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Monday, 24 June 2019

Dear Sir/Madam

## **EMPLOYMENT COMMITTEE**

A meeting of the Employment Committee has been arranged to take place **TUESDAY, 2ND JULY, 2019 at 6.00 PM IN THE COMMITTEE ROOM** District Council House, Lichfield to consider the following business.

Access to the Committee Room is via the Members' Entrance.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'Neil Turner', is written in a cursive style.

Neil Turner BSc (Hons) MSc  
**Director of Transformation & Resources**

**To: Members of Employment Committee**

Councillors Humphreys (Chairman), Barnett (Vice-Chair), Birch, Grange, Greatorex, Gwilt, Robertson, Silvester-Hall, Warburton and S Wilcox



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## AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes of the Previous Meeting 3 - 6
4. Role of Employment Committee Verbal Report
5. Members Training Plan and Review of Induction Verbal Report
6. Flexible Working Framework 7 - 16



**EMPLOYMENT COMMITTEE**

**7 FEBRUARY 2019**

**PRESENT:**

Councillors Mrs Boyle (Chairman), Salter (Vice-Chair), Mrs Banevicius, Cox, Greatorex and B Yeates

**17 APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Mrs Eagland and Rayner

**18 DECLARATIONS OF INTEREST**

There were no declarations of interests.

**19 MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting were circulated and signed as a correct record.

**20 REVISED PAY POLICY STATEMENT**

Members received a report on the Council's duties under Section 38 of the Localism Act 2011 regarding the preparation of a Pay Policy Statement for 2019/20. It was reported that its purpose was to be open and transparent about the distribution of pay to Officers. It was noted that it was a public document and would require approval from Full Council.

It was reported that pay negotiations for Officers below Chief Officer level were conducted at national level by the National Joint Council (NJC) and the settlement reached was mandatory and must be applied to the Council's employees. It was then reported that as part of the 2018 – 2020 National pay bargaining, the NJC agreed a new pay spine to future proof for the National Minimum Wage (NMW) and in turn increased the starting point for Lichfield District Council evaluated posts to a rate of £9 per hour. It was noted that work had been undertaken with Unison and the Council to understand the impact of the new pay spine and culminated in a joint impact assessment. It was then noted by the Committee that collective agreement had been reached locally on the assimilation process that would be applied to employees.

Members noted that under the heading of Definition of Chief Officer there were now three vacancies and this would be reflected in the document. Members also noted that the pay relationship calculation was based on January figures but this would be amended to reflect the situation as of April 2019 and would continuously be adjusted after this if required.

Members queried the number of essential car users and had concerns that this was a high cost to the Council. It was reported that it would be reviewed as part of the People Strategy however it needed to be noted that many areas of the Council did require employees to work outside of the Offices including Planning, Environmental Health and the Building Control partnership.

**RESOLVED:** That the contents of the Pay Policy Statement as set out in the report be noted and it be recommended to Council for approval.

## 21 RESULTS OF EMPLOYEE SURVEY

The Committee received a presentation on the results of the Employee Survey. The Head of Corporate Services reported that an Officer working group developed this survey in 2018 and responses were sought by the end of September 2018. It was then reported that the Staffordshire Intelligence Hub then collated and interpreted the results to ensure full independence and confidentiality was observed. The full report of the responses was delivered in December 2018.

Members noted the results and that also the response rate was lower than the last survey, was still considered high. The Head of Corporate Services then reported the higher measured results and lower measured results along with the next steps.

The Committee noted that the results showed that employees felt that work/life balance was not as good and queried whether this was due to reduced resources and how could this be tackled as it was unlikely to get better. It was reported that focus would be aimed at supporting staff and their wellbeing. Members noted that flexible working was being offered more widely, most notably in the joint waste service with good effect.

Members then discussed the reasons why it was considered in the responses that the management restructure had not had a positive impact yet other answers seemed to contradict this. It was reported that as part of the next steps, focus groups would be held where these sorts of questions could be posed and a deeper understanding sought.

Members asked how the low response rate from the joint waste service would be addressed and it was reported that Officers were already attending their meetings and training sessions to discuss this further. It was noted that feedback had stated that they felt the survey was too long and academic in nature. It was planned to consider this when carrying out questionnaires in the future.

The next steps were discussed further and Members felt that to ensure morale did not drop, an outcomes from the survey should be reported to employees. It was reported that further investigation of results was underway including the aforementioned focus groups and results would be fed into the People Strategy and a report ready in around six months. It was also reported that it was envisioned that in the future, the survey would be one of a catalogue of engagement methods.

Members discussed the results regarding engagement between Officers and themselves and it was felt it was difficult to have contact in all areas of the differing services in the Council especially when it was not required. It was reported that there was now a better understanding of the role of Members and the relationship of them and Officer due to clearer protocols and guidance from senior Officers. Members felt a question should be added to ask whether there was a requirement to have contact with Members in their role added in the future.

**RESOLVED:** That the information given be noted.

## 22 PEOPLE STRATEGY

The Committee received a presentation updating them on the People Strategy. The Head of Corporate Services reported progress made and the evidence base collected. It was reported that there was an equal mix of genders employed but the working pattern was slightly different. It was also reported that the age range was mainly over 45 but this was common for public sector.

The presentation then focused on the key areas and regarding employee wellbeing, it was noted that this was on the national agenda now and the Council had pledged to the Mind Time to Change initiative to raise awareness of mental health and was working with managers to spot concerns and support where possible. Other key areas included a terms of conditions review and learning and development priorities. It was reported that it was envisioned that the HR service would evolve into a strategic role that supports the overall business.

Members discussed apprenticeships and how it could aid attracting much needed younger people into the Council. It was reported that there had been a greater take up in the more manual roles including parks but not the office based roles. It was noted that the training frameworks for these areas were still focused on the private sector and it would take time for suitable public sector frameworks to be available.

The Committee then discussed succession routes and there was concern that with such a majority older workforce, there could be a mass retirement of staff with no trained replacements. It was reported that management was key and a skills audit was planned to truly understand what employees were capable of and use PDRs to find out what their aspirations were. It was also noted that it was an expectation now that younger people do not wish to remain in one organisation for long. It was reported that flexible retirement plans helped balance this to retain knowledge and skills.

**RESOLVED:** That the information received be noted.

(The Meeting closed at 7.00 pm)

CHAIRMAN

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## Flexible Working Framework

Date: 2<sup>nd</sup> July 2019  
Contact Officer: Christie Tims /Cathy Pepper  
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Key Decision NO  
Local Ward None  
Members

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## EMPLOYMENT COMMITTEE

### 1. Executive Summary

- 1.1 To inform the Committee of the revised Flexible Working Framework in line with best practice and guidance from ACAS and relevant employment legislation.
- 1.2 To approve the updated document for formal adoption.

### 2. Recommendations

- 2.1 It is recommended that Employment Committee notes the contents of the updated Framework shown in Appendix A.

### 3. Background

- 3.1 Under provisions set out in the Employment Rights Act 1996 and regulations made under it, all employees have a statutory right to ask their employer for a change to their contractual terms and conditions of employment to work flexibly provided they have worked for their employer for 26 weeks continuously at the date the application is made.
- 3.2 An employee can only make one statutory request in any 12 month period. Employees who have been employed for less than 26 weeks, agency workers and office holders do not have a statutory right to request flexible working.
- 3.3 Nevertheless, Lichfield District Council supports the principle that employees should enjoy a work-life balance, which recognises the needs of the service whilst at the same time allowing for a degree of flexibility where possible in order to accommodate other commitments and the business benefits it can bring; which include attraction and retention of staff in a very competitive employment market.
- 3.4 Before June 2014 the right only applied to the parents of children under 17 or 18 in the case of parents of disabled children or to those caring for an adult. Now any eligible employee can apply to work flexibly for any reason.
- 3.5 A fundamental principle of our Flexible Working Framework is that the efficiency of the council and the levels of service to our customer are maintained, and in some cases strengthened, by the application of the framework. Employees are expected to co-operate with the needs of their service and recognise that flexible working is a benefit, rather than an automatic right and that different parts of the council, require different working patterns as set out in Local Service Area Agreements (LSAA).
- 3.6 The benefits of flexible working arrangements, for customers, employees, partners and the council include:

- High quality needs based public services to customers are targeted effectively within the resources available;
- Increased employee job satisfaction, personal responsibility, and flexibility;
- Helping employees balance their work and home lives as a benefit;
- Delivering services in the most effective way possible;
- Ensuring the most effective and efficient use of the skills of the staff we employ at the most effective times;
- Focusing all attendance at work on deliverable outcomes and performance;
- Achieve an inherent sense of fairness and equity.

<b>Alternative Options</b>	Work standard hours
<b>Consultation</b>	Employee Representatives have been consulted with regard to this document.
<b>Financial Implications</b>	None anticipated as Heads of Service manage the implications of flexible working to suit business requirements.
<b>Contribution to the Delivery of the Strategic Plan</b>	The Flexible Working Framework is a key element to ensuring we recruit and retain staff to ensure delivery of the plan.
<b>Equality, Diversity and Human Rights Implications</b>	These have been considered in developing the document.
<b>Crime &amp; Safety Issues</b>	There are no implications.

	<b>Risk Description</b>	<b>How We Manage It</b>	<b>Severity of Risk (RYG)</b>
A	Inability to recruit and retain skills to operate the council effectively.	Through feedback and action planning	Green
B	Failure to improve employee experience/satisfaction	Ensure that issues are resolved through the relevant Management structures	Green
<b>Background documents</b>			

# Flexible Working Framework

January 2019

## Document Location

This document is held by Lichfield District Council, and the document owner is the Head of Corporate Services

Printed documents may be obsolete. An electronic copy is available on Lichfield District Council's Intranet 'Brian'. Please check for current version before using.

## Revision History

Revision Date	Summary of changes
10/03/18	Draft for discussion
05/09/18	Revised version
25/01/19	Amendments following LT/HOS/HR consultation
29/01/19	Amendments from DT

## Approvals

Name	Approved	Date
Leadership Team		January 2019
ELG		Feb 2019
People Strategy Working Group		March 2019
Employment Committee		July 2019

## Document Review Plans

This document is subject to annual review. Updates shall be made in accordance with business requirements and changes will be with agreed in consultation with the Employee Liaison Group. Major changes will require approval of the Employment Committee.

## Distribution

The document will be available on Brian.

## Introduction

Lichfield District Council supports the principle that employees should enjoy a work-life balance, which recognises the needs of the service whilst at the same time allowing for a degree of flexibility where possible in order to accommodate other commitments.

A fundamental principle of our Flexible Working Framework is that the efficiency of the council and the levels of service to our customer are maintained, and in some cases strengthened, by the application of the framework. Employees are expected to co-operate with the needs of their service and recognise that flexible working is a benefit, rather than an automatic right and that different parts of the council, require different working patterns as set out in Local Service Area Agreements (LSAA).

Working within a standard 37 hour week (for full-time employees, pro rata for part time employees) the framework will enable working hours to be organised by mutual agreement in such a way to enable a degree of freedom over when the work is done where ever possible. Managers, rather than the time recording system, will manage staff.

Heads of Service will be responsible for making an objective assessment of suitability for their service to the flexible working options available to support their objectives in line with the [ACAS guidance](#). They will also ensure that there is effective recording of hours worked within their area, and that any local agreements are observed and are fairly applied. Employees must be responsible for maintaining a record of their working time in line with their LSAA.

## Objectives

The benefits of flexible working arrangements, for customers, employees, partners and the council include:

- High quality needs based public services to customers are targeted effectively within the resources available;
- Increased employee job satisfaction, personal responsibility, and flexibility;
- Helping employees balance their work and home lives as a benefit;
- Delivering services in the most effective way possible;
- Ensuring the most effective and efficient use of the skills of the staff we employ at the most effective times;
- Focusing all attendance at work on deliverable outcomes and performance;
- Achieve an inherent sense of fairness and equity.

## Scope of the framework

The framework covers all those employees employed directly by the council. Those employees on a temporary or part-time contract will not be treated less favourably than those working on full time or permanent contracts. Casuals will be able to benefit from the same arrangements where this meets with the service needs and the reasons for their casual use.

Flexible working practices are rarely contractual and this framework does not in itself constitute a contractual arrangement. These are detailed within individual contract terms detailed within appointment letters or else varied by collective or individual agreement.

The council reserves the right to withdraw any flexible working arrangements where these are persistently abused (as determined under the disciplinary policy) or if they no longer meet the requirements of the service. In the latter instance, this will be subject to formal consultation to reach agreement where the arrangements are detailed within the contract of employment.

Heads of Service will consider the working hours required to deliver the service and determine if any of those periods are required to be fixed. It will be for local determination as to whether these arrangements apply to a whole area or are covered by employees on a rostered basis. Due consideration must be made of the [Working time regulations](#) when devising shift patterns and setting work period requirements.

In the interests of employee health and wellbeing employees should be discouraged from working more than their contracted hours except where the needs of the service requires this flexibility to meet variability of workload on a short term or infrequent basis or where this may be a 'reasonable adjustment' for specific circumstances.

## **Principles**

The key principles of the Flexible Working Framework are:

- The efficient operation of the council;
- Levels of service to our customers are communicated and resourced appropriately;
- That there is a degree of freedom over when the work is done where ever possible;
- Working time regulations are followed;
- Staff record and amend their own time wherever possible to maintain an effective record;
- Managers maintain an overview of working patterns and habits in their area to support management decisions;
- Managers strive for flexibility and ensure equality of treatment within their teams.

## **Flexitime**

This system of work allows employees to fulfil their hours at a time to suit the needs of the service and gives the potential for some work/life balance.

Managers will determine, monitor and manage the local arrangements that need to apply to ensure service delivery and engage with employees. It is expected that employees who receive this high degree of flexibility will arrange and attend any appointments within their own time and work flexibly around other commitments, providing these are:

- not in conflict with the needs of the service
- and in consideration of other members of the team.

As part of this framework, there are no prescribed limits for carry over or deficit, however these will be monitored and managed locally by managers based on what is reasonable for the needs of service.

Limits can be set by reaching local agreement where there is a demonstrated business need.

Flexitime can be earned and taken to suit the needs of the service. Staff will only accrue flexitime where there is a service need to do so and must recognise that there is no automatic right to use any accrued flex, or be recompensed for it. Flexitime will only be granted where it can be mutually agreed.

A default shift pattern will be granted to all staff who are not subject to a specific LSAA which will simply record all hours worked. This will credit time from 00.01 to 23.59, with one minute of core time at 10.30 (to 10.31) and 15.00 (to 15.01) required to trigger the system to recognise an absence for that half day.

### **Other working arrangements**

Within each service the need to vary hours will depend on:

1. The nature of the service being delivered.
2. Customer expectations/publicity of when the service should be delivered.
3. Fluctuating workloads.
4. Annual/project or task deadlines.

For roles and teams who **must** provide services at a specific time and have an optimum number of employees available during those periods, the use of specific shifts/rosters, core times or annualised hours is recommended. Heads of Service must evidence a business need for these arrangements to apply to their area.

In this circumstance managers will determine the hours available for work, staffing levels or shifts that will apply in consultation with their staff, and communicate these through their Local Service Area Agreement (LSAA).

### **Part time working**

Employees who are employed on a part time contract (any hours less than 37 per week) will be given the equivalent rights as full time employees on a pro-rata basis including leave and access to flexible working available within their service, subject to the terms of their contract and service needs.

### **Job share**

A job share post exists where two employees divide hours and duties of one post. This may be an equal division, with each working 18.5 hours at either end of the week, a week-about, or it may be an unequal split in hours to allow both employees to be in at specific points, dependant on the nature and demands of the work.

Job share is different from part time work in that normally both partners in the job share are interchangeable and can undertake any aspect of the duties effectively, having similar skills, qualification and experience.

All full time jobs can be considered for job share, however suitability for a post to operate in this way is based on there being a suitable job share partner available to undertake the remaining duties.

## **Average or Annualised hours**

For certain roles it may be necessary to average out the number of hours worked over the course of a year. This will allow for additional hours to be worked during peak periods and then a lower number of hours when the work is less.

To “balance” the number of hours worked, periods of longer hours and periods of shorter hours are identified and agreed as target hours.

Parks and Operational Teams operate in this way and some project based staff.

## **Compressed working (over a week or fortnight)**

The framework allows for employees to work longer hours each day to allow them to take time off specified or agreed days. Priority consideration will normally be given to those requesting these arrangements to work around fixed childcare or other structured caring commitments, or allow time for personal development, due to the impact on other members of the team.

The Joint Waste Service operates in this way, completing their duties over 4, not 5 days allowing for a rostered rest day each week. Some individuals in teams across the authority have also formally requested and been granted these working arrangements.

## **Home working**

Wherever possible, all roles should be considered for their suitability to be undertaken at home. Where this takes place, employees and managers should agree the outcomes expected and consider all of the risks in line with [homeworking procedures](#).

## **Other Considerations**

### **Use of TMS ( Time Management System)**

TMS self service will be available to all staff either as a physical clock, desktop version or app. Employees are expected to review and amend any clocking anomalies on a weekly basis as a minimum. All records for leave will also be held and requested using the system where it is available to employees. Managers are expected to authorise all leave requests and update sickness in a timely way, at least weekly and ensure an accurate payroll. Where employees do not have access to their TMS record, a TMS supervisor will review and query any anomalies, flagging any issues to line managers as appropriate as well as record leave and update sickness.

### **Lunch times and comfort breaks**

All employees **must** have a lunch break of at least 20 minutes (30 minutes for employees under 18 years of age), no later than 6 hours into their shift, as set out in the Working Time Directive (WTD). Limits on higher minimum and maximum lunch breaks **can** be determined locally to suit service needs and the nature of the work. Comfort breaks may also be taken when it is safe and appropriate to do so within their service setting and are recommended to improve wellbeing and productivity

## **Medical appointments**

It is expected that employees will make all routine dentist and doctor appointments outside of their normal working time. Where employees have a medical or screening appointment that is supported by an appointment letter, reasonable time off will be given to attend the appointment to those employees who have a fixed working pattern. Reasonable time will be determined by the line manager based on the location of the appointment, the nature of the appointment and the impact on the service.

Where employees have core hours as part of their LSAA, up to 2 hours can be credited. Where there are no core hours, employees have the flexibility to arrange their working time around the appointment. The only exceptions to this are cancer screening, where up to 2 hours will be credited to employees on provision of a screening invitation letter and antenatal appointments, where time will be credited for the appointment.

## **Reducing or changing hours**

All employees who have worked over 26 weeks have a legal right to request consideration for flexible working requests. These will be handled in line with the [ACAS guidance](#). All requests must be approved by the Head of Service in consultation with Human Resources. An appropriate period of notice should be agreed for the change to take effect. Such changes are normally conditional on a review at an appropriate point to assess impact on the service. [Application to alter working hours](#).

## **Business clocking and homeworking**

The TMS system has facility to record business clocking and homeworking to aid managers in reviewing working patterns in their area. Managers will advise if they require employees to use these codes. Otherwise employees must simply record all working time using the basic in/out functionality.

## **Normal commuting time**

Where any clocking amendments are made based on journeys from home or return they should be net of normal commuting time. Where employees are not attending a work location but are undertaking travel, normal commuting time should also be deducted from any travel undertaken for that day. There is no requirement to deduct travel time if work is being carried out (i.e. if an employee works from home all day).

## **Continuous Rest**

All employees should aim to experience 11 hours of continuous rest in every 24 hour period in line with the requirements of the Working Time Directive (WTD). Employees must enjoy 24 hours of continuous rest in each 7 day period or where this is not practicable, 48 hours in a 14 day period. Reports will be run periodically to assess corporate adherence to the WTD as a risk measure.

## **Review of LSAA (Local Service Area Agreement)**

Any specific LSAA flexible working arrangements applied must be documented by the relevant manager and service manager and communicated to their employees. Copies of all agreements should be sent to ELG for review.

Where opportunities for flexibility are not currently available it is anticipated that there will be regular engagement with staff and reviews of working arrangements on at least an annual basis in an attempt to increase opportunities for flexibility.

Where a service operates a LSAA and employees feel that this no longer meets the needs of the service, a request for a review and suggested arrangements to better meet service needs can be made to their service manager.

This framework will be subject to annual calibration and formally reviewed every 5 years.

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