

AGENDA

Meeting: Staffing Policy Committee

Place: Council Chamber, County Hall, Trowbridge

Date: Wednesday 5 January 2022

Time: 10.30 am

Please direct any enquiries on this Agenda to Kevin Fielding, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01249 706612 or email kevin.fielding@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Stuart Wheeler (Chairman)
Cllr Helen Belcher
Cllr Allison Bucknell
Cllr Richard Clewer
Cllr Carole King

Cllr Jacqui Lay
Cllr Ashley O'Neill
Cllr Antonio Piazza
Cllr Tamara Reay
Cllr Ricky Rogers

Substitutes:

Cllr Liz Alstrom
Cllr Caroline Corbin
Cllr Mel Jacob

Cllr Simon Jacobs
Cllr Bob Jones MBE
Cllr Kathryn Macdermid

Recording and Broadcasting Information

Wiltshire Council may record this meeting for live and/or subsequent broadcast. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council.

By submitting a statement or question for an online meeting you are consenting that you will be recorded presenting this, or this may be presented by an officer during the meeting, and will be available on the public record. The meeting may also be recorded by the press or members of the public.

Any person or organisation choosing to film, record or broadcast any meeting of the Council, its Cabinet or committees is responsible for any claims or other liability resulting from them so doing and by choosing to film, record or broadcast proceedings they accept that they are required to indemnify the Council, its members and officers in relation to any such claims or liabilities.

Details of the Council's Guidance on the Recording and Webcasting of Meetings is available on request. Our privacy policy can be found [here](#).

Parking

To find car parks by area follow [this link](#). The three Wiltshire Council Hubs where most meetings will be held are as follows:

County Hall, Trowbridge
Bourne Hill, Salisbury
Monkton Park, Chippenham

County Hall and Monkton Park have some limited visitor parking. Please note for meetings at County Hall you will need to log your car's registration details upon your arrival in reception using the tablet provided. If you may be attending a meeting for more than 2 hours, please provide your registration details to the Democratic Services Officer, who will arrange for your stay to be extended.

Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

PART I

Items to be considered while the meeting is open to the public

1 **Apologies for absence**

2 **Minutes of Previous Meeting** (*Pages 5 - 12*)

To confirm the minutes of the meeting held on Wednesday 15 September 2021.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

If you would like to make a statement at this meeting on any item on this agenda, please register to do so at least 10 minutes prior to the meeting. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. Please contact the officer named on the front of the agenda for any further clarification.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Tuesday 28 December 2021** in order to be guaranteed of a written response.

In order to receive a verbal response questions must be submitted no later than 5pm on **Thursday 30 December 2021**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Performance Management Policies** *(Pages 13 - 38)*

Frances Longmore - HR Policy Officer, HR&OD

- Disciplinary
- Grievance
- Improving Work Performance

7 **Recruitment of Ex-offenders Policy** *(Pages 39 - 50)*

Frances Longmore - HR Policy Officer, HR&OD

8 **Ways of Working Policy** *(Pages 51 - 60)*

Rebecca Spence - Strategic Delivery Officer, HR&OD

- Flexible, remote and hybrid working

9 **Pay Policy Statement** *(Pages 61 - 76)*

Laura Fisher - HR Pay & Reward Consultant, HR&OD

10 **Employee Awards and Recognition** *(Pages 77 - 80)*

Tamsin Kielb - Head of Strategic HR&OD

11 **Quarterly Workforce Report - July – September 2021** *(Pages 81 - 88)*

Michael Taylor - Workforce Insight Analyst strategic, HR&OD

12 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be considered as a matter of urgency. Urgent items of a confidential nature may be considered under Part II of this agenda.

PART II

Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

None

Staffing Policy Committee

MINUTES OF THE STAFFING POLICY COMMITTEE MEETING HELD ON 15 SEPTEMBER 2021 AT COUNCIL CHAMBER, COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Helen Belcher, Cllr Allison Bucknell, Cllr Simon Jacobs, Cllr Carole King, Cllr Antonio Piazza, Cllr Ricky Rogers and Cllr Ashley O'Neill (Substitute - Part II)

Also Present:

Jo Pitt - Director – HR & OD, Jan Juillerat - Strategic Delivery & Insight Manager Strategic HR & OD, Tamsin Kielb – Head of Strategic HR&OD (Deputy Dir HR&OD) Strategic HR & OD, Wali Rahman - OD Consultant Inclusion & Diversity Strategic HR & OD, Michael Taylor – Workforce Insight Analyst Strategic HR & OD, Mike Osment – Unison Representative and Kevin Fielding - Democratic Services Officer

9 **Apologies for absence**

Cllr Stuart Wheeler – (Cllr Ashley O'Neill subbing), Cllr Richard Clewer, & Cllr Jacqui Lay

Note: Cllr Simon Jacobs chaired the meeting in Cllr Wheeler's absence

10 **Minutes of Previous Meeting**

Decision

- **That the minutes of the Staffing Policy Committee meeting held on Thursday 17 June 2021 were confirmed as the correct record**

11 **Declarations of Interest**

There were no declarations of interest made at the meeting.

12 **Chairman's Announcements**

There were none.

13 **Public Participation**

There was no public participation.

14 **Mandatory COVID Vaccination Policy**

Jan Juillerat – Strategy & Insight Manager advised that the report was brought to the Staffing Policy Committee to seek approval to take the newly drafted “Mandatory COVID-19 vaccination” policy to JCC in October for consultation and then for this policy to be applied straight after JCC and before the next SPC in November to be able to meet the legislation implementation date of the 11 November 2021.

That with effect from 11 November 2021 the Health and Social Care Act 2008 (Regulated Activities) (Amendment) (Coronavirus) Regulations 2021 (the “Regulations”), made it mandatory for those who work or were required to enter the indoor premises of a Care Quality Commission (CQC) home to have the COVID-19 vaccination.

That the council had 3 CQC homes (Bradbury house, Bradbury Manor and Meadow Lodge) where it employed approximately 100 staff. In addition, it had approximately another 300 staff in adult social care who as part of their duties visit CQC homes which were owned by other organisations, eg Order of St John Care Trust.

Points made by the committee included:

- That a record of any exemptions would need to be kept.
- That it would be desirable for a member of staff who did not want the covid vaccine to be able to return to their original roles within the care sector with Wiltshire Council if they decided have the vaccine. The Director of HR and OD noted that this would be dependent upon the role or a suitable alternative being available for the member of staff.

Decision

That the Staffing Policy Committee confirmed their agreement of this new draft policy to go to JCC for consultation, and to implement following consultation

That if during consultation any amendments to the current draft policy were required the Staffing Policy Committee gave authority to the Director HR&OD to consider these amendments and update the policy as necessary in consultation with the Chairman of the Staffing Policy Committee

The Chairman thanked Jan Juillerat for her report.

15 **Fixed-Term Contract Policy**

Jan Juillerat – Strategy & Insight Manager outlined a report which sought approval from the Staffing Policy Committee on the new Fixed Term Contract (FTC) policy which would replace the current FTC dismissal policy, with the intention to implement this with effect from 1 November 2021.

The current FTC dismissal policy was last reviewed in 2012 and detailed the process for ending a FTC. Where a FTC ended on the date stated in the contract no notice was applicable, but where the FTC needed to end on a different date, contractual notice must be given.

All employees on a FTC had the same employment rights as permanent council employees.

The revised policy set out that there would be specific end dates for FTCs and statutory notice periods, if notice were needed.

Decision

That Staffing Policy Committee confirmed their agreement of this new Fixed Term Contract policy

The Chairman thanked Jan Juillerat for her report.

16 **Purchase of Annual Leave**

Jan Juillerat – Strategy & Insight Manager gave a short update on the scheme which gave employees of Wiltshire Council the opportunity to purchase four weeks additional leave each year (pro-rata for part-time employees). It was aimed at providing greater work/life balance for employees and allow for events such as a special occasion or trips or taking extra leave for personal or family reasons.

The changes to the scheme had been approved by the Staffing Policy Committee at the 11 March 2021 meeting.

Points made included:

- That Wiltshire Council had already saved an additional 40k based on the extension of the scheme during the last 6 months of the scheme.
- That this was a popular and well used Wiltshire Council scheme.

- The importance of providing greater work/life balance for Wiltshire Council employees.

The Chairman thanked Jan Juillerat for her update.

17 **Inclusion Strategy**

Wali Rahman - OD Consultant Inclusion & Diversity Strategic HR & OD gave an update on the Wiltshire Council Inclusion Strategy.

Points made included:

- That training was now gaining momentum.
- Very much a focus on education and awareness.
- Equality and diversion steering group now set up and meeting.
- Starting to look at trends and statistics across all directorates.
- Currently working towards a new communications plan.

Activities

Reverse Mentoring Pilot

- Six directors and six networks members.

Staff Networks

- LGBT+
- 220+ members.
- Meetings and workshops held by BME, Women's and Carers and Disability network.
- Upcoming events for Black History Month and World Menopause Day.

Inclusion and Diversity Training

- 20% of managers had now attended the Creative an inclusive workplace training event.

- 16% of managers had now attended the Equality and Diversity training event.

EDI Steering Group Update

- Upcoming plans.
- Service insights, stepping up programme, communications and action plan for next year.

Key dates

- Next EDI steering group meeting: Tuesday 12 October, 2:00-3:30.
- 27 September – 3 October: National Inclusion Week.
- October - Black History Month.
- 11 October: South West Black History Month Online Conference, 1pm-5pm.
- 19 October: Lunchtime #EPIC Talk on menopause.

The Chairman advised that excellent work was being carried out across the council, with Wiltshire Council leading across the South West on this important topic.

It was agreed that it would be useful to have future updates.

The Chairman thanked Wali Rahman for his update and for the hard work which was being carried out on this work across Wiltshire Council.

It was noted that Wali Rahman had recently received an award for his work championing inclusion at Wiltshire Council.

18 **Quarterly Report - April-June 21**

Michael Taylor – Workforce Insight Analyst outlined the written report (April - June 2021) contained in the agenda pack

Points made included:

That the COVID-19 virus had had significantly less impact on sickness absence during this quarter, contributing 18 absences totalling 198 working days, a 75% reduction compared to the previous quarter (January – March), which saw 79

COVID-related sickness absences totalling 789 working days. COVID-related sickness absence represents only 2.8% of the total days lost from April - June, making COVID-19 the 11th most common absence reason for absence (previously second most common in January – March). This reduction was aligned with a reduction in cases seen nationally during the same period.

However, since the end of the April to June quarter the council had experienced a slight increase in COVID-related sickness absence, also aligned with a similar trend nationally, mostly likely due to the increased transmissibility of the Delta variant. The council also experienced an increasing trend in those self isolating since the end of June, also likely due to the delta variant and people being notified to self isolate through the NHS COVID-19 app which hit a peak in July. However, it should also be noted that even when numbers peaked in July, this was still only affecting around 1% of our workforce and the council were continuing to mitigate transmission with restrictions remaining in place regarding workplace access and social distancing measures in council buildings. Since these numbers peaked in July, however, the number of staff self isolating had reduced significantly, a figure which was expected to further reduce with all government restrictions ceasing and no longer requiring to check in to venues. At the time of writing, the automatic requirement to self isolate when identified as a COVID-19 case contact had been removed for most of the population in England. COVID absence figures continued to be reported on a weekly basis and reviewed by the corporate leadership team.

Stress-related absence had largely contributed to the increase in sickness absence this quarter. Stress-related absence had increased by almost a third (31%), compared to the previous quarter, and has contributed almost half of the total absence days lost in the quarter (43%). Contributing to this were significant increases in social care (both children's and adults), Joint Commissioning and IT. Results of the July 2021 Wellbeing and Engagement Survey and intelligence from the relevant HR Business Partners suggested that social care were experiencing increased demand (adults) and latent demand (children's) and were having to work very differently as a result of the pandemic. Many of the staff in these areas reported that they did not feel empowered to take a break from work to support their own mental wellbeing, which could be contributing to this increase in stress-related absence. The survey showed a similar trend experienced by Joint Commissioning. In addition there was a restructure underway within IT and results from the recent Wellbeing and Engagement Survey suggested that staff in this area were feeling pessimistic about the future and were currently citing future uncertainty as their biggest concern, which may be contributing to the increase in stress-related absence. These responses would be discussed in senior management team meetings and the Wellbeing and Engagement Survey action planning process, to understand how the council could support these services.

Wiltshire Council were facing financial constraints as a result of the pandemic, and therefore costs were under constant scrutiny. Costs of both casual and agency staff this quarter had continued to follow a reducing trend, realising a combined reduction of around £1m compared to the same quarter last year (April to June 2020). The permanent costs had increased, however, by around

£457k (1.6%), largely due to eligible staff receiving a pay increment in April 2021.

Maintaining a sufficient and sustainable workforce was critical to service delivery and providing a consistent service for Wiltshire residents. Of particular note are the data relating to the headcount by age band graph in the section below, which showed a trend of reducing numbers of staff under 25 years of age (and under 34) over the previous three quarters and the turnover table, which showed an increase in staff leaving who were under 25. Looking in more detail at the data, over the last 4 quarters, 59% of leavers under 25 were in Leisure. Leisure generally had a high turnover of staff due to the seasonal nature of the work, however due to the closures and reduced service being delivered in Leisure during the pandemic, turnover of staff under 25 had increased compared to the financial year prior to the pandemic (42%). 'Places Leisure' is to be brought back into the council in October 2021, at which point we would see an increase in the proportion of staff under 25.

Decision

- **The Staffing Policy Committee noted the report**

The Chairman thanked Michael Taylor for his report.

19 **Urgent Items**

There were no urgent items to consider.

(Duration of meeting: 10.30 - 11.50 am)

The Officer who has produced these minutes is Kevin Fielding of Democratic Services, direct line 01249 706612, e-mail kevin.fielding@wiltshire.gov.uk

Press enquiries to Communications, direct line ((01225) 713114 or email communications@wiltshire.gov.uk

This page is intentionally left blank

WILTSHIRE COUNCIL

Staffing Policy Committee
5TH January 2022

Disciplinary, Grievance and Improving Work Performance policies

Purpose

1. The purpose of the report is to seek approval for 3 updated policies as part of the policy framework for effective performance management (performance, conflict and conduct), recognising that this is a necessary condition for a High Performing Culture (HPC):
 - Discipline
 - Grievance
 - Improving Work Performance (IWP)

Background

2. The IWP and grievance policy were last reviewed in 2016 and the disciplinary policy in 2010. There have been only minor process / procedure updates since then as necessary.
3. The review of these policies now reflects the organisational context within which the council is operating. The launch of Our Identity and the HPC workstream (which is part of the Organisational Recovery Programme) are key strands which have influenced the changes. The approach to HR policies is that they are consistent; accessible and user friendly; supporting and enabling the organisation to effectively manage performance and conduct concerns.
4. In discussions with HR Advisory and Senior HR managers, the concerns fed back from managers in relation to the grievance procedure (reported to Heads of Service in June 2021) also apply to the disciplinary and IWP policies, in that they are:
 - Complex
 - Take too long to complete
 - Time consuming
 - Overly prescriptive
 - Adversarial
 - Not always felt to be positive for people involved
 - Ineffective in resolving complaints – behaviours don't change
5. This creates barriers for managers to effectively manage performance and conduct and results in issues either not being dealt with at all or done so ineffectively, which not only impacts those directly involved but other staff indirectly. This is not in the interests of the council or staff.
6. Over the last few months' representatives from Strategic HR & OD and HR Advisory have been discussing how to constructively and usefully revise these policies. They are part of the Performance and Task Management Group (sub group of the HPC workstream), which includes input from L&D.

Main considerations and specific amendments proposed

7. General revisions across the 3 policies have been made so that they are clearer, shorter, easier to follow and implement. In all documents this has resulted in a decrease in page numbers from double to single figures. This streamlining has been achieved by:
 - Making the content more succinct and focused, including reference to other relevant policies and guides rather than duplicating unnecessary detail e.g. Appeals policy, Right to be Accompanied guide.
 - Stylistic and layout revisions - procedural steps and flow have been improved.
 - Separate subheadings e.g. 'when does it apply/when does it not apply/ main points' have been subsumed into the section "Scope and General Principles."
 - Limiting the number of links within the document – these often become out of date/corrupted over time and potentially cause unnecessary distractions and information overload for users.
 - Applying consistency in procedure where appropriate to do so e.g. time for response, submission of additional documents.

Specific updates to each policy

8. Disciplinary
 - Examples of misconduct now shown as an appendix to the main policy.
 - Addition of specific reference to dealing with safeguarding issues.
 - Sanctions – the term of live warnings is increased –Written Warning from 6 to 12 months. Final Written Warning from 12 to 18 months. This better supports the required outcome of sustained improvement which underpins effective performance management. It also makes the process more efficient, should issues need to be readdressed.
 - Sanctions –further clarification within the definitions and that the issuing of these does not have to be sequential as this will depend on the individual circumstances.
9. Grievance
 - Resolving matters informally/Mediated Resolution is strongly encouraged, where appropriate.
 - This approach encourages early reflection and consideration of the substance and outcome of complaints, promoting discussion as to whether a formal grievance is an appropriate route.
 - There is no requirement for a clarification meeting at the initial formal stage, this simplifies the approach, better ensures prompt action and achieves the aim to hold a grievance hearing within 5 working days.
 - Removed reference to complaints older than 'three months' potentially being out of time. Decisions will be case by case.
10. IWP
 - Reference to dealing with matters informally is retained but with clarity that this sits outside of the policy, allowing the policy to focus on the formal stages. Informal performance discussions are part of normal BAU work discussions

- Monitoring and review periods are not specified. There is flexibility for case by case decisions given the individuality of each case. HR Advisory will oversee to ensure consistency.
 - Ill health retirement is not an option at the final stage. Such matters will, more appropriately, revert to the sickness absence policy at an earlier stage.
 - Ability to re-invoke the procedure if performance again becomes unsatisfactory.
 - In line with the disciplinary procedure, any warnings issued are live for either 12 or 18 months.
 - Notice periods for invites to meetings are aligned with disciplinary and grievance policies of 5 days' notice and 2 days prior for submissions.
11. The policies continue to conform to the ACAS Code and guidance, relevant legislation and good practice

Reason for changes to the policy

12. An early resolution (Mediated Resolution) approach was developed to manage interpersonal conflict and complaints in April 2021, since this time work to embed this approach has continued.
13. The impetus for this was, in part, due to concerns about the effectiveness and impact of the current grievance procedure.
14. The grievance procedure is part of a suite of policies that enable managers to manage the performance and conduct of employees effectively, and this suite includes IWP and disciplinary. To ensure consistency across this suite of policies, ensuring they promote the council's EPIC values and enable a HPC, it is necessary to update all three together.
15. The proposed changes align with the HPC ambition; improve clarity on how issues are managed and supported at the Council.
16. This includes more emphasis on proactive management of issues by managers' with support from HR Advisory.

Environmental impact of the proposal

17. It is anticipated that these policies will have a neutral environmental impact.

Equalities impact of the proposal

18. These policies will be taken to an equality impact assessment panel on the 19th January and all comments from that panel will be considered against this policy.

Risk Assessment

19. Potential failure to address manager and staff frustrations with the policies could result in a demotivated workforce and issues not being resolved.
20. The current culture of complaints within the council is perpetuated by the inflexible nature of the formal procedures for managing complaints, performance and conduct.

21. Not to have policies which better fit our organisation aspirations is likely to create a risk to the success of 'Our Identity', in particular *High Performance Culture* and *Our Values*. At an operational level this translates into removing unnecessary complexity so that the process is easier for staff and managers to understand and apply.
22. These risks will partly be mitigated by promoting Mediation Resolution through the Grievance Procedure and emphasising informal resolution. More generally, through simplifying all the policies, these will more effectively empower our managers to be effective, further promoting the culture of responsibility, trust and respect.

Financial Implications of the proposal

23. There will be potential costs savings as the policies support effective management of issues and avoid problems escalating beyond the Council.
24. While an exact monetary value can't be determined, there will undoubtedly be cost savings related to time, service delivery, and absence.

Recommendations

25. It is recommended that Staffing Policy Committee confirm their agreement to the updates to the Disciplinary, Grievance and IWP policies.

Joanne Pitt
Director HR&OD

Report Author: Frances Longmore, HR Policy Officer.

Wiltshire Council Human Resources Disciplinary Policy and Procedure

This policy can be made available in other languages and formats such as large print and audio on [request](#).

There are further supporting documents which should be read in conjunction with this policy. These will be made available to manager's and employees, as necessary. Employees who have any queries regarding the policy should speak to their line manager or trade union representative (where they are a member). Procedural advice can be sought from HRAdvisory@wiltshire.gov.uk

What is it?

1. Good standards of conduct are expected of all employees. These are crucial to enable the council to provide quality services to our community. The council promotes a High Performance Culture.
2. This policy and procedure sets out the approach to be taken where employee conduct and behaviour does not meet the expectations required. It provides a consistent framework for dealing with breaches so that they are managed in a timely, fair and reasonable way. It conforms to the ACAS Code and Guidance, relevant legislation and good practice.

Scope and General Principles

3. The policy applies to all Wiltshire Council employees, unless a separate policy applies under a TUPE transfer. Maintained schools and academies have their own policies.
4. For any Member appointed posts (Chief Officers and deputy Chief Officers) this policy must be read in conjunction with their terms and conditions of employment and the Council's constitution.
5. In cases of minor misconduct it is expected in the first instance that the manager will attempt to resolve the matter informally, where appropriate.
6. Examples of misconduct, including Gross Misconduct are shown at Appendix 1
7. Employees will be informed of the nature of the alleged misconduct, and have an opportunity to put forward their case in response, appropriate investigations will be undertaken before any decision on disciplinary action is made.

Step 1 - Informal Preliminary Fact Finding process (this step may be skipped depending on the nature or severity of the alleged incident)

8. Where an incident occurs that may be construed as a potential disciplinary matter the line manager (or a manager / officer nominated by the Head of Service) may meet with the employee after the incident occurs or is brought to their attention to

discuss and further understand what has happened. This should be undertaken without unreasonable delay.

9. This is an opportunity to establish the facts and for the employee to provide further information in relation to the potential allegation and is not, at this stage, a formal disciplinary investigation or hearing. There is no automatic right to be accompanied.
10. Notes of the meeting will be taken and shared with the employee.
11. Following the meeting the manager / officer will confirm to the employee whether:
 - they are satisfied with the employee's response and no further action will be taken; they may issue some informal guidance or action required of the employee; or
 - a formal investigation will be undertaken that may lead to a formal disciplinary hearing; or
 - the alleged incident is serious enough to warrant a period of paid suspension whilst formal investigations are undertaken.

Managing Safeguarding Allegations

12. Wiltshire Council is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults. Where an allegation has been made involving abuse or neglect / or a risk of abuse and / or neglect to these groups, then a referral will need to be made directly to Multi-agency Safeguarding Hub (MASH) via the Team Manager or Head of Service. Where appropriate, a strategy meeting attended by appropriate Council officers, the Police, Social Care and representatives from the relevant service will be convened.
13. Internal investigations can proceed at the same time as a criminal investigation, unless the council is instructed not to do so by the police.
14. The relevant safeguarding procedures would be followed and HR advice sought regarding how to proceed with the matter in relation to the disciplinary procedure

Suspension

15. There may be instances where suspension, on normal pay, is necessary while appropriate investigations are carried out. It will only be undertaken after careful consideration and where there are reasonable grounds to do so. These include; concerns regarding tampering or destruction of evidence, pressurising witnesses or other potential risk to the business or individuals in allowing the employee concerned to continue to work. Any suspension must be authorised by the relevant Head of Service or their nominee. It should be kept in place for the shortest possible time period and reviewed regularly.
16. Suspension is not, in itself, a form of disciplinary sanction or prejudging an outcome. The suspension will be confirmed in writing.

Step 2 - Formal investigation

17. If it is considered the matter is not able or suitable to be resolved informally, the misconduct matter will be formally investigated to establish the facts of the case. Investigations will be undertaken promptly, without unreasonable delay. The nature and extent of these will depend on the matters under investigation.
18. The line manager, or the manager / officer nominated by the Head of Service, will take the role of investigating officer and carry out investigations and collect information and evidence that may be presented at a disciplinary hearing. This will have due regard to any other process which may also be undertaken by other agencies, for example, in cases of safeguarding allegations.
19. This may require the employee concerned, and others identified, to attend formal investigation meetings. Where employees are invited to take part in an investigation they will be expected to co-operate fully and promptly with the investigation process. The employee can be accompanied at these meetings. See Guidance on the Right to be Accompanied.
20. Following the formal investigation, the investigating officer will produce a report summarising their findings together with their decision of whether there is a disciplinary case to answer or not. If there is no case to answer this will be confirmed in writing to the employee.

Step 3 - Disciplinary hearing

21. Where it's decided that there is a disciplinary case to answer the employee will be invited to a disciplinary hearing. A manager/ officer not previously involved in the case will chair the hearing. The letter will confirm who will be in attendance at the meeting.
22. The employee has the right to be accompanied by a work colleague or Trade Union representative. Refer to the council's guidance on The Right to be Accompanied.
23. 5 working days' notice will be given, in writing, of the hearing date. This will include a copy of any investigation report and supporting paperwork (subject to any rights of confidentiality, in which case documents will be redacted, as appropriate).
24. At the meeting the employee will be given a full explanation of the case against them and provided with an opportunity to respond to the allegations.
25. If the employee intends to present any other supporting documentation at the hearing these must be provided to the officer hearing the case at least 2 working days in advance.
26. If the employee wishes to call any relevant witnesses this should be in line with the "Guidance for Witnesses"
27. Every effort should be made to attend the hearing. If the employee is unable to attend the hearing date set they should inform the officer hearing the case as soon as possible. If they are unable to attend with good reason, the hearing will be re-

arranged. Failure to attend this hearing without prior agreement may lead to the hearing taking place and a decision being taken in the employee's absence, on the basis of the available evidence. If the employee's companion is unable to attend, the employee should offer an alternative date, ideally within 5 working days of the original date.

28. If failure to attend the hearing is due to sickness absence an occupational health appointment will be arranged, where appropriate, to obtain advice on the employee's fitness to attend
29. At the conclusion of the hearing, the manager/officer hearing the case will adjourn to make a decision
30. The decision will be made as soon as possible and the employee will usually be notified verbally. Written confirmation of the decision will be sent, along with a copy of the notes, usually no later than 5 working days after the hearing taking place.

Step 4 - Outcome of the disciplinary hearing

31. One of the following decisions must be taken;

The allegation is not upheld

32. Where there is no evidence to support the allegation or an adequate explanation has been provided and it is determined by the hearing manager/officer that no action is warranted. The hearing officer may, however, include informal advice or management guidance, for example, guidance about future behaviour and expected standards.

Where it's decided that a disciplinary offence has been committed, one of the following sanctions will apply.

33. All warnings/dismissal will be confirmed in writing and include; the nature of the offence and reasons for the decision, any required actions such as change in behaviour/improvements required, with timescales, where appropriate, and the right of appeal.
34. Warnings are not necessarily sequential, any level can be implemented if the misconduct and circumstances warrant it.
35. If the employee has been suspended and the decision is not to dismiss then any decision notification will include when the suspension will end, if still in place.

Written warning

36. Issued where the offence is considered to be serious, or there is repetition of minor offences or evidence of failure to heed previous informal action or management guidance.
37. The written warning remains live and on file for disciplinary purposes for 12 months. Any further act(s) of misconduct within this time may result in a final written warning or dismissal.

Final written warning

38. Issued where there is further misconduct/failure to improve following a written warning already being issued and which is still live; **OR**
- where the misconduct is sufficiently serious (for example, if the employee's actions have had, or are liable to have, a serious or harmful impact on another employee, service user, customer or the council) it may be appropriate to move straight to a final written warning.
 - for a very serious offence which would normally justify summary dismissal but there are some exceptional circumstances which warrant a lesser penalty.
39. The final written warning remains live and on file for disciplinary purposes for 18 months. A further act of misconduct within this time may result in dismissal.

Dismissal

40. Issued where there is further misconduct/failure to improve following the issue of a previous warning which is still live. Or where there is a finding of gross misconduct.
41. Only a manager / officer at head of service level or above, can dismiss
42. There are two types of dismissal:
- Dismissal with notice or pay in lieu of notice, for serious misconduct which falls short of gross misconduct or for continued misconduct or failure to improve following the issue of a previous warning/s.
 - Where gross misconduct is substantiated, this is likely to result in summary dismissal, without issuing any prior warning. Summary dismissal is dismissal without notice, or payment in lieu of notice.

Step 5 – Right of Appeal

43. In line with the council's 'One Appeal Policy'

Other points to note

Action against Trade Union representatives

44. Where disciplinary action is being considered against an employee who is a trade union representative the normal disciplinary procedure will be followed.
45. Depending on the circumstances it is advisable to discuss the matter at an early stage with an official employed by the union, after obtaining the employee's agreement.

Criminal offences

46. If an employee is charged with or convicted of a criminal offence this is not necessarily in itself reason for disciplinary action.
47. Consideration needs to be given to what effect the charge or conviction has on the employee's suitability to do the job and their relationship with their employer, work colleagues and customers.

Grievances

48. Where an employee raises a grievance during the disciplinary process a decision will be made whether to deal with both cases concurrently or, if appropriate there may be a temporary suspension of the disciplinary process in order to deal with the grievance.

Transfer to another procedure

49. This procedure, including the investigation, may be suspended at any point where it becomes apparent that the matter might be best dealt with in line with a different policy and procedure. The employee will be advised of this and next steps.

50 Equality

Wiltshire council is committed to equality, the principles of which are set out in the [Equality and Diversity Policy](#), together with information on the Equality Act and on our public sector equality duty (PSED).

Where an employee feels that there are adjustments that would help them to deal effectively with a formal process, they should make the relevant manager/officer dealing with the case aware, at the earliest opportunity.

51 Data Protection and GDPR (General Data Protection Regulations)

Wiltshire Council processes personal data in regard to this policy in accordance with the General Data Protection Regulations (GDPR). Further details on how employee's data is used and the basis for processing it is provided in the [HR & OD privacy notice](#).

Data collected is held securely and only disclosed to individuals for the purpose of completing the policy. Inappropriate access or disclosure of employee data may constitute a data breach and must be reported in accordance with Wiltshire Council's Data Protection policy. Any such Transfer breaches may result in an investigation and could lead to disciplinary action.

Examples of conduct which may lead to disciplinary action (but not limited to) :

- Unauthorised acceptance of gifts, presentations and awards;
- Undisclosed pecuniary interest in the council's contracts;
- Unauthorised action on behalf of the council or service;
- Public criticism of the council's decisions and/or activities connected with the employee's own work;
- Unreasonable refusal to follow an instruction or insubordination including failure to observe operational regulations and policies;
- Persistent bad timekeeping; **new**
- Abuse of authority and/or where an employee's conduct towards a fellow employee or a member of the public is oppressive, abusive or disrespectful;
- Unauthorised employment;
- Improper disclosure of information, including breach of the data protection act;
- Sleeping on duty;
- Unauthorised use of the council's equipment;
- Smoking within designated no smoking areas, including council property or on council owned premises, or vehicles;
- Unauthorised absence or abuse of the sickness absence scheme.

Gross misconduct is defined as an act of such a serious nature that it fundamentally breaches the contractual relationship between the employee and employer. A finding of gross misconduct will usually result in summary dismissal

Examples of gross misconduct (but not limited to) :

- Serious breaches of Council rules, codes or policies, including but not restricted to health and safety rules, including the use of a mobile telephone whilst driving for the purposes of work ;
- Conviction of a criminal offence related to, or liable to have a serious adverse affect on the work of the employee or other employees or the credibility of the council;
- Dishonesty , including Theft and/or fraud, falsification of records or information, non declaration of information ;
- Unauthorised absence;
- Breach of the Dignity at Work policy, including Threatening behaviour, assault, fighting or bullying ;
- Deliberate and/or serious misuse of and/or damage/destruction to council property and/or records;
- Incapability at work brought on by alcohol or illegal drugs;
- Gross Negligence which causes unacceptable loss, damage or injury;
- Serious insubordination;
- Unlawful discrimination or harassment, including against customers, partnership worker, contractor;
- Deliberate abuse of the council's IT systems, including equipment and software, including using the internet and/or email to access and/or distribute material of a pornographic, offensive, obscene or inappropriate nature;
- Bringing the council into serious disrepute through actions either inside or outside of work;
- Serious Data protection breaches, unauthorised disclosure of council documents or confidential information to others inside or outside the council; **new**
- Misuse of an official position for personal gain; **new**
- Breach of any professional code of conduct applicable to a role, which could bring the council into disrepute; **new**
- Safeguarding concerns relating to conduct or behaviours which have a bearing on the safety or welfare of children or vulnerable adults. **new**

This page is intentionally left blank

Wiltshire Council Human Resources Grievance Policy and Procedure

This policy can be made available in other languages and formats such as large print and audio on [request](#).

There are further supporting documents which should be read in conjunction with this policy. These will be made available to manager's and employees, as necessary. Employees who have any queries regarding the policy should speak to their line manager or trade union representative (where they are a member). Procedural advice can be sought from HRAdvisory@wiltshire.gov.uk

What is it?

1. The Council believes that the majority of workplace problems can be resolved informally and at an early stage through open and constructive dialogue between all parties. However, there may be occasions where this is not possible or appropriate.
2. A grievance might concern matters such as an employee's working practices, physical working environment, terms and conditions, work relations, health and safety. This policy and procedure sets out a consistent framework for dealing with genuine grievances in a supportive, timely, fair and reasonable way. It conforms with the ACAS Code and Guidance, relevant legislation and good practice. Its emphasis is on informal, early resolution and encourages Mediated Resolution as an important step in achieving this [[include link](#)]

Scope and General Principles

3. The policy applies to all Wiltshire Council employees, unless a separate policy applies under a TUPE transfer. Maintained schools and academies have their own policies.
4. For any Member appointed post (Chief Officers and deputy Chief Officers) this policy must be read in conjunction with their terms and conditions of employment and the Council's constitution.
5. It is recognised that addressing workplace problems can be upsetting. Everyone involved in the process is entitled to be treated with dignity and respect. The council will not tolerate discriminatory, retaliatory, abusive or insulting behaviour from anyone taking part in a grievance.
6. Dignity at work complaints which are not resolved at the informal stage, including through the use of Mediated Resolution, will be dealt with under the formal part of this procedure. These include complaints relating to inappropriate behaviour which can include harassment, bullying, victimisation and discrimination. In these cases this policy should be read in conjunction with the Dignity at Work Policy.

7. The policy and procedure apply equally to a grievance of a group of employees (this is not a collective grievance) – in these cases the group can appoint one of their number as a spokesperson, who then follows the procedure on their behalf.
8. Grievances are expected to be made in good faith. Any which are considered frivolous (not serious), vexatious (with intention to harass or distress), are knowingly untrue and/or malicious (with wrongful intention), could lead to disciplinary action being taken against the employee and the grievance process halted.
9. The grievance procedure is an important way of making sure that genuine concerns and complaints raised by employees are given an impartial hearing, investigated where appropriate, and fairly dealt with. However, to work effectively, it is important that the procedure deals with complaints only of genuine substance. Where it's genuinely believed that the formal grievance procedure is not an appropriate avenue to deal with trivial or minor complaints this will be explained to the employee.
10. Employees are encouraged to come forward with any complaints at the earliest opportunity. Delays may ultimately affect the decision on whether or how far the grievance can proceed.
11. Grievances need to be set out in full and cover all the issues that the employee considers are relevant to their complaint, along with the outcome they wish to achieve. This is to ensure that all issues are considered concurrently when determining the findings and appropriate outcomes. Therefore, second and subsequent grievances relating to the same course of events, may not be accepted if those grievances could have been included within the original complaint and there is no reasonable explanation why they were not.
12. Where an employee raises a grievance during the disciplinary process a decision will be made whether to deal with both cases concurrently or, if appropriate there may be a temporary suspension of the disciplinary process in order to deal with the grievance.
13. Exemptions - this policy and procedure will not apply to;
 - Concerns which are believed to be in the public interest. Refer to the council's whistleblowing policy. However, where the employee is directly affected by the matter in question, or where the employee feels they have been victimised for whistleblowing, an employee may raise the matter under this policy and procedure.
 - Other matters directly related to procedures which have their own appeal or review provisions these include; requests under the right to request access to information, individual redundancies, the non-renewal of fixed term contracts, job evaluations, disciplinary proceedings (including sanctions and decisions), issues relating to pensions, statutory deductions from pay such as income tax and national insurance.
 - Personal matters not directly related to employment. Line managers may be able to assist or advice can also be sought from the Employee Wellbeing helpline on 01225 713147.

- A collective grievance raised on behalf of two or more employees by a representative of a trade union or other appropriate workplace representative. These will be dealt with in the context of the council's joint consultative process.

Mediated Resolution

14. The council supports this intervention as an effective way of resolving workplace conflict issues without the need to formally raise a grievance. Employee(s) will be asked to consider this step before instigating a formal stage.
15. In choosing to pursue Mediated Resolution, the Grievance procedure will, if necessary, remain available at any stage.

The Procedure has an informal, formal and appeal stage:

Resolving matters informally

16. Employment problems and concerns are often raised and settled as a matter of course during everyday working relationships. Matters should aim to be resolved in this way, unless there are good reasons not to do so.
17. The employee should discuss the relevant matter initially with their line manager, as soon as possible. If the grievance is against the line manager it should be raised with the line manager's manager.
18. The line manager or line manager's manager should meet with the employee, as soon as practicable, to allow the opportunity to explain and discuss their grievance and seek to identify how it can be resolved. Every effort should be made to address grievances informally where this is appropriate. Mediated Resolution will be discussed at this stage if it is felt appropriate.
19. There is no right to be accompanied at this stage.
20. For completeness a summary of the discussion and outcome should be sent to the employee, as soon as possible after the meeting.
21. While the council encourages informal resolution of complaints (which might include Mediated Resolution) it is recognised this is not always possible or appropriate, depending on the nature of the matter being raised. Before a grievance is considered at the formal stage the employee will be asked to confirm any informal resolution that may have taken place or reasons they do not consider the informal resolutions to be appropriate. The grievance manager may wish to discuss these reasons with the individual before a decision is made to consider the matter under the formal stage and they may refer the matter back to the informal stage where appropriate.

Resolving matters formally – Step 1 – Lodging the Grievance

22. Formal grievances must be lodged in writing via The Grievance Notification Form - [grievance notification form GN1](#).

23. An appropriate manager/senior officer (the Grievance Manager) will be assigned to hear the grievance. This is likely to be either the employee's manager, the manager's manager or another manager from within the service line management structure, who is not the subject of the grievance.
24. At any formal stage meeting there is a statutory right to be accompanied by a work colleague or Trade union representative. Refer to the council's guidance on The Right to be Accompanied.
25. Where an employee has had a grievance raised against them, they will be informed of this as soon as it is possible and appropriate. They will be given a copy of the grievance notification form, or in cases where the grievance also relates to other matters, a copy of the part which is relevant to them.

Step 2 - Grievance Hearing

26. A Grievance Hearing will normally be held within 5 working days from the date the grievance was submitted.
27. The invite to the hearing will include any relevant supporting documentation e.g. documents from the investigation, statements, (subject to any rights of confidentiality, in which case documents will be redacted as appropriate). If the employee wishes to submit any further relevant supporting documentation this must be done at least 2 working days in advance of the hearing.
28. If the employee wishes to call any relevant witnesses, they should make the necessary arrangement and advise the hearing manager in advance.
29. The employee will be given the opportunity to restate their grievance and how they would like to see it resolved.
30. The grievance manager may consider adjourning the hearing, if necessary, to investigate any new facts, or to gather further information, which arise as part of this hearing.
31. The investigations will usually be conducted by the grievance manager unless there is good reason for this to be undertaken by another manager. Investigations will aim to establish the facts and will be undertaken, as soon as possible. Scope and timelines will depend upon the individual circumstances of the case. The employee raising the grievance and those who the grievance is against will be kept informed of progress and timelines, as appropriate.
32. Investigations will require the employee, and others identified, to attend investigation meetings. Employees will be expected to co-operate fully and promptly with any investigation process. The employee can be accompanied at formal investigation meetings.
33. After the hearing the grievance manager will adjourn to make their decision. Where possible, the decision will be notified verbally. The decision and any relevant

actions will be confirmed in writing (within 5 working days, where possible) along with a copy of the notes of the hearing (subject to any redaction for confidentiality purposes). The outcome will be either that the grievance has not been upheld or has been upheld, in part or full, and what action will be taken. The grievance manager will ensure that any actions identified as part of the outcome are allocated to appropriate parties to implement.

34. The employee whom the allegation has been made against will also be informed of the outcome verbally and then have this followed up in writing.
35. Specific details of any outcomes/actions in relation to other employees will not be shared, to respect confidentiality.

Step 3 – Right of Appeal

36. In line with the council's 'One Appeal Policy.'

Other Points to Note:

Failure to attend the formal grievance hearing/Lack of Pursuit

37. The employee must take all reasonable steps to attend the grievance hearing. Where an employee fails to attend without notice or good reason more than once the grievance manager can decide to proceed in their absence, on the basis of the information available. An employee will be notified of this decision and the outcome in writing. In addition to this where insufficient information is available to consider the grievance fully the grievance manager may decide that the complaint should be treated as withdrawn (due to lack of active pursuit) and any further complaints relating to the same facts and individuals will not be accepted. The employee will be notified if this is the case.

Transfer to another procedure

38. This procedure, including the investigation, may be suspended at any point where it becomes apparent that the matter or elements of it might be best dealt with in line with a different policy and procedure. The employee will be advised of this and next steps.

Equality

39. Wiltshire council is committed to equality, the principles of which are set out in the [Equality and Diversity Policy](#), together with information on the Equality Act and on our public sector equality duty (PSED).
40. Where an employee feels that there are adjustments that would help them to deal effectively with a formal process, they should make the relevant manager/officer dealing with the case aware, at the earliest opportunity.

Data Protection and GDPR (General Data Protection Regulations)

41. Wiltshire Council processes personal data in regard to this policy in accordance with the General Data Protection Regulations (GDPR). Further details on how employee's data is used and the basis for processing it is provided in the [HR & OD privacy notice](#).

Data collected is held securely and only disclosed to individuals for the purpose of completing the policy. Inappropriate access or disclosure of employee data may constitute a data breach and must be reported in accordance with Wiltshire Council's Data Protection policy. Any such breaches may result in an investigation and could lead to disciplinary action.

Draft

Wiltshire Council Human Resources Improving Work Performance Policy and Procedure

This policy can be made available in other languages and formats such as large print and audio on [request](#).

There are further supporting documents which should be read in conjunction with this policy. These will be made available to managers and employees, as necessary.

Employees who have any queries regarding the policy should speak to their line manager or trade union representative (where they are a member). Procedural advice can be sought from HRAdvisory@wiltshire.gov.uk

What is it?

1. The effective performance of all employees is crucial to enable the council to provide quality services to our community. The council promotes a High Performance Culture.
2. This policy and procedure provides a consistent framework for dealing with unsatisfactory performance in a consistent, fair and effective manner. With the overall objectives to support and encourage the employee to achieve and maintain a satisfactory level of performance. It is in everyone's interests to ensure such matters are addressed. The policy conforms to the ACAS Code and Guidance, relevant legislation and good practice.

Scope and General Principles

3. The policy applies to all Wiltshire Council employees, including Centrally Employed Teachers, unless a separate policy applies under a TUPE transfer. It does not apply to employees during their probation period. Maintained schools and academies have their own policies.
4. For any Member appointed posts (Chief Officers and deputy Chief Officers) this policy must be read in conjunction with their terms and conditions of employment and the Council's constitution.
5. For those employees on terms and conditions with annual salary progression, managers reserve the right not to award a salary increase if the employee is going through this process.
6. Where an employee is not performing in their role due to a health related problem (including disability). These cases will usually be managed through the sickness absence policy.

7. This procedure may be suspended at any point where it becomes apparent that the matter might be best dealt with in line with a different policy and procedure e.g. the disciplinary procedure. The employee will be advised of this and next steps.
8. Whilst managers will seek to agree any Improving Work Performance Plan with the employee, managers will be able to insist on any aspect considered to be reasonable.
9. An employee has a statutory right to be accompanied at any of the formal stages, outlined below by a work colleague or trade union representative. Refer to the council's guidance on The Right to be Accompanied.
10. The employee must take all reasonable steps to attend formal meetings. If an employee is unable to attend they should inform the manager. If there is failure to attend, without notice or good reason, more than once the manager can decide to proceed in their absence, on the basis of information available. An employee will be notified of this decision and outcome in writing. If an employee's companion is unable to attend the employee should offer an alternative date, ideally within 5 working days of the original date.
11. Warnings issued at any of the formal stages as detailed below will be confirmed in writing. There is a right of appeal against any warnings/dismissal issued, in line with the Council's 'One Appeal' Policy.
12. When the standard required is achieved this policy will be suspended but if performance falls again it may be re-invoked. The stage at which this re-commences will be determined on a case by case basis.
13. A manager may apply/extend more than one monitoring review period during any formal stage.
14. If under performance is significant and seriously affects service delivery, the manager can instigate this procedure at any formal stage without having issued any previous warning. Where the apparent lack of capability is serious enough for dismissal (i.e. the employee is rendered immediately incapable of discharging their duties) the matter will be handled under stage 3 –Consideration to Dismiss

Dealing with matters informally

15. In most cases any performance improvement required will be addressed through discussions with the employee and line manager and, where needed, an Improving Work Performance Plan. The employee will be made aware of the problems identified and the performance level required, the manager and employee will discuss support available and any timescales for improvement applied. Where performance improves to an acceptable level the process will cease. However, where performance does not improve to an acceptable level or within the timeframe set it will move to the formal stage.

Stage 1 - First Formal Meeting

16. The employee will be invited to a performance improvement meeting, with a minimum of 5 working days notice. They will be provided with a copy of any supporting documents/evidence which will be relied upon in the meeting. The employee can submit relevant documents they wish to be considered up to 2 working days prior to the meeting.
17. The manager will discuss their concerns regarding the employee's performance at the meeting. The employee will have the opportunity to respond to these concerns and discuss any other related information for consideration.
18. Having carefully considered all that has been discussed and supporting evidence, the manager will adjourn to consider the decision. The decision will be confirmed verbally and will be followed up in writing, usually within 5 working days of the meeting.

Actions and Outcome Options of the First Formal Meeting

19. The possible outcomes at this stage are:
 - Take no further action, as a satisfactory response was given to the performance concerns. The employee will be expected to maintain an on-going satisfactory standard. Any future deterioration in performance may result in the procedure being re-invoked.

OR

 - Issue a Written Warning for unsatisfactory performance which stays live for 12 months.
 - Issue a Final Written Warning if the performance is deemed to be very unsatisfactory or serious which stays live for 18 months.
20. Either warning will detail that failure to reach the required standard during the set monitoring period could result in further formal action being taken including, ultimately, the possibility of dismissal.

An Improving Work Performance Plan will be given, to summarise what the performance issues are, improvements required, support available and a monitoring period (timescale) with review date.

21. **At the end of the first monitoring period**, there will be a review meeting to discuss the employee's performance.

22. The possible outcomes are:
- If improvements have been achieved to a satisfactory standard, there will be no further escalation through this procedure at this time. However, if, at any stage during the period any warning remains live (12/18 months) the employee's performance falls short of a satisfactory standard the manager may decide to apply this procedure at any of the formal stages.
 - If, despite additional support or other measures or remedial action, the employee fails to improve to the standards expected, it will be necessary to move to the second or third formal stage of the procedure.

Stage 2 - Second Formal Meeting

23. The manager will write to invite the employee to a meeting with a minimum of 5 working days' notice, along with a copy of the documents which will be relied upon. The employee can submit relevant documents 2 working days prior to the meeting.
24. The manager will discuss the on-going performance issues and the grounds on which the meeting is convened. This will include sufficient detail on why it's believed the employee's performance is still unsatisfactory, against any Improving Work Performance Plan measures and remedial action to date.
25. Having carefully considered all that has been discussed and the supporting evidence, the manager will adjourn to consider the decision. This will be confirmed verbally and followed up in writing, usually within 5 working days of the meeting.

Actions and Outcome Options of the Second Formal Meeting

26. The possible outcome of this stage are :
- There will be no further escalation through this procedure at this time as satisfactory improvement has been achieved. However, if, at any stage during the period any warning remains live the employee's performance again starts to fall short of an acceptable standard the manager may decide to initiate this procedure at any of the formal stages
- OR**
- A final written warning is issued, which remains live for 18 months, outlining that failure to reach the required standard during the next review period will likely result in a stage 3 meeting, with dismissal as a possible outcome.
 - A further monitoring period will be set along with an Improving Work Performance Plan (new or amended) which will set out all the revised actions,

support available and timescales.

27. **At the end of the second monitoring period**, there will be a **review meeting** to discuss the employee's performance.
28. The possible outcomes are:
 - there will be no further escalation through this procedure at this time as satisfactory improvement has been achieved. However, if, at any stage during the period a warning remains live the employee's performance again starts to fall short of an acceptable standard the manager may decide to initiate this procedure at any of the formal stages.
 - If, despite additional support or other measures or remedial action the employee has failed to improve significantly or at all, it will be necessary to move to stage 3 of the procedure.

Stage 3 - Third Formal Meeting – Consideration to Dismiss

29. The meeting will be chaired by a Head of Service or a nominated deputy ('the hearing manager').
30. The employee will receive a written invite to the meeting, with a minimum of 5 working days' notice. This will include all supporting documents to be relied on at the meeting. The employee can submit relevant documents 2 working days prior to the meeting.
31. Both the manager and the employee will have full opportunity to present their case.
32. The hearing manager will undertake a review of all documentation and the steps taken to date and the views of both the employee and their manager.
33. There will be an adjournment, to carefully consider all the evidence and options. The meeting will be reconvened and the decision confirmed verbally. This will be followed up in writing , usually within 5 working days of the meeting.

Actions and Outcome Options of the Third Formal Meeting

34. The possible outcomes of this stage are:
 - **Dismissal with notice or pay in lieu of notice.** The employee will be dismissed on the grounds of lack of capability. This will be confirmed in writing with the reasons for the decisions. Arrangements regarding notice or pay in lieu of notice will also be confirmed.

- **No further action.** Where, on all the evidence available, it's believed improvements have been satisfactory and the employee is meeting the performance standards expected or there are some exceptional mitigations which warrant no further escalation through this procedure at this time, no further action will be taken. However, if, at any stage during the period that any warnings remain live or within 18 months (if no previous warnings have been issued) performance again starts to fall short of a satisfactory standard, the manager may decide to initiate this procedure at Stage 3

35. The hearing manager may also consider other options such as:

- **Redeployment or some other adjustments** – any offer or request to redeploy or consider other options (e.g. change to working patterns) will be entirely at the council's discretion, taking account of the details of the case and where the council is confident that the employee will be able to perform well in the redeployed role / or adjustments to current role. Redeployment will be subject to any suitable role being available or likely to become immediately available. Any redeployment will be on the terms and conditions of any other role, there will be no pay protection.
- **A further brief, final review period** , this must clearly indicate the performance level required, timescales and monitoring. Failure to improve will lead to a reconvening of the stage 3 meeting for consideration to dismiss.

Equality

36. Wiltshire council is committed to equality, the principles of which are set out in the [Equality and Diversity Policy](#), together with information on the Equality Act and on our public sector equality duty (PSED).
37. Where an employee feels that there are adjustments that would help them to deal effectively with a formal process, they should make the relevant manager/officer dealing with the case aware, at the earliest opportunity.

Data Protection and GDPR (General Data Protection Regulations)

38. Wiltshire Council processes personal data in regard to this policy in accordance with the General Data Protection Regulations (GDPR). Further details on how employees data is used and the basis for processing it is provided in the [HR & OD privacy notice](#).

Data collected is held securely and only disclosed to individuals for the purpose of completing the policy. Inappropriate access or disclosure of employee data may constitute a data breach and must be reported in accordance with Wiltshire

Council's Data Protection policy. Any such breaches may result in an investigation and could lead to disciplinary action.

Draft

This page is intentionally left blank

WILTSHIRE COUNCIL

Staffing Policy Committee
5 January 2022

Recruitment of ex-offenders policy

Purpose

1. To seek approval on the recruitment of ex-offenders policy which has been updated following changes to the DBS filtering rules.

Background

2. Filtering rules were first introduced on 20 May 2013 when amendments were made to legislation that affected both what an employer can ask an individual in relation to convictions and cautions, and what is disclosed on a Standard or Enhanced DBS certificate.
3. The rules were updated on 28th November 2020 as follows:
 - a. Warnings, reprimands and youth cautions will no longer be automatically disclosed on a DBS certificate
 - b. The multiple conviction rule has been removed, meaning that if an individual has more than one conviction, regardless of offence type or time passed, each conviction will be considered against the remaining rules individually, rather than all being automatically disclosed.

Main considerations

4. To update the policy to clarify that the council's approach towards employing ex-offenders reflects whether a role is or is not exempt from the provisions of the Rehabilitation of Offenders Act 1974. It also sets out, in paragraphs 17-22, what convictions or cautions should be disclosed in line with the new filtering rules.
5. To have a recruitment of ex-offenders policy which provides advice to managers, the recruitment team and applicants on the process and circumstances when disclosure of convictions are required as part of the recruitment process or during employment.

Amendments proposed

6. A new section has been added to the policy to provide guidance to managers on what steps they should take when a criminal record or allegation is disclosed or revealed.
7. The council's recruitment process has been reviewed to reflect the changes in the filtering rules so that:
 - a. We ask the right questions depending on whether a role is covered by the Rehabilitation of Offenders Act 1974 or is exempt under the Exceptions Order.
 - b. Applicants are asked to disclose relevant convictions as required for the role they are applying for.

- c. The council is compliant with General Data Protection Regulations (GDPR) by ensuring we are not collecting excessive data during the recruitment process.
8. In line with best practice and following statutory guidance from the DfE, the recruitment process has also been updated so that we now ask candidates to provide information about convictions after shortlisting has taken place as opposed to at the application stage. This approach supports the council's commitment to creating an inclusive workplace, as set out in our Inclusive Workforce Strategy, as it increases the opportunities for people with convictions to access employment at the council by considering candidates on their skills, experience, and ability to do the job first.

Reason for changes to the policy

9. To update the policy so that it reflects the changes of the DBS filtering rules and provides guidance on what steps to take when a criminal record or allegation is disclosed or revealed.

Environmental impact of the proposal

10. It is anticipated that this policy will have a neutral environmental impact, unchanged from the current policy

Equalities impact of the proposal

11. This policy has been taken to an equality impact assessment panel and all comments from this panel have been considered against this policy.

Risk Assessment

12. If the proposed updates are not agreed, the council risks collecting excessive information about offences that have no bearing on suitability for a particular job which could lead to inadvertently discriminating against people with criminal records.

Financial Implications of the proposal

13. There will be no financial impact as a result of the policy updates.

Recommendations

14. It is recommended that Staffing Policy Committee confirm their agreement to the updates to the recruitment of ex-offenders policy.

Joanne Pitt
Director HR&OD

Report Author: Janice Hiscock, HR Consultant, Policy and EDI

Wiltshire Council Human Resources

Recruitment of Ex-offenders policy and procedure

This policy can be made available in other languages and formats such as large print and audio on [request](#).

What is it?

This policy outlines the council's procedure for the employment of ex-offenders.

Go straight to the section:

- [What is it?](#)
- [Who does it apply to?](#)
- [When does it apply?](#)
- [What are the main points?](#)
- [What is the Rehabilitation of Offenders Act 1974?](#)
- [Jobs covered by the Rehabilitation of Offenders Act 1974](#)
- [Jobs that are exempt from the Rehabilitation of Offenders Act 1974](#)
- [Disqualification orders](#)
- [Spent convictions](#)
- [Cautions and convictions that need to be disclosed for jobs that are covered by the Exceptions Order](#)
- [Protected convictions and cautions](#)
- [New convictions](#)
- [What to do if a criminal record or allegation is disclosed or revealed](#)
- [Roles and responsibilities](#)
- [Frequently asked questions](#)
- [Definitions](#)
- [Equality impact assessment](#)
- [Legislation](#)
- [Further advice and information](#)

Who does it apply to?

This policy applies to all Wiltshire Council employees and prospective employees (job applicants), unless a separate contractual policy applies to a transferred employee to whom separate TUPE terms and conditions of employment apply. This policy does not apply to teaching and non-teaching staff employed in maintained schools or academies.

When does it apply?

This policy applies to applicants and employees when applying for a role at the council. It also applies to candidates and employees when a disclosure and barring service (DBS) check or a recheck is required for a role they are to undertake or currently undertake.

What are the main points?

1. The council actively promotes equality of opportunity for all applicants with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records. Managers select candidates for interview based on their skills, qualifications, and experience.
2. The council's approach towards employing ex-offenders reflects whether the job is or is not exempt from the provisions of the Rehabilitation of Offenders Act 1974.
3. As an organisation using the [disclosure and barring service](#) (DBS) checking service assessing applicants' suitability for positions of trust, Wiltshire Council complies fully with the [DBS code of practice](#) and undertakes to treat all applicants for positions fairly. The council makes every person subject to a DBS check aware of the DBS code of practice and can make a copy available on request.
4. The council provides this written policy on the recruitment of ex-offenders, which is made available to all applicants at the outset of the recruitment process.

What is the Rehabilitation of Offenders Act 1974?

5. The Rehabilitation of Offenders Act 1974 primarily exists to support the rehabilitation into employment of reformed offenders.
6. Under the Act, following a specified period of time which varies according to the disposal administered or sentence passed, cautions and convictions may become spent. As a result, the offender is regarded as rehabilitated.
7. For most purposes, the 1974 Act treats a rehabilitated person as if they had never committed or been charged or prosecuted for or convicted of or sentenced for the offence and, as such, they are not required to declare their spent caution(s) or conviction(s), for example, when applying for jobs, unless an exception applies.
8. The exceptions where candidates may have to declare spent cautions and convictions are listed in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

Jobs covered by the Rehabilitation of Offenders Act 1974

9. The council will not automatically refuse to employ a particular individual just because they have a previous criminal conviction.
10. During the recruitment process, applicants will be asked to disclose any unspent convictions, but will not ask job applicants questions about spent convictions, nor expect them to disclose any spent convictions.
11. If an applicant has a conviction that is not spent and if the nature of the offence is relevant to the job for which they have applied, we will review the individual circumstances of the case and may, at our discretion, decline to select the individual for employment.

Jobs that are exempt from the Rehabilitation of Offenders Act 1974

12. If the job into which the council is seeking to recruit is one of the excluded jobs listed in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 or the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013, we will require the applicant to disclose all convictions, whether spent or unspent (other than where protected cautions and protected convictions do not need to be disclosed, depending on the job concerned). Even in these circumstances, however, the council will not refuse to employ a particular individual unless the nature of the conviction has some relevance to the job for which the individual has applied.
13. If the job is exempt, we will seek the applicant's agreement to make an application to the Disclosure and Barring Service (DBS) for a standard, enhanced or enhanced with DBS barred lists check (as appropriate). Where the individual is member of the DBS update service, the recruitment team will, with their permission, carry out a status check on any current certificate.
14. A DBS check is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a DBS check is required, all application forms, job adverts and recruitment briefs will contain a statement that a DBS check will be requested in the event of the individual being offered the position.

Disqualification orders

15. There are some offences which may result in a person being subject to a disqualification order (DO).
16. It is an offence for such a person to apply for a post that is restricted under the DO. The council will report any such applicant to the police.

Spent convictions

17. The rehabilitation period (the length of time before a caution or conviction becomes spent) is determined by the type of disposal administered or the length of the sentence imposed. Rehabilitation periods that run beyond the end of a sentence are made up of the total sentence length plus an additional period that runs from the end of the sentence, referred to as the 'buffer period'. Other rehabilitation periods start from the date of conviction or the date the penalty was imposed.

18. The 'buffer periods' are halved for those who are under 18 at date of conviction (except for custodial sentences of six months or less where the 'buffer period' is 18 months).

19. The rehabilitation periods for sentences with additional 'buffer periods' which run from the end date of the sentence are shown in the table below:

Sentence/disposal	Buffer periods for adults (18 and over at the time of conviction or the time the disposal is administered) this applies from the end date of the sentence	Buffer period for young people (under 18 at the time of conviction or the time the disposal is administered). This applied from the end date of the sentence
Custodial sentence of over 4 years, or a public protection sentence	Never spent	Never spent
Custodial sentence of over 30 months (2 ½ years) and up to and including 48 months (4 years)	7 years	3 ½ years
Custodial sentence of over 6 months and up to and including 30 months (2 ½ years)	4 years	2 years
Custodial sentence of 6 months or less	2 years	18 months
Community order or youth rehabilitation order	1 year	6 months

20. The following table sets out the rehabilitation period for sentences which do not have 'buffer periods' and for which the rehabilitation period runs from the date of conviction:

Sentence/disposal	Rehabilitation period for adults (18 and over at the time of conviction or the time the disposal is administered)	Rehabilitation period for young people (under 18 at the time of conviction or the time the disposal is administered).
Fine	1 year	6 months
Conditional discharge	Period of the order	Period of the order
Absolute discharge	None	None
Conditional caution and youth conditional caution	3 months or when the caution ceases to have effect if earlier	3 months
Simple caution, youth caution	Spent immediately	Spent immediately
Compensation order	On the discharge of the order (i.e., when it is paid in full)	On the discharge of the order (i.e., when it is paid in full)
Binding over order	Period of the order	Period of the order
Attendance centre order	Period of the order	Period of the order
Hospital order (with or without a restriction order)	Period of the order	Period of the order
Referral order	Not available for adults	Period of the order
Reparation order	Not available for adults	None

Cautions and convictions that need to be disclosed for jobs that are covered by the Exceptions Order

21. All unspent convictions and cautions must be disclosed. In addition, spent cautions and convictions must be disclosed if they meet the circumstances described in the table below:

Disposal	Age when give/sentences	How long since given/sentenced?
Caution for specified offence	18 or over	Any time
Caution for non-specified offence	18 or over	Less than 6 years
Conviction for specified offence	Any age	Any time
Conviction resulting in custodial sentence	Any age	Any time
	18 or over	Less than 11 years

Conviction for non-specified offence	Under 18	Less than 5 and half years
--------------------------------------	----------	----------------------------

22. Any other caution or conviction which does not meet the details set out in the table, such as spent youth reprimands, warnings and cautions is considered protected.

Protected convictions and cautions

23. All reprimands, final warnings, and youth cautions (i.e., cautions issued to those under 18 at the time), are protected.
24. An adult caution may become protected once six years have passed since the caution was given.
25. Convictions may become protected once 11 years have passed since the conviction (five years and six months where the individual was under 18 when convicted).
26. For cautions and convictions to be protected, they must not be for certain [listed offences](#) and must not have resulted in a custodial sentence.
27. Protected cautions and convictions are filtered out of Disclose and Barring Service (DBS) certificate checks.
28. There are a small number of defined positions where filtering does not apply and where full disclosure of all convictions and cautions, including protected cautions and convictions, must be made. These are generally jobs related to national security, police constables, judicial appointments, and firearms certificates. These positions may include other vetting procedures instead of, or in addition to, DBS checks.
29. For more information, please refer to the [DBS filtering guide](#).

New convictions

30. It is essential that you inform your manager (and where required by regulation to any relevant professional registered bodies of which you are a member) of any police investigation, charge, caution, reprimand, fine or conviction, immediately.
31. All such disclosures will be handled in confidence but if you are employed in a 'notifiable occupation', a 'regulated activity' or a 'specified setting', this may result in your suspension from duties while an investigation takes place. Refer to the [disciplinary policy for more information](#).

What to do if a criminal record or allegation is disclosed or revealed

32. Managers must first assess the relevance and circumstances of the offences in relation to the role that the applicant is applying for. You must have regard to factors such as:
 - a. The person's age at the time of the offence;
 - b. How long ago the offence took place;
 - c. Whether it was an isolated offence or part of a pattern of offending;
 - d. The nature of the offence;
 - e. Its relevance to the post
 - f. What else is known about the person's conduct before and since the offence.
33. At interview, or in a separate discussion, managers must ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
34. The manager should consult with the [HR advisory team](#) and discuss any matter revealed with the person seeking the position before withdrawing an invitation to interview or a conditional offer of employment.

Roles and responsibilities

Applicant and employee responsibilities

35. To complete the application form honestly, declaring any unspent convictions. Also, to declare spent convictions where the role applied for is exempt from the Rehabilitation of Offenders Act 1974.
36. If you have been made the subject of a disqualification order, you must not apply for roles for which you are not permitted to apply.
37. To declare when an unspent conviction becomes spent.
38. To declare any new cautions, reprimands, warnings, or convictions which are incurred after being employed by the council.

Line manager responsibilities

39. To keep confidential any information disclosed to you by applicants regarding spent or unspent criminal convictions. Such information only to be discussed with the recruitment team.
40. To update the job description for any role working with children or vulnerable adults to clearly show that a DBS check is required.

41. Never to employ any candidate into a role unless all checks have been carried out and confirmed as complete and satisfactory by the recruitment team.
42. To adhere to this policy and apply in all circumstances.
43. To seek advice from HR where you do not understand any aspect of this policy.

HR responsibilities

44. To provide advice and guidance on the interpretation of this policy.
45. The recruitment team will carry out all disclosure and barring service checks and will liaise with the manager on the outcome. Refer to [disclosure and barring service checks policy](#) for more information.
46. To support the manager where the result of a disclosure and barring service check means that the applicant may no longer be suitable for the role and the job offer may have to be withdrawn.

Frequently asked questions

47. **I have an unspent criminal conviction. May I apply for a role with Wiltshire Council?**

Yes, you may apply for a role with the council, unless you are the subject of a disqualification order, barring you from applying for specific roles. You may not apply for those specific roles, but you may be able to apply for others. You should contact the [recruitment team](#) for further advice.

48. **I have been newly employed by Wiltshire Council and have subsequently been convicted of a crime. Do I need to declare this conviction to the council?**

Yes, you do need to declare any subsequent convictions in order that the council may make an assessment as to whether you may continue to be employed in the particular role you currently do. It may be that the conviction does not affect the role you do or that you may be able to transfer to a different role.

49. **I was convicted of a crime with a prison sentence of 4 years. I only served 2 years of this sentence. Am I obliged to declare this spent conviction?**

Yes, as any conviction of longer than 4 years is always considered unspent, irrespective of how many years or months of the sentence you actually served.

Definitions

Spent conviction	A criminal conviction which is ignored after the punishment has been served and the rehabilitation period has expired so that the crime is considered to be redeemed and at an end.
Unspent conviction	A criminal conviction which can never be redeemed.
Protected conviction	A protected conviction does not need to be declared.
Disclosure and Barring Service	A government agency tasked with carrying out checks into applicants and employees' backgrounds when applying for or carrying out certain roles.

Equality Impact Assessment

This policy has been equality impact assessed to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

Legislation

- [Rehabilitation of offenders' act 1974](#)
- [The Rehabilitation of Offenders Act 1974 \(Exceptions\) Order 1975 \(Amendment\) Order 2013](#)
- [Rehabilitation of offenders act 1974 \(exceptions\) Order 1975 \(Amendment\) Order 2020](#)
- [DBS code of practice](#)
- [Safeguarding vulnerable groups act 2006](#)
- [Legal aid, sentencing and punishment of offenders act 2012](#)
- [Protection of Freedoms Act 2012](#)

Further advice and information

If you require help in accessing or understanding this policy or completing any of the associated forms, you should contact your line manager or trade union representative if you are a member.

If, due to the nature of your query, it is not appropriate to contact your line manager you should contact your head of service who will nominate an appropriate manager or colleague to help you.

Related Policies

There are a number of related policies and procedures that you should be aware of including:

- [Disciplinary](#)
- [Disclosure and barring service checks](#)
- [Storage of disclosure information](#)
- [Recruitment](#)

Training:

- [Safeguarding](#)

WILTSHIRE COUNCIL

Staffing Policy Committee
5TH January 2022

Ways of Working Policy

Purpose

The purpose of the report is to seek approval for:

- An update and amalgamation of the Homeworking and Flexible working policies.
- And that this updated policy is called Ways of Working policy.

Background

1. Prior to the Covid pandemic, many employees worked part of their time from a council workspace and part from home and some employees worked all their time from a council workspace. However, with the impact of COVID, most employees have had to work from home for most of the time.
2. The Workplaces and Workspaces workstream are reviewing employee/service needs in order to maximise the use of all workplaces in a manner that enhances services, improves performance, staff wellbeing and realises the best economical returns from our estate.
3. Our current policies (Flexible Working and Homeworking) were introduced in 2011 and do not now fully reflect the reconfiguration of our workplaces or how employees would like to work.
4. The latest wellbeing survey results showed that most teams and employees believe they can be effective with far less access to council buildings. The Ways of Working Policy has been produced to support this.

Main considerations

5. Employees, with agreement from their managers, can work at home/remotely if they choose and where it does not impact on service delivery. However, employees will be required to attend the workplace if requested to do so or where service delivery demands it.
6. Homeworking allowance was removed in March 2020 and will not be reinstated as it continues to be employee's choice to work from home. Employees will be able to work from a council workspace if they choose.
7. The next phase of the workplaces and workspaces review is to look at a wider office footprint to identify additional workspaces for employees, increasing the number of spaces available.

8. There will be no changes to employees' contractual work base as flexible working practices will provide more flexibility with how employees can work, but still require employees to attend the workplace as needed.
9. Where an employee chooses to work from home the council can provide homeworking equipment in addition to their laptop (e.g. monitor, keyboard)
10. All employees who choose to work from home must complete a homeworking risk assessment. Detail on the homeworking risk assessment will be presented to CLT and will then be brought back to Staffing Policy Committee for information.
11. Managers will also be expected to discuss working arrangements at their regular 121s and annual appraisal to ensure that employees working environment continues to be suitable and that no health or wellbeing concerns are developing as a result of working at home/remotely.

Reason for changes to the policy

12. The Ways of Working policy has been developed to support employees post pandemic and will embed the positive lessons learned from the pandemic, extending the flexible working practices pre Covid and align to the reconfiguration of the Wiltshire workplaces and Our Identity whilst reducing the need for employees to travel contributing towards our 2030 carbon neutral commitment.

Environmental impact of the proposal

13. Extending our flexible working practices will reduce the need for staff to travel contributing towards our 2030 carbon neutral commitment.

Equalities impact of the proposal

14. The Ways of Working Policy will be taken through EIA in January and any feedback will be incorporated.

Risk Assessment

15. The Council is looking to build on the positives from the pandemic and develop the way it does its work and how to use workplaces to better serve its customers and residents. Some of the benefits seen from home/remote working are a reduction in sickness absence, travel time and road congestion and improved work/life balance.
16. If the policy is not agreed, then there is a risk of not embedding the ways of working required which may impact on employee engagement and well-being and the capability to deliver the organisations business plan.

Financial Implications of the proposal

17. Extending our flexible working practices will support the organisations financial savings as it opens commercial opportunities to make savings through the release or rental of spaces

Recommendations

It is recommended that Staffing Policy Committee approve the amalgamation of the Homeworking and Flexitime policies to create the Ways of Working policy.

Joanne Pitt
Director HR&OD

Report Author: Rebecca Spence, Strategic Delivery Officer

This page is intentionally left blank

DRAFT Ways of working policy

What is it?

1. This document supports the organisations flexible working practices and sets out the expectations of employees on the way we work.

Definitions

1. *Flexible working* refers to the statutory right for employees to request flexible working arrangements, such as compressed hours and part time working.
2. *Homeworking* is a flexible working arrangement where employees are contracted to work from their home.
3. *Remote working* is a flexible working arrangement where employees work from another suitable location which is not their home or a Council hub. This is usually associated with a hybrid working arrangement (see below).
4. *Hybrid working* is a type of a flexible working arrangement where an employee splits their time between the workplace and working from home/ remotely.

Scope and General Principles

5. The policy applies to all Wiltshire Council employees unless a separate policy applies under a TUPE transfer. The policy does not apply to Maintained schools and academies, which have their own policies.
6. This policy forms part of the organisations flexible working practices and employees may also wish to consider other flexible ways of working such as [job share](#), [term time working](#), [compressed hours](#), [annualised hours](#) and [part time working](#).
7. Managers are expected to discuss flexible working opportunities with their team to support our aim in creating an agile and flexible workforce.
8. It is recognised that certain roles may not be suitable for home/remote working, and that some employees will have circumstances which mean that home/remote working will not be feasible.
9. Employees fit into one of four workplace personas, these are flexible, settings based, mobile and community based. These personas outline generic ways of working and help to inform ICT equipment provided. The table below outlines these personas and how they support flexible working.

Flexible worker		Mobile and community-based workers	Settings based worker
Home worker	Hybrid worker		
Your home is your base of work and your contract reflects this.	A council hub/workplace is your base of work and this is specified in your contract	Works out in the community and remotely from several locations.	A council workplace is your base of work and you work there all of the time.
You work from home all of the time	You have the ability to split your time between the council workplace and working from home/remotely.	A council workplace is your central base of work and this is specified in your contract.	You may have several settings/workplaces that you work from.

	You may have regular workplace days on a pattern/rota or you may go into the office on an ad hoc basis when required	You may work from home in between visits and other remote working	
--	--	---	--

10. Employees, with agreement from their managers, can choose to work from home/remotely where it does not impact on service delivery. However, employees will be required to attend the workplace if requested to do so or where service delivery demands it.
11. When working remotely employees are expected to work from a suitable location which is free from distractions and offers a private confidential space where appropriate.
12. Working from home should not be used as a way of looking after dependents. If an employees children are old enough not to require supervision (as a guide aged 13 or over) and the employee has a separate space in which they can work, then the manager may agree to the arrangement. Alternatively, it may be possible for the employee to work flexible hours so that they stop work when the children are at home and make up additional hours when they are in bed or have alternative supervision. Employees should discuss the situation with their manager. Guidance on support with caring responsibilities can be found on [HR Direct](#).

Conduct and Behaviours

13. [Our Identity](#) provides a shared understanding of how we are all expected to work, lead and act. Furthermore, it sets out how we will continue to develop to achieve the council's vision of building stronger communities.
14. Our flexible working practices support us to be agile and to deliver on organisational priorities.
15. All employees are expected to engage with Our Identity so we can work together as one council and deliver the best for our communities.

Our workspaces

16. Our flexible working practices support employees to choose to work at home or in a workplace based on meeting their circumstances and supporting service delivery.
17. Our workplace design supports employees to collaborate more effectively to deliver services and increase agility.
18. Employees are encouraged to use council offices closer to home, reducing time spent travelling and supporting our 2030 carbon neutral promise. Further information on our workspaces can be found on our [EPIC hub](#).

Flexi time

19. There are no standard “core hours” during which employee must be in work as these will vary between teams
20. Services will define their standard opening time and core hours. Where there is an operational requirement, workplaces must be staffed throughout these opening hours.
21. Working patterns should be agreed between managers and their employees taking into account operational requirements.
22. The council’s flexitime scheme enables employees to vary their start, finish, and break times to suit both operational requirements and their individual needs. Any permanent change of working pattern must be agreed with their manager in advance
23. As standard the scheme should operate between 7am and 7pm, however, each team may determine what hours their flexitime scheme operates within.
24. Employees are required to record the hours that they work on a [flexitime recording sheet](#). They should record start and finish times as well as lunch breaks and any other absence for non-work related reasons.
25. Where an employee works more than 6 hours they are required to take a minimum unpaid break of 30 minutes for lunch which must be recorded on their flexitime sheet. Employees may take multiple breaks in agreement with their manager but one of these breaks must be at least 20 minutes in duration to meet working time regulations.
26. Guidance on how flexitime works, flexitime rules and how to record can be found on [HR Direct](#).
27. Any abuse of the flexitime scheme may result in disciplinary action being taken in accordance with the [council’s disciplinary procedure](#).

ICT and Equipment

28. Employees will be provided with equipment required to perform their role such as a laptop.
29. Where an employee chooses to work from home, the council can provide homeworking equipment (e.g., monitor, keyboard and a mouse). Homeworking equipment can be requested via the ICT portal and FM. It is employee’s responsibility to collect their homeworking equipment.
30. Employees should use their own internet provider, when working from home, to access the council’s network. Employees must ensure they have a suitable internet package to accommodate this.
31. The costs of electricity, water, heating, telephone, broadband and other utilities whilst working from home will not be covered by the Council. These costs will remain the employee’s responsibility.

32. Employees are responsible for looking after and returning any equipment provided by the organisation and failure to do so may result in charges and enforcement proceedings to recover the items and court costs. Please read the [leaver guidance](#) for further information.
33. Furniture and specialised equipment may be provided for those who have a disability. [Refer to guidance for managers](#) – provision of furniture and specialised equipment

Health and safety / Risk assessments

34. To make sure employees at Wiltshire Council work in a safe and healthy environment, [clear advice and instructions](#) are outlined in respect to the major risks that may be faced in carrying out the work of the council.
35. When working from home employees have the same responsibilities for their own health and safety as any site-based employee.
36. All home and flexible workers must complete the following prior to commencing any home working.:
 - a Flexible Working Risk Assessment
 - Display Screen Equipment Self-Assessment
 - Annual online DSE training
37. Managers must ensure that the Flexible Working Risk Assessment and online DSE assessment form have been completed satisfactorily before any regular home working is authorised/commences.
38. It is expected that employees and managers will discuss employees working arrangements at regular 121's and annual appraisals to ensure that their working environment continues to be suitable and that no health or wellbeing concerns are developing as a result of working at home/remotely.
39. When working remotely, i.e., not at home or in a council workplace, employees are expected to ensure the workspace is suitable, guidance can be found on [HR Direct](#).
40. If an employee's does not have a suitable home/remote workplace, they will be required to work from a council workplace.

Data protection

20. All employees must complete the mandatory [information governance e-learning modules](#).
21. Employees are responsible for complying with the [Data Protection Act](#) and whilst working from home/remotely should ensure:
 - a clear desk policy
 - household members or visitors do not have access to confidential data e.g., confidential information must not be left on screens when equipment is unattended.
 - keep Council documents, equipment and materials safe and secure at all times and ensure that reasonable precautions are taken to maintain confidentiality and security in accordance with GDPR and DPA

- confidential waste is brought back to the office to be disposed of in the normal way or is shredded.
 - do not print confidential information at home
22. Any breach of security (including theft of equipment) must be reported to the information security team immediately

Meetings and Travel

41. All meetings should be virtual where possible, where they have to be face to face for business value reasons employees should utilise the hybrid meeting rooms.
42. If an employee has to travel for work, they should book a [pool car](#) to reduce spend and support the green agenda.
43. If a pool car is not available, or they travel all of the time as part of their role then they may arrange different travel arrangements in line with the [travel expenses policy](#).
44. In line with the [travel expenses policy](#), employees will not be reimbursed for mileage for travelling from home to their place of work, even if travel is on an ad hoc basis.

Personal security

45. Employees should not release personal details (e.g., home telephone number, address) to anyone not employed by the council.
46. Communication with colleagues and customers should be through council communication devices e.g., Microsoft Teams and work mobile
47. Employees must not arrange meetings with clients at their home.
48. Employees should use their team's usual lone working procedures if they are making a work visit to somewhere other than a normal office base.

Mortgage/ insurance

27. Employees whose contract states that their home is their base of work (full time homeworkers) must inform the following of their intention to work from home:
- anyone with an interest in the property (e.g., mortgage/lease company) to ensure that there are no terms or conditions, leases, or covenants, which prevent this
 - home and contents insurance companies

Employees will be required to confirm that they have done this to their manager as a condition of home working.

Full time homeworker request process

28. To support workforce agility, full-time homeworking will only be approved in exceptional circumstances as it is expected that all employees will attend the workplace if requested to do so or where service delivery demands it.

29. Employees can request to be a full-time homeworker via the [flexible working policy](#). If agreed, managers need to notify the HR payroll team using the [change of employee job details form](#). Employees who become full home workers will receive a revised statement of written particulars that will form part of their contract.
30. All terms and conditions of employment for full home workers are the same as for office-based employees with some additional points to cover the fact that the workplace is the home.

WILTSHIRE COUNCIL

STAFFING POLICY COMMITTEE

5 January 2022

Pay Policy Statement 2022/2023

Purpose of Report

1. To present an updated pay policy statement for the financial year 2022/2023 for approval by Staffing Policy Committee prior to agreement by Council and publication on the website.

Background

2. Under chapter 8 of the Localism Act 2011 every local authority must prepare a pay policy statement for the financial year 2012/2013 and each subsequent financial year.
3. Wiltshire Council originally published its pay policy statement in February 2012 and the updated policy is now required to be published on the website by 1st April 2022.

Main Considerations for the Council

4. The main updates to the policy are outlined below:
 - Throughout the policy
 - amendments to reflect the change of senior management structure and titles to include the new role of Assistant Director.
 - updated total number of council employees, apprenticeships, and pay rates and pay ratios where applicable.
 - A revised introduction referencing the council's new ten year business plan to be published in 2022 and continuation of the council's response to the Covid-19 pandemic.
 - An amendment to para 9 showing an increase in the number of Hay grades from 9 to 10. In March 2021 an additional Assistant Director grade was introduced to recognise the wider range and complexity of services managed compared with the head of service level but still focusing on short and medium term service design and delivery, with long term policy direction sitting at the Director level above.
 - An addition to para 33 to clarify that salary protection for a period of 12 months will apply where employees in exceptional circumstances are redeployed to a role more than one grade lower than their current role.

- An addition to para 35 to state that the NJC pay award for April 2021 is still subject to agreement.
 - Minor amendments to paras 38 and 40 to clarify that conduct as well as performance is taken into consideration with incremental progression.
 - An amendment at para 61 to clarify that overtime must be agreed in advance with the line manager and be based on business critical need.
 - The annual budget will be set in January/February in time for approval at Full Council and the policy will be updated to reflect.
5. Unsocial hours, overtime, and standby and callout allowances are currently subject to negotiation with Trade Unions on changes to these allowances to ensure that they support new ways of working and service delivery. Once agreement on these changes has been reached, the pay policy statement will be updated to reflect the changes.

Consultation

6. The pay policy will require Full Council approval prior to publication.

Recommendation

7. That Staffing Policy Committee approve the updated pay policy statement for 2022/2023 to be presented at Full Council for approval on 15th February 2022.
8. That Staffing Policy Committee delegate authority to the Director HR&OD and Transformation to approve any amendments required to the pay policy statement prior to Full Council as a result of the Trade Union negotiations on changes to unsocial hours, overtime and standby and callout allowances. If agreement on changes to these policies is not reached prior to Full Council, the changes will be made to the pay policy statement for the following year for April 2023.

Joanne Pitt
Director HR&OD and Transformation

Report Author: Laura Fisher, HR Pay & Reward Consultant, HR&OD

The following unpublished documents have been relied on in the preparation of this report: None

Wiltshire Council Human Resources

Pay Policy Statement

This policy can be made available in other languages and formats such as large print and audio on [request](#).

What is it?

The pay policy statement sets out the council's approach to pay and reward for senior managers and the lowest paid employees for the financial year 2022-23.

Its purpose is to provide a clear and transparent policy, which demonstrates accountability and value for money. The policy also meets the council's obligations under the Localism Act 2011 and the Code of Recommended Practice for Local Authorities on Data Transparency.

The pay policy is applicable to council staff and does not include schools support staff or teachers.

The pay policy statement sets out the authority's policies for council staff for the financial year relating to:

- the remuneration of chief officers
- the remuneration of the lowest-paid employees
- the relationship between the remuneration of chief officers and employees who are not chief officers.

Remuneration for the purposes of this statement includes the following elements:

- basic salary
- any other allowances arising from employment

The term "chief officer" in this instance applies to more posts than the usual council definition, and includes the following senior manager roles:

Chief Executive
Corporate Director
Director
Assistant Director
Head of Service
Some strategic and technical specialist roles

The term "lowest paid employees" refers to those employees on the lowest pay point of our grading system, which is currently spinal column point 1, £17,842 per annum.

Go straight to the section:

- [Introduction](#)
- [Who does it apply to?](#)
- [When does it apply?](#)
- [What are the main points?](#)
- [The level and elements of remuneration for employees](#)
- [Remuneration on recruitment](#)
- [Increases and additions to remuneration](#)
- [The use of performance-related pay](#)
- [The use of bonuses](#)
- [The approach to the payment of employees on their ceasing to be employed by the authority](#)
- [The pension scheme](#)
- [Any other allowances arising from employment](#)
- [Governance arrangements](#)
- [The publication of and access to information relating to remuneration of chief officers](#)
- [The relationship between the remuneration of chief officers and employees who are not chief officers.](#)

Introduction

Wiltshire Council is a large and complex organisation providing a wide range of services to the community, with a current annual net budget of around £412m (2022/23). *Note – this figure to be confirmed following Full Council.*

In order to deliver these services around 4868 people work for the council (non-schools) on permanent and variable hours contracts in a variety of diverse roles such as corporate director, social worker, public protection officer and general cleaner.

The council's ten year business plan will be published in 2022. At the heart of the business plan the vision continues to be to create stronger communities, and the plan sets out the key actions that will be taken to deliver this. The ten year plan will work to four main priorities under the banner of improving lives through stronger communities. The four key priorities of the business plan are empowered people, resilient society, thriving economy and sustainable environment. Also reflected in the plan, will be the significant challenges that the council will face over the coming years and the changes to the way the council will have to operate to manage these. .

The coming year will continue to be challenging as the council continues with the response to the Covid-19 pandemic and continues to transform to meet changing demands. An internal organisational recovery programme is focused on our workforce, our workplaces and the way that we work. The aim of this programme is to ensure that we learn from our response and recover to emerge leaner and stronger. Our vision is to have confident and skilled people working flexibly and utilising the tools available so that we are a resilient, efficient and inclusive organisation.

The apprenticeship levy has been in place since April 2017 and the council has been paying a levy of 0.5% of the pay bill monthly into a digital apprenticeship account which is used to fund the cost of training for apprenticeships. As well as focusing on recruiting new apprentices, the council has also used the levy to fund upskilling current employees.

To date 51 new apprentices have been recruited, 18 of these have now completed and all stayed at the council and moved into their target posts. 255 employees have started an apprenticeship through upskilling of which 68 have now completed.

Who does it apply to?

This pay policy statement applies to all non-schools' employees of Wiltshire Council with the exception of Centrally Employed Teachers, who are covered by the Teacher's Pay Policy.

When does it apply?

This pay policy statement was first published in February 2012 and is updated on an annual basis. It has now been updated for the financial year 2022/23.

What are the main points?

1. This pay policy statement sets out the pay policies which apply to both the lowest paid and highest paid employees within the council.
2. In many cases the pay policies are the same for all employees. Where there are differences, these have been clearly outlined below.

The level and elements of remuneration for employees

3. In line with good employment practice the majority of jobs within the council have been evaluated using a job evaluation scheme. This is to ensure that jobs are graded fairly and equitably, and that the council complies with the Equal Pay Act.
4. A small number of jobs i.e. centrally employed teachers and Soulbury staff are subject to national salary scales which determine the pay for each job, and therefore the evaluation schemes do not apply.
5. The council uses two job evaluation schemes in order to rank jobs.

HAY job evaluation scheme:

6. The HAY job evaluation scheme is used to evaluate senior manager jobs within the council (currently 127 employees), which include the following roles:
 - Chief Executive
 - Corporate Director
 - Director

- Assistant Director
 - Head of Service
 - Strategic and technical specialists
7. Each job is assessed by a panel of HAY trained evaluators. The evaluators consider the job against each HAY element and sub-element and apply the description and points that best fit the job being evaluated. The values awarded are subsequently added together to give a total job score.
 8. The HAY Group periodically carry out quality control checks to ensure the consistency of job scores in line with the conventions of the scheme.
 9. The job score determines the grade for the job. There are 10 HAY grades each currently containing a salary range over 3 spinal column points.
 10. Details of the HAY evaluation scheme, the points to grades and salary bands are published on HR Direct.
 11. The council's policy is to pay the median market rate for the jobs evaluated using the HAY job evaluation scheme, and aims to ensure that the pay scales for HAY graded posts are sensitive to labour market pressures. There can be exceptions to this where the market pay for particular roles indicates that pay above the median may be required, in which case a market pay scale may be applied.
 12. There are no national pay scales for senior roles so pay is a matter for local determination. Pay scales for HAY grades are determined using the HAY pay databank for the public and not for profit sector and increases are capped in line with the NJC pay award unless market pay data identifies a significant drift or where difficulties are identified with recruitment and retention of staff at this level (this is in line with the market supplements policy).

Greater London Provincial Council job evaluation (GLPC) scheme:

13. The GLPC job evaluation scheme is used to evaluate the majority of jobs within the council.
14. Each job is assessed by a panel of three trained GLPC evaluators. The evaluators consider each job against a suite of agreed role profiles that set out the level of work required of the grade within the relevant job family.
15. The council aims to ensure that the GLPC scheme is appropriately applied and that there is continuity and consistency in the results. The evaluation process has been checked externally by job evaluation specialists in the South West Councils organisation.
16. There are eight job families each containing a set of evaluated role profiles stating the requirements at each grade.
17. For jobs evaluated using the GLPC job evaluation scheme the national pay spine determined by the National Joint Council (NJC) for Local Government Services

forms the basis of the council's pay and grading model, and changes to the national pay spine are subject to annual pay negotiations.

18. In April 2019 a new nationally agreed pay spine was implemented and staff were mapped across to a new pay spine in a new pay and grading model, implemented following collective agreement with the recognised trade unions.
19. The new pay and grading model contains 14 grades, with all grades containing three increments except for the lowest grade which has two increments.

Remuneration on recruitment

20. The same recruitment policies apply to all employees who take up a new appointment with the council, regardless of grade.
21. The council advertises all posts through the careers website and may also employ a recruitment agency to provide a shortlist of candidates for senior manager jobs.
22. Candidates are normally appointed on the minimum salary of the grade for the post.
23. If a candidate is currently being paid above the minimum salary of the post they are applying for, the appointment may in some circumstances be on the next increment point above their current salary, subject to the maximum salary of the grade.
24. The recruitment procedure for Chief Executive, Corporate Director and Director posts is undertaken by the Officer Appointments Committee. This committee represents council for all Chief Executive and Director appointments. Once an appointment is proposed by the committee, Cabinet is required to ratify the decision and salary level within the band before the appointment is confirmed.
25. In line with the requirements of the Localism Act 2011, all chief and senior officer jobs, including those paid over £100,000 per year, are evaluated using the HAY job evaluation scheme. The job is then allocated the appropriate existing HAY grade and pay band, and a salary offer will only be made within that pay band. There can be exceptions to this where the market pay for particular roles indicates that pay above the median may be required, in which case a market pay scale may be applied.
26. Where it is necessary for any newly appointed employee to relocate more than 15 miles in order to take up an appointment the council may contribute towards relocation expenses where the post meets the criteria outlined in the scheme.

Market supplements

27. The council has a market supplement policy which stipulates that if there are recruitment and retention difficulties for a particular post, and it is shown that the

council are paying below the market rate for the job, a market supplement or market pay scale may be applied.

28. Market supplements/market pay scales are only payable to a small number of jobs which are evaluated using the GLPC or HAY schemes.
29. Where skills shortages exist in specific areas, or where despite paying at the median market rate for the role the pay rate for the role is still not sufficient to recruit and retain the skills required, a rate higher than the market median may be paid. This could be an additional increment, a percentage market supplement, or a market pay scale and requires the authorisation of the Director, HR&OD in conjunction with the Chief Executive.
30. The level of market supplement applied to GLPC posts is determined by analysing market data from independent external sources.
31. The data used for assessing market pay scales for HAY graded posts is the HAY pay databank for the public and not for profit sector. The HAY databank provides the market median, upper quartile and upper decile pay range for each HAY pay grade.

Salary protection

32. As a result of service redesign, employees may be redeployed to a role which is one grade lower than their current role. In this case, the employee will be in receipt of salary protection for a period of 12 months. Incremental progression and any negotiated pay award will not be applicable during the period of salary protection. Redeployment (and salary protection) is subject to the following criteria:
 - transferable skills,
 - knowledge of work / experience
 - agreement to undertake relevant training, which may include formal qualification
 - match behaviours framework and skills profile
 - working hours
 - location
33. In exceptional circumstances, where there is a national shortage of skills and experience in a particular role, employees may be redeployed to a role more than one grade lower than their current role. This would be authorised by the Director HR&OD. In this case, the employee will be in receipt of salary protection for a period of 12 months and incremental progression and any negotiated pay award will not be applicable during the period of salary protection.

Increases and additions to remuneration

34. The council's policy is to apply the nationally negotiated NJC pay award for GLPC graded employees which takes effect from 1st April each year and which applies to the national pay spine.
35. NJC employees received a pay award of 2.75% in April 2020, applied across all pay points. The NJC pay award for April 2021 is still subject to agreement between the national employers and trade unions. Once agreement is reached, any pay increase will be backdated accordingly.
36. For GLPC graded employees, increments are awarded automatically up to the maximum of the grade unless formal proceedings are taking place such as under the Improving Work Performance Policy. Increments are paid on the 1st April each year, or six months after the start date (if the starting date is between October and April). There is no provision for the payment of an increment at any other time, unless there are recruitment or retention difficulties.
37. The council's policy for HAY graded employees is to cap any pay award in line with the NJC pay award unless market pay data identifies a significant drift and difficulties are identified with recruitment and retention of staff at this level.
38. For HAY graded employees, incremental progression through the grade is based on satisfactory performance and conduct measured over a 12 month period. Increments are paid on 1st April each year subject to satisfactory performance, and a minimum of 6 months in post at that time. There is no provision for the payment of an increment at any other time unless there are recruitment or retention difficulties.
39. The council also employs a small number of specialist employees covered by either Teachers or Soubury salary scales which are also negotiated nationally.

The use of performance-related pay

40. It is the council's policy that HAY graded employees are subject to a performance appraisal each year. If the performance and conduct are measured as satisfactory, an increment may be awarded. If the performance and conduct do not meet the required standard an increment may be withheld.
41. For GLPC graded employees, increments are awarded automatically to the maximum of the grade unless formal proceedings are taking place such as under the Improving Work Performance Policy.

The use of bonuses

42. The council does not offer a bonus or honorarium scheme to any employee.

The approach to the payment of employees on their ceasing to be employed by the authority

43. Employees who leave the council's employment are entitled to payment of their contractual notice, along with any outstanding holiday pay.

44. All employees, including chief and senior officers, are subject to the same redundancy payments policy which has been agreed by Staffing Policy Committee.
45. There is no discretion to make redundancy payments which do not comply with the policy.
46. If employees choose to volunteer and are accepted for redundancy, they are entitled to a payment calculated as follows:
- Statutory weeks x normal weekly pay x 2.5, capped at 40 weeks, with a minimum payment of £3000 (pro rata for part time staff).
47. If employees choose not to volunteer for redundancy, and cannot be redeployed, they will leave on compulsory grounds. The payment is calculated as follows:
- Statutory weeks x weekly salary (capped at £525), with a cap of 30 weeks pay or 20 years service. There is a minimum payment of £1500 (pro rata for part time staff).
48. If employees are aged 55 or over, and have been a member of the pension scheme for at least 2 years, they are able to receive their pension and lump sum early if their employment is terminated on grounds of redundancy.
49. No augmentation to pension will apply for any employee.
50. If employees are dismissed on redundancy grounds, and receive a voluntary (enhanced) redundancy payment, they may be considered for re-employment to posts within Wiltshire Council after the minimum statutory period of four weeks has elapsed subject to meeting all of the following conditions:
- The post did not exist or was not foreseeable at the time of the dismissal.
 - The vacancy has been advertised in accordance with Wiltshire Council policy and procedures.
 - The appointment was made on the basis of the best person for the job with regard to the usual selection procedures.
 - The appointment has corporate director approval.
51. These conditions apply for twelve months from the date of the dismissal, after which the employee may be considered for re-employment to any post within Wiltshire Council.
52. Under the Council's Constitution, the dismissal of chief and senior officers is delegated to the Senior Officers' Employment Sub-Committee which determines severance packages in accordance with the Council's policies. The Sub-Committee may, however, refer the matter to full Council for final determination in exceptional circumstances.

The pension scheme

53. All employees are entitled to join the Local Government Pension Scheme (LGPS).

54. The LGPS changed in 2014 and the benefits structure has moved from a Final Salary basis to a Career Average Revaluation Earnings (CARE) approach for benefits accruing after this date. Employee contribution bandings have also changed and the new regulations have introduced 9 bandings with rates varying between 5.5 – 12.5% according to the employee's salary, with the employer contributions varying on a triennial basis.

55. The benefits of the scheme for all members include:

- A tiered ill health retirement package if employees have to leave work at any age due to permanent ill health. This could give employees benefits, paid straight away, and which could be increased if they are unlikely to be capable of gainful employment within 3 years of leaving.
- Early payment of benefits if employees are made redundant or retired on business efficiency grounds at age 55 or over.
- The right to voluntarily retire from age 55 (on an actuarially reduced pension)
- Flexible retirement from age 55 if employees reduce their hours, or move to a less senior position. Provided the employer agrees, employees can draw all of their benefits – helping them ease into their retirement.

56. Further information about the pension scheme can be found on the [pensions website](#).

Any other allowances arising from employment

Payment for acting up or additional duties

57. This policy applies only to all employees who, on a temporary basis:

- act up – carrying out the full responsibilities and duties of a higher graded post either for some or all of their working hours; or
- carry out some, but not all, duties or responsibilities of a higher graded post for some or all of their working hours; or
- take on additional duties within their role.

58. The policy allows for employees to receive the salary difference between the lower and higher graded job, calculated on a percentage basis if the additional duties are taken on for only part of the working week.

Unsocial hours allowances

59. The council provides an additional allowance, expressed as a percentage of the basic rate, for regularly working late evenings / early mornings / nights / Sundays. These payments are graduated according to the degree of unsocial hours

working and range from 10% to 33% in addition to normal hourly rate.

60. Unsocial hours allowances are only payable for GLPC graded jobs, and are not available for senior managers.

Overtime allowances

61. The council has an overtime policy where all employees are entitled to receive additional payment for hours worked in excess of 37 hours. Overtime must be agreed in advance with the line manager and be based on business critical need. GLPC graded employees are able to claim overtime hours at their normal hourly rate x1.5 for hours worked on a Monday to Saturday, and x 2 for working a Sunday. HAY graded staff are only able to claim overtime in exceptional circumstances where there is an emergency situation and payment is based on the current highest spinal point of the NJC pay scale.

Standby and callout allowances

62. The council has a standby and callout policy where all employees receive an allowance should they be on standby out of normal office hours. If employees are called out whilst on standby additional hours or overtime will be paid in accordance with the overtime policy.

Sleeping in allowance

63. The council pays a sleep-in allowance to employees required to sleep in on the premises. This includes up to 30 minutes call out per night, after which the additional hours provisions will apply. The sleep-in allowance payable is currently £37.07, and increases in line with the NJC pay award.

Local election duties – Acting Returning Officer

64. The role of Acting Returning Officer is carried out by the Chief Executive. Fees are paid in line with the relevant legislation and guidance.

Governance arrangements

65. The council's policy is to apply the nationally negotiated NJC pay award to the pay scales for jobs evaluated using the GLPC job evaluation scheme.
66. There are no national pay scales for senior roles so pay is a matter for local determination. Pay scales for HAY grades are determined using the HAY pay databank for the public and not for profit sector.
67. The council also relies on national negotiation for some key provisions of employment such as the sickness and maternity schemes.
68. The council negotiates locally on some other conditions of employment, such as pay and grading, travel expenses, overtime payments and unsocial hours allowances.

69. For these local conditions of employment, the council consults and negotiates with the relevant trade unions, in order to reach agreement. These conditions and allowances are then referred to Staffing Policy Committee for agreement.

70. The role of Staffing Policy Committee is to determine, monitor and review staffing policies and practices to secure the best use and development of the council's staff. This includes the power to deal with all matters relating to staff terms and conditions.

71. The full remit of the council's Staffing Policy Committee is contained within the constitution.

The publication of and access to information relating to remuneration of chief officers

72. In accordance with the Local Government Transparency Code 2015, the council is committed to publishing the following information relating to senior employees via the council's website:

- Senior employee salaries which are £50,000 and above. This is updated on a monthly basis.
- A list of their responsibilities
- An organisational chart of the staff structure for the top three tiers of the local authority, to include each individual's job title, contact details, grade, salary in a £5,000 bracket, grade maximum and whether each individual is a permanent or temporary employee. This is updated on an annual basis or more frequently if a significant restructure takes place

The publication of and access to information relating to trade union facility time

73. In accordance with the Local Government Transparency Code 2015, the council is committed to publishing the following information relating to trade union facility time as a percentage of the Council's total wage bill via the council's website:

- Basic estimate of spending on unions (calculated as the number of full time equivalent days spent on union duties by authority staff who spent the majority of their time on union duties, multiplied by the average salary)
- Basic estimate of spending on unions as a percentage of the total pay bill (calculated as the number of full-time equivalent days spent on union duties by authority staff who spent the majority of their time on union duties, multiplied by the average salary divided by the total pay bill).

The relationship between the basic pay remuneration of chief officers and employees who are not chief officers.

74. In terms of overall remuneration, the council’s policy is to set different levels of basic pay to reflect the different sizes of jobs, but not to differentiate on other allowances, benefits and payments it makes.

75. The table below shows the relationship between the basic pay of the highest and lowest paid employees in the council, excluding employer and employee pension contributions and non-allowances. The figures include all staff in the council (non-schools) and are based on annual full time equivalent salaries.

	Annual FTE Salary November 2020	Ratio November 2020	Annual FTE Salary November 2021	Ratio November 2021
Highest Paid	£180,388		£180,388	
Lowest paid	£17,842	10.1:1	£17,842	10.1
Mean Salary	£29,936	6.0:1	£29,893	6.0
Median Salary	£27,041	6.7:1	£27,041	6.7

76. The council would not expect the basic pay remuneration of its highest paid employee to exceed 20 times that of the lowest group of employees, excluding apprentices.

77. Apprentice rates of pay vary according to the age and level of apprentice and range from £8,740 to £16,823 per annum. The apprentice rate of pay reflects the requirement for all apprentices to spend 20% of their working week undertaking learning away from the job. Because apprenticeship rates of pay are “spot” salaries and not determined through our job evaluation scheme we include the rates in this statement but not within pay ratio calculations.

78. The current ratio of highest to lowest paid employees is well within the guidelines and is 10.1:1. The ratios for the mean and median salary levels are at 6.0:1 and 6.7:1. These remain the same as last year due to the pending pay award.

Definitions

NJC – National Joint Council

JNC – Joint Negotiating Committee

GLPC – Greater London Provincial Council

SOULBURY staff - Educational improvement professionals. These staff are drawn from different sources, including senior members of the teaching profession. Their role is to advise local authorities and educational institutions on a wide range of professional, organisational, management, curriculum and related children’s services issues, with the overall aim of enhancing the quality of education and related services.

Equal Opportunities

79. This policy has been Equality Impact Assessed to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

Legislation

80. This policy has been reviewed by the legal team to ensure compliance with the legislation below and our statutory duties.

- Local Government Transparency Code 2015
- Equality Act 2010

Further information

81. There are a number of related policies and procedures that you should be aware of including:

- HAY job evaluation policy and procedure
- GLPC job evaluation policy and procedure
- Market supplements policy and procedure
- Moving home policy and procedure
- Redundancy payments policy
- Overtime policy
- Unsocial hours guidance
- Standby and callout policy
- Starting salaries and incremental progression policy and procedure
- Acting up and additional duties policy and procedure
- The Local Government Transparency Code 2015
- Trade Union Recognition Agreement

These policies are available from the HR department at Wiltshire Council on request.

Policy author	HR Strategic Delivery Team
Policy implemented	28 February 2012
Policy last updated	21 December 2021

This page is intentionally left blank

WILTSHIRE COUNCIL

Staffing Policy Committee 5TH January 2022

Employee awards and recognition

Purpose

The purpose of the report is to seek approval for the introduction of an updated employee recognition awards and provide examples of how the Council can embed ongoing recognition throughout the year.

Background

1. The current staff awards scheme was first launched in 2010 and was rebranded in 2016 as the Achieving Excellence awards. There are currently two categories, team and individual, of which there is usually one winner and a highly commended award. Award ceremonies are held quarterly, with nominations open for two to three months preceding this.
2. The shortlisted employees are invited to a simple ceremony on one of the balconies at County Hall where the winner is announced. Winners receive a card, badge, balloons and a cake which are presented to them by a director.
3. Feedback on the Achieving Excellence Awards was sought from across the organisation by the HR business partners and #TeamEPIC. Further feedback has been sought from the engagement and wellbeing workstream of the Organisational Recovery programme to ensure alignment and recognise lessons learned through the COVID pandemic.
4. Following the launch of Our Identity we now need to integrate this into the award scheme to ensure the organisation recognise and reinforces how staff are expected to work to deliver outcomes.

Main considerations

5. The proposal takes on board the feedback provided and aligns with Our Identity, specifically that we Celebrate Success and Reward Achievement and deliver a High-Performance culture. A strong employee recognition scheme will support the embedding of Our Identity throughout the organisation in how we work, and will ensure staff feel valued and engaged, improving both wellbeing and retention.
6. It is proposed that the award categories reflect and embed Our Identity, see Appendix I for the category criteria.
7. To give the awards meaning and show that we celebrate success, it is proposed to host one large end of year celebration event rather than 4 small events. This option is preferred because the grand scale of the event gives it more significance, ensuring the winners feel valued and are visibly recognised for making a difference. Alongside this it would be an incentive for others to aspire to as it amplifies positive stories and behaviours across the council.
8. Research has indicated that many other councils host an end of year staff awards event which they receive sponsorship for. It is proposed that we ask businesses to sponsor an

award category for a set amount e.g., £500-£1,000, this approach is aligned with other councils and previous large scale council awards such as the 2011 corporate awards.

9. It is proposed that following the ceremony all category winners will receive:
 - an additional day's leave (a one off to be taken within 12 months)
 - a £50 voucher for a local Wiltshire business
 - recognition on a digital wall of fame
 - the opportunity to attend a small, informal virtual meeting with the Chief Executive and/or a member of CLT
 - be given access to learning and development opportunities such as their PPA, coaching and mentoring and the opportunity to be involved in organisational wide projects
10. As the purpose of the awards ceremony is for recognition and engagement, it is proposed to recognise both long service awards and successful apprentices at the ceremony.
11. In addition, the Councils extended workforce (volunteers, foster and shared lives carers) support the organisation to deliver its strategic priorities. It is proposed that we recognise these groups, specifically those who have gone above and beyond or for a long service award. It is proposed that those nominated would receive a video thank you message from the relevant Director and a digital certificate. The relevant service areas would be responsible for organising any additional celebration events for these groups
12. Ongoing recognition will embed a culture of celebrating success which increases staff motivation, engagement, and retention, helping to achieve a high performing culture. It also helps to learn from successes and create best practices for delivering the business plan.
13. A suite of tools will be created that can be used for recognition to foster a culture which continuously celebrates success. This suite would utilise both existing and new tools, such as: Director/HOS toolkit to run their own staff recognition events, expanding long service awards and EPIC impressions.

Reason for changes to the policy

14. This proposal, if agreed, aims to align recognising good performance with the elements of Our Identity to help embed it across the organisation in how we work and deliver outcomes. Introducing a values-based recognition scheme will support the organisation to achieve a high performing culture by rewarding achievement, recognising effort, and celebrating success.
15. Alongside this, the proposal identifies how to recognise our extended workforce - volunteers, foster and shared lives carers - in order to engage, motivate and retain them. Celebrating the work, they do to support the council and residents will help them to feel valued, which both increases retention and the likelihood of them recommending these roles to others.

Environmental impact of the proposal

16. The staff awards and ongoing recognition will utilise digital technology to support a green workplace.

Equalities impact of the proposal

17. The staff recognition awards will be taken through EIA in January and any feedback will be incorporated.

Risk Assessment

18. It is important to integrate Our Identity into the new awards. Without this alignment, there is a missed opportunity to create and reinforce the high-performance needed to deliver organisational outcomes and risk not embedding the ways of working required, as well as impacting staff engagement and well-being and the capacity and capability to deliver the organisations recovery plans.

Financial Implications of the proposal

19. We recognise the financial challenges, however, in order to support and embed Our Identity and how we want to work as an organisation, some expenditure will be required to ensure the awards are meaningful. The finances required to enable us to hold an annual celebration event for all winners would be sourced via sponsorship, however if this is not forthcoming, the event would be adapted to a lower-cost option

Recommendations

It is recommended that Staffing Policy Committee approve the changes to the employee recognition awards.

Joanne Pitt
Director HR&OD

Report Author: Tamsin Kielb, Head of Strategic HR/OD; Rebecca Spence, Strategic Delivery Officer

Appendix I: Draft nomination criteria

Innovator of the year	An individual who has identified an opportunity to improve the way we work, resulting in improvements to our services and customer experience, harnessing the opportunities created through digital technology.
Collaborator of the year	An individual who has worked effectively alongside other services and partners to achieve positive results. Building excellent working relationships, sharing information, and working together to find solutions.
One council award	For two teams that have come together to drive improvements to deliver our priorities. Working as one to improve efficiencies and effectiveness in how we work.
Making a difference award	An individual who has been focused on improving services to deliver the best outcomes, which has made a significant difference to a resident or service we provide.
Agile award	For someone who has been working flexibly to support the organisation, responding, and adapting quickly to challenges, change and opportunities to ensure we continue to deliver great services.
Outstanding performance award	An outstanding individual that demonstrates Our Identity in everything they do. A consistent high performer, who is outcome focused and demonstrates evidence-based decision making
Unsung hero	An individual who consistently supports others to do their jobs well, contributing to their team and the people they support. They live our values of excellence, responsibility and trust and respect and help to create an inclusive and supportive work environment.
Newcomer award	Recognises an individual who's shone in a new role (apprentice, new starter or recent promotion) and is already demonstrating significant value in their new role.
Outstanding leadership	A manager, head of service or director who embodies Our Identity. Developing staff talents and inspiring the team to explore new ways of working to maximise service delivery and improve partnership working. Provides support and encouragement to the team, valuing their differences and the benefits they bring.
Inclusion champion	An individual who has implemented strategies/initiatives to create a more inclusive workplace and/or accessible services

We couldn't do it without you award	This award is to celebrate and recognise the hard work of a volunteer, foster or shared lives carer. Please nominate someone who has gone above and beyond to enable us to support our communities or to recognise their long service.
--	--

Quarterly Workforce Report

July – September 2021



Observations and Exceptions

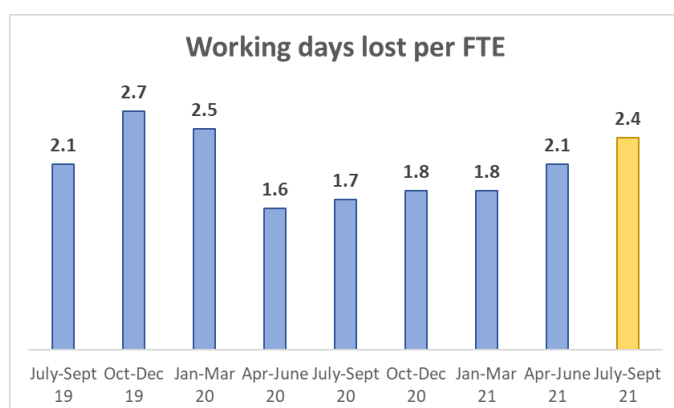
During this quarter the UK government lifted all government restrictions on social contact. The council, however, continues to operate with restrictions inside of council-owned buildings to safeguard staff and Wiltshire residents, with workplace access restrictions and social distancing measures remaining in place.

The pandemic has reinforced the need for a more agile and adaptable workforce, and work through our Organisational Recovery programme continues to address this. The Agile workstream have introduced the Agile Workforce Pool which allows staff to undertake temporary placements in critical service areas. This provides staff with the opportunity to build their career, develop skills and expand their knowledge of the council and allows the council to meet short term demand. Currently there are 71 employees signed up to the Agile Workforce Pool.

SICKNESS ABSENCE

COVID-related sickness absence experienced a significant increase this quarter, contributing 75 absences totalling 544 working days. This represents a 175% increase in working days lost (and the largest increase of all absence reasons) compared to the previous quarter (April - June), which saw 18 COVID-related sickness absences totalling 198 working days. However, despite this increase, COVID-related sickness absence still represents only around 7% of the total days lost in the July – September quarter, making COVID-19 the fifth most common reason for absence (previously 11th most common in April - June). This increase is aligned with rising cases experienced nationally during the same period, largely due to the increased transmissibility of the Delta variant and justifies the council’s decision to maintain restrictions in all office buildings to safeguard staff and Wiltshire residents. While the council experienced a significant increase in cases during the quarter, this never affected more than 1.2% of the workforce at any one time in the quarter. This is a rate below national figures, with the ONS reporting a high of around 1.6% of the UK population during the quarter. COVID absence figures continue to be reported on a weekly basis and reviewed by the corporate leadership team.

Previously we have reported that sickness absence levels have been significantly lower than usual due to the pandemic; however this quarter the council have reported a sickness absence rate of 2.4 days lost per FTE (an increase from 2.1 last quarter). This has continued an increasing trend over the last 5 quarters. This is particularly significant as during these warmer quarters (quarters 1 and 2) the council would normally experience a lower



sickness absence rate in comparison to the colder months (quarters 3 and 4) due to the seasonal influence of cold/flu and other infections. However, we can see from the graph above the current trend goes against this normal trend. The sickness absence graph in the long-term trends section below (page 7) indicates that the sickness absence rate this quarter is also higher than a normal rate we would experience in this quarter. We can see from this graph that the current rate is above a typical rate we would normally record in a July – September quarter based on the average sickness absence rate in a July – September quarter over the last 4 years (and including pre-COVID ‘normal’ levels).

As mentioned previously, COVID-related absence represented the most significant contribution to the increase in sickness absence (days lost) this quarter due to the increased transmissibility of the Delta variant, the relaxation of all social restrictions and increasing cases seen nationally. In addition ‘muscular/skeletal’ and ‘cold/flu and other infections’ have also experienced significant increases (52% and 72% respectively from April – June 2021). With the majority of our staff working from home, both absence reasons had experienced a significant reduction during the COVID-19 pandemic; however, with current rates similar to pre-COVID, this increase is likely a return to a more ‘normal’ level with social restrictions eased. Stress-related absence has continued to increase this quarter, however the increase was less significant (+7%) to last quarter. The increase in stress-related absence was largely due to a significant increase in non-work related stress, with other stress-related reasons (depression/anxiety, neurological and work-related stress absences) all experiencing reductions compared to the previous quarter (April – June 2021). The increase in non-work related stress appears predominantly in social care (both adults and childrens) and Joint Commissioning. Work is currently underway to deliver an action plan to reduce sickness absence in general across social care, with a particular focus on reducing stress related absence in these areas.

SEASONAL DEMAND AND INFLUENCE

During this quarter we tend to see seasonal demand impact some services. In particular, with leisure centres fully open, demand on our centres usually peaks in the summer months during the school holidays; and this has affected several measures within this report. Casual employee costs increased by around £100k compared to quarter 1 with the majority of this increase (68%) from Leisure and likely to help meet this increase in demand. In addition, we can see from the graphs below an increase in leavers under the age of 25, 45% of which were in Leisure. With children returning to schools towards the end of this quarter and therefore demand on the service reducing, the need for that volume of staff is no longer required resulting in seasonal workers leaving.

Seasonal demand and seasonal influence has also led to an overall increase in voluntary turnover. We can see from the long term trends below (page 7) a consistent increasing trend in the July – September quarter. This has been influenced by an increase in staff leaving Leisure as demand on the service has reduced as mentioned above, however in addition previous data suggests that there is a cyclical nature of schools staff leaving (and starting) at the beginning of September aligned to the academic year. Alongside an increase in leavers in Leisure this quarter (14% of the overall increase), the council has experienced an increase in voluntary leavers from Inclusion and SEND (29% of the overall increase), Passenger Transport (16% of the overall increase) and Schools Effectiveness (12% of the overall increase) which would appear to follow this trend as the roles are largely schools based or schools related.

EMPLOYEE WELLBEING AND ENGAGEMENT

During this quarter, the council also published the results of a third Wellbeing and Engagement Survey since the start of the pandemic. The results of this survey showed improvements in how satisfied staff were with their physical workspace when working from home, supported by the continued roll out of

ICT equipment to create a more appropriate and comfortable workstation at home. This response has experienced a continued improvement across the three Wellbeing and Engagement Surveys conducted so far. The results have also shown an improvement in positive response towards empowerment, work-life balance, morale, and productivity in comparison to the previous survey in October 2020. The council have however experienced reductions in response rate, employee engagement index score and net promoter score (NPS¹), a consistent reducing trend across the three surveys. It should be noted that despite experiencing a reducing trend, the scores are still very positive with an engagement index score of 84 (where 100 would mean everyone at the council is fully engaged) and an NPS of 18, where a score above 0 is considered good and means more staff are promoting the council as a good place to work than detracting.

In addition, the results highlighted a continuation of challenges and concerns identified in previous surveys, particularly in relation to social isolation, communication, workload, and future uncertainty. Directorate and service-specific results have been provided for managers and action planning is underway by services to understand and improve any areas of concern and reinforce areas that are positive.

¹ NPS score shows the net difference between whether staff would recommend (promoters) or deter others (detractors) from working for Wiltshire Council. The scale for this runs from -100 (all detractors) to +100 (all promoters), therefore any score greater than 0 means there are more promoters than detractors.

WORKFORCE DEMOGRAPHICS



Current quarter	4463
Apr-June 21	4461
Jan-Mar 21	4470
Oct-Dec 20	4482



Current quarter	3495.2
Apr-June 21	3468.5
Jan-Mar 21	3467.5
Oct-Dec 20	3453.8

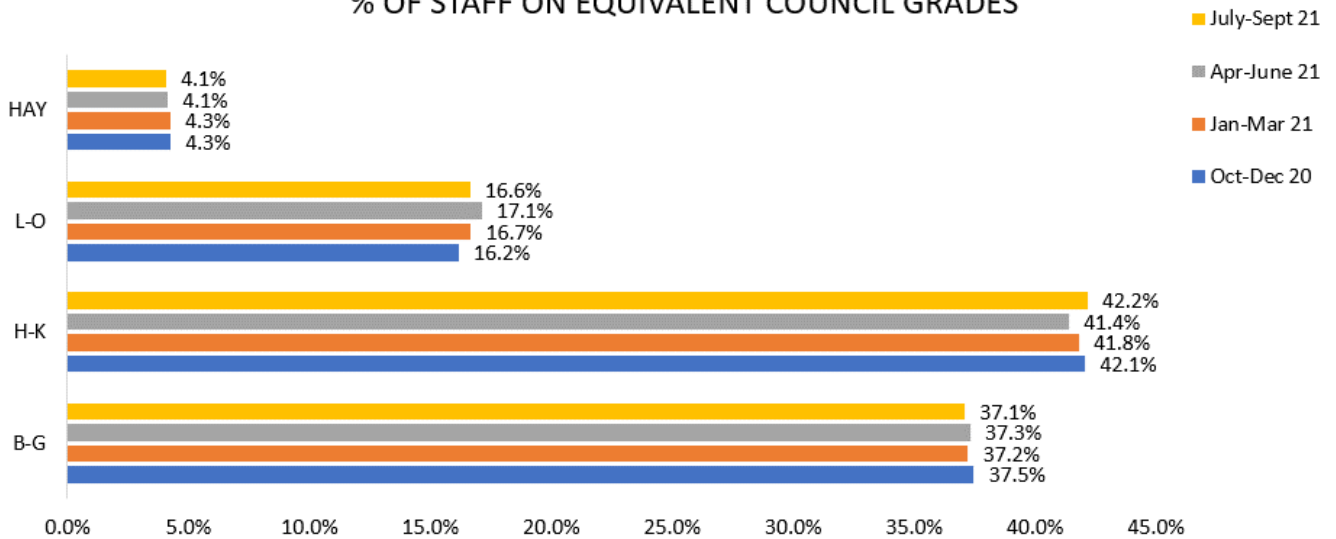


Current quarter	7.9%
Apr-June 21	8.2%
Jan-Mar 21	8.4%
Oct-Dec 20	8.0%

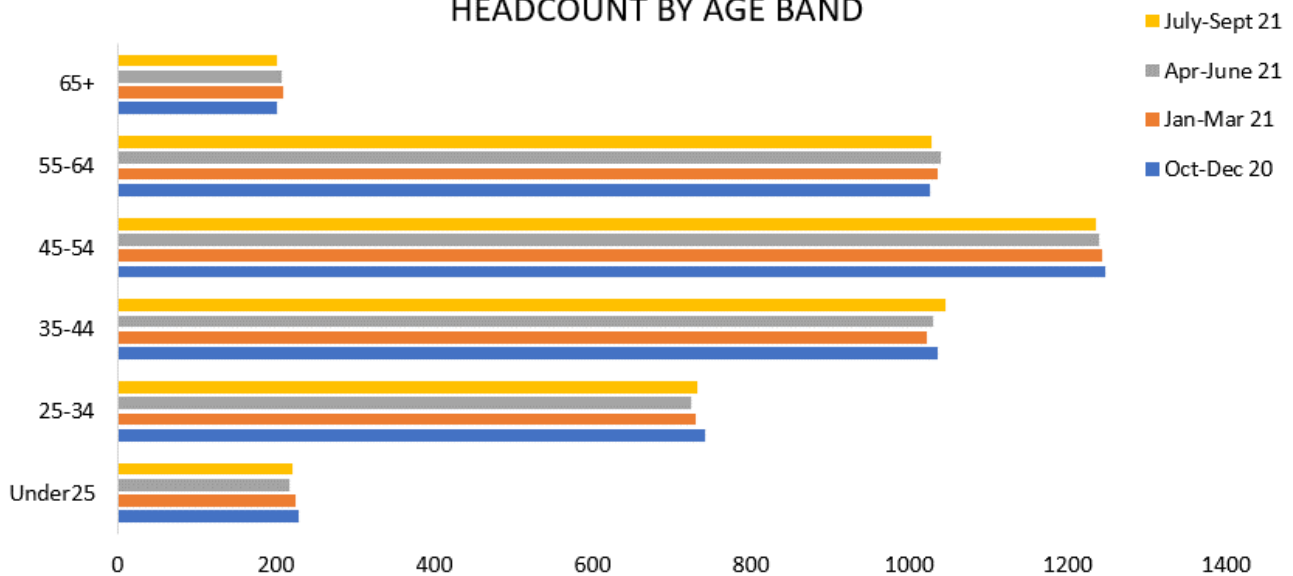


Current quarter	3.3%
Apr-June 21	3.1%
Jan-Mar 21	3.2%
Oct-Dec 20	3.1%

% OF STAFF ON EQUIVALENT COUNCIL GRADES



HEADCOUNT BY AGE BAND



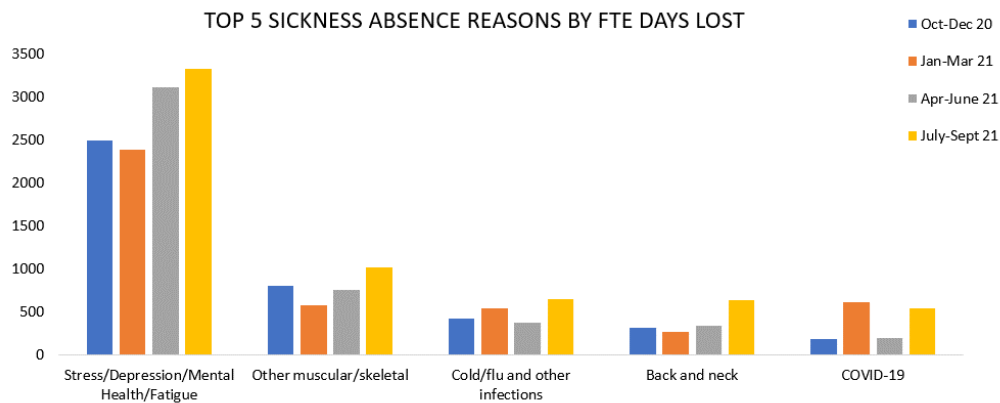
SICKNESS ABSENCE

Working days lost per FTE for directorate

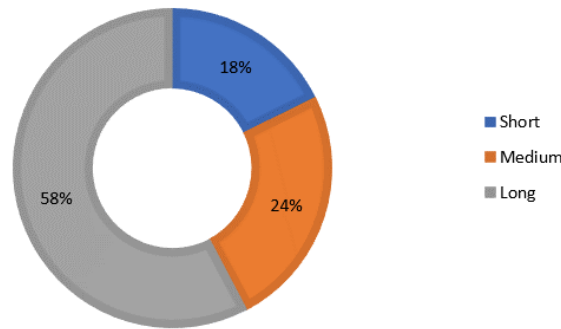
July-Sept 21

2.4

↑ an increase from last quarter (2.1)



SICKNESS ABSENCE BREAKDOWN JULY - SEPT 2021



Long term absence: 20 working days or more in the quarter
 Medium term absence: more than 5 days (less than 20)
 Short term absence: 5 days or less

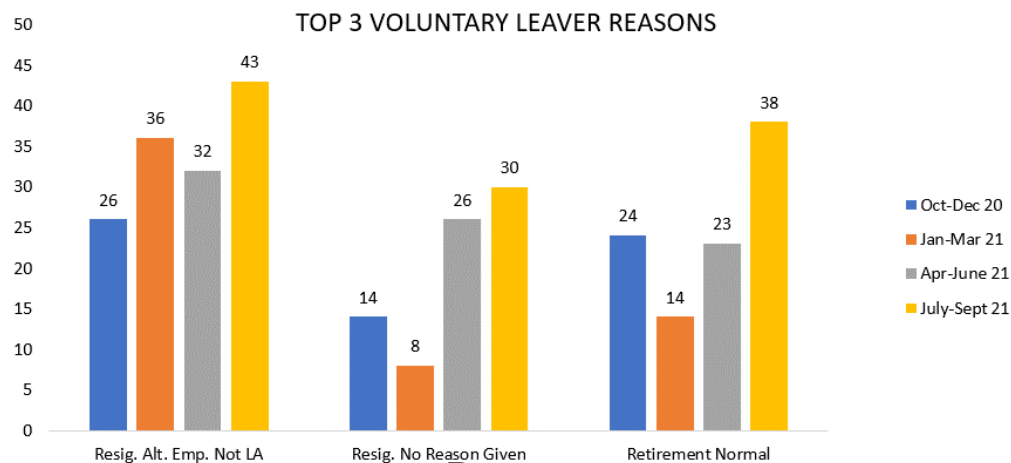
TURNOVER

Leavers under 25 years old

Current quarter	29
Apr-June 21	15
Jan-Mar 21	7
Oct-Dec 20	8

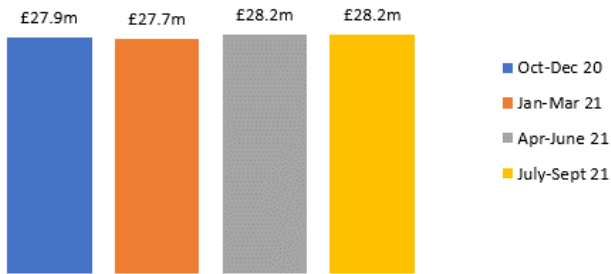
Leavers with less than 1 years' service

Current quarter	20
Apr-June 21	15
Jan-Mar 21	13
Oct-Dec 20	13

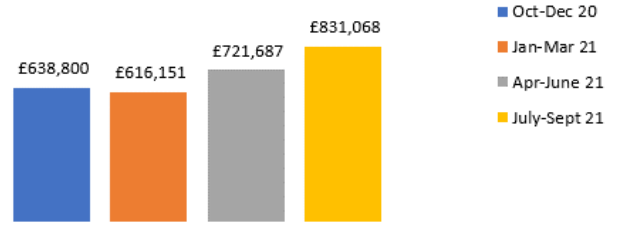


EMPLOYEE COSTS

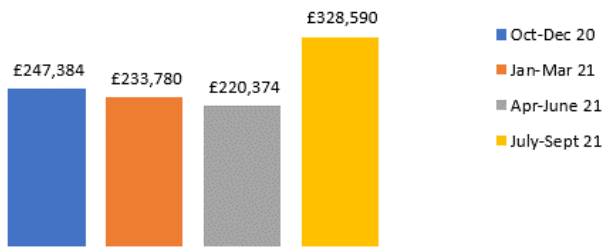
PERMANENT EMPLOYEE SALARY COSTS



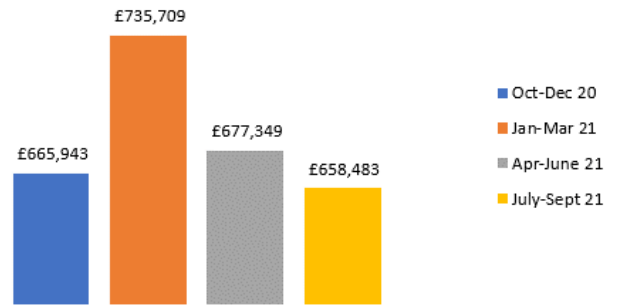
SICKNESS ABSENCE COSTS



CASUAL EMPLOYEE SALARY COSTS



AGENCY COSTS



ADVISORY CASES

Disciplinary

	New cases this quarter	Variance from previous quarter
Current Quarter	18	6
Apr-June 21	12	-6
Jan-Mar 21	18	7
Oct-Dec 20	11	1

Absence & Health

	New cases this quarter	Variance from previous quarter
Current Quarter	150	10
Apr-June 21	140	11
Jan-Mar 21	129	-24
Oct-Dec 20	153	21

Grievance

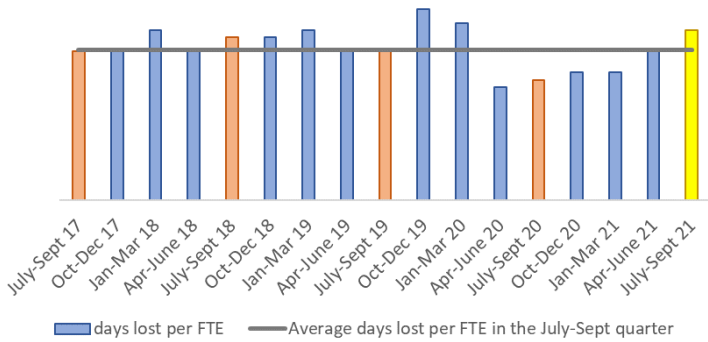
	New cases this quarter	Variance from previous quarter
Current Quarter	5	2
Apr-June 21	3	-5
Jan-Mar 21	8	4
Oct-Dec 20	4	-4

Improving Work Performance

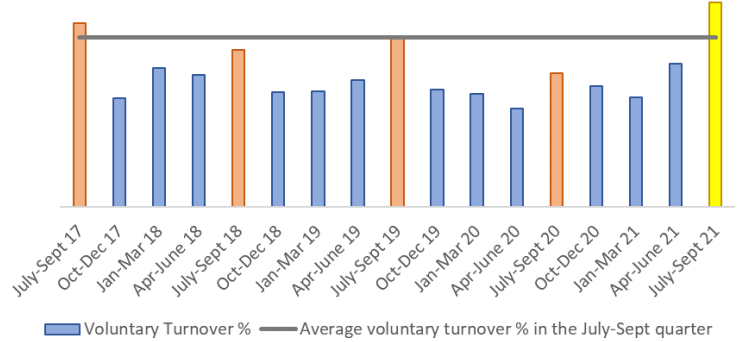
	New cases this quarter	Variance from previous quarter
Current Quarter	6	1
Apr-June 21	5	0
Jan-Mar 21	5	4
Oct-Dec 20	1	-3

LONG TERM TRENDS

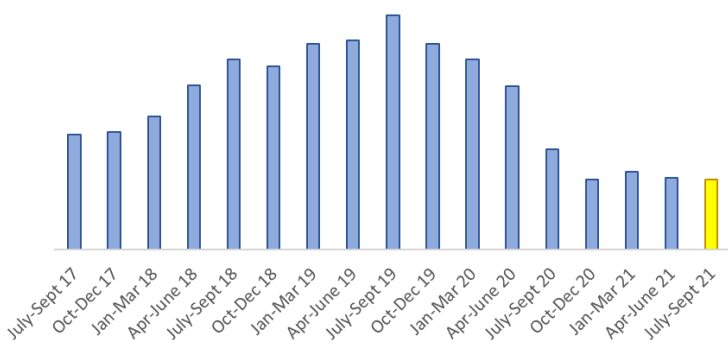
Days lost per FTE over the last 4 years



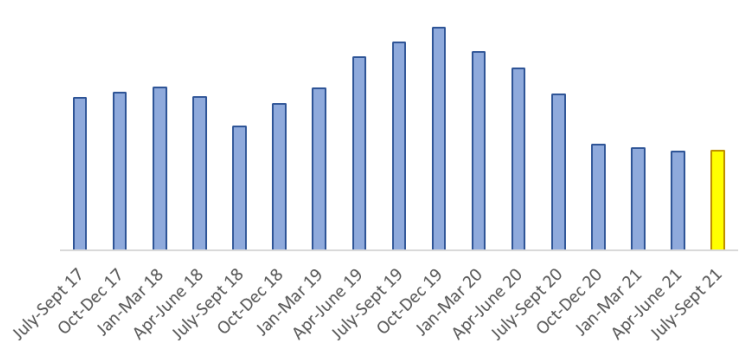
Voluntary Turnover % over the last 4 years



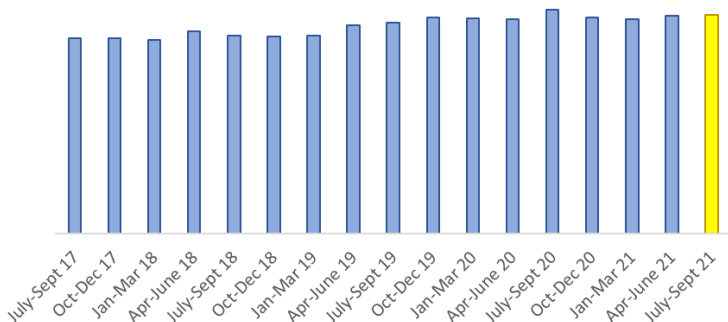
Agency spend over the last 4 years



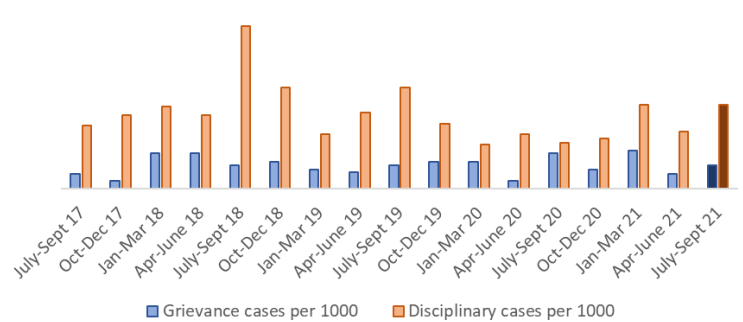
Headcount change over the last 4 years



Permanent staffing cost change over the last 4 years



Disciplinary and Grievance cases per 1000 employees over last 4 years



This page is intentionally left blank