



Senior Officer and Appointments Staffing Sub-Committee

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|---------------|--------------------------------------|
| Date: | Wednesday, 13 October 2021 |
| Time: | 1.00 p.m. |
| Venue: | Floral Pavilion, New Brighton |

Members of the public are encouraged to view the meeting via the webcast (see below), but for anyone who would like to attend in person, seating is limited therefore please contact us in advance of the meeting if you would like to reserve a seat. All those attending will be asked to wear a face covering (unless exempt) and are encouraged to take a Lateral Flow Test before attending. You should not attend if you have tested positive for Coronavirus or if you have any symptoms of Coronavirus.

Wirral Council is fully committed to equalities and our obligations under The Equality Act 2010 and Public Sector Equality Duty. If you have any adjustments that would help you attend or participate at this meeting, please let us know as soon as possible and we would be happy to facilitate where possible. Please contact committeeservices@wirral.gov.uk

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AGENDA

- 1. WELCOME AND INTRODUCTION**
- 2. APOLOGIES**
- 3. MEMBER'S CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members are asked to consider whether they have any disclosable pecuniary interest and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state the nature of the interest.

4. PUBLIC AND MEMBER QUESTIONS

4a Public Questions

Notice of question to be given in writing or by email by 12 noon, Friday 8 October 2021, to the Council's Monitoring Officer (committeeservices@wirral.gov.uk) and to be dealt with in accordance with Standing Order 10.

For more information on how your personal information will be used, please see this link:

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4b Statements and Petitions

Notice of representations to be given in writing or by email by 12 noon, Friday 8 October 2021, to the Council's Monitoring Officer (committeeservices@wirral.gov.uk) and to be dealt with in accordance with Standing Order 11.1.

Petitions may be presented to the Committee. The person presenting the petition will be allowed to address the meeting briefly (not exceeding one minute) to outline the aims of the petition. The Chair will refer the matter to another appropriate body of the Council within whose terms of reference it falls without discussion, unless a relevant item appears elsewhere on the Agenda. Please give notice of petitions to committeeservices@wirral.gov.uk in advance of the meeting.

4c Questions by Members

Questions by Members to be dealt with in accordance with Standing Orders 12.3 to 12.8.

5. APPRENTICESHIP LEVY AND STRATEGY (Pages 1 - 32)

6. EMPLOYMENT APPEALS (Pages 33 - 40)

7. ABSENCE MANAGEMENT (Pages 41 - 62)



SENIOR OFFICER AND APPOINTMENTS STAFFING SUB-COMMITTEE WEDNESDAY 13 OCTOBER 2021

| | |
|----------------------|---|
| REPORT TITLE: | APPRENTICESHIP LEVY AND STRATEGY |
| REPORT OF: | DIRECTOR OF RESOURCES |

REPORT SUMMARY

This report provides an update on the work undertaken to date and the plan to gain best value from the apprentice levy and seeks approval of the Council's apprentice strategy.

It sets out how apprenticeships support the recruitment of new staff and provides progression pathways and opportunities for existing staff to build an inclusive talented workforce to deliver the council plan.

RECOMMENDATION/S

The Senior Officer and Staffing Appointments Sub-Committee are requested to;

- a) Note the report and the work undertaken to date and the ongoing plan to gain best value from the apprentice levy to support the people strategy and council plans.
- b) Approve the Council's Apprentice Strategy and supporting action plan.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 To update the Senior Staffing and Appointments Committee on the Council's position in relation to apprentices and seeks endorsement of the approach going forward.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 There were no other options considered. It is appropriate to update the Committee on apprentice levy spend and for the Council to have an apprenticeship strategy in place.

3.0 BACKGROUND INFORMATION

- 3.1 The Apprenticeship Levy was introduced by the UK government in April 2017, for all employers paying a wage bill of more than £3 million per year. Employers that meet this criterion are now required to pay 0.5% of their payroll each month as a levy tax.
- 3.2 This levy can then be reinvested back into the workforce in the form of Apprenticeship training. Public sector employers with at least 250 employees were set a target too employ an average of 2.3% of their organisation's headcount as new apprentice starts each year between 1 April 2017 and 31 March 2021. Employers have 24 months to use their funds once they enter their apprenticeship service account, after this point, their funds will expire.
- 3.3 Since 2017 the, the entire apprenticeship landscape has changed, with new apprenticeship standards being created by employer groups and traditional frameworks becoming obsolete within England.
- 3.4 An apprentice standard contains a list of the skills, knowledge, and behaviours an apprentice will need to have learned by the end of their apprenticeship. Standards are occupation-focused; they are not qualification-led. The learning happens throughout the apprenticeship, and the apprentice is assessed at the end (known as end point assessment).
- 3.5 Apprentices need to prove that they can carry out all aspects of their job. These standards are being developed from level 2 (GCSE) up to Level 7 (Master's degree). Many of them also include valuable professional qualifications. No longer are apprenticeships for school leavers. Anyone can enrol on an apprenticeship with the support and commitment of the employer. As part of the apprenticeship employees must be provided with 20% off the job training.
- 3.6 Under the apprentice framework the employers are not permitted to spend the levy on apprentice salaries. This has a significant impact on the number of new 'entry' level apprentices we can afford to recruit.
- 3.7 Over the past three years, the council (including maintained schools where the local authority is the employer), have contributed and utilised the levy as follows:-

| | 2018/19 | 2019/20 | 2020/21 | 2021/22 to Sept |
|--|--|--|--|--|
| Levy contribution (0.5% of salary bill) £ | £744k per annum (£62k per month) | £768k per annum (£64k per month) | £804k per annum (£67k per month) | £371k to date (£74k per month) |
| Annual Levy spend £ | £324k per annum (£27k per month) | £464k per annum (£39k per month) | £343k per annum (£29k per month) | £138k to date (£23k per month) |
| Annual expired funds £ | None | None | £267k pa | £179k |
| Number/% of apprentice starts per year. Target 2.3% | 133 (1.91%) | 114 (1.16%) | 46 (0.51%) | n/a |

- 3.8 Over the past 2 years the Council's expired levy funds equate to £446k. The Council's position in relation to a proportion of funds unspent is similar to many large employers.
- 3.9 The LGA estimates the Apprenticeship Levy costs local government £207 million a year. At the outset many standards were not ready to use when the Levy was introduced. Nationally more than £1 billion of apprentice levy expired between May 2020 and Feb 2021. The number of apprenticeship starts across the country has also halved during the pandemic.
- 3.10 The Government has recently introduced changes with the aim of simplifying the transfers process, enabling employers to make strategic decisions over where their levy funds are spent. Levy-paying employers can transfer up to 25 per cent of the annual value of funds in their apprenticeship service accounts to other employers.
- 3.11 From August 2021, employers can pledge funds for transfer, and there be a new national online matching service, making it quicker and simpler for levy-payers to find employers that share their business priorities to transfer funds to. The Government has said that it does not anticipate that all employers who pay the levy will need or want to use all of the funds available to them, but they are able to do so if they wish. Funds raised by the levy are used to support the whole apprenticeship system.
- 3.12 The following table shows the number apprentice active in the past three years as at September each year:-

| Apprentice Standard Level | Number apprentices active Sep 21 | Number apprentices active Sep 20 | Number apprentices active Sep 19 |
|----------------------------------|---|---|---|
| 7 - Post Grad | 5 | 2 | 2 |
| 6 - Degree | 3 | 1 | 1 |
| 5 - 2nd year degree | 56 | 58 | 36 |
| 4 - HNC/1st year degree | 8 | 17 | 37 |
| 3 - A Levels | 16 | 31 | 61 |
| 2 - GCSE | 1 | 4 | 13 |
| Total | 89 | 113 | 150 |

- 3.13 Appendix Three provides more detail on the apprentice standards undertaken and numbers active. As a council we have invested a lot of the levy in the Leadership and Management apprentices at Levels 3 and 5.
- 3.14 In September 2019, the Council recruited a cohort of new entrant care leave Apprentices on a two year programme. From this two have gained a substantive role within the Council; two are still on the programme and two have left.
- 3.15 In September 2021, the Council has recruited a further seven Care Leaver apprentices, two of which are funded by the service. The Council will be eligible to claim the government incentive payment of £4k (normally £1k) per apprentice for this cohort. The Council are also in the process of recruiting two Traineeships as part of the Apprentice First approach.
- 3.16 Within Children's Families & Education, we have recently introduced a Social Worker degree apprenticeship as part of the long term strategy of staff retention within this role. This Degree apprenticeship will be funded by the apprenticeship levy and completed in collaboration with Liverpool John Moores University. The apprenticeship is due to start in January 2022 with a cohort of 4 staff. The selection of the cohort will be taken from our current family support workers, as they have the pre requisite experience for entry onto the qualification.

Apprentice strategy and action plan 2021-23

- 4.0 In April 2021 the Council Apprentice strategy and action plan was developed. These are attached at Appendices One and Two.
- 4.1 The overall aim of this strategy is to 'develop a diverse, ambitious, and skilled workforce to deliver the Council future plan'. Within this there are three key aims: -
- Skills for now and the future
 - Creating a diverse workforce
 - Providing equity and equality of opportunity
- 4.2 The Council will achieve this by:
- Having the ambition to identify and increase the number of apprenticeships available in the council, for existing workforce and our local people.

- A commitment to reduce inequalities; create brighter futures; develop our people for the future; and meet our statutory target.

4.3 Within the action plan there are clear themes, measures, and timescales to enable the council to deliver on the strategic vision. In 2021/22 the key focus areas are:

- Workforce planning – how we support the council to develop workforce plans, identify current and emerging skills gaps and retention concerns, put in place career pathways and opportunities, utilise the levy to support the development.
- Apprentice first approach – encourage services to appoint a trainee role to vacancies as they emerge and utilise the apprenticeship levy to support the learning and development to become competent.
- Improve understanding and use of apprenticeships with LA maintained schools.
- Utilise other government programmes, T-Levels, traineeship, internships to provide valuable work experience and gateway opportunities into employment.
- As part of our corporate parent role continue to provide opportunities for current and future care leavers to gain work experience and opportunities via apprenticeships.

4.4 We have implemented an apprentice first approach whereby each new role that is created or vacancy arising from turnover is considered for an apprenticeship if recruited to. This is not confined to entry level posts.

5.0 FINANCIAL IMPLICATIONS

5.1 The council is required to pay 0.5% levy tax per annum. If we do not use our levy funds **within** 24 months of them entering our account, they'll expire. Expired funds are used by the government to support existing apprentices to complete their training, pay for apprenticeship training for smaller employers and additional payments to support apprentices.

5.2 Over the past 2 years the Council expired levy funds equate to £446k.

5.3 Achieving our action plan targets will enable the council to maximise the use of levy funds and mitigate the amount of expired funds. This will require a whole council approach.

6.0 LEGAL IMPLICATIONS

6.1 There is a statutory requirement to ensure that the apprenticeship levy scheme is operated within the rules and regulations set out by Education, skills, and funding agency (ESFA). A local internal audit will take place this year to ensure that the council processes comply.

7.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

7.1 To achieve the Council apprentice strategy and action plan and maximise the spend of the apprentice levy requires dedicated support within the OD/Learning and Inclusion teams. It should also be noted all apprentices require 20% off the job learning to enable them to complete an apprenticeship as well as ongoing coaching and support from their manager. This should be factored into the business case by services.

8.0 RELEVANT RISKS

8.1 A failure to support the Apprentice strategy and action plan would lead to increasing levels of expired funds. More importantly it would lead to a future workforce skills gap, retention issues of key skills and talents and potential increase in recruitment costs and salaries to compete in the marketplace.

9.0 ENGAGEMENT/CONSULTATION

9.1 The strategy and action plan has been shared with the joint Trade Union. CMT and Directorate management teams have been consulted and been made aware of the future plan.

10.0 EQUALITY IMPLICATIONS

10.1 The stated aims of the Apprentice Strategy appended to the report is to create a diverse workforce and to provide equity and equality of opportunity. The Council also has an ageing workforce and implementation of a successful apprenticeship strategy is one of the ways to help address that.

11.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

11.1 The content and recommendations contained within this report are expected to have no impact on emissions of greenhouse gases or environmental implications.

12.0 COMMUNITY WEALTH IMPLICATIONS

12.1 There are no community wealth implications.

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APPENDICES

| | |
|----------------|-----------------------------------|
| Appendix One | Apprentice strategy |
| Appendix Two | Action plan 2021-2023 |
| Appendix Three | Apprenticeships by Apprenticeship |

BACKGROUND PAPERS

The Finance Act 2016

[Apprenticeship funding in England from April 2019 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

SUBJECT HISTORY (last 3 years)

| Council Meeting | Date |
|--|-------------|
| Business and Overview Scrutiny Committee | 23/01/20 |
| Cabinet | 26/11/18 |

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APPRENTICESHIP STRATEGY

2021-2023

DEVELOPING A DIVERSE, AMBITIOUS AND
SKILLED WORKFORCE TO DELIVER FOR THE
FUTURE OF OUR BOROUGH

THE STRATEGY

Strategic Aims

1. Skills for now and the future
2. Diversity
3. Equity

Our Commitment:

- Reduce Inequalities
- Increasing diversity
- Create brighter futures
- Develop our people for the future
- Meet our statutory target

AS IS

No guaranteed role at the end of Apprenticeship

Not strategically aligned

No defined career pathway but permanent roles secured in most cases

Concentrated at lower pay grade

FUTURE



Career pathways embedded in the organisation

Strategically aligned

Enhanced support for care leavers

Increased diversity in the workforce

Improve retention of talent

SKILLS FOR NOW AND THE FUTURE



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We will develop our people, through effective talent management, so our workers are skilled to deliver our strategic objectives, on behalf of the communities we serve

We will create career pathways to grow the skills we need for the **future**

What we will do

Meet our statutory target for new apprenticeships

Grow number of apprenticeships

Map and create career pathways aligned to skills we need now and in the future

DIVERSITY



We will increase the diversity of our workforce to reflect and best serve the diverse needs of our community.

What we will do

Attraction strategy to attract more diverse talent pool

Create an inclusive culture

Retain diverse talent within the workforce

EQUITY

We will open doors to under-represented groups, providing employment opportunities to people from all walks of life, specifically targeted to reduce inequalities

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What we will do

Develop pathways and enhanced support for care leavers

Provide opportunities for our local people

Ensure equal opportunity for all considering positive action as appropriate



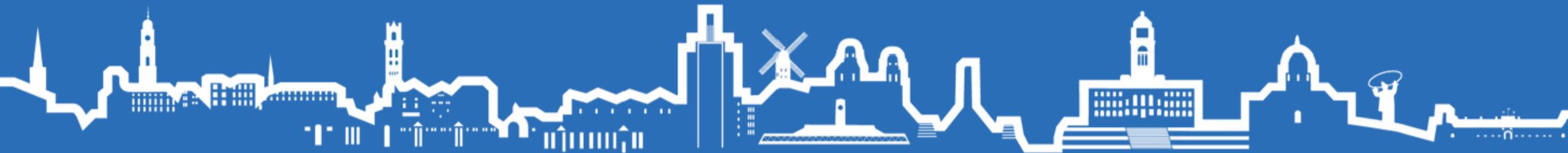
APPRENTICESHIP FIRST APPROACH

HOW

- Where possible convert vacancies to apprenticeships
- Levels 3-7
- Salary approach 80% of substantive role
- Traineeships
- Once completed, trainee will be converted to substantive role

BENEFITS

- Competitive salary
- Creates opportunities for all
- Opportunity to learn on the job
- Create employment opportunities
- Wirral as an employer of choice



PAY APPROACH

Traineeship Pay

Trainee paid 80% of
the roles substantive salary
or Living wage
whichever is highest



Mid way point

Performance Review
Pay increase to 90%

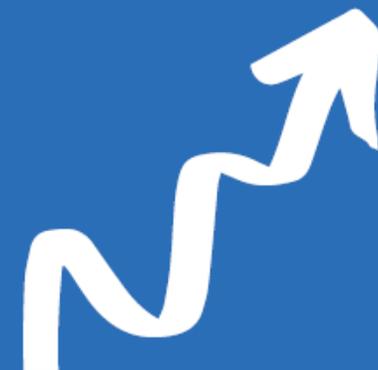


Completion of traineeship

Confirmed in post
Moves to posts substantive salary



FORWARD PLAN



Year 1 (2021-2022)

Commence phased approach to apprenticeship first recruitment

Workforce Planning

Create career pathways

Year 2 (2022-2023)

Build on our new apprenticeship pathways linked to critical skill gaps

Evaluation of year 1 to continually develop and inform our offer

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Wirral Council Apprenticeship Strategy Action Plan 2021-2023

**Developing a diverse, ambitious, and skilled workforce to deliver for our
future #BeTheDifference**

This action plan sets out in more detail what our approach will be in relation to the three core areas of the strategy; Skills for now and the Future; Diversity and Equity.

| Strategic Aim | What will we do | Measure of Success | Year |
|--------------------------------------|--|--|------|
| Skills for now and the Future | | | |
| Levy | Grow the number of apprenticeships and quality of apprenticeships, making effective use of the apprenticeship levy. | Increased use of the Apprenticeship Levy – 10% of all new starters by 2022 | 2 |
| | | Meet our statutory target of 2.3% new apprenticeships set by the Government. | 1 |
| | | Track the number of apprenticeship qualifications gained and offered across the council aiming for 100% coverage | 2 |
| Workforce Plans | Develop workforce plans for all services with each Head of Service / AD / Director. Map and create career pathways, using workforce data, aligned to apprenticeship | Each directorate will have a career pathway by 2022. | 1 |
| | | New entry routes into professions | 1 |

| | | | | |
|---|---|--|---------------|--|
| | standards. | Increased range of apprenticeship standards accessed across the business | 1 | |
| Retention & Satisfaction | Increase the number of new apprentices moving into a job role within the Council from 75% to 80% and evaluate the impact on career progression Introduce alumni network. | 80% retention rate by April 2023 | 3 | |
| | | Increased representation of apprenticeship alumni progressing into mid and senior management levels by April 2024. | Beyond year 3 | |
| | | Increased engagement levels of managers and participants regarding their apprenticeship experiences | | |
| Apprenticeship first approach to recruitment | Identifying opportunities to appoint apprenticeships to service areas with hard to fill roles and skills shortages | All vacancies will be required to have a business case not to use apprenticeships. | 1 | |

| | | | | |
|----------------|--|---|---|--|
| | | Increased number of apprentices recruited by 10% | 2 | |
| | | Decrease rates of failed recruitment | 2 | |
| Schools | <p>Work with schools to maximise their return on investment with levy.</p> <p>Build relationships with schools' team and raise profiles of route into employment via apprenticeships</p> | Effective use of apprenticeship strategy to meet skills gaps and future workforce needs within schools. | 1 | |

| | | | | |
|-------------------------------|---|--|---|--|
| | | Increased take of up of apprenticeship levy aligned to school workforce plans | 2 | |
| Management Development | <p>We will use apprenticeship standards as a tool to develop our people, in particular:</p> <ul style="list-style-type: none"> - Targeting skills shortages - Enhancing our management development / Leadership Skills offer - Develop current and future critical skills - Build capability - Retrain | Clear management development offer in place | 2 | |
| | | Increased understanding of apprenticeships and standards across organisation | 1 | |
| | | Managers are skilled and confident leaders | 2 | |
| | | Direct correlation between learning needs analysis, business need and apprenticeship enrolment | 2 | |

| | | | |
|--------------------|--|---|---|
| Talent Pool | Establish talent pool to make effective use of 20% protected time. | Profile of talent within organisation raised | |
| | | Talent have increased exposure to corporate initiatives, high profile CEX, SLT and CMT access | 2 |
| | | Senior Managers stating skills gap has closed | 3 |
| Diversity | | | |

| | | | | |
|--|--|--|----------------|--|
| <p>Under-represented groups</p> | <p>Work with Children’s Services and other internal and external partner agencies and organisations to target under-represented groups.</p> <p>Contribute to the narrowing of skills gaps between the most affluent wards and the most deprived wards</p> <p>For unsuccessful candidates, establish an approach to offer support via existing partnerships</p> <p>Monitor diversity and inclusivity of apprenticeships from 1st October 2021</p> | <ul style="list-style-type: none"> • Corporate parenting responsibility fulfilled in offering sustainable employment opportunities for all under-represented groups • Increased participation on programme of those from disadvantaged groups and those who face the most challenges to accessing employment. • Increased inclusion • Increased diversity • Repeated applications <p>Effective workforce planning to make roles accessible to people from all backgrounds to progress their future at Wirral Council.</p> | <p>Ongoing</p> | |
|--|--|--|----------------|--|

| | | | | |
|--|--|--|--|--|
| | | Increase in diversity of workforce, in particular BAME | | |
|--|--|--|--|--|

| | | | | |
|---------------------|---|--|---|--|
| Age | Providing career opportunities to younger people | Increase in younger age group entering management roles | 3 | |
| | | Increase in younger age group within the whole workforce | 2 | |
| Equity | | | | |
| Care Leavers | Carry out a full evaluation of care leavers experience on Wirral Apprenticeship programme Develop pathways and enhanced support for care | Increased representation of groups in workforce | 1 | |
| | | Care leavers increased success rates in achieving apprenticeships by 20% | 3 | |

| | | | | |
|--|---|---|-------------------|--|
| | leavers to participate in Wirral Council apprenticeship programme | Improve outcomes for futures | 3 | |
| | Positive action – Work with care leavers to provide skills and confidence to apply for apprenticeships. | Increased number of care leavers enrolling onto the Graduate programme | 3 | |
| Local People | Providing opportunities for our local people | Increased proportion of participants in full employment after completion of an apprenticeship | 3 | |
| Local Businesses – this is our ambition | Support local businesses by donating a percentage (25%) * of levy funding *This will be costed further once we understand how many apprentices, we aim to recruit in year 1. | Successful businesses that were at risk of closing Increase in jobs across the borough Decrease in claimants Decrease in poor mental health Fewer children in poverty | Revisit in year 2 | |

Appendix 3 - Number of apprentices, by apprentice standard at Sept 2019, 2020, and 2021.

| Standard | Apprentice standard Level | Number apprentices active Sep 21 | Number apprentices active Sep 20 | Number apprentices active Sep 19 |
|---|----------------------------------|---|---|---|
| Accountancy or taxation professional | 7 | 1 | 2 | 2 |
| Associate project manager | 4 | 1 | 7 | 19 |
| Business administrator | 2 | 0 | 0 | 7 |
| Business administrator | 3 | 1 | 1 | 6 |
| Business and Professional Administration | 4 | 0 | 0 | 8 |
| Chartered manager degree apprenticeship | 6 | 0 | 1 | 1 |
| Children young people and families practitioner | 4 | 5 | 3 | 0 |
| Children and Young People's Workforce | 3 | 0 | 0 | 1 |
| Children and Young People's Workforce | 2 | 0 | 0 | 1 |
| Coaching professional | 5 | 29 | 0 | 0 |
| Commercial Procurement and Supply | 4 | 0 | 4 | 5 |
| Construction Technical and Professional | 3 | 0 | 0 | 4 |
| Customer service practitioner | 2 | 0 | 2 | 2 |
| Data analyst | 4 | 0 | 0 | 1 |
| Digital marketer | 3 | 0 | 0 | 1 |
| Horticulture or landscape operative | 2 | 1 | 1 | 1 |
| HR Consultant / Partner | 5 | 0 | 0 | 3 |
| IT Software Web and Telecoms Professionals | 3 | 0 | 0 | 1 |
| Management | 3 | 0 | 0 | 2 |
| Marketing | 2 | 0 | 0 | 1 |
| Operations or departmental manager | 5 | 27 | 57 | 33 |
| Paralegal | 3 | 0 | 1 | 2 |
| Print and Printed Packaging | 2 | 0 | 1 | 1 |
| Payroll administrator | 3 | 2 | 0 | 0 |
| Print and Printed Packaging | 3 | 0 | 0 | 1 |
| Professional accounting / taxation technician | 4 | 0 | 0 | 1 |
| Public Relations Assistant | 4 | 0 | 0 | 1 |
| Public health practitioner (integrated degree) | 6 | 2 | 0 | 0 |
| Safety Health and Environment Technician | 3 | 0 | 1 | 0 |
| Software Development Technician | 3 | 0 | 0 | 1 |
| School business professional | 4 | 2 | 3 | 2 |
| Senior leader | 7 | 4 | 0 | 0 |
| Teacher | 6 | 1 | 0 | 0 |
| Teaching assistant | 3 | 8 | 6 | 10 |
| Team leader or supervisor | 3 | 5 | 23 | 32 |
| Total on programme at date | | 89 | 113 | 150 |

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SENIOR OFFICER AND APPOINTMENTS STAFFING SUB-COMMITTEE

13 OCTOBER 2021

| | |
|----------------------|------------------------------|
| REPORT TITLE: | EMPLOYMENT APPEALS |
| REPORT OF: | DIRECTOR OF RESOURCES |

REPORT SUMMARY

This report sets out details of a request from one of the Council’s recognised trade unions, UNISON, to make changes to the arrangements currently in place for employment appeals.

RECOMMENDATION/S

The Senior Officer and Appointments Staffing Sub-Committee is recommended to:

- (1) Note the request from UNISON to amend the procedure for concerning an employee’s exercise of appeal against dismissal, attached as Appendix 1.
- (2) Consider whether the Council’s procedures for an Appeals Panel considering an appeal against dismissal by an employee should:
 - (a) retain the existing procedure of a decision made by a Director or Assistant Director in consultation with two senior officers;
 - (b) adopt an alternative procedure of a decision made by a Director or Assistant Director in consultation with two elected Members of the Council (as requested by UNISON);
 - (c) adopt an alternative procedure of a decision made by a formal Sub-Committee of elected Members the Council; or
 - (d) adopt an alternative permitted form.
- (3) Authorise that the Assistant Director of Human Resources and Organisational Development to draw up amended disciplinary, capability and related procedures (including redundancy), which may include requesting this Sub-Committee to approve those changes if the Asst Director HR/OD considers it appropriate to do so, prior to the implementation of any change to Appeals Panels considered necessary (at (2) above).

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 UNISON have written to the Assistant Director of Human Resources and Organisational Development to requesting a change to employee Appeals against dismissal so that elected members are involved in the application on that sanction.
- 1.2 The Council's Constitution currently provides for alternative procedures to be adopted concerning an employee's right of appeal in respect of disciplinary action resulting in dismissal.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The Sub-Committee may choose to adopt ACAS compliant procedures for appeals against dismissal that provide for a hearing in person that:
 - (a) retain the existing procedure of a decision made by a Director or Assistant in consultation with two senior officers;
 - (b) adopt an alternative procedure of a decision made by a Director or Assistant in consultation with two elected Members of the Council (as requested);
 - (c) adopt an alternative procedure of a decision made by a formal Sub-Committee of elected Members the Council; or
 - (d) adopt an alternative permitted form

3.0 BACKGROUND INFORMATION

- 3.1 On 28 January 2013 Council resolved that delegated authority be granted to the Head of Paid Service to make appropriate arrangements for conducting appeals in connection with grading, grievances, disciplinary action against or dismissal of employees (including redundancy). This was objected to at the time by the unions.
- 3.2 The subsequent Appeals policy and procedure operated by the Council involves a process whereby all dismissals relating to conduct, sickness and capability are heard by a panel of three officers – usually chaired by a Director as decision maker and two other senior officers (Director, Asst Director or Head of Service), with officers from Legal Services and HR in attendance to offer advice and support.
- 3.3 Any appeals against dismissal on the grounds of redundancy are heard by a single Director or Assistant Director with HR and Legal advice and support.
- 3.4 UNISON have now written to the Assistant Director of Human Resources and Organisational Development to requesting a change to the procedure for exercising the right to appeal against dismissal. This is attached as Appendix 1.
- 3.5 The request by UNISON is that Appeals by employees against dismissal for reasons of conduct, capability (absence and performance) and some other substantial reason

(SOSR) will be considered by an Appeals Panel made up of an officer assisted by two elected Members.

- 3.6 The law as it applies to local authorities and the Council's Constitution allows for decisions of this kind to be heard by either a Committee or Sub-Committee of the Council or by an officer. In this requested form the hearing would not constitute a formal committee of the Council but be a panel chaired by a nominated Director as the decision maker together with two elected Members as formal consultees. The Panel would, as now, be attended by officers from Legal Services and HR to offer advice and support.
- 3.7 The UNISON request argues that involving elected members in the application on that sanction of dismissal would provide appellants with some reassurance and increase the appearance of fairness whilst the retention of a Director as Chair allows for someone with a good knowledge of Council procedures and practices to be responsible for ensuring the appeal is heard according to procedure.
- 3.8 The counter-argument is that the current arrangements for appeals work well. There is no evidence that the current appeals procedures is unfair or detrimental to employees. The range of outcomes from officer appeals has been similar to that of the previous appeal arrangements of an elected Members panel prior to 2013.
- 3.9 The UNISON request is explicit in that they are not suggesting hearings are not currently fair, but they believe their proposal would increase the appearance of fairness. The mixture of an officer as the decision maker and elected members as consultee 'wing members' would, however, have to be well understood by all present so as not to cause confusion or conflict.
- 3.10 The operation of a fair appeals processes is a requirement of employment law and a critical stage in managing the risks to the Council of potential claims to an Employment Tribunal. It is the final stage of the internal process which seeks to ensure that any decisions that have been taken in relation to an individual's employment are reasonable, procedurally fair and the processes of natural justice have been applied.
- 3.11 The Council appeal process is not simply a review of whether decision taken at the previous stage was reasonable based on the evidence available but can serve as a re-hearing of the case, including examination of witnesses and review of evidence. In doing so it can serve to rectify any procedural or other defects that may exist in the management of the case itself.
- 3.12 An employee has a right to make claims to an Employment Tribunal (providing certain qualifying criteria are met) if they believe that the Council has acted unfairly in dismissing them or if for example, they are alleging discrimination or breach of contract.
- 3.13 In the event of an Employment Tribunal, it would generally be the case that the Chair of the Appeals Panel is called, as may the other Panel members, to give evidence and explain their decision and actions as the employing Council. They can be called by either the Council or appellant and, on service of a witness order or as an instruction from their employer, may be legally obliged to attend.

- 3.14 Subject to the Committee's decision in relation to Member involvement in employment appeals, it would be proposed that there would be a cross party 'bank' of elected Members required to serve on the panels. There would be training on the Council's policies and procedures and some employment law training required for any Member involvement in panels. The extent of this would vary based on the model of panel adopted.
- 3.15 For these reasons, any decision by the Sub-Committee to request a change to the Council's procedures should provide for further consideration around the implications and details of an amended procedure, either as delegated authority or a request to be considered further by the Sub-Committee.
- 3.16 Appeals against dismissal are relatively infrequent averaging only two or three a year. However, they may involve a one or two-day hearing depending on the nature of the issues involved so there is a time commitment required.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no direct cost implications.

5.0 LEGAL IMPLICATIONS

- 5.1 Mandatory standing orders as contained in the Officer Employment Procedure Rules at Part 4(7) of the Council's Constitution require that Members may only be involved in the appointment or dismissal of Chief Officers and Deputy Chief Officers, with the exception of appeals.

- 5.2 In relation to this request, the Employment Procedure Rules currently provide that:
- "the Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to Members in respect of disciplinary action resulting in dismissal only."

The changes requested, or some other form of procedural change, may therefore be adopted without any Constitutional change being approved by full Council.

- 5.3 Awards at Employment Tribunal may be made against an employer but in some circumstances may also be made against any individual decision maker who the Tribunal considers has offended employment law principles and caused harm, such as in cases of direct discrimination. Such an award against an officer or Member involved in the Council's decision may be made jointly and severally with the Council or against them individually. In that particular circumstance, any indemnity that may be claimed against the Council or its insurers by the officer or Member concerned will be invalid and they must bear those costs personally.
- 5.4 The Council has a responsibility to ensure that officers or Members involved in the appeals process have adequate and appropriate training in policies, procedures and relevant employment law as well as access to appropriate professional advice.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 Subject to any decision taken in relation to Member involvement in the appeals process, there will potentially be some additional workload for Democratic Services to organise and service appeal panels when required.

7.0 RELEVANT RISKS

7.1 It may be necessary for the chair of the Appeal Panel, or other Panel members if required, to be present and give evidence as to their decisions in respect of any future employment tribunal claims made against the Council.

8.0 ENGAGEMENT/CONSULTATION

8.1 The Trade Unions have initiated the request for a change to the employment appeals procedure and are aware that this matter would be considered by this Committee.

9.0 EQUALITY IMPLICATIONS

9.1 Wirral Council has a legal requirement to make sure its policies and the way it carries out its work, is not discriminatory. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.

9.2 An equality impact assessment is not required for this proposal.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are no environmental or climate implications arising from this report.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 There are no community wealth implications arising from the report.

REPORT AUTHOR: **Tony Williams**
Assistant Director HR/OD
telephone:
email: tonywilliams@wirral.gov.uk

APPENDICES

Appendix One Letter from UNISON dated 24 September 2021

BACKGROUND PAPERS

ACAS Codes of Practice

SUBJECT HISTORY (last 3 years)

| Council Meeting | Date |
|------------------------|-------------|
| | |

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WIRRAL BRANCH
Striving for Equality

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24 September 2021

Tony Williams
Assistant Director
HR & OD

Dear Tony

I am writing to you to formally request a change to the Employment Appeals Process.

This request follows previous discussion in JCC and other meetings.

We are specifically requesting a change to Appeals against dismissal, that is "Appeals by employees against dismissal for reasons of conduct, capability (absence and performance) and some other substantial reason (SOSR) will be considered by a panel compromising at all times.". The change that we are seeking is to the makeup of the Appeals Panel.

Currently the Panel consists of 3 Officers of the Council with the Chair being at Chief Officer Level.

It is Unison's view that as a Council headed by directly elected members it is appropriate that there is member involvement in this Panel. In many aspects the working life of employees is impacted by the decisions taken by Councillors. The Termination of employment is the ultimate sanction that can be applied to an employee of the Council. On that basis Unison contends that in the interests of fairness transparency and accountability that elected members be involved in the application on that sanction. It will also provide appellants with some reassurance that the process is fair; to be clear I am not suggesting hearings are not currently fair, but that this measure will increase the appearance of fairness.

We therefore suggest a reasonable approach is for elected members to sit on the Appeals Panel in these situations. We would propose that the Chair of the Panel remains as a Director of the Council, whilst the two wing members are Councillors. This provides the opportunity for political balance if required, with one Councillor from the largest party and one from the other parties. The retention of a Director as Chair allows for someone with a good knowledge of Council procedures and practices to be responsible for ensuring the appeal is heard according to procedure.

Yours sincerely

David Jones
Branch Secretary

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SENIOR OFFICER AND APPOINTMENTS STAFFING SUB-COMMITTEE

13 OCTOBER 2021

| | |
|----------------------|------------------------------|
| REPORT TITLE: | ABSENCE MANAGEMENT |
| REPORT OF: | DIRECTOR OF RESOURCES |

1.0 REPORT SUMMARY

1.1 This report provides the Senior Officer and Staffing Appointments Sub-Committee with update on sickness absence in the organisation with a focus on mental health and the impact of the Covid 19 pandemic, and how this is being managed and monitored.

2.0 RECOMMENDATION/S

2.1 The Senior Officer and Staffing Appointments Sub-Committee note the current position in relation to employee absence within the Council and the work being undertaken to address this.

3.0 REASON/S FOR RECOMMENDATION/S

3.1 To ensure that members of the Senior Officer and Staffing Appointments Sub-Committee are updated on the current position in relation to absence levels and the Council's approach to the management of absence.

4.0 OTHER OPTIONS CONSIDERED

4.1 There were no other options considered. This is a regular update to elected members on sickness absence levels and the management approach to those.

5.0 BACKGROUND INFORMATION

5.1 Please see attached report.

6.0 FINANCIAL IMPLICATIONS

6.1 Please see attached report.

7.0 LEGAL IMPLICATIONS

7.1 The Council manages employee absence in accordance with policy and procedures and relevant employment law.

8.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

8.1 There are no implications in this report. However, as outlined in the study attached, absence has an impact on staffing particularly where cover is required to maintain service delivery.

9.0 RELEVANT RISKS

9.1 There is risk to service delivery arising from employee absence and risks for individuals in relation to mental health and wellbeing if the appropriate support is not in place to support them.

10.0 ENGAGEMENT/CONSULTATION

10.1 None required.

11.0 EQUALITY IMPLICATIONS

11.1 There are no direct equality implications arising from the report. The Council manages absence included mental health and stress related absence, in accordance with its legal obligations and the Equality Act 2010.

12.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

12.1 There are no environmental or climate implications arising from the report.

13.0 COMMUNITY WEALTH IMPLICATIONS

13.1 There are no community wealth implications.

REPORT AUTHOR: Tony Williams
Assistant Director Human Resources and Organisational
Development

email: tonywilliams@wirral.gov.uk

APPENDICES

1) Absence Management Report

BACKGROUND PAPERS

Chartered Institute of Professional Development Annual Survey:

<https://www.cipd.co.uk/knowledge/culture/well-being/health-well-being-work>

SUBJECT HISTORY (last 3 years)

| Council Meeting | Date |
|--|--------------|
| Employment and Appointments Committee | 6 March 2018 |
| Business Overview and Scrutiny Committee | 5 March 2019 |

REPORT SUMMARY

This report provides a study of absence levels in the organisation, a summary of how absence is being monitored and managed and the next steps in trying to reduce levels of sickness absence in the organisation.

It has been produced in the context of the COVID-19 pandemic and considers the impact this has had on absence in the workplace with a focus on mental health absence.

Managing sickness absence is a top priority for the Council. This is important in relation to our duty of care to our workforce, as an employer but also important in terms of finances and productivity: high absence levels affect the performance of services, they cost more to deliver and ultimately it is Wirral residents who are impacted.

The Council has well developed management information and data on sickness absence. This has provided a strong evidence base for the work we have undertaken.

The key 'headlines' from the report as are as follows:

- The Council's workforce is 3,407 with 2,784 'full time equivalent' posts.
- Absence levels have fallen since the start of the COVID-19 pandemic. The average days lost to sickness in 2019/20 was 11.6 days per FTE and in 2020/21, 8.98 days per FTE. Absence levels are projected at 10.9 days for 2021/22.
- The loss is attributable to large front-line services closing for significant periods of 2019/20 and the numbers of staff working at home.
- Around 1,900 staff worked at home consistently since March 2020. The absence level for that staff group was 8.96 (average lost days) in 2020/21 compared to 10.96 in 2019/20 when they were office or workplace based.
- Covid accounted for 27% of all absence in 2020/21 with the Council losing around 3,200 FTE days.
- A total of 316 employees were reported as being off work with covid or covid symptoms in 20/21
- In 2019/20, 23% of all workplace absence was related to mental health issues. In 2020/21 28% of all workplace absence was related to mental health issues.
- As is the case across other sectors, the level of mental Health absence has been a long-standing issue as a consistently high contributor to sickness absence. There is no strong evidence at this stage that the pandemic has had a major impact on that for the Council.

- Due to the nature of mental health illness absences are often longer-term than other types of sickness, with 38% of the total days lost in 2020/21 due to staff absence being mental health related.
- Feedback from four staff surveys undertaken periodically in relation to how staff were feeling about work and their wellbeing has been positive throughout the period of the pandemic.

1.0 BACKGROUND

- 1.1 In March 2020, as part of the Government's response to the covid 19 pandemic, Council employees were asked to work from home.
- 1.2 The subsequent 18 months have been unprecedented in terms of the challenges faced by the workforce in delivering the Council's response at each phase of the crisis. At the same time, staff have also had to face with their own health concerns and anxieties relating to covid, managing caring responsibilities and for many a whole of individual, personal and family issues during this period. Periods of school closures or children being sent home to self isolate also placed significant pressures on staff. We have made specific arrangements for staff who are clinically extremely vulnerable or have other underlying health conditions.
- 1.3 Whilst some services closed and office based staff worked at home, lots of front-line Council services have continued to work throughout. This has been a stressful and anxious experience, working within changing covid safe requirements, guidelines and risk assessments, wearing PPE and following other measures to reduce the risks of infection.
- 1.4 Whilst the move to working at home has been very successful, it is acknowledged that some staff have struggled with it. We all have different needs in relation to the social interaction that work provides. Personal and home circumstances vary and we know that some of our staff felt very isolated at home and it was not a model of working they enjoyed. The Council has made office accommodation available for staff who needed it throughout the pandemic in exceptional circumstances.
- 1.5 We also took a very pragmatic and measured approach to the application of the absence policy and breaching of triggers – effectively suspending the policy for a period of time. In light of the various guidance that has been issued in relation to covid, covid symptoms and the overwhelming priority to manage risk and health of the workforce, we did not want to create any situation where employees felt that had to come into work if they were unwell.
- 1.5 There is currently a lot of discussion, research and commentary about the impact that the pandemic on people together with the dramatic and permanent changes to working life may be having on mental health.
- 1.6 This report has been produced in the context of a difficult 18 months but is important to understand as far as possible about the health and wellbeing of our workforce.

2.0 ABSENCE LEVELS

- 2.1 The Council absence figures are shown in Figure 1.

- 2.2 In 2019/20 staff sickness absence reached the highest level since 2015/16 when 11.56 days per Full Time Equivalent (FTE) staff member were lost due to sickness.
- 2.3 In 2020/21 sickness declined to 8.98 days per FTE. The projections for 2021/22 indicates a slight increase to 10.9 days per FTE. It is important to note that this is only a projected figure, but we have seen an increase.
- 2.4 During this period, procedures for recording and collecting sickness data have improved significantly which has the impact of increasing the accuracy of absence recorded.

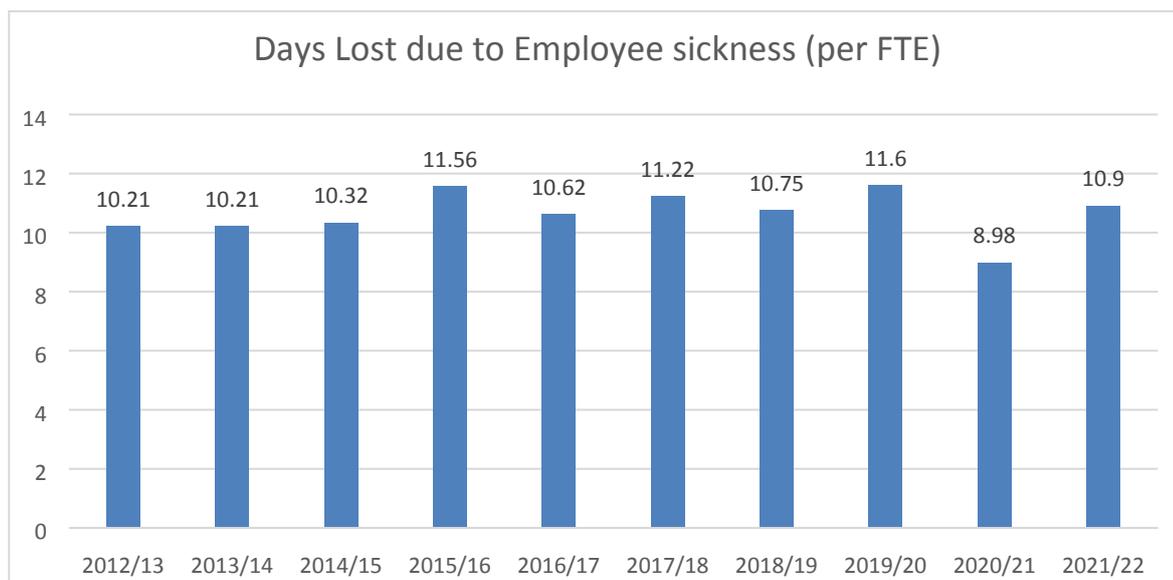


Figure 1: Days Lost due to Employee Sickness. **Source:** Wirral Council HR Selfserve System. 20/21 figures correct at 31/07/21.

- 2.5 There is much discussion currently in HR professional circles as to the impact homeworking (and a move to hybrid working) has on sickness levels with a commonly held view that it can reduce levels of absence, particularly short-term absence.
- 2.6 Around 1,900 Council staff have regularly worked at home full time during the pandemic. The evidence in the short term is that absence for this specific group of staff reduced by nearly two days to 8.96 days in 2020/21 compared to 10.96 in 2019/20 when the same group were office or workplace based. However, the projection for this year is 9.48 days.
- 2.7 Whilst it's still early, it provides some support to the view that staff who are homeworkers are likely to be absent less. The reasons cited for this are that homeworkers remain in work when they may not otherwise feel well enough to do so as they are not required to commute, don't have the same concerns about infecting colleagues and have greater autonomy over shaping their working day if unwell than if they were office based.
- 2.8 Absence levels in the rest of the organisation (non-homeworkers) also fell from an average of 14.29 lost days in 2019/20 to 9.87 in 2020/21. Again, this is a significant drop but can be attributed mainly due to a number of large service areas being closed during various lockdown or periods of restrictions. This included Leisure, Parks and Environment, Floral

Pavilion Libraries, Transport, School Crossing) including a period of time where many staff were unable to work at all.

Reasons for absence

2.9 Figure 2 shows that in the 12 months up to 2019/20 Ear Nose and Throat was the top reason for absence with 2,727 lost FTE days. However, although Mental Health is the second top reason for absence the lost FTE days are 16,312. This confirms the long-held position that where staff are absent from work with mental health related absence – their absence is invariably long-term.

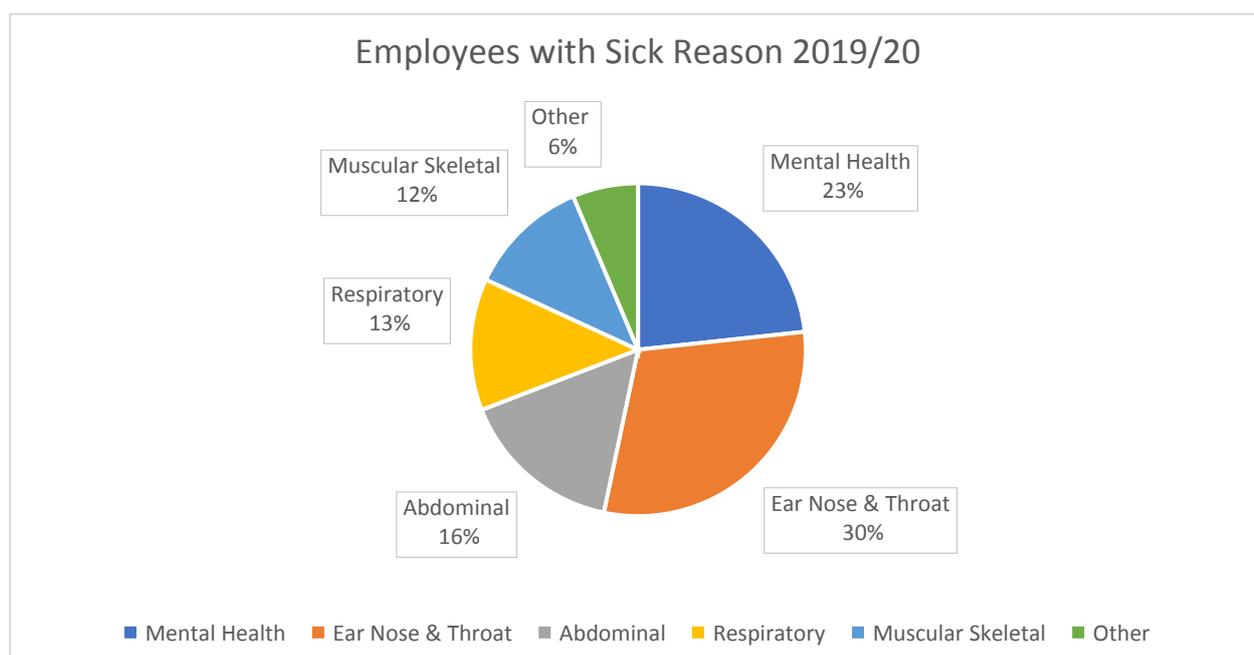


Figure 2 Of all staff with absence between April 2019 – March 2021, the percentage of employees by reason for sickness. **Source:** Wirral HR Selfserve System.

2.10 Figure 3 shows that in 2020/21 Mental Health was the top reason for absence with 13,730 lost FTE days. The next highest absence reason was due to COVID-19 with lost FTE days 3,201.

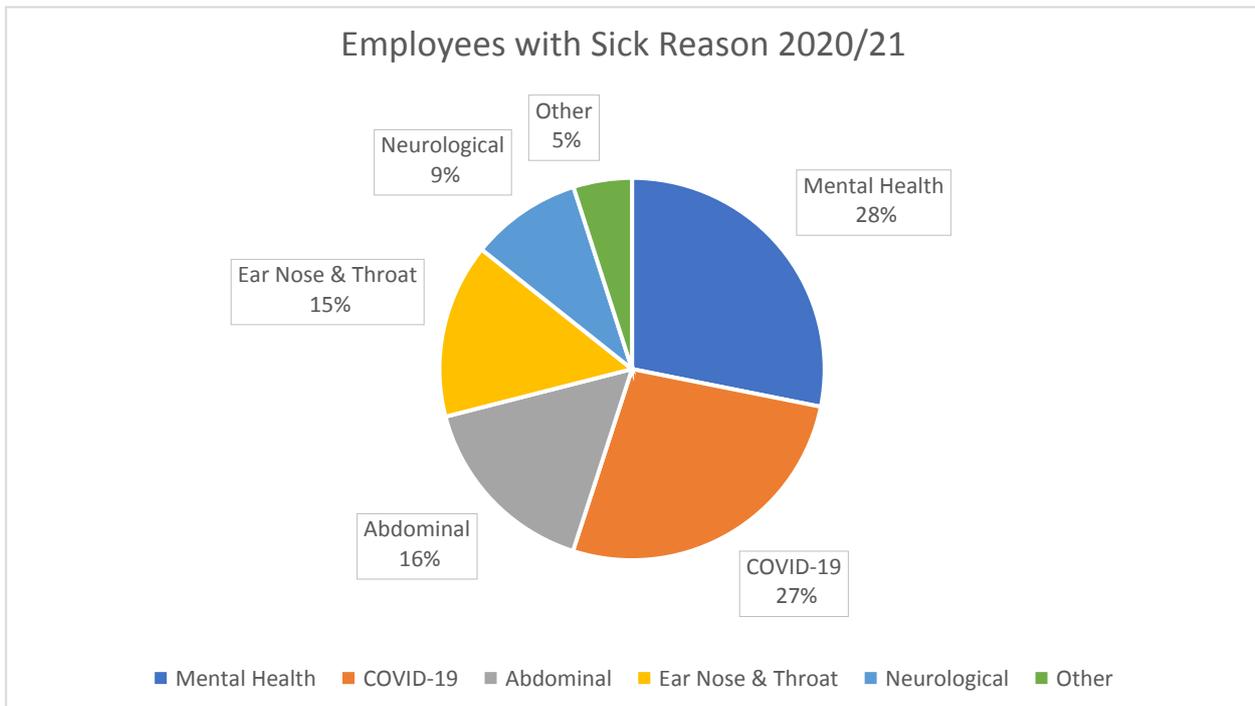


Figure 3: Of all staff with absence between April 2020 to March 2021, the percentage of employees by reason for sickness. **Source:** Wirral HR Selfserve System.

2.11 Table 1 below shows the top ten absence reasons for 2019/20 and 2020/21 in more detail:

| Top Ten Absences 2019-20 | | | | Top Ten Absences 2020-21 | | |
|--------------------------|-----------------------------|------------|---------------|-----------------------------|------------|---------------|
| | Absence Reason | Number off | FTE Days lost | Absence Reason | Number off | FTE Days lost |
| 1 | Ear Nose & Throat | 536 | 2,727 | Mental Health | 332 | 13,730 |
| 2 | Mental Health | 416 | 16,312 | COVID-19 | 316 | 3,201 |
| 3 | Abdominal | 273 | 2,967 | Abdominal | 189 | 1,932 |
| 4 | Respiratory | 229 | 1,859 | Ear Nose & Throat | 174 | 1,031 |
| 5 | Muscular Skeletal (ex back) | 210 | 4,849 | Neurological | 110 | 2,084 |
| 6 | Infectious Diseases | 135 | 725 | Muscular Skeletal (ex back) | 96 | 3,182 |
| 7 | Neurological | 125 | 2,208 | Back | 59 | 1,501 |
| 8 | Medical Procedures | 125 | 4,675 | Medical Procedures | 56 | 1,622 |
| 9 | COVID-19 | 105 | 709 | Respiratory | 56 | 807 |
| 10 | Back | 105 | 2,066 | Cancer | 31 | 1,506 |

Table 1: Top 10 reasons for Absence **Source:** Wirral Self Serve - Figures correct as at 31 July 2021

2.12 Although Ear Nose & Throat was the top absence reason in 2019/20, the days lost through Mental Health related absence for that year were higher as other absences reduced. Absences due to Mental Health in 2020/21 were the top reason for absence with the highest number of FTE days lost although they were 19% lower than the previous year. As can be expected, COVID-19 absences in 2020/21 were the 2nd highest reason with the 2nd highest number of FTE days lost.

Absence by Directorate

2.13 We can also analyse absence by Directorate. Table 2 shows performance by each Directorate. In all functional areas, absences were less in 2020/21.

| Function | Headcount September 2021 | 2019/20 | 2020/21 | 2021 – Aug 21 (Current) |
|------------------------------------|--------------------------------|--------------|-------------|-------------------------|
| Adult Care & Health | 229 | 11.82 | 11.63 | 1.19 |
| Children, Family & Education | 964 | 12.99 | 10.51 | 3.56 |
| Law & Governance | 80 | 3.98 | 2.62 | 0.64 |
| Neighbourhoods | 1,125 | 11.76 | 8.58 | 4.50 |
| Regeneration & Place | 313 | 11.55 | 9.16 | 2.46 |
| Resources | 696 | 10.88 | 8.19 | 3.17 |
| Cumulative Total (adjusted) | 3,407 | 11.60 | 8.98 | 3.11 |

Table 2: day lost per FTE by Directorate 2019/20 – 2020/21 **Source:** Wirral Council HR Selfserve System. 20/21 figures correct as at 31st July 2021

2.14 The projected cumulative forecast for 2021/22 is 10.90 lost days per FTE. This increase is to be expected with the continued impact of COVID-19 and the reopening of services since May 2021 (Leisure, Parks and Environment, Libraries, Transport, School Crossing) and potentially due to less restrictions so more social interaction.

Covid related absence

2.15 Table three below details the number of employees off due to COVID-19 in 2019/20 and 2020/21

| | 2019 -20 | 2020-21 |
|-------------------------|----------|----------|
| Number of Employees off | 105 | 316 |
| FTE days lost | 709.40 | 3,201.86 |
| Average FTE days lost | 6.76 | 10.13 |

Table 3: number of employees off due to COVID-19 in 2019/20 and 2020/21 **Source:** Wirral Council HR Selfserve System. 20/21 figures correct at 31/07/21.

- 2.16 This table confirms that since March 2020, of a workforce of 3,410, a total of 421 staff (12.34%) have reported sick with COVID-19 and been unable to work as result.
- 2.17 The Council has only recorded COVID-19 cases where the employee has been absent and not instances where an employee working from home has tested positive/had symptoms but continued to work.

3.0 MENTAL HEALTH RELATED ABSENCE

- 3.1 It is important to note the definition of mental health related absence for the Council. This is general term covering a wide range of ‘conditions’ including anxiety, bereavement, dementia, depression, fatigue, insomnia, manic depression/bipolar depression, nervous disorder, personal problems, relationship problems, shock/trauma, and stress.
- 3.2 Managers record the reason for absence in accordance with what the GP has recorded on the employee’s Med 3 form (‘sick note’).
- 3.3 Table four below shows the actual number of employees absent with mental health issues each year since 2014.

| Year | Headcount | Number of staff with mental health related absence | Percentage of staff with mental health related absence |
|---------|-----------|--|--|
| 2014/15 | 4,168 | 372 | 8.9 |
| 2015/16 | 3,498 | 370 | 10.6 |
| 2016/17 | 3,412 | 341 | 10.0 |
| 2017/18 | 3,239 | 342 | 10.6 |
| 2018/19 | 3,200 | 270 | 8.4 |
| 2019/20 | 3373 | 416 | 12.3 |
| 2020/21 | 3522 | 332 | 9.4 |

Table 4: Number and percentage of staff with mental health related absence 2019/20 – 2020/21. **Source:** Wirral Council HR Selfserve System. 2020/21 figures correct as at 31 July 2021.

- 3.4 It is also possible to break down the number of days lost (per FTE) due to mental health conditions by Directorate. See Figure four below. These figures may differ slightly from the figures for the Council overall, as the overall forecast is adjusted for over-reporting whereas this data does not.

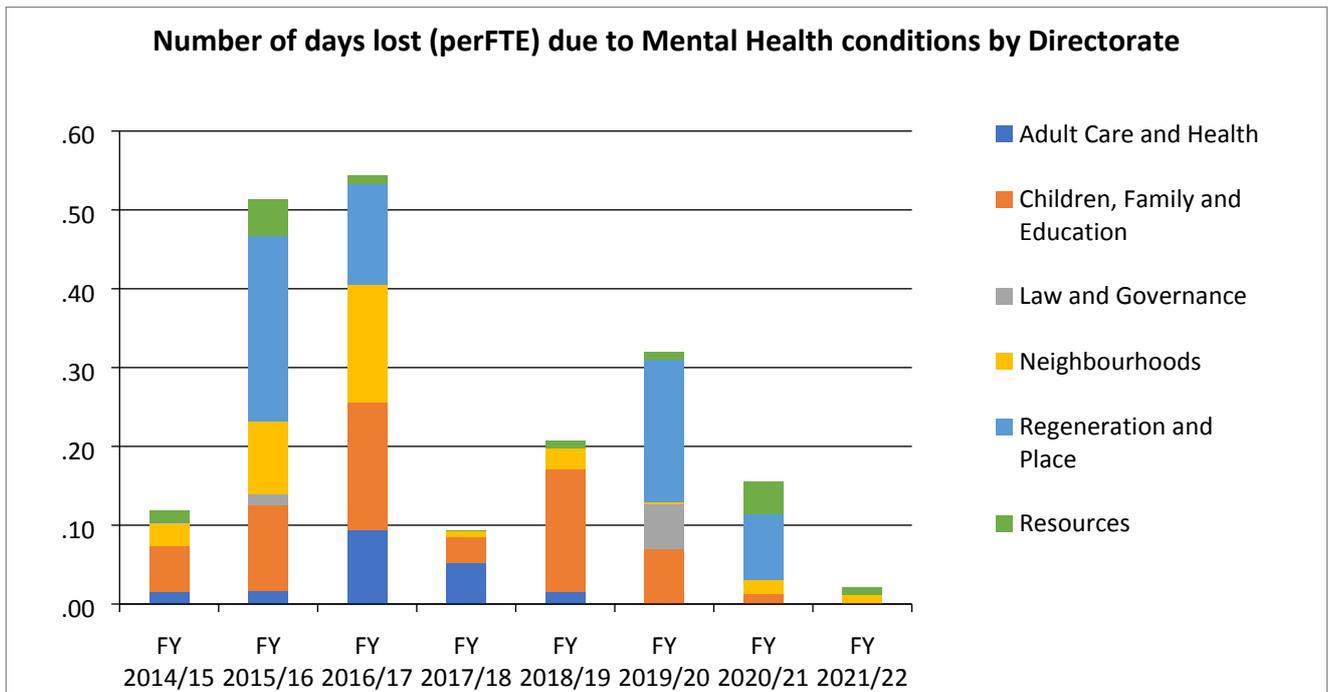


Figure 4: Number of days (per FTE) lost due to mental health conditions by Directorate. **Source:** HR Selfserve System. 2021/2022 figures are correct at 31 July 2021.

- 3.5 Figure four shows that there has been a decrease across all areas in mental health related absence since 2016/17. This is consistent with national trends discussed elsewhere in the report.
- 3.6 Between 2019 – 2020 there were a total of 1,787 Wirral Council employees absent from work due to sickness, 416 of these people were absent due to mental health related conditions. This means that 23.27% of employees absent were absent due to mental health related conditions. Between 2020 - 2021 there were a total of 1,179 Wirral Council employees absent from work due to sickness, 332 of staff were absent due to mental health related conditions. This means that 19.31% of all employees absent were absent due to mental health related conditions.
- 3.7 This has been relatively consistent as a percentage over a sustained period of time, apart from 2019/20 when it increased with 416 employees absent due to mental health related conditions. However, in 2020/21 which included the period of lockdown and closed services, it has reduced.
- 3.8 Our own data alone may not provide a full picture of the impact of the pandemic on absence and mental health as some of this is unseen. In order to consider the impact of COVID-19 on organisations nationally, we have reviewed the findings of the CIPD Health & Wellbeing at Work report April 2021. The survey took place in November/December 2020 and gathered insights from 668 HR professionals spanning the private (55%), public (28%) and voluntary (17%) sectors. The key findings were that: -
- 3.9 Mental health absence is the top absence in all sectors but particularly public sector

- Research conducted by the CIPD on the impact of COVID-19 on UK working lives shows a range of worsening mental health effects on many people, particularly those with an existing mental health condition
- Respondents remain less positive regarding the skills and confidence of managers to support and assist with mental health, despite improvements over the last few years.
- Stress continues to be one of the main causes of short and long-term absence
- Nearly four-fifths (79%) of respondents report some stress-related absence in their organisation over the last year (9% don't know), although this rises to 91% of organisations with more than 250 employees
- Workloads remain by far the most common cause of stress at work, followed by management style
- The COVID-19 pandemic has created additional causes of stress, which also feature among the top causes of stress at work. As in previous years, relationships, at and outside work, are also commonly blamed for stress, as are personal/health issues
- It is possible that organisations' efforts are not keeping up with increased levels of stress this year, exacerbated by the pandemic. However, the findings also imply that many organisations need to address the deeper organisational factors that have an adverse impact on health, such as workloads and management style.
- With blurred lines between work and home, it can be even harder to switch off at the end of the day. It has become incumbent on employers to establish clear boundaries for homeworking employees to avoid increased stress and, potentially, burnout
- The latest data shows a majority of workers are satisfied with their organisation's response during the pandemic (70%) and agree that their employer has been supportive (67%). Around the same proportion (69%) report they are satisfied with the health and safety measures their employer had put in place during COVID-19. This is broadly in line with the findings of our internal staff survey, set out below.

The views of our workforce

- 3.10 Since March 2020, we have consistently undertaken surveys with our workforce and asked questions about how they were feeling
- 3.11 We have carried out four key staff surveys since 2020. Throughout the surveys we have tried to measure wellbeing in the workforce, this isn't a measure of the whole workforce, as the response rates are high but do vary. However, the results do provide some insight into how people are feeling.
- 3.12 There is a backdrop to some of these results (around where we were in the pandemic etc. that could have impacted on the results) which is referenced below.

| Survey | Survey Response Rate | Wellbeing Score (1-5) | Context |
|---------------|----------------------|-----------------------|---|
| April 2020 | 47.16% 1578 | N/A | <ul style="list-style-type: none"> • 1st lockdown • Schools closed • Working from home • A requirement to shield • High case rates |
| July 2020 | 50.06% 1676 | 3.34 | <ul style="list-style-type: none"> • Coming out of the first lockdown • Schools just re-opening • Eat out to help out • Things opening up • No immediate changes on returning to offices • Cases falling |
| November 2020 | 39% 1261 | 3.30 | <ul style="list-style-type: none"> • In a one-month full lockdown • LFT Testing available • Staff asked about their preference for Future ways of working • High case rates through Autumn |
| July 2021 | 35.72% 1226 | 3.31 | <ul style="list-style-type: none"> • Final stages before all restrictions being lifted • Successful vaccination programme • Future ways of work being discussed • Through our employee pulse surveys we asked the workforce how they are feeling about work • Case rates falling but Wirral remaining high |

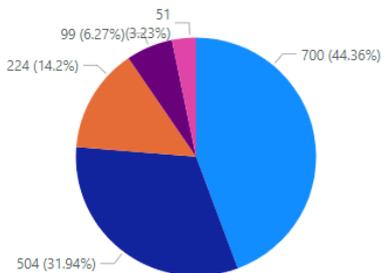
Table 5: response to employee survey. **Source:** Wirral Council OD Team

3.13 Since July 2020, responses have remained consistent with an average of 3.32 out of 5, 5 with being great.

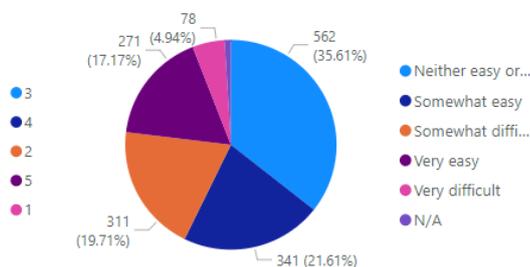
3.15 Some of the responses to the specific questions asked in relation to health and wellbeing and feelings about work, captured from the survey between April 2020 and July 2021 are set out below

Pulse Survey 1 – April 2020 (slightly different question)

How are you feeling about work and life at the moment?



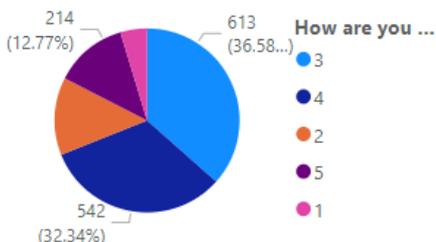
How easy or difficult is it for you to work effectively these days?



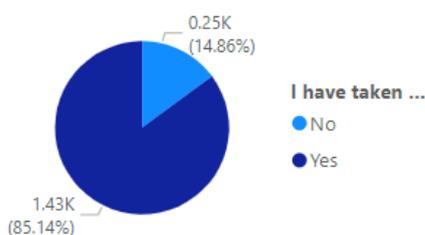
Pulse Survey 2 – July 2020 - Wellbeing

Measure of employee wellbeing, with a focus on encouraging staff to take annual leave. We also asked about staff confidence in the measures we as an organisation had put in place to support them – this went on one step further in survey 3.

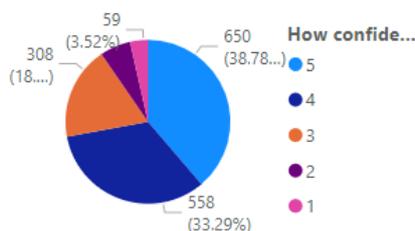
How are you feeling about work right now on a scale of 1-5?



I have taken annual leave over the last two months or I intend to within the next 6 weeks



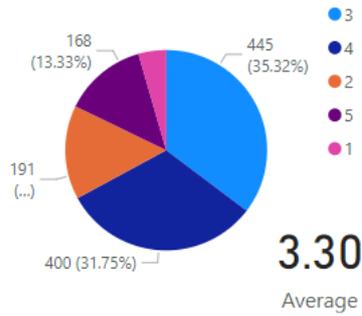
How confident are you that the organisation is taking steps to ensure your health, safety, and wellbeing at work?



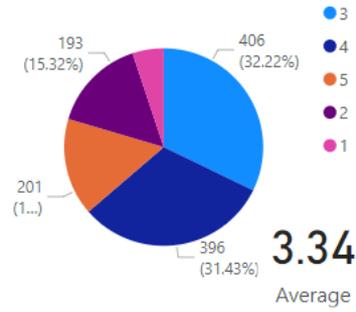
Pulse survey 3 – Wellbeing and Resilience

In this survey we focussed on the measure of wellbeing but also offered employees the opportunity to take accountability for their own wellbeing.

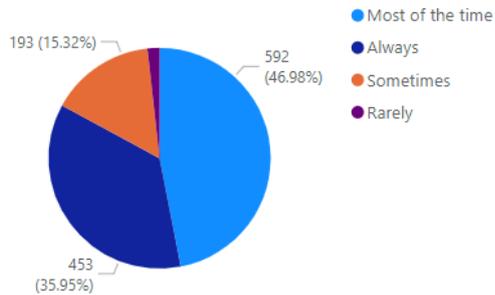
How are you feeling about work right now?



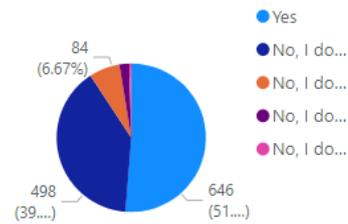
I can bounce back as quickly as I normally would?



I take personal responsibility to improve my wellbeing?



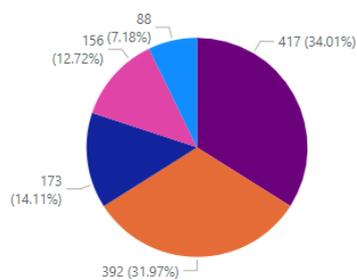
I access support that is available e.g. wellbeing newsletters, EAP support, Mental Health First Aiders



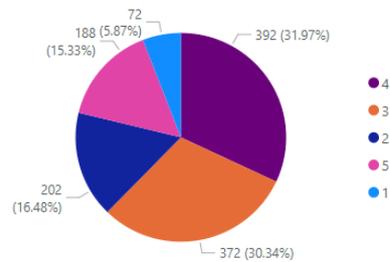
Pulse Survey 4

This survey predominantly focused on Equality, Diversity, and Inclusion. However, we did measure how staff were feeling about work and their levels of resilience.

How are you feeling about work right now?



I can bounce back as quickly as I normally would?



3.16 We also asked what staff were most optimistic or pessimistic about, challenges highlighted were:

- Budget
- Covid19
- Workloads
- Lack of face to face

4.0 MANAGING ABSENCE AND HEALTH AND WELLBEING

4.1 The Council employee of wide range of strategies to manage absence and provide support and assistance to managers and employees.

Occupational Health

4.2 Work has taken place with our Occupational Health provider to gain a greater understanding of referrals being made and to categorise those employees that are referred and assessed by OH.

4.3 Our Occupational Health service through external provider HealthWork, is concerned with protecting and supporting the health and welfare of staff, within their roles at the Council. The service helps line managers establish whether there are any underlying problems contributing to an employee's intermittent absence, as well as providing advice, guidance and support in the case of long-term absence, return to work advice and ill health retirement.

4.4 The Council Occupational Health Services now provide management information to detail the number and type of referrals made.

4.5 Table 5 below details the position for referrals made in 2019/20, 2020/21 and 2021 to date, along with the referrals due to Mental Health absence.

| Occupational Health MI | 2019/20 | 2020/21 | 2021 - date |
|---|-----------------|-----------------|----------------|
| Total New Referrals | 730 | 562 | 341 |
| New Referrals Stress, Depression, Anxiety | 296 (40.55%) | 384 (50.53%) | 99 (41.08%) |
| New referrals other Mental Health | 74 (10.14%) | 45 (8.01%) | 30 12.45% |

Table 5: Referrals made to OH in 2019/20, 2020/21 and 2021 to date along with the referrals due to Mental Health absence. **Source:** HealthWorks - Figures correct as at 31 July 2021.

Employee Assistance Programme

4.6 The Council provides employees with an Employee Assistance programme through Health Assured. The service provides a confidential service, emotional or practical support through qualified and experienced counsellors who are ready to listen and provide guidance. The service is available to employees and their immediate family. Advice is available 24/7, 365 days a year.

4.7 They can be contacted for advice on:

- Stress & Anxiety and other medical issues
- Family matters including divorce, relationships, domestic abuse, childcare advice

- Legal matters including consumer issues,
- Financial issues including, gambling issues, tax information

4.8 The service is completely confidential. The Council receives statistical reports from Health Assured on a regular basis. An analysis of statistical information pre pandemic and post pandemic reveals the following:

| Period/ Activity | 01/01/19 – 31/12/19 | | 01/03/20 – 28/02/21 | | 01/08/20 to 01/07/21 | |
|----------------------------------|---------------------------------|-----|--------------------------------|-----|------------------------------------|-----|
| Number of calls to HA | 1073 | | 718 | | 856 | |
| % Counselling calls (all issues) | 85.3% | | 88.5% | | 91% | |
| Calls re Mental Health | 517 (highest in Sept 2019 = 57) | | 378 (highest in Oct 2020 = 59) | | 407 (highest in October 2020 = 59) | |
| Category of calls | Anxiety | 225 | Anxiety | 194 | Anxiety | 192 |
| | Low Mood | 179 | Low Mood | 85 | Low Mood | 94 |
| | Depression | 72 | Depression | 67 | Bereavement | 85 |
| | Bereavement | 68 | Bereavement | 49 | Depression | 71 |
| | Work Related Stress | 61 | Service Enquiry | 40 | Service Enquiry | 70 |
| | Partner | 52 | Divorce/Separation | 36 | Work Related Stress | 49 |
| | Divorce/Separation | 7 | Work Related Stress | 34 | Concern over own health | 28 |

Table 6: Contact made with Health Assured in 2019/20, 2020/21 and 2021 to **Source:** Health Assured - Figures correct as at 31 July 2021

4.9 Pre-pandemic, the number of calls made is higher than during the pandemic period. However, throughout the timescale, anxiety and low mood are featured as the top 2 reasons for employee calls, with bereavement and depression following.

How the Council’s approach compares to how other organisations manage Mental Health absence

4.10 The Chartered Institute of Personnel and Development (CIPD) Health and Wellbeing at Work Survey 2021 reports that over the last few years an increasing proportion of organisations are taking steps to support mental health at work. The table below details the findings along with details of actions in place by the Council.

| Action | Council |
|--|---------|
| Employee Assistance Programme | ✓ |
| Increase awareness of Mental Health issues across the workplace | ✓ |
| Access to Counselling Services | ✓ |
| Phased return to work and other adjustments | ✓ |
| Mental Health First Aid Training who can offer support and signposting | ✓ |
| Promotion of flexible working options | ✓ |

| | |
|---|---|
| Mental Health – Wellbeing champions to raise awareness of Mental Health and the support available | ✓ |
| Training for staff to build resilience (for example coping techniques and mindfulness) | ✓ |
| Training managers to support staff with Mental Health | ✓ |
| Increased focus on identifying mental ill health amongst those working remotely | - |
| Greater involvement of Occupational Health Specialists | ✓ |

4.11 It is worth noting that the CIPD survey also found that respondents are less positive regarding the skills and confidence of managers to support and assist with mental health, despite improvements over the last few years. Managers often face conflicting demands to deliver on targets while also managing people and supporting wellbeing. Organisations need to ensure that managers are equipped with the skills and support to manage this balance effectively. Just under two-fifths of organisations are providing more line management training in supporting employee wellbeing. The role of line managers in identifying health risks and supporting wellbeing is particularly critical during periods of change.

Management Information and Data

4.12 We have continually developed and improved the data available to line managers and senior managers in the organisation:

4.13 Every line manager in the organisation has immediate access on their desktop to detailed sickness information the individuals in their teams including whether the employee has breached policy triggers.

4.14 All Directors and Senior Managers have access to absence management for their directorate and service areas. A whole range of sickness reports are available via the self-serve system.

4.15 HR Business Partners attend Departmental Management Teams to present and discuss sickness absence figures and trends.

4.16 Senior Managers can monitor compliance by their reports with the absence policy. This includes number of back to work interviews outstanding and highlights no action when absence triggers are met. This is used at DMT level and in individual meetings with Directors about their service area.

4.17 Internal Audit routinely audit compliance against policy and also non-reporting of absence.

HR interventions

- 4.18 This has focussed primarily on driving down the number of long-term cases and improving the management of long-term cases as well as following up on non-compliance with policy of line managers to check action where employees have breached triggers or other requirements of the absence policy have not been recorded, for example return to work interviews.
- 4.19 In 2019/20 there were 17 employees who had been absent for over 365 days. In 2020/21 this had increased to 26. Due to the pandemic many hospital appointments and operations were cancelled this has led to delays in people receiving the appropriate treatment required. However, in June 2021 there are now 12 employees with over 365 days absence of which 7 have agreed leaving dates.
- 4.20 This work has really improved the management of long-term cases and whilst it will take some time for this to be evidenced within absence figures, it is anticipated that this work will see a decrease in the number of days absent over the next 12 months.
- 4.21 The team have continued to proactively audit and drive compliance. The number of return to work interviews being undertaken was at 62.3 % in 2019/20. This figure decreased slightly in 2020/21 59.9% but the figure for this year is increasing from April 2021 to date is 76.2 %. We continue to monitor this and support managers to ensure there is compliance with the Attendance Management Policy.

Launch of Workplace Wellbeing Strategy

Wellbeing initiatives

- 4.22 In 2019 a workplace wellbeing plan was developed and since then a number of wellbeing initiatives have been developed by our organisational development team. These include the following: -
- Wellbeing One Stop Shop and resources
 - Resources for Staying well at work
 - Agile Working advice
 - Toolkit for Managers to handle working from home
 - Manager Check In's
 - Manager Micro sessions including sessions on responding to stress
 - Employee Assistance Programme & Helpline
 - Occupational Health
 - Remploy - Mental Health support sessions
 - Public Health blogs
 - Staff Networking Groups
 - L&D Bulletins for opportunities
 - People Plus Staff benefits scheme
 - Discounted leisure membership
 - Risk Assessments and guidance to completing
 - Virtual reading group
 - Staff Facebook group
 - Council Choir

- Wellbeing timetable (currently on hold until we return to the office. Previously included yoga, massage, reiki, football)
- We Learn Modules – Stress Awareness, Introduction to Meditation, Nutrition Awareness, Smoking Awareness, Healthy Lifestyles, Email Stress, Display Screen Equipment, Developing Individual Mental Toughness.
- 46 trained Mental Health 1st Aiders (MHFA) with a central phonenumber (01516664040)
- A large group of Dignity at Work Champions

Line Manager Training

4.23 There are a number of Welearn modules available to support people in the workplace. These include: -

- Stress Awareness
- Working Safely at Home
- Healthy Lifestyles
- Developing Individual Mental Toughness
- Promoting Positive Attendance
- Managing Health and Safety

4.24 There is now an online induction for all new starters and online Manager Essentials support.

4.25 We continue to offer line management training for all new line managers on attendance management.

4.25 We plan to continue to offer Mental Health First Aid Training, targeted as appropriate to areas within the workforce.

Cost of absence

4.26 The approximate cost of absence for 2019/20 was approximately £4.2m and for 2020/21 it was 3.2m. This is based on the cost of paying employees in full (in accordance with their terms and conditions) for days not worked. It does not include cover agency or other costs that may be incurred if an employee is absent from work due to sickness. The arrangements vary across the Council depending on the nature of the service and the urgency of cover required to deliver services. The cost of absence is reflective of the decrease in absence that we saw in 2020/21.

5.0 NEXT STEPS

Workplace Wellbeing plan and Programme of Health and Wellbeing Events

5.1 We will continue to roll out a programme of wellbeing events in line with the wellbeing action plan and we will continue to promote health and wellbeing in partnership with Public Health.

5.2 The workplace wellbeing plan recognises that as COVID-19 restrictions are lifted and services will return, it is imperative we support the safe return of employees to work and

the re-mobilisation of services. The lifting of restrictions in August 2021 has effectively put the responsibility for managing the workplace risks on covid onto employers as another hazard in the workplace.

- 5.3 We also need to continue to monitor and support those employees that continue, and are able, to work from home bearing in mind the challenges this may bring for example, social isolation and musculoskeletal issues.
- 5.4 The impact of COVID-19 on mental health will need to be addressed. In addition, now more than ever inclusivity is vital in ensuring employees feel safe, well and are able to fully contribute and feel part of the organisation.

Policy Review

- 5.5 The Council's attendance management policy (and triggers) is due for review in 2021. The review will include a benchmark of best practice from other organisation's policies.

Audit

- 5.6 The Council's Internal Audit service will continue to regularly audit compliance with the absence policy and process. This has led to significant improvement in practice over the last couple of years.

6.0 CONCLUSION

- 6.1 This report sets out the current position in relation to sickness absence and workplace wellbeing within the Council and considers the impact the organisational context that the COVID-19 pandemic has had on absence management. It shows that a significant amount of work continues to be undertaken and improvement in this area is a priority. The research from outside the organisation demonstrates that the Council is facing the same challenge as many large organisations, particularly in the public sector and specifically in relation to levels of mental health and wellbeing.

References

Chartered Institute of Professional Development Annual Survey:

<https://www.cipd.co.uk/knowledge/culture/well-being/health-well-being-work>

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