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TRAFFORD COUNCIL

AGENDA PAPERS FOR

EMPLOYMENT COMMITTEE

Date: Monday, 29 June 2020

Time: 4.00 p.m.

Place: Virtual Meeting
The meeting will be streamed live at
https://www.youtube.com/channel/UCjwbIOW5x0NSe38sgFU8bKg

A G E N D A	**PART I**	**Pages**

1.   **ATTENDANCES**

To note attendances, including Officers and any apologies for absence.

2.   **MINUTES**   To Follow

To receive and if so determined, to approve as a correct record the Minutes of the meeting held on 2 March 2020.

3.   **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.

4.   **QUESTIONS FROM THE PUBLIC**

A maximum of 15 minutes will be allocated to public questions submitted in writing to Democratic Services (democratic.services@trafford.gov.uk) by 4 p.m. on the working day prior to the meeting. Questions must be relevant to items appearing on the agenda and will be submitted in the order in which they were received.

5.   **HR SERVICE - WORKFORCE UPDATE**   1 - 16

To receive a presentation from the Corporate Director of People.

SARA TODD
Chief Executive

Membership of the Committee

Councillors J. Bennett (Chair), A.M. Whyte (Vice-Chair), D. Acton, A. Akinola,
M. Cordingley, J. Holden, B. Rigby and R. Thompson.

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

Alexander Murray, Governance Officer
Tel: 0161 912 4250
Email: alexander.murray@trafford.gov.uk

This agenda was issued on **Friday, 19 June 2020** by the Legal and Democratic
Services Section, Trafford Council, Trafford Town Hall; Talbot Road, Stretford,
Manchester, M32 0TH

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Employment Committee Update Report

HR Service

29th June 2020

Sickness absence Jan – June 2020

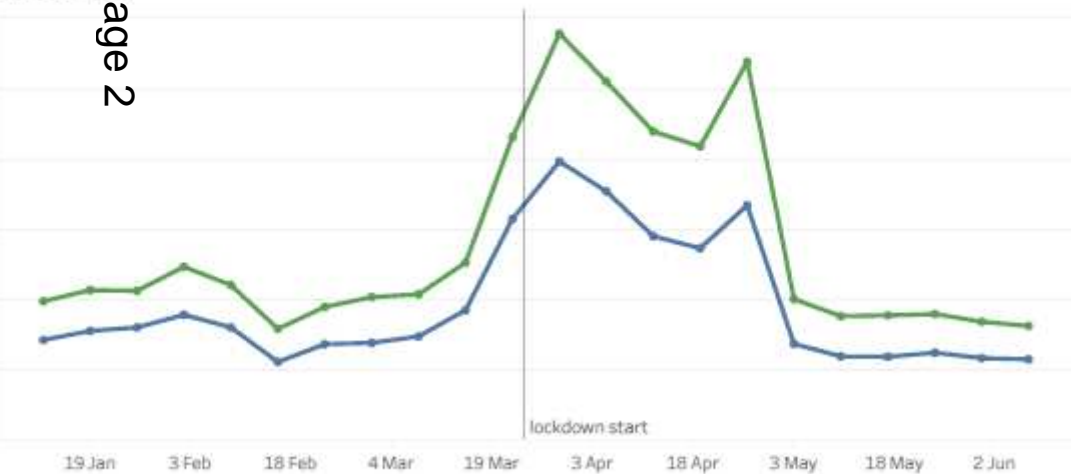fford Council - staffing

164
members of staff
absent

117
full time
equivalents
absent

96.0%
of headcount
available to work

96.3%
of whole time
equivalents

Absence FTE
Absence Headcount

Availability by week

Current availability by directorate

Directorates

Directorates		
Adult Services	91.2%	
	90.4%	
Childrens Service	95.1%	
	94.7%	
Finance & Systems	95.5%	
	97.2%	
Governance & Community Strategy	94.6%	
	93.0%	
People	97.4%	
	96.7%	
Place	98.1%	
	97.4%	
Schools	98.4%	
	98.0%	
Total	96.3%	
	96.0%	

0% 20% 40% 60% 80% 100%

Availability rates are for all staff within the directorate

ence by week

19 Jan   3 Feb   18 Feb   4 Mar   19 Mar   3 Apr   18 Apr   3 May   18 May   2 Jun

lockdown start

sence FTE
sence Headcount

95%

90%

85%

80%

75%

70%

1 Feb   1 Mar   1 Apr   1 May   1 Jun

lockdown start

Workstream	Work Overview	Key Outcomes / Deliverables
L9: ution of PPE to orkers	The Trafford and Manchester Mutual Aid Hub is an emergency service based on the urgent supply of PPE equipment to ensure key workers have the protection they need to provide essential services and includes our Trafford Core and Commissioned Services.	The Hub continues to provide a contingency supply of PPE where services are unable to access stock through their usual supply routes or national supply lines. The hub project team consisting of Trafford and Manchester colleagues now has defi systems in place to: • **Analyse and track demand** for PPE based on need and government guidance • **Procure** mutual aid **stock levels** • **Manage the ordering and distribution** of required **PPE** where it is needed on a **next day delivery basis and weekend collection arrangement.** • **Provide guidance** on the process and appropriate use of PPE PPE where needed, continues to be pushed out to our Trafford Core Services. As the lockdown measures ease, close liaison with teams ensures that any PPE needs are met as services reopen within the community and to the public. **Three million pieces of PPE have now been distributed via the Mutual Aid Hub since the start of the operation in March. The have gone to a wide variety of healthcare settings care homes and domiciliary care within Trafford.**
L9 / BAU: g and Handling ple – Temporary nal Online g Resource	Moving and Handling training is an essential part of induction and mandatory training requirements within some of our Health and Social Care Services as staff are recruited or redeployed to support these services during the COVID-19 outbreak.	• The Health and Safety Team continue to support this increased training need with the **delivery of the online Moving and Handling Training and Support Package.** • The system is now being used by staff in Ascot House, Care at Home and Supported Living Services providing effective additional training for existing and new staff. It includes **online videos, safe systems of work** and **training tools** The syste is also being rolled out to our Trafford Transport Provision (TTCU). All staff are receiving tailored training records to monit their competence in moving and handling tasks. • Socially distanced face to face **manual handling training** has also been provided to nearly 30 newly deployed staff at Asc House to provide them with the additional support they require in their new roles.

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Workstream	Work Overview	Key Outcomes / Deliverables
19: g our Trafford gs COVID	In line with Government Guidance, we ensure that those colleagues who can work from home continue to do so. Some key services will still need to operate from our office buildings.. We therefore, have adopted a number of practical measures to ensure our buildings are and remain COVID secure.	A Workforce Re-integration Group provides a cross functional team to develop a safe process for return of staff. Health, Saf and Wellbeing underpins that process in line with Health and Safety Legislation and Government Guidelines. Sale Waterside and Trafford Town Hall have been subject to a **COVID19 Buildings Risk Assessment** to minimise the risk of infection and transmission of COVID 19. Practical measures include: • We are currently **managing the occupancy of our main buildings to 20% of our normal capacity** • **Social distancing arrangements** in place through one way systems, restrictions on desk use and managing occupancy in kitchens, toilets and meeting rooms • **Increased cleaning regimes** and hand hygiene arrangements • **Screens being installed** at public facing areas Guidance has been produced for managers and staff to inform of these arrangements A template COVID19 Building Risk Assessment has also been developed for Premises Managers to put into place arrangements at other buildings with the support of the Health and Safety Team. Work is currently underway to support the reopening of our Registrars Service and Libraries.
19: er Support and ce	A framework of guidance has been developed to support Service Leads and Line Managers in putting into place the arrangements to mitigate the risks of COVID19 to their teams.	Managers and Heads of Service have a vital role in making sure that colleagues can **work safely and their health and wellb** is supported. #StayEPIC support has been developed including: • **Supporting working from home** where possible and guidance to ensure this can be done comfortably • **Risk Assessment templates** and guidance in place for our buildings, delivery of our services and the individual assessme for staff at greater risk. • **Wellbeing support** including returning conversations, 'check in' and a range of wellbeing guidance for managing change, resilience and mental health and wellness Information is being provided through dedicated Managers Guidance and intranet pages.

alth, Safety and Wellbeing

Workstream	Work Overview	Key Outcomes / Deliverables
19: Schools rt	Supporting the reopening of schools to further year groups in line with Government Guidance	School settings including our community schools have been supported in the in putting into place the arrangements for the safe return of staff and children to the classroom. Measures have included: • The provision of a **Schools overarching COVID19 risk assessment** to identify and put into place the arrangements to prot staff and pupils form COVID19 related risks. • Participation in a multi-disciplinary **Schools Panel** consisting of representatives from HR, Health and Safety, Education, Public Health, and cleaning services to have oversight of the risk assessments being produced and offer any further sup or guidance • The provision of **Schools Guidance and individual risk assessment of persons at greater risk** from COVID19 in line with government guidance evidenced based data
19 :Test and	In support of the NHS Test and Trace Guidance, local arrangements are also being implemented to support our workforce in responding effectively to potential COVID19 symptoms to minimise the risk of transmission within the work environment.	Local arrangements in conjunction with Public Health are being implemented to support a swift response and assessment where employees may potentially be COVID symptomatic. These include: • Self isolation and a referral for a test is followed • An assessment will be made of the working arrangements and any potential contacts in line with the building and service risk assessments • Communication to any close contacts to ensure strict social distancing and hygiene arrangements are adhered to • Identify any further steps to minimise the risk of transmission within the workplace setting.

ganisation Development

Workstream	Work Overview	Key Outcomes / Deliverables
19 / BAU: ams Support	Support with MS Teams Launch. The team have worked with our ICT Colleagues to support the launch and upskilling of colleagues and members to utilise MS Teams.	• Production of a "**Quick Start How to Guide**" alongside guides to support members and colleagues to Create a Team, Manage a team, Create Channels, Make Calls, Schedule Meetings. • **Telephone support** to ease pressure on ICT Services for colleagues and Members using teams has also been available.
19: eer Hubs	Creation of an online induction for those supporting in the volunteer hubs	• Co-ordinated and authored a **bespoke e-learning course** to support volunteers in their new roles, which covers an introduction to the role, the impact that volunteers will have within their new roles, alongside a brief introduction to safeguarding and infection control. • Created all accounts and issued the **induction to all new volunteers**. 310 accounts have been created to date. • Production of a **progress report** • Evaluate the programme and support with any technical issues that new volunteers experience.
19: House Induction	Creation of a more streamlined induction to support to ease the pressure on managers.	• Working alongside colleagues we have **streamlined the induction process** for new starters (casual workers) joining Ascot House. • **Full review of e-learning modules and policies** that are critical to protect the Council and Residents working with key partners (Health and Safety, Information Governance) • Scoped out the timeline for completion. • Produced a **welcome guide for all new starters**, to introduce them to Trafford and their new role and outlined requirements of their induction. • Produced an **updated Managers induction** and New starter induction checklist. • **Oversee process of day 1 induction** (where new starters will complete some of the key corporate e-learning modules and policies) , ensuring all requirements are met before new colleagues join Ascot House. • Work alongside the virtual buddy **to ensure that the process runs smoothly** and is evolved from feedback
19: EPIC Check-in g	Continue to support managers with their check-in conversations .	• We have **designed a virtual offer** of our standard face to face EPIC Check in Course. • We have **run 8 virtual manager sessions** to date, upskilling **29 Managers** in a virtual setting. • We have now launched our **virtual all colleague sessions**, delivering 2 workshops to date and a further 7 dates are planr

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ganisation Development

Workstream	Work Overview	Key Outcomes / Deliverables
& Recognition	Designed and launched an updated celebrating success scheme to recognise informally and formally all the EPIC work and efforts taking place across the council.	• **EPIC STARS** - Built upon the current celebrating success scheme by launching our EPIC Star Awards to recognise colleagu across the council who have gone above and beyond in their current roles. The scheme opens up for nominations every month and Heads of Services choose their EPIC Star of the fortnight. Winners are presented to CLT and awarded with an voucher, certificate and letter from Sara Todd to recognise their contributions. On the first round of submissions we have **29 Nominations.** From launching the scheme in mid April until the end of May we have had **113 nominations** from acro Council. All nominees will be notified of their nominations and all winners will be celebrated in corporate communication winners will be fast tracked to the ERA nominations for EPIC STAR of the Year. • **EPIC Cheers for Peers** - To support, promote and encourage a culture of recognition and appreciation and to build connec amongst colleagues we have introduced a "Cheers for Peers" **informal recognition scheme.** The scheme allows colleague managers to say a simple thank you for making a difference via a virtual thank you card. Cards have been branded to th Trafford Logo and colours. From our launch on the 17 April to 31 May, a total of **447** "Cheers for Peers' have been sent **364** individuals. • Branded campaign also designed to support the promotion of both schemes.
e Support	Creation of a variety of "How To Guides" to support colleagues to remain healthy and productive in this new environment.	• **Designed and launched a new intranet page "Tools, Tips and Tricks to staying EPIC"** that hosts a number of bespoke reso that have been designed by the team to support colleagues. These include: - Mental Health and Wellness Checklist - How to embrace working from home - How to be more comfortable with short term home working - Mangers guide to leading virtual teams - Virtual learning guide to Building resilience - Virtual Learning guide to personal change. - Roundup of helpful resources
's Services	Supporting Children's Service in the managing ER cases	• Working with HR Business Partners to write a proposal to **support managers** in Children's services to build their knowledg skills and confidence in the areas of **Discipline and Grievance,** more specifically around conduction **fair investigations** an **report writing.** • We have also designed a **Values Based Recruitment Module** to support managers to recruit in line with our EPIC Values f forthcoming Social Worker recruitment campaign.

ganisation Development

Workstream	Work Overview	Key Outcomes / Deliverables
alk Leaders –	Designed and delivered virtual Leaders Let's Talk Take 5 Session.	• **Let's Talk – Take 5**- We supported the design and delivery of our first EPIC Leaders "Take 5 Virtual Live Event". The virtu two hour session was delivered by CLT and Gatenby Sanderson and the live participants count peaked at 54 for leaders attendance. The session included key updates from the Chief Executive, Leader of the Council and CLT Members. A development session on "Building Resilience" was run by Gatenby Sanderson. • **Let's Talk Leaders and Colleague Events** – We have scheduled a further 3 Let's Talk Leader Sessions to be held via MS Teams during June (26th and 29th) and have scheduled X2 All Colleague Let's Talk sessions on the 13 and 14 July, which will also be delivered virtually to colleagues.
ement	Reigniting the Pioneer Network in a virtual setting	• **We re-ignited our Pioneer meetings** in a virtual setting and run bi-weekly meetings for the Pioneers to feedback and to he inform some of the key people projects for example our Pioneers reviewed and feedback on the initial pulse survey questions to help shape the final survey. Future meetings will include a micro development session to support Pioneers develop in their roles. A year on we are also undertaking a review of the Pioneer role and will be promoting the role to recruit more colleagues into the role.
lanager Virtual mme	Supporting Managers to be EPIC.	• We have redesigned our delivery method for our **EPIC Manager Programme to** support managers in our new virtual settin The virtual programme will be launched in June and will cover key modules to support managers to be the best they can Modules include: - Being the Best - Health & Wellbeing - Values Based Recruitment - Vital Conversations - Engagement - Investigation Skills • We are also piloting our **virtual learning circles** which create a safe space for peers to come together and learn from eac other through reflective learning.

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Workstream	Work Summary	Critical Outcomes
ted HR queries x and FAQs	At the early stages of the coronavirus outbreak, a 'HR support' mail box was set up where any workforce queries from the Council's central COVID-19 mail box have been directed to.	• The mail-box has enabled services to provide workforce intelligence and has also been the key mechanism for staff and managers from the Council and schools to pose questions and queries, which are responded to. • A set of FAQs has been created for staff and managers in the Council and schools, informed by the mailbox, which has periodically been updated. • Responded to 482 emails ensuring that business continuity is maintained and priority emails addressed in a timely man • The mail box remains operational as there many be an increase in queries as we move towards reintegration.
rce returns	Information provision regarding the impact that COVID-19 is having on staff availability both internally and also for external returns, for example Central Government.	• At least 6 different reports being provided for different audiences - all are either on a weekly basis or more frequently. • Reports are informing national public sector workforce impact of COVID-19. • Supporting the Resourcing Hub regarding staff available to be deployed. • Supporting with the identification of staff to be tested. • Understanding of which services most impacted by COVID-19 related absence.
avirus Job ion Scheme gh)	The changing national guidance has been studied, whilst exploring the funding for certain roles within the Council and schools to establish whether it is appropriate to use the scheme.	• Decision that no posts directly employed by the Council should be furloughed. The basis for this is that where employers receive public funding for staff costs, and that funding is continuing, there is an expectation that employers use that mo to continue to pay staff. • Decision that schools be advised that that they may furlough staff in 'wrap-around' care roles, for example afterschool cl as they are funded through parental contributions and not school budgets. • Guidance for schools drafted with template letter. • Process in place so that schools can send GMSS the necessary information for furloughed staff and GMSS complete the submission through the HMRC claim portal where there is a shared PAYE number. • For schools with their own PAYE number GMSS offer to support with relevant pay calculations for their submission. • Reduction in budget pressures or need to consider redundancy for these staff in schools. • Job security for affected staff.

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licy, Reward and Workforce Intelligence

Workstream	Work Summary	Critical Outcomes
nt for Casuals	The council has a range of casual pools, particularly in services that are subject to fluctuating and seasonal demands. As these workers don't have a regular monthly salary, where the service has been affected by the pandemic their pay may be affected. Solution explored to support these staff.	• Approach agreed for the payment of 'regular casuals' for whom work has ceased due to COVID-19, or where they are una to work for related reasons. This is based on a 'regularity test' where a casual has received pay in at least two of the thre months before COVID-19 impacted (January to March). Where they agree to be available to work through the Resourcing Hub they will be paid an average pay (based on the same three months). • If 'regular casuals' are unable to work due to having to shield they will also be paid on this basis. • Casuals who don't work on a regular basis signposted to the Resourcing Hub where they can register for work and signposting to government support mechanisms.
nt for Agency s	There are some services that have a need to bring agency workers in to cover gaps in the service. With COVID-19, the level of need for agency workers may have changed or some may be unable to work which will impact on their income. Solution explored to support these staff.	• Agreement that where an agency worker is on assignment, which has been affected by COVID-19, we will continue to pay them until the normal end date of their assignment. Whilst they are receiving pay we will expect them to continue to wor unless they have to shield, where working from home options will be explored. • This approach supports and maintains our relationship with our local agencies, as one option was to push the agency to and furlough them. • Good outcome for agency workers as the central government advice was to pay 80% of salary.
nt for bank working	In order to support our staff and to encourage them to work during unsocial periods, we need temporary arrangements for enhanced pay over bank holiday weekends.	• Agreed that staff working over the Easter weekend and May bank holidays in critical services to be paid double time for each plus Easter Sunday. • Helping to ensure appropriate resource in place in critical services, over bank holiday weekends.

licy, Reward and Workforce Intelligence

Workstream	Work Summary	Critical Outcomes
oyment principles	Whilst we are supporting our workforce in many ways we are also looking for staff to support us to carry out our critical functions by making themselves available for temporary redeployment. Need to scope out a framework for which staff might be deployed and what needs to be put in place for them.	• Outline of principles by which we can identify staff who are potentially deployable, based on their role and their circumstances, some of which might be changing. • Outline of principles around how we engage with staff, ensuring there is an appropriate match, safeguards are in place a how they will be remunerated.
leave guidance	In some cases, the pandemic is having an effect on the ability of staff in our critical services to take leave as frequently as they might otherwise. There is also an issue around the fact that some staff might be reluctant to take a longer period of leave, as they can't actually travel anywhere or undertake activities outside of the home. Need a fair approach to managing leave.	• Guidance for managers created regarding how to deal with leave in the current circumstances. Emphasizes that from a health and well-being perspective, more than ever now, we need staff to be taking time off work where possible. Also that isn't manageable for staff to store up leave to take towards the end of the leave year. • Better management of leave during this period to reduce potential issues when we move into the recovery phase. • Other options in relation to mechanisms to manage leave being explored.
Aid	Developed a process that supports our approach to supporting GM councils with provision and receipt of resource aid if required.	• Developed policy position • Ensured all health and safety, refreshed induction and training requirements are in place for all incoming employees • Developed a process to underpin the requirements

Workstream	Work Summary	Critical Outcomes
ch for 'at risk' returning to the ce	For certain groups of staff, they or their families, or those for whom they care, are at more risk if they contract the virus. Agreed approach to supporting and reducing the risk for these staff.	• Identification of 'at risk' groups which includes those officially mentioned by the government (clinically vulnerable), howe also other groups which may be at a higher risk. Informed by evidence the NHS are using. • Agreed individual risk assessments – mandatory for some groups and optional for others (see H&S section). • Guidance for managers produced on the at risk groups, approach to having conversations with staff and undertaking ris assessments and measures to reduce risk.
ce on returning vel abroad	Government policy on the requirement to self-isolate for at least 14 days on returning from abroad has necessitated a Council policy position regarding how the time will be covered.	• Guidance produced which follows the NJC model. • Where staff can work from home, or can be moved into such a role they will be. Where they can't then the period should covered by annual leave, TOIL, flexi or unpaid leave. Managers should be having early conversations with staff when the are considering travel abroad so they can agree how the period will be covered. There will be some consideration to paid leave where the employee has little choice in the travel due to finances, lost holidays, family funerals etc. • This approach is fair and transparent for employees considering travel abroad.

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Business Partner Team

Workstream	Work Summary	Critical Outcomes
esting	Supported the development of the people process that supports the COVID testing programme	• Worked closely with colleagues across public health and commissioning to ensure that a robust programme is in place t identifies those staff that meet the COVID testing criteria of symptomatic between 1-3 days • Developed manager guidance to support the testing process that expedites a quick and safe return to work if the test is negative
R Casework	Response to, and progression of, employee relations casework to support employees and managers	• Responding to new, emerging casework • Supporting and advising managers to progress • Liaison with external authorities, as applicable
.9 : ER Casework	Review of all employee relations casework and consideration of how best to progress those business critical cases utilising alternative, appropriate IT/media platforms	• Identified and categorised employment matters to ensure that those business critical cases continue • Liaison with the trade unions to agree a mutual position • 50 cases progressing • 2 cases paused
ervice Level ents	Review of current SLA's for 20/21	• Review, development and communication of SLA's for schools and traded services for Teacher Unions and UNISON with effect from 01 April 2020 • Ongoing review and development of SLA offer for schools and traded services for HR Consultancy, with effect from 01 September 2020
aining	Breakfast Briefings for Senior Leaders in School	• Delivery of briefing sessions prior to lockdown period on a variety of subjects including employment law updates and employment procedures. • Development of 'virtual' briefings during COVID19 period.
9:	Review of HR Policy and FAQ's to make relevant for Schools and traded services customers	• Review of Council HR Guidance to make applicable for Schools and traded services customers relating to COVID19 employment matters and legislation

Resource Hub

Workstream	Work Overview	Key Outcomes / Deliverables
on of GM ce Hub	To provide a temporary solution to an immediate staffing crisis as a result of COVID-19	• Development and roll out of mandatory employee online skills survey for all staff. • Analysis of available staff through the skills survey and workforce data to identify to match staff for deployment into criti roles ensuring safeguarding and statutory requirements are met. • Liaison with line managers to identify staff shortages / future demand and skill set required • To identify availability of people and deploy into roles as appropriate (taking into account any safeguarding / statutory requirements etc). • Clear process map relating to all roles, passing of data, communication and actions to ensure all parties clear on responsibilities and hand offs across the work streams • Development of templates for communications to employee and line/recruiting managers confirming revised temporary working arrangements • Create and maintain a list of casual and volunteers and link in with voluntary sector as appropriate • Dedicated phone line and email address facility for managers and employees • Agree and implement appropriate pay principles and process for payment • Use of business intelligence and existing relationships to proactively explore possible deployments
al recruitment igns	Development of a fast track recruitment programme	• Engagement with a number of networks to widen external activity including Greater.jobs, NW Employers, Manchester Universities • Engagement with partner organisations to identify and discuss opportunities for their furloughed staff into critical roles • Development and implementation of a programme of virtual induction to reduce time between hire and deployment
al recruitment igns	Creation of a Refer-a-Friend scheme	• To provide a financial incentive to Trafford Council employees to introduce family members and friends who may have th appropriate skills to be deployed into critical areas • To increase the bank of staff available for deployment with the offer of casual employment
ecruitment	To ensure continuity of recruitment activity across the Council, and traded services	• Review of current vacancies and adverts and determine if they are to be paused or progressed • Regular communication to applicants by telephone and email providing updates and maintaining engagement • Development of 7 virtual recruitment processes to support and enable roles to be progressed

rkforce Planning

Workstream	Work Overview	Key Outcomes / Deliverables
19: rce Hub s, on boarding duction	Continued development of processes and database to support deployment candidate identification and to track on boarding process	• Further development and refinement of a **tracking database** • Database picks up skill survey data through completion of the skills survey to enable quick potential deployee identificat (linked to live workforce data, fed from the workforce plan and absence/work status data) • Further work has been undertaken on boarding process to enable central tracking of all deployees (pending and live), internal and external
19: rce Planning & ing	Continued workforce understanding through ascertaining live employee status data, reporting on this and undertaken action on the back of it	• Regular reminders to managers to ensure colleagues iTrent codes are updated • **Data used to inform: Resource planning, testing, workforce reintegration/return plans** • Weekly report to CLT to advice of Covid-19 absence, self isolations, normal absences, WFH numbers , not working numb redeployments, live vacancies relating to crisis (not BAU vacancies), number of potential redeployees, potential risk area results from workforce implications driven by the pandemic • As of 15th June we have 110 internal colleagues deployed into business critical roles and 25 external colleagues recruit undertake business critical roles
19: yee ement Pulse	Internally development Covid-19 Employee Engagement Pulse Survey to ascertain current workforce feelings/concerns to feed into (1) Corporate Engagement Commitments (2) Workforce recovery plans	• Designed and built **internal Pulse survey**, with 4 factors linked to b-Heard survey, specific focus on how colleagues are feeling as we move out of lockdown, what support colleagues want most, future ways of working. • Survey window between 26th May – 5th June (in addition to online survey c400 surveys posted to colleagues with no/lim online access) • **Survey response rate for Trafford Council = 51% (1242 responses)** • Internal results analysis paper to be presented to CLT on 17th June. <u>Proposed</u> planned roll out of both b-Heard survey res (Oct/Nov 2019 results which was paused due to the pandemic) & Pulse survey results, including combine Corporate Engagement commitments June/July. Directorate & Service level action planning to be completed by end of August.

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TRAFFORD COUNCIL

Report to:	**Employment Committee**
Date:	**29 June 2020**
Report for:	**Decision**
Report of:	**Sara Saleh, Corporate Director of People**

Report Title

Workforce update – Covid-19 related absences

Recommendation(s)

It is recommended that Employment Committee notes the content of this report and supports the proposed approach outlined.

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 'Successful and Thriving Places'.
Financial	We may have employees who aren't working and where this is the case we want to ensure that all available options are explored to ensure that we have a robust and risk assessed approach to pay.
Legal Implications:	There is the potential for employees to take a claim to tribunal, however this proposed approach should reduce this risk.
Equality/Diversity Implications	There are potential implications for certain protected characteristics, and these plus mitigations are outlined in the report.
Sustainability Implications	Not Applicable.
Staffing/E-Government/Asset Management Implications	A reasonable approach should mean we maximise available staffing.
Risk Management Implications	The risks and mitigations are outlined in the report.
Health & Wellbeing Implications	Good management practice, Risk Assessment and signposting staff to health and wellbeing support should reduce any potential impact.
Health and Safety Implications	People risk assessments form part of the process.

1.0 Background

1.1 Since the start of the Coronavirus pandemic, it has been a very difficult and worrying time for our staff. Many will be dealing with different concerns including: health and wellbeing of self and family; losing loved ones to the virus; managing childcare and homeschooling; managing finances; managing working hours, and; isolation from friends and family.

1.2 Of particular concern will of course be health, and many will have anxieties about catching the virus and the impact that this might have on their own health and that of those that they live with or care for.

1.3 Since the move to working from home for some of our workforce, we have still had a large number of staff working outside of the home in order to deliver our critical services and any issues relating to being able to work, or not work outside of the home have been dealt with so far.

1.4 However, as we plan our recovery approach and we gradually move towards more staff working outside of their home, we may have more issues in relation to staff saying that they aren't prepared to do so.

1.5 The schools will be facing these potential scenarios already as they look to wider opening, and this will also impact on the Council services that support schools.

The queries we have already received include:

- My child is in a year group which is able to return to school, however the school have confirmed that this remains a voluntary decision and I have decided that my child will not return to school. My caring responsibilities therefore will continue.
- I have no medical condition or caring responsibilities that prevent me from returning to a work location, but I am increasingly worried about returning to my work place and I am starting to experience panic attacks.
- I do not feel able to return to work/school, even though I understand that all appropriate health and safety and wellbeing measures are being implemented, but I will tender my resignation if I am asked to return to the work place.

1.6 Whilst we are continuing to support staff health and well-being and want to minimize any risk to them, we also need to ensure that we have appropriate resource for our services and find a balance between the two. We may have managers who are in a position where they have a member of staff who is refusing to work outside of their home for various reasons and we need to agree the best approach when this situation arises, so where possible, we can have consistency in our approach across the organisation, including schools.

1.7 A key consideration is whether a failure to return to work would be regarded as a potential conduct matter, where it is deemed safe and reasonable for the employee to work. Further, if this progresses under the disciplinary policy, whether a disciplinary sanction would be considered.

2.0 Scenarios

2.1 There are different likely scenarios where staff may have concerns about working outside of the home or may not be able to, which could lead to refusal.

2.2 When starting to consider what the best approach is to dealing with those who refuse to work outside of the home, it is important to differentiate between those who may be unable to, as opposed to those who don't want to.

2.3 Employees who may be <u>unable</u> to return to the workplace include those who are:

a) in one of the 'clinically vulnerable' groups;
For those staff in the 'clinically extremely vulnerable group' it has been agreed that they will not work outside of the home until national guidance changes. For those in the 'clinically vulnerable' group an individual risk assessment should be undertaken to inform the level of risk and measures that can be put in place to reduce it.

b) a carer for an individual in the 'clinically extremely vulnerable' or 'clinically vulnerable' group, or living with someone in one of these groups;
For those with caring responsibilities or who live with someone at risk, an individual risk assessment should be undertaken to inform the level of risk and measures that can be put in place to reduce it.

c) A parent/carer for dependents (either child(ren) not able to return to school/nursery, and/or an elderly relative)
An employee may have been able to balance their work with caring commitments for dependants whilst working from home – however if they are required to work some or all of their hours in the office or in another setting, they may not be able to as their dependent / relative cannot safely be left on their own. They have no options for care arrangements for their relative and so in this scenario, continuing to work at home may be the best option.

However, employees who are <u>unwilling</u> to return to the workplace include those who are:

d) choosing not to send their child to nursery or school when they can do;
Where a parent could send their child to school or nursery but chooses not to (without a valid reason), and they cannot work at home, they are making themselves unavailable as they do have an option for childcare.

e) just generally anxious or just don't want to, with no compelling reason not to work outside of the home.

It is employees in groups d) and e) above that we now need to contemplate and the approach for those 'unable' and those 'unwilling' will differ.

3.0   National guidance

3.1 Our advice to date has been based on the LGA national and Employers local guidance, our Legal Team and ACAS.

3.2 <u>ACAS</u>

'In such scenarios an employer should listen to any concerns staff may have and should take steps to protect everyone......if someone still does not want to go back to work, they may be able to arrange with their employer to take the time off as holiday or unpaid leave. The employer does not have to agree to this. If someone refuses to attend work without a valid reason, it could result in disciplinary action.'

3.3 <u>North West Employers</u>

3.3.1 North West Employers have given some advice on possible approaches but to date there is no definitive set of guidelines for those who refuse to work after all possible options have been explored.

3.3.2 Our approach, based on their advice and guidance so far has been to put the emphasis on;

- Putting in place a series of individual circumstances rather than a blanket approach
- Looking at individual circumstances and what return to work options may be possible, where any contribution to the council's efforts is better than none
- Undertaking a risk assessment with the employee and a return conversation to ascertain what measures and adjustments can be put in place;
- Explanation of protective measures that will be in place to try and reduce anxiety levels
- Demonstrate adjustments for their particular circumstances
- Emphasize health and wellbeing benefits of reintroduction to work in reducing isolation
- Explain that circumstances have now changed sufficiently for council/school to believe that safe for staff to return to work and the steps taken to do this
- Provide a clear statement of the employer's reasonable expectations and employee response

3.3.3 If all options are exhausted and there is still individual refusal, having established an expectation of return to work then their absence from work can be facilitated through one (or mix) of a number of alternatives that provide for approved absence from work rather than a single solution as outlined below:-

- expansion of flexi-time or annualised hours working to enable deficit time to be re-payed over a longer future period
- purchase of additional leave (same effect as unpaid leave)
- application for special leave / compassionate leave / carers' leave etc.
- use of leave accredited during period of non-working
- use of annual leave (which will expire quite quickly so only short term, or not available for employees contracted to work term time only)
- occupational sick pay (perhaps likely to jump to e.g. anxiety during which leave will continue to accrue)

3.3.4 The final and worst case position is to treat as unauthorised absence and take a disciplinary route approach. This will clearly be opposed by the trade unions and we will still have a decision to make on when non-payment starts*.*

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3.3.5 Many of the suggested options for covering the period of non-working are not workable in schools. Also for Councils they may only be suitable for a short period of time. The obvious solution once the short-term measures have been used is a period of unpaid leave.

3.3.6 However, in the event that multiple people request unpaid leave which leaves the service unable to deliver an effective service due to insufficient staff, the option of unpaid leave may not be a possibility.

3.4 <u>Legal Services</u>

We have also sought advice from the Council's Legal Team who reiterated the fact that each case will need to be considered on its own facts and decisions taken on a case-by-case basis. They suggested that the manager looks to make reasonable adjustments to alleviate concerns and follow the government guidance to assist in the return to work. Where the employee isn't willing to return to work the manager offers alternative solutions such as taking leave or a period of unpaid leave. However if there is still no solution and the employee still refuses to attend work without a valid reason, it could result in disciplinary action but as a last resort. As the employee is in breach of their contract we could make a lawful deduction from their wages, i.e. unpaid leave. Strong evidence would be required to support such an approach in case of future litigation.

4.0 Benchmarking

4.1 We have made contact with the other nine authorities in GM to understand their position. We only obtained information from four. Three cited the fact that they are following the NWEO guidance. The other detailed the fact that where an employee has concerns and the manager has sought to address them and they refuse, their contractual obligations will be reiterated and continued refusal will lead to their pay being stopped and it will be treated as a conduct matter under the disciplinary policy..

5.0 Options for consideration

5.1 We can take the approach outlined above in section 3.0 that has been endorsed by NWEO as a reasonable approach, however if an individual then refuses to work outside of the home following all of the explorations to address concerns, we need to agree a fair and appropriate process and a set of principles. The main principles are set out below that then guide the recommendations.

- Open dialogue between the employee and their manager to try to reach an agreeable solution.

- Working from home will be an option and if this can't be arranged then consideration as to whether temporary alternative work from home can be found.

- The approach in terms of pay for those who are reluctant/refuse to work is differentiated by those who may be unable to work outside of the home and those who are unwilling to work, i.e. they don't have a compelling reason not to work outside of the home.

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- Disciplinary action should only be taken after all other options have been explored and it is suggested that we don't apply sanctions given the exceptional circumstances of the situation.

6.0   Risks

6.1   Given the very difficult circumstances created by the pandemic, there is the potential for employee relations issues as we move to more staff moving back to working outside of their home. To minimise any implications, we will support managers to have early conversations with staff as part of their regular EPIC 'check-ins' to see how they are feeling and to discuss working in a setting outside of the home. We are producing supplementary guidance for managers to support these check-in conversations and also how they support employees who are in the vulnerable groups and those who have household members or who care for individuals in these groups. We have advised that Risk Assessments are undertaken which will inform the conversations and decisions to support these employees. Where employees are anxious about working outside of the home, continuous dialogue and support for staff from their manager is key.

6.2   Where an employee feels unable to work and after all options have been explored, employees could take internal action in the form of submitting a grievance or they could lodge a claim with the employment tribunal. . If they submit a grievance it would be investigated and an outcome decided upon and communicated as per the current arrangements in place.

6.3   Even if we decide not to apply any disciplinary sanctions employees could still lodge a claim with the employment tribunal for unlawful treatment on the grounds of unfair dismissal, unfair deductions from pay or discrimination. Although we would not be dismissing due to refusal to work, an employee could resign over the matter (particularly if unpaid leave was imposed) and claim constructive unfair dismissal. If we withhold pay they could claim unfair deductions from pay. Finally, there is always the potential for a discrimination claim. This would be most likely based on one of the following protected characteristics: age; disability; pregnancy and maternity; sex, and; race. This is because the first 3 are linked to the vulnerable groups, and the other due to the sharing of childcare and the national evidence that those from a BAME background may be more impacted by COVID-19.

6.4   For any defence we would have to evidence all of the steps we took to reduce risk as a reasonable employer. The proposal that if an employee's inability to work outside of the home is linked to the vulnerable groups as defined by the Government, full pay is considered, rather than no pay, mitigates some of this risk.

6.5   The other risk that has to be considered is our reputation as a good employer and the bearing this has on retaining and attracting employees. It is believed that taking a supportive and reasonable approach and not applying disciplinary sanctions is consistent with our aims in this area.

7.0   Recommended process

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1. Managers hold return to work conversations as part of EPIC check-ins to understand how their employees are feeling. Undertake an individual risk assessment for employees in the vulnerable groups/with family members in these groups and those who are reluctant about or refuse to return to the workplace. This process should reassure and ideally agreement reached regarding whether the employee can safely return.

2. Where the employee still feels unable to return, consider whether working at home can be accommodated.

3. If the role cannot be undertaken from home consider whether temporary alternative work can be found and undertaken from home.

4. If no suitable, alternative work can be found and it is deemed to be reasonable for the employee to work from the options available to them and they refuse, the approach to pay is dependent on whether they employee is 'unable to work' or 'unwilling to work' – see section 2. For those who are unable to work they may stay at home on full pay on a case by case basis. For those who are unwilling to work, a period of authorised unpaid leave could be agreed, if the service can facilitate this.

5. Where a period of unpaid leave cannot be facilitated by the service, or cannot be mutually agreed, and the employee is still not willing to work, they are in a period of unauthorised absence which is a misconduct matter. A 2 step approach would be adopted. The employee is written to outlining the discussions to date, their contractual obligations and that if they do not return to work that their absence will be regarded as unauthorised absence and their pay will be stopped and it will be regarded as a disciplinary matter.

6. Where the employee fails to respond to this by an agreed date, a second letter to the employee will confirm that their continued absence is being considered as unauthorised and unpaid leave will commence on the date outlined until such time that they return to work.

7. A disciplinary fact finding exercise would be undertaken. Given the exceptional circumstances, the available management discretion will be utilised and it is likely that no disciplinary sanction will be applied.

8. The position will have to be monitored by the manager to try to agree as early a return as possible. Prolonged non-attendance beyond the current pandemic will require further advice from HR.

9. Managers should seek advice and guidance from their HR Business Partner team in the first instance. Head of Service involvement where unpaid leave might be imposed will be required to ensure fairness and consistency.

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TRAFFORD COUNCIL

Report to: **Employment Committee**
Date: **29 June 2020**
Report for: **Decision**
Report of: **Sara Saleh, Corporate Director of People**

<u>**Report Title**</u>

Parental Bereavement Leave & Pay Policy

<u>**Recommendation(s)**</u>

It is recommended that Employment Committee notes the content of this report and approves the new Parental Bereavement Leave & Pay Policy so that it can be implemented.

<u>Contact person for access to background papers and further information:</u>

Name: Sara Saleh
Extension: x4146

Relationship to Policy Framework/Corporate Priorities	This proposal aligns with the council's Corporate Priority 'Successful and Thriving Places'.
Financial	Minimal as use of the policy is likely to be low.
Legal Implications:	None.
Equality/Diversity Implications	None.
Sustainability Implications	None.
Staffing/E-Government/Asset Management Implications	Improved provision of support for staff at a very difficult time.
Risk Management Implications	None.
Health & Wellbeing Implications	Supportive of mental wellbeing.
Health and Safety Implications	None.

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1.0 BACKGROUND

1.1 Trafford Council recognises that, whist dealing with any bereavement is difficult, the death of a child is among the most devastating events that an employee can ever face. The Council is fully is commitment to supporting employees through their grief by ensuring that bereaved parents can take parental bereavement leave.

1.2 The Parental Bereavement Leave Regulations came into force on 6th April 2020. These regulations provide a statutory right to a minimum of 2 weeks' leave for all employed parents if they lose a child under the age of 18, or suffer a stillbirth from 24 weeks of pregnancy, irrespective of how long they have worked for their employer.

1.3 Under the regulations parents with 26 weeks service are entitled to statutory pay for this period in line with the approach other parental entitlements, such as maternity pay and paternity pay.

2.0 THE POLICY

2.1 The Policy aims to support bereaved parents and ensure compliance with the statutory duty placed upon the Council to provide statutory parental bereavement leave to all employees who meet the criteria and all statutory parental bereavement pay to all eligible employees. The Council has taken the decision to top up pay to full pay in order to take a more supportive approach at such a difficult time for staff. Thus instead of 2 week of leave at the statutory rate staff would receive 2 weeks at normal pay and this is regardless of length of service.

2.2 The policy details eligibility to parental bereavement leave and pay, leave entitlement and when the leave can be taken.

3.0 BENEFITS

3.1 The policy will allow bereaved parents the opportunity to take time away from the workplace, in addition to any time they are entitled to take off under the Special Leave, Dependents, Emergencies and Bereavement Policy.

3.2 The Policy will ensure the Council meets its statutory obligations in relation to bereaved parents plus providing enhanced financial support for the period of leave.

4.0 IMPLEMENTATION PLAN

4.1 The statutory provision was effective from the 6th April and in light of the policy and supporting GMP process still needing to be finalised, an intranet page was created so that if any staff met the criteria from this date, they could access the entitlement. The process to request the leave and the ITrent build to calculate entitlements through GMSS is currently being finalised. Once it has been finalised the process will be added into the policy.

4.2 Once the policy has sign-off, the existing intranet page will be amended with a link to the new policy and the relevant forms will be available on the GMSS portal.

4.3   We will promote the new policy with a six boxes announcement and inclusion in the manager's bulletins.

5.0   RECOMMENDATIONS

5.1   This policy will enable the Council to provide additional support to parents who find themselves in the devastating position of having to deal with their own grief, the grief of their wider family, as well as dealing with a vast amount of administrative paperwork and arrangements.

5.2   CLT is recommended to support the introduction of the Parental Bereavement Leave and Pay Policy. See Appendix 1 for the policy.

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PARENTAL BEREAVEMENT LEAVE & PAY POLICY

Author	Human Resources
Date	June 2020
Version	1.0

Version Control

Issue	Date	Author	Change History
V1.0	February 2020	Kate Sturman	First version

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TRAFFORD COUNCIL

PARENTAL BEREAVEMENT LEAVE & PAY POLICY

1.   Introduction

1.1   The Council supports the principle that employees should enjoy a good work-life balance and acknowledges that all individuals at all stages of their career work best when they are able to achieve an appropriate balance between work and other aspects of their lives.

1.2   We recognise that, while dealing with any bereavement is difficult, the death of a child is among the most devastating events that an employee can ever face.

1.3   This policy reiterates our commitment to supporting employees through their grief by ensuring that bereaved parents can take paid time away from the workplace. The Council offers other forms of support for bereaved employees under the Special Leave, Dependents, Emergencies and Bereavement Policy. The entitlement to leave and pay) within this policy are available in addition to the Special Leave, Dependents, Emergencies and Bereavement Policy.

1.4   The period following the death of child will be very difficult and we appreciate that staff are likely to need some time away from work. The Council will deal with such instances sensitively and respectfully, and time off with pay will be given so that employees can be away from the workplace to grieve and deal with any immediate administrative matters which may be necessary.

1.5   At such a difficult time employees may find they need additional support which can be accessed through the confidential free of charge Employee Assistance Programme the Council offers its employees. There are also other resources to support Mental Wellbeing that can be accessed.

1.6   In the unfortunate event of stillbirth this policy should be read in conjunction with the Council's Maternity Leave Policy which sets out entitlement to maternity leave and pay where a stillbirth occurs.

2.   Purpose

2.1   The Parental Bereavement Leave & Pay Policy supports employees by providing leave, and pay, at a very difficult time. This policy details eligibility, entitlement, the application process and other information.

3.   Scope

3.1   This policy covers all employees of Trafford Council with the exception of Teaching and Support Staff employed by Schools.

3.2   The scope of this policy fully complies with statutory provision which becomes effective from 6 April 2020. It applies to employees who have suffered the loss of a child under the age of 18 or a still birth after 24 weeks pregnancy, on or after 6 April 2020.

4.   Equality, diversity and inclusion considerations

4.1 Managers are responsible for ensuring that they operate the policy in line with the Council's Equality and Diversity and Inclusion principles and the Equality Act 2010. The Council is committed to ensuring that no-one is discriminated against, disadvantaged or given preference, through membership of any particular group, however with particular regard given to the protected characteristics of: age; disability; gender reassignment; race; religion or belief; sex; sexual orientation; marriage and civil partnership, and; pregnancy and maternity. This procedure will be applied fairly to all employees irrespective of their background or membership of a particular group. Where an employee has a disability, reasonable adjustments should be considered as appropriate.

5. Eligibility for Parental Bereavement Leave & Pay

5.1 Employees are entitled to Parental Bereavement Leave and Pay from day one of employment.

5.2 To qualify for Parental Bereavement Leave and Pay the employee must meet the criteria of a parent. A parent is defined as:

- The parent of a child who has passed away; or
- The partner of the child's parent, where you live in an enduring family relationship with the child who has passed away and their parent; or
- "parent in fact" of a child who has passed away, which means that, for a continuous period of at least four weeks before the child died, you have been living with the child and had "day-to-day responsibility" for the child (but you have not been paid to look after the child);
- "intended parent" of a child who has passed away, i.e. a parent using a surrogate;
- "natural parent" of a child who has passed away who is named in a court order, i.e. where a court orders some contact for an adopted child's birth parent; or
- Adoptive parent of a child who has passed away.

5.3 Employees who fulfil the criteria referred to at paragraph 5.3 will be referred to within this policy as the 'Parent'.

6. Leave Entitlement

6.1 For each child who has passed away or each child who was stillborn, as a bereaved parent, you can take one or two weeks' Parental Bereavement Leave.

6.2 The leave must be taken as whole weeks (e.g. 1 or 2 weeks) and cannot be taken in individual days. If you as the parent take less than one or two week's leave, a full week (or a full two weeks) will be deducted from your entitlement.

6.3 For part-time parents, the length of Parental Bereavement Leave is pro-rata. For part-time staff, a 'week' is a normal working week – for example, if you normally work 3 days per week and you take those 3 days off as parental bereavement leave, one week will be deducted from your entitlement.

6.4 Parental Bereavement Leave must be taken within 56 weeks of the date of death of the child or date of still birth of the child. This lengthy period recognises that

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bereaved parents may need some flexibility as to when Parental Bereavement Leave is taken. For example:

- Bereaved parents may want to take leave around the first anniversary of the child's death or at another particular time that is special, such as the child's birthday; or
- They may already be using another type of leave, such as maternity leave or sickness absence after the loss.

7. **Notice to take Parental Bereavement Leave**

7.1 The amount of notice eligible employees must provide depends on when the leave is being taken and is detailed below.

7.2 Parental Bereavement leave taken during the first 56 days after the child's death or stillbirth can be taken straight away. In such circumstance the employee or someone acting on their behalf, must contact their manager, prior to their normal start time if possible, on the first day of the week or weeks the employee is taking Parental Bereavement Leave.

7.3 Where Parental Bereavement Leave is taken anytime from 9 to 56 weeks after the child's death or stillbirth, employees must give their manager at least one week's notice before the start of the week or weeks they want to take off work.

7.4 Eligible employees will need to provide their manager with the date of the child's death or stillbirth, the date they want the parental bereavement leave to commence and how much leave is being taken i.e. 1 or 2 weeks.

7.5 Informal notice, such as a phone call, voicemail message, or email is fine. If, for any reason, your manager is unavailable, you should speak to, or email, another manager within your team/department.

7.6 If you have two or more posts with the Council, contact should be made with each of your managers to advise them of the leave.

8. **Entitlement to Parental Bereavement Pay**

8.1 Employees taking parental bereavement leave will receive their normal contractual pay for each week of leave taken.

9 **Cancellation of Parental Bereavement Leave**

9.1 Employees requesting cancellation of a period of parental bereavement leave within the first 56 days of the date of the child's death or stillbirth, must notify their manager before they would have been due to start work on the first day of the leave.

9.2 Employees requesting cancellation of a period of parental bereavement leave which was due to begin later than 56 days after the child's death or stillbirth must give their manager at least one week advanced notice.

9.3 Employees cannot cancel any week of parental bereavement leave which has already begun.

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10. Employment and terms and conditions

10.1 During parental bereavement leave, all the terms and conditions of employment will continue. This means that, for example, holiday entitlement continues to accrue and pension contributions will continue to be paid.

11. Returning to work following Parental Bereavement Leave

11.1 Employees have the right to resume working in the same role after taking a period of parental bereavement leave. This is also the case if the period of leave, when added to any other period of statutory leave such as, maternity leave, paternity leave, adoption leave, or shared parental leave in relation to the same child, is 26 weeks or less.

11.2 Where a period of leave taken exceeds 26 weeks due to parental bereavement leave being taken immediately following a period of statutory leave in relation to the same child, as detailed in 11.1 above, the employee has a right to return to the same job or a suitable and appropriate job on the same terms and conditions. This also applies if the leave includes more than four weeks of ordinary parental leave (taken in relation to any child), regardless of the total length of the leave.

12. Data protection

12.1 When dealing with parental bereavement leave, managers will process any personal data collected in accordance with GDPR. In particular, managers and HR will record only the personal information required to deal with a request for parental bereavement leave and keep this information only for as long as necessary to deal with the request and provide the necessary support.

13. Review

13.1 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

Report to: **Employment Committee**
Date: **29 June 2020**
Report for: **Decision**
Report of: **Sara Saleh, Corporate Director of People**

Report Title

Reclaiming of Overpayments Policy

Recommendation(s)

It is recommended that Employment Committee notes the content of this report and approves the new Reclaiming of Overpayments Policy so that it 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 'Successful and Thriving Places'.
Financial	Reduce the risk of financial loss through employee overpayments.
Legal Implications:	The Employment Rights Act 1996 provides the legal authority to make deductions.
Equality/Diversity Implications	None.
Sustainability Implications	None.
Staffing/E-Government/Asset Management Implications	Makes the process transparent for staff.
Risk Management Implications	None.
Health & Wellbeing Implications	Financial support and guidance available on the Council intranet for staff.
Health and Safety Implications	None.

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1.0   BACKGROUND

1.1   Trafford Council is a publicly funded organisation and has an obligation to recover overpayments made to staff to which they're not entitled and will seek to do so wherever possible. The Employment Rights Act 1996 allows us to make deductions from pay in the certain circumstances, as the Statement of Employment Particulars includes a 'reclaiming of overpayment' clause.

1.2   We are committed to ensuring the accurate payment of wages and related entitlements to all staff. However, overpayments of salary/allowances occur for numerous reasons. These include, but aren't limited to the following.

- o Delay in Greater Manchester Shared Services (GMSS) receiving information that impacts on pay e.g. change in working arrangements.
- o Incorrect information provided.
- o Administrative error or data entry error.

1.3   Currently the Council does not have a policy which details what happens when a member of staff is overpaid. It will be beneficial to have one to detail what is already happening in practice, and to ensure all parties understand their responsibilities and for transparency.

2.0   THE POLICY

2.1   It is proposed that we formalise current the process for reclaiming overpayments by outlining it in a policy for staff. This policy covers all employees of Trafford Council with the exception of Teaching and Support Staff employed by Schools.

2.2   The aim of the policy is to give staff a clear understanding of the process for reclaiming overpayments, and to explain the procedure to be followed and outline their responsibilities.

3.0   BENEFITS

3.1   This is an important policy for employees to be aware of, as it outlines their responsibilities and that of their managers in terms of minimising the risk of an overpayment being made in the first instance.

3.2   In the event of an overpayment being made, the policy outlines the processes that will be followed by all parties, to ensure staff fully understand the procedure around reclaiming.

3.3   The policy is also key, as where overpayments occur, this is a loss of public money and it is vital that this is reclaimed but in a fair manner and that employees understand this.

4.0   IMPLEMENTATION PLAN

4.1   As this policy only outlines the existing process and no procedural changes have been made, this will be implemented as a live policy immediately following approval.

4.2   A new intranet page will be created with a link to the new policy.

4.3   We will promote the new policy with a six boxes announcement and inclusion in
        the bi-monthly staff and manager's bulletins.

5.0   RECOMMENDATIONS

5.1   The introduction of a Reclaiming of Overpayments policy will make it easier for
        staff to understand how/why overpayments could be made, why it is important
        to reclaim, and how they will be supported by various services in reclaiming the
        monies in a fair and transparent manner.

5.2   Employment Committee are recommended to support the new policy and the
        implementation plan.

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HOLD FAST THAT WHICH IS GOOD

RECLAIMING OF OVERPAYMENTS POLICY

Author	Human Resources
Date	July 2020
Version	1.0

Version Control

Issue	Date	Author	Change History
V1.0	July 2020	Kate Sturman	First version

Contents

TRAFFORD COUNCIL – RECLAIMING OF OVERPAYMENTS POLICY

1. Introduction

1.1 Trafford Council are committed to ensuring the accurate payment of wages and related entitlements to all staff.

1.2 Overpayments of salary/allowances occur for numerous reasons. These include, but aren't limited to the following.

- Delay in Greater Manchester Shared Services (GMSS) receiving information that impacts on pay e.g. change in working arrangements.
- Incorrect information provided.
- Administrative error or data entry error.

1.3 We are a publicly funded organisation and have an obligation to recover overpayments made to staff to which they're not entitled and will seek to do so wherever possible.

2. Purpose

2.1 The aim of this policy is to:

- Give you a clear understanding of the process for re-claiming overpayments.
- Explain the procedure to be followed and outline your responsibilities.

3. Scope

3.1 This policy covers all employees of Trafford Council with the exception of Teaching and Support Staff employed by Schools.

4. Equality, Diversity and Inclusion Considerations

4.1 Managers are responsible for ensuring that they operate the policy in line with the Council's Equality and Diversity and Inclusion principles and the Equality Act 2010. The Council is committed to ensuring that no-one is discriminated against, disadvantaged or given preference, through membership of any particular group, however with particular regard given to the protected characteristics of: age; disability; gender reassignment; race; religion or belief; sex; sexual orientation; marriage and civil partnership, and; pregnancy and maternity. This procedure will be applied fairly to all employees irrespective of their background or membership of a particular group. Where an employee has a disability, reasonable adjustments should be considered as appropriate.

5. Terms and definitions

5.1 *Overpayment*: Where you have been paid in excess of what is due to you.

5.2 *Deductions*: An agreed amount of monies deducted from your salary.

6. Roles and responsibilities

6.1 Responsibility of Staff

You should:

- Review your wage slip regularly and notify GMSS if you notice money you're not entitled to receive, particularly if there's been a change in your circumstances;
- Ensure you're paid in accordance with your contract of employment, working hours/patterns, allowances and expenses;
- Act with honesty and integrity at all times and raise any anomalies with your manager as soon as is practicable to avoid overpayments, and
- Consider the repayment of overpayments in accordance with this policy.

6.2 Responsibility of Managers

Managers will:

- Ensure staff are working in accordance with their contract of employment i.e. working hours;
- Where changes occur to a staff member's working hours/patterns, expenses or allowances, ensure GMSS are informed as soon as is practicable to avoid under/overpayments.
- Where it's identified an overpayment has taken place, consider the wellbeing of staff.
- Ensure the staff member is aware of support available through our Employee Assistance Programme and other wellbeing support services offered by Human Resources.
- If the member of staff is currently off due to sickness absence, maternity leave etc. consider if it's appropriate to discuss the overpayment. Where they feel it's not appropriate, they'll discuss this with GMSS.
- Not agree a repayment plan with the staff member.

6.3 Responsibility of Greater Manchester Shared Services (GMSS)

- Ensure contractual changes are actioned appropriately and confirmed in writing to the member of staff, to avoid potential under/overpayments;
- Advise Managers on the implications of changes to working hours/patterns on salary and expenses and advise on the reclaiming of overpayments;
- Verify in the first instance that overpayments have occurred.
- Calculate the overpayment and confirm by providing evidence of the overpayment to the staff member concerned.
- Where overpayments relate to the previous month's salary, i.e. due to late notification, recover the overpayment, in full, the following month;
- Where overpayments date back further than the previous month's salary, clarify a repayment plan with the employee, and mutually agree amendments if required. Confirm repayment plan in writing to the member of staff.
- Refer requests to extend repayment beyond the overpaid period (if the request goes beyond 12 months) to the GMSS Payroll Manager;
- Raise invoices to staff who have left the Council, when appropriate.

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6.4 **GMSS Payroll Manager**

- Consider requests to extend repayment beyond the overpaid period, if the request goes beyond 12 months. Confirm mutually agreed repayment plan and ensure overpayments are recovered in line with this agreement; and:
- Where it is felt it's not appropriate to discuss the overpayment with the member of staff due to illness, maternity etc. refer the case to the Heads of HR.
- Where complex and HR advice is needed, refer to a HR Business Partner.
- Refer requests to write off overpayments to the Heads of HR.

6.5 **Responsibility of Heads of HR**

- Consider applications to write off overpayments.
- Consider if it's appropriate to put the repayment plans on hold due to illness, maternity etc.

7. **Principles**

7.1 **Legal Authority to make deductions**

7.2 The Employment Rights Act 1996 allows us to make deductions from pay in the following circumstances:

- Income tax, N.I, attachment of earnings orders, student loans;
- Where the employment contract makes specific provision for a deduction, and
- Where the member of staff and the Council have previously agreed in writing to the deduction of such overpayments before the situation arises, that would require the deduction to be made e.g. signed contract.

7.3 The Statement of Employment Particulars includes a 'reclaiming of overpayment' clause:

The Council reserves the right to reclaim any overpayment made in error, in consultation with the employee, within a reasonable time scale.

7.4 Future salary, allowances or expenses payments will be amended at the first opportunity to avoid the continuation of such overpayments.

7.5 As a general rule, it will be acceptable to repay the overpayment over the same period that it arose.

7.6 There may be circumstances where it might be appropriate to extend a repayment plan beyond 12 months. Each case will be considered individually by the GMSS Payroll Manager, and a repayment plan mutually agreed.

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7.7   Failure to pay an invoice may result in the Council instigating legal proceedings, in line with debt management processes which may have an impact on your credit rating.

8.   Procedure

8.1   **Existing staff**

8.2   Where the overpayment arises as a result of late notification of a change in your circumstances and the payroll deadline has been missed for that month, GMSS will deduct the overpayment in full from the following month's salary.

8.3   Where the overpayment relates to a period of more than one month, the GMSS member of staff will contact you to advise how the overpayment came about and detail a breakdown of the monies owed.

8.4   The GMSS member of staff will outline a repayment proposal, and will detail the date it will commence and advise this will happen unless the employee contacts them with any concerns by a specific date.

8.5   If the employee contacts GMSS to advise they cannot afford the repayment plan, they will try to reach a mutually agreeable plan for the repayments. If this plan is for over 12 months, this will be referred to the Payroll Manager.

8.6   Where your Manager or GMSS feels it's inappropriate to contact you regarding the overpayment due to illness, maternity etc., or where the individual requests a change to the proposed repayment plan and then disengages with the service, this will be referred to the Heads of HR for consideration.

8.7   If you experience financial difficulties you can access support through our Employee Assistance Scheme and, if you are a member, Unison has a confidential debt line. We also have an intranet page which signposts to financial advice resources.

8.8   **Leavers**

8.9   If you're due to the leave the organisation, we will deduct the amount owed from your final salary. If however, the monies owed are higher than the salary to be paid, an invoice will be raised by the Council, for all outstanding monies. Invoices require full payment within 30 days.

8.10   If the balance cannot be cleared within 30 days then it is your responsibility to make contact with the Exchequer Services Recovery Team who will discuss if a payment plan can be offered.

8.11   **If you do not think you should pay the overpayment of salary**

8.12   If you think the overpayment of salary has been raised incorrectly then you should submit a written request to the GMSS Payroll Manager who will refer it to the Heads of HR.

8.13   If they find that the original decision and/or amount was incorrect they will inform you of this in writing and will arrange for a payment to be sent if it was

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deducted from your salary or the invoice to be recalculated if it was raised via an invoice.

9. <u>**Review**</u>

9.1 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 Recovery Programme
Update – 15 June 2020

FutureGov/Modernisation Update

Completed to date

- Finalising FutureGov recovery stocktake – research mock up and gap analysis underway
- Opportunity areas being reviewed
- 16 hours of synthesis
- Partnership steering group meeting and discussions 08.06.20
- Emerging themes and high level opportunity areas shared with CLT 10.06.20
- Group leaders stocktake 10.06.20
- Aims and Objectives reviewed
- Alignment with Digital underway – meeting PJ / FutureGov 12.06.20
- Trafford café, daily catch ups and team stand ups

Activity this week

- Final stocktake sessions following gap analysis
- Finalise Aims and Objectives
- Final report presented to CLT 17.06.20
- Agreement of first work streams and resources
- Design show and tell for 22.06.20

Recovery Update

Completed to date

- Pulse survey analysis commenced
- Draft Trafford Recovery Strategy and Governance shared with CLT
- Commenced review of subgroups structures
- Reviewed and updated the impact assessment to share with Heads of Service
- Stocktake of Recovery plans – 1 received
- Reviewed template and development of spreadsheet to track progress
- Shared recovery update with Strategic Delivery Group
- GM Resilience Unit attended Partnership steering group
- Equality impact assessment and cohorts discussed with Adele Coyne
- Met with TM to review TCG tasks/processes and agree handover

Activity this week

- Continue with pulse survey analysis
- ICT to pilot recovery plan template
- Follow up with Heads of Services on Recovery plans
- Finalise review of subgroups structures
- Agree approach to Equality impact evaluation with Adele Coyne 15.06.20
- Attendance at SCG as part of handover plan 15.06.20
- Impact assessment to be shared with SDG for feedback
- Recovery update with Trade Unions and Exec Member, Cllr Ross

Work Reintegration Update

➢ Overall project plan continues to develop

➢ Exec approved approach on how we manage those struggling/unwilling to return to the office. This will now be shared with Employment Committee

➢ Roadmap of dates drafted for communicating activity to staff

➢ Steering group - additional representation required from CCG and TLCO – underway

➢ People sub group:
  ▪ Discussed draft risk assessments, staff policies (agile working and support for WFH) and obtained initial feedback
  ▪ FAQs suggested to cover specific areas i.e. use of showers, bike shed access due to locking system in place etc.

➢ Health & Safety sub group:
  ▪ Risk assessment templates & guidance available as part of the returning guidance

➢ Estates sub group:
  ▪ Reviewed office spaces at TTH and Waterside and draft seating plans produced with the 2m distancing rules
  ▪ Spreadsheet prepared listing each team and the number of seats available within current allocations within the offices

TRAFFORD COUNCIL

Governance

	Fortnightly Meetings		Weekly Meetings		Work Stream		Roles and responsibilities

RSG/RCG

All Reps

Steering Board

Leads of each sub group

ICT

Finance

Comms

Enablers

ICT

Finance

Comms

People work stream

Estates work stream

Health and Safety work stream

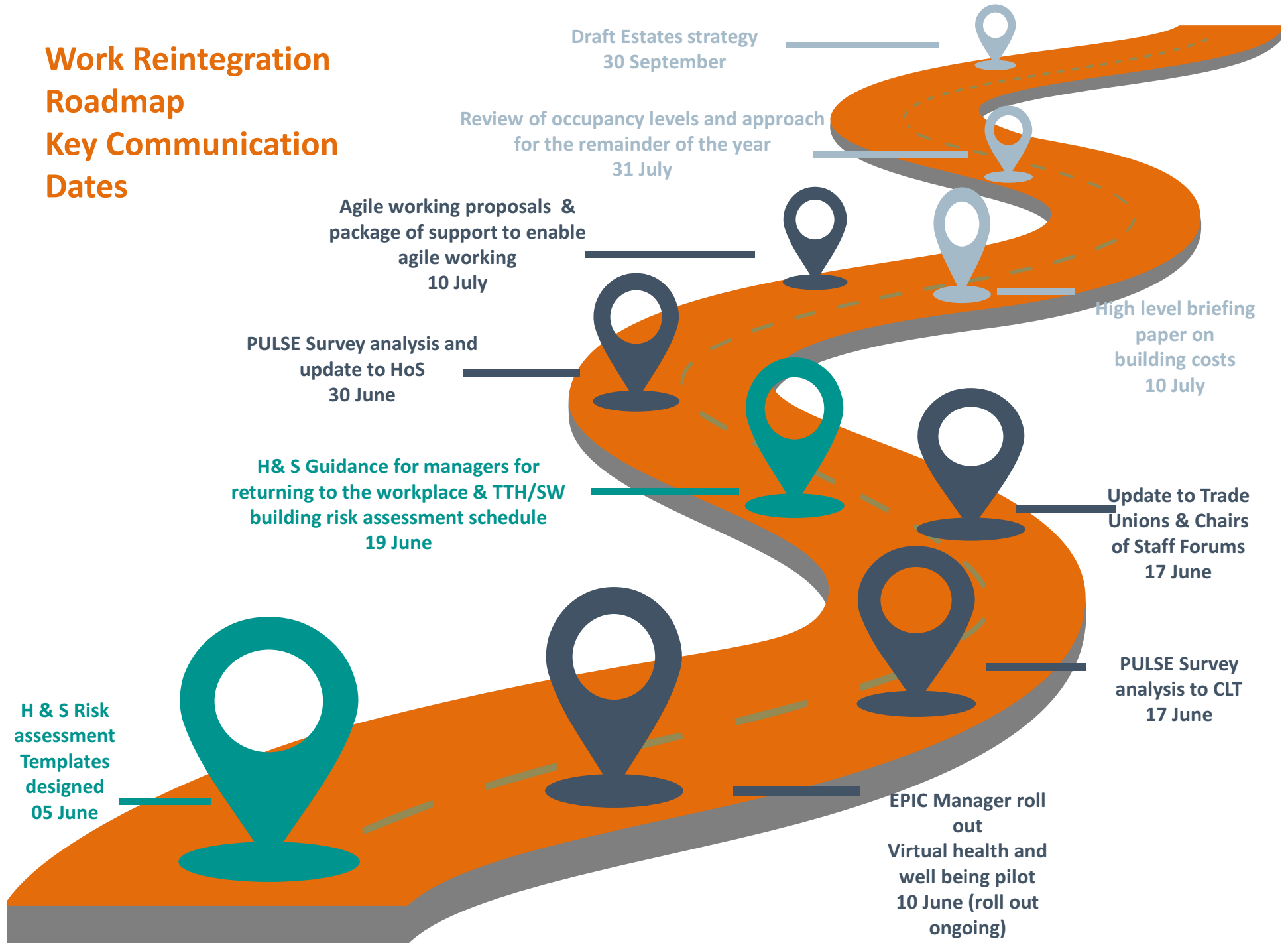| Work Stream		Roles and responsibilities
1	People	• Develop/agree agile working proposal and advice for managers • Rethink how we may want to reconfigure the work, workforce and priorities stemming from the pandemic response learning • Re-align people policies and operations • Agree who comes back to work first i.e. those unable to work from home • Undertake PULSE survey and feedback shapes people priorities • Develop approach for those unwilling to work outside of home and manager advice
2	Estates	• Review corporate estate and consider the use of less buildings • Review the cost of TTH v Sale Waterside - can we close one? • Review occupancy levels i.e. max 20% until x, what is the max % attendance in the office going forward etc • Review any costs/charges for partners using the building or any income generation ideas
3	Health & Safety	• Ensure that effective risk management and monitoring processes are in place for return to the office environment in the short, medium and long term

Steering Board Leads: Dianne Geary/ Angela Beadsworth	People Work stream Lead: Angela Beadsworth	Estates Lead: Hazel Kimmitt	Health and Safety Lead: Richard Fontana
Dianne Geary Angela Beadsworth Hazel Kimmitt Richard Fontana Peter Carr Frank Fallon Jon Thompson Riz Hafezji Martin Dillon	Angela Beadsworth Sarah Curran Louise Shaw Jenny Hunt Rebecca Demaine (CCG) Joy Preston Rebecca Coley Emma Sharples / Sajal Lenahan Jon Thompson Frank Fallon	Hazel Kimmitt Sarah Butters Sarah Curran Rebecca Demaine (CCG) Riz Hafezji (ICT & Digital) Peter Carr	Richard Fontana Nicky Shaw Donna Sager Jon Thompson

TRAFFORD COUNCIL

Work Reintegration Roadmap Key Communication Dates

Draft Estates strategy
30 September

Review of occupancy levels and approach for the remainder of the year
31 July

Agile working proposals & package of support to enable agile working
10 July

High level briefing paper on building costs
10 July

PULSE Survey analysis and update to HoS
30 June

H& S Guidance for managers for returning to the workplace & TTH/SW building risk assessment schedule
19 June

Update to Trade Unions & Chairs of Staff Forums
17 June

H & S Risk assessment Templates designed
05 June

PULSE Survey analysis to CLT
17 June

EPIC Manager roll out
Virtual health and well being pilot
10 June (roll out ongoing)

Milestones

People

- Principles to manage workforce return – CLT 28 May , TU 03 June, Exec Briefing 08 June, Employment Cmtee tbc
- PULSE Survey – closes 05 June, analysis - 30 June
- Agile working proposals /policy/definitions of workers - 19 June
- Package of support to enable agile working - 19 June
- Revamped people polices to support re-integration – tbc subject to above
- EPIC Manager roll out – virtual health and well being pilot 10 June, roll out ongoing
- Long term strategy for office working/7 day working etc – tbc

Estates

- Intrinsically linked to people and health and safety milestones
- High level briefing paper on cost of TTH v Sale Waterside with recommendations – 30 June
- Review of occupancy levels and approach for the remainder of the year – 31 July
- Review of costs/charges for partners using the building and impact on this years budget – 31 July
- Draft Estates strategy going forward – 30 September

Health & Safety

- Risk assessment templates for schools (complete) and council, buildings, service and people – 05 June
- Guidance for managers for returning to the workplace – 12 June
- Building risk assessment schedule – TTH and SW - 12 June
- Other building risk assessment – various dates tbc

Note: Milestones for longer term will be agreed following initial analysis

TRAFFORD COUNCIL

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