

<b>Classification</b> Open	<b>Item No.</b>
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<b>Meeting:</b>	Employment Panel
<b>Meeting date:</b>	24 <sup>th</sup> January 2023
<b>Title of report:</b>	Workforce Policy Review: Phase 1
<b>Report by:</b>	Cllr. Tahir Rafiq, Cabinet Member for HR & Corporate Affairs
<b>Decision Type:</b>	Council
<b>Ward(s) to which report relates</b>	All

### Executive Summary:

A central component of the Let's Do It 'Well' Transformation 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 a review of the Council's workforce policy framework is underway.

The first part of this policy review has involved work to address any areas where current policies are either outdated or posing operational challenges, and where there are current gaps in policy provision. Trade Union colleagues have been fully engaged in this work.

This report presents the outcomes of this phase of work and proposes changes in seven areas:

1. Recruitment and Selection – An updated policy to bring this up to date, reflect latest practice and strengthen the focus on inclusion
2. Domestic Violence & Abuse Policy – An updated policy to bring this up to date
3. Staff travel – An update to the Council's approach to the designation of car user status in response to operational challenges caused by current arrangements and to strengthen the focus on the Council's zero carbon aspirations
4. Banking of Leave and Carry Over of Leave Policy – The removal of this policy and, specifically, the 'Banked Leave' arrangements
5. Carry Over of Leave – An amendment to Local Conditions of Service following a review of the Council's current provision
6. Pay Protection – An addition to Local Conditions of Service to confirm the Council's policy position here (a current gap)

7. Redeployment – Amendments to the current policy to bring this up to date and revise the Council's policy position on Suitable Alternative Employment to reflect the latest ACAS guidance.

## **RECOMMENDATION(S)**

That the Employment Panel:

1. Agree the revised Recruitment and Selection Policy
2. Agree the revised Domestic Violence and Abuse Policy
3. Agree the proposed changes to the approach to car user status designation and the required small amend to Section 6 of the Local Conditions of Service.
4. Agree the withdrawal of the Banking of Leave and Carry Over of Leave Policy, including removal of the Banked Leave arrangements, giving employees 5 years to take any leave already banked – with effect from 1<sup>st</sup> April 2023
5. Agree the proposed revision to the Council's Local Conditions of Service in relation to annual leave, specifically to increase the maximum value of carry forward leave to 5 days, with effect to leave to be carried into the 2024/25 leave year
6. Agree the proposed revision to the Council's Local Conditions of Service to confirm the Council's policy position in relation to pay protection.
7. Agree the proposed amendments to the Council's current Redeployment Policy

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

## **KEY CONSIDERATIONS**

### **1 Recruitment and Selection Policy**

#### **1.1 Background**

1.1.1 In light of the current challenging recruitment market, external feedback on the Council's recruitment and selection processes and our focus on strengthening the diversity of our workforce, a range of work is ongoing. One key aspect of this is a review and modernisation of the Council's Recruitment and Selection Policy.

1.1.2 The current Recruitment and Selection Policy was implemented January 2014 and has been refreshed a number of times, the last time being June 2019.

1.1.3 The Policy has been subject to a full review and re-write to reflect best practice and Council priorities.

#### **1.2 Policy Headlines**

1.2.1 The Recruitment, Selection and Retention Framework is replaced by the Recruitment and Selection Policy. Key changes include:

- A clearer outline of roles and responsibilities in the recruitment process has been provided
- Information aligning the policy to the Council's Supported Employment commitments has been included
- The policy has been aligned with arrangements for engaging external expertise via other routes (e.g. agency staff)
- Reference to relevant legislation has been updated including: politically restricted posts, data protection, equality act, duty to inform and keeping children safe in education
- Clarity has been provided on our approach to pre-employment checks for internal moves
- Information has been added to confirm the Council position on international recruitment
- Clarification has been included regarding the Council position on DBS checks and DBS renewal expectations
- Appropriate cross-referencing has been included to Section 1 of the Local Conditions of Service including: notification of vacancies, probation, offers of appointment, medical fitness for appointment and termination of employment.

**1.3 The revised policy is attached as appendix 1.**

### **2. Domestic Violence and Abuse Policy**

#### **2.1 Background**

2.1.1 It has been some time since the Council's current policy in this area has been reviewed. Over this period best practice has evolved. Reflective of the Council's

zero tolerance approach to domestic violence and abuse and with the support of colleagues in the Children and Young People's Department the policy has been reviewed.

## **2.2 Policy Headlines**

- 2.2.1 The policy now makes it a requirement that staff members experiencing domestic violence or being involved in a situation whereby the care of their own children is in question by children's services disclose this to the Council.
- 2.2.2 The policy also now states that, as well as disclosing if a staff member is convicted of domestic violence or abuse, they must now also disclose if they have been arrested for such an offence.
- 2.2.3 References to relevant legislation and associated policies and processes have been updated.

## **2.3 The revised policy is attached as appendix 2.**

## **3. Staff Travel**

### **3.1 Background**

- 3.1.1 The Council's current approach to staff travel was last significantly reviewed in 2016. The current scheme assigns all employees into three categories of vehicle user; No Designation, Approved User and Priority User.
- 3.1.2 Each designation attracts a different per mile rate of reimbursement (further modified by car engine size in some cases), and Priority Users also receiving a monthly lump sum payment and paid for car parking permit if town centre based.
- 3.1.3 User designation is set on the basis of individual assessment, with an employee's individual status determined largely by the number of business miles undertaken in the previous calendar year.
- 3.1.4 The current approach presents several challenges organisationally, specifically:
  - The scheme requires the undertaking of a complex annual review of designations for all employees and 12 smaller monthly reviews of employees who have commenced employment or changed role in the previous 6 months. These reviews, require significant officer time, including resource from payroll, HR and senior management in dealing with discretions and appeals.
  - The scheme incentivises employees to undertake and claim as many miles as possible; the greater the mileage undertaken, the more generous the mileage rate and benefits become. This is unsupportive of the Councils carbon reduction strategy.
  - The scheme results in colleagues working together receiving significantly different reimbursement for their vehicle use, leading to perceptions of inequality.

- The requirement for all users to commence employment as a “no designation” user, and on a particularly low per mile rate, acts as a disincentive to employees joining the organisation in roles where relatively high volumes of vehicle use can be expected (e.g. social work, building control). This is particularly important at present given high fuel costs and competitive labour market.
- The process of annual review means roles cannot be promoted as receiving a particular allowance or rate, acting as a further recruitment disincentive.

## **3.2 Proposal**

3.2.1 The proposal is to review and simplify the car user designation scheme, replacing it with a designation scheme based on assessment of roles (rather than individuals) that is clear, consistent, and more supportive of organisational priorities.

3.2.2 The proposed scheme retains the three tiers of designation and associated payment rates but, instead of an annual process of designation based on the mileage levels of individuals, replaces this with role-based designation linked to the nature of roles and business need.

3.2.2 In summary, the proposal is to utilise the below revised descriptors for the three car-user statuses:

### **3.2.3 Priority User**

Priority User status will be applied to specific posts where it is essential for the employee to have a motor vehicle at their disposal whenever required, with fully comprehensive insurance which covers business use, in order to undertake that role.

Employees designated as Priority Users will be obliged to have a suitably insured vehicle available to them, to undertake the essential ‘driving for work’ training, and to make use of their vehicle when required to perform their duties.

Employees designated as Priority Users must still assess whether any proposed journey is necessary, whether there are viable alternatives to undertaking the journey (e.g. online meetings, the use of online mapping etc) and if use of a private vehicle represents the cheapest or only viable option.

Employees designated Priority Users will receive:

- An annual lump sum (subject to tax) of an amount as specified in Local Conditions of Service, paid in monthly instalments
- A per mile rate as specified in Local Conditions of Service for each business mile undertaken.
- A car parking permit at no cost to themselves (if based in a Town Centre location)

### **3.2.4 Approved Users**

Approved User status will be applied to posts which are assessed as highly likely to require the use of a motor vehicle for the effective delivery of their role, but where its use is not essential to the delivery of their day-to-day duties.

Approved users will should only undertake journeys using a private vehicle where:

- (i) The journey is essential in order to undertake Council business and
- (ii) Where alternative options are not viable (e.g. online meetings, the use of online mapping and street views) and
- (iii) Car travel represents the cheapest or only viable option.

Where employees do have a vehicle available, with fully comprehensive insurance which covers business use, have undertaken the essential 'driving for work' training and it is assessed as appropriate for them to undertake journeys in this vehicle in the course of their duties, then they will receive a per mile rate as specified in Local Conditions of Service for each business mile undertaken.

### 3.2.5 **No Designation**

Other employees who ordinarily do not require a motor vehicle to perform their role may, in some limited and specific circumstances, undertake milage for business purposes. In these circumstances users should only undertake journeys using a private vehicle where:

- (i) The journey is essential in order to undertake Council business and
- (ii) Where alternative options are not viable (e.g. online meetings, the use of online mapping and street views) and
- (iii) Car travel represents the cheapest or only viable option.

Where employees do have a vehicle available, with fully comprehensive insurance which covers business use, have undertaken the essential 'driving for work' training, and it is assessed as appropriate for them to undertake journeys in this vehicle in the course of their duties, then they will receive a per mile rate as specified in Local Conditions of Service for each business mile undertaken.

3.2.6 The proposal is that the determination of Car User Status to a post is made by the Head of Human Resources, in consultation with the relevant Executive Director and the recognised Trade Unions. This determination will take into all relevant factors including:

- The overall number of business miles typically undertaken in the role
- The frequency of business journeys undertaken in the role
- Any requirement to regularly transport other people or equipment
- The practicality of undertaking the work using public transport or alternatives methods (video calls etc)
- Any specific relevant health & safety considerations, as identified through formal risk assessment.

3.2.7 Determination of User Status will not include consideration of the overall remuneration or broader market position of the post.

- 3.2.8 Once assigned, the user designation of posts will only be reviewed where there is clear evidence of a significant change in the requirements of the post in relation to the above criteria.
- 3.2.9 Whilst the initial process of designation will require some significant analysis and review work by HR colleagues, once effective, this approach will be much more streamlined to manage.
- 3.2.10 The intention is that all staff will be reviewed under these new criteria by the end of the financial year with new designations in place by 1 April 2023. Initial analysis has already been undertaken and this indicates that the approach proposed will not have any material affect on the cost of the Council's scheme but will be significantly fairer and easier to maintain.
- 3.2.11 There is no proposal to amend any other provisions of the policy, such as the approach to protecting allowances for individuals whose status changes.
- 3.3 **This approach is consistent with the current Local Conditions of Service provision in relation to Staff Travel (Section 6), with the exception of paragraph 9. E which states that the process of review will be 'Annual' and the proposal is therefore to remove that word from the document.**
- 3.3.1 The detail of the scheme is set out in the associated guidance documents and these will be updated over the coming weeks in partnership with Trade Union colleagues, prior to the proposed review of all roles in line with the new criteria before the 2223/24 financial year.

## **4 Policy on Banked Leave and Carry Over of Leave**

### **4.1 Background**

- 4.1.1 The Council's Banking of Leave and Carry Over of Leave policy allows employees to 'bank' up to 5 days unused leave each year and build up to a maximum of 25 days 'in the bank' for use in future years. It also allows employees to carry over 3 days unused leave at the end of each leave year for use in the following year. Carry over of leave arrangements are also detailed in Local Conditions of Service Section 4 Paragraph 6.
- 4.1.2 The practice of 'Banking Leave' is not common in other Local Authorities and, in practice, causes operational issues in Departments. This practice was suspended during the Covid pandemic.
- 4.1.3 A review of leave carry forward arrangements in other local authorities has identified that general practice is for a maximum of 5 as opposed to 3 days carry forward to be permitted.

### **4.2 Proposal**

- 4.2.1 The proposal is to remove this policy permanently with effect from 1<sup>st</sup> April 2023. Employees who have already banked leave will be enabled to draw this down within a set timeframe of 5 years from that date.

4.2.2 Local Conditions of Service Section 4 Paragraph 6 will be amended to reflect that employs can carry forward 5 as opposed to 3 days leave, with effect from 1<sup>st</sup> April 2023 (i.e. leave carried forward into the 2024/25 leave year). – This increase aligns with general local authority practice and, in part, compensates for the withdrawal of banked leave.

**3.3 The revised Local Conditions of Service Section 4 Paragraph 6 is attached as appendix 3.**

## **5. Pay Protection**

### **5.1 Background**

5.1.1 The Council currently does not have a formal policy on pay protection, although established common practice arrangements are in place.

5.1.1 These current arrangements differ in nature in terms of pay protection in a redeployment situation and following the downgrading of a post. In order to ensure clear, consistent arrangements are in place the proposal is to add a paragraph confirming the Council's pay protection policy position to Local Conditions of Service Section 3 (Paragraph 12).

5.1.2 The current arrangements are complex but, in summary:

- The length of protection is determined on the basis of % loss in earnings: up to 19% 1 year, 20-39% 2 years and 40%+ 3 years.
- The protected amount following a down grade through a revised job evaluation and/or restructure is based on 100% for year 1, 75% for year 2 and 50% year 3.
- The protection following redeployment is capped at one grade.

5.1.3 As well as being complex and not codified in policy current arrangements are potentially inequitable given the different spans in value and Spinal Column Points (SCPs) across the Council's 28 grades.

### **5.2 Proposal**

5.2.1 The proposal is to move to a Pay protection policy based on a maximum protection of 6 SCPs, for a period of 12 months from the date the change took place. Where the loss in salary is 20% or more, pay protection will remain in place for a further 12 months at 50% of the value protected.

5.2.2 The 6 SCP cap reflects the average grade breadth of 3.36 SCPs across the Council's grading structure and makes the policy fairer to all employees, including those in grades with only 1 or 2 SCPs.

5.2.3 The pay protection arrangements will apply in the following circumstances:



- An employee is redeployed into a lower graded post as a result of becoming 'at risk' of redundancy and as an alternative to redundancy or due to reasons relating to ill health or disability as recommended by the Occupational Health Physician
- An employee's grade reduces as a result of a re-evaluation of their job description due to a restructure or other reason

5.2.4 Protection will not apply in the following circumstances:

- Redeployment on the grounds of discipline or capability
- Redeployment following the end of a fixed term contract
- Voluntary application and appointment to a lower graded position

5.2.5 Contractual payments are not protected unless the role is continuing and they still apply, for example matrix payments, contractual overtime, standby/on call payments, first aid allowances etc.

5.2.6 Temporary payments are not protected. For example, honorarium and acting up payments, additional hours etc.

5.2.7 Hours of work are not protected. For example, if an employee currently works 37 hours and is redeployed into a post of 20 hours, the amount of protection paid will be based on 20 hours not 37 hours.

5.2.8 Protection will cease or reduce if the employee applies for and accepts a new post (lower, the same grade or higher than the protected grade).

5.2.9 Any annual pay awards will reduce the amount of protection paid.

**5.3 The proposed text to be added to the Local Conditions of Service Section 3 - Paragraph 12 is attached as appendix 4.**

## **6. Redeployment**

### **6.1 Background**

6.1.1 The existing Redeployment Policy was last updated in November 2017 and requires revisions to ensure references are up-to-date throughout.

6.1.2 The references within the policy to the identification of suitable alternative employment (sae) in the event of a redundancy situation are, in particular, not reflective of the latest ACAS guidance in this area. Given the Council's differential span with grades, as noted elsewhere, the current policy position place perhaps too high a reliance on grade differential as a criterion.

### **6.2 Proposal**

6.2.1 Changes have been made throughout the policy to ensure references are up to date

6.2.2 The section detailing the Council's approach to finding suitable alternative employment in a redundancy situation has been updated to reflect the latest ACAS guidance, in discussion with Trade Union colleagues.

**6.3 The updated policy is appended as appendix 5.** (Note, the main area of change relates to Section 6.1).

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## 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.

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### Equality Impact and considerations:

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

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

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

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

<b>Equality Analysis</b>	Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.
An Equality Impact Assessment has been carried out in relation to the proposed changes and no negative impacts have been identified.	

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### Assessment of Risk:

The following risks apply to the decision:

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

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### Consultation:

The proposed changes have been developed in partnership with the Trade Unions

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**Legal Implications:**

This report recommends a number of HR policy changes, this now forms the first stage of a series of policy reviews as an employer it is good practice to review all policies on a regular basis. The policies set out in this report with the exception of the local conditions of service are not contractual. The report sets out the nature and detail of the proposed changes. As with all changes if they are approved by Members it will be essential that the changes are clearly communicated to all staff members.

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**Financial Implications:**

There are no financial implications as a consequence of the update to the recruitment and selection policy, the domestic violence and abuse policy and the policy of banked leave and the carry-over of leave.

It is not anticipated that the changes to the staff travel and car user designation process will have a material financial impact but it will streamline the process and add certainty to post holders and should aid recruitment to posts which will be designated as priority users.

Any financial implications as a consequence of implementing a standard approach to pay protection will be calculated on a case-by-case basis and will be borne by the service in the same way any other changes to pay would be. This is the same for the redeployment policy.

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**Background papers:** None

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

Term	Meaning
SCP	Spinal Column Point

**Appendix 1: Recruitment and Selection Policy (see separate attachment)**

**Appendix 2: Domestic Violence and Abuse Policy (see separate attachment)**

**Appendix 5: Redeployment Policy (see separate attachment)**

### **Appendix 3: Local Conditions of Service, Section 4 (Hours and Leave)**

*Proposed revision to part 6: 'Carry over of Leave'*

#### Carry Over of Leave

- (a) Employees wishing to carry over up to and including 5 days leave (a normal working week for part time employees) at the end of the leave year may do so without approval.
- (b) Requests to carry forward in excess of 5 days will need the approval of the Director or their representative. Requests will not normally be agreed other than in exceptional circumstances (e.g. workload preventing holidays from having been taken or requests to take long visits abroad). Any requests will also be subject to the exigencies of the Service and by mutual agreement.
- (c) Any requests to carry over leave due to maternity/adoption or parental leave should be dealt with in accordance with the appropriate policy, procedure or guidance – see paragraph 22.

## **Appendix 4: Local Conditions of Service, Section 3 (Salary and Grading Provisions)**

### *Proposed new part 12: 'Pay Protection'*

#### Pay Protection

Pay protection will be based on a maximum of 6 spinal column points (scp's) higher than the maximum of the new grade for a period of 12 months from the date the change took place.

Where the loss in salary (based on the employee's current SCP and the effect of dropping to the maximum SCP of the new grade) is 20% or more, pay protection will remain in place for a further 12 months at 50% of the value protected.

Pay protection arrangements will apply in the following circumstances:

- An employee is redeployed into a lower graded post as a result of becoming 'at risk' of redundancy and as an alternative to redundancy or due to reasons relating to ill health or disability as recommended by the Occupational Health Physician
- An employee's grade reduces as a result of a re-evaluation of their job description due to a restructure or other reason

Pay protection will not apply in the following circumstances:

- Redeployment on the grounds of discipline or capability
- Redeployment following the end of a fixed term contract
- Voluntary application and appointment to a lower graded position

Contractual payments are not protected unless the role is continuing and they still apply – for example matrix payments, contractual overtime, standby/on call payments, first aid allowances etc.

Temporary payments, for example honorarium, acting up payments, additional hours etc. are not protected.

Hours of work are not protected – for example, if an employee currently works 37 hours and is redeployed into a post of 20 hours, the amount of protection paid will be based on 20 hours not 37 hours.

Protection will cease or reduce during the 12-month period if the employee applies for and accepts a new post (lower, the same grade or higher than the protected grade).

Any annual pay awards will reduce the amount of protection payment.