

Unis Classification Open	Item No.
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Meeting:	Employment Panel
Meeting date:	11th July 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 19 employment policies during 2023 and 2024.

This report sets out the next phase of this policy review work including four new policies for approval. Trade Union colleagues have been fully engaged in this work.

Changes are proposed in the following areas:

1. Disciplinary Procedure – a revised, more streamlined procedure which empowers managers to take a lead on managing conduct issues.
2. Grievance Procedure – a revised Grievance Procedure to replace the existing document, which will also cover any future complaints concerning potential harassment and bullying issues. The currently separate Dignity at Work Policy will be withdrawn.
3. Family Leave Policy – a consolidation of the existing family leave documents and an update to reflect the Paternity Leave (Paternity Leave (Amendment) Regulations 2024).
4. Agile Working Policy – a revised and updated Agile Working Policy, to remove reference to Covid and establish a clearer framework for agile working informed by learning from the last three years.

RECOMMENDATION(S)

That the Employment Panel:

1. Agree the revised Disciplinary Procedure
2. Agree the revised Grievance Procedure and withdrawal of the Dignity at Work Policy.
3. Agree the new Family Leave Policy and withdrawal of the current separate policy arrangements.
4. Agree the revised Agile Working Policy

Subject to Employment Panel's approval, 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.

KEY CONSIDERATIONS

1. Disciplinary Procedure

1.1 Background

- 1.1.1 The current Disciplinary Procedure forms Appendix B of the Council's Local Conditions of Service. It was last reviewed and updated in February 2017.
- 1.1.2 It is complemented by the Hearing Procedure and Employment Appeal Procedure which forms Appendix B1 of Local Conditions of Service.
- 1.1.3 Feedback received from employees and managers refers to the Disciplinary Procedure not being streamlined and relying too heavily on input from HR at all stages. The proposed procedure focuses on managers leading the process, with support from a HR representative, and on senior managers having an oversight of conduct issues.

1.2 Procedure Headlines

- 1.2.1 The new Disciplinary Procedure will replace the current procedure in addition to the following documents:
 - Disciplinary procedure Flowchart
 - Suspension guidelines
 - Duty to refer to the Independent Safeguarding Authority
 - Notes to be read before an investigation
 - Letter templates – Disciplinary
 - Disciplinary investigation procedure flowchart
 - Investigation information leaflet – Employee under investigation
 - Investigation information leaflet – Witness

It will be supported by new guidance on suspension and investigations and a programme of management training to begin over the summer.

1.2.2 The currently separate Hearing Procedure and Employment Appeal Procedure will be over-riden by procedures set out within the proposed new Disciplinary Procedure for disciplinary matters.

1.2.3 A summary of the proposed key changes to the procedure is set out below:

Subject	Current	Proposed
Grievance	If a grievance is raised at any time during the formal stage, then the disciplinary procedure may be suspended whilst the grievance is dealt with. Should the grievance be related to the case then it might be appropriate for both procedures to run concurrently.	If a grievance is raised at any time during the formal stage, then the disciplinary procedure would not be suspended unless to continue with the process would prejudice the case. Should the grievance be related to the case then it would usually be appropriate for both procedures to run concurrently
HR involvement	A departmental HR representative must be involved at all stages of the procedure	Manager will contact HR for advice.
Informal stage	Informal stage is part of formal procedure	Minor misconduct to be dealt with through management action rather than instigating the formal procedure. Informal stage not part of procedure.
Some other substantial reason (SOSR)	SOSR included	No reference to SOSR as the procedure is regarding Misconduct
Sickness	Sickness on the day of the hearing – not referenced	Alternative arrangements will be considered before going ahead in the employee's absence
Appeals	11 working days of the decision being communicated	10 working days of the decision being communicated

1.2.4 The proposed changes reflect a review of Disciplinary Procedures from across other Greater Manchester Authorities and the ACAS Code of Practice. They have been tested with a range of managers, and shared with the Council's Legal Team and Equality, Diversity and Inclusion Manager. They have also been shared with the Trades Unions and their feedback incorporated.

1.3 This procedure will apply to all Council services staff including former employees Six Town Housing.

1.4 **The revised procedure and EqIA are attached as appendix 1 and 1A.**

2. **Grievance Procedure**

2.1 **Background**

2.1.1 The current Grievance Procedure and Dignity at Work Policy respectively form Appendix C and Appendix T of the Council's Local Conditions of Service. The Grievance Procedure was last reviewed in January 2016 and the Dignity at Work Policy was developed in 2010.

2.1.2 The intention is to withdraw both documents from Local Conditions of Service and establish a new Grievance Procedure.

2.2 **Procedure Headlines**

2.2.1 The key changes proposed for the new procedure are:

- A greater emphasis on informal resolution and mediation
- Clarification over the matters that cannot be raised as part of a grievance
- Removal of reference to the Modified Grievance Procedure, which is no longer legally valid
- Inclusion of dignity at work, harassment and bullying issues
- A reduction from 11 to 10 days for an appeal to be lodged following the outcome of a hearing being communicated.

2.2.2 Revised template letters and forms have been drafted to support the new procedure. It would also be the intention to retain an intranet page detailing the support options available to staff.

2.2.3 The Hearing Procedure and Employment Appeal Procedure will be over-ridden by procedures set out in the proposed new Grievance Procedure for grievance matters.

2.2.4 The proposed changes have been shared with the Council's Legal Team and with the Trades Unions, and their feedback incorporated.

2.3 This procedure will apply to all Council services staff including former employees Six Town Housing.

2.4 **The revised procedure and EqIA are attached as appendix 2 and 2A**

3. **Family Leave Policy**

3.1 **Background**

3.1.1 The Council has a comprehensive suite of family friendly leave opportunities that employees can access to support them in their roles of prospective or new

parents. This is in line with the Council's commitment to being an inclusive employer.

3.1.2 New legislation has been introduced, in the form of the Paternity Leave (Paternity Leave (Amendment) Regulations 2024), which mean that the current documents require updating.

3.1.3 Developing a new Family Leave Policy will allow the Council to make the required changes and also provide an opportunity to make the Authority's policy provision in this area clearer as current arrangements are spread across a number of different policy documents which crossover and risk causing confusion. This is particularly the case for:

- Shared parental leave which is easily confused with unpaid parental leave
- Maternity support leave which should always be considered alongside statutory paternity leave and pay, to identify the best option for each individual.

3.1.4 Additionally, the new policy reflects the Council's move to using iTrent Employee Self-Service for the majority of operational HR transactions.

3.2 Policy Headlines

3.2.1 It is proposed that the new Family Leave Policy consolidates the following 12 documents into a single, consistent and easy to understand policy:

- Adoption leave and pay policy
- IVF guidance
- Parental bereavement leave
- Foster friendly policy
- Guide for new and expectant mothers
- Maternity support leave (Local Conditions – Appendix R)
- Keeping in touch day record sheet
- Parental leave policy
- Paternity leave and pay
- Time off to attend ante natal appointment guidance
- Time off to attend ante natal appointment application form
- Shared parental leave policy (and 16 appendices)

3.2.2 In the draft policy, much of the content of the documents listed above remains unchanged, apart from:

IVF

- Removal of reference to the old Occupational Health Unit
- Reference to the Work Life Balance Toolkit has been replaced by the Flexible Working Policy

Pregnancy and Maternity

- Glossary of terms removed – terms are rarely used and therefore explained in the document when they are

- Health and safety moved ahead of notification to highlight the importance of considering this as soon as an employee knows they are pregnant
- Changes have been made throughout this section to guide employees and managers to use iTrent self service
- Surrogacy and breastfeeding have been brought forward in the document to reflect the timeline of pregnancy, maternity and returning to work

Time off to accompany a pregnant woman to ante natal appointments

- The initial wording remains unchanged, but the FAQs are removed and key ones incorporated into the guidance, these are:
 - Regarding the fact that there is no qualifying period
 - Pension implications of taking unpaid absence
- Changes have been made to guide employees and managers to use iTrent self service

Maternity Support Leave

- The 2 x 5 days of leave (where eligible) previously should have been taken in one block – but has been amended to be able to be taken in 2 consecutive or separate blocks of 5. This is in line with the changes to Statutory Paternity Leave (see below)

Statutory Paternity Leave

- In line with Paternity Leave (Paternity Leave (Amendment) Regulations 2024) employees can take either 1 or 2 weeks' leave. If they are taking 2 weeks, they can either be taken consecutively or separately. Previously they could only be taken in one block.
- Additional Paternity Leave has been removed – it was replaced by Shared Parental Leave w.e.f. 5 April 2015

Shared Parental Leave

- Changes have been made throughout this section to guide employees and managers to use iTrent self-service – this has also enabled us to significantly reduce the number of letter templates

Adoption Leave

- Removal of the glossary - terms are rarely used and therefore explained in the document when they are
- Removal of FAQs
- Application Form for Adoption Leave and Pay is now via iTrent

Parental Bereavement Leave

- Support options for employees have been updated

3.2.3 The proposed changes have been shared with the Trades Unions.

3.3 This procedure will apply to all Council services staff including former employees Six Town Housing.

3.4 The revised policy and EqIA are attached as appendix 3 and 3A.

4. Agile Working Policy

4.1 Background

4.1.1 The Council formally adopted an Agile Working Policy in June 2021 in advance of the phased withdrawal of the government's Covid restrictions on office-based working. The policy agreed was set in the context of both the medium-term implications of Covid (in particular in relation to health and safety in the workplace) and both local and national uncertainty around the longer-term impact of changes over the preceding two years on the nature of work.

4.1.2 The current Policy is based on the fundamental principle that: ***work is something you do, not somewhere you go.*** For all workers who can do so (given the nature of their role and their personal circumstances) it promotes a highly flexible model of working which requires staff to agree their 'workstyle' with managers to ensure they work from the best location (office, home or other) to perform the duties of their role without a prescriptive framework or quota for time at any specific base. The policy emphasises the importance of regular 'face time' for staff with their managers and is routed in the priority of service need. No contractual workplaces were changed through the adoption of the policy and there is a clear stipulation that staff could be expected to attend the office with 24 hours' notice.

4.1.3 It is worth highlighting that, as set out in the policy, agile working is not an option for many staff, whose work is linked directly to location. Managers were, and continue to be, encouraged to identify and support other elements of flexibility for these colleagues and the Council agreed a new Flexible Working Policy earlier in the year which will further support this.

4.1.4 It is challenging to provide clear quantitative and causal evidence on the impact of agile working in Bury given the wider changes in both society and the world over this period however the following are worth noting:

- Turnover levels in the Council increased following the implementation of Agile Working from 11% in November 21 to a high of 16.5% in March 23 but are now falling closer to levels seen previously, with the latest (April 24) figure showing turnover of 12.2%. This increase followed by a reduction and re-stabilisation mirrors the picture seen in the wider economy.
- Sickness levels in the Council saw a small rise from 13.87 in September 2021 to a high of 14.88 in January of this year. Again, this mirrors (but is far less stark than) the national trend which has seen public sector average sickness levels increase by over 2 days (from 8 to 10.6) between 2020 and 2023. (The Council's latest reported sickness level in April 2024 of 13.47 is the lowest reported since January 2022.)
- Bury continues to face challenges in terms of recruitment which is contributing to an increase in agency spend (in some areas in particular) and is requiring different and more innovative approaches to recruitment and role design and evaluation. This is a challenge faced by 9 out of 10 Councils according to LGA research and a recent MJ article. Hybrid working is supporting this. Whilst this presents a significant positive in terms of recruitment it is important that work to provide employment opportunities for

Bury people is not negatively impacted. – In reality, there has been little impact here through agile working with the proportion of Council employees who are Bury residents fluctuating only marginally from 68% in February 2020 to 65% in June 2024 and a consistent level (7%) of employees living outside of greater Manchester at both points.

- 4.1.5 There is no evidence to suggest agile working has had any sort of negative impact on service delivery and qualitative and quantitative feedback from staff continues to broadly support the approach. Indeed, in response to the Pulse Survey question regarding whether agile working supported their wellbeing colleagues' view increased from 80.8% in April/May 22 to 86.2% in October 23. Furthermore, in the increasingly challenging recruitment market, offering an element of agile / hybrid working is now a clear expectation of candidates.
- 4.1.6 Whilst, broadly speaking, the model has worked well, its practical application has shifted significantly over time. This has, in part, been led by colleagues' desire to spend more time together. However, it has also been driven by a recognition of the importance of physical engagement between colleagues as a key factor in supporting wellbeing, enabling development, particularly for new staff, and assuring service delivery quality by facilitating collaboration and coworking. In some service areas, Children's Social Care in particular, the importance of this has been emphasised by external partners and regulators. It is also worth highlighting that, the very nature of Local Authority work must also necessitate staff to have a connection with the place and the communities they serve as a critical enabler to demonstrating the LET'S values.

4.2 Policy Review

4.2.1 Over recent months work has been undertaken to consider the current Policy and develop a revised framework for agreement. This work has been informed by:

- Feedback from staff through Pulse Surveys, a range of engagement sessions and via the Trade Unions. This has included a focused session with the Council's Senior Managers' Forum (top 100 leaders), inclusion as a standing item on the Change Agents meeting.
- A review of approaches taken elsewhere both within and beyond the Local Government sector.
- Research and best practice on the changing world of work and effectiveness of agile working models on both organisational productivity and colleague wellbeing, recruitment and retention.

4.2.2 This work emphasises the importance of a continued agile working offer in supporting the recruitment and retention of staff, colleague wellbeing and inclusion and as an enabler of efficiencies through estate rationalisation. Leaders emphasised the importance of a clear framework and structure for agile working, however the strong view was that this should remain flexible to recognise the different nature of both service requirements and individuals. Leaders want the trust and support to manage flexibly within a framework and have found the support provided through the Council's Management Development Programme (now delivered to circa. 300 managers) as a key tool to supporting them to manage performance in this context.

4.2.3 In agreeing the best approach going forward it is also important to highlight the context of the Council's estates rationalisation work through the Future Asset programme. This work is a key programme for the Council and is predicated on a continued model of agile working. Clarification of the demand on the organisation's office estate (through an agreed desk to person ratio) will be crucial to supporting the delivery of this work. However, it should also be emphasised that a significant shift in the nature and configuration of our operational estate will be key to enabling and embedding a true model of agile working. This was one of the strongest themes emerging from the engagement undertaken over recent months.

4.3 Policy Proposal

4.3.1 Much of the content and approach of the proposed policy remains consistent with the current policy, specifically:

- There is no proposal to change any contractual places of work through the adoption of agile working.
- The importance of manager and individual consideration of the health and safety, information governance and broader wellbeing implications of agile working are emphasised.
- The exact nature of an individuals' workstyle remains flexible and a matter for discussion and agreement between a manager and their employee based on service need and taking account of personal circumstances.
- There remains a commitment to providing office space for colleagues who can't work remotely and to providing workplace adjustments (including potentially a fixed desk) to colleagues who need it.
- There is a continued emphasis on effective performance management through outcomes not presenteeism.

4.3.2 The revised policy removes reference to Covid and looks to establish Agile Working as a normal approach to work in the modern era. Taking account of the feedback received, there are, however a number of key amendments:

- For those working in community focused and desk-based roles, the policy sets out clearly that they should normally be spending at least two days of their working week (pro-rata) together with colleagues in an office or community setting and that more frequent office attendance may well be required for some roles dependant on the nature of the work undertaken and service delivery and personal and team development needs. A desk ratio of 2 employees per 1 desk is set out in the policy to support this.
- The policy is also clear that, to support development, engagement and learning, team meetings, one-to-ones, employee reviews and learning and development sessions should ordinarily take place in person wherever possible and that new staff or those who need extra support may need to spend more time in an office setting so they are surrounded by colleagues to learn from. (Noting the potential impact of this for the wider team).

- The policy strengthens the emphasis on managers identifying other opportunities for agility and flexibility to support those in location dependant roles.
- The policy clearly identifies three categories of staff: location dependant, community focused and desk based. This categorisation is used to set out how the policy operations. However, its use will be of more significance in supporting the guidance, engagement and development planned in support of the Policy's launch.

4.3.3 The policy will be supported by an updated set of Agile Working Frequently Asked Questions. Whilst the policy itself is relatively high level, the FAQs include some practical examples of what workstyles may look like for different staff groups and is intended to provide clarity and support to both staff and managers.

4.3.4 Discussions have taken place with the Trade Unions about the proposed direction of the policy change and they are broadly supportive, recognising the importance of increased clarity.

4.4 We will look to apply this new agile working policy to all employees of Bury Council including those who transferred from the former Six Town Housing.

4.5 The revised policy and EqIA are attached as appendix 4 and 4A

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 -

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- 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:

These policy changes have been drafted in line with all applicable legislation and guidance. Appropriate EIAs have been drafted and are appended for Members consideration.

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.

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Background papers:

Employment Panel 24 January 2023 – Workforce Policy Review Phase 1

Employment Panel 1 March 2023 – Workforce Policy Review Phase 2

Employment Panel 22 June 2023 – Workforce Policy Review Phase 3

Employment Panel 29 February 2024 – Workforce Policy Review Phase 4

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

Term	Meaning

Appendix 1 & 1A: Disciplinary Procedure and EqIA

Appendix 2 & 2A: Grievance Procedure and EqIA

Appendix 3 & 3A: Family Leave Policy and EqIA

Appendix 4 & 4A: Agile Working Policy and EqIA