



## **AGILE WORKING PROPOSED POLICIES FEEDBACK FROM CAERPHILLY UNISON**

Caerphilly Unison has now had the opportunity to consider and take the views of our membership on the following draft policies, which were shared with us on 26<sup>th</sup> September 2022. These policies were:

- Agile Working Policy
- Mileage Scheme
- Annual Leave Policy
- Flexible Working Hours Scheme

Accordingly, our feedback on each is as follows:

### **Agile Working Policy**

Overall, we are generally supportive of the draft Agile Working Policy presented and believe that it clearly sets out the principles and tone for agile working moving forward.

We are in general agreement with the categories that have been defined within the policy and agree that these should be subject to regular review, taking account of both service and employee needs.

Whilst we appreciate the need for the majority of staff to be allocated a designated base we dispute that this should be linked to where an employee subsequently claims mileage to and from. We believe that home to designated base mileage i.e. commute mileage, should not be deducted from business mileage where a commute to and from the designated place of work has not been undertaken i.e. instances when an employee is working from home.

Whilst we appreciate the flexibility the draft policy may offer in terms of potentially spreading the working week over 7 days for some, we are resolute that this should be a choice for the employee to make and not mandated or expected in anyway by Management. We wish to be absolutely clear that an 'always on' culture, be that blatant or subtle, will not be supported by UNISON.

We are disappointed that a Home Working Payment/Allowance has not been considered within the policy. The costs incurred to the employee because of working from home are real and growing. It is incorrect to assume that home working costs can be offset against a reduction in travel costs. Travel costs are not being offset for many staff as they are required to deduct these costs from any business miles claimed, thereby incurring both artificial commute costs and working from home costs. This is an unacceptable position which UNISON will continue to challenge and campaign on.

Paragraph 31(b) of the policy states that managers must be able to '*ensure that they know where the employee is and what they are doing*'. We believe this is unnecessary and does not engender a culture of trust within the organisation. We are also concerned that some managers

may take this literally and enforce unnecessary monitoring practices upon staff which will be burdensome and lead to bureaucratic and inefficient working practices. Such a practice we consider to be outdated and not in keeping with a progressive outcomes-based organisation.

The Policy sets out safe agile working practices which are essential for the health, safety and wellbeing of all staff. The Policy is prescriptive in its expectations of staff yet less so in setting out CCBC's responsibilities as an employer. We would wish to see these responsibilities clearly incorporated into the policy.

Paragraph 60 of the policy sets out that if an employee is working from home they should advise their household insurer, and that this should not result in any personal cost. Should this not be the case and an employee does incur an additional cost we would wish to see this additional expense reimbursed in full to the employee.

Paragraph 62 makes reference to employees who are working from home being covered by the Council's Employer's Liability Insurance and Public Liability Insurance *'provided the rules of this policy has been followed'*. Further clarity is sought on this as the '**rules**' are not set out in any detail.

### **Mileage Scheme**

With the exception of those categorised as 'Community' and 'Home' workers, there would appear to be very little change in terms of the approach by which employees can claim mileage expenses i.e. normal home to work commute being deducted from any claim. For those classified as 'Flexible' and 'Mobile' we believe this may be problematic based on the feedback we have received from our membership.

We are supportive of the changes proposed to those working in the Community and 100% at Home but less so of the approach by which other categories of workers, such as 'Flexible' and 'Mobile' are reimbursed for business mileage. For example:

Employee A is classified as a 'Flexible worker'. Employee A works from the office Monday to Thursday but works from home on a Friday. Their normal daily commute to the office is 20 miles and takes approximately 40 minutes. From Monday to Thursday Employee A travels to the office and has several business meetings out in the community to attend. These business miles and the time it takes to travel to these meetings can be claimed in full. Mileage is paid from the office to the address of the business meeting.

On a Friday Employee A works from home and again has business meetings to attend out in the community. These business meetings total 20 miles and takes 40 mins of travel time. Under the system proposed in the draft policy, these miles **cannot** be claimed as normal home to office mileage will be deducted. Also, the employee will have to work an additional 40mins to meet their contracted hours for the day as normal commute time is deducted, yet the employee has been working for a full day i.e. 9am to 5pm. This day working from home will see the employee incurring mileage costs, time costs and the costs of working from home i.e. heating, lighting etc.

UNISON is clear that further negotiations are required in order to agree the approach used for those who are categorised as 'Flexible' or 'Mobile' workers, and specifically how mileage and time can be recognised while undertaking their employment role from home.

### **Annual Leave Policy**

UNISON is generally supportive of the draft Annual Leave Policy and welcomes the additional 5 days contractual annual leave which is being proposed for all staff.

However, there are a number of concerns around the classification of annual leave and the inability to carry forward the contractual aspect (5 days) which may leave the authority open to challenge on a number of fronts, such as:

- Supreme Court Ruling Chief Constable of the Police Services of Northern Ireland -v- Agnew 2019;
- Indirect Disability Discrimination;
- Covid19 Legislation, which allowed for the carry over of annual leave for 2 years;
- Working Time Regulation 15, and
- Effect on Term Time only staff i.e. potential claw-back of 6 days annual leave from pay.

There is also a lack of discretion within the draft policy to allow a member of staff to carry forward more than 5 days, unlike in the existing Annual Leave Policy. There are many reasons why a member of staff may not be able to use all of their annual leave, for example due to service pressures, consequently staff should not be at detriment because of this. We would request that the element of discretion be retained within the proposed draft policy.

We would also wish to see the possibility of staff being able to purchase additional annual leave added to the policy as a discretionary element.

### **Flexible Working Hours Scheme**

Overall, we are generally supportive of the draft Flexible Working Hours Scheme presented with the exception of the points stated below:

Paragraph 12 of the draft scheme states that managers must be able to '*ensure that they know where the employee is and what they are doing*'. We believe this is unnecessary and does not engender a culture of trust within the organisation. We are also concerned that some managers may take this literally and enforce unnecessary monitoring practices upon staff which will be burdensome and lead to bureaucratic and inefficient working practices.

Paragraph 18 of the draft scheme states that employees will still be expected to predominantly work Monday to Friday '*unless the needs of the service change*'. We would expect that should the needs of the service change and require staff to change terms and conditions of their contracted working hours this would be carried out in full consultation with the recognised Trade Unions.

Paragraph 37 of the draft scheme states that no payment of flexi will be made to an employee upon termination of their contract, however, if the employee is in a deficit situation, the deficit hours will be reclaimed. We disagree with this practice. If an employee has worked above their contracted hours, they should receive the appropriate remuneration for these hours. If the Council recognises the validity of these hours and would seek to reclaim them, then conversely, they must recognise their validity for payment.

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