

AGENDA FOR EMPLOYMENT PANEL



Contact:: Kelly Barnett
Direct Line: 0161 253 5130
E-mail: kelly.barnett@bury.gov.uk
Web Site: www.bury.gov.uk

To: All Members of Employment Panel

Councillors : T Rafiq (Chair), R Bernstein, J Grimshaw,
C Cummins, E Moss, M Walsh, T Tariq, J Lancaster 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:-

Date:	Thursday, 12 September 2024
Place:	Microsoft Teams
Time:	7.00 pm
Briefing Facilities:	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.
Notes:	

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 - 6)*

The minutes of the meeting held on 11 July 2024 are attached for approval and accuracy.

4 TERMS OF REFERENCE *(Pages 7 - 10)*

The terms of reference of the Employment Panel are attached with proposed amendments in red.

5 WORKFORCE POLICY REVIEW *(Pages 11 - 114)*

Report and appendices attached.

6 URGENT BUSINESS

Minutes of: EMPLOYMENT PANEL

Date of Meeting: 11 July 2024

Present: Councillor T Rafiq (in the Chair)
Councillors R Bernstein, J Grimshaw, E Moss, M Walsh and J Lancaster

Also in attendance: Sam McVaigh – Director of People and Inclusion, Kelly Barnett – Democratic Services Officer, Catherine King – HR Business Manager, Vanessa Brockbank – HR Business Manager, Simon Bagley – Head of Human Resources

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

Apologies for Absence: Councillor C Cummins and Councillor T Tariq

The Chair welcomed all Employment Panel Members to the Committee.

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

It was agreed that the notes of the meeting held on 3 April 2024 be approved as a correct record and signed by the Chair.

4 TERMS OF REFERENCE

The Employment Panel terms of reference were attached to the agenda for information.

5 CORPORATE PARENTING CHAMPION

It was agreed:

Councillor Bernstein be appointed as the Employment Panel's Corporate Parenting Champion for the municipal year 2024-2025.

6 WORKFORCE POLICY REVIEW

Sam McVaigh, Director of People and Inclusion presented the Workforce Policy Review report and highlighted the proposed changes to the Disciplinary Procedure, the Grievance Procedure, the Family Leave Policy and the Agile Working Policy. Sam McVaigh thanked Catherine King, Melanie Cunnigham and Vanessa Brockbank for their hard work on the Workforce Policy Review.

In response to a Member's question around HR involvement in disciplinary cases and concerns around their role change, Sam McVaigh assured that a HR business partner will be involved in every investigation but will not be the person named on the investigation letters. Sam McVaigh advised that suspensions have also been strengthened and will be completed in collaboration with managers. Sam McVaigh confirmed that the role of the HR advisor would change but would not be removed or diluted.

In response to a Member's question around the Grievance Policy and how learning from grievances will be cascaded around the organisation, Sam McVaigh explained that there are not a huge number of grievances that are dealt with. Sam McVaigh reported the different ways that learning can be cascaded around the organisation which included; through the Management Programme as members from the HR team present a module on the programme, through the Senior Leadership Group meeting which takes place every month and through the Senior Managers' Forum Meeting that takes place quarterly. Sam McVaigh further advised of a HR monthly review session which is around lessons learned, with input around employment law changes. Sam McVaigh reported that the current policy was written at a time where there was not a Corporate HR Team, now there is only one HR Team, where learning can be easily shared amongst colleagues.

In response to the Agile Working Policy, a member referred to it being important to spend time with colleagues as well as working from home and highlighted section 4.1.6 of the Workforce Policy Review report which refers to colleagues' desire to spend more time together. Sam McVaigh reported that newer colleagues have suffered the most around their development, whilst working from home and highlighted that one of the advantages of working from a physical space together, is for colleagues to grow as part of their team.

Members stated that they were in support of the Agile Working Policy but highlighted that it needs to be regularly reviewed. Members acknowledged that retaining and attracting people into the workforce is important as well as balancing that with reducing surplus workspace.

In response to a member's question around the Agile Working Policy and relationship building if colleagues are not in the office at the same time, Sam McVaigh advised that there needs to be a change of mindset, some of this work is around facilitating managers to talk to each other and work collaboratively, as there are not enough desks for all teams to be in the office all of the time.

In response to a member's question around the Agile Working Policy and employees with disabilities having their own workspace, Sam McVaigh reported that adjustments for a person's disability may not mean that they require their own desk, this could be adjustments such as software on their computer, a specialist chair, a specialist mouse or mouse mat. Chairs can be removed from a desk and put to one side as it wouldn't be expected a specialist chair be on general use for others to use. Sam McVaigh explained that further work needs to be done to strengthen this.

The Employment Panel agreed:

1. The revised Disciplinary Procedure.
2. The revised Grievance Procedure and withdrawal of the Dignity at Work Policy.
3. The new Family Leave Policy and withdrawal of the current separate policy arrangements.
4. That the new and revised policies/procedures 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 with the intention to come into force from 1 August 2024.

7 PERFORMANCE AND DEVELOPMENT FRAMEWORK FOR THE CHIEF EXECUTIVE

Sam McVaigh, Director of People and Inclusion presented the Performance and Development Framework for the Chief Executive report.

Members confirmed that the arrangement in place are working well and that they wish to continue with the current Performance and Development Framework.

The Employment Panel agreed:

1. To continue the use of the existing Performance and Development Framework for the annual assessment of the Chief Executive for a further 3 performance cycles.

8 URGENT BUSINESS

There was no urgent business.

9 MEMBER TRAINING

Members took part in a recruitment and appeals hearing training session.

COUNCILLOR T RAFIQ
Chair

(Note: The meeting started at 5.00 pm and ended at 6.35 pm)

This page is intentionally left blank

EMPLOYMENT PANEL TERMS OF REFERENCE

1. FUNCTION

The Employment Panel is responsible for the employment functions as set out in the Officer Employment Procedure Rules; including;

- Act as the Investigating and Disciplinary Committee for statutory Officers of the Council
- Appeals against dismissal and grievances by employees of the Council
- ~~Applications for premature retirement~~ and
- Appointment Panel for Chief and Deputy Chief Officers.

2. MEMBERSHIP

2.1 The Employment Panel will be Chaired by the Cabinet Member with responsibility for human resources. The Committee will be a politically balanced committee of the Council with nine members.

2.2 A politically balanced 3 member panel will be convened to fulfil the appeals functions.

2.3 A politically balanced 6 member panel will be convened to fulfil the employment functions, the 5th/and if necessary, 6th member will be the Cabinet Member(s) with responsibility for the portfolio area under consideration or their appointed deputy.

2.4 A politically balanced 7 member panel will be convened to fulfil the employment functions to discharge their function in appointing the Chief Executive, Monitoring Officer and the S151 Officer.

The 7 member panel will consist of:

1. Chair of the Employment Panel
2. The Leader of the Council
3. The Deputy Leader of the Council
4. One further Cabinet Member to be nominated by the Leader of the Council
5. The Leader of the largest opposition group
6. One further Member to be nominated by the Leader of the Largest opposition group
7. The Leader of the second largest opposition group

If any member of the panel (as outlined above) is not already a member of the Employment Panel, they will be co-opted to the Employment Panel for the purpose of these appointments.

On completion of the appointment process, the Panel will make a recommendation to Full Council for final approval.

2.5 Any panels convened must comprise of the 9 members appointed to the Employment Panel except in instances when a Cabinet Member is required to fulfil an employment function as detailed in point 2.3.

2.6 Officers supporting the Employment Panel will make every attempt to ensure ad hoc Panels are constituted politically proportionally. There may be occasions when this is not possible, in such circumstances any decisions regarding composition, will be taken in consultation with the Leader and the Cabinet Member, with oversight from the Monitoring Officer.

3. KEY RESPONSIBILITIES OF THE BOARD

1. Be the appropriate body including acting as the Investigating and Disciplinary Committee.
2. To fulfil the employment functions as set out in part 4 section 8, the Officer Employment Procedure Rules in relation to: Chief Officers and Deputy Chief Officers including the Head of Paid Service (to include Returning Officer and Electoral Registration Officer functions), Deputy Chief Executive; Director for Adults and Communities, Director of Children and Families; Director of Public Health, Monitoring Officer and S151 Officer.
3. Review the annual pay policy statement and make recommendations to Council.
4. Be a consultee on all terms and conditions including policies for all staff.
5. Approve the performance and development framework for annual assessment of the Chief Executive.
6. Appeals against dismissal and grievances by employees of the council ~~and applications for premature retirement.~~
7. The Chair of the Employment Panel has delegated authority to suspend the Head of Paid Service.

5. MEETINGS

The Employment Panel is a Committee of the Local Authority and so as such the Access to Information provisions will apply. The Panel will meet four times a year.

The **date and timings** of the meetings will be fixed in advance by the Council, as part of the agreed schedule of meetings.

Additional meetings may be convened at the request of the Chair, and with the agreement of the Council Leader.

The meeting will be Chaired by the Cabinet Member with responsibility for the human resources function. The Chair will be appointed annually and the appointment would be ratified by Council. **In the absence of the Chair** - a replacement Chair will be elected for the duration of the meeting.

A **quorum** of three will apply for meetings of the Full Panel and to consider appeals and appointments.

The Director of People & Inclusion or their representative will act as the **lead officer**.

The agenda and supporting **papers** shall be in a standard format and circulated at least five clear working days in advance of meetings.

Meetings will be **clerked** by a representative of Democratic Services.

Public Engagement

Agendas will be available to view by members of the public in line with Access to Information Requirements on the Councils website at <https://www.bury.gov.uk/index.aspx?articleid=10465>

This page is intentionally left blank

Unis Classification Open	Item No.
------------------------------------	-----------------

Meeting:	Employment Panel
Meeting date:	12 th September 2024
Title of report:	Workforce Policy Review
Report by:	Cllr. Tahir Rafiq, Cabinet Member for HR & Corporate Affairs
Decision Type:	Council
Ward(s) to which report relates	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 has agreed revisions to 23 employment policies during 2023 and 2024.

This report sets out the next phase of this policy review work including six new/changed policies for approval and five policies for withdrawal. Trade Union colleagues have been fully engaged in this work.

Changes are proposed in the following areas:

1. Managing Attendance Policy and Local Conditions of Service Section 5: Sickness Scheme – a new Managing Attendance Policy to replace the Supporting Positive Attendance Policy, with an associated update to the Local Conditions.
2. Volunteering Policy – a revised policy which strengthens the Council's position on encouraging employer supported volunteering and simplifies the process of applying for volunteering leave.
3. Code of Conduct – following a review by safeguarding leads in Adults and Children's Social Care, an additional section has been added to the Code to require employees to declare when they are under investigation for certain matters. This will enable support to be put in place or other action, including disciplinary, to be taken as appropriate.

4. Local Conditions of Service Section 6: Travelling, Subsistence and Housing – following a review and taking account of the Council's experiences through international recruitment, revisions have been made to add clarity regarding claims for relocation expenses, overnight stays, travel by public transport and bicycles allowances.
5. Redeployment Policy – Minor revisions to reflect the ability to manage the redeployment process through the new GreaterJobs Applicant Tracking System and integrate with the Council's end-to-end recruitment process to streamline arrangements and improve colleague experience.
6. Withdrawal of 5 policies which are either out of date, have their content duplicated in other policies or have been superseded by newer policies:
 - Examples of Equivalent Qualifications (Appendix X of Local Conditions of Service)
 - Flexible Work Base Policy
 - Premature Retirement Scheme (Appendix G of Local Conditions of Service)
 - Suggestion Scheme (Appendix D of Local Conditions of Service)
 - Anti-Social Behaviour Policy (Appendix U of Local Conditions of Service)

This follows a detailed review of the full HR policy framework to simplify and remove duplication.

RECOMMENDATION(S)

That the Employment Panel:

1. Agree the new Managing Attendance Policy and revised Local Conditions of Service Section 5: Sickness Scheme
2. Agree the revised Volunteering Policy
3. Commend the proposed addition to the Employee Code of Conduct to Council on 13th November 2024 for approval and authorise the Council's Monitoring Officer to make subsequent changes to the Council Constitution.
4. Agree the proposed revisions to Local Conditions of Service Section 6: Travelling, Subsistence and Housing
5. Agree the proposed revisions to the Redeployment Policy
6. Agree the withdrawal of the following:
 - Examples of Equivalent Qualifications (Appendix X of Local Conditions of Service)
 - Flexible Work Base Policy
 - Premature Retirement Scheme (Appendix G of Local Conditions of Service)
 - Suggestion Scheme (Appendix D of Local Conditions of Service)
 - Anti-Social Behaviour Policy (Appendix U of Local Conditions of Service)

Subject to Employment Panel's approval, the new, revised and withdrawn policies/procedures will go forward for endorsement via the Trade Union Consultation Meeting and the Council's Corporate Joint Consultative Committee before being published or withdrawn, as appropriate, on the Council's intranet pages and communicated to staff with the intention to come into force from 7 October 2024.

KEY CONSIDERATIONS

1. Managing Attendance Policy and Local Conditions of Service Section 5: Sickness Scheme

1.1 Background

- 1.1.1 The current Supporting Positive Attendance Policy was last reviewed and updated in July 2018. There are a number of associated documents which are out of date and there is significant overlap between them, which can be confusing. Best practice in the effective management of attendance has also evolved since this time.
- 1.1.2 Feedback has been received from staff, including that the process is too complicated and difficult to follow, and that there is not consistency in its application because there is too much scope for individual interpretation.
- 1.1.3 In addition, Local Conditions of Service Section 5: Sickness Scheme includes information on sickness reporting and notification which overlaps with the policy document.
- 1.1.4 Sickness absence levels across the Council are currently at their lowest level for three years with an average of 12.24 days lost per full time equivalent employee in the preceding twelve months. This is contrary to the national trend of rising sickness absence and reflects a strong focus in this area. However, absence remains too high and above the corporate target of 9.5 days and the introduction of a new policy here is a key step in supporting a continued reduction in sickness absence.

1.2 Policy Headlines

- 1.2.1 The new Managing Attendance Policy will replace the Supporting Positive Attendance Policy in addition to 24 other separate documents which cover different aspects of the Policy which are now covered by the overarching policy.
- 1.2.2 Together with the policy, new template letters and forms have been developed and will be available on the intranet for managers to use. In addition, there will be a page on the intranet which details the support services available to staff and managers.
- 1.2.3 As with the recently agreed grievance and disciplinary policies, the separate Hearing Procedure and Employment Appeal Procedure will be replaced by the procedures contained within the new Managing Attendance Policy. They will, however, remain in use for capability, related appeals until such time as this policy

is reviewed (currently scheduled for March 2025).

1.2.4 The Managing Attendance policy updates the level of absence (trigger levels) which would lead to a supportive conversation between a staff member and their manager. It clearly details any monitoring periods and expected improvements in absence levels therefore enabling a consistent approach across departments. The procedure to follow when staff are off work long term due to sickness has been streamlined with an emphasis on providing support to facilitate a return to work at the earliest opportunity.

1.2.5 The main changes to the policy are summarised in the table below.

Subject	New Policy	Old Policy
Frequent short-term absence stages	There are 3 stages, one, two and three (final review hearing)	There are 4 or 5 stages depending on the interpretation of the policy – informal, 1, 2, 3 options, and 3 hearing.
Frequent short-term absence trigger levels	4 separate episodes and/or 9 working days and/or an overall absence pattern in a rolling 12-month period,	2 separate episodes or 6 working days in 6 months. Following an informal meeting this is zero absence within 3 months.
Staged meetings	To take place on all occasions when a trigger level has been met, however, monitoring period may not be set	Managers do not hold these meetings if they feel an absence/staff member should not have it
Long term absence stages	Emphasis on a manager and staff member to meet monthly to ensure appropriate support is in place	Meetings are held at defined intervals of an absence period, 20 days, 50 days, 100 days and 150 days.
Appeals	10 working days of the decision being communicated	11 working days of the decision being communicated

1.2.6 In the revised Local Conditions of Service Section 5: Sickness Scheme general information relating to the reporting or notification procedure for sickness absence have been removed as this is covered within the Policy. The document details the contractual elements of sickness absence in line with the national conditions of service only. These remain unchanged.

1.2.7 The proposed changes have been shared with the trades unions.

- 1.2** The Managing Attendance Policy and Sickness Scheme will apply to all Council services staff apart from those on former Six Town Housing terms and conditions at this time.

- 1.3** The revised policies and EqlA are attached as appendix 1, 1A and 1B.

2. Employer Supported Volunteering Policy

2.1 Background

- 2.1.1 The Employer Supported Volunteering Policy has been developed in collaboration with Bury Voluntary, Community and Faith Alliance (Bury VCFA), the local infrastructure organisation of the voluntary, faith, community and social enterprise sector in the Borough. It builds on and strengthens the previous policy agreed in 2019, streamlining the process of application and making clearer the link to the LET'S principles.

- 2.1.2 Through Bury's LET'S Do It! approach the council is committed to making Bury a place where people are inspired, supported and empowered to volunteer. Volunteering plays a key role in the health and wellbeing of local communities and supports the LET'S principles – where all are everyone can play a part in local communities and where everyone works together in a way that recognises and celebrates the assets and strengths of our communities and our residents. In addition, it also gives colleagues a chance to have new experiences and helps to develop skills which can be brought back into the workplace.

- 2.1.3 This policy sets out one means by which the council encourages and enables staff to support this cause.

- 2.1.4 The Policy sets out the breadth of what “volunteering” covers, the benefits of volunteering and how volunteering enables staff to use their strengths (skills and interests) to connect to the ‘Local’ aspect the LET'S Do It Strategy by making a difference in neighbourhoods and communities within the Borough.

2.2 Policy Headlines

- 2.2.1 The revised policy now links to Bury VCFA's Volunteering Strategy, and provides clarity on how employees can get involved

- 2.2.2 It also sets out how employees apply for volunteering leave via iTrent self-service

- 2.2.3 Additionally it makes clear what the legal considerations are, insurance responsibilities and health and safety requirements.

- 2.2.3 The proposed changes have been shared with the trades unions.

- 2.3** This policy will apply to all Council services staff including former employees of Six Town Housing.

- 2.4** The revised policy and EqlA are attached as appendix 2 and 2A.

3. Code of Conduct

3.1 Background

- 3.1.1 The Council's Code of Conduct for Employees sets out the standards that they must adhere to.
- 3.1.2 A full detailed review of the Code of Conduct is due to be carried out in 2025, but small changes are being made now at the request of the Local Authority Designated Officer (LADO) which were felt to be more urgently needed.

3.2 Policy Headlines

- 3.2.1 Following feedback from adults and children's safeguarding leads and to ensure we are fully compliant with our responsibilities from a safeguarding perspective, it is proposed to insert the following section into the Code of Conduct:

"Employees must declare to the Council:

- *If they are under investigation by the police for a criminal offence involving a child/vulnerable adult or a serious criminal offence involving any physical assaults or sexual assaults on anybody*
- *If they are under assessment by children's services over the welfare of their own children or children regularly in their care*
- *If they are being charged or prosecuted for a criminal offence that is either reportable to their professional body or standards body, or which could either:*
 - *bring the Council into disrepute, or*
 - *result in them being unable to undertake the role for which they are employed (e.g. a driving ban), or*
 - *may result in a prison sentence (suspended or otherwise)*

Declarations must be made to the Head of Service, who will consider – with advice from HR and, if the employee works with children or vulnerable adults, in line with LADO/PIPOT procedures respectively – what support could be put in place or action taken. This could include disciplinary action.

Failure to declare or accurately declare relevant investigations or offences could result in disciplinary action."

- 3.2.2 It is proposed that the Code of Conduct also be updated to reflect current officer roles and elected member responsibilities for determining the correct interpretation of the Code, should a dispute arise:

"Any interpretation of this Code should be determined by the Director of People and Inclusion after consultation with Cabinet Member for Corporate Affairs and HR and relevant Opposition spokespersons."

- 3.2.3 The proposed changes have been shared with the trades unions.

- 3.3** The revised Code of Conduct will apply to all Council services staff apart from those on former Six Town Housing terms and conditions at this time and officers will progress consultation with former Six Town Housing staff to apply a consistent Code.

4. Local Conditions of Service – Section 6: Travelling, Subsistence and Housing

4.1 Background

- 4.1.1 This policy forms Section 6 of the Local Conditions of Service and was recently reviewed in 2023 to incorporate changes to the employee car user allowance and expenses scheme
- 4.1.2 This review seeks to update and clarify provisions including relocation expenses and the bicycle allowance reflecting on the Council's recent international recruitment activity and feedback from Public Health colleagues.

4.2 Policy Headlines

- 4.2.1 Several changes have been made to clarify the support available for international relocation. This reflects learning from the international recruitment of social workers undertaken over the past two years within the Children & Young People's Directorate.
- 4.2.2 Claims for travel expenses on public transport previously only referred to railway and bus fares, but this has been expanded to include tram fares.
- 4.2.3 Clarity has been added regarding the generally required process of booking overnight stays in advance and paying via purchase order.
- 4.2.4 Support with removal expenses has been amended so that they are only payable if the new employee moves from outside a radius of 30 miles to within a 10-mile radius of the Borough of Bury's boundary. This was previously outside a radius of 10 miles to within a 10-mile radius of the new place of work.
- 4.2.5 Reference has been removed to the assisted car purchase scheme which no longer operates.
- 4.2.6 Criteria for employees to be able to claim a bicycle allowance has been set at a minimum of 50 business miles per annum. This has been set in discussion with the Public Health Team and based upon comparisons with other GM authorities.
- 4.2.7 The proposed changes have been shared with the trades unions.
- 4.3** The revised policy will apply to all Council services staff including former employees of Six Town Housing.

4.4 The revised policy is attached as appendix 3

5. Redeployment Policy

5.1 Background

- 5.1.1 The Redeployment Policy has been revised to reflect changes to internal processes and the use of the Council's recruitment system to manage this as part of the end-to-end recruitment approach as opposed to an off-line process.
- 5.1.2 The redeployment process currently requires a lot of manual intervention and is administration heavy. The new process proposed will be more automated and efficient.

5.2 Procedure Headlines

- 5.2.1 The key changes proposed to the policy are:
- The current offline advertising and applying process has been changed to move onto the Greater Jobs Applicant Tracking System, integrating this with the overarching recruitment process
 - Reference has been removed to Six Town Housing being a separate organisation
 - The HR team names/job titles have been updated to reflect the current structure
 - Information has been added to reflect the greater protections introduced by the Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024
- 5.2.2 These changes are relatively minor and reflect necessary amendments to the process to ensure this is accurate and takes advantage of the opportunity presented by the new Greater.Jobs system. A wider detailed review of the policy is scheduled for March 2025.
- 5.2.3 The proposed changes have been shared with the trades unions.
- 5.3 The revised policy will apply to all Council services staff including former employees of Six Town Housing.
- 5.4 **The revised policy is attached as appendix 4**

6. Policies to be Withdrawn

It is proposed to withdraw all of the following policies, and this has been discussed with the trades unions.

6.1 Examples of Equivalent Qualifications

- 6.1.1 Examples of Equivalent Qualifications currently forms Appendix X of Local Conditions of Service.

- 6.1.2 The document is out of date, rarely used and is not appropriate to form part of Local Conditions.
- 6.1.3 The proposal is to withdraw it from Local Conditions, but use the following link to national guidance on this topic in appropriate documents/intranet pages e.g. recruitment and job evaluation
<https://www.gov.uk/what-different-qualification-levels-mean/list-of-qualification-levels>.

6.2 Flexible Work Base Policy

- 6.2.1 The Flexible Work Base Policy is out of date and has been superseded by the Agile Working Policy. The proposal is therefore to withdraw it.

6.3 Premature Retirement Scheme

- 6.3.1 The Premature Retirement Scheme currently forms Appendix G of Local Conditions of Service.
- 6.3.2 This document is out of date and has been superseded by the Voluntary Exits Policy. Therefore, the proposal is to withdraw it.

6.4 Suggestion Scheme

- 6.4.1 The Suggestion Scheme currently forms Appendix D of Local Conditions of Service.
- 6.4.2 The proposal is to withdraw this out-of-date scheme. It was developed in 2005, but has not been used for a significant period of time. Employees are now actively encouraged to make suggestions for improvement or to make savings as part of their day-to-day roles and through the bi-annual Pulse Surveys rather than via a specific scheme.

6.5 Anti-Social Behaviour Policy

- 6.5.1 The Anti-Social Behaviour Policy forms Appendix U of Local Conditions of Service.
- 6.5.2 The policy is out of date and has been superseded by the Work-Related Violence and Aggression (WRVA) Guidance. Therefore, the proposal is to withdraw it.
- 6.5.3 The WRVA Guidance has also recently been updated to take account of the new Worker Protection (Amendment of Equality Act 2010) legislation which will strengthen protection for employees against sexual harassment from October 2024.

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.

Equality Analysis	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:

Risk / opportunity	Mitigation
Trade Union objection to policy changes	Prior discussions have taken place with Unison

Consultation:

All of the above proposed changes have been shared with the Trade Unions, and where appropriate there have been consultations with HR colleagues, managers, the EDI Manager and the Legal Team.

Legal Implications:

All of the above proposed changes and policy withdrawals have been shared with the Trade Unions, and where appropriate there have been consultations with HR colleagues, managers, the EDI Manager and advice given by the legal service, the proposed changes comply with the legislative framework and guidance.

Financial Implications:

None. The policy changes update and simplify the current policies and bring these in line with best practice. There are no direct financial impacts.

Report Author and Contact Details:

Catherine King
HR Business Manager
c.king@bury.gov.uk

Sam McVaigh
Director of people & Inclusion
s.mcvaigh@bury.gov.uk

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

Employment Panel 29 February 2024 – Workforce Policy Review Phase 4

Employment Panel 11th July 2024 – Workforce Policy Review Phase 5

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

Term	Meaning

Appendix 1, 1A & 1B: Managing Attendance Policy, Local Conditions of Service Section 5: Sickness Scheme and EqIA

Appendix 2 & 2A: Volunteering Policy and EqlA

Appendix 3: Local Conditions of Service – Section 6: Travelling, Subsistence and Housing

Appendix 4: Redeployment Policy

Appendix 5: EqlA for Phase 6 of the Employment Policies Review

Managing Attendance Policy

August 2024

Contents

Contents	2
1. Policy statement	3
2. Roles and Responsibilities	3
3. Support Available	5
4. Returning to work	5
5. Sickness absence recording	6
6. Reporting Procedure	6
7. Managing Long-Term or Frequent absence	8
8. Managing Frequent Absence	8
9. Frequent Short-term absence (FSTS) Flow Chart.....	12
10. Managing Long-term Absence.....	13
11. Long term absence (LTS) flow chart.....	15
12. Managers discretion	16
13. Disability	17
14. Pregnancy related absence.....	17
15. Work related injury, accident or other health condition.....	17
16. Medical Suspension.....	18
17. Sickness absence and annual leave.....	19
Appendix 1: Hearing Procedure	21
Appendix 2: Appeal Procedure	23
Appendix 3: Ill health retirement for current members	25

1. Policy statement

- 1.1 The Council understands that employees may need to be absent from work from time to time due to sickness. This policy supports employees and their line managers in handling time off from work where the reason for absence is sickness. The Council aims to support as many employees as possible to attend work at all times during their working week. Sickness absence needs to be managed so that levels of attendance can be maximised, and any problems resolved.
- 1.2 This policy also outlines the process to be taken when an employee is incapable of carrying out their job role due to a long-term illness, persistence absence or a disability.
- 1.3 This policy applies to absence caused by personal illness or accident, not the need to take time off work because of the illness or accident of others, e.g., children or partners. The provision of Special leave is detailed in a separate document.

2. Roles and Responsibilities

Individual Responsibilities

- 2.1 Maximising effective attendance is the primary responsibility of an individual. Individual members of staff have a responsibility to take care of their own health and wellbeing, seeking support and guidance as required. When absent due to illness or injury, staff must maintain contact with their manager and others in accordance with the absence reporting procedure and adhere to the principals of this policy.
- 2.2 On the first day of sickness absence staff should personally contact their manager (or other central reporting point), through the method of contact agreed with their manager or via telephone if no other method has been agreed, on the day of their absence, ideally prior to their start time, but no later than 1 hour after their start time, to advise them that they will not be attending work, along with the reasons and likely duration. If staff do not call in without a satisfactory reason, their absence may be counted as unauthorised and therefore be unpaid.
- 2.3 Staff are required to attend any subsequent meetings as requested by their manager, including Occupational Health appointments. At formal meetings, staff may be accompanied by a work colleague or trade union representative. Failure to engage in meetings without a reasonable explanation could result in absence being counted as unauthorised and therefore unpaid and decisions being taken regarding future employment with the Council, under the formal stages of the procedure. The Council will provide support including workplace adjustments, where required to enable engagement in such meeting.

Management Responsibilities

- 2.4 The primary responsibility for the management of attendance rests with managers on the basis that our managers should know their staff and be familiar with the specific needs of the individual and their attendance record.
- 2.5 Managers are responsible for creating an environment in which staff feel well supported and are able to maximise positive attendance with regular attendance at work being expected and problems associated with unsatisfactory attendance being addressed. The manager is responsible for addressing staff sickness absence and managing it in accordance with this policy and procedure.
- 2.6 Reasonable levels of manager discretion may be used when assessing a staff member's individual needs and circumstances, including workplace adjustments. It is particularly important that concerns regarding attendance are discussed and addressed at an early stage.
- 2.7 Managers should discuss any concerns regarding attendance with their staff member and consider fully everything that is relevant and respond appropriately. Return to Work discussions help to make such an assessment.
- 2.8 Managers are also responsible for ensuring that their staff are aware of the range of health and wellbeing support that is available to them and ensure referrals are made in a timely manner, to Occupational Health.
- 2.9 Managers are responsible, following discussions with Human Resources, for considering adjustments, agreed with individuals or recommended by Occupational Health and determining whether they are considered 'reasonable'. Those that are should be implemented to ensure the staff are treated equitably.
- 2.10 Managers are responsible for ensuring all absences are recorded on iTrent and all associated documents are uploaded.

HR Responsibilities

- 2.11 HR will provide guidance, and support in the application of the policy, including training for managers to enable them to deal empathically with individuals who may be unwell.
- 2.12 Advising and supporting with the implementation of workplace adjustments.
- 2.13 Where appropriate HR will liaise with Trade Union colleagues.

3. Support Available

- 3.1 The Council provides an Occupational Health service to support staff and managers. This service is our preferred provider of all medical advice, support and information. Where advice given by Occupational Health differs from the Fit Note, further advice should be sought from Occupational Health. Occupational Health can only provide a full management report if the management referral is completed on time and with sufficient information and questions to enable a comprehensive report.
- 3.2 The Council has a physiotherapy provider for instances where physiotherapy cannot be provided by the NHS within a reasonable timeframe, where a condition is impacting on a staff members ability to undertake their duties sufficiently.
- 3.3 The Council has an Employee Assistance Programme, which can be accessed either on a computer or mobile phone. It provides access to an abundance of advice to support the physical and mental health of individuals and teams.
- 3.4 More information about the support available can be found on the intranet. [Support available](#)

4. Returning to work

- 4.1 When a staff member returns to work after an absence, a face-to-face return to work discussion will be undertaken, ideally on the first day back (by the line manager or another appropriate manager) or within 5 days of the return. These meetings should take place upon return from all episodes of sickness absence (including part days). The completed return to work document will then be uploaded onto iTrent by the manager.
- 4.2 The Return-to-Work meeting is an excellent opportunity to have a conversation to;
- make sure the employee is ready to return to work.
 - talk about any work updates that happened while they were off.
 - see if they need any support.
 - agree on a plan for returning to work, if appropriate, for example a phased return to work
 - talk about what they would like other employees to know about their absence and what they would like to keep confidential.
 - look at any recommendation from the employee's doctor.
 - consider a referral to the Council's support services, e.g. Occupational Health.

- 4.3 The manager should discuss whether there are any work place adjustments they can make to support them to remain in work.

5. Sickness absence recording

- 5.1 For the purposes of recording, full day or half day (according to an individual's working pattern) of sickness absence will be recorded. Recording needs to be accurate and timely on iTrent to ensure that pay is accurate. It is the responsibility of the manager to ensure an absence is recorded correctly on iTrent, the day the absence has been reported, that the absence episode is ended on the system in a timely manner, and that all documentation relating to sickness absence is uploaded onto iTrent.

6. Reporting Procedure

- 6.1 Apart from certain extenuating circumstances, employees must themselves report their absence to their manager. If an employee fails to follow the reporting procedure, their manager should attempt to contact them. Depending on the circumstances, the Council may withhold occupational sick pay and/or may take disciplinary action.

Individual Responsibility	Line Manager Responsibility
<p>Day 1 Notify manager (or nominated person) of sickness absence as early as possible before start time by phone (text messages and e-mails are not acceptable). Partners / relatives would only be expected to ring in exceptional circumstances.</p> <p>If you report sick but requests to take annual leave/flexi time/work from home in lieu of time off sick this shall not be granted.</p>	<p>Day 1 Understand reason for absence and how long the individual is likely to be off sick for.</p> <p>Make sure you know the reasons for their absence from their perspective and look at how you could provide any support and facilitate a return to work as quickly as possible.</p> <p>Based on the anticipated return to work date, discuss and agree when the next contact will be made. Depending upon the reason for absence, referral to Occupational Health.</p> <p>Log the absence on iTrent with all relevant information (leave end date field blank).</p> <p>Ensure appropriate cover arrangements are put in place.</p>
<p>Day 4 Notify manager (or nominated person) of sickness absence as early as possible before start time by phone (text messages and e-mails are not acceptable). Partners / relatives would only be expected to ring in exceptional circumstances.</p>	<p>Day 4 Understand reason for absence and how long the individual is likely to be off sick for.</p> <p>Make sure you know the reasons for their absence from their perspective and look at how you could provide any support and facilitate a return to work as quickly as possible.</p>

	<p>Based on the anticipated return to work date, discuss and agree when the next contact will be made. Depending upon the reason for absence, referral to Occupational Health.</p> <p>Update iTrent with all relevant information (leave end date field blank).</p> <p>Ensure appropriate cover arrangements are put in place.</p>
<p>First week of absence</p> <p>Keep in contact with your manager as arranged, providing any updates of your situation such as visit to GP, or change in anticipated return to work date.</p> <p>If you feel uncomfortable speaking to your manager, you should contact your managers manager. You could also speak with your union representative, Occupational Health, or a member of the HR team.</p> <p>A self-certificate or Fit Note must be submitted to your manager if you are absent between 1 and 7 days. If there is anything the Council could do to enable you to come back to work sooner, please let your manager know at the earliest opportunity.</p>	<p>First week of absence</p> <p>Make sure you keep in regular contact with the individual and have a conversation about what you can do to support them back to work as soon as possible.</p> <p>Although some absences will clearly necessitate longer periods of time off work (e.g. planned operations), research shows that people who are absent from work over a week are likely to take 1-3 months off sick so the first week is crucial to have the right conversations and think creatively (where possible) about how you can get people back to work.</p>
<p>Day 8</p> <p>Ensure that you have requested a Fit Note from your GP or other medical practitioner to cover your period of absence.</p>	<p>Day 8</p> <p>Ensure you receive a fit note from the individual covering from day 7 (or before) and upload this onto iTrent. If a fit note is not available on day 8, you should agree timescales for receiving this.</p>
<p>Throughout Absence</p> <p>Keep in contact with your manager as agreed and attend all meetings and Occupational Health appointments as requested.</p> <p>Be prepared to contact your manager (or nominated person) with any developments in your absence, such as further FIT Notes, Consultant appointments etc.</p> <p>Submit fit notes on time if you are on long term sick. Failure to do this could lead to absence being classed as unauthorised and unpaid</p>	<p>Throughout Absence</p> <p>Keep in regular contact with staff so you understand how they are, find out about any developments in their health and think about what support you can offer. Referring to Occupational Health for further support if required.</p> <p>Keep iTrent updated and ensure all relevant information is uploaded.</p>
<p>First day back in work</p> <p>Meet with line manager and participate in a return to work meeting.</p> <p>Discuss any support or training that may be required.</p>	<p>First day back in work</p> <p>Welcome staff member back to work and undertaken a return-to-work meeting.</p> <p>Ensure any support mechanisms are in place for the staff member.</p> <p>Update iTrent to close the period of absence and upload any further relevant information.</p>

7. Managing Long-Term or Frequent absence

- 7.1 The following paragraphs set out the procedure for dealing with long-term absence or where the level or frequency of short-term absence has given cause for concern. The purpose of the procedure is to investigate and discuss the reasons for absence, whether it is likely to continue or recur, and whether there are any measures that could improve the employee's health and/or attendance. The Council may decide that medical evidence, or further medical evidence, is required before deciding on a course of action.

8. Managing Frequent Absence

Frequent short-term absences - Trigger points

- 8.1 Absence triggers enable the Council and line managers to address all absences and ensure absences are managed fairly and consistently. The Council aims to apply these on a consistent basis but accepts that there may be times when these triggers need to be adapted to accommodate some cases based on individual circumstances.

Trigger levels

- 4 separate occasions of sickness absence in a rolling 12-month period which may include long term absences (excluding injury at work) and/or
- 9 working days sickness absence for full time staff, pro rata for part time staff over a rolling 12-month period and/or
- An overall absence pattern that may have not resulted in the trigger points being met, but the overall absences are so significant that they are having a detrimental impact on the rest of the team or delivery of the service.

Cross over

Staff who have been issued with a letter of concern at Stage 1 or Stage 2 of the process who then have a long-term absence (more than 20 working days) should have a review meeting on their return to work and a decision will be taken on whether this will be considered at the next stage of the short term process or discretion applied and / or be considered in line with the long term process.

NOTE

At all stages, the number of working days is pro rata for part time staff aggregate over a 12-month rolling period.

Stage 1 review meeting

- Issue first letter of concern – target set that 4 further absences or 9 working days within the 12 month period will trigger formal action under this procedure. OR
- Discretion applied not to issue letter of concern. Attendance will continue to be monitored and a further absence within the 12-month period will trigger a further Stage 1 review

Stage 2 review meeting – if failure to meet targets agreed at stage 1

- Issue final letter of concern – target set that 4 further absences or 9 working days within the 12 month period will trigger formal action under this procedure. OR

<ul style="list-style-type: none"> Discretion applied not to issue letter of concern. Attendance will continue to be monitored and a further absence within the 12-month period will trigger a further Stage 2 review
<p>Stage 3 final review hearing – if failure to meet targets agreed at stage 2</p> <ul style="list-style-type: none"> Dismissal due to the individual's unsatisfactory attendance and the Council's inability to cope any longer with the overall level of sickness absence. OR Other outcomes may include setting a further attendance target and/or adjustments to working arrangements which are felt would improve the level of attendance. Any further breach of the target within the 12-month period is likely to trigger a further hearing
<p>Right of appeal</p> <ul style="list-style-type: none"> Appeals against dismissal to be sent to the Director of People and Inclusion for a members' appeal. Appeals against other outcomes from a review hearing, should be addressed to the relevant Director/Assistant Director for the service.

Staged Review Meetings

- 8.2 At both stages, the meeting should be held as soon as possible and within 20 working days of the end of the period of absence which triggers the meeting.
- 8.3 The line manager will conduct these meetings, and may be supported by a HR representative. The staff member should be notified in writing of the date, time and purpose of the meeting at least 5 working days in advance.
- 8.4 The staff member is able to be accompanied by a workplace colleague or recognised Trade Union representative, should they wish.
- 8.5 These meetings will be held face to face, however in exceptional circumstances, they may be undertaken by other communication channels.
- 8.6 Consideration should be given to the following in determining whether or not to issue a stage 1 or 2 letter of concern:
- It may be more appropriate to consider showing discretion rather than issue an attendance target. In these situations, setting of a formal target would not be appropriate (or helpful) and it would be expected that attendance be monitored in line with the normal trigger levels and associated absences prior to the adjustments will not be counted towards the trigger.
 - To discuss and explore workplace adjustments that could support improved attendance at work and/or prevent further absences.
 - Ensure staff are aware of their contractual responsibility to attend work if fit and well to do so and that it is reasonable to expect levels of sickness absence to improve. Where this does not happen, or if sickness absence levels increase further it may result in formal action being taken.

- Where there is an identified underlying medical issue stated, this should be confirmed by a medical practitioner or Occupational Health. If the condition is likely to prevent sustained attendance at work adjustments may need to be implemented, which may include redeployment. If the individual's attendance does not improve sufficiently then a further meeting with them, their representative, the manager and HR Representative (if appropriate) to discuss next steps should take place.

8.7 Staff have the right to be accompanied at these meetings by a Trade Union representative or work colleague.

Stage 3 Final Review Hearing

8.8 Staff will be notified no later than 7 calendar days prior to a hearing being convened and provided with copies of all relevant documentation to be considered.

8.9 The staff member has the right to be accompanied at the meeting by a trade union representative or a colleague.

8.10 The hearing will allow for a full review of the facts of the case, including:

- staff's past, present and potential future sickness absence record
- the reason for absence(s)
- whether or not there is an underlying health condition consideration of up-to-date medical advice
- whether or not all reasonable steps been taken to support the staff, e.g. workplace adjustments and redeployment.
- any mitigating circumstances
- service needs

8.11 Staff who fail to attend a hearing will be notified in writing and provided with one further opportunity to attend. Failure to attend on the second occasion without a reason deemed acceptable by the Council will result in the case being heard and a decision made in the individual's absence.

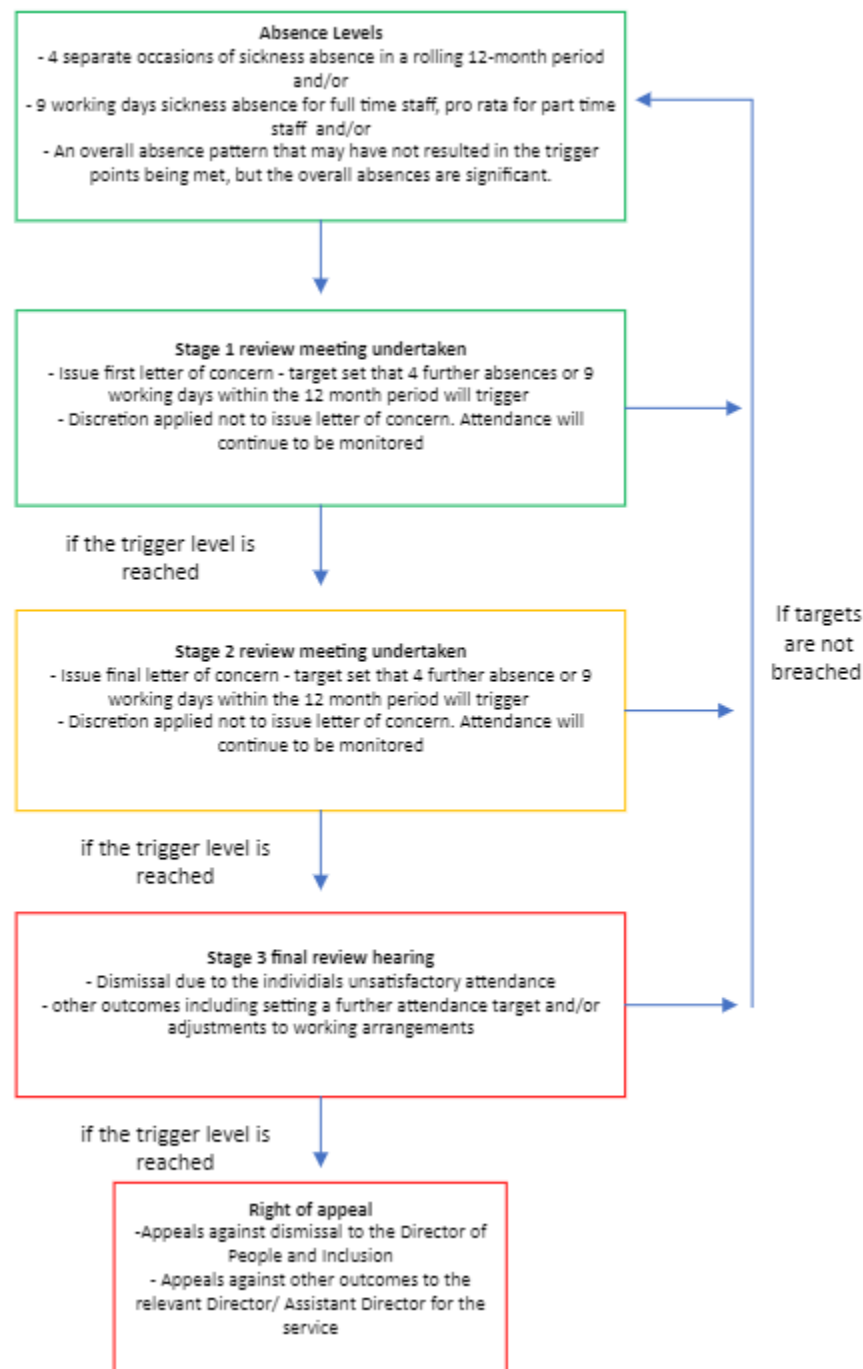
8.12 Where dismissal is being considered, managers must ensure that an up-to-date medical opinion has been received prior to any decision being taken to dismiss the individual from employment and that all reasonable steps and other options have been exhausted. Where staff are applying for ill health retirement a final hearing will still be arranged.

8.13 The possible outcomes of a hearing due to persistence sickness absence would be;

- Dismissal due to the individual's unsatisfactory attendance record and the Council's inability to cope any longer with the overall level of sickness absence. OR
- Further attendance target set and/or adjustments to working arrangements which are felt would improve the individual's overall level of attendance. If

a warning is issued any further breach of sickness absence targets should result in a further formal hearing being convened.

9. Frequent Short-term absence (FSTS) Flow Chart



10. Managing Long-term Absence

Long-term sickness

- 10.1 Long term absence is usually defined as lasting at least 4 weeks (28 calendar days), irrespective of an individual's working pattern.
- 10.2 While the Council is keen to assist employees who are absent, it cannot offer indefinite support. The Council will be keen to get any employees absent due to long-term sickness back into the workplace as effectively as possible, but the employment may need to be terminated if this cannot be achieved in the near future.
- 10.3 Managers should aim to meet with staff who have been absent from work for 4 weeks or more, on a monthly basis as a minimum. The meetings should be held at a convenient location (which could include a home visit where agreed) to discuss the following:
- The projected period of absence or target return to work date (if appropriate).
 - Health update and progress of treatment.
 - The advice from Occupational Health.
 - Explore workplace adjustments
 - Opportunities for rehabilitation and / or redeployment.
 - Support that may be available both within and outside the organisation.
 - Arrange further meetings.
 - Phased return to work

Phased Return to work

- 10.4 The purpose of a phased return to work is to allow time for staff to be properly rehabilitated by gradually building back up to their full contracted hours and duties. Generally, a phased return should be for a period of up to four weeks with full pay. However, it is acknowledged that this will depend on the individual circumstances and so the period can be extended at the discretion of the line manager and in view of the Occupational Health advice or other health professional. Where this is extended accrued annual leave could be used to prevent a reduction in pay.

Alternative employment (redeployment)

- 10.5 If a staff member is unable to continue in their current role due to ill health or disability, and/or required adjustments cannot be made, then following medical advice, the Council will make reasonable efforts to find suitable alternative employment within the Council (normally for a period not to exceed 12 weeks). In these cases, the employee's terms and conditions may change from the current role to the alternative role and necessary training will be provided.

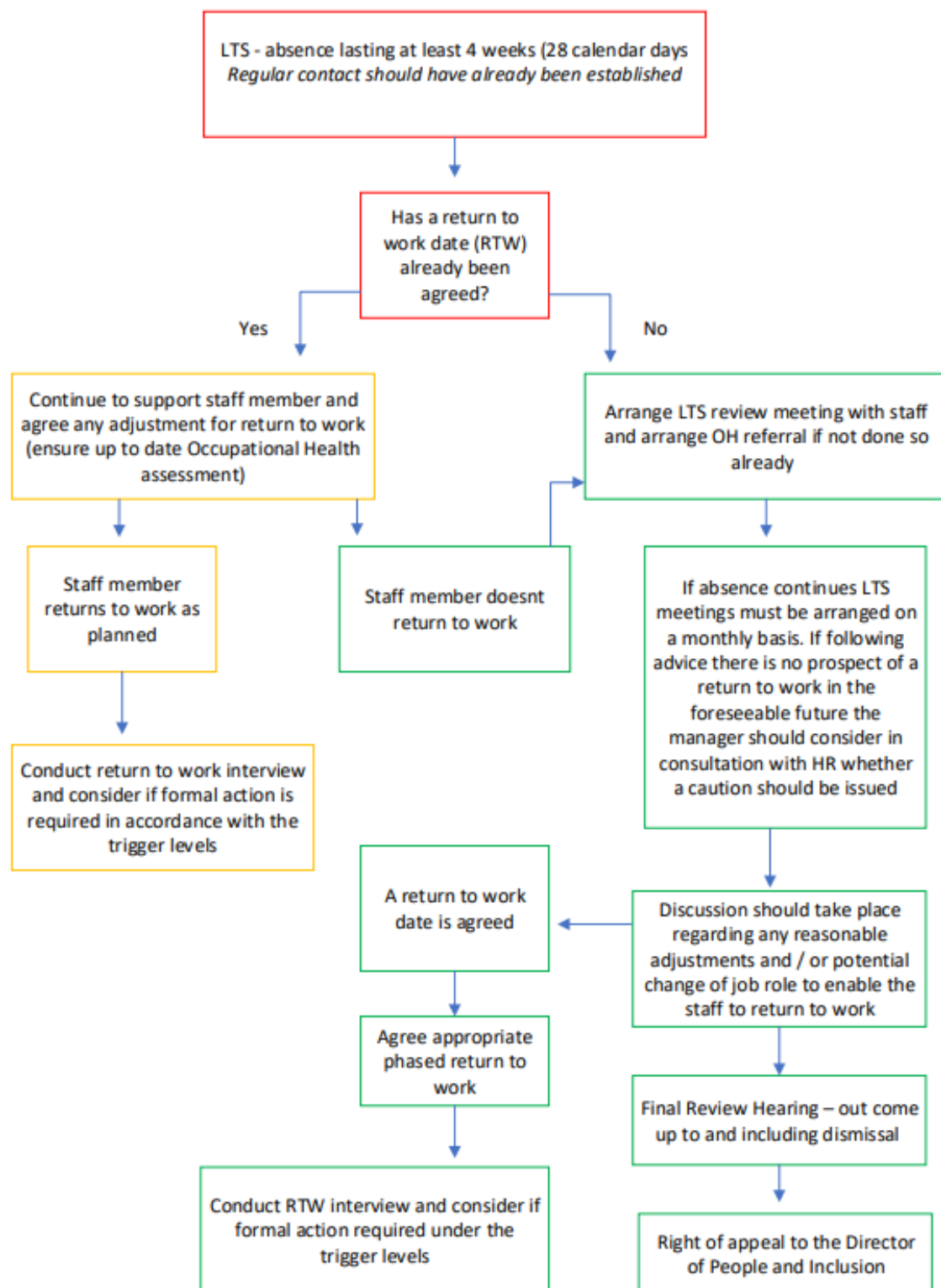
Ill-health retirement

- 10.6 It may be advisable for the employee to consider ill-health early retirement (IHER) provisions in the Council's pension scheme. When they wish for this to be considered an assessment for IHER, should be progressed with Occupational Health following discussion with the individual's Manager and HR Business Partner.

Final Review hearing – ill health

- 10.7 If following the review meetings, there is no prospect of a return to work in the foreseeable future, a final review hearing will be arranged.
- 10.8 Staff will be notified no later than 7 calendar days prior to a hearing being convened, provided with copies of all relevant documentation to be considered and informing them that a possible outcome of this hearing is a dismissal based on capability.
- 10.9 The final review hearing will be chaired by a Senior Manager/Assistant Director/ Director support by a HR Representative. The staff member has the right to be accompanied at the meeting by a trade union representative or a colleague.
- 10.10 The hearing will allow for a full review of the following.
- discuss the reasons for the employee's absence.
 - review the process so far in terms of support offered to allow the employee to continue in the role, including redeployment.
 - up to date medical advice
 - any mitigating circumstances.
 - Service needs
- 10.11 Staff who fail to attend a hearing will be notified in writing and provided with one further opportunity to attend. Failure to attend on the second occasion without a reason deemed acceptable by the Council will result in the case being heard and a decision made in the individual's absence.
- 10.12 Where dismissal is being considered, managers must ensure that an up-to-date medical opinion has been received prior to any decision being taken to dismiss the individual from employment and that all reasonable steps and other options have been exhausted. Where staff are applying for ill health retirement a final hearing will still be arranged.
- 10.13 The possible outcomes of a hearing would be;
- Dismissal on capability grounds due to ill health, OR
 - Opportunity to extend monitoring further if a return to work is foreseen or if other adjustments have not been explored sufficiently.

11. Long term absence (LTS) flow chart



Appeals

- 11.1 Staff have the right of appeal against any dismissal or any formal sanction within 10 working days of the decision being communicated:
- Appeals against dismissal to be sent to the Director of People and Inclusion for a members' appeal.
 - Appeals against any other actions from a hearing, should be addressed to the relevant Director/Assistant Director for the service.

12. Managers discretion

- 12.1 Applying discretion is a means by which managers can respond to situations that call for a compassionate interpretation and implementation of the Policy. The aim is for staff to feel they have been treated fairly, reasonably and based on their individual circumstances and that their treatment under the policy is reflective of their value and contribution to the organisation.
- 12.2 Discretion can be applied in situations where attendance can be improved without the need for formal intervention. Discussions should take place as part of the return-to-work interview and a record made that discretion has been applied and the reason given.
- 12.3 Consideration should be given to the following:
- The individual's general absence history (this enables favourable consideration to be given to cases where their attendance has not given previous cause for concern, experiences an unprecedented period of ill health).
 - The reasons for the absence that have resulted in them triggering.
 - The likely duration of the absence and the medical prognosis for satisfactory attendance going forward.
 - The impact on the individual of any unanticipated or extreme life even.

Meeting Attendance

- 12.4 Managers and employees must make all reasonable attempts to attend the meetings arranged under the procedure within the specified timescales.
- 12.5 Staff have the opportunity to be accompanied by a recognised Trade Union representative or workplace colleague at all meetings under this procedure.
- 12.6 Where an employee/representative is unable to attend a meeting/hearing, every effort should be made to re-arrange the meeting to a mutually convenient date and time, within the set timescales.
- 12.7 If a staff member fails to attend a rearranged meeting/hearing, without appropriate reason, the meeting/ hearing may be held in the absence of the staff member.

13. Disability

- 13.1 The Council has a duty to make workplace adjustments where an employee has a disability covered by the Equality Act 2010.
- 13.2 If an absence is because of a disability or the illness leaves the employee in a mental or physical condition which falls within the definition of a disability, the Council will do whatever it can to make workplace adjustments to their job to enable them to carry on working.
- 13.3 The duty to make the adjustments is 'reasonable' so if the suggested adjustment is not viable it will not be made. It may also be the case that no reasonable adjustments are possible. An adjustment is assessed as reasonable in regard to the time it will take to apply an adjustment, the effort and resources required to apply an adjustment and/or the overall costs to apply a reasonable adjustment.
- 13.4 The duty to make reasonable adjustments covers elements, such as making changes and adjustments to working hours, adjusting existing equipment, provision of different equipment and amending workplace practices, if the employee is placed at a substantial disadvantage. It may also involve physical changes, such as to the building entrance points, or alterations to the floor plan, furniture etc.
- 13.5 Further advice can be sought from the HR Business partner or Equality, Diversity and Inclusion Manager.

14. Pregnancy related absence

- 14.1 For the purposes of determining whether or not an individual should progress to the next formal stage of the procedure, absences directly related to pregnancy will not count.

15. Work related injury, accident or other health condition.

- 15.1 Absence due to Accident, Incident or Injury at work should be reported in the normal way in accordance with the Policy.
- 15.2 In the unfortunate event that an individual's absence has been necessitated by an accident, or injury sustained at work, staff and managers must ensure that records of the incident are recorded using the online reporting system, at

the time of the accident or sustained injury or as soon as reasonable after the event.

- 15.3 The reporting of the accident or sustained injury must be evidenced, and consideration will be given to discount this episode from triggering the formal stages of the sickness absence procedure. Work related absence which is as a result of disputes relating to employment matters or conduct including work related stress will still be counted towards trigger levels.
- 15.4 Absence in respect of normal sickness is entirely separate from absence through industrial disease, accident or assault arising out of or in the course of employment with the Council. Periods of absence in respect of one shall not be set off against the other for the purpose of calculating entitlements under the scheme.

16. Medical Suspension

- 16.1 Medical suspension is when the Council tells an employee to stop working because there are health and safety issues such as working with:
- dangerous chemicals
 - lead
 - radiation
- 16.2 For example, if someone has been exposed to high levels of lead and has to temporarily stop work to protect their health. Before using medical suspension, the employer should consider:
- making temporary or permanent changes at work
 - offering the employee suitable alternative work – with the same pay and terms and conditions
- 16.3 If it is not possible to make any adjustments, the employer might need to suspend the employee until it is safe for them to return to work.

Pay during medical suspension.

- 16.4 An employer must pay an employee their usual pay during medical suspension for up to 26 weeks, as long as they have been employed for a month or more.
- 16.5 An employee will not be entitled to pay if they:
- are not available when needed for suitable alternative work.
 - refuse other suitable work from the employer without a good reason.
 - are an independent contractor.

Other types of medical suspension

- 16.6 If an employee attends for work (or returns to work after a sickness absence) and the line manager doubts their ability to perform the full range of their duties in a safe way; and/or an employee is unwell or has a condition which causes the line manager concern and might present a risk to the employee or to others, the manager, with the agreement of a HR Chief Officer, may take the decision to suspend on medical grounds.
- 16.7 In this instance, a decision to medically suspend should only be taken following agreement with Human Resources and ordinarily informed by Occupational Health advice. The decision to suspend is a neutral act and should only be taken in exceptional circumstances. The rationale for the suspension must be recorded within a Risk Assessment.
- 16.8 Staff will be paid at full pay for a period of up to 4 weeks subject to attendance at Occupational Health. The suspension should be review within 4 weeks and the staff member should be encouraged to seek the support of a medical practitioner (GP) and obtain certification. The sick pay arrangements and management of the absence will be in accordance with this policy.

17. Sickness absence and annual leave

- 17.1 Where sickness occurs during periods of pre-booked annual leave, if staff wish to retain their annual leave, they must follow the normal notification procedures. Providing the policy is followed and a Fit Note covers the full absence, the Line Manager would normally approve that the leave can be taken at a later date subject to service needs. Where an individual is off sick, has pre-booked annual leave and intends to travel while covered by a Fit Note, they must discuss this with their Line Manager at an early stage and provide a note from a medical practitioner stating that the holiday would support recovery and a return to work.

Taking Leave during sickness

- 17.2 Employees absent due to long term sickness may request to take paid leave during sickness at any time during their paid or unpaid periods of absence. This can be advantageous to the employee as they will benefit financially if they are on half pay or out of pay. This will not 'break' the sickness episode nor will it trigger a new entitlement to sick pay. Staff wanting to utilise this option should discuss it with their line manager.

Carry forward

- 17.3 When long term sickness absence crosses two annual leave years, staff are able to carry over an amount of annual leave to ensure they have had the full statutory amount of leave (20 days plus bank holidays) in a leave year. Therefore, if a staff member has been off sick for the whole of the leave year, then they are allowed to carry over their full years' statutory leave entitlement (minus bank holidays).

Bank holidays

- 17.4 If a staff member was due to work on the day the bank holiday falls and are off sick, they will be recorded as sick in the usual way and their leave entitlement will be reduced in line with an adjustment in hours for that day. However, if a staff member was not due to work on a day the bank holiday falls and are off sick there will be no adjustment to the leave entitlement.

Appendix 1: Hearing Procedure

Arranging the hearing

- Where possible Hearings will be scheduled to take place on one day or, if necessary, on consecutive days; although it may be necessary to adjourn to seek further information or advice.
- The employee must be informed in writing that they are required to attend a Hearing and that they have the right to be accompanied by a work colleague or a Trade Union representative, or an official employed by a Trade Union. It will be for the employee to arrange the person who will accompany the employee at the Hearing. The employee must be given at least 7 calendar days' notice of the Hearing date, time and venue from the expected date of receipt of the letter.
- The letter will include information about the absence(s) and possible consequences. It will also ask if the employee has any special requirements for the Hearing and will provide copies of previous correspondence pertaining to the absences.
- The employee will be asked to confirm the name of the Trade Union representative or work colleague attending the Hearing. The employee will be asked to provide any documentation that he or she intends to present or rely on at the Hearing at least 3 working days before the Hearing.
- If the employee cannot attend on the scheduled date through circumstances outside of the employee's control, the Hearing will be rearranged for another date. If the employee's Trade Union representative or work colleague cannot attend on the rescheduled date, the employee can suggest an alternative date and the Hearing will be rearranged for that date. However, ideally the rescheduled Hearing will take place no more than 5 working days after the date of the original Hearing.
- If two Hearings have been convened which the employee has been unable to attend, the second Hearing will take place in the employees' absence and a decision will be made based on the evidence available.
- If required, the Chair of the Hearing will seek a medical view from Occupational Health as to whether the employee is fit to attend the Hearing.

Hearing Procedure

The Chair of the Hearing will introduce everybody and explain the following procedure to both sides: -

1. The Manager from the previous Absence Review Meeting will state the nature of the case, referring to evidence gathered. They will be permitted to produce relevant documentation.
2. The employee will be given the opportunity to ask questions of the Manager from the previous Absence Review Meeting on the evidence given by him/her.
3. The Chair and the HR representative may also take the opportunity to ask questions.
4. The employee will be given the opportunity to state their case, to produce relevant documentation.
5. The employee's companion will be allowed to address the hearing to:
 - Present the employee's case
 - Sum up the employee's case
 - Respond on the employee's behalf
 - Confer with the employee during the hearing
6. The employee's companion will be able to participate as fully as possible in the hearing, including asking witnesses questions. However, the employee's companion cannot answer questions on the employee's behalf, address the hearing if the employee does not wish it, or prevent the management representative from explaining the Management case.
7. No other person, for example partner or relative, will be allowed to attend the Hearing.
8. The Chair and the HR representative will take the opportunity to ask questions.
9. If appropriate, there may be a general discussion to establish all the facts and/or clear up any misunderstandings.
10. The Manager of the previous Absence Review Meeting and employee may summarise the main points of their case. No new evidence or information may be included.
11. The Chair will adjourn to consider the case, with the HR representative.
12. If the Chair wishes to clarify any points of evidence, both sides will be recalled.
13. The Chair will reconvene the hearing to deliver the decision of the Hearing.
14. The decision of the Chair will normally be given verbally at the end of the Hearing and will be confirmed in writing to both parties.
15. The employee will be given the right of appeal (if appropriate) after the decision.

Appendix 2: Appeal Procedure

Staff have the right of appeal against any dismissal or any formal sanction within 10 working days of the decision being communicated:

- Appeals against dismissal to be sent to the Director of People and Inclusion for a members' appeal.
- Appeals against any other sanctions should be addressed to the relevant Director/Assistant Director for the service.

The appeal must state the reasons for the appeal, which will be one of the following:

- Any part of the procedure was wrong or unfair.
- The dismissal/ sanction was for an unfair reason.
- There is new evidence.

Upon receipt of an appeal, the Director of People and Inclusion or Director/ Assistant Director for the service will provide acknowledgement in writing, ideally within 2 working days.

Appeal hearings should ideally take place within 30 working days of receipt of the written request. Where this is not possible, the applicant should be informed as soon as practically possible.

Appeals against dismissal.

Following acknowledgement of receipt of the appeal, the Director of People and Inclusion will provide the necessary information to the Democratic Services team, who will co-ordinate and arrange the hearing in consultation with all parties.

The panel is made up of the Chair of the Human Resources and Appeals Panel and elected Members of the Council supported by a HR representative. A member of Democratic Services will be present to take notes of the hearing.

Appeals against other sanctions.

Following acknowledgement of receipt of the appeal, the Director/ Assistant Director for the service will make arrangements for the appeal to be heard.

The panel is made up of 2 Senior Managers who have not previously been involved in the case, supported by a HR representative. A note taker may also be present at the hearing.

Process

- The Chair of the original Hearing will present the management case to the hearing panel and may be accompanied by the HR representative who advised them during the Hearing. The HR representative's role is to provide support during the hearing if required, not to present the case.

- The applicant and respondent will be given at least 12 working days' notice of the date of the appeal.
- All statements and documentation to be referred to at the hearing (including any new evidence to be considered) will be submitted 6 working days prior to the hearing date, along with the names of any witnesses to be called.
- Papers will be distributed to Panel members, applicant and respondent 5 working days prior to the appeal.

Procedure

The Chair of the appeal Hearing will introduce everybody and explain the following procedure to both sides: -

1. The employee will be given the opportunity to state their case, explaining the reasons for the appeal.
2. Management may ask the employee questions.
3. The panel and the HR representative may also take the opportunity to ask questions.
4. Management will state the nature of the case, and the reasons for the sanction/dismissal.
5. The employee and representative may ask management questions.
6. The panel and the HR representative may also take the opportunity to ask questions.
7. If appropriate, there may be a general discussion to establish all the facts and/or clear up any misunderstandings.
8. Management and employee may summarise the main points of their case. No new evidence or information may be included.
9. The panel will adjourn to consider the case, with the HR representative.
10. If the Chair wishes to clarify any points of evidence, both sides will be recalled.
11. The Chair will reconvene the hearing to deliver the decision of the Hearing.
12. The decision of the Chair will normally be given verbally at the end of the Hearing and will be confirmed in writing to both parties.
13. There is no further right of appeal, so the process ends.

Appendix 3: Ill health retirement for current members of the Local Government Pension Scheme

Ill health retirement should be considered when all other channels to keep an individual in work have been exhausted and dismissal is being considered.

This guidance relates to members of the Local Government Pension Scheme (LGPS). Separate arrangements apply for staff in the Teachers' Pension Scheme.

To be eligible for an ill health pension from the Local Government Pension Scheme (LGPS) an employee must:

- Be under normal pension age (see glossary)
- Be dismissed by their employer on the grounds of ill health
- Have been a member for at least two years at the date of leaving (see glossary)
- Meet the LGPS criteria for retiring on ill health

Members of the Local Government Pension Scheme may qualify for ill health retirement and immediate payment of benefits if, in the opinion of an independent specially qualified doctor they:

- Are permanently incapable of doing their own job because of ill health, and
- Are not immediately capable of carrying out any gainful employment (see glossary)

Glossary

Normal pension age: for current scheme benefits this is 65 or State Pension Age if later

Two year requirement: this means the employee has paid in to the scheme for two years or more. The requirement may also be met if the employee has paid in for less than two years but brought in a transfer of any type.

Permanently incapable: this means you have a medical condition which will, more likely than not, prevent you from carrying out your job, until at least normal pension age.

Gainful employment: this means paid employment with any organisation – of at least 30 hours a week for a period of at least 12 months.

There are graded levels of benefit based on how likely employees will be capable of obtaining gainful employment after they leave. The different levels of benefit are:

Tier 1

If the employee is UNLIKELY to be capable of carrying out gainful employment before their normal pension age. Benefits are based on the pension that has been built up to the date of the employee's retirement, plus an ill health enhancement that is based on 100% of the further annual pension they would have built up between leaving and their normal pension age.

Tier 2

If the employee is unlikely to be capable of carrying out any gainful employment within 3 years of leaving, but it is likely they will be capable of doing so before their normal pension age. Benefits are based on the pension that has been built up to the date of the employee's retirement, plus an ill health enhancement that is based on 25% of the further annual pension they would have built up between leaving and their normal pension age.

Tier 3

If the employee is **LIKELY** to be capable of carrying out gainful employment within 3 years of leaving, or before their normal retirement age if sooner.

Benefits are based on their membership at leaving. There is no ill health enhancement. If a lump sum is payable, it is theirs to keep but the pension will normally be stopped after 3 years; or earlier if they are in gainful employment or, a medical review after 18 months considers them capable of undertaking such employment.

For part time employees, any extra membership awarded due to ill-health retirement will be reduced to reflect their part -time hours at leaving, disregarding any reduction in hours due to their illness.

Once ill health retirement is accepted the employee does not have the right to use up their entitlement to occupational sick pay before their employment is terminated.

HR Business Partners will deal with the arrangements for retirement. The retirement date will follow relevant notice periods. No pay in lieu of notice will be made.

For more information advice is available from the Pensions Team.

This page is intentionally left blank

SECTION FIVE

SICKNESS SCHEME

1. Sickness Payments

Sickness payments will be made as follows:-

- During 1st year of service 1 month's full pay and (after completing 4 months service) 2 months half pay
- During 2nd year of service 2 months full pay and 2 months half pay
- During 3rd year of service 4 months full pay and 4 months half pay
- During 4th and 5th year of service 5 months full pay and 5 months half pay
- After 5 years' service 6 months full pay and 6 months half pay

Service as defined above includes all continuous service with an employer that is part of the Greater Manchester Continuous Service Commitment.

Note: the provisions and exceptions detailed within section 14 of the Green Book and section 15 of the NHS handbook relating to breaks in service and entitlement to occupational sick pay, will continue to apply.

Entitlement will be assessed over a rolling three year period with effect from the first day of sickness for all absences commencing from 1st April 2015.

2.

Accident or Injury at Work

If employees are absent due to an accident or an injury sustained at work, they must make this clear when they contact work. They should say whether the incident was reported, and to whom it was reported. Managers should make sure that this is reported and recorded on the Accident/Incident Report Form HS1 and follow the guidance on Work Related Illness or Injury which forms part of the Policy for Supporting Positive Attendance.

3.

3. Absence arising from an accident, injury, contact with infectious disease or assault at work (NJC for LGS Part 2.10)

- (a) Absence due to Accident, Incident or Injury at work should be reported in the normal way in accordance with the Policy for Supporting Positive Attendance and associated Procedures and Guidance.

- (b) Absence in respect of normal sickness is entirely separate from absence through industrial disease, accident or assault arising out of or in the course of employment. Periods of absence in respect of one shall not be set off against the other for the purpose of calculating entitlements under the scheme. Employees will be entitled to receive normal sickness payments in these cases.
- (c) Where the employee is prevented from attending work because of contact with infectious disease, they shall receive normal pay and the period of absence shall not be reckoned against the employee's entitlements under this scheme.
- (d) Death or Permanent Disablement arising from an Assault -

For payments in the event of death or permanent disablement of an employee arising from a violent or criminal assault suffered by an employee in the course, or as a consequence, of their employment, see NJC for LGS Part 3.7.

- (e) Third Party Accidents
 - (i) If an officer is absent as a result of an accident where damages may be receivable from a third party, the employee must notify their line manager of the circumstances. The employee's solicitor should contact Payroll and provide details of the claim. Payroll will then liaise with the employee as necessary. Where loss of earnings may form part of the damages received, the Council will undertake to reclaim a refund of the sick pay allowance paid to the employee during their absence.
 - (ii) Where a refund of any payments under the sick scheme is made in full, the period of absence will not be counted against the employee's entitlement to sick pay allowance, however the absence will still be considered for the purposes of any absence triggers or attendance targets.

4. Sickness and Maternity (NJC for LGS Part 2.11)

Arrangements are laid down in the Council's Guide for New and Expectant Mothers.

- (a) Sickness prior to the commencement of maternity leave:

Should an employee become absent through sickness (whether pregnancy related or otherwise) after the 4th week before the expected week of confinement, this will automatically trigger the commencement of maternity leave.

- (b) Sickness when due to return from maternity leave

Where an employee is unable to return on the expected day due to sickness the absence will be covered by the sickness scheme

in the normal way. See reporting procedure within the Supporting Positive Attendance Policy.

This page is intentionally left blank

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)

Name of Policy/Project/Decision	Managing Absence Policy
Lead Officer (SRO or Assistant Director/Director)	Sam McVaigh
Department/Team	Corporate Core
Proposed Implementation Date	March 2024
Author of the EqlA	Nicole Howarth – HR & OD Business Partner
Date of the EqlA	30 th January 2024

1.1 What is the main purpose of the proposed policy/project/decision and intended outcomes?
<p>The Council understands that employees may need to be absent from work from time to time due to sickness. The policy supports employees and line managers in handling time off from work where the reason for absence is sickness. It also supports as many employees as possible to attend work at all times during their working week. Employees need to be aware of how the Council manages sickness absence and therefore what the expected levels of attendance are.</p> <p>This policy also outlines the process to be taken when an employee is not able to undertake their job role due to a long-term illness, persistence absence or a disability.</p> <p>It is a general update to reflect changes in best practice and legislation.</p>

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?
<p>Employees: Yes</p> <p>Community/Residents: No</p> <p>Third parties such as suppliers, providers and voluntary organisations: No</p> <p>If the answer to all three questions is 'no' there is no need to continue with this analysis.</p>
2.2 Evidence to support the analysis. Include documentary evidence, data and stakeholder information/consultation
<p>Documentary Evidence:</p> <p>https://www.bury.gov.uk/asset-library/employment-equality-report-2023.pdf</p>
<p>Data:</p> <p>See above link</p>
<p>Stakeholder information/consultation:</p> <p>Unison, Employment panel, Managers across a number of departments, the Council's Employment Lawyer and the Council's Equality, Diversity and Inclusion Manager</p>
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.
<ul style="list-style-type: none"> • Could the proposal prevent the promotion of equality of opportunity or good relations between different equality groups? • Could the proposal create barriers to accessing a service or obtaining employment because of a protected characteristic? • Could the proposal affect the usage or experience of a service because of a protected characteristic? • Could a protected characteristic be disproportionately advantaged or disadvantaged by the proposal? • Could the proposal make it more or less likely that a protected characteristic will be at risk of harassment or victimisation? • Could the proposal affect public attitudes towards a protected characteristic (e.g. by increasing or reducing their presence in the community)? • Could the proposal prevent or limit a protected characteristic contributing to the democratic running of the council?

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	As people get older more likely to take time off due to sickness		Manager discretion to take into account absence history when applying absence triggers	Neutral
Disability	More likely to take time off due to sickness from a disability. May not be able to access policy.		Manager discretion to take into account absence history absence triggers can be adjusted. Workplace adjustments. Staff who can't access the policy online can ask their manager for a copy	Neutral
Gender Reassignment	Might need to take periods of convalescence following treatment and surgery		Manager discretion to take into account absence history absence triggers can be adjusted. Workplace adjustment	Neutral
Marriage and Civil Partnership	No impact			Neutral
Pregnancy and Maternity	More likely to take time off due to sickness		Pregnancy related absences are not include in triggers	Neutral

Race	Some ethnic groups may be more genetically prone to certain health conditions. May not be able to access policy due to limited understanding of English.		Such health conditions may be considered as a disability therefore workplace adjustments would apply in addition to manager discretion with triggers. Manager would work with staff member on the most appropriate form of communication.	Neutral
Religion and Belief	Cultural and religion instructions may sometime lead to period of sickness		Manager discretion to take into account absence history absence triggers can be adjusted	Neutral
Sex	Some women may have a period in their time when certain conditions may cause symptoms which lead to people being unwell to work		Manager discretion to take into account absence history absence triggers can be adjusted. Workplace adjustments would be discussed too	Neutral
Sexual Orientation	No impact			Neutral
Carers	Potential struggles to achieve work-life balance which may lead to being unable to attend work		Workplace adjustment and flexible working options would be considered. Training for managers is	Neutral

			available. Support for employees in successfully combining work and caring responsibilities is available including a Carers passport	
Looked After Children and Care Leavers	Maybe more prone to certain health conditions depending on personal circumstances		Manager discretion to take into account absence history absence triggers can be adjusted. Workplace adjustments would be discussed	Neutral
Socio-economically vulnerable	Maybe more prone to certain health conditions depending on personal circumstances		Manager discretion to take into account absence history absence triggers can be adjusted. Workplace adjustments would be discussed	Neutral
Veterans	Maybe more prone to certain health conditions due to active service		Manager discretion to take into account absence history absence triggers can be adjusted. Workplace adjustments would be discussed	Neutral

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

2.5 Characteristics	Action	Action Owner	Completion Date
Front line workers	Front line staff who do not regularly have access to laptops will have access to the policy via their manager or HR.	HRBP	July 2024
All	Development of the wellbeing offer and guidance documents for managers	HRBP	July 2024
All	Training for line managers and staff briefings	HRBP	July 2024

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

Risk Level		No Risk = 0	Low Risk = 1 - 4	Medium Risk = 5 – 7	High Risk = 8 - 16
3.2 Level of risk identified	0				
3.3 Reasons for risk level calculation	No impact				

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

4.1 Analysis Decision	X	Reasons for This Decision
There is no negative impact therefore the activity will proceed	x	The activity will proceed
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			
Responsible Asst. Director/Director	Sam McVaigh	3.9.24	
EDI			

EqlA Revision Log

5.2 Revision Date	Revision By	Revision Details

Employer Supported Volunteering Policy

September 2024

Contents

1. Introduction and Aims	3
2. About Volunteering	3
3. Scope and Volunteering Conditions	4
4. The role of a manager	5
5. The role of an employee	6
6. Applying for Volunteering Leave	6
7. Legal Considerations	7

1. Introduction and Aims

The employer supported volunteering scheme has been developed in collaboration with Bury Voluntary, Community and Faith Alliance (Bury VCFA), the local infrastructure organisation of the voluntary, faith, community and social enterprise sector in the Borough.

Through Bury's LET'S Do It! approach the council is committed to making Bury a place where people are inspired, supported and empowered to volunteer. Volunteering plays a key role in the health and wellbeing of local communities and supports the LET'S principles – where everyone is able to play their part in local communities and works together in a way that recognises and celebrates the assets and strengths of our communities and our residents. In addition, it also gives colleagues a chance to have new experiences and helps to develop skills which can be brought back into the workplace.

This policy sets out one means by which the council encourages and enables staff to support this cause.

The Policy sets out the breadth of what “volunteering” covers, the benefits of volunteering and how volunteering enables staff to use their strengths (skills and interests) to connect to the ‘Local’ aspect the LET'S Do It Strategy by making a difference in neighbourhoods and communities within the Borough.

2. About Volunteering

There are an estimated 26,000 volunteers in Bury who give over 131,000 hours of their time a week to support local communities – that contributes an estimated £63m to Bury's local economy every year.

There are 4 core values to volunteering, set out in Bury VCFA's Volunteering Strategy:

- Volunteering is diverse
- Volunteering is about freedom of choice
- Volunteers are engaged and supported
- Volunteers are valued and recognised

People volunteer for many reasons - to harness a passion, to develop new skills, to make friends and connections, or to use existing skills and expertise to help a voluntary organisation and give something back to the local community. Whatever the reason, volunteering can have a huge impact on health and wellbeing, building strength in communities and bringing people from different backgrounds together.

The types of volunteering and the way people volunteer is just as diverse. Volunteering time can range from helping out at a community group to providing

professional skills to an organisation. Volunteering can be carried out on an individual basis or as part of a team.

Some examples of volunteering opportunities are:

- Environmental activities e.g. 'Friends of' groups in parks and maintenance activity
- Wildlife conservation e.g. balsam bashing and community litter picks
- Working with people and families e.g. from befriending schemes to supporting a community foodbank or pantry
- Supporting culture and sporting projects e.g. coaching or stewarding
- Supporting Borough wide community events e.g. Estate days/clean ups
- Working with local community groups e.g. to help raise funds and awareness through stalls and promotional materials
- Administrative and technical support, e.g. being a trustee or providing specific technical skills from engineering to finance

Volunteering benefits the individual giving their time and energy; the volunteer-involving organisation; and the wider community. From reducing isolation and providing a sense of purpose, to providing additional resource to meet local priorities, volunteering has at its heart the focus on improving outcomes for local people.

The employee volunteering scheme aims to contribute to this and to give something back to the borough. The council will support this by:

- Releasing employees from normal duties for up to three days with pay each leave year (pro-rata for part-time staff) to undertake volunteering activities within the borough or supporting residents of the borough in activities outside of the borough
- Encouraging employees to volunteer in their own time too
- Broadening volunteering boundaries
- Encouraging volunteering to be used for development
- Supporting employees to source volunteering opportunities within the borough – or continue with existing volunteer placements.
- Reviewing and revising the scheme where appropriate or necessary.

3. Scope and Volunteering Conditions

The Bury Council policy allows staff to volunteer for up to three days per annum (pro rata for part time employees) in works time. For council employees this is the equivalent to 22 hours 12 minutes (22.2 Hours) for full time staff during each leave year (1st April to 31st March).

Employees can use their entitlement flexibly, for example one day at a time, half a day or a couple of hours.

These guidelines apply to all directly employed council employees. The guidelines do not apply to NHS Bury GM, school support staff, teachers, agency staff, casual staff or contractors.

Duties associated with school governance, and public duties, for example acting as a magistrate, election candidacy, support at polling stations and trade union activities are covered by the council's local conditions of service and/or separate HR policies and are therefore not eligible volunteering activities under this scheme.

This policy allows supported volunteering under the following conditions:

- Time taken to volunteer will not disrupt or adversely affect an individual or team
- There are no conflicts of interests in relation to the placement and the employee's substantive role
- Activities benefit the environment, individuals (other than close relatives), charities and community groups within the borough of Bury
- The placement must ordinarily be with an organisation based within the borough of Bury and, in most circumstances, take place during an employee's usual working hours
- Activities should ideally be with an organisation registered with Bury VCFA. However, all requests will be reviewed on a case-by-case basis.
- Activities undertaken are with organisations which are 'not for profit'
- Management have approved the employee's request to volunteer as part of the scheme and organised cover arrangements if necessary.
- Employees cannot carry over any unused entitlement to the next leave year. Any remaining entitlement will be lost at the end of the leave year.
- In exceptional circumstances the Director of People & Inclusion will have discretion to waive these conditions and grant paid volunteer leave.

4. The role of a manager

Where possible, managers are expected to support volunteering activities. Managers are encouraged to discuss and share information around volunteering in their one-to-one meetings and employee reviews.

Managers are expected to demonstrate flexibility for cover arrangements in order to facilitate employees to give something back to the local community whilst ensuring service delivery will not be affected.

It is the manager's responsibility to be satisfied that the employee has considered and accepted any risks associated with the proposed volunteering activity – the Council will not be liable for damages or injuries that occur whilst volunteering

5. The role of an employee

Employee's may request volunteering time through the council's employee self-serve system iTrent. All requests must be approved by their line manager before attending any volunteering events.

Employees can find the latest volunteering opportunities through the council's intranet page and through the staff e-mails.

Whilst volunteering, the code of conduct still applies, and employees are expected to:

- Respect the privacy, property and confidentiality of others.
- Report any problems they experience to their manager and Bury VCFA if appropriate.
- Aim to fulfil the commitment they have made and inform their named contact in the voluntary organisation if they are unable to attend.
- Act in a professional way, recognising they are representing the council while carrying out the volunteering activities.
- All employees must inform their line manager of any non-attendance following volunteering approvals.

It is the employee's responsibility to ensure that the host organisation has its own Public Liability Insurance in place as required. The host organisation is responsible for ensuring any required safeguarding checks are processed and in place prior to the start of the volunteering activity.

6. Applying for Volunteering Leave

Once an employee has found a volunteering event they'd like to take part in, they will need to submit their request the employee self-serve system iTrent.

Employees must follow the instructions below to submit their requests through iTrent (Employee Self-Serve System):

- Log into employee self-serve iTrent
- Click on 'My time' tab
- Select other absence
- Select 'Bury Volunteering Leave' > 'Volunteering'
- Under Notes, include the details of the event you are volunteering for including date, time and event name
- Click 'Save' – this will send the request through to your manager for a decision

Once the volunteering request has been submitted, the employees line manager will receive the request for approval or rejection. Reasonable requests for volunteering

leave that meets the criteria will be approved. However, the request could be declined if:

- There are health and safety concerns; The criteria are not met clearly e.g. no apparent benefit to the organisation and/or individual
- There are concerns of the impact on the delivery of team/service objectives; or
- There is potential conflict of interest with your roles or the Council's interests e.g. political campaigning.

If an individual feels that their request has been rejected wrongly then they can ask for a review by outlining their reasons in writing and sending this to the manager of their manager within 10 working days. Following this review there will be no further right to appeal.

7. Legal Considerations

Volunteers do not have the same rights as an employee or worker; they may have a volunteer agreement provided to them which explains:

- The level of supervision and support offered;
- What training will be received;
- Whether a volunteer is covered under the organisation's insurance;
- health and safety issues; and
- any expenses the organisation will cover.

The volunteer agreement is not compulsory, although it may set out what is expected it does not form a contract between the volunteer and the organisation. As a result, volunteers are not covered by employment legislation but, as members of the public, they are covered by relevant legislation such as health and safety and data protection laws.

Concerns that volunteers may have in relation to the governance of the organisation, health and safety, data protection or harassment can be referred to external agencies. The National Council for Voluntary Organisation (NCVO) has further information on [volunteers' legal status](#).

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)

Name of Policy/Project/Decision	Employer Supported Volunteering Policy
Lead Officer (SRO or Assistant Director/Director)	Sam McVaigh
Department/Team	HR&OD
Proposed Implementation Date	September 2024
Author of the EqIA	Andrew Smith
Date of the EqIA	28/08/2024

1.1 What is the main purpose of the proposed policy/project/decision and intended outcomes?
<p>The employer supported volunteering scheme has been developed in collaboration with Bury Voluntary, and Community and Faith Alliance (Bury VCFA), the local infrastructure organisation of the voluntary, faith, community and social enterprise sector in the Borough.</p> <p>Through Bury's LET'S Do It! Approach the council is committed to making Bury a place where people are inspired, supported and empowered to volunteer. Volunteering plays a key role in the health and wellbeing of local communities and supports the LET'S principles – where all are everyone can play a part in local communities and where everyone works together in a way that recognises and celebrates the assets and strengths of our communities and our residents. In addition, it also gives colleagues a chance to have new experiences and helps to develop skills which can be brought back into the workplace.</p> <p>This policy sets out one means by which the council encourages and enables staff to support this cause.</p>

The Policy sets out the breadth of what “volunteering” covers, the benefits of volunteering and how volunteering enables staff to use their strengths (skills and interests) to connect to the ‘Local’ aspect the LET’S Do It Strategy by making a difference in neighbourhoods and communities within the Borough.

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 – internal policy.**

Third parties such as suppliers, providers and voluntary organisations: **No – internal policy.**

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:

Data: [Employment Equality Report 2023 \(bury.gov.uk\)](https://www.bury.gov.uk/employment-equality-report-2023)

Stakeholder information/consultation: Chris Woodhouse, Strategic Partnership Manager, has been involved with developing policy.

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? **Less.**
- 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	The policy will support reducing disadvantage experienced by people. and will support charities, organisations and communities in reducing disadvantages people with the characteristic could be experiencing.			Positive.
Disability	Some physical volunteering activities may not be suited for		Council will offer a diverse range of volunteering and make adjustments where	Neutral

	colleagues with some disabilities		possible. However the council may not always be able to apply reasonable adjustments to some activities. Ensure individuals attend induction or ongoing training and ensure the relevant policies are followed.	
Disability	The policy will support reducing disadvantage experienced by people. and will support charities, organisations and communities in reducing disadvantages people with the characteristic could be experiencing.			Positive
Gender Reassignment	The policy will support reducing disadvantage experienced by people and will support charities, organisations and communities in reducing disadvantages people with the characteristic could be experiencing.			Positive
Marriage and Civil Partnership				
Pregnancy and Maternity	Some Volunteering activities during pregnancy may have a health and safety risk		A risk assessment to be carried out, adjustments made if possible and advice	Neutral

			can be sought from H&S and/or OHS.	
Race	Policy may not be accessible if English is not first language and difficulty using PC.	Employment Equality Report 2023	Manual form available and support from HR colleague to complete. Translation service available if required. Managers can use usual communication methods to convey the policy and requirements	Neutral.
Race	The policy will support reducing disadvantage experienced by people and will support charities, organisations and communities in reducing disadvantages people with the characteristic could be experiencing.			Positive
Religion and Belief	Some colleagues may be excluded if organised volunteering clashes with holy days and religious periods		The council may need to be mindful of the days/time organised volunteering is arranged to ensure maximum involvement. Avoiding holy periods may not always be possible with third party activities	Neutral.
Religion & Belief	The policy will support reducing disadvantage experienced by people and will support charities, organisations and communities in reducing			Positive

	disadvantages people with the characteristic could be experiencing.			
Sex	the policy will support reducing disadvantage experienced by people and will support charities, organisations and communities in reducing disadvantages people with the characteristic could be experiencing.			Positive
Sexual Orientation	the policy will support reducing disadvantage experienced by people and will support charities, organisations and communities in reducing disadvantages people with the characteristic could be experiencing.			Positive
Carers	the policy will support reducing disadvantage experienced by people and will support charities, organisations and communities in reducing disadvantages people with the characteristic could be experiencing.			Positive
Looked After Children and Care Leavers	the policy will support reducing disadvantage experienced by people and will support charities, organisations and			Positive

	communities in reducing disadvantages people with the characteristic could be experiencing.			
Socio-economically vulnerable	the policy will support reducing disadvantage experienced by people and will support charities, organisations and communities in reducing disadvantages people with the characteristic could be experiencing.			Positive
Veterans	the policy will support reducing disadvantage experienced by people and will support charities, organisations and communities in reducing disadvantages people with the characteristic could be experiencing.			Positive

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

2.5 Characteristics	Action	Action Owner	Completion Date

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

Risk Level	No Risk = 0	Low Risk = 1 - 4	Medium Risk = 5 – 7	High Risk = 8 - 16
-------------------	--------------------	-------------------------	----------------------------	---------------------------

3.2 Level of risk identified	0
3.3 Reasons for risk level calculation	Overall positive impact, Volunteering plays a key role in the health and wellbeing of local communities and supports the LET'S principles – where all are everyone can play a part in local communities and where everyone works together in a way that recognises and celebrates the assets and strengths of our communities and our residents. In addition, it also gives colleagues a chance to have new experiences and helps to develop skills which can be brought back into the workplace.

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

4.1 Analysis Decision	X	Reasons for This Decision
There is no negative impact therefore the activity will proceed	x	
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	Liam Johnson / Andrew Smith	30/08/2024	
Responsible Asst. Director/Director	Sam McVaigh	3.9.24	
EDI	Lee Cawley	02/09/2024	Full QA complete, all negative impacts have been mitigated to become neutral with many positive impacts identified from the activity.

EqIA Revision Log

5.2 Revision Date	Revision By	Revision Details

SECTION SIX

TRAVELLING, SUBSISTENCE AND HOUSING

1. Expenses of Candidates for Appointment

- (a) All candidates for interview shall be informed that they may claim expenses as follows:-

(i) **Travelling**

Travel expenses covering the cost of the journey via the cheapest method (bus, train or car) will be paid on production of a receipt where appropriate. If a car is used candidates may claim the non-designated car user mileage rate determined by the Council from time to time.

(ii) **Subsistence**

Subsistence reimbursements can be made for breakfast, lunch and evening meal at the current rates in the financial provisions table. These are maximum reimbursement amounts and are subject to a valid receipt being submitted.

- (b) Claims for expenses, as outlined in (a) above, shall normally be paid into a bank account, details to be provided by the candidate.
- (c) Should the candidate withdraw from the interview process or refuse an offer of employment then no expenses will be paid.

2. Travelling Expenses (NJC for LGS Part 2.13)

- (a) An employee, who in the performance of their duties, has necessarily to undertake journeys and has incurred additional expense, shall be reimbursed as follows:-

(i) **Railway, tram and bus fares**

Normally only the cost of journeys either from the administrative centre and back or for the actual journey made, whichever is less, shall be reimbursed on production of a receipt. Employees shall normally be reimbursed at standard rates. If, however, an employee wishes to use a car as an alternative to travel by public transport, they should seek authorisation to do so from their manager to claim the appropriate car mileage rate, as determined by the Council from time to time.

(ii) **Parking Meter and Car Parking Charges**

An employee shall be permitted to claim any car parking charges necessarily incurred in the performance of his/her

duties. (Excluding existing car park permit arrangements within the Borough)

(iii) **Taxi and Car Hire Charges**

An employee shall be permitted to claim any taxi and/or car hire charges (including gratuities and/or V.A.T.) necessarily incurred in the performance of his/her duties.

- (b) Reimbursement will only be made where a claim is submitted within 3 months of the date the additional expense was incurred.

3. Subsistence Payments (NJC for LGS Part 2.13)

- (a) Subsistence reimbursements are available for:

- Breakfast;
- Lunch;
- Evening meal / Networking

Please refer to the financial provisions table for the current rates. The rates will be reviewed at 1st April every year, based on the Retail Price Index for food.

Payments are applicable when an employee has occurred additional expense when they were required to travel out of the Borough in the course of their duties.

The amounts are maximum reimbursement amounts and are subject to a valid receipt being submitted.

Employees may not claim reimbursement for alcoholic beverages either through subsistence or petty cash claims.

- (b) Overnight Accommodation:

Employees necessarily incurring additional expense in the course of their work in respect of overnight accommodation will be reimbursed approved accommodation expenses. These will ordinarily be booked in advance and paid for via a purchase order. (Meal costs will be reimbursed on the above basis).

- (c) Travel with Elected Members

Where an employee is required to travel to a conference, seminar or other authorised meeting in the company of an Elected Member they shall be allowed to claim the same travel, subsistence and overnight allowance as the Elected Member.

(d) Reimbursement

Reimbursement will be made where a claim is submitted within 3 months of the date additional expense was incurred.

4. Use of Car as an alternative to Travel by Public Transport

If, under agreed circumstances, a car is used as an alternative to travel by public transport, the car mileage rate shall be in accordance with the non designated car user mileage rate (lowest rate).

5. Relocation – Excess Travel Expenses (NJC for LGS Part 2.13)

If an employee is relocated, they can claim excess travel expenses for their journey from and to their new place of work.

(a) Being relocated means that their place of work is permanently changed by the Council, or by another circumstance beyond their control. Their old place of work is stated on their Statement of Particulars.

(b) They can claim the difference between the cost of travelling both ways if this is more than a stated amount per week* (refer to financial table for latest figure):-

- The cost of their journey from home to their old place of work; and
- The cost of that journey from home to their new place of work

* This is based on 5 days travel. If they work less than five days a week, this amount will be reduced in proportion.

(c) Excess travel expenses will be paid for a period of:-

- (i) 2 years where the employee is graded scp 6 or below, ie up to the maximum of Grade 6; and
- (ii) 1 year where the employee is graded scp 7 or above, ie Grade 7 or above

(d) Payment is from the date the change of location took place. If they are promoted or change job voluntarily during this protection period their excess travel will stop.

(e) Excess travel is paid for days that they are at work and not for days that they are sick or on annual leave or absent for other reasons.

(f) The expenses will be based on standard class public transport fares, or the agreed mileage rate if they use a car to get to work.

- (g) If they are a designated approved or priority car user, they will be paid at the appropriate rate, otherwise the lowest rate will apply (refer to financial table for latest figure).
- (h) They will be entitled to claim after four weeks at their new location, but the claim will be backdated to the day they started.

6. Removal Expenses

- (a) The Council will pay removal expenses (refer to financial table for latest figure) to employees joining the Council if the new employee moves from outside a radius of 30 miles to within a 10 mile radius of the Borough of Bury's boundary.
- (b) The amount is towards the cost of the following:-
 - (i) The full cost or a contribution to the transport and insurance in transit of their household furniture or property. They must produce three competitive quotes for the cost of the transport and insurance. The nature and quantity of the items being transported must also be reasonable. The Council will pay an amount the same as the lowest quote produced. Normally the Council will pay the expenses after the removal has taken place. However, in some circumstances the Council can pay in advance if the employee confirms in writing, to the Chief Executive that they will repay the expenses if the removal does not take place.

Where it is agreed by the appropriate Chief Officer that the cost of transportation of household furniture or property would be disproportionate to the value of the property being relocated, expenses may be claimed towards the cost of the purchase of new household items. In all cases, any items purchased will be limited to reasonable essentials and full reimbursement will not be made for items considered to be luxury or non-essential. The decision of the appropriate Chief Officer as to the level of reasonable reimbursement will be final. Any such claims must be evidenced through submission of receipts.

- (ii) A disturbance allowance to cover or contribute to any of the following:-
 - (i) The cost of storing furniture and property for a period no greater than eleven months from the date of appointment, promotion or transfer. The employee must produce two competitive quotes for the cost of the storage and we will pay the amount of the lowest quote. Bury Council facilities should be used where possible for storage.

- (ii) Travelling expenses or subsistence allowances for the employee and dependants from their old home. This will be paid at either:
- The cost of the journey on public transport (subject to receipts – rail fares at standard rates) or
 - The lowest mileage rate (see financial table for latest figure).

This will be paid when the employee is searching for accommodation or for moving into their new residence.

If agreed with the appropriate Chief Officer the employee may be allowed to travel from their former residence to their new workplace/administrative centre instead of lodging. In this case, they will be paid travelling expenses as above instead of lodging. The payments made must not be greater than if they had entered into lodgings.

In cases of international appointments, the employee and dependants may claim the cost of a single journey from their point of origin to the UK. Any additional journeys linked to relocation would only be agreed in exceptional circumstances and at the discretion of the relevant Chief Officer.

- (iii) A weekly lodging allowance for five days including bed, breakfast and dinner (see financial table for latest figure). This allowance will be paid for up to three months if they are unable to find accommodation immediately. In agreement with the Chief Executive this period may be extended to a maximum of 6 months. Travelling expenses, paid as above, if they are in temporary accommodation and have to travel to their previous home.
- (iv) Other expenses connected to moving house (for example, replacement of curtains, fixtures and fittings and installation of electrical appliances etc).

NOTE: To claim any disturbance allowances they must demonstrate the expenses actually incurred, e.g. by producing receipts.

- (v) In cases of international relocation, expenses directly associated with the employee's compliance with legislation and requirements for entry and the terms of their visa (for example immunisations, English language proficiency certification, professional registration or recognition of qualifications).

- (c) A contribution towards any legal costs, estate agent's costs and mortgage redemption fees during purchasing the house
- (d) The employee can take up to two days paid special leave to move home. This can be taken to move into temporary accommodation, their new home or a service tenancy.
- (e) The expenses described above can only be paid within 12 months of the appointment.
 - (i) If the employee leaves Bury's employment within 2 years of the date of appointment they will be required to repay any removal expenses paid to them. This will be on a graduated scale reducing one twenty-fourth of every month's service since the date of the appointment.
 - (ii) If the appropriate chief officer considers that there are grounds for not recovering the expenses they should submit a report to the Chief Executive who will then make a decision based on the report.

7. Authorised Use of a Motor Car

- (a) A Chief Officer may authorise an employee, who must be insured for business purposes and who has not been designated by the Council as either an approved or priority car user, to use his/her motor car for official journeys under the following circumstances:-
 - (i) Official equipment etc. has had to be carried and it was not possible or convenient for such equipment etc to be carried on public transport.
 - (ii) An official passenger has had to be carried and it was not appropriate for the passenger to travel on public transport.
 - (iii) Public transport was not available or was inadequate because of a restricted or inconvenient service; and
 - (iv) The use of a private car as opposed to public transport could be shown to result in a net financial saving to the Council and/or a saving in staff time;
- (b) Under the circumstances outlined in (a) above, the employee concerned shall be paid a rate which is aligned to the threshold set by HM Revenue & Customs (non designated user car mileage rate (lowest rate) in the financial provisions – refer to financial table for latest figure).
- (c) any employee who is authorised to use his motor car under any of the circumstances outlined in (a) above, shall maintain a record, in the approved logbook according to the instructions laid down by the

chief financial services officer (Head of Human Resources) from time to time, of all official journeys undertaken, showing full particulars of the appropriate reason(s) for the journey and the places visited (including starting and finishing points); such record shall normally be kept in his/her motor car and shall be available for inspection, on request.

8. Calculation of Official Mileage

An employee, who has either been authorised to use his/her car for official journeys or has been designated by the Council as either an approved or priority car user, shall calculate the mileage he/she has actually travelled as follows:-

(a) Normal Office Hours

- (i) the method of calculating official mileage for all authorised journeys shall be such that the travelling expenses of an employee shall be paid in respect of journeys either from his/her administrative centre and back or for the actual journey made, whichever is the lesser;
- (ii) accordingly, if a journey is made during office hours from the administrative centre to one or more points and back to the administrative centre, the cost of the actual mileage travelled may be claimed, as appropriate, in accordance with the Scheme of Conditions of Service;
- (iii) if, however, the journey is:-

EITHER

- from home to one or more points and back to home; OR
- from home to one or more points on the way to the administrative centre; OR
- from the administrative centre to one or more points on the way home;

the mileage should be calculated as if the journey has been made by the shortest route from the administrative centre and back. The cost of that mileage may be claimed if it is less than the actual mileage from home to home; otherwise, the cost of the actual mileage is to be claimed, as appropriate, in accordance with the Scheme.

Advice on the calculation of official mileage is available on request from HR teams.

(b) Outside Normal Office Hours

- (i) when an employee, outside their normal hours of work, necessarily travels from their home to carry out duties other than at their administrative centre, they may claim the cost of the actual mileage travelled, as appropriate, in accordance with the Scheme of Conditions of Service;
- (ii) if authorised journeys are made by an employee, outside their normal hours of work, to carry out duties at their administrative centre, they may claim the cost of actual mileage from home to administrative centre back to home, as appropriate, in accordance with the Scheme of Conditions of Service; and
- (iii) should an employee's duties not finish until after 11.30 p.m. they shall be reimbursed the actual cost of the journey from their administrative centre to home.

9. Motor Car Allowances (NJC for LGS Part 3.6)

The following general conditions relating to the use of cars by officers shall apply locally:-

- (a) Employees whose posts are changed from an priority car user allowance to an approved car user allowance shall be 'cushioned' as follows:-
 - (i) payment of three months of priority car user lump sum allowance plus mileage at priority car user rate;
 - (ii) payment for three months of one half of priority car user lump sum allowance plus mileage at priority car user rate; and
 - (iii) payment thereafter for mileage at approved user rate;
- (b) An employee, who undertakes official journeys by car, shall carry any official passengers without any additional payment;
- (c) Any employee, who has either been designated as a priority or approved car user shall ensure that their motor insurance covers them for accidents caused to and/or by passengers during official journeys. Employees not so designated shall not be authorised to use their private motor car for official journeys unless their policy of insurance provides such cover;
- (d) The Chief Executive shall be authorised to calculate and recalculate break-even points in respect of mileage levels for vehicles of all cubic capacities;
- (e) Designations are subject to annual review and may change;
- (f) If an employee is a priority car user and uses a vehicle with a cubic capacity in excess of 1199cc, he/she shall receive the priority car

user rate for vehicles with a cubic capacity of 1000-1199cc, as determined from time to time;

- (g) Any employee who is designated by the Council as either a priority or an approved car user shall maintain a record, in the approved logbook, according to the instruction laid down by the Head of Human Resources from time to time, of all official journeys undertaken, showing full particulars of the purpose of the journey, the places visited (including starting and finishing points) and the names of any official passengers carried; such record shall normally be kept in his/her motor car and shall be available for inspection on request, by either his/her Chief Officer, Head of Human Resources or Internal Audit.
- (h) A lump sum payment shall not be made to a designated priority car user who does not provide a private motor car; in other circumstances the provisions of Paragraph 6.3 of the NA on P&CS shall apply; and
- (i) Any employee shall submit a claim for reimbursement of mileage allowances by a date not later than six months after the first of the official journeys, in respect of which the claim is submitted, was undertaken.

10. Bicycle Allowance

An allowance (refer to financial table for latest figure) per annum shall be paid to an officer who regularly uses a bicycle in the performance of their official duties. To qualify for this, a minimum of 50 miles per annum would be required.

11. Motor Cycle Allowances

An officer, who if under agreed circumstances uses a motorcycle in the performance of their official duties, shall be paid the appropriate allowances as determined (refer to financial table for latest figure).

This page is intentionally left blank

Redeployment Policy

August 2024

Contents

Contents2

1. Aim3

2. Definition.....3

3. Scope.....3

4. Principles4

5. Approach5

6. Detailed Guidance7



1. Aim

- 1.1 Bury Council is committed to the principle of maintaining the highest possible level of job security for its employees and retaining its employees through redeployment to suitable posts wherever possible.
- 1.2 When redeployment is necessary this policy will override the current external/internal advertising policy and place restrictions on external recruitment. Every effort will be made to redeploy employees where possible and consider requests for voluntary redundancy and/or voluntary early retirement and other reasonably practicable measures in order to avoid a compulsory redundancy situation.

2. Definition

- 2.1 Redeployment is a process which aims to reduce the need for redundancies by offering suitable alternative employment where this is available.
- 2.2 The redeployment procedure will be applied in situations where an employee is unable to continue in their current role due to changes as a result of internal and/or external factors, for example where a potential redundancy situation has been identified, for reasons of health, disability, capability, or the ending of a fixed term contract.

3. Scope

- 3.1 This procedure applies to all employees with a minimum 12 months' service; this being with the exception of staff appointed by a Governing Body of a school where separate arrangements are in place. However, where employees are in a potential redundancy situation and have less than these periods of service this procedure will apply.
- 3.2 In respect of temporary members of staff with 12 months' service guidance contained within the Fixed Term Contracts Toolkit should be followed. Follow the attached link:- [Fixed term contract policy - Bury Council Intranet](#)
- 3.3 Employees of Persona Care and Support Limited with a minimum of 12 months' service are eligible to be held on the redeployment list but will be considered for redeployment opportunities only after full consideration of Bury Council employees on the redeployment list and Council employees in a period of protection as a result of being detrimentally affected by job evaluation.

- 3.4 The redeployment search period will not normally exceed the employees' statutory or contractual notice period (whichever is the greater).
- 3.5 There are 3 designations of employee on the redeployment list:
- **Priority 1** - Employees under notice of redundancy and those on the redeployment list for reasons of health, disability, capability, or the ending of a fixed term contract in accordance with the Fixed Term Contract Toolkit.
 - **Priority 2** - Employees whose posts are subject to a service review that could lead to a reduction in staffing numbers, but are not under notice.
 - **Priority 3** - Employees of Persona Care and Support Limited

4. Principles

- 4.1 Managers must follow Local Conditions of Service - Appendix A and the Council's Employee Consultation Toolkit where appropriate and, if the consultation exercise is likely to lead to a reduction in staffing numbers in a particular job role/category, those employees potentially affected must be placed on the redeployment list at the start of the consultation process as Priority 2. Employee consultation toolkit - Bury Council Intranet

Employees will be either moved to Priority 1 when they are under notice or be removed from the list once their continuing employment has been confirmed at the end of the consultation period.

- 4.2 Redeployment may arise for a number of other reasons including ill health, disability, capability, or at the end of a fixed term contract. In these cases prior to employees being put on to the redeployment list the manager and a representative from HR should hold a discussion with the employee to explain the redeployment process
- 4.3 If the employee is to be considered for redeployment on the grounds of ill-health or disability the manager must ensure that reasonable adjustments to their current role have been considered and are no longer/not viable. Redeployment on medical grounds must always be on the recommendation of Occupational Health.
- 4.4 Managers will keep notes of all discussions and agreements and confirm these in writing to the employee and Trade Union representative if appropriate.

5. Approach

- 5.1 Where an employee is placed on the redeployment list in a potential redundancy situation, follow the procedure below from point 5.2. Where an employee is on the redeployment list for any other reason, move straight to point 5.3.
- 5.2 At the initial consultation in a potential redundancy situation, employees should be informed about the redeployment process and placed on the redeployment list as Priority 2. To do this, the HR Advisor should add the employees to the redeployment register.
- 5.3 When employees are put on notice, they move to Priority 1. At this point, the manager and/or HR Advisor will meet with employees either individually or as a group to explain in detail the redeployment procedure and process and the support available. Employees will be given 5 working days' written notice of the meeting (unless mutually agreed otherwise), including their right to be accompanied at the meeting by their Trade Union representative or a work colleague.
- 5.4 The redeployment discussion should include what would be suitable and realistic redeployment options, advice and encouraging the employee to be pro-active in seeking suitable training to enhance their skills and support the redeployment process in the timeframe available.
- 5.5 Where appropriate, agreement will be sought for a referral to Occupational Health for an assessment of the employees' capabilities and any reasonable adjustments that may be required to support their redeployment. Consideration should be given to the need for a Support/Adjustment Agreement.
- 5.6 Once an employee is on the redeployment list they will be directed to Greater Jobs where jobs will be regularly advised for redeployees and will be advised to sign up to job alerts.
- 5.7 The search for redeployment will normally be for a period not to exceed the employees' statutory or contractual notice period (whichever is the greater).
- 5.9 A HR Advisor will act as the point of contact and this should be notified to the employee at the outset. It is good practice to maintain a record of contact made with each redeployee.
- 5.10 Individual circumstances will be recognised and a holistic approach to present and previous skills and experience will be taken. To be considered a viable redeployment opportunity a vacancy should either be permanent job opportunity or fixed term for a period in excess of three months.
- 5.11 If an employee has not found alternative employment at the end of the search period either: -

- i. In cases where an employee is Priority 1 and under notice of redundancy their redundancy will take effect when their notice period expires and a redundancy payment made;
- ii. In cases of expiry of a fixed term contract the employment will terminate on the cessation of the contract and a redundancy payment made where this is a legal requirement;
- iii. In cases of redeployment on the grounds of health, disability, or capability a review meeting will take place in line with the Council's Hearing Procedure. The meeting will be chaired a manager within the employing department accompanied by a HR Advisor, at which all the information will be considered, and a decision taken. The employee can be accompanied at this meeting by a trade union representative or work colleague and has a right of appeal.

In these circumstances the companion should be allowed to address the meeting in order to:

- Present the employee's case;
- Sum up the employee's case;
- Respond on the employee's behalf to any view expressed at the meeting;
- Confer with the employee during the meeting.

They should be able to participate as fully as possible in the meeting, including asking witnesses questions.

However, the companion cannot answer questions on the employee's behalf, address the meeting if the employee does not wish it, or prevent the management representative from explaining their case.

No other person, for example partner or relative, will be allowed to attend the meeting. Reasonable adjustments will be observed, in line with the Equality Act 2010.

5.12 In respect of 5.11 (iii) above possible outcomes at this stage may include but are not limited to:

- termination of employment;
- an application for premature retirement;
- an extension to the search for redeployment;
- temporary redeployment to another post whilst redeployment on an indefinite basis is still sought.

5.13 Where redeployment is sought as a result of a Stage 3 Capability Hearing the search for redeployment will run concurrent to the notice period and if no opportunities become available during this time employment will terminate once the notice period expires.

6. Detailed Guidance

6.1 Suitable Alternative Employment (SAE)

6.1.1 Redundancy Situation:

- i) In a redundancy situation the Council has a legal obligation to make every reasonable effort to find suitable alternative employment.
- ii) Suitability depends on:
 - how similar the work is to the employee's current role including seniority
 - the terms and conditions of the role not being less favourable
 - the employee's skills, abilities and circumstances in relation to the role requirements
 - Basic pay (excluding any role specific payments like matrix payments and contractual overtime unless these are relevant to the proposed role – but including benefits like pension), status, hours and location of the role
- iii) SAE will be investigated as far as possible. Situations will be looked at on a case-by-case basis and regular conversations will take place with the employee around roles that may be suitable. If roles are identified, a discussion must be held with the employee to see if they agree they are suitable. Employees will also express an interest in any roles they deem as sae.
- iv) Every effort will be made to reach an agreement on whether or not a role is suitable, however if, following discussions, an employee disagrees, the final decision as to whether the role is suitable will be made by the employer (based on clear HR advice), following a discussion around the circumstances with the relevant Trade Union.
- v) If a role is deemed suitable, it should be offered instead of redundancy. Employees will not have to formally apply for the role, however, if more than one employee is interested in the same role:
 - the role must be offered to any employees interested on maternity leave, adoption leave or shared parental leave
 - for all other employees, a fair process must be followed, for example holding interviews for the role
- vi) If an employee refuses an offer for a suitable alternative role, or turns it down after the trial period, they need to have a valid reason why it's not suitable. Examples of reasons could include:
 - the job is on lower pay
 - health issues stop them from doing the job
 - they have difficulty getting there, for example because of a longer journey, higher cost or lack of public transport
 - it would cause disruption to their family life

If the employee has a valid reason to turn down the job and this is agreed, they will be entitled to redundancy pay. If there is no valid reason for refusal their redundancy payment may be withheld.

- vii) It is accepted that employees under notice of redundancy may wish to be considered for a non-equivalent alternative employment (NEAE) rather than be made redundant, e.g. the post matches their skills but is of a lower grade or has less hours. In cases where the offer of employment made is for one of non-equivalent alternative employment (NEAE) any refusal of the offer will not result in the withholding of any redundancy payment.
- viii) Where an employee under notice of redundancy accepts a temporary post that would not normally attract a redundancy payment on termination (e.g. cover for maternity leave) their redundancy payment can be deferred and paid on termination of that contract as a compensatory payment in line with a compromise agreement, if further redeployment searches are unsuccessful and their employment is terminated. In these cases the employee would return to the redeployment list for their requisite period of notice.
- x) 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

6.1.2 Non Redundancy Situation:

- i) In a redeployment situation that has not arisen due to a redundancy selection process the same principles around sae will apply. However, employees interested will have to express an interest in any role available.
- ii) In addition, the employee should either meet the minimum requirements of the person specification or be considered able to demonstrate their ability to do so with appropriate training and support during a trial period.

6.2 Apprentices

Apprentices will normally be employed in permanent roles. Where an apprentice is employed on a fixed term contracts, it is recognised that the requisite skills and experience they have obtained during the period of their apprenticeship will be taken into account when considering suitable alternative employment.

6.3 Advertising Vacancies and the Selection Process

- i) Vacancies will be screened for suitability in the following circumstances prior to going on Greater Jobs:
- To ensure compliance with regulation 10 of the Maternity and Parental Leave Regulations 1999 all vacancies will be considered for employees under notice of redundancy who are on maternity shared parental leave or adoption leave **prior to advertising** and discussed, agreed and offered if a SAE
 - If a vacancy is identified as a potential SAE for an employee on notice of redundancy, there should be a discussion with the employee and if appropriate agreed and offered if a SAE.

- ii) All vacancies identified as suitable for redeployment with the exception of those appointed to by a Governing Body of a school where there are separate arrangements in place, will be placed on Greater Jobs..

To facilitate this, hiring managers, once vacancy approved to fill, will complete their advert on Greater Jobs and send through to HROperations for approval. The HR team will mark the job as redeployment only.

Where a redeployee applies for a role, they should notify HR Operations Team in the first instance so we can ensure the recruiting manager is aware and applies the necessary adjustments including consideration to:

- **Priority 1** Employees under notice of redundancy and those on the redeployment list for reasons of health, disability, capability, or the ending of a fixed term contract (see fixed Term Contract Toolkit).
- **Priority 2** Employees whose posts are subject to a service review that could lead to a reduction in staffing numbers, but are not under notice.
- **Priority 3** Employees of Persona Care and Support Limited

- iv) On receipt of an application the manager will conduct a short-listing exercise and call people to interview if they meet the essential criteria. In normal circumstances essential criteria must be met. However, in some cases, where there are no formal qualifications and/or professional experience required (for example the essential criteria states that candidates must have experience of using Microsoft Office packages), managers may consider employees who feel they can demonstrate that they could meet the essential criteria within a reasonable period of training.
- v) There will be a selection process in order to establish whether or not the position is suitable for the employee, taking into account their

transferrable skills, knowledge, and experience, as well as the terms and conditions of the post. The process should be tailored to the requirements of the job; being a formal panel interview, a working interview, or a more informal discussion. Any of the afore mentioned can be combined with a skills assessment. Where requested support can be provided from HR. HR Advisors can advise on the content and structure of the questions and any skills assessment as this should not necessarily replicate a normal recruitment process, being more flexible to take account of the nature of the work experience and skills of the redeployees being considered for the vacancy.

- vi) When considering applications from disabled redeployees managers should be open to making changes to the job description as a reasonable adjustment and be aware that we are required to take such actions under the Equality Act/Public Sector Duty. Assumptions should not be made regarding what would be suitable for a redeployee with disabilities; seek advice from the person themselves and where appropriate from Occupational Health.
- vii) The benchmark should be realistic bearing in mind the level and nature of the duties of the post and the knowledge and experience required. The benchmark should be at least 10% below the usual benchmark for that particular job which is (70%) at 60%.
- viii) HR advisors should be notified of the decision whether or not the candidate has been shortlisted and/or offered/not offered the role as a redeployment opportunity. If successful, HR Advisors should notify the HR Operations Team so the necessary iTrent changes can be made. Copies of interview notes and feedback/rationale must also be sent and managers may be asked to justify the decision.
- ix) If more than one employee under notice of redundancy is being offered an interview for a role deemed as SAE then attempts should be made to schedule the interview prior to the expiry of their notice period. However, if this is not possible consideration will be given to extending the notice period (at the expense of the original employing department) to allow the interview to take place.

6.4 Trial Periods

6.4.1 Priority 1 employees under notice of redundancy

- i) Employees under notice of redundancy have a right to a statutory trial period of 4 weeks in an alternative job as either SAE or NEAE.
- ii) Employees offered suitable alternative employment whilst on maternity/shared parental leave/adoption leave have an entitlement to a statutory 4 week trial, which would commence when they start to work in their new job role.

- iii) If an alternative post is secured during the notice period the trial will run concurrent with the notice period and, if it is unsuccessful, the employee would return to the redeployment list for the remainder of their notice period if applicable.
- iv) Whilst on the trial, the employee would remain on the redeployment list at Priority 2. They would return to Priority 1 status if they go back on the redeployment list for any remaining notice period.
- v) The purpose of the statutory trial period is to enable both the employee and the Council to assess the suitability of the post. If a manager deems an employee to be unsuitable for the post during their four-week trial period this will be referred to the Director of People and Inclusion to make a determination. This should be done at least a week before the end of the trial. If agreed, they will return to the position they were in prior to the offer of alternative employment. Any challenge to this decision would be through the Council's Grievance Procedure.
- vi) Should an employee consider a job to be unsuitable once they have started their trial they should confirm this in writing to the Director of People and Inclusion, detailing the grounds on which he/she believes the post to be unsuitable. This should be done at least a week before the end of the trial. If the employee's case is supported they will return to the same position they were in prior to the offer of alternative employment. However, if their case is rejected and the Council considers this to be an offer of SAE their redundancy payment may be withheld.

The determination of what is suitable and what constitutes an unreasonable refusal is not statutorily defined and hence each case will need to be determined on merit and considered by the Director of People and Inclusion, in conjunction with the relevant Executive Director and the Unison Branch Secretary.

- vii) The four-week trial period can be extended for retraining purposes but this must be agreed and recorded at the outset. The extended trial period will need to be specified in writing, detailing the date on which the trial period ends and setting out the employee's terms and conditions after it ends.
- viii) If the employee works beyond the end of the four-week period or the jointly agreed extended trial period any redundancy entitlement will be lost because the employee will be deemed to have accepted the new employment. At this point the employee would move on to the terms and conditions relating to their new post.
- ix) If the employee successfully obtains a temporary post they will be removed from the redeployment list and be put back on the list for their statutory or contractual notice period (whichever is the greater).

- x) To preserve continuity, the offer of the new job must be made before the redundancy takes effect. If the new job starts no later than four weeks after the original job ended, providing there is no other employment in the intervening period, the employee will be put on leave of absence without pay until they commence in their new role and a redundancy payment will not be made.

Where the termination takes effect on a Friday, Saturday or Sunday, the contract is treated as terminating on the following Monday.

6.4.2 Other Priority 1 employees on the redeployment list due to reasons of health, disability, capability or ending of a fixed term contract; Priority 2, and Priority 3 employees

- i) If the interview panel/manager feels the employee satisfies the essential requirements for the post, the employee will be offered the post subject to a trial period of 4 weeks. Progress within the 4-week period should be clearly documented using the Redeployment Trial Record Sheet (4 weeks). Where appropriate at this stage the manager would be provided with a copy of the Support/Adjustment Agreement and ensure any reasonable adjustments to support the redeployment are in place.
- ii) Where the interview panel/manager feels that the employee does not satisfy the essential requirements of the post but may do so after a reasonable period of training and/or experience (see 6.3 iv), the post may be offered to the employee on an extended trial period of 3 months. Progress within this 3-month period should be clearly documented using the Redeployment Trial Record Sheet (12 weeks).
- iii) In cases where the manager considers that the employee has been unable to show competence in fulfilling the essential job requirements training and support given throughout the trial period must be clearly evidenced. HR Advisors should be notified of this at least a week before the trial is due to end and a hearing arranged in line with the Council's hearing procedure (as detailed in paragraph 5.11(iii) above). If, following the hearing, the trial is deemed to be unsuccessful, the employee will become the responsibility of the original employing department and options at paragraph 5.12 considered.
- iv) A redeployment trial will run concurrent to the redeployment search period. In cases where a trial ceases due to unsuitability of either the post or the redeployee the search period will continue for the amount of time remaining in the original search period. At this point the employee may be asked to move to a different team to be supernumerary /undertake basic tasks whilst the search continues. On expiry of the search period a meeting should be arranged where options can be considered as detailed in paragraph 5.11 iii).

6.4.3 During all trial periods, where an employee is redeployed to a post at a lower grade, the employee may be asked to undertake work of a more senior level

commensurate with their protected salary during their period of salary protection.

- 6.5.4 During all trial periods, employees must be provided with an induction to the role along with any necessary training needed to fulfil the duties expected.

6.5 Salary Protection

- 6.5.1 Salary protection will be paid by the employee's original employing department in line with the Council's Salary Protection arrangements outlined in Local Conditions of Service. The original employing department will fund the differential between the protected grade and the grade of the redeployment post for the full period of the protection. They will also fund:

- reasonable initial retraining costs; i.e. to satisfy agreed training needs identified to enable the employee to become competent in fulfilling the essential requirements of the post;
- subsequent redundancy payment and proportionate redundancy payment when an employee takes a temporary contract that would attract a redundancy payment on termination as an alternative to redundancy. In the latter case when a fixed term contract is extended beyond the original end date full redundancy liability would transfer to the new employing department.
- if the substantive employment base is changed as a result of the redeployment, excess travelling costs (not time) will be paid for the agreed protection period and in line with Local Conditions of Service.

- 6.5.2 Employees should consider the option of redeployment to two part-time posts so they can retain, as near as possible, their present income. Where an employee secures a part time post for fewer hours than they previously worked, they would remain as Priority 1 on the redeployment list in respect of their remaining hours for the remainder of their original notice period where appropriate.

- 6.5.3 There will be no salary protection where redeployment is on the grounds of capability or disciplinary action or following the end of a fixed term contract.

7. Evaluation and Measures of Success

- 7.1 Redeployment is not just an alternative to redundancy, but is an opportunity to:
- offer employees new challenges
 - increase productivity and performance
 - promote a positive culture
 - improve employee health and wellbeing
 - increase employee engagement and motivation

- enable the Council to be seen as a responsible employer
- reduce redundancy payments
- reduce recruitment and onboarding costs

7.2 Measures of success can be monitored around these areas in the future.

This page is intentionally left blank

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)

Name of Policy/Project/Decision	Employment Policies Review – Phase 6
Lead Officer (SRO or Assistant Director/Director)	Sam McVaigh
Department/Team	HR
Proposed Implementation Date	7 October 2024 following September Employment Panel.
Author of the EqlA	
Date of the EqlA	

1.1 What is the main purpose of the proposed policy/project/decision and intended outcomes?
<p>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. Phase 6 of this policy review work includes five new/changed policies for approval and five policies for withdrawal.</p> <p>The Managing Attendance Policy, Local Conditions of Service Section 5: Sickness Scheme and Volunteering Policy are covered by 2 specific EqlAs. This document covers:</p> <ul style="list-style-type: none"> ▪ The revised Code of Conduct, where an additional section has been added to require employees to declare when they are under investigation for certain matters. This will enable support to be put in place or other action, including disciplinary, to be taken as appropriate. ▪ The revised Local Conditions of Service Section 6: Travelling, Subsistence and Housing which add clarity regarding claims for relocation expenses, overnight stays, travel by public transport and bicycles allowances. ▪ The revised Redeployment Policy which reflects changes to internal processes and a greater use of iTrent.

- The withdrawal of the following policies which are either out of date, have their content duplicated in other policies or have been superseded by newer policies. :
 - Examples of Equivalent Qualifications
 - Flexible Work Base Policy
 - Premature Retirement
 - Suggestion Scheme
 - Anti-Social Behaviour Policy

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 – internal policies**

Third parties such as suppliers, providers and voluntary organisations: **No – internal policies**

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: Our [Employment Equality Report](#) illustrates the demographics of the staff that these policies relate to

Data:

Stakeholder information/consultation:

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 change**
- 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	Code of Conduct – the changes could protect children/young people that we provide services to			Positive
Age	Colleagues who have limited ability using a computer may not be able to access these policies		Policies can be given in different formats on request	Neutral
Disability	Code of Conduct – the changes could protect vulnerable adults that we provide services to			Positive
Disability	Colleagues with some disabilities may not be able to access these policies online		Policies can be given in accessible formats as required.	Neutral

Disability	Colleagues may be more at risk of entering redeployment due to capability linked to a disability		Redeployment Policy requires evidence to demonstrate every effort has been made to support colleagues with workplace adjustments. This could include an Occupational Health CAT referral	Neutral
Gender Reassignment				
Marriage and Civil Partnership				
Pregnancy and Maternity	Redeployment Policy – reference is made to the greater protections introduced by the Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024			Positive
Pregnancy and Maternity	Colleagues returning from maternity may not be aware of the changes to the policies		Colleagues will be asked to read new and revised policies on their return to work	Neutral

Race	Local Conditions of Service – Section 6: Travelling, Subsistence and Housing – clarity is provided over what can be claimed for international relocation			Positive
Race	Colleagues whose first language is not English may not be able to understand the policy as written		Policy can be discussed verbally with the manager or provided in translated text where appropriate	Neutral
Religion and Belief				
Sex				
Sexual Orientation				
Carers	Colleagues may be more at risk of entering redeployment due to capability linked to caring responsibilities		Redeployment Policy requires evidence to demonstrate every effort has been made to support colleagues with workplace adjustments and/or other work/life balance initiatives	Neutral

Looked After Children and Care Leavers				
Socio-economically vulnerable				
Veterans				

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

2.5 Characteristics	Action	Action Owner	Completion Date

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

Risk Level	No Risk = 0	Low Risk = 1 - 4	Medium Risk = 5 – 7	High Risk = 8 - 16
------------	-------------	------------------	---------------------	--------------------

3.2 Level of risk identified	0
3.3 Reasons for risk level calculation	No negative impact

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

4.1 Analysis Decision	X	Reasons for This Decision
There is no negative impact therefore the activity will proceed	X	
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			
Responsible Asst. Director/Director	Sam McVaigh	3.9.24	
EDI	Lee Cawley	30/08/2024	QA complete, mitigations are in place to remove identified negative impacts.

EqIA Revision Log

5.2 Revision Date	Revision By	Revision Details
