

Staffing Policy Committee

MINUTES OF THE STAFFING POLICY COMMITTEE MEETING HELD ON 7 MARCH 2024 AT KENNET ROOM, COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Stuart Wheeler (Chairman), Cllr Helen Belcher OBE, Cllr Allison Bucknell, Cllr Carole King, Cllr Ashley O'Neill, and Cllr Ricky Rogers

10 **Apologies for Absence**

Apologies for absence were received from:

- Councillor Richard Clewer
- Councillor Tamara Reay
- Councillor Jacqui Lay

11 **Minutes of Previous Meeting**

The minutes of the previous meeting held on 4 January 2024 were considered.

Following which, it was:

Resolved:

The Committee approved and signed the minutes of the meeting held on 4 January 2024 as a true and correct record.

12 **Declarations of Interest**

There were no declarations of interest.

13 **Chairman's Announcements**

The Chairman informed the Committee that the order of the agenda would be amended to accommodate conflicting work commitments for the officer presenting Agenda Item 6. Therefore, Agenda Items 6 and 7 would be alternated.

14 **Public Participation**

There were no statements or questions submitted.

15 **Driver Health Screening**

Paul Collyer, Head of Occupational Health & Safety, presented the report which proposed changes to DVLA medical examinations and assessments of fitness to drive.

It was explained that officers were proposing to introduce a mandatory health screening every two years for all employees who were contractually designated as required drivers for the Council and whose role included driving vehicles that carried passengers and/or work equipment/materials other than in a pool car or privately owned motor car. Therefore, it was clarified that the affected cohort were drivers of Council owned vehicles such as gritters, mobile libraries, minibuses, and vans, and totalled approximately 140 employees.

Officers further explained that regular health screening procedures were already in place for other groups of employees and given recent increase in the number of employees within Passenger Transport, the scale of usage, and the severity of possible outcomes for the affected employees while undertaking their roles, officers felt that the proposed screenings were a reasonably practicable measure.

During the discussion, points included:

- As per Paragraphs 6 and 7 of the policy, it was clarified that the proposed two-yearly screenings would be in addition to those required in line with DVLA guidelines for holders of valid HGV/LGV/PCV licences.
- It was confirmed that the proposed changes would not affect those employees driving private vehicles or pool cars, only those who drove Council assets as the vehicles were by nature bigger, heavier, and/or carrying passengers/work equipment.
- Officers clarified that if the changes were to be implemented, the screenings for the 140 affected employees would be staggered over the next 12 months, with the procedure being included as part of the onboarding process for new starters.
- It was confirmed that the proposed screenings could be fulfilled through existing resources and therefore the only cost that officers were predicting would be that of the employees' time in attending and travelling to the appointment. However, it was clarified that the appointment would be accounted for as part of an employee's contracted hours and the appointment's location could be negotiated on an individual basis in order to minimise service disruption across the county.
- Officers noted that the Passenger Transport Service had been consulted in respect of the proposals as they held the majority of those affected employees, and it was confirmed that they had no objections and were happy to support the measures and accommodate accordingly.
- It was confirmed that if an employee was found to not be fit to drive through the screenings, then the standard HR policies would apply and redeployment among other employment options would be considered.

- Members queried the legal implications to the Council if despite these checks, an employee were to have a medical episode resulting in an accident while driving a Council vehicle. Officers noted the proposals were a reasonably practicable mitigation measure to reduce the risk of such an event. However, officers agreed to draft and circulate to Members a written response to the concerns raised.
- Officers highlighted that if an employee were to be diagnosed with a condition that could affect their fitness to drive, they would be legally required to inform the DVLA, but were not legally required to inform the Occupational Health Team.
- It was explained that consultations on the proposals had followed the conventional route through the Corporate Leadership Team, Joint Consultative Committee (JCC), and Trade Unions, all of which supported the changes.
- It was additionally confirmed that if the policy was implemented, then it would result in a formal change to existing employees' terms and conditions.
- In the event that an employee chose not to engage with the screening process, it was confirmed that the normal HR policies would apply to ensure that officers were confident of employees' fitness to drive based on the information available to them.
- Members highlighted the importance of balancing the rights of Council employees when considering that there were existing national regulations and legislation in place to report relevant health conditions, and that the proposed changes could result in an employee being deemed fit to drive by the DVLA, but not fit to drive a Council owned vehicle. Members additionally felt that further detail was required within the policy with regard to the procedures to be followed if an employee didn't pass or refused to undertake a screening, and what the contractual implications would be for existing employees.

Following which, it was:

Resolved:

The Committee resolved to defer the item to the next meeting to properly consider the points, and necessary policy amendments, raised during debate; to include legal implications and contract of employment implications for existing employees.

16 **Gender Pay Gap Report**

Laura Fisher, HR & OD Strategy Manager, presented the annual report on gender pay gap data, which was required to be published by 30 March 2024, with the figures based on data from 31 March 2023.

Officers highlighted the key findings of the report with particular reference made to the mean and median gaps in comparison to the data recorded for 2022.

Members queried the definitions of mean and median averages, and why the Council's gender pay gap was lower than that of the national public sector gender pay gap, as per Paragraph 14 of the report. Officers explained that the averages would differ based on the makeup of the workforce at the time a review took place.

After which, it was:

Resolved:

The Committee noted the contents of the gender pay gap infographic report and action plan, and the obligations placed on the Council with regards to the publication of gender pay gap data.

17 **Equalities Monitoring Report**

Laura Fisher, HR & OD Strategy Manager, presented the updated annual inclusion and diversity employment monitoring report to the Committee.

It was reiterated that the Council were required to produce the report annually as part of the Public Sector Equality Duty (PSED) in line with the Equality Act 2010. As such, the figures in the report were based on workforce data as of 1 October 2023 and were collected from equality monitoring exercises through the Council's management information system (SAP), recruitment system (Talentlink), the results from the annual equality monitoring questionnaire, and the employee experience survey.

Particular reference was made to Paragraph 15 of the covering report, with officers emphasising that they were looking to continue improving under-25s representation within the workforce. Officers then highlighted the figures detailed in Paragraphs 17 and 21, noting the increases in employees' disclosing their ethnicities and employees' from BME backgrounds, and further explained that the decrease in staff turnover was reflective of the job market stabilising after recent years.

During the discussion, points included:

- Members queried if the higher percentage of those employees' who did not identify with their sex as registered at birth in comparison to that of the Wiltshire population as a whole as per the census data was artificially inflated as a result of 23% of the workforce choosing to not answer the question. In response, officers acknowledged that the lower response rate would have an impact on the results but noted that the reasons for why people chose to not answer the question was unknown and as such, any inferences would be conjecture.

- It was emphasised that the equality monitoring questionnaire was anonymous, and officers were working hard to promote an inclusive atmosphere and to ensure that employees' felt comfortable in answering any personal questions for data monitoring purposes.
- Members emphasised the values of Wiltshire Council and queried how these were promoted within the recruitment process. Officers explained that inclusion and diversity was discussed as part of the interview process, and then upon appointment, the Council's values were explored in more detail within a new starter's induction.
- In response to a question, officers confirmed that they were in the process of identifying trends in respect of disciplinary and grievance cases, and that further information would be submitted to the next Committee meeting.

Following which, it was:

Resolved:

The Committee noted the contents of the report, and that the information would be fed into the action plan linked to the new Inclusion Strategy.

18 **Statutory Legislation Effective April 2024**

Laura Fisher, HR & OD Strategy Manager, provided a verbal update to the Committee on a number of employment law changes coming into effect from 6 April 2024. Consequently, officers were reviewing all relevant policies to ensure compliance with these statutory legislations. The following was highlighted:

Employment Relations (Flexible Working Act) 2023

- It was explained that employees now had the right to request flexible working from their start date, and therefore employees were no longer required to have 26 weeks of service to be entitled to make the request.
- Employees could now make two flexible working requests every 12 months instead of one.
- Employers now needed to respond and make a decision on each request within two months instead of three.
- The existing requirement for the employee to explain what effect, if any, the change might have on the employer and how that effect might be managed, was now removed.
- The impacted policies were noted as being the Flexible Working suite of policies.

The Protection from Redundancy (Pregnancy and Family Leave) Act 2023

- Redundancy protection now covered pregnancy and for a period after the employee's return to work instead of the previous protection which applied to just the period of maternity/paternity leave.
- The protection now applied from the date the employee notified the employer of pregnancy and up to 18 months following the birth or adoption placement of the child.
- The impacted policies were noted as being Service Redesign and Redundancy policies.

Paternity Leave (Amendment) Regulations 2024

- Fathers/partners were now permitted to divide statutory paternity leave into one week blocks rather than taking it all at once.
- Fathers/partners were now permitted to take leave at any time during the first year, rather than only the first eight weeks after birth or adoption placement of the child.

Officers confirmed that as the changes to existing policies would be minor, they were not proposing to bring each effected policy for Members' consideration to the next meeting of the Committee.

After which, it was:

Resolved:

The Committee noted the update.

19 **Urgent Items**

There were no urgent items.

(Duration of meeting: 1.00 - 1.50 pm)

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