

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 decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

- To approve the new Probation Policy.
- To approve changes to minimum notice periods.
- To approve the revised Use of Temporary Workers and Volunteers policies.

Reason for recommendation:

To ensure that the Council's HR policies are up to date and fit for purpose.

Officer: Jo Fellows, Corporate Lead – Human Resources. jfellows@eastdevon.gov.uk

Portfolio(s) (check which apply):

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

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
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Report in full

1. 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 8th 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.
2. 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 end
 - 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

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 th 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?			
<ul style="list-style-type: none">• 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
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 discrimination risks.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Disability		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gender reassignment		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Marriage and civil partnership		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 discrimination risks.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Race and ethnicity		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Religion or belief		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sex		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sexual orientation		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other, e.g. carers, care leavers, low income, rurality/isolation, etc.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Protected group	Summary of impact		Negative outcome	Neutral outcome	Positive outcome
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
None		Select date			<input type="checkbox"/>
If negative impacts remain, please provide an explanation below.					
n/a					
Completed by:		Jo Fellows, Corporate Lead – Human Resources			
Date:		26/11/2024			
Approved by:					
Date:					
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)	1 week
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

1. 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 17th of each month to Payroll Services) and paid on the 25th of month for the period 16th to 15th 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 <https://www.gov.uk/guidance/check-employment-status-for-tax> 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 th November 2024
Description of what is being impact assessed			
<p>Use of Temporary Workers Policy</p> <p>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:</p> <ul style="list-style-type: none">• 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?			
<ul style="list-style-type: none">• Anecdotal feedback from managers, recruitment co-ordinators, candidates and HR on the use of temporary worker approach• SWAP audit.• Desk-based research.			

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 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Disability		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Gender reassignment		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Marriage and civil partnership		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
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 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Race and ethnicity		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Religion or belief		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sex		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Sexual orientation		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 the Council’s Equality Policy will help with maintaining a positive working environment and minimising the risks of any discrimination issues.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other, e.g. carers, care leavers, low income, rurality/isolation, etc.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	<input type="checkbox"/>

Protected group	Summary of impact			Negative outcome	Neutral outcome	Positive outcome
solution, which may impact on the ability to make this change in the short-term						
If negative impacts remain, please provide an explanation below.						
Completed by:	Jo Fellows, Corporate Lead – Human Resources					
Date:	26/11/2024					
Approved by:						
Date:						
To be reviewed by:	Jo Fellows, Corporate Lead – Human Resources					
Review date:	2027 (same time as policy 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 is 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; 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 [intranet](#)



Version	1.0	Date Completed	26/11/2024
Description of what is being impact assessed			
Volunteers Policy revisions Employee Volunteering Policy			
Evidence			
What data/information have you used to assess how this policy/service might impact on protected groups?			
Feedback from managers Recent volunteers audit by SWAP There is currently no data on the equality profile of volunteers			
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?			
There is currently no data on the equality profile of volunteers. Feedback from managers who use 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					
<p>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.</p>					
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Disability	The policy also sets out the requirement for all volunteers to have awareness and understanding of the Council's Equality Policy.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Gender reassignment	Further equalities training is planned and will be implemented by the EDI Advisor.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Marriage and civil partnership	<p>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.</p> <p>Employee Volunteering Policy allows up to 2 days per year for staff to undertake volunteering, providing a consistent approach regardless of protected characteristics.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Pregnancy and maternity	<p>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.</p> <p>The policy also sets out the requirement for all volunteers to have awareness and understanding of the Council's Equality Policy.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Race and ethnicity		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Religion or belief		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sex		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sexual orientation	<p>Further equalities training is planned and will be implemented by the EDI Advisor.</p> <p>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.</p> <p>Employee Volunteering Policy allows up to 2 days per year for staff to undertake volunteering, providing a consistent approach regardless of protected characteristics.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Armed Forces (including serving personnel, families and veterans)	<p>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</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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 EDI Advisor work plan	<input type="checkbox"/>
Explore how the Council can attract diverse groups to engage in volunteering opportunities	01/06/2025			<input type="checkbox"/>
If negative impacts remain, please provide an explanation below. 				
Completed by:		Jo Fellows – Corporate Lead Human Resources		
Date:		26/11/2024		
Approved by:				

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
Date:					
To be reviewed by:		Corporate Lead Human Resources, in liaison with EDI Advisor			
Review date:		December 2025			