



General Purposes Committee

Wednesday 1 November 2023 at 9.30 am

Conference Hall - Brent Civic Centre, Engineers Way,
Wembley, HA9 0FJ

Please note that this meeting will be held in person with all members of the Committee required to attend in person.

The meeting is open to members of the press and public to attend. Alternatively, the meeting proceedings can be followed via the live webcast. The link to view the webcast will be made available [HERE](#)

Membership:

Members

Councillors:

M Butt (Chair)
Tatler (Vice-Chair)
Donnelly-Jackson
Farah
Georgiou
Grah
Knight
Krupa Sheth

Substitute Members

Councillors:

Afzal, Akram, Crabb, Nerva, Rubin and Southwood.

Councillors:

Lorber and Matin

For further information contact: Natalie Connor, Governance Officer
Tel: 020 8937 1506, Email: natalie.connor@brent.gov.uk

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[Council meetings and decision making | Brent Council](#)

Notes for Members - Declarations of Interest:

If a Member is aware they have a Disclosable Pecuniary Interest* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest** in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

***Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect of expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences**- Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

****Personal Interests:**

The business relates to or affects:

(a) Anybody of which you are a member or in a position of general control or management, and:

- To which you are appointed by the council;
- which exercises functions of a public nature;
- which is directed is to charitable purposes;
- whose principal purposes include the influence of public opinion or policy (including a political party of trade union).

(b) The interests a of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

Agenda

Introductions, if appropriate.

Item	Page
1 Apologies for absence and clarification of alternate members	
2 Declarations of interests	
Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary or personal interests in the items on this agenda and to specify the item(s) to which they relate.	
3 Deputations (if any)	
To hear any deputations received from members of the public in accordance with Standing Order 67.	
4 Minutes of the previous meeting	1 - 2
To approve the minutes of the previous meeting held on Monday 11 September 2023 as a correct record.	
5 Matters arising (if any)	
To consider any matters arising from the minutes of the previous meeting.	
6 Recruitment and Retention Payments for Adult Social Care Social Workers, Occupational Therapists and Visual Impairment Rehabilitation Officers	3 - 16
This report seeks approval to introduce recruitment and retention payments for social workers, occupational therapists and visual impairment rehabilitation officers in Adult & Social Care as part of a range of strategies being deployed as part of an overarching workforce strategy within the refreshed Adult & Social Care transformation programme.	

7 Flexible Working Arrangements Review

17 - 42

This report details the refreshed Flexible Working Policy which reflects the proposed changes to the borough/office attendance requirements from 1 January 2024 and 1 April 2024.

8 Appointments to Sub-Committees / Outside Bodies

No membership changes have been identified in advance of the agenda publication for consideration by the Committee.

9 Exclusion of Press and Public

No items have been identified in advance of the meeting that will require the exclusion of the press or public.

10 Any other urgent business

Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or her representative before the meeting in accordance with Standing Order 60.



Please remember to set your mobile phone to silent during the meeting.

- The meeting room is accessible by lift and seats will be provided for members of the public. Alternatively, members of the public can view proceedings via the live webcast [HERE](#)



LONDON BOROUGH OF BRENT

MINUTES OF THE GENERAL PURPOSES COMMITTEE Held in the Conference Hall, Brent Civic Centre on Monday 11 September 2023 at 9.30 am

PRESENT: Councillor M Butt (Chair) and Councillors Donnelly-Jackson, Farah, Georgiou, Knight, Nerva, Krupa Sheth and Tatler.

1. **Apologies for absence and clarification of alternate members**

Apologies for absence were received from Councillor M. Patel and Councillor Grahl, with Councillor Farah in attendance as an alternate for Councillor Grahl and Councillor Nerva in attendance as an alternate for Councillor M. Patel.

2. **Declarations of interests**

There were no formal declarations made during the meeting.

3. **Deputations (if any)**

There were no deputations received.

4. **Minutes of the previous meeting**

RESOLVED that the minutes of the previous meeting held on Monday 17 July 2023 be approved as an accurate record.

5. **Matters arising (if any)**

There were no matters arising.

6. **Appointment of Director of Human Resources**

Debra Norman, Corporate Director of Governance, introduced a report outlining a proposed timetable for the recruitment of a permanent Director of Human Resources and Occupational Development, following the recent appointment of an Interim Director.

In accordance with Standing Order 76(ii), Members noted the timetable for the recruitment of the permanent post holder, as detailed in section 3 of the report with the Senior Staff Appointments Sub Committee to conduct the final interviews arranged for 25 September 2023.

Having considered the report it was therefore **RESOLVED** to:

- (1) Note the Chief Executive had appointed an Interim Director of Human Resources and Organisational Development.

- (2) Note the timetable set out in the report for the appointment to the post on a permanent basis.
- (3) Delegate to the Chief Executive any amendment to the proposed timetable, for operational reasons, in consultation with the Chair of General Purposes Committee.

7. **Appointments to Sub-Committees / Outside Bodies**

There were no appointments to be considered in relation to any of the General Purposes Sub Committees.

8. **Exclusion of Press and Public**


There were no items that required the exclusion of the press or public from the meeting.

9. **Any other urgent business**

None.

The meeting closed at 9.35 am

COUNCILLOR M BUTT
Chair

	<p align="center">General Purpose Committee 1 November 2023</p>
	<p align="center">Report from the Corporate Director of Care, Health and Wellbeing</p>
<p align="center">Recruitment and Retention Payments for Adult Social Care Social Workers, Occupational Therapists and Visual Impairment Rehabilitation Officers</p>	
Wards Affected:	All
Key or Non-Key Decision:	N/A
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
List of Appendices:	One Appendix 1: Outline of proposed recruitment and retention arrangements
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	<p>Claudia Brown Director Adult Social Services claudia.brown@brent.gov.uk</p> <p>Sarah Richards Head of Intermediate Care and Principal Occupational Therapist sarah.richards@brent.gov.uk</p> <p>Evelyn Amedoda Head of Safeguarding and Principal Social Worker evelyn.amedoda@brent.gov.uk</p>

1.0 Executive Summary

- 1.1 The local authority has a legal duty to assess residents' care and support needs and the local and national picture indicates there is high demand and strong competition for qualified, regulated staff to discharge this statutory responsibility. In Brent, this has resulted in recruitment and retention challenges and a heavy reliance on costly agency staff. A lack of permanent qualified staff in these posts risks poorer quality services and poses a risk to financial stability due to the escalating costs associated with agency staff.

- 1.2 This report provides the General-Purpose committee with a summary of activities undertaken by Adult Social Care to date to recruit and qualified Social Workers, Occupational Therapist and Visual Impairment Rehabilitation officers.
- 1.3 This report seeks approval for plans to introduce incentive payments for qualified Social Workers, Occupational Therapist and Visual Impairment Rehabilitation officers in ASC. Introduction of the proposed will improve the recruitment and retention of permanent staff in these areas.
- 1.4 This approach compliments a suite of strategies being employed and is forming the building blocks of an overarching workforce strategy within the refreshed ASC transformation programme. The proposals are closely aligned to the children's social care approach approved earlier this year to ensure that parity and fairness across the social care workforce is maintained.

2.0 Recommendation(s)

- 2.1 That the Committee agree to the use of recruitment and retention initiatives, to all teams within the department, as follows:
- 2.2 To make a one-off payment of £5,000 to newly recruited permanent qualified social workers, occupational therapist and visual impairment rehabilitation officers' staff on grades PO2 – PO7, on satisfactory completion of their probationary period and repayable where an employee leaves the council within 12 months of receiving the payment.
- 2.3 To make annual retention payments of £3,000 to all qualified social workers, occupational therapy and visual impairment rehabilitation officer staff on grades PO2 to PO7.
- 2.4 To make retention payments for Best Interest Assessors of £2,000 a year for being on the rota to carry out statutory duties commensurate with the role.
- 2.5 To make retention payments of £1,000 a year for qualified Practice Educators to take two students a year.

3.0 Detail

3.1 Contribution to Borough Plan Priorities and Strategic Context

- 3.1.1 Implementation of these activities will enable the service to contribute to the borough's priorities 'Thriving Communities-Every opportunity to succeed' and '*Local people in the borough to gain jobs via our apprenticeship*'.
- 3.1.2 We currently have a diverse workforce however fifty percent of regulated staff are locum workers. The proposal in this paper aims to retain good performing agency workers which include staff who live within Brent and recruit a permanent workforce that is representative of the borough at all levels.

3.1.3 We are currently hosting 15 local apprentices and the aim is to have a retention offer that will enable us to retain them once they have gained their social work or Occupational Therapist qualification.

3.2 Background

3.2.1 The Adult Social Care workforce is of central importance in delivering an excellent service to adults requiring care and support and the Director of Adult Social Care is held accountable for professional leadership including internal and external workforce planning. This proposal relates to those who are direct employees of Brent council as opposed to a commissioned or provider service.

3.2.2 The ASC workforce is its greatest asset; having the appropriate numbers of staff who are highly skilled, confident, compassionate and care about the people they support is what ensures the services delivered are of high quality and meet the needs of Brent residents. Whilst this paper specifically addresses recruitment and retention payments for regulated staff, where there is a high agency spend and significant recruitment difficulties, it is important to recognise the enormous contribution to the delivery of ASC offered by non-regulated staff, and without whom ASC would not be able to deliver services to residents. However, at the current time in Brent these positions do not present the same challenges in relation to recruitment and retention.

3.2.3 Recruitment challenges are not unique to Brent; the employment market for social workers, occupational therapists and visual impairment rehabilitation officers is extremely competitive both nationally and locally. For example, London wide, at the time of writing, there were 700 vacancies for OTs across health and social care. In July 23 Brent ASC was employing a total 117 agency staff, 72% of whom were covering vacant establishment positions. National Government recognises the magnitude of the national challenge and in July 2023, unveiled a £600 million package to help with recruitment and retention in social care. The Adult Social Care Market Sustainability fund will support the social care workforce and boost capacity in social care, in turn supporting the NHS ahead of winter and through into next year. £600 million funding for adult social care includes a £570 million workforce fund over two years, distributed to local authorities and £30 million funding for local authorities in the most challenged health systems. Brent has been allocated £2,042,535 for 2023-24 from the fund. Part of this fund will be used to support recruitment and retention of qualifying staff in Brent ASC.

3.2.4 The proposed scheme is set out in appendix one and is reflective of the successful scheme adopted by Brent's Children and Young People both in quantum and in structure. There are some small deviations from the CYP scheme which are reflective of the differing departmental structures.

3.2.5 Over recent years, ASC leads have taken a wide range of actions to address recruitment challenges focusing on:

- Workforce recruitment, retention, and stability
- Workforce development

- Leadership and management
- Our work culture

The overarching workforce strategy for adult social care will ensure that this approach, alongside the wider offer which is being refreshed will be effectively managed into implementation and the impact measured which includes both financial and quality metrics. The capability and capacity of the workforce is a key strategic risk to the effective delivery of the adult social care offer in Brent so strong governance and oversight is essential.

- 3.2.6 It is anticipated that the proposed recruitment and retention payments, would increase the number of permanent staff into adult social care, reducing reliance on agency staff, which would also lead to a reduction in the cost pressure arising from the use of those agency staff. This will also create stability and the opportunity for career progression. Notably, an increased permanent workforce will better support continuity of care to Brent residents.

3.3 Impact

- 3.3.1 Since COVID the adult social care workforce nationally has become even more, with more staff irrespective of the employer looking to retire, change careers or move to agency work. This is a national issue and is reflected in the Brent Council employed workforce. All councils increasingly looking for agency staff to address gaps in capacity has inevitably driven up cost of agency staff and means local authorities have seen even more of their permanent staff resign to take advantage of the attractive rates being offered by employment agencies. Staff have left permanent posts with the Council to take up employment either as an agency worker or other London local authorities where there is a more competitive remuneration and reward structure. The impact of staff leaving is felt financially and, on the morale, and cohesion of the teams. It inevitably has consequences for service delivery as existing staff have to spend significant time inducting and supporting new team members and new staff cannot generate the throughput of their longer serving colleagues. To attract talented, permanent workers, manageable caseloads and opportunities to develop are essential components of the employment offer. In July 23 Brent ASC was employing a total 117 agency staff, 72% of whom were covering vacant establishment positions. The annual cost of agency staff for 22/23 in ASC was £6.5m.

- 3.3.2 Stabilising the Adult Social Care workforce has been a major challenge in recent years. Both the social work and occupational therapy professions appear on the list of skills shortages which enables overseas recruitment to fill key vacancies. The shortage has also resulted in a sharp decrease in the quality of agency workers and hence an increase in the amount of support they require from managers and colleagues putting further pressure on existing permanent practitioners and managers. Many agency candidates are newly qualified graduates but are commanding top rates of pay. Agency staff are less likely to be invested in service development, and to develop the skills, experience, and local knowledge to give quality services to residents. This places a risk on the

delivery of stable support for adults in need of care in Brent and meeting our statutory duties.

- 3.3.3 Despite repeated advertising, there has been limited success in recruiting permanent staff through the current recruitment and retention arrangements. In addition to other measures, introducing recruitment and retention payments will attract qualified professionals looking to work and remain working in Brent and will introduce parity with colleagues working in Children and Young People.

4.0 Recruitment and Retention Bench Marking

- 4.1 A recent bench marking exercise demonstrated that many local authorities have introduced recruitment and retention allowances and many that are not currently doing so are considering introducing them. To remain competitive within the London market, to retain existing staff and to recruit competent new team members, recruitment and retention incentives are being recommended to complement the portfolio of other measures.
- 4.2 Some local authorities have embedded higher than average salaries into the job role. For example, in Tower Hamlets a main grade occupational therapist commands a salary of up to £51,781 whereas in Brent a practitioner of the same grade receives up to £40,566. It's not known whether this approach has improved the position in relation to permanent employees, but introducing a retention allowance would allow Brent to assess whether this might be a viable option in the long term if a recurrent funding stream can be identified.
- 4.3 At the time of writing, Brent ASC was spending £6m annually on agency staff, 72% of the agency spend is used on establishment posts. If the proposed scheme were applied to all vacant establishment posts it would cost £1,076,000 over two years. However, it is anticipated that it this will pay dividends in the cohesion of teams and quality.

5.0 Other Approaches to Recruitment and Retention

- 5.1 Other approaches to recruiting and retaining staff have included reviewing the benefits to working in Brent, ensuring that our offer is competitive and effectively marketed to encourage high quality practitioners to apply and stay in Brent. Over recent years, ASC leads have taken a wide range of actions to address these challenges. These actions have included:
- Offering the opportunity to rent key worker housing which has led to practitioners becoming permanent and remaining in their roles.
 - Developing the offer for newly qualified social workers (ASYE). Since the refreshed programme was put in place in October 2022 a total of nine newly qualified social workers have been supported and remain within the council's employee.
 - Introducing internal apprenticeships for OTs and SWs and launching Brent's first Community Social Work Apprenticeship Programme which offered local residents an opportunity to gain a degree whilst learning and earning a London Living Wage salary. The apprenticeships have been

very popular, ASC currently hosts 15 social work apprentices and two OT apprentices and there was strong competition for the places.

- Development of staff to become practice educators and recruitment to dedicated practice development roles to support students and apprentices in social work. This allows frontline staff and managers to maintain service delivery as well as supporting students.
- Introduction of the Adult Social Care Training Academy ensuring all social care staff have access to training that will enhance their skills, knowledge, and confidence. Between April and December 2022, 329 courses were completed.
- Fast-tracking of active agency staff to convert to a permanent contract has had limited success.
- Market supplement payment for OTs at PO2-PO4 grades which has generated some success in recruitment and significant success in retaining practitioners.
- Rolling recruitment adverts and social media advertising have had limited success.
- Regular supervision supported by a standardised documentation and a tracker.
- Using creative strategies to advertise and recruit local people who are more likely to want to work in their local community. Working with North West London Social Care Academy on ways to engage with different groups in our communities, including previously marginalised groups who may not have been in work as part of a pipeline into Social Care.
- Recruiting based on values and behaviours, like kindness, compassion and reliability, life experiences and a willingness to learn. Evidence suggest that people are more likely to stay in the sector.
- Communicating clearly with applicants about progress on their application, to help build positive relationships and keep them onboard for the recruitment process. Share information and timeframes early on to ensure eager applicants can start as soon as possible.

5.2 Other measures which are currently in development include;

- Launch of a career progression framework, enabling staff to move through the promotion system for PO2 – PO7 grades. This will be supported by linked grade job descriptions to facilitate progression.
- International recruitment programme and sponsorship for practitioners from overseas.
- Rotations for OTs across health and social care
- Introduction of a new Workforce Project Delivery Officer role and introduction of practice development lead for OT.
- For non-regulated staff the developing care workforce pathway will reflect the skills, behaviours and expertise needed to deliver excellent social care and set clear expectations about what high-quality care looks. In time, it will become a recognised benchmark for all non-regulated in adult social care roles.

5.3 The wellbeing of staff is crucial, and the pandemic put into sharp focus the need to consider staff resilience and morale which can be a contributing factor to high staff attrition rates. Brent ASC strives to offer supportive working conditions and recognises that stabilising the workforce is likely to reduce caseloads which subsequently reduces pressure. There are a mixture of things that allow our staff to feel valued, such as pay, training and secondment opportunities and positivity about their work. In addition to these, the right environment needs to be cultivated that allows a high level of support and a culture that doesn't look to just place blame but learn when mistakes are made by learning events. Other elements of the offer to staff include:

- Use of the council's employee assistance scheme which is regularly promoted and staff are encouraged to use the service.
- Support and advice offered by senior managers, managers and Principal Social Worker/OT.
- Celebrating success in team meetings as well as creating an environment where social care staff feel safe to practice.
- Promoting Brent's flexible working conditions internally to support retention and to potential new recruits. When there is a balance with the needs of the business, there is a positive impact on retention and morale and gives people the ability to have better work life balance which is beneficial from a health perspective.
- Supporting staff by providing payment for things like travel (zip cars) and promoting claiming back professional registration fees from Inland Revenue. This will reduce the administrative and financial challenges that staff might face.
- Promoting staff benefits to help them to utilise all available benefits, such as annual leave, sabbatical, pension and Brent Reward care. We reinforce staff understanding of what benefits they have and should utilise through our internal departmental communication such as monthly newsletter.
- Promoting a positive working environment and inclusive culture that people buy in to. Visible leadership that models the desired behaviours is vital. This has been borne out in LGA ASC staff survey results.

5.4 Whilst these and other measures will continue to contribute to the recruitment and retention of permanent staff, the proposal for recruitment and retention incentives as outlined in this report are required to maintain and boost the number of permanent staff in regulated roles across the department.

6.0 London Salaries and Financial Incentives for ASC Workforce

Borough	Recruitment & Retention incentive payments
Newham	£3000 per year for all teams including OTs
Bromley	£2000 welcome payment and £2000 retention payment for some Senior Practitioners and Team Managers (in certain teams) £1000 welcome payment and £1500 retention payment for Social Worker roles (in certain teams)
Waltham Forest	£2000 per year for all social work roles £2000 welcome payment for OTs

Richmond	£3000 per 2 years (for Social Worker roles)
Wandsworth	£3000 per 2 years (for Social Worker roles)
Harrow	Planning to introduce incentives
Hillingdon	Planning to introduce incentives
Greenwich	Planning to introduce incentives
Barnet	Planning to introduce incentives
Camden	No R&R but higher average salaries for all roles
Southwark	Payments for OTs not SWs. £2,327 per annum.
Lambeth	For all PO1-PO3 £1000 welcome payment plus £1000 annual retention allowance Additional payments for targeted hard to fill posts
RBKC	Market supplement for social workers of £1500 per annum
Hammersmith and Fulham	No R&R but higher average salaries for all roles

- 6.1 A recent bench marking exercise demonstrated that many local authorities have introduced recruitment and retention allowances and many that are not currently doing so are considering introducing them. To remain competitive within the London market, to retain existing staff and to recruit competent new team members, recruitment and incentives are being recommended to complement the portfolio of other measures.
- 6.2 Some local authorities have embedded higher than average salaries into the job role. For example, in Tower Hamlets a main grade occupational therapist commands a salary of up to £51,781 whereas in Brent a practitioner of the same grade receives up to £40,566. It's not known whether this approach has improved the position in relation to permanent employees, but introducing a retention allowance would allow Brent to assess whether this might be a viable option in the long term if a recurrent funding stream can be identified.
- 6.3 It is anticipated that the proposed incentives, would increase the number of permanent staff into adult social care, reducing reliance on agency staff, which would also lead to a reduction in the cost pressure arising from the use of those agency staff. This will also create stability and the opportunity for career progression. Notably, an increased permanent workforce will better support continuity of care to Brent residents.

7.0 Next Steps

- 7.1 There are regular recruitment campaigns and, should the GP committee approve these recommendations, they will be incorporated into the materials. Monthly progress meetings to consider the impact of these initiatives have been set and the overall effectiveness of the proposed changes will be reviewed by the end of spring 2024.
- 7.2 It is proposed that payments start from January 2024 (Please refer to Appendix 1 which specifies qualifying staff)

7.3 Recruitment of the Workforce Project Delivery Officer to assist with implementation of the payments and continue to drive recruitment and retention activities.

8.0 Stakeholder and ward member consultation and engagement

Not Applicable

9.0 Financial Considerations

9.1. The financial impact of the proposed Recruitment and Retention Arrangements are shown in Table B in Appendix 1.

9.2. If every vacant position was filled, then the full cost to the department would be £1.076m across 2 years. However, the cost is based on success of recruitment, and a further breakdown of costs based on the % of capacity filled is shown in Table B.

9.3. In 2023/24 this will be funded from the Market Sustainability and Improvement Fund-Workforce Fund. As is referenced in 3.1.3 Brent has been awarded £2.043m of MSIF funding in 2023/24, and part of this will be set aside to fund these proposals.

9.4. It is anticipated, but not confirmed, that this MSIF will also be available in 24/25; otherwise, the service will need to identify alternative funding to proceed. If we are to continue with this approach beyond 24/25 the impact and success of this approach will need to be reviewed, and a recurrent funding stream identified. However, as the use of agency reduces and the workforce becomes more stable, the costs of the scheme would also reduce.

10.0 Legal Considerations

10.1 Where a supplement is paid on top of the evaluated grade of a post the potential for equal pay claims arises. The council will need to demonstrate that there is a genuine “material factor” which is neither directly nor indirectly discriminatory based on sex to avoid or defend such claims. The state of the employment market, which may lead an employer to increase the pay of a particular job in order to attract candidates, may constitute an objectively justified economic ground for a pay disparity. Where payments to an employee are on-going the payment must be kept under regular review to ensure that it only continues for as long as it is justified by material market factors.

11.0 Equality, Diversity & Inclusion (EDI) Considerations

11.1 The public sector equality duty, as set out in section 149 of the Equality Act 2010, requires the Council, when exercising its functions, to have “due regard” to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, to advance equality of opportunity and foster good relations between those who have a “protected characteristic” and those

who do not share that protected characteristic. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

- 11.2 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.
- 11.3 The proposal in this paper seeks to introduce recruitment and retention payments for all social workers, occupational therapist and visual impairment rehabilitation officers which ensures fairness across these roles. There are no obvious equality issues with this proposal. Additionally, it is considered that the market evidence, establishing that there was a material factor (namely market conditions for recruitment to the affected posts) justifies any pay disparity.
- 11.4 The make-up of the Adult Social Care workforce (specifically the posts which are qualified social workers) overall is predominantly female and from a BAME background. The characteristics of ethnicity and gender are specified as these were the two most significant types affected by the proposed changes.
- 11.5 The diversity make-up of the Adult Social Care workforce population (where individuals have declared this information) is as follows:

BAME	79%
White	21%
Female	69%
Male	31%

- 11.6 The current demographic of Brents Adult Social Care workforce reflects the diversity of the borough and indicates equality and fairness, through the lens of diversity, in the current recruitment and retention approach. Additionally, the programme for Black, Asian and Minority Ethnic managers demonstrates the focus on supporting the workforce's diverse talent.
- 11.7 There are no obvious, substantial equality implications within these proposals particularly as the approach seeks to ensure Brent continues to deliver a quality service to adults with care needs. However, for staff, it is important to ensure that recruitment and retention payments are awarded in a fair and equitable manner.

12.0 Climate Change and Environmental Considerations

Not applicable

13.0 Human Resources/Property Considerations (if appropriate)

13.1 The Human Resources implications have been contained within the main body of the report above.

14.0 Communication Considerations

14.1 The approach to Recruitment and Retention payments will need to be communicated across ASC through email distribution lists, newsletters, team meetings and staff quarterlies. Communication will be well constructed, and the design principles of the scheme will avoid equal pay claims by staff who are not included in this scheme such as non-regulated staff. Externally the payments will need to be highlighted in any recruitment campaigns and in job adverts.

Report sign off:

Helen Coombes

Corporate Director Care, Health and Wellbeing

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Appendix 1

Outline of Proposed Recruitment and Retention Arrangements for Adult Social Care Staff (Social Workers, Occupational Therapists and Visual Impairment Rehabilitation Officers)

Table A

Grades	Job Title	Golden Hello	Retention Payments (paid annually)
SO2	ASYE	N/A	N/A
PO1	Social Work/OT Apprentices	N/A	N/A
PO2	Social Worker/OT/ROVI	£5,000	£3,000
PO3	SW/OT Advanced Practitioners and AMPHs, Senior ROVIs	£5,000	£3,000
PO4	SW/OT Deputy Team Manager and Safeguarding Adult Managers	£5,000	£3,000
PO5	Practice Development Lead	£5,000	£3,000
PO7	Team Managers (SW & OT)	£5,000	£3,000
	Best Interest Assessors (BIA)		£2,000
	Practice Educators		£1,000

Proposed Remuneration Package (Non-contractual payments)

- One-off welcome payment of £5,000 to newly recruited permanent qualified social workers, occupational therapists and visual impairment rehabilitation officers on grades PO2 – PO7, on satisfactory completion of probationary period (repayable where an employee leaves the council's employment within 12 months of receiving the payment).
- Annual retention payments of £3000 to all permanent qualified social workers, occupational therapists and visual impairment rehabilitation officers on grades PO2 to PO7 paid every 12 months (either in December each year or upon anniversary of joining Brent, depending on when joined; previous market supplement payments for OTs will cease, as they will receive payments indicated in this proposal).
- £2000 payment per year to Best Interest Assessors (BIA) who undertake statutory duties commensurate with their role and are on the BIA rota.
- £1000 payment a year for Practice Educators who take two students per year.

Financial Impact

Table B

Employee Category	Golden Hello/Retention	Sum of Golden Hello/Retention across two years (£)	Number of employees	Cost per year (£)
Agency Worker	Golden Hello	450,000	90	225,000

Employee	Retention Bonus	291,000	97	145,500
Vacant	Golden Hello	285,000	57	142,500
Best Interest Assessors (BIA)	Retention Bonus	40,000	20	20,000
Practice Educators	Retention Bonus	10,000	10	5,000
Total		1,076,000	274	538,000

Table C

Cost to Service/year	£000
100% Capacity Filled	1,076
75% Capacity Filled	807
50% Capacity Filled	538
25% Capacity Filled	269


Terms and Conditions

Golden Hello payments

- Subject to deductions for income tax and national insurance and will be taken into account when calculating pension contributions, if a member of the Local Government Pension Scheme.
- These payments are non-contractual.
- One lump sum payment will be made upon successful completion of probationary period.
- Repayable if staff members leave the council's employment within 12 months of the payment being made.

Retention payments

- Subject to deductions for income tax and national insurance but it will **not** be taken into account when calculating pension contributions.
- These payments are all non-contractual.
- Staff member must still be in the council's employment and not in their notice period when the payment is made.
- Staff member must not be subject to any proceedings under the council's managing performance or disciplinary policies.

	<p align="center">General Purposes Committee 1 November 2023</p>
	<p align="center">Report from the Corporate Director of Governance</p>
<p>Flexible Working Arrangements Review</p>	

Wards Affected:	None
Key or Non-Key Decision:	Non-key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
List of Appendices:	Two Appendix 1: Revised Flexible Working Policy Appendix 2: Equalities Impact Assessment
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Sue Evans Interim Director of HR and OD 020 8937 1811 sue.evans@brent.gov.uk

1.0 Executive Summary

1.1 This report covers the refreshed Flexible Working Policy which reflects the proposed changes to the borough/office attendance requirements from 1 January 2024 and 1 April 2024.

2.0 Recommendation(s)

2.1 To note the Revised Flexible Working Policy in Appendix 1.

2.2 To agree the Equalities Impact Assessment in Appendix 2.

3.0 Contribution to Borough Plan Priorities & Strategic Context

3.1 The proposed changes to the Flexible Working Policy will support the implementation of the Brent Workforce Strategy – 2022-25 and other workforce related policies, to support delivery of the Borough Plan 2023-27 by enabling increased and more effective collaborative working and innovation and strengthening the relationship between staff and the borough which they serve.

4. Background

- 4.1 The council is committed to flexible working and has a currently agreed working pattern for office attendance based on 1 day per week for most staff and 3 days for senior staff. This refers to working in the Civic Centre or elsewhere in the borough other than at home. It is now considered appropriate to review these arrangements and to ensure that, as a public service focused on meeting the needs of local people, the council is accessible and best placed to deliver effective local services.
- 4.2 The way in which we deliver services is changing. An increasing use of technology for efficiency, a move to self-service, a greater emphasis on outcomes, performance management and productivity, together with the changing needs and demands of the people we serve and the people who serve, require a fundamentally different approach to working.
- 4.3 The Council is committed to encouraging a culture of flexible working that benefits both staff and customers and recognises its positive impact on wellbeing, commitment, engagement, and outcomes.
- 4.4 That said, the services we provide are local and therefore based in the borough and at the Civic Centre, so maintaining a presence is important for our residents. Understanding our place and the communities that we serve are critical if we are to deliver the services that best meet their needs and deliver the political priorities of the administration. This understanding can best be derived from being in that place and amongst those communities.
- 4.5 Regular working together is also important for creativity and cohesion in teams and career development, especially for those early in their careers.
- 4.6 It is proposed that the minimum requirement for working in the borough/office is 2 days per week for all staff from 1 January 2024 (with senior managers remaining at 3 days). From 1 April, it is proposed that this increases to 3 days in the borough/office, where at least one of these days should be a Monday or a Friday. This will help us make best use of space.
- 4.7 3 days has been identified as the optimum for office presence in a recent study by IPSOS, Karian & Box “The Case for the Office” which provides some independent assurance that the proposed changes to the policy are the right approach.
- 4.8 The increased demand for workstations and meeting spaces will require reinstatement of office accommodation in the Civic Centre previously earmarked for rental (see section 6 below).
- 5.0 Communications plan**
- 5.1 It will be important to ensure that the changes to the requirements for working in the office/borough are well communicated to staff and that managers understand and are able to communicate the new policy.

- 5.2 A programme of face to face and written briefings for managers and staff has therefore been put in place. In addition, the adoption of the refreshed policy, if agreed by the committee, will coincide with a series of Forward Together sessions for all staff which will provide an opportunity for staff to ask questions about the changes.
- 5.3 In addition, a detailed employee survey is planned to go live from mid-November which will provide a further opportunity for employee feedback.

6.0 FM and IT considerations

- 6.1 To accommodate the three-day requirement of working in the office/borough, approximately 1,500 desks are likely to be required in the Civic Centre. To meet this requirement, an additional 250 desks would need to be brought into operation. This would mean that the 1st Floor West wing and the 7th floor north wing, which were recently vacated as part of the Civic Centre restack, would likely need to be reoccupied (230 desks approximately).
- 6.2 An income target of £680K was agreed for the letting out of office space which had been vacated as a result of the restack. This will be reduced to £370k by any additional space that is brought back into use for council staff.
- 6.3 Since the restack, space for equipment such as monitors from the 1st and 7th floors has been used to replace broken stock. As a result, new equipment will need to be purchased before these floors can be occupied. STS is currently auditing available stock but a budget of approximately £60K is estimated to be required.

7.0 Stakeholder consultation and engagement

- 7.1 Consultation with the trade unions has been undertaken throughout. They are content with the changes proposed.

8.0 Financial Considerations

- 8.1 An income target of £680k was agreed for the letting out of office space which had been vacated as a result of the restack of the Civic Centre. This target would be reduced by £370k if the 1st Floor West wing and the 7th floor north wing are needed to accommodate the additional desk capacity.
- 8.2 The letting out of the vacant office space is already posing a significant challenge due to the current economic environment so alternative proposals will have to be sought to cover this proposal or any shortfall in the income target leading from this policy change.

9.0 Legal Considerations

- 9.1 Flexible working is not a legal entitlement. It may form part of an application for Flexible Working which the Council has a duty to consider. The Council may refuse the request for a legitimate reason, however, the Council should bear in

mind the potential of employment tribunal claims for discrimination and/or unfair dismissal. The Council has a good chance of defending these claims where a fair process has been followed.

9.2 The Council's duty of care under the Health and Safety at Work Act 1974 applies to Hybrid workers.

10.0 Equality, Diversity & Inclusion (EDI) Considerations

10.1 The public sector equality duty requires public bodies to pay due regard to the need to:-

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and those who do not.

10.2 The Equality Act 2010 and the Public Sector Equality Duty (outlined above) cover the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation.

10.3 An Equality Assessment has been undertaken in relation to the proposed changes to the policy and is attached as Appendix 2. There must be a proper regard to the duty set out in s.149 and to the Equality Assessment. At the same time, regard must also be paid to countervailing factors which it is proper and reasonable to consider as set out in this report in coming to a decision.

11.0 Climate Change and Environmental Considerations

11.1 Some increase in travel is anticipated where staff are in the Civic Centre more often.

12.0 Human Resources/Property Considerations (if appropriate)

12.1 There will be increased demand for workstations and meeting space. In addition, for some existing and potential staff the requirement to work in the borough/office for 3 days each week may make the council less attractive as an employer.

Report sign off:

Debra Norman
Corporate Director Governance

HR Policy

Flexible Working Policy
November 2023



Human Resources

Flexible Working Policy

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1.0 INTRODUCTION

Brent is committed to providing excellent, publicly accountable services that give real value for money and to improving customer service standards and satisfaction. In support of this commitment, the aim of this policy is to support employees to do the best job they can, whilst improving work-life balance, wellbeing, and morale.

The way in which we deliver services is changing. An increasing use of technology for efficiency, a move to self-service, a greater emphasis on outcomes, performance management and productivity, together with the changing needs and demands of the people we serve and the people who serve, require a fundamentally different approach to working.

The Council is committed to encouraging a culture of flexible working that benefits both staff and customers and recognises its positive impact on wellbeing, commitment, engagement, and outcomes.

2.0 SCOPE

This policy applies to employees regardless of their age, disability, race, sex, religion and belief, sexual orientation, gender identity, marriage and civil partnership.

The policy does not apply to Teachers and school-based non-teaching staff where the schools have separately agreed processes nor to agency workers, contractors or casual workers.

3.0 DEFINITIONS

Mobile workers	who spend the majority of their working time away from the office delivering community-based services, but who will come back to their base for example, for administrative duties e.g. social workers
Fixed base workers	who spend the majority of their working time in the Civic Centre or other council building but are not able to work flexibly due to the nature of their role e.g. Library officers
Field based workers	who do not work in council buildings e.g. school crossing patrols
Homeworkers	for whom their home is their contractual work base. They may occasionally have the need, or be required, to visit council buildings for their work
Flexible workers	this applies to the majority of Brent employees who can work remotely from a range of locations including home e.g. Finance officers

4.1 GENERAL PRINCIPLES

- Flexible working relates to employees' working times, hours of work and places of work. The Council's flexible working policy is service led and in line with contractual and statutory requirements.
- The Council encourages employees to work flexibly for an enhanced work-life balance, where service needs permit.
- There are a range of types of role undertaken within the council and the flexibility which can be offered will not be the same for all roles.
- Employees who are able to work remotely are expected to come to their work base as required, for example, to attend team meetings and to work collaboratively and may be required to routinely attend their work base for a specified minimum number of days over a period.
- Flexible working arrangements will usually not be suitable for fixed base and field based roles which rely on employees to be at their place of work for service delivery – see section 3.0 for examples of such employees.
- Employees are expected to work such hours and apply such flexibility as are necessary for the performance of their role.
- Where employees work from an office base, the council operates a policy of hot-desking. Employees do not have their own desks, but have work space for their service where they can hot desk.
- Heads of services need to determine the extent of flexible working, which they are able to offer employees in their teams, based on the needs of the service. Such decisions will usually involve remote working and time off in lieu arrangements.
- Any deviation from this policy will be subject to the agreement of the relevant Corporate Director and the Director of HR & OD.
- Where employees in a team are not able to work equally flexibly, consideration should be given to establishing a local flexible working rota.
- The ability for teams to work remotely and the availability of time off in lieu arrangements will usually be decided on a service basis. All other types of flexibility not included in the general arrangements agreed for the service will normally need to be applied for individually via the statutory Right to Request Flexible Working Procedure shown in Appendix 1.
- Any individual requests over and above that afforded by the service as above, including any temporary working arrangements, will be subject to the Right to Request Flexible Working Procedure on a first come first served basis.
- Employees will be subject to the same policies and procedures whilst working flexibly as when not doing so.
- Exceptionally, the Council may require access to employees' home, for example, for the purposes of maintenance of council-provided equipment and/ or health and safety risk assessment.
- Where working remotely is agreed within a service, this does not guarantee any right to work remotely indefinitely – see section 7.1 for more information on working remotely.
- Employees may be required to alter or cancel agreed 'working from home' days in order to accommodate service needs or attend work meetings.
- Working remotely and other flexible working is entirely at the discretion of the Council; it is therefore, a non-contractual benefit.

- All flexible working arrangements agreed between an employee and their line manager must be reviewed frequently in light of service demands and at least annually.
- Employees not performing to expected standards or abusing the flexible working system may have flexible working options removed and be subject to disciplinary action.

5.1 WORKING HOURS AND BREAKS

When working flexibly, the following applies to all employees:

- Employees must take a minimum of 30 minutes' break for every 6 hours worked, up to a maximum of 2 hours – usually called a lunch break for those working standard hours.
- Breaks must not be at the beginning or end of the working day so as to shorten it, unless otherwise agreed by the line manager on an ad hoc basis.
- In addition to taking a break during their working day employees should take a rest break:
 - of at least 11 hours between each day they work and
 - of at least 24 hours in every 7 days they work (or 48 hours in every 14 days they work)
- Employees should not normally work beyond 48 hours a week. Any exceptions to this should be discussed with the line manager who should consult HR before any additional hours are worked.

In addition, the following applies to employees in relation to working patterns:

- Head of Service may agree core hours on a case by case basis subject to the needs of the service. Any agreement on this basis will not be permanent and will be subject to regular review.
- Any work carried out by employees outside of their normal working hours will be discussed and agreed with the line manager usually in advance.

6.0 RESPONSIBILITIES

6.1 Managers' Responsibilities

Managers must ensure they:

- meet the needs of the service in any consideration of flexible working
- treat all employees consistently, fairly and promptly
- consider flexible working as a reasonable adjustments for disabled employees, including those types outside the scope of this policy, as necessary

- deal with any statutory and formal requests for flexible working promptly and in line with timescales set out in Appendix 1
- demonstrate equal access for developmental and promotion opportunities to all employees who work flexibly
- have checked that employees have completed the risk assessment prior to remote working arrangements being agreed
- endeavor to accommodate individual preferences on start and finish times, providing it does not adversely impact on services provided, or find a suitable solution, where possible
- make clear with employees and their teams what they expect, how they will work with each other and support one another when agreeing flexible working
- give due consideration to whether employees, who are subject to performance management procedures, have flexible working options open to them or not
- empower employees as far as possible to manage their own time and output whilst supporting them
- provide support to put any health and safety requirements in place promptly
- keep in contact with employees who work remotely on a frequent basis and promote the use of wellbeing initiatives where necessary

6.2 Employees' Responsibilities

Employees must ensure they:

- are able to achieve their own and the team's objectives, and to meet service delivery when working flexibly
- agree any change to their re-occurring remote working day(s), with their line managers where applicable
- submit a Right to Request Flexible Working form where they would like a change made to their working hours or place of work, over and above the service's standard provision for flexible working
- adhere fully to the provisions set out in this policy and procedure and that any change to their working arrangement does not impact on their ability to achieve their own and the team's objectives, and to meet service delivery requirements
- maintain an open and honest dialogue with their line manager to ensure that the arrangement continues to work effectively for the whole team
- are contactable by telephone and e-mail during core hours or as agreed with their manager and keep their calendars up to date, in exactly the same way as when they are when they work from their office base
- take appropriate responsibility for health and safety and for their wellbeing and discuss any concerns with their manager
- comply with any local arrangements and protocols to work flexibly in their team, as appropriate
- report any loss, theft or damage of Council property, including any data breaches, to their manager, without delay
- take appropriate breaks in line with the requirements listed in section 5.0 above

7.0 TYPES OF FLEXIBLE WORKING

Brent offers employees a range of flexible work options which include but are not limited to the following.

7.1 Remote Working

- Remote working, sometimes called 'working from home', is based on the concept that work does not necessarily need to be done in a specific place to achieve successful outcomes.
- Remote working refers to work undertaken anywhere away from the staff member's main place of work and may include their home, or other council premises.
- Remote working from outside the UK is not permitted.
- Subject to the type and specific needs of the service and the requirements of the employees post, remote working is available to all staff. Brent Council will move to a position whereby staff are in the office or at work in the borough for a minimum of 3 days a week from 1 April 2024. From 1 January 2024 staff will be expected to be in the office or within the borough for a minimum of 2 days per week. Staff may, of course work in the office or in the borough more often if they wish.
- From 1 April 2024, all staff must attend their Office / Brent workplace on either a Monday or a Friday each week.
- All DMTs and Team meetings will be face to face in the workplace unless exceptional circumstances make this impossible
- It may be necessary for managers to operate a rota to ensure staff attendance is evenly spread across the working week, subject to the needs of the service.

7.2 Part-time working

- Part-time working is an agreed regular pattern where an individual works fewer hours per week than a full-time employee (36 hours per week or 40 hours for senior managers).
- Employees who work part time will receive pro-rata entitlements of relevant council benefits e.g. annual leave.
- Part time workers will be expected to manage their office attendance on a pro-rata basis

7.3 Job sharing

- Job sharing is when a role is shared between two people.
- Staff working in a job share arrangement will agree with their line manager the percentage of role and number of days they will each work. In some cases there may be an overlap between the job sharers. The impact on entitlements is the same as for part time working.
- The job share arrangement can be established from the creation of a new role or can be requested by the role incumbent via the procedure described in Appendix 1. In either circumstance, the line manager should discuss the option with HR.
- Brent reserves the right to reject a request for job sharing where it is not possible to recruit a job share partner to the other part of the role and where

the role cannot be undertaken part time as an alternative. If one of the job share partners resigns or gets promoted, Brent reserves the right to end the arrangement if the remaining job share partner cannot find a replacement and the role is full-time.

7.4 Time off in Lieu (TOIL)

- TOIL is usually only used to allow for peaks and troughs of workload. It allows for an employee to work extra time and then take that time off to compensate. It is not intended as a regular arrangement and should only be used where absolutely necessary.
- Given the flexibility allowed within this policy the need to apply TOIL is likely to be minimal as employees will be able to manage their time flexibly in discussion with line managers.
- Where necessary TOIL can be made available to employees within services. It will be entirely at the discretion of the Heads of Service and will be subject to the needs of the service.
- TOIL arrangements must be agreed in advance with line managers.
- TOIL must not exceed one day per month.
- All employees up to and including Head of Service level may be offered TOIL.

7.5 Compressed hours

- Compressed hours are where an employee works their standard full time hours over a shorter period, for example over four days.
- An employee can also apply to work a nine day fortnight.

7.6 Term-time working

- An employee can request to work during term time only. The individual reduces the total number of days they work in a year by not working during school or college holidays.
- Term time working must commence at the beginning of a term in order to synchronise annual leave and pay calculations. These dates, including the timing of annual leave days, will be agreed between the individual and their line manager.
- To make this option feasible, there needs to be a significant lull in workload during the school or college holiday periods or sufficient resources in the team to accommodate the extended periods of non-working.
- HR can provide advice on how a move to term-time working will affect entitlements.

7.7 Annualised hours working

- Annualised hours are where the period of time an employee works is defined over a whole year.
- Employees agree with their manager and commit to a number of hours and

an agreed pattern of working over a twelve-month period as determined by the needs of the service.

- Salary is paid in equal monthly instalments regardless of the number of hours worked in a specified period.

7.8 Employment breaks

Subject to the needs of the service, employees may take a break in employment (without pay and benefits) of up to 6 months, for example to look after family, a friend, to travel, do voluntary work or undertake full time education or training.

The eligibility criteria are:

- Employees should have no less than two years' service with the council at the time the break is due to commence.
- Access to those provisions will be discretionary and will depend on operational and service requirements.
- An employment break should not commence when long term sickness, capability or disciplinary issues (where informal or formal) are pending or ongoing.
- There is no limit on the number of employment breaks an employee may request.
- However, there should be a period of no less than two years between each one.
- Employees will need to gain the agreement of their line manager/service team manager to the proposed employment break.

7.9 Flexible and early retirement

- Flexible retirement is where an employee continues working for Brent in a reduced capacity but starts to draw part or the whole of his/her pension.
- Approval for flexible retirement must be made on the basis of the arrangement being in the interests of both the employee and the Council's business and operations.
- Both early and flexible retirement will be cost neutral to the Council.
- Employees can choose to retire and start drawing their pension after the age of 55. Where pension is drawn before State Pension Age, their pension will be subject to a permanent reduction – see the [Flexible and Early Retirement Policy](#) for more information.
- As Flexible and early retirement can impact on the level of pension benefits for employees, advice and guidance should be sought from the [Pensions Team](#).

8.0 APPLYING FOR FLEXIBLE WORKING

8.1 Eligibility

- An employee may make a formal flexible working request from their first day of employment.
- An employee may make two flexible working requests in a twelve month period.

For the Council's Right to Request Flexible Working Procedure, see Appendix 1.

9.1 FURTHER INFORMATION

Any clarification or advice in respect of the application of this policy should be sought from Human Resources.

Appendix 1 - RIGHT TO REQUEST FLEXIBLE WORKING PROCEDURE

This procedure applies where employees would like to formally make a statutory flexible working request for a type of flexible working which is over and above that agreed generally by their service for say, remote working or TOIL. This will usually include the following types of flexible working:

- Part-time working
- Job sharing
- Compressed hours
- Term-time working
- Annualised hours
- Employment breaks

1.1 Before requesting flexible working options

Individuals wishing to request a change in the way they work will need to think about

- the type of flexible working they wish to ask for
- whether/ how it can be accommodated within their service or business area.
- If not, how further changes might work in practice;
- How they will provide a clear, justified case to support their request, particularly taking into account the potential grounds for refusal.

1.2 Making a request for flexible working

Following consideration to the kind of flexible working they would like to apply for and how it would work in practice, employees must fill out a Flexible Working Request Form and submit this to their line manager, whilst sending a copy to HR.

1.3 Considering a request for flexible working

Managers must make a decision in response to the request as soon as possible but no later than 1 month of the employee making the request. In order to be able to fully consider the request, the line manager must set up a meeting to discuss it.

The invitation to the meeting must be in writing, providing 5 working days' notice and employees must be given the opportunity to be accompanied by a work colleague or a trade union representative.

The meeting may include discussion on the following:

- The reason(s) that the employee wants the change
- the details of the request, how the employee sees it working in practice, and how any problems might be overcome

- any other options which might work, should the request be difficult to fulfill
- the impact on the service and team
- whether it is necessary to implement a trial period and for how long

Any agreement to the flexible working request will be made on a permanent basis, unless otherwise agreed.

Following the meeting, the line manager must consider the request in light of the benefits to the employee and the Council and any adverse impact on the service. Managers must be able to objectively justify their decision. Before declining requests for flexible working, managers should consult HR.

All request refusals must fall within one (or more) of the following grounds:

- Burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to reorganise work among existing employees
- Inability to recruit additional employees
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes.

1.4 Decision on Request for Flexible Working

- Once a decision has been made by the line manager, they will be responsible for communicating the decision to the employee in writing.
- In the interests of being transparent and having open communication, it may be helpful to discuss the decision with the employee. Managers should keep a record of such meetings.
- Where the line manager agrees to the employee's request, or agrees it with modifications, the manager should discuss with the employee how and when the changes might best be implemented.
- In such cases when conveying the decision, line managers should confirm with the employee the new working pattern, and the date that the new arrangements take effect.
- Where the change will be implemented on a trial or fixed term basis, this should be made clear in the letter.
- The employee must also be made aware that the arrangement will be reviewed periodically, as part of the normal supervisory arrangements and the performance appraisal process to ensure it continues to meet personal and service needs, and that there are no health and safety or well-being concerns.

- Where the request is being rejected, the line manager must set out the reason(s) for the refusal from the list set out in section 7.4 above and the employee must be informed of the right of appeal.

1.5 Appeal

- An appeal must be made in writing, within 10 working days of the date an employee receives written notice that their request had been rejected, or their arrangement is to be altered/reverted.
- Employees will need to set out the grounds for making the appeal and ensure that it is dated.
- The notice of appeal must be sent to the relevant Director (or the Corporate Director Governance if the Director of HR & OD was the decision maker), who will be responsible for considering and responding to the appeal in writing within 14 days of receipt of the appeal letter.
- For statutory requests, a meeting must be held with the individual to discuss their appeal. This meeting must take place within 14 days of receiving the appeal and the employee will be given an option of two dates. The employee has the right to be accompanied by a trade union representative or work colleague. The person considering the appeal will then have a further 14 days to inform the employee of the outcome of their appeal in writing.
- If the appeal is upheld, the person hearing the appeal will communicate the new working pattern and start date of the new arrangements to the individual and their line manager, and will notify the HR Service.
- There is no further right of appeal under any other council procedure including the grievance procedure.

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EQUALITY ANALYSIS (EA)

POLICY/PROPOSAL:	Amendment to Flexible Working Arrangements
DEPARTMENT:	HR
TEAM:	Policies and EDI
LEAD OFFICER:	Meeta Lakhani
DATE:	2.10.23

NB: Please ensure you have read the accompanying EA guidance and instructions in full.

SECTION A – INITIAL SCREENING

1. Please provide a description of the policy, proposal, change or initiative, and a summary its objectives and the intended results.

The Flexible Working Policy's aim is to provide flexibility in working where it is beneficial to both staff and the Council. It describes different types of flexible working and a procedure for requesting it formally. The recent change in the policy proposes a change from employees working from their place of work from 1 day a week to up to 3 days a week, where at least one of those days is a Monday or a Friday. It also proposes that all DMT and team meetings are face-to-face and that this provision should be pro-rata for part time employees. The main aim of the change is that the Council has more people present for its residents and that there is more collaborative working.

2. Who may be affected by this policy or proposal?

The covid pandemic has had an impact on lifestyles, health and ways of working. It is recognised that these changes will have had varying effects on staff. Impacts on staff will range from an increase in health issues (eg mental health), a change in the way that dependents are cared for to changes in circumstances and the ability of staff to travel to work.

The proposed policy recognises these impacts and aims to provide a supporting framework to help managers bring employees back to work on a more regular basis whilst recognising the benefits to both staff and the Council of increasingly working together at places of work. It also provides a mechanism for employees to request a change in flexible working where their needs are not being met.

Employees who work flexibly in the Council will be impacted by the change in policy, as opposed to those who need to come to their place of work in customer facing roles. Employees with dependents (parents and/or carers) and females will also most likely be

affected by the change in policy as they are more likely to benefit from working flexibly. Females form the majority of parents and carers in the Council (data used was from end March 23 where employees have disclosed this information) and could be impacted in a negative way. In addition, employees who are carers of vulnerable people may be more cautious of the need to come in and so could be negatively impacted.

Other staff who may be impacted may be those from low socio-economic backgrounds where the increase in travel costs and childcare may cause resources to be stretched.

The impact of the change on employees who are disabled or have a long term impairment may be mixed. For some, the change in the requirement to come to work may present mobility problems, sensory problems, for example in a noisier and brighter workplace, or accessibility problems during travel, for example. Conversely, some disabled employees may find it easier to come to work where adjustments have been made to their work environment. Those who are suffering from mental health problems (numbers of those who have declared are relatively low) may also benefit from working increasingly in the office on a more structured basis and with closer management support.

As a greater number of employees are from Black, Asian and Multi Ethnic backgrounds than those from non Black, Asian and Multi Ethnic backgrounds (White groups), it is likely that a greater number are affected by a change which affects all staff. There is no evidence to suggest that they are disproportionately affected.

In addition those employees who live further from their place of work will be impacted though there is no data to demonstrate this.

3. Is there relevance to equality and the council's public sector equality duty? Please explain why. If your answer is no, you must still provide an explanation.

Potentially – due to above possible implications of change.

4. Please indicate with an "X" the potential impact of the policy or proposal on groups with each protected characteristic. Carefully consider if the proposal will impact on people in different ways as a result of their characteristics.

Characteristic	Impact Positive	Impact Neutral/None	Impact Negative
Age		X	
Sex			X
Race			X
Disability *	X		X
Sexual orientation		X	
Gender reassignment		X	

Religion or belief		X	X
Pregnancy or maternity			X
Marriage		X	

5. Please complete **each row** of the checklist with an “X”.

Screening Checklist

	YES	NO
Have you established that the policy or proposal <i>is</i> relevant to the council’s public sector equality duty?	y	
Does the policy or proposal relate to an area with known inequalities?	y	
Would the policy or proposal change or remove services used by vulnerable groups of people?		n
Has the potential for negative or positive equality impacts been identified with this policy or proposal?	y	

If you have answered YES to ANY of the above, then proceed to section B.

If you have answered NO to ALL of the above, then proceed straight to section D.

SECTION B – IMPACTS ANALYSIS

1. Outline what information and evidence have you gathered and considered for this analysis. If there is little, then explain your judgements in detail and your plans to validate them with evidence. If you have monitoring information available, include it here.

I used the data available to me – using a snapshot as at 31 March 2023. In the Council we have 13% of employees who are carers and 40% who are parents. The impact is relatively small in numbers for carers. 67% of carers employed by the Council are female. 63% of parents employed by the Council are female. I expect them to have the largest impact, though disabled employees could also be negatively and positively impacted. 8% of our workforce are disabled.

2. For each “protected characteristic” provide details of all the potential or known impacts identified, both positive and negative, and explain how you have reached these conclusions based on the information and evidence listed above. Where appropriate state “not applicable”.

AGE

Details of impacts identified	Approx. 40% of all carers are in the 51-60 age bracket. Approx. 40% of parents are in the 41-50 age bracket. Age in the workforce:
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	<p>Under 31 – 14%</p> <p>31-40 – 21%</p> <p>41-50 – 25%</p> <p>51-60 – 29%</p> <p>61 and over – 11%</p> <p>The impact could be negative for certain groups, though there is no data to support this</p>
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DISABILITY

Details of impacts identified	<p>8% of the workforce consider themselves to be disabled, or have a long term impairment or condition. 7% of all parents in the Council are disabled. Approx. 12% of carers are disabled – though this is relatively small. For some disabled employees, working from the place of work can bring positive impacts such as for those who have mental health issues where working remotely can cause isolation, or those for whom workplace adjustments have been assessed and implemented and who can move around more freely. Working more collaboratively and communicating directly may be a benefit for some disabled employees. For others the negative impact of coming into the place of work may include commute and transportation challenges, the use of more resources to carry out regular activities such as to travel, and an increased risk of exposure to contagious diseases, for employees who have serious health conditions. In addition, some neurodivergent employees may experience increased difficulties, for example sensory difficulties, when coming increasingly to the workplace. Approx. 2% of the workforce have declared themselves to be neurodivergent.</p>
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RACE

Details of impacts identified	<p>The majority of employees (69%) in the Council are Black, Asian or Multi-Ethnic and so it is possible that they will be more negatively impacted, though this policy applies equally to all protected characteristics. The majority of parents and carers are also from a Black, Asian or Minority Ethnic background.</p>
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SEX

Details of impacts identified	<p>Females will be impacted as above.</p>
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SEXUAL ORIENTATION

Details of impacts identified	<p>4% of the Council identified as LGB or other. Other impacts are unknown.</p>
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PREGANCY AND MATERNITY

Details of impacts identified

Parents will be impacted as above and make up 40% (approx.600 employees) of the Council.

RELIGION OR BELIEF
Details of impacts identified

Christians made up the majority of religions in the group of carers at 52%. Other impacts are unknown.

GENDER REASSIGNMENT
Details of impacts identified

Approx. 1% of employees are not the same gender assigned at birth. Impacts are unknown.

MARRIAGE & CIVIL PARTNERSHIP
Details of impacts identified

56% of employees (for whom we have this information) are married or are in a civil partnership. Impacts are unknown.

3. Could any of the impacts you have identified be unlawful under the Equality Act 2010?

It is considered that any serious negative impacts which employees face can be managed via the flexible working policy on a case by case basis. The move to working in the 'office' for 3 days a week etc is based on business needs but may bring other benefits.

4. Were the participants in any engagement initiatives representative of the people who will be affected by your proposal and is further engagement required?

Engagement will take place for managers who will need to manage any issues arising from the change in policy and with employees to make them aware of the support available on implementation of this policy.

5. Please detail any areas identified as requiring further data or detailed analysis.

N/A.

6. If, following your action plan, negative impacts will or may remain, please explain how these can be justified?

We are reverting to ways of working before the covid pandemic and so have previously experienced the types of impacts which employees may have. However, whilst there are business benefits of employees working at their place of work, changes in circumstances since employees were required to work remotely has meant that the impact on some employees will be greater.

Numbers of some potentially affected groups is relatively small and any further impacts are speculative. However, the Council's Flexible Working Procedure is in place to deal with requests for flexible working on a case by case basis to reduce the impacts of the change for employees whose needs are great. These will be considered in light of any service needs. The Council will also continue to ensure, where possible, that the working environment is fit for purpose and clean and will strive to make reasonable adjustments where required. This includes continuing to provide quiet office spaces, for example, the Wellbeing Lounge in the Civic Centre.

The Council, where possible, is committed to providing employees with the support they need to comply with this policy and will be providing managers with the guidance they need to deal with issues that arise. The employee assistance programme is available as a support where employees wish to access it. In addition, the main changes to the policy are being implemented on a phased basis and this will provide all employees with time to make the necessary arrangements.

7. Outline how you will monitor the actual, ongoing impact of the policy or proposal?

The policy and its impacts will be reviewed periodically by the Council's CMT and by HR, for example by looking at staff turnover, sickness, staff engagement and performance.

SECTION C - CONCLUSIONS

Based on the analysis above, please detail your overall conclusions. State if any mitigating actions are required to alleviate negative impacts, what these are and what the desired outcomes will be. If positive equality impacts have been identified, consider what actions you can take to enhance them. If you have decided to justify and continue with the policy despite negative equality impacts, provide your justification. If you are to stop the policy, explain why.

The policy implementation will go ahead with the provision that any impacts can be managed via flexible working requests. with further reviews of the policy as above. This will be with sufficient transparency of the proposed plans for a phased change and with sufficient support for managers and employees.

SECTION D – RESULT

Please select one of the following options. Mark with an "X".

A	CONTINUE WITH THE POLICY/PROPOSAL UNCHANGED	X
B	JUSTIFY AND CONTINUE THE POLICY/PROPOSAL	
C	CHANGE / ADJUST THE POLICY/PROPOSAL	

D	STOP OR ABANDON THE POLICY/PROPOSAL	
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SECTION E - ACTION PLAN

This will help you monitor the steps you have identified to reduce the negative impacts (or increase the positive); monitor actual or ongoing impacts; plan reviews and any further engagement or analysis required.

Action	Expected outcome	Officer	Completion Date
N/A			

SECTION F – SIGN OFF

Please ensure this section is signed and dated.

OFFICER:	Meeta Lakhani 11.10.23
REVIEWING OFFICER:	
HEAD OF SERVICE / Director:	Sue Evans 11.10.23

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