## Public Document Pack

## Agenda for Personnel Committee Tuesday, 14th January, 2025, 10.00 am

## **Members of Personnel Committee**

Councillors: E Rylance (Chair), J Loudoun (Vice-Chair), P Arnott, A Bailey, B Bailey, K Blakey, J Brown, M Chapman, T Dumper, P Hayward, D Haggerty, N Hookway, M Martin, T McCollum and E Wragg

Venue: Council Chamber, Blackdown House, Honiton

Contact: Debbie Meakin; dmeakin@eastdevon.gov.uk 01395

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6 January 2025

This meeting is being recorded for subsequent publication on the Council's website and will be streamed live to the East Devon District Council Youtube Channel

- Minutes of the previous meeting (Pages 3 7)To agree the minutes of the previous meeting held on 13 June 2024.
- 2 Apologies
- 3 Declarations of interest

Guidance is available online to Councillors and co-opted members on making declarations of interest

- 4 Public speaking
- 5 Matters of urgency Information on matters of urgency is available online
- 6 Confidential/exempt item(s)

To agree any items to be dealt with after the public (including the Press) have been excluded. There are **no** items which officers recommend should be dealt with in this way.

- 7 Pay Policy Statement (Pages 8 11)
- 8 HR Policy updates (Pages 12 41)
- 9 **People Data** (Pages 42 51)
- 10 **Driving at Work Policy** (Pages 52 82)
- 11 **Grow Our Own Update** verbal update with presentation (Pages 83 85)

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Decision making and equalities

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#### **EAST DEVON DISTRICT COUNCIL**

# Minutes of the meeting of Personnel Committee held at Council Chamber, Blackdown House, Honiton on 13 June 2024

#### Attendance list at end of document

The meeting started at 11.00 am and ended at 12.12 pm

## 1 Minutes of the previous meeting

The minutes of the previous meeting held on the 16<sup>th</sup> April 2024 were confirmed as a true record.

#### 2 Declarations of interest

None.

## 3 Public speaking

None.

## 4 Matters of urgency

None.

## 5 Confidential/exempt item(s)

None.

## 6 Director recruitment update

The report set out detail on backfilling the Director of Housing role, along with the proposal to reassign some areas of responsibility and recruit to a new Director of Place position. Recruitment for these two roles; Director of Housing and Health and Director of Place has now commenced, and the committee were informed of the process and timescale for recruitment to these posts.

The Interviewing Sub Committee will be required to be part of the interviewing process, and make recommendation to full Council about the proposed appointments.

The existing interim arrangements agreed with Council to cover the two Director roles will continue until the appointment of the new postholder. Following expressions of interest and an interview process the following Assistant Directors have been confirmed as acting up in the Director role on an interim basis: Director of Place – Andrew Wood; and Director of Housing and Health – Catrin Stark.

The Committee noted the report.

## 7 People Data

The Committee received the regular update on key people data up to 30 April 2024. Some data highlighted included:

- The number of market supplements applied to posts has increased by 10 to a total of 21 since the last reporting period. Market supplements are applied to posts which are difficult to recruit to in a challenging labour market and the increase relates particularly to arborists, and surveyor roles in the Housing Service, where there is a general shortage of candidates, leading to increased pay rates in the market. Market supplements continue to be reviewed on an annual basis.
- Absence monitoring is currently projected to be 11.51 days lost per FTE by the end of March 2025, higher than the target of 8.5 FTE days and higher than the annual figure for 2023/24 at 10.05 days per FTE. The projected figure is expected to fluctuate through the fiscal year and will continue to be monitored.
- The average length of time to recruit has increased from 61.69 days to 85.15 days since the last reporting period in February, but remains below the national average of circa 100 days.
- The number of vacancies recruiting and not recruiting is currently 7.97% of the headcount (44 vacancies). 21 of these are currently being actively recruited to and 12 have been appointed and waiting to start employment.

The Committee also considered the Annual People Data Report, which provided a wider range of data, including equalities, training and employee relations activity. The report's main focus centred on actions relating to recruitment and retention, as this had been a specific challenge for the Council in recent years.

### Highlights from the report included:

- Headcount increased by 3.75% compared to the same period the previous year but remained below the budgeted FTE of 557.3. The largest proportion of the workforce was paid at grade 4 (28.8%) (£33,945 -£40,221) and the largest service was Housing, Health and Environment which represents 55.25% of the organisation.
- Salary costs increased this year by 14.8% due to increased headcount and the nationally determined Pay Award.
- Staff travelling costs reduced for the second year running by 1.01%, possibly attributable to the Council's Worksmart Policy.
- Vacancy rates remained similar throughout the year, between 7% and 8% of headcount. This compares favourably to when vacancies were at their peak in August 2022, with 60 vacancies and a vacancy rate of 11.76%. Recruitment costs increased this year to £1,368 per head, but still significantly below the average benchmark cost of £3,000 - £5,000 per head.
- Combined voluntary and non-voluntary turnover reduced to 11.25% compared to the previous year of 13.75%. This compares favourably with other public sector organisations which are on average 14.6%.
- The number of apprenticeships grew by 54.54% over the last year, with 17 apprentices, and a significant reduction in the Levy funds therefore being lost to the government (£3,852 compared to £14,854 the previous year).
- The number of FTE days lost per employee to sickness absence reduced by 2.88% from 10.94 FTE days to 10.05 FTE days, although still above the target of 8.5 days.

Questions and comments from Members on the Annual people data included:

 How productivity was measured across the workforce; in response, Members were reminded of Key Performance Indicators and the monitoring of delivery of

- action plans from the service plans and the Chief Executive explained that work was taking place to further develop the performance monitoring approach;
- An Equality and Diversity Advisor was now in place and reviewing how to improve the data held on personnel to have a better reflection of the diversity of the workforce;
- Long term sickness absence could be provided at service level as well as
  providing data with only the short and medium term sickness element, to see how
  this compared to the sickness absence rate target;
- Comment from the Leader that the voluntary turnover data did not make any refence to employees leaving due to involvement with Members;
- Workforce planning and succession planning were being developed to feed into the Workforce Strategy. Each service will continue to examine where mitigation was needed for those with a workforce likely to experience shortages in the future, for example due to retirement. Performance Excellence Reviews and 1-2-1 meetings continued to help retain staff and this approach is scheduled for audit review in the autumn;
- In response to comment on the pathway for employees unable to work, the Corporate Lead – Human Resources outlined the mechanisms in place for retirement through ill health, but did explain to Members that the pension criteria were very strict;
- Climate change training had been omitted from the list of training provided, but the
  Corporate Lead confirmed that a number of staff had previously volunteered to
  undertake "train the trainer" carbon literacy training and these employees were
  now being used to train staff and members. Climate change training also formed
  part of the Welcome Morning for new employees.

In relation to Recruitment and Retention specifically, the report highlighted:

- Vacancy and turnover rates have reduced. Although the general trend is positive, there remains challenges with recruitment to specific professions/roles, for example surveyors, solicitors and arborists. This is in line with the wider market and where necessary the Council has agreed market supplements to attempt to mitigate against this.
- A range of interventions have been put in place, including a review of the Recruitment Policy, improved pay and grading arrangements (known as the Reward Review), vacancy monitoring, and a new employer brand. There has been a review and improvements to the recruitment process, together with working more closely with managers so that they understand the process, improved training in our processes and updated information and guidance available via the intranet. Further enhancements to staff benefits and the Happy Healthy Here staff health and wellbeing programme have also been implemented, including a new staff benefits portal and Employee Assistance Programme, introduction of Wellbeing Champions and resources to support mental health and financial wellbeing.
- Further work planned for this year includes the exploration of an EV car salary sacrifice scheme and further improvements to the Cycle to Work Scheme, consideration of annual leave improvements (subject to UNISON consultation and Personnel Committee approval), a Grow Our Own/apprenticeship video to support recruitment and a review of the recruitment templates.
- Work has been undertaken to benchmark current salary levels against the market to assess whether the Council's pay rates remain attractive. During the Reward Review, the Council reconfirmed that it aspired to being a median pay employer and to also pay the Real Living Wage as its minimum pay point. The pay

benchmarking exercise therefore took this into account when determining suitable comparators.

- The following roles which are currently paid below the median pay rate:
  - Public Health Officer, by £1,091, which has been addressed by a market supplement;
  - Solicitor, by £3,594, which has been addressed by a market supplement;
  - Arborist Team Leader, by £4,690, which has recently been addressed by a market supplement.
- The results therefore suggest that the current pay and grading structure remains competitive in the market and therefore no changes are proposed.

Questions and comments from Members on the salary benchmarking data provided in the report included:

- A request on a review of solicitor numbers in response, the Monitoring Officer confirmed that a review was underway. Locums were used occasionally depending on the work demands, but a balance had to be struck between Locum costs and that of taking on a full time post;
- Reassurance that the vast majority of posts that were benchmarked were favourable for the Council against other local authorities;
- Market supplements were reviewed annually.

The Committee noted the report.

#### 8 Forward Plan

The Committee were presented with a forward plan of work.

Some issues raised by the Committee for possible inclusion were:

- Tackling the issue of delays in answering calls and emails. Advice was given to raise this issue through the Scrutiny Committee for further scope. The Leader also suggested that the issue could be referred to the Overview Committee for consideration;
- An update on the Worksmart Policy should come forward to the Committee in light of changing work practices over both public and private sectors. A review was currently underway through the Estates Team on how the Council offices were utilised.

The Committee noted the forward plan.

#### Attendance List

#### **Councillors present:**

E Rylance (Chair)

J Loudoun (Vice-Chair)

P Arnott

J Brown

N Hookway

M Martin

A Bailev

**B** Bailey

## Councillors also present (for some or all the meeting)

I Barlow

C Brown

## Officers in attendance:

Joanna Fellows, Corporate Lead - Human Resources Tracy Hendren, Chief Executive Debbie Meakin, Democratic Services Officer Melanie Wellman, Director of Governance (Monitoring Officer)

## **Councillor apologies:**

K Blakey

M Chapman

T Dumper

D Haggerty

P Hayward

E Wragg

Chair	Date:	

## Report to: Personnel Committee

Date of Meeting 14th January 2025

Document classification: Part A Public Document

Exemption applied: None Review date for release N/A



## Pay Policy Statement 2025/26

## **Report summary:**

The annual ravious of the Council's Day Policy Statement, as required under the Localism Act and

Constitution.	of the Council's Pay Policy Statement, as required under the Localism Act and
Is the proposed dec	ision in accordance with:
Budget	Yes ⊠ No □
Policy Framework	Yes ⊠ No □
Recommendation	on:
That the Personnel 2025/26.	Committee recommend to Council the adoption of the Pay Policy Statement
Reason for reco	mmendation:
make recommendat	2.10.5b of the Constitution requires the Personnel Committee to consider and tions to Council in relation to the Pay Policy Statement in line with the Localism the Council to review its Pay Policy Statement on an annual basis.
Officer: Jo Fellows,	Corporate Lead – Human Resources. Email: jfellows@eastdevon.gov.uk
<ul> <li>□ Coast, Country a</li> <li>□ Council and Corp</li> <li>□ Democracy, Tran</li> <li>□ Economy and As</li> <li>□ Finance</li> <li>□ Strategic Planning</li> <li>□ Sustainable Home</li> </ul>	and Emergency Response and Environment corate Co-ordination asparency and Communications assets

## **Equalities impact** Low Impact

Climate change Low Impact

Risk: Low Risk;

**Links to background information** The current Pay Policy Statement is available at: <u>Pay policy</u> statement for senior officers - East Devon.

Link to Council Pla
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Priorities (check which apply)	
<ul> <li>□ A supported and engaged community</li> <li>□ Carbon neutrality and ecological recovery</li> <li>□ Resilient economy that supports local business</li> <li>⋈ Financially secure and improving quality of services</li> </ul>	

## Report in full

- The Localism Act 2011 requires councils to annually prepare and approve a Pay Policy Statement setting out its policy for each financial year relating to the remuneration of Chief Officers and other employees and the relationship between the pay of Chief Officers and the lowest paid employee. The Personnel Committee must consider and make recommendations to Council in relation to the Pay Policy Statement.
- 2. Appendix 1 sets out the proposed Pay Policy Statement for 2025/26, with the amendments from the previous year shown in red. There are no proposed changes (other than the change of date).
- 3. Paragraph 5 in the Pay Policy Statement includes reference to the pay multiple, which illustrates the relationship between the lowest and highest paid employees in the Council. The pay multiple figure is currently 5.7:1, which remains within the Council's agreed 10:1 maximum ratio and is above the previous year's figure of 4.4:1.
- 4. In line with Government guidance, the Pay Policy Statement is published on the Council's website once agreed.
- 5. On a separate, but related issue, the 2024/25 national pay negotiations have now been completed with agreement reached on pay awards for all staff of c2.5%. Agreement was reached in October and the Council arranged payment in the November pay run, backdated to 1st April 2024.

#### **Financial implications:**

There are no direct financial implications to comment on.

#### Legal implications:

The legal position is detailed in the report and no further comment is required.

## **Appendix 1**

## Pay Policy Statement (April 2025 - March 2026)

#### 1. Introduction

- 1.1. Section 38 of the Localism Act 2011 requires English and Welsh local authorities to produce a statutory pay policy statement for each financial year which sets out the council's policies relating to the remuneration of chief officers (a term which includes both statutory and non-statutory chief officers) and the relationship between the remuneration of the highest and lowest paid.
- 1.2. This document sets out East Devon District Council's pay policy statement which is reviewed annually and published on the Council's website.
- 1.3. In the context of managing scarce public resources, remuneration at all levels within the Council needs to be adequate to secure and retain high-quality employees dedicated to the service of the public, but at the same time needs to avoid being unnecessarily generous or otherwise excessive. We have already adopted a pay and reward policy which complements this pay policy statement and seeks to ensure that pay and reward systems facilitate the retention and recruitment of employees with the right skills and capabilities and takes account of regional and national variations and local market factors.
- 1.4. The Council has adopted the Code of Recommended Practice for Local Authorities on Data Transparency, in respect of its approach to publication of and access to information relating to the remuneration of senior officers. This includes senior salaries data which has the details of the remuneration of the authorities' senior staff, including key responsibilities and allowances. This is published on the Council's website and/or in the Annual Statement of Accounts.

#### 2. Definitions

- 2.1. For the purposes of this statement chief officers are the:
  - 2.1.1. Chief Executive Officer
  - 2.1.2. Directors including section 151 officer and monitoring officer responsibilities.
- 2.2. For the purposes of this statement officers (including the lowest paid employees) are those on grade 1-10 of the locally determined grading structure. The lowest paid employees are defined as employees paid on Spinal Column Point 7 of the National Joint Council for Local Government Services (NJC) Pay Scale (the lowest point of grade 1).
- 2.3. Spot salaries These are salaries which are a specific sum and are not related to a grade with increasing levels of pay. Spot salaries only apply to the Chief Executive grade (grade 10).
- 2.4. Pay multiple This is calculated by comparing all taxable earnings for the given year (including base salary, variable pay, bonuses, allowances and the cash value of benefits in kind) for the Chief Executive compared to median earnings and the lowest paid in the organisation.

#### 3. Officers (including Lowest Paid Employees)

3.1. Officers on grades 1 - 8 of the local determined grading structure are eligible for annual incremental increases up the NJC pay scale set out within their grade until they reach the top of their grade. Any annual pay awards are determined by national NJC agreement. A job evaluation scheme is used to determine the grade for each post.

#### 4. Chief Officers

- 4.1. The Chief Executive and Chief Officers on grades 9 and 10 are subject to Joint Negotiating Committee (JNC) for Chief Executive/Chief Officer terms and conditions. All grades, except the Chief Executive who is on a spot salary, are salary progression to the top of the relevant grade. Salaries are based on job evaluation points which relate to the pay and grading structure for senior officers as designed by South West Regional Employers.
- 4.2. The Personnel Committee is responsible for considering and recommending the appointment, remuneration and terms in the event of the cessation of employment of senior officers, in line with its Terms of Reference, the Pay Policy Statement, the Council's employment policy and statutory regulations and guidance.
- 4.3. At present, there are no additional payments made to senior officers which specifically relate to performance such as performance related pay or bonuses.
- 4.4. Any termination payments to senior officers where the value is over £100K, on ceasing office will comply with our redundancy policy, where applicable, and only be made with the express approval by full council.
- 4.5. The Committee would not normally recommend the re-employment of individuals to senior officer positions who have recently left the Council (for any reason) in any capacity (either as an employee, consultant or contractor). If this does occur, it will be subject to the provisions of the Modification Order.
- 4.6. As outlined in the Pay and Reward Policy the use of market supplements may be applied in certain circumstances.
- 4.7. Additional payments are made by central government to officers carrying out additional duties at elections. These payments are not within the scope of this policy.

## 5. Relationship between Chief Officers and employees who are not Chief Officers

- 5.1. The Data Transparency Code requires authorities to publish the ratio of chief executive to median earnings, as a means of illustrating the relationship between the lowest and highest paid. Through this pay policy statement, we will track this multiple annually and will publish the following information on the Council's website, as part of the Data Transparency Code information:
  - 5.1.1. details of the taxable remuneration to calculate the Median FTE pay for the workforce.
  - 5.1.2. the remuneration of the lowest paid employee.
  - 5.1.3. the annual Median FTE of the authority's workforce.
- 5.2. Through this policy the pay multiple of the chief executive will be monitored annually. Should the multiplier between the annual salary paid to a full-time employee on the lowest spinal column point and the annual salary paid to the chief executive be greater than 10:1, this will be reported by the Personnel Committee to Full Council for consideration.

## Report to: Personnel Committee

Date of Meeting 14th January 2024

Document classification: Part A Public Document

Exemption applied: None Review date for release N/A



## **HR Policy Review**

## **Report summary:**

To seek Personnel Committee approval to a new Probation Policy and revised Notice Provisions and Use of Temporary Workers and Volunteers policies, following a recent review.

Is the proposed dec	cision in accordance with:				
Budget	Yes ⊠ No □				
Policy Framework	Yes ⊠ No □				
Recommendation	on:				
To approve char	new Probation Policy.  nges to minimum notice periods.  revised Use of Temporary Workers and Volunteers policies.				
Reason for reco	mmendation:				
To ensure that the	Council's HR policies are up to date and fit for purpose.				
Officer: Jo Fellows,	Corporate Lead – Human Resources. <u>jfellows@eastdevon.gov.uk</u>				
Portfolio(s) (check v	which apply):				
☐ Climate Action a	nd Emergency Response				
☐ Coast, Country a					
·	porate Co-ordination				
☐ Communications and Democracy					
□ Economy					
☐ Finance and Ass					
☐ Strategic Plannin	g				
☐ Strategic Plannin	nes and Communities				

## **Equalities impact** Low Impact

The policies provide clarity and consistency in the Council's approach and have been reviewed to take account of equality, diversity and inclusion requirements. HR continue to monitor application of the policies to ensure equality is maintained. Impact assessments (attached) have been drafted for each policy as part of their review.

## Climate change Low Impact

**Risk:** Low Risk; The policies provide clarity and consistency in the Council's approach and regular review ensures that they remain within legal and good practice requirements.

## Links to background information

## **Link to Council Plan**

Priorities (check which apply)	
□ A supported and engaged community	
□ Carbon neutrality and ecological recovery	
☐ Resilient economy that supports local business	
∀ Financially secure and improving quality of services	

## Report in full

 Personnel Committee's remit includes approving the devising and development of overall employment policies and as such Committee are asked to approve the policies as described below.

## 2. Probation Policy

- 1.1. The current arrangements regarding probationary periods for new employees are not set out in a formal policy which sometimes causes confusion for employees and managers and therefore a new policy is proposed.
- 1.2. The new policy recommends that all employees, regardless of whether or not they have continuous local government service, should be subject to a probationary period, to assess their suitability for the role. It also sets out requirements on the employee and manager, where an employee moves from one role to another within the Council.
- 1.3. The government have announced future changes to employment protection rights as part of their Employment Rights Bill which are likely to include a statutory probationary period. This policy will therefore be kept under review and updated further when details of the new legislation are known.
- 1.4. The new policy draft is at Appendix 1.

## 3. Notice provisions

3.1. The existing notice provisions were last reviewed as part of the Reward Review, when they were aligned with the revised grading structure. It has recently come to our attention that the minimum notice period that employees are required to give during a probationary period does not align with the National Joint Council (NJC) Conditions of Service and therefore a revision to the Council's notice provisions are recommended, with the minimum being one month. We have also taken the opportunity to review the wider provisions and all the proposed changes are shown at Appendix 2.

#### 4. Use of Temporary Workers Policy

4.1. Temporary workers are casual workers, interims, agency workers and consultants. A review of the existing policy has been undertaken to further clarify the checks and processes that managers need to complete when engaging temporary workers, in liaison with HR, Finance and Procurement as necessary. The policy also sets out the minimum expectations for managers and temporary workers regarding understanding and compliance with data protection, health and safety, equality, diversity and inclusion, whistleblowing and safeguarding policies and procedures as well as any additional service specific policy and training requirements. The draft policy is at Appendix 3.

## 5. Volunteers Policy

- 5.1. HR have been working with health and safety, information governance and safeguarding to review the current policy. This review has also been informed by a recent audit. The proposed changes, as shown at Appendix 4, provide greater clarity around the volunteering supervisor's responsibilities and the mandatory training and policy awareness requirements that must be adhered to for all volunteers. Alongside the policy, a new checklist for supervisors, engagement letter and guidance are being finalised, with all documents to be available on the intranet for supervisors to download and provide to volunteers.
- 6. UNISON will be consulted on these proposals at Joint Staff Forum on 8<sup>th</sup> January 2025 and their feedback will be shared with members at committee.

### Financial implications:

No financial implications have been identified.

## Legal implications:

It is important that our HR policies are reviewed on a regular basis to ensure that they comply with employment legislation and good practice.



## **Probationary Policy**

- 1. We recognise that starting a new job can be challenging and we are committed to ensuring that employees are fully supported in transitioning to their new role. The aim of the probationary period is to allow both you and the organisation to assess objectively whether you are suitable for the role and this policy sets out how this will be achieved.
- It is the Council's policy to apply a probationary period in all circumstances when an employee
  joins the Council, regardless of previous continuous local government service. Continuous
  service, for statutory employment rights, dates from the commencement of your employment
  with this Council.
- 3. This policy also sets out what is expected from an employee and their line manager when moving between roles within the Council.
- 4. This policy applies to employees employed by us. It does not apply to workers, contractors, consultants or any self-employed individuals working for the organisation.
- 5. This policy does not form part of the contract of employment, and we reserve the right to amend or withdraw it at any time.
- 6. The line manager will take the lead role in monitoring your performance and progress. Human Resources will issue reminders to the manager to conduct probation review meetings at 1, 3 and 5 months; and where an extension to probation has been implemented. Human Resources can also provide support and advice as necessary.

#### 7. Induction / onboarding

- 7.1. Your contract of employment will provide information on the probationary period and this policy will apply until you have been confirmed in post.
- 7.2. At the start of your employment, your line manager will agree your induction / onboarding programme with you, considering your job role, level of responsibility, previous work experience and your training needs. The programme will include:
  - Monitoring of the mandatory corporate induction training that needs to be completed (details of these requirements will be provided by HR on your first day).
  - Any additional training that will be provided to you via your manager and team.
  - The means by which you will be introduced to your colleagues and stakeholders.
  - The objectives that you will be expected to meet.
  - Expectations in terms of your conduct and behaviour in the workplace.
  - The Worksmart principles and your team's Worksmart Agreement.
  - How progress will be monitored and how you will be supported, including the regularity of one to ones and probation reviews.

## 8. Probationary process for all new employees

- 8.1. Throughout your probationary period, your line manager will monitor your performance and progress, and provide feedback to you through regular one to one meetings, and more specifically at 1 and 3 months from your start date. These reviews will include a holistic assessment of your performance, attendance, conduct, capability, and general suitability for the role. In addition to these review meetings, you are expected to bring to the attention of your line manager any difficulties you may be experiencing in meeting expectations, or more broadly, so that appropriate measures and support can be put in place.
- 8.2. At the fifth month, your manager will conduct a review of your performance, attendance, conduct, capability, and general suitability for the role. Where progress has been satisfactory, your line manager will let you know, and the end of your probationary period will be confirmed in writing by HR at the end of the six-month period.
- 8.3. Final Probationary Review Meeting Where there are questions about your suitability to complete the probationary period, this will be explained to you at the meeting, and you will be asked to attend a final probationary review meeting. In these circumstances, you may, if you wish, ask a work colleague or trade union official to attend the meeting with you. At the meeting the manager will explain why they believe your performance / attendance / conduct has fallen short of an acceptable standard, provide examples and information, and explain the possible outcomes of the meeting. At the meeting, you will be given an opportunity to ask questions and comment on your probationary period. The outcome will be confirmed to you in writing, following the final review meeting, explaining the grounds on which the decision was reached. The outcome of the meeting will be a decision to:
  - confirm your employment where your line manager is satisfied with your performance / conduct / attendance and you are reaching the end of your probationary period; or
  - extend your probationary period (see below); or
  - terminate your employment if your manager considers that further support or training is unlikely to lead to a satisfactory standard of performance / conduct / attendance.
- 8.4. Where standards of performance, conduct and/or attendance are falling short, the Council reserves the right to hold the final probationary review meeting at an earlier stage, where it is felt that reasonable steps have already been undertaken to attempt to secure improvement and this has not led to significant and sustained improvement.
- 8.5. Extension of probationary period The decision to extend your probationary period will be entirely at our discretion. Any extension will be agreed and arranged before your original probationary period ends. Extensions will only be for as long as is necessary to meet and sustain the required standards, up to a maximum of 3 months. This may be in circumstances where your performance / conduct / attendance has not been entirely satisfactory, but we consider that an extension may lead to an improvement, or where you or your line manager has been absent from the workplace for an extended period during the probationary period. If an extension to your probationary period is agreed, we will write to you setting out:
  - the length of the extension and the date on which the extended period of probation will
  - the reason for the extension and, if the reason is poor performance / conduct / attendance, details of how and why this has fallen short of your objectives /expectations
  - the objectives / expectations that you are required to achieve by the end of the extended period of probation, and
  - any support, for example further training, that will be provided to you during the extended period of probation.
- 8.6. Final review of extended probationary period Shortly before the end of your extended probationary period (or sooner if necessary), your line manager will conduct a final review of your performance, attendance, conduct, capability and general suitability for the role. Where progress has been satisfactory, your line manager will let you know, and it will be confirmed in employment. If your line manager feels that satisfactory progress has still not been made, you will be informed in writing of the need for a final review of extension meeting. The letter will set out sufficient information and examples of why your line page 16

manager believes your performance / conduct / attendance has fallen short of an acceptable standard and explain the possible outcomes of the meeting. In these circumstances, you may, if you wish, ask a work colleague or trade union official to attend the meeting with you. At the meeting, you will be given an opportunity to ask questions and comment on your extended probationary period. The outcome will be confirmed to you in writing, following the final review of extension meeting, explaining the grounds on which the decision was reached. The outcome of the meeting may be a decision to:

- confirm your employment where your line manager is satisfied with your performance / conduct / attendance; or
- terminate your employment if your line manager considers that further support or training is unlikely to lead to a satisfactory standard of performance / conduct / attendance.
- 8.7. There will be no further extension of a period of probation unless there are exceptional circumstances which will be explained to you.

## 9. Probationary process for employees transferring between roles within the Council

- 9.1. Where an employee commences a new role within the Council they are expected to comply with all required induction and training and the line manager must ensure that regular one to ones are arranged during the first six months to support the employee's transition into their role and to monitor progress. Records should be kept of the actions agreed and completed using the one to one form.
- 9.2. Where concerns are identified related to performance / conduct / attendance, the Council's usual performance improvement, discipline and/or sickness absence management policies will apply, unless the employee is within the first six months of their employment with the Council, whereby the procedure within this policy would apply. Where standards of performance, conduct and/or attendance are falling short, the Council will commence the process at an earlier stage than six months if necessary and where it is felt that reasonable steps have already been undertaken to attempt to secure improvement and this has not led to significant and sustained improvement.

#### Policy administration

- Who authorised the policy/strategy and date of authorisation This policy was agreed with ELT/SLT on xxxx, UNISON on xxxx and Personnel Committee on xxxx and takes effect from xxxx.
- Policy date for review and responsible officer Corporate Lead Human Resources, 2027.

## **Equality Impact Assessment**

Before completing this EIA please ensure you have read the EIA guidance notes, available on the intranet



Version	1.0	Date Completed	26 <sup>th</sup> November 2024	

Description of what is being impact assessed

## **Probationary Periods Policy**

The Council has longstanding probationary period arrangements but there is no specific policy in place relating to the application of probationary periods and instead reference has been made to related policy, such as recruitment, discipline or absence, as and when issues arise. A specific policy will assist with dealing with probationary issues and provide greater clarity to managers and employees about how performance will be monitored during the probationary period and how any issues will be addressed.

Evidence

## What data/information have you used to assess how this policy/service might impact on protected groups?

- Anecdotal feedback from managers, recruitment co-ordinators, employee and HR on the application of the probationary period process
- Desk-based research, including information on what other councils do.

Who have you consulted with to assess possible impact on protected groups and what have they told you? If you have not consulted other people, please explain why?

Trade union feedback will be sought on the revised policy. Analysis of recent cases where there have been probationary period issues against their individual employment records does not indicate that individuals with protected characteristics were the subject of cases more than those who do not have protected characteristics.

Analysis of impact on protected groups

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. The Council also has a legal duty to have due regard to armed forces personnel when carrying out healthcare, housing and education functions. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, assess the likely outcome, before you have implemented any mitigation.

	Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
page	Age	Introduction of a specific policy supports application of a consistent approach to the application of probationary periods and therefore not linked to any protected characteristic. HR is closely involved with all probationary period issues to ensure compliance and to mitigate any			$\boxtimes$
	discrimination risks.				
	Gender reassignment				lacktriangle
	Marriage and civil partnership				oxtimes

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Pregnancy and maternity	Introduction of a specific policy supports application of a consistent approach to the application of probationary periods and therefore not linked to any protected characteristic. HR is closely involved with all probationary period issues to ensure compliance and to mitigate any			
Race and ethnicity	discrimination risks.			×
Religion or belief				×
Sex				×
Sexual orientation				×
Armed Forces (including serving personnel, families and veterans)	The policy also provides consistency to ensure that people from different backgrounds are treated fairly. HR is closely involved with all probationary period issues to ensure compliance and to mitigate any discrimination risks.			×
Other, e.g. carers, care leavers, low income, rurality/isolation, etc.				×

Protected group Summary of impact				Negative outcome	Neutral outcome	Positive outcome	
•	ection plan tained that there will poten e actions that you intend to	, ,	tive outcomes	, you are required	to mitigate the	mpact of t	hese.
Action taken/to be ta	ıken		Date	Person responsible	How will it be monitored?	Action	complete
None			Select date				
If negative impacts re	If negative impacts remain, please provide an explanation below.						
n/a page 22							
Completed by:		Jo Fellows, C	orporate Lead	– Human Resourc	es		
Date:		26/11/2024					
Approved by:	Approved by:						
Date:							
To be reviewed by:	To be reviewed by:  Jo Fellows, Corporate Lead – Human Resources						
Review date:		2027 (same time as policy next reviewed)					

## **Appendix 2**

Extract from the Employee Handbook on the intranet

## 19. Notice provisions

## All employees below Assistant Director and Director

The minimum period of notice to which you are entitled is as follows:

Period of continuous service	Minimum notice
During first 6 months (where a probationary period applies)	<del>1 week</del>
Less than 5 years	4 weeks
5 years or more but less than 12 years	1 week for each year of continuous service, subject to a minimum of 4 weeks
Twelve years or more	12 weeks

The minimum period of notice which you are required to give is as follows:

The grade of your post	Minimum notice you must give
During first 6 months (where a probationary period applies)	1 week
Grades 1 – 4 (scp 32 and below)	1 Month
Grades 5 - 7 (scp 33 - 51)	2 Months

Resignations giving notice must be in writing and given to your Line Manager who will pass this to Human Resources. East Devon District Council may, at its discretion, make payments in lieu of notice in some circumstances.

#### **Assistant Directors & Directors**

The minimum period of notice to which you are entitled is 12 weeks.

The minimum you are required to give is 3 months' notice.



## Policy on the use of Temporary Workers

East Devon District Council is committed to ensuring it delivers excellent public services at all
times and it may therefore sometimes need to use the skills of temporary workers to fulfil
demands. This policy aligns with the Recruitment Policy and considers the Council's policy
and objectives on equality to ensure compliance with the Equality Act 2010, and safer
recruitment practices where applicable.

## 2. **Definition of temporary workers**

- Casual an individual who is employed directly by the Council using a casual contract to
  fulfil short term requirements. A casual worker is normally engaged on an ad hoc basis
  and under the supervision of a manager of the Council, using the Council's equipment
  and resources. Temps are generally employed in this way to cover established
  posts. There is no mutual obligation for the Council to provide work or for the casual
  worker to undertake work.
- Agency worker an individual who is engaged to fulfil short term requirements through Temp Solutions or an external recruitment agency to work temporarily for and under supervision of the Council but has a contract of employment or services with Temp Solutions or the external recruitment agency.
- Interim normally middle to senior grade workers covering vacant posts within the
  Council's structure, usually of an operational nature, working under supervision of the
  Council and using the Council's equipment. The interim is not employed by the Council
  and payments are made on receipt of an invoice from an intermediary company for
  example, the interim's personal service company/limited company, partnership or an
  external recruitment agency. Interims work on specific projects or to delivery specific
  outcomes and may hold direct management responsibility for Council employees.
- Consultants provide advice within a specialist field. They will work on specific projects, usually of a specialist or strategic nature, or to deliver specific outcomes with little direct management responsibility for Council staff. The individual is working under their own supervision using their own equipment and reporting to a manager. Consultants are individuals who are not employed by the Council and are engaged for their specific knowledge and therefore cannot be substituted. Payments are made on receipt of an invoice from an intermediary company for example, the consultant's personal service company/limited company, partnership or an external recruitment agency.

#### 3. Principles to be followed when hiring temporary workers

- 3.1. Temporary workers may be used to provide short term additional resources from time to time to enable flexibility or to provide particular skills and knowledge. However, prior to hiring a temporary worker all internal options must be exhausted to ensure the effective utilisation of existing employees to minimise costs. The placement must also be kept under regular review to avoid long term arrangements which should otherwise be covered through an employment arrangement.
- 3.2. The Council's financial standing orders and procurement rules must be adhered to.
- 3.3. Both interims and consultants must be subject to an IR35 assessment prior to the commencement of every engagement to determine their employment status and how their fees are treated and paid, to ensure compliance with the HMRC intermediaries' legislation (IR35)— see appendix 2.

- 3.4. In all cases managers must ensure there is a valid authority to recruit approval prior to engagement and complete a new starter form to enable HR to maintain a record. The recruiting manager must allow sufficient time to ensure all the requirements are met and workers must not start the engagement without the relevant checks and requirements in place. No requests will be processed without the appropriate approvals and documentation.
- 3.5. It is the responsibility of the recruiting manager to ensure compliance with this policy, the Council's standing order and procurement rules and the HMRC intermediaries' legislation (IR35). HR Business Partners and Payroll will advise as appropriate, on request, but are not responsible for compliance.
- 3.6. The Council will not engage temporary workers who reside overseas, individuals must reside in the UK.
- 3.7. The Council is committed to the principle of equal opportunities in employment and temporary hire regardless of a person's age, disability, gender re-assignment, marital or civil partnership status, pregnancy, maternity status, race, religion or belief, sex and sexual orientation.
- 3.8. Temporary workers must be provided with information relevant to the work and standards expected within the Council. As a minimum this should include information on data protection, health and safety, equality, diversity and inclusion, whistleblowing, safeguarding and ICT policies (if the worker will be using Council/Strata owned ICT) but may also include information on other relevant policies and procedures and, where identified necessary, completion of a Disclosure and Barring Service check.
- 3.9. The costs of engaging temporary workers must be monitored within service areas and will be regularly reported.

#### 4. Procedure

- 4.1. Having identified the requirement for engaging a temporary worker, managers should explore all other alternatives before proceeding. This includes use of in-house resources via existing staff; redeployment; secondments and sharing knowledge/resources with partner organisations.
- 4.2. Where there is a decision to proceed with hiring a temporary worker, the manager must complete an authority to recruit, unless one already exists, before engagement options are explored.
- 4.3. Agency workers should normally be supplied through the Council's approved procurement framework, Commensura Recruitment. Where the recruiting manager is unable to source the skills and experience required from the approved procurement framework, they may contact other agencies but they will need to demonstrate compliance with financial orders and procurement rules, seeking advice from Finance and/or Devon Procurement Services as required. The manager should balance the cost and procurement requirements with obtaining the most suitable individual to undertake the work required. Where you, as the recruiting manager, are unable to source the skills and experience you need from Temp Solutions, you may contact other agencies outside of Temp Solutions but you will need to demonstrate that you have worked within our procurement framework. In most cases, as a minimum this will mean: Up to £5000 obtain quotation in writing from a minimum of one supplier. £5001 up to £100,000 obtain quotation in writing from a minimum of three suppliers who have responded to a written tender specification by a defined deadline. Quotations to be formally evaluated. £100,001 to EU thresholds formal tenders to be obtained from a minimum of four suppliers who have responded to a written tender specification by a defined deadline. Tenders to be formally evaluated. Above EU thresholds, then EU tender procedures to be used. At any level of spend, you should consider whether a call-off from an existing framework which EDDC are eligible to use will provide best value. Where the spend is over EU threshold, you must ensure the framework is EU compliant.

- 4.4. Suitability for the work that the temporary worker will undertake must be assessed through interview and references may also be sought prior to the temporary worker being engaged. In some cases, such as contact with vulnerable groups such as children or the elderly or required access to government systems, a Disclosure and Barring Service (DBS) check will be required, and the temporary worker will be informed of this during the recruitment stage and prior to placement, with advice sought from HR as required. When a placement requires access to systems holding government data, a full Baseline Personnel Security Standard (BPSS) check must be carried out prior to starting work. All service managers responsible for recruitment of temporary workers must be trained and accredited in the Recruitment and Selection training module.
- 4.5. The recruiting manager must confirm the type of temporary worker being engaged and take action as appropriate. Managers must NOT formally offer the work to the person unless they are aware of the outcome of any IR35 assessment and understand how the Council will be required to treat the payments for the work.
- 4.6. Casual workers may be entitled to some statutory benefits and the recruiting manager must consider this as part of the engagement process see appendix 1.
- 4.7. If the worker is employed by the agency the agency will be responsible for employment and other checks. However, the recruiting manager must assure themselves that this is the case and if there is any doubt, an employment status (IR35) test must be undertaken see appendix 2.
- 4.8. If the worker is an interim or consultant, the employment status (IR35) test must be undertaken see appendix 2.
- 4.9. Once checks are completed the manager can agree a start date for the temporary worker and advise HR via the Starters Form so that the worker can be set up on iTrent. The manager should also ensure that any ICT requirements are implemented in liaison with Strata.
- 4.10. The manager must identify the induction and training requirements for the temporary worker. As a minimum the worker must be provided with information on the Council's data protection, equality, diversity and inclusion, safeguarding, whistleblowing, health and safety and ICT (if the worker will be using Council/Strata owned ICT) policies and procedures, usually through reference to the relevant policies and information on the intranet. The recruitment manager is responsible for identifying other relevant policies, procedures and training which must be covered, keeping a record and monitoring its completion.
- 4.11. The manager must monitor performance of the temporary worker and take immediate steps, within the requirements of the agreed contract, to terminate the engagement if there are issues.
- 4.12. The manager must ensure that temporary workers are only engaged for the period agreed at the outset and seek further approvals should there be a wish to extend this period. Wherever possible engagement periods should be kept to a minimum and plans put in place to recruit to the role on an employment basis as soon as possible, should the work be continuing for an extended period.
- 4.13. Directors/Assistant Directors are responsible for monitoring the use of temporary workers in their service area and regular corporate reports on use will also be provided.

#### Policy administration

- **Equality impact** Low/Medium/High(\* delete as appropriate. If high explain why and ensure impact assessment in place). Human Resources will monitor implementation of this policy.
- Who authorised the policy/strategy and date of authorisation This policy was agreed with SMT+ on xxxx, UNISON on xxxx and Personnel Committee on xxxx and takes effect from xxxx.
- Policy date for review and responsible officer Corporate HR Manager 2027.

### Appendix One - Statutory entitlements for casual workers

Casual workers paid by claim via the Council's Payroll Service are entitled to statutory rights referred to as Basic Employment Rights as set out below. They do not benefit from contractual benefits such as contractual maternity leave/pay, redundancy or sick pay.

Workers engaged via third party recruitment agencies or paid via any other third parties should contact the third party for further information about their employment rights and payments if they have queries.

#### Casual workers are:

- eligible for statutory sick pay, statutory maternity, paternity and adoption pay dependent on the length of any period of continuous service and level of earnings, under the national qualifying agreements;
- covered by the Working Time Regulations legislation, and may not work more than 48 hours a week;
- eligible to join the Local Government Pension Scheme (between ages 16 and 74);
- entitled to 28 days leave (pro rata) per annum, including bank holidays, which is equivalent to accruing 0.121 hours leave for each hour worked. Payment of leave is automatic by Payroll Services.

### **During an assignment:**

• A casual Worker's payment is made via a timesheet claim (deadline 17<sup>th</sup> of each month to Payroll Services) and paid on the 25th of month for the period 16<sup>th</sup> to 15<sup>th</sup> of each month.

#### Continuous service:

- If a casual worker is appointed on a contract of employment with the Council in exactly the same role they have been performing in the same service or business area, they are entitled to have their continuous service with the Council assessed for the purposes of probationary period, annual leave and employment rights;
- If their employment is to the same role as their casual assignment and is deemed to be continuous, their start date with the Council will be the day after their last break of service.
- All other appointments will assume no continuous service and the individual's start date will be the date that they start in the role.

### Appendix Two - HMRC employment status service test & intermediaries

Off payroll workers are paid by invoice via an intermediary such as their own limited company or partnership (also known as a personal services company) or via a recruitment agency rather than East Devon's Payroll Service. Intermediaries legislation affects the Council when they utilise a personal services company or indirectly with such a company via a third party, such as a recruitment agency for the engagement of temporary staff. In the case of direct engagement, where the payment is made by invoice via an intermediary such as their own personal services company, the Council has a statutory responsibility to carry out an employment status assessment (IR35) which determines how the engagement is to be treated for payment of invoices. Where the Council engages an interim/consultant via a third party agency then the recruiting manager must establish either:

 The third party agency is the employer and the interim/consultant is paid via the agencies payroll (PAYE)

Or

• The third party agency has applied the engagement assessment and can provide the outcome to the recruiting manager.

The recruiting manager must undertake the IR35 assessment to determine how the invoices for the work are treated, either paid via Creditors or the Payroll.

## Recruiting managers must adhere to the following steps:

- 1. Confirm the status of any workers being paid off payroll by completing the HMRC Employment Status Service test <a href="https://www.gov.uk/guidance/check-employment-status-for-tax">https://www.gov.uk/guidance/check-employment-status-for-tax</a> before committing to engage the worker.
- 2. The manager must send a copy of the results of the assessment to Payroll Services and retain a copy locally. The manager must NOT formally offer the work to the person unless they are aware of the outcome of the IR35 assessment and understand how the Council will be required to treat the payments for the work. The result should be communicated to the person using the template provided on the Intranet.
- 3. HR will issue a contract for services upon confirmation of the acceptance by the person on the terms of engagement.
- 4. The manager will obtain the necessary personal, company and tax information needed to deduct tax/NIC from the worker's company invoice.
- 5. Invoices should be sent to Payroll Services if the consultant or interim will be subject to tax and national insurance deductions via the Council's payroll. If not, invoices will be processed via Income and Payments Service.
- 6. If the work that the person has been engaged for changes, they undertake a new contract or there are any changes to the original engagement then a new IR35 Assessment must be undertaken by the recruiting manager.

If the individual disagrees with the outcome, then they should be advised that this process aligns to HMRC legislation and can be relied upon if the correct information has been provided. It is the recruiting manager, not the worker, who must undertake the assessment that determines the employment status and the Council will be liable for any payments and fines should this be wrong.

The Payroll and HR Support Manager can provide guidance, but it is the recruiting manager who is responsible to ensure the engagement process and subsequent assessment is carried out correctly as well as being responsible for subsequent terms of engagement.

## **Equality Impact Assessment**

Before completing this EIA please ensure you have read the EIA guidance notes, available on the intranet



Version 1.0	Date Completed	26 <sup>th</sup> November 2024	
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Description of what is being impact assessed

## **Use of Temporary Workers Policy**

The Council's policy and approach to the use of casuals, agency workers, interims and consultants was audited by SWAP in late 2023. The audit highlighted the need to review policy to provide greater clarification for managers, as well as improvements to processes to ensure adequate record keeping. Manager training and awareness raising was also highlighted and this will be actioned following agreement of the revised policy. The proposed policy changes include:

- Reiterating the responsibility of managers to ensure compliance with the policy and related procurement and HMRC requirements, including the need to regularly review placements.
- Clarifying that off payroll workers who reside overseas must not be engaged (which is in line with the Council's policy that it will not employ people who reside overseas because of the tax, financial and other considerations).
- Ensuring that managers provide temporary workers with information relevant to the work and standards expected within the Council, with as a minimum this including information on data protection, health and safety, whistleblowing, equality, diversity and inclusion, safeguarding and ICT.

Evidence

## What data/information have you used to assess how this policy/service might impact on protected groups?

- Anecdotal feedback from managers, recruitment co-ordinators, candidates and HR on the use of temporary worker approach
- SWAP audit.
- Desk-based research.

oz afipd

Who have you consulted with to assess possible impact on protected groups and what have they told you? If you have not consulted other people, please explain why?

Trade union feedback will be sought on the revised policy. There is no data currently collated on temporary worker protected characteristics, which would be helpful to inform the impact assessment and measure impact of policy. The improved recording of the use of temporary workers within the HR and Payroll System as a result of this policy change and improvements to processes will allow for this information to be captured in the future.

Analysis of impact on protected groups

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. The Council also has a legal duty to have due regard to armed forces personnel when carrying out healthcare, housing and education functions. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, assess the likely outcome, before you have implemented any mitigation.

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Age	Policy supports application of a consistent approach to the use of temporary workers based on service need and procurement requirements and therefore not linked to any protected characteristic. Clarification of need for managers to ensure temporary workers are			
Disability	aware of and understand the Council's Equality Policy will help with maintaining a positive working environment and minimising the risks of any discrimination issues.			

Gender reassignment		
Marriage and civil partnership		

	Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
page oo	Pregnancy and maternity	Policy supports application of a consistent approach to the use of temporary workers based on service need and procurement requirements and therefore not linked to any protected characteristic. Clarification of need for managers to ensure temporary workers are			
	Race and ethnicity	aware of and understand the Council's Equality Policy will help with maintaining a positive working environment and minimising the risks of any discrimination issues.			
	Religion or belief				
	Sex				$\boxtimes$

	Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
	Sexual orientation				
pd	Armed Forces (including serving personnel, families and veterans)	The policy also provides consistency to ensure that people from different backgrounds are treated fairly and decisions are based on service need and procurement requirements. Clarification of need for managers to ensure temporary workers are aware of and understand			
ge		the Council's Equality Policy will help with maintaining a positive working environment and minimising the risks of any discrimination issues.			

## Negative outcomes action plan

Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
Not linked to a negative outcome, but improved recording of temporary workers within iTrent to be actioned which will provide improved evidence to assess impact of the policy (date reflects potential change to a cloud-based iTrent	30/09/2025	Corporate Lead - HR	Team meetings and 1:1s	

Protected group	Summary of impact				Negative outcome	Neutral outcome	Positive outcome
solution, which may	impact on the ability to mak -term	e this					
If negative impac	If negative impacts remain, please provide an						
Completed by:		Jo Fellows, C	orporate Lead	– Human Resourc	es		
Date:		26/11/2024					
Approved by:							
Date:							
To be reviewed by	<i>'</i> :	Jo Fellows, C	orporate Lead	– Human Resourc	es		
Review date:		2027 (same t	ime as policy r	next reviewed)			



## **Use of Volunteers Policy**

- 1. East Devon District Council values the time and effort that volunteers give to the organisation and community. We will ensure that volunteers are treated fairly and consistently, in accordance with our Equality Policy, and so that they can have the best possible experience during their involvement with the Council. We will also ensure that our policies, procedures and practices maintain health, safety, wellbeing, equality, data security, whistleblowing and safeguarding requirements. We recognise that volunteers may need flexible arrangements regarding the amount of time commitment they are able to give and therefore we aim to work within these constraints, valuing any level of commitment.
- 2. Volunteers offer their free time, experience and knowledge to help perform a service or function for no financial reward. There is a clear distinction between volunteers who are under no obligation to volunteer and those workers who receive pay under a contract or casual agreement. A volunteer is regarded as "regular" if they are giving up their free time more than once a month.
- 3. This policy only applies to volunteers who are engaged directly by the Council and under the Council's direction and control. Where a constituted group is undertaking voluntary work on Council owned land or premises, under their own direction and control, then this policy does not apply, and the relevant service area should ensure that a written agreement is in place that confirms the arrangements in place.
- 4. The Council also has separate a policy regarding employees undertaking volunteering, which is available on the Volunteers intranet page.
- 5. Volunteers working under the direction and control of the Council can expect:
  - an enjoyable volunteering experience
  - a friendly, supportive, healthy and safe environment in which to work on a voluntary basis
  - an efficient and fair volunteer recruitment process
  - relevant and appropriate training and support to deliver the volunteering role (taking into account current skills and experience)
  - appropriate resources and equipment to undertake the role and make a valuable contribution
  - prompt reimbursement of reasonable travelling expenses, where applicable
  - an environment which embraces two-way communications and which values volunteer input
  - regular personal and/or group supervision with a nominated supervisor either face to face
    or by telephone to ensure volunteers are supported and have a clear understanding of
    what is expected
  - for regular volunteers, a volunteer induction within 4 weeks of starting to help orientate into the work of the Council/team and the role
  - any issues that may arise during the course of the volunteering arrangement to be investigated and resolved fairly.

- 6. In return the Council expects volunteers to:
  - ensure their volunteering contribution is delivered to the best of their abilities and to a high standard
  - treat with respect those you are working with: individuals, other volunteers and staff
  - inform their supervisor if they cannot deliver the volunteering role or are unavailable to volunteer, giving as much notice as possible
  - work within the scope of the role, only making decisions on behalf of the Council that are necessary to deliver the role and as agreed with the supervisor
  - act as an ambassador of the Council and that anything you do does not bring the Council into disrepute
  - adhere to the work and standards expected within the Council. As a minimum this should include data protection, health and safety, equality, diversity and inclusion, whistleblowing, safeguarding and ICT policies (if the volunteer will be using Council/Strata owned ICT).
  - be willing to share their learning and experiences to the furtherance of providing an outstanding experience for service users
  - engage with the aims and objectives of the volunteer project.

#### 7. Volunteer recruitment

- 7.1. Service managers will ensure that volunteering roles are well defined with up to date role profiles and there is clarity about the rationale for it being a volunteer rather than employee or temporary worker role. The service manager will nominate a designated supervisor for each volunteer who will be responsible for ensuring adherence to this policy. A checklist is available on the Volunteer intranet page to support the supervisor.
- 7.2. Most volunteer recruitment will take place as a result of speculative enquiries/applications from the general public, but occasionally, the Council may advertise for volunteers on its website and through social media.
- 7.3. Suitability for volunteering placements will be assessed through interview and references may also be sought prior to volunteers being accepted. In some cases, volunteers may come into contact with vulnerable groups such as children or the elderly in which case Disclosure and Barring Service (DBS) checks will be required, and volunteers will be informed of this during the recruitment stage and prior to placement, with advice sought from HR as required.
- 7.4. Volunteers are welcome from all sectors of the community and the Council will ensure that all equality and diversity issues are taken into account when recruiting for volunteers, including consideration of any reasonable adjustments where necessary.
- 7.5. All service managers and contact supervisors responsible for recruitment of volunteers must be trained and accredited in the Recruitment and Selection training module.
- 7.6. Once selected for a volunteering placement each individual will receive a letter setting out details of this policy and the requirements of the role, including the policy compliance requirements, which they must sign and return before the placement begins. A template letter is available on the Volunteers intranet page.

#### 8. Induction and training

8.1. On joining the Council all volunteers will receive the appropriate level of training related to the role and time commitment afforded by the volunteering opportunity. The supervisor is responsible for identifying the induction and training requirements for the volunteer. As a minimum the volunteer must be provided with information on the Council's data protection, equality, diversity and inclusion, safeguarding, whistleblowing and health and safety policies and procedures, with leaflets and other information provided as part of the letter. The supervisor must then determine whether other information should be provided, usually through reference to the relevant information on the intranet (and/or print outs of this information). The supervisor is responsible for identifying other relevant policies, procedures and training which must be covered, keeping a record and monitoring its completion. If you are a regular volunteer you will be offered a welcome/induction process,

- which will include health and safety, and is aimed at making sure you understand the environment you will be working in. Training will help clarify how you are expected to carry out your work.
- 8.2. If the volunteer is required to have use of a computer, they will be expected to first have an ICT induction before being given access to the Network and will be expected to comply with the Council's ICT security policy at all times.

## 9. Supervision

- 9.1. Each volunteer will have a named supervisor to contact in case of advice or assistance.
- 9.2. Performance management is key to the overall success of the organisation and as volunteers help to contribute to organisational success, it is vital that feedback is provided to each volunteer regularly and in writing, for example regular face to face one to one meetings. If standards fall below a level which is acceptable, then it will be appropriate for the supervisor to address this with the volunteer, with the potential to cease the volunteer arrangement where necessary.

## 10. Expenses

10.1. In the course of volunteering, travel expenses may be claimed, where they have been agreed in advance with the supervisor. Where this is agreed, volunteers are expected to use the cheapest form of transport appropriate to carry out their duties.

## 11. Uniform

11.1. Volunteers may be required to wear uniform or protective clothing which the Council will provide. All equipment and clothing must be returned to the Council when the volunteering arrangement ceases.

## 12. Health and Safety, including Lone Working

- 12.1. The supervisor must ensure that the volunteer is aware of the risk assessment in place within the team including the control measures in place.
- 12.2. If volunteers are expected to work alone, the Council will ensure that they are given training so that they are fully equipped to understand the risks and precautionary measures that should be taken. Volunteers will not be permitted to lone work until full training has been provided.
- 12.3. The Council operates a no-smoking policy on all of its sites and volunteers are expected to adhere to this.

#### 13. Data Protection and Confidentiality

13.1. All volunteers are bound by a legal duty to protect confidential information that they may come into contact with during the course of their work. The confidentiality of information held about living and identifiable individuals must be upheld and the Human Rights Act 1998 and Data Protection Act 2018 complied with. These requirements will be set out in the letter sent to the volunteer at the commencement of their placement.

## 14. Safeguarding

14.1. The Council's safeguarding requirements will be part of the induction and training received by each volunteer and all volunteers will be expected to comply with them.

#### 15.Insurance

15.1. All volunteers will be covered by East Devon District Council's Liability Insurance Policy whilst on the premises or engaged in any voluntary work for East Devon. This covers volunteers up to the age of 85.

### 16. Complaints

- 16.1. Volunteers are encouraged to attempt to address concerns or complaints they may have informally, in liaison with their supervisor. If the volunteer cannot deal with informally or if informal action does not resolve the issue then the volunteer can invoke the Council's Complaints procedure.
- 16.2. If a complaint is made about a volunteer, then the volunteer will be informed as early as possible, to allow initial enquiries to be undertaken. The course of action that may be taken will depend on the level of seriousness of the complaint. The types of action that may be implemented are an informal discussion to resolve the issue, addressing any additional needs such as training or in very serious cases it may be necessary to cease the volunteering agreement.

The purpose of the following process in to enable resolution of individual problems quickly where you have concerns about the way you have been treated by other volunteers, members of staff or the public. It is hoped that most issues will be settled informally, however should you wish to raise a grievance, the process below should be followed. The Council will aim to ensure that all grievances are taken seriously and are resolved as quickly as possible.

Informal approach - You are encouraged to raise the issue with your supervisor informally in the first instance. If you cannot do this this; if the discussion does not resolve the issue; or the problem continues because it has not been addressed adequately, then the grievance should be made formally.

Formal approach - You should write to your supervisor's line manager stating clearly the grounds of the grievance. A grievance meeting will be held to attempt to resolve your grievance. If necessary investigations will be carried out by an independent investigator. You will be offered the opportunity to bring a fellow volunteer or a colleague employed by the Council with you for moral support to any grievance meeting. You will be given the opportunity to appeal the decision made at the grievance meeting.

If a complaint is made about you as a volunteer, then you will be informed to allow initial enquiries to be undertaken. The course of action that may be taken will depend on the level of seriousness of the complaint. The types of action that may be implemented are an informal discussion to resolve the issue, addressing any additional needs such as training or in very serious cases it may be necessary to ask you to leave.

## **Policy administration**

- Who authorised the policy/strategy and date of authorisation This policy was agreed with ELT/SLT on xxxx, UNISON on xxxx and Personnel Committee on xxxx and takes effect from xxxx.
- Policy date for review and responsible officer Corporate Lead Human Resources, 2027

# **Equality Impact Assessment**



Before completing this EIA please ensure you have read the EIA guidance notes and other resources, available on the <u>intranet</u>

Version	1.0		Date Completed	26/11/2024
Description of what is being i	mpact assessed	,		
Volunteers Policy revisions Employee Volunteering Policy	,			
Evidence				
What data/information hav	e you used to assess how th	nis policy/servic	e might impact on p	protected groups?
Feedback from managers Recent volunteers audit by SV	VAP			
There is currently no data on		eers		
Who have you consulted wi consulted other people, pleas	-	t on protected g	roups and what ha	ve they told you? If you have not
There is currently no data on	the equality profile of volunt	eers. Feedback fr	om managers who us	se volunteers has been sought

(directly and via the SWAP audit). It is suggested that a central record of volunteers might be a useful improvement and would enable the provision of equalities data and it is suggested that this is picked up as part of the work of the new EDI Advisor.

Analysis of impact on protected groups

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. The Council also has a legal duty to have due regard to armed forces personnel when carrying out healthcare, housing and education functions. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, assess the likely outcome, before you have implemented any mitigation.

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Age	Greater clarity on the role of the supervisor within the policy and reiteration of the need for supervisors to have attended the recruitment training will help to ensure that volunteers are treated fairly and equally, regardless of their protected characteristics.			
Disability	The policy also sets out the requirement for all volunteers to have awareness and understanding of the Council's Equality Policy.			
Gender reassignment	Further equalities training is planned and will be implemented by the EDI Advisor.  The policy provides a framework which could be used to attract diverse people to undertake volunteering opportunities as a means of			
Marriage and civil partnership	developing their skills and experience. This will be explored further by the EDI Advisor.  Employee Volunteering Policy allows up to 2 days per year for staff to undertake volunteering, providing a consistent approach regardless of protected characteristics.			

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Pregnancy and maternity	Greater clarity on the role of the supervisor within the policy and reiteration of the need for supervisors to have attended the			$\boxtimes$
Race and ethnicity	recruitment training will help to ensure that volunteers are treated fairly and equally, regardless of their protected characteristics.			$\boxtimes$
Religion or belief	The policy also sets out the requirement for all volunteers to have			$\boxtimes$
Sex	<ul> <li>awareness and understanding of the Council's Equality Policy.</li> <li>Further equalities training is planned and will be implemented by the</li> </ul>			$\boxtimes$
Sexual orientation	EDI Advisor.  The policy provides a framework which could be used to attract diverse people to undertake volunteering opportunities as a means of developing their skills and experience. This will be explored further by the EDI Advisor.  Employee Volunteering Policy allows up to 2 days per year for staff to undertake volunteering, providing a consistent approach regardless of protected characteristics.			×
Armed Forces (including serving personnel, families and veterans)	There is not a specific reference to armed forces personnel, carers or other groups but the policy provides a framework which could be used to attract personnel to undertake volunteering opportunities as			×

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Other, e.g. carers, care leavers, low income, rurality/isolation, etc.	a means of developing their skills and experience. This will be explored further by the EDI Advisor.  Employee Volunteering Policy allows up to 2 days per year for staff to undertake volunteering, providing a consistent approach regardless of background.	oxtimes		

# Negative outcomes action plan

Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
Explore how the Council can obtain data on volunteer protected characteristics, as part of the planned EDI work	01/06/2025	Jo Fellows – Corporate Lead	Review against ad EDI Advisor work plan	
Explore how the Council can attract diverse groups to engage in volunteering opportunities	01/06/2025		work plan	
If negative impacts remain, please provide an explanation	n below.			

Completed by:	Jo Fellows – Corporate Lead Human Resources
Date:	26/11/2024
Approved by:	

Action taken/to be taken		Date	Person responsible	How will it be monitored?	Action complete
Date:					
To be reviewed by:	Corporate Lead Human Resources, in liaison with EDI Advisor				sor
Review date:	December 2025				

Report to: Personnel Committee

Date of Meeting: 14 January 2025

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



# **People Data Report**

Report summar	y:
This report provides an overview of work	s key data on the workforce, to support policy decision making and kforce matters.
Is the proposed dec	cision in accordance with
Budget	Yes ⊠ No □
Policy Framework	Yes ⊠ No □
Recommendation	on:
That the Committee	e endorses the content of the report.
Reason for reco	mmendation:
To support policy de	ecision making and an overview of workforce matters.
Officer: Jo Fellows,	Corporate Lead – Human Resources. <u>jfellows@eastdevon.gov.uk</u>
<ul> <li>□ Coast, Country a</li> <li>□ Council and Core</li> <li>□ Democracy, Trane</li> <li>□ Economy and As</li> <li>□ Finance</li> <li>□ Strategic Plannin</li> <li>□ Sustainable Home</li> </ul>	and Emergency Response and Environment porate Co-ordination asparency and Communications assets
Equalities impact	Low Impact
Climate change Lo	ow Impact

Risk: Low Risk;

Links to background information 211130 People Data Proposals Report for Personnel Ctte FINAL.pdf (eastdevon.gov.uk)

Link to **Council Plan** 

Priorities (check which apply)

☐ A supported and engaged community
□ Carbon neutrality and ecological recovery
☐ Resilient economy that supports local business
□ Financially secure and improving quality of services

#### Report in full

- 1. This report provides a regular update on key people data, as agreed by Committee in November 2021, and aims to inform policy decisions and to provide an overview of workforce matters. Analysis is summarised below, with the full data at appendix 1.
- 2. The latest report reflects the data available from the HR system up to the end of October 2024 unless otherwise stated.
- 3. As members are aware, since the last report in April 2024, the new Chief Executive has implemented structural changes, including the addition of a fourth Place directorate. There has also been some movement of service areas between the four directorates. This will therefore impact on the ability to compare this report's data with previous reports, at director and service level. As a reminder, the following services are now under each directorate:
  - 4.1. **Place** Place, Assets & Commercialism, Growth, Development & Prosperity, StreetScene, Engineering, Recycling & Waste, Countryside & Leisure.
  - 4.2. **Governance** Human Resources, Communications, Digital Services & Engagement, Democratic Services & Scrutiny, Legal Services, Elections, Licensing, Information Governance, Performance.
  - 4.3. **Finance** Revenues & Benefits, Finance. Lead for procurement, audit, contract management and risk. Strata Board member.
  - 4.4. **Housing and Health** Regulated Housing Services, Statutory Housing Services, Housing Strategy, Enabling & Projects, Environmental Health
- 4. Particular areas to note from the people data are:
  - 4.5. Headcount has increased by 14, from 552 in April to 566 at the end of October 2025, but remains within budget. Some of this increase is due to 3 new Arborist and Maintenance Operative apprentices, as well as a Planning Graduate sourced through the LGA's Pathways to Planning Programme and a National Management Trainee from the LGA's graduate scheme known as Impact. Furthermore, we have had some success to recruit to some Housing posts, which had previously been challenging due to market pressures.
  - 4.6. Market supplement numbers have increased since the last reporting period in April 2024, from 11 to 23. As previously reported, we advised that we would be seeing an increase to this in the next reporting period due to several failed attempts to recruit to some roles in Housing, such as surveyors. Market Supplements are for specific roles where recruitment and retention is challenging because market forces dictate salary levels. Market Supplements are subject to annual review.
  - 4.7. Vacancies recruiting and not recruiting are at 32 compared to 44 in April. Appointments have been made to 11 of these vacancies and have either since started or start dates have been agreed in the forthcoming weeks. Interviews are scheduled for a further 5 posts and we are awaiting decisions, so in effect there are only 28 vacancies where there is currently no potential outcome. When considering the overall vacancy number against headcount,

- vacancies have decreased from 7.97% in April to 5.65% in October and is significantly lower than the highest level of 10.49% reported in October 2022.
- 4.8. The average time taken to fill vacancies has decreased from 85.15 days to 61.85 days since April 2024. Benchmarking data indicates that c100 days is around the average time taken by organisations to fill posts. As previously reported, we have reviewed the recruitment process to make it more streamlined and have encouraged managers to deal with vacancies much earlier which has had a positive impact, however we will see fluctuations in this figure at the next reporting period as we enter the Christmas period when recruitment activity tends to slow down.
- 4.9. The number of agency workers has decreased by 8 since the last reporting period, with 24 in October 2024. This is due to permanent recruitment of posts that were being backfilled whilst active recruitment took place.
- 4.10. The cumulative voluntary turnover rate at the end of October 2024 was 6.57% and if the trend continues, it is currently forecast to be 9.38% at the end of the financial year which would be higher than the same period last year when it was 5.36%. Overall, we have had 37 voluntary leavers between April and October, only 1 cited they were leaving for a better salary, others cited family reasons or that the role was not the right fit, and 3 decided to resign during a formal process. The forecast for non-voluntary turnover has reduced from 2.16% to 1.27% since April 2024.
- 4.11. The working days lost per FTE has decreased since the last reporting period in April 2024 (0.96 days to 0.80 days). However, the October 2024 figure is slightly higher than the same period last year (0.80 compared to 0.76 days in October 2023) and based on current figures, the projected forecast for the end of the 2024/25 financial year is that 9.68 working days will be lost per FTE, compared to 10.05 working days lost per FTE at the end of 2023/24. The projected figure also remains above the absence target of 8.5 days per FTE, as has been the case now for a number of years. We now have access to Infinistats, a benchmarking platform which compares data across Councils who are using the platform, it is still in its infancy and council's signing up is currently growing, however current information suggests that at the end of March 2024 the absence rate of 10.05 per FTE is comparable with the average of 10.03 days of organisations of similar size headcount to East Devon District Council. We are only able to benchmark in full years and not the current position.
- 4.12. Of note with regard to sickness absence, is the following:
  - Cold/Flu is still the most cited reason for short term absence, followed by phased returns which has returned to second place from first place in April.
  - There was a notable spike of reported cases of Covid in July 2024, resulting in 67.27 days lost by 20 employees, which is the highest since September 2023 when it spiked at 50.52 days.
  - The absence reason "other muscular skeletal issues" is currently the top reason for medium term absence which is a change from April's report when "personal stress, anxiety and fatigue" was top (this is now in second place). New to the top three for medium term absence is "stomach, kidney, liver and digestion".
  - As has previously been reported, cases of medium- and long-term absence because of personal stress, anxiety and fatigue remain a

- feature and we continue to promote the wide range of mental health support available through the Council's Happy Healthy Here offer.
- The decrease of FTE days lost in Health and Housing and increase in Place is due to the restructuring mentioned above.
- We are also able to report that as of 18 October 24 we have engaged a new Occupational Health Provider, Optima Health. This change was necessary because of long delays in service provision with our previous supplier which impacted on our ability to manage absence cases in a timely manner. We hope, with time, to see an improvement to the length of time between referral and appointments which will help us to ensure absence from work is reduced and therefore positively impacting on our absence rates.

## Financial implications:

There are no direct financial implications in the recommendations.

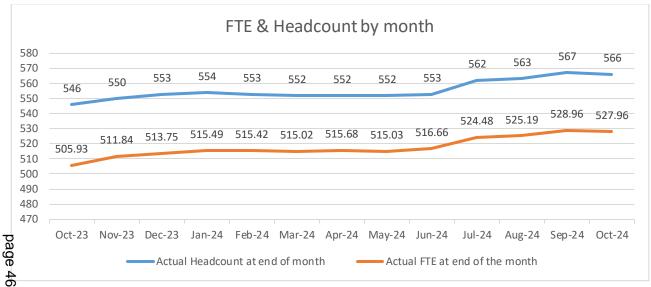
# Legal implications:

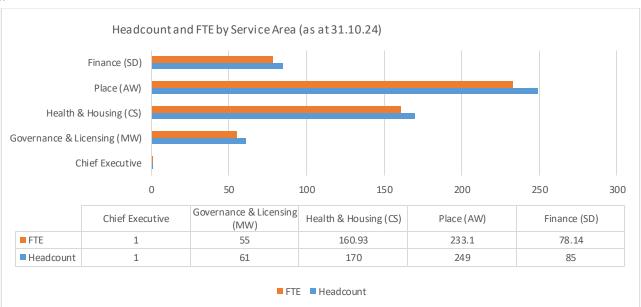
There are no specific legal implications requiring comment.

# **East Devon District Council People Data**

Data as at: 31.10.24

# Headcount







Actual Headcount:	566
Full Time Equivalent (FTE):	527.96
Budgeted FTE for 2024/25:	565.4

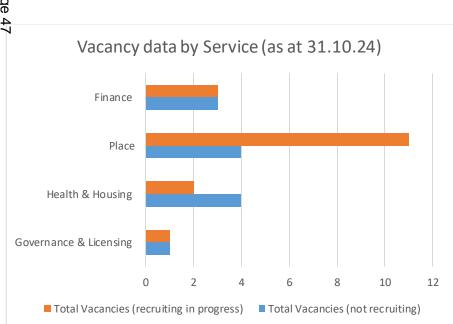
This data incorporates permanent, fixed term and apprentice employees. It excludes casuals, agency workers and contractors.

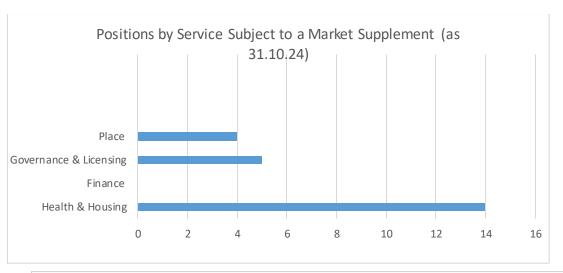
Headcount is the actual number of employees.

Full Time Equivalent (FTE) measures employees in a way that makes them comparable although they may work a different number of hours per week. The unit is obtained by comparing an employee's average number of hours worked to the average number of full time hours. A full-time person is therefore counted as 1 FTE, while a part-time worker is a proportion of 1 FTE. For example, a part-timer employed for 18.5 hours a week where full-time work consists of 37 hours, is counted as 0.5 FTE.

# Vacancies, Agency Workers, Market Supplements

	This month (31.10.24)	Last reporting period (30.4.24)
Total Vacancies for EDDC		
(Recruiting in Progress & Not	32	44
Recruiting)	(5.65%)	(7.95%)
Total number of Market		
Supplements	23	11
Average length of time a		
Recruiting in Progress vacancy is		
vacant	61.85	85.15
Total Positions filled by Agency		
	24	32





**Last Reporting Period** – this was 30 April 2024, as reported to Personnel Committee in June 2024.

**NOT Recruiting Vacancies** - Vacancies that are not currently part of the recruiting process, where a valid Authority to Recruit is in place or the position has been vacant for less than 1 month. This may be because they are on hold or recruitment is being prepared.

Recruiting in Progress - Vacancies being recruited to.

Average length of time a vacancy is vacant – this counts the number of calendar days a Recruiting in Progress Vacancy has been vacant. The count is from either when the post became vacant or when a new post was added to the HR system. It is only possible to calculate this figure for the Council as a whole due to HR system capabilities.

**Agency** - The number of posts that are currently filled by Agency Workers. The numbers by Service or costs are not held centrally in the HR system but HR and Finance are currently working on improvements to where data is held.

Market Supplement – An additional payment made in excess of the job evaluated grade because of recruitment issues linked to market pressures, as per the Market Supplement Policy. Based on the number of people rather than vacant positions that may attract a market supplement.

#### **Turnover**

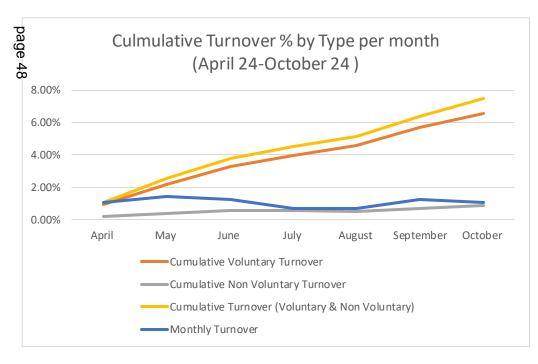
Cumulative	Projected	Cumulative	Projected	Cumulative	Projected
Voluntary	Voluntary	Non-	Non	Turnover	Turnover
Turnover	Turnover	Voluntary	Voluntary	(Voluntary	(Voluntary &
as at	to	Turnover as	Turnover to	& Non-	Non Voluntary)
31.10.24	31.03.25	at 31.10.24	31.03.25	Voluntary)	To 31.03.25
6.57%	9.38%	0.89%	1.27%	7.46%	12.78%

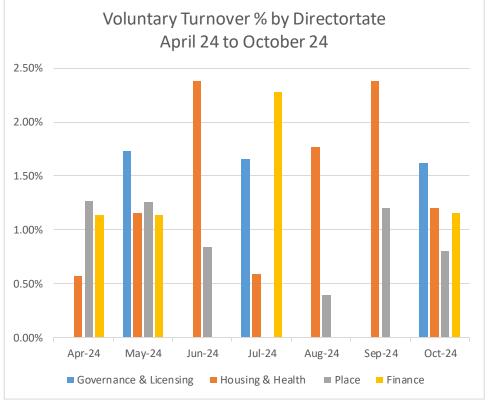
Employee turnover is measured by the percentage of leavers during a period and is shown as a cumulative month on month trend.

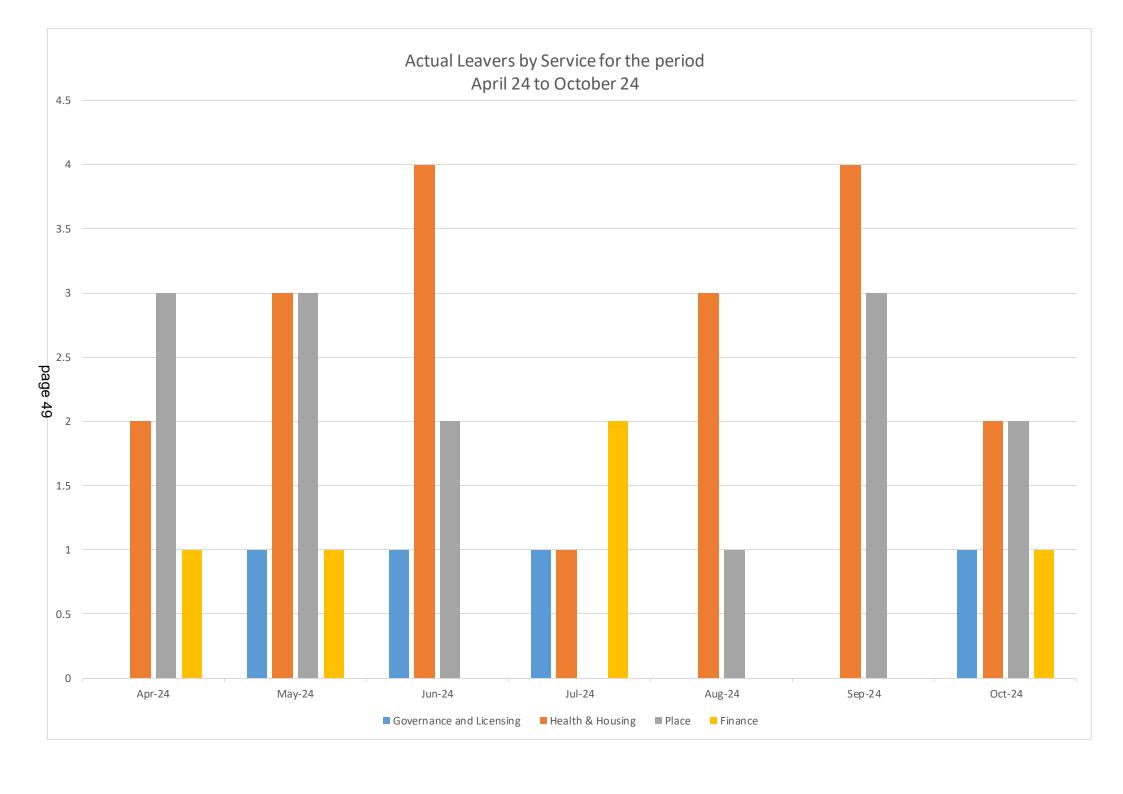
Voluntary turnover only includes resignations.

Non-voluntary Turnover includes dismissals, redundancy, end of fixed term contracts, and ill health retirement.

Projected turnover figures are estimates for the whole year based on information to date, this figure will fluctuate and stabilise as we progress through the fiscal year.

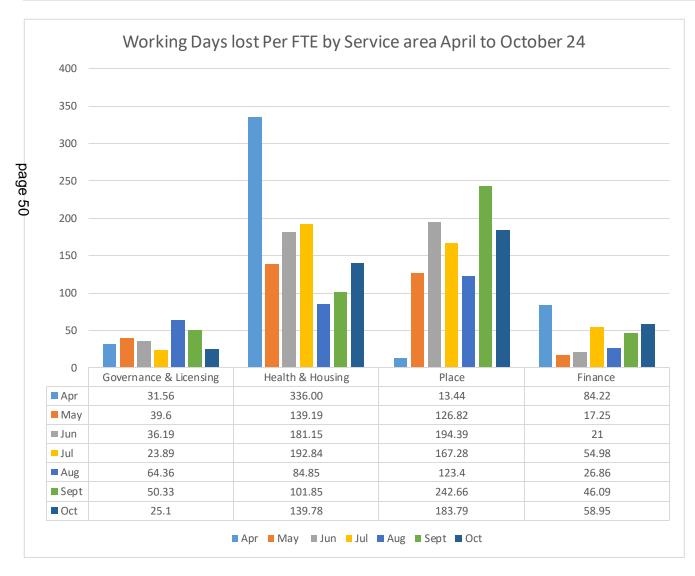






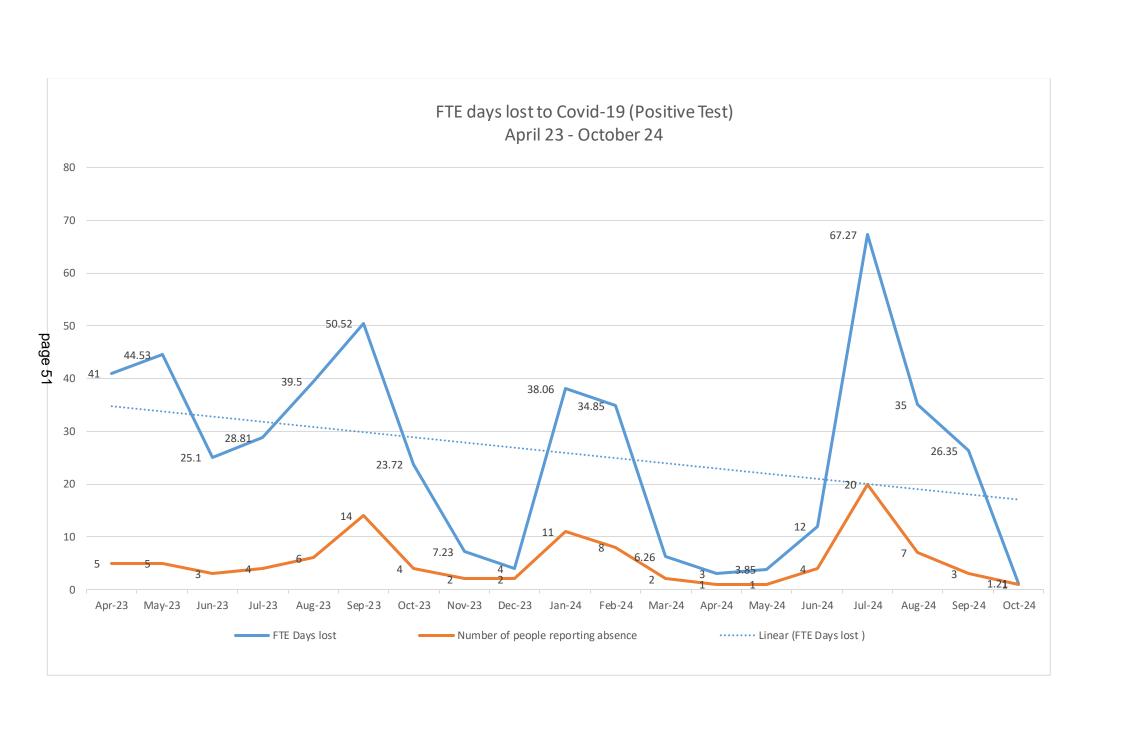
## **Sickness Absence**

Working days lost per FTE (Apr 24 to October 24)	Working days lost per FTE (Apr 23 to October 23)	Working days lost per FTE for last Reporting Period (April 2024)	This reporting period (October 24)
5.65 (0.80 days per month) *	5.37 (0.76 days per month)	0.96 days	0.80 days



Top 3 reasons for absence					
Short term (<8 days)	<ol> <li>Cold/Flu</li> <li>Phased Return</li> <li>Stomach, Kidney, Liver, Digestion</li> </ol>				
Medium term (>8 days, <2 months)	<ol> <li>Other Muscular -Skeletal Problems</li> <li>Personal stress, anxiety, fatigue</li> <li>Stomach, Kidney, Liver, Digestion</li> </ol>				
Long term (>2 months)	1.Other Muscular-Skeletal Problems 2.Neurological Headaches/migraines 3.Stress/Depression/Anxiety (work & personal)				

\*Based on current information the projected figure for end of year absence per FTE is currently 9.68 days per FTE, the annual target is 8.5 days per FTE



# Report to: Personnel Committee

Date of Meeting 14 January 2025

Document classification: Part A Public Document

Exemption applied: None Review date for release N/A



# **Driving at Work Policy**

## **Report summary:**

As part of the Council's responsibilities as an employer, it has a duty to ensure arrangements are in place to meet the requirements of the Health and Safety at Work etc. Act 1974. To assist in achieving this it has adopted a number of policies and procedures that set out standards and approach to various work activities. There is an ongoing programme of review of these documents to ensure that they are up to date and effective. This report outlines proposed changes to the Driving at Work Policy.

Is the proposed decisi	ion in accordance with:
Budget Y	∕es ⊠ No □
Policy Framework Y	∕es ⊠ No □
Recommendation	1:
That Personnel Comm	mittee approve the updated Driving at Work Policy
Reason for recom	nmendation:
To ensure that the Dri	iving at Work Policy is up to date and effective.
Officer: Jeremy Pritch  Jeremy.pritchard@eas	nard, Principal Environmental Health Officer. stdevon.gov.uk,
Portfolio(s) (check whi	nich apply):
` ' '	d Emergency Response
☐ Coast, Country and	d Environment
□ Council and Corpo	orate Co-ordination
☐ Communications a	and Democracy
□ Economy	
☐ Finance and Assets	S
☐ Strategic Planning	
☐ Sustainable Homes	
☐ Culture, Leisure, Sp	port and Tourism
Equalities impact   o	www.lmpact

#### **Equalities impact** Low Impact

#### Climate change Low Impact

Whilst the use of vehicles has a relatively high impact this report only deals with the health and safety aspects.

**Risk:** Medium Risk; Driving at work is a significant risk which this policy hopes to help control. If the required amendments are not made/approved there is a risk that the Council will not be complaint with this aspect of health and safety management.

Links to background information Driving and riding safely for work - Overview - HSE

## **Link to Council Plan**

Priorities (check which apply)	
☐ A supported and engaged community	
☐ Carbon neutrality and ecological recovery	
☐ Resilient economy that supports local business	
□ Financially secure and improving quality of services	

#### Introduction

The Driving at Work Policy was first adopted in September 2017 and requires review to ensure that it is current and effective. The policy and handbook have been updated to meet legal requirements and current operational procedures.

The policy applies to both private vehicles used for work purposes (grey fleet) and the white fleet of Council owned vehicles and aims to:

- Reduce the number of incidents and injuries to employees relating to driving at work tasks.
- Increase awareness of work-related road risks and road safety.
- Make sure that work-related road risks are assessed.
- Reduce risks so far as is reasonably practicable.
- Encourage full reporting of all work-related incidents and near misses relating to driving at work.
- Manage and prevent work actives undertaken by staff which may place employees in situations where there is an elevated risk.
- Reduced stress and improve employee's morale.
- Promote operational improvements and reduce operational costs associated with road traffic incidents.

# Key revisions:

- 1. Revised organisation and arrangements taking in to account the structure of the organisation and new posts, including the Fleet and Equipment Manager.
- 2. Outline responsibilities for line managers to check driving licences, undertake risk assessments, identify training needs and staff fitness to drive.
- 3. Outline responsibilities for employees, and others, in respect to maintaining vehicle and driving licence standards. Note: To drive on council business as a disqualified driver will be regarded as gross misconduct and may result in your dismissal.
- 4. New section on **fleet vehicles**, including vehicle checks and maintenance, monitoring arrangements to ensure vehicles are safe and roadworthy.
- 5. New section on **driver conduct**, including professional conduct, and compliance with the Highway Code. Note: A formal Disciplinary Investigation may be instigated where employees frequently or excessively incur penalties for breaches of road traffic legislation whilst driving on Council business.
- 6. New section on **fitness to drive** to reflect DVLA standards for relevant health conditions and eyesight.

page 53

- 7. New section on **alcohol and drugs** reminding staff not to drive if they are not fit to do so or if their ability is impaired by alcohol or drugs. Note: To drive on council business whilst under the influence of alcohol, recreational drugs or prescribed medication known to cause driver impairment will be regarded as gross misconduct and may result in dismissal.
  - The Council reserve the right to conduct drug testing for any member of staff, including contractors when there is reason to believe the individual in question is under the influence of drugs, alcohol or prohibitive substances.
- 8. New section on **smoking and vaping**. To smoke or vape in a council vehicle will result in disciplinary action.
- 9. New section on using **mobile phones and electronic devices**, outlying the legal position, whilst driving.

Drivers shall not use a device in their hand for any reason, whether online or offline.

Drivers must not text, make calls, take photos or videos, or browse the web.

Exceptions: a device may be used and held if the driver / vehicle is:

- Calling 999 or 112 in an emergency and it's unsafe or impractical to stop.
- Safely parked.
- Making a contactless payment in a vehicle that is not moving, for example at a drivethrough restaurant.
- Using the device to park your vehicle remotely.
- Using devices hands-free.
- Use devices with hands-free access, as long as you do not hold them at any time during usage. Hands-free access means using, for example:
  - a Bluetooth headset.
  - voice command.
  - a dashboard holder or mat.
  - a windscreen mount.
  - a built-in sat nav.
- 10. New section on what to do in the event of a **road traffic accident**, in particular notifying the line manager, the Council's Insurance officer, and completing an accident report form.
  - Note: Drivers should be aware that disciplinary action may be taken against them if their actions are deemed to have been negligent.
- 11. Revised section on **journey planning** outlining driver's responsibilities.
- 12. Revised section on **risk assessment** for managers to follow the risk assessment process looking at the driver, vehicle and journey.
- 13. The driver's handbook has been revised to reflect operational procedures.

#### **Outcomes**

The Council will comply with the Health and Safety at Work Act by providing safe places of work and safe systems of work for its' employees and it will meet its duty of care for those driving on council business.

The potential dangers to employees and members and the public from road traffic accidents will be minimised. The aim is to reduce the number of damage only accidents thereby reducing insurance costs.

# Financial implications:

Covered by the report.

# Legal implications:

The legal issues are dealt with in the body of the report



# East Devon District Council Driving at Work Policy

Issue details	
Title:	Driving at Work Policy
Version number:	Version 2.0
Document owner:	Corporate Health and Safety
Officer responsible:	Principal Environmental Health and Safety
	Officer - Commercial
Initial authorisation date:	Cabinet September 2017
Review date:	September 2024
Review authorisation by:	
Review date:	

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# 1. Version Control

Date	Page	Change	Origin of change (e.g. change in legislation)
11/03/24	2	New Contents page	
11/03/24	5	Removed section of previous policies and strategies	Policy has been in place since 09/2017
11/03/24	5	Removed section on why Driving at Work policy introduced and quick reference guide	
11/03/24	5	Introduction revised and updated to include scope and aims	
11/03/24	5	Legislation revised and expanded	
11/03/24	6	Revised arrangements for Chief Executive and Directors	
11/03/24	6	Revised arrangements for the Corporate Lead – Human Resources	
11/03/24	6	New role and responsibilities created for the Fleet and Equipment Manager	
11/03/24	7	New role: Strategic Lead - Financial Services	
11/03/24	7	Revised arrangements for line managers	
11/03/24	7	Revised arrangements for employees	
11/03/24	8	New section: Fleet Vehicles	
11/03/24	9	New section: Driver Conduct	
11/03/24	9	New section: Fitness to Drive	
11/03/24	10	New section: Alcohol & Drugs	
11/03/24	10	New section: Smoking and Vaping	
11/03/24	10	New section: Mobile Phone/Electronic Devices	
11/03/24	11	New section: Road Traffic Accident	
11/03/24	11	New section: Journey Planning	
11/03/24	12	New section: Risk Assessment	
11/03/24		Removed section: Who is responsible for delivery	Incorporated into arrangements
11/03/24	14	Revised section: Performance Monitoring	
11/03/24		Removed section: Policy consultation	
11/03/24		Removed section: Who authorised the policy/strategy and date of authorisation	
11/03/24	14	Updated Policies and Guidance	

11/03/24	14	Review period 3 years	
11/03/24		Removed section: Equality impact considerations	
11/03/24	14	Reviewed appendices and other relevant information	
16/05/24		Removed Driver's Weekly Vehicle Checklist and Fault Report (appendix)	Checks recorded via mobile worker app
16/05/24		Removed driving practices guidance (appendix)	
04/09/24	App.3	Updated Drivers Handbook	
05/12/19	All	Minor formatting changes and numbering of sub paragraphs in section 3	
05/12/19	5	Update of link to accident reporting tool	
05/12/19	5	Inclusion of specific reference to prohibition of smoking and vaping in vehicles and Smoking and Vaping policy	
05/12/19	11	Insert in risk assessment for driver fitness	Recent experience
05/12/19	14	Updated reference to Smoking and Vaping policy	
05/12/19	16	Inclusion in driver handbook on personal fitness to drive	

#### 2. Introduction

East Devon District Council is committed to providing and maintaining a safe working environment for all employees and to provide such information, training and supervision as may be necessary to enable them to undertake their duties safely.

The Council must manage the health and safety risks arising from those activities associated with driving a vehicle at work. Those affected include:

- Employees and Members who drive a vehicle (regardless of ownership) as part of their work activity.
- Passengers in vehicles which are being used on the council's business.
- Other road users who may be affected by Council employees at work.

Commuting to work is not generally classified as driving for work, except where a journey starts from home and travel is to a work location that is not the normal place of work. Health and safety law does not apply to commuting.

This policy applies to both private vehicles used for work purposes and the grey fleet vehicles. A grey fleet vehicle is owned and driven by a worker for business purposes. Vehicles used under cash allowance schemes are grey fleet too. This policy is not intended to cover those forms of non-motorised transport (such as bicycle) or motorised mobility aids such as powered wheelchairs and scooters.

Driving for work is one of the most dangerous things workers will do. This policy aims to:

- Reduce the number of incidents and injuries to employees relating to driving at work tasks.
- Increase awareness of work-related road risks and road safety.
- Make sure that work-related road risks are assessed.
- Reduce risks so far as is reasonably practicable.
- Encourage full reporting of all work-related incidents and near misses relating to driving at work.
- Manage and prevent work actives undertaken by staff which may place employees in situations where there is an elevated risk.
- Reduced stress and improve employee's morale.
- Promote operational improvements and reduce operational costs associated with road traffic incidents.

#### 3. Legislation

This policy is designed to support the Council in complying with its duties including under The Health and Safety at Work Act 1974 (HASWA), Management of Health & Safety at Work Regulations 1999 (MHSW), Provision and Use of Work Equipment Regulations 1998 (PUWER) and supports and expands the Corporate Health and Safety Policy.

To manage and prevent the likelihood of incidents and accidents the Council is required to:

- Undertake a suitable and sufficient assessment of the risks to health arising from work related road risks.
- Implement robust control measures and safeguards to protect employees and / or others from work related road risks.

The Police carry out initial investigations into road traffic accidents and any offences under the Road Traffic Act 1988. If an incident involves an employee driving on council business, the Police may check the mechanical condition of the vehicle (regardless of ownership), the physical condition of the driver including signs of fatigue, their driving licence, vehicle tax status, MOT, insurance, etc..

# 4. Organisation and Arrangements

#### 4.1 The Chief Executive and Directors shall:

(i) Ensure that this policy and guidance contained within it is effectively communicated and implemented by their respective Senior Managers.

## 4.2 The Corporate Lead – Human Resources will ensure that:

- (i) Recruitment procedures consider any requirement for driving at work.
- (ii) Licences of employees required to drive for work have been checked before they commence driving and arrangements are in place to check annually thereafter.
- (iii) Any vehicle used by an employee in the course of their duties has a current MOT certificate, is appropriately taxed and insurance which covers business use.
- (iv) Licences of elected members who claim mileage are checked, and vehicles taxed and insured, including for business use.

#### 4.3 Assistant Directors:

(i) Responsible for ensuring that this policy and guidance contained within, is communicated effectively, and adhered to within their service.

#### 4.4 The Fleet and Equipment Manager is responsible for:

- (i) The purchase, lease or hiring of replacement EDDC vehicles.
- (ii) Ensuring replacement vehicles meet legislative requirements and give consideration to the safety of the drivers and users of such vehicles, the working environment, hours of use, ergonomic principles as well as purchase price and economic operation when sourcing a vehicle.
- (iii) Checking and maintaining records of driver training requirements for Streetscene.
- (iv) Monitoring and recording incidents concerning speeding, overloading and vehicle safety and any other traffic offences and accidents within the fleet.
- Monitoring and ensuring compliance of regular inspections and vehicle maintenance, service and MOT.

## 4.5 The Finance Manager - Financial Services is responsible for:

- (i) Arranging for EDDC fleet vehicle insurance.
- (ii) Monitoring and recording insurance claims.

#### 4.6 Line Managers will:

(i) Check licences to ensure they are valid for the specific class of vehicle being driven and meet the requirements for any specific staff training needs.

- (ii) Ensure that risk assessments are carried out and reviewed as necessary with adequate consideration given to the risk and any necessary preventative control measures from driving at work.
- (iii) Where risk assessments identify a training need for any driver, managers shall ensure that appropriate action is taken for this to be addressed such as driver training or attendance at a driving refresher course.

In particular, where the driver has:

- (a) two or more blameworthy collisions whilst driving for work (or whilst using their leased vehicle at any time) within the last three years; and / or
- (b) Accumulated six or more current points on their driving licence; and / or
- (c) Returned to driving duties following a period of disqualification.

# Additional, suitable and appropriate driver training must be considered as part of the risk assessment.

- (iv) Take steps to ensure that employees under their control are not permitted to drive at work if they are unfit to do so through sickness or through drink or drugs, and report to the Corporate Lead, Human Resources any injury, illness or impairment declared by a driver that may impact on the person's ability to safely drive the vehicle.
- 4.7 Employees and others (including members, agency workers, volunteers) who drive on Council business shall:
  - (i) Ensure that while driving any vehicle on the council's business they are in possession of a full and valid UK driving licence.
    - (ii) Make sure that any vehicle (regardless of ownership) provided for use at work is properly maintained, is in a roadworthy condition, is appropriately taxed, has a valid MOT certificate and insurance covering business use.
    - (iii) On request, provide all relevant documents and electronic links as appropriate to the Council's representative (Payroll/Streetscene Admin), on an annual basis and every time there is a change in circumstances, such as a change of vehicle.
    - (iv) Inform their line manager of any changes or alterations to driving licences or insurance including:
      - (a) Changes in vehicle categories covered.
      - (b) Disqualification or Penalty points (including if the offence was committed in a private vehicle).
      - (c) Legal proceedings for a motoring offence.
      - (d) Withdrawal or conditions placed on motor insurance.
      - (e) Are awaiting a court appearance for a serious driving offence.
      - (f) Advised by the DVLA not to drive following reporting of a medical condition.

To drive on council business as a disqualified driver will be regarded as gross misconduct and may result in your dismissal.

- (v) Carry out basic checks on any vehicle used by them at work and take appropriate action before driving.
- (vi) Drivers of Council vehicles must complete the vehicle checks required and record these in the specified format for their service, for example the mobile worker app.
- (vii) All employees driving a council owned vehicle must comply with the Driver Handbook.
- (viii) Members and employees should note that with their agreement, the council may check with the DVLA if there is any doubt over the validity of the licence provided.

#### 5. Fleet Vehicles

Where necessary employees shall be provided with a Council vehicle to allow them to travel to and from locations where they are required to undertake work on behalf of the organisation.

Vehicles shall be provided for use in a roadworthy condition, meet all current legislative requirements and will be supplied fit for their intended use. They shall be insured, taxed, serviced and maintained in a roadworthy condition at no expense to the individual user. Any vehicle either owned, leased or hired shall be regularly inspected and serviced in accordance with the manufacturers' recommendations.

Employees provided with a Council owned vehicle shall conduct documented vehicle checks and record via the mobile worker app, and ensure the vehicle remains in a safe and roadworthy condition and serviced as recommended by the manufacturer. Defects affecting the safe operation of a vehicle should be reported immediately to the Fleet and Equipment Manager and the vehicle removed from service until repairs are conducted. All other defects should be reported to the fleet administration officer when discovered.

Managers should have a monitoring process in place to ensure the vehicle checks are being conducted by their employees and ensure that vehicles are maintained in a safe and road worthy condition. The following points should be considered:

- (i) Are adequate maintenance arrangements in place, following the manufacturers reconditions?
- (ii) How do you ensure maintenance and repairs are carried out to an acceptable standard?
- (iii) Is planned preventative maintenance conducted in accordance with manufacturers recommendations? NB an MOT certificate only checks for basic defects and does not guarantee the safety of a vehicle.
- (iv) Do your drivers know how to conduct vehicle inspection / pre user checks?
- (v) Do your drivers conduct and record vehicle inspection / pre user checks?
- (vi) How do you ensure vehicles maximum load weight is not exceeded?
- (vii) Can goods and equipment which are to be carried in a vehicle be properly secured, e.g. loose tools and sample products can distract the driver's attention if allowed to move around freely?

#### 6. Driver Conduct

Drivers of vehicles on Council business, whether fleet or privately owned must:

- (i) conduct their duties in a professional, courteous, helpful and non-aggressive manner to other road users and pedestrians. Any problems which a driver has encountered whilst driving should be reported to their line managers.
- (ii) Comply with the requirements of the Road Traffic Act 1988 and follow the guidance detailed in the Highway Code, see <a href="https://www.gov.uk/guidance/the-highway-code">https://www.gov.uk/guidance/the-highway-code</a>, this policy and the arrangements contained within it. Penalties incurred for breaches of the Road Traffic Act 1988 and any other relevant legislation shall be met by the individual employee / driver.

A formal Disciplinary Investigation may be instigated where employees frequently or excessively incur penalties for breaches of road traffic legislation whilst driving on Council business.

(iii) Use safety equipment such as seatbelts, or other suitable restraint, and head restraints. Drivers are responsible for ensuring that all occupants are securely restrained in transit. Any goods or equipment carried for work purposes must be effectively secured.

#### 7. Fitness to Drive

Employees shall immediately report to their line manager any medical condition which may affect their ability to drive and / or conduct their general duties. Employees shall also inform the DVLA, if required - see <a href="Check if a health condition affects your driving: Overview - GOV.UK">Check if a health condition affects your driving: Overview - GOV.UK</a> (www.gov.uk) Drivers can be fined up to £1,000 if they do not inform the DVLA about a medical condition that affects their driving.

Drivers shall wear glasses or contact lenses every time they drive if they need them to meet the DVLA standards of vision for driving - see <a href="Driving eyesight rules - GOV.UK (www.gov.uk">Driving eyesight rules - GOV.UK (www.gov.uk)</a> All drivers should attend regular eyesight tests to confirm they meet the DVLA standards of vision for driving.

## 8. Alcohol and Drugs

Employees shall be aware that the use of alcohol and / or drugs can seriously impair their judgement, perception and co-ordination resulting in a serious risk to their own safety and that of other road users.

No one shall drive, under any circumstance, if they are not physically and / or mentally fit to do so or if their ability is impaired due to illness, drugs - including over the counter and / or prescribed medication, alcohol, or any other reason. If prescribed medicines effects their ability to drive safely they shall cease driving immediately and inform their line manager.

The Council reserve the right to conduct drug testing for any member of staff, including contractors when there is reason to believe the individual in question is under the influence of drugs, alcohol or prohibitive substances that might impact their performance and behaviour at work, as prescribed in the Councils' Alcohol and Drugs Policy.

To drive on council business whilst under the influence of alcohol, recreational drugs or prescribed medication known to cause driver impairment will be regarded as gross misconduct and may result in dismissal.

#### 9. Smoking and Vaping

## Do NOT Smoke or Vape in a Council vehicle.

Smoking is against the law in a council vehicle (this includes the use of electronic cigarettes), and the Council Smoking and vaping policy makes it clear that to vape in a council vehicle will incur disciplinary action.

Drivers of private vehicles should refrain from smoking when passengers are being carried.

#### 10. Mobile Phones / Electronic Devices

#### Do NOT use a mobile phone when driving on Council business.

It is illegal to hold and use a phone, sat nav, tablet, or any device that can send or receive data, while driving or riding a motorcycle. Drivers shall not use a device in their hand for any reason, whether online or offline. Drivers must not text, make calls, take photos or videos, or browse the web.

The law still applies if the vehicle / driver is:

- Stopped at traffic lights.
- Queuing in traffic.
- Supervising a learner driver.
- Driving a car that turns off the engine when you stop moving.
- Holding and using a device that's offline or in-flight mode.

Exceptions: a device may be used and held if the driver / vehicle is:

- Calling 999 or 112 in an emergency and it's unsafe or impractical to stop.
- Safely parked.
- Making a contactless payment in a vehicle that is not moving, for example at a drivethrough restaurant.
- Using the device to park your vehicle remotely.
- Using devices hands-free.
- Use devices with hands-free access, as long as you do not hold them at any time during usage. Hands-free access means using, for example:
  - a Bluetooth headset.
  - voice command.
  - a dashboard holder or mat.
  - a windscreen mount.
  - a built-in sat nav.

The device must not block your view of the road and traffic ahead.

#### 11. Road Traffic Accident

If a road traffic accident appears serious call emergency services (Police, Fire, Ambulance) 999. The driver shall ensure their own safety and the safety of their passengers and / or others. If passengers are mobile and uninjured they should vacate the vehicle providing it is safe to do so and go to a place of safety, behind a barrier or on a pavement.

The Road Traffic Act requires the driver to stop and exchange details of the name and address of the driver and vehicle owner to all interested parties. If this is not possible, or if any person is injured at all, the driver must report the incident to a police station or telephone 101 as soon as

possible and in any case within 24 hours. The driver should try to obtain the names and addresses of independent witnesses and obtain photograph or video footage providing it is safe to do so. No employees shall admit liability to any other person.

Drivers should aim to notify their line manager immediately following an accident who will notify the Fleet and Equipment Manager as soon as possible.

The Council's Insurance section should be informed of all road traffic accidents at work, including non-injury accidents, as soon as possible regardless of vehicle ownership using the Motor Incident Form.

Drivers must ensure all accidents, incidents and near misses whilst driving are recorded on the Councils Accident and Incident reporting system on the intranet. (http://eddcintranet/forms/accident-report/)

Drivers should be aware that disciplinary action may be taken against them if their actions are deemed to have been negligent.

## 12. Journey Planning

It is the driver's responsibility to ensure that the journey is planned to ensure the safest and most economical route is used and should consider the following points:

- Is the journey necessary, can alternatives such as video conferencing negate the need to undertake the journey?
- Is there an alternative method of travel? i.e. public transport.

If a journey must be made the driver shall ensure that for all journeys and before departure:

- Somebody knows the destination & estimated time of arrival.
- Appropriate vehicle checks have been made.
- A contact name / number at the destination is left with a colleague / designated point of contact.
- Additional safety equipment is considered for winter travel.
- Appropriate rest breaks are included in journey times and consider overnight accommodation, as part of a risk assessment, for extraordinary long distance driving that might be required
- Allow sufficient travelling time in order to arrive at appointments in good time. Drive
  according to the road conditions and if running late then inform the party being met safely
  by email, text or phone.

## 13. Risk Assessment

The process of risk assessment shall be used to identify the hazards associated with the driving activities undertaken and the implementation of precautions and control measures to eliminate, reduce or control the risk to as low as reasonably practicable. This process requires managers to ensure:

- A suitable and sufficient assessment of risks is conducted.
- Control measures to eliminate / reduce risks and comply with legal requirements are identified.
- Implementing preventive and protective control measures.
- · Recording of the risk assessment.
- Proactive / documented communication of the risk assessment to relevant employees.

- Monitor the performance of the control measures.
- Reviewing the risk assessment (periodically or when there are any significant changes in working practices or following a relevant incident / accident / near miss, taking action on lessons learned).

A generic driver risk assessment is attached in Appendix 1 to be completed by each Line Manager who must consider if the risks are appropriate to the tasks their staff carry out. It does not consider:

- specific task adapted vehicles, mowers, tractors etc., which may have additional hazards in their use,
- the use of cycles or motorbikes which staff may use instead of cars for some journeys related to work,
- where passengers may be carried for work purposes
- if staff have to travel as passengers in other vehicles.

Carrying out the risk assessment is only part of managing the work related risk effectively. On a regular basis, consider the elements in this checklist and think about the three areas of **safe driver**, **safe vehicle** and **safe journey** to help you continue to manage work-related road safety effectively.

#### Safe driver

- Are drivers competent and capable of doing the work in a way that is safe for them and other people?
- Are drivers properly trained, and competent for the type of vehicle?
- Do you ensure your drivers have clear instructions and access to information about how to keep themselves safe while on the road including:
  - (i) Recommended tyre pressures
  - (ii) How to adjust headlamp beam to compensate for load weight.
  - (iii) How to adjust head restraints to compensate for the effects of whiplash.
  - (iv) The appropriate action to take if the vehicle is considered unsafe or in the event of a breakdown
- Are drivers sufficiently fit and healthy to drive safely and not put themselves or others at risk?
- Do drivers have access to information that may assist them to reduce risks e.g.

#### Safe vehicle

- Are vehicles fit for the purpose for which they are used?
- Are vehicles maintained in a safe and fit condition?
- Are you sure that drivers' health, and possibly safety, is not being put at risk, eg from an inappropriate seating position or driving posture?
- Where appropriate, are tachographs or load checks in place to ensure drivers are not cutting corners and putting themselves and others at risk?
- Are vehicles properly equipped to operate in poor weather conditions, e.g. are anti-lock brakes fitted?

- Are seatbelts and head restraints fitted correctly and do they function properly?
- Does the fleet vehicle have a first aid kit, if required?

#### Safe journey

- Do you plan routes thoroughly ensuring they are appropriate for the type of vehicle?
- Are work schedules realistic?
- Do you allow enough time to complete journeys safely?
- Do you consider poor weather conditions, such as snow or high winds, when planning journeys?
- Lone working control measures should be included in the risk assessment process.
- Journeys should be planned in such a way as to ensure that drivers of vehicles are not expected to driver continuously for more than 5.5 hours without a break of at least 30 minutes; or else 3 breaks of 15 minutes every 8.5 hours plus a break of 30 minutes after an 8.5 hour period.

#### 14. Outcomes

The Council will comply with the Health and Safety at Work Act by providing safe places of work and safe systems of work for its' employees and it will meet its duty of care for those driving on council business.

The potential dangers to employees and members and the public from road traffic accidents will be minimised. The aim is to reduce the number of damage only accidents thereby reducing insurance costs.

## 15. Performance Monitoring

The Corporate Health and Safety team, the Fleet and Equipment Manager, and the Insurance Officer shall monitor reported incidents to identify possible related incident trends. Where necessary, additional checks on driver's documentation, competence and training shall be carried out together with checks to ensure regular vehicle inspections are undertaken.

Where a lack of compliance is found relevant information will be communicated to the relevant Director or Assistant Director as well as communicated via SLT Health and Safety reports.

#### 16. Related Policies and Guidance

- Health and Safety Policy
- Mobile Phone Policy
- Smoking and Vaping Policy
- Drug and Alcohol Policy
- Accident Reporting Procedure
- Department of Transport publication "*Driving at Work*", managing work-related road safety <a href="INDG382">INDG382</a> Driving at work (btpolfed.org.uk)

# 17. Review

The Corporate Health and Safety team will review the policy in 2027.

# 18. Appendices

**Appendix 1** Risk Assessment Template

Appendix 2 Basic vehicle checks recommended for non-council vehicles, daily and

weekly

**Appendix 3** Driver's Handbook

# **APPENDIX 1**

# RISK ASSESSMENT FORM



Task/Premises: Directorate/Service: Location: Assessment No:

Date: Assessed By: Signed by Head of Service: Review Date:

Activity/plant/materials	List significant	People at risk	Assess	sment of	Risk	Existing controls i.e.	What further action
etc.	hazards		*Severity 1-4	*Likeli hood 1-4	Risk Rating	Safety procedures	Is required to control the risk?
Driving for work  page 70	Accidents and incidents on the road, in car parks and on Council property	Driver, passengers, cyclists, pedestrians and other road users				Competent driver.  Vehicle checks before starting.  Comply with highway code.  Only undertake necessary journeys.  Avoid periods of peak traffic flow.  Take regular breaks on long journeys.	Ensure all control measures are in place and both employee and manager is aware of their responsibilities
Driving without valid  Iicence Insurance MOT tax	Driver not safe, vehicle not safe	As above				Regular document checks.  Clear employee duty to have valid licence.  Clear employee duty to have a road legal and properly maintained vehicle.	As above

Journey assessment	Unknown/long route. Getting lost.	As above	Vehicle checks before starting.  Map/GPS Allow sufficient time. Carry mobile phone. Overnight accommodation if necessary.	As above
Lone working	As lone working risk assessment	Driver	Follow lone working procedures. Carry mobile phone.	As above
Inclement weather, ice, snow, heavy rain, high winds	Increased risk of accident, slippery road surfaces	Driver, passengers, cyclists, pedestrians and other road users	Consider cancelling travel plan.  Prepare vehicle for cold weather i.e. shovel, blanket etc.  Clear windows and mirrors before starting.  Driver should have suitable cold/wet weather clothing.  Carry mobile phone.	As above
Breakdown	Increased risk of accident. Stress	Driver	Carry mobile phone.  Recommend breakdown package to drivers of own vehicles.	As above

Driver becomes unwell	Increased risk of accident. Stress	Driver, passengers, cyclists, pedestrians and other road users	Pull over to a safe stopping place and phone for help.  Tell Line Manager if on medication likely to affect driving capability.	As above
Use of mobile phone whilst driving	Increased risk of accident.	Driver, passengers, cyclists, pedestrians and other road users	Mobile phone use whilst driving forbidden under Mobile Phone policy, including hands free kits.	As above
Driving under the igluence of alcohol, grugs or medication 7	Increased risk of accident.	Driver, passengers, cyclists, pedestrians and other road users	Driving under the influence is a criminal offense and will be regarded as gross misconduct.	As above
Driver fitness – developing loss of eyesight or medical condition that could affect driving	Increased risk of accident	Driver, passengers, cyclists, pedestrians and other road users	Staff member to report any issues. Manager to remain aware of driving history – increased number of accidents /incidents etc.	If concern is raised to discuss with Occupational Health and may require additional tests, e.g. eyesight test etc.

<sup>\*</sup>Severity - Fatality/s = 4 Major Injury = 3 Lost Time Injury = 2 Minor Injury = 1

<sup>\*</sup>Likelihood – Certain = 4 Likely = 3 May Happen = 2 Unlikely = 1

#### **APPENDIX 2**

#### Basic Vehicle Safety Checks recommended for non-council vehicles.

The following checks are recommended each day before moving off for the first time:

- visual check on tyres;
- visual check on externals (integrity of bodywork, mirrors, lights, etc.);
- check on correct adjustment of mirrors;
- adjustment of driver's seat;
- · adjustment of headrest;
- correct functioning and adjustment of seat belt;
- correct functioning of panel warning lights and check for any warnings.

The following checks should be carried out on a weekly basis:

- tyre pressure including spare;
- condition of tyres, tread depth, cuts, nails, etc.;
- correct operation of all lights;
- brake fluid level;
- screen washer fluid level;
- · correct functioning of windscreen wipers and condition of blades;
- other routine checks as recommended by the vehicle manufacturer (oil, clutch fluid, power steering fluid, coolant level, etc.).

#### Note on tread depth:

For cars and light vans the tread depth must be at least **1.6mm** across the centre three quarters of the breadth of the tread and around the entire circumference.

For motorcycles and large vehicles the tread depth must be at least **1mm** across three quarters of the breadth of the tread and in a continuous band around the circumference

**3mm of tread** is recommended for winter motoring, and certainly no less than 2mm.

# **Driver's Handbook**

## Contents

- 1. Introduction
- 2. Driving advice
- 3. Driving Licences
- 4. Driver's responsibilities
- 5. Fuelling of Council vehicles
- 6. Insurance cover
- 7. Towing trailers behind vans and 4x4s

#### 1. Introduction

The Driver's Handbook has been issued to you to provide you with our corporate procedures, and for you to gain an understanding of the legal responsibilities that you must observe as a driver of an East Devon District Council vehicle or your own vehicle (grey fleet) if on council business.

If any item is not clear in this handbook, then the driver must speak to their Line Manager.

This handbook is a quick and easy guide to the main driving rules and requirements. Print a copy if needed; keep it convenient so that guidance is on hand whenever you need it. The contents are divided into relatively small, clearly signposted sections to make it as easy as possible for you to find the particular information you are looking for quickly.

#### **Driving Advice**

#### 2.1 Vehicle condition and driver checks

East Devon District Council has a responsibility to provide vehicles that are fit for the purpose that you are being asked to use them for, in a reasonable condition and are legal in every aspect.

The checks that you carry out on your vehicle are essential to meet the council's statutory responsibilities. You are expected to look after the vehicle which you use, carry out the necessary checks and drive in a safe and correct manner at all times in accordance with the requirements of the Highway Code.

As a driver **you are legally responsible** for the roadworthiness of the vehicle that you are driving. For example, although it is the Council's responsibility to see that brakes are properly maintained, you could be prosecuted, as well as the Council, if you drive with defective brakes.

Remember, if you are prosecuted, be it a driving offence or a vehicle defect, then it will be your licence that is endorsed, and you will be responsible for paying any fines.

You must report any defects on your vehicle as soon as possible to your line manager, or in StreetScene, the Fleet Administration Officer by email to <a href="mailto:eastdevonfleet@eastdevon.gov.uk">eastdevonfleet@eastdevon.gov.uk</a>.

There is a planned system of preventative maintenance and inspection in place to maintain the Council's fleet of vehicles; this is managed by the Fleet and Equipment Manager.

#### 2.2 Fitness to Drive

You must be medically fit to drive at all times when on duty, employees shall immediately report to their line manager any medical condition which may affect their ability to drive or conduct their general duties.

If there are any longer-term concerns about your fitness to drive your manager will help you consult with Occupational Health and you could be asked to undertake additional tests to establish if you require any assistance, such as eyesight tests.

Alcohol must not be consumed before duty (and at any time beforehand on the same day) or during duty or breaks. This includes the consumption of alcoholic drinks without exceeding the legal limit for alcohol. Alcohol from drinking the day before can remain in your blood for up to 24 hours, any alcohol can impair judgement.

Do not drive whilst under the influence of any drugs which may affect driving ability, including those prescribed by a doctor and any non-prescribed medication.

Driving whilst under the influence of either drugs or alcohol whilst at work is considered to be an act of gross misconduct and disciplinary action.

Smoking is not permitted in any East Devon District Council vehicles; this does include the use of vapes.

#### 2.3 Defensive driving

Defensive driving means **safe driving**, it is the art of driving to avoid preventable accidents and avoid contributing to others being involved in accidents.

A preventable accident is one that **you** as a professional driver **can prevent** by doing everything you reasonably can. This means always being alert to what other road users are doing and taking appropriate action to prevent an accident.

Observe speed limits: No-one benefits from speeding.

#### **National Speed Limit Chart**

	Motorways	Dual Carriageways	Other Roads
Car derived van	70	70	60
Car derived van when drawing a trailer	60	60	50
Rigid goods vehicle (not a car derived van) up to 7.5 tonnes MPW and not drawing a trailer (for example Transit)	70	60	50
Goods vehicle up to 7.5 tonnes (not a car derived van) drawing a trailer where their combined MPW does not exceed 7.5 tonnes (for example Transit and trailer)	60	60	50
Goods Vehicle over 7.5 tonnes  Maximum Permitted Weight (MPW)  Maximum authorized Mass (MAM)	56	56	40

#### 2.4 Speed limits for vehicles.

Speed limits are set for roads and for vehicles. Where these two differ, the lower always applies for example, a transit van is limited to 50mph on a single carriageway (de-restricted) road. However, if the road has a 30mph limit, this lower limit applies.

Irrespective of the speed limit for the vehicle on the road, always match your speed to the prevailing conditions.

#### 2.5 Take account of conditions

You must adjust your driving to the weather and visibility.

Fog, snow and heavy rain reduce your ability to control your vehicle. Bright sunlight can reduce your ability to see, and high temperatures can affect the road surface. You must adjust your driving accordingly, paying attention to the distance between yourself and the vehicle in front.

Traffic conditions can vary from hour to hour, day to day and week to week, the defensive driver must be considerate, even to inconsiderate drivers who persist in trying to force their way into the stream of traffic. This requires a calm temperament, which you, as a defensive driver, need to cultivate. You should accept the irritations and the behaviour of other drivers as part of your normal driving job.

#### 3. Driving licences

The driver of a vehicle used on the public road must hold a valid licence for that type of vehicle they wish to drive. Using a vehicle without the appropriate licence entitlement is an offence (that is likely to result in you being prosecuted) and will invalidate the council's insurance policy; you will not be covered for insurance in the event of an accident.

#### 3.1 Car licence holders

Holders of car (category B) licenses can drive vans, but there are differences depending on the date the test was passed i.e.:

#### A - Holders of a car licence who first passed their test prior to 1 January 1997

Holders will usually have the following categories issued by the DVLA in Swansea: AM, A, B1, B, C1, D1, BE, C1E, D1 and D1E, F, K, L, N, P, Q.

You can drive vans and goods vehicles Category C1 up to 7.5 tonnes MAM (for example, a 7.5 tonnes DAF 45) you can also tow a trailer as long as the MAM of the combination does not exceed 8.25 tonnes.

#### B - Holders of a car licence who first passed their test on or after 1 January 1997

Holders will usually have the following categories issued by the DVLA in Swansea: AM, B, B1, F, K, P, Q

You can drive a vehicle of category B, i.e. up to 3.5 tonnes MAM (for example, a Ford Transit). You can also tow a smaller trailer up to 750kg MAM behind such a vehicle.

You can only tow a bigger trailer Category BE if the total MPW of the trailer and vehicle added together do not exceed 3.5 tonnes. The MPW of the trailer must not exceed the unladen weight of the towing vehicle.

#### Minimum age

The minimum age limit of a category B (car) licence is 17. This covers passenger vehicles capable of carrying up to nine persons including the driver, or a small goods vehicle up to 3.5 tonnes MAM.

Car licences remain valid until your 70th birthday after which they may be renewed at intervals from one to three years depending on any medical conditions.

Details on the plastic card include a photographic image of the driver, complete with signature, licence number, address, and date of birth and categories of vehicle that the holder is entitled to drive.

The paper counterpart has been withdrawn by the DVLA in 2015; a new system has been introduced to check driving licenses, provisional categories, endorsements and disqualifications.

Whatever form of licence you have, make sure your correct address is shown. Changes of address should be notified immediately to DVLA. Failure to do so is an offence.

#### 4. Driver's responsibilities

#### **Production of licence**

A driver, or a learner driver's supervisor, must produce their licence on demand to any police officer. A licence not produced on demand must be produced within seven days, at a police station of the holder's choice. The police can ask you to state your date of birth if you fail to produce your licence.

#### Notify your employer

If you are charged with any driving related offence – including fixed penalty speeding tickets – it is extremely important that you notify your Line Manager as soon as possible. If you are disqualified from driving, you must tell your Line Manager immediately and you must not drive.

The Council will have to notify their insurers of the conviction. Failure to do so could invalidate the Council's insurance policy.

This applies whether the offence relates to driving in the course of your employment or privately.

#### **DVLA & Your Employer Notifiable Conditions**

All drivers are required by law to disclose to the DVLA medical conditions that can affect driving, these conditions are listed on the DVLA Web site, see <u>Driving and medical issues - Contact DVLA - GOV.UK (www.gov.uk)</u>

#### 5. Fuelling of Council Vehicles

The Council has a procurement agreement set up to allow fuel to be purchased at beneficial rates.

Fuel for Council vehicles is managed by agency fuel cards, card provider is ALLSTAR Business Solutions Ltd.

All appropriate Council owned vehicles have fuel cards; these are issued and managed by the Fleet and Equipment Manager. The cards will normally be issued against the vehicle registration number.

Drivers must ensure that they select the correct grade of fuel for the vehicle they are driving, **Petrol** or **Diesel**.

The supply of fuel has been streamlined and preferred suppliers are now a part of the fuel buying process.

Our preferred supplier is Tesco's supermarkets, where possible Tesco's should be used to fuel council vehicles.

Using other suppliers will incur an additional cost; the cost is to cover the transaction of the additional invoice.

All fuel cards are chip and PIN, you will be required to input your registration number and mileage. Please retain your receipt and pass to the Fleet and Equipment Manager, or the administration staff in our StreetScene depots.

Charging of council electric vehicles can be carried out at our StreetScene depots in Sidmouth and Exmouth, also at Blackdown House in Honiton. The charge points are facilitated by Mer, and you will need to obtain a charging fob from the Fleet and Equipment Manager or the Fleet Administration officer in StreetScene.

Please ensure that the mileage is recorded for your council vehicle through the Mobile Worker app on a daily basis.

#### 6. Insurance cover

As with any insurance policy, it is only valid if the driver is entitled to drive the vehicle and the vehicle is legal in every aspect. Therefore, conducting and recording daily vehicle checks is so important and why you are expected to carry them out and record them without exception.

The Council has full comprehensive cover for motor vehicles that are used on official Council business only. **You are not allowed** to use the vehicle for private/personal reasons, should you do so then the insurance cover is invalid.

If you have an accident the **policy is with Aviva, policy number 100772264CMI**, which must be exchanged with others involved with the accident.

Our current policy excess is £250.00, which your service has to pay each time a claim is made.

#### 6.1 Accident reporting procedure for road registered vehicles

You should report full details of any accident or road traffic accident to your Line manager / supervisor without delay.

An accident / incident form needs to be completed within 24 hours of the accident (or by 9am Monday morning if an accident occurred during the weekend) and handed to your Line Manager. This is available from the Fleet and Equipment Manager.

If you have an accident under no circumstances admit liability or enter into any debate regarding liability, our insurers will assess the situation.

Your priorities are:

- 1. Your own safety;
- 2. The safety of anybody else involved;
- 3. The safety of other road users.

This may include calling the emergency services. If it is safe to do so, move your vehicle to a place of safety. If you have been trained, administer first aid, if necessary. If the accident causes an obstruction or traffic hazard, call the police. Warn other motorists (for example, use a warning triangle and/or hazard lights).

Get an independent witness if available.

If you are involved in an accident that causes:

- 1. Injury to another person; or
- 2. Injury to certain animals (including dogs, sheep, horses and cows, but not cats) not carried in your vehicle; or
- 3. Damage to another vehicle; or
- 4. Damage to fixed roadside property and furniture (such as lamp posts, trees or gateposts),

You must do the following:

- 1. Stop and give your name and address,
- 2. The Council's name and address
- 3. The vehicle's registration mark to any person having reasonable grounds to ask for the information.
- 4. You must also provide the insurance policy number if any other person is injured (on page 7).

If, having stopped, you have not followed the above procedure, you must report the accident to the police as soon as reasonably practicable and in all cases within 24 hours. If you fail to report an accident and not produce the insurance certificate, if applicable, you may be convicted. If the certificate cannot be produced, it can be submitted to a nominated police station within seven days.

This does not mean you are entitled to wait the full 24 hours before reporting an accident, as the main obligation is to report as soon as reasonably practicable, unnecessary delay could lead to prosecution, even if the accident was reported within 24 hours.

Should you have an accident in a work vehicle that results in a claim, you are required to report this to your own insurer.

#### Statements

**No** statement should be made admitting liability or fault regarding your driving, the condition of the vehicle, or security of the load. **No** offers or promises should be made to third parties without the prior consent of your insurer.

The police should otherwise be given all reasonable assistance.

#### You MUST obtain these details:

In both your own and the Council's interests you should try to obtain:

- 1. Names and addresses of drivers and owners, and registration marks of all other vehicles involved in the accident;
- 2. Details of insurance companies of the owners of the other vehicles;
- 3. Names and addresses of witnesses:
- 4. Shoulder number (Force Identification Number) of any police constable present;
- 5. Road and weather conditions, position of vehicles involved and of any other traffic, skid marks, position of traffic signs, traffic islands, turnings, etc, in the area. Try to show these details in a sketch or take a photograph (if you have a mobile phone).

Third Party damage only- This is when an employee causes damage to a third party vehicle but none to ours.

Damaged by third party-This is when a third party causes damage to EDDC vehicle but the third party vehicle is unscathed.

Own- and third-party damage- both vehicles are damaged.

#### 6.2 Insurance claims procedure

All accidents must be recorded on the Motor Claim Form. If your Line manager does not have a form they are available from the Fleet and Equipment Manager. The form must be completed in full and sent to the Fleet and Equipment Manager immediately along with any photographs of the damage obtained to our vehicle and any third-party vehicle.

#### 7. Towing trailers behind vans and 4x4s

This section covers items specifically for when towing a trailer. You need to have the appropriate category on your driving licence for towing trailers. The categories for towing are B, BE, C1E and CE these are listed in section 3.1 on page 5.

Check with your Line manager which trailers you are allowed to tow.

Tachograph legislation allows derogation for vehicles or combinations not over 7.5 tonnes, used within a 50 km (31 miles) radius from the vehicle's base and where driving does not constitute the driver's main activity.

The addition of a loaded trailer to a vehicle will inevitably affect the vehicle's performance. Starting, particularly on hills, can be much more laboured; stopping can take longer distances; cornering and negotiating sharp bends requires extra care.

Vehicle manufacturer's recommended towing limit, this will be found on the Vehicle Identification Number (VIN) plate. If not sure speak to the Fleet and Equipment Manager.

Speed limits when towing with trailers are in Section 2.3, pages 4.

Always attach the safety breakaway cable(s) to the rear of vehicle. This cable will apply the hand brake if for any reason the trailer becomes detached whilst towing. Clip the breakaway cable onto the special rings some tow bars have or loop it around the bar, making sure it cannot foul the coupling head. Do not loop it round the tow ball neck. Check that the breakaway and lighting cables have enough slack for cornering but will not touch the ground.

Loads must be securely tied down or restrained. If not sure, speak to your Line manager.

There must be no load projections outside the trailer sides that might cause danger to other road users.

When loading a trailer ensure the weight is distributed appropriately. Nose weight is a very important factor in making your vehicle and trailer combination stable during towing. Inadequate nose weight can cause snaking problems. Too much nose weight could cause loss of control.

#### Refer to the recommendations of the vehicle and trailer manufacturers.

It is your responsibility as the driver to ensure all lights work and the tyres are legal.

Adjust both external mirrors so that a view down both sides of the trailer can be obtained.

If you feel you are not competent to tow a trailer, **do not**. Tell your Line manager.

It is your responsibility, as the driver, to ensure that your vehicle or trailer is not overloaded.





# **Grow Our Own**

Update

April – December 2024

# **Grow our own in Numbers** 20\* **Apprentices** Graduates **Work Experience**



### Recent Success

- 2 new Maintenance Operatives, completing Level 2 Property Maintenance at Exeter College.
- 1 new Arborist Apprentice completing level 2 at Bicton Page College.
  These are
  - These are both new apprenticeship offers in the Council!
- 1 Management Trainee Graduate through the LGA, completing their level 7 in Leadership and Management.
- Our Pathway to Planning Graduate has been successfully recruited and commenced a level 7 in Town Planning.
- Dedicated Grow Our Own budget secured to support the recruitment of more early career apprenticeships.
- 4 Work experience placements from Honiton and Sidmouth School. Delivering our new corporate programme. This was well received by students.



# Focusing on Growth – Plans for 2025



- Finalise plans for services to bid for salary funding from dedicated Grow Our Own budget. Supporting our desire to increase apprenticeship opportunity across the Council.
- Corporate Work Experience Programme Planning for Summer 2025.
- Develop promotional material specifically linked to the Grow Our Own programme to support the recruitment and attraction of talent.
- Supported Internship We plan to work with services to develop a placement opportunity for a supported internship aimed at assisting a young person with learning disabilities to develop the skills and confidence to gain paid employment.
- Deaf Academy Work in partnership with the Deaf Academy to offer meaningful work experience to their students.
- Care Experienced Young People -Engage with Devon County Council's Local Offer, considering how we can support through work experience and apprenticeships.

## **Good News**

Apprenticeship numbers have increased by 81.81% from 22/23 to 2024



Apprenticeship Celebration Event

National Apprenticeship
Show

Molly our HR Apprentice attended the National Apprenticeship Show

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Hi, my name is Will Garland, I'm studying arboriculture and I've been in this role for 6 weeks and really enjoying it.

I chose to do an apprenticeship because I wanted to gain experience, while working first hand on the job, gaining new knowledge and skills, while getting to work in the outdoors. The best part of the job is being able to work with and learn from a great team. They are a great laugh and inspiring. The best part about being able to attend college is the ability to gain a wider knowledge and skills in arborist industry and allows me to go on the job and practice.

The best part about working for East Devon District Council, is that I get to help, improve, and look after my local area.







School Engagement – We continue to work and engage with local schools through mock interviews and careers fairs to inspire the next generation of talent into the organisation.