

**AGENDA FOR  
EMPLOYMENT PANEL**



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**To: All Members of Employment Panel**

**Councillors :** T Rafiq (Chair), R Bernstein, J Grimshaw,  
C Cummins, E Moss, M Walsh, L Dean and L Smith

Dear Member/Colleague

**Employment Panel**

You are invited to attend a meeting of the Employment Panel which will be held as follows:-

<b>Date:</b>	Thursday, 29 February 2024
<b>Place:</b>	Microsoft Teams
<b>Time:</b>	5.30 pm
<b>Briefing Facilities:</b>	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
<b>Notes:</b>	

## **AGENDA**

### **1 APOLOGIES FOR ABSENCE**

### **2 DECLARATIONS OF INTEREST**

Members of the Employment Panel are asked whether they have an interest in any of the matters on the agenda and, if so, to formally declare that interest.

### **3 MINUTES OF THE PREVIOUS MEETING** *(Pages 3 - 4)*

The minutes of the meeting held on 16 November 2023 are attached for approval and accuracy.

### **4 PAY POLICY STATEMENT** *(Pages 5 - 36)*

Report from Cabinet Member for Corporate Affairs and HR is attached.  
Appendix 1 attached  
Appendix 2 attached

### **5 EMPLOYMENT POLICY REVIEWS** *(Pages 37 - 104)*

Report from Cabinet Member for Corporate Affairs and HR is attached.  
Appendix 1 – Equality Policy for Employment  
Appendix 1A Equality Policy – Equality Impact Analysis  
Appendix 2 Learning & Development Policy  
Appendix 2A Learning & Development Policy – Equality Impact Assessment  
Appendix 3 – Flexible Working Policy  
Appendix 3A – Flexible Working Policy - Equality Impact Assessment

### **6 URGENT BUSINESS**

**Minutes of:** EMPLOYMENT PANEL

**Date of Meeting:** 16 November 2023

**Present:** Councillor T Rafiq (in the Chair)  
Councillors R Bernstein, J Grimshaw, D Berry, C Cummins,  
E Moss, T Tariq, M Walsh and L Dean

**Also in attendance:** Lynne Ridsdale, Chief Executive  
Jacqui Dennis, Council Solicitor  
Simon Bagley, Head of HR  
Julie Gallagher, Head of Democratic Services

**Public Attendance:** No members of the public were present at the meeting.

**Apologies for Absence:**

**1 APOLOGIES FOR ABSENCE**

Apologies for absence are noted above.

**2 DECLARATIONS OF INTEREST**

There were no declarations of interest made at the meeting.

**3 MINUTES OF THE PREVIOUS MEETING**

Minutes of the previous meeting were approved.

**4 EXCLUSION OF PRESS AND PUBLIC**

**5 SENIOR LEADERSHIP ARRANGEMENTS**

The Employment Panel:

1. Agrees the termination of the Council's joint financial leadership arrangements with NHS Greater Manchester and the disestablishment of the post of Joint Executive Director of Finance, Chief Officer Band H (£127,377 - £139,067).

2. Proposes for the agreement of Council the establishment of a new role of Executive Director (Finance) evaluated at Chief Officer Band H (£127,377 - £139,067) and that this post be designated as the Council's statutory Section 151 Officer

3. In the context of the immediate need for stable financial leadership agree that:

a. Standing orders - section 4.8.2 ii B & C of the Council's Officer Employment Procedure Rules be suspended.

b. The identified candidate is assessed by the Employment Panel for the role of Executive Director (Finance) and that, subject to this assessment, Council be asked to confirm their appointment on a part time consultancy basis for an initial period of six months with the ability to agree a further six month extension delegated to the Chief Executive in consultation with the Cabinet Member for Corporate Affairs & HR and Cabinet Member for Finance and Communities.

4. Agree the deletion of the role of Director of Housing Chief Officer Band F (£103,767 - £112,636).

5. Propose that Council agree the establishment of the post of Director of Housing Operations evaluated at Chief Officer Band F (£103,767 - £112,636).

**COUNCILLOR T RAFIQ**  
**Chair**

**(Note: The meeting started at 7pm and ended at 7.45pm)**



Classification	Item No.
Open	

<b>Meeting/Dates:</b>	Employment Panel – 29 February 2024
<b>Title of report:</b>	Pay Policy Statement 2024/25
<b>Report by:</b>	Cabinet Member for Corporate Affairs and HR
<b>Decision Type:</b>	Council
<b>Ward(s) to which report relates</b>	All

### Executive Summary:

Section 38 (1) of the Localism Act 2011 has required English and Welsh local authorities to produce a Pay Policy Statement for each financial year since 2012/13.

The purpose of the Pay Policy Statement is to provide transparency in respect of the Council's approach to setting the pay of its employees (excluding teaching staff working in local authority schools) by identifying; the methods by which salaries of all employees are determined; the detail and level of remuneration of its most senior staff; and the agreed decision making arrangements for ensuring the provisions set out in this statement are applied consistently throughout the Council.

The Localism Act requires that pay policy statements and any amendments to them are considered by a meeting of full Council.

### Recommendation(s)

The Employment Panel is asked to:

1. Commend the proposed Pay Policy Statement for 2024/2025 for approval by full Council.
2. Agree the Council's proposed pay structure for 2024/25 as set out within the statement and inclusive of revised non-consolidated pay supplements to retain compliance with the Real Living Wage rate of pay.

## Key considerations

### 1. Background:

- 1.1 Section 38 (1) of the Localism Act 2011 required English and Welsh local authorities to produce a Pay Policy Statement for 2012/13 and for each subsequent financial year.
- 1.2 Guidance issued by the former Department for Communities and Local Government states that the purpose of the Pay Policy Statement is to address the Government's issues with "top end pay" and some of the recommendations set out in the "Hutton review of Fair Pay in the Public Sector Report".
- 1.3 The Act requires Councils to prepare Pay Policy Statements which detail their policy on a range of issues relating to the pay of its employees; in particular, its senior staff ("Chief Officers") and its lowest paid employees.
- 1.4 The provisions do not apply to local authority school employees and neither do they change any existing responsibilities or duties under relevant Employment Legislation. However, all employees are included within the pay ratio calculations.
- 1.5 The Pay Policy Statement must be approved by full Council and then published on the Council's website. This is to ensure transparency, so that local taxpayers can take an informed view of whether local decisions and all aspects of remuneration are fair.
- 1.6 Matters that must be included in the Pay Policy Statement are:
  - The local authority's policy on the level and elements of remuneration for each chief officer;
  - The local authority's policy on the remuneration of its lowest-paid employees (together with its definition of "lowest-paid employees" and its reasons for adopting that definition);
  - The local authority's policy on the relationship between the remuneration of its chief officers and other officers;
  - The local authority's policy on other specific aspects of chief officers' remuneration: remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments, and transparency.
- 1.7 The Act defines remuneration widely, to include not just pay but also charges, fees, allowances, benefits in kind, increases in/enhancements of pension entitlements, and termination payments.
- 1.8 The purpose of the statement is to provide transparency with regard to the Council's approach to setting the remuneration of its employees (excluding teaching staff working in local authority schools) by identifying;

- The methods by which salaries of all employees are determined;
- The detail and level of remuneration of its most senior staff i.e. 'Chief Officers', as defined by the relevant legislation;
- The Committee(s) responsible for ensuring the provisions set out in the Pay Policy Statement are applied consistently throughout the Council and recommending any amendments to the full Council.

### **2. Pay Structure:**

2.1 As set out within the Pay Policy Statement the Council pays its staff in-line with nationally negotiated pay spines. The majority of staff (those paid up to circa. £60K) are paid in accordance with the National Joint Council (NJC) for Local Government Services pay scale. For these staff, the national pay award due to be applied from 1st April 2024 is not yet agreed. The proposed pay structure for 2024/25 appended (Appendix 1 of the document) will therefore be updated to reflect the pay award for 2024/25 as and when it is agreed.

2.2 The Council has been formally accredited by the Real Living Wage Foundation as a Real Living Wage employer. The Real Living Wage rate as of 1 April 2023 was £10.90 and the Council's pay structure included a number of non-consolidated supplements paid at Spinal Column Points 2 to 4 to both apply the Real Living Wage rate of pay and maintain appropriate differentials to other pay points. Following agreement of the 2023/24 Pay Award, the lowest spinal column point rose to £11.59, above £10.90, and the non-consolidated supplements were removed. The Real Living Wage rose to £12.00 on 24<sup>th</sup> October 2023 and employers have until 1st May 2024 to implement this. To maintain its commitment to the Real Living Wage, non-consolidated supplements will be reintroduced with effect from 1<sup>st</sup> April 2024 and paid on spinal column points 2 to 5. Once the 2024/25 Pay Award is agreed and implemented the level of non-consolidated supplements will reduce so that, as a minimum, the overall level of hourly pay is retained.

2.3 For more senior staff, those paid in accordance with the Joint Negotiating Committee (JNC) for Chief Officers and Joint Negotiating Committee (JNC) for Chief Executives terms and conditions, the pay award for 2023/24 is reflected in the pay structure appended. The pay award for 2024/25 has not yet been agreed and will be applied as and when national agreement is reached.

### **3. Chief Officer Remuneration:**

3.1 The Pay Policy Statement sets out the Council's arrangements for the remuneration of Chief Officers, including arrangements for agreeing the establishment of new posts. Appendix 2 of the documents includes the Council's current pay scales for Chief Officers.

**4. Pay Multiple:**

- 4.1 The current pay levels (as at January 2024) within the Council define the multiple between:
- The median (the halfway point between the lowest and highest earner) full time equivalent (FTE) earnings for the whole of the workforce and the Chief Executive (top of pay spine) as 1:6.88. The difference in pay is lower than last years reported figure of 1:7.14.
  - The lowest paid earner full time equivalent (FTE) and the Chief Executive (top of pay spine) as 1:9.09. The difference in pay is lower than last years reported figure of 1:10.46
- 4.2 The pay multiple has been calculated in accordance with the LGA Local Transparency Guidance. Data relates to the 1<sup>st</sup> January 2023 – 31<sup>st</sup> December 2023.

**5. Gender Pay Gap:**

- 5.1 The Council is required to take a ‘snapshot of data’ as at the 31 March 2023 and analyse this to calculate our gender pay gap. We are required to publish the data on the Council website (to remain for at least 3 years) and also on a government site, by 31<sup>st</sup> March 2024 at the latest.
- 5.2 The Council’s Gender Pay Gap for 2022-2023 compared with 2021-2022 is shown below:

Women’s Hourly Rate:

	Mean	Median
2021/22	3.26% Lower	2.41% Lower
2022/23	6.83% Lower	3.60% Lower

- 5.3 Figures from the Office of National Statistics taken from the annual survey of hours and earnings (ASHE) cites the gender pay gap to be 7.7% nationally and 7.8% in the Northwest.
- 5.4 Whilst the gap for the Council remains below the regional and national average, this is the first time since reporting began that the Authority has seen an increase here. The full statement sets out further analysis in relation to this and the actions being taken to continue to address equity in the workforce, including pay differentials.

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**Community impact/links with Community Strategy**

The provision of a fair and transparent pay structure supports the Council to attract and retain a skilled and competent workforce to deliver on the Authority’s contribution to the



LET'S Do It Strategy!

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**Equality Impact and considerations:**

**Equality Analysis**

Equality analysis has been undertaken and identifies a positive impact in that the pay structure, commitment to the real living wage and the non-consolidated supplements at the lower end of the pay spine supports those who are more socio-economically vulnerable. It also helps to mitigate the pay related consequences of any elements of race and gender based occupational segregation in the workforce.

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**Assessment of Risk:**

The following risks apply to the decision:

<b>Risk / opportunity</b>	<b>Mitigation</b>
Without an approved Pay Policy Statement the Council cannot legitimately progress future employment decisions	Development and approval of this statement

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**Consultation:**

The statement has been shared with the recognised Trade Unions and their comments incorporated within the final proposed document.

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**Legal Implications:**

Under section 38 of the Localism Act 2011, local authorities are required to publish a 'Pay Policy Statement' on an annual basis, focused on senior employees. Approval of the Statement must be made by Council, it cannot be delegated. The Act sets out that a Pay Policy Statement must include:

- A local authority's policy on the level and elements of remuneration for each chief officer
- A local authority's policy on the remuneration of its lowest-paid employees (together with its definition of "lowest-paid employees" and its reasons for adopting that definition)
- A local authority's policy on the relationship between the remuneration of its chief officers and other officers
- A local authority's policy on other specific aspects of chief officers' remuneration: remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments, and transparency.

This must then be published as soon as is reasonably practicable following approval.

The Council must comply with all relevant employment legislation. The Council is also bound by collective agreements and contractual arrangements which cannot be unilaterally altered. Relevant legislation includes the Employment Rights Act 1996, Equality Act 2010, Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000, the Transfer of Undertakings (Protection of Employment) Regulations 2006 (as amended), Agency Workers Regulations 2010, and the Children & Families Act 2014.

The Council has taken steps to ensure there is no discrimination within its pay structures and that all pay differentials can be objectively justified, the report does however highlight an increased gender pay differential, the report sets out the steps the Council will take to mitigate/address this.

Where relevant, legislative obligation will supersede the approach and principles outlined in this statement, for example where terms and conditions are preserved as a result of contracts of employment transferring under TUPE.

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**Financial Implications:**

This report outlines the Council's Pay Policy as required by the Localism Act. The report is a statement of fact. All pay costs are provided for and fully funded within the Council's approved budget.

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**Background Papers**

Report to Employment Panel 1<sup>st</sup> March 2023: - [Pay Policy Statement 2023/24](#)

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**Please include a glossary of terms, abbreviations and acronyms used.**

Term	Meaning

e

# Pay Policy Statement

2024-2025

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The purpose of the statement is to provide transparency in respect of the Council’s approach to setting the pay of its employees (excluding teaching staff working in local authority schools) by identifying; the methods by which salaries of all employees are determined; the detail and level of remuneration of its most senior staff and the agreed decision-making arrangements for ensuring the provisions set out in this statement are applied consistently throughout the Council.

## 1. Introduction and purpose

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- 1.1 In accordance with section 112 of the Local Government Act 1972, the Council has the “power to appoint officers on such reasonable terms and conditions as the authority thinks fit”. This Pay Policy Statement sets out the Council’s approach to pay in accordance with the requirements of Section 38 of the Localism Act 2011.
- 1.2 The purpose of the statement is to provide transparency with regard to the Council’s approach to setting the pay of its employees (excluding teaching staff working in local authority schools) by identifying:
  - The methods by which salaries of all employees are determined;
  - The detail and level of remuneration of its most senior staff i.e. ‘Chief Officers’, as defined by the relevant legislation;
  - The constitutional arrangements in place for ensuring the provisions set out in this statement are applied consistently throughout the Council and recommending any amendments to the full Council.
- 1.3 This policy statement will be subject to review on an annual basis.
- 1.4 The previous Pay Policy Statement (2023-24) was agreed at full Council on the 22<sup>nd</sup> March 2023.

## 2. Context: Legislation relevant to pay and remuneration

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- 2.1 In determining the pay and remuneration of all of its employees, the Council will comply with all relevant employment legislation. This includes legislation such as the Equality Act 2010, Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000, Statutory Guidance on the Making and Disclosure of Special Severance Payments by Local Authorities in England and, where relevant, the Transfer of Undertakings (Protection of Earnings) Regulations.
- 2.2 The Council will ensure there is no pay discrimination within its pay structures and that all pay differentials can be objectively justified through the use of job evaluation mechanisms, which directly establish the relative levels of posts in grades according to the requirements, demands and responsibilities of the role.

### 3. Pay structure

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- 3.1 The Council uses the nationally negotiated pay spine(s) (i.e. a defined list of salary points) as the basis for its main local pay structure. These pay spines are used to determine the salaries of the large majority of the Council's non-teaching workforce. Rates of pay are subject to an annual pay award applied from the 1<sup>st</sup> April. The pay award due to be applied from 1<sup>st</sup> April 2024 is not yet agreed. Subject to approval of this Statement, the pay structure for 2024/25 is attached at Appendix 1. This will be updated to reflect the relevant national pay award for 2024/25 as and when it is agreed. Staff who transferred to the Council through a TUPE process (including those formerly employed by Six Town Housing) are paid in line with their existing pay structures in accordance with legal TUPE protections.
- 3.2 The Council has been formally accredited by the Real Living Wage Foundation as a Real Living Wage employer. The Real Living Wage rate at 1 April 2023 was £10.90 and the Council's pay structure included a number of non-consolidated supplements paid at Spinal Column Points 2 to 4 to both apply the Real Living Wage rate of pay and maintain appropriate differentials to other pay points. Following agreement of the 2023/24 Pay Award, the lowest spinal column point rose to £11.59 well above the £10.90 and the non-consolidated supplements were removed. The Real Living Wage rose to £12.00 on 24<sup>th</sup> October 2023 and the Council has until 1<sup>st</sup> May 2024 to implement this. To maintain its commitment to the Real Living Wage, non-consolidated supplements will be reintroduced with effect from 1<sup>st</sup> April 2024 and paid on spinal column points 2 to 5. Once the 2024/25 Pay Award is agreed and implemented the level of non-consolidated supplements will reduce so that, as a minimum, the overall level of hourly pay is retained.
- 3.3 The pay and terms and conditions of employment of the Council's workforce are largely determined by the following negotiating bodies in accordance with the agreed collective bargaining machinery:
- National Joint Council (NJC) for Local Government Services;
  - The Soulbury Committee, (educational advisers/inspectors, other school improvement professionals, educational psychologists)
  - Joint Negotiating Committee (JNC) for Local Authority Craft and Associated Employees;
  - Joint Negotiating Committee for Youth and Community Workers;
  - Joint Negotiating Committee (JNC) for Chief Officers
  - Joint Negotiating Committee (JNC) for Chief Executives
- 3.4 The Council adopts the national pay bargaining arrangements in respect of the establishment and revision of the national pay spines.
- 3.5 The pay of those employees whose terms and conditions fall within the purview of the Joint Negotiating Committee for Chief Executive's and the Joint

Negotiating Committee for Chief Officers are also determined by reference to Joint Secretarial advice issued by the JNC for Chief Officers of Local Authorities in 2002. The Joint Secretarial advice recommended the establishment of local salary structures as a result of a move from benchmark to median salaries, identified through the annual salary and numbers survey conducted by the Local Government Employers' Organisation.

- 3.6 All other pay related allowances are the subject of either nationally or locally negotiated rates.
- 3.7 The Council is committed to the principles of equal pay for all its employees, and to ensuring that there is consistency and fairness in the approach to starting salaries and has guidance for managers in this area. All new appointments (whether new recruits to the Council or an internal candidate) will ordinarily commence at the minimum spinal column point (SCP) of the relevant grade. Appointments will not be made higher up the grade in order to preserve salary, although pay protection arrangements are available in relevant situations.
- 3.8 In exceptional circumstances and following the completion and documentation by the senior recruiting manager of an equal pay risk assessment, an appointment may be made with a starting salary higher than the minimum point. In these exceptional circumstances where the appointment salary is above the minimum point of the pay scale and is not affected by other council policies, for example redeployment or flexible retirement, this is approved by the Head of Human Resources.
- 3.9 From time to time it may be necessary to take account of the external pay levels in the labour market in order to attract and retain employees with particular experience, skills and capacity. Where necessary, the Council will ensure the requirement for such is objectively justified by reference to clear and transparent evidence of relevant market comparators, using data sources available from within the local government sector and outside, as appropriate. Any temporary supplement to the salary scale for the grade is approved in accordance with the Council's Market Supplement Policy.
- 3.10 The Council has a number of salary sacrifice schemes in place. These include the cycle to work scheme, the AVC scheme and the car lease scheme. These schemes and their operation are regulated by Her Majesty's Customs and Excise and there are strict rules around the management of the schemes. The schemes permit employees to "sacrifice" part of their salary in exchange for a benefit; this means that Tax and National Insurance are not paid on the amount sacrificed effectively reducing the cost of the benefit to the employee. These schemes are open to all employees at the Council with the proviso that their salary exceeds the National Minimum Wage after the deduction. In addition to these schemes the Council has a number of other employee benefits.

## 4. Chief Officer remuneration

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- 4.1 For the purposes of this statement, chief officers are as defined within the Localism Act; i.e.
- i. The head of the paid service designated under section 4(1) of the [Local Government and Housing Act 1989](#);
  - ii. The monitoring officer designated under section 5(1) of that Act;
  - iii. A statutory chief officer mentioned in section 2(6) of that Act;
  - iv. A non-statutory chief officer mentioned in section 2(7) of that Act;
  - v. A deputy chief officer mentioned in section 2(8) of that Act.
- 4.2 The Council's pay structure in relation to these posts is appended below and details of the Council's current Chief Officer Structure and pay rates are [published on the Council's website](#). Rates of pay are subject to an annual pay award applied from the 1<sup>st</sup> April (The pay scales appended take into account the pay award for 2023-24 but not the award for 2024-25, which has not yet been agreed).
- 4.3 When establishing or reviewing the senior management salary structure the Council uses an analytical job evaluation scheme to determine grades. The broad advice issued by the Joint Negotiating Committees for Chief Executives and Chief Officers, on the establishment of a local salary structure based on median salary levels as identified through the annual salary survey is taken into account. This advice states that when deciding at what level these posts should be remunerated the following factors are to be considered:
- a. The Authority's policy in respect of the pay of its JNC officers and any relationship to the median salary levels for similar Authorities;
  - b. The chief executive's salary;
  - c. The relationship of current salary to the appropriate illustrative national median salary (salaries may be above, around, or below the median);
  - d. Any special market considerations;
  - e. Any substantial local factors not common to authorities of similar type and size, e.g. London weighting;
  - f. Comparative information to be supplied on request by the Joint Secretaries on salaries in other similar authorities;
  - g. Top management structures and the size of the management team compared to those of other authorities of similar type and size, and;
  - h. The relative job size of each post, as objectively assessed through job evaluation or otherwise.
- 4.4 Changes to the establishment are approved by the Cabinet Member for HR and Corporate Affairs. The establishment of Chief Officer and Deputy Chief



Officer posts are subject to approval by the Employment Panel (or Cabinet when linked to an organisational structure change).

- 4.5 The establishment of posts with salary levels at £100K or greater are ultimately subject to approval by full Council in accordance with the Localism Act (2011). This requirement only applies to new positions established and not to the filling of existing roles on the Council's establishment.
- 4.6 Where the Council is unable to recruit chief officers, or there is a need for interim support to provide cover for a substantive chief officer post, the Council will, where necessary, consider engaging individuals under a 'contract for service'. These will be sourced through a relevant procurement process ensuring the council is able to demonstrate the maximum value for money. In assessing such, it should be noted that in respect of such engagements the Council is not required to make either pension or national insurance contributions for such individuals who fall outside of the IR35 Regulations and might be considered as self employed by the HMRC.

## 5. Recruitment of Chief Officers

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- 5.1 The Council's policy and procedures with regard to recruitment of Chief Officers are set out as Guidance for the Recruitment of Chief Officers, which is within the overall framework of the existing recruitment and selection policy.
- 5.2 Accordingly the recruitment of Chief Officers is delegated to the Employment Panel whose functions include:
- The shortlisting and appointment of Chief Officers and Deputy Chief Officers (as defined by the Local Government and Housing Act 1989). The confirmation of appointment of all Chief Officers (with the exception of the Chief Executive/Head of Paid Service) is carried out in accordance with the [Council Constitution](#) – Officer Employment Procedure Rules and [The Local Authorities \(Standing Order\) \(England\) Regulations 2001](#)
  - The shortlisting and appointment of the Chief Executive / Head of Paid Service is carried out in accordance with the [Council Constitution](#) for submission to the Council.
- 5.3 When recruiting to all posts the Council will take full and proper account of all provisions of relevant employment law and its own Equality, Recruitment and Selection and Redeployment Policies.
- 5.4 The determination of the remuneration to be offered to any newly appointed Chief Officer will be in accordance with the pay structure and relevant policies in place at the time of recruitment.

## 6. Additions to the salary of Chief Officers

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- 6.1 The level of chief officer remuneration is not variable dependent upon the achievement of defined targets.
- 6.2 To meet specific operational requirements it may be necessary for an individual to temporarily take on additional duties to their identified role. The Council's arrangements for authorising any additional remuneration [e.g. honoraria, ex gratia, 'acting up' payments] relating to temporary additional duties are set out in the [Council's Constitution](#) and supplementary conditions of service.
- 6.3 The Chief Executive (Head of Paid Service), also carries out the duties of the Returning Officer in accordance with the Representation of The People Act 1983. The duties of the Returning Officer are separate from the duties undertaken as a local government officer; the office of Returning Officer is totally distinct from the office of Chief Executive and Head of Paid Service.
- 6.3.1 Payments due to the post holder in respect of the conduct of local municipal elections are consolidated within the salary.
- 6.3.2 Payments in respect of the conduct of National Government Elections, any National Referenda and Greater Manchester Mayoral elections are paid in addition to salary. These payments are pensionable and subject to deductions for tax and National Insurance.
- 6.4 Set out in the table below are details of other elements of 'additional pay' currently payable to Chief Officers (as defined by the Local Government and Housing Act 1989) which are chargeable to UK Income Tax and do not solely constitute reimbursement of expenses incurred in the fulfillment of their duties;

<b><i>Payment details</i></b>	<b><i>Paid to</i></b>
Fees paid for returning officer duties where identified and paid separately	Chief Executive (see 6.3.2)
Salary supplements payable for fulfilling statutory officer duties (e.g. S151 / Monitoring Officer) where identified and paid separately	None payable
Salary supplements payable for statutory duties carried out by The Director of Public Health where identified and paid separately	None payable
Market forces supplements in addition to basic salary where identified and paid separately	Director of Community Commissioning & Adult Social Services (DASS)
Priority Car User Allowance Lump Sums	None payable
Salary supplements or additional payments for undertaking additional responsibilities e.g. shared	None payable

service provision with another local authority or in respect of joint bodies, where identified and paid separately	
Any arrangements for payment of untaken annual leave falling outside the requirements of relevant legislation	None payable

## 7. Pension contributions

- 7.1 Where employees have exercised their statutory right to become members of the Local Government Pension Scheme, the Council is required to make a contribution to the scheme representing a percentage of the pensionable remuneration due under the contract of employment of that employee.
- 7.2 The Employer's rate of contribution is set by Actuaries advising the Greater Manchester Pension Fund and reviewed on a triennial basis in order to ensure the scheme is appropriately funded. The triennial valuation covers the period 1 April 2023 to 31 March 2026 following which the rate will be set for a further 3 years. The employer's contribution rate from 1<sup>st</sup> April 2024 is 19.5%.
- 7.3 Pension contributions are based on actual [pensionable pay and](#) there are 9 different contribution banding rates between 2.75% and 6.25%. The bandings as at 1<sup>st</sup> April 2023 are:

### Contribution Pay Bands 2023/2024

Pensionable Pay for an Employment	Main section Gross Contribution	50/50 section Gross Contribution
£0 - £16,500	5.5%	2.75%
£16,501 - £25,900	5.8%	2.90%
£25,901 - £42,100	6.5%	3.25%
£42,101 - £53,300	6.8%	3.40%
£53,301 - £74,700	8.5%	4.25%
£74,701 - £105,900	9.9%	4.95%
£105,901 - £124,800	10.5%	5.25%
£124,801 - £187,200	11.4%	5.70%
£187,201 or more	12.5%	6.25%

The Council will be advised of any changes to contribution pay bands for 2024/25 in March 2024.

## 8. Payments on termination

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- 8.1 The Council's approach to statutory and discretionary payments on termination of employment of chief officers, prior to reaching normal retirement age, is in accordance with [The Local Government Pension Scheme Regulations 2013](#), Regulations 5 and 6 of the [Local Government \(Early Termination of Employment\) \(Discretionary Compensation\) Regulations 2006](#) and the [Statutory Guidance on the making and disclosure of Special Severance Payments \(SSP's\) by Local Authorities in England](#), published on 12<sup>th</sup> May 2022.
- 8.2 Any payments made will be in accordance with relevant employment legislation and the criteria set by the appropriate pension scheme (normally the Local Government Pension Scheme). Decisions will be made in line with the arrangements set out in the Council constitution.
- 8.3 Following the introduction of the Statutory Guidance on the making and disclosure of Special Severance Payments (SSP's) by Local Authorities in England, a section around Special Severance Payments (SSP's) has been added to the Officer Employment Procedure Rules outlining the revised arrangements for the approval of SSP's:
- 8.3.1 Any payments made in relation to the termination of employment which are in excess of £100k continue to require approval by full Council.
- 8.3.2 All payments of £20k and over in value, up to £100k, require approval from the Monitoring Officer, Section 151 Officer, Chief Executive and Leader, in Consultation with the Chair of Overview and Scrutiny.
- 8.3.3 Any payments under £20k can be approved by the Monitoring Officer.
- 8.3.4 Where the proposed payment is to the Head of Paid Service, to avoid a conflict of interest, the Employment Panel will oversee this and will appoint an independent panel comprising of 3 independent people (or at least 2) to approve the payment to the Chief Executive. The Independent Panel will make recommendations to the Employment Panel and the decision will then go to Council for approval.
- 8.4 All payments will only be agreed in accordance with the [Statutory Guidance on the making and disclosure of Special Severance Payments \(SSP's\) by Local Authorities in England](#).

## 9. Lowest paid employees

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- 9.1 The lowest paid persons employed under a contract of employment with the Council are employed on full time [37 hours per week] equivalent salaries in accordance with the minimum spinal column point currently in use within the Council's grading structure.
- 9.2 The National Living Wage for people 23 and over is currently £10.42 per hour and will rise to £11.44 per hour for people aged 21 and over with effect from 1<sup>st</sup> April 2024. The Real Living Wage rose to £12.00 per hour in October 2023 and the Council's Real Living Wage supplements will be reintroduced to reflect this from 1<sup>st</sup> April 2024 making our lowest pay rate with effect from 1<sup>st</sup> April 2024, including this supplement for the Real Living Wage £12.00 (£23,151).
- 9.3 The relationship between the rate of pay for the lowest paid and chief officers is determined by the processes used for determining pay and grading structures as set out earlier in this policy statement.

## 10. Pay multiple

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- 10.1 The current pay levels (as at January 2024) within the Council define the multiple between:
- The median (the halfway point between the lowest and highest earner) full time equivalent (FTE) earnings for the whole of the workforce and the Chief Executive (top of pay spine) as 1:6.88. The difference in pay is lower than last years reported figure of 1:7.14.
  - The lowest paid earner full time equivalent (FTE) and the Chief Executive (top of pay spine) as 1:9.09. The difference in pay is lower than last years reported figure of 1:10.46.
- 10.2 The pay multiple has been calculated in accordance with the LGA Local Transparency Guidance. Data relates to the 1<sup>st</sup> January 2023 – 31<sup>st</sup> December 2023.
- 10.3 As part of its overall and ongoing monitoring of alignment with external pay markets, both within and outside the sector, the Council will use available benchmark information as appropriate. In addition, upon the annual review of this statement, the Council will also monitor any changes in the relevant 'pay multiple' and benchmark against other comparable local Authorities.

## 11. Gender pay gap

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11.1 The Council is required to take a ‘snapshot of data’ as at the 31 March 2023 and analyse this to calculate our gender pay gap. We are required to publish the data on the Council website (to remain for at least 3 years) and also on a government site, by 31<sup>st</sup> March 2024 at the latest. The Gender Pay Gap is published annually.

11.2 The gender pay gap reporting measures are:

Mean gender pay gap - The difference between the mean (average) hourly rate of pay of male full-pay relevant employees and that of female full-pay relevant employees

Median gender pay gap - The difference between the median (mid-point) hourly rate of pay of male full-pay relevant employees and that of female full-pay relevant employees

Mean bonus gap - The difference between the mean bonus pay paid to male relevant employees and that paid to female relevant employees

Median bonus gap - The difference between the median bonus pay paid to male relevant employees and that paid to female relevant employees

Bonus proportions - The proportions of male and female relevant employees who were paid bonus pay during the relevant period

Quartile pay bands - The proportions of male and female full-pay relevant employees in the lower, lower middle, upper middle and upper quartile pay bands

11.3 The Council’s Gender Pay Gap for 2022-2023 compared with 2021-2022 is shown below:

Women’s Hourly Rate:

	Mean	Median
2021/22	3.26% Lower	2.41% Lower
2022/23	6.83% Lower	3.60% Lower

11.4 Bury Council does not pay any bonuses.

11.5 Quartile Pay Bands:

The following information shows the percentage of male employees and female in each quarter of the payroll for 2021/22 and 2022/23:

	2021/22		2022/23	
	% Of Men	% Of Women	% Of Men	% Of Women
Top	30.98%	69.02%	31.42%	68.58%
Upper Middle	34.36%	65.64%	33.10%	66.90%
Lower Middle	37.80%	62.20%	37.26%	62.74%
Lower	17.35%	82.65%	16.29%	83.71%

#### 11.6 Comparison summary:

This is the first year in the last 7 years that there has not been a reduction of the mean gender pay gap with the mean gap increasing by 3.57% against last year. Overall there is still a closing of the mean pay gap of 2.01% since the Council first reported on its gender pay gap in 2016/17.

As with the mean pay gap, this year also shows a widening of the median gender pay gap, with a 1.19% increase this year against last year. Overall there has been a 4.13% improvement since the Council first reported its gender pay gap in 2016/17.

National comparisons of the gender pay gap (Office of National Statistics) show Bury to be performing better than regional and national comparators:

Region	% Gender Pay Gap
National	7.7
North West	7.8
Bury	6.8

It is important to point out that the National and Northwest figures reported in the table above are for full time employees only (staff working over 30 hours). Nationally the Gender Pay gap for all employees is 14.3%. If the Council were to use the same reporting parameters and excluded information for staff working below 30 hours from its calculations, it would have a mean pay gap of -2.4% and a median pay gap of -4.34%. (In comparison looking only at part-time employees would see a mean pay gap of 8.9% and a median pay gap of 8.7%

The overall pay gap for all employees is higher than it is for just full time employees because of the number of female staff compared to male staff filling part-time positions.

Deductions for salary sacrifice arrangements are excluded from an employee's base pay for the purposes of gender pay gap reporting, creating an artificially lower rate of pay for those who opt to use salary sacrifices compared to those who do not. This is potentially a contributing factor to the widening of the pay gap this year especially with a workforce that 69.7% female.



The Council will undertake further work to understand the nature of this change and progress actions to mitigate this wherever possible over the coming months.

#### 11.7 Progress to date and future actions

Over the past 12 months the Council has implemented several changes and initiatives that support all staff across characteristics and promote diversity and development within the workforce which, in turn, will support us in reducing our pay gaps. This work includes:

- As part of the pay award, increasing the pay of our lowest paid staff so that our minimum pay point is Grade 3 from April 2023. The effect of this will show in the 2023/24 gender pay gap report.
- Work to streamline our recruitment processes and improve the way we promote vacancies in Bury and remove potential barriers to employment, for example through CV based applications.
- On-going moderation of job grades whether new posts or regrades of existing roles to stop grade drift and ensure a consistency of approach in the application of the job evaluation scheme.
- Further promotion of the Council's leadership development offer which reflects our commitment to supporting staff development and progression
- The development of a Cross Organisation Mutual Mentoring programme that has a focus on race and disability. The programme brings people with lived experiences together with senior leaders/managers, for there to be an exchange of knowledge which could lead to career progression of the public service workforce within these protected characteristics and address the underrepresentation at more senior levels.

#### 11.8 We are committed to continuing to introduce measures to reduce our pay gap further over the next 12 months and will be continuing to build on the work noted above as well as progressing a number of further activities including:

- Refreshing the Council's Equality Strategy, including targeted work around representation and reducing occupational segregation, ensuring barriers affecting women are reduced.
- Analysing our data further to explore potential reasons for the gaps.
- Strengthening our approach to Workplace Adjustments. - We are committed to ensuring all our colleagues are equipped and supported to thrive and reach their full potential, underpinned by a new Workplace Adjustments process.
- Developing our employee value proposition commitment to a healthy work/life balance, to the diversity of the roles and careers we offer, to our friendly and supportive colleagues and workspaces
- Developing improved career pathways for the many careers that are available at Bury Council. These will include entry level, supervisor level,



management level and leadership level so that colleagues at all levels on the career pathway can easily see a clear path to support their career aspirations.

- Developing effective succession programmes which will identify and nurture talent and rising stars and target diverse employees for progression.

11.9 Whilst there is no legal obligation to do so, the Council also publishes information in relation to its Disability and Ethnicity pay gaps. This information is available on the Council website and updated annually as part of the [Employment Equality Report](#).

## 12. Accountability and decision making

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12.1 In accordance with the Constitution of the Council, the Employment Panel is responsible for being a consultee on all terms and conditions including policies, and for the recruitment selection and appointment of Chief Officers; (see Section 5.0 above).

## 13. Re-employment/re-engagement of former Chief Officers

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13.1 The Council's Voluntary Exits Policy states that former employees (including Chief Officers) who leave the Council through any form of enhanced severance package, including but not exclusive to voluntary early retirement or flexible retirement will not be re-engaged in normal circumstances at any point and without the approval of the Director of People and Inclusion and Cabinet Member for HR and Corporate Affairs. This includes engagement via Agency or a contract for services. However, this provision excludes engagement to support the Local Authority's role in relation to Elections.

13.2 As a general principle the Council is opposed to re-employing retired employees. However, in exceptional circumstances, where it is considered necessary to re-employ or re-engage a former employee who is in receipt of a pension from the Local Government Pension Scheme:

- (a) There should be clear evidence that the work cannot be undertaken by someone else, either internal, external or through agency staff.
- (b) If the individual is engaged under the terms of a contract for services and claims to be self-employed or a consultant, the Executive Director of Finance must be satisfied that they meet the criteria laid down by HMRC.
- (c) A former employee should not be re-engaged unless agreement has been given by the Cabinet Member for HR and Corporate Affairs.

- 13.3 The proposal to require high earners to repay exit payments if they return to the public sector has previously been consulted on but there has been no further indication of if and when this proposal will be implemented.

## **14. Publication**

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This statement will be published on the Council's Website under our Local Government Transparency Section.

## Appendix 1: NJC pay scale – Council employees

The salary scales below reflect the pay rates with effect from 1 April 2023 and the additional non-consolidated supplements to be applied from 1 April 2024. The pay scale will be revised to reflect the 2024/25 NJC Pay Award once agreed.

<b>Bury Pay Structure</b>						
SCP Values wef 010424 to include RLW supplement. 2024-25 pay award not yet agreed.						
Grade	SCP	Annual Salary 010423	Hourly rate 010423	Revised rate inclusive of Real Living Wage supplement wef 010424		
				Value	Hourly rate	RLW supplement
Grade 3	2	£22,366	£11.59	£23,151	£12.00	£0.41
Grade 4	3	£22,737	£11.79	£23,344	£12.10	£0.31
Grade 5	4	£23,114	£11.98	£23,537	£12.20	£0.22
	5	£23,500	£12.18	£23,633	£12.25	£0.07
Grade 6	6	£23,893	£12.38			
Grade 7	7	£24,294	£12.59			
	8	£24,702	£12.80			
	9	£25,119	£13.02			
	NOT IN USE					
Grade 8	11	£25,979	£13.47			
	12	£26,421	£13.69			
	NOT IN USE					
	14	£27,334	£14.17			
	15	£27,803	£14.41			
Grade 9	NOT IN USE					
	17	£28,770	£14.91			
	18	£29,269	£15.17			
	19	£29,777	£15.43			
	20	£30,296	£15.70			
Grade 10	NOT IN USE					
	22	£31,364	£16.26			
	23	£32,076	£16.63			
	24	£33,024	£17.12			
Grade 11	25	£33,945	£17.59			
	26	£34,834	£18.06			
	27	£35,745	£18.53			
Grade 12	28	£36,648	£19.00			
	29	£37,336	£19.35			
	30	£38,223	£19.81			
Grade 13	31	£39,186	£20.31			
	32	£40,221	£20.85			
	33	£41,418	£21.47			
Grade 14	34	£42,403	£21.98			
	35	£43,421	£22.51			
	36	£44,428	£23.03			
Grade 15	37	£45,441	£23.55			
	38	£46,464	£24.08			
Grade 16	39	£47,420	£24.58			
	40	£48,474	£25.13			
Grade 17	41	£49,498	£25.66			
	42	£50,512	£26.18			
SM1	43	£51,515	£26.70			
	44	£52,563	£27.24			
	45	£53,624	£27.79			
SM2	46	£54,708	£28.36			
	47	£55,666	£28.85			
SM2	48	£56,704	£29.39			
	49	£57,745	£29.93			
	50	£59,790	£30.99			

## Appendix 2: Chief Officer pay scale

The salary scales below reflect the pay rates with effect from 1 April 2023. The pay scale will be revised to reflect the 2024/25 Pay Award once agreed

	SCP	Salary 010423			
CEx	861	£ 198,521	Band C	820	£82,332
	860	£ 194,840		819	£80,778
	859	£ 191,159		818	£79,236
		817		£77,693	
				816	£76,159
Band H	846	£ 139,067	Band B	815	£74,619
	845	£ 135,561		814	£73,066
	844	£ 132,823		813	£71,625
	843	£ 129,666		812	£70,166
	842	£ 127,377		811	£68,714
Band G	840	£ 123,600	Band A	810	£67,263
	839	£ 121,217		809	£65,812
	838	£ 118,824		808	£64,375
	837	£ 116,439		807	£62,919
	836	£ 114,052		806	£61,463
Band F	835	£ 112,636			
	834	£ 110,365			
	833	£ 108,132			
	832	£ 105,943			
	831	£ 103,767			
Band E	830	£ 101,596			
	829	£ 99,414			
	828	£ 97,309			
	827	£ 95,202			
	826	£ 93,102			
Band D	825	£ 90,992			
	824	£ 88,889			
	823	£ 86,966			
	822	£ 85,412			
	821	£ 83,865			



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## Equality Impact Analysis

This equality impact analysis establishes the likely effects and unintended consequences that decisions, policies, projects and practices can have on people at risk of discrimination, harassment and victimisation. The analysis considers documentary evidence, data and information from stakeholder engagement/consultation to manage risk and to understand the actual or potential effect of activity, including both positive and adverse impacts, on those affected by the activity being considered.

To support completion of this analysis tool, please refer to the equality impact analysis guidance.

### Section 1 – Analysis Details (Page 5 of the guidance document)

<b>Name of Policy/Project/Decision</b>	Pay Policy Statement
<b>Lead Officer/SRO/Project Manager</b>	Catherine King
<b>Department/Team</b>	HR, Corporate Core
<b>Proposed Implementation Date</b>	April 2024
<b>Author of the EqIA</b>	Catherine King
<b>Date of the EqIA</b>	February 2024

<b>1.1 What is the main purpose of the proposed policy/project/decision and intended outcomes?</b>
<p>In accordance with section 112 of the Local Government Act 1972, the Council has the “power to appoint officers on such reasonable terms and conditions as the authority thinks fit”. This Pay Policy Statement sets out the Council’s approach to pay policy in accordance with the requirements of Section 38 of the Localism Act 2011.</p> <p>The purpose of the statement is to provide transparency with regard to the Council’s approach to setting the pay of its employees (excluding teaching staff working in local authority schools) by identifying:</p> <ul style="list-style-type: none"> <li>• the methods by which salaries of all employees are determined;</li> <li>• the detail and level of remuneration of its most senior staff i.e. ‘Chief Officers’, as defined by the relevant legislation;</li> <li>• the constitutional arrangements in place for ensuring the provisions set out in this statement are applied consistently throughout the Council and recommending any amendments to the full Council.</li> </ul>

**Section 2 – Impact Assessment** (Pages 6 to 9 of the guidance document)

<p><b>2.1 Who could the proposed policy/project/decision likely have an impact on?</b></p>
<p>Employees: <b>Yes/No</b>          Community/Residents: <b>Yes/No</b>          3<sup>rd</sup> parties such as suppliers, providers and voluntary organisations: <b>Yes/No</b>          If there is no likely impact on any of these, a full equality impact analysis is not required</p>
<p><b>2.2 Evidence to support the analysis. Include documentary evidence, data and stakeholder information/consultation</b></p>
<p><b>Documentary Evidence:</b></p>
<p><b>Data:</b>          Employment Equality Report <a href="https://www.bury.gov.uk/employment-equality-report-2023">Employment Equality Report 2023 (bury.gov.uk)</a>          Gender Pay Gap data within the Pay Policy Statement</p>
<p><b>Stakeholder information/consultation:</b>          UNISON</p>
<p><b>2.3 Consider the following questions in terms of who the policy/project/decision could likely have an impact on. Detail these in the impact assessment table (2.4) and the likely impact this would have.</b></p>
<ul style="list-style-type: none"> <li>• Could the proposal prevent the promotion of equality of opportunity or good relations between different equality groups? <b>No</b></li> <li>• Could the proposal create barriers to accessing a service or obtaining employment with us for people from an equality group? <b>No</b></li> <li>• Could the proposal affect the usage or experience of a service by people from an equality group? <b>No</b></li> <li>• Could people from an equality group be disproportionately advantaged or disadvantaged by the proposal? <b>Yes – Occupational segregation means some equality groups may benefit more from the additional supplements to pay at the bottom of the Council's pay scale.</b></li> <li>• Could the proposal make it more or less likely that people from an equality group will be at risk of harassment or victimisation? <b>No</b></li> <li>• Could the proposal affect public attitudes towards people from an equality group (e.g. by increasing or reducing their presence in the community)? <b>No</b></li> </ul>



- Could the proposal prevent or limit people from an equality group contributing to the democratic running of the council? **No**

2.4 Characteristic	Potential Impacts	Evidence (from 2.2) to demonstrate this impact	Mitigations to reduce negative impact	Impact level with mitigations Positive, Neutral, Negative
Age	Neutral			Positive
Disability	Neutral			
Gender Reassignment	Neutral			
Marriage and Civil Partnership	Neutral			
Pregnancy and Maternity	Neutral			
Race	Positive	Occupational segregation sees a higher proportion of people identifying with this characteristic in lower graded roles. They will be positively impacted by the proposed addition of non-consolidated supplements to the lower points of pay and the Council's continued commitment to the Living Wage		
Religion and Belief	Neutral			
Sex	Positive	Occupational segregation sees a higher proportion of women in lower graded roles. They will be positively impacted by the proposed addition of non-consolidated supplements to the lower points of pay and the		

		Council's continued commitment to the Living Wage		
<b>Sexual Orientation</b>	Neutral			
<b>Carers</b>	Neutral			
<b>Looked After Children and Care Leavers</b>	Neutral			
<b>Socio-economically vulnerable</b>	Positive	People experiencing socio-economic vulnerability will be positively impacted by the proposed addition of non-consolidated supplements to the lower points of pay and the Council's continued commitment to the Living Wage		
<b>Veterans</b>	Neutral			

**Actions required to mitigate/reduce/eliminate negative impacts or to complete the analysis**

2.5 Characteristic	Action	Action Owner	Completion Date

**Section 3 - Impact Risk** (Pages 9 and 10 of the guidance document)

Establish the level of risk to people and organisations arising from identified impacts, with additional actions completed to mitigate/reduce/eliminate negative impacts.

3.1 Level of impact / Likelihood	Unlikely (U)	Possible (P)	Likely (L)	Very Likely (V)
High Impact (H)	4	8	12	16
Medium Impact (M)	3	6	9	12
Low Impact (L)	2	4	6	8
Positive or No Impact (N)	1	1	1	1
Risk Level	No Risk = 1	Low Risk = 2 - 4	Medium Risk = 6 – 9	High Risk = 12 - 16

3.2 Level of risk identified	1 – positive/no impact
3.3 Reasons for risk level calculation	

**Section 4 - Analysis Decision** (Page 11 of the guidance document)

4.1 Analysis Decision		Reasons for This Decision
There is no impact therefore the activity will proceed	X	The Pay Policy Statement has a positive impact in that the pay structure, commitment to the real living wage and the non-consolidated settlements at the lower end of the pay spine support those who are more socio-economically vulnerable. It also helps to tackle any elements of race and gender based occupational segregation in the workforce.
There are low impacts or risks identified which can be mitigated or managed to reduce the risks and activity will proceed		
There are medium to high risks identified which cannot be mitigated following careful and thorough consideration. The activity will proceed		

with caution and this risk recorded on the risk register, ensuring continual review		
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**Section 5 – Sign Off and Revisions** (Page 11 of the guidance document)

5.1 Sign Off	Name	Date	Comments
Lead Officer/SRO/Project Manager	Catherine King		
EDI			

**EqIA Revision Log**

5.2 Revision Date	Revision By	Revision Details

Classification	Item No.
Open	

<b>Meeting:</b>	Employment Panel
<b>Meeting date:</b>	29 <sup>th</sup> February 2024
<b>Title of report:</b>	Workforce Policy Review
<b>Report by:</b>	Cllr. Tahir Rafiq, Cabinet Member for HR & Corporate Affairs
<b>Decision Type:</b>	Council
<b>Ward(s) to which report relates</b>	All

### Executive Summary:

A key component of the Council's HR improvement and modernisation programme is the review of core HR systems, processes and policies to ensure they are fit for purpose, reflective of modern HR practice and align with the organisational culture described by the LET'S values. As part of this work, Employment Panel agreed revisions to 13 employment policies during 2023.

This report sets out the next phase of this policy review work. Trade Union colleagues have been fully engaged in this work.

Changes are proposed in the following areas:

1. Equality Policy for Employment – a new streamlined policy informed by the revised ACAS equality policy template and with reference to the Council's Equality Objectives.
2. Officer Employment Procedure Rules – updates informed by a recent Employment Tribunal case and clarity in relation to the process for engaging interim Chief Officers.
3. Learning and Development Policy – a revised and streamlined policy to reflect current best practice and replace three current documents with one.
4. Local Conditions: Section 4, Hours and Leave – a proposal to add the floating day to the contractual leave entitlement for all employees to be taken at any point during the year in response to feedback and in order to ensure effective service delivery.
5. Flexible Working Policy – a consolidation of the existing work life balance documents and update to reflect the Employment Relations (Flexible Working) Act 2023 and new Draft ACAS Code of Practice.

6. Redundancy Procedure – minor updates to reflect the increased protections in the Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024.

## **RECOMMENDATION(S)**

That the Employment Panel:

1. Agree the revised Equality Policy for Employment.
2. Commend the revised Officer Employment Procedure Rules to Council for approval
3. Agree the new Learning and Development Policy which will replace Local Conditions: Section 2 – Learning, Training and Development, Appendix W: Employee Development Policy and the Equal Access to Learning Policy, all of which will be withdrawn
4. Agree the revised Local Conditions: Section 4 – Hours and Leave
5. Agree the new Flexible Working Policy
6. Agree the proposed amendments to the Council's Redundancy Procedure

Subject to Employment Panel's approval, the revised Officer Employment Procedure Rules will be commended to Council for approval. The other new and revised policies will go forward for endorsement via the Trade Union Consultation Meeting and the Council's Corporate Joint Consultative Committee before being published on the Council's intranet pages and communicated to staff.

## **KEY CONSIDERATIONS**

### **1. Equality Policy**

#### **1.1 Background**

1.1.1 The Council's current Equality Policy for Employment was written just after the Equality Act 2010 was introduced.

1.1.2 The policy sets out the Council's commitment to championing equality, diversity and inclusion across the workforce, and eliminating all forms of discrimination, harassment, victimisation and bias. It details key roles, responsibilities and expectations in relation to equality and in support of the Council's statutory Equality Objectives.

#### **1.2 Policy Headlines**

1.2.1 The Policy has been updated to reflect the latest ACAS equality policy template. This has also offered the opportunity to simplify and streamline the document to ensure it is more accessible and user friendly to staff. Key sections have, however, been retained which reflect areas of regular inquiry or importance in the Bury

context.

- 1.2.2 The policy has been shared and discussed with the Team Bury Inclusion Working Group, which includes the Chairs of the Council's three employee-led equality groups. It has also been shared with Trade Union colleagues. Feedback from this engagement is included within the draft policy.

**1.3 The revised policy and EqIA are attached as appendix 1 and 1A.**

**2. Officer Employment Procedure Rules and Disciplinary Procedure for the Head of Paid Service, Section 151 Officer and Monitoring Officer**

**2.1 Background**

- 2.1.1 Following a recent Employee Tribunal finding all local authorities have been asked to review their arrangements in relation to the suspension of statutory officers by the National Employers organisation (JNC).

The case in question concerned a chief officer of a council who had been suspended and during the suspension commenced a period of sickness. The council treated that period as sickness absence and paid sick pay in accordance with their sick pay scheme, which led to a reduction in pay. The chief officer claimed they were entitled to full pay during the whole period of suspension, however the wording in the council's procedures was not wholly clear. The Employment Tribunal found that the reference in the chief officer's contract to the JNC for Chief Officers' handbook was important. The Handbook provided a clear contractual statement that suspension was on 'full pay' and so full pay should be retained, even during a period of sickness absence.

In line with the above, a clarification to our Officer Employment Procedure Rules and Disciplinary Procedure for the Head of Paid Service, Section 151 Officer and Monitoring Officer is needed.

Changes have also been made to reflect the Council's current organisational structure and the removal of the post of Deputy Chief Executive.

- 2.1.3 In addition to the above, it has been identified that the current Officer Employment Procedure Rules are unclear on the appropriate procedure to appoint a Chief Officer or Deputy Chief Officer on a temporary basis. A proposal in relation to this is suggested for inclusion.

**2.2 Document Headlines**

- 2.2.1 The Officer Employment Procedure Rules include the Council's arrangements for disciplinary action (including suspension) in relation to the Head of Paid Service, Monitoring Officer, Chief Finance Officer (Section 151 Officer) and other Chief Officers and Deputy Chief Officers. The following additional wording is proposed with reference to pay during suspension:

- 2.2.1.1 "Pay will not be reduced during the period of suspension, for example if the period of suspension coincides with one of sickness absence, and their

entitlement to full pay under the sickness scheme reduces or expires the officer(s) will continue to receive full pay.”

2.2.2 The Disciplinary Procedure for the Head of Paid Service, Section 151 Officer and Monitoring Officer is presented as Appendix A within the Officer Employment Procedure Rules and has been added/amended as follows:

2.2.2.1 Following the senior management restructure, the Council no longer has a Deputy Chief Executive. The responsibility for suspension section has therefore been amended to read “However, should the Chief Executive and/or Monitoring Officer be implicated in disciplinary investigations at the same time, the Executive Director (Strategy & Transformation) in consultation with the Director of People & Inclusion has delegated authority to suspend in relevant circumstances in conjunction with the Leader of the Council and relevant Cabinet Member.”

2.2.2.2 Similarly, the hearing section has been amended to read “Where the IDC recommends to dismiss the officer, the Leader and all members of the Cabinet should be informed. This part of the process should be carried out by the Executive Director (Strategy & Transformation) in consultation with the Director of People & Inclusion and in conjunction with Democratic Services.”

2.2.2.3 The wording regarding pay during suspension has been added to with “Pay will not be reduced during the period of suspension, for example if the period of suspension coincides with one of sickness absence, and their entitlement to full pay under the sickness scheme reduces or expires the officer(s) will continue to receive full pay.”

2.2.3 In terms of recruiting of temporary Chief Officers, that the below text is proposed for inclusion in the Officer Employment Procedure Rules to confirm the position:

*When appointing Chief Officers and Deputy Chief Officers on an interim basis, the recruitment process will be undertaken in conjunction with the appropriate Cabinet Portfolio holder or their appointed deputy and in consultation with the Cabinet Portfolio holder for Human Resources.*

*For interim Statutory Chief Officers (The Head of Paid Service, Section 151 Officer or Monitoring Officer) a full Appointment Panel will meet to agree the appointment, which must be ratified by full Council.*

*Any extensions to interim arrangements should be agreed with the appropriate Cabinet Member.*

*Any proposal to move from a temporary to a permanent appointment would be subject to assessment via a sub-group of the Employment Panel (as per normal permanent recruitment).*

2.2.4 The proposed changes have been shared with the Trades Unions and their feedback incorporated.



### **3. Learning and Development Policy**

#### **3.1 Background**

3.1.1 Policy provision in relation to learning and development is currently complex and set out in a number of different places: Local Conditions Section 2: Learning, training and development, Local Conditions Appendix W: Employee Development Policy and an Equal Access to Learning Policy. These documents are out of date and there is significant overlap between them, which can be confusing.

#### **3.2 Policy Headlines**

3.2.1 The new Learning and Development Policy will replace and simplify the 3 documents referred to above. It has been developed as a more engaging and accessible policy document and in keeping with the Council's commitment to development and professional growth.

3.2.2 The proposed changes have been shared with the Trades Unions and their feedback incorporated.

#### **3.3 The revised policy and EqlA are attached as appendix 2 and 2A**

### **4. Local Conditions: Section 4 – Hours and Leave**

#### **4.1.1 Background**

4.1.1 Under Section 4 (Hours and Leave), 5b, of the Local Conditions of Service, three extra days leave are granted in addition to contractual annual leave entitlement. Two are added to annual leave and one day (floating) is to be taken between the 20<sup>th</sup> December and 2<sup>nd</sup> January. The date is determined by Elected Members after consultation with the trade unions.

4.1.2 The Floating Day has traditionally been agreed with Unison on a 3 yearly basis and its date fluctuates accordingly around the Christmas/New Year Bank Holidays and is agreed on a "best fit" basis. Employees usually incorporate their own annual leave entitlement to achieve an extended break over the Christmas period (subject to service requirements).

4.1.3 The Floating Day for 2024 and the following years has not yet been agreed.

4.1.4 In recent years, the Floating Day and its timing have caused operational difficulties, as it does not apply to school-based employees and other partner organisations such as the NHS. Operationally services have increasingly looked to flex arrangements away from a fixed day with the agreement of staff locally and in order to deliver critical services.

4.1.5 Alongside the above, some employees have indicated they would like greater control over the Floating Day, as this arrangement does not always suit their personal circumstances, for example those with caring responsibilities or those

wanting greater flexibility to celebrate different religious holidays.

## **4.2 Policy Headlines**

- 4.2.1 It is proposed to withdraw the Floating Day and add the day to the contractual leave entitlement for all employees. This would require an amendment to the Local Conditions of Service, which currently read:

### Leave in addition to Annual Leave

Three extra days to be granted locally on the following basis: a) Two days to be added to annual leave; b) One day to be taken between the 20th December and 2nd January (floating day), the date thereof to be determined each year by Elected Members after consultation with the relevant Trade Unions;

The amended paragraph would read:

### Leave in addition to Annual Leave

Three extra days to be granted locally and to be added to annual leave entitlement;

The Council would still encourage and support employees to take a suitable break over the Christmas / New Year period wherever service requirements permit, but in doing this, would retain greater flexibility and be able to maintain a more responsive level of service provision across the period, particularly in times of possible crisis.

- 4.2.2 The proposed change has been shared with the Trades Unions and their feedback incorporated.

## **5. Flexible Working Policy**

### **5.1 Background**

- 5.1.1 The Council has a comprehensive suite of flexible working opportunities that employees can access to help improve their work life balance or to make a workplace adjustment linked to a protected characteristic. This supports the Council's commitments to promote inclusion within the workplace and to champion physical and emotional workforce wellbeing.
- 5.1.2 New legislation in this area has recently been introduced through the Employment Relations (Flexible Working) Act 2023, which comes into force on 6 April 2024, and is supported by a Draft ACAS Code of Practice. Whilst the Council's current policy provision is broadly in-line with these changes there are a small number of areas where changes are needed to ensure compliance.
- 5.1.3 This is also an opportunity to make the Council's policy provision in this area clearer with current arrangements are spread across a number of different policy documents which duplicate and risk causing confusion.

### **5.2 Policy Headlines**

5.2.1 The new Flexible Working Policy consolidates 8 existing documents into a single, consistent document:

- Applications for flexible working or time off for training – guidance, procedures and frequently asked questions for employees
- Applications for flexible working or time off for training – guidance, procedures and frequently asked questions for managers
- Application form for flexible working or time off for training
- Job share scheme
- Voluntary reduced hours policy
- Voluntary term time working policy
- Compressed hours policy
- Purchasing annual leave policy

5.2.2 The wording has also been updated to reflect the Employment Relations (Flexible Working) Act 2023, which comes into force on 6 April 2024, and the associated new Draft ACAS Code of Practice.

5.2.3 Specifically this new legislation has required three changes:

- making the right to request flexible working a day 1 right
- permitting 2 requests to be made each year (previously 1)
- requiring decisions to be made within 2 months (previously 3)

5.2.4 The policy has been shared with the Trades Unions and their feedback incorporated.

### **5.3 The revised policy and EqIA are attached as appendix 3 and 3A**

## **6. Redundancy Procedure**

### **6.1 Background**

6.1.1 Under the Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024, protection from the risk of redundancy has been increased for those currently absent for a period of maternity leave, adoption leave or shared parental leave to a period of 18 months following their return. There is therefore a need to amend the Council's policy provision to reflect this change.

### **6.2 Procedure Headlines**

6.2.1 The procedure currently reads:

“The beginning of pregnancy to the end of maternity leave is a “protected period” during which a woman is entitled to special consideration if this is necessary to make good any disadvantage she might otherwise experience. The same protection also applies to employees who are on adoption leave or shared parental leave.”

It will be amended to state:

“In line with the Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024, the beginning of pregnancy to 18 months after childbirth is a “protected period” during which a woman is entitled to special consideration if this is necessary to make good any disadvantage she might otherwise experience. The same protection also applies to employees who are on adoption leave or shared parental leave.”

6.2.2 To align this policy with other arrangements across the Council the proposal is also to amend the guidance on lodging an appeal from 11 to 10 days.

**Community impact/links with Community Strategy**

A modern and effective employee policy framework is essential to ensuring the effective operation of the organisation and, in turn the delivery of our commitment to the Community Strategy.

**Equality Impact and considerations:**

*Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows:*

*A public authority must, in the exercise of its functions, have due regard to the need to -*

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

*The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying ‘due regard’ in our decision making in the design of policies and in the delivery of services.*

<b>Equality Analysis</b>	Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.
Where appropriate, Equality Impact Assessments have been carried out in relation to the proposed changes and are appended.	

**Assessment of Risk:**

The following risks apply to the decision:

<b>Risk / opportunity</b>	<b>Mitigation</b>
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Trade Union objection to policy changes	Prior discussions have taken place with Unison
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**Consultation:**

All of the above proposed changes have been shared with the Trade Unions, and where appropriate there have been consultations with HR colleagues and the Inclusion Working Group.

**Legal Implications:**

Members are asked to review and agree to proposed changes to a suite of reports, these reports have been updated and reviewed to reflect legislative, case law and revised ACAS guidance. In each section reference is made to the source of these changes. As part of good internal governance it is important that these documents are reviewed and updated on a regular basis.

**Financial Implications:**

There are no direct financial consequences of any of the proposed changes set out within this report.

**Report Author and Contact Details:**

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**Background papers:**

Employment Panel 24 January 2023 – Workforce Policy Review Phase 1

Employment Panel 1 March 2023 – Workforce Policy Review Phase 2

Employment Panel 22 June 2023 – Workforce Policy Review Phase 3

**Please include a glossary of terms, abbreviations and acronyms used in this report.**

Term	Meaning

**Appendix 1: Equality Policy and EqIA (see separate attachments)**

**Appendix 2: Learning and Development Policy and EqIA (see *separate attachments*)**

**Appendix 4: Flexible Working Policy and EqIA (see *separate attachments*)**

# Equality Policy for Employment

February 2024

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## 1. Aim

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Bury Council is committed to championing equality, diversity and inclusion across our workforce, and eliminating all forms of discrimination, harassment, victimisation and bias.

The aim is for our workforce to be truly representative of all sections of community and our customers at all levels, and for all our colleagues to feel respected and comfortable to be themselves at work where they are able to give their best and reach their full potential.

In the provision of services and facilities, the Council is also committed to eliminating any and all unlawful discrimination, harassment and victimisation of customers or the public.

Everyone at the Council has a responsibility for ensuring the effective implementation of this policy. Any breaches of the policy will be regarded as misconduct and could lead to disciplinary proceedings.

## 2. Scope

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This policy applies to all Council colleagues with the exception of colleagues employed by schools. However, Governing Bodies of all schools are encouraged to adopt this policy.

It complies with current employment, equality and human rights legislation, including:

- Equality Act 2010
- Equal Pay Act 1970
- Employment Rights Act 1996
- Employment Act 2008
- Work and Families Act 2006
- Human Rights Act 1998

It also takes account of appropriate guidance, such as the Equality and Human Rights Commission's Employment Statutory Code of Practice, and ACAS's guidance 'Delivering equality and diversity'.

## 3. Equality Characteristics

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Under the Equality Act 2010 the following equality characteristics are regarded as protected characteristics:

- Age
- Disability
- Gender Reassignment (Inclusive of gender identity)

- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion and Belief
- Sex (sometimes known as gender)
- Sexual Orientation

In addition, Bury Council recognises four additional characteristics which we regard as protected characteristics/ We include these in our Equality Impact Analysis process and our equalities work. These are:

- Carers
- Our looked after children and care leavers
- Military veterans
- Socio-economically vulnerable

For full definitions of these equality characteristics, see [Appendix 1](#).

## 4. Purpose

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The purpose of this policy is to support equality, fairness and respect for all colleagues.

It also seeks to set out our approach to avoiding all forms of discrimination in all aspects of employment, including but not limited to:

- Recruitment and selection
- Terms and conditions of employment
- Pay and benefits,
- Dismissal
- Redundancy
- Requests for flexible working
- Family friendly initiatives
- The availability of facilities e.g., multi-faith rooms
- Dress codes
- Employee review
- Training and development
- Grievance and disciplinary issues
- The treatment of colleagues when their contract ends

## 5. Our Commitments

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The Council will ensure that all elements of the employment relationship are fair and do not discriminate against any colleagues because of a protected characteristic.

We will seek to:

- Ensure that our policies and Local and National Conditions of Service are interpreted consistently and fairly for all colleagues.
- Ensure our employment policies and procedures are fair and accessible to all colleagues. To achieve this we will regularly review, update, monitor and evaluate all of our employment policies and procedures from an equality perspective to ensure that they conform with new legislation, are fair and reflect current best practice.
- Create a working environment free of bullying, harassment, victimisation and discrimination, promoting dignity and respect for all, and where individual differences and the contributions of all colleagues are recognised and valued.
- We will take seriously and investigate claims of behaviour or prohibited conduct using appropriate workplace policies. For definitions of prohibited conduct see [Appendix 2](#).
- Ensure equality of access to training and career development opportunities
- Ensure that all colleagues are aware of their responsibilities for equality in terms of employment, training, and service delivery.
- Continue to promote greater awareness of equality issues.
- Afford reasonable consideration to colleagues with particular needs and make appropriate adjustments.
- Make decisions concerning colleagues based on merit (apart from in any necessary and limited exemptions and exceptions allowed under the Equality Act)
- Continue to develop and promote agile working, work/life balance and wellbeing initiatives which include various policies to enable colleagues to achieve a better balance between home and work responsibilities.
- Monitor our workforce demographics such as age, disability, gender reassignment, race, religion or belief, sex and sexual orientation to inform and take positive actions in meeting the aims and commitments set out in the Inclusion Strategy.

## 6. Detailed Guidance

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More detailed guidance is set out for certain aspects of the employment lifecycle:

### **Positive action**

Where appropriate, the Council will take positive action in employment to achieve greater equality for people with a shared equality characteristic. This is not the same as positive discrimination or affirmative action, which both involve giving unlawful preferential treatment to benefit members of under-represented groups.

Under the Equality Act 2010, the Council can, subject to service requirements, take proportionate positive action to achieve 1 of 3 legitimate aims:

1. Enabling or encouraging people to overcome or minimise disadvantage  
Disadvantage for people of a certain equality characteristic could be exclusion, rejection, lack of opportunity or barriers to accessing employment opportunities. For example, the requirement to work full time may be a barrier to women applying for a job if they need flexible working to have time off for childcare responsibilities.

2. Meeting different needs

A need is something that is required or essential to someone with a certain equality characteristic. Proportionate actions to meet needs could include, providing English language classes to colleagues whose first language is not English.

3. Enabling or encouraging participation

Positive action could be taken to improve the participation rates of people with certain equality characteristics if their participation is low compared to other groups, or low compared to what would reasonably be expected. For instance, if the Council were advertising for the position of a gardener and that role has been traditionally undertaken by men, a statement encouraging women to apply can be included in the advertisement. Alternatively, if the Council has a low number of Jewish colleagues compared to the profile of the residents of the Borough, then we could work with Jewish organisations or attend open days at Jewish Schools to offer advice or information about working for the Council in an effort to encourage more Jewish people to apply for jobs.

In cases where positive action is taken in recruitment, selection will still always be on merit. Section 159 of the Equality Act 2010 permits employers in their recruitment or promotion processes to treat individuals with a protected characteristic more favourably when faced with two or more candidates of equal merit, if the more favourable treatment is intended to address under-representation in the workforce or a disadvantage that is connected to the protected characteristic. However, this approach must be made clear at the outset of any recruitment activity and only ever undertaken in consultation with HR.

### **Occupational requirements**

An Occupational Requirement (OR) provides a general exception to what would otherwise be unlawful direct discrimination in relation to work. In certain circumstances, an employer is permitted to favour a person from a protected characteristic, if that employer can show that having, or belonging to a particular characteristic is an essential occupational requirement. The nature and context of the work must be considered, and the OR must be a proportionate means of achieving a legitimate aim, examples can include:

- Being of a particular age or level of experience and/or qualification for a role
- Having a specific disability, neurodiversity or long term health condition required for a role
- Being able to speak a specific language required for the role
- Being from a specific race or ethnic background required for the role
- Having a specific gender or gender identity required for a role
- Having specific lived experience through having, or belonging to, a protected characteristic required for the role

The OR must be essential to the post, and not merely one of several important factors.

ORs can only be used in employment in respect of: -

- Recruitment and selection

- Provision of access to opportunities for promotion, transfer, training, or other benefit/service/facility
- Dismissal or termination of employment

The application of an OR must only ever be made following approval from the Head of HR.

### **Time away from the workplace**

Rest breaks and prayer times – Some disabled colleagues may need to take additional regular breaks as a workplace adjustment. Colleagues with other protected characteristics may request additional breaks because of their protected characteristic. For example, an employee may request breaks to practice their religion or belief. If such requests are granted, colleague's own time should be used.

Colleagues may request that their rest breaks coincide with their religious obligations to pray at certain times of the day. Managers should ordinarily look to support such requests. However, they may be justified in refusing a request if, it conflicts with essential service requirements that they are unable to meet in any other way. Failure to justify such a refusal may be seen as discrimination.

Managers should be flexible about when rest breaks are taken where this is possible. Consideration should be given that the time taken for prayer is rarely longer than that of a tea or coffee break. Although the Council is not expected to accept unreasonable disruption to its activities, where a colleague's request causes unmanageable difficulties to the operation of the service, managers should meet with the colleague (and representative where relevant) to discuss the issues for the purpose of achieving an agreeable compromise.

Festival or spiritual observance days – A colleague may request time off in accordance with the Council's leave or flexitime policies to observe religious festivals and periods. Managers should support such requests wherever possible. Consideration should also be given to any requests for unpaid leave for religious purposes. Should a manager receive similar requests from several colleagues, the matter should be discussed with the colleagues concerned (and representatives where relevant) with the aim of balancing the needs of the service and those of other colleagues. Managers are advised to be aware of religious periods where high levels of leave may be requested and to plan work, staffing and leave well in advance so as many leave requests can be accepted without disruption to the provision of services. Care should be taken over deciding who can and cannot take time off to ensure against indirect discrimination.

When accommodating requests for leave for religious holidays, the impact on all colleagues should be considered. All decisions need to be fair, proportionate and not disadvantage colleagues who do not hold any specific religion or belief.

### **Dress**

Some colleagues may welcome the opportunity to wear clothing consistent with their religion, and where it is practical and safe this should be accommodated. This

guidance should be similarly applied to items of jewellery and body markings which are culturally specific to religions.

In service areas where colleagues are required to adopt a specific dress code/wear a uniform, managers should carefully consider a colleague's request to comply with their religious requirements.

In general, dress codes which have the effect of conflicting with religious requirements may constitute indirect discrimination unless they can be justified, for example on the grounds of health and safety.

There are sometimes legitimate reasons that prevent people dressing in a certain way – for example, the health and safety of colleagues or service users, or the interference of some types of dress with the performing of certain functions. If restrictions are in place as a result of such reasons, managers should try to be flexible where possible but must still ensure that they meet the required standards.

Consideration should also be given to transgender, non-binary and genderfluid colleagues. Where possible colleagues should be able to wear clothing consistent with their gender expression.

Managers should be as flexible and open minded as their service area permits.

### **Multi-faith rooms**

Some religions require their followers to pray at specific times during the day. Managers may receive requests for access to an appropriate quiet space or prayer room to undertake their religious observance. Employers are not required legally to provide a prayer room, however, managers should endeavour to provide a quiet and suitable space for colleagues to take part in prayer and reflection.

Multi-faith rooms are available in the Town Hall and 3 Knowsley Place and can be used by colleagues of all religions/beliefs or those who do not follow any.

### **Food and Fasting**

- Specific dietary requirements – some colleagues may wish to bring food into the workplace that they may need to store and heat separately from other food. It is good practice for managers to consult colleagues on such issues and find a mutually acceptable solution to any dietary issues. Colleagues attending internally held meetings with specific dietary requirements should make these known to the organiser of the meeting.
- Fasting – some religions require extended periods of fasting. This can involve no food, drink, chewing or smoking from dawn until dusk. Managers should support colleagues through such a period. However, managers should bear in mind health and safety considerations, for example when using machinery or vehicles, and are advised to have positive discussions around how colleagues can fast and carry out their work tasks safely.
- Expressing Milk – colleagues who have returned to work following the birth of a child may need a private and hygienic space to express milk and have adequate storage facility provided for the expressed milk. Managers should work with

colleagues who request these facilities to ensure appropriate facilities are provided.

### **Washing and Changing Facilities**

Some religions or beliefs require a person to wash before prayer. This can often be done symbolically or by using existing facilities.

Furthermore, some religions and beliefs do not allow colleagues to undress or shower in the company of others. Therefore, where colleagues are required to change their clothing and/or shower at some point of the working day for reasons of health and safety appropriately modest and private facilities should be made available.

The Council is not required to enter into significant expenditure, such as building alterations, to meet religious needs. However, it is good practice for managers to consult with colleagues and to consider if there is anything reasonable and practicable that can be done to help staff meet the ritual requirements of their religion.

## Appendix 1: Equality Characteristics

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Bury Council bases its definitions of equality characteristics, wherever possible, upon those used in the Equality Act 2010: -

### Age

Age is a protected characteristic under the Equality Act and is defined by reference to a person's age group.

An age group can mean people of the same age or people of a range of ages. Age groups can be wide (eg. people under 50), or relatively narrow (eg. people in their mid-40s) or relative (eg. older than me).

The notion of age group is rooted in chronological age, but some age-related terms can have different meanings depending upon the context (eg. whether someone is seen as youthful can depend upon their role – compare a youthful bar tender with a youthful Chief Exec). Age groups can also be linked to physical appearance (eg. grey haired workers).

### Disability

Disability is a protected characteristic under the Equality Act 2010. A person has a disability if he/she has a physical or mental impairment (including sensory impairments) which has both a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities. - A substantial adverse effect is something which is more than minor or trivial. It is a limitation which goes beyond the normal differences in ability which might exist among people.

A long term effect is an impairment which:

- has lasted at least 12 months, or
- where the total period for which it lasts is likely to be at least 12 months, or
- which is likely to last for the rest of the life of the person affected.

Normal day-to-day activities are those which most people carry out on a fairly regular and frequent basis, such as walking, driving, cooking, eating, lifting and carrying everyday objects, writing, continence, taking part in normal social interaction and forming social relationships.

Where a person is taking measures to treat or correct an impairment, and, but for those measures, the impairment would have a substantial adverse effect on the ability to carry out normal day-to-day activities, it is still to be treated as though it does have such an effect.

“Hidden” impairments are also covered – for example, mental illness or mental health problems, and conditions such as diabetes and epilepsy. Cancer, HIV infection and multiple sclerosis are deemed disabilities under the Act. As is severe disfigurement.

Progressive and recurring conditions will amount to disabilities in certain circumstances.

The social model of disability helps recognise barriers that make life harder for disabled people. Removing these barriers creates equality and offers disabled people more independence, choice and control.



### **Gender Reassignment (inclusive of gender identity)**

Gender reassignment is a protected characteristic under the Equality Act 2010. It includes people who are proposing to undergo, are undergoing or have undergone a process (or part of a process) to reassign their sex by changing physiological or other attributes of sex. This includes people who are referred to as transgender.

Under the Equality Act, gender reassignment is a personal process rather than a medicalised process. As soon as a person can show that they have reached a definitive point where they are 'proposing' to undergo gender reassignment, they are protected. Therefore, it does not necessarily involve any medical treatment, and may just be that someone has made their intention known to someone or started to dress in a different way.

The Council recognises that the current legislation is under review and therefore recognises the wider definition of Gender Identity which also includes 'trans' people whose sense of their own gender does not match the sex that society assigned to them at birth, this can include non-binary identities where a person's gender identity is outside binary male/female identities. It can also include genderfluid identities where a person's sense of gender identity isn't fixed to a specific identity and changes from time to time or is situational.

### **Marriage/civil partnership**

Marriage and civil partnership are protected characteristics under the Equality Act 2010.

A marriage covers any formal union of a man and a woman which is legally recognised in the UK as a marriage.

A civil partnership refers to a registered civil partnership under the Civil Partnership Act 2004.

Unlike most other protected characteristics there is no protection under the Equality Act for discrimination based upon association or perception.

### **Pregnancy/ maternity**

In respect of employment, the Equality Act states that it is unlawful direct discrimination to treat a person unfavourably because of their pregnancy or a related illness, or because they are exercising, has exercised or is seeking or has sought to exercise their right to maternity leave. - This is not considered to be sex discrimination.

### **National origin**

National origin is where a person comes from a national group with identifiable elements, both historic and geographic, which at least at some point in time indicates the existence of a nation. - National origin is distinct from nationality, but often the two will be the same. For example, people of Chinese national origin may be citizens of both China and the UK. A racial group can be a group of people who share a colour, or ethnic or national origin or a group with the same nationality.

### **Race**

Race can include skin colour, nationality (including citizenship) and ethnic or national origin.

Being of an **ethnic origin** will depend upon whether a person belongs to an ethnic group. An ethnic group must have 2 essential characteristics – a long shared history and a cultural tradition of its own. Other relevant characteristics may be a common language, a common literature, religion or a common geographical origin or a sense of being a minority or an oppressed group. This is quite a wide definition, and has included Sikhs, Jews, Romany Gypsies and Irish Travellers.

## **Religion or belief**

Religion or belief is a protected characteristic under the Equality Act 2010. It includes any religion and any religious or philosophical belief. It also includes any lack of such religion or belief.

The meaning of religion or belief is broad and is consistent under both the Equality Act and Article 9 of the European Convention on Human Rights.

### Religion

The term 'religion' means any religion and includes a lack of religion. A religion need not be mainstream, but it must be identifiable and have a clear structure and belief system. Denominations or sects within religions (eg. Methodists within Christianity or Sunnis within Islam) may be considered a religion. Cults and new religious movements may also be religions.

### Belief

The term 'belief' means any religious or philosophical belief and includes a lack of belief. It need not include faith or worship but must affect how a person lives their life or perceives the world. For a belief to be protected under the Equality Act it must: -

- be genuinely held
- be a belief and not an opinion or viewpoint based on information available at the moment
- be a belief as to a weighty and substantial aspect of human life and behaviour
- attain a certain level of cogency, seriousness, cohesion and importance
- be worthy of respect in a democratic society
- be compatible with human dignity and not conflict with the fundamental rights of others.

Examples of people who follow beliefs are Humanists, Atheists and Vegans. Political beliefs are not included.

## **Sex (sometimes known as gender)**

Sex is a protected characteristic under the Equality Act 2010 and refers to a man or a woman of any age. It does not include gender reassignment or sexual orientation.

## **Sexual orientation**

Sexual orientation is a protected characteristic under the Equality Act 2010, and means a person's orientation towards: -

- persons of the same sex or gender identity
- persons of the opposite sex or a different gender identity
- persons of either sex or any gender identity

It does not include gender reassignment.

### **Working carer**

The Carers Trust defines a carer as “anyone who cares, unpaid, for a friend or family member who due to illness, disability, a mental health problem or an addiction cannot cope without their support”. This could include short term or long-term care. Furthermore, the Equality Act 2010 protects a person who experiences discrimination because they are associated with someone who has a disability. For example, it would be unlawful if the partner of someone who has cancer was refused promotion because of concerns that they would be unable to give sufficient attention to the job. The Act also allows workplace adjustments to be requested for caring responsibilities.

### **Looked after child/care leaver**

A child who has been in the care of their local authority for more than 24 hours is known as a looked after child. A care leaver is a young person aged 16-25 years old who has been “looked after” at some point since they were 14 years old and were in care on or after their 16<sup>th</sup> birthday.

### **Veterans**

Veterans are defined as anyone who has served for at least one day in His Majesty’s Armed Forces (regular or reserve)

### **Socially economically vulnerable**

Socially-economically vulnerable are people or groups of people who are disadvantaged due to a range of factors which could include being at risk of, or experiencing poverty and health inequalities, people who are income deprived, people who live in a deprived area, people who live in poor housing or experiencing social exclusion due to other characteristics such as their age, disability, gender identity, race or sexual orientation.

## Appendix 2: Prohibited Conduct

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**Direct discrimination** occurs when a person treats or would treat another person less favourably than others and the treatment is because of an equality characteristic.

**Combined discrimination** occurs because a combination of two relevant equality characteristics results in a person being treated less favourably than others are or would be treated.

### **Discrimination arising from disability**

Treatment of a disabled person amounts to discrimination if:

- the Council treats the disabled person unfavourably
- this treatment is because of something arising in consequence of the disabled person's disability, and
- the Council cannot show that this treatment is a proportionate means of achieving a legitimate aim.

**Indirect discrimination** occurs when a provision, criterion or practice is applied equally to everyone, but it:

- puts, or would put, people who share a certain common equality characteristic at a particular disadvantage, when compared with people who do not have that characteristic; and
- puts a particular person who has that equality characteristic at that disadvantage; and
- cannot be justified as a proportionate means of achieving a legitimate aim.

### **Failing to make reasonable or workplace adjustments for disabled people**

The Council is obliged to make reasonable adjustments for disabled people or workplace adjustments for disabled colleagues. This duty applies where:

- a provision, criterion or practice applied by the Council; or
- any physical feature of premises occupied by the Council
- puts a disabled person at a substantial disadvantage compared with people who do not have that particular disability.

The duty also arises where: -

- but for the provision of an auxiliary aid a disabled person would be put at a substantial disadvantage compared with people who do not have that particular disability.

When the duty to make adjustments arises, the Council must take such steps as it is reasonable for it to have to take in all the circumstances to avoid that disadvantage or to provide the auxiliary aid.

**Harassment** occurs when a person engages in unwanted conduct which is related to one or more of the equality characteristics and which has the purpose or the effect of violating the dignity of another person, or creating for that person an intimidating, hostile, degrading, humiliating or offensive environment.

**Victimisation** occurs when someone subjects a person to a detriment because they have - or are believed to have - complained that someone else has harassed them or discriminated against them or has supported others who have done this. It also applies where it is believed that someone may do such a thing in the future.



## Equality Impact Analysis

This equality impact analysis establishes the likely effects and unintended consequences that decisions, policies, projects and practices can have on people at risk of discrimination, harassment and victimisation. The analysis considers documentary evidence, data and information from stakeholder engagement/consultation to manage risk and to understand the actual or potential effect of activity, including both positive and adverse impacts, on those affected by the activity being considered.

To support completion of this analysis tool, please refer to the equality impact analysis guidance.

### Section 1 – Analysis Details (Page 5 of the guidance document)

<b>Name of Policy/Project/Decision</b>	Equality Policy for Employment
<b>Lead Officer/SRO/Project Manager</b>	Catherine King
<b>Department/Team</b>	HR, Corporate Core
<b>Proposed Implementation Date</b>	November 2023
<b>Author of the EqIA</b>	Catherine King
<b>Date of the EqIA</b>	September 2023

<b>1.1 What is the main purpose of the proposed policy/project/decision and intended outcomes?</b>
<p>The main aims of the Equality Policy for Employment are:</p> <ul style="list-style-type: none"> <li>▪ to champion equality, diversity and inclusion across our workforce</li> <li>▪ eliminate all forms of discrimination, harassment, victimisation and bias</li> <li>▪ develop our workforce to be truly representative of all sections of community and our customers at all levels</li> <li>▪ ensure all our colleagues feel respected and comfortable to be themselves at work where they are able to give their best and reach their full potential</li> </ul>

### Section 2 – Impact Assessment (Pages 6 to 9 of the guidance document)

<b>2.1 Who could the proposed policy/project/decision likely have an impact on?</b>
<p>Employees: <b>Yes/No</b>          Community/Residents: <b>Yes/No</b>          3<sup>rd</sup> parties such as suppliers, providers and voluntary organisations: <b>Yes/No</b></p>

If there is no likely impact on any of these, a full equality impact analysis is not required

**2.2 Evidence to support the analysis. Include documentary evidence, data and stakeholder information/consultation**

**Documentary Evidence:**  
Employment Equality Report – see <https://www.bury.gov.uk/asset-library/employment-equality-report-2023.pdf>

**Data:**  
As above

**Stakeholder information/consultation:**  
IWG October 23  
UNISON

**2.3 Consider the following questions in terms of who the policy/project/decision could likely have an impact on. Detail these in the impact assessment table (2.4) and the likely impact this would have.**

- Could the proposal prevent the promotion of equality of opportunity or good relations between different equality groups? **No**
- Could the proposal create barriers to accessing a service or obtaining employment with us for people from an equality group? **No**
- Could the proposal affect the usage or experience of a service by people from an equality group? **Not negatively**
- Could people from an equality group be disproportionately advantaged or disadvantaged by the proposal? **Possibly advantaged if positive action**
- Could the proposal make it more or less likely that people from an equality group will be at risk of harassment or victimisation? **Less likely**
- Could the proposal affect public attitudes towards people from an equality group (e.g. by increasing or reducing their presence in the community)? **It could increase representation of people from different equality groups in the workforce**
- Could the proposal prevent or limit people from an equality group contributing to the democratic running of the council? **No**

2.4 Characteristic	Potential Impacts	Evidence (from 2.2) to demonstrate this impact	Mitigations to reduce negative impact	Impact level with mitigations Positive, Neutral, Negative
Age				Positive



<b>Disability</b>	Raise awareness; reduce discrimination, harassment, victimisation and bias; increase representation of equality groups in the workforce; assist colleagues to feel respected and comfortable to be themselves at work where they are able to give their best and reach their full potential			
<b>Gender Reassignment</b>				
<b>Marriage and Civil Partnership</b>				
<b>Pregnancy and Maternity</b>				
<b>Race</b>				
<b>Religion and Belief</b>				
<b>Sex</b>				
<b>Sexual Orientation</b>				
<b>Carers</b>				
<b>Looked After Children and Care Leavers</b>				
<b>Socio-economically vulnerable</b>				
<b>Veterans</b>				

**Actions required to mitigate/reduce/eliminate negative impacts or to complete the analysis**

<b>2.5 Characteristic</b>	<b>Action</b>	<b>Action Owner</b>	<b>Completion Date</b>


**Section 3 - Impact Risk** (Pages 9 and 10 of the guidance document)

Establish the level of risk to people and organisations arising from identified impacts, with additional actions completed to mitigate/reduce/eliminate negative impacts.

3.1 Level of impact / Likelihood	Unlikely (U)	Possible (P)	Likely (L)	Very Likely (V)
High Impact (H)	4	8	12	16
Medium Impact (M)	3	6	9	12
Low Impact (L)	2	4	6	8
Positive or No Impact (N)	1	1	1	1
Risk Level	No Risk = 1	Low Risk = 2 - 4	Medium Risk = 6 – 9	High Risk = 12 - 16

3.2 Level of risk identified	1
3.3 Reasons for risk level calculation	Positive impacts across the board.

**Section 4 - Analysis Decision** (Page 11 of the guidance document)

4.1 Analysis Decision		Reasons for This Decision
There is no impact therefore the activity will proceed	X	No negative impacts. The Equality Policy should make a positive difference for all equality groups.
There are low impacts or risks identified which can be mitigated or managed to reduce the risks and activity will proceed		

There are medium to high risks identified which cannot be mitigated following careful and thorough consideration. The activity will proceed with caution and this risk recorded on the risk register, ensuring continual review		
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**Section 5 – Sign Off and Revisions** (Page 11 of the guidance document)

5.1 Sign Off	Name	Date	Comments
Lead Officer/SRO/Project Manager	Catherine King	20/09/23	
EDI	Lee Cawley	21/09/23	

**EqIA Revision Log**

5.2 Revision Date	Revision By	Revision Details

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# Learning and Development Policy

February 2024

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## 1. Aim

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This policy sets out the Council's approach to learning, training and development. It aims to support employees and managers to identify and meet development needs which will enable them to flourish and deliver effective services and develop their careers at Bury Council.

## 2. Scope

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This policy applies to all full and part time Council employees, whether on a permanent or temporary contract.

Within some services, Council staff work alongside employees from other organisations and may participate in joint learning and development initiatives. However, employees not directly employed by the Council must follow their own organisational policies.

## 3. Principles

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In-keeping with the LET'S Do It! Strategy, the Council seeks to maintain the following key principles:

- ensure all employees receive an appropriate induction and annual employee review
- support employees to complete any mandatory training that is essential to their role
- record and evaluate completion of employee development and training
- effectively identify workforce development needs and agree training where appropriate, in support of an individuals' performance in their current role and wider career development within the Council
- ensure access to learning and development is fair, inclusive and appropriately measured in the context of maintaining service effectiveness

In return, employees are expected to make the best use possible of any learning interventions, then apply their new knowledge, skills or behaviours in the workplace.

When identifying employees' learning, development and training needs in the light of the Council's priorities, two processes are vital:

- corporate, departmental and service level planning
- ongoing performance management which addresses development needs through structured employee reviews and 1-to-1 meetings

In applying this policy, the Council will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the protected characteristics recognised in our Inclusion Strategy.

## 4. Definitions and guidance

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We recognise that learning and development can take many forms, with key definitions and guidance as follows:

### **Mandatory training**

Mandatory training may be corporate, departmental or role specific. It must be completed and then refreshed in line with the defined timescales.

### **Agreed training and development**

Training and development agreed by a line manager should not only add value to the employee's performance and future progression, but also support organisational goals and be cost effective. This may include training to enable continued registration within a professional field. Any agreed training or development should be documented in employee reviews or 1-to-1's.

### **Training courses, programmes of study and conferences**

Training courses, programmes of study and conferences may be mandatory or agreed (providing the employee has completed all appropriate mandatory training). They may include accredited academic programmes such as degrees, post graduate degrees and courses with "blocks" of learning. Where there are a limited number of places available, allocation should be fair and inclusive.

### **Other forms of development**

Alternative means of developing employees include, but are not limited to, work shadowing, deputising or undertaking temporary responsibilities, joining working groups, mentoring/training other colleagues, networking with relevant groups, on the job coaching, secondments and research.

### **E-learning**

The Council provides a comprehensive library of e-learning courses via its Learning Management System (LMS). This can be linked to iTrent and completion rates/compliance reported upon.

### **Apprenticeships**

Apprenticeships are the Council's default delivery method for all accredited learning, but there will be exceptions where apprenticeships are not available. All apprenticeships must be co-ordinated and authorised centrally, with training costs being fully funded via the Apprenticeship Levy. Employees will need to agree to additional conditions to undertake apprenticeships.

### **Succession planning**

Learning and development may be agreed with employees to support succession planning. Succession planning involves the upskilling of employees in order that they meet the essential requirements of a Job Description more senior to theirs in the service structure or to support horizontal movement. This type of training is classed as 'agreed training' and should not be mandated.



Eligibility to undertake succession-based development will be determined in a fair and equitable way - a pool of eligible roles will be determined. Normally, the criteria for determining the pool will be based on existing pay grades but where funding limits the availability of the development opportunity to suitably graded staff, an application process based on additional criteria will be used. The criteria determining eligibility for the opportunity will be published as part of the succession plan. The succession plan will be subject to approval from the Executive Director and provided to all employees in the service for their consideration prior to the development opportunity being allocated.

## 5. General conditions

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- 5.1 The Council will take a blended approach to training delivery. Where there is identified risk of any training intervention adversely impacting equality, diversity and inclusion, reasonable alternative methods will be implemented.
- 5.2 Employees undertaking mandatory training should do so within normal working hours and are entitled to payment of normal earnings, all prescribed fees and other relevant additional expenses arising including travel expenses.
- 5.3 If attendance at agreed training courses will occur at a time outside of the individual's working hours, individuals will normally be entitled to be credited with the actual number of hours of attendance.
- 5.4 Employees undertaking agreed training will be entitled to payment of normal earnings, however payment of all prescribed fees and other relevant additional expenses may be full or partial. This is expected to be determined by negotiation between the employee and line manager prior to the agreement that the training is undertaken. The details agreed will be documented. If the agreed training is accredited the additional conditions set out below will always apply within the agreement.
- 5.5 For training which is neither mandated nor agreed, the Council does not provide any financial support or time off.
- 5.6 Funding to procure training or to pay associated joining fees and expenses will only ever be agreed where employees have completed all existing mandatory training and will never be granted retrospectively. Training should be approved by line managers and sign off from the Head of Service is also required where there is a substantial or significant commitment of time or cost involved. Decisions to approve training spend will be taken in the context of available moneys in service budgets.
- 5.7 Individuals who feel they have been unfairly refused access to training and development have the right to raise a grievance under the Council's Grievance Procedure.

## 6. Additional conditions for accredited courses (excluding apprenticeships)

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The undertaking of accredited non-apprenticeship training will only be agreed where a relevant apprenticeship is not available/reasonable and where the training is necessary to serve the requirements of the employee's current role or will support succession planning.

The following conditions supplement the General Conditions set out above when the undertaking of accredited courses has been agreed:

- 6.1 Where the undertaking of recognised, relevant qualifications is agreed, employees may be given financial assistance to cover course costs and leave of absence to attend taught sessions, and if so, must sign a Learning Agreement which reflects this and records their agreement to the terms. Normal pay and leave will only ordinarily be given within normal working hours, and sessions taking place outside of these will be expected to be completed in the employee's own time.
- 6.2 Where the Council has financially contributed to the cost of accredited training, either in full or in part, pre-examination leave with pay will be granted on the basis of a maximum of two days per annum for the duration of the course. This leave must be granted, subject to the exigencies of the service, immediately prior to the appropriate examination/assessment to enable the employee to concentrate on revision. The Council will pay the cost of the first exam sitting - any re-sits will ordinarily be funded by the applicant and undertaken in the individual's own time. For employees required to attend training events outside of the borough, claims for meals may be made in line with Local Conditions of Service.
- 6.3 Employees are expected to undertake a reasonable proportion of course related personal study, assignments or projects in their own time. However, by agreement, some may be completed in paid work time. Managers are expected to be more generous for course work-based courses.
- 6.4 Fees in respect of exemptions and professional subscriptions are to be met at the individual's own expense.
- 6.5 Special leave provisions allow an individual to attend their own graduation ceremony in circumstances in which the Council has contributed financially towards the course fees and/or where the qualification is a requirement of the post.
- 6.6 Where an employee is undertaking studies leading to a recognised qualification, and where the Council has financially contributed to the cost of training, either in full or part, neither payment nor time should be awarded in recompense for any part of the taught element (tutored or online course

delivery) that falls in that person's own time.

- 6.7 The employee must remain in the service of Bury Council for a period of two years from the first of the month following the date on which the employee completed the course of study. If the employee does not comply with this requirement, he/she will normally be required to repay the financial assistance granted on a graduated scale basis\*
- 6.8 Where an employee, without good reason, fails to sit an examination within a reasonable period, or fails to show satisfactory progress with studies or discontinues the course, facilities granted under the scheme and the refunding of all or a proportion of the financial assistance granted by this Council will be required on a graduated basis\*

*\*NOTE - 'Graduated scale basis' referred to above will be at the discretion of and as determined by the Head of HR, normally based on a reduction by an appropriate fraction for each month of satisfactory service since the successful completion of the course or final examination.*

An example of this would be:

- Training costs funded by council = £720.00
- If you voluntarily leave employment immediately following your last examination, you will be required to repay the whole sum of £720.00. For every complete month of service that you complete following your last examination, that fee will be reduced by 1/24th. So, for example, if you leave after:
  - 6 months – fee reduced by 6/24ths (£180 reduction) - £540 to repay
  - 12 months – fee reduced by 12/24ths (£360 reduction) - £360 to repay
  - 18 months – fee reduced by 18/24ths (£540 reduction) - £180 to repay
  - 20 months – fee reduced by 22/24ths (£660 reduction) - £60 to repay

- 6.9 When repayment of financial assistance is required, the Council may deduct the amount due out of any monies which may be due or payable or which thereafter becomes due or payable by the Council to the employee. In the event of no or insufficient monies being due to the employee by the Council, the employee will repay to the Council on demand, the outstanding amount or balance of the financial assistance which has been given (as determined by the Head of HR).
- 6.10 If, however, the Director of the employee concerned considers that there are mitigating circumstances concerning repayment of financial assistance, the Director of People and Inclusion shall determine whether the repayment of financial assistance should be waived.
- 6.11 Individuals who leave the authority for reasons of redundancy (whether compulsory or voluntary), or who have retired on the grounds of ill-health will not be required to repay the financial assistance.

## **7. Cancellation or non-attendance**

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It is an inconvenience and incurs cost when participants fail to attend learning events. This is for both internal and external events. Without a valid reason, we will charge a late cancellation fee to the service area.

For events run in-house where training has not been procured, we will not charge due to:

- family emergency
- illness
- the team needing critical or essential cover
- technical issues, for example, poor internet connection or equipment failure
- transport difficulties at short notice

For events run in-house where training has been procured, we reserve the right to charge the service area the cost of unfilled places resulting from attendee cancellation.

We are not in control of charges for cancellation of external learning events. The service area will pay the cancellation charges incurred.

## **8. Failure to make satisfactory progress**

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Training facilities shall be granted for a period which is long enough for an employee to demonstrate his/her ability to make satisfactory progress and/or to undertake any related examinations/assessments so that the failure of the individual to make progress can be tested against the original schedule of training which was agreed to by both the employee and the Council and in accordance with the individual learning agreement.

The Head of HR is authorised to determine on what basis, if any, there should be a continuance of facilities to an employee who has not made satisfactory progress.



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## Equality Impact Analysis

This equality impact analysis establishes the likely effects both positive and negative and potential unintended consequences that decisions, policies, projects and practices can have on people at risk of discrimination, harassment and victimisation. The analysis considers documentary evidence, data and information from stakeholder engagement/consultation to manage risk and to understand the actual or potential effect of activity, including both positive and adverse impacts, on those affected by the activity being considered.

To support completion of this analysis tool, please refer to the equality impact analysis guidance.

### Section 1 – Analysis Details (Page 5 of the guidance document)

<b>Name of Policy/Project/Decision</b>	Learning and Development Policy
<b>Lead Officer (SRO or Assistant Director/Director)</b>	Liam Johnson
<b>Department/Team</b>	HR and OD
<b>Proposed Implementation Date</b>	January 2024
<b>Author of the EqIA</b>	Liam Johnson
<b>Date of the EqIA</b>	26/10/24

<p><b>1.1 What is the main purpose of the proposed policy/project/decision and intended outcomes?</b></p> <p>The Learning and Development Policy requires a refresh in-keeping with supporting the delivery of our LET’S Do It! Strategy.</p> <p>The Learning and Development Policy which sets out the Council’s approach to learning, training, and development. It aims to support employees and managers to identify and meet development needs which will enable them to flourish and deliver effective services and develop their careers at Bury Council. This policy will replace the Equal Access Policy, Section 2 of Local Conditions and Appendix W of Local Conditions and will effectively become Section 2 of Local Conditions.</p> <p>The impact of the change means we will no longer need our Learning and Development Strategy. The policy will however feed in and support the launch of Councils new People Strategy aimed to be launched towards the end of 2023. It also means that we will no longer have a Joint Learning Agreement or JLF TOR. We have also revised Assisted Funding Learning Agreement which is also included on a separate form.</p>
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This will now be the only policy documentation linked to learning and development moving forward.

**Section 2 – Impact Assessment** (Pages 6 to 10 of the guidance document)

**2.1 Who could the proposed policy/project/decision likely have an impact on?**

Employees: **Yes**  
 Community/Residents: **No – This is an internal policy to protect the workforce and the council and will not affect community or residents groups**  
 Third parties such as suppliers, providers and voluntary organisations: **No – this is also covered in procurement policy and guidance**  
 If the answer to all three questions is ‘no’ there is no need to continue with this analysis.

**2.2 Evidence to support the analysis. Include documentary evidence, data and stakeholder information/consultation**

**Documentary Evidence:**  
 Employee Equality report

**Data:**  
 All learning and development data is recorded and presented to the council’s Executive team on a bi-monthly basis and also feeds into our employment equality report annually.

Data is mainly captured in the employee system iTrent and locked in the OD teams SharePoint site.

**Stakeholder information/consultation:**  
 Yes, consulted with Unison

**2.3 Consider the following questions in terms of who the policy/project/decision could potentially have an impact on. Detail these in the impact assessment table (2.4) and the potential impact this could have.**



- Could the proposal prevent the promotion of equality of opportunity or good relations between different equality groups? No
- Could the proposal create barriers to accessing a service or obtaining employment because of a protected characteristic? No
- Could the proposal affect the usage or experience of a service because of a protected characteristic? No
- Could a protected characteristic be disproportionately advantaged or disadvantaged by the proposal? No
- Could the proposal make it more or less likely that a protected characteristic will be at risk of harassment or victimisation? No
- Could the proposal affect public attitudes towards a protected characteristic (e.g. by increasing or reducing their presence in the community)? No
- Could the proposal prevent or limit a protected characteristic contributing to the democratic running of the council? No

2.4 Characteristic	Potential Impacts	Evidence (from 2.2) to demonstrate this impact	Mitigations to reduce negative impact	Impact level with mitigations Positive, Neutral, Negative
Age	Neutral			
Disability	Neutral		Ensuring training delivered in accessible formats and taking account of the needs of delegates and participants	
Gender Reassignment				
Marriage and Civil Partnership	Neutral			
Pregnancy and Maternity	Neutral			
Race	Neutral		Ensuring training delivered in accessible formats and taking account of the needs of delegates and participants	
Religion and Belief	Neutral			

<b>Sex</b>	Neutral			
<b>Sexual Orientation</b>	Neutral			
<b>Carers</b>	Neutral			
<b>Looked After Children and Care Leavers</b>	Neutral			
<b>Socio-economically vulnerable</b>	Positive – Provision of free development to support progression			
<b>Veterans</b>	Neutral			

**Actions required to mitigate/reduce/eliminate negative impacts or to complete the analysis**

2.5 Characteristics	Action	Action Owner	Completion Date
N/A	N/A		

**Section 3 - Impact Risk**

Establish the level of risk to people and organisations arising from identified impacts, with additional actions completed to mitigate/reduce/eliminate negative impacts.

3.1 Identifying risk level (Pages 10 - 12 of the guidance document)

Impact x Likelihood = Score			Likelihood			
			1	2	3	4
			Unlikely	Possible	Likely	Very likely
Impact	4	Very High	4	8	12	16
	3	High	3	6	9	12

2	Medium	2	4	6	8
1	Low	1	2	3	4
0	Positive / No impact	0	0	0	0

<b>Risk Level</b>	<b>No Risk = 0</b>	<b>Low Risk = 1 - 4</b>	<b>Medium Risk = 5 – 7</b>	<b>High Risk = 8 - 16</b>
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<b>3.2 Level of risk identified</b>	No risk
<b>3.3 Reasons for risk level calculation</b>	Small positive changes to policy to modernise offer and protection. Policy changes aimed at internal staff.

**Section 4 - Analysis Decision** (Page 11 of the guidance document)

<b>4.1 Analysis Decision</b>	<b>X</b>	<b>Reasons for This Decision</b>
There is no negative impact therefore the activity will proceed	X	The proposed changes are in-keeping with supporting the delivery of our LET'S Do It! Strategy. Following the guidance of this form I see no risk in the implementation of the changes in the new Learning and Development Policy.
There are low impacts or risks identified which can be mitigated or managed to reduce the risks and activity will proceed		
There are medium to high risks identified which cannot be mitigated following careful and thorough consideration. The activity will proceed with caution and this risk recorded on the risk register, ensuring continual review		

**Section 5 – Sign Off and Revisions** (Page 11 of the guidance document)

<b>5.1 Sign Off</b>	<b>Name</b>	<b>Date</b>	<b>Comments</b>
<b>Lead Officer/SRO/Project Manager</b>	Liam Johnson	14/02/2024	

<b>Responsible Asst. Director/Director</b>	Sam McVaigh	14/02/2024	
<b>EDI</b>	Lee Cawley	15/02/2024	

**EqlA Revision Log**

<b>5.2 Revision Date</b>	<b>Revision By</b>	<b>Revision Details</b>
15/02/2026	Liam Johnson	Revision date set by Head of OD and Culture Liam Johnson. To review policy to ensure learning and development policy is in line with current practices to support future development opportunities.

# Flexible Working Policy

February 2024

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## 1. Aim

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- 1.1 This policy details all of the Council's arrangements for flexible working. It sets out the process for application and complies with the Government's statutory application process and the ACAS Code of Practice on handling flexible working requests.
- 1.2 The policy recognises the many benefits flexible working. An improved work/life balance has a positive impact on employees' health and wellbeing and can also support effective workplace adjustments. In turn, these support the Council by improving employee engagement, recruitment, retention and performance.
- 1.3 This policy will help the delivery of our LET'S Do IT! Strategy for Bury 2030 by building a modern organisational culture in line with the LET'S values and behaviours.

## 2. Definition

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- 2.1 Flexible Working is a broad term used to describe any working arrangement that meets the needs of both the employee and the Council regarding when where and how an employee works.
- 2.2 The Council's arrangements within this policy include:
  - Voluntary Reduced Hours
  - Job Sharing
  - Voluntary Term Time Working
  - Annualised Hours
  - Compressed Hours
  - Career Breaks
  - Purchasing Additional Leave
- 2.3 The Council also has separate Flexitime and Agile Working policies.
- 2.4 All Flexible Working arrangements will balance the individual's needs with the needs of the service.

## 3. Scope

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- 3.1 This policy applies to all staff employed directly by the Council, excluding those working in maintained schools.
- 3.2 Within some services, Council staff will be working alongside staff from other organisations. Staff external to the Council will need to refer to their own organisational policies or appropriate joint protocols regarding flexible working.

- 3.3 It is recommended that schools adopt this policy where appropriate.

## 4. Principles

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- 4.1 All employees have a statutory right to request to work flexibly under the Employment Rights Act 1996 (as amended) and regulations made under it.
- 4.2 The right applies from the first day of employment (except for Career Breaks where 2 years' service is required).
- 4.2 This Policy will positively impact on the Council's Diversity and Inclusion agenda ensuring employees are treated fairly in their applications and not discriminated against based upon a protected characteristic.

If an employee seeks a workplace adjustment for their disability through a flexible working request, then the Council should consider it in line with the Equality Act 2010 which requires employers to make reasonable adjustments to remove any disadvantage linked to a person's disability.

## 5. Approach

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- 5.1 All applications for flexible working will be made following the process outlined below and a decision will be made within 1 month of the manager receiving the request in order to allow for any appeal to be heard within 2 months of receiving the application.
- 5.2 Employees are normally only able to make two flexible working requests in any 12-month period (in addition to purchased leave). However, an employee may have only one live request for flexible working at any one time.
- 5.3 Applications must be considered fairly, reasonably and with an open mind. This should include carefully assessing the effect of the requested change for both the Council and the employee, such as the potential benefits or other impacts of accepting or rejecting it.
- 5.4 Individuals and their managers will work together to ensure that agreeable compromises are reached so that any working time issues are managed quickly and effectively.
- 5.5 No request will be rejected without the manager having discussed the request and explored other alternative options with the employee.
- 5.6 The wider perspective of the team/service will be considered when making and considering applications.



- 5.7 Employees can apply for permanent flexible working within their current role or for a temporary period. It may also be appropriate to 'trial' requested ways of working.
- 5.8 Each request and arrangement will be treated on an individual basis. No one decision will set a precedent for any other.
- 5.9 If an application is rejected the employee can appeal. Appeals will follow the process below.
- 5.10 LGPS 2014 Regulations state that no pension contributions for any period of unpaid absence are payable. Therefore, if flexible working options result in unpaid periods of absence pension benefits will be reduced. Active members of the Scheme can recoup lost benefits by paying Additional Pension Contributions (APCs) by completing Greater Manchester Pension Fund Form P38(1). This form is available from the Pensions Team.

If the form is returned within 30 days of the last day of absence, the Council will contribute 2/3rds of the cost; otherwise the full cost of buying the lost pension is payable by the employee.

The Pensions Team can advise how much pension has been lost as a result of the break. There is an online calculator to work out an approximate cost at [www.gmpf.org.uk](http://www.gmpf.org.uk)

For further information contact the Pensions Team at [pensions@bury.gov.uk](mailto:pensions@bury.gov.uk)

## 6. Application and appeal processes

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### 6.1 Application process

All employees irrespective of length of service, may apply for flexible working. **Applications** should be submitted as early as possible before the requested start date to allow time for consideration, approval and any related action to be taken.

- 6.1.1 Applications for career breaks and to purchase additional leave should be made through iTrent self-service – guidance on the application process can be found here [iTrent user information - Bury Council Intranet](#)
- 6.1.2 Applications for all other types of flexible working should be made by completing the Application for Flexible Working and submitting it to your Manager.
- 6.1.3 Requests for Flexible Working must be responded to within two months of the manager receiving the request. **This timeframe includes any appeal.**

Managers must therefore discuss the request with the employee as soon as possible including discussing alternative options if appropriate. The employee should have reasonable time to prepare for the discussion and can be accompanied by their trade union representative or a work colleague, if they wish. The meeting should be held privately and notes should be kept.

- 6.1.4 The Manager will inform the employee in writing either confirming agreement to the request and the agreed start date, or to provide a clear business reason, including a detailed account of the service implications, as to why the request cannot be approved. The decision must be made within one month of receiving the application to allow time for any appeal.
- 6.1.5 The Manager may give an interim response where there is a need to take future action before a final decision can be made (for example, if a job share arrangement is requested, the feasibility of recruiting a job share partner will need to be considered and that post recruited to before the change can be made).
- 6.1.6 The manager may discuss and agree with the employee to approve the request on a temporary basis/trial with a review at the end to consider if the arrangement can be permanent.
- 6.1.7 Managers must send a contractual amendment form to HR Operations to ensure that any amendments are made and that appropriate changes are made to the employee's contract/pay.
- 6.1.8 Managers should only refuse an application to work flexibly if there is a clear business reason for doing so – the following business reasons are set out in the legislation: -
  - the burden of additional costs
  - an inability to reorganise work amongst existing staff
  - an inability to recruit additional staff
  - a detrimental impact on quality
  - a detrimental impact on performance
  - a detrimental effect on ability to meet customer demand
  - insufficient work for the periods the employee proposes to work
  - a planned structural change to your business

Where the application for flexible working is a request for a workplace adjustment, the provisions of the Equality Act 2010 should also be taken into account.

## 6.2 **Appeal process**

Employees will be given the right to appeal the decision. An **Appeal** must be lodged in writing within 10 working days of being informed of the decision and sent it to the Head of Human Resources. An appeal meeting must be held

within 14 days of receipt of a written appeal. All appeals must be heard within 2 months of the application being received unless there are exceptional circumstances, and an extended timeframe has been agreed by all parties. Employees can be accompanied at appeal stage by their trade union representative or work colleague. This is the final stage of the process and appeal decisions are full and final.

6.2.1 Appeals will be heard jointly by representatives of the Head of Human Resources and the Executive Director of the department. Also present at the meeting will be the employee, their representative (if appropriate) and the manager who made the decision/refused the application.

6.2.2 The appeal will follow the following process:

- The Chair of the meeting will make the introductions and outline the process
- The employee (or their representative) will present the appeal
- The panel and manager will ask questions
- The manager will give the reason for the decision or for refusing the application
- The employee (or their representative) and the panel will ask questions
- There will be a general discussion to clear up any misunderstandings
- The employee will summarise their case
- The manager will summarise their case
- The meeting will adjourn for consideration of the decision

A written record should be kept of the meeting.

6.2.3 The decision will be sent to the employee in writing within 5 days of the meeting, however, if possible, the decision will be given on the day.

## **7. Flexible working options**

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### **7.1 Voluntary Reduced Hours**

7.1.1 Voluntary Reduced Hours allows employees to voluntarily reduce their contractual hours to enable them to have more time for personal, caring or family commitments.

7.1.2 Hours can be reduced on a permanent or temporary basis depending on individual circumstances:

- Permanent reduction in hours involves a permanent amendment to an employee's contract of employment and means that they have no right to revert back to full time working without this being requested and agreed.
- Temporary reduction in hours gives employees the security of reverting to their normal working hours at the end of an agreed

period and also allows a trial period for managers to ensure the service is not detrimentally affected by the change.

7.1.3 In effect, employees who reduce their hours will be classed as part time and any terms and conditions of service entitlements and payments will apply on a pro rata basis to the hours worked. Pension will also be affected and employees can take advice on this from [pensions@bury.gov.uk](mailto:pensions@bury.gov.uk).

7.1.4 An employee who voluntarily reduces their hours then applies for another post within the Council with different working hours does so on the basis that they are applying for a role with the hours as stated in the advertisement. There is no guarantee that it will be possible to continue with current arrangements in the role applied for.

## 7.2 Job Share

7.2.1 Job Sharing involves the voluntary sharing of a post with two (or more) employees. The job sharers share the responsibilities/duties of a post and the salary on a pro-rata basis to the hours worked.

7.2.2 If a job share employee resigns, their job share partner will be given the opportunity to assume the post on a full-time basis. Where there are more than two post holders, the vacant hours could be split between the remaining partners if they were in agreement.

7.2.3 A job share employee will be classed as part time and any terms and conditions of service entitlements and payments will apply on a pro rata basis to the hours worked. Pension will also be affected and advice from [pensions@bury.gov.uk](mailto:pensions@bury.gov.uk) should be sought.

7.2.4 Job sharers will be entitled to a proportion of all the public holidays. Bank holidays are automatically added to your annual leave entitlement based on your working pattern. If you are scheduled to work on the day the bank holiday falls this will be deducted from your entitlement. If you are not scheduled to work on the day, you will get the 7.4 hours (pro rata for part time) added to your leave to take at another time.

## 7.3 Voluntary Term Time

7.3.1 Term-time working relates to school term times, which can vary depending upon different local authority areas. Employees work during school term times and take unpaid leave during school holidays, whilst remaining on a permanent contract of employment. Voluntary term-time working should not be confused with term-time only posts (e.g. school based, when the employee's service is not required in the school holidays).

7.3.2 A voluntary term time employee will effectively reduce their hours (in terms of weeks worked) and any terms and conditions of service

entitlements and payments will apply on a pro rata basis to the hours worked. Pension will also be affected and advice from [pensions@bury.gov.uk](mailto:pensions@bury.gov.uk) should be sought.

- 7.3.3 Salary is paid throughout the year and payment for annual leave is included in the salary calculation. HR Operations can advise on the actual salary calculation which will depend on hours of work, weeks worked and holiday entitlement.
- 7.3.4 Annual leave must be taken during school holidays. The assumption is that annual leave will be taken in the first periods of school closure from 1<sup>st</sup> April until leave entitlement is exhausted. Annual leave requests will not be granted during term-time, therefore, there is no need to approve and record leave.
- 7.3.5 An employee who works voluntary term time then applies for another post within the Council working all year round does so on the basis that they are applying for a role as stated in the advertisement. There is no guarantee that it will be possible to continue with current arrangements in the role applied for.

#### 7.4 Annualised Hours

- 7.4.1 Annualised hours contracts are when employees work a set number of hours over 12 months. Instead of employees working a standard number of hours per week, they are contracted to work a total number of hours per year.
- 7.4.2 Annual hours can be requested by employees or may be implemented service wide (following consultation with the trade unions under existing arrangements). Working hours should match the needs of the service, enabling a more efficient scheduling and management of work which is subject to seasonal variations or predictable 'peaks and troughs'. It is not suitable for unpredictable workloads and can cause difficulties with job sharing due to the nature of how hours are worked.
- 7.4.3 Annual hours can significantly reduce overtime and provide employees with a stable income as salary is paid in equal payments. The concept of annual hours may be implemented in 2 ways: -
  - The total number of hours per year are allocated to an individual employee or group of employees on a rota system.
  - A small number of hours could be held in reserve. These reserved hours can be used for training purposes or to cover for sickness, holidays or any unexpected increases in workload. Managers requesting an employee works at short notice should take into account their personal circumstances; for example, they may need to make child care arrangements.
- 7.4.4 Employees are paid for the total annual hours per year, including annual leave and bank holidays. Salary will be paid in equal

instalments. Employees must provide managers reasonable advance notice in respect of their availability to work.

- 7.4.5 Employees commencing an annual hours contract part way through the annual leave year will receive a pro-rata entitlement to annual leave/bank holidays based on the number of complete months left in that year, converted to hours.
- 7.4.6 Service specific arrangements will be in place where annual hours is already in place.
- 7.4.7 Managers are responsible for monitoring working hours throughout the year to ensure that employees are on target to work them all. Employees must make themselves available for work whenever reasonable to ensure that they meet their contractual hours.

## 7.5 **Compressed Hours**

- 7.5.1 Compressed hours allow employees to work their contractual hours over fewer days per week/fortnight/month.
- 7.5.2 All terms and conditions, apart from the working pattern, remain the same.
- 7.5.3 When applying for or approving an application for compressed hours, consideration should be given to any work needed to be carried out on a certain day and the covering of the service during the non-working period.

## 7.6 **Career Break**

- 7.6.1 A career break is a period of unpaid leave, which can be applied for after a qualifying period of 2 years' service with the Council. Employees returning to work following a career break must normally complete a further 2 years' service with the Council before being able to apply for another career break. A maximum of 2 career breaks per person will be considered.
- 7.6.2 Career breaks will only normally be agreed where the employee is intending to return to work following the break.
- 7.6.3 An employee will not be permitted to commence a career break whilst subject to or involved with any outstanding disciplinary action or investigation. Any live disciplinary warnings will be suspended at the start of the career break and will continue on the employees' return to work.
- 7.6.4 Applications should normally allow for a minimum of 3 months' notice of commencement and termination by either party. It will not normally be

possible to extend or cut short a career break as this may impact on other contracts of employment for employees providing cover.

- 7.6.5 Employees who decide that they do not wish to continue their employment with the Council whilst taking a career break should inform their manager as soon as possible, in accordance with the normal periods of notice as specified in their individual contract of employment.
- 7.6.6 The minimum period for a career break will be 3 months; the maximum period will be 1 year. Following an agreed return to work date, the employee will return to their post on the same grade, with no loss of incremental point and length of service. If an employee is not able to return to their post, for example due to a restructuring exercise, the Council will seek to identify a suitable position, which will enable them to return on their previous grade.
- 7.6.7 Career breaks cannot be used as a means of prolonging employment in order to be able to access enhanced benefits such as pensions as this would be unlawful. Employees wishing to retire early should apply to do so and not use a career break for that purpose.
- 7.6.8 Employees should not undertake paid employment elsewhere during their normal working hours whilst on a career break. Any instances will be investigated and may result in disciplinary action being taken.
- 7.6.9 Applications will be considered on an individual basis in line with service requirements and decisions will be made at the discretion of the relevant Chief Officer.
- 7.6.10 Employees will be required to sign an agreement suspending all terms and conditions of their contract of employment during their career break from the Council, with the exception of continuity of service. Their contract of employment will remain suspended for the duration of the period of absence.
- 7.6.11 There will be no salary payment or payments of allowances, contractual or otherwise, during the period of the career break. At the end of the career break employees will return to work with no loss of incremental progression.
- 7.6.12 There are pension implications related to career breaks – see 5.10 above.
- 7.6.13 Employees should contact Payroll for advice regarding National Insurance contributions.
- 7.6.14 There will be no entitlement to sick leave/pay during the period of the career break. Following the career break, the career break period will count for sickness entitlements; however, SSP may be affected depending on the length of the career break. Employees who become



pregnant whilst on a career break should inform their Department and Payroll as soon as possible, in order for them to assess entitlement to SMP in relation to the pay during the qualifying period. SMP entitlement may be affected depending on individual circumstances.

7.6.15 Employees with any other form of financial agreement with the Council, for example, a car loan or overpayment schedule, must make the appropriate repayments during the Career Break. If this, for any reason, is not practical, then the outstanding balance must be repaid to the Council before the break commences.

7.6.16 Employees taking a career break will be entitled to a proportion of their contractual and statutory annual leave proportionate to the length of their career break, plus any bank holidays that would have occurred during the career break.

7.6.17 Contact arrangements and frequency will be agreed by the employee and manager before the career break commences and must be maintained between the Council and the employee during the career break as necessary. Employees should, where practicable, advise the Council of amendments to their contact details.

## **7.7 Purchasing Additional Annual Leave**

7.7.1 The purchasing of annual leave gives employees the opportunity to increase their annual leave entitlement by reducing their salary accordingly. Employees will be able to purchase up to two weeks (10 days) extra annual leave, regardless of when they apply (pro rate for part time employees). The extra leave is added to contractual leave on itrent and not treated separately.

7.7.2 Employees applying for this prior to the start of the next leave year in April can spread the cost equally across the next 12 months providing applications are received by 1<sup>st</sup> March. This will minimise the impact on pay each month. Applications can be made at any point in the leave year but payments will be spread over the number of remaining months.

7.7.3 Payments for purchased leave will be based on the contractual pay of an employee's substantive post, is unaffected by changes in hours and is based on when the leave was purchased. Any adjustments as a result of re-grading or honorarium will be made at the end of that leave year. In the case of underpayment, employees may opt to pay the money in one lump sum or spread the payment by arrangement with payroll.

When a pay award is agreed, payments will be adjusted by payroll, as soon as is practical.



- 7.7.4 Employees off sick or going on maternity leave should consider withdrawing from the scheme as any leave untaken at the end of the leave year will be lost.
- 7.7.5 When an employee leaves, Payroll should be informed of how many days leave (including purchased additional leave) the employee has taken to enable the calculation of any over/under payment adjustment.
- 7.7.6 In exceptional circumstances, following discussion between an employee and their manager, it may be necessary for employees to withdraw from the scheme. The number of days purchased will be pro-rata to completed months, payments will cease and leave entitlement will be adjusted accordingly. However, no refund of payments will be made.
- 7.7.7 There are pension implications related to purchasing additional annual leave – see 5.10 above.

## **8. Evaluation and measures of success**

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- 8.1 All managers are responsible for ensuring that this policy is followed when receiving and considering applications for flexible working.
- 8.2 HR will record details of flexible working applications and current working arrangements for reporting purposes.
- 8.3 Success will be measured in a number of ways as flexible working has many benefits. Measures include:
- Increased employee satisfaction with their roles and the organisation in employee surveys
  - Improved recruitment and retention
  - Increased productivity
  - Reduction in sickness absence due to work related stress/burn out due to improved health and wellbeing and work/life balance
  - Improved morale and motivation
  - Financial benefits and reduction in costs due to reduced absenteeism and sickness absence



## Equality Impact Analysis

This equality impact analysis establishes the likely effects and unintended consequences that decisions, policies, projects and practices can have on people at risk of discrimination, harassment and victimisation. The analysis considers documentary evidence, data and information from stakeholder engagement/consultation to manage risk and to understand the actual or potential effect of activity, including both positive and adverse impacts, on those affected by the activity being considered.

To support completion of this analysis tool, please refer to the equality impact analysis guidance.

### Section 1 – Analysis Details (Page 5 of the guidance document)

<b>Name of Policy/Project/Decision</b>	Flexible Working Policy
<b>Lead Officer/SRO/Project Manager</b>	Catherine King
<b>Department/Team</b>	HR, Corporate Core
<b>Proposed Implementation Date</b>	April 2024
<b>Author of the EqIA</b>	Catherine King
<b>Date of the EqIA</b>	February 2024

<b>1.1 What is the main purpose of the proposed policy/project/decision and intended outcomes?</b>
<p>The main aims of the Flexible Working Policy are:</p> <ul style="list-style-type: none"> <li>▪ To detail all of the Council’s flexible working arrangements, and the process for applying for them</li> <li>▪ To support employees’ health and wellbeing via an improved work/life balance and making effective workplace adjustments</li> <li>▪ To support the Council by improving employee engagement, recruitment, retention and performance</li> </ul>

### Section 2 – Impact Assessment (Pages 6 to 9 of the guidance document)

<b>2.1 Who could the proposed policy/project/decision likely have an impact on?</b>
<p>Employees: <b>Yes/No</b>          Community/Residents: <b>Yes/No</b>          3<sup>rd</sup> parties such as suppliers, providers and voluntary organisations: <b>Yes/No</b></p> <p>If there is no likely impact on any of these, a full equality impact analysis is not required</p>

<b>2.2 Evidence to support the analysis. Include documentary evidence, data and stakeholder information/consultation</b>
<p><b>Documentary Evidence:</b> Employment Equality Report – see <a href="https://www.bury.gov.uk/asset-library/employment-equality-report-2023.pdf">https://www.bury.gov.uk/asset-library/employment-equality-report-2023.pdf</a> which includes records of those who work part time or full time and those who take up of work life balance options</p>
<p><b>Data:</b> As above</p>
<p><b>Stakeholder information/consultation:</b> Consultation with UNISON</p>

<b>2.3 Consider the following questions in terms of who the policy/project/decision could likely have an impact on. Detail these in the impact assessment table (2.4) and the likely impact this would have.</b>
<ul style="list-style-type: none"> <li>• Could the proposal prevent the promotion of equality of opportunity or good relations between different equality groups? <b>No</b></li> <li>• Could the proposal create barriers to accessing a service or obtaining employment with us for people from an equality group? <b>No</b></li> <li>• Could the proposal affect the usage or experience of a service by people from an equality group? <b>No</b></li> <li>• Could people from an equality group be disproportionately advantaged or disadvantaged by the proposal? <b>Yes – although people from all protected characteristics will benefit, women, disabled employees, employees from older age groups, carers and people from certain religious groups tend to make more use of flexible working options</b></li> <li>• Could the proposal make it more or less likely that people from an equality group will be at risk of harassment or victimisation? <b>No change</b></li> <li>• Could the proposal affect public attitudes towards people from an equality group (e.g. by increasing or reducing their presence in the community)? <b>It could make employment with the Council more attractive – particularly for women, disabled employees, employees from older age groups, carers and people from certain religious groups</b></li> <li>• Could the proposal prevent or limit people from an equality group contributing to the democratic running of the council? <b>No</b></li> </ul>

2.4 Characteristic	Potential Impacts	Evidence (from 2.2) to demonstrate this impact	Mitigations to reduce negative impact	Impact level with mitigations Positive, Neutral, Negative
Age	Positive for older employees	62.53% of the workforce is aged 45+ whereas 86.26%		Positive

		of work life balance options are from that age group		
<b>Disability</b>	Positive for disabled employees	7.3% of the workforce is disabled, but 13.74% of all employees taking up WLB initiatives are disabled	Flexible working requests can form workplace adjustments, and must be fully considered under our Equality Act 2010 obligations	
<b>Gender Reassignment</b>	No significant impact			
<b>Marriage and Civil Partnership</b>	Positive for staff who are married or in a civil partnership	37.44% of staff are married or in a civil partnership but 60.9% of all employees taking up WLB initiatives are from this group		
<b>Pregnancy and Maternity</b>	Neutral			
<b>Race</b>	Neutral	65.09% of the workforce are white British, but 90.52% of all employees taking up WLB initiatives are white British. – This is not a result of the policy but likely reflects the occupational segregation of the workforce in relation to race.	Whilst flexible working options are available to all employees, we could promote them more specifically to employees who experience racial inequalities	
<b>Religion and Belief</b>	More positive for people from	Christians, Muslims and Hindus take up more WLB	Flexible working requests can form	

	some religious groups than others	initiatives proportionate to their representation in the workforce, whilst Jewish employees' take up is proportionate	workplace adjustments, to support work/life balance on religious grounds e.g. compressed hours to have time off to observe holy days/periods	
<b>Sex</b>	Positive for women	69.72% of the workforce are women, but 78.44% of all employees taking up WLB initiatives are women		
<b>Sexual Orientation</b>	Neutral			
<b>Carers</b>	Positive for carers	23.81% of the workforce are carers, but 51.42% of all employees taking up WLB initiatives are carers	Flexible working requests can form workplace adjustments, to support work/life balance on the grounds of caring responsibilities	
<b>Looked After Children and Care Leavers</b>	Neutral			
<b>Socio-economically vulnerable</b>	Neutral			
<b>Veterans</b>	Neutral			

**Actions required to mitigate/reduce/eliminate negative impacts or to complete the analysis**

2.5 Characteristic	Action	Action Owner	Completion Date
Race	Whilst flexible working options are available to all employees, we could promote them more specifically to employees who experience racial inequalities	Lee Cawley via IWG	

**Section 3 - Impact Risk** (Pages 9 and 10 of the guidance document)

Establish the level of risk to people and organisations arising from identified impacts, with additional actions completed to mitigate/reduce/eliminate negative impacts.

3.1 Level of impact / Likelihood	Unlikely (U)	Possible (P)	Likely (L)	Very Likely (V)
High Impact (H)	4	8	12	16
Medium Impact (M)	3	6	9	12
Low Impact (L)	2	4	6	8
Positive or No Impact (N)	1	1	1	1
Risk Level	No Risk = 1	Low Risk = 2 - 4	Medium Risk = 6 – 9	High Risk = 12 - 16

3.2 Level of risk identified	2
3.3 Reasons for risk level calculation	Flexible working initiatives are available equally to all staff. Take up is just greater, proportionate to representation in the workforce, for some protected groups.

**Section 4 - Analysis Decision** (Page 11 of the guidance document)

4.1 Analysis Decision		Reasons for This Decision
There is no impact therefore the activity will proceed	X	No significantly negative impacts. The Flexible Working Policy should make a positive difference for all equality groups.
There are low impacts or risks identified which can be mitigated or managed to reduce the risks and activity will proceed		
There are medium to high risks identified which cannot be mitigated following careful and thorough consideration. The activity will proceed with caution and this risk recorded on the risk register, ensuring continual review		

**Section 5 – Sign Off and Revisions** (Page 11 of the guidance document)

5.1 Sign Off	Name	Date	Comments
Lead Officer/SRO/Project Manager	Catherine King	05/02/24	
EDI	Lee Cawley		

**EqIA Revision Log**

5.2 Revision Date	Revision By	Revision Details