

## AGENDA

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**Meeting:** STAFFING POLICY COMMITTEE  
**Place:** Committee Room III - County Hall, Trowbridge  
**Date:** Wednesday 21 September 2011  
**Time:** 10.30 am

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Please direct any enquiries on this Agenda to Roger Bishton, of Democratic and Members' Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713035 or email [roger.bishton@wiltshire.gov.uk](mailto:roger.bishton@wiltshire.gov.uk)

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

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### Membership:

Cllr Allison Bucknell  
Cllr Rod Eaton  
Cllr Mike Hewitt  
Cllr Jon Hubbard  
Cllr Francis Morland

Cllr John Noeken  
Cllr Mark Packard  
Cllr Jane Scott OBE  
Cllr John Smale

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### Substitutes:

Cllr Rosemary Brown  
Cllr Chris Caswill  
Cllr Ernie Clark  
Cllr Mary Douglas  
Cllr Malcolm Hewson

Cllr George Jeans  
Cllr Bill Moss  
Cllr Christopher Newbury  
Cllr Jonathon Seed

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## **PART I**

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

1. **Apologies for absence**

2. **Minutes of Previous Meeting** *(Pages 1 - 8)*

To confirm the minutes of the meeting held on 20 July 2011. (Copy attached)

3. **Declarations of Interest**

To receive any declarations of personal or prejudicial 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 the agenda (acting on behalf of the Director of Resources) no later than 5pm on **Wednesday 14 September 2011**. 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. **Appointment of Sub-Committees**

To note that, following the appointment of Members to serve on the Committee's three sub-committees at the last meeting, the Liberal Democrat nominees will be as follows:-

Senior Officers Employment Sub-Committee – Cllr Jon Hubbard (Member), Cllr Mark Packard (Substitute Member).

Appeals Sub-Committee – Cllr Mark Packard (Member), Cllr Jon Hubbard (Substitute Member)

7. **Ill Health Retirement Procedure** *(Pages 9 - 22)*

A report by the Service Director HR & OD is attached.

8. **Religion and Belief in the Workplace Policy and Procedure** *(Pages 23 - 42)*

A report by the Service Director HR & OD is attached.

9. **Time Off for Elections Policy and Procedure** *(Pages 43 - 48)*

A report by the Service Director HR & OD is attached.

10. **Annual Leave & Bank Holiday Entitlement Policy and Procedure** *(Pages 49 - 64)*

A report by the Service Director HR & OD is attached.

11. **Apprenticeship Programme Policy** *(Pages 65 - 82)*

A report by the Service Director HR & OD is attached.

12. **Leaver Procedure** *(Pages 83 - 92)*

A report by the Service Director HR & OD is attached.

13. **Quarterly Workforce Measures - Delivering the Business Plan** *(Pages 93 - 98)*

A report by the Service Director HR & OD is attached.

14. **Leisure Services Staff Use of Leisure Facilities** (Pages 99 - 102)

A joint report by the Service Director HR & OD & the Head of Leisure is attached.

15. **Date of Next Meeting**

To note that the next meeting is scheduled to be held on Wednesday 23 November 2011, starting at 10.30am.

16. **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.

17. **Exclusion of the Public**

To consider passing the following resolution:-

To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Item No. 17 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 1 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

**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**

18. **Local Government Pension Scheme (LGPS) - Employer Discretions Payment of Deferred Payments** (Pages 103 - 104)

A confidential report by the Service Director HR & OD is attached.

## **STAFFING POLICY COMMITTEE**

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### **DRAFT MINUTES OF THE STAFFING POLICY COMMITTEE MEETING HELD ON 20 JULY 2011 AT ORKNEY ROOM, EAST WING, COUNTY HALL, TROWBRIDGE.**

#### **Present:**

Cllr Allison Bucknell (Chairman), Cllr Mary Douglas (Substitute), Cllr Rod Eaton, Cllr Mike Hewitt (Vice Chairman), Cllr Francis Morland, Cllr John Noeken and Cllr John Smale

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#### **50. Apologies for absence**

Apologies for absence were received from Cllr Jon Hubbard and Cllr Jane Scott (who was substituted by Cllr Mary Douglas).

#### **51. Minutes of Previous Meeting**

##### **Resolved:**

**To confirm and sign the minutes of the Committee meeting held on 18 May 2011.**

#### **52. Declarations of Interest**

There were no declarations of interest.

#### **53. Chairman's Announcements**

There were no Chairman's announcements.

#### **54. Public Participation**

There were no members of the public present or councillors' questions.

#### **55. Appointment of Sub-Committees**

On considering a report by the Solicitor to the Council and Monitoring Officer,

**Resolved:**

- (1) To confirm that this Committee wishes to appoint its three sub-committees by applying the rules on political proportionality, rather than agreeing that appointments be made from its membership on a non-political basis as and when a Sub-Committee meeting is required, as adopted by the Licensing and Appeals Committees.
- (2) To appoint members to serve on the sub-committees of this Committee for the ensuing year as set out below:-
  - (a) **Senior Officers Employment Sub-Committee**  
Cllr Mike Hewitt, Cllr Jane Scott & a Liberal Democrat nominee.  
(Substitute Members: Cllr Rod Eaton, Cllr Bill Moss, Cllr John Smale & a Liberal Democrat nominee.)
  - (b) **Appeals Sub-Committee**  
Cllr Rod Eaton, Cllr John Noeken & a Liberal Democrat nominee.  
(Substitute Members: Cllr Allison Bucknell, Cllr Mike Hewitt, Cllr John Smale & a Liberal Democrat nominee.)
  - (c) **Grievance Appeals Sub-Committee**  
Cllr Allison Bucknell, Cllr Mike Hewitt & an Independent nominee.  
(Substitute Members: Cllr Rod Eaton, Cllr Bill Moss, Cllr Jonathon Seed & an Independent nominee.)

56. **Flexible Working - Annualised Hours Policy**

Consideration was given to a report by the Service Director HR & OD which sought approval to the new Annualised Hours Policy which would be part of a group of flexible working policies which would apply to all Wiltshire Council employees, except for teaching and non-teaching staff employed in locally managed schools, and replace the current Ways of Working Policy and toolkit.

After discussion,

**Resolved:**

**To approve the updated Annualised Hours Policy.**

57. **Flexible Working - Time Off in Lieu Policy**

On considering a report by the Service Director HR & OD, which sought approval to the new Time Off In Lieu Policy which would be part of a group of flexible working policies which would apply to all Wiltshire Council employees, except for teaching and non-teaching staff employed in locally managed schools, and replace the current Ways of Working Policy and toolkit.

**Resolved:**

**To approve the updated Time Off In Lieu Policy.**

58. **Criminal Record Disclosures Policy & Procedure**

The Committee considered a report by the Service Director HR & OD which requested approval to the new Criminal Record Disclosures Policy and Procedure.

It was noted that the Government had recently brought the Criminal Records Bureau, previously a separate entity, under the remit of the Home Office in anticipation of further changes to be made to the Criminal Records Bureau during 2012. The new Policy being considered had been updated to reflect these changes by the Government. Furthermore, the Policy had also been updated to reflect changes made by the Government to its Vetting and Barring Scheme.

During discussion the following points were raised:-

- Para 18 of the Policy stated as follows:-

*You should be aware that it may take several weeks to obtain a CRB check and that you may not normally work in the role for which the CRB check is being obtained, until it is received and the offer of employment is confirmed.*

A clarification of *normally* was required.

- In Para 19 (Information required from the applicant) of the Policy stated that *You will be required to produce originals of three documents from two specific lists, including an original copy of your birth certificate.* Members asked for confirmation that an original copy of a birth certificate was required, bearing in mind that many members of the public did not possess a copy.
- Clarification was requested concerning the arrangements for CRB checking of Members of the Authority, there appearing to be some uncertainty of the requirements.

**Resolved:**

- (1) To approve the revised Criminal Record Disclosures Policy and Procedure, subject to clarification of Para 18 of the Policy, as set out above.
- (2) To request the Cabinet Member for Resources (Cllr John Noeken) to investigate the procedure for the CRB checking of Members of the Authority.

59. **Recruitment of Ex-offenders Policy & Procedure**

On considering a report by the Service Director HR & OD,

**Resolved:**

To approve the new Recruitment of Ex-Offenders Policy and Procedure.

60. **Storage of Disclosure Information Policy & Procedure**

On considering a report by the Service Director HR & OD,

**Resolved:**

To approve the new Storage of Disclosure Information Policy and Procedure.

61. **Recruitment Policy & Procedure**

Consideration was given to a report by the Service Director HR & OD which presented a new Recruitment Policy and Procedure which had been rewritten in line with the Equality Act 2010 and to make it more accessible to managers and employees.

After discussion,

**Resolved:**

- (1) To approve the new Recruitment Policy and Procedure, subject to Para 16 being amended to read as follows:-

***The role will be advertised internally via the e-recruitment system and on the Careers Bulletin. The role will be advertised externally if it is a customer facing role and so as to give as wide a range of candidates as possible the opportunity to apply.***



- (2) To request a report on the current discharge policy and procedures for leavers for the next meeting.

62. **Probationary Periods Policy & Procedure**

The Committee considered a report by the Service Director HR & OD which sought approval of a new Probationary Periods Policy and Procedure.

After discussion,

**Resolved:**

To approve the new Probationary Periods Policy and Procedure, subject to the following amendments:-

- (1) Para 4 – last sentence to read *The objectives will relate to the job description and person specification and the Council's Business Plan.*
- (2) Para 29 to read *Once your post has been confirmed, the appraisal procedure will be followed.*

63. **Payment for Acting Up or Additional Duties Policy & Procedure**

On considering a report by the Service Director HR & OD,

**Resolved:**

To approve the new Payment for Acting Up or Additional Duties Policy, which combines the current Acting Up and Honoraria Policies, as previously agreed by this Committee.

64. **Ex-gratia and Honoraria Payments**

On considering a report by the Service Director HR & OD,

**Resolved:**

- (1) To confirm the current practice whereby no honoraria or ex-gratia payments are made to individuals to recognise high performance.
- (2) To look for other ways, outside of additional salary payments, to recognise employees who managers believe have performed above what is expected of them in their role.

65. **Quarterly Performance Reports for March 2011**

The Committee received quarterly workforce reports excluding schools for the quarter ended 31 March 2011 concerning:-

Headcount and Full Time Equivalent  
Age Profile  
Employee Diversity  
Sickness Absence  
Health and Safety  
Voluntary Staff Turnover  
Disciplinary and Grievance Cases

Members of the Committee questioned the reasoning for setting the benchmark at the upper or lower quartiles in some instances.

**Resolved:**

- (1) To note the contents of the report.**
- (2) To request an improvement in tracking the disciplinary and grievance cases, especially from the Departments of Neighbourhood & Planning and Children & Education.**

66. **Revision to Terms and Conditions of Employment**

Consideration was given to a report by the Service Director HR & OD which recommended revisions to terms and conditions of employment in order to save an estimated £8.81 million over four years in support of the Council's Business Plan.

It was noted that the Council was faced with absorbing a cut of 28.4% to its grant funding in addition to managing more than 300 new pieces of legislation.

In order to help meet these challenges and to achieve these savings, various options to changes in terms and conditions of employment were explored and some had been rejected. However, during negotiations with trade unions a final list proposals was drawn up, as set out in the report, and UNISON, GMB and UNITE thereupon balloted their members locally. The result of the three separate ballots was announced the previous day and Members were informed that the majority of the members who voted from all three Trade Unions supported the package of proposals.

After discussion,

**Resolved:**

- (1) To agree the proposed changes to the terms and conditions of employment.
- (2) To record the Committee's thanks and appreciation to the staff and union negotiation teams for the way they had worked together and which had resulted in ballot decisions which would contribute to the benefit and stability of the Council, its staff and the people of Wiltshire.

67. **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 12.35 pm)

The Officer who has produced these minutes is Roger Bishton, of Democratic & Members' Services, direct line 01225 713035, e-mail [roger.bishton@wiltshire.gov.uk](mailto:roger.bishton@wiltshire.gov.uk)

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## WILTSHIRE COUNCIL

### STAFFING POLICY COMMITTEE 21<sup>st</sup> SEPTEMBER 2011

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#### Ill Health Retirement Procedure

##### Purpose of Report

1. This report presents the revised ill health retirement procedure for early release of pension benefits.

##### Background

2. The current procedure for managing ill health retirement involves a variety of stakeholders such as HR advisors, line managers, occupational health, pensions and HR payroll administration. This procedure aims to bring together all responsibilities for ill health retirement into one clear procedure.
3. Human Resources aims to create policies which are consistent in format, easy to read and understand and are fit for purpose. This procedure is in the new format which supports these aims.

##### Main Considerations for the Council

4. The procedure has been created and formatted in line with the new HR policy template.
5. The main points of the ill health retirement procedure include:
  - Details of the criteria that employees must meet in order to be eligible for ill health retirement. An independent medical physician must certify that the employee meets the criteria.
  - The tiers of ill health retirement that may be awarded (tiers 1, 2 or 3) dependent upon the employee's prospect of obtaining gainful employment.
  - A process for medical review at 18 months of pension payments for employees dismissed on the grounds of ill health under tier 3.
  - Links with the pensions team to provide a calculation of the pension benefits available to the employee.

- An appeals process identifying the stages at which an employee can appeal the medical decision, the decision to dismiss or the calculation and administration of the pension benefit.
6. The procedure also includes clarification regarding HR, occupational health, pensions, line manager and employee roles and responsibilities.

### **Consultation**

7. The policy was approved by JCC on 25<sup>th</sup> August 2011 following consultation with HR, union representatives and other key stakeholders.

### **Environmental Impact of the Proposal**

8. None

### **Equalities Impact of the Proposal**

9. No negative impacts have been identified.

### **Risk Assessment**

10. None

### **Financial Implications**

11. The costs associated with the ill health retirement procedure such as occupational health appointments, assessments, medical reports and the cost of the tier 3 medical review (at 18 months) will be funded by the service area. Any costs beyond the medical review such as further medical reviews or assessments for employees wishing to access their deferred pension benefits will be funded by occupational health.

### **Options considered**

12. None

### **Recommendation**

13. To recommend that Staffing Policy Committee approve the amended procedure.

**Barry Pirie**  
**Service Director**  
**HR & OD**

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Report Author: Laura Butcher, Human Resources Policy & Reward team

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

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## Wiltshire Council Human Resources

### Ill Health Retirement 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 details the procedure for early release of Local Government Pension Scheme (LGPS) benefits due to permanent ill health.

#### Go straight to the section:

- [Eligibility criteria for ill health retirement](#)
- [Tiers of ill health retirement](#)
- [Ill health retirement process](#)
- [Access to pension benefits](#)
- [Tier 3 medical review process](#)
- [Appeals](#)
- [Funding ill health retirement assessments](#)
- [Roles and responsibilities](#)
- [Frequently asked questions](#)

#### Who does it apply to?

This policy applies to all Wiltshire Council employees who are members of the LGPS (with the exception of teaching staff employed in locally managed schools).

This is a harmonised policy and applies to both Wiltshire Council and ex-district TUPE employees.

#### When does it apply?

This policy only applies if your manager has considered all of the options under the [sickness absence management policy and procedure](#) or you have a serious illness and have been referred by your manager. You must meet the strict eligibility criteria for ill health retirement and you must be a member of the LGPS.

#### When does it not apply?

This policy does not apply where you are not a member of the LGPS and cannot apply for early release of pension.

### **What are the main points?**

#### Eligibility criteria for ill health retirement

1. Early release of LGPS benefits due to permanent ill health is subject to strict criteria.
2. You must belong to the LGPS and have the required length of membership of at least 3 months pensionable service.
3. Your manager must be able to confirm that all options outlined in the [sickness absence management policy and procedure](#) have been fully considered before referring you to occupational health to commence the ill health retirement referral process to assess your eligibility.
4. An independent medical practitioner will certify whether you:
  - are permanently incapable of discharging efficiently the duties of your current employment because of ill health or infirmity of mind or bodyAND
  - have a reduced likelihood of being capable of obtaining other gainful employment whether in local government or elsewhere
5. If you do not meet the criteria for ill health retirement your case will be treated in line with the [sickness absence management policy and procedure](#).

#### Tiers of ill health retirement

6. You must have met the criteria stated above before an assessment can be made in relation to the tier awarded for early release of your pension benefit.

##### Tier 1

7. If there is no reasonable prospect of you being capable of gainful employment before age 65 (the normal retirement age for LGPS purposes) you will be assessed under Tier 1.
8. Pensionable service will be enhanced so that the benefits will be the same as if you had continued in employment until age 65.

## Tier 2

9. If there is no reasonable prospect of you being capable of gainful employment within 3 years of leaving employment but you are likely to be capable before age 65 (the normal retirement age for LGPS purposes) you will be assessed under Tier 2.
10. Pensionable service will be enhanced by 25% of the additional benefits of what you would have been entitled to from the date of leaving employment until your 65<sup>th</sup> birthday.

## Tier 3

11. If there is a reasonable prospect of you being capable of gainful employment within 3 years you will be assessed under Tier 3.
12. Pensionable service will not be enhanced and you will receive a short term pension based on your accrued LGPS service at the date of leaving employment.
13. The benefits awarded under Tier 3 will be subject to medical review at 18 months to determine your employment status and medical condition. You will be required to inform Wiltshire Council as soon as possible if you find employment.

## Ill health retirement process

14. Your manager will refer you to occupational health either by following the [sickness absence management policy](#) or by completing the ill health retirement referral form.
15. An independent medical practitioner will form an opinion with regards to whether you may be eligible for ill health retirement subject to the eligibility criteria.
16. If the medical physician has already been involved in your case, an external independent medical practitioner will carry out the assessment.
17. The independent medical practitioner will complete an ill health retirement certificate for you and forward this to HR. HR will then notify your manager of the recommendation.
18. On receipt of the ill health retirement certificate from occupational health, your manager (following consultation with HR) will meet with you to discuss the ill health retirement advice received and possible next steps.

19. You have the right of appeal against the ill health medical advice and/or the tier awarded.
20. If ill health retirement has been agreed, your manager will meet with you to confirm the ill health retirement and the effective date of dismissal. You will have the [right to be accompanied](#) at this meeting.
21. The meeting outcome will be confirmed in writing using the template letter.
22. You have the right of appeal against the dismissal.
23. Your manager should complete a [leaver form](#) for your ill health retirement stating the effective date of dismissal and forward to HR payroll administration.

#### Access to pension benefits

24. HR will forward the ill health retirement certificate to the pensions team to calculate the benefits to which you are entitled.
25. On receipt of the certificate, the pensions team will quote you an indication of the benefits available based upon your estimated leaving date. Until this notification is received an estimate of the benefit cannot be made.
26. On receipt of the retirement form from HR payroll administration and confirmation of your final dismissal date, the pensions team will calculate your pension benefit entitlement.
27. You have the right of appeal against the administration or calculation of the Local Government Pension Scheme (LGPS) in accordance with the [Internal Dispute Resolution Procedure \(IDRP\)](#).
28. Further information can be obtained from the [Wiltshire Pension Fund](#) website.

#### Tier 3 medical review process

29. If you are dismissed on the grounds of ill health under Tier 3, a review date will be set for 18 months to consider your medical condition, employment status and capability of employment.

30. The pensions team will be responsible for monitoring Tier 3 review date reminders and will notify HR when your 18 months medical review is due.
31. An HR advisor responsible for your case will write to you to request details of your employment status.
32. Following this, HR will complete an ill health retirement referral form and forward to occupational health to action and arrange for an assessment.
33. If you obtain employment at any point during the period you must notify Wiltshire Council as soon as possible.
34. An independent medical practitioner will advise HR whether you meet the ill health retirement criteria and whether:
  - you have obtained gainful employment
  - you are still able to obtain gainful employment within 3 years of your leaving date
  - you are unable to obtain gainful employment within 3 years of your leaving date of employment but are likely to before age 65
35. HR will confirm the decision whether you are still entitled to ill health retirement benefits in writing using the template letter and notify pensions of the outcome. You will have the right of appeal against this decision.
36. There are several outcomes of the medical review process. If it is deemed that:
  - you have obtained gainful employment then payments will cease. You will be informed in writing by the pensions team if payments will be stopped and the effective date.
  - gainful employment had been found some time before the medical review at 18 months and that you have failed to notify Wiltshire Council of this, the overpayment of pension benefits will be recovered.
  - you are still able to gain employment within 3 years of your leaving date, Tier 3 payments will continue for the remainder of the short term pension period of 3 years.
  - you are unable to obtain gainful employment within 3 years of your date of leaving employment, Tier 2 may be awarded and payments will commence from the effective date of this decision.

- it is appropriate at the 18 month review in light of the medical assessment, your case may be scheduled for an additional review at a later date within the short term pension period of 3 years.
37. If you do not respond to requests to undertake the 18 month review, it may be appropriate to cease pension payments until your employment status and medical condition can be determined.

### Appeals

38. You should submit your appeal in writing using the ill health retirement appeals form within 10 working days of being informed of the decision. You should state the grounds for your appeal.
39. Appeals will be considered on the following grounds:
- Against the occupational health advice of ill health retirement
  - Against the tier of ill health retirement awarded
  - Against the dismissal on the grounds of ill health
  - Against the Tier 3 medical review outcome
40. Your manager will consider any reasonable adjustments (on a case by case basis) if you require assistance in your appeal.
41. You also have the right to appeal against the administration and calculation of the Local Government Pension Scheme (LGPS) benefits awarded in accordance with the [Internal Dispute Resolution Procedure \(IDRP\)](#).

### Funding ill health retirement assessments

42. Any costs associated with the ill health retirement process such as occupational health appointments, assessments and medical reports will be funded by your service area and department.
43. Your manager will be responsible for accounting for these costs.
44. If you have been dismissed on the grounds of ill health under tier 3 which is subject to a medical review at 18 months your manager will be responsible for budgeting for any costs associated with this review. If any costs beyond this review such as further reviews or assessments are required, these will be funded by occupational health.

## **Roles and responsibilities**

### Employee responsibilities

45. To co-operate with the procedures within this policy and to engage with the process at all times including:
  - maintaining regular contact with your manager whilst absent and advising them of any changes to your condition and attending meetings as and when required
  - attending for occupational health assessments as required to do so
  - informing the employer as soon as alternative employment has been obtained

### Line manager responsibilities

46. To follow the [sickness absence management policy and procedure](#) in the first instance, having fully considered all other options.
47. To follow this procedure and apply it in a fair and consistent way, seeking advice from HR when required.
48. To understand and manage the procedure and ensure that it is clearly communicated (in a suitable format) to the employee.
49. To involve HR and occupational health when required to ensure consistency and to act upon advice.

### HR responsibilities

50. To provide advice and guidance on the ill health retirement procedure and to support the line manager where appropriate.
51. To manage the documents associated with the ill health retirement process ensuring that accurate records are maintained.

### Occupational health responsibilities

52. Occupational health has a responsibility for providing a professional assessment of the physical and psychological health or state of employees and their ability to carry out the tasks required of the job.
53. To complete and maintain occupational health documents in relation to ill health retirement accordingly, ensuring accurate records and providing suitable reports.
54. To provide professional independent advice in relation to an individual's medical condition and their eligibility for ill health retirement.

## Pension responsibilities

55. To act upon receipt of the ill health retirement certificate to provide an indication of the benefits available to the employee in a timely manner.
56. To provide a final notification of the benefits available to the employee upon receipt of the retirement form and confirmation of the dismissal date.
57. To flag up any ill health retirement medical review dates for employees dismissed under Tier 3 so that HR can arrange for an assessment to be carried out.

## Frequently asked questions

58. Who is responsible for carrying out an ill health assessment?

An independent medical practitioner will certify as to whether or not you meet the ill health retirement criteria.

59. What if I gain employment whilst under Tier 3?

You must inform HR in writing that you have obtained gainful employment as soon as possible. HR will complete an ill health retirement referral form and forward to occupational health to arrange for an assessment.

60. What if I reduce my hours just before my employment is terminated on ill health grounds?

If the reduction in hours is a result of your condition no account is taken of the reduction in hours. The independent medical practitioner will need to certify that your reduction in hours is a result of the condition that causes you incapable of carrying out the duties of the post and reduces your likelihood of obtaining gainful employment.

61. It has been determined that I am eligible for ill health retirement. What benefits are available to me?

The benefits to which you are eligible will depend upon the tier that you have been awarded.

62. What if I have a terminal illness? How would my pension benefits be calculated?

If your condition is terminal and you meet the criteria for Tier 1, the pensions team will provide you with two estimates. One will be based



upon death in service and another based upon taking ill health retirement. For further information please contact your manager or HR advisor.

63. I have a medical condition that is covered by the Equality Act 2010. What support is available to me?

You should discuss this with your manager who will consider reasonable adjustments. Reasonable adjustments may include (but are not limited to) providing information in alternative formats and support in submitting an appeal.

64. I have to travel to an appointment with an external independent medical practitioner. What support is available to me?

You will be expected to attend the appointment with the external independent medical practitioner. Your travel costs for attending the appointment may be reimbursed at the discretion of your manager. Only in exceptional circumstances will a home visit be provided based upon an assessment by occupational health of your health condition and ability to attend the appointment.

## **Definitions**

Gainful employment – ability to undertake paid employment for not less than 30 hours in each week for a period of not less than 12 months.

Independent medical practitioner – a qualified physician that has an additional qualification in occupational health to at least diploma level or equivalent, that has been approved by the pension authority and has not previously advised, given an opinion on or otherwise been involved in the case outside of the commencement of ill health retirement proceedings. The same physician is able to give advice within the ill health retirement proceedings such as undertake the 18 month review of individuals on Tier 3 agreements.

## **Equal Opportunities**

This policy has been Equality Impact Assessed ([link to EIA for policy](#)) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

## **Legislation**

Local Government Pension Scheme (Amendment) Regulations 2008

### **Advice and guidance**

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.

See [guidance for managers – giving advice on policies](#).

### **Further information**

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

[Sickness absence management policy and procedure](#)

[Equality and diversity policy and procedure](#)

[Dignity at work policy and procedure](#)

There is also a toolkit including template letters to use when following this policy and procedure and guidance for HR on former employees wishing to access their deferred pension benefits.

For further information please speak to your supervisor, manager, service director or contact your [HR advisor](#).

Policy author	HR Policy and Reward Team – LB
Policy implemented	DD-MM-YYYY
Policy last updated	25-08-2011

## WILTSHIRE COUNCIL

### STAFFING POLICY COMMITTEE

21 September 2011

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#### **RELIGION AND BELIEF IN THE WORKPLACE POLICY AND PROCEDURE**

##### **Purpose of Report**

1. This report presents the new religion and belief in the workplace policy and procedure, which amalgamates existing religious beliefs and practices information and is in line with the Equality Act 2010, with the aim of having it approved by this committee.

##### **Background**

2. The current religious beliefs and practices information on HR direct was last revised in 2008. On the 1 October 2010 the Equality Act came in to force which represented a major piece of legislation in this area. The policy and procedure is in line with the Act.
3. In terms of the ex-district councils, religion and belief was not covered as a separate policy but would have fallen under the appropriate equality policy and procedure which have now been superseded by the new Wiltshire Council equality and diversity policy and procedure. It is therefore proposed that the new religion and belief policy and procedure should apply to all employees as a harmonised policy.
4. As a harmonised policy and procedure it applies to all Wiltshire Council employees and prospective employees (job applicants) except for teaching and non-teaching staff employed in locally managed schools.
5. The policy and procedure sets out Wiltshire Council's approach to religion and belief in the workplace in line with the Equality Act 2010 and is closely linked to the new equality and diversity policy and procedure which aims to ensure fair and lawful practices and procedures at all times throughout employment and recruitment.
6. The aim of this review was also to:
  - maintain consistency of approach by adopting the standard policy format;
  - to bring together a range of employment issues and requests relating to religion and belief into one document
  - make the procedure clearer and easier to follow
  - ensure the content is up to date and fit for purpose.

##### **Main Considerations for the Council**

7. In amending the policy and procedure key stakeholders were consulted including the operational human resources teams, legal, the stakeholder panel, the staff disability forum, BME staff forum, the west wilts multi-faith forum and the unions.
8. The main changes to the religion and belief in the workplace policy and procedure are:

- the policy and procedure has been updated in line with the Equality Act 2010.
- there is information about religion and belief in the workplace through the key stages of the employment lifecycle i.e. recruitment, induction, training and development etc.
- roles and responsibilities have been clarified.

### **Environmental Impact of the Proposal**

9. None.

### **Equalities Impact of the Proposal**

10. An Equalities Impact Assessment was undertaken on 12 July 2011 and no negative impacts were identified.

### **Risk Assessment**

11. None

### **Options Considered**

12. None.

### **Recommendation**

13. To recommend approval of the religion and belief in the workplace policy and procedure.

**Barry Pirie**  
**Service Director**  
**HR & OD**

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

**Draft**

## **Wiltshire Council Human Resources**

### **Religion and Belief in the Workplace 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 and procedure outlines Wiltshire Council's approach to equality and diversity in respect of religious beliefs and practices in the workplace to ensure fair and lawful practice and procedure at all time throughout recruitment and employment.

This policy and procedure is directly linked to and forms part of the council's equality and diversity policy and procedure.

#### **Go straight to the section:**

- [Who does it apply to?](#)
- [When does the policy apply/when does it not apply?](#)
- [What are the main points?](#)
- [What is the definition of religion or belief](#)
- [Monitoring](#)
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- [Religion and belief and HR policies and procedures](#)
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- [Raising a concern/making a complaint](#)
- [The Equality Act 2010](#)
- [Roles and responsibilities](#)
- [FAQs](#)

### **Who does it apply to?**

This policy applies to all employees and prospective employees (job applicants and prospective job applicants) of Wiltshire Council with the exception of teaching and non-teaching staff employed in locally managed schools.

The council is also committed to equality in relation to all workers, contractors, sub-contractors, consultants, agency workers, staff seconded from other organisations and volunteers and these groups are expected to adhere to the principles set out in this policy and procedure whilst undertaking work or tasks for Wiltshire Council.

The Equality Act 2010 also extends protection against unlawful discrimination to ex-employees. Managers should be mindful of this in relation to matters concerning ex-employees including the provision of (or failure to provide) an employment reference.

### **When does it apply?**

This policy and procedure applies at all times prior to employment, during the recruitment process, and throughout employment.

### **When does it not apply?**

There are no exemptions under this policy and procedure.

### **What are the main points?**

1. The council has set out a clear policy statement in the [equality and diversity policy and procedure](#) which includes; a commitment to treat all employees with dignity and respect, to value diversity and provide equality of access to opportunities in the workplace and this includes the grounds of religion and belief. You should not receive less favourable treatment or be unfairly disadvantaged by policies, procedures, conditions or requirements unless this can be shown to be justified (justification can include positive action e.g. action under the Double Tick Symbol under the [disability support in the workplace policy and procedure](#))

2. In line with the above policy statement, the council is committed to supporting all employees and prospective employees, regardless of their religion or belief throughout employment including; recruitment, promotion, transfers, training, terms and conditions and dismissals.
3. On coming into force on the 1 October 2010 the [Equality Act 2010](#) consolidated and harmonised much of the previous discrimination legislation (which has now been repealed).
4. The 'protected characteristics' which qualify for protection from discrimination under the act include:
  - Age
  - Disability
  - Gender reassignment
  - Marriage and civil partnership
  - Pregnancy and maternity
  - Race
  - Religion and belief
  - Sex
  - Sexual orientation
5. The Equality Act has increased the range of types of discrimination relating to religion or belief to include all forms of discrimination as set out in the [equality and diversity policy and procedure](#).

**What is the definition of religion or belief?**

6. Religion or belief is defined as:
  - Any religious belief, provided the religion has a clear structure or belief system. Denominations or sects within a religion can be considered a protected religion or religious belief.
  - A philosophical belief
7. To be protected under the Equality Act, your philosophical belief must:
  - be genuinely held
  - be a belief and not an opinion or viewpoint, based on the present state of information available
  - be a belief as to a weighty and substantial aspect of human life and behaviour
  - attain a certain level of cogency, seriousness, cohesion and importance

- be worthy of respect in a democratic society, compatible with human dignity and not conflict with the fundamental rights of others.
8. Humanism and atheism are examples of philosophical beliefs.
  9. It is just as unlawful to discriminate against a person for not holding a particular (or any) religious or philosophical belief as it is to discriminate against someone for holding a religious or philosophical belief.
  10. Discrimination can occur even where both the discriminator and the person being discriminated against hold the same religious or philosophical belief.
  11. Not everyone holding a particular religion or belief follows the same practices and observances and may interpret their religion or belief differently. You should check individual needs rather than make assumptions about their religion or belief.
  12. Further advice on the application of the definition of religion and belief and consistency is available from the HR Equality and Diversity Partner and the Equality and Inclusion team.

### Monitoring

13. The council currently collect and monitor workforce equality and diversity information related to the protected characteristics of sex, age, disability and ethnicity. This information is published annually on the [council's website](#).
14. Monitoring plays an important part in enabling the authority to understand the make-up of the workforce and the council will use this information to inform and review policies and procedures to ensure that they are relevant and/or take positive action when required.
15. The Equality Act 2010 requires employers to collect data on religion and belief as one of the protected characteristics both in relation to service users and employees. The council recognises that this may be regarded as sensitive data by some employees and work is currently being carried out to ensure that the organisation is culturally ready to include monitoring of this protected characteristic. Corporate guidance to all departments on collecting and monitoring data is currently being prepared.
16. All monitoring information is collected on a voluntary basis only and reflects 'headline' figures so that individuals cannot be identified.



### **Declaring your religion or belief**

17. As the Council does not currently carry out monitoring in relation to religion or belief there is no formal declaration process in relation to this protected characteristic.
18. You can declare your religion or belief to your manager at any time. This will be particularly relevant if you are requesting any of the support outlined in this document. Your manager is required to treat your personal information confidentially in line with data protection requirements.

### **Religion and belief and HR policies and procedures**

19. Issues relating to your religion and belief may arise during recruitment or at any time during your employment and you should raise any requests or concerns with the recruitment manager or your line manager if you are an existing employee in the first instance.
20. Your manager should give careful consideration to requests or concerns which you raise in relation to your religion or belief and whether steps can be taken to ensure that you are not placed at a disadvantage, directly or indirectly. This includes giving consideration as to whether any existing policies, procedures or rules may be placing you at disadvantage (indirectly discriminating against you). This will need to be balanced against issues such as service delivery and whether other employees are placed at a disadvantage as a result of your request or concern and that any proposed steps do not set a precedent or establish a practice that could affect the organisation.
21. Your manager will need to consider whether existing policies, procedures or rules are justified and proportionate in the circumstances and whether there is an alternative solution which reduces any disadvantage which may exist. Your manager should seek further advice where necessary from their HR Advisor or the HR Equality and Diversity Partner.

### **Recruitment and Selection**

22. The recruiting manager must ensure that they carefully follow the council's recruitment policy and procedure together with the guide to recruitment – Equality Act 2010 update. These provide the recruiting manager with a fair and equitable process for recruiting to vacancies in the council which all managers are required to follow.
23. If you have been offered an interview and the date and time conflicts with a [religious or secular date](#), prayer time or event (as specified by your religion or belief) which affects your ability to attend the interview,

you should let the manager responsible for recruitment of the post know. The manager should consider any request for flexibility in these circumstances in relation to religion or belief and agree to these where it is reasonable and operationally possible to do so.

24. Occupational requirements – it may be lawful, in very rare circumstances under the Equality Act 2010 to specify that a job applicant needs to have particular religion or belief for a particular job role (e.g. they might specify that applicants must be Muslim). Where a post meets the criteria for an occupational requirement this will be stated in the advert. Recruiting managers must seek further advice from their HR Advisor before seeking to apply an occupational requirement.
25. Positive action may be used in relation to recruitment and promotion on a case by case basis to address under-represented groups in the workforce; including in relation to religion and belief. Positive action can also encourage declaration, demonstrates good practice and raises the awareness of colleagues. Recruiting managers must seek further advice from their HR Advisor before seeking to apply positive action.

#### Induction

26. As for all employees a fully accessible induction programme should be provided. This should also include ensuring that any support and equipment which has been identified is in place where appropriate. E-learning modules are available as part of the corporate online induction package which includes an equality and diversity module. These packages can also be made available to existing employees. For further details please contact the [corporate learning and development team](#).

#### Terms and conditions of employment

27. In line with the equality and diversity policy and procedure all terms and conditions of employment should be applied fairly and equitably to you. These are set out in your statement of particulars and further details on individual terms and conditions and how these are applied can be found on HR Direct.

#### Training and development

28. Access to training and development will be related to the needs of the job and section/department, the available resources and by an assessment of the employee's needs. Your manager will identify your training needs including any support needs in consultation with you and you are also able to make requests for training either through

supervision, appraisal or informally or, where appropriate, through the formal time to train policy.

29. If you are concerned that you are facing barriers to training as a result of your religion or belief you should raise your concerns directly with your line manager. Barriers may include the date and time of the training, content or dietary requirements or another factor relating to your religion or belief. Your line manager (in conjunction with the training provider where appropriate) should consider whether it is possible and reasonable to make an adjustment to resolve the issue and take the appropriate action to implement this.
30. Trainers are responsible for checking whether course delegates require any adjustments in the terms of the delivery of the course including content of course, presentation/training methods, venue and facilities and support needs. Timing of courses should also be considered at the planning stage to minimise potential exclusion.
31. Trainers and managers should also be aware and give consideration to the potential concerns for some employees of the use of religious venues and use neutral venues where possible.
32. Positive action may be considered in relation to training on a case by case basis to address disadvantage or under-representation or to meet the particular needs of those who share a protected characteristic.

#### Becoming involved in key HR policies and procedures

33. Written policies and procedures exist to ensure that there is a fair and equitable process for managing all key HR issues such as grievance, disciplinary, work performance, absences and circumstances which involve an employee leaving the council.
34. Your manager should ensure that you are not discriminated on the grounds of religion and belief in terms of the operation of any HR policy and procedure and any final decision.
35. If you are involved in being managed under one of the key HR policies and procedures, and feel that you are facing possible barriers to fairness and equity in the process, in relation to your religion or belief, you should raise this with your line manager. Your manager or the manager involved in the process will give careful consideration to any possible support or adjustments as appropriate e.g. in relation to timing of meetings etc.
36. If you feel that you have experienced discrimination in terms of the operation or outcome of an HR policy and procedure and wish to raise

a complaint about this you should follow the section on complaints below.

### **Religion or belief and the equality and diversity policy and procedure**

37. Your religion or belief may involve you holding specific views about the protected characteristics of other employees or service users. You should be aware that you are required to adhere to the council's equality and diversity policy and procedure at all times in relation to the protected characteristics of others and are required not to manifest your religion or belief in a way that discriminates against other employees or service users or otherwise causes offence or disruption.
38. If you are required to perform specific tasks as part of your job which conflict with your religion or belief you should raise these with your line manager, who will consider whether it is possible and reasonable to respond to your concerns, for example, whether it is possible and reasonable to excuse you from a particular task. However, your manager will need to ensure that any requests do not conflict with the equality and diversity policy and procedure (i.e. the concern should not relate to the protected characteristics of others or discriminate against them in anyway).
39. Your manager will also need to ensure that any changes do not have a disadvantage on other employees, service users or the service itself and do not set a precedent or establish a practice that could affect the organisation.
40. For further advice contact your [HR advisor](#)

#### Policies which provide flexibility

41. There are also a number of policies and procedures aimed at providing you with the opportunity to request flexibility at work which can also assist with improving access to the workplace. Further information is available in the [equality and diversity policy and procedure](#) and [flexible working policies](#)
42. Your manager will also need to take into account circumstances where you are making a request for flexible working arrangements in connection with someone associated with you, who has a protected characteristic e.g. requesting reduced hours to care for a disabled parent or partner.

#### Time off (annual leave) or flexible working requests

43. If you make a request for flexibility or time off (annual leave) to attend religious or belief ceremonies, special festivals, spiritual observance

days (see [key multi-faith dates](#)) or extended bereavement arrangement due to your religion, your manager should give sympathetic consideration to your request where it is reasonable, balancing the needs of the service and those of other employees.

44. Where possible you should give your manager as much notice as possible when requesting leave and in doing so should also consider that there may be a number of colleagues who would like leave at the same time. In some cases religious or belief festivals are aligned with lunar phases and therefore dates change from year to year; the dates for some festivals do not become clear until quite close to the actual day. Your manager should try to resolve requests for leave which overlap with other colleagues through discussion and flexibility.
45. Although the Equality Act does not state that employers must provide time off for religious or belief observance in the workplace, managers should carefully consider whether their decisions and criteria for deciding who should and should not be granted leave are not directly or indirectly discriminatory.
46. All requests for annual leave should be made in accordance with the [annual leave policy](#).

#### Breaks for prayer

47. If your religion or belief requires you to pray at specific times during the day you may make a request to your manager for a break at these times. Your manager should give consideration to your request and whether it is reasonable and practical balancing the needs of the service and other employees. Any time taken for breaks will be unpaid and should be deducted from flexi-time. Alternatively you may choose to request a more fixed flexible working arrangement under the [ways of working policy and procedure](#).

#### **Other consideration specific to religion and belief**

##### Prayer rooms

48. You may request access to an appropriate quiet place to undertake prayer and storage space for ceremonial objects, if this is a ritual requirement of your religion. Your manager will give consideration as to whether this is possible.
49. Your manager does not have to provide a room for prayer if this is not available or would cause disruption to other employees or the needs of the service. It is good practice for managers to consult all affected employees about potentially converting a room into a prayer room and the rules for use of the room, to ensure that others are not placed at a

disadvantage. However, managers will try to meet requests and consult with employees to help them meet the ritual requirements of their religion where possible.

#### Dietary requirements

50. If you have special dietary requirements related to your religion or belief which you feel are currently not being catered for you should raise these with your manager who will where possible, work with you and other colleagues affected to see whether it is possible to find a practical solution to your concern.
51. Considerations relating to dietary requirements might include:
- Storage and heating of food bought in to the workplace – e.g. this could relate to concerns over contact with meat.
  - Handling of certain foods.
  - Catering for training or other events – specific food relating to different religions or belief do not have to be provided if it is not proportionate to do so but some appropriate food should be available (e.g. vegetarian) to avoid placing employees at a disadvantage.
  - Work-related occasions (including social gatherings related to work) – to be aware that some employees may not drink alcohol due to their religion or belief and ensure that non-alcoholic alternatives are available. Some staff may also begin to feel excluded and may miss out on networking opportunities, if all social events are centred on alcohol and it may be helpful to vary the focus of social activities. Managers should consult with their team regularly to ensure no one is feeling excluded.

Example: An employee who, for religious reasons, is vegetarian felt unable to store her lunch in a refrigerator next to the meat sandwiches belonging to a colleague. Following consultation with the staff and their representatives, the organisation introduced a policy by which all food must be stored in sealed containers and shelves were separately designated 'meat' and 'vegetarian'. This arrangement met the needs of all staff at no cost to the employer.

#### Fasting

52. If your religion requires you to fast for extended periods and you require support, you may wish to discuss this with your manager. Your manager will need to give any request consideration but will need to ensure that they do not place any unreasonable extra burdens on other employees or are detrimental to the service.



## Dress

53. In some areas of the organisation employees may be required to wear uniform or have a dress policy. Legitimate aims for this might relate to health and safety, security or projecting the Council's professional image.
54. If you are required to wear uniform or there is a dress policy and your religion or belief involves you wearing specific items of clothes, jewellery or markings which are traditional within your religion or belief you can raise this with your manager to discuss whether there can be any flexibility.
55. If you are not required to wear uniform or subject to a dress policy in your role, you will be allowed to wear specific items of clothes, jewellery or markings which are traditional within your religion or belief unless there is a legitimate reason as outlined above, which your manager will inform you of. This might include the wearing of: kanthi mala (worn by some hindu men as an indication of their faith), hijabs (head covering worn by some muslim women), a cross (worn by some christians), a bindi sindoor (a body marking, red spot on the forehead). Please note these are examples only and are not an exhaustive list.
56. Your managers should give consideration to the nature of your request in the context of the legitimate aims (as above) of any dress rules and whether these are justified and proportionate. They should also consider the impact of dress upon your ability to do your job.

## Modesty

57. There are some religions or beliefs which require individuals to behave with modesty and this may be interpreted in different ways. Where your manager is aware of your religion or belief and the requirement for modesty they should give consideration to whether any policies and practices disadvantage you in respect of this and make adjustments where this is reasonable and appropriate.
58. If your manager is not aware of your religion or belief and you do require adjustments for reasons of modesty in connection with your religion or belief you should raise a request directly with your line manager who will give consideration to your request as above.
59. Some activities which may be considered immodest include:
  - shaking hands with a member of the opposite sex;
  - being alone in a room with a member of the opposite sex;
  - undergoing a security search, even if it is conducted by a member of the same sex;

- showering or changing clothes in the company of others
- having a photograph taken
- dressing in a particular way (see section above)

#### Religious symbols

60. If you feel strongly about having a symbol of your religion or belief on your desk or displayed with you while you are driving a council vehicle etc. you should discuss this with your manager. Your manager will need to consider issues such as the size, visibility and impact of the symbol on the working environment, the needs of the service and on other employees or service users.
61. If you are a hotdesk user you will need to also comply with the rules relating to hotdesking and ensure that they are cleared of personal objects at the end of your work session.

#### Raising a concern/making a complaint

62. If you have a concern or complaint relating to the support provided under this policy and procedure you should refer the matter to your line manager in the first instance. If the concern or complaint relates to your line manager you should refer the matter to your line manager's manager.
63. If, after raising the matter with your line manager or their line manager, the matter remains unresolved you are able to consider raising the issue under the [grievance policy and procedure](#) or [dignity at work policy and procedure](#) as appropriate.
64. Further information about unacceptable behaviour is set out in the [equality and diversity policy and procedure](#).

#### The Equality Act 2010

65. Religion and belief discrimination extends to all types of discrimination as set out in the equalities and diversity policy and procedure which in summary includes:
- direct discrimination where someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perception discrimination below) or because they are associated with someone with a protected characteristic (see association discrimination below).
  - association discrimination where someone is associated with someone with a protected characteristic (e.g. a child, parent or partner)



- perception discrimination where someone is perceived to have a protected characteristic but does not actually possess it.
- indirect discrimination where a particular rule, practice or requirement disadvantages people who share a protected characteristic unless this can be justified
- harassment is extended to protect those who witness harassment of others and find it offensive including third party harassment.
- victimisation where someone is treated badly because they have made/supported a complaint or grievance under the Act.

## **Roles and responsibilities**

### **Line manager responsibilities....**

66. To ensure that all employees are managed fairly and consistently in line with the principles outlined within this policy and specifically:
67. To carry out recruitment and selection in accordance with the current policy and guidance and to ensure that prospective employees are also treated fairly and consistently in line with the principles outlined within this policy.
68. To ensure that employees receive an appropriate and fully accessible induction including information about policies, practices and procedures when they start a new post and that they continue to be informed and updated about changes to these.
69. To apply all other employment related policies and procedures and terms and conditions of employment fairly and consistently.
70. To ensure that supervision, appraisal and learning development plans for employees take full account of Wiltshire's commitment to equality and diversity as set out in this policy and procedure.
71. To ensure that equality and diversity is fully integrated into any training and development that is commissioned and delivered for employees.
72. To give careful consideration to any requests made in accordance with this policy and procedure where these do not conflict with the equality and diversity policy and procedure, needs of other employees or service users or the needs of the service.
73. To challenge discrimination and unfair treatment in the workplace and ensure that it is dealt with appropriately and where necessary under the dignity at work/disciplinary policy and procedure.

74. To ensure that contractors, sub-contractors, consultants, agency workers, volunteers and staff seconded from other organisations are also managed fairly and consistently in line with the principles outlined within this policy and are made aware of the equality and diversity policy and procedure including the religion and belief in the workplace policy and procedure and how they must and must not behave at work while they are working for you.
75. To provide support to any employee who is the subject of unlawful or unacceptable discrimination in the course of his/her employment.
76. To be mindful and take action to avoid all forms of discrimination as set out in this policy and procedure and the equality and diversity policy and procedure to ensure that equal rights and opportunities are provided to all.
77. To undertake Equality Impact Assessments for policy, procedure and practice where appropriate.

#### **Employee Responsibilities....**

78. To treat colleagues, managers, councillors, service users and members of the public with dignity and respect, in accordance with the principles set out in this policy and procedure and in the [council's equality and diversity policy and procedure](#), the [dignity at work policy](#) and the [code of conduct policy](#) and specifically:
  - to embrace a culture which provides supportive and positive working relationships and behaviour which underpins the council's vision, values and belief.
  - to be mindful of and take action to avoid becoming involved in any form of discrimination as set out in the policies and procedures outlined above regardless of your own religion or belief.
  - not to aid or collude in circumstances where colleagues, managers, councillors, service users and members of the public are treated in a manner which contravenes the policies and procedures outlined above and to report any such instances.
  - to make colleagues aware if their conduct or behaviour is inappropriate and to report this to your manager.
  - provide support to someone who is subject to such conduct or behaviour
  - to promote good community and workplace relations to foster and encourage an atmosphere of tolerance and support so that there is no place for behaviours which would negatively impact upon the community or workplace.
  - to ensure that you do not preach to other employees and service users who hold a different belief or no belief (this may in some

circumstances constitute harassment). This includes all forms of communications including verbal, leaflets, posters or in any other format.

### **HR responsibilities**

79. HR has an overall responsibility for the reviewing, updating and monitoring of this policy and procedure and specifically to: make available to employees its written policies, practices and procedures on equality and diversity and anti-discriminatory practice in employment through HR direct online.
- send the equality and diversity policy and procedure to all new employees.
  - inform new employees of its policies, practices and procedures during induction training.
  - inform all employees of changes to, and developments of its policies, practices and procedures.
  - provide advice and support and training to managers in relation to equality and diversity issues and issues relating to breaches of the policy and procedure.
  - to carry out equality impact assessments for all HR policies and procedures

### **Frequently asked questions**

**80. Can my manager ask me what my religion or belief is?**

Your manager does not have an automatic right to ask you about your religion or belief but if you are making a request for support under this policy and procedure including workplace adjustments your manager is entitled to establish reasonable information about your religion or belief to base their decision on.

**81. Can I refuse to work with a particular employees/service users on the basis of my religion or belief?**

No, the intention of the Equality Act 2010 is to protect people from discrimination and not to facilitate it. All employees are required to comply with the Council's equality and diversity policy and procedure and this policy and procedure at all times.

For example: a Christian registrar feels that she cannot reconcile her Christian beliefs with same sex marriages and requests that she is not involved in civil partnership ceremonies. The manager needs to take account of the employee's personal religious beliefs but equally needs to consider the rights of single sex couples to civil partnership

ceremonies. It is important that the manager does not allow the rights of one group to trump the rights of another as this could support discrimination. The employee is therefore unable to request this type of adjustment as it would be contrary to the council's ethos and equality and diversity policy and procedure.

**82. I do not have a religion or belief. What is my position?**

You are also protected against discrimination and are expected to comply with this policy and procedure. Your manager will need to take into account whether you or any other employee are placed at a disadvantage in relation to any requests others may make in accordance with this policy and procedure.

**83. What is my position if I want to apply for a job which includes a working on a regular day which I feel is in conflict with my religion/belief (eg working a Sunday, Saturday) or alternatively my usual pattern of work in my current job is changed so that I am required to work on this religious/belief day due to re-organisation?**

If you are applying for a job which includes working on a regular day (or part of a day) that is in conflict with your religion/belief you can make a request to the recruiting manager to find out whether it is possible to work an alternative working pattern in this job. The recruiting manager will consider whether your request can be accommodated in the context of the needs and delivery of the service and shall confirm this with you. If your request is turned down you will need to consider whether you wish to continue with your application for the post.

If you are currently in a post and there is a proposed change to your working pattern your manager should consult you about this. As part of the consultation you should inform your manager of any potential conflict relating to religion and belief, in terms of proposed change to your working pattern. Your manager will look at your request in the light of the needs and delivery of the service, including requests from other employees, with a view to accommodating your request where possible. If your request can not be accommodated your manager will explore alternatives with you. This may include seeking re-deployment where this is appropriate and available.

Further advice about procedures in these circumstances is available to managers from their HR Advisor.

**Definitions**

Diversity – is about recognising, valuing and taking account of people’s different backgrounds, knowledge, skills and experiences, and encouraging and using those differences to create a productive and effective workforce.

Protected characteristics – is a group which is protected from discrimination under the Equality Act 2010 and includes age; disability, gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Positive action – these are voluntary measures which an employer may consider to improve equality for people who share a protected characteristic. Positive action is not the same as positive discrimination which is unlawful.

### **Equality Impact Assessment**

This policy has been Equality Impact Assessed (link to EIA for policy) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

### **Legislation**

[The Equality Act 2010](#). This policy and procedure reflects the first parts of the implementation of the Equality Act in October 2010 and April 2011. A number of provisions from the Act are still subject to consideration by the [Government Equalities Office \(GEO\)](#).

The council will also have due regard to the relevant codes of employment practice issued by the [Equality and Human Rights Commission](#).

### **Advice and guidance**

If you require help in accessing or understanding this policy 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.

### **Further information**

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

- [equality and diversity](#)
- [disability support in the workplace](#)
- [dignity at work](#)
- [recruitment](#)

- [code of conduct](#)
- [whistleblowing](#)
- [grievance](#)
- [time to train](#)
- [sickness absence management](#)
- [disciplinary](#)
- [improving work performance](#)
- [computer email and internet](#)
- [annual leave](#)
- [flexible working](#)

For further information please speak to your supervisor, manager, service director or contact an [HR advisor](#).

Policy author	HR Policy and Reward Team – (Initials)
Policy implemented	DD-MM-YYYY
Policy last updated	DD-MM-YYYY

## WILTSHIRE COUNCIL

### STAFFING POLICY COMMITTEE 21<sup>st</sup> SEPTEMBER 2011

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#### **Time Off for Elections Policy and Procedure**

##### **Purpose of Report**

1. This report presents for consideration a revised Time Off for Elections policy and procedure which will apply to all Wiltshire Council employees

##### **Background**

2. The policy clarifies the leave an employee can take if they assist officially at elections or stand as a candidate. There has been some confusion in the past on what employees are allowed and different practices have been applied.

##### **Main Considerations for the Council**

3. The policy only applies to those employees who are appointed to assist at elections held in Wiltshire.
4. Employees who assist at polling stations will receive paid time from work but they will be expected to report to work the next day as normal.
5. Employees who assist with the count will receive paid time off and report back to work depending on when the count takes place and finishes.
6. Information is also given on the leave allowed if an employee stands as a candidate and whether this leave is paid or not.

##### **Consultation**

7. The policy was approved by JCC on 25<sup>th</sup> August 2011 following consultation with HR, union representatives and other key stakeholders.

##### **Environmental Impact of the Proposal**

8. None

##### **Equalities Impact of the Proposal**

9. As there is a statutory requirement for the Returning Officer to be supplied with the resources to perform his/her role this policy was not referred for a full Equality Impact Assessment.

##### **Risk Assessment**

10. The elections can involve working long hours but individuals voluntarily apply for these roles and members of the public can also apply. All appointees sign a waiver to the working time directive.

**Options considered**

11. None

**Recommendation**

12. To recommend that the Staffing Policy Committee approve the revised policy and procedure.

**Barry Pirie  
Service Director  
HR & OD**

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Report Author: Margaret Roots, Human Resources Policy & Reward team

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



## Wiltshire Council Human Resources

### Time Off for Elections

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

#### What is it?

The policy details the time you are entitled to have from work if you are appointed as a presiding officer, polling clerk or counting clerk to assist at an election held in Wiltshire.

#### Go straight to the section:

- [Who does it apply to](#)
- [When does it apply](#)
- [When does it not apply](#)
- [Time off for polling clerks and counting clerks](#)
- [Time off for training](#)
- [Candidates for elections](#)
- [Roles and responsibilities](#)

#### Who does it apply to?

This policy applies to all Wiltshire Council employees (with the exception of teaching and non-teaching staff employed in locally managed schools).

This is a harmonised policy and applies to both Wiltshire Council and ex-district TUPE employees.

#### When does it apply?

It applies at election times and is only applicable to those employees who are appointed as presiding officers, polling clerks or counting clerks.

#### When does it not apply?

The policy does not apply if you assist at an election in another county or geographical area outside of Wiltshire.

#### What are the main points?

### Presiding Officers & Polling Clerks

1. If you are appointed as a presiding officer or polling clerk for elections held in Wiltshire you are entitled to paid time off from work on the election day to perform these duties.
2. This will apply to the following types of elections:
  - parliamentary elections
  - European elections
  - council elections
  - parish elections
  - and any by-elections of the above
3. Your absence from your normal duties to assist at an election is subject to the prior agreement of your manager.
4. You will be expected to return to work the next day as normal and at your usual start time.

### Counting Clerks

5. If you are appointed as a counting clerk you are entitled to time off from work without loss to pay or annual leave entitlement.
6. This will apply to:
  - parliamentary elections
  - European elections
  - council elections
  - parish elections
  - and any by-elections of the above
7. You will be expected to return to work the next day as normal and at your usual time unless the count finishes after midnight when you will be allowed to report for work later, at midday, with no loss of pay.
8. If it is announced that the count will take place through the night you will be expected to be at work as normal on polling day but can take the following day as paid leave as you will have been working through the night.
9. You must get the prior approval of your manager to be released for these duties.

### Time off for training

10. As a poll clerk or senior counting clerk you may be required to attend a training session in preparation for the election. In Wiltshire the training sessions are generally held in the evenings and as you receive a training allowance no paid time off from work is allowed or any claims for time off in lieu.

#### Candidates for election

11. If you are adopted as a candidate for British or European parliamentary elections you are permitted to take three weeks (15 days) additional leave in the period immediately preceding polling day. Five days of this will be paid leave and the remaining 10 days will be unpaid leave of absence. Part time employees will be entitled to a pro rata entitlement.
12. If you are a candidate for election to a council, town council, parish council or another similar body you will not be entitled to any additional paid time off from work. You will need to use either annual leave or flexitime to cover any absences in respect of these elections.
13. You may be restricted from standing for election if your post is considered a politically restricted post as set out in section 1 of the local government and housing act 1989 and the local government officers (political restrictions) regulations 1990. Further information on this is available from the politically restricted posts policy. ([link](#))

#### **Roles and responsibilities**

##### Employee responsibilities

14. You must obtain the prior approval of your manager to assist at an election and to take time off work from your normal duties.

##### Line manager responsibilities

15. You need to consider requests from employees for time off from work to assist at elections fairly taking into account the business needs of the department and the necessity of these posts for the country's democratic processes.

#### **Definitions**

#### **Equal Opportunities**

This policy has been Equality Impact Assessed ([link to EIA for policy](#)) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

***If appropriate:***

Managers will make any necessary adjustments to ensure that all employees are treated fairly. For further information see the guidance on equal opportunities in ([link to equal opps guidance](#))

## Legislation

*Note any specific pieces of legislation relied on*

This policy has been reviewed by an external legal organisation to ensure compliance with (the above legislation and) our statutory duties.

## Advice and guidance

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.

See [guidance for managers – giving advice on policies](#).

For further information please speak to your supervisor, manager, service director or contact your [HR advisor](#).

Policy author	HR Policy and Reward Team – MR
Policy implemented	DD-MM-YYYY
Policy last updated	DD-MM-YYYY

## WILTSHIRE COUNCIL

### STAFFING POLICY COMMITTEE 21<sup>st</sup> SEPTEMBER 2011

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#### **Annual Leave & Bank Holiday Entitlement Policy and Procedure**

##### **Purpose of Report**

1. This report presents for consideration a revised annual leave and bank holiday entitlement policy which will apply to all Wiltshire Council employees apart from teaching and non-teaching staff and ex-district TUPE employees.

##### **Background**

2. The policy has been written to bring together into one document all previous information that existed on annual leave and bank holiday entitlements.

##### **Main Considerations for the Council**

3. The policy has been created and formatted in line with the new HR policy template.
4. It contains information on the leave entitlement for full-time and part-time employees and how these are calculated and recorded.
5. It details the legal requirements required under the Working Time Amendment regulations.
6. The various options available to employees to make requests for carrying over annual leave, purchasing annual leave, banking leave etc are explained.
7. It refers to the annual leave arrangements for different working practices such as annualised hours, term time workers etc with links to the flexible working policy and toolkit which details these more thoroughly.
8. The policy also covers the annual leave arrangements for those not at work for various reasons such as sickness absence, maternity leave and paternity leave.

##### **Consultation**

9. The policy was approved by JCC on 25<sup>th</sup> August 2011 following consultation with HR, union representatives and other key stakeholders.

### **Environmental Impact of the Proposal**

10. None

### **Equalities Impact of the Proposal**

11. It was EIA assessed on 3 August 2012 and no negative impacts have been identified.

### **Risk Assessment**

12. None

### **Options considered**

13. None

### **Recommendation**

14. To recommend that the Staffing Policy Committee approve the revised policy and procedure.

**Barry Pirie  
Service Director  
HR & OD**

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Report Author: Margaret Roots, Human Resources Policy & Reward team

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

## Wiltshire Council Human Resources

### Annual Leave & Bank Holiday Entitlement Policy

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

#### What is it?

This policy details the annual leave, bank and public holidays that you are entitled to. It gives the entitlements for full time and part time employees. Arrangements for carrying forward annual leave, banking annual leave, purchasing leave and requesting unpaid leave are also included.

#### Go straight to the section:

- [Who does it apply to](#)
- [When does it apply](#)
- [When does it not apply](#)
- [Annual leave year](#)
- [Entitlement – full time workers](#)
- [Entitlement – part time workers](#)
- [Bank holiday entitlements](#)
- [Legal requirement under the working time regulations](#)
- [More than one job](#)
- [Timing of annual leave](#)
- [Carrying forward annual leave](#)
- [Banking of annual leave](#)
- [Purchasing annual leave](#)
- [Unpaid Leave](#)
- [Staff on fixed term or temporary contracts](#)
- [Wiltshire Temporary Agency](#)
- [Registrars – extra hours worked](#)
- [Comensura agency workers](#)
- [Staff on sick leave](#)
- [Annual leave whilst on maternity leave](#)
- [Annual leave whilst on adoption leave](#)
- [Annual leave whilst on parental leave or carers leave](#)
- [Annual leave whilst on maternity support & paternity leave](#)
- [Leavers](#)
- [Calculation of full-time annual leave entitlement](#)
- [Calculation of part-time annual leave entitlement](#)
- [Calculation of part-time public & bank holidays entitlement](#)
- [Roles and Responsibilities](#)

### **Who does it apply to?**

The policy applies to all Wiltshire Council employees who are contractually subject to the terms and conditions of the National Joint Council for Local Government (with the exception of school support staff) and any agreements negotiated locally by the council and its recognised trade unions.

### **When does it apply?**

Annual leave accrues from your first day of service and your annual leave entitlement is calculated from the anniversary of the date of your commencement in local government service (as defined by the redundancy payments modification order 1983).

### **When does it not apply?**

This is not a harmonised policy and therefore does not apply to ex-district TUPE employees or to school staff (both teaching and non-teaching staff).

It also may not apply to other groups of staff where their terms and conditions are negotiated separately, e.g. Youth and Community Workers.

For further information on these holiday entitlements please contact your manager.

### **What are the main points?**

Annual leave year

1. The annual leave year runs from 1 January to 31 December.

Entitlement – full time workers

2. The contractual annual leave entitlement for full time staff is 23 days per annum. This increases to 28 days per annum once you have five years continuous service and to 30 days per annum on completing 40 years service.
3. In addition you also receive six bank holidays and two public holidays per year.

Entitlement - part time workers

4. As a part time worker you cannot be treated less favourably than a comparable full time employee and therefore receive the same holiday entitlement as detailed above for a full time worker but on a pro rata basis.



5. Similarly, you receive a pro-rata entitlement to the 8 annual bank holidays and public holidays. This pro-rata entitlement will apply whether you work the public/bank holiday or not.

#### Bank holiday entitlements

6. In England and Wales there are six annual bank holidays and two public holidays which are:
  - New Year's Day
  - Good Friday (public holiday)
  - Easter Monday
  - First Monday in May
  - Last Monday in May
  - Last Monday in August
  - Christmas Day (public holiday)
  - Boxing Day
7. You receive paid leave for these bank and public holidays or a pro-rata entitlement if you work part time. If you are on the lower contractual annual leave entitlement of 23 days then by including these 8 bank and public holidays you exceed the statutory 28 days holiday entitlement as required under the working time amendment regulations 2007.

#### Discretionary Leave

8. If additional public holidays are declared e.g. royal occasions specific guidance will be issued at the time.

#### Legal Requirement under the Working Time Amendment Regulations

9. The council exceeds the 28 days minimum annual leave required under the working time amendment regulations 2007 with a combination of annual leave and bank holidays. It is a statutory requirement that you take 28 days as paid annual leave each year.
10. In order that you do not breach these regulations if you work bank holidays and are on the lower annual leave limit of 23 days per year plus bank holidays, you can only opt to receive the bank holiday premium payment when you have taken 28 days annual leave entitlement.
11. The bank holiday premium rate is:
  - your normal rate of pay for that day plus plain time, or

- your normal rate of pay for that day plus time off in lieu of the hours worked at a later date

Work on a bank holiday outside of normal working hours for that day will be paid at double time as for overtime.

12. This means that if you are currently on the minimum 23 days annual leave entitlement and you work bank holidays then the first 5 of these will need to be paid at plain time plus taking time off in lieu of the hours worked. If you work the remaining 3 bank holidays you have the choice (subject to the agreement of your manager) to receive premium payment of double time at plain rate or to receive payment at plain time plus taking time off in lieu of the hours worked.
13. The only exception to this is if your employment with Wiltshire Council ends in which case payment in lieu will be considered.

#### More than one job

14. If you have more than one job with the council then your annual leave entitlement is calculated using the date you first started working for local government. On starting a second job your leave entitlement will be based on the start date of your first job.
15. Your annual leave in these circumstances will be managed separately by the line manager for each job.

#### Timing of annual leave

16. The timing of leave is by mutual agreement. Under the working time regulations you must give your manager advance notice of your intention to take leave which is at least twice the period of leave you wish to take. For example if you want to take two weeks annual leave you should request this at least four weeks before you want to take the leave.
17. Your manager, under the working time regulations, may refuse your request to take time off but must notify you of this within the correct time limit. This is a period which is at least as long as the holiday requested. For example to refuse a request for a week's leave your manager would have to tell you at least a week in advance or if you have given notice to take two weeks annual leave your manager would need to inform you two weeks before your leave starts.
18. Your manager may refuse a request for holiday because of operational grounds. Should you disagree with this decision you may refer the matter to a more senior manager.

19. Should you fail to return to work on the expected date of return and cannot provide a satisfactory explanation for this an investigation will look into the circumstances and reasons and may result in the disciplinary procedure being followed.

#### Carrying annual leave forward

20. Leave should be taken in the current leave year but for operational reasons your manager may allow you to carry forward up to five days annual leave (pro rata for part-time employees) from one year to the next.
21. This leave should be taken as soon as possible during the next annual leave year to avoid it accruing again.
22. Any leave beyond five days, which has not been taken, will be lost. There is no provision for banking it in order to avoid this penalty.
23. Leave can only be carried forward if you have already taken your annual leave legal requirement of 28 days (pro rata equivalent for part time employees).

#### Banking of annual leave

24. You have the option to bank up to five days' annual leave each year to save up for a particular special purpose such as a long haul trip.
25. This is not a method of carrying leave forward.
26. You should advise and get the agreement of your manager if you want to do this and record any banked leave on your annual leave record.  
<http://thewire.wiltshire.council/formannualleavecard.doc>
27. Banking of annual leave cannot be approved if you have not taken the 28 days statutory annual leave requirement for the year in which you want to bank leave.
28. Subject to operational requirements staff may combine this banked leave with leave from their current annual leave year in order to take an extended break from work for a particular purpose. This can only be done in exceptional circumstances and after consultation with your manager.
29. No more than 40 working days (pro rata for part time employees) of annual leave may be taken at any one time no matter what combination of current annual leave and accrued banked leave is actually taken.

30. You should bear in mind that if you leave the council's employment for any reason other than on the grounds of redundancy, you may lose some, or all of your banked leave. Whilst staff should make every effort to clear outstanding leave in these circumstances there will be occasions when this is not operationally possible, particularly if banked leave has accrued over more than one year. Payment in lieu of banked leave is not an option.

#### Purchasing annual leave

31. In addition to your annual leave entitlement you can also purchase up to five days annual leave per annum (pro rata for part-time staff) which can be claimed in blocks or individual days.
32. Payroll will calculate deductions for this in hours rather than days although pension contributions will still be taken on the full salary.
33. To request this you need to complete the request to [purchase annual leave form](#) and obtain your manager's approval.
34. Your manager will need to check the operational needs of the business before approving your request to purchase extra leave.
35. If approved you will need to add this leave to your annual leave card for recording purposes.

#### Unpaid Leave

36. Your manager may authorise unpaid leave up to the amount of your annual leave entitlement in any one leave year.
37. This can be granted for domestic reasons, compassionate grounds, family emergencies or for other reasons agreed with your manager.
38. Before requesting unpaid leave you will need to have booked your annual leave entitlement for the year.
39. Requests for unpaid leave need to be approved by your manager and made by completing an [unpaid leave and absence form](#). On the form you will need to specify the amount of unpaid leave you require and the reason for your request.

#### Staff on fixed term or temporary contracts

40. As an employee on a fixed term contract you are entitled to pro rata annual leave and this should be scheduled in the same way that it is for your permanent colleagues.

41. In the event that as part of your fixed term/temporary contract you are asked to cover an additional job for only a few hours (e.g. on reception) no further annual leave enhancement is payable. This is because you are already able to take annual leave in connection with your normal duties.

#### Extra hours worked by Registrars staff for statutory duties

42. Registrars have a statutory requirement to perform ceremonies outside of normal contracted hours (evenings, weekends and bank holidays) which can entail working additional hours.
43. In these circumstances annual leave and bank holiday leave for the additional hours will be earned on the actual time worked. An appropriate claims form is completed by you and your manager and sent to the Business Support Manager, Registration for calculation. The leave is distributed quarterly in arrears.
44. Extra annual leave will not apply to ceremonies performed within normal contracted hours or to short term requirements to work extra hours to cover staff absences or surges in work. In the event that cover is required on a longer term your manager will look into making alternative arrangements.

#### Wiltshire Temporary Agency

45. If you work for the council through the Wiltshire Temporary Agency (WTA) you are entitled to the same amount of annual and bank holiday leave as employees of Wiltshire Council.
46. A weekly calculation is made by the WTA Resource Coordinator, Business Services, Recruitment which will take into account the hours you work and if any bank holidays fall within your assignment period.
47. You can take the annual leave during your assignment period, subject to normal managerial approval, or receive payment at the end of the placement for any annual leave owing.

#### Agency Workers employed through Comensura

48. If you are an agency worker employed through Comensura then they are responsible for paying your accrued annual leave entitlement. This is calculated and paid at the equivalent rate of 28 days per annum.

#### Staff on sick leave (including disability and sickness absence)

49. Where you are absent due to sickness you are entitled to accrue the statutory level of annual leave entitlement.

50. If you are unable to use your accrued annual leave entitlement during a period of sickness absence this may be carried over to the next leave year in agreement with your manager.
51. You can request to take annual leave if you are on sick leave. Information on this is contained within the [sickness absence management policy & procedure](#)
52. If you fall ill whilst on annual leave you should follow the reporting procedure detailed in the [sickness absence management policy and procedure](#)

#### Annual Leave whilst on maternity leave

53. You will find information on annual and bank holiday leave accrued during maternity leave in the [maternity scheme policy](#).

#### Annual Leave whilst on adoption leave

54. If you are on adoption leave you will find information on accrued annual and bank holiday leave in the [adoption scheme policy](#).

#### Annual Leave whilst on maternity support & paternity leave

55. If you are on maternity support or paternity leave information on entitlement to annual leave and bank holidays can be found in the [maternity support and paternity leave policy](#).

#### Annual Leave for parents and carers

56. Details on annual leave entitlement whilst taking parental leave can be found in the [parental leave policy](#).
57. Details on annual leave entitlement whilst taking carers leave can be found in the terms and conditions section of the [leave for carers scheme policy](#).

#### Leavers

58. If you leave the council during the annual leave year you will receive a pro- rata entitlement to annual leave.
59. You should arrange to take any outstanding holiday entitlement before leaving the council. If your manager confirms that operational reasons prevented you from doing this then payment in lieu is allowed.
60. If you have banked annual leave you should bear in mind that you may



lose some or all of this leave (see point 26 above).

61. If you leave the council and have taken more than the proportion of holiday entitlement you have accrued a deduction will be made from your final salary equivalent to the excess holiday pay you have already received.

#### Administration

#### Calculation of full-time annual leave and bank holiday entitlement

62. Your annual leave entitlement can be calculated by using the [annual leave entitlement and calculator](#) which should then be recorded on your annual leave card.
63. A full time employee is entitled to 7 hours 24 minutes (7.4 hours) for each bank holiday.
64. If you are a compressed hours worker, which means you work a full time hours contract over a shorter timescale such as a nine day fortnight, then your annual leave and bank holiday leave will be calculated in hours. Further information on this is contained within the toolkit.

#### Calculation of part-time annual leave entitlement

65. The simplest way to calculate your pro-rata annual leave holiday is to use the council's [annual leave entitlement and calculator](#). It will detail the amount of annual leave you are entitled to in hours which should then be recorded on your [annual leave card](#).

#### Calculation of part-time public & bank holidays entitlement

66. There are different ways you can work this out. The annual leave entitlement and calculator can also be used to calculate your bank holiday entitlement or you can use one of the following methods depending on your work pattern :

#### Regular 5 day work pattern

67. If your part time working hours are spread evenly over a five day week (Monday to Friday, Tuesday to Saturday), working the same number of hours on each day, 52 weeks per annum, you will receive pay for each public and extra statutory holiday on a standard pro-rata basis.

#### Irregular work pattern

68. If your work pattern is irregular in that you work less than five days per week, work irregular hours each week, or work less than 52 weeks per year then your entitlement can be calculated as follows where:
- The practice of the 4/5 working week is adopted. Your number of hours entitlement for each bank holiday is calculated by dividing your weekly contracted hours by 5. You will receive your normal week's pay for the week that the bank holiday falls in.
  - At the start of the leave year it is recommended that you calculate your entitlement to paid public and bank holiday in hours and record this on your [annual leave card](#). These hours form a 'bank' to be drawn from as each public or bank holiday occurs. You can use the [annual leave entitlement and calculator](#).
69. Further information on leave entitlements for term time workers and annualised hours workers can be found in the toolkit.

#### Recording your bank/public holiday and annual leave entitlement - part time employees

70. A part time member of staff is entitled to a fifth of their total weekly hours for each bank holiday.
71. If a bank holiday falls on a day you normally work but you are not scheduled to do so you will receive payment for your usual working hours for that day. You must deduct these hours from your bank holiday entitlement on your annual leave card but record them on your timesheet as normal working hours.
72. If the bank holiday falls on a day on which you would not normally work then you are entitled to take your bank holiday entitlement (one fifth of your total normal weekly hours for each bank holiday) at another time subject to operational requirements.
73. If you are scheduled to work the bank holiday and work your normal shift you need to deduct the pro-rata hours from your bank. You will be paid for these hours at plain time rates and receive paid time off in lieu of these hours at a later date. If you would rather receive payment at double time you need to discuss this with your manager and if agreed claim on the [overtime and additional hours form](#).
74. The same recording applies to time taken for annual leave. Your normal working hours for a particular day taken as annual leave should be deducted from your total annual leave entitlement.

#### Roles and responsibilities



#### Employee responsibilities

75. Calculate your leave entitlement at the beginning of each leave year and record on your annual leave card.
76. Record annual leave and bank holiday leave taken on your annual leave card.
77. Make sure you take the legal annual leave entitlement as detailed by the Working Time Regulations as actual time off from work.
78. Submit requests for leave to your manager on a timely basis and to avoid possible disappointment in not getting the dates of your choice.
79. Agree any carry forward or banking of annual leave with your manager before the end of each annual leave year.
80. Agree any requests for purchase of annual leave and unpaid leave with your manager prior to taking either of these.
81. If you are entitled to claim enhanced rates for bank holiday working make sure an [overtime and additional hours form](#) is completed and submitted to Business Services – HR & Payroll administration.

#### Line manager responsibilities

82. Make sure your employees calculate their annual and bank holiday leave entitlements correctly each year and give assistance to complete this where required.
83. Consider all applications for annual leave fairly whilst making sure business services are maintained.
84. Give fair consideration to requests for leave for religious or belief purposes taking into account the needs of the service and the number of similar requests received from your employees.
85. Make sure your employees book and take their leave entitlement each year.
86. Check that your employees are not using annual leave when another type of leave would be more suitable such as carers' leave, family emergency and compassionate leave etc.
87. Give proper consideration to requests from staff to: carry over annual leave; bank annual leave; purchase annual leave; or for unpaid leave

88. Make sure that your employees who want to work bank holidays have taken 28 days annual leave for the year as determined by the working time regulations.
89. Consider having a team leave chart on display in your department so your employees can see what dates have already been booked by their colleagues.

### **Equal Opportunities**

This policy has been Equality Impact Assessed ([link to EIA for policy](#)) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

Managers will make any necessary adjustments to ensure that all employees are treated fairly. For further information see the guidance on equal opportunities in ([link to equal opps guidance](#)) and the toolkit for advice on attending religious festivals, belief festivals or ceremonies.

### **Legislation**

*Working time (Amendment) Regulations 2007 (WTA)*  
*Part Time workers (prevention of less favourable treatment) regulations 2000*

### **Advice and guidance**

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.

See [guidance for managers – giving advice on policies](#).

### **Further information**

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

- [Sickness absence management policy and procedure](#)
- [Maternity scheme policy](#)
- [Adoption scheme policy](#)
- [Maternity support and paternity leave policy](#)
- [Parental leave](#)

- [Leave for carers scheme](#)
- [Religion in the workplace](#)

For further information please speak to your supervisor, manager, service director or contact your [HR advisor](#).

There is also a toolkit including manager guidance and supporting documents to use when following this policy and procedure:

### Toolkit

- Annual leave entitlement and calculator
- Annual leave card
- Term time workers
- Annualised hours workers
- Compressed hours workers
- Equality & diversity considerations

Policy author	HR Policy and Reward Team – MR
Policy implemented	DD-MM-YYYY
Policy last updated	DD-MM-YYYY

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## WILTSHIRE COUNCIL

### STAFFING POLICY COMMITTEE 21<sup>st</sup> SEPTEMBER 2011

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#### Apprenticeship Programme Policy

##### Purpose of Report

1. To present the Apprenticeship programme policy which has been produced to support the development of an apprenticeship programme within the council.

##### Background

2. Wiltshire council does not currently have a formal apprenticeship programme. Historically apprentices have been employed on an ad hoc basis rather than as part of a formal recruitment and retention strategy.
3. Economy and Enterprise have been developing an apprenticeship programme to promote the use of apprentices across the council and encourage apprentices into the workforce. For this to progress the policy was required to support managers through the process and ensure that all parties were aware of their responsibilities.
4. Apprenticeships are typically for 16-24 year olds who have left full time education. However since 2007 adult apprenticeships have become available for those aged 25 or over.
5. Apprentices learn whilst undertaking a role, building up knowledge and skills whilst gaining nationally recognised qualifications and receiving a salary.
6. Depending on the type of apprenticeship, the programme usually runs between 1 and 3 years.
7. Wiltshire Council is responsible for the salary element of an apprenticeship scheme (Typically c. £12,000-£13,000 per year). Training costs are fully funded for 16-18 year olds, and approximately 50% of the funding is provided for 19-24 year olds. Funding for over 25's will still attract a contribution from central government. It is envisaged that the majority of training will be provided in house by the Wiltshire Accredited Learning Centre.

##### Main Considerations for the Council

8. The procedure has been created and formatted in line with the new HR policy template.
9. The main points of the apprenticeship programme policy include:

- Details of the 3 levels of apprenticeship schemes and the qualifications that can be achieved
- Benefits of using an apprentice – for the organisation and the apprentice
- How an apprentice is funded
- How managers recruit an apprentice and co-ordinate with internal and external agencies. This includes liaison with HR, the National Apprenticeship Service and the Wiltshire Accredited Learning Centre
- How a manager should support an apprentice to combine work based learning with the achievement of formal qualifications
- Roles and responsibilities of managers, apprentices, training providers and HR

### **Consultation**

10. The policy was approved by JCC on 25<sup>th</sup> August 2011 following consultation with HR, union representatives and other key stakeholders.

### **Environmental Impact of the Proposal**

11. None

### **Equalities Impact of the Proposal**

12. No negative impacts have been identified.

### **Risk Assessment**

13. None

### **Options considered**

14. None

### **Recommendation**

15. To recommend that Staffing Policy Committee approve the Apprenticeship Programme policy.

**Barry Pirie**  
**Service Director**  
**HR & OD**

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Report Author: Rebecca Williams, Human Resources Policy & Reward team

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

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## **Wiltshire Council Human Resources Apprenticeship Programme Policy**

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 how apprentices can be utilised within Wiltshire Council and how managers recruit, support and develop apprenticeships within their teams.

### **Go straight to the section:**

- [What are apprenticeships?](#)
- [Why use an apprentice?](#)
- [How is an apprenticeship funded?](#)
- [Preparing for an apprentice](#)
- [How to recruit an apprentice](#)
- [Safeguarding of young persons and vulnerable adults](#)
- [Equal opportunity and diversity](#)
- [Supporting an apprentice](#)
- [Roles and responsibilities](#)
- [Probation periods](#)
- [Annual leave](#)
- [Sickness absence](#)
- [Working times/lunch breaks](#)
- [Young person working times](#)
- [Young person risk assessment](#)
- [Faq's](#)

### **Who does it apply to?**

This policy applies to all Wiltshire Council employees (with the exception of teaching staff employed in locally managed schools).

This is a harmonised policy and applies to both Wiltshire Council and ex-district TUPE employees.

### **What are the main points?**

What are apprenticeships?

1. Apprenticeships are open to all age groups above 16 years old whether just leaving school, working for a number of years or seeking to start a

new career. No age restrictions apply. Applicants to the programme must be living in England and not in full time education.

2. Apprentices learn whilst undertaking a role, building up knowledge and skills whilst gaining nationally recognised qualifications and receiving a salary.
3. Depending on the type of apprenticeship, the programme usually runs between 1 and 4 years.
4. There are 3 levels of apprenticeship:

**a) Intermediate Apprenticeships (equivalent to five good GCSE passes at grades A-C)**

- Apprentices work towards work-based learning qualifications such as a vocational Level 2, Functional Skills, (communication, number and ICT), and in some cases, a relevant knowledge-based qualification such as a BTEC or diploma, (often referred to as the Technical Certificate). There is a requirement to study Personal Learning and Thinking, (PLT) and Employer Rights and Responsibilities, (ERR).

National standards for the delivery of apprenticeships state that there must be a minimum of 280 hours of learning (known as guided learning hours), undertaken per year, of which, a minimum of 100 hours must be delivered off of the job.

- Intermediate Apprenticeships provide the skills the learner needs for their chosen career and allow entry to an Advanced Apprenticeship.

**b) Advanced Apprenticeships (equivalent to two A-level passes)**

- Advanced apprentices work towards work-based learning qualifications such as a vocational Level 3, Functional Skills, PLT, ERR and, in most cases, a relevant knowledge based certificate such as a BTEC or HNC.
- To start the Advanced Apprenticeship Programme, learners should ideally have five GCSEs (grade C or above) or have completed an Apprenticeship. However this will not necessarily exclude the learner from undertaking the programme. If through initial assessment, they can demonstrate that they have the knowledge and skills to undertake the programme, then, they can start directly.

**c) Higher Apprenticeships**

- Higher Apprenticeships work towards work-based learning qualifications such as vocational Level 4 or 5, and in some cases, a knowledge based qualification such as a Foundation degree. Some apprentices can progress to higher education including university degrees. There are currently seven apprenticeship frameworks which go to Level 4, and one to level 5.
5. Appointments are particularly encouraged in areas of the council where there are known skills shortages and it is hard to recruit.

#### Why use an apprentice?

6. Due to the level of investment in an apprentice, organisations often find they become invaluable employees. In addition benefits include:

- An opportunity to grow your own talent
- A demonstration to existing and future employees that the council is willing to invest in their future
- An increase in personal development for other team members who get involved with the apprenticeship programme. e.g. mentoring
- The development of a trained and motivated workforce – an apprenticeship programme delivers job specific development
- The reduction of skills shortages and a mechanism for career progression
- The development of existing staff by helping them to gain new skills and qualifications

#### How is an apprenticeship funded?

7. The training element of an apprenticeship is funded from central government, through the Skills Funding Agency. The amount of funding provided is variable depending on the framework and level of apprenticeship being undertaken. All funding is provided at no cost to the council for 16-18 year olds, and approximately 50% of the funding is provided for 19-24 year olds. Funding for employees over 25 will still attract a contribution from central government.
8. Costs to the council are those similar to any other employee and include:
- To pay the apprentice's salary and any other related contributions, such as National Insurance if applicable (depends on salary rate).

The rate of pay of the apprentice will depend on the outcome of the evaluation of their role.

- To provide staff time to support the apprentice in the workplace and to take an active part in any review sessions with the training provider
- Time out of the workplace to allow the apprentice to attend formal training, plus any other apprenticeship events where their presence is required
- Any additional costs for additional equipment i.e. tool kits, safety items, educational visits, annual subscriptions

#### Preparing to employ an apprentice

9. HR are able to support you in the recruitment process and the Wiltshire Accredited Learning Centre can offer advice when identifying an apprenticeship framework relevant to a job role. In addition the National Apprenticeship Service (NAS) a government funded agency, provide a free expert support service for employers, and can be found at [www.apprenticeships.org.uk](http://www.apprenticeships.org.uk) . HR will also advertise all externally recruited vacancies on the NAS Apprenticeship Vacancies System in line with their Skills Funding Agency Funding Contract.
10. Managers will need to follow the council's [recruitment policy and procedure](#) which includes gaining authorisation to fill the vacancy using the [approval to recruit form](#), and creating the role on SAP using the [SAP position creation form](#).
11. Suitable apprenticeship vacancies tend to be roles which do not require specific experience or qualifications and could be adapted to provide a learning opportunity. Some roles may, depending on the role, require formal qualifications. A 'Level or equivalent standard of education may be required for higher level apprenticeship programmes. Previous work experience should not be a requirement; however managers can specify the core competencies, and any other elements relevant to the working environment.

#### Created Roles

12. It is the council's objective to recruit and develop apprentices who will continue their employment following completion of the apprenticeship programme and develop their career within the council. Therefore, when creating an apprentice role, where possible permanent funding should be identified and a permanent contract offered.
13. The post will require a JEQ/Job description. This will need to be specific to the type of apprenticeship programme and include appropriate milestones and qualifications to be attained. For

programmes that continue for more than a year, a new JEQ is required for each stage of the programme, to reflect the development of the apprentice, significant milestones reached and qualifications gained. Please refer to [guidance for managers on completing the JEQ](#).

14. New roles will need to be evaluated in line with the [GLPC Job Evaluation Scheme](#).

#### Current Vacancies

15. We would welcome the opportunity to deliver training to potential apprentices in any area of the Council. This however is affected by:
  - The ability to match the requirements of the job role against a suitable apprenticeship framework.
  - The ability to deliver the technical element of the framework, or find a suitable external organisation.
  - The ability to provide tutor and assessor capacity for a cohort of apprentices.
  - An ability of the recruiting line manager to demonstrate that the learning is linked into a longer term career path within the Council.
16. If an apprentice fills a current vacancy, the title of the role must be changed to include apprentice in the title, to enable HR to monitor Apprenticeship placements.
17. The manager does not have to complete a further JEQ, however they will need to complete additional JEQ's if they wish to include a career progression path. Managers must demonstrate how the role could be filled by an apprentice and have liaised with both their HR Business partner for additional recruitment support, and the Wiltshire Accredited Learning centre to ensure there is an appropriate apprenticeship framework available for the role.

#### Next steps

18. Prior to authorisation and evaluation of the role, managers should have spoken with the Wiltshire Accredited Learning Centre to identify the relevant apprenticeship framework and whether it is possible to deliver in house or using an external training provider. If an external provider is to be used, the council will engage with the National Apprenticeship Service to assist in the identification of a provider who will best meet our requirements.
19. Some apprenticeship roles will require a CRB check and this should be highlighted on the approval to recruit form as it will need to be included

in the job advertisement and the CRB check carried out on the preferred candidate. Refer to the policy on [criminal records disclosures](#).

#### How to recruit an apprentice

20. Managers need to submit JEQ/Job descriptions to the recruitment team, who will advertise the role and review the redeployment pool. They will also liaise with NAS and/or Job centre and Integrated Youth Service.
21. Apprentices can apply for the role using the [council's application form](#), online via the council's website or by requesting a paper copy to complete and return.
22. Please note apprenticeship vacancies will remain open for redeployment purposes until it is offered to an apprentice.
23. Once the candidates have been short listed, interviews should be held. However the interview should be proportionate to the role, relaxed and informal. Managers will be provided with [appropriate guidelines](#), and should also refer to the [Guidance on how to conduct an interview](#).
24. When a suitable candidate has been selected as the preferred candidate, the normal [recruitment procedure](#) should be followed. This will include the completion of a pre-employment questionnaire and any [reasonable adjustments](#) will be identified and measures put in place to accommodate them.

#### Safeguarding of young persons and vulnerable adults

25. The council takes its responsibilities seriously under the [safeguarding vulnerable groups act 2006](#). The recruiting manager is responsible for ensuring that safe recruitment practices are followed when recruiting into roles dealing with young persons and vulnerable adults.
26. The recruiting manager should refer to the following policies/guide:
  - [employment of children and young persons](#)
  - [criminal record disclosures \(CRBs\)](#)
  - [guidance for managers on safer recruitment](#)

#### Equality of opportunity and diversity

27. Refer to [guidance for managers on equal opportunities in recruitment](#) for further equality and diversity issues and considerations.

#### Supporting an apprentice



28. The key element of an apprenticeship programme is to combine work based learning with the achievement of formal qualifications. To achieve this, the apprentice has an Individual Learning Plan or agreement. This will outline the training programme with the training provider, including duration, key dates and attendance. It will also apply focus to the learning and identify key achievement milestones.
29. The Individual Learning Plan will be developed by the Wiltshire Accredited Learning Centre with input from the manager and the apprentice. This document will then be used to develop a structured work experience and development programme which supports the formal study element of the apprenticeship. Any [reasonable adjustments](#) required, such as training formats or additional support, will be included.
30. Managers are required to hold regular one to ones with their apprentice to coach them within their role, to ensure they are performing satisfactorily and are developing their skills in work. Managers are also required to liaise with the training provider to provide “on the job” feedback regarding their employee’s progress.
31. An apprentice will be allocated a mentor in liaison with the line manager. Their main role is to provide an additional source of support to the apprentice. This will give the mentor the opportunity to develop supervisory and performance management skills.

## Roles and responsibilities

### Line manager responsibilities

- Identify the skills gap within their team which could be filled by employing an apprentice
- Identify funding for the apprenticeship role
- Liaise with the Wiltshire Accredited Learning Centre/National Apprenticeship Service to identify a suitable framework and provider
- Create a JEQ and submit it for evaluation
- Gain authorisation to “recruit”
- Liaise with HR and submit job details for advertising
- Interview prospective apprentices
- Develop a structured training programme in conjunction with Wiltshire Accredited Learning Centre or external provider
- Provide a safe and secure working environment
- Ensure that the apprentice has time for study and is given work that develops their skills – knowledge and experience which is linked to their Individual Learning Plan
- Liaise promptly with the recruitment team to ensure HR Payroll Administration receive all appropriate paperwork

- Allocate a work space for the apprentice and order any equipment they may need
- Organise an induction course and risk assessment if apprentice is below 18 years old. Contact HR Advisor/Occupational Health and Safety
- In the first arranged one to one meeting, ensure the apprentice understands what is required from them in the workplace and refer them to HR Direct and to the policies which they need to understand for instance absence, email and internet useage, and conduct and performance.
- Assess performance and have regular reviews with both the apprentice and tutors from the Wiltshire Accredited Learning centre or external provider

#### Training provider – Wiltshire Accredited Learning Centre

- The Wiltshire Accredited Learning centre will co-ordinate the learning and development element of Council apprenticeship programme, whether it is delivered by the in house team or by an external provider
- Provide a detailed Individual Learning Plan for agreement with the line manager and the apprentice
- Support and advise the line manager and apprentice on the learning programme for its duration
- Co-ordinate and deliver training in line with the apprenticeship framework
- Assessment of the apprentice in the workplace
- Assessment and evaluation of the programme once the apprentice has completed their placement

#### Apprentice responsibilities

- Attend planned and agreed formal learning and development sessions whilst working towards the apprenticeship framework either through day or block release
- Complete assignments/coursework related to their programme by the set deadlines
- Perform the job to the best of their ability
- Discuss any problems, issues or concerns about the programme or their work with their manager or mentor

#### HR responsibilities

- Provide manager with advice about setting up the post and advise and support throughout the process
- Work with the line manager to identify post apprenticeship career progression routes
- Provide advice for interview/selection



## Recruitment

- To place all internal and external job adverts and post jobs with NAS/Jobcentre/Integrated Youth Service
- To initiate all new starter actions after carrying out the pre-employment checks including any Criminal Record Bureau (CRB) clearance
- To issue written conditional job offers to candidates
- To liaise with occupational health and the manager, once an offer of employment has been made, to ensure the completion and return of the pre-employment health questionnaire.
- To notify the manager of the outcome of the questionnaire once completed by the candidate in order that the manager may consider [reasonable adjustments](#)
- To maintain relevant data on the online e-recruitment system
- To issue contracts of employment
- To respond to recruitment queries from prospective candidates
- To set up electronic personal files
- To set up new starter information in the payroll system
- To ensure a copy of all relevant documentation is held on the file including a signed copy of the contract, the interview notes, the relevant job description and JEQ

## Frequently asked questions

### **How much time will the apprentice require on and off the job?**

This will depend on the framework the apprentice is undertaking and the speed at which they are able to progress. There are minimum requirements for an apprentice to undertake 280 hours of structured learning known as 'guided learning hours' per year. 100 of these must be "off the job" and could comprise of:

- Formal classroom based training
- Coaching and mentoring
- Review meetings
- Online training and development
- Preparation of course materials
- Research

### **Can an apprentice apply for vacancies whilst they are on the apprenticeship scheme?**

Yes, but if they are successful in their application they should be allowed to complete their apprenticeship if they wish to do so.

### **What happens if an apprentice does not complete their apprenticeship programme?**

Employers cannot ask apprentices to repay the training costs if they leave.

### **How long is the probation period?**

Apprentices will be subject to the council's standard probationary period of six months as stated in their contract of employment.

### **What if an apprentice is absent/ill?**

If the apprentice is absent from work or college due to sickness, then the Council's [Sickness Absence Management Policy](#), Procedure & Guidelines must be followed. For further information please refer to the guidance on HR Direct.

### **How are working hours/lunch breaks organised?**

As with non apprentice employees, working times and lunch breaks should be agreed locally with the apprentice once they start. The hours they are contracted to work include the time that is spent whilst attending formal training. (If attendance at the training provider is not required due to half term, for example, then the apprentice will be expected to attend work).

### **Can an apprenticeship programme be completed on a part time basis?**

Typically apprenticeship programmes are for a minimum of 30 hours paid employment per week. If an apprentice is unable to commit to working 30 hours per week the council may consider allowing them to undertake the role on a part time basis. Such allowances will only be made in exceptional circumstances and will only be considered if there are enough hours in the working week for the apprentice to complete their required training. For example, if an apprentice works 20 hours per week their manager will need to consider that the apprenticeship framework typically requires an average of 5 hours training per week, totalling 280 hours per year – 100 hours of which must be "off the job". If the training element is likely to be more than 5 hrs per week, for example day or block release, the applicants request to undertake the programme on a part time basis is unlikely to be accommodated.

### **As the apprentice may be under 18 are there any regulations I should know about?**

Under the Working Time Regulations 1998 a young person (anyone under 18 years of age) cannot usually be made to work more than eight hours per day or 40 hours per week. These hours cannot be averaged over a longer period and you're not allowed to ignore these restrictions. Please visit the following link for more information: Young People at Work and the Law <http://www.hse.gov.uk/youngpeople/law/>

### **Does an apprentice need a specific risk assessment – a Young Person Risk Assessment?**

Managers should complete this with assistance from occupational health when assessing the potential work tasks carried out by a young person under the age of 17 on work experience, or a young person under the age of 18 who will be an employee, **before they start their placement/work**. If you require any further information, please contact your Directorate Health and Safety Advisor. Please see HR Direct for further details. (<http://thewire.wiltshire.council/hrdirect/occhealthandsafety/riskassessmentguidance.htm> ).

### How do I liaise with the training provider?

The training provider (either internal or external) will be on hand to advise you of the framework from the early days of planning for your role. Soon after the apprentice has started work they will advise the key contacts to complete any required paperwork, plus agree the process from here on with a view to meetings, reviews and a timetable of events such as exams.

### Definitions

Training provider – Wiltshire Accredited Learning Centre or external training provider (either private or college).

NAS – National Apprenticeship Service - a government funded agency, providing a free expert support service for employers.

### Equal Opportunities

This policy has been Equality Impact Assessed ([link to EIA for policy](#)) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

#### *If appropriate:*

Managers will make any necessary adjustments to ensure that all employees are treated fairly. For further information see the guidance on equal opportunities in ([link to equal opps guidance](#))

### Legislation

This policy has been reviewed by an external legal organisation to ensure compliance with (the above legislation and) our statutory duties.

### Advice and guidance

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.

See [guidance for managers – giving advice on policies](#).

### Further information

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

Recruitment Policy and Procedure  
Job evaluation  
Criminal records disclosures  
Politically restricted posts  
Probationary reviews  
Code of conduct  
Disciplinary

There is also a **toolkit** including manager guidance and supporting documents to use when following this policy and procedure.

### Toolkit

#### Guidelines

- [guidance for managers to managing appointments through e-recruitment](#)
- [guidance for managers to recruitment](#)
- [guidance for managers to safer recruitment](#)
- [guidance for managers - reasonable adjustments](#)
- [guidance for managers - equal opportunities in recruitment](#)
- [guidance for managers – completing the job description](#)
- [guidance for managers – induction](#)
- [recruitment flowchart](#)

#### Forms

- [form - SAP configuration request](#)
- [form - approval to recruit](#)
- [template - short listing matrix](#)
- [form - interview assessment](#)
- [form - preferred candidate](#)
- [form - CRB clearance information](#)
- [form - new starter](#)

#### Other

- [Apprenticeship programme flowchart](#)
- [EIA – Apprenticeship programme policy](#)
- [recruitment training](#)
- [safer recruitment](#)

For further information please speak to your supervisor, manager, service director or contact your HR advisor.

Policy author	HR Policy and Reward Team – (RW)
Policy implemented	DD-MM-YYYY
Policy last updated	25.08.2011

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## WILTSHIRE COUNCIL

### STAFFING POLICY COMMITTEE

21 September 2011

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#### LEAVER PROCEDURE

##### Purpose of Report

1. To confirm the current process for managing leavers.

##### Background

2. This report is in response to a request made at the Staffing Policy Committee meeting on 20 July 2011 for additional information about the leaver procedure.

##### Main Considerations for the Council

3. The leaver process was first provided on the HR website when SAP was introduced to the council in 2009.
4. The redundancy leaver form was updated alongside the updated redundancy policy and procedure in October 2010 prior to the management review taking place.
5. The guidance for managers was reviewed as part of lessons learned from the management review which took place on 10 January 2011.
6. Other departments affected by the leaver process were contacted and asked to feed into the review including HR Payroll administration, SAP, facilities management, IT and emergency planning teams.
7. Members also fed comments in to this review – particularly around return of equipment, confidentiality issues and out of office responses.
8. The HR stakeholder panel were asked to comment on the current leaver process and their feedback was used when updating the HR guidance and the IT leaver process.
9. A number of changes were made to the guidance including:
  - Updating the leavers form to collect all information in one place, including non-HR aspects of leaver process (e.g. returning equipment);
  - Including a managers checklist at the end of the leaver form to remind them of the other processes they need to follow prior to the employee leaving;
  - Updating the IT leaver process (manager now contacts the service desk via telephone rather than completing complex form);
  - Giving guidance on different leaving scenarios which require a slightly different approach (e.g. dismissal, end of fixed term contract, death in service) which had not previously been included;
  - Incorporating the online exit interview into the leaver process.

- Giving specific guidance on steps to follow if equipment is not returned
  - Giving guidance on specific wording to use on “out-of-office” replies.
10. A flowchart was produced to guide managers through the leaver process.
11. As part of the review of the leaver process we have identified several key clauses that need to be incorporated in the employment contract, namely:
- A clear statement regarding return of equipment
  - A clear statement regarding confidentiality of information
  - A clause relating to the ability of the council to pay in lieu of notice
12. A contract review is currently under way with draft clauses being approved by legal prior to consultation with key stakeholders and the unions.
13. The current leaver procedure and flowchart are attached as an appendix to this report.

#### **Environmental Impact of the Proposal**

14. None

#### **Equalities Impact of the Proposal**

15. No negative impacts were identified.

#### **Risk Assessment**

16. None

#### **Options Considered**

17. None.

#### **Recommendation**

18. To note the current leaver process and guidance.

**Barry Pirie**  
**Service Director**  
**HR & OD**

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Report Author: Paula Marsh, Human Resources Policy & Reward team

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



## Copy of text on HR Direct

### Guidance for managers - managing leavers

**Description**

This page provides managers with guidance on managing the leaver process.

**Last revised**

July 2011

**Team responsible**

HR strategy and policy - Policy team

As a manager it is your responsibility to ensure that, whatever the circumstances under which a member of your team leaves the council, you complete the required leaver processes.

The [leaver process flowchart leaver process flowchart 27kb](#) outlining the standard steps in the process should be used in conjunction with this guidance to ensure all appropriate actions are taken.

Slightly different processes apply depending on the circumstances under which the employee leaves the council:

**Special cases:****Resignation**

- Employees who resign from the council must submit their formal resignation in writing or by email.
- You must ensure they have provided sufficient notice in line with their contractual notice period – see guidance on [notice periods notice periods NaNmb](#).
- You should acknowledge the resignation letter in writing or by email.
- A copy of the resignation and acknowledgement must be sent to HR payroll administration team (by email to [hr@wiltshire.gov.uk](mailto:hr@wiltshire.gov.uk) or post to PO Box 4385, Wiltshire Council, Bythesea Road, Trowbridge, Wiltshire. BA14 8JN).
- Then follow the standard leaver process

**Resignation to take up a new position within Wiltshire Council**

- Employees must still submit their formal resignation in writing or by email to their current manager who should acknowledge the resignation letter.
- The current line manager should agree in conjunction with the employee and the recruiting manager whether the full notice will be worked.
- The current line manager should send all correspondence to the HR payroll administration team (by email to [hr@wiltshire.gov.uk](mailto:hr@wiltshire.gov.uk) or post to PO Box 4385, Wiltshire Council, Bythesea Road, Trowbridge, Wiltshire. BA14 8JN).
- Follow the standard leaver process (e.g. exit interview, handover etc.), however a leaver form is NOT required.

- The current line manager should contact the IT service desk (01225 718718) to let them know that the employee is moving to a different position within Wiltshire Council.
- The IT service desk will liaise with the new manager and confirm whether the employee should take their laptop with them or whether new equipment will be supplied.

### Employee fails to attend work / you suspect they have left without notice

- Contact your HR advisory team immediately.
- Do not initiate any leaver processes without HR advice.
- If the employee has access to sensitive information make HR aware and take advice about whether the employee's ICT and other accounts should be suspended.
- If it is confirmed that they should be treated as a leaver follow the same process as for employees who are dismissed without notice.

### Dismissal with notice

- Complete the standard leaver process as normal
- Do not send exit questionnaire

### Dismissal without notice (summary dismissal)

- Immediately contact the HR Payroll administration team ([hr@wiltshire.gov.uk](mailto:hr@wiltshire.gov.uk)) to inform them of leave date so pay can be stopped
- Complete the standard leaver process as normal but make it clear the employee has already left and it is urgent that accounts be closed down immediately.
- Do not send the employee an exit questionnaire
- If equipment has not been returned write to employee following guidance on recovering equipment from leavers

### Retirement

- Refer to the Wiltshire Council [retirement](#) policy and guidance
- Ensure the employee has been informed about the [planning for retirement course](#).

### Fixed term contract expiry

- Refer to the guidance on [fixed term contract expiry](#).
- Be aware that if an employee on a fixed term contract has in excess of two years continuous service they may be eligible for a redundancy payment on termination of their contract.

### Redundancy

- Refer to the [redundancy](#) pages on HR Direct.
- Do not complete the normal leaver form – instead use the [Redundancy leaver form redundancy leaver form 2mb](#). This is very important as it includes a declaration that the employee must complete and sign before any redundancy payment can be made.
- Do not send the employee an exit questionnaire.
- Submit the leaver form to your HR business partner who will attach an updated redundancy quote and check the details before forwarding the form to the HR Payroll administration team.

### [Death outside of work \(as the result of a long term illness, a sudden health problem or an accident which is not work related\)](#)

- Refer to [guidance for managers - death of an employee outside of work](#)
- You will still need to complete the standard leaver process to ensure that all appropriate actions are taken.
- You should do this as quickly as possible to ensure there is no delay in final salary payments being made.
- If equipment needs to be collected this should be handled sensitively and in conjunction with your HR Advisor.

### [Death in service](#)

- Refer to the councils [death in service](#) policy
- You will still need to complete the standard leaver process to ensure that all appropriate actions are taken.
- You should do this as quickly as possible to ensure there is no delay in final salary payments being made.
- If equipment needs to be collected this should be handled sensitively and in conjunction with your HR Advisor.

### **The standard leaver process**

The process below takes you through each of the steps on the [leaver process flowchart leaver process flowchart 27kb](#) in detail

### [Complete ICT and HR leaver processes](#)

Phone ICT service desk (01225 718718) – they will take you through a leaver checklist (see [example service desk leaver process example service desk leaver process 390kb](#)).

You may want to look at this in advance so you are prepared to provide the relevant information including:

- Employee name
- Employee email address
- SAP User id number
- Employee's work location
- Leaving date (and account deletion date if different)
- Type and asset numbers of equipment where known

The service desk will issue you with a reference number

Complete and submit the [Leaver form leaver form 2mb](#) (including ICT reference number).

Email other departments as appropriate to notify them of leavers with emergency planning roles, lease cars or building access (as set out in section 5 of the leaver form).

The ICT service desk will email you a link to the ICT change form (via the web portal) – you should check this with the employee and inform the service desk if there are any discrepancies or additions. Agree with the employee the date for equipment return.

The ICT desktop team will contact you to confirm the date and location that equipment will be collected from.

If the employee is a home worker the home broadband team will contact them directly to arrange to pick up equipment and uninstall the broadband line.

Print the change request form and sign off equipment as employee returns it and keep the signed form and equipment safe until the desktop team collect.

Remember to collect any departmental equipment – e.g. specialist equipment, keys etc.

Collect the employee's ID badge, access cards, parking permit and return to facilities management services at your hub. For more information contact [fmsupport@wiltshire.gov.uk](mailto:fmsupport@wiltshire.gov.uk).

### **SAP updates**

If the employee was a people manager, cost centre manager or procurement approver in SAP you will need to complete section 2 of the leaver form and may need to liaise with the appropriate SAP support teams:

Finance - e.g. changes to cost centres, budget holders, cost centre hierarchies, budget virements. Email: [SSTAccounting@wiltshire.gov.uk](mailto:SSTAccounting@wiltshire.gov.uk) Telephone: Chris Ashton (01225 713660) or Karina Simons (718006) or Laura Goodman (713198).

HR – e.g. structure changes, creating and deleting posts, removing authorisations or approvals. Email: [businessinformation@wiltshire.gov.uk](mailto:businessinformation@wiltshire.gov.uk). Telephone: Trixie Smith (01225 711234) or Kerry Hunt (717473) or Chris Grist (713473).

Procurement - e.g. changes to SRM approving managers and requisitioners, cost centre permissions, delivery address, approval substitutions. Email: [sharedservicesprocurement@wiltshire.gov.uk](mailto:sharedservicesprocurement@wiltshire.gov.uk). Telephone: Claire Doogue (01225 712636) or Jenny Hindes (718503).

### **Exit questionnaire**

All leavers (except those leaving due to dismissal or redundancy) should be offered the opportunity to complete an [exit questionnaire](#) if they wish.

You should email the leaver the link to the questionnaire (or if they do not have access to a PC you should print a copy off for them).

At the start of the questionnaire the leaver is advised to contact their line manager if they also wish to have a one to one exit interview to discuss any of the points covered in the questionnaire. If an interview is requested you should arrange this as soon as possible. Your HR advisor can support you in preparing for an exit interview if you have any concerns.

### **Handover of workload, files and emails**

Files and emails – wherever possible you should ensure there is a handover period where the employee who is leaving can pass over both paper and electronic files to the person(s) who will be taking on the work. It is important to ensure all electronic files are transferred

prior to the leaver's account being deleted. The ICT Service desk can take you through the process of archiving emails etc. There is also guidance on the [ICT support pages](#).

Passwords – whilst the leaver should not share their login details there may be files which they have set up which are password protected and these should either be unlocked, or the passwords handed over, prior to their leave date.

The leaver should be reminded that they must not send any Wiltshire Council documents, files or contacts to their personal email account, or take any paper copies with them when they leave.

### Out of office

As long as you have notified the ICT service desk in good time the leaver's email account should be disabled as soon as they leave the council. If for any reason their account is not disabled immediately you must ensure that an appropriate out of office is in place.

The standard wording for a leaver's out of office should read:

“Thank you for your email. I have now left Wiltshire Council and my emails are being forwarded to **Name, Position, Title**. If you have an urgent query please contact **Name on Telephone number**.”

### Notifying of leavers

If members of your team are leaving the council you should ensure that any service users or councillors who have been working closely with that employee are informed of their leaving date and of who will be taking over the relevant work or project.

If the leaver is senior or works across many departments it may be appropriate to put a message on the electric wire, managers wire and/or the members wire – this can be arranged by contacting [communications@wiltshire.gov.uk](mailto:communications@wiltshire.gov.uk).

### Update contact directory

You must ensure that either the leaver or yourself has updated the [contact directory](#) so that they no longer appear on the list once they have left the council.

### ICT equipment return

It is vital that all ICT equipment is returned both from a financial perspective and due to the sensitive data which may be stored on the device and represents a security risk for the council.

If there are exceptional circumstances around the leaving reasons, for example where the employee is leaving due to ill health, it may be appropriate for the manager to arrange for drop-off of equipment to a more convenient location or for collection of equipment from the employee's home.

Prior to leaving date:

- Use ICT form to prompt return – agree the list of equipment with the employee and arrange a date for them to return it.

- Wherever possible this should be before their last day at work – some equipment will not be able to be returned until their last day.
- Once you have agreed return dates you should send the employee an email confirming this. You may also want to prompt them verbally near to the date.

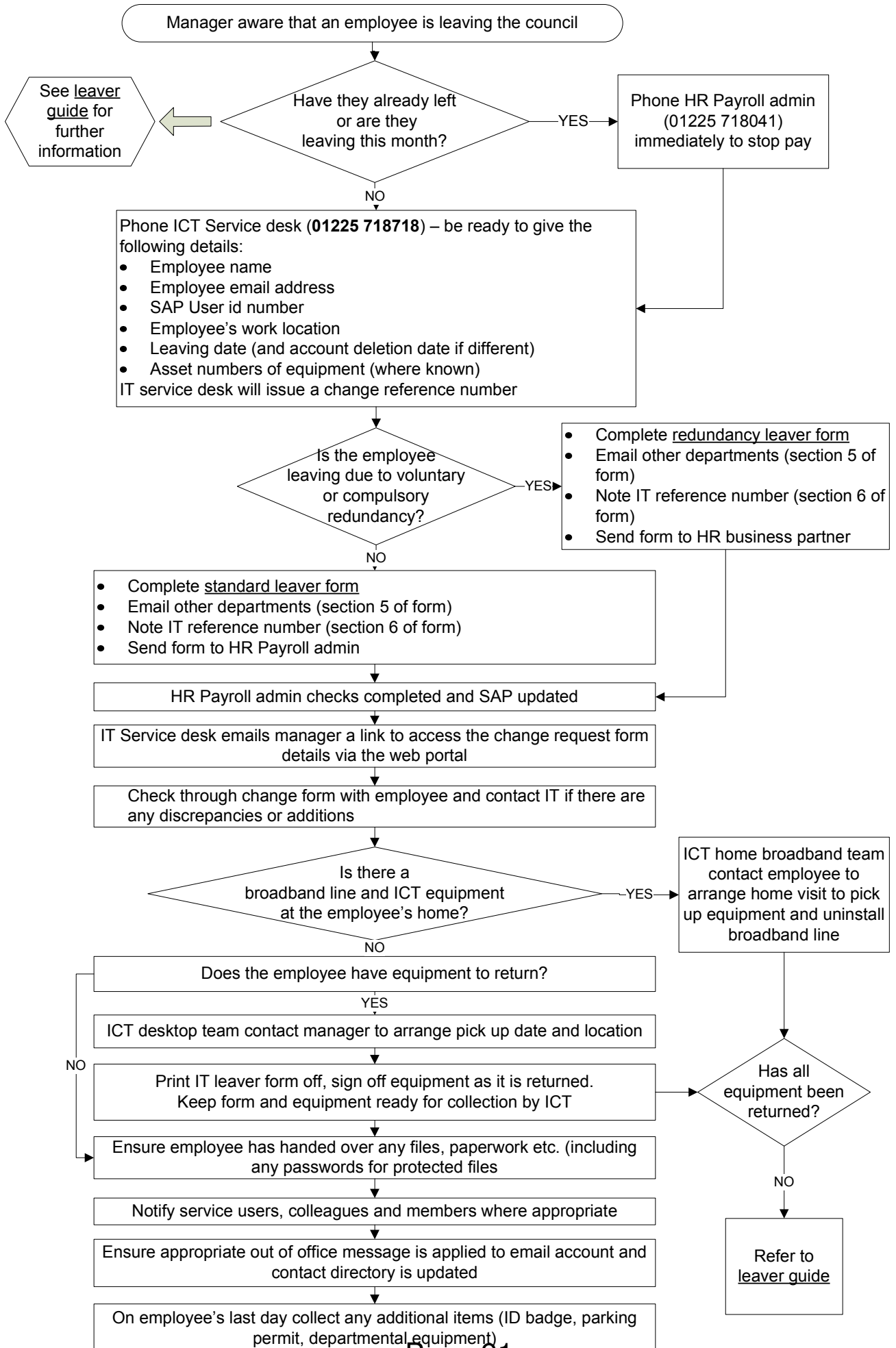
If there is any equipment that is not returned by the last day you should ask the employee to return it as soon as possible and agree a date and time before they leave.

If the employee has already left or if they have not returned equipment by agreed date if possible contact them by telephone and ask them to bring the equipment in to their nearest hub.

If you cannot make contact by telephone you should write to the employee using the [Recovery of equipment from leavers template letter recovery of equipment from leavers template letter 21kb](#) requesting the return of the equipment.

If there has been no contact or the equipment has not been returned within 7 days of sending this letter you should contact your HR advisor to agree the appropriate next steps.

## Leaver process flowchart



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## QUARTERLY WORKFORCE MEASURES – DELIVERING THE BUSINESS PLAN

Delivering the Business Plan - Quarter ending June 2011

### Notes on the figures:

- All reported figures exclude casual employees and agency/professional services staff (unless stated)
- Wiltshire Council figures exclude Fire, Police and Schools
  - **Headcount** = Number of positions that are filled not individual people
  - **FTE** = “Full Time Equivalents” which take into account actual working hours to show accurate staffing levels
- Information is based on the structures in place post the senior management restructure to ensure consistency throughout the year e.g. DTR and DNP have been reflected.
- “**Annualised**” means we take the measured amount divide it by the months it covers and multiply it by 12 to give an estimate of the rate that would be seen throughout the year.
- “**YTD**” means year to date i.e. all reportable information since April 2011 has been included.
- The **Voluntary staff turnover** section does not include information for those who leave due to statutory retirement, ill health, compulsory or voluntary redundancy, dismissals, end of contract, unsatisfactory probation and TUPE transfers as these are classified as compulsory reasons. Only Voluntary leavers are included as these are the individuals that have decided to leave for their own reasons and therefore it may not be in Wiltshire’s best interest. Overall turnover rates will be higher and can be analysed upon request.
- Although the cost associated with turnover is not readily available, CIPD estimate that the recruitment cost of replacing a leaver is £2930. Based on last year’s turnover rate (11.7%) we could estimate that 617 employee’s will leave Wiltshire Council during 2011-12 resulting in costs of **£1,807,810**.
- **% <1 year turnover rate**: The cost of turnover in this group is generally higher as the investment in recruitment, induction and training is unlikely to be recovered within such a short time period.
- **Redundancy figures** relate to all redundancies made not just those as part of service reviews

If you have any queries on these reports or requests for further information, please contact Paul Rouemaine, HR Information Manager, on 01225 756159 or [Paul.Rouemaine@Wiltshire.gov.uk](mailto:Paul.Rouemaine@Wiltshire.gov.uk)

## QUARTERLY WORKFORCE MEASURES – DELIVERING THE BUSINESS PLAN

WILTSHIRE COUNCIL (excl. schools) Quarter ended: **June 2011**

### Management Information Team Observations:

- Wiltshire Council's (WC) headcount reduced by 131 (2.4%), and the FTE by 166 (3.9%). It would be inaccurate to make a judgement as to which department the majority of this reduction came from, due to the recent restructuring within the departments.
- A new measure for this year is the ratio of managers to employees. The golden rules state that a guideline ratio of around 6 employees to every manager is optimum. Post the management review, WC has surpassed this rule and now has a ratio of 1 manager to every 7 employees.
- Sickness rates have decreased this quarter to 7.9 days per FTE (-1.0 days). This decrease has now taken the sickness days lost to a level that is much lower than the lower quartile of local authority's benchmark figure (8.8 days).
- Stress/Depression/Mental Health/Fatigue reasons continue to account for the highest recorded days lost (22.2%).
- The Department of Community Services (DCS) sickness rates have now reduced due to Housing, which now form part of the department having low sickness rates. The Department of Transformation and Resources (DTR) saw the lowest sickness rates with 6.0 days per FTE.
- The percent of total absences lasting over 20 days have increased to 46.0% (+2.8%). However, less days were lost to all incidents of sicknesses whether short (<5 days), medium (5-20 days) or long (>20 days) term and this increase simply occurred due to short term sickness seeing a bigger decrease.
- The annualised voluntary turnover rate decreased this quarter to 8.4% (-3.3%). However this decrease is due to the inclusion of voluntary redundancy in the figures for last year's reports, this has now been excluded to give a truer picture of voluntary turnover rates at Wiltshire Council for this quarter and those going forward.
- DCE continue to display the highest voluntary turnover rate, at 11.6% (-1.2%), however, the previous quarter figure does not take into account the move of performance into DCE. 63% of this turnover was due to either leaving for alternative employment or resignation due to family commitments.
- Now that voluntary redundancy is excluded from the voluntary turnover rate, the most common reason for leaving voluntarily from the council has reverted back to resigning for alternative employment not in a local authority (31%).
- New disciplinary and grievance cases have both decreased since last quarter, to 5.3 per 1000 employees respectively (-3.6 and -1.7 respectively).
- H&S incidents per 1000 employees saw quite a significant increase to 3.8 (+2.1) but remain below the median seen across local authorities. Cases in DNP equate to 77% of the total cases. However, it is necessary to take more formal procedures in some of the frontline service areas, such as DNP, to ensure that high quality service levels are maintained.
- Another new measure is to keep track of the redundancies being made throughout the quarter. This quarter there was 98 redundancies made, 59 of which came from DCE (60%).

- To keep track of whether Wiltshire Council is making the savings required from staffing levels, we need to make sure that the ratio of starters to leavers is at a satisfactory level (i.e. there are more leavers than starters). Wiltshire Council's overall ratio is 1 FTE starter for every 4.3 FTE's leaving the council.
- During the last quarter, sickness absence cost Wiltshire Council £538,184.81 in sick pay. An organisation of Wiltshire's size would be expected to pay £2,397,988.01 a year in sick pay (based upon the median sickness rate across local government) but Wiltshire's annualised cost equates to just £2,152,739.24; this is therefore £245,248.77 less than what could be expected.
- Wiltshire Council made a saving of £244,979.52 from the organisational pay bill from staff reducing their hours.

## QUARTERLY WORKFORCE MEASURES – DELIVERING THE BUSINESS PLAN

This page gives you information relating to important employee measures:

The number of positions that are filled by contracted staff

Staffing levels		
Measure	WC	Change since last period
Relating to Quarter (unless stated)		
Headcount (as at end of period)	5270	-131 (-2.4%)
FTE (as at end of period)	4117	-166 (-3.9%)
FTE change due to TUPE transfers in vs. out	-8.6	n/a
FTE change due to employee hour changes	-6.79	n/a
Ratio of starters to leavers (FTE)	1:4.3	n/a

"Full Time Equivalents" which take into account actual working hours to show accurate staffing levels

Part of the FTE/HC change above may be explained by these measures

How many leavers we have had for every one starter

Workforce Information		
Measure	WC	Last period
Ratio of managers to employees	1:7	n/a
% Exit questionnaires completed (YTD)	10%	n/a
% of total vacancies filled by internal appointment - year to date	73%	n/a
% management posts filled by internal appointment - year to date	100%	n/a
FTE of managers	665	n/a
Number of redundancy's made during quarter	98	n/a

The % of posts filled by an internal candidate

The % of leavers who completed an exit interview

The FTE of people management posts

The percentage of absences that last for over 20 days (deemed to be long term)

Sickness Absence		
Measure	WC	Last period
Working days lost per FTE (ytd annualised)	7.9 days	8.9 days
% of total absences over 20 days (ytd)	46.0%	43.2%

The number of RIDDOR incidents that have occurred.  
<http://www.hs.e.gov.uk/riddor/riddor.htm>.

Health and Safety		
Measure	WC	Last period
No. of workplace incidents/injuries reported per 1000 employees (ytd annualised)	3.8	1.7

The number of individuals that left voluntarily before completing one year service as a percentage of the employees in post with less than one year's service.

Voluntary Staff Turnover		
Measure	WC	Last period
% staff turnover (ytd annualised)	8.4%	11.7%
% <1 year turnover rate(ytd annualised)	23.0%	18.9%
Average leavers' length of service	10.9 years	9.7 years

Disciplinary and Grievance Cases		
Measure	WC	Last period
New disciplinary cases per 1000 employees (annualised)	5.3	8.9
New grievance cases per 1000 employees (annualised)	5.3	7.0

## QUARTERLY WORKFORCE MEASURES – DELIVERING THE BUSINESS PLAN

This section gives you Information relating to your workforce costs:

<b>Employees paid over £50,000 basic salary</b>		
<b>Measure</b>	<b>WC</b>	<b>Last period</b>
% of employees paid over £50,000 annual salary	2.07%	n/a
% of employees paid over £100,000 annual salary	0.09%	n/a
% of employees paid over £150,000 annual salary	0.02%	n/a

Why this is important: Regulation 4 of the accounts and Audit (amendment no.2) introduces a new legal requirement to increase transparency and accountability in local government. We now need to disclose the names and data for individuals earning over £50,000 and therefore we should be looking to keep these figures as low as possible.

<b>Additional financial information</b>		
<b>Measure</b> (If the figure is a negative a saving has been achieved)	<b>WC</b>	<b>Last period</b>
Cost of sick pay (ytd)	£538,184.81	n/a
<b>Cost/saving</b> of employee hour changes (during period)	-£244,979.52	n/a

Why this is important: Sick pay amounted to £2,900,000 across Wiltshire Council during the 2010-11 financial year and therefore this is a substantial area of spend that should be minimised whenever possible. Some services may also be looking to employees to work more hours than they previously have done to cover gaps where a reduction in the headcount of employees has been made. It is therefore important that we keep track of the change in FTE resulting from employees changing their hours.

# QUARTERLY WORKFORCE MEASURES – DELIVERING THE BUSINESS PLAN

## BENCHMARK DATA

Benchmark figures are supplied by DLA Piper Benchmarker. The Local Authority benchmarks represent combined data from 54 subscriber Local Authorities. The Private Sector benchmarks represent data from approximately 250 private sector organisations classified as “large” (over 1000 employees), consisting of a mix of Financial, Professional and Support Services; Manufacturing, Engineering and Processing; and Retail and Leisure.

Sickness Absence			
Measure	Local Authorities Median	Local Authorities lower Quartile	Private Sector Median
Working days lost per FTE	9.9	8.8 (lower q.)	5.7
Average length of absence (FTE days)	5.9	4.9	3.5
% of absences over 20 days	55.8%	41.8%	40.5%

Health and Safety			
Measure	Local Authorities Median	Local Authorities Lower Quartile	Private Sector Median
No. of workplace incidents/injuries reported per 1000 employees	5.9	2.8	8.0

Voluntary Turnover			
Measure	Local Authorities Median	Local Authorities Lower Quartile	Private Sector Median
% staff turnover	6.6%	5.7%	10.5%
% staff turnover of leavers within first year's service	n/a	n/a	n/a

Disciplinary and Grievance Cases			
Measure	Local Authorities Median	Local Authorities Lower Quartile	Private Sector Median
No. of disciplinary cases per 1000 employees	9.2	5.0	44.8
No. of grievance cases per 1000 employees	3.8	2.8	6.4

## **LEISURE SERVICES STAFF USE OF LEISURE FACILITIES**

1. This is a report has been prepared jointly between the Human Resources Department and Leisure Services.

### **Purpose**

2. The purpose of this report is to recommend that the Staffing Policy Committee agree to the proposal to introduce a single harmonised scheme for all Leisure Services staff employed at or involved in the management of council owned Leisure Centres to use the Wiltshire Council in-house operated leisure centre facilities. This scheme will replace the varied schemes that the Council inherited from the previous District Council and County Council.
3. The purpose of a Leisure staff use scheme is to:
  - Maintain staff expected levels of fitness.
  - Encourage staff presence and awareness of the building and activities.
  - Enable staff to experience the leisure product from the customer perspective.
  - Enable and encourage managers responsible for the service to experience firsthand the service provided and clearly understand the service from a customer perspective.
  - Create and maintain knowledge of the leisure products to support sales and advocacy by all staff directly involved in the management or running of the service.
  - Support recruitment and retention of staff.
4. The proposed scheme includes a recording system which will record usage and generate reports to monitor and control use.

### **Background**

5. Prior to the formation of One Council in April 2009 the County Council and the District Councils that operated leisure centres had a variety of different approaches to leisure services staff use of leisure centre facilities.
6. Following the formation of One Council there is a requirement to introduce a consistent approach to leisure services staff use of facilities. This needs to be introduced as part of the current Leisure Services restructuring.
7. The proposed scheme includes a recording system which will record usage and generate reports to monitor and control use.

### **Current arrangements**

8. Staff working for the old Kennet District Council Leisure Services, including those office based are eligible for the current scheme. This includes leisure development, arts and administration staff as long as they work at least 10 hours per week. Staff working less

than 10 hours are only eligible on the days they work unless attendance is required for swimming training purposes. Instructors are able to take part in other classes to maintain fitness levels and develop skills. Otherwise the scheme applies to non-bookable activities, use of the gym and swimming only. These arrangements do not form part of the employment contract.

9. Leisure Services staff based in the ex-Salisbury council district have three types of leisure passes that can be used at any of the old Salisbury District Council sites for the range of activities available and where there are vacant spaces. These passes cost £30, £35 or £40 per year depending on whether the membership is staff only, staff and partner or staff and immediate family. The membership also includes free children spaces for term time swimming lessons or Kidz Kamp. Further concessions apply for ASA Swim Teacher and Lifeguard courses. These arrangements do not form part of the employment contract.
10. Staff at Pewsey Sports Centre are able to swim and use the fitness room at no cost.
11. Amesbury staff now use the SDC system of operation

## **The Proposal**

12. This proposal has been developed jointly and with the agreement of Leisure Services.
13. A harmonised and consistent scheme is required for Leisure services staff directly involved in the management or operation of Wiltshire Council managed Leisure Centres.
14. The proposed scheme is consistent with the schemes that are offered in local leisure centres operated by alternative providers and will apply to around 400 Wiltshire Council Leisure staff.
15. The purpose of the scheme is to maintain expected levels of fitness, encourages staff presence and awareness of the building and activities, enable staff to experience the leisure product from the customer perspective and create and maintain knowledge of the leisure products to support sales. It will also enable and encourage managers responsible for the service to experience firsthand the service provided and clearly understand the service from a customer perspective and to be able to confidently present and respond to enquiries and complaints.
16. Implementation of the proposed scheme will ensure that there is a tight control of staff usage and will eliminate misuse.
17. The proposal is not part of the employment contract. It covers all staff in leisure services working on temporary or permanent contracts who are directly responsible for the management or involved in the operation of one of the council owned and managed leisure facilities. The scheme will be eligible to staff that hold a current Leisure Membership card.
18. The scheme is not available for casual workers except where there is a requirement for them to maintain their national pool lifeguard qualification.
19. The activities available include general swimming and use of the fitness studio as long as staff have attended an induction. Operation of the scheme is on the understanding that staff would leave the activity should it become busy by the arrival of paying customers and before capacity is reached.



20. Generally bookable classes are not included however eligible staff will be encouraged to attend one session of any new lifestyle class to gain product knowledge and assist in the selling of classes to customers.
21. Coaches teaching Exercise to Music classes will be able to take part in other classes to develop their own skills and enhance the programmes they are able to offer.
22. The current cost of the required Leisure Membership card is £11 per year. Staff will present their valid card for each activity they take part in and be issued with a ticket.
23. On leaving employment with Wiltshire Council Leisure Services staff will be removed from the staff membership card system and be expected to pay the full rate for attending activities.
24. Where a member of staff or groups of staff are found not to have behaved in a professional manner throughout their activity the facility can be withdrawn.
25. The recording system will record usage and reports will be generated regularly to monitor and control use.
26. As the scheme is not contractual it can be changed or withdrawn at any time.

### **Financial considerations**

27. There will be a change for current members of Leisure Services staff in terms of their access to the new scheme in comparison to their existing schemes. Staff on the Salisbury District Council scheme will pay less for the membership but will have to pay for partners and family members when they use the leisure facilities. Staff on the Kennet District Council scheme will have to pay for membership which previously was free.
28. Overall it is anticipated that the impact will be cost neutral – the reduced income in the Salisbury area will be offset by the increased income in the rest of Leisure Services. There is likely to be an increase in income from partners and family members that will be required to pay for leisure activities.

### **Recommendations**

29. The Staffing Policy Committee is recommended to accept this proposal and agree to the introduction of this single harmonised scheme for Leisure Services staff directly responsible for the management or operation of one of the council owned and managed leisure facilities. This should be introduced immediately as part of the Leisure Services restructure.

**Barry Pirie**  
**Service Director**  
**HR and Organisational Development**  
**Transformation & Resources**

**Robin Townsend**  
**Head of Leisure**  
**Department of Neighbourhood**  
**& Planning**

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Report Author:

Mike Newman – Senior Project Officer – Pay Harmonisation Team

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

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