



*Alison Stuart
Head of Legal and
Democratic Services*

MEETING : HUMAN RESOURCES COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 13 MARCH 2019
TIME : 3.00 PM

PLEASE NOTE TIME AND VENUE

MEMBERS OF THE COMMITTEE

Councillor P Boylan (Chairman)

Councillors S Bull, Mrs R Cheswright, S Cousins, M McMullen, P Ruffles (Vice-Chairman) and M Stevenson

**CONTACT OFFICER: LORRAINE
BLACKBURN**

lorraine.blackburn@eastherts.gov.uk

01279 502172

This agenda has been printed using 100% recycled paper

DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.
4. It is a criminal offence to:
 - fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
 - fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
 - participate in any discussion or vote on a matter in which a Member has a DPI;
 - knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

Public Attendance

East Herts Council welcomes public attendance at its meetings and will provide a reasonable number of agendas for viewing at the meeting. Please note that there is seating for 27 members of the public and space for a further 30 standing in the Council Chamber on a “first come first served” basis. When the Council anticipates a large attendance, an additional 30 members of the public can be accommodated in Room 27 (standing room only), again on a “first come, first served” basis, to view the meeting via webcast.

If you think a meeting you plan to attend could be very busy, you can check if the extra space will be available by emailing democraticservices@eastherts.gov.uk or calling the Council on 01279 655261 and asking to speak to Democratic Services.

Audio/Visual Recording of meetings

Everyone is welcome to record meetings of the Council and its Committees using whatever, non-disruptive, methods you think are suitable, which may include social media of any kind, such as tweeting, blogging or Facebook. However, oral reporting or commentary is prohibited. If you have any questions about this please contact Democratic Services (members of the press should contact the Press Office). Please note that the Chairman of the meeting has the discretion to halt any recording for a number of reasons, including disruption caused by the filming or the nature of the business being conducted. Anyone filming a meeting should focus only on those actively participating and be sensitive to the rights of minors, vulnerable adults and those members of the public who have not consented to being filmed.

AGENDA

1. Apologies

To receive apologies for absence.

2. Minutes (Pages 7 - 16)

To receive the Minutes of the meeting held on 9 January 2019

3. Declarations of Interest

To receive any Member's Declaration of Interest.

4. Chairman's Announcements

5. Human Resources and Payroll Update (Pages 17 - 24)

6. Agency Staff Audit (Pages 25 - 42)

7. Apprenticeships Programme (Pages 43 - 56)

8. Flexible working (Pages 57 - 80)

9. Appeals Policy (Pages 81 - 104)

10. Human Resources Management Statistics - Quarterly Report (Pages 105 - 116)

11. Local Joint Panel - 27 February 2019

Please note that this meeting was cancelled due to lack of business.

12. Health and Safety Committee: Minutes 10 December 2018 (Pages 117 - 120)

To receive the Minutes of the Health and Safety Committee held on 10 December 2018

13. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

This page is intentionally left blank

MINUTES OF A MEETING OF THE
HUMAN RESOURCES COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 9 JANUARY
2019, AT 3.00 PM

PRESENT: Councillor Peter Boylan (Chairman)
Councillors S Bull, Mrs R Cheswright,
S Cousins, M McMullen, P Ruffles and
M Stevenson

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Vicki David	- Human Resources Officer
Claire Kirby	- Human Resources Officer
Kate Leeke	- Interim Head of Human Resources and Organisational Development

333 MINUTES

It was moved by Councillor S Cousins and seconded by Councillor M McMullen that the Minutes of the meeting held on 3 October 2018 be confirmed as a correct record

and signed by the Chairman. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the Minutes of the meeting held on 3 October 2018 be confirmed as a correct record and signed by the Chairman.

334 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed all to the meeting and wished everyone a Happy New Year.

335 HUMAN RESOURCES MANAGEMENT STATISTICS: OCTOBER TO DECEMBER 2018

The Interim Head of Human Resources and Organisational Development submitted a report inviting Members to consider the Human Resources (HR) Management Statistics for Quarter 3 (October – December 2018).

Members were advised that the number of vacancies had fallen from 46 in Quarter 2 to 32 in Quarter 3. It was noted that projected employee turnover was anticipated to be 21.7% (against last Quarter's figure of 25.4%). Sickness absence had increased on Quarter 2 figures and now stood at 6.2 days per FTE compared to the last Quarter (5.5 days) and below the overall target of 6.5 days.

Councillor M Stevenson asked if more information was available on a departmental basis and was advised that this information and comparative benchmarking would be provided within the Annual Reports.

The Interim Head of HR and OD explained that the return

rate for exit questionnaires remained high at 72%, however it was a slight decrease since Quarter 2 (74%). It was anticipated that if this figure was maintained, this may help identify trends and patterns including those which may be seasonal, which may then be addressed.

Councillor R Cheswright asked for and was given assurance that comparative benchmarked figures were included within the Annual Reports to make the information more meaningful.

The Interim Head of HR and OD referred to a number of staff initiatives which were being introduced to help improve retention.

Members also noted the summary in relation to other issues referred to in the report:

- Projected Short Term Absence for 2018/19
- Projected Long Term Absence for 2018/19
- Worked related accidents
- Learning and Development
- Performance Management
- Equalities Monitoring Indicators; and
- Policy Development initiatives.

The Committee received the report.

It was proposed by Councillor M Stevenson and seconded by Councillor M McMullen, that the report, as detailed, be received. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the HR Management Statistics for Quarter 3 (October – December 2018) be received.

336 HUMAN RESOURCES AND PAYROLL UPDATE

The Interim Head of Human Resources and Organisational Development provided a summary of the report. She referred to the inclusion of a statement on payslips regarding countering fraud and the additional payroll exercise which had been carried out in relation to election payments. The Interim Head referred to the excellent service provided by payroll which provided 100% accuracy which, she said, was not always the case in many organisations.

In relation to health and safety, the Interim Head thanked those who had contributed to the cost of two defibrillators. The Interim Head provided an update in relation to:

- General Data Protection Regulations (GDPR) – HR was now fully compliant;
- Employee Assistance Programme (EAP) – of ongoing work with Hertfordshire County Council;
- Gender Pay Gap Report 2018;
- Recruitment – and posts which had been filled in relation to the Head of HR, an Executive Assistant and two Service Managers in Planning;
- Mental Health First Aiders (MHFA) – 22 people had attended training to become Mental Health First Aiders and the scheme was being launched across the Council in February;
- Flu vaccinations – that 73 staff had been vaccinated which was approximately one-fifth of the workforce;
- Attendance at Which? Careers fair

The Committee Chairman sought and was provided with clarification regarding the support mechanism for mental

health first aiders. Councillor S Bull supported the ongoing work to support Mental Health initiatives. The initiative had been welcomed by Staff. On the issue of flu vaccinations, the Committee Chairman felt that a 20% turnout could be improved upon. The Interim Head of HR explained that this was the first year of this initiative and explained how the process had been set up across the authority and what sessions had been made available to staff. It was hoped that the initiative would be repeated next year, with a greater number of staff participation.

The Interim Head explained the ongoing work to improve the Council's advertising of vacancies and raise the Council's online profile to attract the best candidates for the roles.

Councillor R Cheswright commented that it would be useful to have more regular information about leavers and new starters. The Democratic Services Officer undertook to raise the issue with Communications.

Councillor S Cousins thanked the Interim Head for the positive action taken to address recruitment.

It was proposed by Councillor S Cousins and seconded by Councillor M Stevenson, that the report, as detailed, be received. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that (A) the update report be received;
and

(B) the Head of Communications, Policy and Strategy be asked to review how information about leavers and new starters could be communicated to

Members on a regular basis.

337 GENDER PAY GAP

The Interim Head of Human Resources and Organisational Development submitted a report regarding the Gender Pay Gap report. The Human Resources Officer provided a summary of the report and the action taken since the first Gender Pay report was published in March 2018, the detail of which was set out in the report. In response to a query, the Human Resources Officer provided an explanation of the Council's mean gender pay gap and the median gender pay gap.

The Committee Chairman queried the introduction of "name blind" recruitment and Officers explained the difficulties in anonymising data. She assured Members that this would be progressed but was not yet logistically feasible. The Interim Head explained that she would contact the new Shared Service ICT Manager and discuss this further.

Councillor P Ruffles sought and was provided with clarification regarding the use of the word "agile" in relation to an enabling environment.

The Committee Chairman suggested that, as the Gender Pay Gap was to be published that the recommendation should be amended slightly to reflect this. This was supported.

It was proposed by Councillor S Cousins and seconded by Councillor P Ruffles, that the report as amended, be noted. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that (A) the Council’s Gender Pay Gap report 2018 be noted and published; and

(B) the Interim Head of Human Resources and Organisational Development discuss the issue of “name blind” recruitment with the ICT Strategic Partnership Manager.

338 LOCAL JOINT PANEL - MINUTES OF THE MEETING: 12
DECEMBER 2018

The Interim Head of Human Resources and Organisational Development commented that at the last meeting, the Panel discussed the issue of the Restructure Consultation Policy and referred to the current positive working relationship with UNISON.

The Committee Chairman referred to the Minutes of the LJP and of three issues requiring approval by Members of Human Resources, these were:

- Flexible Working Scheme
- Appeals Policy
- Revisions to the Local Joint Panel’s Constitution

The Committee Chairman expressed concern about the current process in terms of Members of the HR Committee (HRC) being asked to approve reports which he stated, had no supporting information within the context of the HR agenda and that it felt that this amounted to a “rubber stamping” exercise.

The Democratic Services Officer explained the current process, in that Members (of HRC) were also forwarded a

copy of the Local Joint Panel agenda when the reports were considered by Panel Members on 12 December 2018. Members were therefore provided with all relevant information for consideration by HRC on 9 January 2019 so that an informed decision could be taken. The Democratic Services Officer also advised that within the HRC Agenda, Members were also *“asked to bring with them their copy of the agenda for the Local Joint Panel meeting held on 12 December 2018”* as a point of further reference.

Members were reminded that the LJP was an advisory Panel and could not approve reports and that this responsibility lay with Members of Human Resources Committee. It was further noted that changes to the LJP's constitution needed to be referred to Council for approval.

Members debated at length, the wording used in the resolution concerning the proposed change to the LJP's constitution. The Committee Chairman suggested that this wording should be changed. Members were advised that it was not within the remit of HRC to make changes to the LJP's Minutes but that it could resolve to make a change within the context of its own Minutes. This was supported.

The Committee Chairman suggested that the proposed changes to the Flexible Working Scheme and Appeals Policy be deferred and included for consideration on the next Human Resources agenda. Members noted that this was a change to the current process and that this change would need to be discussed with the Head of Legal and Democratic Services.

The Committee Chairman suggested that in relation to the proposed changes to the Local Joint Panel's Constitution that the recommendation of Human Resources to Council

should be:

“Members resolved that the revised Local Joint Panel’s Constitution be presented to Council subject to the deletion of 7.15e in Essential Reference Paper “B”.

This was supported. It was proposed by Councillor P Ruffles and seconded by Councillor S Bull that the motion, as detailed be supported. After being put to the meeting and a vote taken the motion was declared CARRIED.

RESOLVED - that (A) that the Appeals Policy and the proposed changes to the Flexible Working Scheme be deferred for inclusion on the next Human Resources agenda; and

(B) Members resolved that the proposed revisions to Local Joint Panel’s Constitution be presented to Council subject to the deletion of 7.15e in Essential Reference Paper “B”.

(C) that the current process of referring the Local Joint Panel’s recommendations to Human Resources Committee for approval, be referred to the Head of Legal and Democratic Services.

339 HEALTH AND SAFETY : MINUTES

The Minutes of the Health and Safety Committee held on 18 September 2018 were submitted for information.

RESOLVED – that the Minutes of the meeting held on 18 September 2018 be received.

The meeting closed at 4.15 pm

Chairman

Date

EAST HERTS COUNCIL

HUMAN RESOURCES COMMITTEE - 13 MARCH 2019

REPORT BY THE HEAD OF HUMAN RESOURCES AND ORGANISATIONAL DEVELOPMENT

HUMAN RESOURCES AND PAYROLL TEAM UPDATE REPORT

WARD(S) AFFECTED: *None*

Purpose/Summary of Report

Members are invited to note the HR Update Report.

RECOMMENDATION FOR HUMAN RESOURCES COMMITTEE

That:

(A)	the Human Resources update report be noted
------------	---

1.0 **Background**

1.1 This report provides an update on the Human Resources (HR) and Payroll team

2.0 **Report - Payroll Service - Achievements**

2.1 Every month the HR and Payroll Team continue to deliver its primary mission of ensuring all Staff, Councillors and Contractors on the payroll are paid accurately and timely.

2.2 Officers met with Electoral Services to discuss timetable for forthcoming local election including review of payroll forms distributed to all election staff to ensure compliant and discuss timely payroll process following election. P45's have been processed and distributed to those on the election payroll to

comply with HMRC regulations.

- 2.3 Independent Payroll Audit has been undertaken which included walkthroughs of payroll processing to check internal controls and risk management. An outcome report has just been received with an overall assurance rating of "Good" received.
- 2.4 The focus now is on preparing for year-end processes followed by start of new tax year.

3.0 Health and Safety Update

Automated External Defibrillators (AED)

- 3.1 The Health and Safety Officer is pleased to advise the Committee that two defibrillators have now been obtained. The devices are situated in Wallfields, Main Reception and the Foyer at Hertford Theatre.
- 3.2 Two AED awareness sessions were held on Monday 25th February in the Council Chamber, Wallfields and weekly checks are carried out by the team of First Aiders at each site.
- 3.3 The Health and Safety Officer has sent an email to Councillors Buckmaster, Stevenson and Boylan thanking them for their support.

4.0 Training and Development

- 4.1 East Herts and Broxbourne Borough Councils have been collaborating to share the costs of Health and Safety Training with East Herts taking advantage of Working at Height and Ladder Awareness and offering Broxbourne space on First Aid refresher training. It is anticipated that through the Herts Safety Officers Group further collaborative opportunities will be sought.

5.0 Shared Waste Services Contract

5.1 East Herts continues to maintain close ties to the shared waste services site Buntingford Depot. The Health and Safety Officer is now working with the North Herts Health and Safety Officer on the joint monitoring of the health and safety compliance of the contract.

6.0 Human Resources Update Employee Assistance Programme (EAP)

6.1 We are working with Herts County Council to call-off their framework agreement for our EAP which is saving on the current EAP service. The new EAP provides face to face counselling within the cost as opposed to just a telephone based service. This will take effect from 1 April 2019. The new provider will be Right Corecare Limited.

7.0 Recruitment

7.1 We continue to modernise our approach to recruitment and improve our online presence. Together with colleagues in Print and Design we have now developed a bank of 7 designs to use when advertising jobs on LinkedIn. We are also exploring how we can better utilise job boards to promote our brand e.g. Indeed.

8.0 Buddy Scheme for new starters

8.1 We have launched an informal buddy scheme for new starters. The aim is to match new starters with a buddy who can guide them through their first few weeks at the council e.g taking them to lunch on the first day and introducing them to colleagues. It can also provide the buddy with an opportunity to develop new skills in coaching and mentoring new employees.

9.0 New Head of HR and OD

9.1 Simon O'Hear started as the new Head of Human Resources and Organisational Development on the 28 January 2019. Kate

Leeke the interim Head of HR and OD left on the 1 February. Simon joins East Herts with eleven years of experience at HR Director level in both Further Education and Schools, prior to that Simon worked in the 3rd Sector and the Private Sector.

10.0 Chief Executive Recruitment Process

10.1 An early task for the new Head of HR and OD was to support the appointment panel to recruit a new Chief Executive alongside EELGA, EHC choose to run the final assessment centre directly rather than paying EELGA to do this. A longlist of 9 candidates was agreed on the 28 of January.

10.2 Following telephone based interviews conducted by the senior consultant from EELGA a shortlist of 4 candidates was agreed on the 8 of February for the final assessment centre.

10.3 The final assessment centre took place on 14 and 15 February 2019, and included three panel interviews with members and stakeholders, two written exercises (one of which required candidates to brief Executive members), a staff panel interview (including a presentation by the candidates) and a formal panel interview by the Chief Officer Recruitment Committee.

10.4 Upon completion of the assessment centre, the Chief Officer Recruitment Committee agreed unanimously to recommend to Council on 5 March 2019, the appointment of Richard Cassidy.

11.0 HR Apprentice

11.1 The HR Apprentice played a core role in the recruitment for the Head of Human Resources and Organisational Development. The apprentice received a thank you for the Chief Executive for their work and organisational skills leading to the success recruitment of the new Head of Service.

12.0 Implications/Consultations

Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

Contact Officer: Simon.O'Hear - Head of HR and OD Ext. 2141
Simon.O'Hear@eastherts.gov.uk

Report Author: Vicki David - HR Officer Ext. 1652
vicki.david@eastherts.gov.uk

This page is intentionally left blank

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	Priority 1 – Improve the health and wellbeing of our communities Priority 2 – Enhance the quality of people's lives Priority 3 – Enable a flourishing local economy HR contributes as an internal service to all three corporate priorities
Consultation:	None
Legal:	None
Financial:	None
Human Resource:	As detailed in the report
Risk Management:	None
Health and wellbeing – issues and impacts:	None
Equality Impact Assessment required:	No

This page is intentionally left blank

EAST HERTS COUNCIL

HUMAN RESOURCES COMMITTEE – 13 MARCH 2019

REPORT BY THE HEAD OF HUMAN RESOURCES AND
ORGANISATIONAL DEVELOPMENT

AGENCY STAFFING AUDIT

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

- Members are invited to note the agency staffing audit report and associated action plan

<u>RECOMMENDATIONS FOR HUMAN RESOURCES COMMITTEE:</u>	
(A)	That the agency staffing audit report and associated action plan be noted

1.0 Background

1.1 In September 2018 the Shared Internal Audit Service (SIAS) completed an audit of agency staffing at the council. The findings were presented in a final report issued to Human Resources (HR) in December 2018. The report contained two main action points for HR.

1.2 The full agency staffing audit report can be found at **Essential Reference Paper 'B'**.

2.0 Report

2.1 The audit report highlighted that agency staff are hired at the discretion of services and as there are no preferred suppliers,

managers can use whichever agencies they prefer. As HR do not directly control agency recruitment, managers are required to inform HR of any agency recruitment which can lead to records becoming out of date. However, HR do contact Heads of Service on a monthly basis asking them to check and update the records held by HR.

- 2.2 Please note that following the audit and in line with the need to ensure the contract register is up to date and complete HR are currently undertaking a gathering exercise from all services on their use of Agencies. This was agreed at the Leadership Team meeting on the 18 of February. The terms of current arrangements will then be reviewed and negotiated by the Head of HR and OD into a preferred supplier list with the aim to achieve improved value for money through EHC wide terms.
- 2.3 The report also highlighted that agency staff terms and conditions are not being checked at the 12 week point to ensure that they are receiving the same pay, benefits, and annual leave as a permanent employee and also automatic pension enrolment.
- 2.4 The two action points for HR and the progress made on these so far can be found at **Essential Reference Paper 'C'**.
- 3.0 Implications/Consultations
- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

Contact Officer: Simon O'Hear - Head of HR & OD
Ext 2141
Simon.o'hear@eastherts.gov.uk

Report Author:

Claire Kirby – HR Officer

Ext 1630

claire.kirby@eastherts.gov.uk

This page is intentionally left blank

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	Priority 1 – Improve the health and wellbeing of our communities Priority 2 – Enhance the quality of people's lives Priority 3 – Enable a flourishing local economy HR contributes as an internal service to all three corporate priorities
Consultation:	None
Legal:	None
Financial:	None
Human Resource:	As detailed in the report
Risk Management:	None
Health and wellbeing – issues and impacts:	None
Equality Impact Assessment required:	No

This page is intentionally left blank



Internal Audit Report

East Herts Council – Agency Staffing

December 2018

Issued to: **Kate Leeke** - Head of Human Resources &
Organisational Development
Clare Kirby - HR Officer

Copied to: **Isabel Brittain** - Head of Strategic Finance
& Property (Final Only)
**Performance, Audit & Governance
Scrutiny Committee Members (Final
Only)**
**Executive Member for Finance & Support
Services (Final Only)**

Report Status: Final

Reference: E211/18/001

**Overall
Assurance:** Satisfactory

INDEX

<u>Section</u>	<u>Page</u>
1. Executive Summary	3
2. Assurance by Risk Area	5
Appendix A – Management Action Plan	6
Appendix B - Definitions of Assurance and Finding Priorities	8

1. EXECUTIVE SUMMARY

Introduction

- 1.1 Internal Audit provides East Herts Council ('the Council') with an independent and objective opinion on the organisation's governance arrangements, encompassing internal control and risk management, by completing an annual risk-based Internal Audit Plan. This audit forms part of the Council's approved 2018/19 Internal Audit Plan.
- 1.2 The purpose of this audit is to provide assurance relating to the governance and financial management arrangements that are in place for the use of agency staff. Audit testing was prioritised towards longer term engagements and those service areas which were incurring the highest spend.
- 1.3 Agency staff were typically engaged to cover vacancies / absences or to provide additional capacity and / or specialist expertise where a service areas workload required it. The total Council spend for agency staff in 2017/18 was £1.03m. This was an increase of £376,000 on the Council's spend for agency staff in 2016/17.

Overall Audit Opinion

- 1.4 Agency staff at the Council are hired at the discretion of the team and service managers, with oversight from the Leadership Team when new roles are required. This flexible approach allows managers to hire a range of staff from general administration roles to more specialised professionals as necessary, with no fixed recommendation to use certain agencies.
- 1.5 As agency recruitment is largely outside of HRs control, managers must update HR with information of all agency staff, including their contract period and any possible extensions. However, this is not monitored for compliance and HR must be notified for their overview spreadsheet to be updated.
- 1.6 According to UK law, after 12 weeks of employment any benefits that apply to permanent staff also apply to agency staff. This includes the right to equal pay, automatic pension enrolment and paid annual leave. However, as there is no consistent oversight from HR this appears to have been overlooked, with no significant change taking place at the 12 week threshold. Managers also did not appear to have any awareness of the 12 week rule.
- 1.7 In addition, there were reportedly 5 agency staff workers who had been in post for over a year, with no change to their contract.
- 1.8 Based on the work performed during this audit, we can provide overall **satisfactory assurance** that there are effective controls in operation for those elements of the risk management processes covered by this review. These are detailed in the Assurance by Risk Area Table in section 2 below.
- 1.9 For definitions of our assurance levels, please see Appendix B.

Summary of Recommendations

- 1.10 We have made two recommendations to improve the control environment. One is classified medium priority and other as low/advisory priority. The medium priority recommendation relates to the monitoring of agency staff to ensure that the Council meets their rights at the 12 week threshold.
- 1.11 Please see Management Action Plan at Appendix A for further detail.

Annual Governance Statement

- 1.12 This report provides satisfactory levels of assurance to support the Annual Governance Statement.

2. ASSURANCE BY RISK AREA

2.1 Our specific objectives in undertaking this work, as per the Terms of Reference, were to provide the Council with assurance on the adequacy and effectiveness of internal controls, processes and records in place to mitigate risks in the following areas:

Risk Area	No	Limited	Satisfactory	Good
Governance – Appropriate policies and procedures are in place, they are up to date and being adhered to. The use of agency staff is part of an approved workforce strategy and only appropriate / approved agencies are being used.				
Appointments – The use of agency staff is subject to an appropriate and proportionate business case, including consideration of any alternative arrangements and whether the use of agency staff provides value for money. It is also subject to approval in line with delegated authority.				
Monitoring and Review – The need for agency staff is subject to periodic review and monitoring to confirm ongoing appropriateness and compliance with policies, procedures and applicable employment law and practices.				
Overall				

2.2 See definitions for the above assurance levels at Appendix B.





D

No.	Finding / Associated Risk	Priority	Recommendation	Management Response	Target Date
36.	<p>Monitoring and Review</p> <p>While HR do hold an overview spreadsheet of agency staff currently employed by the Council, this is not actively monitored and there does not appear to be an acknowledgement of the '12 week rule'.</p> <p><u>Associated Risk</u></p> <p>1. Ineffective monitoring of use of agency staff takes place, potentially resulting in extensive use of agency staff when alternative and possibly cheaper method could be found 2. Regular reviews of agency staff arrangements do not take place, potentially leading to prolonged use and a lack of consideration of alternative arrangements. 3. Failure to monitor may result in agency workers having the same rights as permanent employees, potentially failing to achieve value for money.</p>	Medium	<p>We recommend HR take a more active role in monitoring agency staff, taking into account the following considerations:</p> <ul style="list-style-type: none"> • Staying up to date with agency staff details with regular correspondence to management. • At 12 weeks of employment, ensure that the Council are meeting the needs of the agency staff that should now be treated equally with permanent employees. • Ensure there is good value for money where agency staff are kept on for extended periods of time and could potentially be made permanent employees. 	<p>Responsible Officer: Head of HR & OD.</p> <p>Agreed Action: As recommended.</p>	March/April 2019
2.	<p>Agency Staff Renewal</p> <p>When an agency worker's contract is</p>	Low / Advisory	As above. It is recommended that HR take a more active role in monitoring agency staff,	<p>Responsible Officer: Head of HR & OD.</p>	March/April 2019

No.	Finding / Associated Risk	Priority	Recommendation	Management Response	Target Date
	<p>up, it is up to team managers to decide if they would like to renew this. In one instance, the agency staff have remained on a contract for 1-2 years without being made permanent.</p> <p><u>Associated Risk</u></p> <p>Lack of notification or approval for the extended use of agency staff, potentially resulting in continued payment at higher rates of pay.</p>		<p>particularly at the end of their contract. If the agency workers are required to continue, consideration should be given to making them permanent members of staff for increased value for money.</p>	<p>Agreed Action:</p> <p>As recommended.</p>	

Appendix B - Definitions of Assurance and Finding Priorities

Assurance Level	Definition
Good	The design and operation of the internal control framework is effective, thereby ensuring that the key risks in scope are being well managed and core objectives will likely be achieved. There are minor reportable audit findings.
Satisfactory	The internal control framework is largely working well in managing the key risks in scope, with some audit findings related to the current arrangements.
Limited	The system of internal control is only partially effective, with important audit findings in key areas. Improvement in the design and/or operation of the control environment is necessary to gain assurance risks are being managed to an acceptable level, and core objectives will be achieved.
No	The system of internal control has serious gaps, and controls are not effective in managing the key risks in scope. It is highly unlikely that core objectives will be met without urgent management intervention.

Priority Level			Definition
Corporate	Critical		Audit findings which, in the present state, represent a serious risk to the organisation as a whole, i.e. reputation, financial resources and / or compliance with regulations. Management action to implement the appropriate controls is required immediately.
Service	High		Audit findings indicate a serious weakness or breakdown in control environment, which, if untreated by management intervention, is highly likely to put achievement of core service objectives at risk. Remedial action is required urgently.
	Medium		Audit findings which, if not treated by appropriate management action, are likely to put achievement of some of the core service objectives at risk. Remedial action is required in a timely manner.
	Low / Advisory		Audit findings indicate opportunities to implement good or best practice, which, if adopted, will enhance the control environment. The appropriate solution should be implemented as soon as is practically possible.

No.	Finding / Associated Risk	Priority	Recommendation	Target Date	Progress to date
1.	<p>Monitoring and Review</p> <p>While HR do hold an overview spreadsheet of agency staff currently employed by the Council, this is not actively monitored and there does not appear to be an acknowledgement of the '12 week rule'.</p> <p><u>Associated Risk</u></p> <p>1. Ineffective monitoring of use of agency staff takes place, potentially resulting in extensive use of agency staff when alternative and possibly cheaper method could be found</p> <p>2. Regular reviews of agency staff arrangements do not take place, potentially leading to prolonged use and a lack of consideration of alternative arrangements.</p> <p>3. Failure to monitor may result</p>	Medium	<p>We recommend HR take a more active role in monitoring agency staff, taking into account the following considerations:</p> <ul style="list-style-type: none"> • Staying up to date with agency staff details with regular correspondence to management. • At 12 weeks of employment, ensure that the Council are meeting the needs of the agency staff that should now be treated equally with permanent employees. • Ensure there is good value for money where agency staff are kept on for extended periods of time and could potentially be made permanent employees. 	March/ April 2019	<ul style="list-style-type: none"> • Whenever HR are informed of a new agency staff member they now inform Finance to ensure that the costs are assigned to the correct budget and so agency staff can be monitored effectively through the monthly finance health check process. • HR continue to send the HR record of agency staff to Heads of Service to check and update. Leadership Team will now review agency staff data on a quarterly basis (see action 2 below). • HR now contact managers before their agency staff member reaches 12 weeks, informing them of their rights and asking them to ensure they are being

	in agency workers having the same rights as permanent employees, potentially failing to achieve value for money.				treated equally with permanent employees.
2.	<p>Agency Staff Renewal</p> <p>When an agency worker's contract is up, it is up to team managers to decide if they would like to renew this. In one instance, the agency staff have remained on a contract for 1-2 years without being made permanent.</p> <p><u>Associated Risk</u></p> <p>Lack of notification or approval for the extended use of agency staff, potentially resulting in continued payment at higher rates of pay.</p>	Low / Advisory	As above. It is recommended that HR take a more active role in monitoring agency staff, particularly at the end of their contract. If the agency workers are required to continue, consideration should be given to making them permanent members of staff for increased value for money.	March/ April 2019	<ul style="list-style-type: none"> • A report will be taken to Leadership Team on a quarterly basis or them to take holistic view of agency staff across the council. They will particularly focus on long term agency staff and whether they represent good value for money or whether alternative employment options need to be explored. • As covered in the HRC Agency report HR are also completing an agency use and terms gathering exercise. This will lead to the creation of a preferred suppliers list and negotiate better value for money including costs involved in converting a temp to a

					permanent or fixed term EHC employee, where this is deemed appropriate and improves value for money.
--	--	--	--	--	--

This page is intentionally left blank

EAST HERTS COUNCIL

HUMAN RESOURCES COMMITTEE – 13 MARCH 2019

REPORT BY THE HEAD OF HUMAN RESOURCES AND ORGANISATIONAL DEVELOPMENT

APPRENTICESHIP PROGRAMME

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

- To provide an update on the Council's apprenticeship programme

<u>RECOMMENDATIONS FOR HUMAN RESOURCES COMMITTEE:</u>
--

That:

(A)	the Apprenticeship Programme report be noted
------------	---

1.0 Background

1.1 The Council is in its third year of the current national apprenticeship scheme.

1.2 In 2016 the Council employed six apprentices, in 2017 five apprentices and in 2018 six apprentices, with two officers accessing the apprenticeship levy funding to support their career development.

2.0 Report

The Levy

2.1 The apprenticeship levy is calculated at 0.5% of the annual pay bill. In 2018/19 the requirement was to pay £36,334 into the levy fund; this is paid in monthly instalments.

2.2 The levy is available to support resource requirements in conjunction with the Professional Training Budget. The services have identified areas where the levy can be explored to help close the skills gaps and develop employees in hard to recruit posts.

2.3 The Council is challenging the traditional perception of an apprentice as the apprenticeship levy funds individuals outside of the traditional 16-19 age range.

2.4 The levy fund is currently being used to support eight learners to study for the following qualifications:

No. of Apprentices	Qualification	Service Area	Total cost of the qualification	Monthly payment
2 (24 month apprenticeship)	Construction Technical and Professional: Town Planning Technical Support, Level: 3	Planning and Building Control	£9,000 per head	£375
1 (13 month apprenticeship)	Customer service practitioner, Level: 2	Communications, Strategy & Policy	£4,000	£308
1 (18 month apprenticeship)	HR Support, Level: 3	Human Resources and Organisational Development	£5,000	£278
1 (18 month apprenticeship)	Business Administrator, Level: 3	Housing and Health	£5,000	£278
1 (18 month apprenticeship)	Business Administrator, Level: 3	Planning and Building Control	£5,000	£278
1 (15 month apprenticeship)	Assistant accountant, Level: 3	Strategic Finance & Property	£8,500	£567
1 (36 month)	Chartered surveyor	Strategic Finance & Property	£27,000	£750

apprenticeship)	commercial; Level 6			
Total costs			£63,500	£2,834 per month

How the apprenticeship Levy supports the council's workforce plan

- 2.5 Apprenticeships can be a cost-effective way to ensure that new and existing employees have the skills they need to support and grow the business. As the breadth of the apprenticeships expands; there is an increase in higher and degree apprenticeships becoming available. Levy funding can be used towards the qualification cost (not the cost of employing the individual) and the employee must be given 20% of their working time away from the job for their development. Apprentices receive onsite training and mentoring from senior staff as well as college based training.
- 2.6 Human Resources met with Heads of Services to consider how the range of apprenticeships could support them with:
- Hard to recruit positions
 - Areas where there is a skills gap
 - High turnover areas where retention is becoming an issue
 - Posts where there is a clear employment career path
 - Supporting workforce and succession planning
 - Making the most of the apprenticeship levy
 - Attract and retain employees by exploring higher and degree apprenticeships
- 2.7 Human Resources represents East Herts Council at the HAA (Hertfordshire Apprenticeship Alliance) which is an alliance between the Hertfordshire local authorities, the four main colleges, Hertfordshire University, local business and training providers. The aim of the alliance is to share knowledge, support the development of apprenticeships and work towards keeping the levy funding within Hertfordshire.

- 2.8 Human Resources works with the Hertfordshire Careers service supporting the schools work experience initiatives; encouraging young people to explore the range of opportunities available at the Council. Human Resources also attend careers fairs at secondary schools, colleges, local businesses and Hertfordshire University. Some of the careers fairs are specifically targeted to encourage young people to think about the opportunities available within hard to recruit areas e.g. Planning and Environmental Health. Other events are based around informing young people about the whole range of apprenticeships available and the services the Council offers. There are career opportunities in a range of areas such as Communications, Media, Finance and HR as well as more specific sectors such as Environmental Health and Planning. Please see **Essential Reference Paper 'B'** for a promotional leaflet for apprenticeships at East Herts Council.
- 2.9 The Council has worked with Oaklands College to help shape the content of the Town Planning apprenticeship qualification in 2016/17, to ensure it met the current business needs. That programme continues to be used today as detailed further in 2.12 below.

Current apprenticeships

- 2.10 The quality of the current apprentices employed is of high standard and through their development they are on course to progress and fill roles where there are genuine recruitment shortages in more experienced roles. Below is a breakdown of the current apprenticeship programme in place:
- Human Resources and Organisational Development - The HR apprentice commenced their NVQ 3 in October 2017 once the new HR Standard was finalised. Their apprenticeship will be completed in August 2019. The service structure is being reviewed to see if a position can be established to retain the knowledge and development of

the HR apprentice.

- Communications, Strategy and Policy - The service is using the levy to upskill a current member of the customer services team to enable them to progress in their career graded role. This opportunity has been made available to the whole team and it is envisaged that other officers will train through this route. In terms of future development, the project management team could be supported by a project management apprentice; working towards an NVQ 4 in Project Management.
- Housing and Health identified that Environmental Health Officers are hard to recruit. There are two apprenticeship standards are in development which once approved should help the workforce planning and recruitment needs:
 - Environmental Manager (degree) – NVQ Level 7
 - Environmental Health Practitioner – NVQ Level 6

The service currently has an apprentice working towards an NVQ Level 3 in business administration. The role has been structured to work in all the areas within the service enabling the apprentice to gain experience and look at future career opportunities within their sectors. The previous business administration apprentice has remained in the service and is now being sponsored (through the professional training budget) to train as a Trainee Environmental Health Practitioner.

- Strategic Finance and Property have an apprentice in their Finance Team. The apprentice completed their AAT Level 2 and has continued onto AAT Level 3. The service is also using the levy to sponsor the Asset and Estates Surveyor to study for a BSc Real Estate Management. This is a four year study programme.
- Planning and Building Control currently have three

apprentices. One Business Administration Apprentice has successfully completed their level 2 and has gone on to study their level three.

- 2.11 As noted above, the Council is already part of the Hertfordshire Apprentice Alliance which brings together all Hertfordshire Authorities on a regular basis. The Council is also part of a cross county Strategic level Planning group of all authorities which meets. Politically, it has been very challenging to combine the planning service in the same way that the Council has achieved with Building Control, but this is constantly on the radar and something that will be advanced if the opportunity arises.
- 2.12 Officers have been working closely with their counterparts across Hertfordshire and particularly with St Albans where the same levels of pay and reward has been agreed for Apprenticeships. Human Resources, The Head of Planning and Building Control and the Deputy Chief Executive worked jointly with Oaklands College and St Albans Council to recruit two Town Planning Apprentices. The joint working ensured that the pay and conditions were aligned ensuring both Council's offered the same terms and conditions to fulfil the need to recruit into the profession, previously an apprentice was lost due to the terms being more favourable at St Albans.
- 2.13 In September 2018, the Council offered unlimited apprenticeships in Planning. Six applicants applied which an increase on previous years with two meeting the criteria set nationally and both accepted roles with us. Officers have developed the apprenticeship scheme along with accredited educational support provided by Oaklands College also used by both St Albans Council and Hertsmere Council. Due to only two being recruited, a further two Planning Assistants were recruited and along with the Business Apprentice, Planning now have 5 junior posts across the department to support succession planning and ability to fill hard to fill more experienced/senior roles. Planning have held some vacancies

to enable the Council to offer progression/career development roles to junior staff once they have completed their training/development. The Council will be commencing the next round of recruitment after the Easter break to commence Apprenticeships in September this year.

- 2.14 The Council continues to 'grow our own' planners to meet the recruitment gap in this field by also sponsoring three trainee planners to achieve their Masters in Urban and Regional Planning (through the professional training budget).
- 2.15 The University of Hertfordshire are not able to offer degree level planning qualifications at the moment as the course has not been accredited by the RTPI. The Council currently supports employees to undertake the degree qualification at Westminster University. Whilst there is not an unlimited pot of funding, the Council does encourage employees to become fully qualified and have yet to turn down a request for professional training.
- 2.16 The Council was willing to recruit more than two Town Planning apprentices but unfortunately were unable to attract enough candidates. However the work with schools, St Albans Council and Oaklands College should improve this over time. Please see **Essential Reference Paper 'C'** for a leaflet used with schools and at careers fairs.

3.0 Implications/Consultations

- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

Contact Officer: Simon O'Hear - Head of HR & OD
Ext 2141

Simon.o'hear@eastherts.gov.uk

Report Author: Helen Farrell – HR Officer
Ext 1633
helen.farrell@eastherts.gov.uk

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	Priority 1 – Improve the health and wellbeing of our communities Priority 2 – Enhance the quality of people's lives Priority 3 – Enable a flourishing local economy HR contributes as an internal service to all three corporate priorities
Consultation:	None
Legal:	None
Financial:	None
Human Resource:	As detailed in the report
Risk Management:	None
Health and wellbeing – issues and impacts:	None
Equality Impact Assessment required:	No

This page is intentionally left blank

Types of Apprentices

- ⇒ Business Admin
- ⇒ Communication and Digital Media
- ⇒ Legal
- ⇒ Finance
- ⇒ Personal Assistant
- ⇒ Customer Service
- ⇒ and lots more !

Staff Benefits

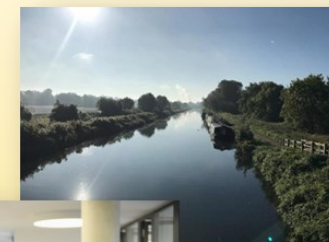
- ⇒ Flexible working- flexi days
- ⇒ My Rewards – discount on big brands e.g. Tesco, Cineworld, Costa
- ⇒ Discount at Hertford Theatre
- ⇒ Discount at leisure centres
- ⇒ Annual Leave
- ⇒ Dress down Friday

What does East Herts have to offer ?

We are commencing Level 3 Apprenticeships in Planning, so if you are interested in shaping the place where you live and influencing infrastructure and appearance, this could be the apprenticeship for you.

- ⇒ You will need 5 GCSEs Grade A-C including English, Mathematics and ICT.
- ⇒ You will attend Oaklands College to study for a Diploma in Town Planning and Technical Support
- ⇒ We will also give you paid holidays and of course paid time off to attend college.

Furthermore, we will pay you an apprenticeship wage of £4 per hour (£148 per week) in year one, rising to £4.50 per hour (£166.50 per week) in year two. Following successful completion of your Diploma course you could apply to one of our Planning Assistant roles starting at £18,000 per year with an ability to progress through the grades as vacancies arise.



Emily's Story

HR Apprentice—Business Admin

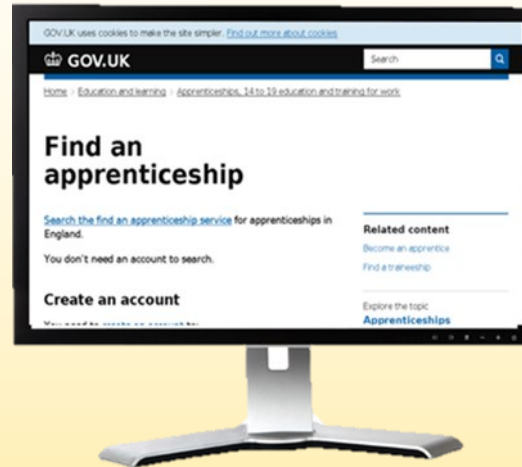
After finishing Year 11, I decided to pursue an apprenticeship rather than continue on to sixth form. I made this decision because there weren't any subjects at school that I wanted to commit to full-time, so I felt it would be more productive for me to gain experience in a working environment, whilst continuing my studies.

Since starting my HR apprenticeship at East Herts Council, my experiences have made me more aware of the importance of work place etiquette, time management and confidential data. My knowledge of local authority policies and regulations has increased and I have learnt many new skills such as arranging training courses and adapting policies.

After completing year 1 of my apprenticeship, I have now started my second year and started my CIPD qualification so I can develop my knowledge and skills working within the HR field.

How are our apprenticeships advertised?

Most of our apprentices are advertised through the gov.uk website. We also post about them on our website:
www.eastherts.gov.uk



How to apply

1. For more information on our apprenticeships visit one of the following websites:

www.eastherts.gov.uk/vacancies

www.youthconnexions-hertfordshire.org

www.hrc.ork.uk

2. if you find an apprenticeship which interests you, then go to <https://www.gov.uk/apply-apprenticeship>.

3. Once found on the Gov.UK website, you are required to fill out an online form which will include some personal details.

4. Now it's time to wait! The college will shortly get in touch with you, and your apprenticeship journey will begin.

There are **5 levels** of apprenticeships: Pre-employment schemes (16-24) transitions from school or college to work; intermediate (Level 2) GCSEs A-C; Advanced (Level 3) 2 X A level; Higher (Levels 4/5/6) NVQ Level 3; Degree apprenticeships (studying for degree).



How does the apprenticeship work?

Apprenticeships are available to anyone over the age of 16, living in England.

Apprenticeships combine practical training in a job with study. As an apprentice you'll: work alongside experienced staff; gain job-specific skills; earn a wage and receive holiday pay and you'll have time to study (usually one day a week). This may be a college day depending on your course. Additionally, you're allocated an assessor who will visit you every 6 weeks to provide support throughout your work. Also, if you feel like you need more help through your apprenticeship your assessor is able to visit more frequently depending on your individual needs.

Planning – Everybody’s Business

Do you want to influence the way our country, your District, your City and/or your town develops now and in the future? YES?

Then a career in Planning might be for you.

With the drive from Central Government to provide more and more housing, including affordable, the way this is influenced locally becomes increasingly important.

Here in East Herts we are a largely rural District with market towns and outlying villages and hamlets. It covers an area of 477 km² (184 square miles) and comprises around one third of the county of Hertfordshire.

As well as significant rural areas, there are many historic and listed buildings all of which need to be considered in future developments.

Potential careers

In addition to the traditional Planning Officer roles, there are also areas of specialism. These include Conservation and Urban Design, Planning Policy and Planning Enforcement. Traditionally those in the planning world have studied subjects such as Geography or Environmental Studies.

What does a Planner do?

Once qualified, you will influence, decide and control what types of buildings go where and what they look like and how high as well as which roads go where.

Not sure if College/University is for you?

We are offering level 3 Apprenticeships in Planning.

- ❖ Apprenticeships are available to anyone over the age of 16, living in England.
- ❖ You will need 5 GCSEs Grade A-C including English, Mathematics and ICT.
- ❖ You will attend Oaklands College to study for a Diploma in Town Planning and Technical Support
- ❖ We will pay you an Apprenticeship Allowance whilst you train. Following successful completion of your Diploma course you could apply to one of our Planning Assistant roles starting at £18,000 per year with an ability to progress through the grades as vacancies arise.
- ❖ We will also give you paid holidays and of course paid time off to attend college.

You can be assured of our support and assistance throughout the development of your career with East Herts Planning Team.

We look forward to hearing from you

This page is intentionally left blank

EAST HERTS COUNCIL

HUMAN RESOURCES COMMITTEE – 13 MARCH 2019

REPORT BY THE HEAD OF HUMAN RESOURCES AND
ORGANISATIONAL DEVELOPMENT

FLEXIBLE WORKING SCHEME

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

- Members are invited to approve the revised Flexible working scheme

<u>RECOMMENDATIONS FOR HUMAN RESOURCES COMMITTEE:</u>	
(A)	The revised Flexible working scheme be approved
(B)	The Job-share policy be deleted

1.0 Background

1.1 The Flexible working scheme was last reviewed in 2015. The council's programme of policy review is after three years or sooner in line with legislation and best practice.

1.2 The policy was updated and circulated to the Leadership Team and Unison for comments. Feedback and suggestions were incorporated into the final version of the policy. Local Joint Panel supported approval of the revised policy and deletion of the Job-share policy.

1.3 The current suite of policies is being reviewed by HR to reflect the following goals:

- Updated in line with legal requirements and current best practice
- Clear and concise guidance
- Combining processes and policies where it makes sense to do so
- Clear on the roles of managers, HR, and individuals
- Create e-forms to simplify and streamline processes
- Review benefits attached to policies

2.0 Report

2.1 The key changes to the policy are:

- Moving detailed sections regarding different flexible working patterns to an appendix so that the process is clearer in the main policy
- Deleting the Job-share policy and adding job-share as a flexible working option to this policy
- Adding that all flexible working arrangements should be reviewed annually
- Removal of reference to flexi time as there was duplication between this policy and the flexi time guidance
- Removal of reference to career breaks as this is covered in the General Leave policy
- Flexible working request form to become an e-form

2.2 The revised Flexible working scheme can be found at **Essential Reference Paper 'B'**.

2.3 An Equalities Impact Assessment can be found at **Essential Reference Paper 'C'**.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

Contact Officer: Simon O'Hear - Head of HR & OD
Ext 2141
Simon.o'hear@eastherts.gov.uk

Report Author: Claire Kirby – HR Officer
Ext 1630
claire.kirby@eastherts.gov.uk

This page is intentionally left blank

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	Priority 1 – Improve the health and wellbeing of our communities Priority 2 – Enhance the quality of people's lives Priority 3 – Enable a flourishing local economy
Consultation:	Leadership Team and Unison
Legal:	Approved by LT
Financial:	None
Human Resource:	Approved by LT
Risk Management:	None
Health and wellbeing – issues and impacts:	None
Equality Impact Assessment required:	Yes

This page is intentionally left blank

Policy Name	Flexible Working Scheme
Date	December 2018
Statement No	8
Version	5
Review Date	December 2021

1.0 Introduction

1.1 The council recognises the importance of helping its employees balance their work and home life by offering flexible working arrangements that enable them to balance their working life with other priorities, including parental and other caring responsibilities, life-long learning, charity work, leisure activities and other interests. In turn it recognises that staffing levels must at all times remain in line with the demands of the business.

2.0 Scope

2.1 This scheme applies to all employees and the options contained within it apply to all council full time and part-time employees.

3.0 Eligibility

3.1 The Employment Rights Act 1996 gives every employee the statutory right to request to work flexibly provided they have worked for the council for 26 weeks continuously at the date the application is made. An employee can only make one statutory request in any 12 month period.

3.2 There is no automatic right for employees to convert to any of the flexible working patterns - each application will be considered on the basis of the particular work

involved and any detrimental effect the change could have on individual, team or business performance.

- 3.3 The Employment Rights Act 1996 gives the right for employees to request unpaid time off for training. Employees must have been continuously employed for 26 weeks and must show that the time off to train will increase their effectiveness in their job or is relevant to their employer’s business.

4.0 Legal Issues

- 4.1 Managers should consider the Working Time Regulations 1998 when considering flexible working requests.

- 4.2 This Policy has been written taking into consideration the ACAS Code of Practice on handling in a reasonable manner requests to work flexibly.

5.0 The Business Need

- 5.1 Although the council is committed to providing the widest possible range of working patterns for its workforce, some flexible working options will not be appropriate for all roles across all service areas.

- 5.2 Where an instance of flexible working is proposed the council will need to take into account a number of criteria including (but not limited to) the following:

- the effect of the proposed arrangement on the service;
- the effect of the proposed arrangement on other employees, customers and the council;
- the cost of the proposed arrangement;
- the level of supervision that the post-holder requires;

- the structure of the service and staff resources;
- other issues specific to the employee’s service;
- an analysis of the tasks specific to the role, including their frequency and duration;
- analysis of the workload of the role.

6.0 Flexible Working Options

6.1 The policy considers the following options, but the council recognises that there may be alternatives, and that the working pattern that may suit any particular individual could be a unique one involving a combination of options:

- part time working;
- compressed hours;
- temporary voluntary reduced working time;
- term-time working;
- job share.

Please see Appendix A for further details on the types of flexible working options.

6.2 For the avoidance of doubt, flexi time and home working are not covered by this policy. Please refer to the flexi time guidance and Home Working policy on the intranet.

7.0 Process

7.1 Considering the Request

7.1.1 The employee is required to submit a request to work flexibly in writing to their manager using the Flexible Working Request form. The request must include the following:

- the date of their application, the change to working conditions they are seeking and when they would like the change to come into effect;
- what effect, if any, they think the requested change would have on the employer and how, in their opinion, any such effect might be dealt with, including consideration of any impact of their request upon their own work, other team members and service delivery. The employee will be expected to offer constructive suggestions about how these can be managed;
- a statement that this is a statutory request and if and when they have made a previous application for flexible working.

7.1.2 On receipt of the request the manager should arrange a meeting to discuss the request with the employee within 10 days of receipt of the request. The discussion does not have to be face to face and if the manager and employee agree it can be held by phone or another means agreeable to both parties.

7.1.3 Employees have the right to be accompanied at the meeting by a work colleague or Trade Union representative if they wish. This should be made clear to the employee before the discussion takes place and sufficiently in advance so that they can arrange the attendance of their companion.

7.1.4 When considering the request the manager should view it as objectively and fully as possible, taking into account the business needs (see 5.0) and the employee’s current role. The manager should take into account:

Essential Reference Paper “B”

- the workload (of the employee making the request, and the team)
- options for re-scheduling / re-prioritising work
- alternative options for flexible working
- implications for conditions of service
- financial implications to the council.

7.1.5 There may also be other issues that are unique to the situation and these should be considered.

7.2 Making the Decision

7.2.1 The manager must inform the employee of the decision. If the manager’s decision is to approve the request, the manager must send HR the employee’s request form, along with their written approval. HR will confirm the manager’s decision in writing and confirm any impact on pay and annual leave as appropriate. Please see section 7.5 if the decision is to refuse the request.

7.3 Multiple Requests

7.3.1 Where a manager receives a number of flexible working proposals at or around the same time, or a joint proposal from a group of employees, the requests will be considered collectively.

7.4 Trial Periods

7.4.1 All approved flexible working requests should include a trial period for both the benefit of the employee and the service. This is to establish whether the arrangements requested are sustainable in the council, the impact on the role, colleagues and service(s). The trial period will be agreed between the employee and

Essential Reference Paper “B”

manager taking into consideration the role of the employee and needs of the service.

7.4.2 A review date will be agreed for the manager and employee to jointly discuss how the new arrangements are working and make any necessary adjustments.

7.4.3 It is the manager’s responsibility to ensure this review takes place.

7.4.4 A successful trial period should be confirmed in writing stating that the arrangement is now permanent (or for a fixed term if it is agreed the flexible arrangements are temporary).

7.4.5 If it is considered that the trial period has been unsuccessful, the reasons for this decision must be communicated to the employee(s), by meeting (either face-to-face, by phone or another means agreeable to both parties), and followed up in writing. Managers should use one or more of the business grounds outlined in point 7.5.2 when explaining their decision, taking advice from HR.

7.4.3 Employees will have the right to revert back to their original pattern of working within the trial period subject to the employee giving appropriate notice to the manager.

7.5 Refusing the Request

7.5.1 Managers should contact their HR Officer for advice before refusing a flexible working request.

7.5.2 If it is considered that a post is unsuitable for the specific flexible working option proposed by the

employee or group of employees, the reasons for this decision must be communicated to the employee(s), ideally by discussion and followed up in writing. Requests for flexible working should only be refused on one or more of the following 10 business grounds:

1. burden of additional costs
2. detrimental effect on the ability to meet customer demand
3. inability to reorganise work among employees
4. inability to recruit additional employees
5. detrimental impact on quality
6. detrimental impact on performance
7. insufficiency of work during the period the employee proposes to work
8. planned structural changes, e.g. a pending or current restructure
9. other relevant business grounds
10. Working Time Regulations 1998 are not met.

8.0 Monitoring

8.1 All flexible working arrangements should be reviewed on an annual basis, through the PDR process. Any changes to flexible working arrangements once they have been confirmed as permanent must be with agreement from both parties.

8.2 All flexible working arrangements are subject to a proviso that the employee may be required to revert back to their original pattern of working if there are identifiable and significant operational problems identified at any time. Such action will not be taken unreasonably and will be subject to full discussion with the employee(s) concerned and the giving of appropriate notice.

9.0 Appeal

9.1 Where an employee is dissatisfied with a decision in relation to a request they have made to work flexibly, they can appeal the decision in accordance with the council’s Appeals Policy.

10.0 Policy Review and Amendment

10.1 This Policy shall be reviewed after three years or sooner in line with legislation and best practice to reflect the best possible level of support and management.

Further information on flexible working options

Part-time working

Part time working is where an employee is contracted to work fewer than 37 hours a week, the full time equivalent contractual hours per annum.

Compressed Hours

Compressed hours is a system that permits employees to work their total number of contractual hours over fewer working days. Usually a 5 day week is compressed into 4 days or 4.5days, a 10-day fortnight into 9 days or 18 day month (based on a 4 week month).

Temporary voluntary reduced working time

Temporary voluntary reduced working time is a system whereby it is agreed that the employee will work reduced hours for a certain period of time, with a return to their substantive working hours at the end of this period. Pay would be pro-rated during this time accordingly.

Term Time Working

Term time working is a system of flexible working where the employee's working weeks mirror schools' term weeks and pay is adjusted accordingly. All requests for term time working will be considered subject to operational needs.

Term time working will not be suitable for all roles or services and managers are required to ensure there is no detriment to service provision and the required level of service is provided at all times.

A term time working employee will be expected to make themselves available for key training initiatives or service meetings even if they fall during school holidays. Adequate notice will be given to make alternative arrangements for those days and compensatory time off will be offered. In exceptional circumstances where alternative time off is not an option, other alternatives may be considered.

Job share

A job share is where two employees voluntarily share the duties and responsibilities of one full-time position, dividing the hours between them. The full-time salary and leave entitlement are allocated on a pro-rata basis to each of the job share partners.

All full-time positions are deemed to be potentially suitable for job sharing. In some instances it may also be feasible to share a part-time position (for example a 4 day week split between job sharers).

The way in which the actual hours of a job share position are divided between the job share partners should be decided by the manager/supervisor in consultation with the job share partners, taking into account the following:

- the needs of the service, section and/or department;
- any limitations on accommodation, equipment etc.;
- the requirement for a handover period (the total hours worked by the job share partners should not exceed the normal full-time hours of the post);
- if there is a requirement for job share partners to cover each other's annual leave and the service budget needed to support this.

Job Sharing can be introduced into a post in a number of ways:-

- The manager may decide that a vacant role is best suited for job share in order to accommodate the needs of the service. It will then be advertised accordingly and two separate candidates appointed on a job share basis.
- An existing employee formally applying for a job share arrangement to be agreed in respect of the post they occupy.
- An application being made by one employee/external candidate to share a vacant post.
- A joint application being made by two or more employees/external candidates to share a vacant post.
- Two or more separate applications being made, whether internal or external, which can be matched together to form a job share.

Some services may choose to make it a requirement that the job sharing partner shall make themselves available to cover their job sharing partner's annual leave. If this is the case the following conditions will apply:-

- given three weeks' notice, the cover for absence shall be full time.
- given a lesser notice period, the job sharing partner shall use their best endeavour to attend on a full time basis.
- only one job-sharing partner shall have annual leave in the same period.

The extra hours worked to cover annual leave will be paid to the employee as Job Share Allowance (this is plain time rate).

If the employee prefers they may request that some or all of their extra hours are used to accrue flexitime provided the flexitime policy is adhered to. The manager will consider this request based on the needs of the service.

In the case of unplanned/emergency absence, the job sharing partner shall use their best endeavours to attend. In the case of long-term sickness, the remaining job share partner may be requested to consider increasing their hours to cover. If the job share partner does not wish to increase their working hours, a temporary job share partner may be appointed or other arrangements made as appropriate.

Equality Impact Analysis Form

1. Equality Impact Analysis (EqIA) Form

Title of EqIA (policy/change it relates to)	Flexible working scheme	Date	25 July 2018
Team/Department	HR and Organisational Development		
Focus of EqIA What are the aims of the new initiative? Who implements it? Define the user group impacted? How will they be impacted?	<p>Aims of the new initiative: To update the Flexible Working scheme in line with legislation and best practice</p> <p>Who implements it: Managers and HR</p> <p>User group affected: All employees</p> <p>How will they be impacted: They will only be impacted if they make a flexible working request</p>		

Page 76

2. Review of information, equality analysis and potential actions

Please fill in when appropriate to the change. If it does not, please put N/A

Protected characteristics groups from the Equality Act 2010	What do you know? Summary of data about your service-users and/or staff ALL DATA IS FROM E&D REPORT 2016/17	What do people tell you? Summary of service-user and/or staff feedback	What does this mean? Impacts (actual and potential, positive and negative. Clearly state each)	What can you do? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
Age	Under 20 – 1.7% 20-29 – 6.2% 30-39 – 15.9% 40-49 – 26.6% 50-59 – 34% 60-64 – 10.2% 65+ - 5.4%	N/A	No impact	N/A
Disability	3% have a disability	N/A	Positive impact: those with disabilities will have the ability to structure their work pattern around there needs through flexible working requests. For instance those4 with mobility issue can work from home reducing issues with commuting in,	We will make the process for flexible working applications clear, communicating with all staff so that those that might benefit from this positive impact are aware.
Gender reassignment	No data available	N/A	No impact	N/A

Protected characteristics groups from the Equality Act 2010	What do you know? Summary of data about your service-users and/or staff ALL DATA IS FROM E&D REPORT 2016/17	What do people tell you? Summary of service-user and/or staff feedback	What does this mean? Impacts (actual and potential, positive and negative. Clearly state each)	What can you do? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
Pregnancy and maternity		N/A	Positive Impact: greater flexibility would allow for a gradual easing out (when pregnant) and returning to work (towards the end of maternity leave) for this group.	N/A
Race	4.2% are from BAME groups	N/A	No impact	N/A
Religion or belief	Christian – 56.4% Non-Christian – 3.5% No religion – 21% Not known – 19.3%	N/A	No impact	N/A
Sex/Gender	72% female 28% male 35% of staff are part time females 5% of staff are part time males	N/A	No impact	N/A

Protected characteristics groups from the Equality Act 2010	What do you know? Summary of data about your service-users and/or staff ALL DATA IS FROM E&D REPORT 2016/17	What do people tell you? Summary of service-user and/or staff feedback	What does this mean? Impacts (actual and potential, positive and negative. Clearly state each)	What can you do? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
Sexual orientation	Heterosexual – 77.9% LGBT – 2.3% Unknown – 19.5%	N/A	No impact	N/A
Marriage and civil partnership	No data available	N/A	No impact	N/A

Assessment of overall impacts and any further recommendations

We are content that the policy does not create the potential for direct or indirect discrimination.

3. List detailed data and/or community feedback which informed your EqIA (If applicable)

Title (of data, research or engagement)	Date	Gaps in data	Actions to fill these gaps: who else do you need to engage with? (add these to the Action Plan below, with a timeframe)

EQUALITY & DIVERSITY ANNUAL REPORT 2016/17	N/A	N/A	N/A
SICKNESS ABSENCE ANNUAL REPORT 2016/17	N/A	N/A	N/A

4. Prioritised Action Plan (If applicable)

Impact identified and group(s) affected	Action planned	Expected outcome	Measure of success	Timeframe
NB: These actions must now be transferred to service or business plans and monitored to ensure they achieve the outcomes identified.				
Beneficial impact for Pregnancy and maternity, and Disability	Promotion of flexible working via internal comms	Member of these groups will make use of the scheme if it suits their individual circumstances	This is a positive impact and uptake of the scheme is based on an individual's circumstances so no formal measures are being adopted.	Ongoing

EqIA sign-off: (for the EQIA to be final an email must sent from the relevant people agreeing it or this section must be signed)

Lead Equality Impact Assessment officer: Nathan Bookbinder

Date: 25/07/18

Directorate Management Team rep or Head of Service: Kate Leeke

Date: 25/07/18

Author of Equality Impact Analysis: Claire Kirby

Date: 25/07/18

EAST HERTS COUNCIL

HUMAN RESOURCES COMMITTEE – 13 MARCH 2019

REPORT BY THE HEAD OF HUMAN RESOURCES AND
ORGANISATIONAL DEVELOPMENT

APPEALS POLICY

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

- Members are invited to approve the revised Appeals Policy

<u>RECOMMENDATIONS FOR HUMAN RESOURCES COMMITTEE:</u>	
(A)	The revised Appeals Policy be approved

1.0 Background

1.1 The Appeals Policy was last reviewed in 2012. The council's programme of policy review is after three years or sooner in line with legislation and best practice.

1.2 The policy was updated and circulated to the Leadership Team and Unison for comments. Feedback and suggestions were incorporated into the final version of the policy. Local Joint Panel supported approval of the revised policy.

1.3 The current suite of policies is being reviewed by HR to reflect the following goals:

- Updated in line with legal requirements and current best practice
- Clear and concise guidance
- Combining processes and policies where it makes sense to do so
- Clear on the roles of managers, HR, and individuals
- Create e-forms to simplify and streamline processes
- Review benefits attached to policies

2.0 Report

2.1 The key changes to the policy are:

- Clearer roles and responsibilities of attendees at the appeal hearing
- Clearer step-by-step process
- Appeal submission form to become an e-form

2.2 The revised Appeals Policy can be found at **Essential Reference Paper 'B'**.

2.3 An Equalities Impact Assessment can be found at **Essential Reference Paper 'C'**.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

Contact Officer: Simon O'Hear - Head of HR & OD
Ext 2141
Simon.o'hear@eastherts.gov.uk

Report Author:

Claire Kirby – HR Officer

Ext 1630

claire.kirby@eastherts.gov.uk

This page is intentionally left blank

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	Priority 1 – Improve the health and wellbeing of our communities Priority 2 – Enhance the quality of people's lives Priority 3 – Enable a flourishing local economy
Consultation:	Leadership Team and Unison
Legal:	Approved by LT
Financial:	None
Human Resource:	Approved by LT
Risk Management:	None
Health and wellbeing – issues and impacts:	None
Equality Impact Assessment required:	Yes

This page is intentionally left blank

Policy Name	Appeals
Date	October 2018
Statement No	5
Version	3
Review Date	October 2021

1. Purpose/Aim

- 1.1 The purpose of this policy is to provide a standardised appeals process for the policies listed in section 2. This policy overrides any appeals processes detailed in existing policies.

2. Scope

- 2.1 This policy applies to all employees, except for Chief Officer level and above, where procedures set out in the Constitution are used.

- 2.2 The Appeals policy refers to the following policies (or any subsequent replacement/revision of such policy):

- Disciplinary Policy
- Grievance Policy
- Managing Performance Policy
- Absence Management Policy
- Redundancy Policy (excluding voluntary redundancy)
- Flexible Working Scheme
- Harassment and Bullying Policy

and,

- Process for dismissal for Some Other Substantial Reason (SOSR)

- 2.3 Any formal appeal received that is not directly covered by any of the policies listed above and is not subject to a specific

appeals process should also be dealt with following the process detailed in Sections 3 and 5.

2.4 This policy is based on legislation and the ACAS code of practice, and has been agreed with UNISON.

3. Who to Appeal to and Time Limits

3.1 An employee has a right to appeal against formal action taken in accordance with the stated policies.

3.2 The appeal must be submitted within 10 working days of the date of the written notification of the decision to be appealed. The appeal should be submitted to the Head of HR and Organisational Development using the Appeal Submission form (Appendix A), stating their grounds of appeal and the resolution sought. Appeals submitted late without mitigating circumstances will not be allowed to proceed.

3.3 The appeal hearing should be held without unreasonable delay.

4. Grounds for Appeal

4.1 Appeals against Disciplinary Action

4.1.1 An employee can appeal against a disciplinary sanction on the following grounds:

- There was a significant breach of the procedure.
- A reasonable person could not have reached the decision to find against the employee on the basis of the evidence submitted.
- The Penalty was too harsh, taking into account the seriousness of the offence and any mitigating circumstances.

- Significant new evidence has become available, and that evidence could not have been available at the time of the original hearing.

4.2 Appeals against Managing Performance Procedure

4.2.1 An employee can appeal against any formal sanction made under the Managing Performance Policy on the following grounds:

- There was a significant breach of the procedure.
- The employee was given insufficient time in which to demonstrate that they could achieve the required standard.
- The employee was not offered appropriate support and/or training.
- The employee was not offered suitable and available redeployment.
- That management have not acted reasonably.

4.3 Appeals against Absence Management Procedure

4.3.1 An employee can appeal against any formal sanction made under the Absence Management Policy on the following grounds:

- There was a significant breach of the procedure.
- The employee was given insufficient time in which to demonstrate that they could achieve the required standard.
- The employee was not offered suitable and available redeployment, where appropriate.
- That management have not acted reasonably.

4.4 Appeals against Grievance

4.4.1 An employee has the right to appeal against the outcome of the Grievance Procedure. They must clearly set out their grounds of appeal using the Appeal Submission Form.

4.5 Appeal against Redundancy Decisions

4.5.1 Under the Redundancy Policy, employees can appeal against decisions on the following grounds:

That their post is not redundant

The employee needs to specifically state why they believe their role is not redundant and where their duties have transferred to.

That they should have been slotted in to/ring fenced for a new post

The employee needs to specifically state which post/s it would have been appropriate to slot them in to / ring fence them for and why, setting out the similarity of tasks carried out (this may be different to the employee's job specification) and any transferable skills not already identified.

That the selection criteria during interview / management selection unfairly applied

The appeal hearing will have available anonymised information on the assessment of the other candidates, which will be taken into consideration when reaching a decision. This information will be made available to both sides before the appeal hearing and both sides will be invited to comment on how the appeal might impact on other staff. If the appeal is successful, the member of staff who is selected for redundancy in their place will also have a right of appeal.

That the post offered is not suitable alternative employment

The employee needs to state why they believe the role that has been offered to them is not suitable alternative employment.

4.5.2 Where notice of redundancy has already been served, any appeals will run concurrently with the employee's notice period.

4.6 Appeal against Harassment and Bullying Decisions

4.6.1 If, following the completion of the investigation report, the manager decides that it is likely that there is some substance to the complaint and the matter should be resolved through informal means rather than formal means or finds that there is no case to answer, the complainant may appeal against the decision.

4.6.2 An appeal must be based on at least one of the following reasons:

- The investigator's investigation or report was inadequate.
- A reasonable person could not have reached the decision on the basis of the evidence provided.
- The manager's decision was inappropriate in the light of the conclusions of the investigator's report.
- Further evidence has come to light during the investigation period which has not yet been considered.

4.6.3 If the manager decides that there is a disciplinary case to answer neither party will have a right of appeal against this decision. There is a separate right of appeal regarding a sanction against an employee following a disciplinary hearing (see 4.1 Appeal against Disciplinary Action).

4.7 Appeal against a Dismissal for Some Other Substantial Reason (SOSR)

4.7.1 A member of staff who wishes to appeal the decision to dismiss for SOSR should state their full grounds of appeal using the Appeal Submission form.

4.8 Appeal against Decisions in Relation to Flexible Working Applications

4.8.1 A member of staff who wishes to appeal a decision in relation to a proposal they have made to work flexibly should state their full grounds of appeal using the Appeal Submission form.

5. Appeal Hearing Process

5.1 HR will allocate an appropriate manager who has not been previously involved in the case to hear the appeal (the Hearing Manager). This may be a service manager, Head of Service or the Deputy Chief Executive depending on the nature of the appeal. Appeals against dismissal will be heard by the Chief Executive in accordance with the Constitution.

5.2 For grievances concerning a Chief Executive or Chief Officer, appeals will be heard in accordance with the Constitution.

5.3 PROCESS: Step 1 - Written Notification

5.3.1 Human Resources will write to the employee confirming the date, time and location of the appeal hearing, giving at least 7 working days' notice and informing of their right to be accompanied by a trade union representative/work colleague.

5.3.2 No later than 5 working days prior to the hearing the employee must submit any new evidence or inform the Head of HR of any witnesses they intend to call at the hearing.

5.3.3 The manager responding to the appeal (the Responding Manager) will be required to submit a response to the appeal. This should present the circumstances of the case and the action taken to date, and should include a full set of the key documents to be presented at the appeal hearing, including witness statements, a full summary of the circumstances of the case, copies of all correspondence relating to the case and the outcome of previous stages of the procedure.

5.3.4 Copies of all relevant documents will be circulated by Human Resources to all those attending the appeal no later than 3 working days before the date of the hearing.

5.4 The Role of Human Resources

5.4.1 The Hearing Manager will be accompanied by an HR Officer. It is the HR Officer's role to advise on procedure, to advise on ensuring consistency of decision making and equity of treatment. The HR Officer may also ask questions of clarification of either side. If possible, the HR Officer supporting the Hearing Manager will not have previously been involved in the case.

5.4.2 The Responding Manager may also be accompanied by an HR Officer. It is their role to advise the manager and answer any questions on the circumstances of the case.

5.4.3 Either HR Officer may take the notes of the hearing unless the Hearing Manager decides that an additional note-taker should be present.

5.5 Witnesses

- 5.5.1 Original witnesses are not required to attend the appeal hearing. The employee can only recall witnesses or ask new witnesses to attend the appeal hearing if their contribution relates to new evidence that is relevant to the grounds of appeal.
- 5.5.2 The employee must notify the Head of HR no later than 5 working days before the hearing if they intend to call a witness. It is the employee's responsibility to arrange their witness's attendance at the hearing.
- 5.5.3 Witnesses will only be present in the hearing when giving evidence.

5.6 Step 2 - Appeal Hearing

- 5.6.1 Appeal hearings will not rehear the whole case, but will focus on the grounds of appeal. Further evidence may be introduced by either side if it is relevant to the grounds for the appeal and provided it is received within the specified timescale of 3 working days before the date of the hearing.
- 5.6.2 The Hearing Manager will ensure that all the parties have the relevant documents and ensure that both sides understand the grounds of appeal that are to be considered.
- 5.6.3 The employee or their representative will set out the grounds of the appeal, calling any witnesses and referring to the documents that have already been submitted.

- 5.6.4 At the conclusion of the case for the appeal, the Responding Manager, the Hearing Manager and the HR Officer may question the employee or their representative.
- 5.6.5 The Responding Manager will then respond to the case for appeal.
- 5.6.6 At the conclusion of their response they may be questioned by the employee or their representative, the Hearing Manager and the advising HR Officer.
- 5.6.7 Both parties will make final statements which summarise the key points of their case. The employee will sum up after the Responding manager. It is not appropriate for new evidence to be presented at this stage.
- 5.6.8 The Hearing Manager will then close the hearing to consider the matter, advised by the HR Officer.
- 5.6.9 At any time during the hearing either party can make a request for an adjournment to the Hearing Manager.

5.7 Step 3 - Written Notification of Outcome

- 5.7.1 The decision will be confirmed to the employee in writing within 3 working days of the appeal hearing. If the decision can be made on the day the employee will also be notified verbally. The decision made at the appeal will be final and there is no further right of appeal within East Herts Council.
- 5.7.2 The employee cannot use the Grievance Policy by way of further challenge to the decision.
- 5.7.3 No increased penalty will result from an appeal being raised.
- 5.7.4 When an appeal is against a decision to dismiss, the dismissal will have taken effect in accordance with the

original decision, either summarily or by notice. Should the appeal be successful the member of staff will be reinstated with full back pay or, if it is considered that disciplinary action less than dismissal is appropriate this will be implemented and backdated to the date of the original decision.

6. Policy Review and Amendment

- 6.1 This Policy shall be reviewed after three years or sooner in line with legislation and best practice to reflect the best possible level of support and management.

Appeal Submission Form

Date.....

I am writing to appeal against the recent decision that was made to:

Please give details of which policy was used, what decision was made and who made the decision.

My grounds of appeal are:

Please outline your grounds of appeal.

Resolution sought:

Please outline the outcome you are looking for.

(Name)

Please send the completed Appeals Submission form to the Head of HR and Organisational Development within 10 working days of the date of the written notification of the decision.

Equality Impact Analysis Form

1. Equality Impact Analysis (EqIA) Form

Title of EqIA (policy/change it relates to)	Appeals policy	Date	25 July 2018
Team/Department	HR and Organisational Development		
<p>Focus of EqIA</p> <p>What are the aims of the new initiative? Who implements it? Define the user group impacted? How will they be impacted?</p>	<p>Aims of the new initiative: To update the Appeals policy in line with legislation and best practice</p> <p>Who implements it: Managers and HR</p> <p>User group affected: All employees</p> <p>How will they be impacted: They will only be impacted if they submit an appeal or managers if they receive an appeal</p>		

2. Review of information, equality analysis and potential actions

Please fill in when appropriate to the change. If it does not, please put N/A

Protected characteristics groups from the Equality Act 2010	What do you know? Summary of data about your service-users and/or staff ALL DATA IS FROM E&D REPORT 2016/17	What do people tell you? Summary of service-user and/or staff feedback	What does this mean? Impacts (actual and potential, positive and negative. Clearly state each)	What can you do? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
Age	Under 20 – 1.7% 20-29 – 6.2% 30-39 – 15.9% 40-49 – 26.6% 50-59 – 34% 60-64 – 10.2% 65+ - 5.4%	N/A	No impact	N/A
Disability	3% of employees report to us that they have a disability	N/A	Certain disabilities impact accessibility of appeals hearing materials Certain disabilities may impact response times and the ability to sequence time.	Accessible versions of materials (e.g. large print papers) will be made available upon request, Timescales can be made flexible if justified by the appellant on the basis of circumstances related to their disability. The appellant should inform the council if this is the case where possible.
Gender reassignment	No data available	N/A	No impact	N/A
Pregnancy and maternity		N/A	During late pregnancy or if the person is having issues related to their pregnancy	If the person is having these issues then they may negotiate alterations to deadlines

Protected characteristics groups from the Equality Act 2010	What do you know? Summary of data about your service-users and/or staff ALL DATA IS FROM E&D REPORT 2016/17	What do people tell you? Summary of service-user and/or staff feedback	What does this mean? Impacts (actual and potential, positive and negative. Clearly state each)	What can you do? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
			fulfilling timescale of appeals may pose an issue.	
Race	4.2% are from BAME groups	N/A	No impact	N/A
Religion or belief	Christian – 56.4% Non-Christian – 3.5% No religion – 21% Not known – 19.3%	N/A	Certain religious festivals take-up a significant amount of time. In the case of Christians this is accommodated by the process specifying “working days” which accounts for the major Christian festivals of Christmas and Easter. This means that while Christians have time to celebrate aspects of their faith, putting aside the appeal for that duration, those of other faiths would not.	If a major religious festival is taking place during the process the appellant can negotiate for an extension. They must evidence that the festival takes the requisite time and only major festivals (the equivalent to Easter and Christmas) should be considered. This is not automatic and the appellant must inform the council of their faith and festival explaining it.

Protected characteristics groups from the Equality Act 2010	What do you know? Summary of data about your service-users and/or staff ALL DATA IS FROM E&D REPORT 2016/17	What do people tell you? Summary of service-user and/or staff feedback	What does this mean? Impacts (actual and potential, positive and negative. Clearly state each)	What can you do? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
Sex/Gender	72% female 28% male 35% of staff are part time females 5% of staff are part time males	N/A	No impact	N/A
Sexual orientation	Heterosexual – 77.9% LGBT – 2.3% Unknown – 19.5%	N/A	No impact	N/A
Marriage and civil partnership	No data available	N/A	No impact	N/A

Assessment of overall impacts and any further recommendations

We are content that the policy does not create the potential for direct or indirect discrimination.

3. List detailed data and/or community feedback which informed your EqlA (If applicable)

Title (of data, research or engagement)	Date	Gaps in data	Actions to fill these gaps: who else do you need to engage with? (add these to the Action Plan below, with a timeframe)
EQUALITY & DIVERSITY ANNUAL REPORT 2016/17	N/A	N/A	N/A
SICKNESS ABSENCE ANNUAL REPORT 2016/17	N/A	N/A	N/A

4. Prioritised Action Plan (If applicable)

Impact identified and group(s) affected	Action planned	Expected outcome	Measure of success	Timeframe
NB: These actions must now be transferred to service or business plans and monitored to ensure they achieve the outcomes identified.				
N/A	N/A	N/A	N/A	N/A

EqIA sign-off: (for the EQIA to be final an email must sent from the relevant people agreeing it or this section must be signed)

Lead Equality Impact Assessment officer: Nathan Bookbinder

Date: 22/08/18

Directorate Management Team rep or Head of Service: Kate Leeke

Date: 22/08/18

Author of Equality Impact Analysis: Claire Kirby

Date: 22/08/18

EAST HERTS COUNCIL

HUMAN RESOURCES COMMITTEE - 13 MARCH 2019

REPORT BY THE HEAD OF HUMAN RESOURCES AND
ORGANISATIONAL DEVELOPMENT

HUMAN RESOURCES MANAGEMENT STATISTICS: JANUARY TO
MARCH 2019

WARD(S) AFFECTED: *None*

Purpose/Summary of Report

Members are invited to consider the Human Resources (HR) Management Statistics for Quarter 4 (January – March 2019).

<u>RECOMMENDATION FOR HUMAN RESOURCES COMMITTEE</u>	
That:	
(A)	the HR Management Statistics for Quarter 4 (January to March 2019) be noted

1.0 Background

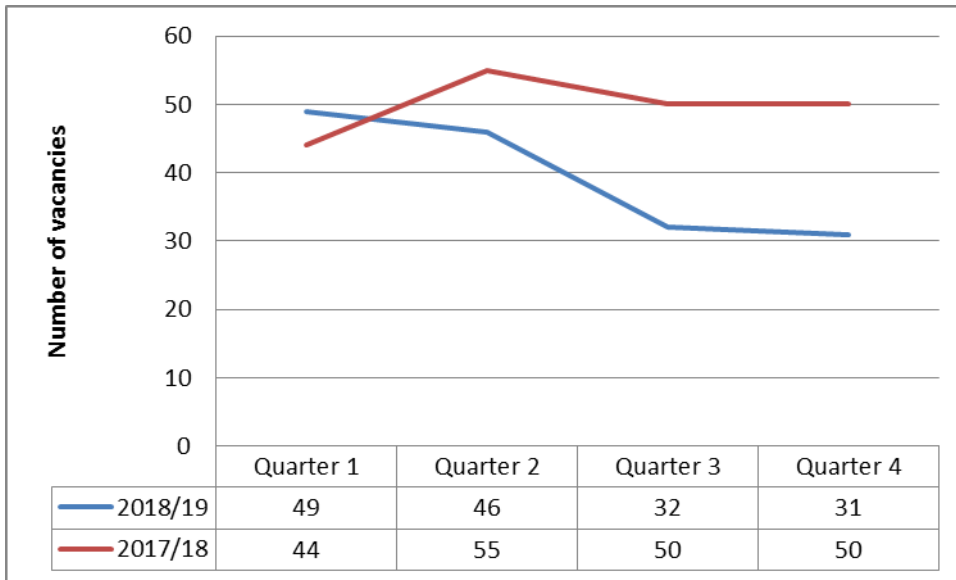
1.1 This report outlines the current performance against the annual HR targets as approved by the HR Committee.

1.0 Report

Vacancy Data

1.1 Figure 1 below shows that the number of vacancies in the council has fallen slightly from 32 in Quarter 4 to 31 in Quarter 4 and is significantly lower than this time last year (50 vacancies in Quarter 4 2017/18)

Figure 1 – Number of vacancies in the council



1.2 The table below shows that 28% of the vacancies are actively being recruited to, 62% are on hold e.g. pending job redesign, potential review of structure, 3% are due to 'other' covered by other temporary arrangements such as a secondment and 7% are not going to be filled and will be taken off the establishment.

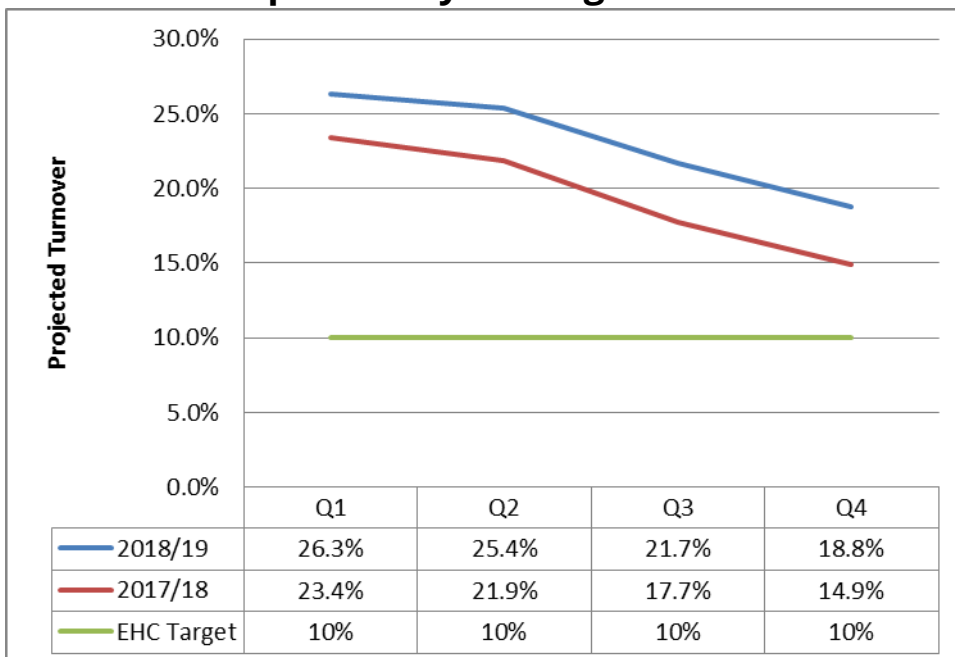
Progress with vacancy	No. of posts	% age of vacant posts	Comments
Actively being recruited to:	8	28%	Out to advert (5), offer made but not yet started (3)
On hold – pending job redesign, imminent restructure	18	62%	
Other	1	3%	Partly being covered by a secondment opportunity
Not being replaced	2	7%	One post vacant and not being back filled and the other is not being replaced as it was

			previously funded through reserves.
--	--	--	-------------------------------------

2.0 Employee Turnover

- 2.1. As at Quarter 4, projected employee turnover is estimated to be above the council's target.
- 2.2. Figure 2 below shows that based on the number of leavers between 1 April 2018 and 28 February 2019 (57 in total), projected turnover is estimated to be 18.8% for the year. This has fallen since Quarter 3 (21.7%) however it is above the council's target of 10%. The projected turnover rate for Quarter 4 is higher in 2018/19 compared to the same period last year (14.9% in Quarter 4 of 2017/18).
- 2.3. As predicted, projected turnover has continued to fall each quarter as the year has progressed following a similar pattern to the previous year.

Figure 2 – Projected Turnover 2018/19 and comparisons with the previous years' figures



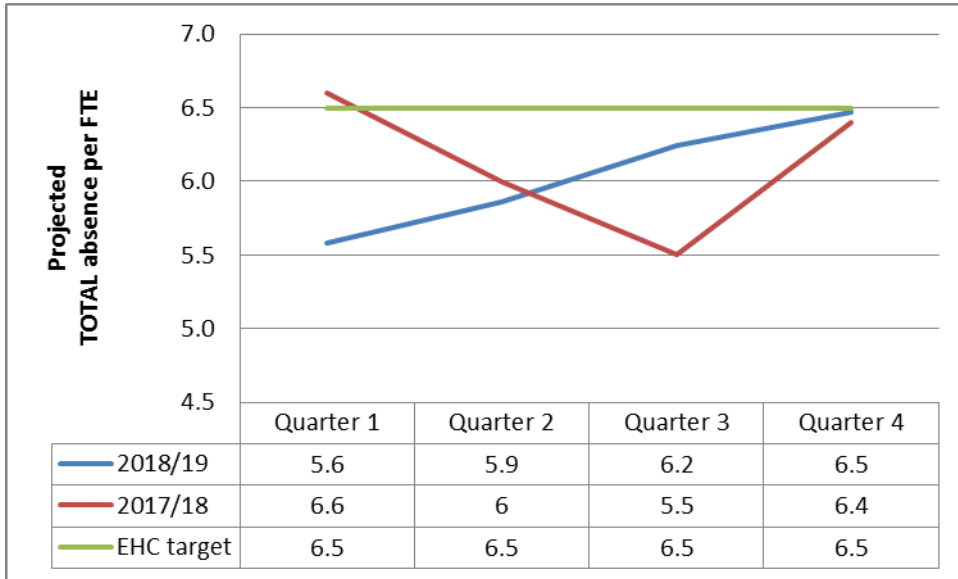
* due the timing of this report, figures are correct as at 28 February 2019

- 2.4 Given the high turnover figures, HR have persistently chased voluntary leavers to return their exit questionnaires. As a result, completion rates remain high at the end of Quarter 4 - 72% - the same as the previous quarter. Where appropriate, HR Officers have also been following up questionnaires by interviewing leavers to capture further information which may assist in determining trends.
- 2.5 Exit Questionnaire data is given in confidence to HR however leavers are encouraged to give their permission to share the data with their managers so that they can take any actions as appropriate. Exit Questionnaire data is analysed in full in the Annual Turnover Report which will be presented to HRC in July 2019.

3.0 Sickiness Absence

- 3.1 As at Quarter 4, the council is below target overall on projected sickness absence. Short Term Sickness Absence is below target however long term sickness (20 days or more) is above target.
- 3.2 Figure 3 below shows that, as at Quarter 4* projected sickness absence for 2018/19 is estimated to be 6.5 days per FTE which is the same as the council's target. It has increased since Quarter 3 (6.2 days per FTE) and is slightly higher than the same quarter in 2017/18 (6.4 days per FTE).

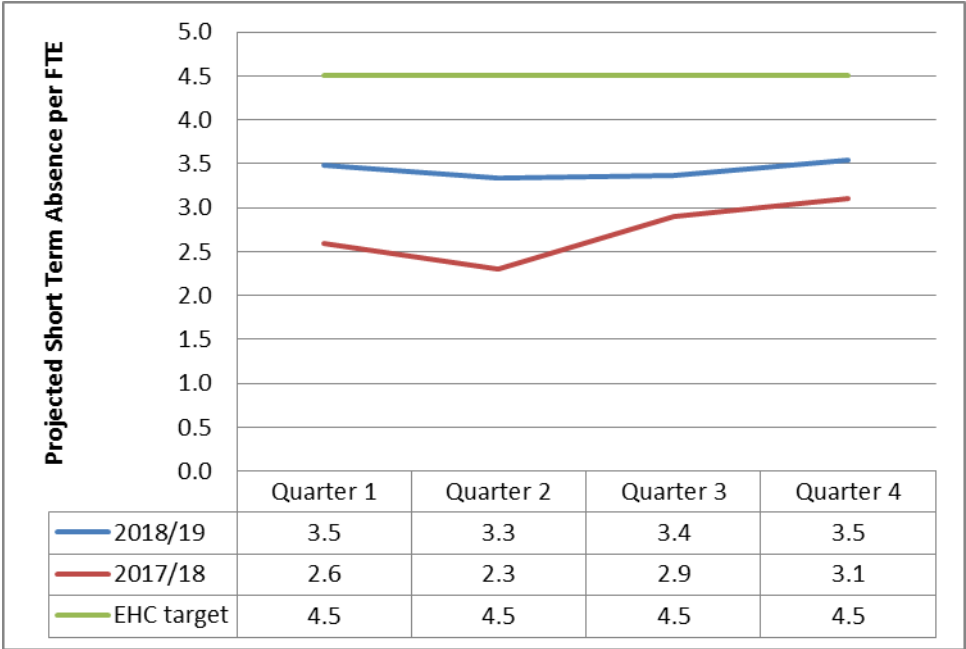
Figure 3 – Projected absence for 2018/19 compared to last years' figures



*Quarter 4 is based on figures as at the end of February as data for March was not available at the time of writing the report

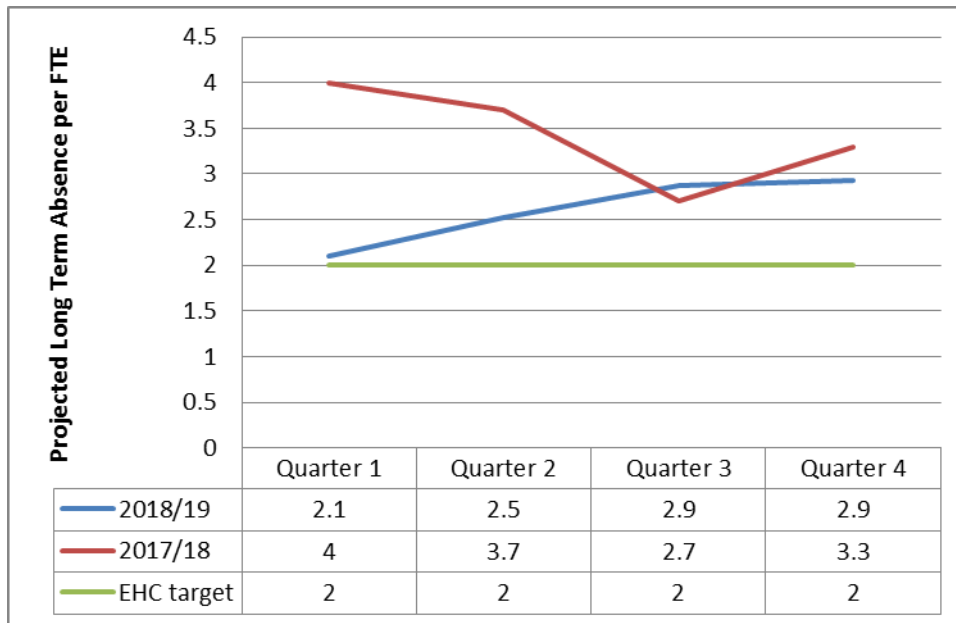
3.3 Figure 4 below shows that, as at Quarter 4 projected short term absence is 3.5 days per FTE which is well below the council's target (4.5 days per FTE). It has increased slightly from Quarter 3 (3.4 days per FTE) and is higher than the same quarter last year (3.1 days per FTE in 2017/18).

Figure 4 – Projected SHORT TERM absence for 2018/19 compared to last years’ figures



3.4 Figure 5 below shows that, as at Quarter 4 projected long term absence is estimated to be 2.9 days per FTE which is above the council’s target of 2 days. There has been no change from the previous quarter and it is lower than the same quarter last year (3.3 days in 2017/18).

Figure 5 – Projected LONG TERM absence for 2018/19 compared to last years' figures



3.5 HR are working closely with managers to support employees who are on long term sickness absence through e.g. referrals to Occupational Health and making adjustments to their work/workplace to assist them in returning to work at the appropriate time.

4. Work-related accidents

4.1 During the period 1 December 2018 to 31 January 2019 there were no reportable* and 1 non-reportable accident involving employees. (Stats are not yet available for February 2019).

* Reportable accidents are those where the council has a statutory duty under Reporting of Injuries, Diseases and Dangerous Occurrence Regulation's 2013 (RIDDOR) to inform the Health and Safety Executive (HSE).

5.0 Learning and Development

5.1 During the period 1 April 2018 to 14 February 2019, 93 learning and development events were held and there were 1795 participants.

6.0 Performance Management

6.1 Date for the completion of Performance Development Reviews (PDRs) in 2018/19 will be reported on at the end of the PDR

year – i.e. HRC in June/July 2019.

7.0 Equalities Monitoring Indicators

7.1 The table below shows a summary of equalities data for employees as at 14 February 2019.

	Target	EHC Percentage
Disability		
Leadership Team with a disability	5%	0%
Employees with a disability	5%	3.9%
Ethnicity		
Leadership Team members from BAME groups	4.5%	20%
Employees from BAME groups	4.5%	7.1%
Gender		
Leadership Team members who are female	51%	60%
Employees who are female	51%	71%
Full Time/Part Time		
Employees who are part time	27%	36%
Employees who are part time and female	21%	33%
Employees who are part time and male	6%	2.7%

The Leadership Team = Chief Executive, Deputy Chief Executive and Heads of Service.

8. Policy Development

8.1 The following policies are currently being reviewed:

- Appeals
- Flexible Working

9.0 Implications/Consultations

Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

Contact Officer: Simon O'Hear - Head of HR and OD Ext. 2141
Simon.O'Hear@eastherts.gov.uk

Report Author: Vicki David - HR Officer Ext. 1652
vicki.david@eastherts.gov.uk

This page is intentionally left blank

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	Priority 1 – Improve the health and wellbeing of our communities Priority 2 – Enhance the quality of people's lives Priority 3 – Enable a flourishing local economy HR contributes as an internal service to all three corporate priorities
Consultation:	None
Legal:	None
Financial:	None
Human Resource:	As detailed in the report
Risk Management:	None
Health and wellbeing – issues and impacts:	None
Equality Impact Assessment required:	No

This page is intentionally left blank

Minutes of Health and Safety Committee **Monday 10 December 2018 in Room 27**

Present: Rob Allwood (RA)
Isabel Brittain (IB)
Sarah Bye (SB)
Ewa Dennis (ED)
Peter Dickinson (PD)
Jenny Francis (JF)
Mark Kingsland (MK)
Kate Leeke (KL) – Chair
Peter Mannings (PM) – Minutes
Steve Whinnett (SW)

1.0 Apologies: Helen Farrell (HF)
Louise Overington (LO)

2.0 Minutes of the last meeting

2.1 The Minutes of the 18 September 2018 meeting were agreed as an accurate record.

3.0 Matters Arising

3.1 Lone Workers devices – PD advised that he and SB were overseeing the contract for these devices provided by guardian 24. Work was ongoing to trace missing devices and to replace devices that were faulty. User guides were available on the intranet and training sessions had been arranged for users of these devices. Issues regarding sensitivity of the devices had been resolved.
Action: SB/PD

3.2 HF commented that the policy would be circulated for the next meeting of the Safety Committee.

3.3 PD advised that fire alarm call points had been located and mapped at Hertford Theatre and Charringtons House. Old logbooks had been scanned.

4.0 Tenant representative matters

4.1 ED commented on COSH assessments and chemicals stored in Kitchens. SB referred to a review of the cleaning contract. PD stated that he would look at this matter with ED and report back to the Safety Committee.

Action: PD

5.0 Accident and Incident reports

5.1 For the period 22 May to 31 August 2018.
Accidents involving staff:

- 3 non-reportable accidents
- No reportable accidents

No accidents involving non-employees or the public

Accidents involving the pools:

- 66 non-reportable accidents
- One incident of a heart attack in a pool where the patient was now well following treatment

6.0 Regulatory and legislative changes

6.1 None.

7.0 Health and Safety compliance reports

7.1 PD stated that a joint inspection regime had been implemented in collaboration with North Herts Council. There were no serious or major concerns that Officers were aware of.

7.2 RA advised that a new regime for inspections had been implemented at the Pools. He referred to a contract meeting due to take place in 2019.

Action: PD

8.0 Property – Premises maintenance and repairs

8.1 All premises maintenance is up to date.

9.0 Facilities Management

None

10.0 List of Issues

a. Employees side (UNISON):

None

b. Management side:

Officers had been reminded to ensure Christmas decorations were secured so as to avoid further activation of the alarm.

11.0 Health and Safety Training

11.1 9 Officers had been trained in the use of Evac Chairs in Wallfields.

11.2 PD referred to a lack of resilience in the availability of Fire Marshalls. He commented on the accommodation review and the changing footprint of the floors at Wallfields. He also referred to a local company that had run hands on first aid training and drills.

11.3 PD commented on the possibility of training through the medium of e learning modules. He stated that building clearance

was easier if Officers knew where they needed to go in advance. He referred to the Council's duty of care to employees and the Fire Service.

11.4 GM emphasised that if senior Officers volunteered as fire marshals then other Offices might also volunteer. PT commented that fire marshals had to be Office based and Environmental Health would not be best placed to volunteer as Fire Marshals.

11.5 The Committee discussed whether a small retaining fee would encourage volunteers and help maintain numbers of fire marshals. KL suggested that this matter be reported back to a future meeting of the Safety Committee.

Action: PD

12.0 - AOB

12.0 GM referred to the imminent launch of electric cars at Wallfields. KL commented on checks on driving licences. GM commented on the robustness of the process of driver checks.

12.1 GM commented on the issue of out of hours lighting at Wallfields. RA referred to a number of matters in respect of complaints in reference to the Waste contract.

Date of next meeting:

Monday 18 March 2018 in Room 27 at 2 pm