

<b>Classification</b> Open	<b>Item No.</b>
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<b>Meeting:</b>	Employment Panel
<b>Meeting date:</b>	22 <sup>nd</sup> June 2023
<b>Title of report:</b>	Workforce Policy Review: Phase 3
<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, the first and second phase of our Workforce Policy Review took place in January and March 2023 where a number of policies were reviewed and agreed by Employment Panel.

This report details Phase 3 of this Policy Review and the work that has taken place to continue to address any areas where current policies are either outdated or posing operational challenges, and where there are current gaps in policy provision.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.

Changes are proposed in the following areas:

1. Smoking and Vaping – An updated policy following a review by Public Health
2. Fostering Policy – Bringing together 2 policies into one and aligning our approach with the Foster Friendly Employers Scheme
3. Overtime – A revision to Local Conditions of Service Section 3 Paragraph 10 to provide a clear timescale for overtime pay applications. .

**RECOMMENDATION(S)**

That the Employment Panel:

1. Agree the revised Smoking and Vaping Policy.
2. Agree the revised Fostering Policy.
3. Agree the revisions to Local Conditions of Service for Overtime.

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. Smoking and Vaping Policy**

#### **1.1 Background**

1.1.1 The Council's current Smoking and Vaping at Work Policy was last updated April 2018.

1.1.2 The policy applies to employees, elected members, members of the public, contractors and others working, visiting or using Council premises or vehicles

1.1.3 The Council recognises the adverse impact on health caused by direct and second-hand smoking in the workplace and the policy details arrangements around smoking and vaping in any workplace setting. As well as detailing the restrictions and arrangements around smoking and vaping at work the policy also sets out the avenues available to support employees with smoking cessation.

#### **1.2 Policy Headlines**

1.2.1 The updated policy clarifies the Council's position on smoking and vaping in the context of agile working, when Council staff are working from home. It makes clear that expectations around smoking and vaping continue to apply when individuals are working at home.

1.2.2 The Council's Public Health team have contributed to the revised policy to ensure it reflects the latest guidance, particularly in relation to vaping.

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

### **2. Fostering Policy**

#### **2.1 Background**

2.1.1 The Council recognises and values the contribution that foster carers make to society and especially the lives of children in care. Increasing the number of Foster Carers in Bury is a priority as part of the Children's Improvement programme and, more broadly across Greater Manchester. As one of the major employers in the borough it is important that the Council leads the way here through a policy framework which positively incentivises and supports staff to foster. We understand that foster carers who do other work in addition to fostering need some flexibility in their working arrangements in order to meet the needs of their fostered child. The Council currently has in place the following arrangements which were last reviewed in September 2019:

- Child Foster Placement Policy
- Foster Care Leave

2.1.2 These policies have been reviewed in order to align with best practice and support the Council in becoming recognised by the Fostering Network as a foster friendly employer.

## **2.2 Policy Headlines**

2.2.1 Key changes include:

- Reference to the CCG has been removed
- The scope for taking time off has been extended to cover foster carers with other local authorities/organisations whereas we previously limited it to those who were foster carers for Bury Council
- Eligibility for foster placement leave has been reduced from 1 year to 3 months service, to bring it in line with eligibility for foster care leave.

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

## **3. Overtime**

### **3.1 Background**

3.1.1 Arrangements for the payment of overtime are laid out in Section 3 of Local Conditions of Service, paragraph 10.

### **3.2 Policy Headlines**

3.2.1 Following an Internal Audit of overtime transactions two minor changes are proposed:

1. To emphasise the requirement that additional hours/overtime should be approved in advance and adequately recorded.
2. To confirm that overtime claims should be submitted within 3 months of the overtime worked (Which aligns this with the approach in place for mileage claims).

3.2.2 Work is also underway to transfer the claiming and authorisation of additional hours/overtime to iTrent.

**3.3 The revised Section 3 Paragraph 10 of Local Conditions of Service is below:**

#### **Paragraph 10 - Overtime**

Plain time, ie basic contractual pay with no enhancement, is payable for all hours worked as non-contractual overtime, including on a Saturday and/or Sunday.

For part time employees, additional hours up to 37 will be paid at plain time, whatever part of the day or day of the week is worked.

Time and a half is payable for all hours worked on a bank holiday with the exception of Christmas Day which is paid at treble time. Where an individual works on a bank holiday they will also be entitled to time off in lieu.

The hourly rate of pay for work undertaken as overtime will be based on the rate paid to the employee in their substantive post.

Where the employee is undertaking overtime in a different job to their substantive post they will be paid at the rate of this post.

Additional hours/overtime must be formally approved in advance and adequately recorded. Overtime claims should be submitted within 3 months of the overtime worked, and payment will not normally be made for claims made outside of this timeframe.

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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>
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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

**Legal Implications:**

The proposed changes proposed to the policies are minor do not require staff consultation, as set out in the report if Members are minded to agree the policies will be considered at Trades Union consultation meeting and JCC.

**Financial Implications:**

There are no financial consequences of the updated Fostering Policy or Smoking and Vaping Policy. The changes to the Council’s Local Conditions of Service in relation to overtime, though minor, support improved oversight and governance and respond directly to the findings of a recent internal audit.

**Report Author and Contact Details:**

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**Background papers:** None

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

Term	Meaning

**Appendix 1: Smoking and Vaping (see separate attachment)**

**Appendix 2: Fostering Policy (see separate attachment)**