



AGENDA PAPERS FOR EMPLOYMENT COMMITTEE

Date: Monday, 2 July 2018

Time: 10.30 a.m.

**Place: Committee Room 2 and 3, Trafford Town Hall, Talbot Road, Stretford,
M32 0TH.**

A G E N D A	PART I	Pages
1.	ATTENDANCES To note attendances, including Officers and any apologies for absence.	
2.	MEMBERSHIP OF THE COMMITTEE To note the Membership of the Committee, including the appointment of Chairman and Vice Chairman, for the 2018/19 Municipal year as agreed by Council 23 May 2018.	1 - 2
3.	TERMS OF REFERENCE To note the Terms of Reference of the Committee for the 2018/19 Municipal year as agreed by Council 23 May 2018.	3 - 4
4.	MINUTES To receive and if so determined, to approve as a correct record the Minutes of the meeting held on 7 March 2018.	5 - 10
5.	ANNUAL AGENCY SPEND REPORT To receive a report from the Interim Director of HR.	11 - 30
6.	HOLIDAY PAY To receive a report from the Interim Director of HR.	31 - 36

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7. **CONTINUITY OF SERVICE PROTOCOL** 37 - 46
To receive a report from the Interim Director of HR.
8. **EMPLOYMENT POLICIES** 47 - 90
To receive a report from the Interim Director of HR.
9. **WORKFORCE UPDATE** 91 - 98
To receive a report from the Interim Director of HR.
10. **QUARTERLY REPORT ON EXEMPTIONS TO THE SICKNESS POLICY**
To consider an oral report of the Interim Director of Human Resources.
11. **URGENT BUSINESS (IF ANY)**

Any other item or items which, by reason of special circumstances (to be specified), the Chairman of the meeting is of the opinion should be considered at this meeting as a matter of urgency.

THERESA GRANT

Chief Executive

Membership of the Committee

Councillors J. Bennett (Chairman), J. Slater (Vice-Chairman), D. Acton, M. Cawdrey, M. Hyman, B. Rigby and G. Whitham.

Further Information

For help, advice and information about this meeting please contact:

Alexander Murray, Democratic and Scrutiny Officer

Tel: 0161 912 4250

Email: alexander.murray@trafford.gov.uk

This agenda was issued on **Friday, 22 June 2018** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford, M32 0TH.

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TRAFFORD COUNCIL

MEMBERSHIP OF COMMITTEES 2018/19

Note on Membership: Members of the Employment Committee will also be appointed as representatives of the Council (Employer's Side) on the Joint Consultative Panel.

COMMITTEE		NO. OF MEMBERS	
EMPLOYMENT		7	
LABOUR GROUP	CONSERVATIVE GROUP	LIBERAL DEMOCRAT GROUP	GREEN PARTY GROUP
Councillors:	Councillors:	Councillors:	Councillors:
David Acton Joanne Bennett CH Jane Slater V-CH Graham Whitham	<i>Nominations to follow</i>		
TOTAL	4	3	0

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EMPLOYMENT COMMITTEE

Terms of Reference

1. To determine collective and corporate terms and conditions of employment.
2. To consider any matter referred to the Committee by the Head of Paid Service or Corporate Director Transformation and Resources.
3. To consider, approve and adopt any new or significant revision to existing corporate human resources strategies and policies in so far as they relate to the appointment, terms and conditions of employment and dismissal of staff.
4. To determine any other matters relating to the appointment, terms and conditions of employment and dismissal of staff which are neither covered by policies of the Council nor delegated to Officers under the Scheme of Delegation.

Delegation

The Executive Member with responsibility for Strategic HR and the Corporate Director Transformation and Resources will notify/keep the Committee informed of all other relevant HR related issues, as required.

In exercising the above powers and responsibilities, the Committee shall have delegated power (subject to Council Procedure Rule 9 - Call-in of Decisions taken under Delegated Powers) to make decisions on behalf of the Council, except for any matter where:

- the Head of the Paid Service determines the matter should be considered by full Council, or
- the Council has resolved to determine the matter

[Note: The Committee may itself determine not to exercise its delegated powers and instead make recommendations to Council]

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EMPLOYMENT COMMITTEE

7 MARCH 2018

PRESENT

Councillor B. Rigby (in the Chair).

Councillors M. Cawdrey (Vice-Chairman), Mrs. P. Dixon, C. Hynes and J. Bennett.

In attendance

Angela Beadsworth	Head of Workforce and Core Strategy
Diane Eaton	Director of Integrated Services, Trafford Council & Pennine Care
Debbie Quinn	HR Business Partner
Catherine Hay	Workforce and Core Strategy Officer
Richard Fontana	Health and Safety Manager
Alexander Murray	Democratic and Scrutiny Officer

APOLOGIES

Apologies for absence were received from Councillors M. Hyman and D. Jarman.

26. SAMANTHA BROUSAS

The Committee noted the unfortunate passing of Samantha Brousas and passed on their condolences to her family and friends.

27. MINUTES

The Director of Integrated Services, Trafford Council & Pennine Care provided the Committee with a detailed overview of the 3 Conversations Model that the Council had adopted. The Director of Integrated Services explained that when the 2012 Care act came into force in 2015 Councils were enabled to explore more proportioned responses to people contacting adult social care. Previously people had to complete a full assessment when contacting the Council which was very time consuming and generated large amounts of paper work. When searching for an alternative approach Trafford found a company called Partners for Change who had developed the 3 conversations model. The model had received approval from the Government and Trafford commissioned the service in 2016. The 3 conversation model was more flexible than the previous model and required less paper work.

The first of the 3 conversations was "what has happened today" which gave social workers a chance to listen to the person and hear what they wanted. Most people only required this conversation with no further interventions. The second conversation was based around people within crisis. The aim of this conversation was to find out what was happening and to offer solutions to the issues at hand. This reduced the need to give a full assessment and take people into care. The council had approved having a corporate credit card to be used to purchase items that can help people deal with their crisis e.g. replacing broken washing machine.

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The Third conversation was for those who needed long term care and support, and required people to complete a full assessment.

In 2017 trials were run to compare this model against the previous service and found that it led to less people requiring long term care and an improvement in staff members moral. The model had created a more fluid approach which allowed social workers more control over the way that they worked. Trafford were in the process of spreading this approach across services and were looking at how to take the approach to a full scale delivery model which would include adjusting the front door, paper work, and processes.

The Chairman asked how implementation of the model would affect staffing, agency spend etc. The Director of Integrated Services responded there was a national shortage of social care workers and the 3 conversation model made Trafford a more attractive place to work. The model had been shown to make staff happier as they were more in control of their work and it was hoped that this would reduce the number of vacancies within Trafford and reduce levels of agency staff needed.

Committee Members asked a series of questions including; whether Trafford were maximising being a leader in deploying the model, the impact on retention of staff and carers, and whether the presentation would be of benefit for all Councillors to see. The Director of Integrated Services answered the Committees questions and offered to send case studies to Members outside of the meeting. In addition the Committee agreed that the presentation should be shown to all Councillors prior to a Council meeting.

RESOLVED:

- 1) That the Minutes of the meeting held on 11 December 2018 be approved as a correct record and signed by the Chairman.
- 2) That the update on the 3 conversations model be noted.
- 3) That the Director of Integrated Services sends case studies about the model to Committee members.
- 4) That the presentation be shown in a session prior to a full Council meeting.

28. PAY POLICY STATEMENT

The Workforce and Core Strategy Officer presented the Pay Policy Statement report to the Committee. As the report had been circulated with the agenda the Workforce and Core Strategy Officer highlighted the key changes that had been made since the previous year. Part 10.5 of the report had been changed in relation to the pay ratios between the Chief Executive and median workers which was 7:1 and the ratio of the average chief officer to lowest paid employee which was 5:1.

There was an additional section in the statement which covered the gender pay gap within the Council. This was included for the first time as the 2017/18 municipal year was the first time that all Councils had performed the analysis. The

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figures showed that overall there was a 10.7% mean and 18% median pay gap in favour of men. The Workforce and Core Strategy Officer informed the Committee that in large part this gap was because Trafford had a 76% female workforce and the majority of lower paid jobs were done by women.

When the lowest paid staff members were taken out the gap greatly reduce to 2.44% and when the band 2 – 5 jobs taken out of the comparison the difference reduced 1%. When analysed in quartiles it had been found that there was very little difference between men and women. The Opposition Spokesperson was interested that there was still a difference once adjustments were made and noticed that the difference increased for employees aged above 40. The Workforce and Core Strategy Officer responded that the Council were not sure the gap increased for staff above 40 and assured the Committee that HR would continue to scrutinise the data and bring their findings to the Committee.

RESOLVED:

1. That the Committee agree all the recommendations of the report.
2. That further analysis of the gender pay gap be brought to the Committee when available.

29. REVISED ALCOHOL AND DRUG POLICY

The Head of Workforce and Core Strategy informed the Committee that the alcohol and drug policy review was part of the Councils ongoing review of policies and that next would be the attendance management policy. The review had changed the wording and terminology of the policy to ensure that it was more helpful to staff. The policy had also been updated to cover prescriptive drugs and others substances that may cause issues.

The policy had been changed so staff did not always have to approach their line manager and could contact HR instead if they wished. The Committee were told that the focus of the policy was to be upon support of people rather than disciplinary. The policy also clarified the expectations for staff about drinking at work and would help increase the awareness of managers to the possible signs of issues. The changes had been developed in conjunction with Union representatives and the Unions supported the policy.

The Committee were in full support of the changes that had been made to the policy and the change of focus from disciplinary to supportive. The Committee were interested to see if the impact of the new policy and whether it would increase peoples' willingness to come forward.

RESOLVED:

- 1) That the report be noted.

30. SICKNESS ABSENCE

The Health and Safety Manager informed the Committee that the Council's target of 9 days per employee/per annum was achieved at the end of 2015/16 but a subsequent stretch target of 8.5 days per employee per annum was not achieved

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and absence levels began to rise. A number of policies and strategies had been put in place in order to further reduce the levels of sickness. The most notable of the policies was the health and wellbeing strategy. The strategy had led to a wide number of events and activities being arranged to support the improved wellbeing of staff. The council has also modernised it's approach to supporting managers to effectively manage absence through workshops and improved absence management data.

The Health and Safety Manager had conducted an in depth review of absence and retention of staff within Social Care in CFW, which culminated in 24 recommendations for improvement within the services and across the council. The review identified that management support and encouragement of staff to attend the absence management workshops was key. The Health and Safety Manager had also recommended that short term absence could be tackled through improved hygiene and infection control strategies with the Trafford Infection Control team. A number of absences were caused by mental health issues and it was believed that the health and wellbeing strategy would offer a large amount of support for staff in these areas.

The review also looked at retention of staff and found that the Council needed to review benefits packages and look at encouraging staff diversification by offering employees opportunities to work in different areas and develop new skills. The Health and Safety Manager noted that the feedback received from staff on the three conversations model had been extremely positive.

There were many reforms going on within the Council and the review had identified that many staff were anxious about changes to their roles. One of the recommendations was to hold more workshops and sessions to help staff understand their position. Issues were raised by staff about the opportunity to attend wellbeing sessions and events due to the timing or location and the Council were looking to offer more sessions to address this. All of the recommendations from the review were to be taken to form work streams which would look at how to implement them.

RESOLVED:

- 1) That the report be noted.
- 2) That the Health and Safety Manager be thanked for attending the meeting.

31. AGENCY SPEND Q3 2017/18

The HR business partner delivered the report to the Committee. In the last quarter there had been a reduction compared to the previous year. The main area of spend was still the Children Families and Wellbeing directorate. This was mostly to cover vacancies and absences of staff members who performed statutory responsibilities. It was expected that there would be a large reduction in agency spend due to the closure of Cecil Road. One of the high level positions that had been filled by an agency worker was also coming to an end. The HR business partner then went through each directorate and explained to the Committee the reasons for the agency spend.

Committee members enquired as to whether there was any work being done across Greater Manchester to set wages for staff. The officers responded that setting wages across GM had been considered but it would take a big piece of work to be achieved. The issue was that whilst setting a price could increase efficiency it would be hard for Councils to agree to not increase wages when it would save them money compared to using agency staff. The Head of Workforce and Core Strategy informed the Committee that the Council were to review pay structures in order to take into account the new structure of teams and new ways of working.

RESOLVED:

- 1) That the update be noted.

32. WORKFORCE UPDATE

The Head of Workforce and Core Strategy presented the update to the Committee. It was the third time that the update had been brought to the Committee and work was continually ongoing to develop it to improve the information presented. The update was split into three areas which seemed to work well. The Committee were told that HR were continuing to develop the data and analysis. The Head of Workforce and Core Strategy asked the Committees to provide their feedback and to requests items for future meetings.

RESOLVED: That the update be noted.

33. QUARTERLY REPORT ON EXEMPTIONS TO THE SICKNESS POLICY

The HR business partner informed the Committee that since the last meeting there had been 3 extensions to sick pay 2 in CFW and 1 in EGEI, all were related to server sickness.

RESOLVED: That the update be noted.

34. ACKNOWLEDGEMENTS

The Chairman thanked the Councillors and Officers for their work during the 2017/18 municipal year.

The meeting commenced at 12.30 pm and finished at 1.34 pm

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TRAFFORD COUNCIL

Report to: Employment Committee
Date: 2 July 2018
Report for: Information
Report of: Sara Saleh, Interim HR Director

Report Title

Agency Spend for Period 1st April 2017 to 31st March 2018
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Recommendations

That the content of this report is noted.
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Relationship to Policy Framework/Corporate Priorities	These proposals align with the council's Corporate Priorities in respect to 'Low Council Tax and Value for Money' and 'Reshaping Trafford Council'.
Financial	The cost of using agency workers is carefully managed and monitored through existing budgets and budget management frameworks.
Legal Implications:	Agency assignments are carefully monitored to ensure that they are legally compliant and any employment liability is mitigated.
Equality/Diversity Implications	None
Sustainability Implications	None
Staffing/E-Government/Asset Management Implications	The use of agency workers supports critical resourcing gaps.
Risk Management Implications	See Legal Implications section.
Health & Wellbeing Implications	None
Health and Safety Implications	None

1. Background

- 1.1 A robust vacancy clearance process has been in place for over three years now; this process ensures that posts are only filled where there is a compelling case to do so; it also ensures that where a post is to be filled, it is matched in the first instance to employees on notice of redundancy (redeployees), "at risk" staff (those employees where there is a real risk of redundancy) and apprentices.
- 1.2 Vacancies are subject to initial approval by respective Directorate Management Teams and final approval by the Corporate Leadership Team (CLT). The routine practice is for vacancies to be advertised internally in the first instance in order to minimise the potential for future workforce reductions and make savings on external recruitment spend.

- 1.3 It is however recognised that there will be circumstances whereby there are immediate resourcing needs that are predominantly short term in nature and require access to time limited and/or specialist skills that cannot be found within the organisation, or where cover is required for day-to-day absences. For these reasons, access to temporary agency support is essential to meet critical gaps in service provision as outlined below.
- 1.4 The breakdown of agency spend over the previous financial year (from April 2017 to March 2017 inclusive) is attached at Appendix I. The agency costs for the year have been met from within existing staffing budgets to support services whilst they have been restructuring, reshaping and recruiting to resultant vacant posts, thus ensuring that statutory obligations are met on a day-to-day basis.
- 1.5 Appendix II provides information on the length of tenure for those assignments that were still active as at 31st March 2018.

2. Summary Agency Spend Position

- 2.1 The total agency spend in 2017/18 is £1,901,088. This is a significant reduction, equating to £118,981 from the previous year's total spend of £2,020,069. It is also the lowest annual agency spend in recent years. T&R and EGEI have seen reasonable reductions whereas CFW has seen a slight increase, which continues their upward trend over the last few years. In 2015/16 and 2016/17, in addition to the core T&R services, there was also agency spend for the CFW Transformation Programme. There has been no further spend in this area and over £95k of the reduction is due to this programme of work ceasing.

Directorate	2015/16 Total	2016/17 Total	2017/18 Total
CFW	1,171,785	1,410,667	1,452,076
EGEI	87,792	143,246	118,349
T&R	345,905	370,305	330,663
T&R CFW	373,779	95,851	N/A
All	1,979,261	2,020,069	1,901,088

- 2.2 The spend in 2017/18 has increased each quarter and there have been different patterns of expenditure within the directorates across the year.

Directorate	Q1	Q2	Q3	Q4	Total
CFW	364,876	336,601	346,382	404,218	1,452,076
EGEI	28,585	29,829	32,035	27,901	118,349
T&R	20,761	62,737	105,696	141,470	330,663
All	414,221	429,166	484,112	573,589	1,901,088

- 2.3 In terms of the reason agency staffing is required, the spend breaks down as follows into the 3 broad categories: vacancy cover – 55%; cover for sickness and other absences – 30%, and; project and short-term workload peaks – 15%.

2.4 An overview of agency spend and activity is set out below that outlines the Directorate position in further detail.

3. Directorate Overview

3.1 Children, Families and Well-Being

3.1.1 The majority of agency spend is due to the service discharging its statutory responsibilities for providing social care services for vulnerable children and adults. The interim staffing need is primarily required to cover staffing resource gaps, created as a result of short-term staff absences or whilst recruitment to permanent posts is underway and cover is critical to ensure that service users receive the appropriate level of care and support.

3.1.2 The 2017/18 agency spend for CFW was £1,452,076, and the directorate continues to see an upward trend, with increases as compared to the previous two years (£1,410,667 in 2016/18 and £1,171,785 in 2015/16). The increase from last year was £41,409.

3.1.3 The large majority of spend relates to health and social care interim support (92%). Of this, 69% is on qualified staff and 31% is on unqualified staff. The remainder is mostly due to: Business Support; Project Support; Travel Assistance and Domestic roles. The Business Admin insight review is in its final stages of implementation and we expect to see a significant reduction in spend in this area.

3.1.4 Within Children's and Adults Social Work, a peripatetic team of Social Workers is in place to reduce the need for agency staff and to improve the consistency and quality of service provided. This team of experienced social workers is deployed on short-term/time-limited placements in response to service needs. It has been recognised however that this alone is not enough and a comprehensive review of Social Services has been undertaken to identify where improvements could be made in key areas to enhance the wellbeing of the workforce. The subsequent report considered a range of issues affecting staff including absence, recruitment and retention and work demands. A number of recommendations were provided which will address the range of issues affecting staff wellbeing both within these services and also across the organisation. A range of work streams are now being delivered to support those recommendations.

3.1.5 Within Children's and Adults Social Work there have also been targeted recruitment campaigns to try to fill Social Work vacancies and consequently to reduce the reliance on agency. This exercise was also to recruit to the peripatetic team. We have improved the learning and development offer for Adults Social Workers and we are looking at how to improve it within Children's services. We are part of a pilot phase of the implementation of the national Assessment and Accreditation system. This involves working closely with the Department for Education to ensure that Social Workers have all the support that they need to successfully achieve the post qualifying standards in

children's and family social work. Having this external assessment will make Social Workers feel more invested in and valued and ultimately it will be embedded into our career progression pathway which will make our offer more attractive.

3.1.6 The AGMA-wide adoption of standardised pay rates for children's and adults' agency social workers, which was led by Trafford Council in 2016, continues to be effective at controlling costs and the principle of a rate 'cap' has been extended across the North West. This collaborative arrangement avoids authorities competing for agency social workers, which previously resulted in prices being driven upwards and ensures the market is managed / controlled.

3.2 Transformation and Resources Directorate (T & R)

3.2.1 Agency spend in this area primarily relates to the need to bring in specialist skills to provide transformational, technical and consultancy support to the organisation as it reshapes.

3.2.2 In 2017/18 total spend for T&R was £330,663 which is an overall decrease from 2016/17 total spend of £39,642. Over 50% of spend is attributable to Legal Services who have had to bring in solicitors to cover vacancies. These are primarily in the areas of procurement/contract, property, childcare and adults. 25% of spend was within Communications service to provide additional capacity for their service pending a review.

3.3 Economic Growth, Environment and Infrastructure

3.3.1 Spend in this area primarily relates to interim technical support roles and the total agency spend for 2017/18 was £118,349; this represented a decrease of £24,897 from spend in 2016/17.

3.3.2 Over the first 3 quarters of the year, spend in the Directorate increased slightly each quarter, with a decrease in Quarter 4 to a level lower than in Quarter 1. Spend has primarily been attributed to Building Control (68%) and Licensing (30%) with a small amount on Business Administration. These are regulatory roles that also generate income for the Council; it has therefore been in the Council's interests to cover any vacant roles with agency staff whilst permanent recruitment to the roles has been undertaken and to put in place additional temporary resource where there are workload increases. Although market supplements are in place for Building Control staff in order to make the package more attractive, the service continues to lose staff to the private sector. They are currently exploring strategies to mitigate this risk and improve retention and thus reduce the requirement to bring agency staff in. In respect of Licensing there was additional workload due to increased demand for taxi licensing during the year.

4. Conclusion

- 4.1 The HR service will facilitate targeted and bespoke interventions to support managers particularly in the CFW Directorate to pro-actively manage temporary resourcing needs to continue to ensure that agency demand is proportionate and appropriate.
- 4.2 Agency spend will continue to be monitored on a regular basis and regular reports will be presented to Employment Committee, for information.
- 4.3 Employment Committee is recommended to note the content of this report.

Trafford Council Agency Spend By Directorate - 2017/2018**Appendix I**

Breakdown by Directorate (via cost and number of assignments)

April 2017

Job Title by Directorate	Number of Active Assignments in Month	Sum of Client Total
CFW	56	£100,049
Business Support Officer level 2	2	£2,032
Care Assistant - Residential Homes & Day Centres	19	£21,102
Chef	1	£1,272
Domestic	1	£481
Service Manager	1	£4,745
Social Worker Level 3	14	£44,521
Social Worker Level 3 (Hospital/EDT)	1	£1,472
Social Worker level 3a	1	£2,697
Strategic Service Manager	1	£5,823
Support Worker - Adults	5	£6,057
Support Worker Adults Physical Intervention Trained	10	£9,849
EGEI	3	£6,476
Building Control Officer	1	£3,386
Licencing Assistant	2	£3,091
T&R	3	£7,214
Control Room Operator	1	£404
Executive Assistant to Chief Executive	1	£1,531
Principal Solicitor	1	£5,279
Grand Total	62	£113,739

May 2017

Job Title by Directorate	Number of Active Assignments in Month	Sum of Client Total
CFW	73	£114,532
Business Support Officer level 2	2	£1,963
Business Support Officer Level 3	1	£784
Care Assistant - Residential Homes & Day Centres	19	£21,840
Chef	2	£1,014
Childcare Worker	10	£1,628
Domestic	1	£172
Service Manager	1	£5,026
Social Worker Level 3	14	£53,332
Social Worker level 3a	2	£2,775
Strategic Service Manager	1	£5,121
Support Worker - Adults	8	£5,145
Support Worker Adults Physical Intervention Trained	11	£13,463
Travel Assistance Officer	1	£2,269
EGEI	4	£4,155
Building Control Officer	2	£623
Licencing Assistant	2	£3,532
T&R	3	£7,559
Control Room Operator	1	£1,126
Principal Solicitor	1	£4,689
Solicitor	1	£1,745
Grand Total	80	£126,247

June 2017

Job Title by Directorate	Number of Active Assignments in Month	Sum of Client Total
CFW	88	£150,295
Business Support Officer level 2	3	£2,166
Business Support Officer Level 3	1	£2,148
Care Assistant - Residential Homes & Day Centres	17	£28,003
Chef	1	£179
Childcare Worker	18	£2,703
Domestic	1	£244
Service Manager	1	£6,676
Social Worker Level 3	17	£65,310
Social Worker Level 3 (Hospital/EDT)	1	£2,480
Social Worker level 3a	1	£2,616
Strategic Service Manager	1	£6,481
Support Worker - Adults	17	£10,036
Support Worker Adults Physical Intervention Trained	8	£18,167
Travel Assistance Officer	1	£3,086
EGEI	5	£17,953
Building Control Officer	2	£13,821
Business Support Officer level 2	1	£209
Licencing Assistant	2	£3,924
T&R	3	£5,987
Control Room Operator	1	£245
Principal Solicitor	1	£1,313
Solicitor	1	£4,429
Grand Total	96	£174,235

Grand Total in the Quarter	238	£414,221
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Trafford Council Agency Spend By Directorate Q2 - 2017/2018

Breakdown by Directorate (via cost and number of assignments)

July 2017

Job Title by Directorate	Number of Active Assignments in Month	Sum of Client Total
CFW	74	£106,188
Business Support Officer level 2	3	£3,358
Business Support Officer Level 3	1	£1,412
Care Assistant - Residential Homes & Day Centres	22	£22,354
Childcare Worker	7	£864
Domestic	1	£452
Residential Childcare Officer	1	£128
Service Manager	1	£5,026
Social Worker Level 3	13	£47,702
Social Worker level 3a	3	£5,585
Strategic Service Manager	1	£2,784
Support Worker - Adults	8	£3,219
Support Worker Adults Physical Intervention Trained	12	£10,618
Travel Assistance Officer	1	£2,687
EGEI	3	£4,759
Business Support Officer level 2	1	£1,372
Licencing Assistant	2	£3,387
T&R	2	£3,370
Control Room Operator	1	£60
Solicitor	1	£3,310
Grand Total	79	£114,317

August 2017

Job Title by Directorate	Number of Active Assignments in Month	Sum of Client Total
CFW	62	£93,677
Business Support Officer level 2	3	£2,436
Business Support Officer Level 3	1	£1,538
Care Assistant - Residential Homes & Day Centres	17	£20,424
Career Progression Coach	1	£484
Childcare Worker	6	£547
Domestic	1	£499
Independent Reviewing Officer	1	£1,178
Residential Childcare Officer	1	£215
Service Manager	1	£5,607
Social Worker Level 3	12	£37,719
Social Worker level 3a	2	£9,609
Strategic Service Manager	1	£2,826
Support Worker - Adults	5	£2,659
Support Worker Adults Physical Intervention Trained	9	£7,247
Travel Assistance Officer	1	£690
EGEI	5	£17,294
Building Control Officer	2	£12,713
Business Support Officer level 2	1	£361
Licencing Assistant	2	£4,220
T&R	5	£25,741
Business Support Officer level 2	1	£461
Control Room Operator	1	£477
Senior Payroll Specialist Support	1	£9,469
Solicitor	2	£15,333
Grand Total	72	£136,712

September 2017

Job Title by Directorate	Number of Active Assignments in Month	Sum of Client Total
CFW	74	£136,735
Adaptations Officer	1	£800
Business Support Officer level 2	3	£4,022
Business Support Officer Level 3	1	£3,417
Care Assistant - Residential Homes & Day Centres	20	£24,106
Career Progression Coach	1	£2,735
Chef	1	£95
Childcare Worker	2	£285
Domestic	1	£966
Domestic - Ascot House	1	£149
Independent Reviewing Officer	1	£2,834
Residential Childcare Officer	3	£743
Service Manager	2	£9,473
Social Worker Level 3	12	£46,339
Social Worker Level 3 (Hospital/EDT)	1	£1,212
Social Worker level 3a	3	£10,137
Social Worker level 3a (Hospital/EDT)	2	£3,558
Strategic Service Manager	1	£7,076
Support Worker - Adults	5	£1,517
Support Worker Adults Physical Intervention Trained	12	£14,201
Travel Assistance Officer	1	£3,070
EGEI	4	£7,775
Building Control Officer	2	£3,951
Licencing Assistant	2	£3,824
T&R	9	£33,627
Business Support Officer level 2	1	£1,910
Communications Officer	1	£4,765
Head of Communications	1	£7,205
Legal Executive	1	£2,235
Senior Payroll Specialist Support	1	£1,836
Solicitor	4	£15,675
Grand Total	87	£178,137

Grand Total in the Quarter	238	£429,166
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Trafford Council Agency Spend By Directorate Q3 - 2017/2018

Breakdown by Directorate (via cost and number of assignments)

October 2017

Job Title by Directorate	Number of Active Assignments in Month	Sum of Client Total
CFW	69	£110,889
Business Support Officer level 2	4	£4,907
Business Support Officer Level 3	2	£2,126
Care Assistant - Residential Homes & Day Centres	17	£18,684
Career Progression Coach	1	£1,951
Childcare Worker	3	£321
Domestic	1	£551
Independent Reviewing Officer	1	£2,357
Personal Advisor	1	£1,335
Project Support Officer	1	£1,167
Residential Childcare Officer	1	£199
Service Manager	2	£8,516
Social Worker Level 3	10	£30,307
Social Worker Level 3 (Hospital/EDT)	1	£2,385
Social Worker level 3a	2	£8,311
Social Worker level 3a (Hospital/EDT)	2	£8,803
Strategic Service Manager	1	£5,631
Support Worker - Adults	3	£654
Support Worker Adults Physical Intervention Trained	14	£9,820
Travel Assistance Officer	1	£2,646
Waking Night Residential Childcare Officer	1	£218
EGEI	4	£13,401
Building Control Officer	2	£9,914
Licencing Assistant	2	£3,487
T&R	14	£28,859
Business Support Officer level 2	3	£2,043
Communications Manager	1	£545
Communications Officer	1	£3,470
Control Room Operator	1	£179
Head of Communications	1	£4,911
Legal Executive	1	£2,847
Senior Payroll Specialist Support	1	£1,882
Solicitor	5	£12,980
Grand Total	87	£153,148

November 2017

Job Title by Directorate	Number of Active Assignments in Month	Sum of Client Total
CFW	85	£105,838
Business Support Officer level 2	3	£2,195
Business Support Officer Level 3	3	£4,817
Care Assistant - Residential Homes & Day Centres	18	£13,983
Career Progression Coach	1	£2,334
Childcare Assistant	4	£945
Childcare Worker	6	£2,041
Independent Reviewing Officer	1	£1,414
Personal Advisor	1	£2,092
Project Support Officer	1	£1,491
Service Manager	2	£8,023
Social Worker Level 3	12	£27,348
Social Worker Level 3 (Hospital/EDT)	2	£7,077
Social Worker level 3a	2	£7,201
Social Worker level 3a (Hospital/EDT)	2	£7,565
Strategic Service Manager	1	£4,569
Support Worker - Adults	15	£2,443
Support Worker Adults Physical Intervention Trained	10	£7,612
Travel Assistance Officer	1	£2,689
EGEI	4	£9,310
Building Control Officer	2	£6,149
Licencing Assistant	2	£3,161
T&R	13	£39,653
Business Improvement Officer	1	£1,291
Business Support Officer level 2	1	£1,807
Communications Manager	1	£3,269
Communications Officer	1	£3,813
Control Room Operator	1	£182
Head of Communications	1	£5,637
Legal Executive	1	£3,507
Senior Payroll Specialist Support	1	£1,575
Solicitor	5	£18,572
Grand Total	102	£154,800

December 2017

Job Title by Directorate	Number of Active Assignments in Month	Sum of Client Total
CFW	98	£129,655
Business Support Officer level 2	2	£1,677
Business Support Officer Level 3	4	£5,332
Care Assistant - Residential Homes & Day Centres	23	£19,324
Career Progression Coach	1	£2,619
Childcare Assistant	6	£1,523
Childcare Worker	17	£4,011
Independent Reviewing Officer	2	£2,359
Personal Advisor	1	£1,705
Project Support Officer	1	£1,167
Service Manager	2	£11,472
Social Worker Level 3	11	£38,057
Social Worker Level 3 (Hospital/EDT)	1	£2,415
Social Worker level 3a	2	£5,515
Social Worker level 3a (Hospital/EDT)	2	£12,548
Strategic Service Manager	1	£6,035
Support Worker - Adults	8	£2,088
Support Worker Adults Physical Intervention Trained	12	£8,465
Team Leader	1	£1,648
Travel Assistance Officer	1	£1,695
EGEI	3	£9,324
Building Control Officer	2	£7,679
Licencing Assistant	1	£1,645
T&R	13	£37,184
Business Improvement Officer	1	£2,964
Business Support Officer level 2	1	£1,764
Communications Manager	1	£2,724
Communications Officer	1	£3,512
Head of Communications	1	£5,843
Legal Executive	1	£760
Procurement Officer	1	£1,487
Senior Payroll Specialist Support	1	£2,105
Solicitor	5	£16,025
Grand Total	114	£176,163

Grand Total in the Quarter	303	£484,112
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Trafford Council Agency Spend By Directorate Q4 - 2017/2018

Breakdown by Directorate (via cost and number of assignments)

January 2018

Job Title by Directorate	Number of Active Assignments in Month	Sum of Client Total
CFW	80	£108,395
Business Support Officer level 2	3	£2,849
Business Support Officer Level 3	3	£5,637
Care Assistant - Residential Homes & Day Centres	24	£16,004
Career Progression Coach	1	£1,605
Chef	1	£103
Childcare Assistant	2	£1,722
Childcare Worker	5	£1,549
Independent Reviewing Officer	1	£1,888
Project Support Officer	1	£1,370
Service Manager	2	£9,211
Social Worker Level 3	12	£37,589
Social Worker Level 3 (Hospital/EDT)	1	£462
Social Worker level 3a (Hospital/EDT)	2	£8,150
Strategic Service Manager	1	£5,773
Support Worker - Adults	5	£847
Support Worker Adults Physical Intervention Trained	14	£7,631
Team Leader	1	£3,863
Travel Assistance Officer	1	£2,143
EGEI	3	£5,733
Building Control Officer	2	£4,047
Licencing Assistant	1	£1,687
T&R	14	£44,902
Business Improvement Officer	1	£2,461
Business Support Officer level 2	1	£813
Communications Manager	1	£2,179
Communications Officer	1	£3,444
Head of Communications	1	£6,945
Procurement Officer	1	£2,826
Senior Accountant	1	£4,052
Senior Payroll Specialist Support	1	£1,437
Solicitor	6	£20,745
Grand Total	97	£159,030

February 2018

Job Title by Directorate	Number of Active Assignments in Month	Sum of Client Total
CFW	98	£127,577
Audit Assistant	1	£530
Business Support Officer level 2	3	£2,630
Business Support Officer Level 3	4	£6,075
Care Assistant - Residential Homes & Day Centres	18	£16,614
Career Progression Coach	1	£1,418
Childcare Assistant	1	£1,277
Childcare Worker	18	£7,652
Independent Reviewing Officer	1	£2,360
Project Support Officer	1	£1,130
Receptionist	1	£529
Service Manager	3	£12,459
Social Care Reviewing Officer -	1	£562
Social Worker Level 3	14	£41,918
Social Worker level 3a (Hospital/EDT)	2	£9,264
Strategic Service Manager	1	£5,568
Support Worker - Adults	11	£2,133
Support Worker Adults Physical Intervention Trained	15	£9,200
Team Leader	1	£3,863
Travel Assistance Officer	1	£2,397
EGEI	3	£13,016
Building Control Officer	2	£11,286
Licencing Assistant	1	£1,730
T&R	13	£46,448
Business Improvement Officer	1	£2,565
Business Support Officer level 2	1	£1,717
Communications Manager	1	£817
Communications Officer	1	£3,595
Head of Communications	1	£7,712
Procurement Officer	1	£2,975
Senior Accountant	1	£4,265
Senior Payroll Specialist Support	1	£1,959
Solicitor	5	£20,842
Grand Total	114	£187,041

March 2018

Job Title by Directorate	Number of Active Assignments in Month	Sum of Client Total
CFW	529	£168,245
Audit Assistant	5	£2,548
Business Support Officer level 2	14	£4,183
Business Support Officer Level 3	11	£4,786
Care Assistant - Residential Homes & Day Centres	227	£23,314
Career Progression Coach	6	£2,335
Childcare Assistant	10	£3,185
Childcare Worker	27	£5,298
Independent Reviewing Officer	4	£2,344
Project Support Officer	3	£1,354
Receptionist	5	£1,219
Service Manager	17	£20,586
Social Care Reviewing Officer -	4	£1,271
Social Worker Level 3	87	£61,164
Social Worker level 3a	11	£5,347
Social Worker level 3a (Hospital/EDT)	5	£9,563
Strategic Service Manager	5	£7,374
Support Worker - Adults	18	£1,156
Support Worker Adults Physical Intervention Trained	59	£4,225
Team Leader	6	£3,877
Travel Assistance Officer	5	£3,116
EGEI	15	£9,151
Building Control Officer	10	£6,980
Licencing Assistant	5	£2,172
T&R	62	£50,121
Business Improvement Officer	7	£3,142
Business Support Officer level 2	5	£2,141
Communications Manager	4	£2,997
Communications Officer	5	£3,686
Head of Communications	4	£6,119
Procurement Officer	6	£3,140
Senior Accountant	6	£5,551
Senior Payroll Specialist Support	6	£2,811
Solicitor	19	£20,534
Grand Total	606	£227,518

Grand Total in the Quarter	310	£573,589
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Trafford Council Agency Tenure by Directorate

Appendix II

Breakdown by Directorate showing active assignments as at 31st March 2018

Directorate	Job Title	Assignment Start Date	Assignment End Date
CFW	Audit Assistant	19/02/2018	31/05/2018
	Business Support Officer level 2	18/09/2017	31/08/2018
	Business Support Officer level 2	05/03/2018	22/06/2018
	Business Support Officer level 2	08/01/2018	31/05/2018
	Business Support Officer Level 3	28/03/2018	06/04/2018
	Care Assistant - Residential Homes & Day Centres	01/01/2018	05/05/2018
	Care Assistant - Residential Homes & Day Centres	29/12/2017	06/07/2018
	Care Assistant - Residential Homes & Day Centres	09/09/2017	06/07/2018
	Care Assistant - Residential Homes & Day Centres	24/01/2018	05/05/2018
	Care Assistant - Residential Homes & Day Centres	07/03/2018	06/07/2018
	Care Assistant - Residential Homes & Day Centres	30/09/2017	05/05/2018
	Care Assistant - Residential Homes & Day Centres	28/10/2017	05/05/2018
	Care Assistant - Residential Homes & Day Centres	31/03/2017	05/05/2018
	Care Assistant - Residential Homes & Day Centres	11/02/2017	05/05/2018
	Care Assistant - Residential Homes & Day Centres	01/07/2017	06/07/2018
	Care Assistant - Residential Homes & Day Centres	01/03/2017	06/07/2018
	Care Assistant - Residential Homes & Day Centres	01/03/2017	05/05/2018
	Care Assistant - Residential Homes & Day Centres	10/03/2018	06/07/2018
	Care Assistant - Residential Homes & Day Centres	13/01/2018	05/05/2018
	Care Assistant - Residential Homes & Day Centres	06/10/2017	06/07/2018
	Care Assistant - Residential Homes & Day Centres	24/10/2017	05/05/2018
	Care Assistant - Residential Homes & Day Centres	22/02/2018	06/07/2018
	Care Assistant - Residential Homes & Day Centres	25/10/2017	06/07/2018
	Care Assistant - Residential Homes & Day Centres	30/09/2017	06/07/2018
	Care Assistant - Residential Homes & Day Centres	29/11/2017	06/07/2018
	Care Assistant - Residential Homes & Day Centres	01/03/2017	06/07/2018
	Care Assistant - Residential Homes & Day Centres	17/03/2018	07/07/2018
	Care Assistant - Residential Homes & Day Centres	01/03/2017	05/05/2018
	Care Assistant - Residential Homes & Day Centres	12/03/2017	06/07/2018
	Care Assistant - Residential Homes & Day Centres	19/08/2017	05/05/2018
	Care Assistant - Residential Homes & Day Centres	30/09/2017	05/05/2018
	Care Assistant - Residential Homes & Day Centres	01/03/2017	06/07/2018
	Care Assistant - Residential Homes & Day Centres	01/03/2017	05/05/2018
	Care Assistant - Residential Homes & Day Centres	01/03/2017	06/07/2018
	Care Assistant - Residential Homes & Day Centres	14/08/2017	05/05/2018
	Care Assistant - Residential Homes & Day Centres	08/03/2018	06/07/2018
	Care Assistant - Residential Homes & Day Centres	12/02/2018	06/07/2018
	Care Assistant - Residential Homes & Day Centres	18/08/2017	05/05/2018
	Care Assistant - Residential Homes & Day Centres	30/09/2017	05/05/2018
	Care Assistant - Residential Homes & Day Centres	30/09/2017	05/05/2018

Care Assistant - Residential Homes & Day Centres	01/03/2017	06/07/2018
Care Assistant - Residential Homes & Day Centres	16/03/2018	06/07/2018
Care Assistant - Residential Homes & Day Centres	25/03/2017	05/05/2018
Care Assistant - Residential Homes & Day Centres	01/03/2017	06/07/2018
Care Assistant - Residential Homes & Day Centres	01/03/2017	05/05/2018
Care Assistant - Residential Homes & Day Centres	09/12/2017	06/07/2018
Care Assistant - Residential Homes & Day Centres	01/03/2017	06/07/2018
Care Assistant - Residential Homes & Day Centres	01/08/2017	05/05/2018
Care Assistant - Residential Homes & Day Centres	01/03/2017	06/07/2018
Care Assistant - Residential Homes & Day Centres	04/03/2018	06/07/2018
Care Assistant - Residential Homes & Day Centres	01/03/2017	06/07/2018
Care Assistant - Residential Homes & Day Centres	12/12/2017	06/07/2018
Care Assistant - Residential Homes & Day Centres	01/03/2017	06/07/2018
Care Assistant - Residential Homes & Day Centres	26/03/2017	05/05/2018
Care Assistant - Residential Homes & Day Centres	30/09/2017	30/06/2018
Childcare Assistant	03/01/2018	06/07/2018
Childcare Assistant	07/03/2018	12/04/2018
Childcare Assistant	19/03/2018	13/04/2108
Childcare Assistant	07/03/2018	12/04/2018
Childcare Worker	01/01/2018	31/03/2018
Childcare Worker	21/02/2018	31/03/2018
Childcare Worker	01/01/2018	31/03/2018
Childcare Worker	01/01/2018	31/03/2018
Childcare Worker	01/01/2018	31/03/2018
Childcare Worker	01/01/2018	31/03/2018
Childcare Worker	01/01/2018	31/03/2018
Childcare Worker	19/02/2018	31/03/2018
Childcare Worker	01/01/2018	31/03/2018
Childcare Worker	01/01/2018	31/03/2018
Childcare Worker	21/02/2018	31/03/2018
Childcare Worker	21/02/2018	31/03/2018
Childcare Worker	08/02/2018	31/03/2018
Childcare Worker	07/02/2018	31/03/2018
Childcare Worker	01/01/2018	31/03/2018
Childcare Worker	01/01/2018	31/03/2018
Childcare Worker	01/01/2018	31/03/2018
Childcare Worker	01/01/2018	31/03/2018
Childcare Worker	01/01/2018	31/07/2018
Independent Reviewing Officer	02/12/2017	29/06/2018
Project Support Officer	11/10/2017	29/06/2018
Receptionist	14/02/2018	14/04/2018
Service Manager	03/02/2018	04/05/2018
Service Manager	04/09/2017	18/05/2018
Social Care Reviewing Officer -	19/02/2018	15/06/2018
Social Worker Level 3	17/02/2018	18/08/2018

	Social Worker Level 3	21/03/2018	08/07/2018
	Social Worker Level 3	28/01/2017	29/06/2018
	Social Worker Level 3	26/03/2018	26/06/2018
	Social Worker Level 3	06/12/2017	08/06/2018
	Social Worker Level 3	24/01/2018	22/04/2018
	Social Worker Level 3	12/02/2018	11/05/2018
	Social Worker Level 3	26/02/2018	27/07/2018
	Social Worker Level 3	09/03/2018	29/06/2018
	Social Worker Level 3	28/01/2017	09/07/2018
	Social Worker Level 3	28/01/2017	01/06/2018
	Social Worker Level 3	12/03/2018	29/06/2018
	Social Worker Level 3	25/03/2017	20/04/2018
	Social Worker Level 3	05/02/2018	08/07/2018
	Social Worker Level 3	16/01/2018	08/08/2018
	Social Worker Level 3	12/03/2018	18/05/2018
	Social Worker level 3a	12/02/2018	13/07/2018
	Social Worker level 3a (Hospital/EDT)	15/09/2017	16/07/2018
	Strategic Service Manager	25/03/2017	27/07/2018
	Support Worker - Adults	12/03/2017	05/05/2018
	Support Worker Adults Physical Intervention Trained	23/09/2017	30/06/2018
EGEI	Building Control Officer	31/07/2017	24/08/2018
	Licencing Assistant	28/01/2017	25/05/2018
T&R	Business Improvement Officer	13/11/2017	13/04/2018
	Business Support Officer level 2	21/08/2017	27/04/2018
	Communications Manager	24/10/2017	29/06/2018
	Communications Officer	28/08/2017	29/06/2018
	Head of Communications	14/08/2017	29/06/2018
	Procurement Officer	11/12/2017	01/10/2018
	Senior Accountant	18/12/2017	22/06/2018
	Solicitor	05/09/2017	29/06/2018
	Solicitor	09/10/2017	30/06/2018
	Solicitor	30/08/2017	29/06/2018
	Solicitor	22/12/2017	29/06/2018

**It should be noted that in many assignments, the agency worker will be working less hours than the full time equivalent (FTE) hours. 1 assignment does not necessarily equal 1 FTE.*

It should also be noted that there are assignments, particularly Support Worker and Care Assistant roles where, due to the ad hoc nature of the work and/or being based in various locations, an individual worker may have multiple assignments active concurrently. As an example, 5 Support Worker assignments during a given period of time may be covered by only 2 or 3 workers.

TRAFFORD COUNCIL

Report to: Employment Committee
Date: 2 July 2018
Report for: Information
Report of: Sara Saleh, Interim HR Director

Report Title

Holiday pay for additional remuneration
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Recommendations

That the content of this report is noted.
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Relationship to Policy Framework/Corporate Priorities	These proposals align with the council's Corporate Priorities in respect to 'Low Council Tax and Value for Money' and 'Reshaping Trafford Council'.
Financial	There is a financial impact which will be approximately £69k per annum and one off back pay in the year 2018/19 of up to £69k.
Legal Implications:	Case law is such that we now have to ensure that pay for annual leave reflects 'regular and normal pay' and so we must implement enhanced payment for annual leave where appropriate.
Equality/Diversity Implications	None
Sustainability Implications	None
Staffing/E-Government/Asset Management Implications	We need to ensure that we pay staff appropriately as not doing so could risk losing staff to organisations who do make these payments.
Risk Management Implications	See Legal Implications section.
Health & Wellbeing Implications	None
Health and Safety Implications	None

1. Executive Summary

- 1.1 Successive case law over recent years has concluded that holiday pay for the 20 statutory days of annual leave should reflect 'regular and normal pay'. This means that there is a requirement to enhance pay when leave is taken to reflect overtime, additional hours, sleep-ins and; standby/on-call undertaken.
- 1.2 A GM task and finish group was set up to explore the issues/implications surrounding payments to employees whilst on holiday; with a view to gaining some consistency of approach when tackling the issues within each Council. The group has explored several options and sought legal advice from NWEO and the LGA. They have agreed that the fairest and most practical solution is

to add a percentage enhancement to relevant payments. The Council proposes that we add a percentage based on taking 20 days statutory leave, divided into 261 available working days giving 7.66%.

- 1.3 It is estimated that the cost of these additional payments will be in the region of £69k per annum with a one-off back pay liability of up to £69k.
- 1.4 It is recommended that we implement the percentage payments in August 2018 with back-pay to follow, following negotiation and agreement with the unions.

2. Background

- 2.1 Currently staff receive annual leave entitlement which is dependent on their length of service and seniority. If they work additional hours or overtime they don't receive any extra leave for this additional work. Further to case law many years ago, staff who work on a casual basis, receive additional pay which is incorporated into their hourly rate, instead of being paid for specified dates on which they might take leave. This takes the form of 'rolled-up' holiday pay, i.e. their hourly rate is enhanced by 12.66%.
- 2.2 There have been a number of tribunal cases over recent years which have concluded that employees should not suffer a detriment in pay whilst on holiday, which might deter them from taking holidays, linked to the requirement for rest under the European Working Time Directive. The rulings mean that holiday pay (for the 20 statutory days' leave) should reflect 'regular and normal pay'. The cases include:
 - Lock v British Gas (commission)
 - Patterson v CBC (voluntary overtime)
 - Flowers and others v EEAT (non-guaranteed overtime)
 - Williams and others v BA (expenses)
 - Dudley MBC v Willetts and others (regular and settled voluntary overtime, call out allowances, out of hours payments, related expenses – remuneration normally paid)
- 2.3 The more recent case above of Dudley MBC v Willetts concluded that 'regular and settled' voluntary overtime is now to be calculated as part of holiday pay and will include call-out allowances, out of hours payments and other such related expenses as are considered a 'systemic component of remuneration that is usually or normally paid'. Because of this ruling we now need to take action and provide holiday pay for certain work.

3 GM position

- 3.1 A task and finish group was established in March 2018 (Oldham, Bury, Rochdale, Stockport, Salford, Bolton, Tameside, Wigan, Trafford and Blackpool). The group's remit was to explore the issues/implications surrounding payments to employees whilst on holiday; with a view to gaining

some consistency of approach when tackling the issues within each Council. The group reports in to the GMCA Heads of HR/OD.

- 3.2 Prior to the ruling that voluntary overtime and other payments should be factored into holiday pay, some Councils had applied holiday payments for contractual overtime. Since this ruling, the majority of GM authorities had started to explore the issues, however with no commitment around how they would implement, except for a couple who had progressed further.
- 3.3 One applied enhanced holiday pay in January 2018 and backdated payments to April 2017 (the beginning of the financial year within which the payments were implemented). Their system for payment is based on actually looking at when each employee takes the first 20 days of their leave (statutory entitlement) and taking the average pay over the 3 months prior to each period of leave being taken to enhance pay during the period of leave. The feasibility of this depends on the functionality of the HR/Payroll system and could be administratively burdensome. Making the back-payments could also involve a large manual task.
- 3.4 Another Council are near the end of their negotiations with trade unions with the plan of applying an enhancement of 7.66% to relevant payments with back-pay being considered.
- 3.5 The group have discussed different options for payment and based on the benefits and risks of these options, have agreed that the best approach is to add a percentage enhancement to relevant payments. There are different methodologies for calculating the percentage dependent on the number of available working days being used. Trafford Council is taking the approach that the calculation is based on taking 20 days statutory leave, divided into 261 available working days giving 7.66%, however other Councils may use a different percentage.
- 3.6 There are some risks around the approach of applying rolled up holiday pay, as technically it isn't compliant, as the payment should be made when the holiday is taken. However some of the other options which are also fairly easier to administer aren't compliant such as making a lump sum payment once or twice a year. However we have had rolled-up holiday pay for casuals in place for a long time, which technically isn't compliant and there hasn't been any issue or challenge raised to date and is a practice used by many organisations.
- 3.7 The payments in scope for the percentage enhancement are: overtime; additional hours; sleep-ins, and; standby/on-call. Although current case law states that payments must be sufficiently 'regular and settled' to require inclusion in holiday pay and so we will be paying to some employees who don't meet this threshold, case law may develop further to require that we pay an enhancement for any payments regardless of regularity. Therefore by taking this approach we are future-proofing. Also there is an argument that all staff who undertake these additional commitments should receive payments

which incorporate an element for annual leave, regardless of regularity if we want an equitable approach.

- 3.8 The group has also considered the issue of back-pay and have concluded that automatic back pay will apply from the start of the financial year in which the payments commence.

4. Local implementation

- 4.1 We plan to implement the option agreed by the AGMA task and finish group from August 2018 or as soon as possible after this date. This means adding an enhancement of 7.66% on all relevant elements (to include overtime, additional hours, sleep-ins and standby/on-call, however all other elements will be considered to ensure there are no others which should be in scope). This means that whenever staff receive payment for any of these extra commitments they will receive an additional amount to compensate them for the statutory annual leave entitlement.
- 4.2 We will commence discussions with the Trade Unions on the plan to implement including the proposal to back-pay to April 2018 and how we make these payments and to whom.
- 4.3 As we prepare for implementation a communications plan will be agreed for staff so they understand what the enhanced payment is for.

5. Cost

- 5.1 Approximate costings have been undertaken based on historical payments of the allowances which are currently identified as being in scope. The estimated cost per annum including on-costs breaks down as follows:

○ Additional hours and overtime	£56,500
○ Sleep-ins	£10,700
○ Standby/on-call	£2,000
○ Total	£69,200

- 5.2 The year on year cost is likely to be in the region of £69k, however there will also be back pay costs in 2018 which could be up to approximately £69k.

6. Conclusion

- 6.1 Case law has developed over the past few years around the requirement to give additional payment when an employee takes annual leave, when staff have variable earnings because of payments in addition to their basic salary.
- 6.2 The Council must respond to this, as not doing so would leave us open to tribunal claims and could also affect recruitment and retention if other authorities are making payments and we aren't.

6.3 Employment Committee is recommended to note the content of this report.

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TRAFFORD COUNCIL

Report to: Employment Committee
Date: 2 July 2018
Report for: Information and approval
Report author: Sara Saleh, Interim Director of Human Resources
Report Title

GM Continuity of Service Protocol

Purpose of Report

- **To detail the rationale behind the protocol, the benefits and risks, and to seek agreement to implement it in Trafford from 1st April 2018.**

Recommendation(s) / Decision Required

- **Support the implementation of the GM Continuity of Service Protocol in line with our GM colleagues, which recognises continuous service with the bodies signed up to the Protocol for the purposes of sick pay, maternity pay, adoption pay and annual leave.**

1. Executive Summary

- 1.1 In December 2015, the Greater Manchester Combined Authority and Health and Social Care Partnership Board agreed a GM Protocol for Joint Working on Workforce Matters. This Protocol recognises the vital role of our workforce in delivering high quality public services and that high quality employment in public services is crucial in the functioning of the Greater Manchester economy and society.
- 1.2 It was recognised that flexibility of employment across public services is an ambition shared by the organisations and recognised trade unions. Portability of accrued service is a key consideration for employees and must be addressed to secure such flexibility. It was agreed that a mechanism for the recognition of service would be further explored in circumstances where an individual employed within local government, the Combined Authority, or the NHS in Greater Manchester moves employment between those sectors on a voluntary basis.
- 1.3 Unless there is an enforced move across sectors (e.g. TUPE) this means that currently continuity of service is lost where an employee voluntarily moves from one public sector to another. Given that continuous service determines the qualification for, and value of employment related entitlements (statutory and contractual), including redundancy pay, annual leave, occupational sick pay etc, this is a key factor which may impede the flexibility of employment.
- 1.4 There are no regulations that allow for service to be recognised for voluntary moves across the different areas of the public sector. To this end, the concept and

possibility of voluntarily recognising continuous service across the GM NHS, Council and GMCA organisations has been discussed and progressed at the GM Workforce Engagement Board (WEB) and Strategic Partnership Board. A Continuity of Service Protocol was subsequently developed and is attached at Appendix A.

- 1.5 Currently continuous service with local authorities is recognised via the Redundancy Modification Order and for Councils within GM it means the addition of this protocol, so the service with the organisations who adopt it will be recognised for employment purposes.

2. Scope of the Protocol

2.1 The Protocol extends to include all staff employed by:

- a GM Clinical Commissioning Group (CCG) organisation
- a GM National Health Service (NHS) body
- a GM Local Authority / Council (but excluding staff employed by schools)
- the GM Combined Authority (GMCA) and its constituent bodies
- the Greater Manchester Health & Social Care Partnership (GMHSCP)
- Transport for Greater Manchester (TfGM)

2.2 At this time those employed within GM Police and the Waste Disposal Authority are not in scope. However, should these organisations formally join the Combined Authority, they will be automatically included, unless they choose to adopt the Protocol earlier. Wider employer groups comprising commissioned providers e.g. third sector parties, GP practices, etc, are not included.

2.3 Whilst it is not recommended that individuals working within the range of schools and further education establishments across GM are currently included within the Protocol, there is a commitment to further extend the Protocol following full adoption by the parties identified in this first phase. It is hoped that this will be extended into other GM public sector organisations in the future.

2.4 The protocol means that continuous service will be recognised for new employees who have prior service with any of the bodies within the protocol. This is the case for qualification for and to determine the value of occupational entitlements such as sick pay, maternity pay, adoption pay and annual leave.

2.5 The intention had initially been that redundancy would be included in the protocol. However legal advice has concluded that continuous service with organisations not covered by the Redundancy Modification Order cannot be recognised for statutory redundancy pay and so it will not be included. It is hoped that with continued closer working between the NHS, Local Authorities and other public sector organisations, the law may eventually be changed as was the case when the RMO came into being.

When would the Protocol not apply?

2.6 The Protocol would not apply in the following circumstances:

- a. TUPE, which has specific legal requirements/assurances;

- b. Where a break in service of more than one week (Sunday to Saturday) exists;
- c. Historic voluntary employment moves between organisations in scope. Therefore this Protocol will only recognise continuous employment to new appointments made **on or after 1 April 2018**.
- d. When calculating a statutory redundancy payment

3. Benefits

- 3.1 The Protocol will raise the profile of working within GM public sector roles and may provide a more attractive recruitment proposition than the private sector, or indeed other public sector organisations outside of GM. This commitment will put working within GM on the map and will support our ability to attract, recruit, develop, motivate and retain our workforce.
- 3.2 A flexible workforce can have both economic and social benefits, having a direct impact on engagement and turnover, while providing increased development, motivation, and job satisfaction for the employees. Employees gain opportunities for personal and professional growth which can enhance their career opportunities. This increases staff morale and a motivated workforce, within a potentially shrinking public services sector, which is critical in delivering the challenges and opportunities of devolution.
- 3.3 Staff with cross-sectoral experience and understanding are essential for delivering new transformed services and redesigned roles in integrated services. The easy movement of staff between the NHS and local authorities will increasingly be needed going forward. A flexible GM workforce will strengthen cross organisational cultural understanding, enhance professional links, increase partnership working and the sharing of best practice.
- 3.4 With greater collaborative working, it is possible that those organisations needing to reduce the size of their workforce could reduce the cost of redundancy by enabling the transfer of staff between organisations without impacting on continuity of service and associated employee benefits.

4. Challenges and Risks

- 4.1 It is important to clarify that the aim of the Protocol is not to change terms and conditions of service for each individual organisation in scope. All local agreements, employment benefits and terms and conditions will be retained, however, any local arrangements that refer to continuity of service will need to take account of, and be consistent with the Protocol. This will include accrual of service for the calculation of contractual entitlements in accordance with the policies and terms and conditions of the relevant participating employer.
- 4.2 The calculation of an employee's continuous service and/or reckonable service is extremely important in determining the qualification for and value of 'time served' entitlements as this commonly determines access and value of contractual entitlements such as occupational sick pay, maternity pay, adoption pay and annual leave schemes. Therefore, longer service normally allows for elevated and extended entitlements where previously this may not have been the case. This may therefore have an impact on direct costs (sick pay costs, maternity pay etc.).

- 4.3 Any dismissal with notice payments will be based on the increased paid notice period, or increased pay in lieu of notice entitlement, as a result of recognising continuous service.
- 4.4 The requirement to have 2 years continuous employment with the same employer before a claim is submitted at an Employment Tribunal remains unchanged. As is currently the case, an employee will need to demonstrate 2 years continuous employment with the same employer before an Employment Tribunal claim can be made (except discrimination claims).

5. GM Implementation

- 5.1 During January and February 2018, discussions were held with CCG Leaders (AGG), Provider Federation Board and Wider Leadership Team to encourage support and adoption of the Protocol. All groups indicated their support for this and agreed in principle subject to full adoption within their own organisational governance processes. Manchester City Council subsequently decided to implement the whole protocol on a discretionary basis.
- 5.2 The group proposed that the relevant governance processes be put in place within all organisations outlined as within the scope of the Protocol to enable full adoption back-dated to 1 April 2018. This approach will ensure that all relevant organisations within GM will have the Protocol in place and continuity of service recognised from 1 April 2018.
- 5.3 The GMCA Heads of HR and Joint GMCA/NHS HRD leads will ensure that the detailed implementation and communication plan is put in place once all organisations have adopted. Comprehensive HR and workforce FAQs have been prepared.

6. Local Implementation

- 6.1 The HR Service is leading on the implementation of the protocol, working with the Greater Manchester HR Shared Service (GMSS) and Legal Services to ensure that it will be in place back-dated to 1st April 2018.
- 6.2 There are 5 main strands of work:
- Creating a Continuity of Service Policy/Statement, which will reference the current regulations and the new protocol and what they mean.
 - Amending all HR policies which reference continuous service.
 - Changing the process for establishing continuity of service within GMSS, to include service with organisations who have adopted the protocol. This will need to be continually updated as more organisations join.
 - Amending the Statement of Employment Particulars (employment contract) so it references the protocol.
 - Communicating with the workforce.
- 6.3 The Unions have been engaged with and so are aware of the adoption of the protocol and supportive of it as it will benefit staff and provide more flexibility within

the public sector within GM. They will be updated as we near the implementation date.

7. Conclusion

- 7.1 The GM Continuity of Service Protocol is a ground breaking concept, and marks a significant step for Greater Manchester in achieving reform of public services. The adoption of the Protocol will assist in the retention and deployment of a flexible workforce with a breadth of skills and knowledge that enables GM to transform, lead and develop new models of care for the benefit of all residents in GM.
- 7.2 Although there may be some additional costs to the Council of implementing the Protocol, the benefits will far outweigh these and it is a positive move which will benefit our workforce.
- 7.2 Employment Committee is recommended to support the implementation of the protocol from 1st April 2018 and incorporation into the annual Pay Policy statement.

APPENDIX A - GREATER MANCHESTER CONTINUITY OF SERVICE PROTOCOL

INTRODUCTION

The Greater Manchester Combined Authority and health and Social Care Partnership Board agreed a GM Protocol for Joint Working on Workforce Matters in December 2015.

This Protocol recognises that staff play a vital role in the delivery of high quality public services and that high quality employment in public services plays a vital role in the functioning of the Greater Manchester economy and society.

Flexibility of employment across public services is an ambition shared by the organisations and recognised trade unions. Portability of accrued service is a key consideration for employees which must be addressed to secure such flexibility.

There is no reason in law why an employer cannot introduce express terms into its contracts of employment, or do so by means of a change of policy, which are more advantageous than the statutory rights already afforded to its employees, provided it ensures those terms are applied fairly and in accordance with its equalities duty. What it cannot do is seek to limit or take away those rights except in the most exceptional of justified circumstances or where permitted by law.

A public body must also ensure its rationale for such action makes economic, social and environmental sense for them and their communities, and is of benefit to the public purse.

Any change in terms and conditions of employment to employees of a public body would be subject to consultation.

PURPOSE

As a first step this protocol provides a mechanism for recognition of service where an individual employed within local government or the NHS in GM moves employment between those sectors on a voluntary basis.

Adoption of the protocol by the GM local authorities, GMCA and NHS organisations would be voluntary and would be a decision for each individual organisation within their respective governance arrangements.

This protocol applies to the employers listed below and does not seek to extend such an agreement to the wider employer group comprising commissioned providers e.g. third sector parties, at this point in time.

Local Authorities:

GM Local Authorities
<ul style="list-style-type: none">• Bolton• Bury• Manchester• Oldham• Rochdale• Salford• Stockport• Tameside• Trafford• Wigan• GMCA

NHS Bodies:

Association of GM CCGs	GM NHS Provider Trusts
<ul style="list-style-type: none">• NHS Bolton CCG• NHS Bury CCG• NHS Manchester CCG• NHS Heywood, Middleton and Rochdale CCG• NHS Oldham CCG• NHS Salford CCG• NHS Stockport CCG• NHS Tameside and Glossop CCG• NHS Trafford CCG• NHS Wigan Borough CCG	<ul style="list-style-type: none">• Bolton NHS FT• Central Manchester University Hospitals NHS FT• Greater Manchester Mental Health NHS FT• Pennine Acute Hospitals NHS Trust• Pennine Care NHS FT• Salford Royal NHS FT• Stockport NHS FT• Tameside Hospital NHS FT• The Christie NHS FT University Hospital of South Manchester NHS FT• Wrightington, Wigan and Leigh NHS FT

Other Public Sector Partner Organisations:

<ul style="list-style-type: none">• GM Health & Social Care Partnership• Transport for Greater Manchester (TfGM)

The accrued service will be used for the calculation of contractual entitlements in accordance with the policies and terms and conditions of the relevant participating employer, except where statute does not permit.

This protocol does not apply to pension arrangements.

DEFINING CONTINUITY OF SERVICE

The calculation of an employee's "continuous service" and/or "reckonable service" is extremely important in determining the qualification for and value of 'time served' entitlements.

It determines access to statutory entitlements such as making a claim for unfair dismissal at an Employment Tribunal and the application of the statutory redundancy scheme. However, continuous service recognised through this Protocol will not be taken into account when determining service for unfair dismissal or statutory redundancy. The recognition of continuous service within this Protocol will determine access and value of contractual entitlements such as annual leave, occupational sick pay, occupational maternity pay and contractual redundancy or severance schemes.

Individual employers can decide how their contractual entitlements will be applied.

BENEFITS OF RECOGNISING CONTINUITY OF SERVICE

The benefits of a flexible workforce, facilitated by the adoption of this protocol, are summarised below: -

- Having a geographically and organisationally mobile workforce at a GM level will benefit both organisations and individuals. Employee movement within and between these organisations flexibly can help movement of staff into priority areas ensuring delivery at local level.
- A flexible GM workforce will strengthen cross organisational cultural understanding, enhance professional links and increase partnership working. Learning best practice from each other can only improve the totality of approaches adopted individually by each organisation.
- Employees, in turn, gain opportunities for personal and professional growth which can enhance their career opportunities. This increases staff morale and a motivated workforce, within a potentially shrinking public services sector, which is critical in delivering the challenges of devolution.
- A flexible workforce could support the deployment of staff across sectors during periods of organisational downsizing and service redesigns, increase GM ability to attract and retain staff with specialist skills and improve workforce and succession planning on a wider scale.
- Organisations can cut staff turnover costs and fill specialist roles more easily e.g. social workers moving from local authorities into local integrated care organisations under the NHS.
- Organisations can save on redundancy costs as there would be a wider pool of reasonable, suitable redeployment opportunities.
- Staff with cross-sectoral experience and understanding are essential for delivering new transformed services and redesigned roles in integrated services. The easy movement of staff between the NHS and local authorities will increasingly be needed going forward. A flexible workforce will aid the development of a shared language to describe capabilities required in all roles, with accompanying tools and resources.

CHANGES TO EMPLOYER POLICIES

Organisations who are party to this protocol may need to make amendments to their local employment policies and procedures in respect of entitlement for contractual purposes.

Local Authorities will need to amend their policies in respect of application of the 2006 Discretionary Compensation Regulations to incorporate recognition of continuous service with NHS bodies and others party to this Protocol. Reference may also be included in the annual Pay Policy Statement.

NHS organisations party to this protocol have some flexibilities in national agreements and to act outside the national agreements if they opt to do so. The test must always be one of 'acting reasonably' in relation to resources/ and the use of public money.

CONCLUSION

This protocol marks a significant step for Greater Manchester in achieving reform of public services. A competent, engaged workforce is a key enabler to successful reform and it is important to facilitate not only retention of skills and knowledge but to ensure that the sector is seen as attractive and rewarding to future generations.

The protocol applies in the first instance to the voluntary movement of employees between local government/identified public sector bodies and NHS employers as a proof of concept. The Greater Manchester Workforce Engagement Board will monitor the application and success of this protocol and will make recommendations for any further revisions as appropriate.

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TRAFFORD COUNCIL

Report to: Employment Committee
Date: 2 July 2018
Report for: Information
Report of: Sara Saleh, Interim Human Resources Director

Report Title

Revised HR Policies.

Recommendation(s)

It is recommended that Employment Committee notes the content of this report and approves the revised: Supporting Trans* Employees; Smoking; Parental Leave, and; Flexible Retirement policies so they can be implemented.

Contact person for access to background papers and further information:

Name: Sara Saleh
 Extension: x4146

Relationship to Policy Framework/Corporate Priorities	This proposal aligns with the council’s Corporate Priority ‘Reshaping Trafford Council’.
Financial	None.
Legal Implications:	The policies have been revised in accordance with ACAS guidelines and with relevant case law in mind.
Equality/Diversity Implications	Positive. The revised ‘Supporting Trans* Employees’ policy is much more inclusive now and gives more information for managers and staff.
Sustainability Implications	None.
Staffing/E-Government/Asset Management Implications	The revised policies are more comprehensive and clear and so it should be easier for managers and staff to use them.
Risk Management Implications	None.
Health & Wellbeing Implications	None.
Health and Safety Implications	None.

1.0 BACKGROUND

1.1 The current versions of these 4 policies were due full reviews.

2.0 REVIEW PROCESS

2.1 The approach taken depended on the policy and included research on the subject areas, benchmarking with other local authorities, checking on any ACAS guidelines, reviewing our internal processes and current practice. The policies have been revised on this basis and we have also simplified some of the language to make them more accessible to all.

2.2 The first drafts of the policies were reviewed internally by the HR management team. They were then considered by the policy review group which comprises representation from our Unions, Unison and GMB and also a manager from each Directorate. The group were sent the revised policies and information highlighting the key changes in advance of meeting so they could absorb the information. Then the group met to go through the key changes and had a discussion and agreed any changes as appropriate. The Interim Director of HR then undertook a final review.

3.0 KEY CHANGES TO THE POLICIES

3.1 The policies have been streamlined and simplified with more use of plain English and with reduced usage of HR terminology, wherever possible, to make them easier to understand and follow.

3.2 The policies have been created in the new generic template which all revised HR policies will use. It has a contents table so that staff and managers can find the section that they want easily. It also has a version control table so that there is a clear audit trail of different changes and versions of the policy.

3.3 Supporting Trans* Employees

The key changes to the policy are:

Current Version	Revised Version
Title is 'Policy on Supporting Transsexual Employees'	New title is 'Supporting Trans* Employees Policy. The term 'transsexual' is the legal/medical term used for a person who emotionally and psychologically feels that they belong to the opposite sex. However the term isn't liked by some of the trans* community. The preference tends to be to use 'transgender', however the term 'trans*' is more inclusive, it is an umbrella term that refers to all of the identities within the gender identity spectrum.
The introduction includes the legal position re not discriminating against transsexuals in the workplace, Gender Recognition Act.	Have taken out these references, as they are covered elsewhere in the policy and don't need to be upfront. Have added in that the general aim of the guidance is to ensure that we have appropriate support in place for trans* employees.
Scope section	Added to scope section 'raise awareness amongst employees

	of trans* issues'. Changed terminology around 'employees going through gender reassignment process' to 'employees transitioning gender'.
'General Principles' section detailed some explanations of terminology, the gender reassignment process and legislation.	Separated these sections now with one on 'Terminology' and 'Legislation'.
Limited information on different terminology.	Section now covers: Trans*; Gender Identity; Gender Dysphoria; Gender Realignment Process (now much more information on this process with possible timescales).
Legislation section	Legislation section has been updated to include all requirements to apply for a Gender Recognition Certificate. Also the fact that many trans* individuals may not choose to get a GRC. Also that if an individual has transitioned, their consultant can write a letter confirming their transition which can be used to change name and gender details on their passport (but can't change their birth certificate).
Responsibilities section	Managers – added that it may be useful for them to undertake research on the area if they have limited knowledge.
Recruitment section	Removed opening sentence which says 'in most cases the gender of an employee is of no relevance to their ability to do their job' as it doesn't need stating. Taken out some of the information relating to Genuine Occupational Requirements as couldn't find evidence of these still being in place. If there were issues when someone was being recruited we'd deal with them and get advice at the time.
Gender Reassignment procedure	<p>Re-named 'Gender Realignment (Transition) procedure. Most sections still included and mostly the same information. However there is even more emphasis on the process being led by what the member of staff wants and that different staff going through this will have different preferences, i.e. there isn't one approach.</p> <p>The 'Time Off' section has been expanded to include a summary at the beginning of the sorts of requirements that might have to be considered. There is more information on counselling and medication and a section added on 'other treatments', which may be required as part of transition and may be ongoing after the main transition. The 'Record keeping' section has had a summary added at the beginning, with a reminder that it is a criminal offence to disclose the fact that a person with a GRC has changed gender. It also details that when an employee is transitioning their manager should liaise with one appropriate named person in GMSS to ensure the process of dealing with employment records is managed in line with DP principles.</p>
There is a section on 'Media Interest' which states that gender reassignment can attract the interest of the local and national press and that the press office can prepare a	It is felt that this section isn't necessary. If any issue arose we'd use a common sense approach.

statement in consultation with the individual concerned.	
Section on 'Monitoring'	This has been taken out as it isn't in most other recently reviewed HR policies.
Section on 'Links to other Policies'	This has been taken out as it isn't in other HR policies. On the webpage links to other relevant policies can be set up instead.
Section on 'Additional sources of support'.	This has been taken out. On the webpage links to other relevant policies can be set up instead.
Section on 'Review'	This has been amended so it is the same as the other recently updated HR policies.

3.4 Smoking Policy

The key changes to the policy are:

Current Version	Revised Version
Short introduction	Introduction includes: national context, Council's commitment to eliminating smoking on premises; what smoking is and that e-cigs will be treated in the same way as tobacco cigarettes, pipes and cigars.
No aims section	Comprehensive aims of the policy
Who the policy applies to is covered in the introduction.	New 'scope' section, like other HR policies, which makes it clear who the policy applies to and which areas it applies to.
No policy statement	Clear 'policy statement' section regarding the Council's obligations under H&S at Work Act and promoting public health.
A lot of responsibilities in relation to the policy are implied.	New 'responsibilities' section which makes them explicit. This has been added due to ongoing issues in relation to adherence to the policy.
Managers must ensure suitable signage is displayed in their service areas supporting smoke-free working environment and ensure the enforcement of the total smoking ban.	Managers must: ensure that staff, service users and staff comply; use disciplinary or appropriate process if they don't; make staff aware of the policy; provide support and information to staff.
Employees must not smoke on Council grounds or in Council vehicles.	Clarification around this: 'smoking is not allowed in any vehicle owned, leased or rented by the Council. In addition, staff who use their private vehicles to carry patients or equipment are not allowed to smoke or to allow passengers to smoke whilst on council business. Employees are not allowed to smoke whilst in their own vehicle on Council premises'.
Detail around smoking during work time, which states that can't smoke during working time (logged on flexi- system) when working at off-site locations.	Added that the same applies whilst working at home.
Detail around refraining from smoking around the perimeter	Have added to this by saying 'Employees are expected to have consideration for local neighbours. This includes avoiding

of Council buildings, not causing a nuisance to passers-by through excessive smoke and crowding pavements. Sensible disposal of cigarette butts and if not disposed of correctly risk of being fined.	smoking directly outside a neighbouring house, discarding cigarettes in neighbouring gardens and littering the neighbouring community'. Also in relation to littering, have added 'where management is aware that an employee has received a fine for littering on or around Council grounds, then disciplinary action may be taken'.
Some information on how we make the Council smoke-free which includes that staff are authorised to ask those who breach the policy to leave the premises.	New 'eliminating smoking' section which details: rules around smoking; how new starters are made aware; signage; that there are no smoking facilities on Council grounds; no smoking added into contracts between Council and service providers; staff helping to reinforce the policy by asking service users/visitors to not smoke (where comfortable to do so).
Short smoking cessation section.	More comprehensive section now called 'support with stopping smoking' to use more simple language. This has been updated with current support available. Occupational Health has been taken off but the Employee Assistance Programme added on. Highlights the fact that smoking cessation is promoted through staff health and wellbeing events and resources signposted via intranet and internet.
No specific section on service users and visitors.	Specific section on them detailing that the Council provides information and sign-posting and that staff should assist any visitor who asks for help to stop smoking by providing information or directing them to the appropriate source of information.

3.5 Parental Leave Policy

The key changes to the policy are:

Current Version	Revised Version
No 'scope' section (covered under title)	Scope section added in to be consistent with other recently reviewed HR policies.
'What is parental leave' section	Expanded this section to include examples of why it might be used and clarification that when taking parental leave staff cannot work for another employer (this was in later section).
'Eligibility' section had a lot of information about what constitutes parental responsibility.	In line with the national guidance this has now been simplified and mirrors the information on the gov.uk website. Rather than listing what constitutes parental responsibility staff are signposted to the website.
'Entitlement' section detailed different entitlement for adopted children	Reference to different entitlement for parents of adopted children has been taken out in line with national change to the entitlement. Information about moving entitlement between employers has been moved from later section into this one.
Section on 'Applying for parental leave' detailed old process with registration form required.	New processes detailed. Staff on MiTrent book it through the system like they do annual leave. Staff not on MiTrent get their manager to complete the relevant GMSS form and they submit it via the portal.
Section on 'Postponing parental leave' detailed	Now details reasons for which it can't be postponed in line with the gov.uk website as it shouldn't be postponed unless it would

reasons why it can be postponed	cause serious disruption to the business.
Section on 'Sickness Absence'	Amended this so in line with the Attendance Management Policy. If employee is on parental leave and they are sick and wouldn't have been fit to attend work they can sign off sick provided they follow the normal reporting requirements and get a fit note from GP for the period. Removed reference to needing a fit note if employee is sick on the first day after parental leave.

3.6 Flexible Retirement Policy

The key changes to the policy are:

Current Version	Revised Version
Policy and Guidance with some overlap.	Merged into one policy.
There was some contradiction around funding the cost of flexible retirement, with one section saying they would not be approved if there is a cost to the Council.	This has been clarified in line with custom and practice and that they can be considered however the cost will be borne by the service and the maximum payback period should be three and a half years.
No 'Review' section	Review section has been added in line with other recently reviewed HR policies.

4.0 IMPLEMENTATION PLAN

- 4.1 We plan to implement the new policies on 16th July 2018 when they will go on the relevant intranet page and the contents of the pages will be updated. The web pages will have information to make it clear that the new policy has been launched.
- 4.2 As the key principles or processes for these policies haven't changed there isn't a critical issue regarding ensuring that there is a transition process for employees using the current version to the new version. However communications will go on the 6 boxes so that staff are aware that they have been updated, which will also increase awareness of them generally.
- 4.3 In relation to the Smoking policy after the new version has been implemented we will do separate communications for staff to reinforce the key messages within the policy.

5.0 RECOMMENDATIONS

- 5.1 Employment Committee are recommended to support the new policies and the implementation plan.

Appendix 1

4 policies.

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TRAFFORD COUNCIL

FLEXIBLE RETIREMENT POLICY

Author	Human Resources
Date	TBC
Version	3.0

Version Control

Issue	Date	Author	Change History
V1.0	February 2007	-	First version
V2.0	November 2010	-	Revised version
V3.0	TBC	Kate Sturman	Revised version

Contents

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TRAFFORD COUNCIL – FLEXIBLE RETIREMENT POLICY

1. Introduction

- 1.1 The “Flexible Retirement” scheme helps staff to ease their way into retirement, and also helps the Council to retain the employee’s skills, knowledge and experience, supporting succession planning. It allows scheme members to start receiving their benefits from an earlier age (currently 55 years and over), yet continue working for their employer in exchange for reducing their hours and/or scale point. Some employees may wish to step down into a less demanding and lower paid role.
- 1.2 There is no automatic right to flexible retirement and the employee must have their manager’s agreement further to following the application process. This is because there may be additional costs to the Council, along with an effect on service delivery.

2. Scope

- 2.1 This policy applies equally to all staff who are members of the Local Government Pension Scheme (LGPS) as their options are subject to the rules of the Scheme.

3. Criteria

- 3.1 Each flexible retirement request will be considered on its merits and will only be agreed if it is in the employer’s economic and / or operational interests to do so. If there would be a cost to the organisation it would be borne by the service and the maximum payback period for any such arrangement is three and a half years.

- 3.2 In order to be considered for Flexible Retirement employees must:-

- be aged at least 55.
- reduce their working hours by at least 40%, such that there is a reduction in salary of no less than the level of pension they will receive (i.e. employees must not benefit financially when taking flexible retirement),

AND/OR,

- reduce their salary, by at least two full bands, such that there is a reduction in salary of no less than the level of pension they will receive (i.e. employees must not benefit financially when taking flexible retirement), whichever option is the greatest reduction.
- remain on their reduced hours/grade until their retirement date or for at least 5 years from the approval of Flexible Retirement.

- 3.3 Example calculation 1: An employee currently earning £20,000 per annum, who will receive a pension of £5,000 per annum on retirement, must reduce their salary to at least £15,000 per annum.
- 3.4 Example calculation 2: An employee currently earning Band 5 scp 28, who will receive a pension of £2,000 per annum on retirement, must reduce their salary to at least Band 3, scp 21.

4. Process

- 4.1 Any employee considering flexible retirement, must first discuss the proposal with their line manager, before putting their request in writing to them. The manager will explore the business case for the request and they may give provisional approval when the following factors are taken into consideration.
- Whether there would be a detrimental effect on service delivery.
 - Whether there is available alternative work at the lower grade (if stepping down is requested).
 - Whether the arrangement is fair and equitable to other team members.
 - Whether it may help to avoid redundancies and the associated strain on Fund pension costs and redundancy payment costs.
 - Whether it may enable the transfer of skills / knowledge.
 - Whether it could offer an acceptable solution to staff who are currently a blockage to promotion or reorganisation.
 - Whether it could help alleviate burn out and stress.
 - Whether it could improve morale.
- 4.2 If the manager provisionally supports the request he or she should ask HR to obtain estimated future salary and pension figures so that they can be considered. If, having received the figures, the employee wishes to proceed, and the manager approves it, the manager should obtain the agreement of the Head of Service. The Head of Service must seek final approval from the Chief Finance Officer and the Director of Human Resources.
- 4.3 If the manager does not support the request they should set out their decision and supporting rationale to the employee. There is no right of appeal as it's a management decision based on the needs of the service/cost and not a contractual right. Documents/records should be retained on file.

5. Pension implications

- 5.1 Employer – there may be adverse costs to employer contribution rates for certain members. Managers can obtain further information from the Pensions team.
- 5.2 Employee - the pension benefits built up following the change may be affected where special payments are no longer paid in the new role. Advice must be obtained from the Pensions team on how their pension benefits might be affected. Working part-time or in a lower grade prior to the normal retirement age may also affect an employee's ill-health benefits or redundancy payments

if they retire on health grounds or are made redundant. Employees should contact Pensions in order to get further advice on how these might be affected.

6. Review

- 6.1 This policy will be periodically reviewed in order that that it remains appropriate to the Council's operation, is best practice and meets legal requirements.



TRAFFORD COUNCIL

PARENTAL LEAVE POLICY

Author	Human Resources
Date	TBC
Version	3.0

Version Control

Issue	Date	Author	Change History
V1.0	May 2001	-	First version
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TRAFFORD COUNCIL – PARENTAL LEAVE POLICY

1. Introduction

- 1.1 Trafford Council is committed to promoting flexible working in the context of our need to provide high quality services to the community, to retain a skilled workforce and reduce absence levels. We also recognise the importance of a healthy workforce and of the benefits that work-life balance brings.
- 1.2 Parental leave legislation enables parents and those with parental responsibility to take time off to look after a child's welfare. This policy sets out what parental leave is and who is eligible to take it and it outlines the steps an employee needs to take to request parental leave.

2. Scope

- 2.1 This policy applies to all employees of Trafford Council, with the exception of employees within the Local Authority's schools, where separate arrangements are in place.

3. What is parental leave?

- 3.1 Parental Leave is planned, unpaid time off work to look after, or make arrangements for a child's welfare. It can be used to spend more time with children and to balance work and family commitments. Examples of how parents might use it are: to spend more time with their children; to look at new schools; to settle children into new childcare arrangements; to spend more time with family, such as visiting grandparents.
- 3.2 There is a different type of leave available for taking time off for family emergencies under the Special Leave policy (dependants, emergencies, bereavement).
- 3.3 Parental leave is in addition to Annual Leave, Adoption Leave, Maternity Leave, Shared Parental Leave and Special Leave - Maternity and Adoption Support, which are detailed in the relevant policies.
- 3.4 You cannot work for another employer during a period of parental leave.

4. Eligibility

- 4.1 You will qualify for parental leave if all of these apply to you:
- You've been a Trafford Council employee for one year or more without a break by the time you want to take the leave (the right doesn't apply to worker, agency workers or contractors).
 - You're named on the child's birth or adoption certificate or you have or expect to have parental responsibility.

- You're not a foster parent (unless you've secured parental responsibility through the courts).
- Your child is under 18.

4.2 Leave is available for all parents and those with parental responsibility for a child, but your right to leave cannot be transferred to anyone else.

4.3 You do not have to be living in the same household as the child to claim parental leave, but it must be taken to care for the child.

4.4 To understand more about Parental Responsibility visit the 'Gov.uk' website and search under this term.

5. Entitlement

5.1 You can take up to 18 weeks' unpaid leave for each child, with a maximum of four weeks' leave per year (up to the total of 18 weeks) up to the child's 18th birthday.

5.2 The unpaid leave must be taken as whole weeks (e.g. 1, 2, 3 or 4 weeks) rather than individual days. Even if you take less than one week's leave, a full week will be deducted from your entitlement. For part-time staff, a week is a normal working week, so for example, if you normally work 3 days per week and take those 3 days off as parental leave, you will have one week deducted from your entitlement. The only exception to this is where your child is disabled and you can take individual days off.

5.3 Parental leave applies to each child not to an individual's employment, so only the outstanding leave entitlement can be transferred when you move between employers. If you change your job, your new employer may ask us for information about any parental leave you have taken.

6. Applying for parental leave

6.1 Process

6.1.1 A flexible approach should be adopted by both managers and employees to agree suitable parental leave dates.

6.1.2 You must give your manager at least 21 days' notice of the dates when you would like to take parental leave. If you or your partner is having a baby or adopting you must give 21 days before the week the baby or child is expected.

6.1.3 If you use the MiTrent system, you should submit your request for parental leave to your line manager via MiTrent, at least 21 days before the day you wish to start your leave. You should add it as an 'other absence' and select 'parental leave'. See section 7.4 on page 45 of the MiTrent 'Training User

Guide – Induction to Employee Self-Service’, which details the process. The guide can be accessed through the following link:

<http://intranet.trafford.gov.uk/yourtrafford/hr/mitrent/helpyourself>

6.1.4 If you do not use MI Trent, you should get your manager to complete and submit the ‘Parental Leave’ form on the GMSS portal.

6.2 Postponing parental leave

6.2.1 Your line manager may postpone your parental leave, for up to 6 months from the date the original leave was due to begin, in certain circumstances where there is a significant reason. However it can’t be postponed if:

- Your manager doesn’t have a ‘significant reason’, e.g. it would cause serious disruption to the business.
- You are the father or partner and are taking it immediately after the birth or adoption of a child.
- You would no longer qualify for parental leave, e.g. postponing it until after the child’s 18th birthday.

6.2.2 If your leave is postponed, your line manager will write to you within 7 days of your original request explaining the reason why and suggesting a new start date within 6 months of the requested start date. The amount of leave requested cannot be changed.

6.3 More than 1 post

6.3.1 If you have more than one post with the Council, you will need to obtain the approval of each of your line managers to take parental leave and apply for each post. If one of your managers cannot agree the dates requested, then you will have to agree a later date with both managers.

7. **Employment and terms and conditions**

7.1 Continuing employment

7.1.1 You are entitled to return to the same role after a period of parental leave.

7.2 Annual leave and bank holidays

7.2.1 Your holiday entitlement will accrue as normal during parental leave. If you take parental leave over a public holiday you will be entitled to the bank holiday (if you work part-time you will be entitled to pro-rata hours). You should speak to your manager to ensure that an adjustment is done on MiTrent, or on your leave card, whichever is applicable to you.

7.3 Critical car user allowance

7.3.1 If you are eligible, you will receive your critical car user allowance in full, as normal during the period of parental leave.

7.4 Pension

7.4.1 When you return to work you can elect to make Additional Pension Contributions (APCs) to 'buy-back' the lost pension for the period. You should contact the Pensions Officer for advice.

7.5 Sickness absence

7.5.1 If you are ill during the period of parental leave and wouldn't have been fit to attend work, you can claim sickness. However you must follow the normal sickness reporting process and provide a fit note from your doctor from the first day of sickness.

8. Review

8.1 This policy will be periodically reviewed in order that that it remains appropriate to the Council's operation, is best practice and meets legal requirements.

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TRAFFORD COUNCIL

SMOKING POLICY

Author
Date
Version

Human Resources
TBC
4.0

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TRAFFORD COUNCIL – SMOKING POLICY

1. Introduction

- 1.1 Smoking is a major cause of illness and early death and the government is taking active measures to decrease smoking behaviour by reducing the number of public areas in which smoking is permitted.
- 1.2 Trafford Council is committed to eliminating smoking on Council premises, and to assisting staff, service users and visitors to achieve greater health through smoking cessation.
- 1.3 On July 1st 2007, the Government introduced a new law to make virtually all enclosed public places and workplaces in England smoke free. A smoke free country ensures a healthier environment, so everyone can socialise and work free from passive smoke inhalation.
- 1.4 For the purpose of this policy, the use of electronic or e-cigarettes will be treated in exactly the same way as traditional cigarettes. Smoking is the inhalation of the smoke from burning tobacco or any other substance found in cigarettes, pipes, e-cigarettes and cigars.
- 1.5 Trafford Council and partners have agreed a Position Statement on e-cigarettes, and it can be found on the Health and Wellbeing Board pages of the Trafford Partnership website.

2. Aim

- 2.1 The aim of this policy is to.
 - Ensure that all people can work in or visit the Council in a smoke free environment.
 - Support service users, visitors and employees who wish to stop smoking.
 - Encourage employees to become involved in health promotion initiatives.
 - Set a good example to the public and enhance the image of the council through the positive action.
 - Adhere to National no smoking in line with Smoke Free Regulations 2007.
 - Reduce the risks associated with passive smoking which government research has shown to be dangerous to health.
 - Reduce the negative effects of littering on the environment caused by discarded cigarette ends, which account for 50% of all litter worldwide.
 - Reduce the effects on the environment from discarded cigarette ends. A cigarette butt contains up to 4,000 chemicals including hydrogen, cyanide and arsenic.
 - Strive to become a good neighbour and reduce the effects of littering on local residents.

3. Scope

- 3.1 This policy applies to all persons on Trafford Council premises, including staff, Elected Members, volunteers, contractors, service users and visitors. The policy is applicable to all Council property and premises, including inside and outside of Council buildings, car parking areas (including personal vehicles on council grounds), plus associated sites and council vehicles.

4. Policy statement

- 4.1 The Council must set an example to other organisations, promote public health and create an environment that minimises the health risks to members of the public who access the service.
- 4.2 The Council recognises that it has a legal obligation under the Health and Safety at Work Act 1974 S2 to provide and maintain a working environment for all employees that is, so far as is reasonably practicable, safe and without risks to health.

5. Responsibilities

5.1 The Council

The Council has a responsibility to ensure that staff are not exposed to health risks from passive smoking at work. The Chief Executive of the Council has overall responsibility for all aspects of this policy, and delegates this responsibility to senior managers of the council as detailed below.

5.2 Managers

Managers will take reasonable steps to ensure that adequate arrangements are in place to enable the policy to be fully implemented. This will include ensuring that all staff, service users and visitors comply with the policy.

Managers have a duty to ensure this policy is enforced within their area of management responsibility. This includes making employees aware of this policy and appropriately dealing with employees who are in breach of this policy.

Managers have a responsibility to ensure breaches of this policy are dealt with appropriately in accordance with the Council's Disciplinary policy.

Managers have a responsibility to provide their employees with appropriate support (i.e. counselling or advice on smoking cessation support)

Educational literature and information will be provided at relevant opportunities e.g. health days, National No Smoking days. Managers will support employees in attending health and wellbeing events and will role model by attending themselves.

5.3 Employees

Have a duty to comply with the requirements of this policy by not smoking on Council premises, including the grounds of council premises. All employees will, in addition to adherence to this policy, be expected to adhere to the no smoking policies of any external premises at which they are working, based or visiting.

Smoking is not allowed in any vehicle owned, leased or rented by the Council. In addition, staff who use their private vehicles to carry patients or equipment are not allowed to smoke or to allow passengers to smoke whilst on council business.

Employees are not allowed to smoke whilst in their own vehicle on Council premises.

Employees must not smoke during work time. This means that employees who wish to smoke must do so only in their own time i.e. before they start work, after they finish work, or during a designated lunch break. Where employees are on the flexi-system, smoking can only be permitted once logged off for lunch etc. i.e. employees should not log in and out of the system between the hours of 10:00 – 12:00 and 14:00 – 15:00. This applies in the same way when employees are working at off-site locations and at home.

Employees are expected to have consideration for local neighbours. This includes avoiding smoking directly outside a neighbouring house, discarding cigarettes in neighbouring gardens and littering the neighbouring community. When smoking in public areas, employees should ensure that they act appropriately at all times and that they do not cause a nuisance to passers-by through excessive smoke and the crowding of pavements. Staff must sensibly dispose of cigarette butts and if they are not disposed of correctly, then employees are at risk of being fined for littering. Where management is aware that an employee has received a fine for littering on or around Council grounds, then disciplinary action may be taken.

6. Eliminating smoking at Trafford Council

- 6.1 All staff (whether uniformed or not and including contracted, agency and other external staff), Elected Members and visitors are not permitted to smoke on any part of the council site, including buildings, entrances/exits, cars, car parks, walkways and residences. Smoking by any member of staff whilst on the Council site, and/or during working hours (without agreement from line management) will be treated as misconduct and may lead to formal action in line with the Council's Disciplinary Policy.
- 6.2 New starters are made aware of the policy via the Council's Induction programme.

- 6.3 The Council displays and maintains signs clearly indicating the Council's No Smoking policy, stating "This is a no smoking site". Signs are arranged to cover all areas of the site, particularly entry points.
- 6.4 All members of staff and Elected Members are expected to reinforce the Council's No Smoking Policy in circumstances in which they are comfortable to do so. This includes asking service users and visitors to cease smoking on Council premises. Senior staff should support in enforcing the policy.
- 6.5 No facilities are provided on site for smoking including smoking rooms.
- 6.6 For contracted services, the contract or service agreement between the Council and the service provider will specifically require that contracted staff adhere to the Council's No Smoking policy in every respect.

7. Support with stopping smoking

- 7.1 The Council has responsibilities in relation to staff, service users and visitors and as a matter of principle provides support to staff, service users and visitors who wish to stop smoking.
- 7.2 The Council supports employees and elected members wishing to give up smoking through General Practice or local Pharmacies and through the Council's Employee Assistance service 'Workplace Wellness (0800 1116 387). The importance of smoking cessation will be highlighted at employee health and well-being events and through other health promotion activities.
- 7.3 The NHS provides web-based support at <https://quitnow.smokefree.nhs.uk> and the National Smokefree Helpline (0300 123 1044) gives access to expert advisors.
- 7.4 Face-to-face help and support including nicotine replacement therapy (NRT) is available from most of the pharmacies in Trafford. Most GPs and practice nurses can also support quit attempts including prescribing drugs to reduce the craving.
- 7.5 The Council internet and intranet websites contain links to sources of help and information regarding smoking cessation.

8. Service users and visitors

- 8.1 The Council provides posters, leaflets, and other forms of information, advising on the dangers of smoking during specific campaigns and signposting directing smokers to sources of help.
- 8.2 All Council staff should try to assist any visitor who asks for help in smoking cessation either by providing information and advice directly, or directing the individual to an appropriate source of information or assistance.

9. Monitoring

9.1 The Tobacco Steering Group will monitor the implementation of this policy.

10. Review

This policy will be periodically reviewed in order that it remains appropriate to the Council's operation, is best practice and meets legal requirements.



TRAFFORD COUNCIL

SUPPORTING TRANS* EMPLOYEES POLICY

Author

Human Resources

Date

TBC

Version

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TRAFFORD COUNCIL – SUPPORTING TRANS* EMPLOYEES POLICY

1. Introduction

- 1.1 Trafford Council recognises that understanding and valuing diversity is critical to ensuring success, achieving organisational objectives and improving public trust and confidence. The Council is committed to recruiting, retaining and developing employees from as wide a range of backgrounds as possible with a view to helping them to meet their full potential and to be treated as individuals with their contributions valued. This includes recognising and supporting a person's self-identity, whatever that might be.
- 1.2 The general aim of the guidance is to ensure that we have appropriate support in place for trans* employees. Also that no current or prospective members of staff are subject to discrimination or victimisation because they are a trans* person.

2. Scope

- 2.1 This guidance covers all employees employed by the Council with the exception of Teaching and Non Teaching Staff employed at Schools.

The specific aims of the guidance are to:

- Ensure that employees transitioning gender are treated with fairness and support.
 - Provide management guidance on the status of employees transitioning gender.
 - Detail the appropriate procedure to be followed when someone applies to the Council following gender realignment.
 - Detail the appropriate procedure when an employee states that they are planning to transition.
 - Explain what support is available to employees transitioning or who have transitioned.
- Raise awareness amongst employees of trans* issues.

3. Terminology

- 3.1 What does trans* mean?

The term 'trans' is usually used to mean 'transgender' which is an inclusive term describing all those whose gender expression falls outside typical gender norms. It is often the preferred term for those who change their role permanently, as well as others who may do for periods but not on a permanent enduring basis. The addition of the asterisk* is to signify the inclusion of any kind of trans and non-binary (not identifying with male or female) gender presentation. So 'trans*' is an umbrella term that refers to all of the identities within the gender identity spectrum.

3.2 Gender identity

Gender identity is a person's perception and experience of gender and gender role and the way in which a person lives in a community and interacts with others, based on their gender identity. There is a presumption that this sense of identity will be consistent with the sex appearance. However some people experience a gender identity that is somewhat, or completely inconsistent with their sex appearance, or they may regard themselves as gender neutral or non-gender.

3.3 Gender dysphoria

Where conforming to society's cultural expectations of gender causes a persistent personal discomfort, this may be described as gender dysphoria. When individuals seek to overcome this discomfort by living in the role that is congruent with their gender identity, ongoing stress may be experienced because of adverse reactions of others. Also dysphoria, in many trans people, includes some level of disgust with their sex characteristics, since they contradict the inner sense of gender identity.

3.4 Gender realignment process (gender transition)

Gender realignment or gender transition is the process a transgender individual undergoes to move from living in their gender assigned at birth to living in their affirmed gender (the gender they identify with). The process usually involves some form of counselling both before and after its commencement. The extent of the process can vary considerably from individual to individual; some individuals may simply dress and live in their preferred gender without any other intervention, whereas others may be prescribed hormones to alter their body and physical characteristics and may undergo a range of medical procedures.

The time it takes from first discussing the issues with a GP to complete transition can take several years and the amount of time will depend on the type of change. The first step is normally a referral by the GP to a Gender Identity Clinic (GIC) and then approximately 6 months before hormones are considered. The final stage for some individuals is to undergo gender reassignment surgery, which may be undertaken approximately one to two years after the commencement of hormone therapy and the real life test (this is the process where transgender individuals live in their affirmed gender for a period of time).

4. Legislation protecting transsexuals

- 4.1 The main pieces of relevant legislation are the Equality Act 2010 and the Gender Recognition Act 2004. The Equality Act 2010 protects individuals from discrimination based on 9 different protected characteristics including gender reassignment.

- 4.2 The Gender Recognition Act 2004 gives legal recognition to people with gender dysphoria in their acquired gender. If they want this recognition they must satisfy the Gender Recognition Panel that they:
- Are over 18;
 - Have had been diagnosed with gender dysphoria; and
 - Have lived in their acquired gender for at least two years; and
 - Intend to live in their acquired gender for the rest of their life.
- 4.3 If successful, the individual will be issued with a Gender Recognition Certificate. This certificate ensures that they are afforded all the rights and responsibilities appropriate to a person of their acquired gender. They will be able to get a new birth certificate, and marriage or civil partnership (where required).
- 4.4 Many trans* people choose not to get a Gender Recognition Certificate and because it is completely optional and isn't required by employers, employees should never be asked to show a Gender Recognition Certificate.
- 4.5 If someone has transitioned from one gender to the other and it is unknown whether or not they have a Gender Recognition Certificate, it should always be assumed that a Gender Recognition Certificate is held.
- 4.6 Alternatively, individuals can get their consultant to write a letter detailing their transition, which can be used to change name and gender details on their passport. However this can't be used to change their birth certificate.

5. Responsibilities

5.1 Managers

- Ensuring trans* individuals are treated with fairness and support.
- Managing the transition process where an employee is changing their gender role in the workplace.
- Taking responsibility for informing colleagues/clients/customers about the transition or supporting individuals who would prefer to disclose the information themselves.
- Supporting and monitoring sickness absence; dealing with requests for time off relating to gender realignment by applying the Council's Attendance Management Policy.
- Monitoring how the employee is being treated by colleagues.
- Recognising when support is required by colleagues, who might find themselves in a new situation beyond their experience.
- It may be useful to undertake research on trans* issues if they have limited knowledge of the area.

5.2 Human Resources

- Providing support and advice during gender realignment.
- Advising on time off for gender realignment treatments.
- When an employee transitions, ensuring personal data and relevant documents are amended as appropriate to ensure confidentiality and to prevent disclosure.

5.3 Employees

- Treating colleagues with dignity and respect, in accordance with the Equality and Diversity Employment Policy.
- Attempting to understand the needs of and support required by trans* employees.

5.4 Occupational Health

- Providing support and advice during gender realignment.

6. **Recruitment**

6.1 The Council seeks to attract, recruit and retain people of the highest calibre by ensuring that we have fairness and equality in its employment practices and processes. It is committed to ensuring potential employees are not discriminated against in the recruitment process.

6.2 Selection and interviewing

Many trans* people have experienced prejudice and harassment as a result of disclosing their trans* identity and therefore may not wish to disclose this when seeking employment. There is no legal requirement for a transgender individual to disclose that they have transitioned from one gender to the other except in very specific circumstances where there are Genuine Occupational Qualifications (“GOQs”) linked to particular roles. The GOQs do not apply where the individual has obtained a Gender Recognition Certificate. An individual should not be asked what their gender is at interview or whether they are transgender.

6.3 Documentation

Any forms and documents provided during the interview and resulting procedures are confidential and will not be accessed by anyone outside the Human Resources/Occupational Health Department unless there is a reason that they need to access it.

Sometimes it may be necessary for a transgender individual to disclose a previous identity so that references from past employers can be obtained. This information is classed as “a special category of personal data” under the General Data Protection Regulations and must be treated in accordance with the regulations.

6.4 Disclosure and Barring Service checks

If disclosure from the Disclosure and Barring (“DBS”) is required as part of the recruitment process, applicants must disclose any previous names and/or gender directly to the DBS. Transsexual applicants may make use of the special application procedure established by the DBS so that their previous name is not disclosed to the Council.

7. Gender Realignment (Transition) procedure

7.1 Agreeing how to manage the process

When an employee plans to transition gender, there should be a discussion with them about who the main point of contact should be to support them with the transition. This is most likely to be the individual’s manager but may depend upon the personalities involved and their knowledge and experience of gender realignment.

In order to support and manage a person’s transition, the employee and their manager or contact person, should put together an action plan so that both are clear on the best way to deal with the different aspects of it. The key to this is that no assumptions are made and decisions are made after discussion with the individual. Nothing should be done without the consent and knowledge of the employee.

As far as possible, any potential issues should be identified and resolved by considered, sensitive and well-documented discussions before they arise.

HR can provide support, however the employee should give the manager explicit consent for them to approach HR to discuss them by name.

7.2 The Action Plan

The action plan is an agreed document that sets out how the transition will be managed. It will include advice and support from the following where applicable: Human Resources; Occupational Health; the unions, and; any other agreed source. Matters to be detailed in the action plan may include the following.

7.2.1 Change in social gender

This is when the employee changes their name and starts presenting at work in their affirmed gender. Whilst this usually takes place shortly before or during hormone therapy, it may occur years before the final surgical procedure (if that is the individual’s intention).

In relation to change in social gender, the following issues should be discussed.

Informing colleagues, clients and customers

It is good practice for the manager, with the individual's explicit agreement, to take responsibility for informing whoever needs to be made aware of the change. However, if the employee wishes to do this themselves, the manager should be told when they will tell people and in what detail, so that they can agree and provide appropriate support.

The timing of this communication should be agreed, and will often be linked to the date that the individual will first go into work in their affirmed gender.

It is never appropriate to inform colleagues, clients and the public that an employee has in the past undergone gender realignment and is actually a criminal offence to disclose their gender history without their consent (if they have a Gender Recognition Certificate). The individual can tell people this if they feel that they wish to.

Information that should be given to colleagues

Information should be provided on two levels and the content discussed with the individual.

- General information about trans* issues.
- Specific information to enable employees to understand the needs of their colleague. At the point of change of gender role, it is common for the person transitioning to take a short time off work before returning in their new gender role and using a new name. This period is often used by managers to brief others.

Managers must be aware of any concerns that staff have regarding the transition process and attempt to resolve any issues quickly.

Treating colleagues with fairness and respect

All employees must refer to the individual by their new name and use the right personal pronouns (e.g. 'he', 'she') for their affirmed gender. However it is accepted that initially after the individual has transitioned, colleagues may make mistakes and accidentally use their "old" name or an incorrect personal pronoun, which is normally due to habit which can take some time to change. However it is unacceptable to deliberately use the wrong name or personal pronoun.

All employees are entitled to equal support and protection from the Council to ensure they are not the victims of harassment and bullying (see Dignity at Work Policy). Inappropriate treatment of staff who are dealing with trans* issues or who have relatives who are dealing with such issues is unacceptable. Any incidents of misconduct, harassment, bullying or victimisation should be dealt with quickly and in accordance with the appropriate policy.

Use of facilities

Part of the discussion with the individual will involve agreeing the point at which they will switch from using male to female or female to male facilities, such as changing rooms and toilets.

Individual circumstances will have to be taken into account when agreeing a suitable point. This could be the point when the individual changes their social gender. From the agreed date, the individual will use the appropriate facilities and it would not be acceptable to expect them to use separate facilities, such as a disabled toilet. However, during the earlier stages of realignment it may be appropriate to designate a specific toilet for their use and the individual may prefer to use a disabled toilet. There will be different personal preferences on this.

7.2.2 The employee's job

Where this is a viable option and in exceptional circumstances only, consideration should be given as to whether the employee wishes to stay in the same job and location or whether they would prefer to move post and/or location. In the rare cases where a Genuine Occupational Qualification applies to the post, a change of job may be required.

7.2.3 Time off

This will range from time off for appointments which may require a part or full day, to prolonged periods of time off to recover from surgery. Appointments with the Gender Identity Clinic are compulsory and if appointments are missed the individual can be discharged and have to be re-referred by the GP, so staff should be released wherever possible for these.

Counselling & Medication

The initial stage of realignment, which takes the form of counselling and medication, may take several months or years. Where there is choice in the timing of appointments they should be arranged to fit with work commitments. However in some cases there may be little choice in the timing of appointments and wherever possible employees should be released, particularly for GIC appointments, which are normally given with a reasonable period of advance notice. Taking hormones can cause changes in mood and it can take a few months for moods to level out as the individual adjusts so some flexibility and additional support may be required during this period.

Surgery

There are a range of surgical procedures that may be undertaken. There is typically a period of one or more years following counselling and medication before an individual is accepted for surgery. As far as possible, managers should discuss how much time the employee would need to take off work.

This will vary from 2 weeks to around 16 weeks, depending upon the nature of the surgery.

After a return to work after recovery from surgery, there may be after-care required which may mean some flexibility in the individual's working pattern is required.

Sickness Absence

Employees undergoing medical and surgical procedures will normally require time off work and the amount will vary. The Council will show the same flexibility as it would for someone undergoing any other serious operation or medical treatment, as outlined in the Council's Attendance Management Policy, which provides for a maximum of three months full sick pay and three months half sick pay. Flexible working patterns and requests for unpaid leave could also be considered.

Complications may arise following medical treatment or surgery, resulting in prolonged incapacity for work. As with any other long-term illness, the individual will be supported and monitored by their manager, guided by the advice of Occupational Health and Human Resources

Other Treatments

There are other appointments that staff may need as part of the transition and some may be ongoing years after the main transition. These include electrolysis and voice training.

7.2.4 Dress codes

If a dress code applies to the employee's job, consideration must be given as to what, if any, flexibility should be applied to accommodate the transition.

7.2.5 Record keeping

As noted already it is a criminal offence to disclose the fact that a person with a Gender Recognition Certificate has changed gender, without their permission. When a person transitions, their manager or contact person should liaise with one appropriate named person in the Greater Manchester Shared Service (GMSS) to ensure the process of dealing with employment records is managed in line with data protection principles.

Updating Records

All personnel records must be updated at the time of the transition. New records should be created rather than amending old ones, to ensure confidentiality. In some cases records may need to be retained, however they should be sealed for use in specified exceptional cases. All General Data Protection Regulation principles and rights must be adhered to.

Replacing Documents

Where copies of documents (such as birth certificate, exam certificates etc.) have been received by the Council at the commencement of employment, every effort must be made to replace these documents with equivalent documents in the employee's new name and gender. This is dependent upon the employee having got updated versions.

Unless a person holds a Gender Recognition Certificate, they cannot alter their birth certificate. However, they can obtain other documents in their new identity, such as:

- passport
- driving licence
- national insurance number

Public References

All documents, public references (such as telephone directories), intranet contacts and employment details must reflect the affirmed gender of the individual. This will prevent any breaches of confidentiality.

Access and Disclosure

Access to records showing the change of name and any other details associated with the transsexual employee's status (such as records of absences for medical treatment) must be restricted to those who require the information in connection with their work.

The General Data Protection Regulations limit the purposes for which information may be kept and states that where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed it should be erased.

Applications for Gender Recognition

The Gender Recognition Act states that an individual's application for gender recognition and gender history are "protected information" and it is therefore a criminal offence to disclose this information unless the individual cannot be identified or gives their consent.

Secondary Level Disclosure

Trans* employees may choose voluntarily to disclose information at a secondary level, for example, when asking for support from their line manager. However, once again, strict confidentiality must be observed, as further disclosure must not be made without the express permission of the individual.

References

When an employer is asked for a reference for a trans* employee, they must provide it, without any reference to the fact that the person involved has changed their gender.

8. Review

This policy will be periodically reviewed in order that it remains appropriate to the Council's operation, is best practice and meets legal requirements.

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Workforce Update

6 month summary

Oct 17—Mar 18



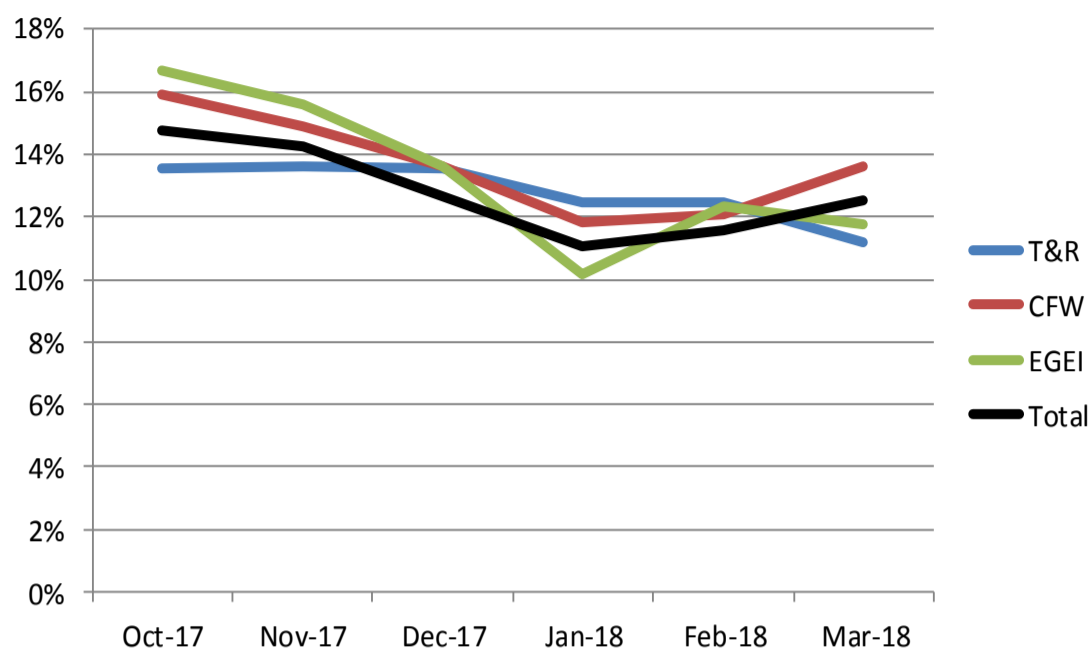
Five Ways
to Wellbeing



RESOURCING

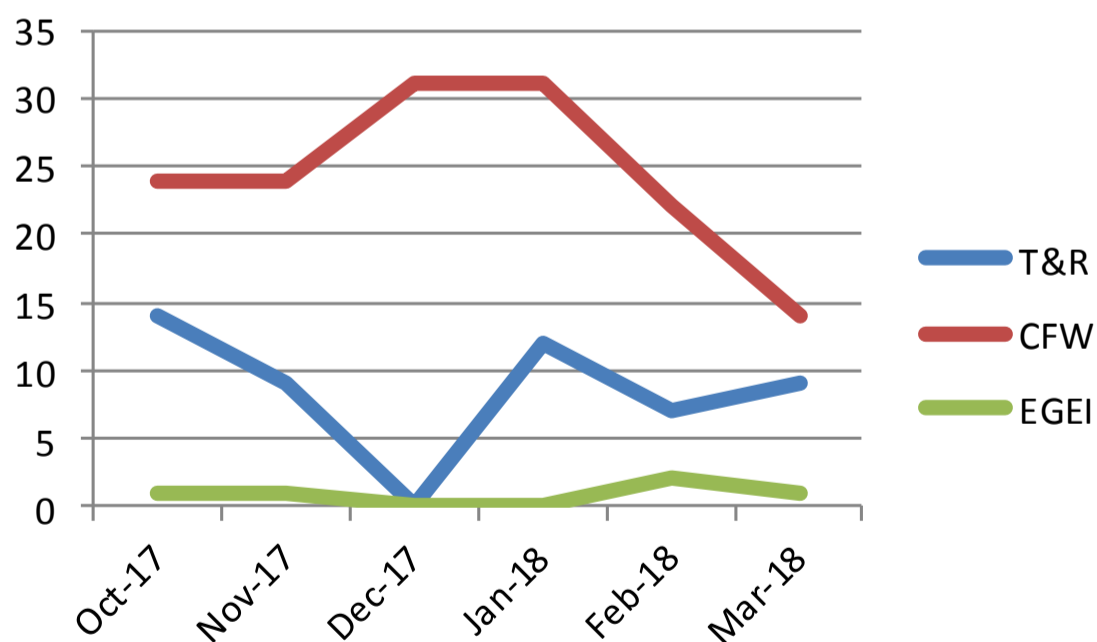


Turnover (year end projection)



Average labour turnover in the UK is c15% and the public sector average is c14%. Within the Council in 2016/17 turnover was 10.68% and 2017/18 it was 12.54%, both below the national averages. Turnover has reduced overall over the 6 month period in question. Levels tend to remain more stable in T&R and CFW and fluctuate more within EGEI due to the significantly smaller size of this directorate, so a small increase in staff leaving can cause a large spike in the turnover level. 128 employees left in the period and of these 80 were resignations (62.5% of all leavers).

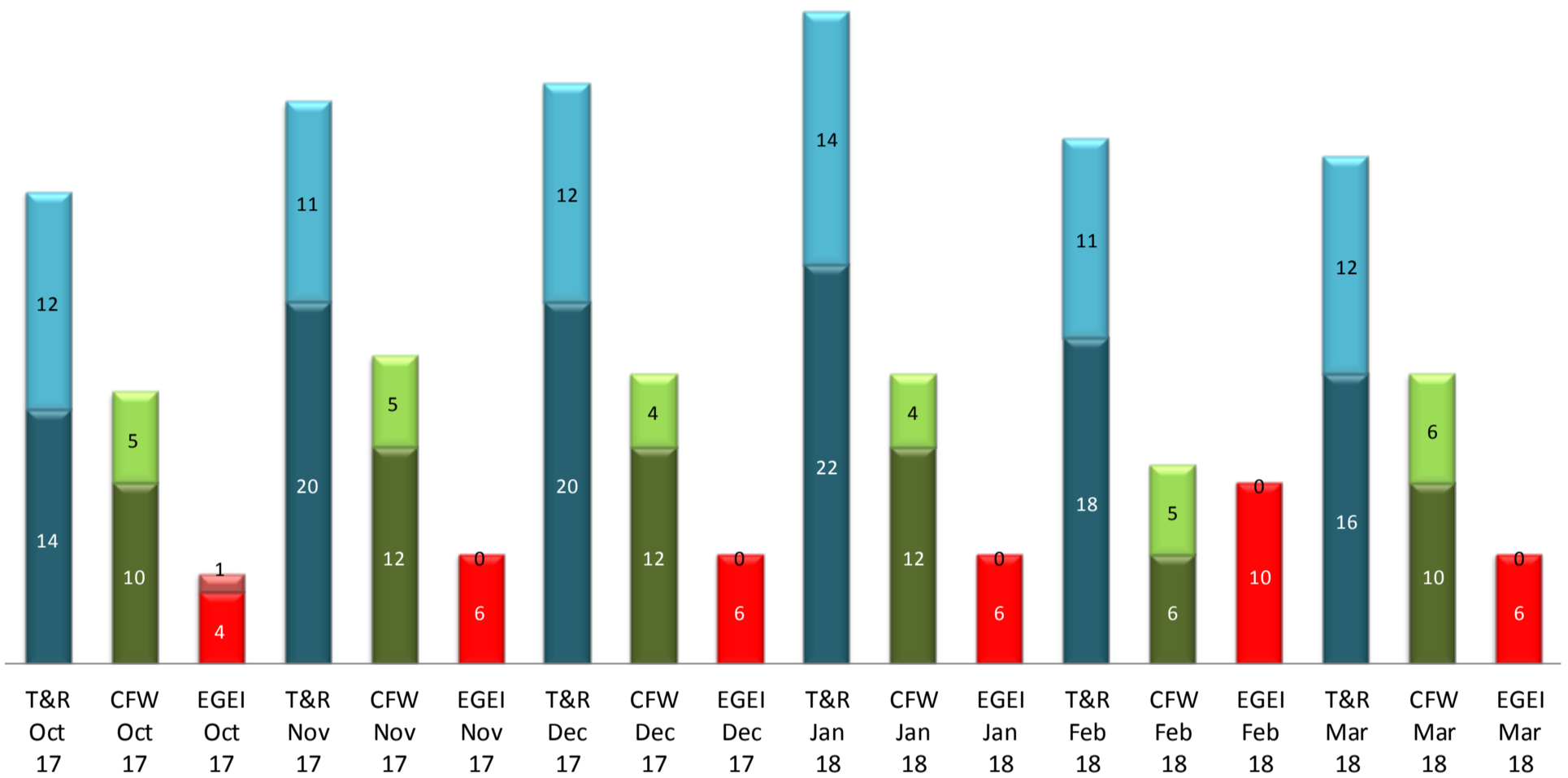
Vacancies Approved



The number of vacancies approved each month is significantly higher within CFW than T&R, despite T&R having a slightly larger headcount. The level of turnover during the period was similar (60 leavers in CFW in the period and 65 leavers in T&R), however CFW's establishment increased by 29. The higher number of vacancies being approved may also be due to organisational change such the Health and Social Care transformation (following the successful Transformation Fund bid). There were spikes within CFW in December 2017 and January 2018 which followed meetings held with budget holders late November, to amend some staff establishment levels (creating new posts and also deleting existing posts). EGEI had a very small number of vacancies approved during the period across different services. Within T&R there are peaks of activity in October and January and the roles approved are across different services.



Acting Up and Honoraria by Directorate and Month



The above chart shows the total activity for acting up (the top section of the bar) and honoraria (the bottom section of the bar) for each directorate for each month in the period.

In overall terms, the number of acting-ups tend to be more stable with much more variation of the numbers of honoraria in the period. Some of these are due to short term development opportunities to back-fill higher banded post vacancies or cover maternity leave.

It can be seen that the level of act-ups and honoraria are significantly higher within T&R, which will be to cover the nature of their workforce and project work ongoing within the Directorate.

The acting-ups within CFW were across different services and the acting-ups within T&R were also across different services, including 3 in Communications linked to the UA92 work, 2 in HR and 2 in legal.

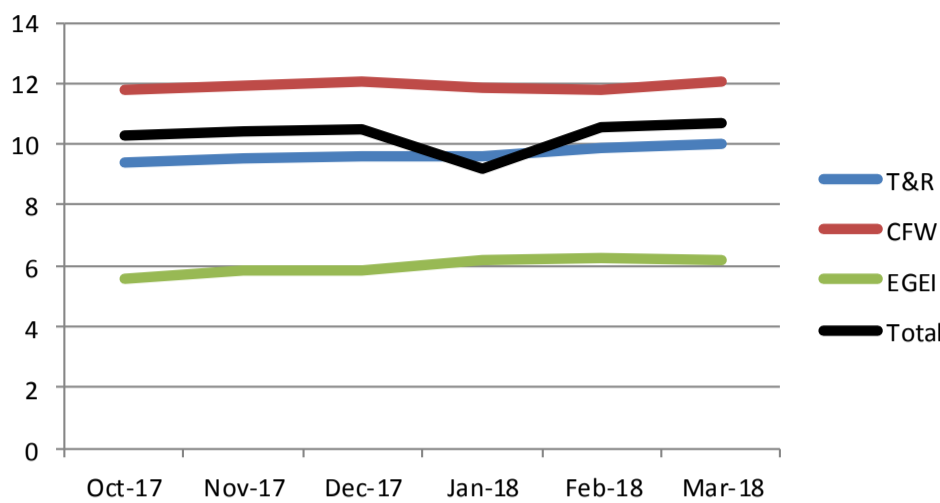
The honoraria within CFW were mostly across different service with 2 Senior Practitioners in the Screening Team and 2 in Adaptations. The honoraria within T&R included 8 in HR, 4 in Finance and 2 in Exchequer Services. Within EGEI they were in different services however with 2 in Planning due to their restructure.

RESOURCING

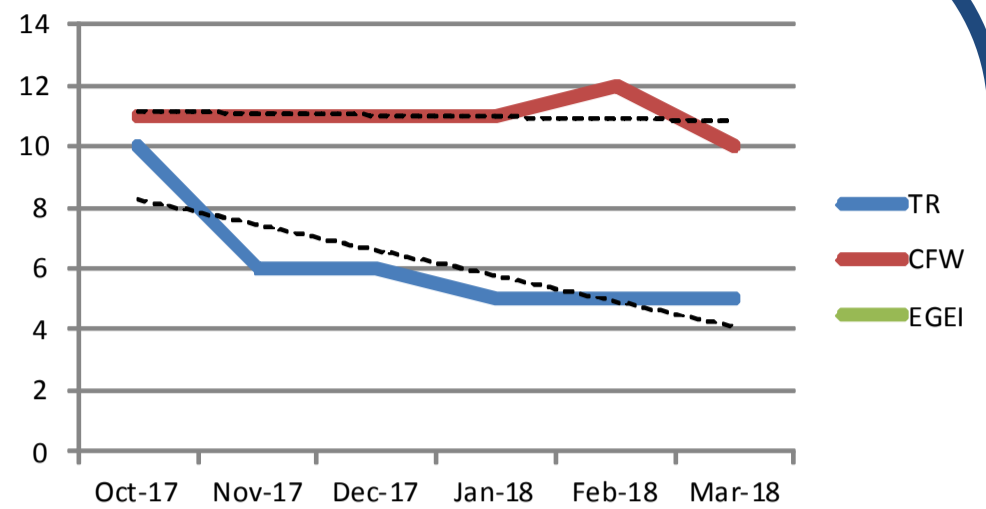


Five Ways to Wellbeing

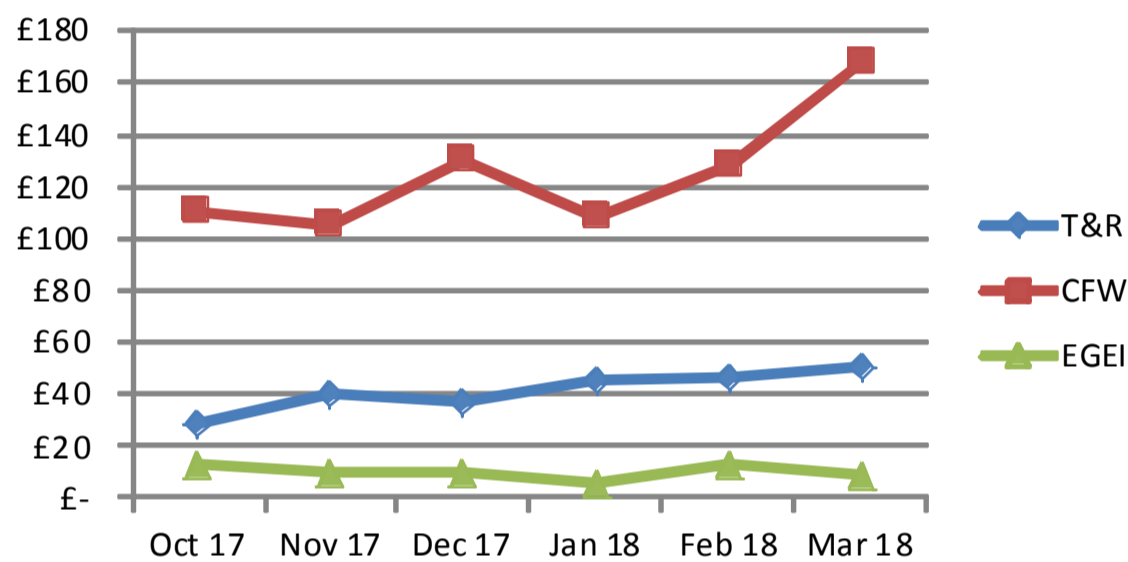
Sickness (days lost)



Employee Relations activity



Agency Spend (thousands)



- Sickness absence increased slightly over the period from 10.26 days lost in October 2017 to 10.71 days lost in March 2018. Levels within each directorate remain fairly stable with the number of days lost varying between directorates being due to the type of workforce and the differing nature of the work they undertake. The Council's target remains at 8.5 days and we have been working with services to try to reduce absence levels. During the period 7 workshops were held for managers which looked at the practical aspects of managing attendance. These were well received. The Attendance Management policy is being reviewed and workshops have been held so that managers have the chance to give feedback.
- The employee relations activity (disciplinary, grievance, dignity at work and capability cases) also reflects the nature of the workforce, with levels consistently highest in CFW and no issues within EGEI in the 6 month period. Levels have decreased over the period with 20 cases ongoing in October 2017 and 15 cases in March 2018. 17 staff, which equates to 13% of the leavers in the period were dismissed during the 6 months for, misconduct, capability, SOSR, health, failing probation or a settlement agreement. We launched new Disciplinary, Capability and Grievance policies which are more streamlined, consistent and should make managing these processes easier for managers.
- Agency spend is consistently higher in CFW due to the requirement to back-fill many more types of post. Within CFW and T&R, monthly spend has increased overall during the period. Within CFW there were peaks in December (likely due to winter pressures) and in March (in part due to year end invoicing). Total spend for the period was just over £1m and of this 63% was on our care services. The spend breakdown by reason for cover is as follows: vacancies - 64%; sickness - 17%; workload peak, project work - 13%, and; holidays, maternity, paternity, training etc. is 6%.

WELLBEING



Following the success of Trafford Council receiving a CCG Recognitions Award for its Employee Health and Wellbeing Strategy, a strong focus continued in delivering initiatives that support good mental wellbeing and increasing awareness of tackling mental health issues. Ongoing staff communications and interventions aimed to encourage staff to speak openly and have a greater understanding of mental health issues that may be affected by work and home matters. Of particular note: we introduced a new employee assistance provider who offer counselling amongst other services: we have highlighted National Events such as Mental Health Awareness day, and; we have provided the innovative Mental Fitness 'Offload Programme' which was extremely well received by staff.

Monthly highlights are detailed below.

October

- Annual Employee Recognition Awards ceremony held at LCCC.
- Team sharing lunch for World Mental Health Day to get staff to leave their desk and take time to talk and listen to colleagues.
- Council teams involved in a football tournament with Trafford Leisure.

November

- A Trafford Senior Leaders Networking event was held, with a focus on mental health and wellbeing.
- Flu vaccinations were provided for the workforce at TTH, Sale Waterside and Ascot House.
- A new and more comprehensive employee counselling service was launched.
- Four 'Have Your Say' Social Care staff sessions took place as part of the focused review of wellbeing issues within CFW Health and Social Care Services.

December

- A Health and Wellbeing Fun day was held at Sale Waterside and included: Desk Based Head Massages, Free cycle servicing, Health checks, DSE Assessments, Desk MOT's and standing desk demonstrations, Discover Guide Dogs etc.
- A 6 Week Yoga programme for staff was offered at TTH and Sale.
- A Christmas Market including local choir was held at TTH for staff.
- Staff donated to 20 Charities during 2017 raising a total of £8715.

January

- The Mental Wellbeing programme 'Offload' commenced with an excellent level of staff attendance, providing unique mental health support sessions for our workforce.
- The 'Working Together for Trafford' staff engagement event was run with a 'wellbeing theme' including health checks, discover guide dogs and treatments.

February

- Winter Walking Week (17-25 February) was promoted to the workforce encouraging them to get outdoors. and take advantage of over 100 free guided walks
- The Trafford Carers group met providing support to our staff who are carers.
- 7 pension financial advice sessions were provided for staff including presentations and one to one sessions.

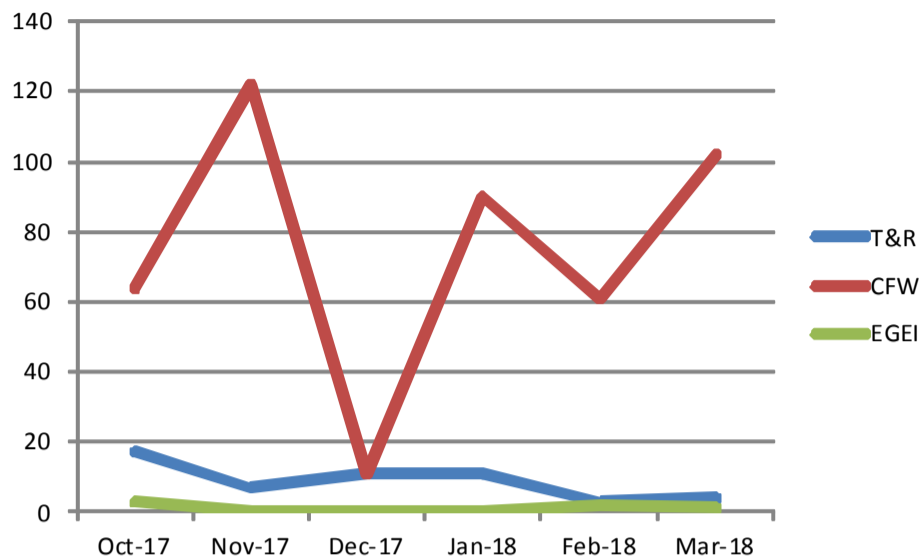
March

- A Health and Wellbeing roadshow was provided for Health and Social Care staff at Trafford's first Children's Social Care Conference.
- Colleagues at Talk Shop received 10 minute head massages to help them take time out and support their wellbeing.

TALENT



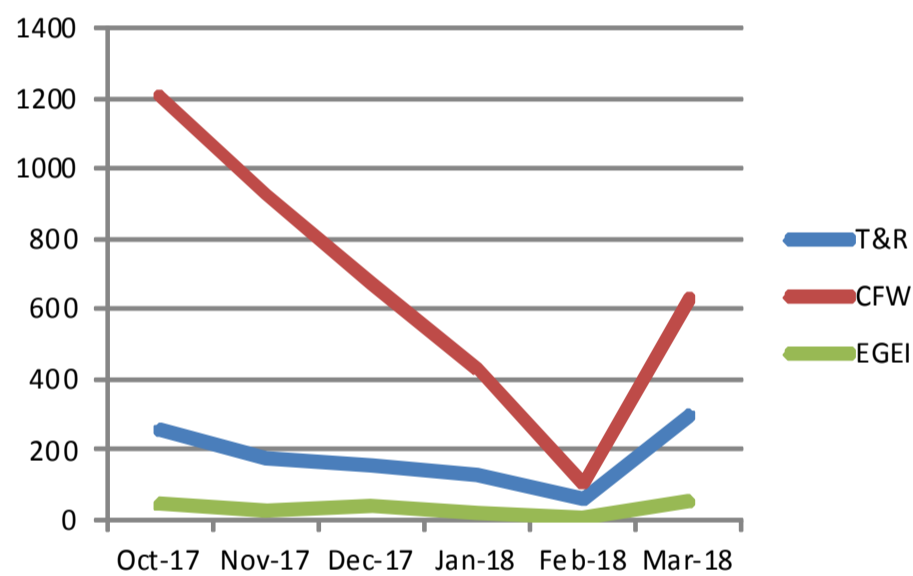
Attended Classroom Courses



This details the number of delegates from each directorate, over the 6 month period, who attended a classroom training course.

The dip in activity for CFW in December is seasonal and due to the decision making when scheduling courses. Less are booked in for December as the Christmas period is approaching and it may be more difficult to gain uptake. Most are scheduled for January so that staff can undertake the training when less distracted and when they can immediately put the skills into practice.

Completed E-Learning courses

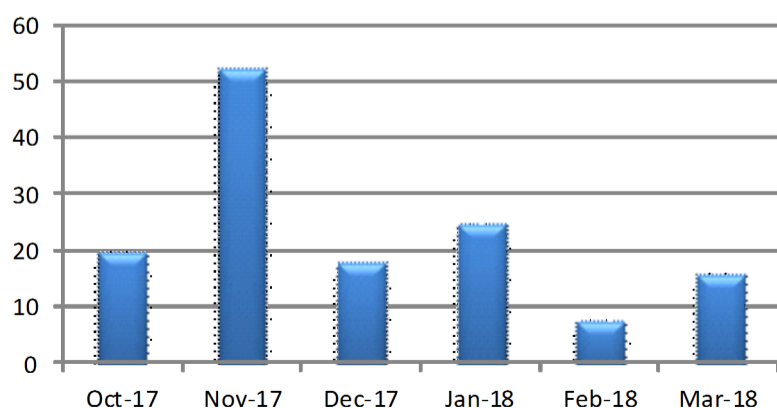


This details the number of E-Learning courses completed by staff within each directorate, over the 6 month period.

Within CFW there is a steady decline in course completion from October to February. This is because the 'All Age' staff were given 4 new mandatory courses to undertake. As staff completed these courses the levels dropped off (as no longer requirement for these to be done). The rise from February to March for all directorates is due to mandatory GDPR training being assigned to all staff on 9th March.

Train Trafford allows external organisations to access places for their staff on Trafford Council training courses. There are a variety of courses on offer. This improves consistency and quality of training.

Number of Delegates on courses per month

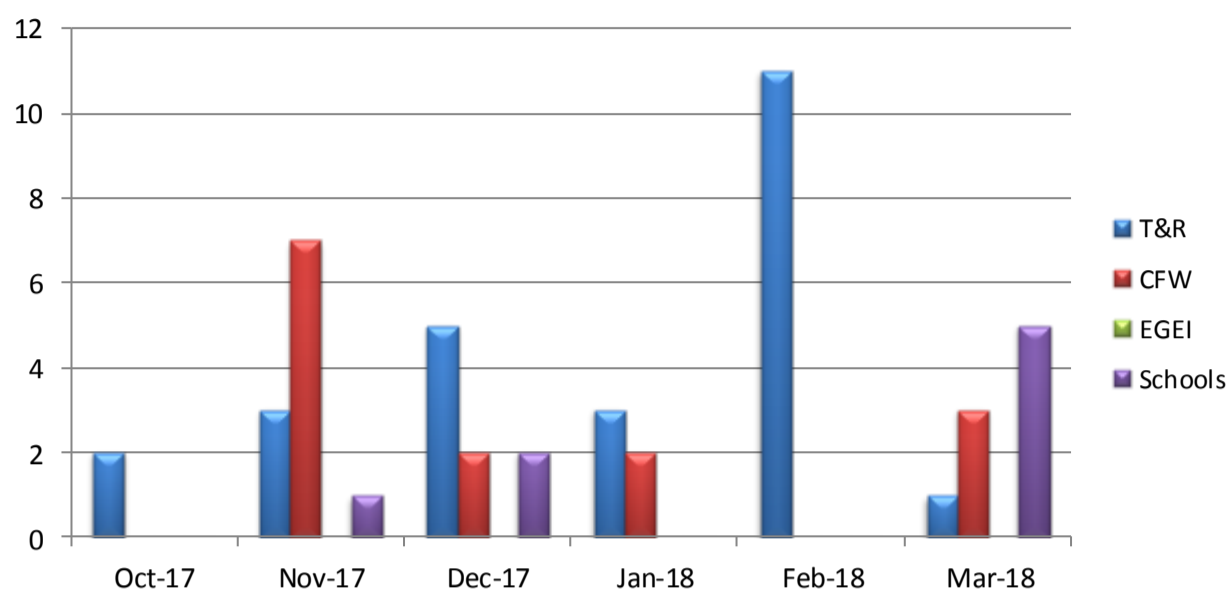


November uptake was particularly high as training was purchased for Safeguarding Adults: Basic Awareness Training (22 delegates) and Infection Control (18 delegates). Safeguarding Adults was a popular course as this is highly in demand generally. The course had been requested by providers who wanted council involvement in the training. Infection control was likely to have been popular with the flu season underway.

These two course were also the most highly sought after courses over the 6 month period (in total 63 and 34 delegates respectively).



Apprenticeship Starters and Conversions



Apprenticeship New Starters						
Directorate	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18
T&R	0	2	0	0	0	0
CFW	0	0	0	0	0	1
EGEI	0	0	0	0	0	0
Schools	0	0	1	0	0	0

Apprenticeship Conversions						
Directorate	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18
T&R	2	1	5	3	11	1
CFW	0	7	2	2	0	2
EGEI	0	0	0	0	0	0
Schools	0	1	1	0	0	5

This graph displays both apprenticeship starters and apprenticeship conversions for each service area for each month. The tables break down the totals into starters and conversions.

In February there was a high level of activity within T&R due to a large cohort of catering staff being enrolled on Levels 2 and 3 Professional Cookery or Hospitality courses. The influx in November in CFW is due to Leadership and Management apprenticeship conversions, particularly in Adults Social care staff.

Although looking at the table of new starters the uptake of apprenticeships can look low, this is because many of our existing apprenticeship positions had been filled earlier in the year.

In October 2017, we had a number of ongoing Apprenticeships - 42 in total - but this figure includes apprentice starts prior to the target being implemented in April. Since the Apprenticeship Levy was implemented, there have been 24 new apprenticeships.



Council and CCG Integration

An OD support programme has been agreed for the CCG and Council Integration. North West Employers will support areas of the integration namely the values, staff engagement and change management.

This programme consists of an online pulse check survey which will be carried out in June and will be followed by an on-going series of face to face workshops with staff starting in July. As part of this North West Employers will also carry out some change management support with our domain working groups.

Place based working

Working with the partnerships team we have developed a workforce development framework for place based workers in Trafford. This will be piloted in the North of Trafford with c1,000 people, and will consist of an induction and an enhanced skills training programme.

The training will be delivered in a categorised and pertinent way, for example the Joint Place-Based Induction will be delivered to every worker; the enhanced skills will be delivered to those working directly with individuals, families and households in the place based model, with added extras for managers and leaders; and the tools will be a pick and mix offer depending on the role and the relevant tools needed. This has been out to tender and the award has been made to Coaching Works4 me who we will start to work with straight away with a view to piloting and testing the programme in September 2018.

CFW Health and Wellbeing Review

A comprehensive review of CFW Social Services was undertaken to identify where improvements could be made in key areas to enhance the wellbeing of the workforce. The subsequent report considered a range of issues affecting staff including absence, recruitment and retention and work demands. This was presented to both Employment and Scrutiny Committee. A number of recommendations were provided which would address the range of issues affecting staff wellbeing both within these Services and also across the organisation. A range of work streams are now being delivered to support those recommendations including attendance management workshops for managers with improved access to absence data, provision of mental health awareness and support training, a health and wellbeing strategy with renewed emphasis on mental wellbeing available across Trafford locations and a revision of the workforce appraisal scheme which has wellbeing as an integral part of the process.

Gender Pay Gap Reporting

In March 2018 the Council published their gender pay gap figures for the first time. (based on hourly rates in March 2017). Our overall mean gender pay gap is 10.7% and the median is 17.0% - nationally the median gender pay gap was reported at 18.1% in 2016, so ours is lower. Our gender pay gap is significantly affected by: occupational segregation; having a predominantly female workforce; having a large proportion of part-time roles, and; having an older workforce. Although there are many factors that aren't easy to control in relation to the reason for our gender pay gap, we are exploring what measures might reduce the gap.

New PDR and organisational Values

We have carried out a number of workshops with staff in November 2017 and May 2018 to develop a new simple and meaningful performance management framework and a new set of simple and shared values. This is currently being collated and a report written for CLT with a view to holding a leadership day to hone them, and aiming to have the signed off values by the end of July 2018.

International Women's Day

On 8th March we celebrated International Women's Day, which has the aim of achieving full gender equality for women across the world. We had 2 fantastic and inspiring speakers, Gillian Bishop, Chief Executive of NWE0 and Collette Roche, Chief of Staff at Manchester Airports Group.

Employee Recognition Awards

Our 6th Employee Recognition Award event fully funded by sponsors was hosted in October at Lancashire Cricket Club. A 'Big Swing Band Theme' with Key 103 DJs Mike Toolan and Kym Marsh from Coronation Street as comperes. Guests who had been nominated for an award, along with their nominator, enjoyed a great evening of celebration and entertainment.