



SPECIAL POLICY AND RESOURCES SCRUTINY COMMITTEE

MINUTES OF THE MULTI-LOCATIONAL MEETING HELD IN PENALLTA HOUSE AND VIA MICROSOFT TEAMS ON MONDAY, 12TH DECEMBER 2022 AT 5.30 P.M.

PRESENT:

Councillor G. Johnston – Chair
Councillor B. Miles - Vice Chair

Councillors:

M. Adams, Mrs E.M. Aldworth, C. Cuss, G. Enright, D. Ingram-Jones, C. P. Mann,
A. McConnell, D.W.R. Preece, J. Taylor, A. Whitcombe, C. Wright

Cabinet Members:

Councillors N. George (Corporate Services and Property), E. Stenner (Finance and
Performance)

Together with:

R. Edmunds (Corporate Director of Education and Corporate Services), L. Donovan
(Head of People Services), S. Richards (Head of Transformation and Education Planning
and Strategy), C. Forbes-Thompson (Scrutiny Manager), J. Lloyd (Committee Services
Officer), R. Barrett (Minute Taker)

Representing Trade Unions: L. Dallimore (Unison), J.A Garcia (Unison)

Also in attendance:

Councillors C. Andrews, C. Morgan

RECORDING, FILMING AND VOTING ARRANGEMENTS

The Chair reminded those present that the meeting was being live-streamed and recorded and would be made available following the meeting via the Council's website – [Click Here to View](#) Members were advised that voting on decisions would be taken via Microsoft Forms.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J. Reed, C. Thomas and L.G. Whittle.

2. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

REPORTS OF OFFICERS

Consideration was given to the following report.

3. AGILE POLICIES

The Cabinet Member for Corporate Services and Property presented the report, the purpose of which was to consult with the Policy and Resources Scrutiny Committee on four draft policies that support agile working, namely: Agile Working Policy, Annual Leave Policy, Flexi Scheme, and Mileage Scheme. The Scrutiny Committee were asked to consider and comment upon the four draft policies appended to the report, and if they were so minded, recommend these four policies to Cabinet for approval at the meeting being held on 14th December 2022.

The Scrutiny Committee were reminded that the Council's *Team Caerphilly – Better Together* Transformation Strategy was adopted by Cabinet on 12th June 2019. The strategy confirmed 10 Corporate Reviews, one of which was Flexible / Agile Working. The Government directive at the start of the pandemic required many of the Council's staff to work from home almost overnight, which heightened the need to progress the Flexible / Agile Working review, with relevant fit-for-purpose HR policies being key to support this change in direction for the organisation. One of the key actions in both the Employee Wellbeing Strategy 2021 – 24 and the Workforce Development Strategy 2021 – 24 is to update HR policies and procedures and the priority policies have been identified as those relating to agile working.

It was noted that the relevant trade unions had been consulted on the proposals and their comments taken into consideration when drafting the policies and schemes, with a copy of the written feedback from GMB and Unison appended to the report. Officer responses to the concerns raised by the trade unions were also set out at Section 5 of the report.

The Chair then invited Lianne Dallimore (Unison) to address the Scrutiny Committee in relation to the report.

Ms Dallimore thanked the Scrutiny Committee for the opportunity to speak on the report and confirmed that she was also speaking on behalf of GMB colleagues. Ms Dallimore referred to each of the draft policies in turn and highlighted the key points raised by the trade unions. It was confirmed that Unison and GMB were generally supportive of the draft policies with a few exceptions, particularly in relation to the Mileage Scheme.

In terms of the Agile Working Policy, the trade unions were generally supportive of the proposals and felt that these would provide greater flexibility and work-life balance opportunities for staff and make Caerphilly Council a more appealing employer in terms of staff recruitment and retention. However, the trade unions would have wished to see consideration given to a home-working payment or allowance, given the cost-of-living crisis and the increased cost implications in working from home, with this being an area that the trade unions will campaign for on a national basis. The trade unions also raised concerns around the requirement for managers to be able to '*ensure that they know where the employee is and what they are doing*' and feared that this could potentially lead

to unnecessary staff monitoring and create bureaucratic and inefficient working practices, which would not be in-keeping with the Council's philosophy of being a progressive outcomes-based organisation.

The trade unions raised concerns about potential increases to home insurance costs as a result of home working and wished to see a commitment from the Council to pay any additional insurance costs incurred by the employee in this regard. The trade unions also sought clarity on CCBC's position as an employer in relation to health and safety responsibilities around home working and expressed a need for the Council to ensure that all staff have been supplied with suitable home working equipment (such as desks/chairs) in order to safely carry out their jobs.

In terms of the Mileage Scheme, Ms Dallimore explained that although the trade unions had no issues with three of the five categorisation proposals for employees, they had some concerns around the other two, namely the 'Flexible' and 'Mobile' categories, and were of the view 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 and would go direct to site from their home location on Council business. In particular, it was felt that clarity was needed in cases where employees sometimes work from home and sometimes work from an office base, given that if the employee works from home one day a week, they would still be expected to deduct their usual commute time from any business mileage claim. The trade unions viewed this as detrimental to the employee and felt that they should be able to claim the full amount of mileage, as they have made that journey in order to carry out Council business, and therefore felt that further negotiation was needed around this aspect of the Mileage Scheme.

The trade unions also held similar concerns around home to work commute times being deducted from daily working balances. It was therefore felt that a review period of 9 months would be beneficial in relation to the categorisation aspect of the Mileage Scheme, in order to identify any issues around the 'Flexible' and 'Mobile' categories and develop a workable solution that is fair to all employees.

In terms of the Annual Leave Policy, the changes have been welcomed by the trade unions, who have viewed this as a positive step for Council employees. Ms Dallimore referred to an ongoing Supreme Court case, for which the outcome may have an impact on the categorisation of annual leave moving forward but emphasised that the trade unions are generally supportive of this particular policy.

In terms of the Flexi Scheme, again the trade unions were generally supportive and felt that this would bring consistency to working practices in view of the varied flexible working systems that emerged across different service areas during the Covid-19 pandemic. In terms of the changes where an employee is now able to log hours 7 days a week (including across the weekend instead of Monday to Friday), the trade unions sought assurances that there would be no change to the employee's existing contractual hours if they are employed Monday to Friday. There was an expectation from the trade unions that should the needs of the service area change and require a change to existing staff terms and conditions and their contracted working hours, then this would be carried out in full consultation with the trade unions. It was also felt that one area of the Flexi Scheme policy could be improved, which currently states that there will be no payment of flexi accrued by an employee if they terminate their contract with the Council. The trade unions felt that, given any deficit hours are deducted from the employee's final pay when they leave the Council, the situation should also operate in reverse, with any accrual being paid to the employee in recognition of the work carried out.

Ms Dallimore asked the Scrutiny Committee to note the full written trade union responses as attached to the report, and thanked Members for their time.

Richard Edmunds (Corporate Director of Education and Corporate Services) asked the Scrutiny Committee to note the Officer responses to the trade union comments as set out in the report, and highlighted the extensive work carried out with trade unions and employees in developing these draft policies. Mr Edmunds was pleased to see that the trust and empowerment placed on employees across the last two years was now being recognised and formalised by way of the new policies and emphasised that the Authority would work with the trade unions to address any tweaks needed to the new policies as and when they arise.

The Scrutiny Committee discussed the report and a Member sought clarification on whether home working, where defined by the new categories, would be enforced or optional under the new Agile Working Policy. Lynne Donovan (Head of People Services) confirmed that in cases where the category provides the opportunity for home working, this would be a choice for the employee, but emphasised that the categories are set in accordance with service needs and not all service areas are able to accommodate agile working. In cases where relevant staff have chosen whether to work either mainly from home or in the office, managers are encouraged to hold regular discussions with staff so that they are able to change their minds regarding their main place of work if they so wish.

In response to a query on whether CCBC have any self-employed staff, Mrs Donovan confirmed that this is not the case, although the Council does engage agency workers, who would be given the same opportunities as CCBC staff and be able to work from home if the employee category permits this arrangement.

A Member gave a recent example of where he had experienced issues with the Council's telephone system and had been unable to contact Officers, and he asked how the system would be progressed and improved in view of the Agile Working Policy, given that more staff could potentially choose to work from home. Mr Edmunds confirmed that there is ongoing work around the telephony challenges being faced, including the implementation of Microsoft Teams Telephony, which will provide improved functionality across the Council and will also be able to report any system faults that arise. The Council are also in the process of compiling a service directory for Members which will comprise key contact numbers and email addresses for the various functions across the Authority. Members were also reminded that Officers have continual access to emails and can be contacted through this method requesting a call-back if required.

A Member referred to bonuses paid by other local authorities to encourage people to join that organisation and asked if consideration had been given to a similar scheme in Caerphilly Council. Mrs Donovan confirmed that there were no plans to introduce such incentives within CCBC, although this avenue has been used in the past but was found to be unsuccessful as employees were able to move onto alternative organisations who would reimburse them for any lost bonuses. However, in cases of more competitive posts, a market supplement can be applied to supplement the starting salary and encourage new staff into the Authority. Additionally, People Services are currently reviewing the existing employee terms and conditions, with a view to improving these to support existing staff and making the Council more attractive to new employees.

Clarification was sought on whether funding was available to employees to purchase furniture or other equipment in order to carry out home working duties in a safe and effective manner. The Cabinet Member for Corporate Services and Property confirmed that the Agile Working Policy makes provision for any furniture and/or additional equipment required for staff to undertake their jobs remotely, and that these resources

may be provided at the Council's expense wherever appropriate. Mr Edmunds also reminded the Scrutiny Committee that at the start of the Covid-19 pandemic, Cabinet set aside funding for any furniture and equipment requests from staff. Although uptake had been low, it was confirmed that staff had also been permitted to take their monitors home to set up their home-working stations and have subsequently settled into using the existing equipment available to them.

A Member referred to the earlier point raised by the Unison representative in respect of the potential over-monitoring of staff as a result of the new Agile Working Policy and queried the avenues available to staff if they needed to raise this as an issue. The Member also sought justification around the lack of payment for accrued hours if an employee terminates their contract in view of these hours having been worked.

Mr Edmunds explained that in terms of managers being aware of where their staff are and what they are doing, the Council has a responsibility to ensure the safety of their staff in the workplace and that managers need to ensure that their staff are following all relevant health and safety precautions, particularly if the employee is lone working or working extensive hours. Therefore, this aspect of the policy relates to good management and having due regard for staff well-being. However, should a manager be felt to be over-monitoring staff, then there are processes in place for the employee to raise this as a concern and agree a more flexible monitoring arrangement with their manager. Mr Edmunds also gave assurances that he and the Head of People Services would be able to look into these issues if these are raised by the trade unions.

In terms of the query around flexi accrual and payment, Mrs Donovan emphasised that staff are encouraged to clear their balance of hours once they give notice, and that staff should only accrue flexi hours with the agreement of their manager. The Council are also able to offer flexibility around termination dates in that staff have the opportunity to finish work before their official leaving date and use up their flexi in order to clear the balance.

The Member asked what would happen if an employee accrued further hours during their notice period due to the needs of the service, and Mrs Donovan confirmed that on the rare occasions that this situation occurred, then the employee could look to negotiate a longer termination date to use up these hours or seek to swap their flexi for leave. However it was emphasised that all flexi should only be accrued with line manager approval and so this is a discussion that the employee and line manager should be having as soon as the employee gives their intention of notice.

In response to further comments from Members around payment of accrued hours, Officers confirmed that the position could be reviewed when the other aspects of the policies are reviewed, and they gave assurances that although the examples cited by the Scrutiny Committee were highly specific and unusual in nature, they would be fully prepared to take any learning on board regarding the new policies and examine any such issues that may arise in the future.

Unison's view was sought on whether the issues raised in respect of the new policies could be addressed, and Ms Dallimore stated that with further negotiation by the trade unions and some wider thinking in relation to the Mileage Scheme, together with a review of the scheme after 9 months, she was confident that a satisfactory outcome could be achieved.

Following consideration of the report and with the Scrutiny Committee having considered and commented on the four draft policies attached to the report, it was moved and seconded that the following recommendation be forwarded to Cabinet for approval. By

way of Microsoft Forms (and in noting there were 12 for, 0 against and 0 abstentions) this was unanimously agreed.

RECOMMENDED to Cabinet that the four draft policies attached at Appendices 1-4 of the report (Agile Working Policy, Annual Leave Policy, Flexi Scheme and Mileage Scheme) be approved.

The Chair wished all in attendance a Merry Christmas and Happy New Year and the meeting closed at 6.25 p.m.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 23rd January 2023, they were signed by the Chair.

CHAIR