

Report to: Personnel Committee



Date of Meeting 19th May 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Worksmart Update

Report summary:

This report provides the Committee with an update on the Worksmart Review, which is determining the Council's future ways of working, informed by learning through the pandemic.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That the Committee recommends the new Worksmart Policy and the minor amendments to the Flexible Working Requests and Travel policies to Senior Officers for decision.

Reason for recommendation:

To allow the Committee to retain an overview of the work being undertaken to implement the revised Worksmart approach.

Officer: Jo Fellows, HR Manager. Email: jfellows@eastdevon.gov.uk.

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Medium Impact

See below.

Climate change Medium Impact

Risk: Low Risk; The equality and climate change impacts of a change in the Worksmart approach are being identified and mitigated against, as part of this work.

Links to background information Workforce Priorities report presented to Personnel Committee on 2nd September 2021 ([Agenda for Personnel Committee on Thursday, 2nd September, 2021,](#)

[10.00 am - East Devon](#)). Worksmart Review Update presented on 30th November 2021 ([Agenda for Personnel Committee on Tuesday, 30th November, 2021, 2.00 pm - East Devon](#)).

[Link to Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
 - A greener East Devon
 - A resilient economy
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Report in full

1. Introduction

1.1. This report provides an update on the work being undertaken within the Council to implement a revised Worksmart approach from May 2022 onwards, informed by learning from ways of working through the pandemic.

2. Background

2.1. Worksmart was initially introduced when the Council relocated to its Blackdown House offices in Honiton in 2019. It aimed to create an even better working environment where people could work more smartly, flexibly and be more productive, with flexibility of working arrangements in terms of time and place. The Government's Stay at Home message during the Covid-19 pandemic led to nearly all office-based staff working from home and the Council continued to operate a 'work from home if you can' approach through into early 2022 to ensure the continued duty of care to our staff and to mitigate against the impact Covid-related absence may have on our teams and the delivery of our services, particularly in light of current demand and capacity pressures.

2.2. A multi-disciplinary Worksmart Review working group has been determining the Council's future Worksmart arrangements which has included agreement to a revised Worksmart Vision, Outcomes and Principles and identifying the actions required to implement the Worksmart approach. Worksmart is closely aligned with Climate Change Strategy and the developing Customer Access and Digital strategies, with representatives from climate change, customer service, Strata and communications part of the working group.

3. Actions to date and next steps

3.1. The agreed Vision, Outcomes and Principles are included in the new Worksmart Policy at Appendix 1 (paragraphs 3 - 5) and have been informed by three areas of focus:

3.1.1. How we continue to meet customer needs.

3.1.2. How we support sustainability and mitigate against climate change.

3.1.3. How we provide an attractive working environment that supports recruitment and retention, high performance, staff engagement and inclusion.

3.2. The Principles set out the non-negotiables for how staff are expected to work going forward. Between now and the end of June the following actions are being taken:

3.2.1. All managers will be holding team meetings with their staff to determine how their team will work in line with the Principles, which will then be reflected in a written team agreement. Managers within certain front line services (e.g. StreetScene) will also discuss with their teams, although using a slightly different format to reflect their roles. All team discussions will highlight that the overriding focus is to understand and mitigate against any impact on service delivery.

3.2.2. Teams will measure the carbon impact of commuting to Council workplaces pre-pandemic and when their Worksmart arrangements commence, using a Carbon Calculator developed in partnership with the University of Exeter, which will provide us with some useful initial high level data.

3.2.3. Managers will complete an online survey of the team discussion and carbon calculator results, so we have a picture across the Council of what has been agreed.

3.3. The new Worksmart Policy (appendix 1) supports the revised Worksmart approach and minor changes have also been made to the Council's Flexible Working Requests Policy, whilst continuing to reflect the statutory right to request flexible working (appendix 2) and Travel Policy (appendix 3) to align with this. Unison have been consulted and support the changes. Of particular note in the new Worksmart Policy is that:

3.3.1. Working from home will not be a requirement of employment, but is available as one of a range of Worksmart options, subject to manager and team agreement.

3.3.2. Requests to work from home for all of an employee's working hours will be refused unless there are exceptional circumstances. This is because the Council's Worksmart approach already enables flexibility of location, where possible, and it does not consider that working fully from home meets the Worksmart Principles, particularly with regard to meeting service needs and team cohesion.

3.3.3. This policy will be kept under review and the Council reserves the right to review and revise its Worksmart Vision and Principles as required.

3.4. The working group will analyse the survey results in summer 2022 to determine equipment and work base occupancy requirements. The survey will also inform further improvements to the Happy Healthy Here, learning and development and communication and engagement arrangements to support new ways of working and a review of health and safety provisions. A Co Cars electric vehicle short term hire scheme is being trialled, to support green travel and the survey will help to determine other measures that could reduce our carbon impact.

3.5. Worksmart is based on what we know now. We will all be learning together and it is therefore important that we continue to keep Worksmart under review. We will undertake a formal evaluation of progress and outcomes in June 2023 to learn and where necessary adapt our approach further and teams will be required to informally review on a regular basis through team meetings, Performance Excellence Reviews (appraisals) and 1:1s.

3.6. We also continue to liaise with other employers, including neighbouring councils, to identify opportunities for learning and collaboration.

4. Conclusion

4.1. Like many other employers, we want to utilise the benefits and learning from new ways of working during the pandemic to support recruitment and retention and the Council's Climate Change Strategy. However, the focus will remain on ensuring the effective delivery of services to our communities. Our approach, which is led by the Worksmart Principles, aims to achieve this balance and we will evaluate its impact as we develop the Worksmart approach further.

Financial implications:

There are no immediate financial implications arising from the report and revised Policy. Implications are likely to flow from the Policy being rolled out amongst teams which is likely to lead to a review of the office accommodation space required going forward and possible different workspace configuration. In addition, IT requirements and training to ensure staff can

utilise technology to best effect will be identified in line with the recently approved Digital Strategy. Any specific budget implications that may arise will require Cabinet and Council approval.

Legal implications:

It is within this committee's remit to agree policies relating to employment matters. Otherwise there are no legal implications that require comment.

Appendix 1

Worksmart Policy

1. The Council's policy is that it supports flexible working in line with its Worksmart 2022+ Vision and Principles.
2. Worksmart by its nature is about flexibility and the Council needs to ensure that it has a flexible approach that maximises the benefits whilst meeting the needs of our customers, the environment and our workforce. The approach to flexible working will also vary across each service area and team, as the Council is a complex and multi-faceted organisation. This means that we will not be prescriptive about where employees work from (i.e. implementing a complete work from home or work from the workplace approach) and instead this will be based on the needs of the service, team and individual, within the agreed Principles set out by the Council. The focus of Worksmart will include when an employee works, as much as where they work from, subject to service need.
3. The Worksmart Vision is that the Council wants to create an even better working environment which is carbon neutral where people can work smartly, flexibly and productively, whilst delivering and enhancing the services the Council provides.
4. The outcomes for Worksmart are therefore to ensure that:
 - We achieve greater workforce productivity and our services are accessible and delivered effectively when and how customers want them.
 - We are purposeful about how we use our workspaces to meet customer and employee needs.
 - Opportunities to work collaboratively and network across the organisation are maximised through the effective use of technology and our workspaces.
 - We have clarity about and see a reduction in the costs and environmental impacts of our use of Council and employee work spaces, vehicles and other assets.
 - People have more choice about when, where and how they work, supported and connected by effective and appropriate use of technology and informed by the needs of the team, customer and environmental impacts.
 - People have the opportunity to lead more balanced and healthier lives and Worksmart makes us an attractive employer to work for.
 - Business continuity will be improved by the ability to work in an all-electronic environment and from a much wider range of locations.
5. The WorkSmart 2022+ Principles set out what we expect when we work in a Worksmart way and all working arrangements will need to align to these Principles, which are that:
 - **We ensure that meeting customer needs drives our Worksmart approach.** When considering team and individual working arrangements, the overriding focus is to understand and mitigate against any impact on service delivery. Systems Thinking principles and learning will inform this, so that we can continuously challenge and improve our processes and systems to meet customer need.
 - **We use technology to support efficiency, flexibility, engagement and the purposeful use of our workplaces.** We will consider how digital tools can help us to do our jobs in a Worksmart way, but also be mindful of not inadvertently excluding people through the use of that technology, for example checking in virtual meetings that everyone is able to make a contribution, that people have appropriate digital access and use cameras in virtual meetings, where possible, to support engagement and team cohesion. Where mobile or operations based teams use technology to make their roles more efficient, we will ensure it meets the needs of the users.
 - **Work will take place from a variety of locations and respect the needs of the task, the customer, the team and the individual.** There will be occasions when face to face

meetings in our workspaces will be required, for example to ensure visibility, to support team or cross-Council cohesion or to support new colleagues, and all staff will be expected to attend the workplace, as required, to meet these needs. Teams, in liaison with their manager, will need to determine how this will work in practice, underpinned by a clear rationale. It will be important for all individual employees to take account of the wider team/service/customer needs, alongside their personal preferences. Team meetings and 1:1s for example may be best undertaken face to face. Some mobile and operational roles will still require the majority of work to take place physically on-site.

- **Space will be allocated to activities not individuals, with spaces and technology supporting different working needs.** We will determine how we can use our workspaces to meet different needs, such as team collaboration and quiet workspace and to ensure that it is welcoming and safe. This will be a work in progress, as we learn about how teams and individuals use our workspaces and technology and we will welcome feedback to inform this. The booking of spaces (where applicable) will be done responsibly, for example not block booking.
 - **We will work in a way that reduces our carbon impact.** This includes how we can minimise travel or use alternative forms of transport and equipment and make the most efficient use of our workspaces and other assets. Teams should discuss how their Worksmart approach can support this and actively engage in training and initiatives within the Council to support the Climate Change Strategy, including setting team targets for how they will support carbon reductions.
 - **We will consider all forms of flexibility, not just where people work from.** For example, teams could discuss how they can introduce more flexibility in working times or the way jobs are designed. This may include trialling different approaches as a team to see what works and taking account of everyone's views, whilst considering that in some operational work, where specific tasks need to be covered, there may be limits to flexibility.
 - **We will measure our success by how we deliver our agreed outcomes.** This means that we will set clear performance expectations aligned to the Council Plan, service plans and operational outputs and have regular opportunities (for example through team meetings, 1:1s and PERs) to review team and individual progress and agree support requirements.
 - **We are all responsible for keeping our Council data safe and understanding how to do that.** Whatever Worksmart approach is in place within our team, we will be mindful of what that means for how we use data and will ensure that we undertake regular training to maintain understanding.
 - **We will all apply our behaviours framework to support Worksmart and to ensure everyone's health, safety, wellbeing, positive relationships and effective service delivery.** This includes how we communicate, trust and respect for each other, our accountability and how we work together. We will be reviewing our behaviours framework and welcome feedback to inform this.
6. Managers will be responsible for determining the working arrangements locally, informed by discussions within their teams and in line with the Worksmart Principles. Each team will be required to develop a written document that summarises what has been agreed and this must be kept under review, for example through team meeting discussions and when new team members join or service requirements change.

7. In the event of a change of an employee's role through promotion or transfer the employee will need to comply with the agreed Worksmart arrangements for their new position/team. Appointing managers should provide prospective employees with information on the working arrangements and provide a copy of the written document that summarises what has been agreed as part of the individual's induction.
8. Managers remain responsible for ensuring the health, safety and wellbeing of their team regardless of where they are working from and should follow all the agreed health and safety policies, procedures and arrangements. Regular one to ones, team meetings and Performance Excellence Reviews should be maintained and staff should be encouraged to utilise relevant Happy Healthy Here and learning and development opportunities as required.
9. Employees remain responsible for ensuring that their full contractual hours and work responsibilities are undertaken. This includes being available for calls and meetings (either face to face or online) in line with the arrangements agreed within the team.
10. Worksmart arrangements do not vary an employee's contractual place of work, which unless explicitly specified, will usually be the Council's offices in Honiton and/or Exmouth and/or other office within the district as specified in individual employment contracts. Neither does it change other contractual arrangements, for example working hours.
11. If an employee wishes to make a contractual change to their working arrangements they should utilise the Flexible Working Requests Policy.
12. Requests to work from home for all of an employee's working hours will be refused unless there are exceptional circumstances. This is because the Council's Worksmart approach already enables flexibility of location, where possible, and it does not consider that working fully from home meets the Worksmart Principles.
13. Working from home is not a requirement of employment but is available as one of a range of Worksmart options, subject to manager and team agreement. All employees will have access to Council offices to work from as required. Staff may not claim for the cost of utilities or expenses incurred when choosing to work from home under this policy, or home to workbase mileage.
14. Concerns about the application of Worksmart should be discussed with the manager in the first instance. Employees have the right to utilise the Flexible Working Requests Policy (if a contractual change is sought) or the Grievance Procedure if concerns cannot be addressed informally.
15. This policy will be kept under review and the Council reserves the right to review and revise its Worksmart Vision and Principles as required.

Policy administration

- **Equality impact** - High. This policy has high equality relevance. Indirect discrimination can arise if flexible working is unfairly implemented. Human Resources will monitor implementation of this policy.
- **Who authorised the policy/strategy and date of authorisation** - This policy was agreed with SMT and UNISON in April 2022 and confirmed with Personnel Committee in May 2022.
- **Policy date for review and responsible officer** - Corporate HR Manager 2023 (informed by first year Worksmart evaluation in summer 2023).

Related policies/strategies, procedures and legislation

- Equality Act
- Employment Rights Act 1996
- Flexible Working Regulations 2014
- Health and Safety at Work Act and related health and safety legislation
- Flexible Working Requests policy
- Flexi time policy
- Grievance policy and procedure
- Worksmart 2022+
- Health and Safety policy
- Happy Healthy Here policy
- Performance Excellence Framework

Flexible Working Requests Policy (amendments in red)

Why has the Council introduced this policy?

1. Under the provisions set out in part 8A of the Employment Rights Act 1996 and the Flexible Working Regulations 2014 (enacted through the Children & Families Act 2014), you have a statutory right to request a change to your contractual terms and conditions of employment to work flexibly provided you have worked for the Council (or have continuous service) for 26 weeks continuously at the date you make the application.
2. This policy supports our Worksmart 2022+ Vision which is that we want to create an even better working environment which is carbon neutral where people can work smartly, flexibly and productively, whilst delivering and enhancing the services we provide. This policy takes account of the Council's Worksmart Principles which are what we expect from staff when we work in a Worksmart way and flexible working requests will be considered against those Principles, as well as legislative requirements. Further information on Worksmart is here.

What is the Council's policy?

3. The Council's policy is that it supports flexible working in line with its Worksmart 2022+ Vision and Principles.
4. You may make one statutory flexible working request in any 12 month period from the date the previous application was received.
5. You may wish to apply for flexible working for a number of different reasons. You are eligible to apply for flexible working regardless of your seniority, current working pattern, age, sex, race, religion, sexual orientation, whether you have a disability or whether you are employed on a permanent or fixed-term basis.
6. Worksmart already enables staff to work flexibly, where possible and in line with the Worksmart Policy and Principles. This policy should be used only where an individual is making a request to change their pattern, hours or location of work on a permanent contractual basis. Please note that requests for changes to work location will be in line with the Worksmart Policy.
7. The provisions contained in this policy also apply to requests for flexible retirement where an employee is requesting access to their Local Government Pension Scheme benefits by requesting a reduction in hours or grade.
8. Service managers must seek advice from Human Resources regarding any flexible working request to ensure the statutory and policy requirements, including timelines, are complied with. Any changes agreed must also be reflected contractually and relevant health and safety and other measures undertaken.

Flexible working request procedure

9. Making an application

- 9.1. Your flexible working request will be dealt with over a period of 3 months from receipt of your request to notifying you of the Council's decision, or a longer period as maybe agreed between you and the Council. This period includes any appeal against a decision to refuse your flexible working request. A meeting to discuss your request will take place, normally within 28 days of your line manager receiving the request. Following the meeting you should receive a letter within 14 days informing you of the outcome of the meeting.
 - 9.2. You must make your request in writing to the appropriate service manager setting out the flexible working arrangement you seek. Your request must include the following:
 - 9.2.1. Details of the change you are asking for
 - 9.2.2. What effect you think the change would have on the business and how the business could handle it, **including how the request aligns with the Worksmart Principles**
 - 9.2.3. The date the request is made and the date you would like the change to start
 - 9.2.4. A statement that this is a statutory request for flexible working
 - 9.2.5. Whether or not you have made a request previously and if so its date.
 - 9.3. **You must consider the impact of your request on service delivery, your team, your annual leave and bank holiday entitlement, pay and participation in the flexi scheme, or any other working arrangements, prior to making your request.** Please read the available guidance or contact Human Resources.
 - 9.4. If you are aged over 55 and also requesting access to your Local Government Pensions Scheme benefits, the request must include a statement to this effect (please refer to the Council's policy – The Local Government Pension Scheme Discretionary Policy).
10. Upon receipt of your request, the Council will arrange a meeting with you to discuss the changes you have proposed, the effect of the proposed changes and any possible alternative work patterns that might suit. You may be accompanied at this meeting by a work colleague or trade union representative. The Council will consider your request and will make a practical business assessment on whether this can be accommodated.
 11. The Council will notify you of its decision. If the Council accepts your request, we will write to you confirming a start date and provide you with a new contract of employment or contract variation. If your application is refused, the appropriate manager will explain the grounds for refusal both face to face and in writing and will confirm the internal appeal procedure.
 12. It may be that your application is agreed in principle but subject to a trial period to determine how it works in practice. The trial period will usually be for a duration of three months but exceptionally can be up to six months where there are specific circumstances requiring this.
 13. Where your request is accepted, unless otherwise agreed, this constitutes a permanent change to your terms and conditions of employment. This means that you do not have the right to revert to your previous pattern of working at a future date.

14. Grounds for refusal

- 14.1. In considering your flexible working request, your line manager will take into account the following aspects **and the WorkSmart Principles**. The Council may refuse your flexible working application on one or more of the following business grounds:
 - 14.1.1. burden of additional costs
 - 14.1.2. detrimental effect on ability to meet customer demand
 - 14.1.3. inability to reorganise work among existing staff
 - 14.1.4. inability to recruit additional staff
 - 14.1.5. detrimental impact on quality
 - 14.1.6. detrimental impact on performance
 - 14.1.7. insufficiency of work during the periods the employee proposes to work
 - 14.1.8. planned structural changes
 - 14.1.9. other legal reason (for example not in line with the Working Time regulations).
 - 14.2. **Requests to work from home for all of your working hours will be refused unless there are exceptional circumstances. This is because the Council's Worksmart approach already enables flexibility of location, where possible, and it does not consider that working fully from home meets the Worksmart Principles.**
 - 14.3. The Council will provide details relating to why the particular ground applies in the circumstances.
15. The Council may be able to grant your flexible working request, but may not be able to grant you access to your LGPS pension where you have asked for this. If you are unable to gain access to your pension, it will be up to you whether you wish to continue with your request for flexible working.

16. Next steps

- 16.1. Where applications are accepted, service managers should complete an employee change form so that Human Resources and Payroll are aware of this contractual change.
 - 16.2. Where a request is refused, the outcome will be discussed with the employee and confirmed in writing, and will stipulate one or more of the grounds for refusal listed above.
 - 16.3. Where a trial period is involved, the employee will be notified that the outcome of their request is stayed subject to a trial, and the employee changes form only completed if a change to terms and conditions is agreed at the end of the trial.
 - 16.4. It is important to consider who else needs to be informed, including other colleagues.
17. A flexible working application will be treated as having been withdrawn by you if you, without good reason:
- 17.1. fail to attend both the meeting arranged by the Council to discuss the application and the subsequent re-scheduled meeting, or
 - 17.2. fail to attend both the meeting arranged by the Council to discuss an appeal and the subsequent re-scheduled meeting
- In addition to notifying you of this intention in this policy, we will re-iterate this intention in any correspondence to you rearranging the first meeting to discuss your application/appeal.

18. Appeal

- 18.1. You have the right to appeal against the decision to refuse your request for flexible working. If you wish to appeal, you must do so in writing within 5 working days of receipt of the letter informing you of the outcome of your request. Your letter requesting an appeal meeting must set out the grounds on which you wish to appeal against the Council's decision as set out above.
- 18.2. The appropriate service manager will set up a meeting with you and Human Resources to discuss your appeal.

Policy administration

- **Equality impact** - High. This policy has high equality relevance. Indirect discrimination can arise if flexible working is unfairly implemented. Human Resources will monitor implementation of this policy.
- **Who authorised the policy/strategy and date of authorisation** - This policy was agreed with SMT and UNISON in April 2022 and confirmed with Personnel Committee in May 2022.
- **Policy date for review and responsible officer** - Corporate HR Manager 2023 (informed by first year Worksmart evaluation in summer 2023).

Related policies/strategies, procedures and legislation

- Equality Act
- Employment Rights Act 1996
- Flexible Working Regulations 2014
- Children and Families Act 2014
- Flexi time policy
- Grievance policy and procedure
- The Local Government Pension Scheme Discretionary Policy
- Worksmart Policy and related guidance.
- Appendix one - Flexible working request application form - Application form to be used by staff to request flexible working
- Appendix two - Flexible working request procedure flowchart - Process flowchart for requesting Flexible Working

Appendix 3

Travel Policy (amendments in red)

1. Why has the Council introduced this policy?

- 1.1. This policy provides guidance on claiming business mileage in your role. A key principle for this policy is that you should always identify the most cost effective method of travel and car share wherever possible.
- 1.2. National Joint Conditions set out that you are entitled to claim mileage reimbursement if you are using your privately owned vehicle to carry out your duties.
- 1.3. The parameters around mileage allowances are agreed at a local level. Business mileage should be calculated using Google Maps.
- 1.4. This policy works together with **the Council's WorkSmart Policy**.

2. What is the Council's policy?

- 2.1. Reimbursement for business mileage covers journeys which are required so that you can carry out your job effectively.
- 2.2. Journeys to your home and your normal places of work (at the Council's offices in Honiton and/or Exmouth and/or such other place within the Council's district which the Council may reasonably require for the proper performance and exercise of your duties) are regarded as private commuting journeys and mileage cannot be claimed. The principal locations or normal places of work are regarded as Honiton offices and/or Exmouth offices and any other specified location in your contract.
- 2.3. **As stated in the Worksmart Policy, 100% homeworking arrangements will not be agreed except in exceptional circumstances.** Where **it has been agreed** and your contract states that your place of work is your home, business mileage will be reimbursed where you are required to travel to carry out your duties. Business mileage can only be claimed within the district boundaries.
- 2.4. All business mileage claimed must exclude your normal commuting mileage to the Council office (Honiton and/or Exmouth and/or such other place within the Council's district, as stated above) closest to the location of your planned meeting/visit, unless otherwise specified in your contract.
- 2.5. If your business mileage is less than your commuting mileage then you should not claim business mileage as you have not incurred any costs.

Example:

Home to work (Honiton as this is the greater distance) = 17 miles

Business journey (started at home) = 37 miles less 17 miles commuting = 20 miles to claim.

Business journey = 10 miles therefore no claim as less than commuting mileage.

BDH or ETH business mileage commences and then straight home

Business mileage = 50 miles less 17 miles commuting = 33 miles to claim

- 2.6. If you are travelling from a site at the end of the working day, and the mileage from the last site visit to home is in excess of the distance from home to your normal **commuting mileage**, then the excess may be claimed. To determine the excess, you should use the distance to and from either Honiton or Exmouth or other specified location in your contract (whichever is the greater).

Example:

Last site visit is 40 miles from home then you can claim 40 miles less your commuting mileage of 17 miles to claim 23 miles.

- 2.7. Mileage will be reimbursed for call outs on out of hours' schemes. Providing you are designated on a rota as being on call or standby you may claim mileage between your home and destination and back again. Unlike emergency call outs (see below) tax relief can be given because it is necessary for you to attend the site as part of your duties.
- 2.8. You are able to claim reimbursement for emergency and other necessary duty call outs, outside office hours. These will be paid from home to place of call and return to home.

However, this does not apply where overtime (which has been agreed in advance by your line manager) is worked.

- 2.9. Mileage for emergencies and call outs must be claimed separately **on a manual claim form** as these journeys do not qualify for tax relief and are therefore treated as income under PAYE.
- 2.10. The Council will not reimburse with pay or time off, travelling time in respect of journeys from your home to the first appointment of a normal working day OR to your home from the last appointment of a normal working day. In practice this means that such journeys do not count for flexi credit, contracted working hours or time off in lieu or overtime. If you have no fixed or habitual workplace, such travel time will however count for the purposes of the 48 hours working in a 17 week reference period as outlined in the Working Time regulations (including rest break entitlements), but not for pay purposes, reimbursement or calculation of annual leave etc. Your manager may however provide time off due to exceptional travel in your own time for example where courses, meetings and seminars are very far away or travel is significantly delayed. Your line manager may authorise time off in lieu for travel to evening and weekend meetings only in exceptional circumstances, for example where disruption to travel has caused severe delay.

3. Claiming business mileage

- 3.1. You should normally make your mileage claims electronically via Employee self-service. This is available via the intranet under 'Systems'. Claims are normally for a calendar month submitted in the first week of the following month. Any claim submitted more than 6 months after the due date must be passed to your Strategic Lead / Service Lead who will consider why the delay has occurred **and whether or not the claim will be approved**.
- 3.2. East Devon District Council reserves the right not to pay claims older than 3 months.
- 3.3. Rates of reimbursement are:

Rates for all cars (including electric and hybrid)	45p per mile	For first 10,000 miles then 25p per mile thereafter.
Passenger rate	5p per mile per passenger	There is a maximum of 4 passengers
Vocational Training rate	16.4p per mile	This applies to attendance at an agreed college for professional study
Motorcycle rate	25p per mile	
Cycle Rate	20p per mile	This does not apply to cycles obtained under the Cycle Scheme.

- 3.4. If you are asked to attend a conference, course, meeting, seminar or training session away from your normal place of work that is not vocational training (college/professional study centre) then you can claim the excess mileage.

Example:

Home to Office = 20 miles

Home to College/Conference = 35 miles so amount to claim = 15 miles.

- 3.5. The Council actively supports the use of online tools and therefore a common sense approach should be taken when deciding if a journey is necessary as there may be alternative options to attend a meeting using online conferencing tools. Mileage between the Council's office sites should be considered carefully to determine if a virtual meeting is a more efficient option. This is a responsibility of the service manager to determine the most appropriate method.
- 3.6. It is a condition that you possess a valid full driving licence and your insurance covers you for business purposes. When making a claim for reimbursement electronically or manually you are certifying that you comply with this condition. Payroll Services will request that you provide these documents annually on the expiry date of your insurance.
- 3.7. East Devon District Council shall be indemnified in respect of third party liability arising while the car is being used by the insured on council business.
- 3.8. The council must comply with HMRC rules that determine whether your mileage is taxable or not. The basic premise of these rules is that mileage regarded as home to work **place (as per your contract)** and back is deemed to be private mileage and therefore does not receive tax relief in the same way as business mileage. You can view further information on mileage reimbursement and taxation [here](#).

4. Essential user allowance (Existing employees)

- 4.1. As agreed with Unison the Essential User Allowance is no longer available to employees appointed from 1 September 2018. Existing employees will retain the allowance providing they meet the business mileage **as below (this is mileage reimbursed), but on a sliding scale, with the scheme phased out by 2025/26:**

Year mileage reimbursed for	Mileage PA to be achieved	To continue receiving the allowance in:
2021/22	1500	2022/23
2022/23	2000	2023/24
2023/24	3000	2024/25
2024/25	3000	2025/26 (Final year of payment)

- 4.2. Miles accrued for travelling to training or vocational courses will not be included in the assessment for eligibility to **continue to pay** essential user allowance for **current eligible** employees.
- 4.3. The qualifying threshold will be pro rata to a full time post, taking into account absences longer than 1 month. If following a review of mileage travelled in the previous financial year a decision is made to withdraw a post holder's essential user allowance it will be removed with immediate effect from 1st May.
- 4.4. **For employees who continue to receive the allowance**, the rates (effective April 2010) are:

1200cc and over	£1,239 pa
100cc to 1199cc	£ 963 pa
999cc and under	£ 846 pa

- 4.5. If as an essential user your car is not in use as a result of either a mechanical defect or you are absent through illness:
- the essential user allowance will be paid for the remainder of the month in which your car first went out of use or you are absent and, for a further 3 months thereafter. For the following 3 months, payment will be made at the rate of 50% of the allowance.
 - during the period when a car is "off the road" for repairs, out-of-pocket expenses in respect of travel by other forms of transport (bus or train) will be reimbursed, with the approval of your Service Lead.
 - if you hire a car whilst yours is off the road then any hire charges will not be reimbursed by the authority but you will be entitled to claim the mileage reimbursement and the vehicle allowance as normal.

- 4.6. The Council reserves the right to review a post holder's receipt of Essential User Allowance based upon the criteria above and this will be done annually. Eligibility for essential user allowance will be reviewed each May and will be based on the previous financial year's reimbursed mileage. **It is important claims are made to 31 March of the year and reimbursed in the April pay.**

5. Rail travel

- 5.1. When travelling by rail, you should ensure you obtain the cheapest rates available unless there are special circumstances which are authorised by your line manager. If you are intending to travel by rail to your destination then you should:
- Request a rail ticket to be ordered via the internet from the relevant procurement card holder for your service. They will advise you on what information you will need to provide.
 - Rail tickets must be requested at least 7 days before the date of the journey.
 - In the event that you require a ticket within 7 days of the date of your journey then you may have to pay for this yourself and request reimbursement in the normal manner.
 - Alternatively you can purchase a ticket yourself and reclaim the expense in the normal way via an expense claim form available on the intranet but you must ensure that you pay the lowest fare possible to meet your journey requirements. This includes purchasing 2 single tickets as opposed to a one return ticket and also taking advantage of any offers. Receipts must be attached to support the expenditure and reimbursement will be made in the next available pay month.

6. Car parking/**Electric Charging**

- 6.1. Car parking will be provided for all staff as far as possible (not necessarily at the actual place of work) but no guarantee is given or implied. The Council encourages car sharing and provides priority parking spaces up to 10am for employees who undertake car sharing.
- 6.2. **The Council provides electric charges for cars at its Honiton offices and the use of these are free.**
- 6.3. **The Council does not provide free charging at its public car parks for employees.**

Policy administration

- **Who is responsible for delivery?** - Strategic and Service Leads and service managers who authorise claims and individuals who make claims.
- **Who authorised the policy/strategy and date of authorisation** - This policy was agreed with SMT and UNISON in April 2022 and confirmed with Personnel Committee in May 2022.
- **Policy date for review and responsible officer** - Corporate HR Manager 2023 (informed by first year Worksmart evaluation in summer 2023).

Related Policies/Strategies, Procedures and Legislation

- Learning & Development Policy