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PUBLIC

To: Members of Appointments and Conditions of Service Committee

Tuesday, 28 February 2023

Dear Councillor,

Please attend a meeting of the **Appointments and Conditions of Service Committee** to be held at **1.00 pm** on **Wednesday, 8 March 2023** in the Hartington Suite, County Hall, Matlock, the agenda for which is set out below.

Yours faithfully,

A handwritten signature in black ink that reads 'Helen E. Barrington'.

Helen Barrington
Director of Legal & Democratic Services

A G E N D A

PART I - NON-EXEMPT ITEMS

1. To receive apologies for absence
2. To receive declarations of interest (if any)
3. To confirm the non-exempt minutes of the meeting held on 6 October 2022 (Pages 1 - 4)
4. Working Arrangements Policy including updates to the Travel Policy (Pages

5 - 106)

5. Performance Management Policy (Pages 107 - 124)
6. Revisions to the Recruitment and Selection Policy (Pages 125 - 164)
7. Salary Sacrifice Electric and Hybrid Vehicle Scheme (Pages 165 - 192)
8. Attendance Management and Ill Health Capability Procedures for Teachers Employed by the Local Authority and not attached to schools (Pages 193 - 260)
9. Pay Policy for Teachers employed by the Local Authority and not attached to Schools (Pages 261 - 304)
10. Ratification of the NJC, Chief Officer & Chief Executive pay agreement and approve the DACES pay agreement (Pages 305 - 336)

PUBLIC

MINUTES of a meeting of the **APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE** held on Thursday, 6 October 2022 at County Hall, Matlock.

PRESENT

Councillor S Spencer (in the Chair)

Councillors J Dixon, R George, S Hobson, A Sutton (substitute Member) and S Swann.

Apologies for absence were submitted for Councillors B Lewis and R Flatley.

12/22 TO RECEIVE DECLARATIONS OF INTEREST (IF ANY)

There were no declarations of interest.

13/22 TO CONFIRM THE NON-EXEMPT MINUTES OF THE MEETING HELD ON 24 MAY 2022

The minutes of the meeting held on 24 May 2022 were confirmed as a correct record.

14/22 INTERIM RECRUITMENT AND RETENTION PAYMENTS POLICY

At Full Council on 13 July 2022 the Council's Pay Policy Statement (PPS) was updated to enable greater flexibility to apply recruitment and retention payments. Members were advised that, to support the making of recruitment and retention payments, a clear framework would be established. That framework had now been developed and incorporated into the Market Supplement Policy. The policy had been renamed Interim Recruitment and Retention Payments Policy which was attached at Appendix 2 to the report.

The revised policy included three additional types of recruitment and retention payments which may be considered where there was clear evidence that recruitment and retention issues were impacting on service delivery (which may cause financial, legal and reputational risk to the Council) providing all other non-pay avenues had been explored and discounted. Full details of the payments were outlined within the policy and briefly summarised below:

- Welcome payments

Welcome payments were a one-off lump sum recruitment incentive payment made to eligible successful candidates on appointment to the Council. Welcome payments were made on the agreement that

employees would remain in employment in the eligible role for the duration of the qualification period.

– Retention payments

Retention payments were similar to welcome payments but were paid to eligible employees following completion of a specified period of service. The revised policy allowed the flexibility to use welcome and retention payments together, i.e. a welcome payment on joining the council and a retention payment after a specified period of service, or a series of retention payments e.g. at 12 months and 24 months.

– Recommend a friend payments

Recommend a friend payments (up to £100) may be paid to employees on grade 14 or below who recommended an external candidate for a specified role with the council to support recruitment to hard to fill roles. The payment may be made to the referring employee once the successful candidate had completed 6 months service in that role.

Market supplement payments were appropriate where market data had indicated that the rate of pay for a defined post or group of posts fell below the required level in relation to the comparator market. The additional payment types included in the draft policy would enable the council to consider recruitment and retention payments where the market data did not support a market supplement but there was clear evidence of failure to recruit and/or retain suitably skilled staff causing serious risk to service delivery.

The ACOS Committee was asked to approve the Interim Recruitment and Retention Payments Policy noting that such payments were restricted to circumstances where there was clear evidence of failure to recruit and retain suitably skilled staff causing serious risk to service delivery.

In addition, the ACOS Committee was asked to consider the delegation of decision-making in respect of the application of the welcome payments, retention payments and market supplement payments to the Head of Paid Service, who would consult with the Section 151 Officer, Monitoring Officer, Director of Organisation Development and Policy and the relevant Executive Director to inform the decision. It was recommended for this delegation to be applied to enable the Council to respond efficiently to current recruitment and retention issues that may arise. Where the decision took the total remuneration for a post in excess of £100,000 per annum or where the application related to the Head of Paid Service the decision to apply a welcome payment,

retention payment or a market supplement must be determined by Full Council.

It was agreed that the policy would be reviewed after 12 months to assess the effectiveness of the initiatives and to identify where payments had been made. This information would be reported back to the Committee.

RESOLVED:

That the Committee:

- a) Approves the draft Interim Recruitment & Retention Payments Policy;
- b) Agree that decisions to award a recruitment or retention payment including welcome payments, retention payments and market supplement payments under the policy be made by the Head of Paid Service, who will consult with the Section 151 Officer, Monitoring Officer, Director of Organisation Development and Policy and the relevant Executive Director to inform the decision. Where the decision takes the total remuneration for a post in excess of £100,000 per annum or where the application relates to the Head of Paid Service, the decision to apply a welcome payment, retention payment or a market supplement must be determined by Full Council; and
- c) Agree that decisions to apply the recommend a friend payment is approved by the Head of Service applicable to the service area that wishes to apply the payment to an advertising campaign in consultation with the Recruitment Manager.

15/22 GRIEVANCE PROCEDURES FOR TEACHERS EMPLOYED BY THE LOCAL AUTHORITY AND NOT ATTACHED TO SCHOOLS

The Committee was asked to consider and approve the adoption of a Grievance Procedure for teachers employed by the Local Authority and not attached to schools.

HR policies which applied to local authority employees were negotiated by Derbyshire County Council and approved by ACOS, for noting at the Corporate Joint Committee (CJC). The accredited representatives of the recognised employee organisations who represented teachers and headteachers employed by the Local Authority were not members of the CJC and had sought a methodology which would provide them with the right to be consulted on in relation to policies and procedures which applied to the staff that they represented. In light of this and as teachers were employed on different terms and conditions to other local authority

staff, it was important to have a grievance procedure which reflected those differences and was tailored to reflect those differences.

The grievance procedure which was attached at Appendix 2 to the report was consistent with the policy adopted for employees of the County Council wherever possible. This policy was consistent with the approach recommended to schools.

The procedure would be made available to relevant managers and employees so that they were aware of the specific procedures in relation to teachers employed by the Local Authority and not attached to schools.

RESOLVED:

That the Committee approves the adoption of grievance procedures for Teachers employed by the Local Authority and not attached to schools which would be implemented with effect from 1 November 2022.



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE

WEDNESDAY, 8 MARCH 2023

Report of the Interim Director of Organisation, Development & Policy

Working Arrangements Policy including amendments to Travel, Leave Schemes and Flexible working policies

1. Purpose

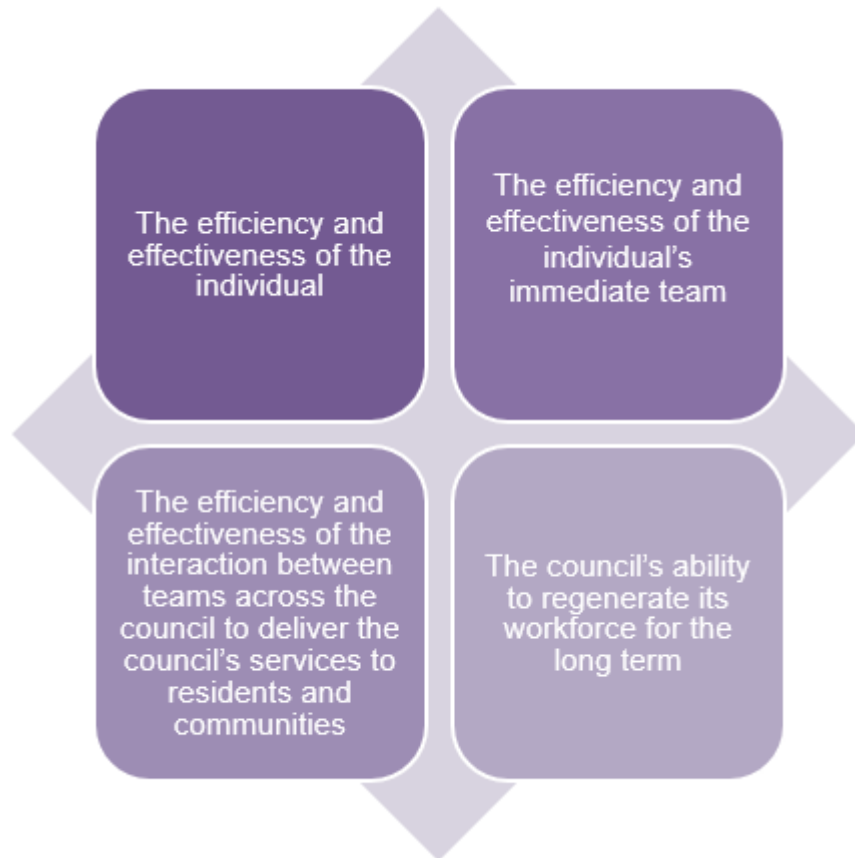
- 1.1 For the Committee to approve the new Working Arrangements Policy for implementation on 1 April 2023 which replaces the existing documents namely 'A guide to flexible working by location' and 'A guide to fixed homeworking'.
- 1.2 For the Committee to approve the updates to the existing Travel Policy (previously called Travel Guide), the Leave Schemes Policy and the Flexible Working Policy amended to align with the new Working Arrangements Policy for implementation on 1 April 2023.

2. Information and Analysis

- 2.1 The social, environmental and economic challenges facing the council make it more important than ever that it has an agile, responsive and independent workforce, equipped with the skills, competencies and behaviours for the future.
- 2.2 For some employees the COVID 19 pandemic resulted in significant changes in where and how they work. Whilst the Council had two existing documents namely 'A guide to flexible working by location' and 'A guide to fixed homeworking' these did not sufficiently reflect the council's transition to new ways of working, the future employee profiles

required or nor do they fully align with the principles that underpin the organisation's desired working arrangements.

- 2.3 As such the development of the Working Arrangements Policy commenced and two workstreams were formed, a Joint Trade Union consultation workstream and a Departmental and Divisional Leads Group to seek views across the Council.
- 2.4 Employee preferences on working arrangements hadn't been sought since the employee survey undertaken in July 2020. This was at the height of the pandemic at which point the majority of colleagues were working from home on a permanent basis, this also being a substantial shift from the former working arrangements prior to Covid.
- 2.5 Running in parallel with the discussions outlined above and to enable evidence-based policy decisions to be made, a survey was co-developed with Joint Trade Unions and departmental/divisional leads.
- 2.6 The survey aimed to target feedback from all employees when considering the proposed employee profiles and sought to ensure that all aspects of the policy development were considered. Key demographics were incorporated into the design coupled with ensuring a viewpoint from managers and employees was gained.
- 2.7 Overall the comments from the survey reflected feedback from both discussions with Joint Trade Unions and departmental/divisional leads.
- 2.8 The feedback reinforced the need for a clear framework whilst ensuring that this does not detract from the agility, efficiencies, and effectiveness that our new ways of working have delivered thus far.
- 2.9 The Policy outlines that the Council is committed to enabling its colleagues to be the best they can be, valuing both the benefits that remote working has enabled, whilst remaining committed to in-person interaction. We are a people organisation and as such, interaction should reflect this. The Working Arrangements Policy will enable the right balance between the following four key elements;



2.10 Moving forward as a hybrid working organisation, it is important that we remain focused not only on the immediate benefits to individuals and teams that flexible working can bring, but that we also realise the benefits of cross organisational working and ensure our workforce is fit for the future through a balance of in-person and remote working.

2.11 The Policy outlines the following important guiding principles;

- Our culture and associated working arrangements are built on **mutual trust**.
- Derbyshire County Council will support employees to adopt working arrangements that are **operationally viable** and enable us to **meet business/service needs**.
- The Council recognises the importance of **flexibility**, the need to reduce our **carbon footprint** and the importance of personal **wellbeing** in delivering its services to residents and communities. The Council must also ensure that it is able to continue to develop its workforce over time through the **mutual understanding, experience and resilient connections between people** which come from interaction in person.
- All working arrangements should be **agreed with an employee's line manager**.

- All employees are expected to work from a **safe** and **enabling** space (whether onsite or working remotely) and will have a **defined contractual work location**.
 - All employees can access and work from **technology enabled workplaces** across the county, considering the most valuable, effective and efficient method of meeting when needed whilst also considering the development of our colleagues.
 - All employees can **reside both within and outside** of Derbyshire (within the UK) but should be **visible and accessible both physically and virtually** to ensure we deliver the **best outcomes** for our residents and communities.
- 2.12 The policy also establishes our future employee profiles with roles being considered as Fixed-base, Flexible, Field-based and in exceptional circumstances employees may be home-based. The employee profile will align to roles and be determined by the requirements of the role.
- 2.13 The Working Arrangements Policy is attached at Appendix 2. The Appointments and Conditions of Service Committee are asked to approve the Working Arrangements Policy for implementation on 1 April 2023, which replaces the existing documents namely 'A guide to flexible working by location' and 'A guide to fixed homeworking'.
- 2.14 In addition to the working arrangements policy there are updates to the following policies and guidance;
- 2.15 The existing travel guide has been reviewed aligned to the new employee profiles seeking to simplify the rules and enable consistency across the workforce. This is being renamed 'Travel Policy' and is attached at Appendix 3. The key changes to the policy are outlined below;
- Simplification of travel rules for fixed base and flexible employees when travelling to an alternative place of duty from home. Current rules enable employees to claim the lower of Home to Duty to Home or Base to Duty to Base. The proposed rules now require employees to deduct off their usual home to work mileage from journeys being undertaken from home to an alternative place of duty.
 - Clarification regarding 'choice vs instruction' for example if an employee chooses to return home during the working day and then subsequently needs to attend their work base or an alternative place of duty this should be in their own time and at their own expense.

- Adjustments are proposed to the excess travel policy amending the calculation to pro rata the travel time by contracted hours as follows;
 - For fixed base employees - It is proposed that if the employee is part time or works compressed hours excess travel time is calculated pro rata based on the number of days the employee attends their base per week.
 - For flexible employees - If the employee is expected to attend their work base less frequently due to hybrid working the payment should be calculated based on the number of days the employee is expected to attend their base per week.
 - It is proposed that travel rules for field-based employees remain unchanged aligned to those currently referred to in our terms as 'employees without a fixed base'.
- 2.16 The existing Leave Scheme and Flexible Working Policy has been subject to minor updates to reflect the employee profiles. The policies have been separated into the 'Leave Scheme Policy' at Appendix 4 and the 'Flexible Working Policy' at Appendix 5.
- 2.17 To support new working arrangements the Health, Safety and Wellbeing team have produced additional guidance and a risk assessment has been developed for flexible and home-based employees for the occasions when they may work from home. All home-based and flexible employees will be required to undertake the risk assessment which will be monitored by managers to ensure completion.
- 2.18 Providing the policies are approved the implementation phase will commence throughout March 2023 to enable the policies outlined to be implemented from 1 April 2023.

3. Consultation

- 3.1 The Council has engaged with the Joint Trade Unions through the Working Arrangements Consultation Workstream which has met regularly since September 2022 to help inform and develop the changes to the policies outlined within the report.
- 3.2 In addition, a survey was issued to all employees, and departments and divisional leads were consulted with through a working group that has also met regularly since September 2022.

4. Alternative Options Considered

- 4.1 An alternative option could be to not adopt the new Working Arrangements Policy. The Council would continue to operate without a clear framework in place and would continue to utilise the two existing documents namely 'A guide to flexible working by location' and 'A guide to fixed homeworking'. However, these policies do not sufficiently reflect the new organisational ways of working, the future employee profiles the organisation requires and nor do they support the principles that underpin future working arrangements. Therefore this is not the recommended approach.
- 4.2 An alternative option could be to not adopt the revisions to the Travel Policy (previously referred to as the Travel Guide). The Council would continue to apply the terms and conditions outlined within the existing Travel Guide. This is not recommended as the existing guidance does not reflect the future employee profiles and it does not reflect the mileage and travel time terms required to fully enable a hybrid approach within the organisation.

5. Implications

- 5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

- 6.1 None.

7. Appendices

- 7.1 Appendix 1 – Implications
Appendix 2 – Working Arrangements Policy
Appendix 3 – Travel Policy
Appendix 4 – Leave Schemes Policy
Appendix 5 – Flexible Working Policy
Appendix 6 – Equality Impact Analysis

8. Recommendation(s)

That the Committee:

- a) Approve the adoption of the Working Arrangements Policy for implementation from 1 April 2023.

- b) Approve the adoption of the revised Travel Policy (previously referred to as the Travel Guide), the Leave Schemes Policy and the Flexible Working Policy for implementation from 1 April 2023.

9. Reasons for Recommendation(s)

- 9.1 The adoption of the Working Arrangements Policy will provide a clear framework for managers enabling them to determine the most effective working arrangements to deliver their service operating model,
- 9.2 The adoption of the revised Travel Policy (previously referred to as the Travel Guide) simplifies mileage and travel time terms and conditions and aligns the travel terms and conditions to the employee profiles.

Report Author:

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Appendix 1

Implications

Financial

- 1.1 The new Working Arrangements Policy sets out the equipment that will be provided to flexible employees in addition to that provided in Office workspaces, whilst it is evident there is additional costs associated with the provision of this equipment, most employees currently identified as flexible would have received this equipment when home working became necessary during the Pandemic, therefore a large part of this cost will have already been met. The ongoing costs of equipment for newly identified flexible employees and replacement of equipment will be covered by existing budgets.
- 1.2 There are not expected to be any significant financial implications as a result of the updates to the Travel Policy, if there are any increases in travel payable these will be insignificant and covered from existing budgets.
- 1.3 The updates to the Leave Scheme Policy and the Flexible Working Policy are merely aligning the terminology to the employee profiles within the Working Arrangements Policy and therefore no financial implications are likely to arise.

Legal

- 2.1 The Appointments and Conditions of Service Committee approve corporate employment policies, which form the terms and conditions of council employees, other than minor or technical changes to existing policies.

Human Resources

- 3.1 The Council has extensively consulted with the joint trade unions on the Working Arrangements Policy and revisions to the Travel Policy as outlined within the report.
- 3.2 Whilst introduction of the Working Arrangements Policy will not amend an employees contractual base it is proposed that employees are written to, to confirm the employee profile which aligns with the role that they undertake and the terms and conditions that apply as result.

- 3.3 Providing the policies are approved the trade union workstream and the department/divisional leads working group will continue be engaged to ensure the policies are implemented effectively.

Information Technology

- 4.1 Information Technology requirements for both office workspaces and for flexible employees are outlined within the Working Arrangements Policy. Equipment that resides at home remains the property of the Council and is only available for personal use as outlined within the ICT Acceptable use policy.

Equalities Impact

- 5.1 An equality impact analysis report is attached at Appendix 6.

Corporate objectives and priorities for change

- 6.1 This proposal aligns with the people priorities outlined within the Council's People Strategy and in particular to 'Promote diversity and inclusion, enable responsive workforce plans and develop credible reward strategies' by applying pay agreement in a fair and consistent manner.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

- 7.1 To support new working arrangements the Health, Safety and Wellbeing team have produced additional guidance and a risk assessment has been developed for flexible and home-based employees for the occasions when they may work from home. All home-based and flexible employees will be required to undertake the risk assessment which will be monitored by managers to ensure completion.

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Working Arrangements Policy



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- 12. Failure to comply with the policy**

Version	Date	Detail	Author
0.1	12/01/23	Developed draft for consultation with Joint Trade Unions and Divisional Leads Working Group	Jen Skila/ Pete Buckley
0.2	02/02/23	Final draft following consultation with Joint Trade Unions and Divisional leads	Pete Buckley

1. Purpose

The Council comprises of a diverse set of workforce groups, with the way services are delivered varying across departments. This policy outlines the available working arrangement options when considering how colleagues undertake their roles and provides a framework to support leaders and their teams.

It is not intended to be prescriptive, and leaders should use their judgement to determine the most appropriate way for their teams to operate against the framework.

2. Scope

This policy applies to all employees of Derbyshire County Council except those employed in schools where the Governing Board is the employer, who are covered by the relevant policies for schools.



3. Context for Policy Development

Aligned to the Council's People strategy, our people ambition is to be an **employer of choice** and enable our people to be:

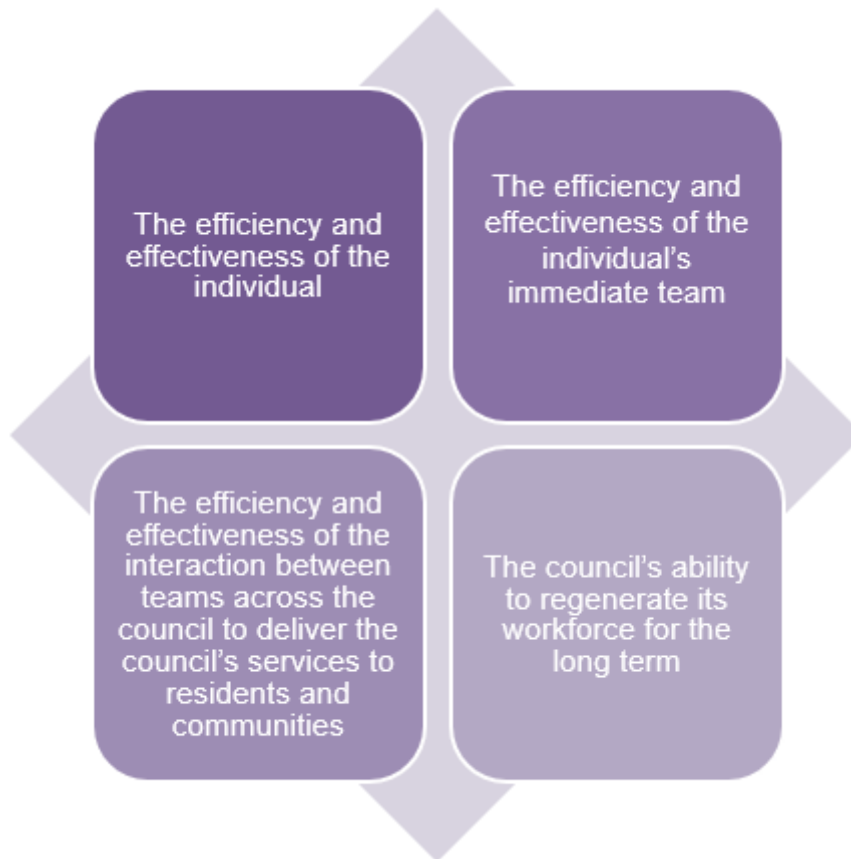
- committed and motivated, being proud to work for Derbyshire and valued for their contribution.
- high performing and engaged, being clear about how their role contributes to the organisation's success and having a voice to participate.
- empowered and challenged to lead at every level, to take opportunities, manage risk and learn from mistakes with regular feedback on their performance.
- valued and trusted to find the right solution based on their knowledge and that of our colleagues, our partners and our wider communities.
- energised to be responsible for their wellbeing and safety and that of their colleagues, supported to create enabling environments to succeed.

Our policy development work enables achievement of our people ambition.

4. Guiding Principles

The pandemic has significantly altered working arrangements across the organisation with many colleagues now working in a more flexible and hybrid way.

Derbyshire County Council is committed to enabling its colleagues to be the best they can be and values both the benefits that remote working has enabled, whilst remaining committed to in-person interaction. Our working arrangements will enable the right balance between the following four key elements;



By ensuring we remain focused not only on the immediate benefits to individuals and teams that flexible working can bring, we will realise the benefits of wider cross organisational working and ensure our workforce is fit for the future through a balance of both in-person and remote working.

As such, the guiding principles that will underpin our working arrangements are as follows:

- Our culture and associated working arrangements are built on **mutual trust**.
- Derbyshire County Council will support employees to adopt working arrangements that are **operationally viable** and enable us to **meet business/service needs**.
- The Council recognises the importance of **flexibility**, the need to reduce our **carbon footprint** and the importance of personal **wellbeing** in delivering its services to residents and communities. The Council must also ensure that it is able to continue to develop its workforce over time through the **mutual understanding, experience and resilient connections between people** which come from interaction in person.
- All working arrangements should be **agreed with an employee's line manager**.

- All employees are expected to work from a **safe** and **enabling** space (whether onsite or working remotely) and will have a **defined contractual work location**.
 - All employees can access and work from **technology enabled workplaces** across the county, considering the most valuable, effective and efficient method of meeting when needed whilst also considering the development of our colleagues.
 - All employees can **reside both within and outside** of Derbyshire (within the UK) but should be **visible and accessible both physically and virtually** to ensure we deliver the **best outcomes** for our residents and communities.
-

5. Our Employee Profiles

Working arrangements will be based on employees being considered fixed-base, field-based and flexible. In exceptional circumstances, employees may be home-based. The employee profiles will align to roles and role requirements.

Our Employee Profiles

Fixed Base employee:

- Fixed-based employees have a specified fixed base that they have to work from as their duties are linked to a base location.
- This base is considered to be their defined contractual work location.
- Employees are required to be based at a specified location on full time contracted basis and are unable to deliver their role from home or remotely.

Flexible employee:

- Flexible employees can work from a range of workplaces including working from home in accordance with the needs of the organisation, known to many as hybrid working.
- Employees will have a nominal base or defined locality area within the county and will be expected to work from this for part of their working week. This will be considered their defined work location/locality.
- This working arrangement must be agreed between an employee and their line manager and be operationally viable and enable business/service needs to be met. Such arrangements should be reviewed on a regular basis and adapted as required.

Field-based employee:

- Field-based employees will have a defined contractual nominal base location that they will attend infrequently and employees will usually travel from home to work in a variety of different locations dependent upon the activity being undertaken.
- Some field-based employees will have a contractual fixed base location that they are required to report to at the start and/or end of their working day but the nature of their work still requires them to travel and undertake duties at a variety of locations dependent upon the activity being undertaken.

Home-based employee:

- Home-based employees will carry out their duties at home. Home-based employees will also have a nominal base that they may be required to attend.
- Remote home-based roles must be considered in conjunction with the Director of Organisation Development and Policy prior to Executive Director approval.
- Such requests will only be considered where there is a legal obligation to consider flexible working and/or aligned to the Equality Act, or where this supports a genuine business need.

All Derbyshire County Council employees will have a defined contractual work location based within the county.

6. Determining working arrangements

Working arrangements must be agreed between an employee and their line manager, be operationally viable and enable the service operating model to be delivered.

Such arrangements should be reviewed on a regular basis and adapted as required.

Managers should consider the following when determining working arrangements aligned to their service operating model with employees:

- Does the employee have a suitable workplace at home in line with the guidance outlined in section 8 and the Working From Home risk assessment?
- How is the employee's physical and mental wellbeing?
- Is the employee new to the organisation or role and would benefit from more regular office / peer working to support their development? Does it matter where certain role responsibilities are carried out in the short, medium, long term?

- What office equipment is required to deliver role responsibilities and does this restrict the employee's ability to work from home? What support and any required reasonable adjustments can be offered?
- How often does a group of team members need to work collectively/collaboratively on role responsibilities or come together for development and peer learning/support?
- To what degree is input from others needed to deliver role responsibilities?

Employees can reside both within and outside of the county. Employees will be expected to attend their contractual base as required at their own cost in line with the Council's travel claim guidance.

Employees cannot work outside of the UK permanently. However, in exceptional circumstances permission to work overseas for a short, temporary period may be given by the relevant Executive Director.

7. Expectations for flexible employees

Flexible employees are not home-based. Colleagues are typically expected to spend a minimum of one day per week averaged over time, at their nominal base or a defined locality within the County.

It is recognised that that no week is the same for many colleagues and as such, some weeks colleagues may have a higher physical presence in the workplace than others. Similarly, business/service need may dictate the need for colleagues to spend all of their working week in the workplace at times.

Managers have autonomy to determine their service operating model to ensure the most effective delivery of the service. Managers will seek to balance the flexibility of employees and service need, engaging with team members to take into account employees perspectives. However, it is reasonable for a manager to ask an employee to come into the workplace both in line with the service operating model and in addition to usual working arrangements when required.

Attendance at an employee's base may also be for a part of a day, supporting efficiency and productivity whilst also enabling work life balance, providing the needs of the service and the responsibilities of the role are met. Defined 'office cover', both in-person and remotely, may also be required for some services to ensure business need is met.

Aligned to the guiding principles for this policy, collaboration and social interaction is key to enabling the right balance between the four key elements outlined in section 4.

It is an important aspect of employee wellbeing and the opportunity for regular face to face support and dialogue should be incorporated into individual, team and cross-organisational working arrangements. The following in person activities will apply as a minimum:

- Monthly 121s/supervision
- Monthly team meetings
- Regular opportunities for collaboration and networking
- Induction and onboarding of new team members
- Team/individual development

Flexible employees are required to undertake a working from home risk assessment and DSE assessment and discuss this with their line manager.

Employees are expected to dress appropriately for the meetings and interactions planned and aligned to the responsibilities of their role. Managers should support employees to clarify expectations when considering an employee's role and stakeholder expectations

8. Wellbeing support

The Council's wellbeing strategy and associated wellbeing policies and guidance aim to create a healthy and safe working environment as well as a healthier, happier and more productive workforce. Advice to employees on maintaining their mental and physical wellbeing along with access to wellbeing support is available on Our Derbyshire.

To support our new working arrangements, we have produced additional guidance (working from home, working from a flexible office workspace and wellbeing guidance) and a risk assessment to support working at home. These are all available here.

When considering working arrangements, all employees are expected to ensure suitable breaks are accommodated within their working day aligned to the Working Time Directive.

In the main, meetings should not be back-to-back, and leaders and employees are empowered to take suitable breaks between meetings to support colleagues with their diary planning and wellbeing. Where possible, meetings should be held between 09:00 and 17:00 however in exceptional circumstances meetings may be required outside of these hours in line with the Council's flexi-scheme as appropriate or when considering shift/rota patterns.

All employees are encouraged to remain active and plan wellbeing time within and around their diary commitments. In addition, employees are not expected to work

during annual leave and leaders are expected to monitor this and should discuss this with relevant team members if this occurs.

The Council continues committed to our flexible working policy and will support those with caring responsibilities. Our Employee Leave Scheme and Flexible Working Guidance should be considered in conjunction with this policy.

9. Tools for the job

Office workspaces will be equipped with:

- monitor (adjustable height)
- cables to connect the monitor to a laptop
- laptop riser
- keyboard
- adjustable chair
- mouse
- USB hub (to accommodate a mouse, headset and keyboard)
- network cable connected to the USB hub

Expectations for the use of shared workspaces can be found on Our Derbyshire.

Flexible employees will be provided with the following standard equipment:

- Laptop
- Monitor
- Laptop Riser
- Mouse
- Keyboard
- Headset
- Mobile Phone (dependant on role)
- Any other equipment identified through a DSE assessment.

Employees must take care of any equipment provided and regularly review it for suitability. Portable appliance testing will be available for all electrical items provided by the Council.

Equipment will remain as council property, and employees should notify their line manager and the ICT helpdesk of any faults with the equipment. Equipment that resides at home remains the property of the Council and is only available for personal use as outlined within the ICT Acceptable use policy.

Managers must ensure the [Equipment Loaned form](#) is updated and maintained throughout employment for their team. If employees need any additional equipment, they should discuss this with their line manager. As part of the Council's leaver process, all equipment provided for by the Council must be returned as per process and the equipment loaned form completed and stored on the HR file on EDRM.

The Council will not reimburse the costs of gas, water, electricity, internet or telephone charges incurred when working from home.

10. Insurance implications for flexible workers

Employees should contact their insurer if they are unsure if their policy covers them for intermittent working at home. All insurers have different positions on this, however, many have added homeworking automatically to their policies.

Council owned equipment is insured under the Council's insurance policy subject to £250 excess per incident. There are some conditions of cover:

- Whilst being transported in vehicles, computer equipment should be locked in the boot out of sight
- Computer equipment must not be kept in vehicles overnight
- Theft of equipment from the home is only covered where there is evidence of a forcible/violent entry to/from the premises. Walk in thefts are not covered, and neither are unexplained disappearances.

Employees are asked to ensure the security of Council equipment to the best of their ability. If an incident arises, please report this to your line manager and to the risk and insurance section immediately so that a claim can be set-up. riskandinsurance@derbyshire.gov.uk.

11. Information security

Irrespective of the type of working arrangement, all employees must comply with the Council's Information Security responsibilities including undertaking the Information Governance eLearning on an annual basis.

We have a responsibility to ensure that person-identifiable information is held securely and that confidentiality is respected and safeguarded.

Employees are responsible for the security of sensitive paper records or information in their possession. Employees should:

- Remove and return records to their proper location in a secure container, preferably a lockable bag or container - loose bundles of paper, open-top carriers and plastic bags are not acceptable.
- Lock papers away securely and treat them in the same way that personal valuables would be looked after. Ensure that other people for example in the household do not have sight of or access to any confidential or sensitive information.
- Ensure that equipment and work related personal or sensitive information is not left unattended.
- Take all work-related personal information to a council work base for confidential disposal - never dispose of it in household waste or recycling bins.
- In accordance with the Safe Haven Guidance, a formal record should be maintained of all files that are removed from the office.

Any potential risk to security or confidentiality, must be immediately reported to the Council's [Service Desk Online](#).

12. Failure to comply with the policy

Directors will be responsible to ensure all employees and line managers comply with the terms outlined in this policy.

Where a manager or an employee refuse to comply with this policy, advice should be sought from the HR Advice and Support Team in the first instance. Managers will be supported to seek remediation where possible however this may result in action under the Council's Disciplinary Procedure.

Travel Policy



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Version	Date	Detail	Author
1.0	March 23	Travel Policy first draft	Scott Davis

1. Purpose

This policy outlines the Council's approach to the requirements and eligibility for pay and allowances for undertaking work related journeys and excess travel arrangements for employees who are redeployed or move work base.

2. Scope

This Policy applies to all employees and reflects the claimable mileage and travel time reflective of the employee's profile type.

The policy also applies to student placements and volunteers who are not employed by the Council who are eligible to make work related travel claims.

Work related travel is defined as any journey undertaken in the direction of your duties, this includes attending seminars, conferences, ad hoc training and vocational training funded by the Council.



3. Context for Policy Development

Aligned to the Council's People strategy, our people ambition is to be an **employer of choice** and enable our people to be:

- committed and motivated, being proud to work for Derbyshire and valued for their contribution.
- high performing and engaged, being clear about how their role contributes to the organisation's success and having a voice to participate.
- empowered and challenged to lead at every level, to take opportunities, manage risk and learn from mistakes with regular feedback on their performance.
- valued and trusted to find the right solution based on their knowledge and that of our colleagues, our partners and our wider communities.
- energised to be responsible for their wellbeing and safety and that of their colleagues, supported to create enabling environments to succeed.

Our policy development work enables achievement of our people ambition.

The guiding principles that will underpin our working arrangements are as follows:

- Our culture and associated working arrangements are built on **mutual trust**.
- The Council recognises the importance of **flexibility**, the need to reduce our **carbon footprint** in delivering its services to residents and communities. All employees have a responsibility to take the most appropriate and **sustainable** method of transport, co-ordinating travel, where possible, to keep the number of separate car journeys to an absolute minimum.
- You must travel by the **most cost-effective route** and should only undertake Council work related journeys that are absolutely necessary.
- All travel arrangements should be **agreed with your line manager**.

4. Economical and sustainable travel

Before authorising mileage and expenses, managers should consider whether alternative means of transport/communication would have been more appropriate than driving. Read here about [alternatives to travel](#).

Information on alternative and sustainable ways to travel, including the use of our fleet of electric pool vehicles (and electric bicycles for shorter journeys), is available on Our Derbyshire at [Smarter Travel](#).

5. Using an electric pool car

If you need to make an essential work-related journey you should use one of the electric pool cars rather than your own vehicle if you are travelling from or near a site where these are made available, wherever possible. The exception to this will be when there are no pool cars available for the dates and times that you need one.

You can register and book one of our electric pool cars for work related travel [here](#).

6. Work related travel by car

If you use your own car for official journeys, you must ensure that your motor insurance policy covers you for 'business use' and indemnifies the council (as employer) against third party claims or policy excess charges. It should be noted that the whole of your motor insurance cover would be invalidated if using the vehicle on council work related activity when only covered for social and domestic purposes. You don't need to be covered for 'business use' if you only use your vehicle to commute to and from your work base. For further information about business insurance classes see [here](#).

If you use your car on official work-related activity you must also be in possession of a current full valid driving licence for the vehicle you are driving and ensure that the vehicle is in a roadworthy condition prior to the commencement of and during the journey. Where required the vehicle should have a current MOT certificate. Any reasonable parking fees etc, incurred during the journey will be reimbursed. Receipts should be retained in support of any claim. Further information on using your own vehicle is available on [travelling to work](#).

You have sole responsibility for fines and penalties, such as fixed penalty parking fines.

On at least an annual basis, you will be required to produce your current driving licence, motor insurance policy, and evidence of your MOT for your manager to check and confirm validity.

If you wish to suggest a reasonable alternative to providing a car for work related activity, this must be discussed with your line manager.

Mileage allowances for work related activity fall into 2 categories:

- Journeys of less than 110 miles round trip. You can use your own vehicle for authorised journeys which are less than 110 miles in total. However, alternatives to using your car (for example, public transport and electric pool

cars) should be investigated to ensure travel in the most cost and time efficient way.

- More than 110 miles round trip. Where it is anticipated that a journey will be in excess of 110 miles, you should assess the most cost and time effective mode of travel (electric pool car, own car, train, hire car). Comparing the cost of mileage, hiring a car (including the cost of delivery) and train tickets will show you the most cost-effective mode of travel for your journey.

Register to book an electric pool car, arrange car hire via the designated office and claim for any fuel purchased, or travel by standard class rail, if appropriate. On occasions, mileage may be reimbursed for journeys over 110 miles on the proviso that reasonable effort has been made to keep the mileage under 110 miles and electric pool car, car hire and other methods of transport have been considered.

7. Employee profiles and what can be claimed

Travel terminology:

Base – your contractual base location

Duty – A work location that is alternative to your contractual base location

Home – your home address, as held on your personnel records

7.1 Fixed based employees

Travelling to your base from home

The council is not responsible for the cost incurred in travelling from home to work, the travel time to your base will be in your own time.

If you are required to commute to work due to working additional hours on a 6th or 7th working day, you are able to claim mileage or your public transport fees to commute to work, however this will be taxable.

Travelling to alternative work location (duty) from home

If you are required to use your vehicle to travel to an alternative work location (duty);

- and your mileage is greater than the miles to travel to your base - you can claim all mileage over and above your normal commute i.e. you are required to deduct your usual mileage from home to your base from your first journey and from your base to your home on the return journey.

- and your travel time is greater than the time to travel to your base - you can claim the additional time as plain time i.e. you are required to deduct your usual travel time from home to your base from your first journey and from your base to your home on the return journey. All travel time is paid at plain time.

If you normally travel to work by public transport:

- and the cost to travel to an alternative work location (duty) is higher than your normal bus/rail journey, you can claim the additional cost incurred, submitting your travel receipts with your claim.
- and your travel time is greater according to the bus/train time table, you can claim the additional travel time reference in the bus/train timetable. All travel time is paid at plain time.

Travelling to an alternative work location (duty) from your base

If you are required to use your vehicle to travel to an alternative work location (duty) from your base;

- you should claim all mileage and travel time from your base to duty and from duty to base if you are returning to your base. Work related travel time will be paid at the appropriate rate, including overtime.
- If you travel home directly from duty then you are required to deduct your usual mileage and travel time from your base to your home on the return journey

If you are required to travel to an alternative work location (duty) from your base using public transport:

- you can claim the additional cost incurred for bus /train journeys undertaken, submitting your travel receipts with your claim.
- You can claim the work-related travel time to duty from base at the appropriate rate. All journeys should be planned to ensure work duties and travel time are efficiently managed. Contingency arrangements should be discussed and agreed with your manager in the event there is a change to the planned arrangements.

If you choose to travel back home during the day or to another location and return to your base or duty, you cannot claim for the additional mileage, public transport fees or travel time.

7.2 Flexible based employees

Travelling to your base from home

The council is not responsible for the cost incurred in travelling from home to work, the travel time to your base will be in your own time.

If, however, you are required to commute to work due to working additional hours on a 6th or 7th working day, you are able to claim mileage to commute to work, however this will be taxable.

Travel to alternative work location (duty) from home

If you are required to use your vehicle to travel to an alternative work location (duty);

- and your mileage is greater than the miles to travel to your base - you can claim all mileage over and above your normal commute i.e. you are required to deduct your usual mileage from home to your base from your first journey and from your base to your home on the return journey.
- and your travel time is greater than the time to travel to your base - you can claim the additional time as plain time i.e. you are required to deduct your usual travel time from home to your base from your first journey and from your base to your home on the return journey. All travel time is paid at plain time.

If you normally travel to work by public transport:

- and the cost to travel to an alternative work location (duty) is higher than your normal bus/rail journey, you can claim the additional cost incurred, submitting your travel receipts with your claim.
- and your travel time is greater according to the bus/train time table, you can claim the additional travel time reference in the bus/train timetable. All travel time is paid at plain time.

Travel to an alternative work location (duty) from their base

If you are required to use your vehicle to travel to an alternative work location (duty) from your base;

- you should claim all mileage and travel time from your base to duty and from duty to base if you are returning to your base. Work related travel time will be paid at the appropriate rate, including overtime.
- If you travel home directly from duty then you are required to deduct your usual mileage and travel time from your base to your home on the return journey

If you are required to travel to an alternative work location (duty) from your base using public transport:

- you can claim the additional cost incurred for bus /train journeys undertaken, submitting your travel receipts with your claim.

- You can claim the work related travel time to duty from base at the appropriate rate. All journeys should be planned to ensure work duties and travel time are efficiently managed. Contingency arrangements should be discussed and agreed with your manager in the event there is a change to the planned arrangements.

If you choose to travel back home during the day or to another location and return to your base or duty, you cannot claim for the additional mileage, public transport fees or travel time.

7.3 Field based employees with a nominal base

If you are a field based employee who has a nominal work base which is attended infrequently and you are required to work at various locations, claims from home to duty and from duty to home are limited to the following:

- time in excess of 30 minutes in a single journey (paid at plain time)
- mileage in excess of 5 miles in a single journey

Subsequent duty to duty work journeys undertaken in between the first and last journey are not subject to deduction.

Additional travel time to duty beyond 30 minutes in a single journey will be paid at plain time.

If, however you are required to commute to work due to working additional hours on a 6th or 7th working day, you are able to claim mileage to commute to work, however this will be taxable.

Where employees are rostered to undertake a split shift e.g. a morning and evening shift with an extended break in between the shifts, they should deduct the mileage and travel time as outlined above from their first and last journey of the day. Separate provisions apply for Standby and Recall to Work Duty.

7.4 Field based employees with a fixed base

Travelling to your base from home

The council is not responsible for the cost incurred in travelling from home to work, the travel time to your base will be in your own time.

If, however you are required to commute to work due to working additional hours on a 6th or 7th working day, you are able to claim mileage to commute to work, however this will be taxable.

Travel to alternative work location (duty) from home

If you are required to use your vehicle to travel to an alternative work location (duty);

- and your mileage is greater than the miles to travel to your base - you can claim all mileage over and above your normal commute i.e. you are required to deduct your usual mileage from home to your base from your first journey and from your base to your home on the return journey.
- and your travel time is greater than the time to travel to your base - you can claim the additional time as plain time i.e. you are required to deduct your usual travel time from home to your base from your first journey and from your base to your home on the return journey. All travel time is paid at plain time.

If you normally travel to work by public transport:

- and the cost to travel to an alternative work location (duty) is higher than your normal bus/rail journey, you can claim the additional cost incurred, submitting your travel receipts with your claim.
- and your travel time is greater according to the bus/train time table, you can claim the additional travel time reference in the bus/train timetable. All travel time is paid at plain time.

Travel to an alternative work location (duty) from their base

If you are required to use your vehicle to travel to an alternative work location (duty) from your base;

- you should claim all mileage and travel time from your base to duty and from duty to base if you are returning to your base. Work related travel time will be paid at the appropriate rate, including overtime.
- If you travel home directly from duty then you are required to deduct your usual mileage and travel time from your base to your home on the return journey

If you are required to travel to an alternative work location (duty) from your base using public transport:

- you can claim the additional cost incurred for bus /train journeys undertaken, submitting your travel receipts with your claim.

- You can claim the work related travel time to duty from base at the appropriate rate. All journeys should be planned to ensure work duties and travel time are efficiently managed. Contingency arrangements should be discussed and agreed with your manager in the event there is a change to the planned arrangements.

If you choose to travel back home during the day or to another location and return to your base or duty, you cannot claim for the additional mileage, public transport fees or travel time.

7.5 Home based employees

Home-based employees will carry out their duties at home however they will have a nominal base that they may be required to attend on occasion in accordance with service need.

Travelling to your nominal base from home

The council is not responsible for the cost incurred in travelling from home to work, the travel time to your base will be in your own time.

If however you are required to commute to work due to working additional hours on a 6th or 7th working day, you are able to claim mileage to commute to work, however this will be taxable.

Travel to alternative work location (duty) from home

If you are required to use your vehicle to travel to an alternative work location (duty);

- and your mileage is greater than the miles to travel to your nominal base - you can claim all mileage over and above your normal commute i.e. you are required to deduct your usual mileage from home to your nominal base from your first journey and from your base to your home on the return journey.
- and your travel time is greater than the time to travel to your nominal base - you can claim the additional time as plain time i.e. you are required to deduct your usual travel time from home to your base from your first journey and from your base to your home on the return journey. All travel time is paid at plain time.

If you normally travel by public transport:

- and the cost to travel to an alternative work location (duty) is higher than your normal bus/rail journey, you can claim the additional cost incurred, submitting your travel receipts with your claim.
- and your travel time is greater according to the bus/train timetable, you can claim the additional travel time reference in the bus/train timetable. All travel time is paid at plain time.

8. Standby Duty and Recall to Work

Mileage undertaken responding to standby duty or recall to work will be claimable at the current HMRC rate of 45p per mile.

Travel time for standby duty and recall to work is **not** claimable.

9. Calculation of mileage

Mileage claimed must be calculated on the basis of the most reasonable route for the journey. The following are some useful website links to help you plan your journey:

- [Traveline Information Ltd](#)
- [RAC Route Planner](#)
- [East Midlands Trains](#)
- [Northern Rail](#)

Using the route RAC Route planner [here](#) you can input full address or known postcode to calculate the claimable mileage.

10. Excess Mileage

If your contractual work base is changed by the council and you are relocated to a new place of work which falls outside of a 5 mile radius of your current contractual work base, you may claim the additional mileage on the days that you travel to the new work base. All calculations are based on AA Route Planner to determine eligibility and level of excess mileage payment.

For part time employees you will receive excess mileage based on your existing travel arrangements, if you choose to increase hours as a result of redeployment/relocation any additional commuting travel will not receive excess mileage or travel time payments.

Excess mileage is the additional mileage from home to the new contractual work base and back home. Excess mileage is taxable and can be claimed for a maximum of 3 years.

Please ensure excess travel is claimed as taxable rather than work related mileage on WorkPlace. Speak to HR Services for further advice.

Whilst it is not a council requirement for you to have 'business use' on your motor insurance policy to claim 'excess mileage' due to a change of base, you should check with your own motor insurance company prior to your relocation to a new place of work.

Employees redeployed/relocated who do not travel by car will be able to claim excess travel expenses based on the most cost efficient method of travel via bus/train to your new work base.

Fixed base workers redeployed into a field-based role with a nominal base that is visited infrequently and relief workers will not be entitled to excess mileage.

11. Excess travel time allowance

An excess travel time allowance is also payable for a period not exceeding 3 years, provided that the additional daily travelling time exceeds half an hour. Excess travel time is paid on a pro-rata basis for part time employees dependent on the number of days and weeks you are expected to travel to the new contractual work base:

- up to half hour a day - nil
- up to 1 hour per day - £450 per year
- over 1 hour to 1½ hours per day - £619 per year
- over 1½ hours per day - £774 per year

For part time employees you will receive excess travel time based on your existing travel arrangements, if you chose to increase hours as a result of redeployment/relocation any additional commuting travel will not be included in excess time calculation.

Employees redeployed/relocated who do not travel by car will be able to claim excess travel time based on the most cost-efficient method of travel. The amount of excess travel time that can be claimed is calculated using the bus/train timetabled journey to your new work base.

Employees redeployed/relocated who do not travel by car will be able to claim excess travel time based on the additional commuting time as outlined by bus/train timetables.

Example:

Employee works part-time (18.5 hrs/week – travels 3 days per week Mon-Weds). Contractual work base moves over 5 miles from the current contractual work base:

- Home to current work base: Alfreton to Matlock 18 miles round trip/45 minutes
- Home to new work base: Alfreton to Bakewell 38 miles round trip/1hr 40 mins

Additional mileage: 20 additional daily miles travelled 3 days per week = 60 miles per week. This additional mileage can be claimed (for a maximum of 3 years) only for the days the employee is expected to regularly travel to/from the new work base.

Additional travel time: Up to 1 hour additional travel time each day = £450 per year x 60% (3 days) = £270 per year (for a maximum of 3 years) where the employee is expected to regularly travel to the new work base 3 days per week.

Term-time employee: If this employee worked term time, ie. 38 weeks per year the £270 would be divided by 365 and multiplied by 304.5 payment days = £225 per year.

Split shift employee: If this employee is required to travel from home to their work base/work location twice each day then the whole additional travel time would be eligible.

During the 3 year period you must ensure that you notify your manager/HR Services if you change home address to nearer the new contractual work base. If you choose to move further away from the new contractual work base, you will not be entitled to claim further additional mileage or additional travel time.

12. How and when to make a mileage claim

All claims for car mileage should be submitted via WorkPlace at the end of each calendar month and authorised as appropriate. Claims must be submitted within 3 calendar months of undertaking the journey. A late claim will not be paid except in exceptional circumstances and with Executive Director approval. A guide on how to record travel claim on Workplace is available [here](#).

If you do not have access to WorkPlace you should claim mileage by submitting the 'Employee Mileage Claim Form' (CO6(a) attached to this page, signed by your manager to HR Services (original forms are required). If you submit your mileage on a 'craft timesheet' please ensure that you complete the latest version of the form and provide this to your line manager for authorisation.

All claims submitted either via WorkPlace or by completion of the mileage form must record accurate vehicle details which include engine size and fuel type. If you change your car then you will need to complete the 'Notification of a change of vehicle' form attached to this page and email to HR Services at pay@derbyshire.gov.uk to update their records. In the meantime, if you make a claim on WorkPlace prior to the vehicle details being updated by HR Services you must manually adjust the vehicle details.

If you submit a paper mileage claim form and change your vehicle please tick the appropriate box on the mileage claim form and record the date of change.

Claims made electronically will be processed and paid with the next available salary payment. Claims submitted on paper forms will be processed and paid as soon as possible and no later than with the salary for the month following the submission of the form.

Current mileage rates are based on HMRC rates and are not liable for tax and national insurance:

- 45p per mile for the first 10,000 miles
- 25p per mile after the first 10,000 miles

An extra 5p per mile can be claimed for carrying each approved passenger. An approved passenger is any elected member, a person employed by the council, an agency employee or volunteer who is working with and on behalf of the council and is travelling in a vehicle owned and driven by a council employee. The driver must be authorised to travel as part of their role and journeys must be for work purposes only.

For the purpose of claiming mileage allowance for approved passengers, the claimant must declare the name of each passenger as part of their mileage claim.

Service users and employees from partner organisations, contractors and other bodies are not approved passengers therefore the additional 5p per mile cannot be claimed.

13. VAT receipts

You must obtain VAT receipts for fuel used on work journeys and these must be kept in an orderly fashion for a period of 6 years after the end of the tax year to which they relate. Receipts must be available for inspection during this period.

Government guidance for provision of VAT receipts for charging electric vehicles is currently under review, see more information [here](#).

14. Qualification courses and training

If you travel to an approved qualification course or exam, college or university, you can claim travel expenses for any miles travelled over and above your normal journey to your contractual work base paid at current HMRC rates of 45p per mile.

15. Public transport

The same principles apply to employees who incur travel fares in the course of undertaking their duties.

Where alternative means of public transport exist (for example bus or rail) the most suitable in terms of cost and time should be used and claimed accordingly. Cheap rate fares should be used where possible.

All employees travelling by rail will travel standard class unless specifically agreed by their Executive Director. Where possible, tickets should be purchased in advance. If travelling 'locally', say from Matlock to Derby, buy your ticket at the station and reclaim through WorkPlace – this saves the £1.50 printing and booking charge.

16. Taxi fares

The cost of hiring a taxi will only be reimbursed where it is absolutely necessary and in the interests of the council, or where it is otherwise reasonable, for example if public transport is not available. Receipts are required.

17. Related documents

- [Notification of a change of vehicle details \(11KB\)](#)
- [Mileage claim form CO6\(a\) \(100KB\)](#)

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Employee Leave Schemes Policy



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Version	Date	Detail	Author
1.0	8 March 2023	Update of employee leave scheme and flexible working polices to separate flexible working	

1. Purpose

The Council comprises of a diverse set of workforce groups, with the way services are delivered varying across departments. This policy outlines the leave schemes available for employees and entitlements for taking time off while working for Derbyshire County Council.

It is not intended to be prescriptive, and leaders should consider any leave request while also maintaining the business needs of the Council.

2. Scope

This policy applies to all employees of Derbyshire County Council except those employed in schools where the Governing Board is the employer, who are covered by the relevant policies for schools.



3. Context for policy development

All leave entitlements referred to within this document are pro rata for part time employees and those working irregular working patterns.

All applications for leave or time off should be discussed initially with your manager and your time recorded on Workplace or through other means as appropriate to your employment.

If you do not have access to workplace please complete the appropriate request form to be authorised by your manager.

4. Adoption

Pre-Adoption Leave Entitlement

Employees who have completed the initial enquiry stage of the adoption process and wish to proceed to Stage 1 are eligible to apply for up to 5 days paid leave and 5 days unpaid leave, in a rolling 12 month period, specifically for pre-adoption activities; for example, training, introductory meetings, assessments, adoption panel.

This is per adoption not per child.

The total hours recorded for the day whether all classed as 'pre-adoption leave' or a combination of 'pre-adoption leave' and working time, should not be for longer than the employee's planned working time. For flexitime workers this will be up to a maximum of 7.4 hours or less depending on their normal working pattern.

You continue to accrue annual leave and bank holidays whilst on adoption leave and these may be taken before your adoption leave commences, if you choose, or carried over to the next leave year.

You should discuss with your manager when and how you will take your annual leave entitlement.

Adoption Leave Entitlement

Eligible employees are entitled to 52 weeks adoption leave comprising:

- 26 weeks ordinary adoption leave;
- 26 weeks additional adoption leave.

There is no requirement for a period of qualifying service.

During adoption leave, all your terms and conditions (except normal pay) will continue.

Only one person in a couple can take adoption leave.

Eligibility

In order to qualify for adoption leave you must:

- Be the only partner taking adoption leave;
- Be newly matched with a child for adoption and by an approved adoption agency;
- Commence your adoption leave on the date of the child's placement or from a pre-determined date which can be up to 14 days before the expected date of placement. In the case of a child adopted from overseas, you may commence your adoption leave on the date the child enters Great Britain or from a predetermined date that is no later than 28 days after this.

You do not qualify for statutory adoption leave or pay if you:

- Arrange a private adoption;
- Adopt a family member or a step child.

Adoption Pay

Is paid up to a maximum of 39 weeks, dependent upon eligibility for Statutory Adoption Pay (SAP) and Occupational Adoption Pay (OAP). This comprises:

- 6 weeks at 90% of earnings made up of both OAP and SAP;
- 12 weeks (weeks 7 to 18) at half pay OAP plus SAP (providing this does not exceed normal full pay)
- 21 weeks of SAP (weeks 19 to 39).

Your eligibility for 12 weeks OAP at half pay is dependent on being continuously employed in local government service for 52 weeks, when you commence adoption leave.

The 12 weeks half pay is paid if you are returning to work for at least 3 months and can be spread over a longer period if requested. If you are unsure whether you intend to return to work you can opt to have the half pay frozen and paid at a later date.

Your eligibility for SAP is dependent on being employed continuously in local government service for at least 26 weeks at the date of matching, and you must earn, on average, at least equal to the lower earnings limit for National Insurance purposes.

You can check current statutory rates and check your eligibility on the government website, GOV.UK.

Applying For Adoption Leave

You will need to:

- Inform your manager as soon as possible that you are adopting a child;
- Notify your manager in writing of:
- The date your child will be placed;
- The date your adoption leave will commence. • Provide the matching certificate;
- Send the original documentation to HR Services
- Record your adoption leave on Workplace or through other means as appropriate to your employment.

Following the receipt of your notification letter:

- You will receive a written acknowledgment, within 28 days, from HR Services informing you when you are due back at work;
- You must return the slip from this letter to the HR Services, to confirm your adoption pay arrangements during your adoption leave.
- No notice period is required if you intend to return to work at the end of the full adoption leave period.

Keeping in Touch (KIT) Days

Prior to commencing adoption leave you should discuss and agree with your manager the type and frequency of contact you prefer whilst you are away from work. Your manager may wish to contact you to inform you of any training opportunities, significant work developments, any relevant promotional opportunities or job vacancies that may occur during your absence.

You can work for up to 10 days during your adoption leave period, by mutual agreement, although there is no obligation for you to do so. These working days or hours are known as Keeping in Touch days (KIT).

Payment for the hours worked will not affect your Statutory Adoption Pay or leave entitlement, and you will remain on adoption leave throughout this period.

The additional hours worked can be claimed through Workplace, or your usual time recording process, and will be paid at your existing rate of pay. You will only be paid for the time worked, i.e. if you attend work for 1 hour this will count as 1 KIT day. You must not work in excess of your standard day.

Return to Work

You will normally be able to return to your existing post after taking ordinary adoption leave.

If you also take additional adoption leave you have the right to return to your original job unless this is not reasonably practicable. Then you will be offered suitable alternative employment on terms no less favourable than your original post.

You have the right to request flexible working. Information on working flexibly is available on Our Derbyshire/Flexible Working Policy.

You can change your return to work date but must provide 8 weeks' notice.

On the following page is a model letter to advise HR Services that you are adopting a child. You should keep a copy of this letter, give one to your manager, and submit one to HR Services at Pay@Derbyshire.gov.uk.

Letter for Employee Taking Adoption Leave

Dear < >

Name:

Employee Number:

Department / Division:

I wish to inform you that I have been matched with a child for the purpose of adoption and I enclose for your information the Matching Certificate issued by the adoption agency.

The date the child is due to be placed with me is < > and I therefore wish to take adoption leave with effect from < >

I intend to take < > weeks adoption leave, however, should I decide to return to work earlier I will write to you again giving you 8 weeks' notice of this and the date I wish to return.

Yours sincerely,

5. Annual Leave

Requests for Annual Leave

All requests for leave must be approved in advance, giving as much notice as is reasonably possible.

There is no specific notice period required to book annual leave, but it should be mutually agreed between you and your manager.

You should request leave as far as possible in advance of the period of leave required.

When considering requests for leave, managers have to ensure that staffing levels are sufficient and that there is no adverse effect on service delivery.

Leave Period / Carry Over

The annual leave year runs from 1 April to 31 March. All annual leave must be taken within this period except where a carry-over is agreed.

You may carry over up to 5 days, pro rata, to the next leave year with the approval of your manager. In exceptional circumstances you may carry forward up to 10 days leave with the permission of your Executive Director.

Requests to bring leave forward from the following leave year can only be approved by managers in exceptional circumstances.

You may take annual leave during suspension from work provided the leave is requested and authorised.

Annual Leave / Sickness Absence

If you are unable to take annual leave, because of long term sickness absence, and remain absent at the end of the leave year, a carry-over of up to 10 days contractual leave or 20 days statutory leave may be possible. Further guidance on calculation of entitlement is available from HR Services.

When a phased return is recommended following a period of long-term absence, the days not worked will be continued sickness unless annual leave is specifically requested by the employee and this is not contrary to any medical documentation / advice provided.

Your manager should ensure that HR Services are aware of any leave taken whilst you are absent through sickness.

If you become sick whilst on annual leave, you may request your absence is treated as sickness absence, but you must report it on the first day it occurs. If you fall sick before a period of annual leave the continuing sickness should be reported on the first day it coincides with the booked leave.

For further information, please see Attendance Management Procedures under Working for Us on our website.

Annual Leave Entitlement

Employee Group	Annual Leave Entitlement	
	Basic	After 5 Years Local Government Service
Grades 1-9	25	30
Grades 10-13	27	32
Grades 14 and above	34	34

Details of organisations for which previous continuous service counts towards accrual of annual leave are detailed in the Redundancy Modification Order.

Annual leave for part-time staff will be calculated on a pro rata basis and expressed in hours.

The additional 5 days leave entitlement becomes effective at the start of the next leave year (1 April) following 5 year qualification.

New Employees

There is no qualifying period for you to become entitled to annual leave.

Entitlement arises on the first day of your employment and annual leave is proportionate to completed service during the year as detailed below.

Number of Complete Calendar Months Worked	Leave Entitlement in Days				
	25	27	30	32	34
1	2.5	2.5	2.5	3	3
2	4.5	4.5	5	5.5	6
3	6.5	7	7.5	8	8.5
4	8.5	9	10	11	11.5
5	10.5	11.5	12.5	13.5	14.5
6	12.5	13.5	15	16	17
7	15	16	17.5	19	20
8	17	18	20	21.5	23
9	19	20.5	22.5	24	25.5
10	21	22.5	25	27	28.5
11	23	25	27.5	29.5	31.5

Leavers

If you leave the Council you should ensure that you have taken any outstanding leave proportionate to the annual leave year as per the above table.

If you have taken annual leave in excess of your pro rata entitlement you will have the appropriate amount deducted from your final salary payment.

If you have been unable to take your annual leave before leaving, due to service requirements or any other exceptional reason, your manager will need to approve payment of any outstanding annual leave to you via HR Services.

Relief Workers

Leave entitlement should be calculated on a 13 week averaging period for relief workers working on short-term assignments and working variable hours.

Payment during Annual Leave

You will receive normal pay during periods of annual leave.

Normal pay includes all earnings that would be paid to you during a period of normal working.

If you are transferred to a lower grade and are on protection of earnings, your leave entitlement is not protected and will reduce if you move into a lower salary band as detailed in the chart above.

Additional Normal Holiday Pay

The Council's 'Normal Holiday Pay Framework' provides an additional annual leave value that reflects all additional regular earnings over and above basic pay, including overtime and specified allowances.

Under this joint agreement the additional annual leave and bank holiday value of those elements of pay included, will be calculated for the current year on the basis of the actual earnings from the previous year.

If you have relevant earnings in the previous year, a schedule setting out the annual calculation will be sent to you before 25th June each year prior to commencement of the payments. Payments will be monthly except for the month of June when the payment will reflect three months payment.

You also have the right to opt out of the framework agreement and elect to have your payment based on the statutory 12-week formula contained within the Employment Rights Act 1996.

Further information can be found on the Council's website under Working here - What you need to know, and in the 'Working for Us' document.

6. Bank Holidays

You are entitled to 8 bank holidays per year which are:

- New Year's Day
- Good Friday
- Easter Monday
- May Day
- Spring Bank Holiday Monday
- Late Summer Bank Holiday Monday
- Christmas Day
- Boxing Day

Part-time workers are entitled to a pro rata bank holiday entitlement. Most bank holidays are on a Monday meaning that those employees who do not work on a Monday will accrue bank holiday entitlement to be taken at a later date.

Conversely, those employees who always work Mondays are likely to build up negative bank holiday entitlement balance and may have to work additional hours in recompense.

Guidance on calculation of bank holiday entitlement and how you should record your time / absence, if you work part-time is available from HR Services and on the Website under Working here - What you need to know.

7. Compensatory Rest

Compensatory rest resulting from additional hours being worked as a consequence of being on standby, sleep in, or recall to work duty will be paid at the appropriate rate for the day / time of day of all contract hours not worked. Compensatory rest should be claimed in accordance with rules and criteria applicable to your service.

There is further guidance on the working time directive and appropriate rest breaks available from the ACAS website under 'Working Hours'

8. Disability Leave

If you are covered by the Equality Act 2010, you can take disability leave if it is specifically for appointments for assessment, treatment, rehabilitation or training for a condition covered by the Act.

9. Flexi-Leave

Employees who participate in the Council's 'Flexitime Scheme' may take, subject to approval, service needs and sufficient carry forward of hours, up to two days, or four half days flexi leave in the next settlement period. This is pro rata for part time employees.

Full details of the flexitime scheme guidelines are [here](#)

10. Foster Carers

If you are registered with Derbyshire County Council as a foster carer you may apply for a maximum of 5 days paid leave and 5 days unpaid leave in any rolling 12month period.

This leave is for activities essential to foster caring e.g. training, introductory meetings and promotional events. The leave allocation is in total and not per child.

The total hours recorded for the day whether classed as 'foster care leave' or a combination of 'foster care leave' and working time should not be for longer than the time the employee is planning to work or for flexitime workers up to a maximum of 7.4 hours or less depending on their normal working pattern.

This quota is pro rata for part time employees.

11. Interview Leave

You are entitled to time off with pay for attending interviews **within** the Council.

For all other interview appointments, you will be required to take annual leave or leave without pay, unless you are under notice of redundancy or 'at risk'.

12. Jury Service

If you are called for jury service, you are paid your normal rate of pay from the Council and should provide evidence to HR Services so that the fee from the Court is deducted. The fee is a standard rate and, depending on grade, can be less than your actual pay. This also applies if you are a witness or subpoenaed. You should code your leave as jury service.

13. Maternity Leave

With regard to pregnancy and maternity leave, the following definitions are used:

- 'Expected week of childbirth' (EWC) means the week, starting on a Sunday, during which you are expected to give birth;
- 'Qualifying Week' (QW) means the 15th week before the expected week of childbirth.

Ante-natal Care

Once you have advised your manager that you are pregnant, you are eligible to paid time off to attend antenatal appointments, as advised by your doctor, registered midwife or health visitor. Your manager can request to see your appointment card after the first visit.

You continue to accrue annual leave and bank holidays whilst on maternity leave, and these may be taken before your maternity leave commences if you choose or carried over to the next leave year.

Term time only workers also continue to accrue annual leave and bank holidays whilst on maternity leave, and HR Services will calculate and advise you of your entitlement at the end of your maternity leave.

You should discuss with your manager when and how you will take your annual leave entitlement.

During maternity leave, all your terms and conditions (except normal pay will continue.

Maternity Leave Entitlement

Pregnant employees are entitled to 52 weeks maternity leave comprising:

- 26 weeks ordinary maternity leave; followed by
- 26 weeks additional maternity leave.

There is no requirement for a period of qualifying service.

The earliest you can commence maternity leave is the beginning of the 11th week before your baby is due.

Maternity leave will commence automatically 4 weeks before your baby is due if you are off work due to a pregnancy related illness.

If your baby is born earlier than expected, your maternity leave will commence automatically on the day following the birth.

You do not have to take the whole 52 weeks, but you **must** take 2 weeks leave immediately after your baby is born.

Eligibility

To be eligible for maternity leave, you must provide notice by the qualifying week:

- That you are pregnant;
- Of the expected week of childbirth; and
- The date you intend to commence your maternity leave.

Ideally, you should inform your manager as soon as possible that you are pregnant to enable them to carry out a risk assessment for you. He/she may request help to do this from either Occupational Health, or Departmental Health and Safety.

The pregnant worker risk assessment form is available on Our Derbyshire.

Your manager will also notify HR Services of your intention to take maternity leave once you provide your maternity leave notice in writing. You will need to provide HR Services with the original MATB1 form once this is issued to you, which will be approximately 20 weeks before your EWC.

Once HR Services have been notified of your intention to take maternity leave, they will respond within 28 days, confirming the date on which you are due to return if you take your full 52-week entitlement to maternity leave.

You can change your return to work date but must provide 8 weeks' notice.

Sickness and maternity leave

In the unfortunate event of a still birth, you are entitled to the full provisions of the maternity leave scheme if this occurs after 24 weeks of pregnancy. If earlier than this, then Executive Directors may grant time off under the provision of the Council's Special Leave Scheme.

Maternity Pay

Is paid up to a maximum of 39 weeks, dependent upon eligibility for Statutory Maternity Pay (SMP and Occupational Maternity Pay (OMP). This comprises:

- 6 weeks at 90% of earnings made up of both OMP and SMP;

- 12 weeks at half pay OMP plus SMP (provided this does not exceed normal full pay);
- 21 weeks of SMP.

Your eligibility for 12 weeks OMP at half pay is dependent on being employed in local government service for 52 weeks by the 11th week before the expected week of childbirth (i.e. at week 29 of your pregnancy you have been employed for 1 year or more).

The 12 weeks half pay OMP is paid if you are returning to work for at least 3 months and can be spread over a longer period if requested. If you are unsure whether you intend to return to work you can opt to have the half pay frozen and paid to you at a later date.

Your eligibility for SMP is dependent upon being employed continuously for at least 26 weeks by the 15th week before the expected week of childbirth (week 25 and you must earn, on average at least equal to the lower earnings limit for National Insurance purposes 8 weeks prior to this date (between weeks 17 to 25).

You can check your eligibility and find our current statutory rates on the government website GOV.UK.

Non-Qualification for SMP

If you do not qualify for SMP you may be eligible to claim a maternity allowance through Jobcentre Plus for 39 weeks. An SMP1 form will be sent to you confirming the reason why SMP is not payable. The 12 weeks half pay OMP (weeks 7 to 18) will be paid in addition to any maternity allowance paid provided it does not exceed full pay. OMP will be reduced by the maternity allowance for the first 6 weeks.

Childcare Vouchers

Your maternity pay will be reduced if you use childcare vouchers during this period. Details relating to childcare vouchers are available through HR Services. Childcare vouchers offer national insurance and tax deductions from your childcare costs.

From April 2018, new entrants to the childcare voucher scheme are not permitted. Parents already in the scheme will however, be able to remain in the scheme for as long as they require.

You may be eligible to participate in the government's tax-free childcare scheme instead.

For more information check the government website GOV.UK.

Applying for Maternity Leave

Following receipt of our notification letter, you will receive a written

acknowledgement from HR Services within 28 weeks, informing you when you are due back at work. You must return the slip from this letter to HR Services to confirm maternity pay arrangements during your maternity leave.

Contact during maternity leave / Keeping in Touch days (KIT Days)

By mutual agreement you can work up to 10 days during your maternity leave although you are not obliged to do so.

You will receive payment for the number of hours worked without it affecting your SMP or maternity leave entitlement.

You will remain on maternity leave during this period.

The additional hours worked can be claimed through Workplace, or your usual time recording process, and will be paid at your existing rate of pay. You will only be paid for the time worked i.e. if you attend work for 1 hour this will count as 1 KIT day. You must not work in excess of your standard day.

Returning to work after maternity leave

You can return to work at any time during your maternity leave, provided you give the appropriate notification, which is 8 weeks' notice of the date you intend to return. Alternatively, you can take the full period of maternity leave entitlement and return to work at the end of this period.

You have the right to return to your existing post after taking ordinary maternity leave (up to 26 weeks).

If you also take additional maternity leave you have the right to return to your original job unless this is not reasonably practicable. In that case, you will be offered suitable alternative employment on terms no less favourable than your original post.

You have the right to request flexible working. Information on flexible working is available on Our Derbyshire/Flexible Working Policy

If you are still breastfeeding when you return to work you will need to notify your manager who will carry out a risk assessment and discuss appropriate arrangements with you.

If you decide during your maternity leave that you do not want to return to work, you should provide written notice of resignation as soon as possible, and in accordance with the terms of your contract of employment.

Letter for Employee taking Maternity Leave

You may use this as a letter to advise HR Services that you are pregnant.

Notification must be at least 15 weeks before your expected week of childbirth (week 25). You should keep a copy of this letter and give one to your manager.

Dear < >

Name:

Employee Number:

Department / Division:

I am writing to tell you that I am expecting a baby, and the baby is due on < >.

At present I intend to take maternity leave from < > and I expect/do not expect* to return to work after the baby is born. Please send me all relevant information.

If my circumstances change, I will let you know.

Yours sincerely,

*delete as appropriate

Send completed letter to HR Services at Pay@Derbyshire.gov.uk

14. Medical Appointments

Paid time off will be granted to attend:

- Hospital appointments which cannot be arranged in the employee's own time (this includes appointments in relation to gender reassignment)
- Appointments for health screening*, immunisation* and donor activities up to a maximum of 5 days in any 12 month period
- Occupational health appointments
- Ante-natal appointments
- Assessment, treatment, rehabilitation or training for disabled employees covered by the Equality Act 2010 for the condition covered by the Act

There are separate time recording options for hospital appointments, disability leave and other medical appointments.

Medical appointments are defined as those which do not cause you to feel ill or debilitated. Where a medical procedure has caused you to feel ill, e.g. chemotherapy, time off would be classed as sick leave.

Other medical appointments, for example with a G.P, dentist etc., will continue to be taken in your own time.

If you work fixed hours you will need to agree in advance with your manager how you will 'pay back' this time through using other leave quotas, or by working additional unpaid hours.

The total hours for the day, whether all classed as 'Hospital Appointment' 'Medical Appointment' or a combination of this absence and working time, should not be for longer than the time the employee is planned to work or for flexitime workers, up to a maximum of 7.4 hours or less depending on their normal working pattern.

*Health screening: cervical screening, breast screening, well man/woman screening

*Immunisations: work-related hepatitis B and influenza

Please refer to Managers' Guidance on Time Off for Medical Appointments on the Council website under Working for Us

15. Open University

You are entitled to up to 5 days with pay for attending an approved Open University Summer School course. Approval is based on attendance at an approved training course in accordance with the Council's qualification training guidelines.

16. Parental Leave

Eligible employees can take **unpaid** parental leave to look after their child's welfare. To qualify you must:

- Have one year's continuous service **and**
- Be a named parent on the child's birth certificate or adoption certificate or expect to have parental responsibility for a child under 18 years old **and**
- The purpose of requesting the leave is to care for a child.

Parental Leave Entitlement

Is 18 weeks unpaid leave (pro rata if part time), to be taken before child's 18th birthday. This also applies to adopted children. The maximum leave you can take in one year is four weeks, although a longer period may be agreed in exceptional circumstances. The leave does not have to be taken in one period.

Parental leave should be taken in blocks of a week or multiples of a week. It Can only be taken in single days if you have specific approval from your manager or if your child is disabled. Time taken as parental leave will be treated as continuous service and annual leave and all other contractual terms and benefits will accrue during this period.

The Council may postpone parental leave for up to 3 months for operational purposes and will provide the reasons for the postponement in writing together with the agreed revised commencement and end dates. It cannot be postponed if it immediately follows the birth or adoption or if postponement means the employee would no longer qualify for the leave.

You have the right to return to your existing post.

If you fall ill during a period of parental leave and you give the Council relevant notification and documentation you will be entitled to pay under the sickness scheme (where applicable) and this period will not count towards your parental leave entitlement.

Applying For Parental Leave

Requests should be discussed with your line manager providing at least 21 days' notice of any proposed days of absence, with a copy of the relevant documentation (either the birth certificate or adoption certificate). You will need to request your time off through Workplace as appropriate. If you do not have access to Workplace please complete the Parental Leave Application Form (on page insert page) submitting the completed form and relevant documentation to HR Services. You will need to record your time off as appropriate to your working arrangements.

See the government website GOV.UK for more detail and to check your eligibility for Parental Leave.

17. Parental Bereavement Leave & Pay

The Parental Bereavement (Leave and Pay) Act 2018, provides an entitlement for bereaved parents of a child to be absent from work for up to two weeks.

Entitlement to Parental Bereavement Leave

Employees who are primary carers for a deceased child under the age of 18 are entitled to parental bereavement leave. This is a day one right i.e. there is no service requirement for parental bereavement leave.

This entitlement is available to any employee with parental responsibility for the child, for example:

- A child's legal parents so both natural and adoptive parents;
- A parents partner;
- Others with a caring relationship to the child*

*This is defined as a person who has lived with the child for at least four weeks continuously and had day to day responsibility for their care, including foster cares. This entitlement also applies to those parents who suffer a still birth 24 weeks or more into pregnancy, although it does not affect a woman's maternity leave entitlement which would be taken prior to any parental bereavement leave.

Bereaved parents will be able to take the leave as one block of two weeks or two blocks of one week. The leave may be taken up to 56 weeks following the death of the child.

This entitlement does not affect other family leave entitlements as it is an additional entitlement.

Notice period

There is no notice period required for leave taken immediately following the bereavement and no requirement to provide evidence as informal notification will suffice. At some point employees will be required to provide a written declaration that they are entitled to parental bereavement leave / pay by completing the Declaration of Entitlement to Parental Bereavement Leave & Pay proforma. Please refer to Advice and Support Team prior to contacting the employee.

Specifically, employees are **not** required to provide either a copy of the death certificate or medical evidence.

For leave taken after the initial bereavement, (56 days), one weeks' notice will be required. Requests should be made through completion of the Declaration of Entitlement to Parental Bereavement Leave & Pay pro-forma.

Parental Bereavement Pay

Parental Bereavement Pay is payable for a maximum of two weeks, at full basic pay, regardless of service and earnings.

18. Paternity Leave

Paternity leave and pay is available for employees whose partner is having a baby, adopting a child, or having a child through a surrogacy arrangement.

Eligibility for Ordinary Paternity Leave (OPL)

To qualify for paternity leave:

- Have or expect to have responsibility for the child's upbringing; **and**
- Be the biological father of the child OR the mother's husband / partner
- Have worked for us continuously for 26 weeks ending with the 15th week before the baby is due, or the end of the week in which the child's adopted is notified of being matched with a child, or the date the child enters Great Britain (overseas adoptions).

Ordinary Paternity Leave

You are entitled to:

5 half days with pay to accompany your partner to antenatal appointments (e.g. Relaxation classes, exercise and parent craft classes, medical appointments). These examples are not exhaustive.

10 days leave with contractual pay (pro rata for part time employees). This is regardless of the number of children born as the result of the same pregnancy.

All days must be taken within 8 weeks of the date of birth (or if the baby is born early within the period from the actual date of birth up to 8 weeks after the first day of the expected week of birth) or within the placement date for adoptive parents.

You do not have to give a precise date when you want to take leave. Instead you can give the general time (e.g. from the day after the birth or from one week after the birth).

You have the right to return to your existing post.

You can take your paternity leave in blocks of one week or as individual days spread throughout the 8 week period. Taking your leave in blocks of one week enables the Council to reclaim some of the costs. If you take your leave in this way you should therefore record it as 'Paternity Leave – Full Week'.

If you prefer to take your paternity leave as individual days, you should record it as 'Paternity Leave – In Days'.

Applying For Paternity Leave

You should notify your manager of the proposed dates of absence in writing prior to the 15th week (week 25) before the expected week of childbirth or as soon as is reasonably practicable and complete your time recording on Workplace as appropriate. If you do not have access to Workplace please complete the Paternity Leave Application Form (on page 27) and submit the completed form to HR Services.

You do not have to provide evidence of pregnancy or birth but must provide notice in writing. You can use form SC3 on the gov.uk website, and forward it to HR Services to help you with this.

In the case of adoptive parents, a copy of the matching certificate should be provided in order to qualify for paternity pay. You must also provide notice in writing and you can use form SC4 or SC5 on the gov.uk website, and forward it to HR Services to help you with this.

If you change your mind about the date on which you want your leave to start you should inform your manager at least 6 weeks in advance (unless it is not reasonably practicable to do so).

Statutory Paternity Pay

To qualify for Statutory Paternity Pay you must meet the eligibility conditions for OPL as stated above. In addition you must have average weekly earnings of at least the lower earnings limit for NI purposes over the 8 week period ending with the 15th week before the EWC (or matching date in the case of adoption).

See the government website GOV.UK for more details on paternity leave and pay.

19. Service in Non-Regular Forces (Reservists)

You are entitled to up to 2 weeks to attend summer camp as a volunteer member of the non-regular forces.

Any request for additional time off to undertake specific non-regular forces training that cannot be undertaken in non-working time will be considered by the Executive Director, taking into account service requirements.

If you are mobilised into full time service, this will be unpaid.

20. Shared Parental Leave

Overview

An entitlement to Shared Parental Leave (SPL) and Shared Parental Pay (ShPP) is available and replaces Additional Paternity Leave and Pay which was previously available to fathers.

SPL enables mothers to end their maternity leave and pay early and to share the untaken balance of leave and pay as SPL with their partner. SPL is designed to allow couples greater freedom to decide how to take their leave and is also available to adoptive parents. Your partner does not have to be employed by the Council to partake in this scheme.

SPL must be taken in blocks of at least one week. Individuals can request to take SPL in one continuous block (in which case an employer is required to accept your request provided that you meet the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case you will need your employers agreement). Each parent can make up to three separate requests.

You can choose how much SPL each of you will take, and you can take it at the same time or separately.

SPL and ShPP pay must be taken between the baby's birth and first birthday (or within 1 year of adoption).

Eligibility and Entitlement

To be able to take SPL, both you and your partner must have at least 26 weeks' continuous employment with your employer by the 15th week before the expected week of childbirth and remain in employment with that employer until the week before any period of shared parental leave you are planning.

You must supply notices to the Council and your partner must supply notices to their employer. These are made up of three elements:

- A 'leave curtailment notice' from the mother setting out when she proposes to end her maternity leave;
- A 'notice of entitlement and intention' from the mother or partner giving an initial (non-binding) indication of each period of SPL that he/she is requesting;
- A 'period of leave notice' setting out the start and end dates of each period of SPL being requested.

Statutory Shared Parental Pay

You can get ShPP if one of the following applies:

- You qualify for Statutory Maternity Pay or Statutory Adoption Pay
- You qualify for Statutory Paternity Pay and have a partner who qualifies for Statutory Maternity Pay or Maternity Allowance or Statutory Adoption Pay

If you think you may be interested in Shared Parental Leave, you should discuss this in the first instance with your manager.

For more details about SPL and ShPP please see the guidance on the Government website GOV.UK. This provides details of the notices you are required to provide as well as templates of letters you can use to apply.

You can check whether you and your partner are eligible for SPL and ShPP.

Alternatively, you can contact HR Services, adjustments team who will be able to provide further advice.

21. Standby and Annual Leave

It is possible and permissible to be on annual leave and on standby at the same time, provided you are available to carry out the standby duty.

However, the Working Time Directive allows for a statutory minimum of 20 days annual leave when you must be on annual leave and cannot carry out any work or standby duty.

22. Study Leave

For approved courses of study, in accordance with the Council's qualification training guidelines, you are entitled to the following (up to a maximum of 3 days):

- If you are not on day release you will receive 1 days paid leave for final revision for each ½ day of examination
 - If you are on day release you will receive ½ day paid leave for each ½ day of examination
-

23. Time Off for Public Duties

Elected Members

If you are an Elected Member of another local authority you are allowed a maximum of 208 hours per year to carry out your public duties.

Other Public Duties

You may apply for paid leave up to 18 days/36 half days per year if you are undertaking public duties for the following: • Magistrates/Justices of the Peace

- Education body – Chair of school / college governors
- Statutory tribunal
- Education body – Chair of school/college governors (other governors see below)
- Statutory Tribunal Police Authority
- Service Authority for National Criminal Intelligence Service or National Crime Squad
- Board of Prison Visitors or prison visiting committee
- Probation Boards
- Member of Court Boards
- Health Authority
- Environment Agency
- Youth Offending Panels
- Members of a panel of lay observers appointed under section 81 of the Criminal Justice Act 1991
- Members of Visiting Committees appointed to monitor the immigration estate
- Members of Visiting Committees appointed to monitor short term immigration holding facilities
- Independent prison monitors in Scotland

Education Body / School / College Governors

You may apply for a maximum of 7 days paid leave and 7 days unpaid leave in a leave year to undertake school / college governor duties. This forms part of the 18 days referred to above if you have more than one role attracting time off for public duties.

The total hours recorded for the day whether classed as 'leave for school governors' or a combination of 'leave for school governors' and working time should not be for longer than the time the employee is planning to work or for flexitime workers up to a maximum of 7.4 hours or less depending on their normal working pattern.

Before committing to public duties, you must seek the approval of your manager. When doing so you should give a clear indication of what level of commitment is likely to be required.

Further reasonable unpaid time off for public duties may be granted at the discretion of your manager.

All time off for public duties is pro rata for part time employees.

24. TOIL (Time Off in Lieu)

If you work additional hours or overtime, and prefer to take time off rather than be paid, you will accrue time off in lieu on an hour for hour basis, i.e. there is no enhancement.

With your manager's prior approval this can be taken off on an hour for hour basis. A specific policy relating to the accrual of TOIL is in development and this guidance will be updated when this is available.

25. Unpaid Leave

The Unpaid Leave Scheme provides an opportunity for you to have an extended period away from work. In exceptional circumstances you can apply for unpaid leave for additional time off when annual leave has been exhausted.

If you wish to apply for unpaid leave please discuss your request with your manager and complete your time recording on Workplace as appropriate. If you do not have access to Workplace please complete the Unpaid Leave Application Form and send to HR Services. Applications for unpaid leave should be made at least 3 months before the proposed start date.

Executive Directors retain discretion over the granting of unpaid leave, however, it will normally be taken for such activities as:

- Caring responsibilities;
- Extended foreign travel;
- Personal development – education or training;
- Voluntary / community work.

Unpaid leave will NOT be granted for you:

- To take up other paid employment
- Where a temporary or permanent reduction in contractual hours would be more appropriate
- Where other time off provisions apply e.g. time off to undertake public duties

Managers should consider before granting unpaid leave:

- The possible effects on service delivery and team workloads
- Any anticipated difficulties in the cost-effective temporary replacement for the period of unpaid leave.

During Period of Unpaid Leave

The maximum duration of unpaid leave will be 12 months.

Depending on individual circumstances, you will be invited to attend regular 'keeping in touch' meetings and should plan regular contact with your manager.

Following Period of Unpaid leave

When you return to work your manager will ensure you are suitably inducted back into the workplace and developments and changes that have occurred during the period of absence will be discussed with you.

Considerations

Continuity of Local Government Service

Periods of agreed unpaid time off will be counted as continuous service with the Council.

Statutory Sick Pay

Your entitlement to statutory sick pay is dependent on the following:

You must have received average weekly earnings above the current National Insurance lower earnings limit for the 8 weeks immediately before taking a period of sick leave.

The National Insurance minimum earnings limit is revised in April each year. Current rates are available from HR Services.

In view of this, if you are in receipt of a low salary, care should be taken when considering a period of unpaid leave as your average pay would be reduced and may result in you not being entitled to statutory sick pay. Occupational sick pay is not payable in a period of unpaid leave.

Statutory Maternity Pay / Statutory Shared Parental Pay

For the same reason given for statutory sick pay above, your entitlement to the receipt of Statutory Maternity Pay or Statutory Shared Parental Pay could be affected if a period of unpaid leave is taken in the 8 weeks immediately before the qualifying week. (The qualifying week is the 15th week before the expected date of childbirth).

National Insurance Related Benefits

A period of unpaid leave could lead to a loss of benefits. You are advised to contact your local benefits office for further advice, prior to making a request for unpaid time off.

Annual Leave Entitlement

For periods of unpaid time-off of less than one month in total, your annual leave entitlement will not be affected.

Where unpaid time-off extends beyond one month in total, your annual entitlement will be proportionately reduced i.e. for each complete month taken, your leave will be reduced by one twelfth.

Calculation of Deductions

The basis for calculating deductions is hours lost per week/month x hourly rate.

Entitlement to Statutory Holidays

Where periods of your unpaid leave exceed one month, there will be no entitlement to statutory holidays should they occur during a period of unpaid time off.

Holiday Pay

If you are on unpaid leave for more than 3 months, then your holiday pay will be reduced accordingly.

Qualification Training

Where you have been supported by the Council to undertake post entry training a requirement exists to remain with the Council for a period of 2 years, or in some circumstances 3 years, following qualification.

If you take an extensive period of unpaid leave, the 2 or 3 year period will be proportionately extended to take this into account.

26. Pension Contributions during Leave

Local Government Pension Scheme

If you are:

1. Moving to reduced contractual pay or nil pay as a result of sickness / injury absence or
2. Moving to reduced contractual pay as a result of
 - ordinary maternity or adoption leave
 - paid additional maternity, adoption or shared parental leave

You will only pay pension contributions on any pensionable pay received in the period of absence, however, the amount of pension you build up is worked out using an average of your usual pensionable pay before the reduction took place. This means that when the pay you receive is less than your normal pay, the pension you build up won't be affected.

3. Moving to a period of nil pay as a result of:
 - unpaid additional maternity, adoption (usually weeks 39 to 52) or shared parental leave
 - unpaid parental leave
 - authorised unpaid leave

You will not automatically build up pension benefits. You can choose to buy back the period of "lost" pension. There are two different ways to do this:

- **Shared Cost Additional Pension Contribution**
If your absence is authorised and you apply within 30 days of returning to work, the costs are shared between you and the Council, with you paying one-third and the Council paying two-thirds of the costs.
- **Additional Pension Contribution**
If you apply after 30 days of returning to work, or your absence is unauthorised, you will be responsible for the full cost, unless the Council determines that exceptional circumstances apply.

Further details are available on Derbyshire Pension Fund's website. You will find links to an online calculator and an application form in the "Increasing your benefits" section for active members: www.derbyshirepensionfund.org.uk/active

Other Pension Schemes

If you contribute to the NHS Pension Scheme or Teachers' Pension Scheme you should contact HR Services for information on the specific rules and options for the relevant scheme.

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Flexible Working Policy



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 - 5.3 Annualised hours
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Version	Date	Detail	Author
1	26/01/2023	Revised to form separate policy from current Employee Leave Schemes & Flexible Working	Scott Davis

1. Purpose

This policy outlines Derbyshire County Council's approach to flexible working to enable managers to lead in a consistent way and provide clarity on the available flexible working options.

2. Scope

This policy applies to all employees of Derbyshire County Council except those employed in schools where the Governing Board is the employer, who are covered by the relevant policies for schools.



3. Context for policy development

Aligned to the Council's People Strategy, our people ambition is to be an **employer of choice** and enable our people to be:

- committed and motivated, being proud to work for Derbyshire and valued for their contribution.
- high performing and engaged, being clear about how their role contributes to the organisation's success and having a voice to participate.
- empowered and challenged to lead at every level, to take opportunities, manage risk and learn from mistakes with regular feedback on their performance.
- valued and trusted to find the right solution based on their knowledge and that of our colleagues, our partners and our wider communities.
- energised to be responsible for their wellbeing and safety and that of their colleagues, supported to create enabling environments to succeed.

Our policy development work enables achievement of our people ambition.

Guiding Principles

- Our culture and associated working arrangements are built on **mutual trust**.
- Derbyshire County Council will support employees to adopt working arrangements that are **operationally viable** and enable us to **meet business/service needs**.
- The Council recognises the importance of **flexibility**, the need to reduce our **carbon footprint** and the importance of personal **wellbeing** in delivering its services to residents and communities. The Council must also ensure that it is able to continue to develop its workforce over time through the **mutual understanding, experience and resilient connections between people** which come from interaction in person.
- All working arrangements should be **agreed with an employee's line manager**.
- All employees are expected to work from a **safe** and **enabling** space (whether onsite or working remotely) and will have a **defined contractual work location**.
- All employees can access and work from **technology enabled workplaces** across the county, considering the most valuable, effective and efficient method of meeting when needed whilst also considering the development of our colleagues.
- All employees can **reside both within and outside** of Derbyshire (within the UK), but should be **visible and accessible both physically and virtually** to ensure we deliver the **best outcomes** for our residents and communities.

4. Flexible working arrangements

The Council promotes work life balance and seeks to support any employee who wishes to work flexibly but this has to be balanced against the needs of the service. If you wish to work flexibly you should initially discuss your request with your manager.

Every employee has a statutory right to ask to work flexibly after 26 weeks continuous service. If you are making your request in relation to a reasonable adjustment under the Equality Act 2010, due to one or more protected characteristics you should state this on the form.

Each request will be considered on an individual basis. In considering your request your manager will need to weigh up the benefits to you and the Council against any adverse business impact of implementing the proposed changes.

The consideration process should be completed within 3 months of receipt of the application, but this time limit can be extended if the employee agrees.

5. Flexible working options

There are a range of flexible working options available to employees. Where flexible working arrangement results in a reduction of working hours, entitlement to annual leave, bank holiday entitlement and other leave scheme entitlements will be adjusted according.

5.1 Part time working

Your hours of work are less than full time (37 hours per week)

5.2 Annualised hours

The number of full time hours in a year is 1924 hours (37 hours per week x 52 weeks per year) which includes your entitlement to annual leave and the statutory bank holidays.

Changing to this method of working still requires you to work the hours stated in the contract, but these do not have to be worked in standard 37 hour week blocks, providing the number of contracted hours is not exceeded or under worked over the 12 month period.

This method of working could be suitable for you and the service if seasonal variations have an impact on your workload.

5.3 Compressed working weeks/fortnights

This form of flexible working follows similar principles to annualised hours, in that your contracted hours still have to be worked, but they are worked over a shorter time period e.g. 4 days per week or 9 days per fortnight. The remaining day would therefore be a non-working day

5.4 Term time only

You may work a reduced number of working weeks when schools are open to students and or there are additional training and operational working days. This requires that your contract of employment will be varied from a 52 week contract to a 38 or 39 working week contract. As a term time employee you will receive an annual salary that will include your pro-rata annual and bank holiday leave entitlement. Your salary will be paid in 12 equal payments.

5.5 Employee profile

The Councils employee profiles as outlined in the Working Arrangements Policy are fixed-based, field-based, flexible or home-based employee.

Employee profiles are assigned to roles determined by the requirements of the role. Any request to change an employee profile would be considered according to the needs of the service and providing that the requirements of the role can be fulfilled.

Requests to adopt a home-based employee profile will be considered in conjunction with the Director of Organisation Development and Policy prior to Executive Director approval. Such requests will only be considered where there is a legal obligation to consider flexible working and/or aligned to the Equality Act, or where this supports a genuine business need.

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Equality Impact Analysis Record Form 2023 – Derbyshire County Council

Introduction and context

Policy/ Service under development/ review		Working Arrangements Policy			
Department/ Corporate		CST HR Reward and Resourcing			
Lead officer		Pete Buckley			
EIA Team:		Pete Buckley, Tanya Causebrook, Lukasz Gazda			
Date analysis commenced:	10/02/2023	Date completed:	27/02/2023	Date approved:	08/03/2023

About the service/ policy or function and the reason for the EIA

<p>What is the purpose of the service, policy or function?</p> <p>This policy has been developed to:</p> <ul style="list-style-type: none"> - outline the available working arrangement options when considering how colleagues undertake their roles; and - provide a framework to support leaders and their teams. <p>It is not intended to be prescriptive, and leaders should use their judgement to determine the most appropriate way for their teams to operate against the framework.</p> <p>This policy applies to all employees of the Council except those employed in schools where the Governing Board is the employer, who are covered by the relevant policies for schools.</p>
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Anticipated outcomes of the policy include efficiency and effectiveness of individuals and teams, realise the benefits of wider cross organisational working and ensure our workforce is fit for the future through a balance of both in-person and remote working.

The policy provides the following four employee profiles aligned to roles and role requirements:

- fixed-base employee
- flexible employee
- field-based employee
- home-based employee

Working arrangements will be based on employees being considered fixed-base, field-based and flexible. In exceptional circumstances, employees may be home-based. The employee profiles will align to roles and role requirements.

Are there any proposals to change these?

This replaces the existing documents namely 'A guide to flexible working by location' and 'A guide to fixed homeworking'.

Supporting evidence about impact

What is presently known about how the current service or policy impacts upon people with a protected characteristic, people from disadvantaged communities, armed forces personnel and other groups outlined in the Council's guidance for EIAs?

The Covid-19 pandemic has significantly changed working arrangements across the organisation with many colleagues now working in a more flexible way. To ensure appropriate, effective and efficient working arrangements operate at the Council now and in the future, it is necessary to introduce a framework that provide clear guidance and consistency in the approach.

It is important to acknowledge that the additional flexibility in both working arrangements and location over the last 3 years have been viewed positively by majority of employees. Further details are included in the section below outlining results of the Working Arrangements Survey.

This policy applies to all employees of Derbyshire County Council except those employed in schools where the Governing Board is the employer, who are covered by the relevant policies for schools.

Recent Equalities Profile for Derbyshire County Council employees indicates the following (January 2023) based on 11,194 appointments:

- Age: 17-25 – 4.7%; 26-35 – 14.3%; 36-45 – 18.98%; 46-55 – 29.4%; 56-65 – 28.9%; 66+ - 3.72%
- Gender: female 79.4% and male 20.6%
- Ethnicity: White British 93.9%, ethnic minority background 3.6%, undisclosed 2.49%
- Sexual orientation: LGB* 2.8, Heterosexual 72.49%), undisclosed 24.71%
- Disability: yes 4.7%, no 91.8%, undisclosed 3.45%
- Religion: Christian 42.2%, any other 1.1%, no religion 31.1%, undisclosed 25.6%

By contract type the Council has 40% (4,519) part time appointments, 40% (4,433) full time appointments and 20% (2,242) relief appointments.

Please detail the sources for the above information

Information taken from SAP.

Is consultation planned/ has consultation take place? If Yes, what is this telling us about the likely impact on the protected characteristic and other communities/ groups etc.?

Joint Trade Unions and Divisional Leads Working Group

The policy has been consulted with Joint Trade Unions and Divisional Leads Working Group between September 2023 and February 2023. The Joint Trade Unions who are supportive of the policy on the basis that it is reviewed in 12 months which the Council have agreed to.

Working Arrangements Survey

- The Council has also undertaken a Working Arrangements Survey in Q3 of 22/23 to understand what arrangements work for people currently and what are their views around future working arrangements. Total of 2,416 responses were received, accounting for 22% of the Council employees.

Main benefits of home and remote working

- Overall men reported slightly more benefits than women, including reduced travel time and costs (84% and 78% respectively) compared to 76% and 71% of women, and improvements to their work life balance (72% men and 67% women).
- 57% of all respondents agree or strongly agree in relation to managing work to help with caring responsibilities. 85% agree or strongly agree they can manage their work to balance work and life. However 4% disagree in relation to caring and over 10% in terms of work life balance.
- 59% of women agreed or strongly agreed that they could managed their work to help with caring responsibilities and 56% of men.
- The 261 disabled employees who responded reported more benefits overall than employees who did not declare that they were disabled, with 80% of disabled employees mentioning less travel time, 75% reduced travel costs, 72% better home life balance and 71% and 69% that they felt more productive and found it easier to focus.

Challenges for individuals when working from home or remotely

- More women had difficulty ensuring suitable breaks (37% vs 29% men) and men were slightly more likely to be concerned about less opportunities for social interaction (59% vs 53% women).
- Part time employees reported less challenges around maintaining a work life balance and switching off than full time employees, and ensuring suitable breaks (28% of part time employees vs 38% full time).
- Employees aged under 25 had the same concerns over social interaction as other groups, but were less concerned about costs, suitable breaks, and difficulties communicating with clients/customers.
- Employees who were backgrounds other than white British or white other (53) , reported more challenges around taking breaks and switching off (43% and 28%) and were slightly more likely to mention difficulty building relationships with colleagues (42%) and communicating with clients (13%).
- Overall, the 261 disabled employees responding reported less challenges than other employees, with the except of costs.

Impact on health when working from home or remotely

- In terms of benefits of flexible and home working, nearly 90% of employees responding to the survey felt that when working from home or remotely their physical and mental health had stayed the same or improved. Employees were more likely to feel their mental health had improved (47%) than physical health (38%), and more likely to feel their physical health had stayed the same (49%) than their mental health (40%). 13% of employees felt their health had deteriorated.

Concerns about future working arrangements

- Fuel and travel costs were a concern for 71% of respondents, and being able to maintain a work life balance for 59%. Other concerns including a potential negative impact on wellbeing (54%) less flexibility (53%) and having to travel more/further (52%) and having to work from an office more (50%).

- 41% were concerned about working from home or remotely less, and 50% about having to work from a workplace more.
- 81% of disabled employees are concerned about fuel and increased travel costs, and 68% about a potential negative impact on their wellbeing and 66% being able to maintain a work life balance.

Other considerations

- 83% of respondents would prefer to work remotely or at home for at least 50% of the week. Only 17% selected to work remotely/at home for 40% (2 days) or less of their time.
- 6% of disabled employees would prefer to work at home or remotely for 50% or more of their time, and 59% would prefer to spend 80% or more of their time working in this way.
- Disabled respondents were more likely to prefer to spend all their time working remotely or at home – 23% compared to 13% non-disabled employees. 20% of disabled employees would prefer not to spend any time in a workplace, compared to 14% of non-disabled employees.

If there is insufficient information to determine likely impact, what information is needed and how will it be obtained in the future?

Mapping exercise for working arrangement profiles is required to better understand employees profiles in relation to different categories, including protected characteristics, and to identify any potential positive and/or negative impacts of implementation.

Part 3. Analysing and assessing the impact by equality Protected Characteristic group

Use the information, customer feedback and other evidence to determine upon whom the policy/ service and any proposed changes will impact upon and how, highlighting where these have a negative, positive or no impact, including where this could constitute unfair treatment, limit access, or result in additional inequality or disadvantage, hardship, or exclusion.

For any identified negative potential impact, you must provide details of any action or options which could mitigate against this, and in serious cases, you should highlight where the Council would be advised not to proceed with a new or changing policy or service, including any proposals which are being considered.

Please use your action plan towards the rear of this document to record the action and the monitoring that will take place to deliver or identify appropriate mitigation.

<i>Protected Characteristic or Group</i>	<i>Positive impact</i>	<i>Negative impact</i>	<i>No impact</i>
All protected characteristics			Considered – no impact
(Please describe)	N/A		
Age			Considered – no impact
(Please describe)	Although employee profiles are not assigned based on age, consideration must be given to any age-related disabilities and reasonable adjustments required – please read the section under disability.		
Disability	Yes		

Protected Characteristic or Group	Positive impact	Negative impact	No impact
(Please describe)	<p>The policy acknowledges that when determining working arrangements, regardless of the employee base, the Council has a duty under the Equality Act to consider making 'reasonable adjustments', to ensure that people with disabilities are not put at a substantial disadvantage by employment arrangements. This includes providing a specialist office equipment as prescribed by Occupational Health or Access to Work arrangements and ensuring relevant support is in place. This must be considered for all employee profiles.</p> <p>For employees who are home-based, and for flexible employees who fulfil part of their duties from home, this could mean they could manage their disabilities better.</p> <p>It could also be attractive to new job applicants, support the Council's commitment under the Disability Confident Scheme and being employer of choice.</p> <p>Any arrangements should be reviewed on a regular basis and adapted as required.</p>		
Gender re-assignment			Considered – no impact
(Please describe)	N/A		
Marriage & civil partnership¹			Considered – no impact
(Please describe)	N/A		
Pregnancy & maternity	Yes		
(Please describe)			

¹ Under EA 2010 – someone in a CP must not be treated less favourably than a married person

Protected Characteristic or Group	Positive impact	Negative impact	No impact
	As an employer the Council is required to support pregnant workers and breastfeeding mothers who are entitled to more frequent rest breaks. When agreeing working arrangements any such needs must be considered. This includes providing a private and hygienic space and for somewhere to lie down and rest if necessary.		
Race & ethnicity			Considered – no impact
(Please describe)	N/A		
Religion/ belief²	Yes		
(Please describe)	Working arrangements may impact staff who wish to have access to prayer/quiet contemplation room when at work. For employees observing fasting, e.g. Ramadan, flexible working arrangements and opportunity to work from home can be more helpful, as sleeping habits and eating patterns vary from normal. Some employees might therefore find it beneficial and easier to manage.		
Sex or gender³	Yes		
(Please describe)	<p>The Council acknowledges that more flexible working arrangements will support those with caring responsibilities and continues its commitment to our flexible working policy.</p> <p>As one of key deliverables within the Wellbeing Strategy, the Council will be providing more support and guidance on menopause in relation to the place of work. This must include consideration of working arrangements and how best to support individuals in specific settings.</p>		

² Under EA 2010 – must also consider non-religious belief

³ Sex and gender can be used at different times depending upon whether you are referring to the EA 2010 and the different duties which exist

Protected Characteristic or Group	Positive impact	Negative impact	No impact
Sexual orientation			Considered – no impact
(Please describe)	N/A		
Human Rights			Considered – no impact
(Please describe)	N/A		
Armed Forces personnel/ households			Considered – no impact
(Please describe)	N/A		
Users of British Sign Languages	Yes		
(Please describe)	The Council must ensure that relevant reasonable adjustments requirements are considered and in place for employees who are deaf and are users of British Sign Language. Relevant arrangements can be discussed with Occupational Health.		
DCC Employees	Yes	Yes	
(Please describe)	<p>Positive In overall terms, there are clear benefits to be gained by introducing a policy on working arrangements and employee profiles which are outlined within the policy document.</p> <p>The degree to which this provides more flexibility for employees is likely to vary from individual to individual as aligned to their roles and role responsibilities.</p>		

Protected Characteristic or Group	Positive impact	Negative impact	No impact
	<p>Negative Due to an increasing cost of living, there is a potential negative impact on lower socio-economic groups, therefore as a part of monitoring of the policy implementation it is important to monitor this and any potential issues that could have a negative impact on employees.</p>		
Community and Voluntary sector organisations working with protected characteristic groups			Considered – no impact
(Please describe)	N/A		
Other not listed above	Yes	Yes	
(Please describe)	<p>Positive Positive environmental impact by reduced car use for commuting for home-based and flexible employees; changing printing habits resulting in lower business costs and impact on the environment, providing that the use of technology is maximised where possible.</p> <p>Continued working from home some of the time could be seen as attractive to new job applicants and expand a talent pool of potential candidates.</p> <p>Negative Potential for increasing negative health behaviours such as not taking regular breaks resulting in 'homeworking fatigue' and 'burnouts', more sedentary working hours or increased snacking.</p> <p>To support our new working arrangements, the Council has produced additional guidance (working from home, working from a flexible office workspace and wellbeing guidance) and a risk assessment to support working at home.</p>		

Part 4. Summary of main findings

Introduction of the policy gives the Council an opportunity to ensure that appropriate, effective and efficient working arrangements are in place. The policy will be applied to all employees equally, regardless of their protected characteristics, based on people's role and role responsibilities.

The Council needs to ensure that it meets the needs of employees with disabilities to consider and make reasonable adjustments. Managers have a crucial role in engaging with their teams throughout the process, to discuss any additional needs openly and in confidence.

As an employer the Council is committed to our flexible working policy and will support those with caring responsibilities. The Employee Leave Scheme and Flexible Working Guidance should be considered in conjunction with this policy and signposts managers to do so.

More often, working arrangements is a factor for people in choosing a career path, therefore a clear offer and approach will have a potential to broaden a talent pool and attract skilled people to the organisation. Something the Council must capitalise on and remain competitive in the market, aligned to being an employer of choice.

It is important to better understand the relation between employee working arrangement profiles, demographic make-up of employee profiles (including protected characteristics) and other relevant categories (e.g. part time/full time, employee grades). This could help to identify any potential positive and/or negative impacts of the implementation of specific categories of employees. This must be monitored as a part of the employee profiles mapping exercise and as a part future review of this policy.

Are there any recommendations for changes to proposals?

Proposed Equality Action Plan

Please complete this Action Plan to outline any mitigation you intend to take.

Issue identified	Action required to reduce impact/ mitigate	Timescale and responsibility	Monitoring and review arrangements
Need to understand employee profiles following categorisation.	As a part of mapping exercise of employee profiles undertake an analysis of profiles based on relevant categories, including protected characteristics.	End of March 2023 Lukasz Gazda / Pete Buckley	12 months following implementation

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Date and outcome of any Cabinet/ Cabinet Member or Council Report to which this was attached and their decision:

Appointments and Conditions of Service Committee – 8th March 2023.

Equality Impact Analysis Record Form 2023 – Derbyshire County Council

Introduction and context

Policy/ Service under development/ review		Travel Policy			
Department/ Corporate		CST HR Reward and Resourcing			
Lead officer		Scott Davis			
EIA Team:		Scott Davis, Pete Buckley, Lukasz Gazda			
Date analysis commenced:	10/02/2023	Date completed:	27/02/2023	Date approved:	08/03/2023

About the service/ policy or function and the reason for the EIA

<p>What is the purpose of the service, policy or function?</p> <p>The purpose of this policy is:</p> <ul style="list-style-type: none"> • To provide a structured framework to claiming work related travel expenses • To outline the Council's approach to the requirements and eligibility for pay and allowances for undertaking work related journeys and excess travel arrangements for employees who's are redeployed or move work base • To ensure that travel expenses are claimed in a consistent, accurate and timely manner • To provide guidance on mileage allowance <p>Work related travel is defined as any journey undertaken in the direction of your duties, this includes attending seminars, conferences, ad hoc training and vocational training funded by the Council. The Policy applies to all employees, student on placement and volunteers.</p>
<p>Are there any proposals to change these?</p> <p>The Travel policy replaces the current Travel Guide but the purpose of the policy remains unchanged.</p>

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Supporting evidence about impact

What is presently known about how the current service or policy impacts upon people with a protected characteristic, people from disadvantaged communities, armed forces personnel and other groups outlined in the Council’s guidance for EIAs?

This Policy affects all working for the Council and will be applied to all employees equally, regardless of their protected characteristics. The Policy reflects the claimable mileage and travel time reflective of the employees profile type.

The policy also applies to student placements and volunteers who are not employed by the Council who are eligible to make work related travel claims.

Equalities Profile Derbyshire County Council employees as of January 2023:

- Age: 17-25 – 4.7%; 26-35 – 14.3%; 36-45 – 18.98%; 46-55 – 29.4%; 56-65 – 28.9%; 66+ - 3.72%
- Gender: female 79.4% and male 20.6%
- Ethnicity: White British 93.9%, ethnic minority background 3.6%, undisclosed 2.49%
- Sexual orientation: LGB* 2.8, Heterosexual 72.49%), undisclosed 24.71%
- Disability: yes 4.7%), no 91.8%, undisclosed 3.45%
- Religion: Christian 42.2%, any other 1.1%, no religion 31.1%, undisclosed 25.6%

Please detail the sources for the above information

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Information taken from SAP.
Is consultation planned/ has consultation take place? If Yes, what is this telling us about the likely impact on the protected characteristic and other communities/ groups etc.?
Consultation has taken place locally with the Joint Trade Unions who are supportive of the policy on the basis that it is reviewed in 12 months which the Council have agreed to.
If there is insufficient information to determine likely impact, what information is needed and how will it be obtained in the future?
N/A

Part 3. Analysing and assessing the impact by equality Protected Characteristic group

Use the information, customer feedback and other evidence to determine upon whom the policy/ service and any proposed changes will impact upon and how, highlighting where these have a negative, positive or no impact, including where this could constitute unfair treatment, limit access, or result in additional inequality or disadvantage, hardship, or exclusion.

For any identified negative potential impact, you must provide details of any action or options which could mitigate against this, and in serious cases, you should highlight where the Council would be advised not to proceed with a new or changing policy or service, including any proposals which are being considered.

Please use your action plan towards the rear of this document to record the action and the monitoring that will take place to deliver or identify appropriate mitigation.

Protected Characteristic or Group	Positive impact	Negative impact	No impact
All protected characteristics			Considered – no impact
(Please describe)	N/A		
Age			Considered – no impact
(Please describe)	N/A		
Disability	Yes		
(Please describe)	<p>Flexibility around options for support travel available (e.g. claiming for taxis or public transport fares).</p> <p>If employees have a health condition and need help with travelling to work, they can apply to Access to Work – a government programme providing practical and financial support through a grant to assist employees at work. Employees are required to apply directly to Access to Work. Access to Work can only pay towards travel costs needed because of employee’s disability or health condition.</p>		
Gender re-assignment			Considered – no impact

Protected Characteristic or Group	Positive impact	Negative impact	No impact
(Please describe)	N/A		
Marriage & civil partnership⁴			Considered – no impact
(Please describe)	N/A		
Pregnancy & maternity			Considered – no impact
(Please describe)	N/A		
Race & ethnicity			Considered – no impact
(Please describe)	N/A		
Religion/ belief⁵			Considered – no impact
(Please describe)	N/A		
Sex or gender⁶			Considered – no impact
(Please describe)	N/A		
Sexual orientation			Considered – no impact
(Please describe)	N/A		

⁴ Under EA 2010 – someone in a CP must not be treated less favourably than a married person

⁵ Under EA 2010 – must also consider non-religious belief

⁶ Sex and gender can be used at different times depending upon whether you are referring to the EA 2010 and the different duties which exist

Protected Characteristic or Group	Positive impact	Negative impact	No impact
Human Rights			Considered – no impact
(Please describe)	N/A		
Armed Forces personnel/ households			Considered – no impact
(Please describe)	N/A		
Users of British Sign Languages			Considered – no impact
(Please describe)	N/A		
DCC Employees			
(Please describe)	<p>All staff are in receipt of the same travel and expenses rates. However certain employee groups are more likely to claim travel expenses because of the nature of their role.</p> <p>Due to the profile of those employees, majority of those affected by the policy include employees within Social Care and Inclusion job family. Based on travel claims in the previous 12 months, claims from the Social Care and Inclusion job family accounted, while for 66% of all claims. 17% of all travel claims in the past 12 months were made by social workers.</p>		
Community and Voluntary sector organisations working with protected characteristic groups			Considered – no impact

Protected Characteristic or Group	Positive impact	Negative impact	No impact
(Please describe)	N/A		
Other not listed above			Considered – no impact
(Please describe)	N/A		

Part 4. Summary of main findings

The policy will be applied to all employees equally, regardless of their protected characteristics. Employees will claim travel expenses and travel time in accordance with their employee profile and all those within the given employee profile will be entitled to claim travel and expenses consistently in accordance with the policy.

Additional support for employees with disabilities for travel to work expenses might be available through Access to Work government scheme, providing employees meet relevant criteria. Employee with disabilities who have a health condition or a disability and need help with travelling to work are required to apply directly to Access to Work. Further guidance is required on the Access to Work procedure and the role of relevant departments (i.e. Occupational Health).

Are there any recommendations for changes to proposals?

No

Proposed Equality Action Plan

Please complete this Action Plan to outline any mitigation you intend to take.

Issue identified	Action required to reduce impact/ mitigate	Timescale and responsibility	Monitoring and review arrangements
Provision for travel expenses to work through Access to Work scheme for employees with disabilities	Develop clear guidance on Access to Work scheme for employees with disabilities eligible to claim travel costs to work because of employees' disability or health condition.	Occupational Health EDI Manager	Monitored through the EDI Workforce Workstream and 23/24 Action Plan

Date and outcome of any Cabinet/ Cabinet Member or Council Report to which this was attached and their decision:

Appointments and Conditions of Service Committee – 8th March 2023

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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

APPOINTMENTS & CONDITIONS OF SERVICE COMMITTEE

WEDNESDAY, 8 MARCH 2022

Report of the Interim Director of Organisation Development & Policy

Performance Management Policy

1. Purpose

- 1.1 To outline the proposed Performance Management Policy for all employees, including executive directors and graduate and apprentice placements, but excludes those employed in schools where the Governing Body performs the function of the employer. It also excludes the Managing Director who is subject to the Managing Director's appraisal process approved by ACOS in May 2022.

2. Information and Analysis

Following a review of My Plan, the current performance management process, a trial of a revised approach for c.200 senior leaders at grade 14 and above was launched in May 2021. This interim process, the Performance Development Review (PDR), aimed to support the organisation to develop a high-performance culture and ensure alignment with the newly defined leadership behaviours and associated competency framework for senior leaders. PDR is in the second year of pilot and all other My Plan users continued to use the My Plan process.

On 24th May 2022, ACOS approved the interim PDR framework and noted the intention to seek feedback in order to determine the approach to be deployed during 2023/24. This policy aims to outline the principles of an organisational approach to employee performance management

and detailed guidance will underpin the policy on how the PDR will be applied.

2.1 **Review of My Plan and the PDR Pilot**

A review of both the My Plan and PDR processes took place in November 2022. All employees were invited to complete a survey and to attend a focus group and c.400 were involved.

2.1.1 **My Plan Feedback**

The following is a high-level summary of what colleagues' feel is working well:

- Helps development of colleagues - those who want to develop are engaged in My Plan
- Objective setting / planning
- 1-2-1 time including focus on well-being
- Supervision, where used, is seen as relevant and well regarded

The following is a high-level summary of what colleagues' feel isn't working well:

- 'One size fits all' doesn't work, role dependent
- Duplication, differences in various processes
- Unclear purpose - launched as development tool, perceived as performance management
- Lack of 'ownership', engagement and understanding of value / benefits
- Link to career progression
- Not everyone wants to develop

2.1.2 **PDR Feedback**

The following is a high-level summary of what colleagues' feel is working well:

- PDR is valued as a process
- The digital PDR App is easy to access and use
- Having a Competency Framework and rating system helps to manage performance
- The inclusion of helpful prompts ensures that it's easy to have a meaningful conversation about career aspirations
- The talent reviews add value to the process and ensures the process remains transparent

The following is a high-level summary of what colleagues' feel isn't working well:

- Validating completion needs a consistent approach
- Understanding and applying competency framework
- Development around app functionality – needs continuous improvement
- Leaders have requested to use PDRs with lower grades of managers

2.1.3 **Feedback from the Engagement Forums**

In addition, feedback was gained during the engagement forums in 2022, where employees referred to the lack of 1-1-time with their line manager, which they felt was essential to improve communication, gain regular feedback, maintain positive wellbeing, and feel valued.

2.2 **Performance Management Policy Proposal**

As a result of all the above, it is proposed to cease the My Plan process and introduce the PDR process for all employees with effect from 1st April 2023. The Performance Management Policy attached has been updated to reflect this, based on the interim framework approved by ACOS on 24th May 2022.

The implementation of this policy will be phased over coming years, with the following versions of PDR in effect from April 2023 as follows:

- **Grade 14+ Senior Leaders** – end the 2-year pilot and continue with the current PDR process using the digital App, with an annual Talent Review (no change).
- **Executive Directors** – continue with the current PDR process as above, along with the current additional 360-degree feedback mechanism.
- **1,600 Leaders who manage one or more people** (and therefore will be participants of the Leadership Development programme) – introduce the goal setting, personal development plan, career conversation and 1-1 elements of the PDR process along with a competency framework suitable for managers. Employees will not be rated at the end of the year and therefore not be part of the Talent Review. As the digital App does not have the capability to scale up to the volume of users required, this will be administered via a Word document and therefore we will not be able to report on completion or quality assure the content.
- **All colleagues that do not manage a team who currently use My Plan** – introduce as per 1,600 leaders minus a competency framework.

- **All colleagues who do not currently use My Plan** – to have a regular 1-1 with their line manager.
- **Supervision users** – using PDR as per the above depending on their grade and management responsibilities, folding the Supervision elements into 1-1s.

This is summarised in the table below:

PDR Elements	Grade 14 or above leadership roles (c.200)	All colleagues undertaking a leadership role below Grade 14, with a direct team, who formally use My Plan (c.1,600)	All colleagues that do not manage a direct team, who formally use My Plan currently	All colleagues that don't formally use My Plan
Goals	Y	Y	Y	N
Career Aspirations	Y	Y	Y	N
Personal Development Plan	Y	Y	Y	N
Regular 1-1s	Y	Y	Y	Y
Feedback	Y	Y	Y	N
Competency Framework	Y	Y	N	N
Performance & Potential Ratings	Y	N	N	N
Talent Review	Y	N	N	N
Start, Mid & End of Year Review	Y	Y	Y	N
Digital App	Y	N (Word)	N (Word)	n/a

3. Consultation

- 3.1 All of the above feedback has been shared with trade union representatives. The PDR Digital App has been demonstrated, along with the details of the content of the PDR process.
- 3.2 Trade union representatives are in broad agreement with the principles of the revised Performance Management Policy. However, they strongly object to the use of the word 'performance' both within the title and body of the policy, albeit this exists currently. This is due to their view that there is a perception that performance management is only viewed negatively within the organisation and that managers fail to deal with performance issues competently.
- 3.3 Avoiding the word 'performance' is not the solution to change the culture, this will only be achieved when leaders recognise good performance and deal with poor performance appropriately. It is important that line managers are trained to deal with all the aspects of performance management so that employees are supported to perform to a high standard.

4. Alternative Options Considered

- 4.1 The current PDR trial could be ceased, and the My Plan process could be reapplied to all employees. However, My Plan focuses predominantly on employee development as opposed to the wider employee performance management remit of setting smart goals with development plans aligned to goals and career aspirations supported by regular 1-1 conversations. My Plan does not align with the development of the leadership behaviours and the competency framework for leaders.

5. Implications

- 5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

- 6.1 None.

7. Appendices

7.1 Appendix 1 – Implications

7.2 Appendix 2 – Performance Management Policy

8. Recommendation(s)

That Committee:

- a) Approves the proposal to cease the My Plan process and introduce the PDR process as the replacement for all employees with effect from 1st April 2023.
- b) Notes the intended implementation plan for rollout of the policy.

9. Reasons for Recommendation(s)

- 9.1 Ensure a consistent performance management approach for all employees.
- 9.2 Enable a comprehensive approach to performance management focused on ensuring line of sight through clear objective setting, developing capability linked to career aspirations and development planning with regular 1-1s to provide ongoing support.

Report Author: Sally Pearson
Contact details: sally.pearson@derbyshire.gov.uk

Appendix 1

Implications

Financial

- 1.1 There are no financial implications arising from this report, any training costs associated with the recommendations in this report will be carried out by staff within Organisation Development and Policy and any additional costs will be negligible.

Legal

- 2.1 The Appointments and Conditions of Service Committee approve corporate employment policies which form the terms and conditions of council employees, other than minor or technical changes to existing policies.

Human Resources

- 3.1 As outlined in the report

Information Technology

- 4.1 A digital PDR App has been developed with support from ICT to improve the effectiveness of the current trial of the framework. This App does not have the capacity to scale up to the required numbers in 2023/24, so the current senior leaders will continue to document PDRs in the App. PDRs will have to be saved in a Word document on the employee's file for all remaining employees.

Future system requirements will be considered aligned to the longer-term approach to the HR systems strategy along with any associated funding requirements, in order to be able to monitor and record performance management.

Equalities Impact

- 5.1 None.

Corporate objectives and priorities for change

- 6.1 The PDR process enables goal setting to align to the council and service plans across the organisation and support the overall Council ambition.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None.

Performance Management Policy



Contents

- 1. Purpose**
- 2. Scope**
- 3. Key principles**
- 4. Employee Performance Management Cycle**
- 5. Roles and responsibilities**
- 6. Evaluation and review**

Version	Date	Detail	Author
V.01	15\03\2016	First draft of the policy review	Sally Hunter
V.02	28/03/2017	Links and dependencies and reference to Capability Procedure	Sally Hunter
V.03	30 01 2023	Introduction of the PDR framework	Sally Pearson

1. Purpose

This policy sets out the Council's commitment to a high-performance culture.

It introduces a Performance Development Review framework that enables employee performance by creating clear goals aligned to the Service and Council Plans. The career aspirations and development needs of individuals are discussed and understood with personal development plans implemented to support.

The framework is complemented by the essential element of regular conversations through 1-1s or Supervision. These are open and honest discussions, providing continuous feedback with the aim to support and to improve individual performance. It is also a chance to recognise achievements and make individuals aware of any areas for improvement with the necessary support provided.

Performance issues can be prevented or avoided through supportive day to day management. Employees who receive clear and measurable goals, as well as a regular chance to discuss progress and raise any concerns are more likely to perform to a high standard.

2. Scope

This policy applies to all employees including executive directors and graduate and apprentice placements but excludes those employed in schools where the Governing Body performs the function of the employer. It also excludes the Managing Director who is subject to the Managing Director's appraisal process.

It encompasses the following processes which each have their own separate guidance/procedure:

- Performance Development Review Guidance
- Supervision Guidance
- Development Discussion Guidance
- Performance Capability Procedure
- Attendance Management and Ill Health Capability Procedure

Where 1-1 is referenced, this can be interchanged with Supervision where relevant to each service. It is intended to complement the Supervision practice in Adult Social Care and Health and Children's Services, which will be maintained in line with the Skills for Care and the Children's Workforce Development Council's 'Providing effective supervision' requirements. It will also complement any other professional supervision.

Supervision will remain a feature for individuals who are required to demonstrate specific professional competencies or achievements to retain their right to practice, such as Social Worker registration or regulation requirements.

3. Key principles

A Performance Development Review (PDR) completed at the start, mid-point and end of year focusing on:

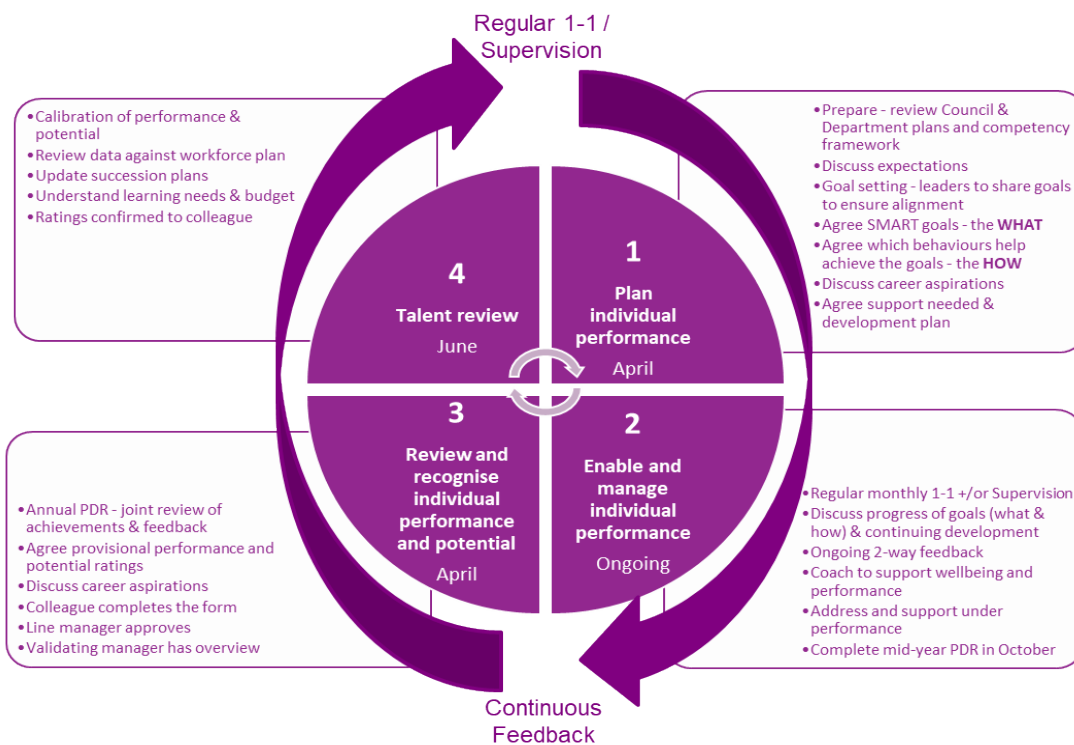
- Clear Goals
- Career Aspirations
- Personal Development Plans
- Feedback on performance

Regular conversations take place monthly through 1-1 or Supervision to discuss performance throughout the year and discuss:

- Wellbeing
 - Progress on goals
 - Development plan and action
 - Recognition of good performance
 - Feedback on any areas of concern and support required
-

4. Employee Performance Management Cycle

The employee performance management cycle is an annual process with four stages:



4.1 Plan individual performance

The start of the year is the opportunity to discuss expectations and agree clear goals for the coming year and recorded as part of the PDR. It is very much a two-way process and will also focus on career aspirations and agreement of a personal development plan needed to support both the achievement of goals and career aspirations.

4.2 Enable and manage individual performance

4.2.1 Regular 1-1s and Supervision

Regular 1-1 meetings throughout the year are an important part of the process and it is suggested that these take place every month. The aim is to maintain focus and support for individual wellbeing, progress towards goals and development action plans, and to give feedback on behaviours.

Regular 1-1 or Supervision conversations provide the opportunity to discuss any concerns promptly, allowing time to discuss how to resolve in a supportive manner. Early intervention increases the chance that performance will improve to the expected level. Individuals who are not performing to the

expected level and not meeting goals should be given a fair and reasonable opportunity to improve, with the support of their manager.

4.2.2 Performance Capability Procedure

Where the individual's performance does not improve to the required standard, the employee will be informed that the management of their performance is moving to the Performance Capability procedure. This procedure sets out the key principles and the process for managing under performance through both informal and formal stages.

4.2.3 Attendance Management and Ill Health Capability Procedure

Where poor performance is due to ill health, the Attendance Management and Ill Health Capability procedure should be used.

4.2.4 Mid-Year PDR

A mid-year PDR should be completed and recorded halfway through the year to review and reflect the progress of goals and consider any realignments. For example, maybe a goal has been completed so another could be added, or the direction of a goal has been changed and could be amended.

4.3 Review and recognise individual performance and potential

The year-end PDR is a time to reflect on the year:

- Review and recognise performance against goals and feedback
- Reflect on progress towards career aspiration
- Review progress of the development action plan
- Confirm end of year performance and potential ratings (if applicable)

There should not be any surprises as the regular 1-1s will ensure that all the above are discussed on an ongoing basis.

4.4 Organisation Talent Review

The Talent Review is applied to senior leaders at grade 14 and above only.

The purpose of the talent review will be to:

- calibrate performance and potential ratings to ensure a consistent approach across divisions and departments; final ratings will be confirmed to colleagues after the review
- review the talent by department and across the whole organisation to understand current and future gaps against the workforce plan

- consider career progression potential in workforce planning, to support achievement of Council priorities and seek to address organisational skills gaps
- update succession plans

The Employee Performance Management Cycle should be applied in the main, however, this may vary according to the service situation. The PDR guidance provides examples of approaches that could be adopted.

Guidance and documentation for PDR is available to support this policy.

5. Roles and responsibilities

5.1 All employees have a responsibility to:

- ✓ Undertake their contractual responsibility to achieve a satisfactory level of performance. All employees are required to take part in the PDR process
- ✓ Actively engage in personal development planned as part of the PDR process
- ✓ Seek clarification of any points not fully understood around the feedback they receive on performance and any expected actions they are asked to undertake to improve performance

5.2 Line managers have a responsibility to ensure the following:

- ✓ Job and Person Profiles accurately convey the main purpose and scope of the posts within their team and new appointees have been properly assessed at interview against the Person Profile for the job
- ✓ All employees have the opportunity to discuss and agree goals and expected levels of performance and understand how these contribute towards the wider team, service and council objectives
- ✓ Performance is managed on a regular basis and the PDR process is used to ensure high quality feedback and discussion on performance is available for all employees
- ✓ Priority development needs are identified in line with service priorities and personal development activity and review takes place as part of the PDR process
- ✓ Workforce development is planned in line with service and team priorities and within available resources
- ✓ High levels of performance are recognised and recorded and built upon to encourage a culture of continuous improvement

- ✓ Poor performance is identified, discussed and action taken to support improved performance
- ✓ Where poor performance indicates a move into formal performance management, such as the Performance Capability or Attendance Management and Ill Health Capability Procedure, this is made clear to the employee and the correct procedures are followed

5.3 The Human Resources team have the responsibility to:

- ✓ Ensure all aspects of the performance management process are fair and equal both in practice and in regard to legislation
 - ✓ Provide support and advice to managers on the implementation and appliance of the performance management policy and related processes
 - ✓ Regularly review guidance and resources that support performance management to ensure they reflect up to date practice and are fit for purpose
 - ✓ Record the completion of PDRs, where a system enables this.
-

6. Evaluation and review

Embedding this policy and related procedures in an organisation as large and diverse as Derbyshire County Council will require regular reviews and where necessary updating of support and guidance and the policy itself.

The HR team will work with management teams to carry out this evaluation and review every 3 years as a minimum.

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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE

WEDNESDAY, 8 MARCH 2023

Report of the Interim Director of Organisation, Development & Policy

Approve revisions to the existing Recruitment and Selection Policy, approve the adoption of the Probation Policy and Reference Policy

1. Purpose

1.1 For the Committee to approve revisions to the existing Recruitment and Selection Policy, the adoption of a new Probation Policy and the adoption of a new Reference Policy.

1.2 The purpose of these changes is as follows:

1.2.1 Recruitment and Selection Policy - to modernise recruitment practices to allow the council to better compete in the current employment market.

1.2.2 Probation Policy - to facilitate early performance management interventions for new employees of the Council.

1.2.3 Reference Policy – to make the reference process more efficient by moving the responsibility for completing reference from management to Human Resources Services

2 Recruitment and Selection Policy (Appendix 2)

2.1 Following the restructure of the Council's recruitment function in November 2021, a review of the Recruitment and Selection Policy has been undertaken, in order to ensure that the Council is able to attract the highest number of quality candidates to vacant roles.

2.2 The proposed changes to the Policy, include:

- a. Section 4 Highlighting the Recruitment Team's responsibility to uphold and improve the Council's external image and reputation through high-quality, well-informed marketing content. This is to emphasise the central role of promoting the Council's overall employer brand in social media eg LinkedIn, Facebook etc, in print media and in person at recruitment events etc
- b. Section 4 Hiring Manager responsibility to work with Recruitment Campaign Leads to build effective campaigns and promote equality, diversity, and equality throughout the Council. This is to promote the need for proactive recruitment campaigns and activities, not just relying on a 'one size fit all' approach.
- c. Section 6 Flexibility in the advertising and selection process for vacancies. Emphasise that the Council can decide to accept CVs for certain roles. Create a wider route to market and introduce more options than the classic competency questioning for interviews such as in-tray exercises, assessment centres etc. The use of CVs will allow the Council to attract a wider pool of candidates, particularly in some sectors where use of CVs may be more commonplace eg IT.
- d. Section 7.3 Flexibility to move employees into secondments without the need of a formal recruitment process, aligned to the use of succession planning. Where a formal succession plan is in place
- e. Section 9 Pre-emptive interviewing. The option to interview prior to the advert close date will enable quicker action on candidate selection and advantage over other employers. This could mean that by closing date of the recruitment campaign all suitable candidates have been interviewed already and that an offer can be made much sooner than holding an interview process a week or so after the closing date. No employment offers will be made prior to closing date to ensure that all candidates who wish to apply can do so.
- f. Section 10 To recognise that the interview process may now have include online selection processes such as interviews, in-line with a hybrid way of working – video interviews and assessments now in policy as acceptable where appropriate.
- g. Section 10 Introduction of interview scoring template and values-based questioning. This is to standardise the Council's corporate approach to selection processes rather than relying on a variety of local approaches, in order to ensure candidates are selected through a robust process.
- h. Section 11 Stronger, data driven approach to Equality, Diversity, and Inclusion. The use of data to be used in informing campaigns and selection activities.
- i. Section 13 Customer Service Advisors to consider references as acceptable if no adverse comment is given on reference response,

without seeking hiring manager approval. Most employers now provide job title and dates worked to and from. This is to reduce the delay in getting a response back from the manager and help reduce time to hire ie the time from offer to start date.

- j. Section 14 Pre-employment checks – Amending the need for a Certificate of Good Conduct required if applicant has lived or worked outside of the UK to any period of 6 months or more in the past 5 years, in line with other local authorities. This is being introduced as obtaining a Certificate of Good Conduct for periods over 5 years ago can be onerous and, in many cases, can be impossible.

3 Probation Policy (Appendix 3)

- 3.1 Currently the council has no probation period for new employees, which means that any serious conduct or performance issues would need to be addressed through use of the Council's Disciplinary Procedure and Performance Capability Procedure.

It is proposed that the Probation Policy commences on 1 April 2023 and applies to all new employees to the Council from 1 April 2023 going forward. It would not retrospectively apply to appointments made before 1 April 2023.

The probation policy sets out how the Council would address performance, conduct and attendance issues in the initial period of employment and would allow for shorter process leading to dismissal, if considered appropriate for example, if performance, capability or attendance was not at the required level. The policy sets out that:

- New employees would have an initial probationary meeting where managers set objectives on the expected level of performance and behaviours expected.
- Managers would hold monthly meetings with new employees to support and monitor performance, conduct, timekeeping and attendance
- Managers would deal with concerns as they arise
- Managers would seek feedback from supervisors, colleagues and other managers in respect of the new employee
- Managers would provide feedback to new employees about their performance.
- Probation periods may be extended beyond six months if performance or conduct has not been able to be established eg for sickness reasons or if there are concerns regarding performance, conduct or attendance.

- Towards the end of the probationary period the manager would hold a final probationary meeting with the employee with one of three potential outcomes, which are:
 - confirm the appointment, or;
 - extend the probationary period, or;
 - invite the employee to a probation hearing with the possibility of dismissal.
- The probation hearing would then be heard by a manager authorised to consider dismissal of the employee. If dismissal was to occur the employee would have the right to appeal against dismissal.

4 Employment Reference Policy (Appendix 4)

4.1 Currently there is no policy in place regarding managers providing employment references in respect of current or past colleagues to potential new employers. In practice, this means that managers provide references in a number of ways including completing the potential new employers pro forma or writing out a bespoke reference providing a mixture of employment details such as start date and job title, in addition to opinions on performance and conduct.

While there is no absolute duty for an employer to provide a reference, any reference supplied should be based on fact and not provide a misleading impression to a prospective employer.

Furthermore, many employers now only provide basic factual details in references rather than provide commentary on performance and conduct, as any such opinions could subsequently be challenged by the colleague (who has a right to see any reference).

The key points of the policy include:

- Making the Human Resources function responsible for providing employment references for current or previous colleagues
- That general employment references supplied in respect of current to previous colleagues will be factual references as set out in Appendix 1 of the policy.
- That employment references in respect of safeguarding roles supplied in respect of current to previous colleagues will be factual references as set out in Appendix 2 of the policy.

- That managers will only be able to supply references in a personal capacity and not use the Council's headed paper or email address.

Introduction of the policy would remove the task of producing references from managers to complete references, In addition, the Audit department in a recent audit report have recommended that a Reference Policy is put in place to reduce the risk of any claims for misrepresentation being made by employers or colleagues, through the use of subjective or unsubstantiated opinions in references.

5 Consultation

- 5.1 Consultation has taken place with Joint Trade Union representatives through two meetings on the three policies.
- 5.2 Joint Trade Union representatives, while appreciating the need to attract candidates and act swiftly in a highly competitive employment market:
- expressed opposition to the use of CVs and interviewing prior to closing date and such feedback has been considered.
 - Considered the introduction of a probation policy unnecessary with their view being that if managers follow the induction processes correctly then a) there would be fewer issues in the initial employment period, and b) if there were issues, the existing Disciplinary and Performance Capability procedures can be utilised.
- 5.2 Officers, having consulted with trade union representatives, consider the revisions to the Recruitment and Selection Policy, the Probation Policy and Reference Policy are consistent with the development of the Council's People Strategy.

6 Alternative Options Considered

- 6.1 An alternative consideration could be not to adopt the revisions to the Recruitment and Selection Policy. However, it is considered that this would hinder the development of the Council's recruitment effectiveness in a competitive employment market.
- 6.2 An alternative consideration to not adopting the Probation Policy would be to continue to use the Council's existing Performance Capability Procedure and Disciplinary Procedures. However, these policies generally require more time to use than a probation policy and can mean that new colleagues who may not be a good fit for the Council, remain in employment with underperformance or conduct issues not

being fully tackled at the early stage that a probation policy easily allows.

- 6.3 An alternative option to not adopting the Reference Policy would be to continue in the current state, ie managers providing references in varying formats. However, a more consistent approach, which saves management time and meets the audit recommendation is considered appropriate.

7 Implications

- 7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

8 Background Papers

- 8.1 None

9 Appendices

- 9.1 Appendix 1 – Implications
9.2 Appendix 2 –Recruitment and Selection Policy
9.3 Appendix 3 –Probation Policy
9.4 Appendix 3 –Employment Reference Policy

10 Recommendation(s)

That the Committee:

- a) approve the adoption of the revised Recruitment and Selection Policy
- b) approve the adoption of the new Probation Policy
- c) approve the adoption of the new Employment Reference Policy

11 Reasons for Recommendation(s)

- 9.1 The adoption of the revised Recruitment and Selection Policy will support the Council in recruiting new employees in a highly competitive employment market.
- 9.2 The adoption of the new Probation Policy will support the Council in ensuring that new employees perform well and adopt behaviours consistent with the Council's values and Code of Conduct within their initial employment period.

9.3 The adoption of the new Employment Reference Policy will both reduce risk of claims of misrepresentation in an employment reference and make the process of supplying references more consistent and efficient.

Report Author: Lee Gregory

**Contact
details:**

lee.gregory@derbyshire.gov.uk

Implications

Financial

- 1.1 The proposals in this report do not give rise to any significant financial implications. There may be additional costs associated with recruitment activities, however, these are not expected to be material and will be funded through existing budgets.

Legal

- 2.1 The Appointments and Conditions of Service Committee approve corporate employment policies which form the terms and conditions of council employees, other than minor or technical changes to existing policies.
- 2.2 By virtue of Section 7 of the Local Government and Housing Act 1989 every appointment of a person to a paid office or employment must be made on merit.

Human Resources

- 3.1 The Council has consulted with the recognised trade unions on the revisions to the Recruitment and Selection Policy, new Probation Policy and new Employment Reference Policy. If approved, communication to managers and colleagues will take place through the HR Managers Bulletin, Our Derbyshire and manager briefing sessions.

Information Technology

- 4.1 None

Equalities Impact

- 5.1 The revisions to the Recruitment and Selection Policy will be applied consistently across the Council with all recruitment activity being subject to equality and diversity monitoring.
- 5.2 The new Probation Policy will be operated on the basis of objective performance and conduct monitoring, with outcomes being subject to equality and diversity monitoring.
- 5.3 The new Employment Reference Policy will be operated on the basis of factual employment information.

Corporate objectives and priorities for change

- 6.1 The proposals in relation to the revised Recruitment and Selection Policy and new Probation Policy align with the people priorities outlined within the Council's People Strategy and in particular to 'Attract and retain the best people in the most effective way possible'.

The proposal in relation to the relation to the new Employment Reference Policy aligns with the Audit recommendation.

Other (for example, Health and Safety, Environmental, Sustainability, Property and Asset Management, Risk Management and Safeguarding)

- 7.1 None

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Recruitment and Selection Policy



Contents

1. Purpose
2. Scope
3. Introduction
4. Roles and responsibilities
5. Use of the Recruit System
6. Recruitment
7. Resourcing Solutions
8. Employee Value Proposition
9. Shortlisting
10. Interviewing
11. Equality, Diversity and Inclusion
12. Onboarding
13. References
14. Certificate of Good Conduct
15. Right to work check process
16. Safer recruitment procedures and Children's residential home recruitment
17. Unsuccessful Candidates
18. Retention of Records

Version	Date	Detail	Author
-	December 2001	Recruitment & Selection Handbook	County Personnel Officer
0.01	18 March 2015	First Draft	Nicky Keep
0.02	13 April 2015	Incorporating comments from colleagues	Nicky Keep
0.03	19 May 2015	Incorporating comments from DMTs	Nicky Keep

0.04	20 July 2015	Incorporating comments from Legal	Sharon Minshall
0.05	9 th October 2017	Incorporating comments from unions	Nicky Keep
0.06	25 April 2018	Update of terminology	Sharon Minshall
0.07	15 April 2019	Longer retention period for interview documentation	Nicky Keep
1.00	October 2022	Full Review	Chris O'Brien
1.1	December 2022	Incorporating comments from Legal and trade unions	Lee Gregory

1. Purpose

This policy outlines Derbyshire County Council's approach to ensuring it is effectively resourced to meet service delivery needs.

It will ensure that all stakeholders involved in recruitment processes recruit in a way that enhances the council's perception in the employment market and develops a positive reputation amongst current and prospective candidates.

The Recruitment department's strategy is to recruit a higher volume of quality candidates, onboarding them quickly, whilst maintaining a high level of service and safeguarding to Derbyshire people.

2. Scope

This policy covers resourcing in its broadest sense, including not only recruitment from external and internal sources but all other means of identifying the best people to enable us to meet our service needs. It applies to the resourcing of all employees of the Council except those employed in schools where the Governing Body is the employer and in cases where the council chooses to use a staffing agency for the use of temporary, contracting and permanent staff.

3. Introduction

Our aim is to ensure that the council has a skilled, confident and diverse workforce which is able to deliver excellent services to improve life for local people. We provide

a range of employment opportunities and recruitment initiatives to encourage people from all communities and backgrounds to work for the council so that we can become more reflective of the population we serve.

Our commitment to providing the best service possible means that we recruit on merit, i.e. we choose the best person for the job from the available field in all circumstances. Generally, jobs are advertised openly so that we reach the widest field of applicants and promote equality of opportunity to all applicants. This does not mean that every job is advertised, as there may be circumstances where:

1. There are succession plans in place
2. Talent development plans may mean that the vacancy will be filled as part of an overall talent development approach.
3. There are sometimes circumstances where it is in our and our employees' best interests to recruit internally.
4. There is an opportunity to side-step an individual into a comparable role of the same grade. In this instance, expressions of interest can be collected rather than a full advert published.

As a major local employer, we aim to be an employer of choice with a diverse workforce which reflects the community we serve.

When recruiting externally we commit to maintaining and where possible, enhancing the reputation and image of the Council through considered and modern recruitment marketing campaigns.

4. Roles and responsibilities

The Recruitment Manager must support the Recruitment Campaign Leads and wider team to ensure that the most efficient and effective Recruitment campaigns are being utilised in the recruitment of all staff. They must ensure a consistent and positive corporate image is portrayed and that all Recruitment campaigns attract and recruit a diverse and inclusive workforce.

Recruitment Campaign Leads must facilitate the recruitment and onboarding of new starters. They will advise on procedure in specific situations, carry out briefing sessions on recruitment and selection procedure for hiring managers and ensure the council attract and recruit a diverse and inclusive workforce.

Recruitment Campaign Leads will provide up to date and relevant information on KPI's, campaign data and market insight to recruitment manager, hiring managers and departmental leads.

Recruitment Customer Service advisors - handle advertising and administrative processes for appointments to all posts with the support of hiring managers.

Resourcing Managers will provide statistical information on staffing utilisation and spend to assist in the approval, selection and recruitment process. They will give guidance on resourcing strategy and ensure that recruitment plans are in-line with workforce planning directives.

Managers, with the support of Recruitment Campaign Leads must ensure that they find the most effective way of recruiting the roles in their team and that they fully embrace the principles of supporting equality and diversity throughout their recruitment and selection activities, ensuring all applicants are assessed fairly and that appointments are made on the merits of the individual candidates. Managers must ensure that they have undertaken training in recruitment and selection processes.

Resources@Derbyshire are an internal agency service providing staff for short-term assignments via an internal pool of casual workers.

Flexible Resource Officer will provide guidance to hiring managers on the use of our neutral vendor when the decision is made to seek external support from staffing agencies.

Detailed guidance for recruiting managers on all the areas covered below is available separately on the council's intranet.

5. Use of the Recruit system

The council's recruitment and onboarding system 'Recruit' will generally be utilised for all recruitment processes, this ensures that all roles have been approved, that the council recruits fairly and in a compliant manner and that all candidates receive a fair and consistent level of service.

For support with 'Recruit' please visit the recruitment team's library of support material within the [Recruitment and Resourcing Toolkit](#).

Please only approach the recruitment team for support once you have exhausted the guidance within the support material.

6. Recruitment

Recruiting

To ensure the best talent is sourced for roles may be:

- Advertised externally and internally from day 1 of the vacancy going live, or;
- May be sourced from a succession plan or talent development.

Advertising

All roles that are to be advertised will be placed on the [Derbyshire County Council jobs website](#). Other platforms for advertising may include online job boards (general and niche), Derbyshire County Council social media platforms, industry specific publications and general publications (local and national).

These sources vary broadly in cost and budget for the majority of recruitment expenditure will sit within the departmental function of the manager who is recruiting.

Recruitment Campaign Leads will give guidance on the most effective route to market through a combination of data from previous campaigns, market insight and professional experience.

Advertising platforms

The Derbyshire County Council job website

All vacancies to be advertised will be placed on the [Derbyshire County Council jobs website](#).

Jobsites

Recruitment Campaign Leads can give advice and guidance on going out to external jobsites and job boards. Jobsites may be niche to the industry in which you are recruiting or general for a wider candidate reach.

Social Media

The council recruitment team have access to a number of social media channels in order to broadcast vacancies. These can be used for free or can be sponsored to give more exposure to prospective candidates - Recruitment Campaign Leads will give guidance on social media sponsorship.

The council have a limited number of job slots for advertising on LinkedIn, it is at the discretion of the Recruitment Campaign Leads to decide which roles are advertised in these slots.

DCC Website Campaign pages

Hiring managers may wish to or Recruitment Campaign Leads may advise creating campaign specific microsites to showcase a group of vacancies in a particular field.

These microsites will be showcased on the council's ['Find a job' page](#) and are built for the purpose of explaining the culture, progression opportunity, job detail and more within a department or division within the Council.

External talent Pools (jobs fairs/Recruitment events)

Recruitment Campaign Leads will occasionally attend worthwhile and relevant recruitment fairs and events within their area of focus. The purpose of these events is to give insight to and attract both active and passive candidates to apply for roles. Recruitment Campaign Leads may be accompanied by members of the relevant department or a relevant department member may be selected to attend an event on their own if necessary.

Referrals

Derbyshire County Council encourages a culture of referrals for open vacancies, Managers are encouraged to ask their teams if they know anyone who would be suitable for their roles. Referrals must follow the same application and selection process as all other applicants.

Choosing the correct route to market (partnering with RCL's & escalation points)

There is no 'one size fits all' approach to recruitment. Recruitment Campaign Leads may choose different recruitment options depending on the type of role, time of year or market in which managers are seeking candidates. Different options may be considered depending on how long the role has been advertised.

Route to application

Recruitment Campaign Leads can advise hiring managers on what the most appropriate method(s) are for the particular role that is being recruited to. Hiring managers will decide how applications are to be received. This could, depending on the hiring managers decision include:

- Completing an application form on the Derbyshire County Council jobs website. The candidate may have reached the DCC jobs website organically or have been directed to it through an external job board or social media.
- Completing a paper application form given directly to the hiring manager or member of the hiring team. The form must then be processed by a Recruitment Customer Service Advisor.
- By submitting a CV through the Derbyshire County Council CV application form via the Derbyshire County Council jobs website.
- By submitting a CV through a job board, via social media or by sending an email with a CV attached directly to the hiring manager.

More information on applying for roles can be found [here](#).

Maintaining the Talent Pool

Managers are reminded that the data of applicants who are satisfactory but unsuccessful in securing a position at the time of hiring, will be retained for a period of 6 months. During this period, you may wish to recall the individual and offer them a comparable role without the need for another interview. If the individual was not interviewed in the first instance, then an interview must take place prior to offering the applicant.

Job titles

Advertised job titles may differ from the actual job title once employed only if the actual job title is made clear in the job advert text. Internal council job titles may not always be relevant to candidates outside of the council nor may they be most effective for search engine optimisation within standard search engines or within job boards.

7. Resourcing Solutions

There are several options to consider when a resourcing requirement occurs.

7.1 Reviewing the situation

When a vacancy arises, Managers should first take the opportunity to review if there is an alternative way to deliver the role in a more effective way.

7.2 Redeploying existing employees

Where appropriate we will seek to redeploy staff in accordance with the redeployment policy. Please refer to redeployment guidance for full detail and FAQ's.

7.3 Talent Development Plans

Talent Development Plans may be in place which outline how a service is working to develop talent within its staffing resource. This may outline that some roles are to be

filled on rotation or used for secondment opportunities etc, in order to develop the talent of the existing workforce.

When a valid Talent Development Plan is in place, it is acceptable that an employee is moved into a secondment without the need for opening the vacancy up to the wider workforce or carrying out a formalised recruitment process.

7.4 Apprenticeships

Effective workforce and succession planning can enable us to develop employees to fill the gaps which will arise as their colleagues move on and/or resourcing needs change. There are benefits to both the organisation and to employees when individuals work together with their managers to progress their development which encourages their retention within the council, along with their increasing skills and experience. Line Managers should regularly take the opportunity to review their workforce Plans.

Directors are also asked to identify potential opportunities for graduate trainee schemes and apprenticeships. Apprenticeships can be an option for all staff and are considered as one potential option for employee career development. We are also committed to increasing the number of young people employed by the council and our Apprenticeship Schemes are one example of how we look to grow our future talent. In addition, we are committed as an employer, to providing good quality work experience opportunities across the communities we serve, to help raise aspirations and awareness of the job opportunities the council can offer.

7.5 Retaining Apprentices

We are committed to supporting apprentices on fixed-term apprenticeship agreements to continue their career with the Council. As an apprenticeship nears completion, Line Managers are expected to provide the appropriate support and guidance to help an apprentice secure a suitable role within the Council. This approach will extend to individuals on placements (excluding work experience) where appropriate.

Line managers should work closely with Resourcing Managers to identify suitable vacancy opportunities once they are nearing the end of their apprenticeship. This process should ideally commence no later than six months prior to the apprentice's agreement end date. Please see the managers apprenticeship guidance for further detail.

To help apprentices to stay within the Council, we have several support mechanisms which Line Managers can utilise, where appropriate:

Advertising - Line Managers can choose to advertise vacancies internally only.

Application - Line Managers can choose to streamline the application process for internal vacancies, for example, by accepting CV's direct or accepting expressions of interest.

Interview - Line Manager can choose to undertake a less formal and/or condensed interview process to determine the suitability of internal applicants. This may include a shorter interview process.

Line Managers must ensure that a fair and competitive selection process is followed and documented.

To encourage retention, line managers are able make a conditional offer to the successful candidate based on the successful completion of the apprenticeship.

7.6 Agency Workers and Resources@Derbyshire

Agency workers should only be used as a last resort and if there are no alternatives. Senior Manager approval must be sought in advance and usage of agency service will be monitored and could be challenged.

For temporary resource requirements which are not related to business services, the council has an arrangement with Comensura for the supply of agency staff which simplifies the way agency workers are hired and enables the council to manage its use of agency workers more effectively.

All requests for temporary business services resources, and also Comensura assignments, must initially be raised with our in-house service, Resources@Derbyshire who will then advise and co-ordinate requirements using in-house resources where possible.

If you are approached by a recruitment agency please advise them that we use a managed service under a neutral vendor agreement and we cannot engage them directly.

8. Employee Value Proposition

The Employee Value Proposition (EVP) must be considered at all stages of the Recruitment process. A positive perception of the Council should be maintained through effective advertising, considered interviewing and a constant awareness that candidates will judge the Council based on their interactions with recruitment adverts and media, interviewers, systems and managers.

9. Shortlisting

Shortlisting of individual applications can be carried out either during the advertising period or after the closing date. It is important to consider when shortlisting takes place, particularly for hard to fill roles in a competitive market – speed is important when competing for talent with other organisations.

Shortlisting should be carried out by the hiring manager and at least one other individual using the scoring matrix process.

The hiring manager may choose to interview a qualified candidate prior to the advert close date. In this circumstance the hiring manager must not offer a role to a candidate prior to the close date of the advert, this is to allow opportunity to all potential applicants to make an application.

A fair and unbiased approach must be taken toward shortlisting. Candidates must be selected on their suitability for the job applied for based on their application form and/or their CV.

It is expected that all internal candidates will have informed their line manager of every internal role that they apply for. Internal candidates that are undergoing capability procedures or that have disciplinary sanctions in place must disclose this on their applications.

Candidates who have indicated that they have a disability on their application form must be given a guaranteed interview if they meet all the essential requirements of a role.

Derbyshire County Council has a commitment to support Care Leavers to secure employment. We facilitate this by offering guaranteed interviews for apprenticeships to Care Leavers who have been in the care of Derbyshire County Council.

10. Interviewing

When interviewing, an awareness of perception and EVP must be considered. It is rarely necessary to be overly formal when conducting an interview, a more informal approach to an interview process may well make a candidate feel more at ease and illicit more valuable responses to questioning.

Interviewing can take place either face-to-face or remotely via an online video calling platform. Candidates may use a laptop or mobile phone to join a remote meeting. It

is recommended that interviewers and interviewees have cameras on during the interview if being carried out remotely.

The Derbyshire County Council interview template should be used at all interviews for the purpose of scoring candidates during an interview and therefore making fair decisions after interviewing more than 1 candidate. The template may be amended to alter the number of questions it contains if deemed appropriate.

Interview questions should be chosen to investigate a candidate's suitability for the role they are applying for. Questions based on the values of the council should also be considered – a link to some suggested values-based questions can be found [here](#).

Assessments/Testing/Other routes of assessing skillset

Role appropriate testing or assessments may be incorporated into a recruitment and selection process. These can include role plays, in-tray exercises, presentations or any assessment deemed relevant to the role the candidate has applied for.

A scoring system is encouraged, and all shortlisted candidates must go through the same assessment process if this route is chosen.

11. Equality, Diversity and Inclusion ("ED&I")

The equality legislation protects people in the workplace and places responsibilities on employers to ensure this. This means that selecting people for jobs must be on merit, demonstrated through fair and transparent criteria and procedures, and that consideration should be given for the need for reasonable adjustments etc that may be necessary to ensure an applicant can engage in the process.

Under the Act, people are protected against discriminations because one or more protected characteristics, which are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

In addition, applicants with disabilities are guaranteed an interview if they meet the minimum requirements of the job description and person specification.

To help ensure effective and non-discriminatory recruitment practice, all recruiting managers and panel members must have attended the Council's Recruitment and Selection Training, and where not possible, as a minimum, it is essential that the chair of the interview panel has attended.

The Recruitment Manager and Recruitment Campaign Leads will continuously examine opportunities to develop a more inclusive and diverse workforce through recruitment activity. The recruitment team can give guidance to managers on how best to consider ED&I in their recruitment processes. Further advice can be provided by the Council's EDI manager.

The Council will regularly analyse the equalities data collected throughout the process to identify trends and improvements in meeting its equality duties.

Positive Action

Under the equality legislation, employers are able to encourage applicants with protected characteristics to apply for jobs in order to address under representation in the workforce. Positive action is entirely voluntary and there are no requirements for an employer to use it.

For more information, please contact the ED&I manager.

12. Onboarding

A good onboarding process is vital in maintaining a high-quality employee value proposition.

Recruitment team obligations

The recruitment team will:

- Act upon any notifications raised by the internal Recruitment system.
- Send the Proceed to Offer letter with any other relevant correspondence to the successful candidate.
- Begin DBS process (if necessary).
- Escalate to appointments team once compliance process is complete.
- Monitor onboarding timescales and prompt recruiting managers if actions are required

Manager Obligations

The hiring manager will:

- Update internal Recruitment system depending on the progress of the process. Support with using 'Recruit' can be [found here](#).
- Check any required pre-employment compliance documentation in line with government guidelines either in person or over a video call.
- Stay in touch with candidate throughout notice period.
- Make Recruitment Customer Service advisors aware if candidate rescinds an acceptance of offer.

- If applicable, discuss and make reasonable adjustments to ensure employees with disabilities can overcome and substantial disadvantage they may have doing their jobs.
-

13. References

At least one reference must be sought for all appointees from the candidate's current or most recent employer. If the candidate is internal, the recruiting manager may have a conversation with the internal referee (the most recent line manager) and make a file note as a record instead of receiving a formal reference.

Recruitment Customer Service Advisors will only escalate external references to a manager for approval if the referee has indicated in 'Other comments' any reason that the applicant may have their appointment considered, all other references will be automatically approved.

Formal references from the current or most recent employer must be sought in the first instance. When it is not possible to obtain an employment or academic reference then a character reference may be sought from a reputable individual. Character references may not be obtained from a direct family member.

Please note, separate procedures exist for posts covered by the Safer Recruitment and the recruitment of Children's residential workers.

14. Certificate of Good Conduct

It is the Council's policy to seek a Certificate of Good Conduct for anyone who has lived or worked abroad for 6 months or longer in any one country in the past 5 years, and is the successful candidate for any job which requires a Disclosure and Barring Service (DBS) check. This is in addition to the normal DBS check and other pre-employment requirements which are required before a new employee can start in post.

If the candidate experiences difficulties outside of their control in obtaining a certificate and the hiring manager is satisfied that they have made all reasonable efforts to do so but it has not been possible, employment may go ahead. The hiring manager must contact their HR representative for further advice and get Assistant/Service Director approval to proceed. All other checks – references and DBS – must be clear.

Further detail can be found [in this guidance](#).

15. Right to work check process

It is essential that when you are recruiting you see original Right to work in the UK ID documents and take copies in all cases before employment commences. The documents must be related to the applicant, should be photocopied, and the copy you retain annotated to certify that it's a true copy of the original and should be signed and dated. There are 2 lists against which documents must be checked, or the candidate may provide you with a 'share code'.

Further information can be found [in this guidance](#).

16. Safer recruitment procedures and Children's residential home recruitment

Some roles within the Council are subject to a Safer Recruitment process. The Safer Recruitment process involves a deeper level of reference collection, guidance on Safer Recruitment references [can be found here](#).

References for recruitment into roles within a Children's residential setting are subject to a further level of work history exploration, guidance on Children's residential worker references [can be found here](#).

17. Unsuccessful Candidates

It is the responsibility of the Hiring Manager to inform candidates if they have been unsuccessful following an interview or selection process. It is encouraged that the Hiring Manager provides the candidate with constructive feedback and to let them know they may be considered for other roles in future. This may be done either over the telephone or via email.

It is imperative that all candidates who have taken the time to be part of an interview or selection process are told if they are unsuccessful, failure to do so results in damage to the Council's Employee Value Proposition and overall reputation.

18. Retention of Records

In-line with GDPR compliance, all application forms and interview notes should be kept for each candidate for 6 months to support the recruitment decision. Notes for unsuccessful candidates should then be destroyed securely, with all documentation for the successful candidate forming part of the personnel file.

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Probation Policy



Contents

1. Purpose
2. Scope
3. Key Principles for Managing the Probation Period
4. Roles and responsibilities

Version	Date	Detail	Author
1	October 2022	First Draft	Lee Gregory

This policy outlines Derbyshire County Council's approach to providing a probationary period for new employees.

New employees will undergo an induction process into their new role. During the induction period the new employee will be able to:

- Understand the requirements of their new role
- Demonstrate knowledge, skills and experience
- achieve the required standard of performance in respect to duties, attendance and behaviours

2. Scope

This policy applies to all new employees to the Council, including fixed term employees of six months or more. Employees who transfer from another Council will still be subject to a probationary period as they are new to Derbyshire County Council.

This policy does not apply to casual workers or those employees based in schools.

Existing employees who move to a new role will not have a probationary period in their new role. Performance and conduct issues will be managed using the Disciplinary Procedure and Performance Capability Procedures.



3. Key Principles for Managing the Probation Period

Initial Probation Meeting

New employees will have an initial probation meeting shortly after starting their employment. Managers will set objectives and targets to assist in reaching the performance level we expect.

Ongoing Support during the Probation Period

During the probation period, managers will regularly meet the employee to support them and monitor:

- employee's performance
- conduct
- timekeeping and attendance

and will:

- assess employee performance, capability and suitability for the role
- hold monthly probation review meetings throughout the probation period.
- deal with any concerns about work performance or conduct as they arise. Managers must not wait until the probation review meetings. Dealing with problems at an early stage means they are more likely to be dealt with successfully.
- get feedback from supervisors, colleagues or other managers involved in the probation period of the new employee.
- provide regular feedback to employees about their performance and progress. They will discuss any problems as soon as possible.

Extending the Probation Period

In some circumstances we may extend the probation period beyond six months, including, but not limited to:

- we have not been able to fully assess performance due to the employee's sickness or other authorised absence
- there have been concerns regarding performance. However the manager has evidence to suggest that performance is likely to improve with an extension to the probation period.

Managers can extend probation periods for up to a maximum of three months due to an employee's performance. They will make this

decision at the end of the probation review meeting and will advise the employee.

Managers may consider an extension due to absence. They will consider each case on its merits, mainly where the length of absence has been extensive.

Probation hearing

Employees will be invited to attend a probation hearing if:

- their performance, conduct or attendance is unsatisfactory, and
- the manager does not consider an extension to the probation period would sufficiently improve the situation

The meeting will be with a manager with delegated authority to dismiss who will consider termination of employment.

Employees may be accompanied by:

- colleague
- trade union official
- trade union representative

An HR representative will also be present at this meeting.

Where a manager decides to terminate employment, after considering alternatives to dismissal, the employee is usually dismissed with notice, unless an allegation of gross misconduct is upheld, where dismissal will be without notice.

Dismissal Appeals

Employees may appeal against a decision to dismiss, within 10 working days of receipt of the dismissal letter. We will arrange a probation appeal hearing and the appeal will be heard by a different manager. They will be accompanied by a HR representative. The employee has the same right of representation as at the probation hearing.

The probation appeal hearing decision is final with no further internal right of appeal.

Notice Period during Probation

During the probationary period, the notice period to end the contract of employment is one month by either the council or the employee.

Confirming the appointment

Near the end of the probationary period, the manager will hold a final probation review meeting with the employee. There are three possible outcomes, which are to:

- confirm the appointment
- extend the probationary period
- invite the employee to a probation hearing with the possibility of dismissal

The manager will confirm the end of the probation period with the employee. All aspects of the performance review must be satisfactory.

4. Roles and responsibilities

Managers are responsible for:

- welcoming new colleagues into employment and carrying out the initial probation and induction meetings
- supporting new colleagues
- monitoring the performance of new colleagues
- deal with any concerns about work performance or conduct as they arise
- obtain feedback from supervisors, colleagues or other managers about the new colleague.

Human Resources Advice and Support are responsible for:

- providing advice on the operation of the policy.

Reference Policy



Contents

- 1. Purpose**
- 2. Scope**
- 3. Introduction**
- 4. General Employment Reference Requests**
- 5. Employment References where Safeguarding considerations apply**
- 6. Reference requests from banks, building Societies**
- 7. Managers requested to provide a reference**
- 8. Retention of References**

Version	Date	Detail	Author
1	October 2022	First Draft	Lee Gregory

1. Purpose

This policy outlines Derbyshire County Council's approach to providing employment references for current and past colleagues.

2. Scope

This policy applies to all reference requests for current and past colleagues, except agency workers and teaching and support staff employed by Schools for whom local arrangements apply.

The Council's approach to requesting employment references in respect of new colleagues is included within the Council's Recruitment and Selection Policy.



3. Introduction

There is no legal requirement for an employer to provide a reference for a current or past employee. However, there is a general expectation that employers will provide references and it is the Council's policy to provide references on request.

Employment references must be fair and accurate, and the employer can decide what information is provided within the reference.

4. Roles and Responsibilities

Human Resources are responsible for:

- Providing references for colleagues in respect of employment history

Managers are responsible for:

- Providing references only in a personal capacity (ie not from a DCC email address or on DCC headed paper)
-

5. General Employment Reference Requests

Reference requests for current or past colleagues will be handled by Human Resources Services and it will be the Council's practice to provide a standard reference containing factual information as set out in the attached Appendix A.

This is a minimal reference and sets out the name of the employee, job title, and employment dates. This standard, minimal approach will be:

- Communicated to all colleagues at the outset of employment with Derbyshire County Council;
- Generally applied to all colleagues; and

- used on the basis that a basic reference does not mean that we are not disclosing negative information, where appropriate.

All references will be marked 'private and confidential' to the addressee.

6. Employment References where Safeguarding considerations apply

Reference requests for current or past colleagues in respect of a safeguarding regulated activity role will be handled by Human Resources Services liaising with line managers and it will be the Council's practice to provide a standard reference containing factual information as set out in the attached Appendix B.

7. References from banks, building societies and other potential lenders

Reference request from banks, building societies and other potential lenders and letting agencies should be directed to HR Services for a response, where further details may be added as appropriate such as salary details.

8. Managers requested to provide a reference

Where Managers are asked to provide a reference for present or past colleagues of the Council, a manager may wish to do so but on the understanding that it is in a personal character reference and is in line with the guidance set out in this policy ie is based upon fact and not unsubstantiated opinion. While the referee may state the capacity in which they have knowledge of the subject of the reference, the reference must state that it is made in the referee's personal capacity.

If you are asked to provide a reference in a personal capacity, you must make this clear and not under any circumstances use the Council's email address or headed paper. Failure to comply may result in a disciplinary proceedings.

No liability will attach to the Council if you decide to act in a personal capacity as a personal referee.

9. Retention of references

References issued will be stored on current colleagues' files. For past colleagues, where there is an employment file in existence (in line with the HR Retention Schedule) the reference will be stored on this file. Where an employment file does not exist (in line with the HR Retention Schedule) the reference will be stored for a period of 12 months within an employee reference file.

Appendix A

STRICTLY PRIVATE & CONFIDENTIAL
NAME
ADDRESS
ADDRESS

Dear **[NAME]**

EMPLOYMENT REFERENCE FOR [STAFF NAME]

Thank you for your recent employment reference request.

I am pleased to confirm details of employment with us as below:

Job Title: **[ROLE]**

Start Date: **[DATE]**

Leaving Date: **[DATE]**

Please note it is our policy to only provide this basic information for employment reference purposes.

In accordance with Derbyshire County Council's normal practice this reference is given in good faith and in confidence.

Yours sincerely

Human Resources Services

Appendix B

STRICTLY PRIVATE & CONFIDENTIAL

NAME
ADDRESS
ADDRESS

Dear **[NAME]**

EMPLOYMENT REFERENCE FOR [STAFF NAME]

Thank you for your recent employment reference request.

I am pleased to confirm details of employment with us as below:

Job Title: **[ROLE]**
Start Date: **[DATE]**
Leaving Date: **[DATE]**

The Council **[IS/ISNOT]** satisfied with the person's suitability to work with children or vulnerable adults.

There **[HAVE/HAVE NOT]** been disciplinary proceedings relating to issues which would pose a risk of harm to children or young people or vulnerable adults, in relation to this person while employed by the Council. **[The facts of the case are XXXX]**

Please note it is our policy to only provide this basic information for employment reference purposes.

In accordance with Derbyshire County Council's normal practice this reference is given in good faith and in confidence.

Yours sincerely

Human Resources Services



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE

WEDNESDAY, 8 MARCH 2023

**Joint report of the Executive Director Place and the Executive Director
Corporate Services and Transformation**

Salary Sacrifice Electric and Hybrid Vehicle Scheme

1. Purpose

- 1.1 To seek agreement to adopt a Salary Sacrifice Electric and Hybrid Vehicle Scheme (E&HVS) and agree the rate at which work related mileage claims will be paid for those choosing to be part of the scheme.

2. Information and Analysis

- 2.1 The E&HVS is one of a number of programmes of work to enhance the Council's Employee Value Proposition (EVP) to support the Council's People ambition to be an employer of choice.
- 2.2 The Place Department has led the development of a procurement business case, having undertaken research and soft market testing of schemes available to the Council. Should the proposal be supported it is intended to use a framework for the procurement of a supplier operating the scheme as a salary sacrifice arrangement.
- 2.3 The salary sacrifice scheme will enable eligible employees to lease a brand new electric or hybrid car, at a fixed monthly price, inclusive of car insurance, road tax, MOT, maintenance, breakdown cover, replacement tyres and accident assistance. Employees will also benefit from no upfront payments.

- 2.4 Initial research and consideration of the scheme was to limit the scheme to pure electric vehicles only. However, benchmarking from other Councils shows that many other Councils have widened the scope to offer access to electric and hybrid vehicles due to costs and feasibility of home chargers for employees and accessibility to local recharging infrastructure.
- 2.5 **Benefits of the scheme for employees and the Council**
Employees who contribute to the scheme will have a 12% reduction in their national insurance contributions (NICs) on the salary sacrifice amount. The 12% reduction is the percentage of NIC deduction on employee earnings above the primary threshold (£1,048 per month) and the upper earning limit (£4,189 per month). This may act as an incentive to obtaining a lease vehicle through salary sacrifice when compared with leasing a vehicle privately.
- 2.6 The Council will also make savings of 14.3% on all salary sacrifice amounts (including 13.8% employer national insurance contribution and 0.5% apprenticeship levy).
- 2.7 Benchmarking suggests that the Council could anticipate that around 75 employees will take up the opportunity to lease an electric or hybrid vehicle in the first year. This could lead to the Council generating employers NIC savings of around £40k in the first year, see Appendix 2 for estimated take up and savings. It is not anticipated that there will be setup fees or costs to the Council in providing the scheme, other than the opportunity costs in officer time to setup, implement, promote and administer the scheme.
- 2.8 **Eligibility**
Employees are not eligible to enter into a salary sacrifice arrangement if doing so will cause their pay to fall below the National Living Wage (NLW).
- 2.9 Where an employee's earnings fall below the Lower Earnings Limit (LEL), a salary sacrifice arrangement may not provide any additional benefit and may also impact their eligibility for statutory payments such as maternity and sickness also affecting their future state pension payments. The Council will therefore not enable employees to join if doing so would make them drop below the LEL threshold.

- 2.10 The NLW is currently £9.50 per hour, however, as a form of protection against future rises in NLW being applied prior to national pay agreements, it is proposed to set the minimum eligibility for the scheme at the Foundation Living Wage, as set by the Real Living Wage Foundation, which is currently £10.90 per hour. This is in line with the approach adopted by other Councils using an electric and hybrid vehicle salary sacrifice scheme. In the event that changes to National Minimum Wage (NMW) result in an employee's salary falling below the NLW, the Council will be required to top the level of pay up to meet NLW requirements. This would be required until the lease agreement ends, the employee leaves or until such time the employees earning increase above the NLW threshold. The financial risk to the Council is considered to be low due to measures proposed. Monthly pay reports within HR Services are run to ensure NLW compliance for Council employees.
- 2.11 Through applying the Real Living Wage to eligibility requirements, with an example of a salary reduction of £315 per month, which would allow the employee to lease a small car such as a Nissan Leaf, the scheme would only be accessible to employees within grade 8 and above. The Council has undertaken an equality impact assessment see Appendix 1, section 5.1 for further details.
- 2.12 Those workers on fixed term, relief contracts and agency workers would not be eligible to take up the scheme due to the lease agreement requirements.
- 2.13 Employees who choose to participate in the Salary Sacrifice E&HVS will request a variation to their contract to reduce their salary for the equivalent amount of the vehicle being leased. Calculations for related payments such as overtime, allowances, pay awards, redundancy, and the full range of leave schemes affected by pay, are based on the employee's salary figure before the salary sacrifice reduction, known as notional pay. This is in line with other salary sacrifice schemes administered by the Council.
- 2.14 Where employees are not eligible to join the salary sacrifice scheme due to NLW and LEL restrictions the Council will consider introducing alternative options such as a vehicle loan scheme.
- 2.15 **Existing Salary Sacrifice Schemes**
The Council provide salary sacrifice schemes for Childcare Vouchers, the Cycle to Work Scheme, and Salary Sacrifice Shared Cost AVCs.

Calculations for the purposes of overtime, allowances, pay awards and redundancy are based on notional pay would be consistent across all schemes. Notional pay is the salary before a salary sacrifice has taken effect.

2.16 The E&HVS would however differ with regards to the pensionable benefit to that of other salary sacrifice schemes in that pensionable pay will be reduced. LGPS regulation 20(2)(f) excludes: any amount treated as the money value to the employee of the provision of a motor vehicle or any amount paid in lieu of such provision. Additionally, the latest LGPC HR guide states the following: HMRC approved salary sacrifice arrangements where an employee has their contractual pay reduced by an agreed amount (supported by a variation to their contract) in return for a tax assessable benefit in kind, from which income tax liability may or may not then be removed, are pensionable under LGPS (where the benefit in kind is specified in the employee's contract of employment as being a pensionable emolument). Therefore employees will be informed that this would impact their Local Government Pensionable pay by the salary sacrifice amount each month.

2.17 **Considerations from soft market testing**

2.18 **Early termination charges**

Based on information sought from soft market testing, early termination charges apply if the employee wishes to end the agreement before the end of the agreed term. It will be the Council's responsibility in the first instance to pay this fee and recover from the employee's net pay.

2.19 Should early termination charges apply the Council will be invoiced for the charge in the first instance and will then claim the charge back from the employee. All recharged deductions will be administered by HR Services through the monthly payroll process. Based on benchmarking, the anticipated number of affected employees will be low, around 10% of all employees leaving the scheme will have some form of repayment recovery.

2.20 **Sick Leave, Maternity, Paternity, Shared Parental, and Adoption Leave**

Based on information sought from soft market testing, employees could be entitled to remain in the scheme during maternity, paternity, shared parental and adoption leave. When the Council is unable to reduce the

employee's salary due to the employee being in receipt of statutory payments or where the period of half pay does not cover the lease fee, the Council may need to continue to pay the invoices over to the supplier depending on the supplier appointed.

2.21 Pension Contributions

Under the terms of a salary sacrifice EV&HV scheme the employees gross salary reduction for the vehicle is taken before any other deductions, it means the employee will pay less pension contributions, and participation in a EV&HV scheme may have a negative impact on scheme members' pension benefits at retirement. An example of this impact is detailed in Appendix 3.

2.22 Pension implications for employees leasing vehicles who retire shortly after a period of leasing may be impacted more significantly particularly if they had service prior to 1 April 2014. The below example reflects the potential impact on their final pension for based on this scenario.

2.23 The calculation for somebody who has been leasing a Nissan Leaf for the persons final year of employment (Excluding the CARE part) would be as follows:

Total Annual Pension: £5,908.05

One off Lump Sum: £9846.75

The same calculation for somebody that was **not** leasing a lease car would be as below:

Total Annual Pension: £6,758.55 (Difference of £850.50)

One off Lump Sum: £11,264.25 (Difference of £1,417.50)

2.24 The Council will therefore recommend that all employees who may be considering retirement within the next few years after the lease ends consider the potential implications on their pensions. Further details on the calculations can be found in Appendix 3.

2.25 All employee communications to promote the scheme will be clear in highlighting the impact on pensionable pay, and will ensure that there are no contradicting communications issued regarding saving for retirement associated with other salary sacrifice schemes such as Salary Sacrifice Shared Cost AVCs where there are not the same pensionable pay implications. The Council will recommend that

employees obtain independent financial advice before participating in the scheme.

2.26 Mileage Rates

The Council currently pay 45p per mile for the first 10,000 business miles and 25p per mile thereafter, in line with HMRC rates. This covers the cost of fuel and maintenance of the vehicle. Through salary sacrifice, the vehicle is leased from a third party by the employer and all servicing costs are covered through the gross salary reduction made by the employee. The lease vehicle is therefore classed as a company vehicle. HMRC fuel advisory rates for company vehicles vary depending on the fuel type and engine size of the vehicle. For hybrid cars they are treated as either petrol or diesel cars, see Appendix 4 for more details. The electric vehicle rate has increased from 5p per mile to 8p per mile as of December 2022.

2.27 Council SAP systems will require development to enable employees to claim mileage using a salary sacrifice lease vehicle and to claim mileage at a rate that is appropriate to the vehicle engine size and fuel type. If the council agreed to pay at a rate above the HMRC advisory rates, the additional payment will be subject to tax and will be reportable on a P11D each year which would have additional administration implications for HR Services.

2.28 If the Council agreed to pay mileage at a higher rate this would encourage employees to switch to electric acknowledging the significant higher cost of an electric vehicle lease compared to a petrol or diesel. For example, the starting price of a Vauxhall Corsa Electric compared to an equivalent diesel model is approximately 40% higher.

2.29 Employees may be deterred from switching to a E&HVS if undertaking work related mileage is only paid at the HMRC fuel advisory rate, which due to increased cost of electricity and fluctuating fuel rates does not currently cover the costs incurred by the employee.

2.30 Research by Eon (2022) and EDF Energy (2022) suggest that actual price per mile ranges from 4.91p per mile to 12p per mile for fully electric vehicles.

- 2.31 There are additional costs to the employee which are not covered by the HMRC advisory fuel rate but are essentially being paid for by the employee through the lease agreement. Research by The Car Expert (2022) has shown that costs associated with maintenance and servicing, repairs, and road tax amount to approximately £580 per year. For a vehicle averaging 10k miles per year, this adds an additional 5.8p per mile onto the actual running costs. Considering electricity costs of 12p per mile, this would mean employees may potentially be out of pocket if the Council were to reimburse them at a rate of less than 18p per mile.
- 2.32 The RAC (November 2022) has reported the average price of petrol sold by the four big supermarkets rose to 165.36 pence per litre, with diesel reaching 187.54 pence per litre. While the HMRC fuel advisory rates appear to be reflective of what is being paid at the pump, in line with suggestions made for fully electric vehicles the HMRC rates do not consider additional costs including maintenance service charges incurred by the employee as part of their gross salary reduction, amounting to approximately 6 pence per mile.
- 2.33 Whilst not all employees using the electric or hybrid vehicle will undertake work related mileage as part of their role, not applying a mileage rate that covers the actual cost may impact employee relations and take-up of the scheme for those that do.
- 2.34 The Council therefore proposes to reimburse work related mileage undertaken in a salary sacrifice lease vehicle at 18p per mile for electric vehicles (12p per mile to cover the minimum cost to charge a vehicle and an additional 6p to cover a proportion of maintenance costs covered within the lease agreement). For hybrid vehicles these would be reimbursed at 6p per mile above the top of the HMRC advisory rate for petrol or diesel cars (see Appendix 4). This is more generous than the other 3 Councils who have responded to the Councils benchmarking request who apply the HMRC fuel advisory rates or less.
- 2.35 Fuel advisory rates are subject to the fuel type and engine size of the vehicle and can vary from 10p per mile for 1400cc LPG to 27p per mile for 2000cc petrol cars. This proposal would reimburse work related mileage at between 16p per mile to 33p per mile, depending on the type of lease vehicle used.

2.36 The Council proposed approach would adequately cover the essential running cost of charging the vehicle according to the research undertaken as cited by Eon and EDF energy either at home or at publicly available facilities, including those general maintenance costs paid for by the employee within the lease agreement. This would encourage more employees to join the scheme generating higher level of savings through reduced NI'able and pensionable pay without discouraging participation in the scheme.

2.37 Employees mileage payment would consist of a non taxable element along with a taxable element (the additional 6p per mile) reportable on the annual P11D.

2.38 The Council will be required to review HMRC fuel advisory rates quarterly and adjust salary sacrifice vehicle mileage rates in line with the HMRC rates accordingly.

2.39 **Employer considerations and liabilities**

2.40 Information from soft market testing identifies that it is the Council who is leasing the vehicle and providing the benefit to the employee through a gross salary reduction, it is the Council that is ultimately responsible for the vehicle including;

- Fines and fees including parking fines
- Excess mileage fees
- Charges where condition of the vehicle is not deemed to be 'fair wear and tear'
- Non-return of the vehicle at the end of the term of the agreement

2.41 Through effective employee communications, risks and issues associated with the above can be mitigated. Benchmarking undertaken found that 99% of these fines are satisfactorily resolved, with limited intervention from the Council.

2.42 In order to mitigate any financial risk from introducing the scheme, the Council will create a contingency fund from employers NIC savings to fund any changes pending recovery from the employee. Departmental budgets will not be adversely affected by journal transfer to recharge the NIC savings as is the process for the Shared Cost AVC scheme. Any underspend from the assigned budget can then be transferred to Council reserves at the end of the financial year

3. Consultation

3.1 The Council has engaged with the Joint Trade Unions to outline the proposed scheme through the Reward and Resourcing Workstream. The Council has shared information relating to the eligibility criteria, employee benefits, employee implications through the agreement to vary the contract of employment including the implications on employees pensionable pay. The Council has also confirmed what the benefit and risks are to the council and how the scheme will be administered.

3.2 The Council has also consulted Joint Trade Unions on the proposals to pay mileage at 6 pence per mile above the HMRC fuel advisory rate which would be a taxable benefit reportable on the P11D.

4. Alternative Options Considered

4.1 The Council could opt to not provide a salary sacrifice vehicle lease scheme. However, this employee benefit would further enhance the Council's EVP while also supporting the Council's Low Emission Vehicle Infrastructure (LEVI) strategy. The Council would miss out on the potential to make employers national insurance savings generated through employee engagement in the scheme.

4.2 The Council could provide a vehicle lease scheme that would provide employees access to normal petrol and diesel vehicles through a similar lease scheme. This would not be supportive of the Councils LEVI strategy and the Councils ambition to be net carbon zero by 2050.

4.3 The Council could agree to pay work related mileage undertaken in a salary sacrifice electric or hybrid vehicle at the HMRC fuel advisor rates, however this does not seem a fair level of re-imburement to recompense employees for the true cost of them paying for fuel/electricity along with the proportionate maintenance cost covered in the lease agreement funded by the employee. This could deter

employees from switching to a low emission vehicle and joining the scheme.

- 4.4 The Council could agree to pay work related mileage undertaken in a salary sacrifice vehicle at the normal 45p per mile rate. However this would be far in excess of the HMRC fuel advisory rate increasing the taxable level of benefit in kind given to employees. If government targets are achieved and all employees eventually use electric vehicles, it would be very difficult to revert to a lower mileage rate without causing some employee relations issues.

5. Implications

- 5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

- 6.1 none

7. Appendices

- 7.1 Appendix 1 - Implications.
Appendix 2 - Estimated NIC savings to the Council based on eligible employees
Appendix 3 - Impact of Gross Salary Reduction on Pensionable Pay
Appendix 4 - HMRC Advisory Fuel Rates for Company Cars from 1 September 2022
Appendix 5 – Equality Impact Assessment

8. Recommendation(s)

That the Committee:

- a) Agree to the Council introducing a salary sacrifice vehicle lease scheme for electric and hybrid vehicles
- b) Agree to reimburse work related mileage at 18p per mile for electric vehicles and for hybrid vehicles an additional 6p per mile above HMRC fuel advisory rates that will be reviewed and amended quarterly in line with the HMRC fuel advisory rates.

9. Reasons for Recommendation(s)

- 9.1 By introducing the scheme it will enhance the Council's employee value proposition, supporting the Council's people strategy and aim to become an employer of choice.
- 9.2 Introducing the scheme will generate employers national insurance contribution savings reducing pay bill costs.
- 9.3 The introduction of a vehicle lease scheme limited to electric and hybrid vehicles is supportive of the Councils LEVI strategy.
- 9.4 Enhancing the HMRC fuel advisory rates to cover a proportion of the maintenance and running cost covered within the lease agreement will provide a fair level of payment for undertaking work related mileage.

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Appendix 1

Implications

Financial

- 1.1 The Council's employers NIC savings would be estimated at around £40k per year by the end of year 1 and this would likely rise with promotion of the scheme. It is anticipated that as electric vehicles become more affordable and the recharging infrastructure improves regionally and nationally, take-up of the scheme will continue to grow.
- 1.2 Based on soft market testing a financial penalty applies if an employee exits the contract. In such circumstances the Council may be charged for this fee which will need to be recovered directly from the employee. There is a risk that the Council will be unable to recover this fee, however, some suppliers provide an insurance policy that will ensure the council is recompensated for any loss. This would need to be considered once the supplier is identified.
- 1.3 There are a number of financial risks that the Council could be responsible for which may include parking fines, excess mileage & excess wear & tear. It is anticipated that most fines will be processed and administered through the selected supplier and, it would only be those that are not resolved directly with the supplier and the employee that would require HR Services to intervene and make a deduction through the employees pay. However, there does remain a risk that some of these charges may be unrecovered. This will be considered upon the appointment of the supplier and consideration given to setting up a contingency fund by utilising the employer National Insurance savings (that are generated as a result of this scheme) to cover any charges until recovery, or in the result of non recovery.

Legal

- 2.1 Once implemented employees who join the scheme must agree to vary their contract for the duration of the scheme. This will be undertaken via a voluntary variation process. The variation to contract will include all associated terms and conditions that will enable the Council to recover fines and any early repayment charges when handing back the vehicle.
- 2.2 Should ACOS approve the adoption of a Salary Sacrifice Electric and Hybrid Vehicle Scheme within the Council, the contract will be procured in accordance with the Councils Financial Regulations and the Public Contracts Regulations 2015.

- 2.3 Legal Services will advise on the contractual terms for the Salary Sacrifice Electric and Hybrid Vehicle Scheme in addition to advising on matters relating to Employment Law, Data Protection and associated legal matters relating to compliance.
- 2.4 An Equality Impact Assessment (Appendix 5) has been undertaken and identified that employees on grades 1 to 7 will not be eligible for the scheme. The majority of roles at grades 1 to 7 are female dominated. However, the eligibility criteria are in place to ensure that employees maintain the National Minimum Wage after deductions. The Equality Impact Assessment also identifies those employees nearing retirement may be impacted more significantly. The scheme is voluntary, and employees will be advised of the potential implications prior to applying for a vehicle.

Human Resources

- 3.1 HR policy documents will be reviewed and updated to outline the terms and conditions of entering into a salary sacrifice arrangement for all schemes adopted by the Council. This will ensure that application of Council schemes is clear, limiting the risk of claims against the Council. This will include calculations for related payments such as overtime, allowances, pay awards, redundancy, and the full range of leave schemes.
- 3.2 To set up an individual's salary sacrifice arrangement for an electric or hybrid vehicle, the employee will request a variation to their employment contract, known as the Salary Sacrifice Agreement, issued by benefit provider. This will outline the reduction in salary in return for the use of an lease vehicle, reflecting similar processes of the existing Shared Cost AVC scheme.
- 3.3 Finance and Audit resources will be required to provide support on matters relating to financial compliance, invoicing and payments. Legal services will be required to provide input on matters relating to employment law, GDPR, legal contracting between the Council and the appointed service provider and associated legal matters relating to compliance. Additional officer time will be required from HR Pay Projects Team to support the implementation estimated to be up to 20 days work for 1 post during the implementation period. There will also be ongoing HR Service resources to process and administer the variations to employee records, undertake employment and NMW checks, process P11 D's and processing invoices and recovery of fees. This is anticipated to be an additional 45 hours work per year based on

75 cases per year rising to 74 hours work after 3 years assuming take-up rises to 256 lease agreements per year.

Information Technology

4.1 None

Equalities Impact

- 5.1 The provision of an additional salary sacrifice scheme for electric and hybrid vehicles does not prevent anyone covered by any of the protected characteristics in being able to enter the scheme. The Equality Impact Assessment has highlighted that, 85% of employees at grades 1-8 who are likely not to be eligible are female and are typically part time workers.
- 5.2 Employees who are unable to drive for any reason, including those with a disability will be able to nominate a driver for the insurance policy and will still be able to access the scheme subject to meeting NLW and affordability requirements of the scheme.

Corporate objectives and priorities for change

- 6.1 This proposal aligns with the people priorities outlined within the Councils People Strategy and in particular to 'Promote diversity and inclusion, enable responsive workforce plans and develop credible reward strategies' by applying pay agreement in a fair and consistent manner.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

- 7.1 To implement a salary sacrifice electric vehicle lease scheme for employees supports the Council to achieve its objectives as outlined within the Council's Strategy and action plan. By helping to support the Councils ambition to be net carbon zero by 2032 or sooner.

Appendix 2

Estimated NIC savings to the Council based on eligible employees

Table 1 shows the expected annual NIC savings to the Council based on full time employees at grade 8 and above with a permanent contract, leasing a Nissan Leaf with a gross salary reduction of £315 per month.

Year	Eligible (Grade 8 and above) Employees (Schools and Non Schools)	Percentage Take Up	Number of lease vehicles	Example Annual Gross Salary Reduction	Annual NIC and Levy savings at 14.3%
2023/24	3209	2.3%	75	3780	£40,540
2024/25	3209	3.7%	118	3780	£63,783
2025/26	3209	5.1%	163	3780	£88,108
2026/27	3209	6.5%	208	3780	£112,432
2027/28	3209	8%	256	3780	£138,378

Appendix 3 Impact of Gross Salary Reduction on Pensionable Pay

An employee on the top spine point of grade 9 (£30,038) is leasing a Nissan Leaf for a gross salary reduction of £315 per month.

Impact on Monthly Pension Contributions

	Pre Salary Sacrifice	Post Salary Sacrifice
Monthly Gross Salary	£2,503.16	£2,503.16
Gross Salary Reduction	N/A	£315
Revised Salary	N/A	£2,188.16
Pension Contribution Rate	6.5%	6.5%
Monthly Pension Contribution	£162.71	£142.23

By leasing a vehicle with a gross salary reduction of £315, with a monthly gross salary of £2,503.16 the employee will be reducing their pension contributions by £20.48 per month

Impact on Pensionable Pay

The calculation for an employee who has been leasing a Nissan Leaf for the final year of employment (excluding the CARE part) would be as follows:

$£30,038 - 3780 = £26258$
80ths pension: $10 * £26258 * 1/80 = £3282.25$
80ths lump Sum: $10 * £26258 * 3/80 = £9846.75$
 $6 * 26258 * 1/60 = £2625.80$
Total Annual Pension: £5,908.05
One off Lump Sum: £9846.75

The same calculation for somebody that was **not** leasing an electric car would be as below:

80ths pension: $10 * £30038 * 1/80 = £3754.75$
80ths lump Sum: $10 * £30038 * 3/80 = £11264.25$
 $6 * 30038 * 1/60 = £3003.80$
Total Annual Pension: £6,758.55 (Difference of £850.50)
One off Lump Sum: £11,264.25 (Difference of £1,417.50)

Appendix 4

HMRC Advisory Fuel Rates for Company Cars from 1 September 2022

DCC proposed mileage rates would be 6p per mile above the below rates based on fuel types and engine size.

	Engine Size	Advisory fuel rate
Petrol	Up to 1400	15p
	1401 to 2000	18p
	Over 2000	27p
Diesel	Up to 1600	14p
	1601 to 2000	17p
	Over 2000	22p
LPG	Up to 1400	9p
	1401 to 2000	11p
	Over 2000	17p

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Equality Impact Analysis Record Form 2021 – Derbyshire County Council

Part 1. Introduction and context

Policy/ Service under development/ review		Hybrid and Electric Vehicle Salary Sacrifice Scheme			
Department/ Enterprising Council Workstream		Place			
Lead officer/ Workstream Lead		Michael Reardon/Scott Davis			
EIA Team:		Pay and Reward			
Date analysis commenced:	28/09/2022	Date completed:	11 November 2022	Date approved:	
Aims/ objectives of the policy/ service?					
<p>We are seeking to implement a new employee benefit; a Salary Sacrifice Electric Vehicle Scheme. This scheme will support the Place departments ambition to be net zero by 2050 by encouraging staff to play their part in reducing vehicle emissions. It will afford eligible employees the opportunity to lease a brand-new hybrid or electric car at a fixed monthly price, inclusive of car insurance, road tax, MOT, replacement tyres and accident assistance. As the scheme will operate on a salary sacrifice basis, it will also allow eligible employees to benefit from tax relief as well as lower National Insurance Contributions (NICs). In addition, the Council will also benefit from paying lower NICs. The Council currently provides employee benefits through salary sacrifice arrangements for Childcare Vouchers, Cycle to Work and Shared Cost Additional Voluntary Pension Contributions.</p>					

What outcomes will be achieved with the new or changing policy/ service?
Implementation of the scheme aligns to the Councils Low Emissions Vehicle Infrastructure Strategy and action plan, supporting the Council's ambition of being net zero by 2050. A new employee benefit will also add to the Council's Employer Value Proposition (EVP), forming part of the Council's employer branding, contributing to attracting, retaining and engaging employees. The scheme will also support the Council and employee in making NIC savings.
Please list any associated policies, services, or functions?
N/A
Please list the main people or groups that this policy/ service is designed to benefit and any other stakeholder involvement?
<p>The scheme is designed to benefit all employees subject to meeting the eligibility criteria.</p> <p>The scheme is also available to benefit those who do not hold a driving licence but have the ability to nominate someone else on the insurance policy. This enables employees who may not hold a driving licence due to disability to benefit from the scheme.</p>
Will the policy/ service and any changes impact on any other organisations such as community and voluntary sector groups?
N/A

Part 2. Supporting evidence

Please list and/ or link to below any recent and relevant consultation and engagement that can be used to demonstrate clear understanding of those with a legitimate interest in the policy/ service and the relevant findings:

The links below provide further information and reading on the Council's priorities and journey to achieving net zero. They highlight the need to take a holistic approach through working with communities, businesses, and borough Councils to reduce carbon emissions. The priorities detailed in the Vision Derbyshire Climate Change Strategy include the need to promote the uptake of electric vehicles.

<https://www.derbyshire.gov.uk/environment/climate-change/our-journey-to-carbon-zero/our-journey-to-net-zero-carbon.aspx>

<https://www.derbyshire.gov.uk/site-elements/documents/pdf/environment/climate-change/vision-derbyshire-climate-change-strategy.pdf>

[Climate change strategy \(derbyshire.gov.uk\)](https://www.derbyshire.gov.uk/environment/climate-change/vision-derbyshire-climate-change-strategy.pdf)

If there is insufficient consultation or engagement information, please explain what action is being taken to obtain this information and when this consultation/ engagement will be completed and available:

N/A

Please list or link to any relevant research, data or intelligence, Observatory or any other information that is available and will be used to help complete the analysis?

.
See above regarding journey to net zero.

Please list or link below to any relevant service user/ customer or employee monitoring data and what it shows in relation to any Protected Characteristic (Age, Disability, Gender reassignment, Marriage and civil partnership, Pregnancy and maternity, Race and ethnicity, Religion and belief including non-belief, Sex or gender, Sexual orientation)

Employees will not be eligible if their pay falls below the National Living Wage (NLW) following the deduction of the gross salary sacrifice amount. If following the deduction of the gross salary sacrifice amount, their pay falls below the Lower Earnings Limit, they will be advised that the salary sacrifice will not provide any additional benefit and may impact their eligibility for statutory payments, such as Statutory Maternity Pay and Statutory Sick Pay. Only employees with a permanent contract will be eligible to participate in the scheme. Employees who are members of the Teachers' Pension Scheme (TPS) will not be able to participate due to pension regulations. As the scheme is based on salary sacrifice, Agency Workers will not be eligible due to not being in receipt of a salary.

Currently, employees pay must not fall below £9.50 per hour, meaning that to qualify for a £315 gross reduction in pay, an employee must be earning at least £22,107 (grade 6) to be eligible to participate in the scheme. As a form of protection against future rises in the NLW, the Council will only accept application from employees whose pay remains above the Real Living Wage, currently £10.90 per hour. Therefore based on this criteria, to qualify for a £315 gross reduction in pay employees must earn at least £24,808 (grade 8 and above).

Therefore, when pay is split into quartiles by hourly rates, it would mean the scheme would be largely inaccessible to employees in quartiles 3 and 4 (grades 1-8). The majority of employees in these quartiles are female (85%), of which 94% are part time workers, as highlighted in the [Gender Pay Gap Report 2021](#).

The [Equalities Report](#) details monitoring data for employees by department, grade and protected characteristic.

If there is insufficient information, please outline any plans to remedy this?

[Empty box]

Part 3. Analysing and assessing the impact by equality Protected Characteristic group

Use the information, customer feedback and other evidence to determine upon whom the policy/ service and any proposed changes will impact upon and how, highlighting where these are negative or positive, including where this could constitute unfair treatment, additional inequality or disadvantage or result in hardship and exclusion.

Against any identified negative potential impacts you must provide details of any action or options which could mitigate against this, and in serious cases, you should highlight where the Council would be advised not to proceed with a new or changing policy or service, including any proposals which are being considered.

Please use your action plan attached to this analysis to record the action and the monitoring which will take place to deliver such mitigation.

<i>Protected Characteristic or Group</i>	<i>Actual or potential positive outcome/ impact</i>	<i>Actual or potential negative outcome/ impact</i>
1. Age	N/A	<p>Employees who are eligible to participate in the scheme and are approaching retirement age may be impacted more significantly, especially if they had service prior to 1 April 2014.</p> <p>The calculation for somebody who has been leasing a Nissan Leaf for the persons final year of employment (excluding the CARE part) would be as follows:</p> <p>Total Annual Pension: £5,908.05 One off Lump Sum: £9846.75</p>

Protected Characteristic or Group	Actual or potential positive outcome/ impact	Actual or potential negative outcome/ impact
		<p>The same calculation for somebody that was not leasing a lease car would be as below:</p> <p>Total Annual Pension: £6,758.55 (Difference of £850.50) One off Lump Sum: £11,264.25 (Difference of £1,417.50)</p>
2. Disability	The scheme is available to employees. Should an employee be unable to drive for any reason including due to a disability, they are able to nominate someone for the insurance policy so can still access the scheme.	N/A
3. Gender re-assignment	N/A	N/A
4. Marriage & civil partnership ¹	N/A	N/A
5. Pregnancy & maternity	If pregnant employees have a salary sacrifice hybrid or electric Vehicle, the Council will pay Tusker as deductions cannot be made from statutory entitlement. . On return to work or resignation, the arrears of payments are	If

¹ Under EA 2010 – someone in a CP must not be treated less favourably than a married person

Protected Characteristic or Group	Actual or potential positive outcome/ impact	Actual or potential negative outcome/ impact
	covered by Tusker's Employee Protections.	
6. Race & ethnicity	N/A	N/A
7. Religion/ belief ²	N/A	N/A
8. Sex or gender ³	N/A	Due to NLW requirements, the majority of employees in grades 1-7 will not be eligible for a Salary Sacrifice hybrid or electric Vehicle. As cited in the Gender Pay Gap report, the majority of these employees are female.
9. Sexual orientation	N/A	N/A
10. Human Rights	N/A	N/A
11. Thriving Communities	N/A	N/A
12. Rural communities	N/A	N/A
13. DCC Employees	The benefit is available to all eligible Council employees, subject to meeting NLW requirements.	
14. Community and Voluntary sector organisations working	N/A	N/A

² Under EA 2010 – must also consider non-religious belief

³ Sex and gender can be used at different times depending upon whether you are referring to the EA 2010 and the different duties which exist

Protected Characteristic or Group	Actual or potential positive outcome/ impact	Actual or potential negative outcome/ impact
with protected characteristic groups		
15. Other not listed above	N/A	N/A

Part 4. Summary of main findings

The Salary Sacrifice Hybrid or Electric Vehicle Scheme is being implemented to support the Place department’s ambition of being net zero by 2025 through encouraging staff to play their part in lowering vehicle emissions. Employees can lease a brand-new Electric Vehicle for a monthly gross salary deduction inclusive of car insurance, road tax, MOT, replacement tyres and accident assistance. To be eligible for an electric vehicle employees must remain above the NLW following the deduction of the gross salary sacrifice, meaning those employees in grades 1-9 will typically not be able to access this benefit.

The majority of roles at grades 1-7 are female dominated and therefore, female employees are less likely to meet the eligibility criteria required to access the scheme.

Adjustments are in place to ensure that all employees are able to access the scheme (subject to meeting the NLW requirements) and that a third party can be nominated as the insured person on a car should an individual be unable to drive themselves.

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Part 5. Equality Action Plan

Please complete this Action Plan for any negative or unknown impacts identified in the Analysis above.

Issue identified	Action required to reduce impact/ mitigate	Timescale and responsibility	Monitoring and review arrangements
Awareness about the scheme's eligibility	Develop and introduce a communication plan around the scheme to raise awareness about eligibility criteria.	Pay and Reward Team	Communications regarding the scheme will be reviewed on a regular basis to ensure they are accurate and in line with current legislation.
Understanding of the impact of maternity leave and sick leave on the salary sacrifice scheme and the impact of participating in the scheme may have on statutory entitlements.	Develop clear communication with employees prior to entering into an agreement	Pay and Reward Team	As above
Clear communications regarding the impact of participating in the salary	Liaise with Derbyshire Pension fund to develop clear communications with	Pay and Reward Team, Derbyshire Pension Fund.	As above

sacrifice scheme on pension entitlements, especially for employees who may be approaching retirement and also considering participating in the Electric and Hybrid Vehicle Salary Sacrifice Scheme.	employees prior to entering into an agreement		
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Part 6. Date of any Cabinet/ Cabinet Member or Council Report to which this was attached and their decision:

Appointments and Conditions of Service Committee on 8 March 2023.



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE

WEDNESDAY, 8 MARCH 2023

Report of the Interim Director of Organisation Development & Policy

Attendance Management and Ill Health Capability Procedures for Teachers Employed by the Local Authority and not attached to schools

1. Purpose

- 1.1 To consider and approve the adoption of an attendance management and ill-health capability procedure and managers guidance for teachers employed by the Local Authority and not attached to schools.

2. Information and Analysis

- 2.1 In October 2016, a Local Agreement was reached with the representatives of teachers and headteachers employed by the Local Authority that the negotiation mechanism for the following policies and agreements developed specifically for teachers employed by the Local Authority and not attached to schools will be undertaken by Derbyshire County Council Schools' Joint Consultative Committee (SJCC):-

- Teachers' Pay
- Teacher Competence
- Teacher Appraisal
- Leave of Absence
- Disciplinary
- Grievance
- Sickness Absence
- Facilities Agreement

- 2.2 This is the first opportunity to bring to ACOS the attendance management and ill-health capability procedures following negotiation at SJCC.
- 2.3 The regulations governing teachers' terms and conditions of service are contained within the School Teachers Pay and Conditions Document (STPCD) and the Conditions of Service for School Teachers in England and Wales ('Burgundy Book').
- 2.4 The provisions of the School Teachers Pay and Conditions Document (STPCD) and the Conditions of Service for School Teachers in England and Wales ('Burgundy Book') need to be reflected in the authority's policies for the management of teachers employed centrally in the education support services.
- 2.5 HR policies which apply to local authority employees are negotiated by Derbyshire County Council Corporate Joint Committee (CJC). The accredited representatives of the recognised employee organisations who represent teachers and headteachers employed by the Local Authority are not members of the CJC and have sought a methodology which provides them with the right to be consulted on in relation to policies and procedures which apply to the staff that they represent.
- 2.6 The attendance management and ill-health capability procedure is consistent with the policy adopted for employees of the County Council wherever possible and provides a sound and fair framework for addressing concerns relating to the absence and ill-health capability of teaching staff employed by the LA and not attached to schools. It also reflects the model policy already offered to Governing Boards for adoption.
- 2.7 The Attendance Management and Ill Health Capability Procedure which is attached at Appendix 2 includes detailed manager guidance to assist implementation, which has also been agreed at SJCC.
- 2.8 The provisions within the proposed procedure reflect the Conditions of Service for School Teachers in England and Wales ('Burgundy Book') which is a national agreement between the school teacher unions and their employer and sets out national conditions of service for school teachers which are incorporated into teachers' contracts of employment. The Burgundy Book's main provisions relate to notice periods, sick leave and pay and maternity leave and pay.
- 2.9 The revised procedure and guidance will be made available to relevant managers and employees so that they are aware of the specific

procedures in relation to teachers employed by the Local Authority and not attached to schools.

3. Consultation

- 3.1 The proposed procedure has been developed with extensive consultation at SJCC with the recognised teacher trade unions and professional associations and agreement has been reached.

4. Alternative Options Considered

- 4.1 Alternative options would be to not have a separate procedure for Teachers employed by the Local Authority and not attached to schools and continue to use the procedure which applies to all other employees employed by Derbyshire County Council, however this does not reflect all of the provisions of the School Teachers Pay and Conditions Document (STPCD) and the Conditions of Service for School Teachers in England and Wales ('Burgundy Book') statutory conditions of service in and has not be negotiated in accordance with the agreed negotiation mechanism as outlined in 2.1 above.

5. Implications

- 5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report

6. Background Papers

- 6.1 School Teachers Pay and Conditions Document 2022

Conditions of Service for School Teachers in England and Wales ('Burgundy Book')

7. Appendices

- 7.1 Appendix 2 – Attendance management and ill-health capability procedures and managers guidance for teachers employed by the LA and not attached to schools.

8. Recommendation(s)

That Committee:

a) Approves the adoption of an attendance management and ill-health capability procedure for Teachers employed by the Local Authority and not attached to schools which will be implemented with effect from 1st April 2023.

9. Reasons for Recommendation(s)

9.1 The revised procedures meet the council's obligations in relation to the statutory conditions of employment of school teachers for maintained schools in England and Wales which includes provisions for school teachers employed by the Local Authority and not attached to schools are set out in the Conditions of Service for School Teachers in England and Wales ('Burgundy Book')

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Implications

Financial

- 1.1 No additional costs or savings are associated with the adoption of specific policies and procedures to deal with attendance. Ill-health capability a which specifically relate to teachers employed by the Local Authority and not attached to schools.

Legal

- 2.1 The Conditions of Service for School Teachers in England and Wales ('Burgundy Book') requires that the local authority, as the employer of Teachers employed by the local Authority and not attached to schools, makes known to a teacher any rules and procedures they may have for termination of employment on medical grounds. These rules and procedures need to reflect the specific sickness and medical provisions outlined in the 'burgundy book'.
- 2.3 Local authorities must abide by the statutory requirements and must have regard to the guidance issued, as a court or tribunal may take any failure to do so into account in any legal proceedings.
- 2.4 The procedure is a non-contractual document and does not therefore, require a variation to contract. However, as this is a procedure which will apply to all relevant employees in accordance with their terms and conditions of employment, consultation has been undertake with the relevant trade unions.
- 2.5 The terms of reference for the Appointments and Conditions of Service Committee provide for the Committee to approve corporate employment policies and to determine terms and conditions on which staff hold office, including procedures for their dismissal.

Human Resources

- 3.1 There has been formal consultation at Schools' Joint Consultative Committee (SJCC) and agreement reached with the recognised trade unions and professional associations in relation to the proposed attendance management and ill-health capability procedure.

Information Technology

- 4.1 HR Services have developed a SAP update to enable the separate recording of disability related absence as referred to in the revised attendance management and ill-health capability procedure.

Equalities Impact

- 5.1 The provisions of the attendance management and ill-health capability procedures are compliant with the relevant provisions of anti-discrimination legislation contained in the Employment Relations Act 1999, the Equality Act 2010, the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 and the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002. It is also consistent with the principles of public life – objectivity, openness, and accountability.
- 5.2 Monitoring of equalities will take place throughout the implementation of the procedures.

Corporate objectives and priorities for change

- 6.1 The attendance management and ill-health capability procedure aligns with the Council's People Strategy and People Priorities and its stated headline initiative of promoting our employees' wellbeing and developing their potential.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

- 7.1 N/A

Attendance management and ill health capability procedure for teachers employed by the local authority and not attached to schools and managers guidance



Contents

Attendance management and ill health capability procedure for teachers employed by the local authority and not attached to schools

Flow Charts

1. Background
2. Scope
3. Objectives
4. Reporting sickness absence
5. Contractual sick pay entitlements
6. Maintaining contact
7. Return to work discussion
8. Returning to work following long-term absence
9. Informal action
10. Ill health capability
11. Informal support
12. Referral to Occupational Health
13. Formal absence management procedures
14. Dismissal procedures

Version	Date	Detail	Author
V.01	09.12.22	Version tabled and agreed at SJCC	Ian Stonehouse

Managers' guidance

1. Background

- 2. Scope**
 - 3. Responsibilities**
 - 4. Employee unable to carry out full duties of the post / Ill Health Capability**
 - 5. The Costs of Sickness Absence**
 - 6. A Comprehensive Approach**
 - 7. Role of Management**
 - 8. Reporting sickness absence**
 - 9. Long term absence**
 - 10. Additional support available**
 - 11. Referral to Occupational Health**
 - 12. Employee counselling service**
 - 13. Return to work discussion**
 - 14. Keeping in touch during absence**
 - 15. Absence monitoring**
 - 16. Meeting and record keeping protocols**
 - 17. Confidentiality**
 - 18. Informal action**
 - 19. Formal absence management procedures**
 - 20. Guidance on the dismissal procedure**
 - 21. The ill health capability / dismissal hearing**
 - 22. The appeal hearing**
 - 23. Ill health retirement**
 - 24. Reasonable adjustments**
 - 25. Abuse of sickness absence**
- Special circumstances**
- 26. Disability under the Equality Act 2010**
 - 27. Failure to engage in the procedure**
 - 28. Redeployment**
 - 29. Menopause**

- 30. Pregnancy related absences**
- 31. Elective surgery**
- 32. Dying to work charter**
- 33. Employees mental health support**
- 34. Case conference**
- 35. Monitoring and review**

Appendix 1 – Causes of absence

Appendix 2 – Manager' guidance on meetings held in accordance with the Absence Management procedures

Appendix 3 – Guidance on the arrangement of formal meetings with staff involving union / professional association representatives

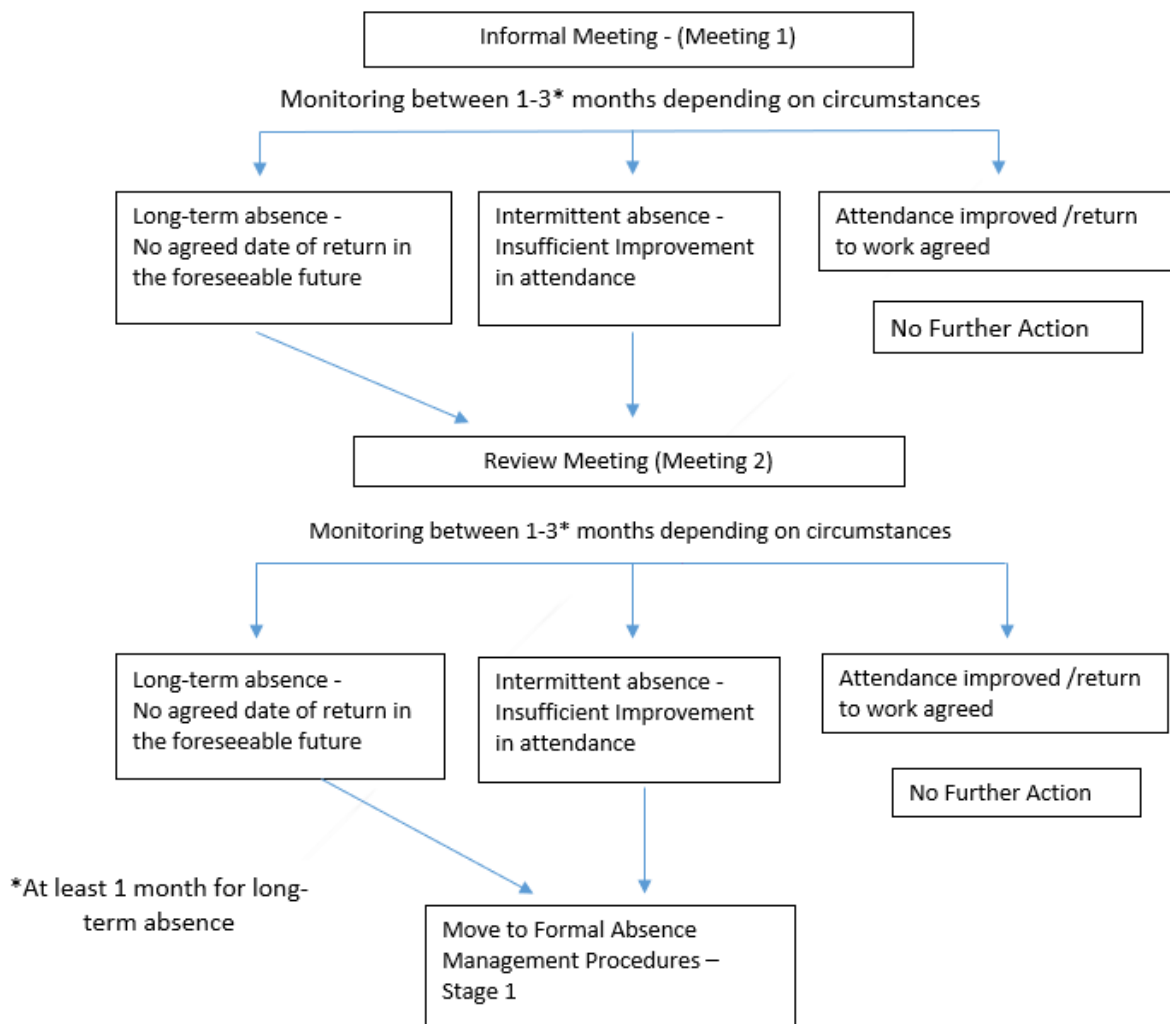
Appendix 4 – Guidelines on phased return to work

Informal action

An employee hits an absence trigger if one or more of the following apply:

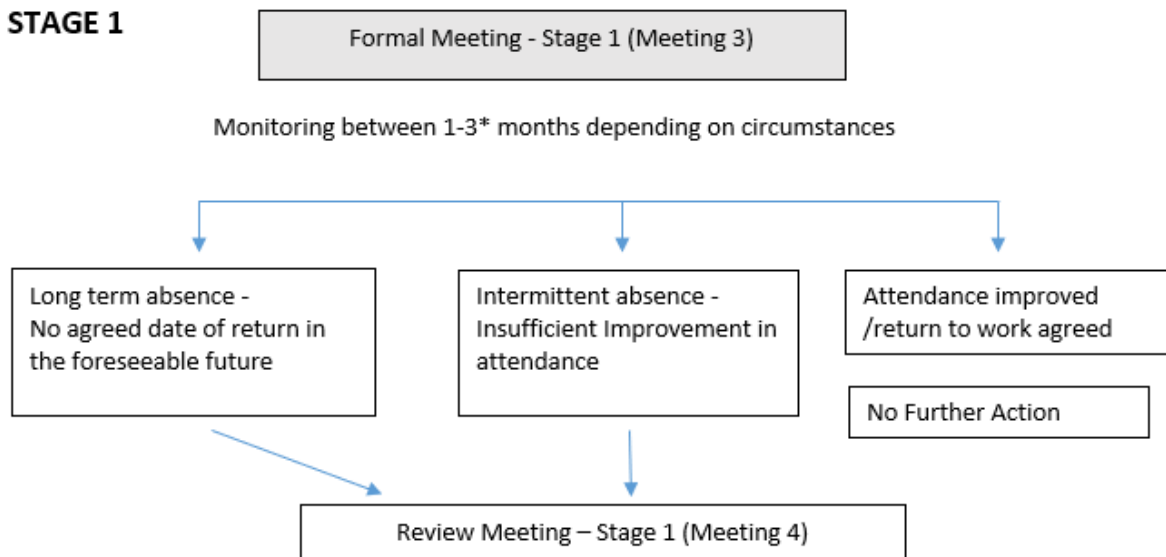
- 8 working days over in any rolling 12-month period* or
- A continuous absence of over 20 working days or
- Where there is other cause for concern on the level or pattern of absence.
- An employee is unable to carry out the full duties of their post although they are able to attend work

*To hit the trigger the employee must have at least 8 days of absence **and** at least 2 periods of absence

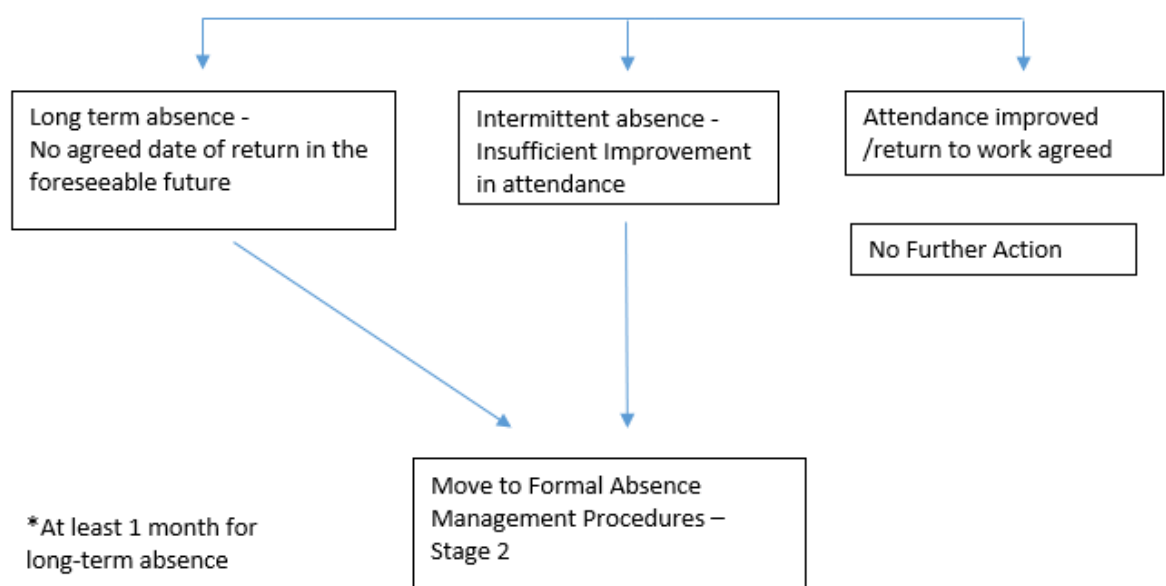


Formal Absence Management Procedures

STAGE 1



Monitoring between 1-3* months depending on circumstances

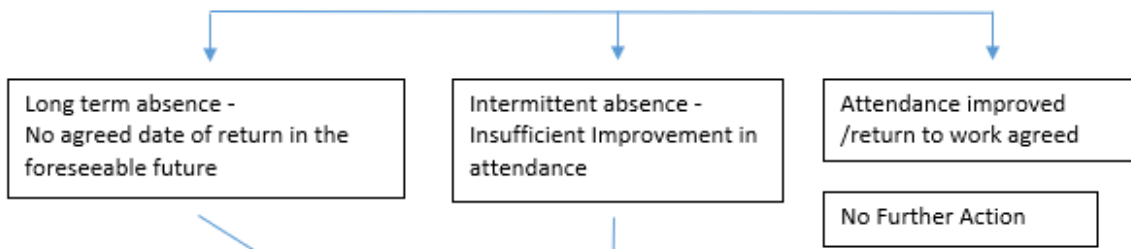


*At least 1 month for long-term absence

STAGE 2

Formal Meeting - Stage 2 (Meeting 5)

Monitoring between 1-3* months depending on circumstance



*At least 1 month for long-term absence

Review Meeting – Stage 2 (Meeting 6)

Long-term absence - No agreed date of return in the foreseeable future

Intermittent absence - Insufficient Improvement in attendance

Attendance improved /return to work agreed

No Further Action

Stage 3

III – Health Capability Hearing

Dismissal

Further Review meeting at Stage 2

Appeal

1. Background

The Council is fully committed to the health and welfare of all employees. It is implicit within these procedures that the Council will, do all it can to support any member of staff who suffers from ill health.

Heads of Service will encourage and support employee with health problems to seek help through occupational health, wellbeing services, or external sources.

Employees will be encouraged to declare if they have a health condition or a disability, so they can access the necessary reasonable adjustments and support.

The aim of the policy is to promote high levels of attendance at work and to enable employees to fulfil all aspects of their role however, it is not the intention of this sickness absence policy to deter those who are genuinely sick from taking appropriate sick leave.

The Management of sickness absence procedure is supplemented by Managers Guidance, which provides more detail of the process as well as guidance to Managers in respect of sickness absence matters.

2. Scope

This Procedure is consistent with the Advisory, Conciliation and Arbitration Service (ACAS). It applies to all Teachers employed by the Local Authority and not attached to Schools.

Key principles

- The aim of the procedure is to promote high levels of attendance at work which will in turn lead to better levels of service provision.
- Following this procedure will enable sickness absence issues to be addressed in a fair and consistent manner so that employees can achieve and maintain a satisfactory level of attendance at work.
- The Council will provide appropriate support for employees who are absent due to sickness or unable to fulfil their duties due to ill health.
- Abuse of the sickness scheme may be dealt with under the Councils disciplinary procedure.
- Employees have a right to be accompanied at any meetings, held as part of this procedure, normally by a trade union representative, an official employed by the trade union or a colleague. Consideration will also be given to allowing additional support in appropriate cases.
- Employees will be given a minimum of 5 working days' notice, in writing, of all meetings held under this procedure.

- Reasonable adjustments should be considered for employees where relevant in accordance with the Equality Act 2010.
- Neither party is allowed to electronically record meetings held as part of this procedure. The use of recording equipment by either party without consent may constitute a disciplinary matter.
- All sickness absence must be recorded accurately and in a timely manner and kept up to date in Workplace. See 'Our Derbyshire, Working Here, Sickness Absence, Absence Recording' for details on how to categorise sickness and record it in Workplace. Records of all contact should be kept on the employee's HR EDRM record and held securely and in accordance with the employee privacy policy.



3. Objectives

The aim of this procedure is to provide support for teaching staff employed by the Local Authority and not attached to schools in their absence and the Council with a fair and consistent means by which short-term and long-term sickness absence and ill health capability is addressed. It aims to support these employees in achieving and maintaining good levels of attendance and to enable employees to fulfil all aspects of their role. It also aims to provide practical support, advice, and guidance to enable those involved to fulfil their roles in the management of employees' attendance and sickness absence.

The use of this procedure will ensure the fair treatment of all employees consistent with good management practice

Regular Monitoring and Support underpins this Procedure.

4. Reporting sickness absence

Employees have a responsibility to report their sickness absence as set out Below:

- Day 1 - Employee reports absence in line with agreed timescales and procedures.
- Day 4 - Employee updates manager on nature / duration of the absence.
- Day 8 - Employee, if still absent, provides a Fit Note.

Where an employee fails to comply with these timescales managers should contact the employee to discuss the absence.

5. Contractual sick pay entitlements

The entitlements set out in Sick Pay Scheme Section of the Burgundy Book will apply, augmented by any additional entitlements (b) as set out in this policy.

a) Burgundy Book Sick Pay Scheme Extract

Provided the appropriate conditions are met, a teacher absent from duty because of illness (which includes injury or other disability) shall be entitled to receive in any one year sick pay as follows: -

During the first year of service – full pay for 25 working days and after completing four calendar months' service, half pay for 50 working days.

During the second year of service – full pay for 50 working days and half pay for 50 working days.

During the third year of service – full pay for 75 working days and half pay for 75 working days.

During the fourth and subsequent years of service – full pay for 100 working days and half pay for 100 working days.

This scale is to be regarded as a minimum and the Authority may extend its application in any individual case.

For the purpose of the sick pay scheme, “service” includes all aggregated teaching service with one or more local education authorities.

Currently Derbyshire County council uses its discretion to also recognise “service” with academies in relation to the provision of sickness pay.

- b) Extensions of the allowances in (a) above for teachers with long service (full and half pay not to exceed 200 working days in total):
 - i. 10 years full-time service but less than 20 years – additional 23 working days at full pay *
 - ii. 20 years’ full-time service but less than 30 years – additional 46 working days at full pay *
 - iii. 30 years’ full-time service and over – additional 69 working days at full pay *

6. Maintaining contact

The Council has a responsibility to maintain contact throughout an employee’s absence in order to provide a supportive framework to facilitate a successful return to work. Where an employee fails to contact their line manager within the prescribed timescales, the line Manager will contact the employee.

Employees also have a duty to keep their manager informed of any development whilst absent from work and should indicate, where possible, when they are likely to return to work. To maintain contact, an employee who is to be away from home for an extended period (two weeks or more) during sickness absence should inform their manager of their contact details before departure

In some circumstances and where agreed by the employee, it may be preferable for contact to be maintained via third parties, where appropriate. Where an employee or their trade union informs the Head of Service that the direct contact is causing distress and requests contact via their trade union representative this should be accommodated. Any contact will be reasonable and sensitive and will not require employees to set work for pupils or classes they would normally be teaching or

undertake any contractual duties for which they are absent with ill-health unless the employee wishes to do so.

7. Return to work discussion

After any absence an approach from the line manager, to ascertain recovery and explore any follow-up action, presents an informal opportunity to exercise interest in the welfare of employees

A return to work discussion will be held with every employee on their return to work after a period of sickness absence, regardless of the length of that absence. In most cases a brief friendly low-key discussion is all that is required. This discussion should take place on the day the employee returns to work. If it is not possible to do this, then the conversation should take place within 2 working days, the discussion should be appropriate to the circumstances and duration of the employee's absence. In appropriate circumstances, (see below) a short, simple record will be produced to ensure clarity about the nature of the discussion and ensure that the perceptions of both parties, as to any conclusions, are understood. A recording form for this discussion is can be downloaded by clicking on this link for the [Return to Work Discussion form](#).

During the discussion the line manager should:

- Ascertain whether the employee has made a full recovery.
- Discuss whether there are any actions required, for example, adjustments either short or long term that are required to enable the employee to carry out the job role, a workplace assessment, referral to Occupational Health, expected improvements, and if so, record them on the return to work discussion form where used, with the appropriate timescales for you to action.
- Bring the employee up to date on work-related issues and developments that have occurred during their absence.
- If it is felt that the reason for absence requires medical investigation or if the level of absence is a cause of concern, then refer immediately to Occupational Health, using the Occupational Health referral form available on Our Derbyshire and the website. Tell the employee if you decide to do this.
- Advise the employee that they will be asked to attend a review meeting if they have hit the absence trigger of 8 days in any 12-rolling calendar month period.
- Where appropriate, remind the employee of the Council's wellbeing policies and guidance on Our Derbyshire. These include information on physical and mental health, work life balance, the counselling service and other wellbeing support. It may be appropriate to refer for physiotherapy
- Complete the return to work form discussion form where appropriate. The return to work discussion form should only be completed where:
 - The employee is having frequent periods of short-term intermittent absence.
 - Where a pattern of absence is of concern
 - The absence is covered by medical certification.

- The employee is in the capability review process.
- Adjustments to the job are required.

Where the form is completed then one copy should be retained by the line manager and one copy given to the employee. There should be adequate information on the form to link it with the employee record. If the form is to be used the employee should be offered the opportunity to have a colleague or local trade union rep unless this would cause unreasonable delay.

8. Returning to work following long-term absence

A return to work discussion will be held with every employee on their return to work following a period of long-term sickness absence. It may be necessary to meet prior to the return to work to fully explore any medical recommendations e.g. From a GP, medical specialist, or Occupational Health about any adjustments necessary to enable them to return to work. The discussion should be appropriate to the circumstances and a record kept to ensure that any agreements are understood and actioned in line with the timescales agreed. The employee should be offered the opportunity to have a colleague or local trade union representative unless this would cause unreasonable delay. The [recording](#) form can be used to record the conversation which should include.

- Discussion about the reason for the absence and any on-going medical investigations or treatment plans
- Discussion about any on-going support the employee will need.
- Discussion about whether there are any adjustments either short or long term, including phased return which will be required to enable the employee to carry out the job role and, if so, the appropriate timescales.
- Where appropriate, reminding the employee of where and how they can access independent Health advice such as a counselling service, physiotherapy, or access to work.
- Bringing the employee up to date on work-related issues and developments that have occurred during their absence

One copy of the form should be retained by the line manager and one copy given to the employee. There should be adequate information on the form to link it with the employee record.

9. Informal Action

Line managers are responsible for monitoring the absence of their employees. The Council considers that sickness absence is a concern when the following triggers are reached

- 8 working days of intermittent absences which are over two or more occasions in any rolling 12-month period or
- A continuous absence of over 20 working days or
- Where there is other cause for concern on the level or pattern of absence over a longer period of time.

The trigger points are pro rata for part-time employees working their hours over a reduced number of days. See managers guidance for further information.

When an individual who has been identified as triggering the management of sickness absence procedure, the first step is to ascertain the circumstances of the individual's absence.

To do this the line manager/ supervisor needs to check the reason for the absences given on the self-certification forms, or Doctor's Certificates submitted by the individual, over the period or throughout their employment, if appropriate.

The purpose is looking to establish whether there are any common themes, persistent or continuing illness, or whether it is merely an unrepresentative period with no underlying cause or pattern.

If an employee's sickness absence is pregnancy related, the Council must ensure that it complies with its duties towards pregnant employees. So, although the absence is taken into account for sick pay purposes, such absences would not normally be taken into account in respect of meeting triggers and progressing through the attendance management procedure. However, it is good practice to meet with employees after a period of pregnancy related sickness absence to ensure that appropriate support is offered. A pregnancy risk assessment should be completed as soon as an employee notifies you that they are pregnant.

Once the above information is ascertained whether or not there are grounds to warrant calling the individual to an informal discussion should be considered.

Where employees meet the 'trigger' within the procedure, there are often sufficient grounds for concern to make an informal discussion necessary.

10. Ill Health Capability

There may be occasions when an employee is unable to carry out the full duties of their post although they are able to attend work. Advice should be sought from the Advice and Support team and Occupational Health on the most appropriate procedure to follow.

In these cases, it may be necessary to continue or commence with the Attendance Management and Ill Health Capability procedures. For further information see manager guidance.

11. Informal Support

Informal Discussion - 1st Meeting

Where, after consideration of an employee's absence record and taking into account the trigger points a meeting is felt necessary the employee will initially be asked to meet with their Line Manager for an informal discussion. Employees will have the opportunity for a trade union representative, friend, or colleague to be in attendance. The priority of each meeting will be to identify and initiate practical steps to support the employee's return to work or sustain an acceptable level of attendance. It may be necessary to set expectations for improvement.

The purpose of the discussion will be to: -

- a) discuss the individual's absence or absence record.
- b) clarify the reason for the absence/ periods of absence and signpost or offer appropriate support. This may include issues in the employee's personal life or workplace issues.
- c) Discuss, if relevant, the impact of any medical condition or underlying health issues and how impact on attendance might be minimalised
- d) discuss how a disability may be impacting on attendance and any short-term or long-term reasonable adjustments that might improve attendance.
- e) discuss whether any reasonable adjustments would help the employee to return to work or improve their attendance at work. (See manager guidance – reasonable adjustments)

The following courses of action may be considered: -

- i. where relevant, inform the employee what reasonable adjustments have been agreed and/or seek further advice from Occupational Health regarding any reasonable adjustments
- ii. inform the employee that no further measures will be implemented as the manager is satisfied with the explanation of the necessity for the absence.
- iii. inform the employee that their absence may be monitored for the next 1-3 months depending on the circumstances. For long term absences

this will be at least 1 month*.

- iv. Where the absences are intermittent require, for a period of three months, the production of an NHS medical certificate from the first day of each period of sickness absence. (Costs incurred will be reimbursed in full by the Council).

**Where a period of absence includes a school closure period it will be normal for absence to be monitored for a period of longer than 1 month taking into account the length of the school holidays.*

Informal Discussion – Review Meeting – Meeting 2

If, following the monitoring period the long term absence is continuing or the relevant level of attendance is not met, and this is not the result of particular extenuating circumstances, then a further informal review meeting should be arranged as soon as practicable.

Where relevant the purpose of this further meeting will be:

- a) discuss with the employee their absence record.
- b) discuss with the employee what steps the employee and/or the service can take to support them to return to work or to improve their attendance, including the consideration of reasonable adjustments on a temporary or permanent basis; (see Managers Guidance or review the current reasonable adjustments, if in place.
- c) consider current available medical and welfare information. If the employee's absence record suggests that a report from the Occupational Health Physician is warranted, and one has not yet been obtained, seek agreement for the employee to be referred. Where an employee refuses to undergo further medical examination they should be advised that a decision may be taken on the information already available.
- d) reinforce the expectation regarding attendance at work where appropriate.
- e) Following meeting 2 management should determine
 - whether temporary or permanent reasonable adjustments would enable an employee to return to work or sustain an acceptable level of attendance.
 - Whether a return to work following a period of long-term absence has been agreed
 - whether the possibility of redeployment should be considered
 - whether the absences are not genuine and disciplinary action may be appropriate.
 - if none of the above are clear, consideration should be given to a further review period.

The following courses of action may be considered:

- i. inform the employee that no further measures will be implemented as the manager is satisfied with the explanation of the necessity for the absence.
- ii. inform the employee that his/her absence may be monitored for the next 1-3 months depending on the circumstances. For long term absences this will be at least 1 month*.
- iii. Where the absences are intermittent require, for a period of three months, the production of an NHS medical certificate from the first day of each period of sickness absence. (Costs incurred will be reimbursed in full by the Council).
- iv. Dependent upon the circumstances and/or introducing reasonable adjustments if appropriate consideration should be given to referring the employee to Occupational Health.

**Where a period of absence includes a school closure period it will be normal for absence to be monitored for a period of longer than 1 month taking into account the length of the school holidays.*

12. Referral to Occupational Health

Guidance should be sought from Occupational Health as part of the management of sickness absence procedures. The advice provided by Occupational Health will include recommendations in relation to reasonable adjustments and may include advice on the ability of an individual employee to participate in the attendance process.

At any stage formal or informal, where occupational health advice has been sought, it would normally be necessary to delay a meeting under the absence procedures until the report has been received.

13. Formal Absence Management Procedures

Where an employee has been continuously absent or where there has been no or insufficient improvement of attendance following at least two monitoring periods of informal action a formal meeting at Stage One of the Formal Management of Sickness Absence Procedures will be held.

Stage 1 – first formal meeting – Meeting 3

The first formal meeting (Meeting 3) will be held with the Head of Service and the employee.

The employee will be given a minimum of 5 working days' notice, in writing, of a Stage 1 meeting held under this procedure.

At the meeting considerations will include:

- The employee's absence record.
- The reasons for absence.
- Up to date medical information provided by the employee.
- A referral to Occupational Health, physiotherapy, or counselling where appropriate.
- The effects of the employees' health on their ability to carry out their role
- Temporary or permanent adjustments where these would allow an employee to return to work. See manager guidance
- Setting a review period of 1 to 3 months, dependent on circumstances. A review period of at least 1 month* will be normal for long-term absence.

Other agreed action may include:

- i) Agree appropriate programme of support for anticipated return to work or
- ii) Set an improvement target and timescale for the required level of sustained attendance to be achieved.
- iii) Consideration of ill health retirement.

On conclusion of the meeting a letter warning that failure to attain/maintain the required level of attendance or ability to carry out the requirements of the role may lead to consideration by the Council of whether the employee's continued employment at the Council can be sustained will be issued.

** Where a period of absence includes a school closure period it will be normal for absence to be monitored for a period of longer than 1 month taking into account the length of the school holidays. Following a lengthy period of school holidays, it may be appropriate to meet at the beginning of a new term outside of the formal procedures to re-establish contact and assess progress before a formal review of progress is made under the formal absence management procedures.*

Stage 1 Review Meeting – Meeting 4

At the end of the review period there will be a review meeting with the employee (Meeting 4) which should include:

- A review of the actions taken at Stage 1(Meeting 3)
- Steps the employee has taken to improve his/her attendance.
- Current available medical information, including information from the employee and any Occupational Health report where appropriate.
- Reasonable adjustments if these would help the employee to return to work or improve their attendance at work or ability to carry out requirements of the role
- Referral to Occupational Health where this has not previously been done.

- Emphasis of the expectation regarding attendance at work where appropriate
- Consideration of an extension of the review period where attendance has improved but there are still concerns about the employee's overall pattern of attendance, or where further information is awaited
- Removal from the process where attendance has improved to a satisfactory level or the employee has returned to work.
- Where an expected date of return from Long-term absence in the foreseeable future has not been agreed, or where attendance has not improved within the agreed period of monitoring a meeting at Stage 2 of the formal absence management procedures will be arranged.
- Consideration of whether the employee wishes to pursue ill-health retirement under their pension scheme and the next steps

Stage 2 - Meeting 5

The stage 2 meeting (Meeting 5) will be held with the Head of Service or relevant Senior Leader and the employee where there has been continued absence for at least one month since Stage 1 review meeting, OR there has been no or insufficient improvement of attendance or ability to carry out the role within the agreed period of monitoring

The employee will be given a minimum of 5 working days' notice, in writing, of any Stage 2 meeting held under this procedure.

At the meeting considerations will include:

- A review of the information in relation to the employee's sickness.
- A review of the outcomes of all earlier meetings
- Agreeing an appropriate programme of support for anticipated return to work
- Set an improvement target and timescale for the required level of sustained attendance to be achieved or to carry out the full duties of the role
- It would be usual for a further referral to occupational health to be undertaken
- Reasonable adjustments where appropriate. See manager guidance
- Redeployment where the Occupational Health Physician has stated the employee is fit for alternative duties.
- Whether the employee wishes to pursue Ill health retirement where appropriate.
- Setting a further review period and advising the employee that if their attendance at work does not improve or there is not a return to work within a set timescale (1 to 3 months, dependent on circumstances. At least 1 month* will be the normal review period for cases of Long-term absence),

On conclusion of the meeting a final warning letter will be issued stating that failure to attain/maintain the required level of attendance or ability to carry out the role may lead to consideration by the Council of whether the employee's continued employment can be sustained

At the end of the review period (minimum 1 month since the Stage 2 Meeting) there must be a further, possibly final review meeting with the employee.

** Where a period of absence includes a school closure period it will be normal for absence to be monitored for a period of longer than 1 month taking into account the length of the school holidays. Following a lengthy period of school holidays, it may be appropriate to meet at the beginning of a new term outside of the formal procedures to re-establish contact and assess progress before a formal review of progress is made under the formal absence management procedures.*

Stage 2 Review Meeting – Meeting 6

At the end of the review period there will be a review meeting. The employee will be given a minimum of 5 working days' notice, in writing, of the formal review (Meeting 6) meeting held under this procedure.

The Stage 2 Review meeting should include:

- A review of information about the employee's sickness.
- A review of the outcomes of all earlier meetings.
- A second referral to OH if not done already. This report should be received before any capability hearing
- A discussion on the potential implications of their continued level of absence, or ability to carry out the role which may lead to an Ill-Health Capability Hearing.
- Consideration of an extension of the review period where attendance has improved but there are still concerns about the employee's overall pattern of attendance, or where further information is awaited.
- Removal from the process where attendance has improved to a satisfactory level or the employee has returned to work or the employee has demonstrated that they are able to carry out the full duties of the role with reasonable adjustments where appropriate.

Stage 3 – Ill-Health Capability Hearing

A hearing should be arranged if attendance at work has not improved to the required standard or if a return to work date has not been agreed or the employee is unable to carry out the full duties of the role with reasonable adjustments as appropriate following the review meeting of stage 2.

If the employee is an accredited TU Representative, it is necessary to discuss/inform the full-time district or area official before action is taken.

14. Dismissal Procedures

If it becomes necessary to refer the case for consideration of potential dismissal an agreed dismissal procedure will be followed and will include:

a) Notice of Ill-health Capability Hearing

The employee should be advised in writing of the requirement to attend a formal hearing.

At least ten working days' notice will be given for the hearing and documentary evidence including all OH reports, will be provided within at least five working days before the hearing.

b) The Ill-Health Capability Hearing

The ill-health capability hearing will be chaired by a manager from the Leadership Job Family (Grade 15 and above), who has had no previous involvement in the case. will be supported by the Advice & Support team.

- The Head of Service or nominated representative will present the case.
- The employee and their representative will have the opportunity to ask questions. The Chair will have the opportunity to ask questions.
- The employee and/or representative will present their response.
- The Head of Service or nominated representative will have the opportunity to ask questions. The Chair will have the opportunity to ask questions.
- The Head of Service or nominated representative will sum up.
- The employee and/or representative will sum up.
- The person presenting the case, the employee and representative will withdraw.
- The Chair will consider all the evidence and decide the outcome. The options will be:
 - i. A further review period with any appropriate warning (repeat of the review meeting at stage 2)
 - ii. Final written Warning
 - iii. Dismissal with notice (redeployment may be sought in appropriate circumstances)

The outcome of the hearing and the right of appeal will be communicated in writing to the employee within 5 working days.

a) Appeal

The employee has a right of appeal. Appeals against dismissal are to Executive Directors and must be registered in a letter to the Director of Organisational Development & Policy. The employee should write to the Executive Director of Children's Service to register their appeal within 10 working days from the receipt of the written confirmation of the relevant decision.

Appeals will be heard by an Executive Director or a member of their Departmental Management Team, normally from a different Department to that in which the original hearing was heard.

The employee, or their named Representative, should set out clearly the grounds of the appeal. The employee will receive a reply to the appeal letter within 5 working days, acknowledging the registering of the appeal, which will take place as soon as practicable.

There will be a minimum of 10 working days' notice of the appeal date. Any statement of case or evidence on which either management or the employee wishes to rely, will be provided to the Appeal Hearing Officer and other party at least 5 working days prior to the hearing.

A legal adviser will be present at any appeal against dismissal

The employee will be entitled to attend with their Professional Association/Trade Union representative, colleague, or friend if they so wish to present their appeal.

The format of the appeal hearing will be the same as the ill-health capability hearing above but the order of business in the appeal hearing may begin with the appellant stating their case, rather than the chair of the stage 3 ill-health capability hearing depending on the grounds of the appeal.

The Chair will consider all the evidence and decide the outcome of the appeal. The options will be:

- i. To uphold the appeal and advise on a further review period with any appropriate warning.
- ii. Not to uphold the appeal and uphold the decision to dismiss the employee.

The decision of the appeal will be final and communicated in writing to the employee within 7 calendar days. That outcome is the final stage within the Council's procedures.

ATTENDANCE MANAGEMENT AND ILL HEALTH CAPABILITY PROCEDURE FOR TEACHERS EMPLOYED BY THE LOCAL AUTHORITY AND NOT ATTACHED TO SCHOOLS – MANAGERS GUIDANCE

1. Background

The Council in consultation with the recognised teaching Trade Unions, has agreed a number of measures that together constitute a comprehensive approach to enable employees to maximise their attendance and reduce absence levels.

The aim of this managers guidance is to provide practical support, advice, and guidance to enable designated line managers, to fulfil their role in the management of sickness absence to ensure the fair treatment of all teachers employed by the local authority and not attached to schools consistent with good management practice. In addition, they seek to raise designated line managers awareness of issues relating to employee absence, in order that they will feel more confident in dealing with what is a very complex issue, sensitively, consistently, fairly and in a confidential manner.

2. Scope

These guidelines and the procedures should be applied to all teachers employed by the Local Authority and not attached to schools. All other employees employed by the Council fall under the scope of the Councils Attendance Management and Ill-health Capability procedures.

3. Responsibilities

a. The Council will:

- promote a positive and supportive working environment
- enable individual employees' good attendance
- ensure fair and effective measures are in place to monitor and manage sickness absence
- provide access to occupational health, health and safety, and other advisory services

b. Line Managers

Line managers have responsibility for managing the sickness absence of their employees. This includes:

- Taking time to read the procedure and guidance.
- Ensure employees know how to make contact when reporting sickness absence
- Undertaking relevant training – including completing the 'Managing Attendance and Sickness Absence' E-Learning course on an annual basis.
- Carrying out Return to Work interviews.
- Holding regular review meetings in a timely manner for employees in the procedure and take appropriate actions, consider adjustments, and refer to Occupational Health in line with the guidance.
- Monitor progress and discuss with the employee.
- Maintain evidence of targets and progress, confirm them in writing and keep accurate records.
- Recording sickness absences in Workplace promptly and ensuring they are kept up to date and input in accordance with the manager guidance on 'inputting sickness for an employee'.
- Ensuring all relevant documentation is retained on the employee's EDRM HR file.

c. Human Resources, Occupational Health, Health and Safety:

The Advice & Support Team will provide advice, support, and guidance to managers throughout the process, including:

- Support with wording of documents and correspondence where necessary.
- Attendance at hearings and appeals to support the hearing officer.
- Advice, support, and guidance in complex cases or where the case presents precedents.
- Support to the Presenting Officer with preparation of the statement of case.
- Advise on the hearing arrangements and process, and related correspondence.

The Advice and Support team advise management and therefore do not provide advice to employees on their individual situation.

Occupational Health will:

- Provide advice and guidance on employee health and sickness issues to managers, the employee and HR.
- Meet with employees and assess their fitness to work and provide appropriate reports following a referral from their line manager.
- Provide advice and recommendations on appropriate adjustments and support to assist an employee back to work.
- With the employee's consent, obtain additional information from the employee's GP, consultant, or other specialist

d. Employees are encouraged to:

- adopt a healthy lifestyle and registering with a GP, dentist, and optician, and taking advantage of vaccination programmes for infectious disease prevention
 - seek advice promptly about fitness to work when symptoms arise
 - seek professional advice about staying healthy, managing ill health, and accessing appropriate advice, support, and treatment
 - return to work as part of a supportive recovery programme
 - proactively attend training/programmes to support their health
 - share ideas and actively contribute to promoting health and wellbeing in their place of work
 - raise issues that affect their health, safety, and wellbeing or that of their colleagues with their line manager
 - and expected
 - to engage with management and occupational health to create a Wellness and Recovery Action Plan (WRAP) where needed
 - to engage with Occupational Health as required by management to support health and attendance at work or a return to work
 - to comply with timescales, regarding notification of sickness absence, and make themselves aware of how to contact their manager.
 - to Provide documentation in a timely manner.
 - to maintain regular contact with manager in accordance with agreed procedures. Managers with access to Microsoft Teams telephony can be contacted from any telephone.
 - to attend return to work discussions and absence review meetings as appropriate.
 - to Understand that failure to comply with the attendance management procedure may affect eligibility for sick pay
 - to accept / be willing to discuss reasonable adjustments to working arrangements to facilitate a return to work.
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4. Employee Unable to Carry Out Their Normal Role / Ill Health Capability

There may be cases where employees do not have any absences but are suffering from a health condition which leaves them unable to carry out their normal role.

In these cases, it may be necessary to manage the situation in accordance with this procedure. For example, if the employee's illness / condition means they would be likely to be considered for ill health retirement.

Regular review meetings should be held in accordance with stages 1 and 2, and details of discussions recorded. You should ensure the employee fully understands the reasons they are being seen under this procedure, even though they may have had little or no absence

Each case should be dealt with on an individual basis. Initially an informal discussion must be held, ideally as part of a 1:1 or supervision meeting. The Advice and Support Team should be contacted for further guidance on the most appropriate procedure to follow, including consideration of other options prior to the employee being brought into this procedure.

5. The Costs of Sickness Absence

Managers will be aware of the impact of absence on the service users and are recommended to apply the Management of Sickness Absence procedures to address each situation as effectively as possible, for the benefit of the individual and the service.

The potential 'costs' of absence can be listed as follows:

- a) Disruption to service users – potential fall in service standards.
 - b) Costs of replacement/temporary staff.
 - c) Reduced range or standard of service/job performance, as absent employee's work is covered by others.
 - d) Low morale and increased demand on other staff to maintain the quality of provision and support temporary staff.
 - e) Difficulty retaining staff.
 - f) Deterioration in reputation of the service
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6. A Comprehensive Approach

The following measures can assist in the monitoring of absences:

- a) It must be recognised that while procedures are important, in themselves they are not sufficient to control absence levels. Accordingly, a number of complementary measures are also recommended which support the health and wellbeing of staff and assist in creating a supportive work culture where positive health and attendance are promoted.
 - b) The responsibility for the managing of absence control being devolved as far down the management structure as practical.
 - c) The training and briefing of designated staff and the production of these guidelines to ensure that Management apply the procedures fairly and consistently.
 - d) That absence level statistics should be regularly reviewed at Management meetings.
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7. Role of Management

Lowest possible levels of absence are crucial to the success of any organisation. Absence levels reflect management expertise in providing conditions which motivate employees and engender a feeling of commitment from them.

The Health and Safety at Work Act 1974 requires that employers are responsible "so far as is reasonably practicable" for the health, safety, and welfare at work of all their employees. Therefore Management, as well as providing a safe and practicable system of work, information, and training, etc., also has a responsibility to keep abreast of the health and welfare of employees. The Informal action and the "trigger" it contains are designed to identify those employees whose absence record requires close examination and ensures that designated line Managers take the appropriate action.

The Council have a particular statutory responsibility to enable staff to maintain a reasonable work/life balance and to both monitor and seek to reduce the incidence of workplace stress. This can be achieved by tackling the workload burden on employees and promoting workplace wellbeing.

8. Reporting sickness absence

Employees are required to notify the council of any absence caused by sickness or injury.

Day 1 – Employee reports absence to manager in line with agreed timescales.

Employees should notify their immediate manager, personally, of their absence and the nature of their illness. Texting managers is not normally acceptable practice. However, there may be occasions when this is the most practical option, e.g., if they are contacting their manager outside of normal working hours. However, this should be followed up as soon as possible with a telephone call or personal conversation.

It is acknowledged that in exceptional circumstances, for example if an employee is hospitalised, it may be necessary for another person to contact the manager on the employee's behalf.

Employees are required to provide the information necessary for the manager to complete section 1 of the self-certification form. The manager should ask if the absence is due to industrial injury or disease or a disability. If so, this should be noted on the Self-Certification Form.

Employees should endeavor to report their absence, giving as much notice as possible, and by no later than their normal start time on the first day of absence.

Employees who are employed on a part-time basis should report their absences as determined by local guidance.

Managers are responsible for reporting/recording the absence either into the appropriate pay system or by sending monthly absence returns to HR Services.

This should be done on the first day of absence and kept up to date. Further guidance on recording absence can be found on 'Our Derbyshire, Working Here, SAP Guidance, Workplace for Managers'. It is a manager's responsibility to record sickness absence and employees should not input their own sickness via Workplace.

Fourth Day Contact

If absence continues for more than 3 calendar days, then the employee should contact their manager personally on the 4th calendar day and provide further information about the nature and likely duration of their illness. Where day 4 falls on a non-working day, the employee should contact their manager on the first available day after this.

The Manager should inform the employee of the need to produce a medical certificate if the absence continues beyond seven days.

Day 8 - Doctor's Statement of Fitness for Work (Fit Note)

If the employee is still absent after 7 calendar days, on Day 8, they must obtain a Fit Note which must be sent immediately to their manager. The sickness absence will date from the first day as recorded on the Fit Note i.e., any gap between the end of the self-certificate and the start of the Fit Note will be unauthorised absence.

Under normal circumstances a doctor should not back-date a medical statement, however, there are circumstances where this may be done, i.e.

if an employee has an ongoing medical problem and has been unable to obtain an appointment to see their GP, then a retrospective Fit Note may be issued.

The manager should return the original Fit Note to the employee and retain a copy securely on the employee's EDRM file.

Return to Work - Self Certification Form

If an absence does not exceed 7 days, the employee is required to complete the appropriate sections of the Self-Certification Form on their return.

Where an absence is long term, the manager should ensure the form is posted to the employee and that it is returned. Failure to return the form may be classed as an abuse of the scheme and may lead to sick pay being withheld.

The form should be completed in full, and employees will be asked to provide details of their illness.

Completion of the Self-Certification Form applies to all periods of sickness absence including single days.

The manager should retain the self-certification form securely as part of the employee record.

9. Long-Term Absence

The Council will take, as far as is practicable, reasonable measures to assist any employee who has been on long-term absence to return to work at the earliest opportunity. In this respect progress from informal action to formal absence management procedures is not seen as automatic. The first priority is to agree an expected date for return and an appropriate work schedule including reasonable adjustments. The Council will, however, be mindful of its responsibilities and obligations to service users and other staff as well as its duty to ensure the effective and efficient management of the Service. If, therefore, an expected date for return and appropriate work schedule is not agreed the procedure will move from Informal action to formal absence management procedures.

Employees are sometimes off work for significant periods of time due to ill health. The procedures outlined in the management of sickness absence procedures are intended to enable the Council to address these situations in a supportive way while recognising they cannot be prolonged indefinitely. Following a period of support and review the Council may feel they wish to consider dismissing an employee on the grounds of ill-health capability. There may be a number of reasons for this, including the need to attract a permanent replacement and minimise ongoing disruption to classes service delivery. While there are no specific rules about the length of time that should elapse before the Council consider dismissal on the grounds of ill-health

capability, the key consideration is whether, in the circumstances, the Council could reasonably be expected to wait any longer. It should be noted that the Council do not have to wait until any sick pay entitlement has been exhausted, to consider dismissal. It must also be emphasised that dismissal is not obligatory once any sick pay entitlement has been exhausted. Dismissal on the grounds of ill-health, following a long-term absence would only take place before the expiry of sick pay where there is a clear diagnosis that sufficient improvement for a sustained return to work will not occur within the foreseeable future. Paid sickness leave is intended to provide for a period of recovery.

Equality Considerations

When dealing with absence due to the ill-health of an employee, the council must have regard to their obligations under the Equality Act 2010. This Act places a duty on employers including Local Authority's not to discriminate against current employees on the grounds of disability. To enable a disabled person to do their job, the council will have to make reasonable adjustments to their employment arrangements or premises if substantial disadvantage to a disabled person exists. An employee who may be defined as "disabled" under this act could also experience long-term absence.

Dismissal Considerations

Dismissal on any grounds will have a significant effect on the individual concerned, not least of which is potential future employment in a similar capacity. It is therefore important that all options are explored, and the Council gives serious consideration as to the appropriateness and consequences of their actions relating to long-term sickness.

Right to Representation

Employees may choose to be represented by a Trade Union or Professional Association representative, or friend, at any or all stages of the procedure.

Decision-making in relation to Long-term absence

It is recommended that employers give careful consideration to the following factors, to ensure the fairness of their decisions:

- Just how much disruption is being caused by this absence? Is there an immediate crisis; or could the organisation afford to continue for some time without a replacement, for example, with some reorganisation?
- In the view of the individual's General Practitioner, or of the Occupational Health Physician, when will a return to work be possible? Will there be a full recovery or will a return to the same work be inadvisable?
- Could the employee return if some assistance were provided? Could some reorganisation or redesign of the job speed up a return to work?
- Is alternative, lighter, or less stressful work available, with retraining if necessary?

- Could reorganisation of the work group produce a more suitable job?
- Has early retirement, being considered by the Council and employee?
- Have all possibilities been discussed with the employee and their representative?

Documentation

It is important that appropriate documentation is kept at all stages of the procedure, particularly the agreed outcomes of all meetings. The agreed outcomes of all review meetings will be communicated, in writing, to the employee as soon as practicable after the review meeting.

Medical Information

Where an employee is absent from duty for a lengthy period owing to certificated ill-health or injury and regardless of sickness or injury pay entitlement, the situation should be reviewed once the position is known, at early and regular intervals. This is to ensure that any assistance required by an employee can be offered promptly and consideration given to possibilities of return to suitable alternative employment.

To this end, employees absent owing to sickness or injury should be referred by the school for OH advice, within a three month period from when the absence started.

Teachers

In accordance with DfES Circular 4/99 if a teacher is suffering from an illness referred to in the Circular e.g., a stress related disorder such as anxiety or depression, Governing Boards and Headteachers the council have the power to suspend a teacher from duty, on full pay, but only on the advice of an appropriately qualified medical adviser. The advice of the Advice & Support Team should be sought before this course of action.

10. Additional Support Available

It is important to remember when conducting review meetings that there are several resources available which might assist an employee to return to work. These include:

- The role of Health and Safety Officers in advising on risk assessment and safe working practices.
- Support from the Council's Occupational Health Service and the Counselling Service.
- Wellbeing support – ensure the employee is aware of the wellbeing support available on Our Derbyshire or provide copies of documents for those employees without access to Our Derbyshire.
- Reasonable adjustments which might be necessary or desirable, especially where disability is involved.
- Physiotherapy services to help people remain at work/ return to work sooner.

- Rehabilitation to assist a return to work / phased return to work.
 - Advice is also available on adaptations to equipment and the provision of specialist equipment as well as available funding through the DWP - Access to Work Scheme. Employees should apply to access to work themselves but will need the employer's support to do this.
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11. Referral to Occupational Health

Referrals to Occupational Health can be made at any time if you have specific concerns regarding an employee's health or wellbeing.

In cases of long-term sickness absence Managers should refer the employee to

Occupational Health when they have been absent continuously for 4 weeks, and you should involve the Advice and Support Team to provide guidance on the completed form. There may be occasions in respect of the following categories where it may be appropriate to defer a referral:

- Fractures which are healing normally with no complications.
- Operations with no complications.
- Employees receiving chemotherapy and/or radiotherapy who are expected to return to work.
- Sickness absence relating to anxiety arising from a significant family event.
- Imminent consultation referral.
- Imminent return to work.

In all cases of long term sickness absence, a referral to Occupational Health should be made after an employee has been absent from work continuously for three months.

In cases of intermittent sickness absence this should be done as and when appropriate. Managers should advise the employee verbally that a referral is being made and/or issue a letter notifying employee of referral if appropriate, complete the [Occupational Health referral form](#) and forward to Occupational Health, with a copy to the Advice & Support Team, where appropriate

A prompt referral is essential to ensure that:

- Any assistance required by an employee is offered quickly.
- Consideration is given to the employee returning to their substantive job by making temporary adjustments.
- Consideration is given to suitable alternative employment after medical consideration, should such a job be available.
- Management information is available to inform the review meeting which follows.

On the referral, the manager should provide:

- The individual employee's periods of absence during at least the last two years.
- The reasons in detail for the referral and as much factual, relevant background information as possible.
- Information provided by the employee to management about the reasons for the absence.

Also, where appropriate:

- A description of the physical and mental demands of the job on the employee.
- The frequency of such demands of the job on the employee.
- Whether the demands are likely to increase or decrease in the future.
- To which of the set questions on the referral form you require answers.

The notification of appointment will be issued directly to the home address. and a text message confirming the date.

If a workplace assessment is required for an employee. please indicate this on the referral form. This can help identify if an issue in the workplace is affecting an employee's health, or if their health is affecting their work.

Following the in service medical, Occupational Health will provide a report to the manager who made the referral with a copy provided to the Advice & Support Team.

The medical advice will provide answers to the questions that you have indicated are relevant. Advice from the Advice & Support Team should be sought where necessary.

These may include:

- That the employee is fit to return to their job.
- That the employee is unfit to work at present.
- That the employee requires a medical review at some future date.
- Whether there are underlying medical conditions necessitating absence.
- When the employee is likely to recover/return.
- Give advice and guidance on support to improve attendance.
- Whether the employee is permanently incapable of carrying out their job.
- What aspects of the current role the employee can / cannot do?
- Whether the employee is fit to undertake an alternate role (should examples of such roles be provided by management).
- Whether a medical report from his/her General Practitioner / specialist is required.
- State whether the employee may be a disabled person in accordance with the Equality Act. If so and more specific advice is required contact the Advice & Support Team.

If further clarification is required, Occupational Health will provide as much advice and assistance as possible, consistent with medical confidentiality.

The content of the medical report should be discussed with the employee and a copy of the report should be given to the employee as they do not automatically receive a copy.

It is the managers responsibility to decide on an appropriate course of action following receipt of Occupational Health advice. In making any decision you will need to consider the following:

- The absence of a medical diagnosis or prognosis does not prevent you from taking action.
- You should not make medical judgements.
- You should not ignore medical opinion or draw conclusions at odds with medical advice.
- The operational needs of the service.
- The right of the employee to seek an independent medical opinion. Where an employee does this, it should not delay your taking the appropriate action based on the information you have already received.
- Whether the employee is a disabled person under the Equality Act, and if so, is more specific advice required from either HR or Occupational Health.

Managers should securely retain any documents relating to the occupational health referral, including forms, notes and letters, as part of the employee record on EDRM, and provide the employee with a copy as appropriate.

Employees are entitled to receive a copy of their OH report, and to check it for factual errors before it is sent to the employer. Employees wishing this should request it at their OH appointment.

12. Employee Counselling Service

There will be circumstances when an employee may benefit from access to talking therapies such as counselling to help them deal with either personal or work-related issues. Heads of Service are advised to ensure that their employees are able to access the council's counselling service to help them deal with their problems before they impact on their health.

The Counselling service is confidential and is accessed on a self-referral basis.

DCC Counselling service cannot assist with legal and financial issues. However, there are organisations such as Citizens Advice who can offer help and advice in these areas. Most trade unions also offer support for members.

13. Return to work discussion

The Management of Sickness Absence procedure includes the expectation that Line Managers should, on the return to work of an individual, enquire about the absence.

In such cases the discussion should be carried out sympathetically and in private. These discussions are outside of the formal procedures contained in the Management of Sickness Absence procedures. Care will need to be exercised to ensure that the discussions provide and continue to provide a useful means to assist in the reduction of sickness absence levels. The opposite could easily become the case if the discussions are seen as an empty formality without having any real purpose, or a threat to employees, overriding the formal procedures.

14. Keeping in Touch during Absence

It's important that both the service and the employee stay in regular contact during absence, especially if it is long term.

There should be agreement about:

- how often the contact should be
- if and when the contact will be by email, phone, or face-to-face meetings
- who the employee is to be in contact with?

Keeping in contact is a good chance to:

- check on the wellbeing of the employee
- see if the employee needs any support
- talk about any relevant updates or changes happening at work

Where an employee's absence is due to a mental health condition, it's particularly important to consider an appropriate level of contact.

15. Absence Monitoring

The successful implementation of the Attendance Management procedures rests on the information available to Managers.

The statistics produced need to reflect the incidence of absence and show whether or not a large proportion of the total time loss is caused by a large number of separate absences or only a few, and whether a small number of employees are responsible or whether absence is spread amongst a wide group of employees.

These absences will not include absences granted through the Leave of Absence policy, but Managers should be aware of the impact of a combination of both categories of absence. It is important that absences are correctly coded to ensure absences are dealt with appropriately. The Leave of Absence policy outlines the circumstances in which leave of absence, with and without pay, may be granted to all employees.

It is expected that those employees identified by the report will be invited to a meeting with the appropriate Manager under the informal part of the Attendance Management and Ill-health capability procedures for Teachers employed by the Local Authority and not attached to schools. Employees will have the opportunity for a trade union representative, friend, or colleague to be in attendance at all meetings.

16. Meeting and Record-keeping Protocols

Further guidance on setting up meetings with trade union representatives is attached as Appendix 3.

Any reference to “days” or “working days” within this Policy or the Advice and Guidance shall mean Monday to Friday normally during term-time, excluding bank holidays. With the agreement of all parties, it may be possible to expedite the process.

Neither party is allowed to electronically record meetings held as part of this procedure. The use of recording equipment by either party without consent may constitute a disciplinary matter

It is important, and in both the employer and employee’s interest to keep written records during the capability process. Capability records should be maintained in the strictest confidence and kept no longer than necessary. See the Human Resources Retention Schedule on Our Derbyshire – Information Security – Confidential Information – Records retention schedules website for guidance on how long documents associated with the capability process should be kept.

Copies of meeting records should be given to the employee and their representative (if applicable) and stored on the employees HR EDRM file.

A copy of letters relating to the capability process, should be sent to the Advice & Support Team who will maintain the Case Management log of all formal capability warnings, dismissals and actions taken detailing:

- The substance of the case
- The outcomes of meetings and hearings.
- Actions taken, the date and reasons for that action.
- Whether an appeal was lodged.
- The outcome of the appeal.
- Any subsequent developments.

Please ensure that the correct documentation is issued at all stages of the process as this will evidence your actions should the outcome lead to a Capability Hearing and possible dismissal.

17. Confidentiality

At all times Managers will ensure that all matters referred to in this procedure are handled sensitively and held confidential.

Administrative systems have been reviewed to ensure that personal information relating to individual employees is treated confidentially. Access to medical records, including medical certificates, reports, individuals' absence records and meeting notes will be restricted to those employees who require such access to carry out their legitimate and authorised duties necessary for effective management. Designated managers who have access to an individual's medical and absence records have the responsibility to ensure that such information remains confidential and is only disclosed to those who have a genuine need for such information.

18. Informal Action

How the absence triggers identified in the policy should be applied to part-time staff should be considered carefully taking into account the working pattern of the employee. A part-time employee working less than a full week should have the trigger adjusted accordingly to ensure that it is fairly applied e.g., an employee who is contracted to work for 3 days out of 5 will have the triggers adjusted from 8 working days for intermittent absences to $\frac{3}{5}$ of 8 working days = 4.8 working days.

The trigger for an employee who works part-time over a 5 day working week does not need to be adjusted and should be consistent with full-time staff as it takes into account the fact that their working day is of shorter length

When an individual who has been identified as triggering the Management of Sickness Absence procedure, the first step is to ascertain the circumstances of the individual's absence to determine whether a meeting under the procedure would be appropriate in the circumstances.

It is possible to have one or more spells of absence exceeding the 'triggers' as set out in the procedure, which is unlikely to reoccur. A discussion in such circumstance is unlikely to serve any purpose unless the employee requests it.

In considering an employee's reasons for absence, it is necessary to be aware that in some cases the medical reason given on a self-certification form or Doctor's certificate may not indicate the underlying reason, e.g., job satisfaction. Therefore, in brief, attached at Appendix 1 are possible non-medical reasons for absence of employees.

Managers should be aware that there may, on occasions, be an individual who is not prepared to discuss his/her absences with them. In such circumstances the individual's wish should be respected and alternative arrangements made, e.g., another designated Manager.

The procedure as outlined in these procedures gives some indication of the issues that need to be discussed with the individual, although how the meeting is conducted is also crucial. See Appendix 2 for the major points to be considered when carrying out such a discussion. The purpose of the discussion is to ensure that the employee takes the matter seriously. The correspondence inviting them to the informal discussion should reassure the individual that it is not a disciplinary matter and that they have the right to be accompanied by a trade union representative, friend, or colleague.

If, following a period of monitoring, there has been no significant improvement, a review meeting should be arranged as soon as practically possible.

It is recommended that notes are taken of the discussion which takes place at the review meeting. These notes should be provided as soon as possible after the meeting. A copy should be forwarded to the individual for their information, with a second copy retained on the personal file in accordance with the requirements for processing Special Category data as outlined in the General Data Protection Regulation and Data Protection Act 2018. If possible, notes should be agreed by all parties. If, however, agreement cannot be reached, the employee does have the right to append a note of disagreement to the Manager's notes.

If the Manager is happy with the reasons given for the absences or arrangements are agreed for a return to work following a period of long-term absence in the foreseeable future, no further action is necessary. However, if there is still some cause for concern the employee should be informed that their absence will be monitored.

The following courses of action may be appropriate depending on the circumstances:

- If there is a known medical condition or concern that there is an underlying medical problem referral to the Occupational Health Service for medical advice should be sought. If the employee refuses to attend an appointment with the Councils Medical Adviser for a medical examination, you can insist. If the refusal is sustained, you should inform the employee that his/her refusal can be regarded as misconduct and that disciplinary action may result.
- If there is a concern that there is a welfare issue, they should be referred to the Counselling Service.
- Where absences are discontinuous the requirement for the production of a first day NHS fit note for a period of time. Charges incurred by the employee are reimbursable by the Council. This course of action is most applicable where there are reasonable grounds to suspect that the sickness notification or self-certification rules are being abused.

If appropriate, the Manager should indicate what the implications may be if the employee does not return to work or reach the required improvement in levels of attendance. Where absences are intermittent the expectations for levels of improvement should be clearly set out. In all cases, particular consideration should be given to how an individual who is defined as disabled under the Equalities Act 2010 can be supported.

The period between the informal discussion and the review meeting will be between 1 and 3 months and will depend on the priority of each meeting, which will be to identify and initiate practical steps to support the employee's return to work or sustained attendance.

At the conclusion of the review meeting, the Manager will need to consider what, if any, further action is required, if the employee does not return to work or if expectations for improvement in relation to a sustained attendance are set and the relevant level of improvement in attendance is not met, and this is not the result of particular extenuating circumstances. It may be necessary to proceed to the formal absence management procedures at the end of the monitoring period following the review.

19. Formal Absence Management Procedures

At each stage (Formal or Informal) the arrangement of a meeting at the next stage of the procedure will be dependent on the level of absence during the review period. Judgements will be made on the basis of "reasonableness" taking into consideration the target for attendance set and any relevant contextual factors.

The aim of the formal part of the procedure is to:

- identify what will be regarded as unacceptable levels of absence.
- take action that will promote the highest possible levels of attendance and maintain that level.
- identify who is responsible for taking action.
- communicate to employees, Management and trade unions, the rules to be applied to employee absence.

At the review of each stage,

- a. if the expected level of attendance has been met the meeting should:
 - review progress
 - identify any relevant strategies and actions that may support sustained improvement in attendance

This meeting should take place as a further dialogue at the stage of the procedure already reached.

- b. If an employee is not able to agree a return to work in the foreseeable future a further review period should be agreed.

For discontinuous absences, where a further improvement in attendance is still required the meeting should also consider whether a new 'target' for attendance should now be set in order for the employee to achieve a level of attendance within the usual expectations for the Councils employees.

The measure of achieving a return to work at the earliest opportunity or absences within the targets identified in the policy is a goal. In particular cases an interim return to work target date or discontinuous absence level target may be set for reasons relating to the individual's situation/condition.

It is also permissible to set a discontinuous absence target which takes account of the pattern of absence and that makes specific reference to the reduction in incidences of absence and/or the total number of days. It will also arise from consideration of any identifiable causes of the absences and what is being done to address these. If a repeated pattern where the staged procedure is triggered but then the attendance target is met is identified, then the person's total absences over the current and previous academic years should be considered. The target set should include sustaining the required level of attendance for a longer period.

At the review meetings it will be important to consider the particular circumstances before determining whether to move to the next stage in the procedure. A return to work or a reasonable and significant level of improvement in the attendance that was identified at the previous meeting, may not have been met owing to a type of absence that is unlikely to reoccur and does not fit the usual pattern of employee's absences.

In applying a 'target' for improvement in attendance to individual employees it is also important to treat all staff fairly balancing:

- i. The individual circumstances and any medical condition of the employee, particularly if the Equality Act 2010 in relation to disability applies
- ii. The need to be equitable to all employees and not to discriminate
- iii. The effect of the absences on the quality of service delivery
- iv. The impact on other staff of the absences and the overall efficient running of the organisation

After the final review meeting, which is a meeting to review Stage 2, the Head of Service will consider whether to refer the matter to a capability hearing

Referral to a capability hearing is more likely to be appropriate in cases where:

- there is little prospect of a sustained return to work in the foreseeable future
- there is a pattern of significant absence over 1 academic year or more
- there is little or no sign of an appropriate improving trend
- the employee has not met their targets for attendance, following application of the staged procedure. (Targets for individual attendance will take account of the application of the Equalities Act 2010)
- there is little or no information, from the GP and Occupational Health Physician, to indicate that there are reasons why attendance is likely to improve sufficiently in the future
- the Head of Service has identified contextual circumstances in the service (for instance, effects on students' education, on colleagues and/or on the service's budget/resources), the likelihood of referral to an ill-health capability hearing for consideration increases

20. Guidance on the Dismissal Procedure

Before determining that referral to an ill-health capability hearing is appropriate the Head of Service should consider and record the following:

- The final stage of the Absence Management procedures has been completed without a date for a return to work/sustained pattern of attendance being identified and appropriate warnings have been issued.
- The employee has been offered the support of the Counselling Service as outlined in the procedure and reports from an Occupational Health provider have been obtained.
- The Head of Service is satisfied that in referring the case for consideration of potential dismissal on grounds of Ill-health Capability, their view is that there is no indication that a resolution to the absence(s) will be reached in the predictable future and the impact of the absences on the functions of the organisation is of significant detriment.

- The employee has exhausted their contractual sick pay entitlement or will have by the time any dismissal takes effect.

Where this is the case and the Head of Service has undertaken the Absence Management procedures thus far, they should be asked to arrange a meeting where this is heard by a manager from the leadership job family (grade 15 and above), the Chair of this meeting will also need to be available for the potential Appeal Hearing and an initial timetable drawn up.

The Hearing Officer must make arrangements for the hearing including:

- Room booking.
- Arrangements for a notetaker.

They will also:

- Chair the hearing.
- Decide on the outcome and
- Confirm the decision in writing.

A member of the Advice and Support Team will provide support to the Hearing Officer, before, during and after the hearing.

The employee should be notified in writing of the following, giving a minimum of 14 calendar days' notice:

- A formal hearing is being held and of the requirement to attend.
- Purpose of the hearing and details of the ill health capability case.
- Location, date, and time of hearing.
- Name of officer chairing the hearing.
- That a decision may be taken to dismiss on the grounds of capability.
- The right of accompaniment by his/ her nominated representative.
- The right of appeal against any decision taken.

Two copies of the statement of case should also be provided to the employee prior to the hearing date, allowing enough time for the employee to discuss matters with their nominated representative.

Options for delivering the letter are:

- Handed to the employee
- Delivered by hand to the home address
- Sent to home address by recorded delivery

Copies may also be emailed to the employee's email address to supplement the above options.

The case will be presented by you as the manager who has been involved in the case.

21. The Ill-Health Capability Hearing

The letter to the employee informing them of the ill-health capability hearing should:

- Give 10 clear working days' notice of the meeting
- Have the documentary evidence including all OH reports enclosed (alternatively this can be forwarded separately, but no later than 5 working days before the meeting)
- Be signed by the Head of Service

The chair of the ill-health capability hearing should be sent:

- The Management of Sickness Absence Procedure
- Documentary evidence and a Statement of Case
- A copy of the letter to the employee

It should be noted that, the Chair of the ill-health capability hearing will need to be available in the days following the hearing to sign the appropriate letter.

There are a number of factors the chair must take into account when considering whether dismissal on grounds of ill-health capability is appropriate. These include:

- a) The nature, length and effect of the illness or disability
- b) The employee's past and likely future length of service with the organisation
- c) The importance of the job and the feasibility of employing a temporary replacement
- d) The effect continued absence or illness is having or might have on pupils' education and attainment and the effect on other employees
- e) The general effect on the organisation
- f) Whether sick pay is being provided, although it would be unfair to dismiss only because the sick pay entitlement has expired

The chair must also ensure that there has been:

- i. A fair review by the employer of the employee's attendance record, prognosis, and potential return to duties
- ii) An opportunity for the employee to make representations

- iii) Appropriate warnings of potential outcomes, including dismissal on grounds of ill-health capability, if there has been no significant change in circumstances or the situation

The outcomes of the hearing may be:

1. Dismissal with contractual notice (During the notice period seek suitable alternative employment in cases where the employee wishes to be considered for this and medical grounds support it).
2. Final written warning with a further review period normally of up to 3 months in cases of long-term sickness.
3. Final written warning with a further review period which may be more than 3 months in cases of short-term intermittent sickness.

The employee has the right of appeal against these outcomes.

The decision may also be taken that none of the above actions are appropriate and that the employee should have a further review period.

Where there is a further review period under outcomes 2 and 3 and a return to work is not achieved or if alternative employment has not been identified, a further hearing will need to be convened to consider appropriate action including dismissal.

The outcome should be confirmed in writing to the employee and a copy provided to HR Services for the employees' personnel file.

22. The Appeal Hearing

In the event of the employee appealing against the initial decision, appeals will be heard by an Executive Director or a member of their Departmental Management Team, normally from a different Department to that in which the original hearing was heard.

The employee will receive a reply to the appeal letter within 10 working days, acknowledging the registering of the appeal. The appeal will take place as soon as practicable. There will be a minimum of 5 working days' notice of the appeal date.

The Chair of the Capability Hearing also needs to attend the hearing in order to respond to any relevant questions.

The appeal hearing officer should be sent:

- The procedure for dealing with the Management of Sickness Absence
- Documentary evidence including all OH reports
- A copy of the letter to the employee
- Employee's statement of case (if available and with the employee's agreement)
- Minutes of the ill-health capability hearing

The Appeals hearing officer will need to be available to sign the appropriate letter within 5 working days.

23. III- Health Retirement

Any decision regarding access to pension due to ill-health is separate to the decision taken to dismiss the employee

There is a right to appeal against the decision in relation to the release of benefits on health grounds. This should be in accordance with the appeals process provided by the Teachers Pension Scheme.

24. Reasonable adjustments

Reasonable adjustments that a service will need to consider on a temporary or permanent basis may include but are not limited to:

- Adjustments to premises. There might be structural or other physical changes such as widening a doorway, providing a ramp, or moving furniture for a wheelchair user which can be undertaken.
- Allocating some of the person's duties to another person. Appropriate duties might be reallocated/swapped/re-arranged with another employee if the individual is currently having difficulty in doing them because of the health.
- Altering the person's working hours. This may include allowing the person to work more flexible hours or to enable additional breaks to overcome fatigue arising from the health concerns or agreeing a change to the person's hours to fit with on-going regular treatment. It is important that the service does not attempt to impose any reduction in hours/pay, any proposal should arise from positive dialogue with the employee and their representative to seek a mutually suitable and amicable agreement.
- Allowing the person to be absent during working hours for rehabilitation, assessment, or treatment. The employee may need time off to receive physiotherapy or psychoanalysis or undertake employment rehabilitation. A similar adjustment might be appropriate if a condition worsens or if an individual needs occasional treatment.
- Giving the person, or arranging for them to be given, training. This could be training in the use of particular pieces of equipment to meet their needs.

- Equipment. A service might have to provide special equipment. Examples are a specific chair to provide support to someone with a back problem, an adapted keyboard for someone with arthritis, or specialist sound system for someone with a hearing impairment.
- Modifying instructions. The way instruction is normally given to employees might need to be revised
- Providing a reader or a sign language interpreter. For example, for reading information to a visually impaired person at particular times during the working day.
- Seeking support/provision/funding from agencies/charities to provide a support worker or specialist equipment.
- Considering modification of the implementation of employment policies, for example disciplinary, redundancy, appraisal where relevant
- Changing the location, the person is required to work within school. This could include ensuring that a teacher with mobility difficulties that prevents them from using stairs can hold all their lessons in a classroom on the ground floor.
- Adjustments to the “triggers” for action for moving through the management of sickness absence procedures
- Temporary Alternative Work - This may be considered in cases where medical evidence supports the view that an employee is unable to perform the full job role but is able to attend work and undertake a limited role within their job or alternative role for a temporary period. Where temporary alternative work is identified this will normally be as part of a planned and timetabled rehabilitation package. Ensure that end dates are clear and regular reviews take place to monitor progress. Any alternative work should support the operational requirement of the service and support the individual's recovery. The expectation is that a return to the employee's substantive role should be achieved within a three-month period. If this is not achieved, and the alternative arrangements cannot be sustained indefinitely, it may be necessary to resume review meetings and progress through the stages of the attendance management and ill health capability procedure.

25. Abuse of the Sickness Absence Procedures

Abuse of the sickness scheme will be dealt with under the disciplinary procedure for teachers employed by the Local authority and not attached to schools.

In cases where abuse of the scheme is suspected, sick pay may be suspended. Examples of abuse may include:

- Non-attendance at an In-Service Medical without reasonable cause.

- Failure to submit Doctor's Fit Notes at the appropriate time.
- Conduct prejudicial to the employee's recovery
- Employee's own misconduct or neglect.

Abuse of the sickness scheme can lead to disciplinary action. You Managers must seek advice from the Advice & Support Team in these cases

Disciplinary Action

If the employee is an accredited trade union representative it is necessary to discuss/inform the full-time district or area official of the union concerned before any action is taken.

Specific Circumstances

26. Disability under the Equality Act 2010

An individual is defined to be disabled under the Equalities Act 2010 if all the following apply:

- it has a 'substantial adverse effect' on the life of an employee
- it lasts at least 12 months, or is expected to
- it affects their ability to do their normal day-to-day activities

Under the terms of the Equality Act, the council has a duty as an employer to consider making 'reasonable adjustments' to ensure that disabled employees are not put at a substantial disadvantage by employment arrangements or any physical feature of the workplace. Expert advice from an Occupational Health provider which may include a workplace assessment should be sought to provide specific information and advice about potential adjustments

An employee covered by the Equality Act 2010, can take paid disability leave if it is specifically for appointments for assessment, treatment, rehabilitation, or training for a condition covered by the Act.

Reasonable adjustments will be considered for employees where relevant, in accordance with the Equality Act 2010.

Disability related sickness absence should be recorded separately to ensure this can easily be identified.

Consideration should be given to whether a reasonable adjustment can be made in order to assist the employee to return to or remain at work at any stage. This should include careful consideration of whether the 'triggers' for action in relation to levels of

absence should be extended. However, this should not automatically be the case. Using a longer period of absence before triggering a meeting could mean that the opportunity to explore potential adjustments and strategies to improve attendance, identified through formal discussion and reference to Occupational Health advice, is delayed.

The triggered meetings also provide an opportunity to consider the effectiveness of any approaches implemented, and review of these where appropriate. The focus for both employer and employee should be on seeking to enable the employee to maintain attendance. Extending the period before considering dismissal on the grounds of poor attendance may still be appropriate for an employee with a disability but taking account of the specific factors in each individual case.

Whilst managers are still expected to meet employees in line with normal attendance management procedures, to ensure we are doing everything possible to secure their return to work, in some cases it may be reasonable to extend review periods prior to moving individuals into the next stage of the process. As part of that dialogue, line managers should encourage employees who consider themselves to have a disability, to record this on SAP to ensure they are offered the appropriate support. Any such discussion should focus on how the employee's disability may impact on their ability to carry out their role, rather than the nature of the disability.

For example, an employee who is diagnosed with a long-term health condition may take a number of short-term absences after diagnosis whilst they learn to manage their condition. The expectation would be that they need to be seen under attendance management procedures to ensure they are receiving all the support they need, but it may be appropriate to keep the individual in stage 1 of the procedure and not to escalate to stage 2.

An employee with a long-term condition who cannot attend work even after considering all reasonable adjustments, would still be expected to progress through the procedure, and in some cases, will progress to a stage 3 hearing.

27. Failure to engage with the procedure

Where an employee refuses to engage in the process, advice should be sought from the Advice and Support Team. It may be that any meetings or hearings go ahead in the employee's absence, but this should only happen once other options have been exhausted.

28. Redeployment

In cases where an employee is permanently unable to continue in their substantive job and it is not possible to make reasonable adjustments, redeployment may be considered.

Redeployment should be considered where the Occupational Health Physician has advised that the employee is unfit to undertake certain aspects of their current role but may be able to undertake different job tasks. The manager, in consultation with the employee, should then take a decision as to whether redeployment is a viable option, based on an initial discussion regarding the employee's skill set.

For redeployment to be viable there needs to be a suitable redeployment opportunity i.e., a job available. This can be ascertained using the Council's job vacancy information. Employees have a shared responsibility to seek redeployment opportunities. Please take advice from the Advice and Support Team.

An employee who accepts a formal offer of redeployment under these circumstances may be covered by the Council's Redundancy, Redeployment and Protection of Earnings Policy.

Consideration of Redeployment on Non-Medical Grounds will be appropriate in a minority of cases where, through the Informal meeting, the employee has identified that the reason for their absence relates to their current employment (note - see Appendix 1 - Causes of Absence). Issues of conduct of the employee or colleague(s) and performance should be addressed through the appropriate procedures. It may, of course, be difficult to arrange redeployment.

29. Menopause

Managing absence from work due to menopausal symptoms should be handled sympathetically because the menopause is a long-term and fluctuating health change.

Heads of Service should be prepared to make changes to help the employee continue to work, and minimise, reduce, or remove any dips in their job performance because of symptoms.

An employee should be given a reasonable amount of time to adjust to changes.

It is advisable, as well as being good practice to consider making changes for a worker experiencing perimenopausal or menopausal symptoms

Particular care should be taken to monitor and record sickness absence due to the menopausal or perimenopause separately.

Derbyshire County Council have agreed a menopause policy which provides more detailed advice.

30. Pregnancy Related Absences

If an employee's sickness absence is pregnancy related, the council must ensure that it complies with its duties towards pregnant employees. So, although the absence is taken into account for sick pay purposes, such absences would not normally be taken into account in respect of meeting triggers and progressing through the attendance management procedure. However, it is good practice to meet with employees after a period of pregnancy related sickness absence to ensure that appropriate support is offered. A pregnancy risk assessment should be completed as soon as an employee notifies you that they are pregnant.

Managers should bear in mind that if such an absence occurs after the beginning of the employee's fourth week before their expected week of childbirth, then the employee's maternity leave will be automatically triggered.

31. Elective Surgery

Elective surgery should be arranged out of term-time in the first instance. This includes cosmetic procedures. Should an employee become ill and unfit for work following such procedures, the usual attendance management procedures will apply.

32. Dying to Work Charter

Derbyshire County Council have signed-up to the Dying to Work Charter which sets out its commitments to employees who are diagnosed with a terminal illness. The manager guidelines provide practical support and advice for Managers to support staff with a terminal illness.

Additional resources are available to support staff and their managers when an individual is diagnosed with a terminal illness as follows:

- Talking about death and dying
 - Employee guidance, coping with a terminal illness
 - Supporting employees at the end of life
 - Support - with a terminal illness
-

33. Employee Mental Health Support

Heads of Service need to create an environment where staff feel able to talk openly about their mental health. It is important to treat mental and physical health as equally important so that mental health problems are less likely to build up. Training and support for Managers in dealing with mental health issues will help to create a service-culture which is able to respond appropriately to mental ill-health. The Our Derbyshire, your wellbeing page has a number of links and a wide range of information and support regarding mental health, including mental health first aiders.

Additionally, Public Health plays an important role in the prevention of mental health issues and the promotion of good mental wellbeing. A range of information, resources, and contacts to support mental health and wellbeing can be found on the Council website. The link can be found here – [Social care and health – Health and Wellbeing – Mental health and wellbeing](#)

Managers need to be able to recognise the signs of a mental ill-health issue. An issue can happen suddenly, because of a specific event in someone's life, or it can build up gradually over time. If a Head of Service thinks an employee is showing some signs of early mental ill-health, they should not be afraid to take appropriate actions to support the individual. The impact of a mental health issue will vary. For example, an employee may regularly be unable to focus on a task, or it may take them longer to complete tasks. It may affect their ability to interact with people, follow instructions or keep to set working times

Talking to an employee and finding out what they may be struggling with in the workplace and what might help is the first step to addressing any concerns that a manager may have about an employee. A Manager may need to encourage an individual to see their GP or look at ways to offer more support in the workplace—perhaps through the council's Occupational Health or counselling service

Heads of Service should take into account that, in the context of employment law, a mental health issue can be considered a disability even if there are not symptoms all the time, or the symptoms are better at some times than at others. They should, therefore, work with the employee to make the right adjustments for them. Simple changes to the person's working arrangements or responsibilities could be enough.

If an employee needs to take time off for their mental health it is important to maintain regular contact as keeping communication lines open can help prevent staff feeling isolated at home. Managers should establish contact which can be maintained in accordance with the employee's wishes. Some Managers may feel reticent about keeping in touch because they worry about doing or saying the wrong thing, but Heads of Service should ensure that line managers clearly understand that regular contact is really important and needs to be maintained in a professional, supportive, and constructive way. Heads of service should ensure that line Managers receive the appropriate support and training to undertake this role.

When planning the return to work of an employee following a long-term absence due to issues surrounding mental health, advice from an Occupational Health advisor will

be helpful in providing context. Where appropriate, the return to work discussion should include the development of an action plan which can be discussed and agreed with the member of staff. This might, for example, help identify triggers and outline more general support that the staff member might need to help them to sustain their return to work.

34. Case Conference

In complex cases where an employee's absence is prolonged and no return to work is planned, or adjustments are requested that may not be reasonable you may ask the Advice & Support Team if a case conference would be appropriate.

Representatives, as appropriate, from management, HR, Occupational Health, Health and Safety and Legal Services may be asked to attend to explore the issues of the case and decide the most appropriate course of action. You should ensure that, where appropriate, outcomes of any such meeting are shared with the employee at a subsequent review meeting

35. Monitoring & Review

The Council will monitor the operation and effectiveness of this procedure periodically annually. In developing, applying, and evaluating this procedure the Council will monitor the impact on staff by reference to their protected characteristics and the outcomes will be provided to unions

Appendix 1

Causes of Absence

The pattern of absence within organisations, including Derbyshire County Council, is influenced not just by levels of health, but also by other factors such as management style, working conditions, traditions of behaviour and personal circumstances

However, it must be stressed that the reasons for absence suggested below have been inferred as the most likely explanations for some statistical relationship found between particular factors and absence returns. There is unlikely to be one single cause explaining why an employee is absent from work, and even stated causes of absence may not represent the true reason. For example, both employees and Managers will recognise that some individuals will be absent from work, sometimes giving sickness as the reason, when other reasons may be the real cause.

(a) **Job Satisfaction**

The impact of the job and the employee's attitude to work has been found to be important in affecting absence levels. The job in this context refers to the type of working conditions under which it is performed and the responsibilities towards other employees inherent in the job.

An explanation often given of why absence levels are higher amongst unskilled manual workers than craft and clerical workers, with the lowest rates being amongst managerial and professional workers, is that there is a greater sense of personal involvement in the work, and of responsibility to other employees in the organisation or work group, and generally more interesting varied and challenging work.

(b) **Management Attitudes/Behaviour**

Studies have shown that the job satisfaction of employees experiencing a "democratic" management style is associated with low absence and labour turnover. Important attributes of a "Democratic Manager" are, showing an appreciation of good work, having the time and the inclination to help subordinates in their work and consulting with employees before decisions are made. Other important aspects of supervisory behaviour are for Managers to set specific standards of performance, be consistent in their action and explain to employees what their job is and how it fits in with the work of the Department and organisation. Employees who work with a difficult and unpleasant Manager/Supervisor will not be inclined to co-operate with him/her or to come to work unless necessary.

(c) **Financial Considerations**

Evidence concerning the effect of income level on absence rates is conflicting. Absence is less in the higher earning occupations, but within the same occupation there is evidence to support the view that the higher the earnings, the more likely that employees are to be absent - why work five days when you can earn the same amount in four days. This is particularly the case

when an employee can influence his earnings through a bonus scheme or by the amount of overtime worked.

(d) **Stress**

See Management of Stress Policy and Guidelines

It is estimated that stress accounts for a significant per cent of employee absence and can be caused either by situations at the workplace or at home.

Stress at work can be caused by:

Excess Workload - a never ending backlog of work which can affect all levels of staff, and which can lead to feelings of frustration, failure, and futility.

Tight Deadlines - Supervisors wanting work completed in unrealistically short periods of time which can only be achieved if the employee either takes work home or works excessively long hours. Although tight deadlines do motivate some employees, many employees will feel put upon and as though they are being thwarted in producing good work which leads many to feel demoralised.

Personality clashes between colleagues and supervisors - employees who are experiencing personality clashes may experience feelings of fear, anxiety, frustration, and low morale. Personality clashes, as well as affecting the people immediately concerned, can also cause feelings of worry and unhappiness to fellow colleagues.

Introduction of new working practices - the introduction of new working methods brought about by the introduction of new technology, and systems. A more competitive way of working may cause staff to feel pressurised, under threat and generally anxious about the service they are providing. New technology, which is seen as an exciting addition to the office environment for some members of staff, will be viewed as a whole new area of potential failure to others.

Poor Management - Managers who are unable to offer the correct level of guidance and direction to communicate effectively with staff cause the staff they supervise to feel poorly motivated, resentful, and lacking in self-worth.

Lack of control and/or involvement in work activities - employees who do not feel either part of a team, or who feel overlooked when information is being distributed, or who do not feel that their views, ideas, and opinions are being considered suffer from feelings of inadequacy, resentment, and suspicion.

Poor relationships with service users – poor relationships with service users sometimes as a result of behavioural issues can affect an individual's emotional wellbeing.

Stress at home can be caused by:

Financial difficulties - caused by many different factors, all of which may result in an employee's inattentiveness at work which leads to feelings of inadequacy and failure. Feelings that they are unable to confide in colleagues puts extra pressure on work relationships.

Marital difficulties - this may cover divorce, separations, violence, neglect, and arguments and will often involve the employee in immense feelings of failure, incompetence, and anger. However, it may be that after divorce or separation some people will experience feelings of relief and feel that their life has a new purpose and meaning.

Bereavement - an enormously harrowing time for those concerned resulting in a fall in productivity at work leading to feelings of inadequacy and failure.

Moving house - employees may feel very anxious about the move causing inattentiveness and irritability which affects their own work productivity and that of their colleagues.

Conflict between commitment to home and job - can cause resentment towards the job and feelings of guilt towards the family resulting in inattentiveness and a feeling of unsuitability.

Childcare difficulties - often affect one parent more than another. An employee who takes the main childcare responsibilities often has to take time off when their childcare arrangements break down and rather than use up annual leave or request discretionary absence, they may take time off sick. This causes feelings of guilt and inadequacy.

Caring for sick and/or aged relatives - members of staff who are unpaid carers will often have extreme anxieties and worries that will impinge on their work time. Tiredness worry and guilt all help their work productivity to fall and for feelings of failure and inability to cope to rise.

Drink and/or drug problems - employees with an addiction will suffer a drop in efficiency and work output - this coupled with the added pressure of trying to keep the addiction a secret results in feelings of failure, guilt and often anger. Some addictions will cause employees to steal from colleagues at work which causes tension and a bad working environment.

Social expectations - peer group and family pressures on employees to succeed can lead to feelings of anger and breakdown.

Lack of influence - employees who feel that they have very little influence or power in the decision and policy making process. This leads to feelings of frustration, inadequacy, and low morale.

The stress experienced by minority groups can be heightened by:

Stereotyping - the view that members of a minority group have only reached positions of responsibility by tokenism may cause them to experience anger and resentment.

Sexual harassment - although mainly a problem for women, sexual harassment, has been experienced by men and can lead to feelings of fear, frustration, humiliation, and powerlessness.

(e) Menopause related issues – see section 29 for further details

Appendix 2

Managers' Guidance on meetings held in accordance with the Management of Sickness Absence Procedures

i. Environment

Arrange for the interview to take place in normal circumstances at the employee's place of work in a quiet, comfortable and, where possible, an informal room or setting. Ensure that there will be no interruptions either by colleagues or by the telephone. Arrange for the meeting to take place at a time that is convenient for the employee. Set a time limit (normally not more than an hour). This will help you to keep to the issues.

ii. Note taking

Confirm that notes will be taken so that you can both recall what has been discussed and the actions that need to be taken. Try to record key words during the meeting to be recorded-formally when the meeting has finished but while the discussion is still fresh in your mind. Notes are confidential and should be kept securely in accordance with the requirements for processing special category data as outlined in Data Protection Regulation and Data Protection Act.

iii. Questioning

Use open-ended questions which will encourage the employee to speak. Encourage the employee to speak freely, do not use your preconceived ideas to follow a line of questioning. Encourage the employee to give their opinions. Do not be judgemental, as this may cause the employee to withdraw and no longer want to participate in the problem solving process.

iv. Listening

Be non-judgemental (i.e., avoid negative body language). Listen to the employee but be aware that there might be an underlying problem, to which reference is not made.

Repeating back - this ensures that you clarify any points that are unclear and that the employee feels confident that he/she has been understood. Paraphrasing ensures that the same points of reference are being used by both the employee and the Manager/Supervisor. Do not be afraid of silence. Allow space to encourage the employee to expand on a point.

v. Supporting

Encourage a trusting/confidential atmosphere, in which the employee feels that they can be open, not threatened but reassured. Try not to be directive but offer information about sources of specialist advice.

Do not give your opinion of the employee's personal problems. Encourage the employee to take ownership of the issues affecting them and identifying their own situations.

vi. Further Action

Agree where possible with the employee on the next step to be taken.

Appendix 3

Guidance on the arrangement of formal meetings with staff Involving Union/Professional Association representatives

The arrangement of a formal meeting with a member of staff is a fairly occasional event. This will particularly be the case in small schools.

Such meetings are likely to be in connection with one of the Human Resources policies, e.g., Disciplinary Policy, Absence Management, Competence Procedure. When the need arises to meet with a member of staff in connection with such processes or to arrange a hearing, there is an entitlement for him/her to be accompanied by a chosen representative. This representative will usually be from one of the trade unions or teachers' professional associations.

Line Managers/ Heads of Service are advised to ask for the name/organisation of the representative, where possible, and make contact to ascertain their availability before setting dates and times. It can be very unsettling and disruptive to relationships, at an already difficult time, when a date is set and then has to be postponed owing to the unavailability of the representative: -

The legal position is as follows (The Employment Relations Act 1999 Section 10, paragraph 4)

"If:

- (a) a worker has a right under this section to be accompanied at a hearing,
- (b) his chosen companion will not be available at the time proposed for the hearing by the employer, and
- (c) the worker proposes an alternative time which satisfies subsection (5),

the employer must postpone the hearing to the time proposed by the worker.

An alternative time must:

- (a) be reasonable, and
- (b) fall before the end of the period of five working days beginning with the first working day after the day proposed by the employer".

Unions/associations are likely to quote this when they are presented with a date they cannot accommodate. The Service will have no choice, at this point, but to make new arrangements. This can cause considerable inconvenience for everyone concerned. A further difficulty is likely to be caused because the legal requirement calls for the representative to set a new date, within 5 days, and this will probably not be convenient for other people involved.

It is best to try and avoid a difficult period where parties struggle to set a mutually suitable date, colleagues (and sometimes pupils) in service may suffer because of the delay and resentment may develop.

Line Managers/ Heads of Service need to consider the perspective of the employee and their representative. Most employees would not expect to be called to a formal meeting, or any other management process, outside of working hours. The representatives themselves are sometimes employees of the union/association, who have scheduled working time, and branch officials are allocated particular times away from their 'day job' for their union duties. They may struggle to obtain release at other times.

It has been possible, on occasions, to arrange such hearings/meetings in the evenings but Line Managers/ Heads of Service should expect to be challenged if making such arrangements. If at all possible, meetings in working hours are also preferable because the participants are more likely to be able to contribute effectively, than at the end of the day.

When informed that a representative cannot attend a meeting and a considerable number of other stakeholders have been assembled (Line Manager/ Heads of Service, witnesses, HR representative Consultant, minute taker), Line Managers/ Heads of Service have sometimes challenged the union to send a different representative to facilitate the process and save the impact of further delay on the employee. This is not easy for some associations to accommodate. They may have an agreement where only an individual union representative is authorised to receive the details of the case and to act on the member's behalf.

Line Managers/ Heads of Service are advised to take these factors into consideration, in order to enable arrangements to be made in co-operative fashion. Alongside this guidance there has also been correspondence to the unions/associations seeking a similarly collaborative approach from their representatives. For instance, in recognising the requirement to co-operate with the process and offer a reasonable number of possible dates when meetings are needed. We reminded the association that just asserting their rights can foster a defensive response.

The need for formal meetings invariably means that there are challenging situations to manage, not just with the employee concerned but also possibly colleagues and the wider school Service. The 'tone' of all actions in connection with progressing the issue of concern will play a large part in minimising disruption, negative relationships, and the ability to re-establish normal working practice afterwards.

Line Managers/ Heads of Service may wish to contact the Advice and Guidance Team if they are having difficulty in working with the unions on these matters.

Appendix 4

Guidelines on Phased Returns to Work

Reasonable Adjustments/Full Duties

An employer has a duty to make reasonable adjustments to the workplace or to working conditions for employees who are covered by the Equality Act.

However, an employer may also make temporary adjustments to the workplace or working conditions for employees who are not covered by the Act, but who require some modifications to be made on a temporary basis in order to enable them to return to work. These may include the provision of specialist equipment, a temporary reduction in additional responsibilities or a temporary transfer to a more convenient working location. Occupational Health Service staff are able to carry out workplace assessments and provide appropriate advice.

In recent years Occupational Health professionals have also identified that, in some circumstances, phased returns to work are a useful way of assisting employees to return to work. A phased return can help employees adjust to a working routine, whilst at the same time ensuring that they are, in fact, fit enough to return. Pursuing this option often enables employees to return to work earlier than if they had been allowed to return only when they were capable of performing the full duties of the post. However, cases should be considered on an individual basis and discussion and agreement should take place with the employee before a phased return is implemented. The following are recommended guidelines: -

- A phased return should be on the recommendation of Occupational Health practitioners or GP or another medical practitioner
- The GP or Consultant must provide a medical certificate which states that the employee “is fit to return on a phased basis over weeks.” The weeks will be specified
- Phased returns are, in most cases, for a relatively short period - however the advice of the GP or consultant should be followed
- The working pattern should be agreed by the Head of Service, the employee prior to implementation. The length of the phased return and work pattern agreed in each case will be based on the needs of the individual and the operational limitations of the service and can be unique in each circumstance. Any variation from the recommendation of the GP or consultant should be agreed between the Head of Service and the employee.
- In the event of failure to reach an agreement a further meeting with trade union and HR may need to take place.
- Employees receive full pay for time/days worked and occupational sick pay for non-working time/days. Guidance on sick pay entitlements should be sought from HR.
- Payroll will need full details of the phased return including the hours worked, and notification if the phased return will continue into the next pay period.

- Towards the end of the agreed phasing period the employee should confirm their intention to return to full-time working. In some exceptional circumstances, and on the advice of their GP and Occupational Health, the agreed phasing period may be extended, subject to the agreement of the Head of Service
- Where the recovery requires the employee to work reduced hours over a significant period of time rather than a “phased” return to the full contracted hours this should be considered as a reasonable adjustment. A reduction of contractual hours would require mutual agreement between the employer and the employee, including the duration of the arrangement, when and how it will be reviewed further advice on other reasonable adjustments which may need to be considered is contained in the managers guidance.
- It is good practice to review the progress of employees on phased returns. This can be done on a formal or informal basis during, and at the end of, the process.



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE

WEDNESDAY, 8 MARCH 2022

Report of the Interim Director of Organisation Development & Policy

Pay Policy for Teachers employed by the Local Authority and not attached to schools

1. Purpose

- 1.1 To note the details of the nationally agreed School Teachers' Pay Award paid from 1 September 2022 and to approve the revised Teachers' Pay Policy for teachers employed by the Local Authority and not attached to schools.

2. Information and Analysis

- 2.1 The regulations governing teachers' pay and conditions of service are contained in the School Teachers Pay and Conditions Document (STPCD) which is revised by the Secretary of State annually.
- 2.2 The STPCD imposes various duties on relevant bodies in relation to the determination of teachers' pay. Any changes need to be reflected in the authority's policies for the management of teachers employed in the education support services.
- 2.3 The main changes to the Teachers Pay Policy for 2022 are listed below:
- The nationally agreed Teachers' Pay Award effective from 1 September 2022 is a 5% uplift to all pay and allowance ranges and advisory points with higher increases to some parts of the Main Pay Range. All pay uplifts are dated to 1 September 2022.

- The policy reflects the reduction of working hours for teachers for the Academic Year 2022/23 to reflect the additional bank holidays agreed for the Queens funeral on 19 September 2022 and the coronation of King Charles III on 8 May 2023.
 - The policy contains all the other continuing provisions for the determination of individual salary ranges (ISR) for teachers paid on the leadership spine, payment of responsibility and special educational needs allowances, and part time teachers' pay calculation. These elements are unchanged.
 - The policy has been updated to clarify that references to the Head of Service may include any Designated Senior Leader in charge of a service, where the role is paid in accordance with School Teachers' Pay and Conditions of Service.
 - Additional paragraphs have been added in relation to acting allowances and the pay arrangements for Teachers who have chosen to step down from a leadership role
- 2.4 The recommendation to school Governing Boards was that they adopt the same approach and agree the increase as detailed above, considering the benefits of a consistent approach across the Authority.
- 2.5 The policy will be made available to relevant managers and employees so that they are aware of the specific policies in relation to teachers employed by the Local Authority and not attached to schools.
- 2.6 The revised pay uplifts were applied in November 2022 backdated to 1 September 2022.

3. **Consultation**

- 3.1 The policy is a non-contractual document and does not therefore, require the agreement of the relevant workforce prior to application. However, as this is a policy which will apply to all relevant employees in accordance with their terms and conditions of employment it was developed with extensive discussion at SJCC with the recognised teacher trade unions and professional associations.
- 3.2 NASUWT could not agree the 2022-23 Derbyshire pay policy in full, as the pay points are those set out in the STPCD and are therefore not compatible with the NASUWT's position of seeking a minimum 12% award this year. In all other respects, NASUWT agrees with the policy.

4. Alternative Options Considered

- 4.1 An alternative option would be to not implement the revised pay policy. However, this would mean that the policy adopted previously would not reflect the School Teachers Pay and Conditions Document (STPCD) 2022 and would not comply with the School Teachers' Pay and Conditions (England) Order 2022.

5. Implications

- 5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

- 6.1 School Teachers Pay and Conditions Document 2022.

7. Appendices

- 7.1 Appendix 1 - Implications
7.2 Appendix 2 – Pay Policy for Teachers employed by the LA and not attached to schools.

8. Recommendation(s)

- 8.1 That Committee:
- a) notes the details of the nationally agreed School Teachers' Pay Award payable from 1 September 2022
 - b) approves the adoption of the revised Pay Policy for Teachers employed by the Local Authority and not attached to Schools.

9. Reasons for Recommendation(s)

- 9.1 The policy meets the council's obligations to review the Teachers Pay Policy to reflect changes outlined in the School Teachers Pay & Conditions Document 2022.

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Implications

Financial

- 1.1 The cost of the Teachers' Pay Award for teachers employed by the Local Authority in a central function based on the 22/23 percentage increases outlined above, is estimated at an annual cost of £0.548m the 23/24 increase is estimated at an annual cost of £0.345m including estimates for associated pensions and national insurance costs.
- 1.2 Based on the September 2022 implementation date £0.320m additional cost is anticipated to arise in the financial year 2022/23 with a further increase of £0.430 in financial year 23/24 and £0.144m in financial year 25/26. Central functions employing teachers are primarily funded from the High Needs Block of the Dedicated Schools Grant. Whilst there's no additional funding for the central DSG budgets specifically for the pay award, these budgets were generally set with an assumption of a 2% increase in costs. This equates to a £0.219m cost for the pay award and leaves £0.101m unfunded in the current financial year which will need to be met from existing budgets. The costs included in the above figures not within the Dedicated Schools Grant amount to a total of £0.007m and will be funded by traded income or other Grant funding.

Legal

- 2.1 The STPCD imposes various duties on relevant bodies in relation to the determination of teachers' pay. Any changes need to be reflected in the authority's policies for the management of teachers employed in the education support services.
- 2.2 Local authorities must abide by the statutory requirements and must have regard to the guidance issued, as a court or tribunal may take any failure to do so into account in any legal proceedings.
- 2.4 The policy is a non-contractual document and does not therefore, require the agreement of the relevant workforce prior to application.
- 2.5 The terms of reference for the Appointments and Conditions of Service Committee provide for the Committee to approve corporate employment policies and to determine terms and conditions on which staff hold office.

Human Resources

- 3.1 There has been formal consultation at Schools' Joint Consultative Committee (SJCC) with the recognised trade unions and professional associations in relation to the proposed pay policy. The NASUWT could not agree the 2022-23 Derbyshire pay policy in full, as the pay points are those set out in the STPCD and are therefore not compatible with the NASUWT's position of seeking a minimum 12% award this year. In all other respects, NASUWT agrees with the policy.

Information Technology

- 4.1 There are no IT implications in applying a specific Pay Policy for Teachers employed by the Local Authority and not attached to schools.

Equalities Impact

- 5.1 The provisions of the Pay Policy and the pay uplifts are compliant with the relevant provisions of anti-discrimination legislation contained in the Employment Relations Act 1999, the Equality Act 2010, the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 and the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002. It is also consistent with the principles of public life – objectivity, openness, and accountability.
- 5.2 Monitoring of equalities will take place throughout the implementation of this Policy.

Corporate objectives and priorities for change

- 6.1 The Pay Policy aligns with the Council's People Strategy and People Priorities.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

- 7.1 N/A

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Pay policy for teachers employed by the local authority and not attached to schools



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- Appendix C – Assessment to be paid on UPR**

Version	Date	Detail	Author
V.01	09/12/22	Policy version tabled at SJCC	Ian Stonehouse

1. Forward

The Teachers' Pay Policy has been subject to formal consultation and negotiation through the Schools' Joint Consultative Committee (SJCC) which was held in September 2022. Unfortunately, on this occasion it has not been possible to achieve a collective agreement with all the recognised professional associations and trade unions.

NASUWT could not agree the 2022-23 Derbyshire pay policy in full, as the pay points are those set out in the STPCD and are therefore not compatible with the NASUWT's position of seeking a minimum 12% award this year. In all other respects, NASUWT agrees with the policy.

The changes can be summarised as follows:

- The document includes the 2022 National Pay Award determined of a 5% uplift to all pay and allowance ranges and advisory points with higher increases to some parts of the Main Pay Range. All pay uplifts are dated to 1 September 2022.
- The document reflects the reduction of working hours for teachers for the Academic Year 2022/23 to reflect the additional bank holidays agreed for the Queens funeral on 19th September 2022 and the coronation of King Charles III on 8th May 2023.
- It has been clarified that references to the Head of Service may include any Designated Senior Leader in charge of a service, where the role is paid in accordance with School Teachers' Pay and Conditions of Service.
- An additional paragraph has been added in relation to acting allowances.
- An additional reference has been made in relation to stepping down.

January 2023

2. Purpose

This policy outlines Derbyshire County Council's approach and basis upon which the pay of teaching employees will be determined in the context of the Council's improvement plans and staffing structure. It has been developed to comply with the current School Teachers' Pay and Conditions Document (STPCD) and the conditions of service laid down in the Burgundy Book. The policy takes account of associated government guidance and has been the subject of formal consultation with the recognised professional associations and trade unions.

3. Context

The responsibility for adopting and implementing a pay policy for teachers rests with the relevant body, which is the Local Authority for those teachers employed but not attached to schools, acting in accordance with the overriding requirements of legislation, which determine its rights, responsibilities, and duties, and in accordance with the present and projected financial circumstances. In adopting this policy, the LA intends compliance with the Employment Relations Act 1999, the Equality Act 2010, the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000, The Fixed Term Employees (Prevention and Less Favourable Treatment) Regulations 2002. Procedures for determining pay should also be consistent with the principles of public life - objectivity, openness, and accountability.

This pay policy should comply with the current School Teachers' Pay and Conditions Document (STPCD, also referred to as the 'Document') and the accompanying statutory guidance. It should be used in conjunction with them, but, in the event of any inadvertent contradictions, the Document and guidance take precedence.

This model pay policy only covers teachers, whose statutory pay and conditions of service fall under the terms of the Document. It does not cover support staff, who have their own pay determination mechanism.

In determining teacher pay levels in accordance with statutory pay and conditions of service under the terms of the Document, relevant bodies should also ensure these are set in accordance with the services' staffing structure (a copy of which should be appended to this policy).

4.Aims

The LA wishes to have a pay policy consistent with legal requirements and pay and conditions of service, which supports the Council's improvement and strategic plans through:

1. A clear staffing structure.
2. Objective, consistent, and fair criteria for assessing and reviewing salaries in accordance with the mandatory and discretionary provisions in the School Teachers' Pay and Conditions Document.
3. An agreed policy on Appraisal.
4. A procedure for representation and appeal.
5. The application of the LA's Equality and Diversity Policy.
6. A mechanism for annual review of this policy within the context of the School Teachers' Pay and Conditions Document.
7. Regard to available resources.

The LA aims that the policy will:

- assure the quality of teaching and learning in the education support services,
 - support the recruitment and retention of a high-quality teacher workforce,
 - enable the LA to recognise and reward teachers appropriately,
 - ensure accountability, transparency, objectivity, and equality of opportunity.
-

5. Principles

The LA has agreed the following principles in relation to the assessment and reviews of salaries for teaching employees.

4.1 Consultation

When adopting, implementing and annually reviewing the pay policy, the LA has a duty to consult fully with the staff, recognised professional associations and trade unions.

All teachers will have easy access to a copy of the pay policy. Services should attach a copy of the Staffing Structure to the pay policy.

In keeping with good practice, the annual report on the operation of the pay policy will be provided, on request, to the trade unions and professional associations. The report should include a summary of pay decisions and equality impact assessment.

4.2 Application

The pay policy will be determined by The Appointments and Conditions of Service Committee of the County Council. Implementation will be the responsibility of the Executive Director Children's Services. Each Head of Service (or other senior leader as determined by the service) will be responsible for ensuring that Pay decisions will be communicated in writing to their members of staff, in accordance with the requirements of STPCD. Decisions on the pay of the head of service (where they are employed under STPCD) will be communicated by the relevant Assistant Director (or other Senior Manager nominated by the Executive Director, Childrens Services), in writing.

4.3 Vacancies

All vacant posts and temporary and acting posts, associated allowances, and enhancements, will be made known to LA staff and publicly advertised where appropriate or necessary.

4.4 Job Description

Job Descriptions will be provided for all staff who will be consulted over their content. Job descriptions for individual posts (e.g. Teaching and Learning Responsibility payments) will have been issued during the consultation over the Staffing Structure Review in 2005 or subsequently when the staffing structure of the relevant support service has been revised. Any changes to these would be subject to consultation. The Head of Service (or other senior leader as determined by the service) is responsible for discussing each year with individuals which tasks, from within the overall role, need to be amended, reviewed, developed or prioritised.

4.5 Contracts of Employment and Salary Records

All teaching employees will be provided with a letter of appointment and contract of employment. Each teacher will have access to their own salary records and will be notified of the outcome of their salary assessment and subsequent reviews by an annual Salary Statement which provides details of salary points and allowances. Details of the information which will be included in the annual Salary Statement are included as Appendix A to this policy.

4.6 Confidentiality

The LA recognises obligations under the Data Protection Act 2018. The Heads of Service (or other senior leader as determined by the service), other senior officers and relevant Members will treat all salary issues confidentially, with sensitivity, and will undertake to make no public disclosure or provide details, other than by consent, or as required by legislation. Please note; where a request for information is received, regarding an individual's salary, the Council may withhold some, or all, of the data under Sections 40 (1) and 40 (2), of the Freedom of information Act, which relates to 'personal data'.

4.7 Pay Reviews

The LA will ensure that each teacher's salary is reviewed annually, with effect from 1 September and no later than 31 October each year and they will be given a written statement setting out their salary and any other financial benefits to which they are entitled. Teachers' annual pay reviews should be conducted by 31 October. Reviews may take place at other times of the year to reflect any changes in circumstances or job description that lead to a change in the basis for calculating an individual's pay. A written statement will be given after any review and where applicable will give information about the basis on which it was made.

Salary reviews will be undertaken by the Executive Director, or a Senior Manager nominated by them who will receive pay recommendations via a report, based on the annual performance reviews, undertaken in line with the Council's Appraisal Policy for Teachers.

4.8 Equalities Considerations

Where a teacher has a period of specific long-term absence, e.g. is absent on maternity leave, adoption leave, parental leave or long term sick leave, their pay review may be deferred until after their return to work (or carried out before maternity/adoption/parental leave commences), depending on the effect of the timing and length of the absence on the ability to carry out a performance review. Account could also be taken of performance in previous appraisal periods if there is little to go on in the current year. Where a teacher is away because of maternity leave, it is unlawful for the LA to deny that teacher an appraisal and subsequent pay progression decision because of her maternity. When a teacher returns to work from maternity leave, the LA must give her any pay increases that she would have received, following appraisal, had she not been on maternity leave. The LA will take the same approach where teachers return from a long period of paternity or adoption leave.

When a teacher is absent for disability related reasons the LA will consider and consult on whether there are any adjustments that can reasonably be made to enable the teacher to participate in appraisal and access pay progression. When a teacher returns to work following a disability related absence, the LA must not refuse a pay increase that the teacher would have received, following appraisal, had she/he not been absent for a reason related to disability, if the reason for the refusal is the teacher's disability or the refusal cannot be objectively justified.

4.9 Decision Making

Where a pay determination leads or may lead to the start of a period of safeguarding (under the provisions of STPCD), the LA will give the required notification as soon as possible and no later than one month after the date of the determination.

Salary Assessments and Reviews will be made by the Executive Director or a Senior Manager nominated by them who will receive recommendations on pay progression from heads of service and other teachers filling the role of Appraiser.

Any salary decisions will be communicated in writing to each teacher in accordance with the School Teachers' Pay and Conditions Document.

4.10 Appeals

From time to time teachers may disagree with their salary assessment or annual salary review. As far as practicable these will be resolved informally with the Head of Service (or other senior leader as determined by the service), and/or representative(s) of the Executive Director. If this is not possible and the disagreement remains unresolved teachers will be able to have their disagreement resolved through formal procedures. The formal procedure will be fair, equitable, and objective to allow a reasonable and appropriate outcome to be achieved. Outcomes of the formal procedures will always be in accordance with the procedures and requirements of the LA's Pay Policy (i.e. it should be self-regulating).

The order of proceedings will be as follows:

1. The teacher receives written confirmation of the pay determination, and where applicable, the basis on which the decision was made.
2. If the teacher is not satisfied and is unable to resolve the matter informally with the decision maker within 10 working days he/she will set down in writing the grounds for questioning the pay decision [which must relate to the grounds as set out in 4.10.5 below] and send it to the Executive Director, Childrens Services or their nominated representative (copied to the Director Organisation Development and Policy) within 10 working days of the notification of the decision being appealed against, or of the outcome of the discussion referred to above.
3. The Executive Director, or their nominated representative in conjunction with the Director of Organisation Development and Policy should provide a hearing within 10 working days of receipt of the written grounds for

questioning the pay decision to consider this and give the teacher an opportunity to make representations in person.

- The teacher is entitled to be accompanied by a colleague or Professional Association Representative.
 - The timing and location of the formal meeting will be reasonable and will allow both parties to explain their cases.
 - The teacher and their representative will have access to all relevant documents.
 - The teacher or representative will be able to state their case and ask questions of the Executive Director, or their representative who may be advised by the Head of Service and/or their representative.
 - The Executive Director or their representative will give reasons for his/her original decision and respond to any questions put to him/her by the teacher or representative.
4. The Executive Director or their representative may seek the advice of the Head of Service, or representative. The Executive Director or their representative will decide the outcome of the representations and inform the teacher in writing within 1 working day. If appropriate, the teacher will be informed in writing of their right of appeal.
5. The teacher can appeal against the decision on procedural grounds or that the Executive Director or their representative has failed to implement the LA's Pay Policy. A teacher may appeal against any determination in relation to his/her pay on statutory grounds as follows:

That the Executive Director, Childrens Services or their representative who made the decision:

- a) Incorrectly applied this pay policy.
- b) Incorrectly applied any provision of the School Teachers' Pay and Conditions Document.
- c) Failed to have proper regard for statutory guidance.
- d) Failed to take proper account of relevant evidence.
- e) Took account of irrelevant or inaccurate evidence.
- f) Was biased or
- g) Otherwise unlawfully discriminated against the teacher.

Any appeal will be heard by an Executive Director, or a member of their Senior Management Team, normally from a different Department (Hearing Officer) who were not involved in the original determination and have had no prior involvement of any kind in the matter.

- It will be heard normally within 20 working days of the receipt of the written appeal notification.

- The teacher will be given the opportunity to make representations in person and will have the right to be accompanied by a colleague or Professional Association Representative.
 - The employee or representative will be able to state their case.
 - Executive Director, Childrens Services or their representative will give reasons for his/her decision.
 - The Hearing Officer may ask questions of the employee or representative and the Executive Director, Childrens Services or their representative.
 - The Hearing Officer will be supported by an officer from HR and may seek the advice of the Head of Service and/or Executive Director Childrens Services or representative.
 - The Hearing Officer will decide the outcome of the appeal and inform the employee in writing within 1 working day. Where the appeal is rejected it will include a note of the evidence considered and the reasons for the decision.
 - The pay appeals procedure performs the function of the grievance procedure on pay matters and therefore decisions should not be re-opened under general grievance procedures. Appeal decisions do not affect teachers' statutory employment rights.
-

5. Use of Discretions in Basic Pay Determination

Since 1 September 2014 the relevant body has had the freedom to set its own pay points between the minimum and maximum salary on the leadership pay range for each headteacher group. Derbyshire County Council has adopted the previous 43 scale points, increased in line with uplifts made in national pay awards, as the leadership pay spine for relevant teachers employed by the council and not attached to schools.

5.1 Pay range for Heads of Service on School Teachers Pay and Conditions of Service

*for all references to Head of Service, please note that this could include any Designated Senior Leader in charge of a service, where the role is paid in accordance with School Teachers Pay and Conditions of Service.

The Authority will review the Individual Salary Range (ISR) of 5 points when it appoints a new Head of Service and will take account of the size and circumstances

of the service at the time. The ISR must take into account all relevant considerations and permanent responsibilities of the role, including identified recruitment difficulties, a high degree of complexity and challenge of the role, or additional levels of accountability. Where School Teachers Pay and conditions are applied to the Head of Service role the LA will normally place a new Head of Service on the bottom point of the ISR but will consider experience and current salary and in exceptional circumstances may place a new Head of Service on a higher point, up to the third point of the ISR. This leaves at least 2 points for performance related pay progression. The LA should not take account of the salary of the serving Head of Service, if they re-determine the ISR when recruiting a new Head of Service.

In order to determine the Head of Service ISR the LA will:

- i. determine the size of the Service with reference to the number of pupils/families served, their key stages, and ratio of full time equivalent staff to pupils,
- ii. identify the salary range for the size of the service,
- iii. take into account any challenges specific to the role and other relevant considerations,
- iv. determine an ISR of 5 points, as Heads of Service do not hold the level and scope of responsibilities required of Headteachers and they report to Assistant Directors (or other Senior Manager nominated by the Executive Director, Childrens Services) whose conditions of service do not fall within School teachers terms and conditions.
- v. when making a new appointment, consider the requirements of the post and the extent to which the preferred candidate meets those requirements to determine whether it would be appropriate to set a starting salary above the minimum of the range. There must be appropriate scope for performance related progress within the range,
- vi. factors not expected to persist will be reflected through an allowance rather than consolidated into the pay range.

The LA should determine the pay range for Heads of Service when they propose to make a new appointment or at any time if there has been a significant change in the responsibilities of the post. The ISR should be reviewed if a pay range is set for a deputy or Assistant Head of Service, however the pay ranges may overlap.

Where a Head of Service is appointed as Head of more than one service on a permanent basis, the relevant body must determine an ISR with reference to the total number of pupils/families served across both services, the ratio of FTE staff to pupils and the responsibilities and challenge of the post.

Temporary Payments

The LA may determine that additional temporary payments be made to a Head of Service for clearly temporary duties or responsibilities that were not taken into account when the salary range for the post was formulated. The total sum of such payments in any school year must not exceed 25% of the amount that corresponds to the Head of Service's point on the leadership pay spine.

This limit does not apply where residential duties are a requirement of the post or to relocation expenses which relate solely to the personal circumstances of the Head of Service.

The LA may determine that the limit to the total sum of additional payments made to the Head of Service is exceeded in wholly exceptional circumstances. The LA must seek external independent advice before providing such agreement. An audit trail of the advice received will be retained and a record of the decisions made by the LA, with the reasoning behind them

5.2 ISRs for Designated Service Leaders

The LA will determine an ISR of 5 consecutive points for each Service Leader employed within the service on Teachers Terms and Conditions. The ISR will reflect the responsibilities and challenge of the post, the circumstances of the service, and possible recruitment and retention difficulties.

The Pay Range may be determined as of 1 September or at any time of year to reflect any changes in the circumstances or job description/responsibilities that lead to a change in the basis for calculating their pay, or at any time if it is considered necessary to retain Service Leader.

A new Service Leader may be paid on any one of the bottom 3 points of their pay range and will normally be appointed on the lowest point.

The top point of any Service Leader pay range will normally be set at least 1 point below the lowest point of the Head of Service's ISR, unless there are exceptional reasons why this is not the case.

The minimum of a Service pay range must not be less than the next leadership point above the minimum of any Service Leader pay range.

The minimum of Service Leader pay range must not be less than the next leadership point above the salary of the highest paid classroom teacher.

This is defined as the highest paid classroom teacher when calculated on;

- the sum of the cash value of point 1 on the Upper Pay Range,
- plus the cash value of any substantive TLR payments and
- Special Educational Needs Allowances.

These are the only differentials which are required by the School Teachers' Pay and Conditions Document and the Local Authority acknowledges it is possible that the actual salary differential between:

- an inexperienced or new Head of Service and an experienced Service Leader Service may be relatively small.
- an experienced Head of Service and an inexperienced or new Service Leader may be relatively large.

Also, that similar situations may arise for differentials between Service Leader and the highest paid class teacher and that

- an experienced Service Leader may be paid more than an inexperienced or new Deputy Head of Service.
- A teacher who has progressed up the Upper Pay Range and who receives additional substantive allowances may be paid more than a more senior member of staff.
- A teacher on a protected salary may be paid more than a Service Leader, and/or the highest paid class teacher as defined in The School Teachers' Pay and Conditions Document.

These situations are due to specific circumstances which have been anticipated and are acceptable according to the School Teachers' Pay and Conditions of Service Document.

When the Head of Service becomes responsible for more than one service, in all cases, consideration will be given to the remuneration of Service Leader who, as a result of the Head of Service's role, are taking on additional responsibilities. An increase in remuneration will only be agreed where the post accrues additional extra responsibilities as a result of the Head of Service's enlarged role, it is not automatic.

5.3 Leading Practitioners

From 1 September 2013 the LA had to determine whether to include in the service's staffing structure any posts which primarily have the purpose of modelling and leading the improvement of teaching skills. A teacher paid on the Leading Practitioners' pay range must be an exemplar of teaching skills, lead the improvement of teaching skills in their service and carry out the professional responsibilities of a teacher, including those duties delegated by the Head of Service.

Any teacher placed on the pay range for Leading Practitioners will take a leadership role in developing, implementing and evaluating policies and practice in the service which contribute to school improvement.

For any proposed Leading Practitioner post the LA will determine an individual pay range within the overall range for the post. The Head of Service will formulate a job description for approval through the Council's procedures. Different posts within the services may be paid on different individual ranges. The LA will determine where, within the individual range for any particular post, each relevant teacher will be paid.

Teachers on this pay range must be an exemplar of teaching skills, lead the improvement of teaching skills in the schools and carry out the responsibilities of a teacher other than a Headteacher. Their duties may include:

- Coaching, mentoring and induction of teachers, including trainees and Early Career Teachers (ECTs),
- Disseminating materials and advising on practice, research and continuing professional development (CPD) provision,
- Assessment and impact evaluation, including through demonstration lessons and classroom observation,
- Helping teachers who are experiencing difficulties,

- Outreach work in other services/ schools/settings.

The minimum of the pay ranges for Leading Practitioners is £44,523 and the maximum is £67,685. In setting an individual range the LA will have regard to the weight of responsibilities, challenge and demands of the post and internal pay relativities between posts of differing levels of responsibility.

5.4 Other Teachers

Discretionary experience points for classroom teachers, on appointment.

Teachers Appointed from the Maintained Sector

The LA will determine the pay scale for a vacancy prior to advertising. On appointment it will determine the starting salary within that range, to be offered to the successful candidate. In making such a determination the LA may take into account factors including:

- The nature of the post,
- The level of qualifications, skills and experience required,
- Market conditions,
- The wider school context.

When placing a classroom teacher on the main pay range, the LA is committed to the principle of pay portability and will take full account of the experience of a newly appointed teacher on the Main Pay Range. The LA will honour a teacher's position on the Upper Pay Range. In both cases this will include any pay progression the teacher would have been awarded as a result of their most recent appraisal review in the post where they were previously employed.

Where the teacher was previously employed on the Main Pay Range or Upper Pay Range, in a school/service which has adopted different salary points to this authority, the teacher will be appointed at the next salary point above the value of their previous salary.

Teachers Appointed from Service other than in the Maintained Sector

Qualified teachers appointed from service as a teacher in an Academy, a city technology college or a college for the arts will be assimilated as detailed above for teachers from the maintained sector, if they were previously employed on a pay scale which utilised the minima and maxima provided in STPCD.

Where the teachers have been paid on salary scales outside of the minima and maxima provided in the STPCD, their level of service will be utilised to determine a pay point on the relevant salary range.

The LA will award a point or points on the Main Pay Range in recognition of previous teaching experience, as detailed below, or for wider areas of relevant experience in the following circumstances:

- Service in an independent school.

- Service as a qualified teacher in an overseas school outside the European Economic Area or Switzerland in the maintained sector of the country concerned.
- Service as a qualified teacher in further education, including Sixth Form Colleges.
- Service teaching in higher education.

The LA will consider awarding one point, in total, on the Main Pay Range on a case by case basis for:

- Relevant experience outside teaching of at **least 3 years** which may include:
 - Industrial or commercial training.
 - Paid work directly related to the care and supervision of children.
 - Paid work in an area directly related to the subject being taught and with commensurate responsibility.

5.5 Part-time teachers

Teachers employed on an ongoing basis by the service but who work less than a full working day or week are deemed to be part-time. The LA will give them an agreed written statement detailing their working time obligations and the mechanism used to determine their pay, subject to the provisions of the statutory pay arrangements and working time arrangements and by comparison with the Service's standard timetabled teaching week, for a full time teacher. Part-time teachers are paid an 'appropriate proportion' of 1265 (1252 for the school year beginning in 2022) hours, as set out in the School Teachers' Pay & Conditions Document. Part-time teachers must be paid the pro rata percentage of the full-time salary for a teacher in an equivalent post. The same percentage must be applied to any allowances to a part-time teacher.

Any additional hours such a teacher may agree to work from time to time at the request of the Head of Service (or in the case where the part-time teacher is a Head of Service, the Executive Director, Childrens Services or their nominated representative), should also be paid at the same rate.

The LA is responsible for ensuring that part-time teachers have a clear statement of the sessions and hours they will be required to work.

5.6 Short notice / supply teachers

Teachers who work on a day-to-day or other short notice basis have their pay determined in line with the statutory pay arrangements in the same way as other teachers. Teachers paid on a daily basis will have their salary assessed as an annual amount, divided by 195 (193 for the school year beginning in 2022) and multiplied by a number of days worked.

Teachers who work less than a full day will be hourly paid and will also have their salary calculated as an annual amount which will then be divided by 195 (193 for the school year beginning in 2022) then divided again by 6 to arrive at the hourly rate.

5.7 Unqualified Teachers

If a service is unable to recruit appropriately qualified teachers, unqualified teachers may be appointed. The LA will, when determining on which point to place unqualified teachers on the unqualified teachers' pay scale when they are appointed, take account of any relevant qualifications and experience. Unqualified teachers may be appointed above the minimum in the following circumstances:

Qualifications:

- a) 1st or 2nd Class Hons. Degree
 - b) A higher degree from a UK university in their subject area
- A recognised overseas teaching qualification, in a directly related subject/area
 - A recognised Post-16 teaching qualification
 - Other recognised qualification relevant to their subject area

Service:

- A period of at least 2 years of service as an overseas-trained teacher, where the post is directly related to the area now being taught and with commensurate responsibility
- A period of at least 2 years of service teaching in further education, including Sixth Form Colleges
- A period of at least 2 years of service teaching in higher education
- The LA may consider awarding on a case by case basis
- Periods of at least 3 years spent outside teaching but working in a relevant area. This might include industrial or commercial training, time spent working in an occupation relevant to the teacher's work, and experience with children/young people

5.8 Unqualified Teachers' Allowance

The LA will pay an unqualified teachers' allowance to unqualified teachers when the authority considers their basic salary is not adequate having regard to their responsibilities, qualifications and experience. Where an unqualified teacher is appointed to a post that would carry a Teaching and Learning Responsibility payment (TLR), if filled by a qualified teacher, then the teacher will be paid an allowance of the same value as the relevant TLR as long as the teacher has:

- a) taken on a sustained additional responsibility which is:
 - i. focussed on teaching and learning;
 - ii. requires the exercise of a teacher's professional skills and judgement.

Or

- b) qualifications or experience which bring added value to the role he/she is undertaking.

6. Pay Reviews and Pay Progression

Since September 2013 there are 4 pay ranges for teachers other than those on the Leadership pay range.

- i. The main pay range for qualified teachers who are not entitled to be paid on any other pay range
- ii. The upper pay range
- iii. The pay range for Leading Practitioners, whose primary purpose is to model and lead teaching improvement, and
- iv. The unqualified teacher range

Any pay increase awarded to a teacher on the main pay range, upper pay range, or unqualified pay range, or any movement between those ranges will be permanent for as long the teacher remains employed **directly** by this LA.

The LA has adopted the advisory pay points recommended by the STPCD for the unqualified teachers' pay range.

6.1 Main Pay Range

The Main Pay Range has a minimum of £28,000 and a maximum of £38,810. The LA has determined that the recommended advisory points will be used as points of progression through the range, where agreed by the LA through the application of this policy.

Point 1	£28,000
Point 2	£29,800
Point 3	£31,750
Point 4	£33,850
Point 5	£35,990
Point 6	£38,810

6.2 Unqualified Teachers' Pay Range

An unqualified teacher will be paid within the minimum of £19,340 and maximum £30,172 of the Unqualified Teachers' Pay Range. The LA has determined the salary reference points shown below will be utilised where it is agreed that an unqualified teacher will progress up the range through performance reviews, in accordance with this policy.

Point 1	£19,340
Point 2	£21,559
Point 3	£23,777
Point 4	£25,733
Point 5	£27,954
Point 6	£30,172

6.3 Upper Pay Range

The Upper Pay Range has a minimum of £40,625 and a maximum of £43,685. The LA has determined that the recommended advisory points will be used as points of progression through the range, where agreed by the LA through the application of this policy.

Point 1	£40,625
Point 2	£42,131
Point 3	£43,685

The LA will pay a teacher on the Upper Pay Range if:

- a) The teacher is employed, or defined as, a post threshold teacher, for as long as the teacher is so employed by the LA without a break in the continuity of their employment.
- b) The teacher applies to be paid on the Upper Pay Range, in accordance with the arrangements set out in paragraph 6.6 of this policy and that application is successful, the teacher is still employed by the LA and there has been no break in the continuity of employment.
- c) The teacher was previously employed in the leadership group, was first appointed as such on or after 1 September 2000 and occupied such a post or posts for an aggregate period of one year or more.
- d) The teacher was employed as an Advanced Skills Teacher/Excellent teacher by the LA under the 2012 Document.

and the teacher specified in (a) to (d) will not be paid on the pay range for Leading Practitioners or on the Leadership scale.

The LA will determine, on a case by case basis, where teachers covered by c) or d) will be placed on the range. For teachers paid on the Upper Pay Range by virtue of a) the LA will recognise previous pay progression on the scale. Teachers to be paid on the Upper Pay Range (UPR) by virtue of the circumstances in b) will be paid on the minimum of the range.

(Please see STPCD paragraph 14.3 for a complete list of those teachers who may be paid on the Upper Pay range).

6.4 Pay Range for Leading Practitioners

From 1 September 2013 the LA will determine whether to include in the Services' Staffing Structures any post(s) which primarily have the purpose of modelling and leading improvement in teaching skills (see 6.3 above).

The Pay Range for Leading Practitioners has a minimum of £44,523 and a maximum of £67,685.

The LA will determine an individual post range of 5 points for each Leading Practitioner post and where, within the individual post range, each teacher will be paid. Where a

Leading Practitioner Post is adopted by the LA will be determined from the following points:

1. £44,523
2. £45,639
3. £46,778
4. £47,941
5. £49,136
6. £50,368
7. £51,725
8. £52,917
9. £54,239
10. £55,633
11. £57,075
12. £58,391
13. £59,850
14. £61,343
15. £62,869
16. £64,541
17. £66,022
18. £67,685

6.5 Leadership Pay Spine

The Council has determined that the leadership pay ranges will utilise the following reference points between the statutory minimum and maximum.

Reference Point	£	Reference Point	£
Minimum	44,305	24(a) *	77,237
2	45,414	24(b)	78,010
3	46,548	25	79,949
4	47,706	26	81,927
5	48,895	27(a) *	83,126
6	50,122	27(b)	83,956
7	51,470	28	86,040
8	52,659	29	88,170
9	53,973	30	90,365
10	55,260	31(a) *	91,679
11	56,796	31(b)	92,597
12	58,105	32	94,898
13	59,558	33	97,256
14	61,042	34	99,660
15	62,561	35(a) *	101,126
16	64,225	35(b)	102,137
17	65,699	36	104,666
18(a) *	66,684	37	107,267
18(b)	67,351	38	109,922

19	69,022	39(a) *	111,485
20	70,733	39(b)	112,601
21(a) *	71,765	40	115,410
21(b)	72,483	41	118,293
22	74,283	42	121,58
23	76,122	Maximum 43(a)	123,057

6.6 Pay Progression

September 2013 was the last time when teachers on the Main Pay Range received annual increments, as all pay decisions made from September 2014 will need to be linked to assessments of performance.

All decisions regarding pay progression will be made with reference to the teachers' appraisal review statements and the pay recommendations they contain. To be fair and transparent, assessments of performance will be properly rooted in evidence. The evidence to be utilised in a performance pay review must be part of the appraisal process. It would not be appropriate for the authority to introduce evidence requirements that are not directly and explicitly related to the formal appraisal process and with the objectives and standards agreed with the teacher. Careful consideration will be given in order to avoid the inappropriate use of evidence and the need for the adoption of targets and objectives that enable teachers to demonstrate performance rather than simply results.

Detailed advice on setting and appraising appropriate performance targets as agreed by the Teacher Workload Advisory Group is provided in:

[The DfE Teacher Workload Advisory Group Report "making data work" report - 2018](#)

The Report states that:

- *teachers should have goals that are within their control, that are closely tied to actionable behaviours, and that are aspirational and achievable,*
- *the performance of a single exam class should not be used as a principal measure of teaching quality in a performance management system,*
- *pay progression 'should never be dependent upon quantitative assessment metrics, such as test results',*
- *while data based on commercially produced predictions can play a helpful role in informing professional conversations about pupil achievement and the work of teachers, these systems produce ranges of grade estimates and inaccurate grade targets, and should therefore not be treated as accurate targets,*
- *current practice in using pupil attainment data in teacher performance management systems is often poor,*
- *research demonstrates that using quantitative metrics to judge teacher performance is difficult since few of the practices that can be codified and measured straightforwardly are highly correlated with teacher quality,*
- *pupil assessment scores, grades in lesson observations, and scores*

following book scrutiny are all quite poor proxies for whether or not somebody is teaching well, and

• if teachers are held to account for things that are largely outside their own control, such as a pupil's test performance or progress based on flight paths, it is not only unfair, but induces high levels of stress and is likely to lead to burnout and ultimately attrition from the profession.

In the Support Services fairness will be ensured through the annual monitoring of the application of the pay policy and pay decisions by the LA.

The evidence to be used in the LA as the basis for assessing performance is detailed in the LA's Appraisal Policy. The policy also details how fairness will be ensured through the process of appraisal and performance review.

Teachers' appraisal reports will contain pay recommendations. Final decisions about whether to accept a pay recommendation will be made by the Executive Director, or their nominated representative having regard to the appraisal report and taking into account advice from the Head of Service/Senior Leadership team. If a pay recommendation is not accepted, the Executive Director, or their nominated representative will provide the teacher with the reasons behind the decision and direct the teacher to the appeals procedure.

Where a teacher is away because of maternity leave, it is unlawful for the LA to deny that teacher an appraisal and subsequent pay progression decision because of her maternity. When a teacher returns to work from maternity leave, the LA must give her any pay increase that she would have received, following appraisal, had she not been on maternity leave. When a teacher returns to work following a disability related absence, the LA must not refuse a pay increase that the teacher would have received, following appraisal, had he or she not been absent for a reason related to disability, if the reason for the refusal is the teacher's disability or the refusal cannot be objectively justified.

The LA will take account of potential pay progression in the light of the authority's budget and ensure that appropriate funding is allocated for pay progression at all levels. All teachers can expect to progress to the top of their pay range subject to successful appraisal reviews.

In order for an appraisal/performance review to be deemed 'unsuccessful' significant concerns about standards of performance not meeting expectations/progress towards objectives not being satisfactory, will have been raised during the annual appraisal cycle and recorded in writing. Also, the concerns will not have been sufficiently addressed by the teacher following support and feedback provided by the service by the conclusion of the cycle. The same provisions should be applied to ECTs where progress during induction is not meeting expectations and may impact on pay progression at the end of the first year of the induction period in which case the ECT would have been informed in writing during the course of the year.

In the LA judgements of performance will be made against the extent to which teachers have met their individual objectives and fulfilled relevant standards as detailed in the LA's Appraisal Policy.

6.7 Early Career Teachers

In the case of Early Career Teachers (ECTs), whose appraisal arrangements are different, pay decisions will be made by means of the statutory induction process. ECTs will not be negatively affected by the extension of the induction period from one to two years.

6.8 Teachers on the Main Pay Range

Teachers will be eligible for pay progression of one point up the scale defined by the LA following each successful appraisal review.

In exceptional circumstances, where a teacher's performance is assessed to be successful in relation to significantly exceeding appropriate objectives, they are assessed as highly competent in fully meeting the relevant standards and significantly improving the progress of pupils, teachers may be awarded an extra point of progression on the Main Pay Range for excellent performance.

6.9 Movement to the Upper Pay Range

New arrangements for gaining access to the UPR came into effect from 1 September 2013. Teachers must have Qualified Teacher Status (QTS).

There are no barriers in STPCD connected with length of service for a teacher to be eligible for movement on to UPR, however teachers will need to demonstrate substantial, highly competent and, particularly, sustained performance

Teachers have the opportunity to make accelerated progress through the main pay range, if awarded movement of 2 points, following annual performance review. Individual teachers must decide whether or not they wish to apply to their Head of Service to be paid on UPR. Any application must be assessed in line with this policy. Applications may be made once a year, to be received by the end of October, to enable inclusion of the previous academic year's appraisal review, with consequent backdating of the transfer to UPR to the 1 September.

If a teacher is simultaneously employed at another LA/school, they may submit separate applications if they wish to apply to be paid on UPR in that LA or school. The LA will not be bound by any pay decision made by another LA or a School.

All applications should include the results of reviews or appraisals under the 2012 regulations, including any recommendation on pay, where these fall within the period of assessment. The LA may assess applications to progress to the UPR using only the most recent appraisal cycle and should consider whether this provides the teacher with sufficient opportunity to show that highly competent performance is substantial and sustained, bearing in mind the expectations of a teacher paid on UPR. As referenced in paragraph 6.6, particular consideration needs to be given to the applications of teachers who have been on maternity leave or absent with long term illness, especially if the absence is related to a disability.

Applications, using the standard format attached to this policy, should be submitted in writing to the Head of Service through their appraiser at the appraisal planning meeting. The application should be appended to their appraisal planning statement.

An application from a qualified teacher will be successful where the LA is satisfied that:

- a) the teacher is highly competent in all elements of the relevant standards and
- b) the teacher's achievements and contribution to the school are substantial and sustained.

For the purposes of this pay policy the LA will be satisfied that the teacher has met the expectations for progression to the Upper Pay Range where the Upper Pay Range criteria (see Appendix B) have been satisfied as evidenced in the agreed performance reviews.

The Head of Service will remind, or delegate appraisers to remind, all teachers regardless of their position on the Main Pay Range of their eligibility to apply for assessment.

Teachers should notify their appraiser that they are planning to apply for assessment to move to the UPR, so that objectives are set appropriately, and feedback is given, in relation to the Teachers' Standards and Upper Pay Range Criteria defined in Appendix B. It is the responsibility of the teacher to decide whether or not they wish to apply to be paid on the Upper Pay range. Appraisers should normally expect that teachers approaching the top of the Main Pay Range will apply to transfer to the UPR, if they have not already done so, unless they have stated that they do not wish to apply.

For teachers who have indicated an intention to apply to transfer to the UPR, it is important that where there is concern that a teacher will not fulfil the Upper Pay Range Criteria, the issues are raised with the teacher during the appraisal cycle. Relevant actions and support should be agreed in order for the teacher to address the areas where there is concern.

In order for an appraisal review to be deemed unsuccessful, in relation to meeting and sustaining UPR criteria, this must be raised during the annual appraisal cycle and recorded in writing. Also the issues will not have been sufficiently addressed by the teacher, following support and feedback provided. Furthermore, the teacher should be provided in writing with clear feedback as to whether they are continuing to successfully meet the Teachers' Standards.

The application will be assessed by the Head of Service and a recommendation in relation to a teacher's application to be paid on UPR will be considered by the Executive Director or their nominated representative who must be satisfied that a) and b) above are met. (See Appendix C).

Process and Procedures

The assessment will be made within 15 working days of the deadline for receipt of applications, at the latest. Applicants will all be informed of the outcome and when the Head of Service's assessment will be reported to the Executive Director or their nominated representative for confirmation.

If the applicant is unsuccessful, feedback will be provided by the Head of Service. Feedback will be provided verbally within 10 working days of the Executive Director or their nominated representative's determination and be confirmed in writing within a further 10 days. It will be made clear in the feedback, if applicable, where the criteria for moving to the Upper Pay Range were deemed not to be met and details of how to submit an appeal provided, including the timescale for the process.

Any appeal against a decision not to move a teacher to UPR will be determined through the hearing and appeal process detailed in paragraph 4.10 of this policy.

Successful applicants will move to UPR from 1st September (i.e. backdated if the application was received between 1 September and 31 October). For initial applications to be paid on UPR, all successful applicants will be placed at the minimum of the UPR.

6.10 Post Threshold Teachers/Progression on the Upper Pay Range

Teachers will be eligible for pay progression of at least one point up the scale defined by the LA, following each successful appraisal review.

Progression on the UPR depends on the teacher's achievements and contribution to meeting the specified criteria.

The Annual performance review will determine whether the teacher's performance has been 'highly competent, substantial and sustained', as defined in the Upper Pay Range criteria. Appraisal reviews should show that the teacher has further developed their performance.

In order for an appraisal/performance review to be deemed 'unsuccessful' significant concerns about standards of performance not meeting expectations and/or progress towards objectives not being satisfactory, will have been raised during the annual appraisal cycle and recorded in writing.

Also, the concerns will not have been sufficiently addressed by the teacher, following support and feedback provided by the LA.

6.11 Heads of Service

Heads of Service must demonstrate sustained high quality of performance, with particular regard to school leadership, management and pupil progress in the service and will be subject to a review of performance against performance objectives before any performance points will be awarded. When making a determination on pay progression the LA must have regard to the recommendation on pay recorded in the Head of Service's appraisal review.

Annual pay progression within the range for this post is not automatic. Any progression will normally be by one point. The LA may exercise the discretion available to award a further point for exceptional performance. Exceptional performance is defined as that which significantly exceeds the expectations identified in the objectives or, in addition to successfully achieving performance objectives, the service is judged by external assessment to be significantly improved and/or delivering excellent provision.

6.12 Deputy Heads of Service and Assistant Heads of Service

Currently there are no Deputy or Assistant Heads of Service in the LA. Such posts, if established, would be awarded additional scale points as a result of successful performance review in accordance with this pay policy. Appraisal Reviews would take account of performance objectives. Deputy and Assistant Heads of Service must demonstrate sustained high quality of performance in respect of service leadership and management and pupil progress.

When making a determination on pay progression the LA must have regard to the recommendation on pay recorded in the teacher's appraisal review. Any progression will normally be by one point. The LA may exercise the discretion available to award further progression for exceptional performance. Exceptional performance is defined as that which significantly exceeds the expectations, identified in the objectives, in key areas of performance and where impact is validated.

6.13 Leading Practitioners

In order for Leading Practitioners to move up their individual pay range (as determined by the LA) they must achieve a successful appraisal review. This will be determined in relation to meeting their objectives, which will be set in accordance with their job description and responsibilities of the post. Reviews will be deemed successful unless significant concerns about standards of performance and/or progress towards meeting objectives have been raised with the teacher during the appraisal cycle and recorded in writing. Also the concerns will not have been sufficiently addressed by the teacher, following support and feedback provided by the service by the conclusion of the cycle.

When making a determination on pay progression the LA must have regard to the recommendation on pay recorded in the teacher's appraisal review. Pay progression will be by one point on the teacher's pay range. The LA has the discretion to consider further progression in the following circumstances of exceptional performance.

Exceptional performance is defined as that which significantly exceeds the expectations set out in their objectives in key areas of performance and impact is validated.

7. DISCRETIONARY ALLOWANCES AND PAYMENTS

7.1 Safeguarded payments and allowances

Safeguarding will apply for three years whenever a teacher faces a reduction in salary, as set out in the School Teachers' Pay & Conditions Document.

7.2 Teaching and Learning Responsibility Payments (TLRs)

TLRs are awarded to the holders of the posts indicated in the attached staffing structure and may only be awarded in the context of the Services' Staffing Structures and this Pay Policy. Teachers will not be required to undertake sustained, additional responsibilities without payment of an appropriate established TLR1 or TLR2, unless paid on the leadership scale or in a Leading Practitioner post.

The values of the TLRs to be awarded are set out below and will be increased by any national pay awards and cost of living increases.

Criterion and factors for award of TLRs

Criterion

The LA will award a TLR1 or TLR2 to a classroom teacher who is responsible and held accountable for undertaking a sustained additional responsibility, in the context of the Service's staffing structure, for the purpose of ensuring the continued delivery of high-quality teaching and learning. The award may be while the teacher remains in the same post or occupies another post in the temporary absence of the post-holder.

Factors

Before awarding a TLR, the LA must be satisfied that the teacher's duties include a significant responsibility that is not required of all classroom teachers, and that it -

- a) is focused on teaching and learning.
- b) requires the exercise of a teacher's professional skills and judgement.
- c) requires the teacher to lead, manage and develop a subject or curriculum area; or to lead and manage pupil development across the curriculum.
- d) has an impact on the educational progress of pupils other than the teacher's assigned classes or groups of pupils; and
- e) involves leading, developing and enhancing the teaching practice of other staff.

Before awarding a TLR 1, the LA must be satisfied that the significant responsibility referred to in the previous paragraph includes in addition line management responsibility for a significant number of people.

The LA may award a third TLR (TLR3) to a classroom teacher on a temporary basis;

- for clearly time-limited school improvement projects,
- or one-off externally driven responsibilities.

Clear criteria for the award of a TLR3 will be set out by the Head of Service.

Teachers may hold more than one TLR3.

Teachers who are employed with a TLR1 or TLR2 payment may also be awarded TLR3(s).

As this would be a temporary addition to the staffing structure, the LA will consult with the professional associations/unions concerning the rationale for the post, the level of payment and duration before the decision to make such a payment is made.

The annual value of a TLR3 must be no less than £600 and no greater than £2,975. The LA will set 3 potential annual values for TLR3 posts of £600, £1,788, £2,975. The duration of the fixed term and payment must be established at the outset and payment should be made on a monthly basis for the duration of the fixed term. Where a TLR3 is awarded to a part-time teacher it will not be paid on a pro-rata basis.

Factors outlined in paragraphs (c) and (e) above do not have to apply to the award of TLR3s.

7.3 Values

The values of TLR1s and TLR2s must fall within the following ranges:

- a) the annual value of a TLR1 is no less than £8,706 and no more than £14,732pa.
- b) the annual value of a TLR2 is no less than £3,017 and no more than £7,368 pa.
- c) the LA had determined that where TLRs of different values are awarded to 2 or more teachers, the minimum difference in value between each award of a TLR1 is £1,500; and between each award of a TLR2 is £1,500.

A teacher may not hold more than one TLR1 or TLR2, or a TLR1 and a TLR2 concurrently, but a TLR3 may be awarded to holders of TLR1 and TLR2 posts. A TLR1 or 2 post could be based on a job description that itemises several different areas of significant responsibility. A TLR1 or 2 post is a payment integrated to a post in the Service's Staffing Structure and therefore may only be held by two or more people, when job sharing that post. TLR1 or 2 posts awarded to part-time teachers must be paid pro-rata at the same proportion as the teacher's part-time contract.

The values of TLR payments awarded from 1 September 2022 in the LA are as follows:

TLR 2a	£3,020
TLR 2b	£5,032
TLR 2c	£7,037
TLR 1a	£8,711
TLR 1b	£10,722
TLR 1c	£12,730
TLR 1d	£14,731

7.4 Special Education Needs Allowances

A SEN allowance of no less than £2,384 and no more than £4,703 pa is payable to a classroom teacher: -

- In any SEN post that requires a mandatory SEN qualification.
- In a special school.
- Who teaches pupils in one or more designated classes or units in a school, or in the case of an unattached teacher in a local authority unit or service.
- In any non-designated setting that is analogous to a designated special class or unit, where the post:
 - a) involves a substantial element of working directly with children with SEN.
 - b) requires the exercise of a teacher's professional skills and judgement in the teaching of children with SEN and,
 - c) has a greater level of involvement in the teaching of children with SEN than is the normal requirement for teachers throughout the school or unit or service.

The LA has determined that relevant teachers will be awarded SEN allowances of the following value(s) SEN1 £2,384 pa and SEN2 £4,703 pa, taking into account the structure of the service's provision and:

- 1) Whether mandatory qualifications are required for the post.
- 2) The qualifications or expertise of the teacher relevant to the post and
- 3) The relative demands of the post.

If teachers have responsibilities that meet the principles for the award of a TLR payment, it is appropriate to award a TLR of a relevant value as opposed to a SEN allowance. If a teacher has both leadership/management responsibilities in relation to the teaching of children with SEN, also undertakes direct teaching of such children and/or holds defined qualifications, then they may receive both TLR and SEN payments.

8. OTHER PAYMENTS

1.1 Continuing professional development

Teachers (including Heads of Service who are requested to agree to attend voluntary continuing professional development outside of directed hours will be entitled to an additional payment at their substantive salary point or allowed an equivalent period of time off in lieu.

Any payments made for continued professional development will exclude additional allowances and will be made through normal payroll arrangements.

Teachers (including Heads of Service who undertake initial teacher training activities, by request, which are not seen as part of the ordinary running of the Service, will be given separate contracts of employment to cover areas of work that are not part of

their substantive teaching job, additional paid responsibilities or contract of employment. Areas of work that may attract a payment are planning an Initial Teacher Training course, preparing course materials, taking responsibility for the tuition and wellbeing of Initial Teacher Training students. The level of payment will be determined in relation to the specific allocated resource and HR advice on the Job Evaluation of the role.

Payments may not be made to a Heads of Service for additional duties in relation to out of school learning, contribution to initial teacher training or for continuing professional development where the relevant body has already taken such services into account when setting the ISR.

8.2 Recruitment and retention incentives and benefits

The LA may decide to exercise the discretion to award Recruitment and Retention Incentives and Benefits. If so, a list of posts and areas of experience/expertise for which the LA is likely to experience recruitment difficulties will be determined annually or when a specific need arises. The Appointments and Conditions of Service Committee will be advised by the Executive Director or their representative and will access wider information on levels of remuneration/recruitment difficulties. Representatives of Professional Associations and Trade Unions will have been consulted about this before any decision is made by the LA and the agreed list will be made available to staff in advance of the annual salary reviews. The LA is mindful that if a recruitment and retention allowance is awarded to one teacher in a post, all other teachers in similar shortage areas should also be awarded the same level of allowance, unless there is good reason not to award the same payment.

The Executive Director or their nominated representative will recommend to the Appointment and Conditions of Service Committee whether recruitment and retention incentives and benefits should be offered to new or existing teachers, if so the nature, value, duration and the circumstances in which they will be paid. Where a teacher is given an incentive or benefit, written notification given at the time will state,

- Whether the award is for recruitment or retention.
- The nature of the award, (cash sums, % up rate of salary, travel, housing costs, childcare, health provision, etc).
- When/how it will be paid.
- Unless it is a one off award the start date and duration of the incentive.
- The basis for any uplifts which will be applied as applicable.

The criteria for which the Appointments and Conditions of Service Committee may consider whether it is necessary to award or continue a recruitment and retention allowance, which one, and for how long it will be paid will be:

- When a post has been widely advertised at least twice and it is not possible to appoint a suitable candidate.
- Post in shortage areas as defined by the LA.
- A vacant post for which the LA is likely to experience recruitment difficulties, based on prior experience.
- A post for which the LA would probably experience recruitment difficulties if

the post were to become vacant, based on prior experience and available information.

The Executive Director or their nominated representative will not award a recruitment and retention allowance to a teacher whose performance has not been satisfactory in the last academic year, nor will a recruitment and retention allowance be paid during any period of unsatisfactory service. The Executive Director, or his representative, will advise the Appointment and Conditions of Service Committee on the award and continuation of recruitment allowances.

The LA will review the level of payments/benefits annually.

In the circumstances where it is decided to award any recruitment or retention incentives or benefits the following paragraph will be completed:

The LA will pay recruitment awards to <NAME> of £<AMOUNT> to be reviewed annually in the circumstances described above. The LA will pay retention awards to <NAME> of £<AMOUNT> for <NUMBER OF> years. This may be extended in “exceptional circumstances”. The use of any recruitment or retention payments will be reviewed at least every 3 years to ensure the criteria are still relevant.

After 3 years of the agreement to pay a recruitment and retention the payment may be phased out in equal instalments over a period of time equivalent to the duration of the allowance to a maximum of 3 years.

8.3 Recruitment and Retention Benefits

The consideration of awarding such benefits as travel, housing costs, childcare, health provision, etc. will be undertaken on a post by post basis taking into account:

- Any difficulties in attracting suitable applications for the post.
- Identified shortage areas.
- Specific identified challenges for prospective employees in attending for interview and/or accepting a post.

The extent of any award granted will be confirmed in writing by the LA. Any ongoing benefit(s) will be awarded on a time limited basis, to a maximum of 3 years. Staff members may request the continuation of a benefit at the commencement of the academic year in which it is due to end and the Executive Director, Childrens Services or their nominated representative will consider, in the light of the awarding criteria, whether to renew the benefit for a new fixed term, give notice of cessation or provide for the benefit to be phased out.

No Recruitment or retention benefits will be awarded to a service leader where such reason or circumstance has already been taken into account in determining the ISR. Any award, including a non-monetary benefit (which will be assigned a monetary value) must not cause the overall limit available for discretionary payments to heads of service to be exceeded.

8.4 Acting Allowances

The Council has discretion to decide whether or not an acting allowance should be paid and from when. If a teacher performs tasks that require the full authority of the

post to be exercised then the acting allowance will be paid from, or backdated to, the time when the teacher commenced the acting role. The assumption of an acting role is voluntary for teachers. Where the teacher fills a TLR post on an acting basis they will be paid the usual rate for the post. For leadership posts, the Council does not have to reflect the pay of the substantive post-holder, however where the teacher is covering the role of a substantive leadership post on School Teachers' terms and conditions the teacher's pay must be equivalent to the minimum Leadership point payable within the Leadership range in which the teacher is acting.

The Council will consider within 4 weeks of the start of the period of any acting up arrangements whether teachers temporarily carrying out the duties and responsibilities of a Head of Service or other management responsibility on School Teachers' pay and conditions, should receive an acting allowance as a separate addition to their normal pay. Where a teacher is required to temporarily carry out duties which would normally attract a higher rate of pay, they will receive a temporary acting allowance.

8.5 Stepping Down

The Council will pay a class teacher on the Upper Pay Range if:

- They were paid as a Headteacher or Deputy Headteacher before 1 September 2000.
- They were appointed to the Leadership Group on or after 1 September 2000 and stepped down after at least one year in the Leadership Group.
- The Council has discretion to pay on a higher point of the Upper Pay Range if they deem it appropriate and should at the very least return to the UPS point that they had been on prior to taking up a leadership post.

8.6 Residential duties

Teachers working in residential special schools are normally entitled to be paid for residential duties in accordance with national agreements reached by the Joint Negotiating Committee for Teachers in Residential Establishments.

8.7 Honoraria

The LA will not pay any honoraria to any member of teaching staff for carrying out their professional duties as a teacher.

Appendix A

SALARY STATEMENTS

A Salary Statement will be issued to each teacher each year after the performance and statutory Salary Reviews.

A teacher's Salary Statement will show an assessment of basic salary and allowances. It will also include any safeguarding if appropriate.

- The Statement will specifically include:
- The teacher's salary scale (Main, Unqualified, Upper Pay Range, Leading Practitioner, Leadership Group).
- Any points awarded for experience/performance on the Main Pay Range and any Threshold Assessment or Performance points on the Upper (post Threshold) Pay Range. Any TLR payment.
- Any allowance for teaching children with Special Educational Needs.
- Any Recruitment and Retention allowance and whether it is permanent or to be reviewed, including the date for review.
- Any other appropriate allowances.
- Any appropriate safeguarding.
- The teacher's actual salary

PAY POLICY ANNEXES

[Insert copy of the Services' Staffing Structures.]

Appendix B

UPPER PAY RANGE PROGRESSION CRITERIA

1. Professional Attributes

1.1 Contribute significantly, where appropriate, to implementing workplace policies and practice and to promoting collective responsibility for their implementation.

2. Professional knowledge and understanding

2.1 Have an extensive knowledge and understanding of how to use and adapt a range of teaching, learning and behaviour management strategies, including how to personalise learning to provide opportunities for all learners to achieve their potential.

2.2 Have an extensive knowledge and well-informed understanding of the assessment requirements and arrangements for the subjects/curriculum areas they teach, including those related to public examinations and qualifications.

2.3 Have up to date knowledge and understanding of the different types of qualifications and specifications and their suitability for meeting learners' needs.

2.4 Have a more developed knowledge and understanding of their subjects/curriculum areas and related pedagogy, including how learning progresses within them.

2.5 Have sufficient depth of knowledge and experience to be able to give advice on the development and wellbeing of children and young people.

3. Professional skills

3.1 Be flexible, creative and adept at designing learning sequences within lessons and across lessons that are effective and consistently well-matched to learning objectives and the needs of learners and which integrate recent developments, including those relating to subject/curriculum knowledge.

3.2 Have teaching skills which lead to learners achieving well relative to their prior attainment, making progress as good as, or better than, similar learners nationally.

3.3 Promote collaboration and work effectively as a team member.

3.4 Contribute to the professional development of colleagues through Coaching and Mentoring, demonstrating effective practice and providing advice and feedback.

Appendix C

Request for Assessment to be Paid on the Upper Pay Range

This form should be handled in confidence at all times.

Eligibility criteria

- In order to be assessed you will need to:
 - Hold Qualified Teacher Status on the date of your request; and
 - Be statutorily employed under the STPCD.
- All those wishing be paid on the Upper Pay Range will need to meet the criteria specified on the back of this form.
- Please enclose copies of the paperwork that forms the basis of the application to be paid on the Upper Pay Range.
- Print, sign and date the form, keeping a copy and pass it to your Head of Service by **31 October**

UPPER PAY RANGE PROGRESSION CRITERIA

Professional attributes

- 1.1 Contribute significantly, where appropriate, to implementing workplace policies and practice and to promoting collective responsibility for their implementation.

Professional knowledge and understanding

- 2.1 Have an extensive knowledge and understanding of how to use and adapt a range of teaching, learning and behaviour management strategies, including how to personalise learning to provide opportunities for all learners to achieve their potential.
- 2.2 Have an extensive knowledge and well-informed understanding of the assessment requirements and arrangements for the subjects/curriculum areas they teach, including those related to public examinations and qualifications.
- 2.3 Have up-to-date knowledge and understanding of the different types of qualifications and specifications and their suitability for meeting learners' needs.
- 2.4 Have a more developed knowledge and understanding of their subjects/curriculum areas and related pedagogy including how learning progresses within them.
- 2.5 Have sufficient depth of knowledge and experience to be able to give advice on the development and wellbeing of children and young people.

Professional skills

- 3.1 Be flexible, creative and adept at designing learning sequences within lessons and across lessons that are effective and consistently well-matched to learning objectives and the needs of learners and which integrate recent developments, including those relating to subject/curriculum knowledge.
- 3.2 Have teaching skills which lead to learners achieving well relating to their prior attainment, making progress as good as, or better than, similar learners nationally.
- 3.3 Promote collaboration and work effectively as a team member.
- 3.4 Contribute to the professional development of colleagues through coaching and mentoring, demonstrating effective practice, and providing advice and feedback.

Part 1: Teacher details

To be completed by the teacher

Personal details

Surname:

First name(s):

Previous surname (if applicable):

DfE number:

Performance Management/Appraisal Details:

Year(s) covered by Planning/Review Statement(s):

Schools covered by Planning/Review Statement:

Declaration by the teacher

I confirm that at the date of this request I meet the eligibility criteria and I submit appraisal reports and/or performance management statements covering the relevant period prior to this request for assessment against the Upper Pay Range Criteria.

Signed:

Date:

Part 2: Actions for the Head of Service

Check that the teacher is eligible to be assessed, according to the requirements of the Council's Pay Policy.

- Before assessing whether the teacher meets the criteria to be paid on UPR the Head of Service must first be satisfied, on the basis of the evidence contained in the appraisal reports and planning review statements, that the teacher meets the Teachers' Standards. If the Teachers' Standards are not met, you must write to the teacher setting out the rationale for the judgement.
- If the Teachers' Standards are met, the Head of Service then goes on to assess whether the teacher meets the criteria for UPR progression set out on Page 2 of this form, having regard to the evidence contained in the appraisal report and/or planning and review statements.
- Make an overall judgement on whether the criteria are met/not met.
- Complete the Head of Service's statement.
- Sign, date and copy the form.
- Promptly report this recommendation to the Executive Director or their nominated representative for their ratification and inform the teacher.
- Inform the teacher in writing of the outcome within 20 working days of reporting to the Executive Director or their nominated representative.
- Provide the teacher with a copy of the written feedback showing clearly where the Upper Pay Range criteria *have been met or not met*.
- It would be good practice to ensure the teacher's appraiser is informed of any recommendations for the teacher's future development.
- Where progress to the UPR is not awarded, provide the teacher with details of the school's procedure for making representations and for appeal.

Application to be paid on Upper Pay Range - Feedback

To be completed by the Head of Service

Name of teacher:

LA service:

Please record your overall judgements below:

Teachers' Standards

To be successful, the teacher must meet the Teachers' Standards as well as the criteria for payment on the Upper Pay Range. If these have not been met, you should provide a detailed explanation below.

Criteria to be paid on Upper Pay Range:

If, in your assessment, the criteria have not yet been met, throughout the relevant period, please provide below a detailed explanation of your judgement.

Otherwise, please indicate any areas of particular strength and areas for further professional development for the teacher:

Teachers' Standards/UPR Criteria (please delete as appropriate) met/not met

Signature:

Print Name:

Service:

Date:

NB This page should be passed back to the teacher.



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE

WEDNESDAY, 8 MARCH 2023

Report of the Interim Director of Organisation Development & Policy

**Ratification of the NJC, Chief Officer & Chief Executive pay agreement
and approve the DACES pay agreement**

1. Purpose

- 1.1 For the Committee to note the local implementation of national pay awards to the Council's pay structure as follows;
 - A one year pay agreement for National Joint Council (NJC) Local Government Services Grades 1/2 to 16, Degree and Higher Apprentices, the Joint Negotiating Committee (JNC), for chief officers Grades 17 to 20 and chief executives (Grade 21) (effective 1 April 2022).
- 1.2 For the Committee to note the ongoing local consultations with Joint Trade Unions in respect of the increased annual leave entitlement and future deletion of pay point 1 with effect from 1 April 2023 within the NJC pay agreement.
- 1.3 For the Committee to note the position on the national Soulbury Committee pay negotiations (effective 1 September 2022).
- 1.4 For the Committee to consider and approve a one year pay agreement for Derbyshire Adult Community Education Service (DACES) employees for 2022-23, in line with the NJC agreement for other local government service workers.

2.0 NJC pay agreement for Local Government Service employees

2.01 The NJC pay agreement for Local Government Service employees with effect from 1 April 2022 is attached at Appendix 2 and the main points of the pay agreement are:

- A one year pay deal effective from 1 April 2022
- £1,925 full time equivalent (fte) pay award uplift on all pay point (grade 1/2 to grade 16)
- 4.04% uplift on all allowances (including Standby, Seep-in, Recall to Work, Tool & First Aid allowances)
- Increase in annual leave for 1 day for employees on green book terms and conditions effective from 2023
- Deletion of pay point 1 NJC pay scales effective from 1 April 2023, increasing the bottom pay point hourly rate to £10.60 per

All employees covered under the NJC national pay agreement received backdated pay to 1 April 2022 in November 2022. In line with advice from the Local Government Association as outlined within the national pay agreement for local government workers, the Council will provide backdated payments for leavers upon request.

2.02 Annual leave

2.03 As outlined above, the NJC national pay agreement for 2022/23 agreed to increase the annual leave entitlement for the local government NJC workforce. With effect from 1 April 2023, the NJC offer will provide 23 days (plus 2 extra statutory days) increasing by 3 days after 5 years' service. Previously the leave entitlement under the Green Book terms and conditions was 22 days with an increase of 3 days after 5 years' service.

2.04 As part of the implementation of Single Status the Council negotiated changes to its terms and condition which included changes to annual leave entitlements. As the Council has its own Derbyshire Package terms and conditions, changes to nationally negotiated Green Book terms and conditions do not automatically apply however should the council wish to adjust their annual leave this would need to be done through Joint Trade Union consultation locally.

2.05 The Council's basic annual leave entitlement is subject to the grade of the employee, however the minimum annual leave entitlement is 25 day pro-rata plus 8 days bank holiday entitlement, increasing by 5 days after 5 years' service. The addition of 1 day annual leave cited within the pay agreement brings NJC Green Book employees in line with our currently

more favourable terms as shown in the annual leave comparison table shown in Appendix 7. Joint Trade Unions were engaged on this at the Reward and Resourcing Workstream meeting on 15th December 2022 and 9th February 2023. The Council have outlined their position to the Joint Trade Unions that the annual leave entitlement will not be reviewed to further enhance annual leave terms and conditions at this time.

2.06 Joint Trade Unions strongly opposed the proposals citing that when Trade Unions ballot their members they do it on the basis of the full NJC offer and therefore employees will have accepted the pay offer with the expectation that they would get the additional day. The Council remains in local consultation with Joint Trade Unions on this matter.

2.07 Deletion of pay points

2.08 In addition to the pay award and increase in annual leave entitlement, the NJC national pay agreement for 2022/23 has agreed to delete the bottom pay point within the NJC pay scales with effect from 1 April 2023. This would mean that the bottom pay point as a result of the pay agreement would be £10.60 per hour in line with Derbyshire's new pay point 2, grade 3, which will be subject to the 2023/24 pay national pay award.

2.09 As the Council are not on NJC pay scales there is no requirement for us to apply a deletion of pay points. The Council recognises if it does not adjust the bottom pay point it will fall behind other local authorities in terms of bottom pay levels. The Council is currently considering options as to how it intends to address the proposed change to NJC pay scales considering the implications for Derbyshire Pay Scales and affected employees. The Council remains in local consultation with Joint Trade Unions on this matter and any changes to Derbyshire pay scales will be considered and consulted on with the Joint Trade Unions and will be subject to agreement at Full Council.

2.1 National pay agreement for Chief Officers and Chief Executives

2.11 The JNC national pay agreement for Chief Officers with effect from 1 April 2022 is attached at Appendix 3 and the main points are:

- A one year pay deal effective from 1 April 2022
- £1925 FTE pay uplift on all pay points (Grade 17 to Grade 20)

2.12 The national pay agreement for Chief Executives with effect from 1 April 2022 is attached at Appendix 4 and the main points of the pay agreement are:

- A one year pay deal effective from 1 April 2022
 - £1925 FTE pay uplift on all pay points
- 2.13 All employees covered under the JNC national pay agreement for Chief Officers received backdated pay to 1 April 2022 in November 2022. The Managing Director received backdated pay to 1 April 2022 in December 2022 following the Chief Executives payment agreement. The Council will provide backdated payments for leavers upon request.

2.2 National pay negotiations for Soulbury employees

- 2.21 The national pay negotiations for Soulbury employees continue and therefore a further report will be submitted at the next Appointments and Conditions of Service Committee to ratify this pending pay agreement. The current pay offer is attached at Appendix 5.

2.3 DACES pay agreement

- 2.31 DACES employees are the only group of employees not covered by national pay bargaining arrangements, therefore, pay agreements are required to be agreed locally. As a result, the decision made as part of Single Status implementation in 2010 was that Derbyshire Pay Scales would be adjusted by any 'cost of living' increase agreed nationally by the relevant National Joint Committee is not applicable to DACES pay scales.
- 2.32 The proposed pay scales effective from 1 September 2022 are attached at Appendix 6 and the main points are:
- The local trade unions have accepted the Council's one year pay offer of £1,925 uplift on all pay points with effect from 1 September 2022.
 - The one-year offer relates to the period 1 September 2022 to 31 August 2023. This is in line with the recently agreed NJC Local Government Services pay agreement.
- 2.34 The ACOS Committee are asked to consider and approve the proposed pay agreement for DACES employee in line with the National Pay Agreement for Local Government Service Worker at a flat rate uplift of £1,925 (fte) on all DACES pay points effective from 1 September 2022 to 31 August 2023.
- 2.35 In line with national pay agreements, pay for DACES employees should be backdated to 1 September 2022 and will include backdated payments on additional hours, overtime and allowances. Should the ACOS Committee approve the locally negotiated pay agreement,

backdated payments and the new salary rates will be applied in March 2023 pay for this group of employees.

3. Consultation

- 3.1 It was agreed as part of Single Status implementation in 2010 that the Derbyshire pay and grading structure would be adjusted by any 'cost of living' increase agreed nationally by the relevant National Joint Committee. The Council has engaged with Joint Trade Unions regarding the revised Derbyshire Pay Scales for 2022/23 reflecting the national pay agreement to all pay points for grade 1/2 to 16, and the higher level apprentice salary rates (Appendix 8) and allowances (Appendix 9).
- 3.2 The Trade Unions have been engaged and consulted on the DACES pay offer through Children's Services DJC on 25 November 2022 and they are supportive of the Council's one year pay offer.

4. Alternative Options Considered

- 4.1 An alternative consideration could be to not apply the pay agreement for 2022/23, however, the requirement for employees to receive a pay agreement is detailed within employee's terms and conditions and therefore this is not a viable alternative.
- 4.2 In addition the Council could negotiate the pay agreements for those on Derbyshire package terms and conditions locally, however the Council has previously agreed to reflect the national pay agreements of the relevant national negotiating bodies for Local Government Services, Soulbury, Chief Officers and Chief Executives.

5. Implications

- 5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

- 6.1 None

7. Appendices

- 7.1 Appendix 1 Implications.
Appendix 2 National Pay Agreement for Local Government Services employees 2022/23

- Appendix 3 Chief Officers Pay Agreement 2022/23
- Appendix 4 Chief Executives Pay Agreement 2022/23
- Appendix 5 Soulbury Pay Offer
- Appendix 6 DACES Pay Scales 2022/23
- Appendix 7 Annual Leave Comparison Table
- Appendix 8 Revised Derbyshire Pay Scales for 2022/23
- Appendix 9 Derbyshire Package Allowances 2022/23

8. Recommendation(s)

8.1 That Committee:

- a. notes the pay agreements applied covered under national pay agreements as outlined within the report.
- b. notes that the annual leave entitlement increase and deletion of pay points does not apply to Derbyshire terms and conditions and the Derbyshire Payscale. The Council remains in local consultation with the Joint Trade Unions.
- c. approves the proposed pay agreement for DACES employees in line with the National Pay Agreement for Local Government Service Worker at a flat rate uplift of £1,925 (fte) on all DACES pay points effective from 1 September 2022 to 31 August 2023.

9. Reasons for Recommendation(s)

- 9.1 As application of the pay agreement is a contractual requirement this recommendation fulfils our employer responsibility. In addition, applying an uplift of £1,925 on all pay points for DACES employees will be consistent with the national pay agreements applied for Derbyshire Pay Scales.

Report Author:
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Appendix 1

Implications

Financial

- 1.1 The NJC for Local Government Services and JNC for Chief Officers pay agreement of £1,925 pa represents an average pay increase of 7.3% across the Council's workforce with a cost to the Council of £19.8m, the Council had set aside contingency funding of £6.8m in the 2022-23 Budget, leaving an ongoing budget shortfall of £13,000m, as a result of the 2022-23 pay award,(which has now been included into the base budget proposals as part of the 2023-24 budget process)
- 1.2 The additional costs as a result of the pay increase for DACES employees will be met from the grant provided by the Education and Skills Funding Agency to the Authority for the provision of Adult Education Services.

Legal

- 2.1 Following Single Status Derbyshire County Council moved away from Green Book terms and conditions and adopted the terms and conditions outlined in the Working for Us booklet. The Council did, however, agree to adopt any nationally agreed pay awards. The Pay Award of £1,925 full time equivalent uplift on all pay points grades 1/2 to 20 does not require a formal contract variation as the current wording of the Working For Us booklet refers to any pay awards being added to pay points from 1 April each year. The Pay Policy Statement states that approval of Full Council is required for any amendments to this policy, other than minor updates to reflect the 2022/23 pay agreement. However, there are no national pay agreements in relation to DACES staff and so pay awards are a matter to be determined locally by employing organisations
- 2.2 The terms of reference for the ACOS Committee require the Committee to consider proposals for changes to standard terms and conditions of employment, including the local implementation of national pay awards to the Council's pay structure.
- 2.3 The adoption of additional awards, increased annual leave and amendment to the pay scale, have not been agreed previously as approval was limited to the adopted of the nationally agreed pay award only. Any additional changes would require local negotiation to implement changes by collective agreement.

Human Resources

- 3.1 The Council has engaged the recognised local trade unions on the application of the national pay agreement prior to implementation of the updated 2022/23 Derbyshire Pay Scales. Employees were notified of the national pay agreement through the Our Derbyshire bulletin and payment has been successfully backdated to 1 April 2022 for Employees on Derbyshire Pay Scales 1/2 to G20 along with their normal salary in November 2022. The Managing Director role covered under the JNC chief executive pay agreement reached in November 2022, received their backdated pay in their December pay 2022
- 3.2 The Council has consulted with the recognised trade unions in relation to the DACES pay offer remotely through Children's Services DJC on 25 November 2022 and they are supportive of the Council's one year pay offer. If agreed, employees will receive their increase in pay and backdated pay to 1 September in their March 2023 pay.

Information Technology

- 4.1 None

Equalities Impact

- 5.1 The national pay agreements are applied consistently to all pay grades of the Derbyshire Pay Scales and Soulbury Pay Scales reflective of the relevant national negotiating bodies pay agreements. The Council's job evaluation scheme ensures that all jobs are evaluated and graded consistently to ensure equal pay for work of equal value.
- 5.2 The flat rate monetary increase in pay provides a greater percentage increase to employees who are on the lower grades relative to those on higher grades. This may contribute to a slight reduction to the Council gender pay gap between males and females. As of March 2022, 91% of roles in the lower pay quartile are currently occupied by female workers, significantly higher than the overall workforce gender balance rate of 78%.

Corporate objectives and priorities for change

- 6.1 This proposal aligns with the people priorities outlined within the Council's People Strategy and in particular to 'Promote diversity and inclusion, enable responsive workforce plans and develop credible reward strategies' by applying pay agreements? in a fair and consistent manner.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None

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National Joint Council for local government services

Employers' Secretary
Naomi Cooke

Trade Union Secretaries
Rachel Harrison, GMB

Mike Short, UNISON

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Local Government Association
18 Smith Square
London SW1P 3HZ
Tel: 020 7664 3000
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UNISON Centre
130 Euston Road
London NW1 2AY
Tel: 0845 3550845
l.government@unison.co.uk

**To: Chief Executives in England, Wales and N Ireland
(copies for HR and Finance Directors)
Members of the National Joint Council**

1 November 2022

Dear Chief Executive,

LOCAL GOVERNMENT SERVICES PAY AGREEMENT 2022-23

Employers are encouraged to implement this pay award as swiftly as possible.

Pay

Agreement has been reached on rates of pay applicable from **1 April 2022**. The new pay rates are attached at **Annex 1**.

The new rates for allowances, uprated by 4.04 per cent, are set out at **Annex 2**.

The NJC has agreed that from **1 April 2023**, Spinal Column Point (SCP) 1 will be permanently deleted from the NJC pay spine.

Annual Leave

The NJC has agreed that from **1 April 2023**, all employees covered by this National Agreement, regardless of their current leave entitlement or length of service, will receive a permanent increase of one day (pro rata for part-timers) to their annual leave entitlement. This may require, in some organisations, that a local agreement has to be reached in order for the extra day to be applied. The NJC's full expectation is that the additional day's leave will be applied for all NJC staff, regardless of existing local arrangements.

The National Agreement Part 2 Para 7.2 will, with effect from **1 April 2023**, be amended to read as follows:

7.2 Annual Leave

With effect from 1 April 2023, the minimum paid annual leave entitlement is twenty-three days with a further three days after five years of continuous service. The

entitlement as expressed applies to five day working patterns. For alternative working patterns an equivalent leave entitlement should be calculated.

7.3 *The annual leave entitlement of employees leaving or joining an authority is proportionate to their completed service during the leave year.*

7.4 Extra Statutory Holidays

Employees shall have an entitlement to two extra statutory days holiday, the timing of which shall be determined by the authority in consultation with the recognised Trade Unions with a view to reaching agreement or added to annual leave by local agreement.

Joint work

The NJC has also agreed to enter into discussions on homeworking policies, mental health support and maternity etc leave.

Backpay for employees who have left employment since 1 April 2022

If requested by an ex-employee to do so, we recommend that employers should pay any monies due to that employee from 1 April 2022 to the employee's last day of employment.

When salary arrears are paid to ex-employees who were in the LGPS, the employer must inform its local LGPS fund. Employers will need to amend the CARE and final pay figures (if the ex-employee has pre-April 2014 LGPS membership) accordingly. Further detail is provided in [section 15 of the HR guide](#) which is available on the [employer resources section](#) of www.lgpsregs.org

Yours sincerely,

*Naomi
Cooke*

Naomi Cooke

R. Harrison

Rachel Harrison

M. R. Short

Mike Short

SCP	01-Apr-21		01-Apr-22	
	per annum	per hour	per annum	per hour
1	£18,333	£9.50	£20,258	£10.50
2	£18,516	£9.60	£20,441	£10.60
3	£18,887	£9.79	£20,812	£10.79
4	£19,264	£9.99	£21,189	£10.98
5	£19,650	£10.19	£21,575	£11.18
6	£20,043	£10.39	£21,968	£11.39
7	£20,444	£10.60	£22,369	£11.59
8	£20,852	£10.81	£22,777	£11.81
9	£21,269	£11.02	£23,194	£12.02
10	£21,695	£11.25	£23,620	£12.24
11	£22,129	£11.47	£24,054	£12.47
12	£22,571	£11.70	£24,496	£12.70
13	£23,023	£11.93	£24,948	£12.93
14	£23,484	£12.17	£25,409	£13.17
15	£23,953	£12.42	£25,878	£13.41
16	£24,432	£12.66	£26,357	£13.66
17	£24,920	£12.92	£26,845	£13.91
18	£25,419	£13.18	£27,344	£14.17
19	£25,927	£13.44	£27,852	£14.44
20	£26,446	£13.71	£28,371	£14.71
21	£26,975	£13.98	£28,900	£14.98
22	£27,514	£14.26	£29,439	£15.26
23	£28,226	£14.63	£30,151	£15.63
24	£29,174	£15.12	£31,099	£16.12
25	£30,095	£15.60	£32,020	£16.60
26	£30,984	£16.06	£32,909	£17.06
27	£31,895	£16.53	£33,820	£17.53
28	£32,798	£17.00	£34,723	£18.00
29	£33,486	£17.36	£35,411	£18.35
30	£34,373	£17.82	£36,298	£18.81
31	£35,336	£18.32	£37,261	£19.31
32	£36,371	£18.85	£38,296	£19.85
33	£37,568	£19.47	£39,493	£20.47
34	£38,553	£19.98	£40,478	£20.98
35	£39,571	£20.51	£41,496	£21.51
36	£40,578	£21.03	£42,503	£22.03
37	£41,591	£21.56	£43,516	£22.56
38	£42,614	£22.09	£44,539	£23.09
39	£43,570	£22.58	£45,495	£23.58
40	£44,624	£23.13	£46,549	£24.13
41	£45,648	£23.66	£47,573	£24.66
42	£46,662	£24.19	£48,587	£25.18
43	£47,665	£24.71	£49,590	£25.70

NB: hourly rate calculated by dividing annual salary by 52.143 weeks (which is 365 days divided by 7) and then divided by 37 hours (the standard working week)

Part 3 Paragraph 2.6(e) Sleeping-in Duty Payment:

1 April 2022
£39.24

**RATES OF PROTECTED ALLOWANCES AT 1 APRIL 2022
(FORMER APT&C AGREEMENT (PURPLE BOOK))**

Paragraph 28(3) Nursery Staffs in Educational Establishments - Special Educational Needs Allowance

1 April 2022
£1,401

Paragraph 28(14) Laboratory / Workshop Technicians

City and Guilds Science Laboratory Technician's Certificate Allowance:

1 April 2022
£228

City and Guilds Laboratory Technician's Advanced Certificate Allowance:

1 April 2022
£165

Paragraph 32 London Weighting and Fringe Area Allowances £ Per Annum

Inner Fringe Area:

1 April 2022
£951

Outer Fringe Area:

1 April 2022
£663

Paragraph 35 Standby Duty Allowance - Social Workers (1)(a)(i) Allowance - Per Session

1 April 2022
£31.58

FORMER MANUAL WORKER AGREEMENT (WHITE BOOK)

Section 1 Paragraph 3 London and Fringe Area Allowances £ Per Annum

Inner Fringe Area:

1 April 2022

£951

Outer Fringe Area:

1 April 2022

£663

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Joint Negotiating Committee for Chief Officers of Local Authorities

**To: Chief Executives in England and Wales (N Ireland for information)
(copies for the Finance Director and HR Director)
Regional Directors
Members of the Joint Negotiating Committee**

1 November 2022

Dear Chief Executive,

CHIEF OFFICERS' PAY AGREEMENT 2022

Agreement has now been reached on the pay award applicable from **1 April 2022** (covering the period 1 April 2022 to 31 March 2023).

The individual basic salaries¹ of all officers within scope of the JNC for Chief Officers of Local Authorities should be increased by £1,925 with effect from 1 April 2022 (NB: this increase applies to individual salaries as well as pay points, if applicable).

Employers are encouraged to implement this pay award as swiftly as possible.

Backpay for employees who have left employment since 1 April 2022

If requested by an ex-employee to do so, we recommend that employers should pay any monies due to that employee from 1 April 2022 to the employee's last day of employment.

When salary arrears are paid to ex-employees who were in the LGPS, the employer must inform its local LGPS fund. Employers will need to amend the CARE and final pay figures (if the ex-employee has pre-April 2014 LGPS membership) accordingly. Further detail is provided in [section 15 of the HR guide](#) which is available on the [employer resources section](#) of www.lgpsregs.org

Yours faithfully,

Naomi Cooke
Naomi Cooke

George Georgiou
George Georgiou

cc Ruth Levin, UNISON

¹ Basic salary should exclude other separately identified payments such as Returning Officer fees etc.

Employers' Secretary: Naomi Cooke Local Government Association 18 Smith Square London SW1P 3HZ info@local.gov.uk	Officers' Secretary: George Georgiou GMB Mary Turner House 22 Stephenson Way London NW1 2HD info@gmb.org.uk
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Joint Negotiating Committee for Chief Executives of Local Authorities

**To: Chief Executives in England and Wales (N Ireland for information)
(copies for the Finance Director and HR Director)
Regional Directors
Members of the Joint Negotiating Committee**

28 November 2022

Dear Chief Executive,

CHIEF EXECUTIVES' PAY AGREEMENT 2022

Employers are encouraged to implement this pay award as swiftly as possible.

Agreement has now been reached on the pay award applicable from **1 April 2022**.

The individual basic salaries¹ of all officers within scope of the JNC for Chief Executives of Local Authorities should be increased by £1,925 with effect from 1 April 2022.

This pay agreement covers the period 1 April 2022 to 31 March 2023.

Backpay for employees who have left employment since 1 April 2022

If requested by an ex-employee to do so, we recommend that employers should pay any monies due to that employee from 1 April 2022 to the employee's last day of employment.

When salary arrears are paid to ex-employees who were in the LGPS, the employer must inform its local LGPS fund. Employers will need to amend the CARE and final pay figures (if the ex-employee has pre-April 2014 LGPS membership) accordingly. Further detail is provided in [section 15 of the HR guide](#) which is available on the [employer resources section](#) of www.lgpsregs.org

Yours faithfully,

Naomi Cooke

Ian Miller

Joint Secretaries

¹ Basic salary should exclude other separately identified payments such as Returning Officer fees etc.

Employers' Secretary: Naomi Cooke Local Government Association 18 Smith Square London SW1P 3HZ info@local.gov.uk	Officers' Secretary: Ian Miller Hon Secretary ALACE alacehonsec@yahoo.co.uk
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David Powell
Officers' Side Secretary
Soulbury Committee
Hamilton House
Mabledon Place
London
WC1 9BD

14 October 2022

Dear David

Soulbury Pay – Response to the Officers Side's Pay and Conditions Claim 2022

Thank you for the Officers Side's pay and conditions claim for 2022. The Employers' Side has read your claim with interest and considered the issues carefully. It has agreed to respond formally to your Side's 2022 pay and conditions claim as follows:

The Employers' Side wishes to make the following final, one-year offer:

- **An increase of £1,925 on all pay points with effect from 1 September 2022.**
- **An increase of 4.04% on all allowances with effect from 1 September 2022.**

You have set out a number of additional technical elements in your claim:

1. *In the spine for Education Improvement Professionals, points 1-4 should be eliminated, making point 5 the first point of the spine. There should be two additional points after point 50.*
2. *In the scale for Trainee Educational Psychologists, point 1 should be eliminated, making point 2 the first point of the scale.*
3. *In the scale for Assistant Educational Psychologists, point 1 should be eliminated, making point 2 the first point of the scale.*
4. *In Scale A for Educational Psychologists, points 1-3 should be eliminated, making point 4 the first point of the scale. The three six-point scales permitted to local authorities would then become 4-9, 5-10 and 6-11, with authorities retaining the right to choose which of those scales they use. There should be three additional points after point 11.*
5. *In the scale for Senior and Principal Educational Psychologists, points 1-3 should be eliminated, making point 4 the first point of the scale. There should be three additional points after point 18.*
6. *The criteria for the third SPA point should be reviewed to ensure that officers are not unreasonably denied progression and the addition of a fourth SPA point should be considered."*
7. *Paragraph 4.6 of the Soulbury Report should be amended to state that main scale educational psychologists would be awarded an allowance equivalent to one additional incremental point on Scale A for the duration of supervising assistant educational psychologists as well as for supervising trainee educational psychologists.*

The Employers' Side is unable to agree to these proposals on the pay spines.

These are detailed and substantial changes and while we understand the desire for reform, we don't at this stage have the mandate from local authorities to progress these areas of your claim.

We would welcome further discussion with you at Joint Secretarial level with a view to simplifying and prioritising these proposals in order to better consult with councils.

8. *All educational psychologists should be reimbursed the costs of their required two-yearly registration with the Health and Care Professions Council - the next renewal will be in April 2023 and will cost £196.24.*

The Employers' Side believes that it should be for individual authorities to have the discretion to decide whether to reimburse the costs of registration fees on behalf of employees. The Employers' Side therefore rejects this element of your claim.

9. *A review of SPA points - A joint survey of local authorities, a review of the joint Soulbury guidance on SPA points to ensure clarity and consistent application and consideration of a fourth SPA point.*

The Employers' Side can agree to a joint survey of local authorities and a review of the SPA system on a without prejudice basis.

10. *Discussions on the role of the Soulbury Officer.*

The Employers' Side can commit to these discussions, at Joint Secretarial level, on a without prejudice basis.

The Employers' Side hopes that this final offer can form the basis of an agreement between the two Sides of the Soulbury Committee, so that Soulbury Officers, who continue to provide such critical support to their communities, can receive a pay rise as soon as possible.

Yours sincerely



David Algie
Employers' Side Secretariat

Appendix 6 - DACES PAY SCALES 2022/23

Post	Salary Points	Full Actual Salary	Monthly Pay	Teaching Hourly Rate	Hourly Rate	
					< 5 Years	> 5 Years
TUTOR	3	£22,389	£1,865.75	£27.99	£13.88	£14.21
(3-5)	4	£23,056	£1,921.33	£28.82	£14.29	£14.63
Access Pending Qual	5	£24,385	£2,032.08	£30.48	£15.12	£15.47
Tutor Development	6	£25,701	£2,141.75	£32.13	£15.93	£16.31
(6-9)	7	£27,045	£2,253.75	£33.81	£16.77	£17.16
	8	£28,378	£2,364.83	£35.47	£17.59	£18.01
	9	£29,499	£2,458.25	£36.87	£18.29	£18.72
Programme Manager	10	£30,740	£2,561.67		£19.06	£19.51
(10-16)	11	£32,000	£2,666.67		£19.84	£20.30
	12	£33,252	£2,771.00		£20.62	£21.10
	13	£34,481	£2,873.42		£21.38	£21.88
	14	£35,736	£2,978.00		£22.15	£22.68
	15	£36,992	£3,082.67		£22.93	£23.47
	16	£38,247	£3,187.25		£23.71	£24.27
Curriculum Group Leader	17	£39,511	£3,292.58		£24.50	£25.07
(17-20)	18	£40,751	£3,395.92		£25.26	£25.86
Area Manager	19	£42,012	£3,501.00		£26.05	£26.66
(19-22)	20	£43,250	£3,604.17		£26.81	£27.44
	21	£44,502	£3,708.50		£27.59	£28.24
	22	£46,319	£3,859.92		£28.72	£29.39

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Appendix 7 – Comparison of annual NJC and DCC annual leave entitlements

	NJC April 2023	DCC G1-G9	DCC G10-G13	DCC G14
Basic annual leave	23	25	27	34
Extra Statutory	2	-	-	-
Total annual leave Under 5 years service	25	25	27	34
Additional AL after 5 Years Service	3	5	5	-
Total annual leave after 5 years service	28	30	32	34

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Salary scales 2022 to 2023

Table showing our salary scales and pay points.

Grade	Pay point	Annual salary	Hourly rate
Grades 1 and 2	1	£20,258	£10.50
Grade 3	2	£20,441	£10.60
Grade 4	3	£20,812	£10.79
Grade 5	4	£21,189	£10.98
	5	£21,575	£11.18
Grade 6	6	£21,968	£11.39
	7	£22,423	£11.62
Grade 7	8	£23,033	£11.94
	9	£23,672	£12.27
	10	£24,309	£12.60
	11	£24,946	£12.93
Grade 8	12	£25,582	£13.26
	13	£26,219	£13.59
	14	£26,857	£13.92
	15	£27,493	£14.25
Grade 9	16	£28,129	£14.58
	17	£28,766	£14.91
	18	£29,403	£15.24
	19	£30,038	£15.57
Grade 10	20	£31,109	£16.13
	21	£32,176	£16.68
	22	£33,245	£17.23
	23	£34,314	£17.79
Grade 11	24	£35,414	£18.36
	25	£36,514	£18.93
	26	£37,613	£19.50
	27	£38,713	£20.07
Grade 12	28	£39,840	£20.65
	29	£40,967	£21.24
	30	£42,097	£21.82
	31	£43,224	£22.41
Grade 13	32	£44,438	£23.03
	33	£45,652	£23.66
	34	£46,866	£24.29
	35	£48,081	£24.92

Table showing our salary scales and pay points.

Grade	Pay point	Annual salary	Hourly rate
Grade 14	36	£49,932	£25.88
	37	£51,781	£26.84
	38	£53,633	£27.80
	39	£55,486	£28.76
Grade 15	40	£57,334	£29.72
	41	£59,186	£30.68
	42	£61,038	£31.64
	43	£62,887	£32.60
Grade 16	44	£64,797	£33.59
	45	£66,707	£34.58
	46	£68,615	£35.57
	47	£70,524	£36.56
Grade 17	48	£83,780	£43.43
	49	£85,826	£44.49
	50	£87,873	£45.55
	51	£89,919	£46.61
	52	£91,967	£47.67
Grade 18	53	£95,713	£49.61
	54	£98,059	£50.83
	55	£100,405	£52.05
	56	£102,749	£53.26
	57	£105,094	£54.48
Grade 19	58	£100,941	£52.32
	59	£103,416	£53.61
	60	£105,891	£54.89
	61	£108,368	£56.17
	62	£110,844	£57.46
Grade 20	63	£121,562	£63.01
	64	£124,553	£64.56
	65	£127,542	£66.11
	66	£130,535	£67.66
	67	£133,525	£69.21
Grade 21	68	£163,415*	£84.71*
	69	£168,317*	£87.25*
	70	£173,367*	£89.87*
	71	£178,568*	£92.56*

Higher Apprenticeship scale	
	2022/23
HA1	£19,489
HA2	£19,698
HA3	£19,907
HA4	£20,116
Degree Apprenticeship (DA) Scale	
	2022/23
DA1	£20,116
DA2	£20,325
DA3	£20,535
DA4	£20,744

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Allowance	2021-22
	Monthly
Standby (each)	£27.02
Sleep in (each)	£30.40
Return to work (no travel)	£20.00
Return to work (each)	£27.02
First Aid (each month)	£14.33

Updated
2022-23
Monthly
£28.11
£31.63
£20.81
£28.11
£14.91

Tool Allowances	2021-22		Updated	
	Monthly	Weekly	2022-23	
	Monthly	Weekly	Monthly	Weekly
Engineers and Electricians	£34.21	£7.87	£35.59	£8.19
Carpenters	£31.65	£7.29	£32.93	£7.58
Bank Masons	£24.85	£5.72	£25.85	£5.95
Mason Fixers	£16.08	£3.70	£16.73	£3.85
Plasterers	£16.08	£3.70	£16.73	£3.85
Bricklayers	£16.08	£3.70	£16.73	£3.85
Painters (overall allowance)	£16.08	£3.70	£16.73	£3.85
Wall and Floor Tilers	£16.08	£3.70	£16.73	£3.85
Street Masons and Paviours	£16.08	£3.70	£16.73	£3.85
Plumbers	£36.44	£8.39	£37.91	£8.72
Carpenters and Joiner Apprentices	£31.65	£7.29	£32.93	£7.58
Mason (banker of fixer) Apprentices	£16.08	£3.70	£16.73	£3.85
Painter Apprentices (overall allowances)	£16.08	£3.70	£16.73	£3.85
Plasterer Apprentices	£16.08	£3.70	£16.73	£3.85
Bricklayer Apprentices	£16.08	£3.70	£16.73	£3.85
Plumber Apprentices	£36.44	£8.39	£37.91	£8.72

	2021-22 Basic duty payment rates £27.02 plus £3.38 per block	Updated 2022/23 Basic duty payment rates £28.11 plus £3.52 per block)
Length of duty		
0.01 - 8 hours	£27.02	£28.11
8.01 - 10 hours	£30.40	£31.63
10.01 - 12 hours	£33.78	£35.15
12.01 - 14 hours	£37.16	£38.67
14.01 - 16 hours	£40.54	£42.19
16.01 - 18 hours	£43.92	£45.71
18.01 - 20 hours	£47.30	£49.23
20.01 - 22 hours	£50.68	£52.75
22.01 - 24 hours	£54.06	£56.27