



Cabinet (Resources) Panel

11 September 2013

Report Title	Open HR Improvement Programme – Policy Framework Phase 3	
Classification	Public	
Cabinet Member with Lead Responsibility	Councillor Paul Sweet Governance and Performance	
Key Decision	No	
In Forward Plan	No	
Wards Affected	None	
Accountable Strategic Director	Keith Ireland, Delivery	
Originating service	Delivery/Human Resources	
Accountable officer(s)	Sue Davies Tel Email	Chief Human Resources Officer 01902 55(4056) sue.davies@wolverhampton.gov.uk

Recommendation(s) for action or decision:

The Cabinet (Resources) Panel is recommended to:

1. Approve the principles of the Phase 3 policies detailed in the annexes:

Annex 1 – Flexible Working Policy

Annex 2 – Employees' Code of Conduct

Recommendations for noting:

The Cabinet (Resources) Panel is asked to note:

1. The consultation approach, process and timetables

1. BACKGROUND

The Human Resources (HR) Improvement Programme has a number of key workstreams to create a modern and effective human resources service. One of these is the introduction of a new HR policy framework.

Performance Governance and Support Services Scrutiny Panel (formerly) and now Confident and Capable Council Scrutiny Panel have received regular and comprehensive updates on progress made towards implementing the Improvement Programme in general and the policy framework in particular for pre-decision consideration and comment.

This report now seeks approval for the third phase of the HR Policy Framework.

2. HUMAN RESOURCES POLICY FRAMEWORK

- 2.1 The development of the HR Policy framework is designed to align policies closer to corporate objectives and business needs, modernise them to make them simpler, relevant and in accordance with changes in employment law
- 2.2 There has been on-going consultation on the policy framework to capture the views of key stakeholders within the Council. The stakeholders identified for consultation include: Strategic Executive Board, Corporate Delivery Board, a managers reference group, HR operational staff and the trade unions as required by the contract of employment.
- 2.3 Feedback from the consultation process has been used to further define policy (where appropriate) and to shape supporting guidance. Any comments of principle affecting the policies and procedures have been subject to review at a consultation moderation panel, comprising the Chief HR Officer, HR Policy and Strategy Manager and the operations HR managers.
- 2.4 Three reference groups have played a significant on-going role since September 2012 in the policy consultation process:

Managers' reference group

Assistant Directors nominated key senior managers to form a managers' reference group. Feedback from the managers' reference group has demonstrated support for change and in general the need to simplify and streamline policies has been well received. There has been a high level of engagement with and commitment to the process. The outcome of the consultation sessions has been positive and has significantly shaped the policies, procedures, guidance notes and supporting materials.

Human Resources reference group

The HR reference group have focussed on the operational practicalities of applying the policies and procedures and issues are being picked up in the supporting guidance. Principles concerned with the policy have been subject to discussion in moderation and have helped further define the policies.

Trade Unions

Consultation with Trade Unions has been constructive and the comments from the trade unions have been taken into account to shape the guidance and many of the comments and issues have been really helpful for this purpose. The trade unions have generally agreed in principle with the policies.

2.5 The policies have been prioritised into four phases with each phase reported to Scrutiny Panel as an essential part of the pre-decision scrutiny process:

- Phase 1 - October 2012
- Phase 2 - March 2013
- Phase 3 - June/ July 2013
- Phase 4 - September/October 2013

2.6 Cabinet (Resources) Panel approved the Phase 1 policies at its 27 November 2012 meeting. The Discipline, Grievance, Bullying and Harassment policies were implemented from 01 February 2013 and the Appraisal and Management of Attendance policies were implemented from 01 April 2013. Implementation includes the development and roll out of management and employee guidance and support and the profiling of the policies on the HR intranet pages.

2.7 Cabinet (Resources) Panel approved the Phase 2 policies at its 12 March 2013 meeting and these were implemented from 01 April 2013; the policies covered: Recruitment and Selection, Agency Workers, Job Carving; Induction, Capability; Redeployment, Redundancy, Retirement; Equality & Diversity.

2.8 Cabinet (Resources) Panel approved the Phase 3 policies at the 26 June 2013 meeting. These policies covered: Working hours; Leave; Support for Carers (maternity, paternity, adoption, fostering); Pay strategy policies: Secondments and acting up; Market forces supplements; External secondments; Casual workers; Personal use of Council ICT and employee privacy statement.

2.9 Two further policies were subject to further consultation and are appended now for approval:

- Flexible working policy - **Annex 1**
- Employees' Code of Conduct - **Annex 2**

2.10 Specific changes to note are:

- The policy on flexible working proposes the introduction of a modernised career break scheme as a replacement for the retainer scheme
- The employees' code of conduct introduces revised standards and a protective protocol in relation to personal relationships

Members are asked to approve the principles detailed in each policy document.

A detailed implementation plan covering communications, training, business briefings, support and timetable for roll out of the policies has been drawn up for Phase 3, which has been implemented from July 2013 onwards. Management guidance has been developed as required.

3. LEGAL IMPLICATIONS

3.1 The Policy reviews take into account up to date employment law and case law.

4. FINANCIAL IMPLICATIONS

- 4.1 The cost of progressing the HR Improvement Plan will be met from within existing revenue budgets. The changes to policies will have on-going financial implications. It is not possible to quantify them however, until such time as the policies are implemented. Financial implications will be assessed on a case by case basis. [GE/27082013/B]

5. EQUALITY IMPLICATIONS

- 5.1 The recommendations contained in this report help support and improve the equality agenda across the workforce.
- 5.2 An Equality Analysis for each policy will be prepared.

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 There are no direct environmental implications arising from this report.

Background Papers

Report to Cabinet (Resources) Panel: 26 June 2013
Report to Confident and Capable Council Scrutiny Panel:
Report to Cabinet (Resources) Panel: 12 March 2013
Report to Performance Governance & Support Services: 07 March 2013
Report to Cabinet (Resources) Panel: 27 November 2012
Report to Performance Governance & Support Services: 30 October 2012
Report to Performance Governance & Support Services: 6 September 2012
Report to Performance Governance & Support Services: 26 July 2012
Report to Performance Governance & Support Services: 2 February 2012
Report to Performance Governance & Support Services: 17 November 2011

HR Work Plan 2012/13

Report Number	Reports on HR Improvement Plan 2012	CCC Scrutiny
1	HR Improvement Plan - revised	September 2012
2	HR Improvement Plan/Policy Framework - reports phase 1	October 2012
3	HR Improvement Plan/Policy Framework - reports phase 2	March 2013
4	HR Improvement Plan/Policy Framework - reports phase 3	June 2013
5	HR Improvement Plan/Policy Framework - reports phase 4	September 2013

Phase 1: Management of Attendance, Disciplinary, Grievance, Bullying & Harassment, Appraisal.

Phase 2: Recruitment & Selection, Agency Workers, Job Carving, Capability, Induction, Redeployment, Redundancy, Retirement, Equality & Diversity.

Phase 3: Working hours, Leave, Flexible Working, Maternity/paternity/adoption/fostering, Secondments and acting up, External secondments, Market forces supplements, casual workers, Employee Codes of Conduct and ICTS Security policy

Phase 4: Probation, Restructures, TUPE, Collective Disputes, Performance Development, Coaching & Mentoring, Reward and Benefits, Employee Engagement, Trade Union Facilities

Wolverhampton City Council
HR Policy Framework Review Phase 3

Policy	HR Review 3rd Phase	Priority	Consultation	Consultation	Consultation	Consultation	Approval	Consultation	Final Approval
		RAG							
Phase 3	Procedure & Process	High.Med. Low	HR	Managers	TU	CDB	SEB	PGSS	Resources Panel
1. Working hours	Procedure and Process	LOW	May 2013	June 2013	June 2013	June 2013	June 2013	June 2013	June -2013
2. Leave Policy	Procedure and Process	LOW	May 2013	June 2013	June 2013	June 2013	June 2013	June 2013	June -2013
3. Flexible working	Procedure and Process	LOW	May 2013	June 2013	July 2013	June 2013	June 2013	June 2013	Sept -2013
4. Support for Carers (maternity/paternity/adoption/fostering)	Procedure and Process	LOW	May 2013	June 2013	June 2013	June 2013	June 2013	June 2013	June -2013
5. Secondments and acting up, External secondments, Market forces supplements, casual workers	Procedure and Process	LOW	May 2013	June 2013	June 2013	June 2013	June 2013	June 2013	June -2013
6. ICTS Security policy	Procedure and Process	LOW	May 2013	June 2013	June 2013	June 2013	June 2013	June 2013	June -2013
7. Employee Codes of conduct	Procedure and Process	LOW	May 2013	June 2013	July 2013	June 2013	June 2013	June 2013	Sept -2013

Wolverhampton City Council
HR Policy Framework Review Phase 4

Policy	HR Review 4th Phase	Priority	Consultation	Consultation	Consultation	Consultation	Approval	Consultation	Final Approval
		RAG							
Phase 4	Procedure & Process	High.Med. Low	HR	Managers	TU	CDB	SEB	PGSS	Resources Panel
1. Restructures	Procedure and Process	LOW	Aug 2013	Sept 2013	Sept 2013	Sept 2013	Sept 2013	Sept 2013	Oct-2013
2. TUPE	Procedure and Process	LOW	Aug 2013	Sept 2013	Sept 2013	Sept 2013	Sept 2013	Sept 2013	Oct-2013
3. Collective disputes	Procedure and Process	LOW	Aug 2013	Sept 2013	Sept 2013	Sept 2013	Sept 2013	Sept 2013	Oct-2013
4. Performance development	Procedure and Process	LOW	Aug 2013	Sept 2013	Sept 2013	Sept 2013	Sept 2013	Sept 2013	Oct-2013
5. Coaching and Mentoring	Procedure and Process	LOW	Aug 2013	Sept 2013	Sept 2013	Sept 2013	Sept 2013	Sept 2013	Oct-2013
6. Reward and Benefits	Procedure and Process	LOW	Aug 2013	Sept 2013	Sept 2013	Sept 2013	Sept 2013	Sept 2013	Oct-2013
7. Employee Engagement	Procedure and Process	LOW	Aug 2013	Sept 2013	Sept 2013	Sept 2013	Sept 2013	Sept 2013	Oct-2013
7. TU Facilities	Procedure and Process	LOW	Aug 2013	Sept 2013	Sept 2013	Sept 2013	Sept 2013	Sept 2013	Oct-2013

FLEXIBLE WORKING POLICY

1. The revised flexible working policy and procedures redrafted to meet business objectives is appended.
2. The revised policy seeks to modernise and streamline the Council's approach to managing flexible working practices in the interests both of supporting organisational performance and efficiencies and accommodating employees' work/life balance. The policy is based on the relevant regulations and codes of practice, up to date good organisational practice and is in line with case law development.
3. Key policy changes include:
 - consolidating all aspects of flexible working into one policy document
 - aligning arrangements for management consideration and appeals
 - proposing withdrawal of the former 'retainer scheme' and reconfiguration to a shorter-term 'career-break/sabbatical' scheme.

The retainer scheme has become out of date and less relevant to the business and employee needs of the Council. Its provision of an 'absence with rights' for up to 5 years is not compatible with a public sector organisation undergoing rapid change and reshaping. A more restricted career break/sabbatical for a maximum of 2 years is proposed as a replacement for consideration.

4. Detailed management guidelines are being developed to support the policy implementation. Many of the outcomes of the consultation meetings will be fed into the management guidance and managers, HR and trade unions will continue to be consulted on the guidance. An implementation plan including communications and training has been developed.

Wolverhampton City Council



Human Resources Policy Framework

Flexible Working Policy

Approved by:	<i>Cabinet Resources Panel (23.07.2013)</i>
<i>Published:</i>	
<i>Review date:</i>	

CONSULTATION

The following officers and/or bodies have been consulted on this policy:

Officers and/or Bodies	From	To
HR	05.2013	06.2013
MRG	06.2013	
CDB/SEB	13.06.2013	
CCC Scrutiny Panel	20.06.2013	

The following Trade Unions have been consulted on this policy:

	From	To
Unison	06.2013	07.2013
GMB	06.2013	
Unite	06.2013	

REVIEW LOG			
Date	Version	Comments/Review	Approved by
21.05.2013	0.1	HP	
04.06.2013	0.2	SB/ LH review – career break scheme	

EQUALITY ANALYSIS
An equality analysis is being carried out on this policy and procedure. Contact HR Strategy and Policy Team for a copy. Contact HR on 01902 552345 or by email on HR.supportdesk@wolverhampton.gov.uk for HR advice.

ADVICE
Contact HR on 01902 552345 or email HR.supportdesk@wolverhampton.gov.uk for HR advice.

COMMENTS AND AMENDMENTS
Contact HR on 01902 552345 or email HR.support@wolverhampton.gov.uk to make any comments or suggest any feedback on this policy.

DISTRIBUTION
This policy and procedure is placed on the HR intranet for managers and employees to view. Copies will be provided to recognised Trade Unions and managers electronically.

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1.0 Policy Statement

- 1.1 Wolverhampton City Council is committed to adopting a flexible approach to working arrangements and recognises the benefits that flexible working can have for both employees and the organisation as a whole.
- 1.2 The council recognises that flexible working is an important tool to support improved individual and business performance through greater diversity and increased levels of engagement and commitment from employees at all levels. The Council will therefore seek to provide choice to employees within the framework of the policy.
- 1.3 This policy sets out the Council's approach to flexible working. Some employees have the legal right to request flexible working; however the policy applies to all in-scope employees who meet the eligibility criteria.
- 1.4 The Council will review this policy and procedure from time to time in line with statutory procedures and best practice.

2.0 Scope

- 2.1 This policy and procedure applies to all employees of the Council including Chief Officers and employees based in schools i.e. Teaching Assistants who are members of the Local Government Pension Scheme fund. It excludes Teachers who will be covered by the relevant Schools' Policies and Procedures.

3.0 Principles

- 3.1 The Council is committed to the following principles which underpin this policy:
 - The Council's flexible working policy provides a framework within which employees and managers can explore flexible working arrangements
 - Flexible working requests should be considered fairly and equitably and no employee will suffer a detriment for making a request
 - The appropriateness of any specific flexible working arrangements will depend on a variety of factors such as the nature of the job, the workplace and the way in which duties are organised

- The intention of flexible working arrangements should be to accommodate both service delivery needs and the employee's need for work-life balance. Work-life balance is the ability to combine work and non-work responsibilities without unnecessary detriment to either.
- There are a variety of flexible working arrangements covering hours, times and place of work; these may include the following but this list is not exhaustive:
 - Reduced hours working
 - Term-time only working
 - Annualised hours
 - Compressed hours working (e.g. 9 day fortnight)
 - Agile working (see 7.1 below)
 - Home or mobile working (see 7.2 below)
 - Job sharing (see 7.3 below)
 - Career breaks (see 7.4 below)

The arrangement can be temporary or permanent and can be a combination of different arrangements, e.g. part-time home working.

The right to request flexible working

- 3.2 The council has a legal duty to give due consideration to requests by certain employees to move to flexible working. The law only applies to those employees with a minimum of 26 weeks continuous service who have specified caring responsibilities i.e. employees who are the parent of a child under 17, or a child with a disability under 18, or have caring responsibilities for adults aged 18 or over. In addition employees must not have made a similar request within the last 12 months.

However the council offers the same opportunity to request flexible working to all its employees who meet the continuous service requirements and have not made a similar request within the last 12 months.

4.0 Process and Procedure

In essence flexible working involves employers making adjustments to their preferred working arrangements to accommodate their employees' requests. Please see attached process chart.

Requesting flexible working

4.1 The employee should make the request for flexible working in writing to their manager, who may wish to discuss the matter with HR. The request can be via a standard pro-forma (Appendix 1) or via a letter which covers the following points:

- That it is an application to request flexible working
- The date of any previous application to work flexibly
- The working arrangement being requested and the date the applicant would like it to start
- Whether the arrangement would be temporary (and for how long) or permanent
- Consideration of the effect that the new arrangement is likely to have on service delivery and the impact on work colleagues and how this could be accommodated.

Responding to an application for flexible working

4.2 Managers are encouraged to approach requests for flexible working with an open mind. With careful planning flexible working can improve service delivery employee motivation and commitment.

Please refer to the managers' guidance notes for further information, including information on the process and key points to take into account when considering a request for flexible working.

- If the manager agrees to the request they must notify the employee within 28 days of receiving the request.
- If the manager does not agree, is undecided or needs further information they must meet with the employee to discuss the request within 28 days of it being made.
- The employee has the right to be accompanied at the meeting by a trade union representative of fellow worker
- After the meeting the manager must inform the employee in writing of their decision within 14 days.
- If the arrangement is agreed the manager must set out the agreement and date from which it will take effect and its duration if temporary
- If the request is refused the manager must set out in writing the grounds for refusal, explain why they apply in the circumstances and set out the appeal procedure

An employee has the right not to be subjected to any detriment for a reason connected with the right to request to work flexibly. A dismissal for such a reason will be automatically unfair.

4.3 The only valid reasons for rejecting a request are as follows:

- The burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to re-organise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes

The Appeals Process

4.4 If the request has been refused, the employee has 14 days after the date that they were notified of the decision to appeal to their Strategic Director in writing, setting out the grounds of appeal.

If the Strategic Director decides that the request is acceptable, the employee must be informed, within 14 days of the appeal, of the variation to their contract and the date it is to start.

If the Strategic Director does not initially accept the request, an appeal meeting must be held within 14 days of receipt of the employee's appeal letter. This will be at a mutually convenient time and place, confirmed in writing, and the employee has the right to be accompanied.

The Strategic Director must notify the employee of his/her decision within 14 days of the date of the appeal meeting.

If the request is accepted the employee must be informed of the variation agreed to and the date on which it is to take effect and the duration if temporary.

If the request is refused the Strategic Director must set out the grounds for the refusal, explaining why they apply.

There will be no further recourse to appeal. If the employee falls within the groups where there is a legal duty to consider the request as outlined under section 3.2 above the employee can complain to the Employment Tribunal if the employer has:

- Failed to hold the initial meeting or appeal meeting
- Failed to provide notice of a decision in accordance with the timescale

- Rejected the application based on incorrect facts (a claim for this reason can only be brought after the application has been rejected on appeal).

4.5 Extension to time limits

Time limits set out in this procedure can be extended, if the manager and employee agree, for instance to allow more time to explore the implications of a flexible working pattern. The extension must be confirmed in writing to the employee. If the manager is on sick or annual leave, the time limits will apply from when they return to work.

4.6 Withdrawing an application

If the employee verbally withdraws their application, the manager should write to them to confirm this. Where the employee fails to meet their responsibilities the manager may also treat an application as withdrawn. This will apply when an employee fails to attend, without reasonable cause, a meeting more than once or unreasonably refuses to provide the manager with information required to assess whether the working arrangement can be agreed to.

5.0 Terms and conditions of employment for employees subject to a flexible working arrangement

As a basic principle, all terms and conditions will be applied pro-rata to the number of hours worked.

5.1 Additional Work

There is no restriction on holding more than one reduced hours post, providing there is no conflict of interest between the posts, and feasibility has been considered in terms of the standard of service provision and the health, safety and welfare of the employees concerned. As with any recruitment situation, it is also imperative that equality principles have been adhered to.

5.2 Training

Employees working reduced hours should have access to training and development opportunities and provisions equal to that of full-time employees. Thus when on training courses outside their daily contracted hours, they should be paid on the same basis as full-time employees.

Please see managers' guidance notes for further information on time off for training and reduced hours workers

5.3 Returning from maternity leave

Women returning from maternity leave have the right to return to work on reduced hours for up to thirteen weeks. Women considering working reduced hours after this should start negotiations with their manager as soon as possible after returning to work.

5.4 Employment Protection Rights

Reduced hours workers have the same employment protection rights as full-time employees. These rights, including the right to claim unfair dismissal, maternity rights, and redundancy pay rights, apply once an employee has the appropriate continuous local government qualifying service

5.5 Employees Nearing Retirement

Employees nearing retirement who are considering making a request to work reduced hours are advised to discuss the effect of this on their pension entitlement.

6.0 Implementing a flexible working arrangement

Final details should be negotiated with the employee as necessary, and then set out in writing, with a copy for the employee to sign and return. All relevant personnel records should be amended accordingly.

Commencement of the reduced hours working arrangement can be whenever is mutually convenient, taking into account:

- Service delivery needs
- The employee's personal circumstances
- Arrangements for the remaining hours, e.g. the anticipated period of recruitment, if applicable

It is reasonable that flexible working should start within three months of approval for the arrangement being given.

7.0 Types of flexible working arrangements

7.1 Agile Working

One of the council's key strategic objectives is to build an organisation which is agile, lean and responsive to the needs of local residents. As

part of this objective the council is currently developing options for agile working. An agile working policy will be developed in the near future, based on the following generic principles;

- Appropriate and efficient work spaces
- On-going support for employees
- IT infrastructure and technology
- Aligned to service/business needs
- Emphasis on results/outputs
- Valuing diversity
- Appropriate to council's property portfolio

The future business needs of the service will be taken into account when developing the Agile Working Policy, along with the personal circumstances of any staff currently working under the council's existing flexible working policies, including home and mobile working.

In the meantime the following home and mobile working arrangements will continue to apply, where appropriate.

7.2 Home and Mobile Working

Home working usually refer to a situation where an employee works at home or out of the office for at least 50% of their working time. The arrangement can be full or part-time, permanent or temporary.

There are various occasions when the opportunity to consider home and/or mobile working may occur:

- (a) When seeking approval to fill a vacancy
- (b) In response to a particular organisational requirement
- (c) At the point of recruitment and selection
- (d) When a current employee requests homeworking

The first two would be management-led, whereas (c) and (d) would be employee-led. However home or mobile working cannot be imposed on any employee without proper negotiation and their full agreement.

Having considered and agreed any arrangement and having consulted the relevant trade union, a written agreement covering all home/mobile working arrangements should be signed by both the manager and the employee.

It is recommended that any arrangement should be reviewed initially after two months and then on a six-monthly basis, with an option to give notice to terminate the arrangement on either side if it is not working satisfactorily.

Please refer to the managers' guidance notes for further information or advice can be sought from Human Resources.

7.3 Job Share

The Council gives employees the right to job-share a full-time post. The policy is applicable to all posts below Chief Officer level, unless the post has been formally exempt (see below). Chief Officer posts are automatically exempt from the scheme.

Job-sharing occurs when two people divide one full-time job between them (whether or not both halves of the post are filled). Each sharer does a proportion of the hours and work (usually, but not necessarily, half). Pay and other benefits, such as holidays, are pro-rata to the hours worked.

If one half of a job share post subsequently resigns then their duties and hours will automatically be offered to their job share partner.

Responding to a request to job share

The following factors need to be considered when an application for job-sharing is received:

Does the job involve:

- Two people jointly undertaking the whole job, or
- The job being split into two separate components with the duties also being apportioned between the two sharers. (It is not necessary to rewrite the job description, but it is essential for the manager to agree with the job-sharers which aspects each will carry out)
- The hours of work and work pattern which will apply
- Can the existing employee commence working the reduced hours while the vacant half is advertised, or is this dependent on the other sharer being ready to start?
- The handover arrangements that will apply

Job Share appeals process

Where applications to job share are refused and the refusal has been upheld by the Assistant Director, the employee should be made aware of their right of appeal.

The employee has 14 days after the date that they were notified of the decision to appeal to their Strategic Director in writing, setting out the grounds of appeal.

The reason for the initial decision will need to be fully justified by the service group and verified by Strategic Director and the Head of Human Resources.

If the Strategic Director and Head of Human Resources do not initially accept the request, an appeal meeting should be held within 14 days of receipt of the employee's appeal letter. This will be at a mutually convenient time and place, confirmed in writing, and the employee has the right to be accompanied.

If the Strategic Director and Head of Human Resources decide that the request is acceptable, the employee must be informed within 14 days of the appeal meeting.

If the request is refused the Strategic Director must notify the employee of their decision within 14 days of the date of the appeal meeting and set out the grounds for the refusal, explaining why they apply.

Following this decision a Record of Exemption (Appendix 2) will be attached to the post in question and will be kept on file in Human Resources. This will provide a formal record of that post's exemption from the job-share policy, should the post become vacant and re-advertised in future.

Service Groups may apply for a Record of Exemption for a post prior to advertising, if it is felt that job-sharing the post would not be a feasible option.

7.4 **Career Breaks scheme**

The career break scheme allows employees to resign from their post for up to two years, and then return to a post on the same grade and spinal column point as they left.

The aim of the Retainer Scheme is two-fold:

- To attract and retain skilled and experienced staff in areas where there are recruitment and retention difficulties.
- To provide an opportunity for employees of the Council to take a career break for personal reasons (e.g. childcare, elderly relative

care, or possibly for reasons such as study leave) without irretrievably damaging their future career prospects.

Return to the original post or an identical one is not guaranteed. The employee may return at any time during the scheme, providing they give three months' notice of their intention to return.

If an appropriate post is not available on return, a suitable alternative or a supernumerary role will be offered for a period of 12 weeks whilst the employee is placed on the redeployment register. Funding for the Supernumerary post will be provided by the employing service.

If no post is available at the end of the 12 weeks, the employee's contract would be terminated.

It is for this reason that only staff in areas of recruitment and retention difficulties should be allowed onto the scheme.

Applications to the Scheme

Any employee who is interested in the Scheme should complete an application forms and give it to their manager, who will consider the request in consultation with the appropriate Assistant Director.

- If the Service Group does not agree to release the applicant, then they should be informed of the decision and the reasons for it.
- If the application is approved, will write to the applicant confirming that they have been accepted onto the Scheme and the employee should give the normal period of notice for resigning from their job.

Obligations under the Scheme

Employees must not undertake any other continuous paid employment during their career break although casual, temporary or out-of-office-hours working may be acceptable. In such circumstances, the employee should inform HR, who will consider each case on its merits

Procedure for Return to Work

Employees must give three months' notice in writing of their intention to return to work, to give management time to arrange suitable employment.

The employing service is responsible for trying to place the employee in a suitable post at their original grade.

Other Conditions

Time spent on the Scheme will not count towards service related benefits, but participants will retain previous service for certain entitlements, including: sick pay, annual leave, period of notice, occupational maternity pay, local right of appeal to the Council for unfair dismissal, and entitlement to redundancy pay.

Previous service will not count for the following: the right to claim unfair dismissal at Employment Tribunal and calculation of statutory maternity pay. That is, service will only count from when the employee leaves the Scheme and returns to work.

Please refer to the managers' guidance notes for information on employees who wish to join the scheme end-on to maternity leave

8.0 Roles and Responsibilities

8.1 Roles and Responsibilities of Employees

Employees have a responsibility to comply with the relevant procedures. Employees should work with their manager and colleagues to ensure that where appropriate their requested change to working arrangements is as smooth as possible.

8.2 Roles and Responsibilities of Managers

Managers have a responsibility to consider employee's applications sympathetically and with due regard to the business needs of the service. Discuss with employees possible options or alternatives and act promptly to any request including the completion of associated paperwork.

8.3 Roles and Responsibilities of HR

HR will advise and support managers and employees when considering options for flexible working and in any issues arising from the implementation of this policy.

8.4 Roles and responsibilities of the Head of HR

In consultation with the recognised Trade Unions, the Head of HR will exercise delegated authority for and be responsible for the on-going review and updating of this Policy to ensure compliance with changes in statutory requirements and operational delivery, including responsibility for identifying the appropriate process for the regular evaluation of the effectiveness of this policy. Any fundamental changes to this Policy will be brought before the Resources Panel for approval

8.5 Roles and responsibilities of Trade Unions

Any review and revisions of this policy will be undertaken by HR in consultation with the councils recognised trade unions

9.0 Monitoring and review

This policy and procedure will be reviewed and updated annually and will be available to managers and employees via the HR intranet

10.0 Links to Other Policies and Procedures

Recruitment and Selection
Leave Entitlement
Redundancy
Redeployment
Flexible Retirement
Equal Opportunities
Health and Safety

11.0 Equality

- 11.1 An Equality Analysis is being undertaken on this policy and procedure.
- 11.2 The Council has a duty to monitor the application of the policy in relation to protected characteristics under the Equality Act 2010. This is reported annually in the Council's Equality Monitoring Report (Employment).
- 11.3 If any aspect of this policy or procedure causes difficulty on account of an employee's disability or because English is not their first language, they should contact HR, and appropriate arrangements will be made.

Appendix 1

**WOLVERHAMPTON CITY COUNCIL
APPLICATION FOR FLEXIBLE WORKING ARRANGEMENTS**

To be completed by the employee and forwarded to their manager.

Name: _____

Job Title: _____

Section / Service Group _____

Grade: _____

Current working
pattern: _____

Requested working
pattern: _____

Suggested commencement date of working
arrangement: _____

Date of any previous application to work
flexibly: _____

Requested duration of arrangement if not
permanent: _____

Impact on service delivery and colleagues. How this could be
accommodated:

Any other comments in support of application:

Please forward to your line manager who will reply or arrange to meet with you within 28 days of receipt. If you do not receive a response within this timescale, please write to your Assistant Director attaching a copy of this form.

**WOLVERHAMPTON CITY COUNCIL
JOB SHARE POLICY**

RECORD OF EXEMPTION

Service Group.....

Section.....

Job Title.....

Grade.....

Number of Jobs for which exemption applicable.....

Reasons for Exemption:

To be completed by Manager

Signed: Date:

To be completed by Assistant Director:

Signed: Date:

If the decision to exempt is upheld:

To be completed by Head of Human Resources

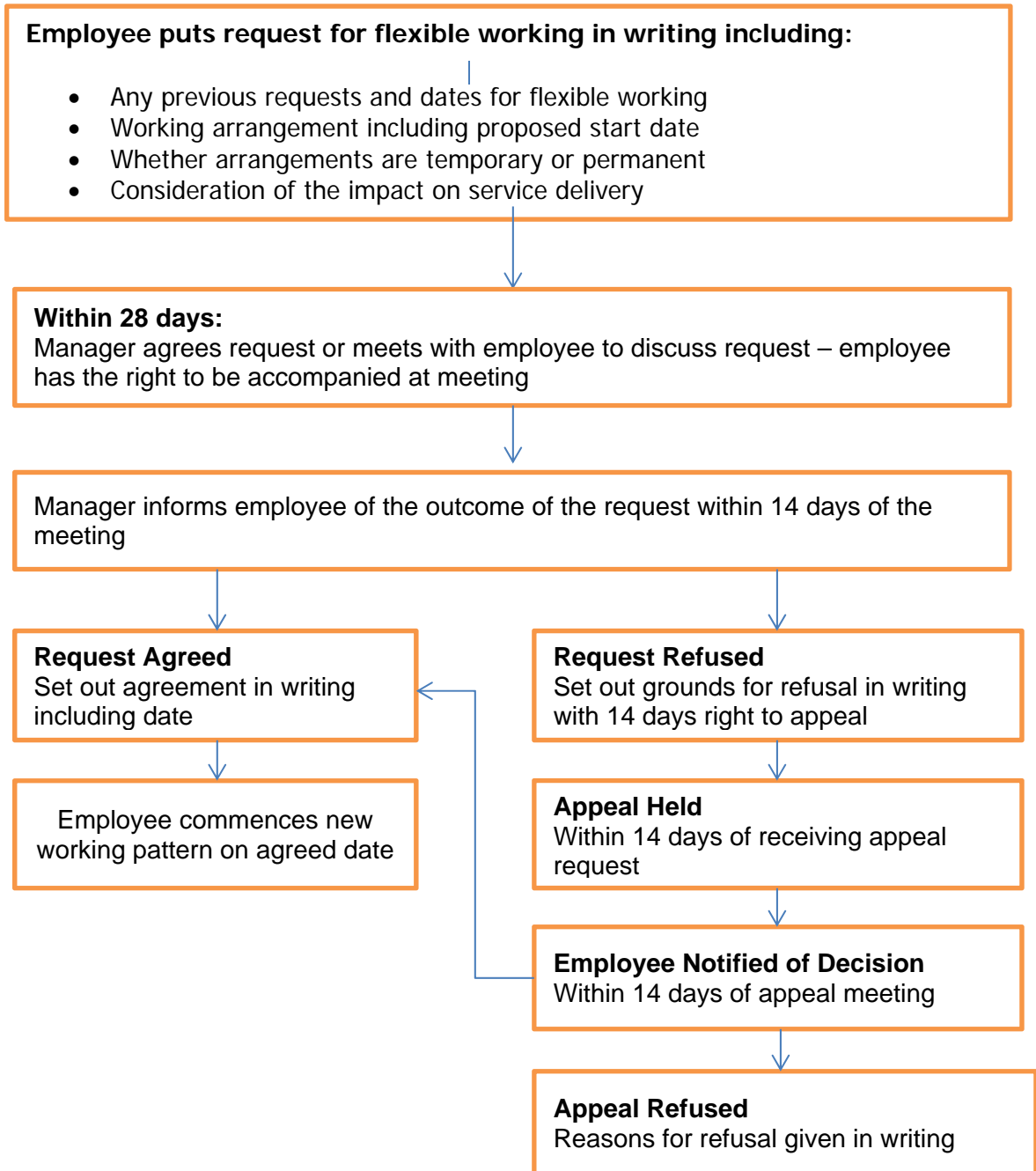
Signed: Date:

To be completed by Strategic Director

Signed: Date:

Appendix 3

Request for Flexible working Process Chart



EMPLOYEE STANDARDS AND CODES OF CONDUCT

1. The employee codes of conduct are appended as follows:
 - Employees' code of conduct
 - Travel, subsistence and hospitality (including gifts and hospitality guidelines)
 - Liability of employees
 - Service on outside bodies

2. The reformatted codes were previously held within the Council's constitution but have been relocated to the HR policy framework. Adherence to the codes and standards set by the Council for all employees is an important part of the employment contract and ability of the organisation to deliver high standards of service for the city. The codes are based on relevant national codes and regulatory standards for local government employees and up to date good organisational practice. Breach of the codes is a disciplinary matter.

3. The principle change is the addition in the Employees' Code of Conduct of a section on close personal relationships at work. This is in line with good operating practice in a modern organisation and is aimed at ensuring probity and transparency and avoiding allegations of favouritism or inappropriate decision making.

4. Formal consultation with HR, a senior managers' reference group and the trade unions has informed the development of the policy.

DRAFT

Wolverhampton City Council



Human Resources Policy Framework

Code of Conduct for Employees

Approved by:	<i>Cabinet Resources Panel (23.07.2013)</i>
<i>Published:</i>	<i>xx.xx.2012</i>
<i>Review date:</i>	<i>xx.xx.2013</i>

CONSULTATION

The following officer and or bodies have been consulted on this policy:

Officers and or Bodies	From	To
HR	05.2013	06.2013
MRG	06.2013	
CDB/SEB	13.06.2013	
CCC Scrutiny Panel	20.06.2013	

The following Trade Unions have been consulted on the policy

	From	To
Unison		
GMB		
Unite		

REVIEW LOG			
Date	Version	Comments/Review	Approved by
06.06.2013	0.3	KI revisions	
03.09.2012	0.2	Reformatted	
22.08.2012	0.1	Amended – new section on spouses, partners and close personal friends	KI

EQUALITY ANALYSIS
An equality analysis is being carried out on this policy and procedure. Contact HR Strategy and Policy Team for a copy. Contact HR on 01902 552345 or by email on HR.supportdesk@wolverhampton.gov.uk for HR advice.

ADVICE
Contact HR on 01902 552345 or email HR.supportdesk@wolverhampton.gov.uk for HR advice.

COMMENTS AND AMENDMENTS
Contact HR on 01902 552345 or email HR.supportdesk@wolverhampton.gov.uk to make any comments or suggest any feedback on this policy.

DISTRIBUTION
This policy and procedure is placed on the HR intranet for managers and employees to view. Copies will be provided to recognised Trade Unions and managers electronically.

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1. Introduction

- 1.1 The public is entitled to expect the highest standards of conduct from all employees who work for local government. This Code outlines existing laws, regulations and conditions of service to assist employees in their day-to-day work. The Code is produced in the light of the challenges that employees face in the new and more commercially orientated environment.
- 1.2 The aim of the Code is to lay down guidelines for local government employees which will help maintain and improve standards and protect employees from misunderstanding or criticism. The Code is based upon a standard code approved by the local authority associations.
- 1.3 The Code applies to all local government employees in Wolverhampton. Inevitably some of the issues covered by the Code will affect senior, managerial and professional employees more than it will others. The Code is intended to cover all employees under a contract of employment within the Council, including office holders such as registrars.

2. Standards

- 2.1 Local government employees are expected to give the highest possible standard of service to the public and where it is part of their duties, to provide appropriate advice to Councillors and fellow employees with impartiality. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report to a Senior Manager or Chief Officer any impropriety or breach of procedure.

3. Disclosure of Information

- 3.1 It is accepted that open government is best. The law requires that certain types of information must be available to Councillors, auditors, government departments, service users and the public, but recognises that information is confidential. Employees should ensure that confidentiality of information is maintained when required by the law and the Council.
- 3.2 Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a Councillor which is personal to that Councillor and does not belong to the Council should not be divulged

by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by the law.

4. Political Neutrality

- 4.1 Employees serve the Council as a whole. It follows they must serve all Councillors and not just those of the controlling group, and must ensure that the individual rights of all Councillors are respected.
- 4.2 It is recognised that political parties will wish to formulate their policies in private in some circumstances, yet require an employee input. Confidentiality should be maintained in these circumstances.
- 4.3 Employees (whether nor not politically restricted under the provisions of the Local Government and Housing Act 1989) must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.
- 4.4 Political assistants appointed in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 4.1 and 4.3.

5. Relationships

5.1 Councillors

Employees are responsible to the Council through its senior managers. For some, their role is to give advice to Councillors and senior managers and all are there to carry out the Council's work. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing to other employees and Councillors and should therefore be avoided.

5.2 The Local Community and Service Users

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Council.

5.3 Contractors

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to a senior manager. Orders and contracts must be awarded on merit, by fair

competition against other tenderers, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

5.4 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to their Chief Officer.

5.5 **Spouses, partners and close personal friends**

Employees who have a close personal relationship with any other employee of the Council should take special care to ensure that the relationship does not interfere with normal working relationships and does not cause others to doubt that they will be treated fairly. If it does, appropriate action will be taken in such circumstances.

5.6 People who already have a close personal relationship should not seek employment in the same work group. Senior managers have a particular responsibility to ensure that there can be no question of favouritism or bias in the appointment or treatment of any person with whom they have a close personal relationship outside their particular work group.

5.7. Where employees are involved in a close personal relationship with a work colleague which has broken down, they must ensure that they do not involve others in their private affairs within the workplace. Relations and/or their breakdown must not interfere with working arrangements.

5.8 Employees who are in, or embark on, a close personal relationship within the same service or department must declare the relationship to their manager and may voluntarily sign the protocol at appendix 1 to help ensure probity and appropriate behaviours. Dependent on the working arrangements, the nature of the post(s) held and an assessment of the potential risk to the organisation, the relevant Strategic Director/Assistant Director may **require** employees to sign the relationship protocol. Signed relationship protocols will be maintained confidentially by the Chief Human Resources Officer and a copy placed on each individual's personal file. Where staff are engaged in a close personal relationship further removed than the same department the protocol is also available on a voluntary basis.

6. **Appointment and Other Employment Matters**

6.1 Employees involved in appointments should ensure that these are made on the basis of merit. It is improper for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any

possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.

- 6.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.

7. Outside Commitments

- 7.1 All employees should be clear about their contractual obligations with the Council and should not take outside employment which conflicts with the Council's interests. Employees should declare to their senior manager outside commitments that could be considered as having some similarity with their Council duties or might cause conflict.
- 7.2 The Council retains ownership of intellectual property or copyright created during a person's employment.

8. Personal Interests

- 8.1 The Assistant Director (Governance) will maintain a register of employees' interests outside their contract of employment. All employees should, without delay, notify the Assistant Director (Governance) and their Chief Officer of outside interests which cover:-
- (a) Any non-financial interests that they consider could bring about conflict with the Council's interests;
 - (b) Any financial interests which could conflict with the Council's interests;
 - (c) Membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.
- 8.2 The register of employees' interests will be kept on a confidential basis.

9. Equality Issues

- 9.1 All local government employees should ensure that policies relating to equality issues as set down by the Council are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

10. Separation of Roles during Tendering

- 10.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contract roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 10.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers other contractors and sub-contractors.
- 10.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 10.4 Employees contemplating a management buy-out should, as soon as they have formed a definite intent, inform the Chief Executive and withdraw from the contract awarding processes.
- 10.5 Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

11. Corruption

- 11.1 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

12. Use of Financial Resources

- 12.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

13. Hospitality

- 13.1 Employees should accept offers of hospitality only if there is a genuine need to impart or receive information or represent the Council in the community. Offers to attend purely social or sporting functions should

be accepted only when these are part of the life of the community or where the Council should be seen to be represented. They should be properly authorised and recorded.

- 13.2 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.
- 13.3 Employees should not accept significant personal gifts from contractors and outside suppliers, although employees can keep insignificant items of token value such as pens, diaries, etc.
- 13.4 When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.
- 13.5 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Council gives consent in advance and where the Council is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, employees should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

14. Sponsorship – Giving and Receiving

- 14.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts of hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 14.2 Where the Council wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to a Chief Officer of any interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

15. Supporting Regulations, Codes and Procedures

15.1 Supporting this general Code of Conduct are specified detailed regulations and procedure codes:

- Contracts Procedure Rule
- Financial Procedure Rules
- Anti-Fraud and Corruption Policy
- Anti-Money Laundering Policy
- Whistle Blowing Policy
- Hospitality Code
- Human resources policies and procedures
- National Scheme of Conditions of Service
- Equal Opportunities Policy
- Computer Security Policy
- Service Group Instructions and Codes

CLOSE PERSONAL FRIENDSHIP PROTOCOL

Names: _____

INTRODUCTIONS

The following protocol has been agreed between the above parties to ensure probity between _____ and _____. The protocol is to protect the integrity of both parties, ensure probity and transparency and avoid allegations of favouritism or inappropriate decision making. This is a protective document and does not suggest any impropriety by the signing partners whatsoever.

EXCLUSIONS

This protocol does not remove the right of the Council to respond to any formal complaints received by the Chief Executive, Monitoring Officer or Head of Human Resources with an investigation if this is deemed necessary or appropriate by the Chief Executive.

PROTOCOL

Line Management

1. [The arrangements for line management will be explained here].

Operational Management Activities

2. Neither party to this protocol will sign or countersign the following in relation to the other party in this protocol:
 - (a) Travel Claims
 - (b) Subsistence Claims
 - (c) Training or development activities
 - (d) Attendance at conferences
 - (e) Changes to ICT equipment or telephone
 - (f) Appraisal or other performance processes
 - (g) Annual leave
 - (h) Purchase of new equipment
 - (i) Procurement of goods or services by a third party initiated by the other party in this protocol

Promotion or Alternative Work

3. Neither party to this protocol will sign, countersign, instigate or suggest to any third party the following:
 - (a) Promotion within the current work area
 - (b) Promotion to another part of the City Council
 - (c) Secondment to another area within the City Council
 - (d) Salary changes of any description
 - (e) Regrading
 - (f) Honorarium Payments
 - (g) Additional payments of any kind

Confidential Information

4. Both parties to this protocol agree that they will not share confidential information of any nature and will not reveal to each other any information about the other's employment with Wolverhampton City Council.

Interview Panels and Recruitment Processes

5. Neither party to this protocol will be involved in an interview panel or recruitment process involving the other or jointly sit on any interview panel.

Disciplinary or Redundancy or other matters

6. Neither party to this protocol will be involved in processes which involve the other party unless specifically requested to do so by the Chief Executive, (or Investigating Officer in the case of a disciplinary investigation).

Spirit of the Protocol

7. Where something is not specifically referred to in this protocol it is agreed that the spirit of the protocol will be observed.

Close Friendship

8. Should the close friendship cease to be so the protocol will remain in force until Wolverhampton City Council no longer employs one of the parties.

Both Parties to the Protocol Note

9. Both parties note that this protocol is purely precautionary to protect both parties from unfounded or inappropriate suggestions of favouritism or misconduct at Wolverhampton City Council.

The following parties have signed the protocol and will ensure adherence to it:

Name:	Name:
Position:	Position:
Wolverhampton City Council	Wolverhampton City Council

Copies of this protocol are distributed as follows:

- 1.
- 2.
- 3.
- 4.