. Secondment affected by a review**

Normally, employees seconded into an area which is subsequently restructured or reviewed, would return to their substantive post, and not be included in the ring fence.

## **8.0 External Secondments**

**a. To an external organisation**

A “template” agreement should be used (drawn up by Legal Services and issued by HR) in cases where an employee is seconded to an external organisation. The general principles in the previous sections of this procedure will still apply to external secondments (both into and out of Harlow Council), where appropriate. HR and legal advice should always be sought in relation to any external secondment to ensure that the “agreement template” is appropriate to the circumstances and takes into account any changes in the law. Advice should also be taken where the external secondment is to be to an organisation with whom the council has an arrangement such as a contract for supplies and services.

Employees seconded to an external organisation retain full continuity of employment with Harlow Council and will remain an employee of the council throughout.

**b. From an external organisation**

The contractual agreement for a secondment into Harlow Council should be drawn up and agreed in collaboration with the employing organisation who will be aware of the employee’s current contractual terms and conditions. HR and legal advice should be taken on each occasion and it may be possible for Harlow Council (Legal Services and HR) to provide the agreement in particular circumstances. Advice should also be taken where the external secondment is to be from an organisation with whom the council has an arrangement such as a contract for supplies and services.

**c. Costs**

For both external and inward secondments, specific consideration must be given in relation to cross charging e.g. the reimbursement of salary/contractual and statutory sick pay, maternity or paternity pay, travel expenses and employers pension contributions.