

Tuesday 9 April 2024

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PERFORMANCE AND APPOINTMENTS COMMITTEE

You are summoned to a meeting of the Performance and Appointments Committee, which will be held in the Council Chamber, Council Offices, Woodgreen, Witney, Oxfordshire OX28 1NB on **Wednesday 17 April 2024 at 3.30pm.**



Giles Hughes
Chief Executive

To: Members of the Performance and Appointments Committee:

Councillors: Andy Graham (Chair), Duncan Enright (Vice-Chair), Dan Levy, Michele Mead and Liam Walker.

Recording of Proceedings – The law allows the public proceedings of Council, Cabinet, and Committee Meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted. By participating in this meeting, you are consenting to be filmed.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Democratic Services officers know prior to the start of the meeting.

AGENDA

1. **Apologies for Absence**
To receive any Apologies for Absence from Members of the Committee.
2. **Declarations of Interest**
To receive any Declarations of Interest relating to items being considered during the meeting.
3. **Minutes of Previous Meeting (Pages 3 – 4)**
To approve the minutes of the previous meeting, held on Monday 17 July 2023.
4. **Human Resources Employment Policies (Pages 5 – 30)**
Purpose:
To update the Performance and Appointments Committee relating to the refresh (Phase 2) of the employment policies for West Oxfordshire District Council. No changes have been made to the employee terms and conditions, only to clarify and enable policies to be used concurrently with employee relations matters, giving clarity and usability to both employees and managers alike.

Recommendation:
That the Performance and Appointments Committee Resolves to:
 - I. Agree the Recruitment, Retirement and Time Off Guidance employment policies attached at Annex A.

(END)

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the **Performance and Appointments Committee**

Held in the Council Chamber, Woodgreen, Witney OX28 1NB at 9.00am on **Monday, 17 July 2023.**

PRESENT

Councillors: Andy Graham (Chair), Duncan Enright (Vice-Chair), Dan Levy, Michele Mead and Liam Walker.

Officers: Giles Hughes (Chief Executive Officer), Max Thompson (Senior Democratic Services Officer) and Kathryn Dowell (HR Business Partner).

Other Councillors in attendance: Nil.

20 Apologies for Absence and Substitutions

There were no Apologies for Absence from Members of the Committee.

Councillor Duncan Enright arrived at 9.25am.

21 Declarations of Interest

There were no Declarations of Interest received by Members of the Committee.

22 Matters Exempt from Publication

Councillor Andy Graham, Chair of the Committee, proposed that the Committee agree to exclude the press and public from the meeting for the remaining items of business. This was seconded by Councillor Michele Mead, was put to a vote and agreed unanimously by the Committee.

The Committee **Resolved** in accordance with the provisions in Section 100A(4) of the Local Government Act 1972 to:

1. Exclude the press and public from the meeting in accordance with the provisions of Section 100A(4) of the Local Government Act 1972 on the grounds that their presence could involve the likely disclosure of exempt information relating to candidates for interview as defined in Paragraph 1 of Schedule 12A of the Local Government Act 1972, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

23 Selection of a Preferred Candidate for the Role of Director of Finance

Kathryn Dowell, HR Business Partner, gave the Committee a detailed and in-depth overview of the prior selection process, before highlighting the skills and attributes that the Subject Candidate (SC) brought to both the selection process and Committee interview. The HR Business partner gave the Committee a further overview of the behavioural characteristics that the SC showed during an exercise carried out during the main selection process.

In debate, the Committee discussed at length the interview undertaken, and also the skills & characteristics the SC brought to the interview, including strong decision making skills, respect and competence. The Committee also made reference to the SC's local knowledge having worked within the Local Government sector previously in Oxfordshire.

Performance and Appointments Committee

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The Committee also noted the time taken by the SC to prepare a presentation for the Committee with only 2 days' notice from the prior interview.

Councillor Andy Graham proposed that the SC be recommended to Council for appointment, and authority be delegated to the Chief Executive to have oversight of the remainder of the appointment process. This was seconded by Councillor Michele Mead, was put to a vote and was unanimously agreed by the Committee.

The Committee **Resolved** to:

1. Agree the selection of the Subject Candidate for the post of Director of Finance.
2. Delegate the making of a conditional offer and the agreement of all terms and conditions, to the Chief Executive Officer, subject to confirmation within a time period set by the Monitoring Officer that no member of the Executive has an objection to the proposed appointment, or the Performance and Appointments Committee being satisfied that any objection is not material or well-founded;

And **Resolved** to Recommend to Council to:

3. Delegate authority to the Chief Executive, in consultation with the Chair of the Performance and Appointments Committee, to appoint Madhu Richards, to the role of Director of Finance (Section 151 Officer), subject to two references, medical clearance and eligibility check (BPSS check) in accordance with the Council's policies;
4. Agree that the appointment will be made on a salary of up to £85,000 per annum plus pending pay award;
5. Agree the appointment commences on a date to be mutually agreed between the Chief Executive and the successful candidate;
6. Confirm the appointment of an Interim Director of Finance, James Howse, who will undertake the role of Section 151 Officer, until the appointed, permanent Director of Finance is able to take up post.

24 Dates of Future Meetings

The Committee **Resolved** to:

1. Note the date of the next meeting on Friday 13 October 2023 at 2.00pm, to conduct the Chief Executive's appraisal.

The Meeting closed at 11.00 am

CHAIR

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|  <p>WEST OXFORDSHIRE DISTRICT COUNCIL</p> | <p>WEST OXFORDSHIRE DISTRICT COUNCIL</p> |
| <p>Name and Date of Committee</p> | <p>PERFORMANCE AND APPOINTMENTS COMMITTEE – 17 APRIL 2024</p> |
| <p>Subject</p> | <p>HUMAN RESOURCES EMPLOYMENT POLICIES</p> |
| <p>Wards Affected</p> | <p>Nil</p> |
| <p>Accountable Member</p> | <p>Councillor Andy Graham – Leader of the Council. Email: andy.graham@westoxon.gov.uk</p> |
| <p>Accountable Officer</p> | <p>Giles Hughes – Chief Executive. Email: giles.hughes@westoxon.gov.uk</p> |
| <p>Report Author</p> | <p>Kathryn Dowell – HR Business Partner. Email: kathryn.dowell@publicagroup.uk</p> |
| <p>Purpose</p> | <p>To update the Performance and Appointments Committee relating to the refresh (phase 2) of the employment policies for West Oxfordshire District Council. No changes have been made to the employee terms and conditions, only to clarify and enable policies to be used concurrently with employee relations matters, giving clarity and usability to both employees and managers alike.</p> |
| <p>Annex</p> | <p>Annex A – Updated Employment Policies</p> |
| <p>Recommendation</p> | <p>That the Performance and Appointments Committee Resolves to:</p> <ol style="list-style-type: none"> I. Agree the Recruitment, Retirement and Time Off Guidance employment policies attached at Annex A. |
| <p>Corporate Priorities</p> | <ul style="list-style-type: none"> • A Good Quality of Life For All; • Working Together for West Oxfordshire |
| <p>Key Decision</p> | <p>NO</p> |
| <p>Exempt</p> | <p>NO</p> |
| <p>Consultees/ Consultation</p> | <p>Publica worked with XpertHR and the Trade Unions and in accordance with current employment law and in line with the Advisory, Conciliation and Arbitration Code (ACAS) in order to update the policies. This approach ensured that all the policies could be used simultaneously and there was cohesions to mitigate future risk.</p> |

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| | <p>To ensure that full consultation takes place, Publica's HRBP team have consulted with the employees of WODC in writing.</p> |
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1. EXECUTIVE SUMMARY

- 1.1 Following a review of policies, it was recommended that there should a refresh, and updating of the key employment policies on behalf of the Council to clarify and enable policies to be used concurrently with employee relations matters.
- 1.2 No changes have been made to Council employee Terms and Conditions.

2. BACKGROUND

- 2.1 These are the policies which apply to those employees directly employed by West Oxfordshire District Council including the statutory officers. These policies do not apply to Publica employees for which a separate suite of policies exist and have been created to ensure consistency in approach.
- 2.2 The Publica HR team have developed up to date, ACAS compliant, clear policies which will ensure transparency and consistency.
- 2.3 This review builds on the previous review of policies undertaken in 2023 ensuring no employment terms and conditions were altered which conflicted with the Councils existing terms.
- 2.4 Publica's HR Business Partner supported by the Chief Executive of West Oxfordshire District Council will consult the employees directly employed by the Council.

3. MAIN POINTS

- 3.1 The review of the Human Resources (HR) Policies was to ensure that the Council's policies reflected and complied with existing / new regulation and case law, reflected best practice and importantly were clear and concise to allow managers to implement them as and where necessary. Updating all policies together, ensures flow and for policies to be used in conjunction when complex cases arise, ensuring matters are dealt with in a timely fashion and thereby mitigating risk for the Council.
- 3.2 HR Policies provide legal protection for the Council. HR policies and procedures give guidance on a range of employment issues and are written guidance on how a wide range of issues should be handled.
- 3.3 HR Policies provide clear guidance that reflects employment law and regulations and can help avoid involvement from employment tribunal claims.
- 3.4 Even when a policy or procedure is not specifically required by law, employers often find it helpful to have a policy in place to provide clear guidance that reflects the legal framework for handling the issue in question and it also helps employees be clear about the Council's stance on a particular subject, setting clear expectations.
- 3.5 HR Policies play a key role in supporting fairness and consistency across the Council, as well as potentially helping to protect the Council against legal claims and costly exit payments.
- 3.6 HR Policies provide general and practical advice and guidance for managers and staff on a range of employment issues and the procedures give a step-by-step account of specific arrangements that apply in particular circumstances.

4. DELEGATED AUTHORITY

4.1 Employment legislation and case law can change on a yearly or bi-annual basis. Therefore, in order to maintain a current, up to date, and working set of HR policies, expediting changes to the suite of policies is key to ensure the Council is within the legal framework.

4.2 Regular policy review and revision is an important part of procedure management which needs to be carried out on a regular basis and in line with employment law updates in April and October. The HR team now has Employment Legislation update training on this basis to ensure policies can be amended accordingly.

To ensure expedience, it was agreed that delegated authority be given to the Chief Executive to make reasonable amends in consultation with the Director of Governance & Monitoring Officer and Leader of West Oxfordshire District Council. This was approved in November 2023 (CL.115)

5. ALTERNATIVE OPTIONS

5.1 Retaining existing, outdated policies places the Council at risk of challenge.

6. CONCLUSIONS

6.1 Publica's HR team was supported by XpertHR and ACAS to develop a clean and clear set of policies that mitigate risk for the Council. This suite of policies are up to date and legally compliant.

7. FINANCIAL IMPLICATIONS

7.1 Whilst there are no financial implications arising directly from this report, it is important that the Council's HR policies are reviewed regularly to ensure they comply with relevant legislation and best practice guidance.

8. LEGAL IMPLICATIONS

8.1 Adopting up to date policies will help the Council manage employees more effectively. In addition, if subject to any legal action, will help to demonstrate that the Council has complied with the law.

9. RISK ASSESSMENT

9.1 By not updating and implementing the new suite of policies, the Council may fail to comply with new laws and regulations and leave itself exposed to costly employment law cases.

10. EQUALITIES IMPACT

10.1 Each policy has been considered to ensure compliance with the Equality Act 2010 and the Public Sector Equality Duty. These policies apply equally across the West Oxfordshire District Council workforce.

11. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

11.1 There are none arising.

12. BACKGROUND PAPERS

12.1 Nil

(END)

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Recruitment Policy

Introduction

This West Oxfordshire District Council (WODC) policy sets out our approach and the framework for consistent and fair practice covering all recruitment activities by ensuring that the most suitable individuals are appointed to any vacant positions in whatever capacity. In addition, it aims to facilitate professional, consistent and effective recruitment practice, ensuring equality of opportunity and aims to balance the need to attract candidates from outside of the organisation as well as providing opportunities for existing employees to develop their potential within the organisation.

We always aim to recruit the person who is most suited to each particular job. Qualifications, experience and skills are assessed at the level that is relevant to the job. We recruit solely on the basis of the applicant's abilities and individual merit as measured against the predetermined criteria for the job.

Scope

This Policy applies to all employees who are involved in the recruitment and selection process (recruitment to roles based on the district/general elections are however not within this scope) and sets the standards required for both internal and external recruitment. This policy also applies to Independent Persons including those appointed under the Localism Act, to Audit and Governance Committee and the Independent Remuneration Panel.

Equality, Diversity and Inclusion

We are committed to applying our Equality, Diversity and Inclusion policy at all stages of recruitment and selection. We always carry out shortlisting, interviewing and selection without regard to an applicant's sex, gender identity, sexual orientation, marital or civil partnership status, skin colour, race, nationality, ethnic or national origins, religion or belief, age, pregnancy or maternity leave or trade union membership.

We will never exclude any candidate with a disability unless it is clear that having taken into account reasonable adjustments the candidate is unable to perform a duty that is intrinsic to the role. Line managers must only ask a candidate questions about their health where this is directly necessary for a particular role and, in any event, only once they have been shortlisted.

To prevent any candidate from being disadvantaged because of a disability, the individual responsible for communicating with applicants should ask each candidate whether they require reasonable adjustments to be made. These may include ensuring easy access to the premises for an interview/adapting psychometric tests/replacing psychometric tests with an alternative option/providing an alternative to a telephone interview for a deaf candidate/providing a suitable chair for an interview with a candidate suffering from back problems/list other relevant examples.

The Recruitment Team or your HR Business Partner are always available to provide guidance on reasonable adjustments.

Disability Confident

WODC is a Disability Confident Employer and you will see this demonstrated on all of our adverts by way of the Disability Symbol.



The Disability Confident scheme supports us to make the most of the talents disabled people can bring to our workplace. Being Disability Confident is an opportunity for us to lead the way in our community and to discover skills and talents we cannot do without. It can help all our people fulfil their potential and contribute fully to our organisation's success.

If an applicant declares a disability on their Application Form and they meet the minimum essential criteria specified in the Job Specification, they will be guaranteed an interview.

Line Manager Responsibilities

Line managers are responsible for recruitment in conjunction with the Recruitment Team and their HR Business Partner. A line manager who wishes to recruit must first obtain finance approval from their Accountancy Business Partner then place a request on the Applicant Tracking System (ATS) with a justification, identifying the Recruitment Team as the only approver as they will then cascade to the relevant approval panel.

As part of the approval process you will need to attach a Job Description/Person Specification to the ATS, however the Recruitment Team will assist in writing the job advert.

Your HR Business Partner can help you with the production of the Job Description specifically in relation to Job Groups and using the correct template.

Review of the Post

It is important when an individual leaves a post, that the Line Manager questions whether it is essential to replace the vacancy. Consideration should be given as to whether or not the work can be redistributed elsewhere and think about any potential long term restructuring plans.

In addition, for short term recruitment requirements, where applicable, a suitably qualified employee may Act-up on a temporary basis. Alternatively, where a suitably qualified employee assumes specific additional responsibilities, an honorarium payment may be applicable in the circumstances. This will be calculated based on the difference in salary between their substantive and acting up role and how much time these duties will be based on. This Acting up payment will be on a monthly basis or paid in a lump sum (pro rata).

Job Descriptions and Employee Specifications

Before initiating the recruitment process, the responsible Line Manager must ensure that there is an up-to-date Job Description for the role and a clear Employee Specification which has been approved by their HR Business Partner.

The Job Description will describe the duties, responsibilities, level of seniority associated with the role and pay and benefit, while the Employee Specification will describe the type of qualifications, training, knowledge,

experience, skills, aptitudes, competencies and personal qualities required for effective performance of the job.

Job Evaluation

Job Evaluation is a systematic process of assessing the value of jobs in an organisation in order to determine the worth of individual jobs and the compensation to be paid to employees who hold those jobs. The purpose of job evaluation is to ensure that employees are paid fairly for the work they do.

All our roles, new and revised will be put through a job evaluation process (below the level of Chief Executive and including Statutory Officers for which a different scheme is applied) using the Evaluate scheme.

Please see the policy on Job Evaluation for further information.

Pay Scales

All vacancies will be evaluated by your HR Business Partner and given a job group and peer group based on the responsibilities and specialism of the role. Every vacancy will be advertised within the peer group minimum to average range. Where possible hiring managers should appoint at the minimum point of the peer group.

If an offer is above minimum point, this must be agreed in writing by the Chief Executive and a copy sent to the Recruitment Team.

Advertisement of vacancies

To ensure a fair process is carried out we ask that all internal only vacancies are advertised for a minimum of 7 days.

It is our policy that all vacancies will be placed internally and within Partner Councils and Publica Group (Support) Ltd. For clarity this will run in conjunction with the external advert (if applicable).

Line Managers should encourage existing employees to apply for vacant posts if they have the appropriate qualifications, experience and skills.

Line managers should consider and discuss with the Recruitment Team whether it is appropriate to advertise the vacancy with the Government's [Find a job service](#)/through an approved employment agency/on LinkedIn/on Twitter.

The use of Social Media in decision making

Avoid using information that's on someone's personal social media profile, for example Facebook, Twitter or Instagram, to decide whether you interview or hire them.

You might be breaking the law, particularly if either of the following points apply:

- they did not agree to you using the information in this way
- you looked at some applicants' social media profiles, but not others

Using information on jobs and business networking sites

When recruiting, you can usually use information that someone puts on a jobs website, or a business and employment social networking site such as LinkedIn.

When posting information on these sites, users will be aware that the purpose is to show their work experience and professionalism. You must still make sure that you use this information in a way that does not discriminate.

Internal Recruitment

To encourage an 'open' recruitment process all vacancies will normally be advertised internally and externally. However, there may be certain circumstances where it is felt that advertising internally only would be more appropriate. This may be where it is felt that there are appropriate skill levels already within the organisation, for succession planning reasons or for general career development opportunities.

All permanent and temporary employees who have passed a probation period will be eligible to apply for internally advertised vacancies and secondments (see below). This requirement may be waived in the event that the organisation experiences extreme skill shortages in specific areas and will be at the discretion of the Chief Executive in consultation with an HR Business Partner.

We ask that internal candidates inform their Line Managers as a matter of courtesy that they are applying for an internal role.

Secondments

Where the business area can support this, the organisation actively encourages temporary short and long term staffing needs to be advertised internally by way of an internal secondment. An internal secondment is the temporary deployment of an employee to another role for a specific purpose and period of time. Upon completion of the secondment the employee will return back to their substantive role.

A secondment allows employees to temporarily work with a different department, usually to complete a project while gaining experience. The employee benefits because they learn new skills, become familiar with a new area and expand their career options.

Ring Fencing within a Specific Service

It may be appropriate in some circumstances to ring fence a vacant post within a specific service. The decision and reasoning to ring fence will be agreed by the HR Business Partner. In these circumstances the Job Description will be emailed by the Line Manager to the ring-fenced team with an expression of interest closing date.

Please note that although this is a ring-fenced role and therefore would not be advertised in the normal way, the full approval process including ATS must be sought.

Talent Pool

It may be that whilst shortlisting you come across an application that would be a good fit for a different position within either your team or for any other area? Shortlisting decisions must be based on the information contained in the application form. The criteria for initial selection must be consistently applied to all candidates.

Talent pooling is now being undertaken with certain candidates so we can reach out to them when a more suitable job becomes available.

For example; one or more candidates that applied to your position may be suitable for an administration role or customer service rather than the previous role they had applied for.

As long as a recent campaign has been undertaken within the last 3 months you can reach previous

candidates that had applied without the need to re-advertise the role. Please speak to the Recruitment Team in this instance.

Fixed Term Contract

A Fixed Term Contract is a Contract which specifies the commencement and end of the employee's work with the organisation. In line with the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 an employee who has completed four years' continuous service under one or more successive Fixed Term Contracts will automatically acquire permanent employee status, unless the fixed term status can be objectively justified e.g. it is reliant on external funding. Your HR Business Partner will give guidance to Line Managers on usage of Fixed Term Contracts and their conclusion.

Casual Letter of Engagement (as and when Contracts)

Casual workers are distinguished from temporary employees by the fact that they have a much looser relationship with the employer where there is often no fixed working pattern and hours are considered adhoc.

Where work is of a truly casual nature there is no mutuality of obligation meaning that the workers are free to turn work down if they choose to do so and equally the organisation is under no obligation to offer work. This absence of mutual obligation means that the Casual Letter of Engagement offered to a casual worker will be a Contract for Services rather than a Contract of Employment.

Senior Appointments

Statutory roles i.e. Chief Executive, Section 151, Monitoring Officer, will continue to be managed by the Recruitment Team and Line Manager however, approval will need to be sought by the Appointments and Performance Committee.

Appointment of Relatives/Partners

In order to avoid any possible accusation of bias, employees should not be involved in an appointment nor have access to any candidate information where they are related to an applicant or have a close personal relationship outside work. If an employee is likely to become involved in appointing a relative or partner, even on a temporary Contract, the Recruitment Team should be notified immediately. In addition, applicants cannot be appointed in a post where they will be directly reporting to a relative or partner.

Candidates must declare on their application if they have any friends or relatives employed by the organisation.

Approaching any councillor or employee of the organisation directly or indirectly, in connection with a selection decision will lead to your disqualification. Discovery after the appointment may lead to dismissal.

Applications from Councillors

Under Section 116 of the Local Government Act 1972, a Councillor for this District who is currently elected cannot take up an offer of employment with the Council or Publica Group (Support) Ltd (via an Agency or directly) until one year after he/she has ceased to be a Councillor. In the event that a Councillor applies for a post, the HR Business Partner/Recruitment will contact the Councillor and explain the regulations.

Rehabilitation of Offenders Act (1974)

The Rehabilitation of Offenders Act 1974 gives people with spent convictions and cautions the right not to disclose them when applying for most jobs.

There are specific convictions that will never become spent. These can include murder, terrorism or sexual offences, and will always remain unspent convictions.

Interviews

Line Managers conducting recruitment interviews will ensure that the questions they ask job applicants are not in any way discriminatory or unnecessarily intrusive. The interview will focus on the role and the skills needed to perform it effectively.

Line Managers must make a record of every recruitment interview and send a copy to the Recruitment Team via the ATS to be retained for a suitable period of time (9 months). To ensure fairness the Line Manager should ensure that the interview panel consists of both male and female (where possible) and that the questions asked are consistent in all interviews for a particular job. On no account should any job offer be made during or at the end of an interview.

All selection assessment techniques must relate to the job requirements and be free from any bias. Assessments may include In-tray exercises, presentations, Psychometric tests, group exercises, written exercises etc. Testing is not appropriate for all vacancies regardless of grade as it may be deemed sufficient, by the panel, to establish and substantiate the candidates' suitability for a post by interview alone.

In some cases, we will hold interviews remotely. Video interviews are carried out using Zoom/Skype for Business/Microsoft Teams/other video conferencing platform. The responsible Line Manager or Recruitment should in advance provide the interviewee with details of how the interview will be conducted. They should also give the interviewee the opportunity to provide details of any reasonable adjustments that should be made or technological difficulties that they may encounter.

Offer of Employment

Once a verbal offer has been made and accepted, the Line Manager should complete an External/Internal Job Offer form which can be found on the Support pages of the Portal. This document needs to be uploaded with the ID documents and the interview notes onto the ATS before any pre-employment checks can commence.

The Line Manager is responsible for completing an ICT New User Account/User Account Amendment Form under ICT Support on the portal to arrange all necessary ICT requirements for their new starter/internal new job, such as ICT equipment and line manager self-service approval permissions.

Pre-employment Health Questions

It is potentially discriminatory, on the grounds of disability, for the selection panel to ask a job applicant health or disability-related questions before a job offer has been made with the exception of the following:

- To establish whether any reasonable adjustment needs to be made for applicants during the selection process;
- Decide whether an applicant can carry out a function essential to the job e.g. if the job entails heavy manual handling, the organisation can ask applicants whether they could manage this. Questions regarding how an impairment would affect the applicant getting into the workplace are prohibited.
- Establish whether the candidate would be able to comply with a requirement to undergo an assessment such as a selection test i.e. dyslexia or establish whether a duty to make reasonable adjustments would arise in respect of the recruitment process
- Take positive action to assist disabled people.
- Enable the organisation to take positive action
- Monitor diversity

Medicals, References, Baseline Personnel Security Standard (BPSS) and Disclosure Baring Service (DBS)

All external appointments will be subject to the organisation receiving two satisfactory references, medical clearance and where appropriate a BPSS and/or DBS clearance. Please note that references must be from current or past employers unless agreement has been given from Human Resources to the contrary.

In exceptional circumstances it may be possible to obtain only one satisfactory reference due to the difficulty of securing a second reference. The acceptance of this must be agreed by Recruitment/HR Business Partner and will only be acceptable when all attempts have been exhausted to secure two satisfactory ones.

Medical clearance for internal appointments will normally be required where the duties of the new post are substantially different to the Applicant's previous job. The Equality Act 2010 prohibits the use of pre-employment health questionnaires prior to a job offer being made.

Right to Work

We only recruit individuals with a legal right to work in the UK. All offers of employment will be subject to the candidate providing the required original documents or our organisation being able to carry out a check on the Home Office online [right to work checking service](#) confirming their right to do the work in question. To enable us to conduct an online check, the candidate must have shared their right to work details using the Home Office [prove your right to work to an employer](#) online service.

The requirement to provide evidence of the right to work in the UK applies to all new recruits, regardless of their race, nationality or ethnic or national origins.

At interview the Line Manager is responsible for ensuring that any original documents are checked, verified (true likeness), copied, signed and dated and all copies be sent to the Recruitment Team. [Guidance for recruiting managers](#)

Continuous Service

Employees joining WODC having been employed by a partner Council, Publica or have previously worked for, another local authority or other government body may be entitled to retain their previous service for the purpose of continuity of some contractual entitlements.

This will apply where the previous organisation is included within The Redundancy Payments (Continuity of Employment in Local Government etc) (Modification) Order 1999, generally referred to as the [Modification Order](#).

Resignations

The Employment Rights Act (1996) (ERA 1996) states that a week, Sunday to Saturday, in which a person has been under a contract of employment, counts as a week of work. To break continuous service there must be a gap of one complete week, Sunday to Saturday, in which the person was not employed.

Redundancy

The Modification Order also sets out how redundancy payments and continuous service should be treated when someone is made redundant. Where a person who is being made redundant and is offered a job with another Modification Order body before their last day of service AND they start that new job within four weeks (Sunday to Saturday), the redundancy effectively disappears.

This means that the person is no longer entitled to the redundancy payment (it has to be repaid) but their continuous service is retained. However, if they start the new job AFTER the four weeks (Sunday to Saturday) OR the job offer is received AFTER the last day of service, the redundancy dismissal stands, and they can keep their redundancy payment, but they lose their continuous service.

Transfer of Undertaking (Protection of Employment) TUPE

The Green Book provides that where a person is transferred out of Local Government under TUPE (and is subsequently TUPE'd following a retender exercise) and voluntarily returns to Local Government i.e. resigns to take up a job at a council, continuous service is broken.

However, if they voluntarily return to local government from the transferee (or subsequent transferees) within 5 years of the original transfer date, their service with the intervening employer(s) does count towards the calculation of holiday, occupational maternity/paternity/shared parental leave and pay and occupational sick leave and pay. For this provision there must be less than one clear week (Sunday to Saturday) between employment with the private company ending and starting at the council.

Breaks for Caring Responsibility

If they have taken a break from work to care for someone, while continuous service is broken, previous Local Government service will be aggregated if you are returning to work within eight years.

Casual Letters of Engagement

Should an employee work for WODC on a Casual Letter of Engagement and subsequently take up a permanent role, continuous service will have deemed to commence from the start date of the permanent Contract of Employment.

If you need help determining the relevant continuous service dates for a new employee, please contact HR.

Continuous service will be subject to written confirmation from previous employer/s.

Probationary Period

A probationary period of six months will apply to all new members of staff irrespective of whether they have continuous service with another Authority.

Please see the Probationary Policy and Procedure for more information.

Politically Restricted Posts

Certain posts are 'politically restricted' which means that the post holder is effectively prevented from having an active political role either inside or outside the workplace. This not only debar post holders from holding political office but also restricts them from canvassing or from speaking in public or publishing work which might give the impression that they are advocating support from a political party. The Local Government and Housing Act 1989 introduced the principle of politically restricted posts and restricting the political activities of Local Authority employees.

Please contact Human Resources for further information.

Scheme of Delegation (Joint Contract)

A Scheme of Delegation creates the authority to carry out a statutory duty, task or to make a decision on behalf of another organisation.

Please speak to Human Resources if you are unsure whether this applies.

Redeployment

Re-deployment Register

The Recruitment Team will ensure that any new vacancies are brought to the attention of members of staff who are registered on the Re-deployment Register. This will include vacancies of a temporary nature including internal secondments. Any individuals who are nearing the end of a Fixed Term Contract will also be advised. In the event that employees on the re-deployment register meet the minimum essential criteria for a particular post, the applicant will be guaranteed an interview.

Alternative Work

If you are selected for redundancy, we will continue to explore suitable alternative employment and other internal vacancies that may arise within the organisation up to your termination date. The selection of candidates for alternative work will be conducted in a fair way. If a suitable alternative role arises during your notice period, you will be informed and provided with details relating to the application process.

If you unreasonably refuse an offer of suitable alternative employment, you will lose your right to statutory redundancy pay.

If you have been given notice of redundancy during maternity leave, adoption leave or shared parental leave, we are under a statutory obligation to offer you suitable alternative work, where it exists, in preference to your colleagues who have also been selected for redundancy.

Trial Period

If an employee who is under notice of redundancy, is redeployed into another post, they will be given a trial period of four weeks. This trial period determines the employee's suitability for the job without necessarily losing the right to a redundancy payment. This period can be extended by up to 12 weeks by mutual written agreement to provide for any necessary training.

Please see the policy on Redeployment for further information.

Data Protection

We process all personal data collected during the recruitment process in accordance with our Data Protection Policy / Processing Special Category Personal Data and Criminal Records Data Policy.

We do not collect unnecessary personal data from applicants during the recruitment process. For example, we will only request bank account details and next-of-kin contact details from successful applicants. Data collected as part of the recruitment process is held securely and accessed by, and disclosed to, individuals only for the purposes of managing the recruitment exercise effectively to decide to whom to offer the job.

For more information please see the Privacy Notice <https://www.westoxon.gov.uk/support/privacy-and-data/>

Hiring Agency Workers

We will use temporary agency workers only to provide additional resources and allow for flexibility on a short-term basis from time to time. This may for example be to assist with occasional work such as one-off projects or the absence of employees due to sickness.

Where additional resources are required, the manager should submit a request to recruit via the Applicant Tracking System (ATS) for approval following input from Finance and HR. No agency worker will be hired without the appropriate written approval.

Once approval has been given to proceed, the manager must liaise and negotiate with the relevant agency to secure the best commercial rate.

We are working towards a preferred agency supplier list (PSL). Agencies on the PSL have agreed terms with us. Non-compliance by hiring managers may result in the agencies requesting penalty clauses be enacted against us if they were not made aware of roles. The agencies on the PSL are the only ones to be utilised.

Agency workers must complete and submit for approval a weekly timesheet as a record of the working hours they have undertaken. The manager has responsibility for ensuring the timesheets are accurate and completed.

Consideration needs to be given to the Agency Workers Regulations, legislation providing protection to agency workers. Please see the Agency Workers Policy and Procedure for more information.

Self-employed Contractors

Sometimes there is a business need to recruit self-employed individuals who are specialists in their field to lead or conduct one-off projects within the business. To initiate recruitment of a consultant the line manager must complete a business case to be approved by the Executive Management Board. Where an individual's services are provided via a personal services company (PSC), certain tax-related obligations will be triggered under IR35.

HMRC has a Check Employment Status Tool (CEST) at www.gov.uk/guidance/check-employment-status-for-tax to help businesses make the IR35 determination. This must be completed after the business case has been approved and the outcome emailed to HR for their records.

It is imperative that we have a sound business case for appointing consultants or using agencies as this will enable us to better manage our costs and ensuring value for money is achieved. We must be mindful that using contractors and agencies can be time consuming, expensive and put us at risk of legal challenge from non-compliance of employment law and HMRC regulations, so it is important that the above process is followed.

Employment with an associated Employer

It is important to note that if an employee accepts a redundancy payment and leaves the Council, he or she will have to wait for at least four weeks and one day before returning to another job within local government or an associated employer as defined by The Redundancy Payments (Continuity of Employment in Local Government) (Modification) Order 1999. An earlier return to a local government employer will mean that he or she will have to pay back any redundancy compensation received or lose their continuous service.

Vacancy Management / Vacancy Freeze

The Performance and Appointments Committee has the authority to put in place an immediate recruitment freeze on "non-critical" roles and agency staff.

Complaints and Disputes

Please email the Business Manager (People) for any complaints or dispute relating to any areas mentioned within this policy.

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Retirement Policy and Procedure

Introduction

West Oxfordshire District Council (WODC) prides itself on being an employer of choice. With an incredibly varied role in delivering the very best for our residents, communities and businesses, our employees are committed and really make a difference. In return we seek to support and empower our employees, to give their best.

We value our employees and are committed to providing long-term job security and managing the business in the best way possible to safeguard your employment.

This policy sets out the procedure that we will follow when an employee chooses to retire. Where an employee chooses to retire, this will amount to a resignation and the normal requirement for the employee to give notice to the employer will apply. This policy applies to all employees who are a member of the Local Government Pension Scheme (LGPS). An employee who has chosen not to contribute to the LGPS will not receive any pension benefits from the Fund under this scheme upon retirement.

We do not operate a compulsory retirement age for our employees. We recognise the contribution of a diverse workforce, including the skills and experience of older employees. We believe that employees should, wherever possible, be permitted to continue working for as long as they wish to do so.

The policy does not form part of your contract of employment, and we reserve the right to amend it at any time.

Retirement age

Employees will not be expected or required to retire at any age.

Workplace discussions

Your line manager may discuss your plans and expectations in the short, medium and long term either as part of the formal appraisal system or in separate meetings with you.

If you express an intention to retire at a particular age, your line manager may discuss with you how the transition to retirement may best be achieved. However, unless you give notice to retire, such discussions will not be binding, and you will be entitled to change your mind about the timing of your resignation.

Notice to retire voluntarily

If you wish to retire voluntarily, you must resign in writing giving at least the period of notice set out in your contract of employment.

However, we do encourage you to have early conversations with your line manager about your retirement plans as far in advance as possible to help us with our workforce planning and to ensure that you are provided with the support that you need to help you transition into your retirement.

Once you have given notice to retire, your line manager will arrange a meeting with you to discuss the arrangements for your retirement.

Succession planning

We may require your assistance and cooperation to allow for succession planning. This may include asking you to take on a mentoring role or handing over some responsibilities before your retirement takes effect.

Pension benefits

When you can start drawing from your pension will depend on the pension scheme rules. Details of your pension options and entitlements are available from Oxfordshire County Council Pensions Section. Go to www.oxfordshire.gov.uk

Under the LGPS Regulations 2013 (as amended), final salary benefits accrued to 31st March 2014 are calculated based on the WHOLE TIME equivalent final pay received in the twelve months prior to leaving on which pension contributions have been paid. This also relates to the final 12 months, or either of the two years preceding the final year, if either of these years yield a higher figure than the final year, as calculated under the 2008 Regulations. Where a member has a decrease in contractual pay/or contractual additions to their pay, then under the Regulations, outside of the final three years, a member can elect, no later than 30 days prior to the date on which they leave, for their benefits to be based on the average of any three consecutive years in the final 13 years, ending with a 31st March, if this average yields a higher figure than the final year.

You are strongly advised to consider your pension arrangements and take independent financial advice before making any decision in relation to your retirement.

Early retirement in relation to the LGPS

If an employee chooses to retire early, their pension is likely to be actuarially reduced. The Regulations require an Employer to prepare and keep under review, a written statement of its policy in relation to the exercise of its discretion under a number of provisions of the Regulations. The Statement of Policy on Discretions will detail which discretions will or will not be applied. Those employees who have a sufficient period of membership in the pension scheme may choose to receive immediate payment of pension, in accordance with the pension regulations. Any member aged 55 years plus can leave employment and claim payment of their benefits, with the relevant reductions applied, they do not need Employers consent to do this.

Early retirement will only be granted where it is in the best interests of the Council and where any one-off costs can be achieved within a three year payback period.

Employees must give Oxfordshire County Council (OCC) 3 months' notice of their wish to retire early by completing the 'Request for Early Payment of Pension' form. If OCC receive a request within 3 months' of that date, they will change the nominated payment date to 3 months' from the date they received the request.

In the event of redundancy or in the event of retirement in the efficiency of the service, employees aged 55 and over who have at least 3 months' membership of the LGPS, will receive immediate unreduced payment of their pension entitlement and redundancy compensation in accordance with the Council's Discretionary Payments Policy.

Early retirement or voluntary redundancy will only usually be considered where it is demonstrated that the one off costs can achieve a payback within 3 years and where no other alternatives are viable.

Where an employee who is a member of the LGPS has a dispute regarding their pension, they may refer this to Oxfordshire County Council's Pension Department.

Flexible retirement

We recognise that some employees may wish to phase their retirement by requesting a change to their working pattern.

A phased retirement could include working reduced hours or move to a lower grade of role. The benefit of phased retirement is that it provides you with more flexibility so that you can plan, prepare, and make a gradual adjustment from work to retirement. Flexible retirement can be considered before or after the employee attains normal retirement age. Employees can retire flexibly more than once provided the criteria are met on each occasion.

The eligibility criteria are that employees must:

- Be aged 55 or over but not have reached age 75 which is the latest age an employee can be in the LGPS
- Have three or more months' membership of the LGPS
- Have employer's consent
- Where relevant, have identified a suitable opportunity for their request

The date of the change in hours or grade is to be the same date that the employee elects for pension benefits to be paid.

The LGPS allows employees aged 55 or over to draw their pension whilst working in a reduced capacity. Additional pension benefits will accrue on the remaining hours worked. Flexible retirement is a discretionary provision, and the Council will consider requests taking into consideration the impact on service delivery and the financial strain on the pension fund. If the employee chooses the flexible retirement option before they reach age 65 the benefits may be subject to an actuarial reduction as per the LGPS Regulations. WODC will not waive all or part of the reduction and the reduction must be borne by the employee.

Restrictions

- It is expected that a flexible retirement request would be for a reduction of at least 20 % of working hours and or a reasonable reduction in grade
- An employee can request both a change of job and a reduction in hours if a suitable opportunity exists
- An agreed request to flexible retirement will be treated as a permanent change/variation to the employment contract.

Once in receipt of a flexible retirement package employees will not be able to apply for future positions if that would result in:

- The employee receiving a subsequent increase in their contractual hours above those agreed under their flexible retirement package

OR

- The employee would actually be gaining a promotion and thus the grade of the post would be above that agreed under their flexible retirement package.

Exercising discretion according to cost

Each flexible retirement application will be considered on its individual merits and will only be agreed if it is in the Council's interests to do so. An application will only be approved where there are no pension costs to the Council arising from the employee's flexible retirement and /or the flexible retirement will provide benefits to the Council such as financial savings or retention of key skills and will not result in any detriment to the level of service or sustainability of the service for the future.

Submitting a flexible retirement application

The employee will need to put in their request in writing to their line manager and include details of the grade and hours of the post they will be working in, requesting for HR to approach Oxfordshire County Council for a pension estimate and the date they wish the flexible retirement to start (a minimum of three months' is required).

Their line manager will arrange a meeting with them to discuss their request. The meeting will be arranged within 28 days of receipt of their letter and the outcome will be confirmed in writing.

Right of Appeal re a flexible retirement application

The employee has the right to one appeal which must be heard at the manager level above the decision maker and the officer must have had no previous involvement in the matter. An HR Business Partner will be present to advise the manager on the process at the appeal hearing.

If the employee chooses to appeal, they must do so in writing to the line manager who conducted the original meeting. This must be done within fourteen days of the letter informing them of the original decision. The appeal letter should set out the grounds of their appeal and be dated.

The manager conducting the appeal will write to them within fourteen days to confirm whether their request for flexible retirement has been accepted or refused.

Each employee's situation is specific to them so any possible implications for their pension should be brought to the attention of Oxfordshire County Council Pensions Department. Independent financial advice should be sought before they reach a decision.

If an employee wishes to discuss the option of flexible retirement, they should contact their HR Business Partner. Any request to change their working pattern must be made under our [policy on requesting flexible working](#). Although there is no automatic right for an employee to change their work pattern, any request for flexible working will be taken seriously and considered in a reasonable manner.

Preparation for retirement

To assist employees approaching retirement, the Council will grant leave of absence for employees to attend pre-retirement courses and will meet the course fees involved.

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Time Off Guidance

Introduction

West Oxfordshire District Council (WODC) prides itself on being an employer of choice. With an incredibly varied role in delivering the very best for our residents, communities and businesses, our employees are committed and really make a difference. In return we seek to support and empower our employees, to give their best.

We recognise the importance of helping our employees balance their work and home life. The Council offers flexible working arrangements that enable staff to balance their working life with other priorities, including parental and other caring responsibilities, life-long learning, charity work, leisure activities and other interests. In turn it recognises that staffing levels must at all times remain in line with the demands of our customers and operational requirements.

This guidance outlines the different types of leave available and the scope of each type of leave that are not covered by a relevant policy. Please read this policy in conjunction with other policies available on the portal covering time off.

Overview

| Type of Leave | What is the leave for? | Page |
|-----------------------------------|---|------|
| Emergency Leave | Leave to deal with domestic emergencies | 2 |
| Qualification Study Leave | Paid Time off for study leave / exams. | 2 |
| Time Off for Religious Observance | Principles of recognising time off for religious activity | 2 |
| Time off For Elections | Paid time off to assist Partner Councils | 2 |
| Volunteering | Paid time off to volunteer | 2 |
| Public Duties | Paid time off to attend to public duties | 2 |
| Career Break/Sabbatical | Unpaid leave to undertake a career break/sabbatical | 3 |
| Special Leave | Discretionary leave that may be paid or unpaid | 3 |

Emergency Leave

The Council recognises that employees will from time to time experience emergencies at home, such as a flood, fire or burglary. Emergency leave is intended to allow those who experience genuine domestic emergencies to take a reasonable amount of time off work to deal with the emergency. This does not apply to planned events such as domestic repairs, refurbishment, building or trades work, installation of appliances, home deliveries, etc.

In the event of a domestic emergency arising, the employee should notify their manager as soon as it is reasonably practicable (either face-to-face if the employee is at work or otherwise by telephone), explaining the nature of the emergency and how much time off work the employee thinks they will need.

Unpaid time off under emergency leave is intended to be for the employee to deal with domestic emergencies. Once the immediate emergency has been taken care of, the employee is expected to return to work or, if further time off is necessary, to arrange to take it as paid or unpaid leave, subject to the agreement of their line manager.

Qualification Study Leave

Where training is work related, each Line Manager is authorised to allow three days paid leave of absence in a leave year for the purpose of revision for examinations.

In addition, staff will be allowed paid leave of absence for the day(s) of the examination(s).

Time Off for Religious Observance

Employees whose religious duties are not covered by weekends and current statutory bank holidays may need time away from work. The Council where possible, will allow annual leave to be taken when an important religious occasion is to be celebrated provided that reasonable notice is given.

Where possible time off for prayer will be accommodated under the flexi-time scheme, this should be discussed and agreed as soon as reasonably practical.

Time Off for Elections

Subject to business need the Council employees will be given paid time off on the day of an election to assist partner councils to undertake election duties. Any other time outside of the day of the election (e.g. count postal votes, canvassing) must be taken as annual leave or flexi.

This must be agreed with your line manager in advance. Time taken will need to be recorded on Business World.

Volunteering

The Council will allow employees to take two days per annum additional paid leave for volunteering. This must be agreed with your line manager in advance. Time taken will need to be recorded on Business World.

Public Duties

Examples of public duties include Justices of the Peace, School Governors, Jury Service and Retained Fire Fighters. All employees are eligible and the amount of time off will vary according to the type of public duty. Any time off granted will be reasonable and must be agreed with the line manager. Where an allowance is claimable for loss of earnings, you must claim and repay the money to the council. Your manager can refuse to grant time off if it can be shown that it will have a detrimental effect on the Council's services. The leave is paid as long as time lost is generally made up through using holiday or flexi time.

Career Break/Sabbatical

It may be possible, subject to business needs and personal circumstances, for employees to be permitted to take a period of unpaid leave from the business. For more information please speak to your HR Business Partner and Line Manager.

Special Leave

Special leave may be agreed by Senior Management, either with or without pay. Other types of leave must be exhausted first. Employees with 12 month's service are eligible and must put the request in writing to Senior Management outlining the reasons for requesting the leave.

The Recording of Time Off

Any time off must be correctly recorded and approved within Business World. Any queries relating to this, please speak to your manager or HR Support who will be pleased to help.

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