



# Employment and Appeals Committee Agenda

Wyre Borough Council  
Date of Publication: 9 February 2024  
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**Employment and Appeals Committee meeting on Monday, 19 February 2024 at 6.00 pm in the Committee Room 2 - Civic Centre**

**1. Apologies**

**2. Declarations of interest**

Members will disclose any pecuniary and any other significant interests they may have in relation to the matters to be considered at this meeting.

**3. Confirmation of minutes**

(Pages 3 - 6)

To approve as a correct record the Minutes of the meeting of the Employment and Appeals Committee held on 30 October 2023.

**4. Policy Review**

(Pages 7 - 10)

Report of the Human Resources Manager to present to the Employment and Appeals Committee additions and amendments to Human Resource Policies.

- (a) Agency Workers Policy (Pages 11 - 24)
- (b) Probationary Policy and Procedure (Pages 25 - 44)
- (c) Purchase of Additional Annual Leave Policy (Pages 45 - 50)
- (d) Recruitment and Selection Policy (Pages 51 - 58)
- (e) Pay and Time Off In Lieu Policy (Pages 59 - 74)

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## Employment and Appeals Committee Minutes

The minutes of the Employment and Appeals Committee meeting of Wyre Borough Council held on Monday, 30 October 2023 at the Committee Room 2 - Civic Centre.

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### Employment and Appeals Committee members present:

Councillors Birch, Cartridge, Ibison and C Walker

### Officers present:

Jane Collier, Human Resources Manager and Deputy Monitoring Officer  
Marianne Unwin, Democratic Services and Scrutiny Manager (Temporary)  
Marc Whittaker, Senior Human Resources Advisor  
Solomon Mattatia, Corporate Apprentice

No members of the public or press attended the meeting.

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### 8            **Declarations of interest**

None..

### 9            **Confirmation of minutes**

The minutes of the meeting of Employment and Appeals Committee held on Monday 10 July 2023 were **confirmed** as a correct record by those who were in attendance.

### 10          **Policy Review**

The Human Resources Manager, Jane Collier, submitted a report presenting six policies and procedures that had been amended.

Jane introduced the report and provided members with a brief overview of the policies.

#### 10a      Appeals against Dismissal Policy

Jane introduced the policy and explained that there had been minor amendments made throughout this policy. She informed the councillors that in the event of an Appeal Hearing this was the policy that would be followed. Jane reminded members that appeals training had been organised and encouraged committee members to attend.

Councillor Birch questioned if there could be a clearer way of setting out the changes made to policies. Jane confirmed that significant changes to policies was outlined in the covering report. Minor factual amendments had been made to the Appeals against Dismissal Policy.

10b Disciplinary Policy and Procedure

10c Chief Officer Disciplinary Policy and Procedure

10d Protected Officer Disciplinary Policy and Procedure

Jane introduced the Disciplinary Policy and Procedure, the Chief Officer Disciplinary Policy and Procedure and the Grading Review and Appeals Policy and Procedure. She explained that all three had amendments made to the suspension section to clarify that if someone on suspension was certified as unfit due to illness, payments would be provided in accordance with the council's sick pay provision.

She also clarified that suspension would not normally be for more than 60 days and that this had been added to the Disciplinary Policy and Procedure for consistency.

Jane provided an answer to a question about the appointment of a liaison officer.

10e Grading Review and Appeals Policy and Procedure

Jane introduced the policy and highlighted minor amendments made to include that appeals of joint positions must have a 100 per cent agreement of all post holders and clarification that the employee, line manager or Head of Service could be called into the review meetings to clarify points to the appeal hearing.

10f Time Off for Trade Union Duties

Jane introduced this policy and confirmed that it was in line with statutory provisions. She added that the policy had been updated to include that the approval for granting time off for training was the responsibility of the relevant Director.

Jane responded to comments regarding requests for time off to attend trade union training courses. She also responded to a question regarding appeals against dismissal and the encouragement of informal resolutions.

Jane clarified the three-year policy review cycle, however policies would be reviewed sooner by the committee if there was a change in legislation or best practice.

After further discussions, the committee **approved** each of the following Human Resources policies and arrangements:

- Appeals against Dismissal Policy
- Disciplinary Policy and Procedure
- Chief Officer Disciplinary Policy and Procedure
- Protected Officer Disciplinary Policy and Procedure
- Grading Review and Appeals Policy Procedure
- Time Off for Trade Union Duties

The meeting started at 6.03 pm and finished at 6.20 pm.

**Date of Publication:** 1 November 2023.

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Report of:	Meeting	Date
Human Resources	Employment and Appeals Committee	19 February 2024

<b>Policy Review</b>
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**1. Purpose of report**

1.1 Consultation meeting to discuss additions and amendments to Human Resource Policies.

**2. Council priorities**

2.1 Ensure Policies and Procedures are under regular review in line with legislation, good practice and current practice.

**3. Recommendation**

3.1 That the Panel approve the policies and arrangements set out in Section 5.

**4. Background**

4.1 From time to time the Council needs to develop new policies and working arrangements to ensure we comply with statutory requirements and effectively manage our human resources.

4.2 The development of new policies and the review of existing policies will also be informed by employment best practice and the organisational needs of the Council.

**5. Key issues and proposals**

5.1 Agency Workers Policy	Amended
Probationary Policy & Procedure	Amended
Purchase of Additional Annual Leave	Amended
Recruitment & Selection Policy	Amended
Pay and TOIL	Amended

- 5.2** The Agency Workers Policy has been amended at section 5.4 removing reference to Matrix as the council's preferred supplier of agency workers.

Line managers required to carry out due diligence checks to ensure the council are receiving best value and retain evidence these checks have been carried out.

Other amendments through are minor.

- 5.3** The Probationary Policy and Procedure has been updated with only minor changes.
- 5.4** The Purchase of Additional Annual Leave Policy has had minor amendments made in terms of readability at sections 1.2, 3.2 and 4.3.
- 5.5** The Recruitment and Selection Policy has been updated with only minor amendments.
- 5.6** The Pay and TOIL Policy has been updated at section 4.14.5 in relation to expenses and with only other minor changes throughout.

<b>Financial, Legal and Climate Change implications</b>	
Finance	There are no specific Finance issues associated to this report.
Legal	There are no specific Legal issues associated to this report. However failure to comply with appropriate legislation may expose the Council to litigation.
Climate Change	There are no specific Climate Change issues associated to this report.

#### **Other risks/implications: checklist**

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

<b>risks/implications</b>	<b>✓ / x</b>
community safety	X
equality and diversity	X
health and safety	X

<b>risks/implications</b>	<b>✓ / x</b>
asset management	X
ICT	X
data protection	X

#### **Processing Personal Data**



In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
HR Manager	01253 887506	<a href="mailto:Jane.collier@wyre.gov.uk">Jane.collier@wyre.gov.uk</a>	February 2024

List of background papers:		
name of document	date	where available for inspection
None		

**List of appendices**

- Appendix 1      Agency Workers Policy
- Appendix 2      Probationary Policy & Procedure
- Appendix 3      Purchase of Additional Annual Leave
- Appendix 4      Recruitment & Selection Policy
- Appendix 5      Pay and TOIL

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# Agency Workers Policy and Procedure

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## 1. INTRODUCTION

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### 1.1 Introduction

This document outlines the requirements of the Agency Workers Regulations and Wyre Council's position in engaging agency workers. It sets out guidance for managers on how agency workers should be treated while on assignment with the Council and provides a monitoring process to ensure the Regulations are being adhered to.

## 2. DEFINITIONS

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### 2.1 Definitions

**An agency worker is an individual who:**

- (a) is supplied by a temporary work agency (TWA) to work temporarily for and under the supervision and direction of the hirer; and*
- (b) has a contract with the temporary work agency which is:
 
  - (i) a contract of employment with the agency, or*
  - (ii) any other contract with the agency to perform work or services personally.**

This may include interims who are supplied by an agency, as well as interims who operate through a Limited Company.

The Council is responsible for paying the TWA for the worker's services and the appropriate agency is responsible for paying the worker.

Agency workers are not employees of the Council - they have a contract with the appropriate agency.

### 2.2 A temporary work agency ("TWA") is defined as:

*"a person engaged in the economic activity, public or private, whether or not operating for profit, and whether or not carrying on such activity in conjunction with others, of:*

*supplying individuals to work temporarily for and under the supervision and direction of hirers; or*

- (a) paying for, or receiving or forwarding payment for, the services of individuals who are supplied to work temporarily for and under the supervision and direction of hirers."*

2.3 The provisions **do not apply** to the following:

- Those who are genuinely self-employed (e.g. sole traders)
- Those who work through their own service company who are genuinely in business on their own account (e.g. limited companies)
- Those employed under managed-service contracts
- Staff appointed through in-house temporary/casual staffing banks
- Staff directly employed by the Council who were initially introduced by an agency or employment business

## 3. AGENCY WORKERS AND IR35

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### 3.1 IR35

IR35 is tax legislation that is designed to combat tax avoidance by workers supplying their services to clients via an intermediary, such as a limited company, but who would be an employee if the intermediary was not used.

If services are being provided via an agency there is a requirement on public sector bodies to provide information to the agency as to whether the IR35 rule applies. Before agreeing contracts managers must check their status using an online tool provided by HMRC - <https://www.gov.uk/guidance/check-employment-status-for-tax>.

If the council fails to notify its decision before the contract starts they become liable to account for tax and NIC.

3.2 However where the agency contracts directly with the worker as an employee and operates tax and NICs, or engages them on a self-employed basis but operate tax and NICs under agency rules, then the IR35 rules do not apply and it is therefore advisable for the manager to check how the agency operates from the outset.

Once the IR35 status has been determined by the manager, a copy should be retained by the hiring manager and a copy must also be sent to Human Resources.

## 4. AGENCY WORKERS RIGHTS

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### 4.1 Agency Worker Rights

All agency workers have certain statutory protection rights:

- The right not to be discriminated against on the grounds of race, sex, age, disability, sexual orientation, religion or belief.
- Rights under the Working Time Regulations e.g. maximum number of hours and the right to statutory paid holidays.
- Rights under the whistle-blowing provisions to protection from detriment on making a protected disclosure.
- The right to receive Day 1 and 12 week entitlements as required under the Agency Workers Regulations 2010.

### 4.2 Day 1 Rights

From 1 October 2011, an agency worker has the right to be treated no less favourably than a comparable employee or worker in the hirer's establishment in relation to 'collective facilities and amenities' from the first day of their assignment unless treating agency workers less favourably can be objectively justified.

Agency workers have the right to the same access to certain facilities as comparable employees, i.e.:

- A canteen or other similar facilities
- Transport services (but not car allowances)
- Toilets/shower facilities
- Staff rooms (e.g. access to common room, rest room or prayer room)
- Food and drinks machines
- Car parking

Agency workers also have the right to information relating to vacancies. This excludes situations where posts are ring-fenced for redeployment purposes or the prevention of a redundancy situation.

### 4.3 Rights after 12 weeks

After 12 weeks service in the same job, agency workers have a right to equal treatment with a comparable worker or employee in terms of:

- Basic pay
- Overtime
- Bonus and commission related to individual productivity
- Paid holiday entitlement
- Hours of work
- Vouchers with a monetary value
- Paid time off to attend ante-natal appointments.

### 4.4 Agency workers are not entitled to equal treatment in respect of:

- Access to the Local Government Pension Scheme
- Occupational Sick Pay (but may be entitled to SSP from the agency)
- Redundancy Pay
- Maternity/paternity rights (but may be entitled to SMP/maternity allowance from the agency)
- Bonus related to Council performance
- Non-cash awards
- Loans or advances of salary prior to payday
- Additional discretionary and non-contractual payments

### Pregnant Workers

The Equality Act 2010 provides that less favourable treatment on grounds of pregnancy or maternity is discrimination. This would mean that it would be discrimination if managers refused to accept an agency worker because she was pregnant. Similarly, it would be discrimination if a placement were terminated because of pregnancy or if the worker was subject to a detriment because of her pregnancy.

Wyre Council must carry out risk assessments for pregnant agency workers, and if they can no longer complete the duties of the original assignment for health and safety reasons, they will need to be found alternative sources of work. The pregnant worker will be considered for suitable alternative with the council if available however, ultimate responsibility to find alternative work remains with the Agency. Pregnant agency workers will also be entitled to take paid time off work to attend ante-natal appointments after the 12-week qualifying period.

Managers are advised to contact Human Resources for further guidance as soon as it becomes known that an agency worker is pregnant.



4.6

### Permanent comparator

In determining to what "equal treatment" the agency worker is entitled, an agency worker can compare rights with those of an employee or worker employed directly by Wyre Council. It is not necessary that the "comparable employee" is doing exactly the same job as the agency worker; an employee or worker undertaking a broadly similar role as the agency worker will be deemed to be a sufficient comparator.

The following terms must also be met if compliance is to be proven by reference to a comparator:

- The comparator must be a current employee of the Council
- The comparator and agency worker must be engaged in the same or broadly similar work
- The comparator and agency worker must work at the same establishment, or, if there is no comparator at the agency worker's establishment, at another of the Councils establishments
- The comparator's terms and conditions are consistent with those ordinarily included in relevant contracts of employment by the Council.

## 5. HIRING AGENCY WORKERS

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5.1

### Hiring Agency Workers

Managers will continue to be responsible for the engagement and management of agency workers at service level. They will be required to monitor their own agency arrangements and will be responsible for adhering to the directive avoiding any penalties that may be placed on the Council.

The Council will use temporary agency workers to provide additional resources for short term assignments of less than 12 weeks duration.

5.2

If a vacancy is likely to be for longer than this period a proper recruitment process should be followed. However some specialist posts may be difficult to fill in which case filling the vacancy with an agency worker may be the best option.

- 5.3 Once a vacancy has been identified, all other options for filling must be explored and the appropriateness of using an agency worker considered, before deciding on an agency worker.

The Line Manager should consult with Human Resources prior to any decision to engage an agency worker and complete an Officer Delegation Report stating:

- approximate length of the assignment;
- the cost of the assignment and appropriate rate of pay;
- the budget from which the cost will be met;
- job description, person specification and advert and
- the reasons why all other options for filling the vacancy are not appropriate.

#### 5.4 **Suppliers of agency staffing**

Line managers are required to ensure appropriate due diligence checks are carried out to ensure that the council is achieving best value for the supply of agency staff and records should be kept that demonstrate this.

#### 5.5 **Information provided to the agency**

- **a description of the duties** the worker will be undertaking. This could be a job description, a project brief, or a summary of key duties.
- the **qualification, knowledge, experience, skills and abilities** required to do the job. This could be a person specification or summary of key requirements.
- the **working arrangements** – location, beginning and end date of the assignment, hours of work, required days of work, rest breaks, etc.

#### 5.6 **Terms and conditions of business**

Line managers should read the terms and conditions of business carefully before agreeing to engage an agency worker.. Particular provisions to consider include:

- the fee payable for engagement of the agency worker, which is usually an hourly or day rate, plus VAT;
- the employment status (IR35)
- notice provisions from either party for termination of the temporary arrangement;
- the transfer fee payable on the switch from temporary to permanent employment;

5.7

### Information to be provided by the agency

An employment agency cannot supply a temp to a hiring employer unless it has:

- taken all reasonable steps to obtain confirmation as to the identity of the temp and that he or she has the experience, training and qualifications that the hirer considers necessary, or that are required by law or a professional body;
- taken all reasonable steps to obtain confirmation that the temp is willing to work in the position that the hirer seeks to fill;
- This information in respect of the temp must be supplied to the hiring employer;
- The agency must confirm whether the temp is to be employed by it under a contract of employment or engaged under a contract for services as this dictates the rights of the employee.

## 6. EMPLOYMENT STATUS OF AGENCY TEMPS

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6.1

Only individuals working under a contract of employment (employees) have the right to claim unfair dismissal. In addition, only employees have the right to receive other benefits such as a statutory redundancy payment, statutory maternity pay and parental leave. Independent contractors working on a self-employed basis under a contract for services do not have these rights.

It will generally be the responsibility of the hiring employer to ensure that an agency worker does not exceed the weekly working time limits and receives appropriate rest periods and rest breaks. However, the agency will normally be responsible for payment of the national minimum wage and ensuring that the temp receives paid annual leave.

6.2

### It is also important to note that:

- all aspects relating to poor work performance or misconduct on the temp's part must be passed to the agency for appropriate action
- all disciplinary and grievance issues must be dealt with by the agency
- the agency will be responsible for paying the temp and for agreeing any pay increases;
- the hiring employer may request an alternative temp from the agency at any time and it cannot insist on the supply of a particular worker
- although the temp will inform the Council when they take annual leave the arrangements for booking this leave will be made through the agency
- the temp will report all sickness absences through the agency.

## 7. CALCULATING THE 12 WEEK QUALIFYING PERIOD

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- 7.1 Any period of work (full or part-time) carried out by the agency worker for Wyre Council in a calendar week will make that week count towards the 12-week qualifying period. A calendar week is any period of seven days starting with the first day of an assignment.
- Therefore, even if the agency worker is on assignment for only a couple of hours a week, it will still count as a week and they will still be entitled to equal treatment after 12 calendar weeks calculated in this way.
- 7.2 There is no need for an agency worker to work for 12 continuous weeks in order to reach the qualifying period. Continuity will normally be broken by a break of more than six weeks between assignments in the same job, or when an agency worker takes up a new role with the hirer where the whole or main part of the duties in the new role are substantially different from the whole or main part of the duties in the old role.
- However breaks between assignments due to a number of specified reasons, such as sickness (of up to 28 weeks), jury service or pre-determined closure periods (e.g. school closures during holidays) will not break the qualifying period.
- 7.3 The situation is different in the case of absence related to pregnancy, childbirth or maternity during the "protected period", and for pregnancy, maternity, paternity or adoption leave. In such cases the worker is for the purposes of calculating the 12-week period deemed to continue working in their role for the original intended length of the assignment, or likely duration of the assignment, whichever is longer. The "protected period" starts at the beginning of the pregnancy and ends at the end of the 26th week from childbirth, or when the worker returns to work, if earlier.

## 8. REQUESTS FOR INFORMATION

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- 8.1 After meeting the 12-week qualifying period, an agency worker can make a request in writing to their agency for relevant information about the basic terms and working conditions in the Council. If the agency fails to provide the information within 30 days of the request the agency worker may make the request direct to the Council, who then has 28 days to respond.

If the request is about access to collective facilities and information about employment vacancies, the worker makes the request direct to the Council. The Council then has 28 days to respond.

Where the agency and/or Council fails without reasonable excuse to respond or the response is late, evasive or equivocal, then any employment tribunal can draw an inference from the failure or delay to respond.

## 9. TRANSFERRING AN AGENCY WORKER TO WYRE COUNCIL

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- 9.1 If a temporary worker proves successful, the line manager may wish to consider offering him or her a contract of employment with Wyre Council. There are a number of factors that managers must consider before any offer of employment can be made.

The transfer of an agency worker to the Council's employment will be subject to approval on either a Request to Fill Form or Officer Delegation Form depending on the duration of the vacancy.

Such arrangements usually incur a significant charge that will need to be met by the existing budgetary provision.

9.2 **Payment of transfer fees**

Temporary Work Agencies may charge a considerable fee if an agency worker provided by them becomes a permanent employee. They may also insist on a longer hire period before agreeing to waive any temp to permanent fee.

Line Managers are advised to consult with Human Resources / Procurement Officer before entering into any discussion regarding any temp to permanent appointment.

## 10. ENFORCEMENT OF THE AGENCY WORKER REGULATIONS

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- 10.1 An agency worker is able to bring a claim at an employment tribunal to enforce their rights under the Regulations, against the agency and/or the hirer.

Compensation for a breach will be calculated by tribunals on a "just and equitable" basis, with no upper limit on awards. Liability for the award between the agency and the hirer will be determined by the employment tribunal, according to the extent to which it finds the agency and/or the hirer liable for the breach.

It should also be noted that there are, anti-avoidance provisions within the Regulations to prevent assignments being structured to try and avoid creating a 12 week qualifying period. If an employment tribunal finds that attempts have been made to try and avoid the agency worker gaining rights under the Regulations an additional award of up to £5,000 can be made.

## 11. PRACTICAL STEPS TO AVOID BREACHING THE REGULATIONS

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- 11.1 To ensure that the Council is meeting its obligation under the Directive it is essential that a system of reviewing agency arrangements is established.

Managers should ensure that they:

- only engage agency staff in accordance with this procedure;
- maintain accurate records of all periods of employment;
- provide human resources with full details of all agency workers
- notify the agency about the terms and conditions of the staff that they engage;
- notify the agency worker of what terms and conditions they should expect to receive via the temporary work agency.
- ensure that agency workers receive the correct access to staff facilities and information on vacancies and other entitlements.

Line managers as hirers will be required to ensure compliance with the Directive but Human Resources will carry out regular checks.

## 12. HEALTH AND SAFETY

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- 12.1 The health and safety of an agency worker is a shared responsibility but the TWA cannot discharge their legal responsibilities as the employer.

- 12.2 Wyre Council will ensure that agency workers have the same level of health and safety protection as ordinary employees. Managers will notify the TWA of any risks and identify any special qualifications, skills, training or PPE required to carry out the work safely.

The legal responsibility for providing appropriate PPE lies with the TWA but managers will need to ensure that all the items provided are fit for purpose. Where Departments require agency workers to use specified Wyre Council items, then these must be provided free of charge.

- 12.3 All accidents, incidents / near misses must be reported immediately to both the line manager and TWA. Follow up action will be taken in accordance with Wyre Council's Health and Safety Procedures and in consultation with the Health and Safety Advisor.

## 13. EQUALITY IMPACT ASSESSMENT AND MONITORING

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- 13.1 The operation of this policy will be monitored for its impact on different equality groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

## 14. DATA PROTECTION

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- 14.1 In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with Data Protection requirements.

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# Probationary Policy and Procedure

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## 1. INTRODUCTION

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### 1.1 Introduction

Wyre Council is committed to ensuring that it makes clear its expectations and provides the support needed for employees to meet the standards of performance, conduct and attendance required during their probation period and beyond. Managers will monitor, assess and support all new employees so as to assist them in demonstrating their suitability to undertake the full duties of their new post.

1.2 The policy aims to ensure that new employees are enabled to meet the requirements of the job through induction, training and support and that where performance is not satisfactory, early action is taken to improve performance.

Where an improvement in performance, conduct or attendance does not occur or is not sustained sufficiently, the employee's contract of employment may be terminated.

## 2. SCOPE

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2.1 This policy applies to all new employees of Wyre Council, including those with previous local government service, fixed term and temporary appointments.

2.2 In the case of fixed term staff or temporary employees with a contract shorter than the length of the probationary period the probation process will be followed for the period during which the individual is employed by the Authority. This policy is not applicable to casual workers unless they transfer to a fixed term, temporary or permanent position.

2.3 The formal probationary period will not apply to existing Wyre Council employees where they have already completed a probationary period with the Council.

However the employee's performance will be monitored closely during the first 6 months of the new appointment and during this period the employee will be expected to demonstrate their suitability for the post. The manager and employee should have regular one to ones and where concerns about the employee's performance are identified these should be addressed through the Council's Capability Policy and Procedure.

## 3. GENERAL PRINCIPLES

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3.1 The Council is committed to ensuring that all employees are treated fairly and equitably.

- 3.2 The Council will ensure that every new employee has a probation period and an individual induction programme that includes induction to the service area and an induction to the Council.
- 3.3 During the probation period, any conduct, performance, attendance or health issues impacting on performance will be managed under this procedure in conjunction with the principles contained within the Disciplinary, Capability or Attendance policies.
- 3.4 Probationary employees must be made aware that confirmation in the role is subject to them meeting the Council's expectations regarding conduct, performance and attendance.
- 3.5 The probationary period will last for six months for all new appointments and will involve a continuous period of assessment underpinned by a clear framework for managing and supporting new employees.
- 3.6 If an employee is absent due to any reason during probation or before the probation period ends, the probation will be suspended from the date the absence starts and will resume on return from the absence.
- 3.7 Where there is any doubt about an employee's suitability, the matter must be raised immediately, so that the employee has ample opportunity to improve.
- Managers should also contact the Human Resources Section where suitability or capability issues arise.
- 3.8 A Human Resources Advisor must be contacted at the earliest opportunity for advice and guidance where a manager believes that an employee may not be able to meet the standards required.
- 3.9 An employee whose performance is unsatisfactory during a probationary period may, following due process, have their employment terminated. This action will only be taken in consultation with a Human Resources Advisor and relevant Corporate Director.
- 3.10 The notice period for staff during the probationary period will be one calendar month or one week for each year of continuous local government service (up to a maximum of 12 weeks) whichever is the greater.
- 3.11 If an employee decides to resign during the probationary period, the notice they are required to give will be as set out in their Statement of Particulars.
- 3.12 **Performance**  
The Probationary Performance Plan (Appendix 1) should be used to record the initial objectives and the procedure described in section 5 is to be used to manage the performance of probationary employees. During probation, in addition to the monitoring of sickness levels, health and general conduct, employees will be assessed regularly on the extent to which they meet their objectives and the standards described in the competency framework. Any shortfalls and measures to improve performance will be identified and discussed at the First Probation Assessment Report meeting.

3.13

### Sickness Absence

Satisfactory attendance is essential to the overall suitability of employees as part of the probation process. Employees will be informed of this and what the expected attendance standards are. The management and employee responsibilities, management considerations, sickness reporting and certification arrangements outlined in the Attendance policy will also apply to employees on probation.

3.14.1

Any short term, intermittent or long-term sickness during the probationary period or health issues which give cause for concern should be addressed as soon as they arise with targets and timescales for improvement set as appropriate. These concerns should be formally monitored as part of this procedure during the First and Final Probation Assessment reports.

3.14.2

Sickness absence triggers for probationary employees are: 3 occasions or 5 working days of sickness absence (pro-rata for part time staff) in which case an occupational health referral will be made. Absence levels higher than the triggers or any other pattern of absence that causes concern will be considered under the Final Probation Report meeting for potential dismissal.

3.14.3

At the end of the probation period, any absences that have occurred during probation will be included as part of the sickness absence record over a rolling six month period (i.e. carried forward) for attendance management purposes.

3.15

Reasonable adjustments will be considered at all stages for disabled employees, to help them achieve the expected performance levels.

3.16

### Minor Misconduct

Relatively minor misconduct issues, e.g. regarding punctuality or timekeeping, will be picked up as part of the probationary feedback from the line manager to the employee.

3.17

### Serious Concerns

If at any time during the probationary period, there are serious concerns about the employee's suitability and capability to undertake the role, e.g. where the employee demonstrates serious incapability or is found to have committed gross misconduct or there are other serious reservations, Human Resources should be contacted immediately and the probationary hearing process may be implemented immediately.

3.18

Continued concerns regarding any of the above and concerns regarding progress on the action plan to improve performance will be followed up at monitoring meetings and assessed at the Final Probation Assessment Report meeting.

## 4. ROLES AND RESPONSIBILITY

---

### 4.1

#### The Line Manager is responsible for:

- ensuring that the new employee is aware of this probationary policy and procedure and how, when and why their progress will be monitored;
- completing a planned induction with the new employee in accordance with the induction process;
- ensuring the employee understands their role, responsibilities, objectives and performance standards. This will be achieved through a structured induction programme that will include a schedule of regular meetings;
- ensuring that employees have access to the information, instructions and resources necessary to do their job;
- holding regular meetings to support, assess and monitor performance;
- recording progress during probation and taking action to deal with failure to reach the required standards promptly raising any areas of concern i.e. unsatisfactory performance, conduct or attendance with the employee at the earliest possible opportunity;
- providing appropriate support and assistance, including reasonable adjustments to enable employees to fulfil the duties and responsibilities of the post;
- giving advance warning to the employee where job performance is not on track and where there are issues of attendance and conduct to be addressed;
- recommending whether the employee can be confirmed into post or not.

### 4.2

#### It is the responsibility of employees to:

- ensure that they are familiar with the standards and requirements of their role;
- comply with all council policies and procedures, including the code of conduct;
- raise any queries or concerns about their job;
- maintain the required standards of performance by meeting the objectives and competency requirements of the role;
- participate fully in any supervision, induction, training, coaching, mentoring, counselling or occupational health support interventions offered to help them improve performance;
- attend any probationary / one to one meetings to which they are invited.

4.3

**It is the responsibility of the Human Resource Team to:**

- ensure compliance with the policy and its supporting legislation;
- provide advice, support and guidance to all parties on the application of the policy;
- ensure that the induction courses are available for each new employee as soon as possible after their appointment;
- ensure that the corporate training programme contains courses of suitable content and frequency to enable all new employees to access mandatory training within the probationary period;
- regularly review and monitor the effectiveness of the policy;
- ensure that staff affected have the support they require to deal with their situation;
- notify the employee of the outcome of their probationary period;
- Monitoring probation cases to identify trends and ensure that any disproportionate impact on any particular group is highlighted and addressed.

## 5. PROBATION PROCEDURE

---

5.1

The employee should be told by their manager about the key functions of their job and that their performance and suitability for the post will be measured, by way of regular Probationary Review Meetings.

5.2

**Initial Meeting**

The line manager should meet with the new member of staff within their first few days to:

- work through the induction checklist;
- clarify responsibilities and establish priorities;
- complete the probationary performance plan (Appendix 1) to set performance objectives and targets;
- set out the performance standards that will be used to evaluate performance during the probationary period;
- explain the process that will be followed during the probationary period, including a programme of regular meetings and review dates;
- identify any initial training that the employee will need in order to carry out their duties and to make arrangements for such training to take place.

5.3

**Review Meetings**

Meetings should continue regularly throughout their probationary period and the frequency will depend on the role and performance of the employee.

## 5.4

**The aim of each review meeting is to:**

- review the employee's conduct;
- review the employee's performance against performance targets, work standards, skills and competency framework;
- review the employee's attendance record in relation to the triggers for probationary employees and any health concerns impacting on performance;
- identify training or developmental needs;
- provide feedback and discuss any work plans/requirements of the job;
- identify how the manager can assist the probationer to meet their objectives, including any reasonable adjustments;
- discuss any concerns or issues of a personal nature, which could be affecting the employee or impacting on their work (e.g. if the employee is disabled or has personal commitments, etc).

5.4.1 Reviews must take place in private, free from interruptions and be treated as confidential.

5.4.2 Line Managers must make sure that they have clearly defined the points which they wish to raise and that these can be substantiated with examples, where appropriate.

5.4.3 If any review is deemed unsatisfactory, the Line Manager must discuss with the probationer the aspects of performance that need improvement and should set clear objectives and timescales within which they will be reviewed.

The probationer should be asked if they consider that any further assistance and/or training is necessary to enable them to complete tasks to the standards expected of them.

5.4.4 The Line Manager should summarise the discussion on the Performance Improvement Action Plan and the probationer should sign the review form and receive a copy of it to confirm that they have been made aware of the improvements required.

5.4.5 HR advice should be sought immediately if there are serious concerns about the employee's conduct or capability to do the job.



## 5.5

**Typical timetable for Probation Review meetings**

1st month	Weekly to fortnightly
2nd and 3rd month	Monthly if the employee is making satisfactory progress, or, Fortnightly/weekly if the line manager has identified difficulties despite the improvement action plan
By the end of 3rd month	Initial Probation Assessment Report
4th and 5th month	Monthly, if the employee is making satisfactory progress, or, up to the Final Report: Fortnightly/weekly if the line manager has identified difficulties despite the improvement action plan
By the end of 5th month	Final Probationary Assessment Report (this may be brought forward if there are serious concerns)

## 5.6

**Initial Review Meeting**

By the end of three months, the manager will meet with the employee to discuss performance and prepare an initial assessment, which will either indicate that the employee is making satisfactory progress or will identify areas of difficulty that need to be addressed with more intensive support. If the report identifies that the employee is experiencing difficulties, they will be given written confirmation of:

- what they need to do to demonstrate their suitability for confirmation of appointment;
- the reasonable measures that will be taken to support them in achieving the required standard of performance; and
- formal notification that if they fail to achieve the required standard by the date of their Final Probationary Assessment Report their employment may be terminated.

## 5.6.1

A summary of the main points of the discussion must be entered on the Initial Probationary Assessment Report (Appendix 3). Any items for action either by the employee or the line manager must be recorded.

5.6.2 Both the line manager and the employee must sign the review form, the employee does not necessarily have to agree with the line manager's comments, but they should sign their form to say they have read and understood it. New employees are also given the opportunity to enter their own comments on the review form.

5.6.3 At the end of the review meeting a copy of the review form must be sent to the Human Resources Section and a copy given to the new employee.

## 5.7 **Formal Probationary Review Meeting**

If at any stage during the probationary period an employee appears to be having difficulties in achieving the required standard of performance, attendance or conduct, the line manager must initiate improvement action.

5.7.1 A formal review meeting should be arranged with the employee in consultation with Human Resources and the new employee has the right to be accompanied by a trade union representative or work colleague at these meetings, if they so wish.

5.7.2 At this meeting the employee should be advised where their performance is not up to an acceptable standard and be set objectives and targets for improvement. Ideally these should be agreed with the employee, but if this is not possible then the manager may impose them. A time scale, offer of support and if appropriate, training to allow for improvement and to enable the employee to meet the standard required should be arranged.

5.7.3 Formal Review Meetings must be arranged as soon as possible when issues arise, to advise the employee about work which is not meeting the required standards or about unsuitability in any respect. You should not wait until the 3 month or 5 month Probationary Review Meetings, even if these would be happening shortly.

5.7.4 The consequences of not meeting the necessary level of work performance must be explained to the employee, and a date arranged for a Further Formal Review meeting to assess the employee's performance, giving the employee reasonable time to improve.

## 5.8 **Further Formal Review meeting**

The Further Formal Review meeting should be arranged by the manager to feedback on any progress and inform the employee of his/her decision. The outcomes are as follows:

- The standard of performance has been achieved and maintained; therefore, the employee will continue on their probationary period until the 6 month stage and is confirmed in post.
- Where there has been some improvement in the level of performance but it is still not to the required standard, a further period for improvement may be given. Where this is implemented the employee must be informed where the performance is not to the required standard, the improvement expected, the consequences of not achieving this and a date arranged for a Further Formal Review Meeting.

5.9

### Final Review Meeting

By the end of the 5<sup>th</sup> month the manager will meet with the employee and make a final assessment on whether the employee has met the standards required. The line manager must record their findings on the Final Probationary Assessment Report (Appendix 4) and make their recommendation on whether or not the employee is to be confirmed in post. If the recommendation is to confirm the employee in post then Human Resources will be notified so that they may officially inform the employee.

5.10

If the recommendation is to dismiss then this will be communicated to the employee and Human Resources will arrange for the Final Probationary Assessment Report to be referred to the relevant Director so that they can determine whether or not the employee is to be dismissed.

5.11

If Human Resources are made aware that review meetings have not taken place throughout the probationary period as set out above and it is proven that there is no good reason for any such deviation from the policy the new employee will be deemed to have successfully completed the probationary period.

## 6. EXTENSION OF PROBATION PERIOD

---

6.1

It may be appropriate to extend the probationary period if:

- Through the probationer's sickness or other authorised absence, it has not been possible to assess performance.
- The probationer has not performed satisfactorily but the manager has evidence to suggest that performance is likely to improve with a further period of probation.

6.2

Probationary periods should not normally be extended by more than three months.

Where the probation is extended, the following should be discussed between the Line Manager and employee and confirmed in writing:

- Reasons for the extension.
- Length of the extension period.
- Assistance/training that will be given during the period of extension.
- Areas for improvement and indication of how these will be monitored and measured.
- Dismissal will be recommended at the end of extension period if the employee fails to meet standards of performance expected for their post.

6.3 If progress and performance are satisfactory at the end of the extended period, the Line Manager will recommend that the appointment should be confirmed and will complete the probation form as appropriate. The employee will be advised in writing of the successful completion of their probation period.

If progress is still considered unsatisfactory, the Line Manager will inform the employee and make a recommendation that the employee be dismissed.

## 7. DISMISSAL DURING PROBATION

---

7.1 Dismissal during the probationary period is excluded from the Council's Disciplinary Policy and Procedure and Capability Policy and Procedures.

7.2 Where a line manager has recommended that an employee should be dismissed Human Resources will invite the employee to attend a hearing with a member of the Management Team to consider the Line Manager's recommendation.

7.3 The employee should be given 5 working days notice of the meeting and be given the right (in writing) to be accompanied by a work colleague or a trade union representative. This action may be taken at any time during the probation period.

7.4 A member of the Management Team supported by a representative from HR will determine whether dismissal with notice is appropriate during the probationary period.

The Line Manager will present their evidence regarding the performance or conduct of the employee. The probationer and their representative will then be given the opportunity to challenge any evidence brought forward or to present any evidence they believe is relevant.

7.5 The Director and HR Representative will adjourn to review the evidence and make a decision on one of the following outcomes:

- Transfer to the permanent establishment
- Extension of the probationary period (subject to maximum extension period)
- Dismissal, with notice, during probation

7.6 All employees must receive their contractual notice if dismissed during the probationary period unless the dismissal is on the grounds of misconduct.

## 8. RIGHT OF APPEAL

---

8.1 Where a probationary employee is dismissed as a result of unsuitability under this procedure, he/she will have a right of appeal against the decision.

- 8.2 Any appeal must be made in writing, to the Human Resources Manager within 10 working days of the date of the letter confirming the decision. Such an appeal will not delay the date of dismissal.
- 8.3 The appeal will be arranged in accordance with the Appeals Against Dismissal Procedure and will be heard by a panel of members convened by the Employment and Appeals Committee.

## 9. EQUALITY IMPACT ASSESSMENT AND MONITORING

---

- 9.1 The operation of this policy will be monitored for its impact on different equality groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

## 10. DATA PROTECTION

---

- 10.1 In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with Data Protection requirements.



Probationary Performance Plan

Appendix 1

<b>Name</b>		<b>Job Title</b>	
-------------	--	------------------	--

Performance Objective/ Responsibilities	Target / Measures	Required Outcome

Page 39

<b>Employees Signature</b>		<b>Managers Signature</b>		<b>Date</b>	
--------------------------------	--	-------------------------------	--	-------------	--

My 1-2-1 Performance Improvement Action Plan

Appendix 2

<b>Name</b>		<b>Job Title</b>		<b>Date</b>	
-------------	--	------------------	--	-------------	--

<i>Issue (performance Conduct, attendance)</i>	<i>Standard to be achieved</i>	<i>Action by employee</i>	<i>Deadline</i>	<i>Action by Manager</i>	<i>Deadline</i>	<i>Review date</i>

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<b>Employees Signature</b>		<b>Managers Signature</b>		<b>Date</b>	
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My 1-2-1 Initial Probationary Assessment Report

Appendix 3

<b>Name</b>		<b>Job Title</b>		<b>Date</b>	
-------------	--	------------------	--	-------------	--

Competence/Skills	Requirements		Additional Comments	Action – training or development needs	Review date
	Met	Not Met			
Attendance – sickness absence and timekeeping					
General conduct - observance of policy and procedures etc.					
Capability/performance – (quality, timely completion and presentation of work)					
Team work					
Relationships					

**Additional remarks, notes, questions or suggestions**

Employee comments

<i>Employees Signature</i>		<i>Managers Signature</i>		<i>Date</i>	
----------------------------	--	---------------------------	--	-------------	--

My 1-2-1 Final Probationary Assessment Report

Appendix 4

<b>Name</b>		<b>Job Title</b>		<b>Date</b>	
-------------	--	------------------	--	-------------	--

Competence/Skills	Requirements		Additional Comments	Action – training or development needs	Review date
	Met	Not Met			
Attendance (sickness absence and timekeeping)					
General conduct - observance of policy and procedures etc.					
Capability/performance – (quality, timely completion and presentation of work)					
Team work					
Relationships					
<b>Additional remarks, notes, questions or suggestions</b>					

Employee comments:
--------------------

<b>Employees Signature</b>		<b>Managers Signature</b>		<b>Date</b>	
--------------------------------	--	-------------------------------	--	-------------	--

<b>Manager</b>	Confirm in post YES/NO ( <i>Please delete whichever not applicable</i> ). If No, please give reasons and contact HR in the first instance:	<b>Managers Signature:</b>  <b>Date:</b>
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# Purchase of Additional Leave Policy

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## 1. INTRODUCTION

---

### 1.1 Introduction

As part of our continued commitment to assisting employees with their work-life balance, the Council operates a scheme allowing employees to purchase up to 5 days additional annual leave per annum.

1.2 The cost of purchasing annual leave is provided through salary sacrifice, which is an agreement between employees and the Council to reduce the employees basic salary under their contract of employment. Specifically, under this arrangement, employees agree to give up part of their contractual salary in return for the Council providing additional annual leave.

1.3 This scheme does not replace or restrict the discretion of line managers to grant unpaid leave in line with the Leave and Work-life Balance Policy.

## 2. PRINCIPLES OF THE SCHEME

---

2.1 The scheme will apply to all employees who have either a permanent contract or a fixed term contract with sufficient months left to allow for full re-payment within an agreed period.

2.2 To assist with the planning of resources, applications for purchasing additional annual leave should normally be made prior to the commencement of the leave year.

2.3 Any request to purchase additional annual leave is subject to Head of Service approval and will be dependent upon the needs of the service. Managers have the discretion to agree to the request in full, in part or decline it altogether. Separate requests must be made for each leave year.

2.4 The maximum amount of additional annual leave available for employees to 'purchase' under the scheme would be 5 days (37 hours), pro rata for part-time employees.

2.5 Any additional leave granted under the scheme will be added to the employees existing entitlement and must be requested and taken in line with existing annual leave procedures.

2.6 Salary deductions will be monthly and will be calculated on an employee's basic pay at the date of the commencement of the agreement. Additional annual leave must be paid for within 12 months.

- 2.7 An employee should note that by completing and submitting the request for additional annual leave form that, this form also constitutes their consent to the applicable salary deduction.
- 2.8 Once an application has been approved, the agreement becomes binding (but see 6.3 re. Maternity/Paternity/Adoption). Purchased leave may not be “sold back” to the Council.
- 2.9 The scheme cannot be accessed by an employee if the purchase of additional leave causes the hourly rate to drop below the national minimum wage.

### 3. COST

---

- 3.1 Employees agree to give up part of their contractual salary in return for the Council providing additional annual leave. Purchasing annual leave through salary sacrifice reduces basic salary, meaning a lower amount of Tax and National Insurance is paid.
- 3.2 The costs of purchasing additional annual leave is spread over a twelve, six or three month period. The employee can choose over which period they wish to pay this back.
- 3.3 The cost of a day’s of leave is calculated as follows:
- Actual annual salary / 365 x 7 / 5
  - For the total cost multiply this by the number of days leave you are requesting.
  - For the cost per month, divide the total cost by 12, 6 or 3 months.
- 3.4 Any additional purchased leave not taken within the given 12 month period will be subject to existing carry over arrangements.
- 3.5 It is important that any employee who is in receipt of any benefits, such as working tax credits, child tax credits, Statutory Maternity, Paternity etc. contacts the relevant body for advice on how this scheme may affect you.
- 3.6 Deductions will commence on the next available pay date following receipt of your signed/authorised application form, NOT when your additional annual leave begins.

### 4. PROCESS

---

- 4.1 Employees who wish to purchase additional leave should discuss this with their line manager initially.
- 4.2 All requests must be made in writing using the Purchase of Annual Leave Form and sent to the employee’s line manager.



- 4.3 Managers will consider all requests to purchase additional leave, within 21 days of receipt of the request, taking into account the priority of the operational needs of their business area and the potential impact that the absence could have on their team. The form should be sent to the relevant Head of Service for final authorisation before getting submitted to Human Resources for processing.

## 5. LEAVING THE COUNCIL

---

- 5.1 If an employee should leave during the year still owing for purchased leave that is already taken, the amount owing for those days will be recovered from their final salary.
- 5.2 If an employee should leave during the year, the cost of any additional leave that has been purchased but not taken will be refunded.
- 5.3 Any redundancy payment will be based on gross salary before Salary Sacrifice deductions.

## 6. SICK ABSENCE AND MATERNITY/PATERNITY/ADOPTION LEAVE

---

- 6.1 The 'payments' for additional annual leave will continue for the previously agreed period (i.e. 12, 6 or 3 months) whether or not an employee is on sick leave.
- 6.2 Maternity or adoption pay is calculated on the basis of the average earnings during a two month period, ending 15 weeks before the due date or date of placement. If your salary is reduced during this period as a result of purchasing additional annual, it will have an impact on the average earnings and, therefore, on how much maternity or adoption pay is payable.
- 6.3 Any additional leave agreement in place prior to the commencement of Maternity, Shared Parental or Adoption Leave will be reviewed and/or renegotiated as soon as a notification of intended absence is received.
- 6.4 It is advisable to obtain individual advice from human resources on these issues.

## 7. PENSION IMPLICATIONS

---

- 7.1 There are no pension implications for the purchase of additional annual leave as pension contributions will be deducted on normal full pay.

## 8. EQUALITY IMPACT ASSESSMENT AND MONITORING

---

- 8.1 The operation of this policy will be monitored for its impact on different equality groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

## 9. DATA PROTECTION

---

- 9.1 In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with Data protection requirements.

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# Recruitment and Selection Policy

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## 1. POLICY STATEMENT OF INTENT

---

- 1.1 Wyre Council needs to be able to attract and retain high calibre employees. To achieve this, it is the Council's policy to ensure that its recruitment process results in the selection of the most suitable applicant for the job in respect of competence, experience and qualifications. The Council is committed to a fair, open and transparent recruitment process.
- 1.2 Wyre Council fully supports the rights and opportunities of all people to seek and hold employment without discrimination.
- 1.3 The Council is also committed to ensuring that every person who applies for a job (whether internal or external) must be considered on their ability against fair and consistent criteria, which relates solely to the job requirements.

## 2. PRINCIPLES

---

- 2.1 All Wyre Council recruitment and selection activity is based on principles of equal opportunity, objectivity and fairness. All applicants will be treated consistently regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

- 2.2 The Council will operate this policy in accordance with the following principles:-
- Council recruitment and selection procedures are designed to comply with relevant legislation and appropriate codes of practice
  - We value diversity and encourage applications from all groups in society
  - We operate flexible working arrangements which take into account personal circumstances wherever possible
  - Training will be provided for staff in recruitment and selection processes and they will be made aware of their obligations in respect of equal opportunities
  - Vacancies will be defined in a non-discriminatory and objective manner through a carefully drafted job description and person specification.
  - All vacancies will be open to internal candidates, including active seasonals and volunteers.
  - Vacancies advertised internally will be open to Council volunteers should they wish to apply.
  - All applicants will have access to the job description and person specification to enable them to assess their own suitability for the role.
  - We will use fair and objective selection methods to assess the suitability of candidates for advertised vacancies
  - We will reimburse reasonable expenses for candidates attending selection events where they are travelling from outside the borough and are required to attend in person by the council.

We will monitor and review the effectiveness of our recruitment and selection policy and procedures, particularly in relation to equal opportunities.

### 3. THE RECRUITMENT SELECTION PROCESS

---

- 3.1 This policy should be read in conjunction with the **Recruitment and Selection Guidelines – Managers’ Handbook** available on Wyre Hub which contains details of the process and a full explanation of all the stages. Recruiting Managers should follow the process outlined in the Handbook seeking support and guidance from Human Resources where necessary. Human Resources will provide training to any managers or staff that have not participated in the recruitment and selection process before

## 4. RESPONSIBILITIES

---

4.1 The Council has certain legal responsibilities in relation to discrimination and other matters which are prescribed under the following legislation:

- Equality Act 2010
- Asylum and Immigration Act 1996
- Data Protection Act 2018
- The Local Government and Housing Act 1989
- The Rehabilitation of Offenders Act 1974

In addition, the Council is morally obligated to ensure fair and consistent treatment in all areas of its responsibilities, and aims to achieve this through the Equal Opportunities Policy and related policies and procedures.

### 4.2 **Human Resources**

The Human Resources Manager will be responsible for the consistent implementation of the Council's policy on recruitment and selection through the provision of advice and by monitoring compliance.

This policy and The Recruitment and Selection Guidelines - Managers' Handbook will be reviewed to ensure compliance with legislation and best practice.

Appropriate training will be given to all employees involved in the recruitment process in order to ensure that employees fully understand the Council's and their own responsibilities. Changes in legislation, procedures and their implications will be conveyed to employees as and when they occur.

Human Resources will undertake recruitment and selection monitoring and will report on and publish the findings as appropriate.

Human Resources will retain records of all shortlisting and recruitment interviews for six months after the appointment is made.

## 4.3

**Directors and Managers**

Directors and Managers have a particular responsibility to ensure a recruitment process which is free from discrimination and applied fairly and consistently in the work areas of which they are responsible. Prompt action should be taken to stop any discriminatory activity as soon as it is identified.

Directors and Managers have a responsibility to ensure that:

- They attend the recruitment and selection training provided by Human Resources at the earliest opportunity before any involvement in Recruitment and Selection activities.
- Job descriptions and Persons Specifications are regularly reviewed and kept up to date.
- They are fully involved with the design of an advertisement and authorise the final draft with Human Resources. To maximise the benefits to be gained advertisements will predominantly go on-line. However, other advertising media will be considered appropriate to the position.
- All necessary paperwork is completed and returned to Human Resources.
- They provide feedback when asked to people not selected for an interview.
- An interview panel is arranged with appropriate staff representation.
- Short listing/interviewing is conducted in a consistent manner, giving constant consideration to equal opportunities and best practice as outlined in the Managers' Handbook.
- Any offer of employment is made subject to receipt of satisfactory references, health clearance, eligibility to work in the UK and where required a disclosure from the Disclosure Barring Service.
- They give feedback as and when required to unsuccessful applicants and in a timely manner.

## 5. EQUAL OPPORTUNITIES

---

- 5.1 As an Equal Opportunities Employer it is vital that no discrimination occurs. All those involved in the recruitment and selection process must be familiar with the Council's Equal Opportunity Policy and should attend a Recruitment and Selection training session.
- 5.2 Selection procedures must be reviewed regularly to ensure that successful applicants are selected based on their merits and abilities.
- 5.3 Selection procedures, including the advert and interview questions must not be in any way discriminatory.
- 5.4 Where possible a diverse panel should be utilised.
- 5.5 The venue for the interview should be suitable for disabled applicants and where appropriate, reasonable adjustments should be made to ensure their consideration for the job is not hindered in any way.
- 5.6 An Equal Opportunities statement and Ethnic Monitoring Form is made available to all applicants as part of the application process.



## 6. EQUALITY IMPACT ASSESSMENT AND MONITORING

---

- 6.1 The operation of this policy will be monitored for its impact on different staff groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

## 7. DATA PROTECTION

---

- 7.1 In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with Data Protection requirements.

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## PAY AND TIME OFF IN LIEU POLICY

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## 1. STATEMENT OF INTENT

---

- 1.1 Wyre Council intends to manage the pay of its workforce in order to regulate expenditure, ensure transparency, fairness and consistency in pay determination, control pay drift and conform with pay agreements reached on behalf of its employees both nationally and locally.

## 2. SCOPE

---

- 2.1 This policy explains the Council's agreed terms and conditions on pay and applies to all Wyre Council employees engaged on National Joint Council for Local Government Services [Green Book] conditions of service.

## 3. ROLES AND RESPONSIBILITIES

---

3.1 **The Council is responsible for:**

The responsibility for the pay structure rests with the Council, who through its Officers and principally based on the advice delivered by the Human Resources Manager will establish consistency and conform with equal pay legislation.

3.2 **The Chief Executive, Directors and Senior Leadership Team will be responsible for:**

- providing Human Resources with appropriate documentation, including time sheets, variation of hours, overtime and mileage claims etc. to enable the payment of salaries and wages;
- providing Human Resources with job descriptions and other information required to enable the determination of grade, wage or salary level for posts in their services;
- advising Human Resources of any variation, or proposed variation, of duties and responsibilities attached to a post in their Directorate which may have implications for the wage, grade or salary for that post.

### 3.3 The Human Resources Manager is responsible for:

- advising the Council on wage rates, salary levels, job evaluation, wage and salary review procedures;
- maintaining an up to date establishment list which will contain each post on the Council's establishment, with information relating to the remuneration and other payments relative to each employee;
- advising all employees of changes to their wage and salary levels, and making appropriate variations to their written particulars of employment as required by the Trade Union Reform and Employment Rights Act 1993, and Employment Rights Act 1996;
- administering the appeals procedures relating to grading matters.

#### In liaison with the Head of Finance:

- the payment of wages and salaries to the Council's employees in accordance with the terms of their contract with the Council;
- making lawful deductions from the wages and salaries of the Council's employees in accordance with legislation summarised in the Employment Rights Act 1996;
- issuing an itemised pay statement to each employee of the Council at or before the time at which any payment of wages or salary is made in accordance with the Employment Rights Act 1996.

## 4. PAY PROCEDURES

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4.1 Wyre Council will pay its employees' salaries which reflect the agreement reached by the National Agreement on Pay and Conditions of Service, except in circumstances

- where locally agreed variations are in place
- which are jointly agreed between the Council and representatives of its employees in the furtherance of successful tenders for areas of activity which are exposed to competitive tendering,
- where the Council has taken into its employment employees of other councils or contractors under the TUPE regulations.

4.2 The appropriate grade for any particular post will be determined by Job Evaluation and administered by Human Resources.

### 4.3 **New Appointments**

Staff newly employed by the authority will normally be appointed to the initial point of the established grade for the post unless their skills, experience or previous salary justifies paying a higher scale point within that established grade. Offers above the initial point should only be made in consultation with Human Resources and the relevant Director / Chief Executive.

#### 4.4 Calculation of Salary for New Employees

If an employee commences their employment part way through a month, the pay due to them will be calculated as follows:-

- Normal annual salary divided into 12 equal instalments to give monthly salary.
- Monthly salary divided by the number of days in the current month multiplied by the number of days due.

*Example: For a start date of 11<sup>th</sup> September the calculation would be – monthly salary/30 days x 20 days.*

#### 4.5 Calculation of Salary for Leavers

If an employee terminates their employment and is due to leave part way through a month, the leaving date for pay purposes will normally be a Sunday.

The pay due to them will be calculated as follows:-

- Normal annual salary divided into 12 equal instalments to give monthly salary.
- Monthly salary divided by the number of days in the current month multiplied by the number of days due.

*Example: For a leaving date of 11<sup>th</sup> September the calculation would be – monthly salary/30 days x 11 days*

#### 4.6 Incremental Progression

Progression through the grade from one increment to the next will normally take place on the 1 April each year until the maximum point of the scale is reached.

However Officers with less than six months service by 1 April will be granted their first increment six months after their appointment, promotion or re-grading.

- 4.7 Increments may be accelerated within an employee's scale on the grounds of special merit or ability subject to approval of the relevant Director or Chief Executive.
- 4.8 At the discretion of management and in consultation with Human Resources employees can be accelerated up to two increments (within the grade) subject to the successful completion of a final examination of an approved course of study.
- 4.9 Increments may be withheld from any employee following an adverse report on an officer in line with the relevant formal process (subject to the normal rights of appeal). Any increment withheld maybe paid subsequently when the employee's service becomes satisfactory.

#### 4.10 **Recompense for Undertaking Temporary Additional Duties**

An employee who, for any reason other than the annual leave of another officer, is called upon by their Director to undertake the full duties and responsibilities of a higher graded post for a continuous period of at least four weeks is entitled to receive a salary in accordance with the first increment of the grade of the higher graded post temporarily occupied. Once qualifying the higher salary will be paid with effect from the first day on which the employee was required to undertake the duties and responsibilities of the higher graded post.

4.11 Where an employee undertakes additional responsibility in the absence of a more senior officer (for any reason other than annual leave), albeit not the full duties and responsibilities, any entitlement to additional payments will be subject to the qualifying period set out in 4.10 above and will be based on an evaluation of the additional duties under the Council's Job Evaluation Procedure.

Such payments are to be determined by the HR Manager after consultation with the relevant Director / Chief Executive.

#### 4.12 **Grading, Re-grading and Appeals**

Proposals for the management of the grading of new and changed posts, re-grading applications and appeals can be found on the Councils' Intranet.

#### 4.13 **Calculation of Accrued/Overtaken and Unpaid Leave**

Leave is calculated based on a 5 day working week (pro-rata for part time staff). Examples of calculations are shown below:

On leaving an employee has 10 days untaken accrued leave entitlement – weekly salary/5 days x 10 days paid with their final pay.

On leaving an employee has overtaken their leave entitlement by 3 days – weekly salary/5 days x 3 days deducted from their final salary.

An employee wishes to take 6 days unpaid leave – weekly salary/5 days x 6 days deducted from their salary.

#### 4.14 **Reimbursement of Expenses**

4.14.1 Staff are eligible to be reimbursed only where expenditure is necessarily incurred in the performance of an approved duty.

4.14.2 Full details of expenses incurred must be recorded in the Mileage/Expense log book. All claims should be supported by a receipt which must be attached to the log book.

4.14.3 Claims for alcoholic beverages will not be accepted.

4.14.4 Financial Services issue rail warrants so staff should not be claiming for rail travel.



- 4.14.5 Employees who as a result of their official employment duties are prevented from following their normal meal arrangements or who have to stay away overnight may claim reimbursement of the actual expenditure incurred (excluding alcoholic drinks) up to the maximum allowance as set out below.

Minimum Journey Time	Maximum amount of Allowance
5 hours	£5
10 hours	£10
15 hours	£25

- 4.14.7 All expense claims should be made monthly using either the HR21 system or the 'Staff Travel and Subsistence Allowance' claim form. Claims submitted more than two months after the expenses were incurred will be paid only with the express approval of the relevant Director or Chief Executive. Claims will be paid on or around the 15th of each month with salary payment.
- 4.14.8 Petty cash must not be used as a means of reimbursement.

#### 4.15 Reimbursement of Mileage

For information on claiming reimbursement for mileage carried out on official business duties see the council's Driving Policy.

## 5. OVERTIME AND TIME OFF IN LIEU (TOIL)

- 5.1 Overtime pay is defined as the additional pay claimed as a result of additional hours worked to contracted hours. It can be planned or occasionally unplanned. Unless an employee has a contractual entitlement to overtime or it has been authorised in advance by the appropriate line manager a claim for overtime will not be considered.
- Planned overtime is pre-determined and the need for the overtime will have come about either from special one off project work or to carry out essential work.
- 5.2 Time off in Lieu (TOIL) is defined as time taken off to compensate for planned (or occasionally unplanned) time worked in addition to contracted hours.
- Subject to working patterns and contractual arrangements TOIL should normally only apply to hours worked before 7.15am and after 7.00pm.
- 5.3 Employees who work additional hours on an ad hoc basis are recompensed either with an overtime payment or time off in lieu (TOIL) through the flexible hours recording system.
- 5.4 If the starting point for overtime worked is the employee's home address any travel time included should be less than the time that it normally takes to travel from home to normal work base and back.
- 5.5 **Employees on or below scale point 22**

Employees on or below scale point 22 who are required to work additional hours beyond their working week are entitled to receive overtime payments / TOIL on the following basis:

Monday to Saturday – time and a half

Sundays and Public and Extra Statutory holidays – double time (min 2 hours)

#### 5.6 Employees paid on scale point 23 or above

Those who are paid on scale point 23 and above will receive overtime payments as outlined above but these will be calculated at scale point 22.

Staff paid on scale point 23 and above will be entitled to TOIL at plain time for hours worked from Monday to Thursday, time and a half for Fridays and Saturdays and double time for Sundays and Bank Holidays.

#### 5.7 Part time employees

Part time employees are entitled to receive overtime payments / TOIL only at times and in circumstances in which full-time employees in the establishment would qualify. Otherwise a full working week for full time employees (37 hours) shall be worked by a part time employee before these enhancements apply.

#### 5.8 Work undertaken under the emergency plan

Where recall to work is outside an employees' usual/contracted working hours and their skill and professional knowledge means their attendance is critical to the emergency, the normal restriction that part time workers will need to have worked 37 hours before attracting overtime payments / TOIL at enhanced rates will be set aside. This arrangement must have been previously agreed with the Corporate Director for payment to be made.

##### 5.8.1 Employees recalled to work under the emergency plan will be paid as follows:

Employees on or below scale point 22 who are required to work additional hours beyond their working week are entitled to receive overtime payments on the following basis:

Monday to Saturday – time and a half

Sundays and Public and Extra Statutory holidays – double time (min 2 hours)  
Work carried out from midnight onwards will be paid at double time.

Those who are paid on scale point 29 and above will receive overtime payments as outlined above but calculated at scale point 22.

##### 5.8.2 Travel time will be included in the time worked.

##### 5.8.3 Staff recalled to work on a day's leave will have their leave reimbursed. Overtime rates will only apply outside of normal working hours.

5.8.4 Sleep time for those working through the night and contracted to work the next day will be granted depending on the circumstances and only with the agreement of a Corporate Director up to a maximum of 7 hours 24 minutes.

## 5.9 Working Hours

The Council is mindful of the Working Time Regulations and has a duty of care to protect the health and safety of its employees by ensuring that they do not work too many hours. The normal working week is one of 37 hours and employees should not work more than 48 hours a week unless agreed by the line manager. Any requirement to work beyond the Working Time Regulations should be referred to the human resources team in the first instance.

If any employee regularly works additional hours, then working hours may need to be formally amended to reflect this.

## 5.10 Record Keeping

Where an employee currently utilises the Council's flexitime system this will be the mechanism by which additional hours worked will be managed.

The arrangements for the operation of the flexitime system are detailed in the relevant policy and procedure.

Post holders who are required to work outside the normal core flexi time (7.15 am to 7.00pm Monday to Friday) on a regular basis, may have their carry over limit increased up to a maximum of 4 days to accommodate operational requirements. Any increase in the carryover from 2 to 4 days must be agreed by the Head of Service in consultation with the HR team.

It is the responsibility of Line Managers to monitor the accumulation of TOIL and additional hours should normally only be worked with the prior agreement of the Line Manager.

## 5.11 Taking TOIL

Every effort should be taken to take TOIL as soon as possible after it is accrued, however, it is recognised that this may be restricted due to operational requirements.

Where TOIL of more than half of a normal working day is being claimed this should be claimed in line with the principles of booking flexi or annual leave.

5.12 Staff with high TOIL balances must speak with their manager and agree a plan to reduce the balance by taking TOIL leave whilst maintaining service delivery.

TOIL balances should not exceed 37 hours (pro-rata). Director approval will be required for any exceptional balances over this threshold.

## 6. ADDITIONAL PAYMENTS AND ALLOWANCES

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### 6.1 Saturday and Sunday Working

Where employees are required to work a five day in seven week; plain time rates apply to the first 37 hours of any working week (excluding Public Holidays), irrespective of which days are worked and, thereafter, the appropriate additional hours provisions apply.

### 6.2 Night Work

To qualify for night work, the night time period must be 7 hours long and include the period between midnight and 5am.

Employees who work at night as part of their normal working week are entitled to receive an enhancement of time and one third for all hours worked between 8pm and 6 am.

### 6.3 Evening Work

A number of posts work into or in the evening on an ad hoc basis and are recompensed either with an additional hours payment or time off in lieu. The time off in lieu entitlements will be calculated in accordance with this policy and administered via the flexible hours recording system.

If any employee regularly works evenings, then their working hours may need to be formally amended to reflect this.

### 6.4 Public and Statutory Holiday.

Payment / TOIL for work undertaken on Public and Statutory Holidays will be made in accordance with National Agreement on Pay and Conditions of Service.

### 6.5 Severe Weather Standby and Operational Standby

A current weekly payment of £105.27 (as at April 2023) will be paid for Severe Weather Standby (previously referred to as Albion and Neptune standby) and Operational Standby and is increased in line with national pay awards. Where there is a recall to work to deal with an incident, employees will be paid in accordance with work undertaken under the emergency plan as set out in section 6.8 of this policy.

### 6.6 Recall to Work /Informal Standby

Where an individual is not on formal standby, but they may be recalled to work to deal with a matter that has arisen, it is proposed that no standby payment be paid (on the basis that there is no requirement for the employee to be on standby). However they should be recompensed in accordance with the provisions below:

- Time and a half is paid (or corresponding time off in lieu given) to any officer recalled to duty on scale point 22 or below
- Plain time is paid (or corresponding time off in lieu given) to any officer recalled to duty on scale point 23 or above
- Travel time be included in the time worked

Should any part time employee be called to work under the emergency plan the normal restriction that part time workers will need to have worked 37 hours before attracting TOIL / overtime payments at enhanced rates will be set aside.

## 6.7 Key holders call out

Key holders who do not receive regular standby payments and are called out to deal with an alarm at the Council premises for which they have responsibility will be paid in accordance with the provisions below:

- Two hours at double time (or corresponding time off in lieu given) to officers on scale point 22 or below.
- Two hours at plain time (or corresponding time off in lieu given) to officers on scale point 23 or above.

## 6.8 Duty Officers

6.8.1 The Duty Officer role is not allocated to any particular post but these additional duties are open to any employee to apply for. Where the Duty Officer is called out monitoring ensures that the provisions of the Working Time Directive are not breached.

The current weekly payment for Duty Officer standby is £315.85 as at 1 April 2023.

The Duty Officer will also be reimbursed 1 hour of flexi for each week they are on duty irrespective of whether they are called out or not.

On occasions where a call out exceeds 3 hours flexi time claimed will be the period of the call out less 1 hour. It is expected however that this will only be required in exceptional circumstances.

6.8.2 Where the emergency plan is activated then the Duty Officers will be paid in addition to the weekly standby payment depending on the circumstances as follows:

- If called out payment will be made in accordance with the emergency plan as set out in section 5.7
- If homebased they will receive an additional payment pro-rata of weekly payment for each day additional work is carried out during the activation of the emergency plan

Duty Officers will also be entitled to sleep time in line with section 6.8.4.

## 6.9 Food Safety Inspections

These rates are updated by the value of the annual pay award each year.

## 7. RECRUITMENT AND RETENTION INCENTIVES

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- 7.1 The Council is committed to the principles of equal pay for work of equal value. However, there are times when the rate of pay as determined by job evaluation is not competitive in the relevant job market, causing serious recruitment and retention difficulties particularly where certain specialisms are required.

In exceptional circumstances, it may be appropriate to consider payment of a recruitment or retention incentive to ensure the delivery of high performance services. These incentives may be in the form of a relocation package, a golden hello or a market supplement.

- 7.2 Proposals for payment of incentives must be made in consultation with Human Resources and include supporting evidence of the recruitment / retention difficulties and give consideration to the cost and implications on existing staff.
- 7.3 All proposals to offer a recruitment or retention incentive must be approved by the Chief Executive / Directors and Section 151 Officer.
- 7.4 All incentive payments are subject to a requirement to repay in the event that the employment terminates for whatever reason within a specified time and individuals will be required to sign contract agreements to this effect.

### 7.5 Relocation Allowance

The decision to offer such a recruitment incentive must be based on the business need, taking into account the purpose of the post, the difficulties in recruitment, the benefits to be gained and the alternatives to the employee relocation taking place.

Relocation expenses are judged on a case-by-case basis and each employee's situation and circumstances will be unique. The Council therefore retains discretion to tailor the relocation package to suit the particular circumstances and needs of each employee.

The payment of all relocation allowances under this policy will be restricted to permanent appointments where the new employee moves from a location beyond a radius of 50 miles from the Wyre Council Civic Centre to take up residence within reasonable commuting distance from the employee's usual place of work. Applications for relocation to an area beyond the Borough or surrounding area will not be approved.

All claims under this scheme must be made within 12 months from the date of the appointment and no more than three months after the date the expenditure was incurred.

An application for assistance under this scheme shall be made using the approved form and should be signed by the appropriate Director. Claims for lodging and travelling allowance only should be submitted monthly using the subsistence claim form.

An officer granted assistance under this scheme, who leaves the service of the Council within three years of taking up an appointment shall be required to repay up to a maximum of the total amount of the allowances received calculated pro-rata to the part of the three year period not completed.

Further detail is shown in Appendix A and in the Recruitment and Selection Handbook.

All offers of relocation are subject to HM Revenue & Customs regulations.

7.6

### Golden Hello

In circumstances where it is expected that there will be exceptional difficulties recruiting to a position (irrespective of grade), a sum of money may be offered as an incentive.

This payment is discretionary and will only be made where there is clear evidence that the salary payable is in monetary terms, significantly lower than the market rate and there are serious recruitment and difficulties associated with the position.

Payments are normally made in the form of a cash lump sum and are subject to normal income tax and national insurance deductions.

As with relocation expenses this would need to be repaid by the employee if they left the council within an agreed time-frame.

## 8. EQUALITY IMPACT ASSESSMENT AND MONITORING

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8.1

The operation of this policy will be monitored for its impact on different equality groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

## 9. DATA PROTECTION

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9.1

In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with Data Protection requirements.

## APPENDIX A

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### Relocation Expenses

Relocation expenses are normally only payable where an officer is moving to take up residence within the Borough of Wyre or to be within reasonable community distance of his or her normal place of work and such a move is necessary in the interests of the Council.

The Council will make a contribution to removal expenses, legal costs, temporary rent/lodging, travel expenses and estate agents fees on the sale and purchase of property upon production of satisfactory evidence of costs. Claims can be made up from all of the allowances, subject to a maximum claim of £5,000 in total.

a) An allowance of £60 per week for up to 12 weeks can be claimed by new employees who incur additional expenses (lodging, rents, etc.) on temporary accommodation whilst retaining a financial commitment on their former residence and/or are separated from their immediate family. Receipts or other proof of expenditure must be produced to support the claim for lodging allowance.

b) A standard class return rail fare can be claimed by new employees who are separated from their immediate family for one journey per week from Poulton-le-Fylde train station to their former town/City of residence and back while in receipt of the temporary accommodation allowance. Receipts or other proof of expenditure must be produced to support the claim for travel allowance.

c) The lodging and travel allowance may be capable of extension for up to a further 12 weeks at the discretion of the appropriate Corporate Director in consultation with the Head of Business Support. Receipts or other proof of expenditure must be produced to support the claim for lodging and/or travel allowance.

d) Payment of up to the maximum of £5,000 of expenses reasonably incurred for the removal of personal effects. This will be based on the lower of three written quotations and will include any payment for insurance cover during the removal. The Officer may accept a quotation other than the lowest quotation if he/she pays the difference between the lowest quotation and the quotation accepted. Officers must also provide a receipt as evidence in relation to the claim.

e) The allowance shall not be payable to an officer leaving his/her parental home and will only be payable where an officer can demonstrate that they have a substantial financial commitment in respect of his or her former home.



## APPENDIX A

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f) Provided that it is agreed in advance by the appropriate Corporate Director, the allowance may be payable where an officer elects to travel to and from the Borough daily and incurs substantial expenditure. Officers electing to travel to and from the Borough daily must provide details of mileage incurred in relation to the claim.

The payment of all relocation allowances under this policy will be restricted to permanent appointments where the new employee moves from a location beyond a radius of 50 miles from the Wyre Council Civic Centre to take up residence within reasonable commuting distance from the employee's usual place of work. Applications for relocation to an area beyond the Borough or surrounding area will not be approved.

All claims under this scheme must be made within 12 months from the date of the appointment and no more than three months after the date the expenditure was incurred.

An application for assistance under this scheme shall be made using the approved form and should be signed by the appropriate Corporate Director. Claims for lodging and travelling allowance only should be submitted monthly using the subsistence claim form.

An officer granted assistance under this scheme, who leaves the service of the Council within three years of taking up an appointment shall be required to repay up to a maximum of the total amount of the allowances received calculated pro-rata to the part of the three year period not completed.

The officer concerned will be asked to sign an undertaking to that effect.

A new employee shall not be entitled to claim allowances in accordance with the provisions of this scheme in circumstances where such allowances may be claimed under a scheme operated by a Government body or where his/her spouse claims allowances under a scheme operated by another employer.

The allowances provided by this relocation scheme will be paid retrospectively on production of receipts or other evidence of payment.

The allowances quoted in this scheme are maximum values and payments made to employees will be based on the actual expenditure incurred by the employee.

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