



WOKINGHAM BOROUGH COUNCIL

A Meeting of the **PERSONNEL BOARD** will be held in
David Hicks 1 - Civic Offices, Shute End, Wokingham RG40
1BN on **TUESDAY 20 FEBRUARY 2024 AT 7.00 PM**

A handwritten signature in black ink, appearing to read 'Susan Parsonage', written in a cursive style.

Susan Parsonage
Chief Executive

Published on 12 February 2024

Note: Non-Committee Members and members of the public are welcome to attend the meeting or participate in the meeting virtually, in line with the Council's Constitution. If you wish to participate either in person or virtually via Microsoft Teams please contact Democratic Services. The meeting can also be watched live using the following link:

<https://youtube.com/live/j2sYAv39WS0?feature=share>

Our Vision
<i>A great place to live, learn, work and grow and a great place to do business</i>
Enriching Lives
<ul style="list-style-type: none"> • Champion excellent education and enable our children and young people to achieve their full potential, regardless of their background. • Support our residents to lead happy, healthy lives and provide access to good leisure facilities to enable healthy choices for everyone. • Engage and empower our communities through arts and culture and create a sense of identity for the Borough which people feel part of. • Support growth in our local economy and help to build business.
Providing Safe and Strong Communities
<ul style="list-style-type: none"> • Protect and safeguard our children, young and vulnerable people. • Offer quality care and support, at the right time, to reduce the need for long term care. • Nurture our communities: enabling them to thrive and families to flourish. • Ensure our Borough and communities remain safe for all.
Enjoying a Clean and Green Borough
<ul style="list-style-type: none"> • Play as full a role as possible to achieve a carbon neutral Borough, sustainable for the future. • Protect our Borough, keep it clean and enhance our green areas for people to enjoy. • Reduce our waste, promote re-use, increase recycling and improve biodiversity. • Connect our parks and open spaces with green cycleways.
Delivering the Right Homes in the Right Places
<ul style="list-style-type: none"> • Offer quality, affordable, sustainable homes fit for the future. • Ensure the right infrastructure is in place, early, to support and enable our Borough to grow. • Protect our unique places and preserve our natural environment. • Help with your housing needs and support people, where it is needed most, to live independently in their own homes.
Keeping the Borough Moving
<ul style="list-style-type: none"> • Maintain and improve our roads, footpaths and cycleways. • Tackle traffic congestion and minimise delays and disruptions. • Enable safe and sustainable travel around the Borough with good transport infrastructure. • Promote healthy alternative travel options and support our partners in offering affordable, accessible public transport with good transport links.
Changing the Way We Work for You
<ul style="list-style-type: none"> • Be relentlessly customer focussed. • Work with our partners to provide efficient, effective, joined up services which are focussed around our customers. • Communicate better with customers, owning issues, updating on progress and responding appropriately as well as promoting what is happening in our Borough. • Drive innovative, digital ways of working that will connect our communities, businesses and customers to our services in a way that suits their needs.
Be the Best We Can Be
<ul style="list-style-type: none"> • Be an organisation that values and invests in all our colleagues and is seen as an employer of choice. • Embed a culture that supports ambition, promotes empowerment and develops new ways of working. • Use our governance and scrutiny structures to support a learning and continuous improvement approach to the way we do business. • Be a commercial council that is innovative, whilst being inclusive, in its approach with a clear focus on being financially resilient. • Maximise opportunities to secure funding and investment for the Borough. • Establish a renewed vision for the Borough with clear aspirations.

MEMBERSHIP OF THE PERSONNEL BOARD

Councillors

Rachel Bishop-Firth (Chair)
Pauline Helliard-Symons
Lindsay Ferris

Prue Bray (Vice-Chair)
Pauline Jorgensen

Stephen Conway
Stuart Munro

ITEM NO.	WARD	SUBJECT	PAGE NO.
63.		APOLOGIES To receive any apologies for absence	
64.		MINUTES OF PREVIOUS MEETING To confirm the Minutes of the Meeting held on 20 November 2023 and the Minutes of the Extraordinary Meetings held on 4 December and 14 December 2023.	5 - 12
65.		DECLARATION OF INTEREST To receive any declarations of interest	
66.		PUBLIC QUESTION TIME To answer any public questions A period of 30 minutes will be allowed for members of the public to ask questions submitted under notice. The Council welcomes questions from members of the public about the work of this committee. Subject to meeting certain timescales, questions can relate to general issues concerned with the work of the Committee or an item which is on the Agenda for this meeting. For full details of the procedure for submitting questions please contact the Democratic Services Section on the numbers given below or go to www.wokingham.gov.uk/publicquestions	
67.		MEMBER QUESTION TIME To answer any member questions	
68.	None Specific	APPRENTICESHIPS WITHIN WOKINGHAM BOROUGH COUNCIL To receive a presentation regarding Apprenticeships within Wokingham Borough Council.	13 - 24
69.	None Specific	AGENCY WORKER REPORT Q3 2023/24 To receive the Agency Worker Report Q3 2023/24.	25 - 28

70.	None Specific	DISCIPLINARY POLICY UPDATE To receive the Disciplinary Policy Update.	29 - 44
71.	None Specific	UPDATES TO PRINCIPLES OF TRAVEL AND EXPENSES POLICY To consider the Updates to principles of Travel and Expenses Policy.	45 - 46

Any other items which the Chairman decides are urgent

A Supplementary Agenda will be issued by the Chief Executive if there are any other items to consider under this heading.

CONTACT OFFICER

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MINUTES OF A MEETING OF THE PERSONNEL BOARD HELD ON 20 NOVEMBER 2023 FROM 7.00 PM TO 7.45 PM

Committee Members Present

Councillors: Rachel Bishop-Firth (Chair), Prue Bray (Vice-Chair), Stephen Conway, Pauline Jorgensen and Lindsay Ferris

Officers Present

Madeleine Shopland, Democratic and Electoral Services Specialist
Louise Livingston, Assistant Director OD and HR
Matt Pope, Executive Director for Children, Adults and Health (item 50)
Sally Watkins, Chief Operating Officer

41. APOLOGIES

Apologies for absence were submitted from Councillors Pauline Helliard Symons and Stuart Munro.

42. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Board held on 20 September 2023 were confirmed as a correct record and signed by the Chair.

43. DECLARATION OF INTEREST

There were no declarations of interest received.

44. PUBLIC QUESTION TIME

There were no public questions.

45. MEMBER QUESTION TIME

There were no Member questions.

46. QUARTER 1 AGENCY REPORT

The Board considered the Agency Worker report Q1 and Q2.

During the discussion of this item, the following points were made:

- The report covered 1 April to 30 September 2023.
- HR continued to work with the Finance team on the Council's agency spend. It was recognised that there were times when the use of agency workers was appropriate.
- Year on year spend on agency workers was down by approximately £142,000. There was a commitment to reducing this spend further. Members commented that this could go up and down and was largely impacted by circumstance such as the completion of a specialist project. Officers highlighted that HR was working with the recruitment managers on recruitment. The use of Matrix was also helping to reduce agency spend.
- The headcount for agency workers at the end of Q1 was 72. At the end of Q2 it was 86. Over the summer, figures tended to increase as adequate cover was required. Members asked whether data existed for previous years which would enable comparison. Louise Livingston, Assistant Director OD and HR, indicated that data from a year ago could be used for comparison. However, there were questions around the integrity of earlier data, which may not provide an accurate comparison.

- Future reports would highlight any emerging trends and patterns. It was thought that this would provide Members with a more informed picture of the situation regarding agency staffing. This would likely be from the new year.
- Louise Livingston referred to recruitment campaigns around social work, and the award of funds from the Department of Education for Children's Services apprenticeships.
- Benchmarking with the other Berkshire local authorities continued to be carried out. Wokingham often spent less in comparison. Members questioned what impact Bracknell receiving the London weighting allowance had. Louise Livingston commented that it was something to keep a watching brief on.
- Members asked that Q1 and Q2 be split to give a clearer picture of the direction of travel.
- Councillor Bray indicated that in Children's Services some social workers and managers had left, being able to command a higher salary elsewhere in Berkshire. This was being reviewed. She went on to comment that several specialist consultants in Children's Services were helping to make changes which would ensure that the service was even more cost effective going forwards.
- Officers would bring a report to a future Board meeting on apprenticeships.
- In response to a Member question regarding how much more agency staff cost as a percentage per post, Louise Livingston indicated that this varied according to the post and skills in question. She agreed to feed back to the Board.
- Councillor Jorgensen commented that the fully loaded cost of a permanent member of staff versus an agency member of staff should be considered e.g. pension costs, annual leave, sickness. Agency workers were not always the more expensive option in all cases.
- Louise Livingston emphasised that particularly with some of the more challenging to recruit to roles, efforts were made to move the worker to a permanent role, where possible.

RESOLVED: That the report be noted.

47. QUARTER 2 AGENCY REPORT

The Quarter 2 agency spend information was considered with the Quarter 1 agency spend information.

48. PAY AWARD 2023

The Board received an update on the national Pay Award.

During the discussion of this item, the following points were made:

- The national Pay Award by the National Joint Council for Local Government Services was for the period from 1 April 2023. Notification had been received on 1 November 2023 that agreement had been made with the Unions on this.
- Louise Livingston agreed to circulate the paper from the National Joint Council to the Board.
- Under the award all employees up to spinal column point 43 would receive a pay rise of £1,925 on each of the spinal column points. Those on spinal column point 44 and above would receive a pay rise of 3.88%. The percentage rise in the lower spinal column points was at least 3.88% or more.
- The Board discussed increments in some detail.

- Members asked what types of role were on spinal column point 43 and were informed that this was a Grade 10 and equated to an HR Business Partner for example.
- Members asked for information about the number of staff at the top of their pay scale in the lower spinal column points.
- The Board asked about the impact on the pension fund payments. Officers agreed to look into this and feed back.

RESOLVED: That the update on the Pay Award be noted.

49. EXCLUSION OF THE PUBLIC

RESOLVED: That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act (as amended) as appropriate.

50. TARGET OPERATING MODEL ADULT SOCIAL CARE

The Board considered a report regarding the target operating model for Adult Social Care.

RESOLVED: That the recommendations contained within the report be agreed.

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**MINUTES OF A MEETING OF THE
PERSONNEL BOARD
HELD ON 4 DECEMBER 2023 FROM 10.30 AM TO 11.30 AM**

Committee Members Present

Councillors: Rachel Bishop-Firth (Chair), Prue Bray (Vice-Chair), Stephen Conway, Lindsay Ferris and Graham Howe (substituting Pauline Helliard-Symons)

Officers Present

Madeleine Shopland, Democratic and Electoral Services Specialist
Louise Livingston, AD HR and OD
Susan Parsonage, Chief Executive
Matt Pope, Executive Director for Children, Adults and Health

51. APOLOGIES

Apologies for absence were submitted from Councillors Pauline Helliard Symons, Pauline Jorgensen and Stuart Munro.

52. DECLARATION OF INTEREST

There were no declarations of interest received.

53. PUBLIC QUESTION TIME

There were no public questions.

54. MEMBER QUESTION TIME

There were no Member questions.

55. EXCLUSION OF THE PUBLIC

RESOLVED: That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act (as amended) as appropriate.

56. SHORTLISTING - DIRECTOR OF CHILDREN'S SERVICES

The Board considered a report on the shortlisting for the role of Director Children's Services.

RESOLVED: That the recommendation within the report be approved.

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**MINUTES OF A MEETING OF THE
PERSONNEL BOARD
HELD ON 14 DECEMBER 2023 FROM 9.30 AM TO 2.15 PM**

Committee Members Present

Councillors: Rachel Bishop-Firth (Chair), Prue Bray (Vice-Chair), Stephen Conway, Lindsay Ferris and Graham Howe (substituting Pauline Helliard-Symons)

Officers Present

Louise Livingston, AD OD and HR

57. APOLOGIES

Apologies for absence were submitted from Councillors Pauline Helliard Symons, Pauline Jorgensen and Stuart Munro.

58. DECLARATION OF INTEREST

There were no declarations of interest received.

59. PUBLIC QUESTION TIME

There were no public questions.

60. MEMBER QUESTION TIME

There were no Member questions.

61. EXCLUSION OF THE PUBLIC

RESOLVED: That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act (as amended) as appropriate.

62. DIRECTOR CHILDREN'S SERVICES

The Board interviewed for the role of Director Children's Services.

RESOLVED: That Emma Cockerell be appointed to the role of Director Children's Services.

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Personnel
Board
13 20th
February
2024



Apprenticeships within Wokingham Borough Council

Why are we here?

01

To consider
'Apprenticeships First'
for recruitment and
training requests

02

To develop the CLT
Workforce Champion to
promote
Apprenticeships, Work
Experience, T-Levels and
other government
initiatives

03

To create a Career
Development Network –
combining the
Apprenticeship
Academy and the
Graduate Academy.

Why Apprenticeships First?

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To ensure that no opportunities are missed to spend levy funds and make savings elsewhere.

Over the last 10 years local government has lost 40% of its workforce – every other part of the public sector has grown (LGA) so we need to look at a Workforce for the Future

We are the lowest paying part of the public sector (LGA) – so often ‘outbid’ for talent by employers that can pay higher wages. Pay is a big obstacle in many areas, but in most acute areas is not the silver bullet.

Over half of Councils say their lack of workforce capacity to deliver services is a moderate or large concern for the six months ahead.

Why Apprenticeships First – The Stats (LGA)

- 94% of Councils reporting recruitment and retention problems.
- 88% of Councils with social care responsibilities say the shortage of social care workers is causing acute difficulties in service provision.
- £2.1bn – the amount spent by Councils on agency staff in 2022-23.
- £800m – amount paid into the Apprenticeship levy by Councils Apr17-Dec22.
- £359m – amount spent on apprenticeships by councils Apr17 – Dec22 (44.5%)
- 81% - proportion of Councils that have seen some levy funds expire.

Many of our Skills Shortage areas have Apprenticeship Solutions (LGA)

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Job Role	% LA's Experiencing Recruitment Difficulties	% LA's Experiencing Retention Difficulties	Apprenticeship Available?
Childrens' Social workers	83%	72%	Yes
Adult Social Workers	71%	57%	Yes
Mental Health Social Workers	60%	45%	Yes
Planning Officers	58%	36%	Yes
Legal Professionals	53%	29%	Yes
Occupational Therapists (Adults)	45%	29%	Yes
Environmental Health Officers	45%	18%	Yes
ICT Professionals	43%	29%	Yes
Building Control Officers	43%	21%	Yes
Engineering Professionals	27%	13%	Yes
Teachers	18%	12%	Yes
Teaching Assistants	12%	9%	Yes

Apprenticeship Routes within the Council

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Traditional Route –
recruiting new
apprentices into
apprenticeship roles.

**Professional
Development Route** –
utilising the
apprenticeship levy to
upskill existing staff.

Apprenticeship Information

Since May 2017 we have had 226 staff enrol onto 56 different apprenticeship programmes with 54 different training providers.

The government originally set a target that 2.3% of the workforce should be on apprenticeships per year – this would be 80 for Wokingham Borough Council and its maintained schools.

Since February 2023 8 new staff members have joined the Council as apprentices in Internal Audit, IT, Surveying, Administration and Customer Services.

How can apprenticeships help with recruitment issues?



Although apprenticeships are not a quick win the long-term benefits are huge.

Example:

20 There is high agency spend on qualified social workers in the Council.

By utilising the apprenticeship levy and upskilling our existing workforce over time we could reduce agency spend, increase staff retention, boost morale and help to future proof our organisation and grow our own talent.

We could even become a mini social work academy!

Similar approaches could be rolled out in teams across the Council.

Facts

5 staff have completed the social work apprenticeship in Adult Social Care – 4 have remained with the Council.

10 staff have completed their ASYE (Assessed and Supported Year in Employment) and 9 are remaining with the council.

Apprenticeship Dashboard Data

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Directorate	New starts 2023	Completions 2023	New starts April 2022 to March 2023	Completions April 2022 to March 2023	Total on Programme at 30.09.23
Adult Social Care	0	0	6	4	11
Childrens Services	2	0	1	1	8
Chief Exec	8	1	0	3	9
Place & Growth	2	0	6	1	15
Resources & Assets	1	3	4	0	12
Schools	2	3	15	8	23
Total	15	7	32	17	78

How can we spend more levy, save money, upskill our workforce and retain staff?

What can we do?

Apprenticeships First' – when managers go out to recruit, they must consider apprenticeships first.

How?

Discuss with the Workforce Development Specialist to establish a suitable apprenticeship programme.
Consider Grade 4-6 vacancies as apprenticeships.

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Apprenticeship training as an additional benefit alongside job offers.

Offering CPD benefits to new recruits as part of the job offer.

Apprenticeships First for training requests

Discuss with the Workforce Development Specialist to establish a suitable apprenticeship programme.

Succession Planning

Utilising apprenticeship training to upskill staff within teams and future proof our workforce.
Looking 3,5 and 10 years ahead to allow time to complete apprenticeships.

Apprenticeship Promotion



Scheduled monthly comms via The Download and Share Point



Managers Network



Roundtable discussion with the Director General for Skills (DFE) – 6th February 2024



The Big Chat – National Apprenticeship Week - 8th February 2024



Engaging with the Economic Development team, local businesses and the voluntary sector to promote apprenticeships and work experience benefits

Next steps



Roll out 'Apprenticeships First' for recruitment of grade 4-6 roles and training requests.



Develop the CLT Workforce Champion role.



Create a Career Development Network – bringing together the Apprentice Academy and Graduate Academy.



Continue to strengthen relationships across the organisation, engage with businesses, Optalis and the VCS as part of 'Transfer to Transform'



Offer work experience and T-Level placements

TITLE Agency Worker Report
Q3 2023/24

FOR CONSIDERATION BY Personnel Board on 20th February 2024

WARD None Specific

LEAD OFFICER Sally Halliwell

RECOMMENDATION

That Personnel Board:

Notes the information contained within the report

SUMMARY OF REPORT

This report contains information based for Q3 of the financial year 2023/24 which covers October, November and December of 2023.

- It is important to recognise that there are specific scenarios where reliance on temporary workers is both a necessary and appropriate resourcing solution to meet service delivery needs especially in areas where staffing numbers are governed by statutory requirement e.g., in the care services. This obviously needs to be underpinned by commercial cost governance.
- The headcount for agency workers at the end of Q3 2022/23 was 100
- The headcount for agency workers at the end of Q3 2023/24 was 80
- It is worth noting that there can sometimes be a lag in the invoices being received and the accounting transactions being completed.

	October	November	December	Q3 2023/24 Total	Year to Date 2023/24	Same period for 2022/23
Adult Social Care	£157,824	£307,077	£184,915	£649,816	£1,907,456	£1,933,497
Chief Executive	£18,115	£26,817	£28,328	£73,260	£163,913	£350,097
Children's Services	£264,569	£476,643	£308,022	£1,049,233	£2,922,704	£2,451,236
Place & Growth	£88,196	£133,984	£66,540	£288,720	£667,557	£776,686
Resources & Assets	£71,142	£48,096	£17,666	£136,905	£440,705	£756,011
Total	£599,846	£992,618	£605,470	£2,197,934	£6,102,336	£6,267,527

Analysis by Directorate

1. Adult Social Care and Health

There remains national difficulties in recruiting permanent Social Workers, Occupational Therapists, Approved Mental Health Professionals (AMHPs) and Operational Commissioning Officers and this has required the directorate to use agency workers to ensure consistent, safe provision of services and maintain performance against KPI's. Since the introduction of market supplement payments the recruitment into AMHP vacancies has not been successful however we have internal employees who we are developing through a trainee scheme which will result in an improved position moving forward once qualified.

The long-standing agency staff have mainly been utilised flexibly across the whole service to meet the needs as they arise, cover vacancies that we have been unable to recruit, to cover during absences and to fulfil the roles created by grant funded initiatives.

2. Children's Services

There continues to be challenges regionally, sub regionally and nationally in recruitment to the children's workforce. This includes social work, Educational Psychology and other key parts of the workforce. There is a national shortage of trained and qualified workers for particular roles eg the Doctorate level qualification for Educational Psychology has had a notable impact.

The Council will remain in competition with other LAs to attract, recruit and retain in these key roles and this is being looked at in more detail through a separate steering group has been created to look at social work recruitment, specifically within Children's services, to understand and benchmark against other Berkshire councils when it comes to packages being offered. We are implementing a recruitment and retention payment into Social Work roles, which is in keeping with other Berkshire councils that have similar offers. This has been because of ensuring we remain competitive and through benchmarking activities undertaken.

3. Resources & Assets

The use of agency workers within this area has been in relation to hard to fill posts where we have ongoing recruitment campaigns but are struggling to fill the vacancies due to ongoing market challenges such as salary we can offer. These areas relate to legal and also procurement where specialist skills and knowledge are required. Agency usage within the property team is being used to support specific projects whose cost is capitalised against the projects worked on.

4. Chief Executive Office

Agency workers are only being engaged on a short-term basis for IT and business change through interim contracts to work on key transformation projects within other areas of the business. This can be utilised on a turn on and turn off situation which is often better value for money to engage in this way rather than have extended fixed term contracts in place.

5. Place & Growth

There remains to be ongoing placement within highways which is a national sector that typically sees a lot of movement as it is an agile and contracted market due to national schemes which can typically command higher markets rates in the short term. This leaves very few specialists within this sector that will take permanent placements in highways. This is also the same for areas such as building control, where the market is strong and competitive not only with other local authorities but the private industry too.

Business Overview

The re-tendering of the agency contract has been approved by Full Council and is in process.

In addition to looking at how corporate functions can work more closely to improve the position when it comes to interims and agency workers the following areas are progressing.

- HR and Procurement continue to work in collaboration to tightly manage Matrix, holding them to account of their contractual obligations and service level agreement. There are weekly operational meetings and quarterly strategic meetings to ensure that improvement continues.
- Market intelligence is used to assess appropriate pay of specialist interims and the memorandum of understanding for the South East is being adhered to for Social Care jobs in both Adults and Children's Services
- Having capped agency fees through the contract it ensures value for money without impairing quality. Hiring managers are supported by HR in hard to fill roles such as change and programme managers, strategic commissioning, and educational psychologists.
- HR have established a front door for recruitment needs and regularly collaborate and advise hiring manager to the most appropriate resourcing route whether that be agency or fixed term.
- HR and Finance have agreed an amended governance of the appointment of agency workers and ensure that there is consistency with other forms of recruitment approval but also value for money. A business case will need to be produced and signed off by the relevant Director, HR and Finance before an agency worker is engaged.
- HR Business Partners will focus within DLTs and senior management meetings with each of their assigned areas so that there is full oversight and challenge in terms of tenures and the appointment of agency workers this will also include understanding whether or not permanent posts are being advertised on a cyclical basis, to test the market which will allow further justification for interim appointments if they are unable to successfully fill.
- Reviews have commenced on whether agency workers can be converted onto either permanent or fixed term contracts and we have been successful in some areas in achieving this

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

	How much will it Cost	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	Contained within existing budgets	NA	NA
Next Financial Year (Year 2) <i>Ongoing annually</i>	NA	NA	NA
Following Financial Year (Year 3)	NA	NA	NA

Other Financial information relevant to the recommendation/decision

Reasons for considering the report in Part 2
NA

List of Background Papers
N/A

Contact: Sally Halliwell	Service: Head of HR and OD
Telephone No	Email sally.halliwell@wokingham.gov.uk

TITLE	Updates to Disciplinary Policy
FOR CONSIDERATION BY	Personnel Board on 20 th February 2024
WARD	None Specific
LEAD OFFICER	Sally Halliwell

RECOMMENDATION

That Personnel Board:
Notes the updates contained within the policy

SUMMARY OF REPORT

This report is presented to board to provide an update in relation to the Disciplinary Policy.

The updates relate to clarification over the process of suspension which strengthens the support offered to any employee, if suspended, but also addresses that we may look at alternatives to suspension which is good practice along with the provision of sick pay during any suspension period.

There is also amendment to wording about HR being present at all disciplinary hearings to provide support and advice to the chair of a hearing removing any previous ambiguity.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

	How much will it Cost	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	NA	NA	NA
Next Financial Year (Year 2) <i>Ongoing annually</i>	NA	NA	NA
Following Financial Year (Year 3)	NA	NA	NA

Other Financial information relevant to the recommendation/decision

Reasons for considering the report in Part 2

NA

List of Background Papers

N/A

Contact: Sally Halliwell	Service: Head of HR and OD
Telephone No 0118 237 8305	Email sally.halliwell@wokingham.gov.uk



Discipline Policy & Procedure

The aim of this Disciplinary Policy is to ensure that there is a fair and consistent approach to the enforcement of standards of conduct affecting employees of Wokingham Borough Council. The Policy and Procedure exist to encourage an improvement in employees conduct and behaviour where this falls short of the normal standards expected, and has been drawn up in consultation with Union representatives and the Corporate Works Council. It is based on the principles in the ACAS Code of Practice on disciplinary and grievance procedures.

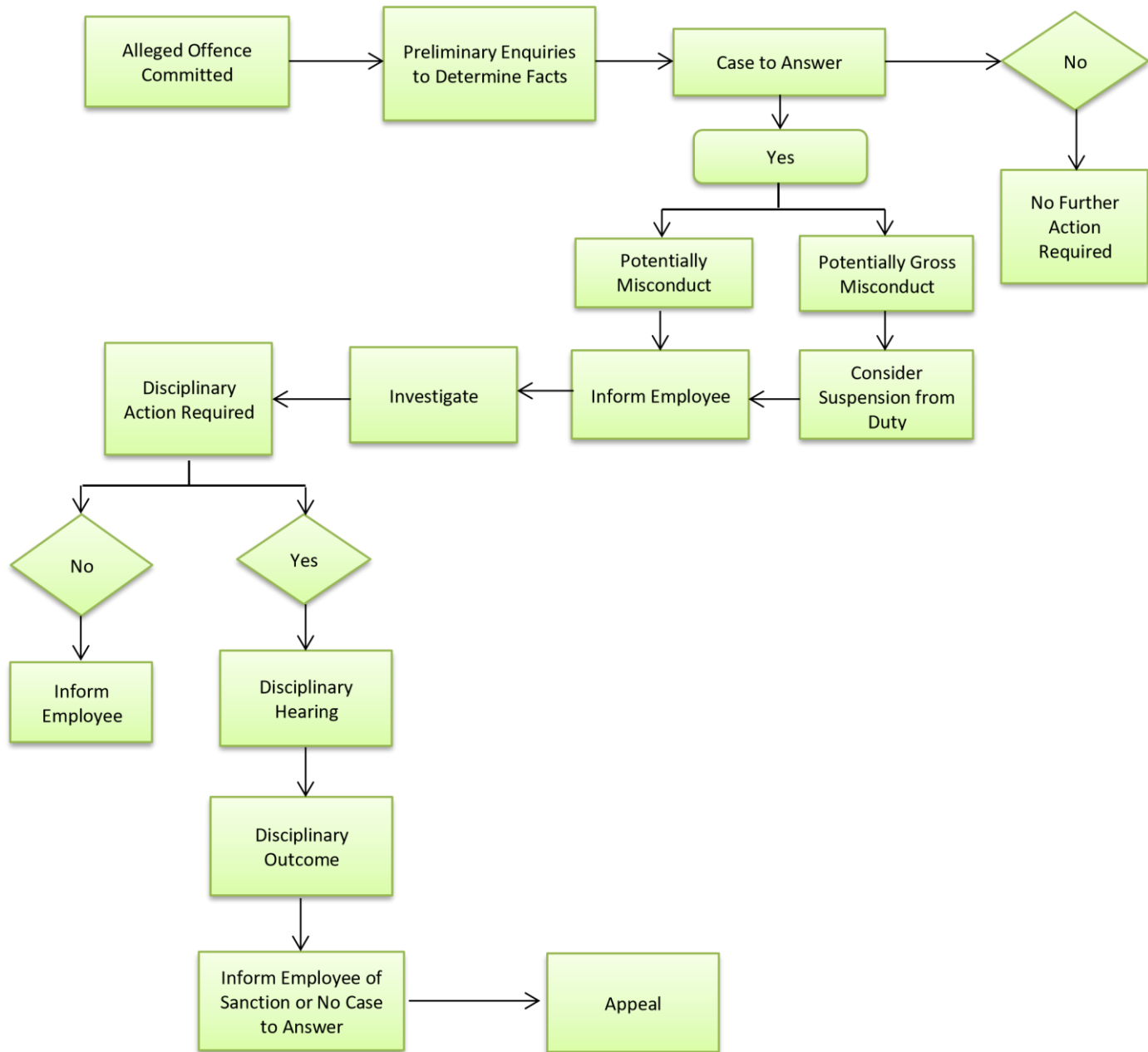
All employees are expected to comply with the Council's policies. These include but are not limited to the Conduct policy; Health and Safety at Work policy; and Financial Regulations.

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Version	Date	Description
2	08/06/2006	Human Resource Policy and Procedure Description for Discipline
3	03/07/2008	Amended to reflect Delegated Powers relating to Staffing Matters
4	28/10/2009	Amended to reflect changes in legislation
4.1	14/04/2011	Amended to include the appeal process
5.	10/12/2013	Reviewed to include reference to the Performance Framework
6.	01/09/2016	Overhaul of the disciplinary procedure to bring in line with new format.
6.1	23/03/2017	Amended to reflect HR at Dismissal and Final appeal only
6.2	28/12/2018	Removed Chief Exec, S151 & Monitoring Officer from these procedures
6.3	31/10/2020	Usage of virtual meetings
6.4	03/02/2024	Amended to reflect attendance of HR at all disciplinary hearings Amended to include alternative to suspension Amended to include welfare checks during suspension Amended to reflect sick pay during suspension Amended to include notification of suspension to professional/regulatory bodies
Document Approvals		
Author:	Sally Halliwell	
Assistant Director, Corporate Services:	Louise Livingston	

Process Flow



Scope

This policy applies to all employees of Wokingham Borough Council other than:

- The Chief Executive, Section 151 Officer & Monitoring Officer who are subject to the separate Chief Executive Disciplinary, Capability & Grievance policy and procedure
- Those in their probationary period where separate arrangements apply (see the Guide to Probation Periods on the Intranet)

All employees will be treated with respect and dignity in accordance with the Policy for Equal Opportunities.

The Council reserves the right to implement the procedure at any stage as set out below, taking into account the alleged misconduct of an employee.

A list of typical misconduct and gross misconduct offences can be found in the Conduct policy held on the Intranet. This list is not exhaustive and disciplinary action is not just limited to these offences.

The Council regards all forms of harassment and bullying as serious misconduct, and any employee who is found to have harassed or bullied a colleague will be liable to disciplinary action up to and including summary dismissal.

The right to be accompanied

Employees have a statutory right to be accompanied at a formal disciplinary hearing or appeal hearing by a work colleague or trade union representative. The Council also extends this right to staff being interviewed as part of a formal investigation.

This right to representation does not extend to the informal stages of the disciplinary procedure.

Trade Union officials

No action may be taken against an appointed or elected trade union representative or officer without prior consultation with the relevant union's Regional Office and Human Resources.

Criminal prosecutions and convictions

Employees subject to prosecution by the police through the criminal justice system may also be subject to disciplinary action, irrespective of whether they were convicted of the offence or not.

Management will make an assessment of the prosecution and decide on how the offence or conviction impacts the employee's employment, or whether their action brought the Council into disrepute. Under the Conduct Policy, employees have a duty to report arrests or convictions.

In deciding whether to invoke the disciplinary policy for suspected or proven criminal conduct outside of the scope of their employment the follow questions must be considered:

- Should the employee be suspended while the police conduct their investigations?
- Does the alleged offence indicate a risk to security, customers, clients, or other employees or those in the employee's care?
- Could the employee be reasonably redeployed to a position where his or her particular offence will not affect the service e.g. an employee whose driving licence has been withdrawn to a job that requires no driving?
- Is the offence incompatible with the employee's job role?
- Does the length of any custodial sentence prevent the employment contract from continuing?

- Does the crime damage the relationship of trust that is fundamental to the employment contract?
- Does the crime damage the Council's image or reputation?

Resigning During a Disciplinary Investigation

Where an employee resigns during the investigation they must be informed that it will not prevent an allegation from being followed up and any reference provided to a future employer may include their conduct/performance standards.

Sickness Absence

If an employee starts a period of sick leave after disciplinary allegations, during a disciplinary investigation or a period of suspension this will not prevent the operation of the disciplinary procedure. It is in the interests of the Council and the employee that any disciplinary allegations are resolved within a reasonable timescale. At least two attempts will be made to convene a hearing that the employee can attend. If the employee is still unable to attend, the hearing can proceed with a representative of their choice in attendance. If the employee does not wish any other person to attend as their representative, the hearing can proceed without them and they should be asked to submit a written response for consideration at the hearing.

If appropriate an Occupational Health referral will be made to ascertain if the employee is capable and fit to attend a disciplinary hearing or investigation interview.

Employees must provide evidence of the reason for absence.

Grievance

Where an employee raises a grievance during the disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. For example:

- Bias is alleged in the conduct of the disciplinary meeting
- There is possible discrimination.

Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

Employees may not raise a grievance against a sanction that has been given as they have the right to appeal the decision under the disciplinary procedure.

Some Other Substantial Reason (SOSR)

Dismissal for SOSR may only be used when approved by the Council's HR Lead.

Situations that may fall under this category (but not restricted to these situations) are where the manager believes that there has been a serious breakdown of trust and confidence or serious

breakdown in relationships which do not fall within any one of the other dismissal categories, namely conduct, capability or redundancy.

For a dismissal under SOSR to be fair, the reason put forward must be:

- Substantial and not trivial, and must therefore be capable of amounting to a reason which could justify dismissal
- Substantial, such that dismissal is a reasonable response in the circumstances

And there must be evidence that:

- The employer has investigated thoroughly and where appropriate, made every effort to solve the problem in another way
- The impact on or risk to the employer's business is or could be substantial
- The formal disciplinary procedure has been followed

Formal disciplinary procedure

Informal Stage

In most cases where a minor breach of conduct has occurred, managers should take an informal approach before any formal action is considered. They should meet with the employee to discuss the issue and the conduct and behaviours expected, and:

- Keep a written note of this and any subsequent discussions/reviews so that if the employee fails to improve or maintain this improvement, they can refer to this conversation when beginning any formal procedure
- Agree a plan of improvement and a period for review
- Confirm in writing - give a copy of the notes or improvement plan to the employee and ask the employee to sign to show they have received a copy and understand
- Proceed to the formal stage where the individual's conduct continues to fall below the required standards

If it becomes clear during the informal/investigative meeting that formal disciplinary action needs to be taken then the interview must be terminated and the formal procedure commenced. The manager must not initiate the formal process during the informal interview.

Investigation

If a Manager suspects or reasonably believes that an employee has contravened any of the Council's policies or rules, or allegations have been made, they should carry out preliminary enquiries to confirm if it is justified to undertake or commission an investigation.

Before any formal disciplinary action is taken that could lead to a sanction, a full investigation must take place and the employee must be informed. Advice and support should be sought from HR prior to commencing any formal investigation process. The officer who commissioned the investigation will decide if the case will proceed to formal disciplinary action.

Where there are financial/fraud implications the manager must immediately inform their Assistant Director/Director and the S151 Officer of any alleged irregularity. The investigation must be carried out under the guidance of the S151 Officer. Where the alleged misconduct would, if proved, be a criminal offence, or the Police are already involved, advice should be sought from Human Resources, the Monitoring Officer and if appropriate the S151 Officer before starting an investigation.

Allegations relating to Children or Vulnerable adults should be referred via the relevant internal safeguarding function prior to making a decision with regard to the nature and commissioning of the investigation.

Guidance for carrying out an investigation can be found on the Intranet.

The manager must decide whether it is necessary to recommend suspension or a temporary change to job role or location to the Assistant Director for the period of the investigation, see section Suspension below.

Directors – Preliminary Investigation

In cases of alleged misconduct that involve Directors and other employees on NJC Chief Officers Terms and Conditions of Service, the Chief Executive will carry out a preliminary investigation (following the above process); see the Delegated Powers Relating to Staffing Matters - section 11 of the Constitution which is held on the Council's website.

Suspension

Employees should normally only be suspended in serious cases where there is:

- No possibility of temporary redeployment to another area
- A risk that the presence of the individual may hinder or influence the investigation
- A danger the alleged misconduct might happen again
- Continued risk to customers or clients
- On committing a gross misconduct offence
- An issue relating to some other substantial reason

Suspension from work does not imply guilt and is not a disciplinary sanction in itself, but applied as a precaution. Before suspending an employee approval must be given by the Assistant Director/Director and the decision formally recorded. Where an employee has multiple roles within the Council advice should be sought from the Human Resources.

An employee will normally be suspended on full pay pending the outcome of the investigation and where appropriate, the disciplinary hearing. The period of suspension should be as brief as possible. Where it is identified that a period of suspension can be lifted, even before the completion of the disciplinary proceedings, the employee should return to duty.

Consideration will always be given as to whether there are alternative arrangements that can be made rather than suspending from work. Any case involving a suspension from work will be monitored regularly to ensure that the investigation does not become protracted and continued suspension from work remains appropriate.

The employee must make themselves available for interviews during the procedure and must not take alternative employment while the contract of employment still applies. Where secondary employment has already been approved, this may continue, except where potential conflict of interest is the cause of the suspension.

An employee who is suspended will have a nominated contact put in place, to provide a health and wellbeing check, keep in touch on work updates and be the link between the employee and the Council.

Where certificated sickness absence coincides with suspension, sick pay entitlement as per the employee's terms and conditions of employment will apply and take precedent, whilst still maintaining all the terms of the suspension.

If an employee is required to have a professional registration which is mandatory, such as HCPC or Social Work England, then the Council has an obligation to notify them of any suspension from work. The regulatory bodies will be notified of any suspension immediately and the Council will provide any necessary information that is requested of them throughout the process.

Proformas & template letters relating to Suspension can be found on the Intranet.

Disciplinary Hearing

If the disciplinary investigation determines there is a case to answer (Previously stated identifies that disciplinary action is warranted), a disciplinary hearing will be convened and the case fully heard before any sanction is issued. During the hearing the presenting manager and employee should be given every opportunity to give their side of the case and to call witnesses. The level of Officers authorised to Chair and issue sanctions in a disciplinary case can be found in Section 11 of the Council's constitution held on the Council website. Employees must be given 5 working days' notice of a hearing date.

The hearing may be held virtually, via a WBC supported IT system, where all parties are in agreement with this and have appropriate technical equipment to participate effectively. Electronic recording of the hearing is not permitted by any party. This is to encourage openness and full participation by all during the meeting.

A disciplinary hearing panel will consist of the following:

Hearing Officer - The hearing officer should be independent of the investigation and have had no involvement in the case previously. Their responsibilities are to:

- Chair the hearing.
- Hear the evidence presented from both sides.
- Decide on whether the case is considered proven or not.
- Issue a suitable sanction to the employee in proven cases.

Guidance for hearing officers can be found on the Intranet.

Presenting Manager - Normally the presenting manager will be the officer who commissioned the investigation. Their responsibility is to present the facts of the case for the hearing officer to consider;

answer questions from the hearing panel and the employee or their representative; call witnesses relevant to the case. The presenting manager will be in attendance throughout the disciplinary hearing.

HR Representative - A representative from Human Resources will attend all disciplinary hearings. (Previously stated that HR will only attend if employee is to be dismissed) Their responsibility is to advise the hearing officer on the disciplinary process; ensure the hearing is conducted fairly and in accordance with the disciplinary procedures. The HR representative may ask questions during the hearing but cannot make a decision on the outcome or unduly influence the hearing officer in their decision.

Employee - The employee subject to disciplinary action should attend the hearing to present their own case, call relevant witnesses and be allowed to question the evidence submitted by the presenting manager, witnesses that are called to give evidence, and they may also submit further evidence to support their case. The employee will be in attendance throughout the hearing.

Employee Support Representative - A work colleague or Trade Union Official may support the employee at the hearing. The companion should be allowed to address the hearing to put and sum up the worker's case, respond on behalf of the worker to any views expressed at the meeting and confer with the worker during the hearing. The companion does not, however, have the right to answer questions on the worker's behalf, address the hearing if the worker does not wish it or prevent the employer from explaining their case.

Witnesses - All witnesses called to give evidence will attend the hearing to present their evidence and to answer any questions that are raised. On the conclusion of their evidence they will leave the hearing.

Note Taker - A member of the service administration team will attend to formally record details of the hearing and outcome. A copy of the notes should be passed to the employee being disciplined for them to confirm it is an accurate record.

Disciplinary Sanctions

When deciding whether a disciplinary sanction is appropriate and what form it should take, the Hearing Chair must bear in mind the need to act reasonably and consistently at all times. Factors that should be considered are:

- The extent to which standards have been breached
- Precedent i.e. has this particular breach happened before and what was the penalty; will any precedent be set for the future?
- The employee's employment record within the Council
- The employee's job role and training
- The employee's length of service
- Special circumstances that may impact on the severity of the sanction. Taking into account any mitigation raised during the investigation or disciplinary hearing
- Where an employee has a previous disciplinary record that is still current the penalty should be escalated irrespective of the offence. Different disciplinary sanctions do not have to be issued for different offences and the Council's view is that it is the employees overall conduct and behaviour that is questioned

When the case is considered proven the sanctions available are:

Formal written warning - This penalty would normally be issued to first time offenders who have committed misconduct offences.

Final Written Warning - There are a number of occasions where this penalty may be used:

- Persistent Offenders. A final written warning is used as an escalation penalty for a persistent offender and where a formal written warning was issued previously and has not expired.
- Penalty Short of Dismissal. A final written warning may also be used as a punishment short of dismissal where the conduct has been unacceptable but dismissal is considered too harsh a penalty on this occasion.
- First and Final Written Warning. Where a serious misconduct has been committed that requires a penalty to convey the dissatisfaction of the employee's behaviour. It may also be used as penalty short of dismissal as described above.

All warnings should be confirmed in writing to the employee giving a brief explanation of the reason for the warning. Formal and final written warning will expire after a period of 12 months where no further offences have been committed. This may be escalated to 2 years in exceptional circumstances. The warnings will still remain on the employee's personal file but will be disregarded if no further offence is committed.

Dismissal - Where a gross misconduct has been committed, the most likely outcome of a dismissal penalty will result on most occasions. Dismissal is also given for persistent offenders where previously a final written warning has been given. The decision should be confirmed in writing to the employee giving a brief explanation of the decision. Notice is as follows:

- Gross Misconduct: Employees will be summarily dismissed without notice
- Misconduct and Some Other Substantial Reason: Employees are entitled to notice in accordance with their terms & conditions of employment. The employee should not work their notice period

Other Penalties - Where the severity of the employee's misconduct does not warrant dismissal consideration should be given to the following sanctions which may also be combined with a first and/or final written warning:

- Transfer the employee to another area of work
- Suspension without pay – the length of suspension is dependent on the seriousness of the offence up to a maximum of 5 working days
- Loss of increment
- Impose a financial penalty – e.g. repaying a financial loss borne by the Council
- Demotion.
- Deduction of pay in cases of unauthorised absence

Appeal

Where a sanction is issued to the employee they will have a right to appeal the decision of the Hearing Officer within 5 working days of the written notification of the outcome. Employees will be given 5 working days' notice of the appeal date. The appeal hearing is not a re-run of the disciplinary hearing

but should restrict itself to hearing the grounds of the appeal and any evidence presented to the appeal hearing. The officer hearing the appeal cannot increase the sanction of the original decision.

The appeal hearing may be held virtually, via a WBC supported IT system, where all parties are in agreement with this and have appropriate technical equipment to participate effectively. Electronic recording of the appeal hearing is not permitted by any party. This is to encourage openness and full participation by all during the meeting.

A disciplinary appeal panel will consist of the following:

Appeal Hearing Officer - They will be independent of the case and have had no involvement in the case previously. Their responsibility is to decide on whether the decision of the hearing officer was justified and correct.

If the appeal is against dismissal, it should be made to Service Director. The Director can appoint a senior manager who does not have any previous involvement in the case to Chair the appeal.

Guidance for appeal hearing officers can be found On the Intranet.

Presenting Manager - The presenting manager will be the hearing officer who made the original decision.

HR Representative - A representative from Human Resources will attend appeals against dismissal to advise and guide the hearing officer and ensure the appeal hearing is conducted correctly. They should have had no previous involvement in the case.

Appellant - The employee who submitted the appeal.

Employee Support Representative - A work colleague or Trade Union Official may attend the appeal hearing to support the employee.

Witnesses - If required witnesses may be called to give evidence that was not originally presented at the hearing.

Note Taker - A member of the administration team will attend to formally record details of the appeal hearing and outcome. A copy of the notes should be passed to the employee being disciplined for them to confirm it is an accurate record of the hearing.

The Appeal Hearing Officers decision is final and the decision will be communicated in writing.

Keeping written records

Details of all formal action taken against an employee should be passed to Human Resources for enclosure in the employees registered personal file and would normally include the investigation report; notes of the disciplinary hearing and details of any warning/dismissal letters that were issued.

Further information

Further guidance and template letters can be found on the Intranet.

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TITLE	Updates to principles of Travel and Expenses Policy
FOR CONSIDERATION BY	Personnel Board on 20 th February 2024
WARD	None Specific
LEAD OFFICER	Sally Halliwell

RECOMMENDATION

That Personnel Board:
Notes the updates contained within the policy

SUMMARY OF REPORT

This report is presented to board to provide an update in relation to the Travel and Expenses Policy.

The updates relates to clarification over claims that can be submitted by employees of the Council and is confirming the guidance that is shared within a separate document and in line with HMRC guidance.

There is only a small section to be amended, under the principles, as noted below.

The Council will reimburse employees for actual expenditure that is incurred wholly, necessarily and exclusively in connection with authorised duties that are undertaken in the course of their employment.

The Council expects employees and managers to adhere to the following principles:

- The travel or expense must be necessary to meet business objectives, and be the most appropriate method from a best value for money perspective and should always be planned to be the most cost effective
- Where flights, taxis or accommodation may be needed this should be approved in advance by your line manager and must not be booked without this approval
- At the time of induction of a new employee, managers must ensure that their new employee is informed about the process of claiming expenses and understands this policy
- All claims are supported by valid invoices/receipts and verified by managers/Budget Managers

Authorised expenses are paid by BACS transfer in to the same bank account into which the employee's salary is paid. In general, employees should not incur expenses other than in the categories listed in this policy.

The Council will not reimburse employees for

- The cost of any travel between the employee's home and normal base for work purposes which is line with HMRC guidance

- Any claims for business travel that may start at home however does not have a deduction made for a normal home to work base in line with HMRC guidance
- The cost of any travel undertaken for personal reasons
- The cost of travel for the employee's family
- Fines or penalties whilst on business, for whatever reason, including parking fines, fines related to motoring offences or fines associated with methods of public transport e.g penalty for not buying a rail ticket
- The cost of any expenses that an employee incurs and were not approved in advance

Any abuse of this policy will not be tolerated and the Council will take disciplinary action where appropriate.

The associated Staff Travel and Expenses Guide to this policy provides further detail and process guidance.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

	How much will it Cost	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	NA	NA	NA
Next Financial Year (Year 2) <i>Ongoing annually</i>	NA	NA	NA
Following Financial Year (Year 3)	NA	NA	NA

Other Financial information relevant to the recommendation/decision

Reasons for considering the report in Part 2

NA

List of Background Papers

N/A

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