



PERSONNEL COMMITTEE

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To: Councillors Morgan (Chair), Boldrin (Vice-Chair), Barkley, B. Gray, Poland, Shepherd and Snartt (For attention)

All other members of the Council
(For information)

You are requested to attend the meeting of the Personnel Committee to be held in Committee Room 1, at the Council Offices, Southfields, Loughborough on Monday, 21st November 2022 at 6.00 pm for the following business.



Chief Executive

Southfields
Loughborough

11th November 2022

AGENDA

1. APOLOGIES
2. MINUTES OF THE PREVIOUS MEETING 3 - 5

To confirm as a correct record the minutes of the meeting held on 7th June 2022.

3. DISCLOSURES OF PECUNIARY INTERESTS, AND OTHER REGISTRABLE AND NON-REGISTRABLE INTERESTS

For information, disclosable pecuniary interests and registrable interests relate to entries that are included, or should be included, on a councillor's register of interest. Non-registrable interests relate to any other matters.

4. QUESTIONS UNDER COMMITTEE PROCEDURES 12.8

No questions were submitted.

5. ESSENTIAL CAR USER ALLOWANCE POLICY AND ASSOCIATED POLICIES 6 - 81

A report of the Director, Finance Governance and Contracts.

FUTURE MEETING DATES

Please note further meetings of the Committee for 2022-23 are scheduled as follows:

20th December 2022

28th March 2023

PERSONNEL COMMITTEE 7TH JUNE 2022

PRESENT: The Chair (Councillor Morgan)
The Vice Chair (Councillor Boldrin)
Councillors Barkley, B. Gray, Shepherd and Snartt

Chief Executive
Strategic Director; Environmental and Corporate
Services
Head of Strategic Support
Democratic Services Officer (NC)

APOLOGIES: Councillor Poland

The Chair stated that the meeting would be recorded and the sound recording subsequently made available via the Council's website. He also advised that, under the Openness of Local Government Bodies Regulations 2014, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

1. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 29th March 2022 was confirmed as a correct record and signed.

2. DISCLOSURES OF PECUNIARY INTERESTS AND OTHER REGISTRABLE AND NON-REGISTRABLE INTERESTS

No disclosures were made.

3. QUESTIONS UNDER COMMITTEE PROCEDURES 12.8

No questions had been submitted.

4. PERSONNEL COMMITTEE PANELS - UPDATE

It was noted that a Panel of the Personnel Committee met on 25th April to complete the Chief Executive's annual personal review.

5. JNCC APPOINTMENT OF COUNCILLORS 2022-23

A report of the Strategic Director, Environmental and Corporate Services was submitted to appoint representative to the Joint Negotiating and Consultative Committee (JNCC) for 2022/23 (item 6 on the agenda filed with these minutes).

RESOLVED that Councillors Barkley, B. Gray, Morgan and Poland be appointed as representatives to the Joint Negotiating and Consultative Committee (JNCC) for 2022/23

Reason

To enable the operation of the Joint Negotiating and Consultative Committee in accordance with its constitution and therefore negotiation and consultation to take place between the Council as an employer and its employees.

6. APPOINTMENT TO PANELS 2022-23

A report of the Strategic Director, Environmental and Corporate Services was submitted to consider appointments to Panels for 2022/23 (item 7 on the agenda filed with these minutes).

RESOLVED that Cllrs Barkley, Boldrin, Morgan, Poland and Shepherd be appointed for the Council year 2022/23 in respect of the following:

- a) To determine appeals by a JNC officer against dismissal.
- b) To determine all other employment related appeals for JNC staff which are provided for in the Council's procedures.
- c) To make recommendation to Council on the appointment or dismissal of the Head of Paid Service.
- d) To undertake the Chief Executive's Performance and Development Review.

Reason

Section 5.5 (e) of the Council's Constitution (Roles of decision taking committees) states that the Personnel Committee will appoint Panels comprising of 5 councillors (with a quorum of 3) for these functions. Appointing Panels to undertake these functions at the beginning of the Council year will prevent the need for a meeting of the Committee for the sole purpose of appointing a Panel and enable the functions to be dealt with in a timely manner.

7. SENIOR LEADERSHIP REVIEW - CHIEF OFFICER APPOINTMENT PANEL 2022-23

A report of the Chief Executive was submitted to consider appointments to a Chief Officer Appointment Panel for the council year 2022-23 (item 8 on the agenda filed with these minutes).

In response to questions, the Chief Executive explained that the Panel mainly related to the Senior Leadership review and would be for director and statutory officer appointments only. Panel members did not require HAYE training but advice and training would be provided by HR before the Panel met. Members of the Cabinet would be notified of the applicant chosen by the Panel and given a time period in which to raise any comments or objections. Interview questions would be drafted by the Chief Executive and could be circulated to Panel members prior to interviews. The appointment process would follow standard interview procedures and include model answers to questions and a scoring matrix.

It was noted that gender balance of Panel members would be preferred, but considering the membership of the Personnel Committee and availability of members for the dates identified for interviews, this would not be possible.

RESOLVED that Councillors Barkley, Boldrin, Morgan, Poland and Snartt be appointed for the Council year 2022-23 to form a Chief Officer Appointment Panel based on political balance requirements.

Reason

To establish a Panel, in line with Section 5.5 (e) of the Council's Constitution (Roles of decision making Committees) that states that the Personnel Committee will delegate to a Panel to make appointments to Chief Office and Statutory officer posts excluding the Head of Paid Service, and to deal with any Chief Officer selection and appointment processes that may be required as a result of the ongoing senior leadership review.

NOTES:

1. No reference may be made to these minutes at the next ordinary Council meeting unless notice to that effect is given to the Democratic Services Manager by five members of the Council by noon on the fifth working day following publication of these minutes.
2. The Chief Executive and Head of Strategic Support attended this meeting virtually to assist the Committee in its consideration of item 8 on the agenda.
3. These minutes are subject to confirmation as a correct record at the next meeting of the Personnel Committee.

PERSONNEL COMMITTEE 21ST NOVEMBER 2022

Report of the Director of Finance, Governance and Contracts

Part A

ESSENTIAL CAR USER ALLOWANCE AND ASSOCIATED POLICIES

Purpose of Report

Personnel Committee to give approval to introduce a revised Essential Car User Allowance Scheme and Policy. These changes have been consulted upon widely as evidenced within the body of the report.

Recommendations

1. that Personnel Committee agree the proposed Essential Car User Allowance Policy and principles of the criteria set out for the scheme;
2. that the Travel, Subsistence and Other Allowances Policy be amended to reflect a future HMRC change to mileage rates at that point in time, should this be agreed as part of the revised scheme;
3. that the Appeals Policy and Procedure is also amended to reflect Essential Car User Allowance Policy Stage 2 appeals under the scope of that policy, should the principles of the appeal be agreed.

Reasons

1-3 To gain agreement on the revised Essential Car User Scheme and proposed policy and associated policy amendments. A review of the scheme has been undertaken based on the business case reasons outlined within this report. This includes ensuring that the Council has a fair and transparent scheme with the parameters clearly set out, that the scheme is appropriate and cost effective alongside considering green issues as part of the review. A timeline of events has been attached in the background section of this report to highlight the extensive negotiation and consultation process that has been undertaken.

Policy Justification and Previous Decisions

The Essential Car User Allowance Policy is proposed as a new policy to clearly set out the revised criteria for essential car user allowances.

Implementation Timetable including Future Decisions

Following the Personnel Committee meeting and subject to agreement at that meeting, it is proposed that the principles of the Essential Car User Allowance Scheme are agreed alongside the Essential Car User Allowance Policy and the revisions to the Travel, Subsistence and Other Allowances Policy and the Appeals Policy and Procedure.

Financial Implications

There are no immediate financial implications arising from this decision. Modelling has demonstrated that the Council should achieve a cost saving as a result of this proposal.

Risk Management

There are no specific risks associated with this decision. Extensive consultation and negotiation has taken place to mitigate the risk as far as is possible.

Background

Papers: none

Annexes: Annex A – Essential Car User Allowance Benchmarking
Annex B – Detailed ECU eligibility Criteria and Scheme Application
Annex C – Essential Car User Allowance Staff Consultation Responses (Phase 1)
Annex D – Essential Car User Allowance Staff Consultation Responses (Phase 2)
Annex E – Essential Car User Allowance Scheme Policy
Annex F – Travel, Subsistence and Other Allowances Policy Revisions
Annex G – Appeal Policy and Procedure Revisions
Annex H – Calculation of Essential Car User Allowance, Fixed and Variable Rate
Annex I – Joint Trade Union Response Letter from Ballot
Annex J – Notice Period and Buy Out / Compensation in Year One

Officer to contact:

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Part B

Background

1. Business Case

A review of essential car user allowances has taken place as it is considered that there is a strong rationale to change the existing arrangements:

- the scheme is expensive, both in the context of budgets and also compared to other local authorities in our area.
- the scheme incentivises staff to drive and also rewards those who drive vehicles with bigger engines and higher emissions; this is counter to what the Council is trying to achieve around its 'green' agenda.
- the existing scheme is not well understood and the reasons why some staff are in receipt of the ECU allowance are often not clear or justified.
- some staff receiving ECU do little or no business mileage.
- the scheme is complex to administer.
- certain aspects of the scheme are no longer compliant with HMRC best practice.
- we are travelling less and less, particularly since the pandemic.
- as a public sector body, it is imperative that the Council is able to demonstrate its utilising its spending appropriately.

An original high-level estimate of £200k annual savings achievable was included within the 2021/22 budget. Subsequent modelling based on the original set of detailed proposals indicated achievable savings in the order of £100k (ECU allowance) and around £10k related to proposed changes in mileage rates.

The original detailed proposals have been refined but are not substantially different in terms of expected savings on ECU allowance. Further detailed modelling has been undertaken and it is estimated that savings would still be in the order of £100k pa.

Post pandemic, mileage claims were well below historical levels (potentially through a combination of fewer business journeys and the impact of agile working on mileage claims), so savings through ECU changes in this area are reduced versus the original £10k estimate, although overall expenditure on mileage is reduced.

2. Negotiation Process

Formal discussions with the trade unions commenced on 7th October 2021 at the Joint Management Trade Union Meeting (JMTUM). A timeline of communications and meetings has been included within this report.

Initial discussions focused on the principle of the criteria set out below:

'A staff member fulfilling a role that requires frequent in person attendance at sites, business premises or customers' homes, on a day to day basis, and where this would typically result in annual business mileage of over 1,000 miles (on a full time basis).'

A number of negotiation meetings have taken place with the trade unions, resulting in a detailed criteria matrix that has evolved from the above definition and provides a clear approach in relation to how the criteria will be met. The full list of criteria is set out at Annex B.

In addition to this a period of consultation was undertaken with all employees of the council. A summary of the staff consultation responses and feedback is set out at Annexes C and D.

3. Essential Car User Allowances Policy

The principles of the scheme have been set out within the proposed policy including key areas such as:

- *Eligibility and criteria* – section sets out the specifics of the criteria to be met.
- *Process for employees in receipt of ECU* – as part of this it has been proposed that SLT will be responsible for reviewing any existing or proposed essential car user allowance attached to a post and determining, in the first instance, who will be eligible for the scheme. Prior to this, Heads of Service will be asked to consider the ECU list before this is submitted to SLT for consideration.
- *Appeal Process* – An Essential Car User Allowances Appeal panel will be set up for those who wish to appeal against the decision of SLT as part of a Stage 1 Appeal to be considered in writing. If an employee is not in agreement with the outcome at Stage 1, they may proceed to a Stage 2 Appeal Hearing.
- *Job evaluation principles* – as part of the job evaluation process, all new and revised jobs will be assessed for eligibility for ECU or otherwise.
- *ECU payments* - a baseline rate of £963 per annum will be payable for those eligible for essential car user allowance. The allowance will have a fixed rate element and variable rate element calculated in proportion to hours worked. The allowance will also be subject to indexation from the 2024/25 financial year. Further details on this can be found at Annex H.

Further relevant information relating to the essential user allowance scheme and process are set out in the proposed policy attached at Annex E.

4. Areas of Dispute that have been subject to negotiation with the Trade Unions

The following areas of dispute have been listed to outline considerations given as part of the negotiation process and the outcome/resolution.

4.1 *Notice Period and Buy Out*

The Council originally offered a 3 month buy out on top of the 3-month notice period as set out in the contract of employment. During negotiations, SLT

agreed to double the original 3-month buy out to six months in response to Trade Union request that the buy-out be increased to 3-years (which is not considered acceptable).

The approximate cost of 6-months buy-out – which is non-contractual - is in the order of £70k. This essentially offers staff a nine-month adjustment period when combined with the contractual notice.

At the meeting on the 25th May 2022, management considered that the trade unions did not object to the proposal to increasing the buy out/compensation to 6 months. However, they did object to this only be granted to those who will no longer be eligible for essential car user allowance in the first year of the scheme. The trade unions wanted this to be offered on a permanent basis, as part of the policy, to any employee who may lose eligibility to the scheme.

The buy out is offered to compensate for the introduction of the new scheme and the timescale has been increased to reflect the Council's understanding of the cost-of-living crisis for employees. It is not intended that a buy out/compensation package is offered as an on-going package. The proposal from the Council, following the first year of implementation, is to award the 3 months contractual notice to anyone who is removed from the scheme due to ineligibility in the assessment process. Full information on buy out / compensation in the first year can be found at Annex J.

4.2 Pro-rata Payment to Part Time Staff

The trade unions have contested the proposal to offer pro-rata payments on the essential car user lump sum to part time staff. Historically the Council have not applied the pro-rata principle to this payment. However, during negotiation the Council set out it's view that it is not appropriate for part-time staff to get the new lump sum amount in full, and this should be apportioned to hours worked.

The legislation around part time working, and the pro-rata principle is there to help employers ensure that part-time staff get comparable treatment to their full-time counterparts and the Council view is that pro-rata payments would be in compliance with this principle. Legal advice has supported this view.

However, the Council and trade unions have negotiated a proposal in order to move this area forward and have agreed to make a fixed payment to full time employees and a fixed and variable, based on contractual hours, payment to part time employees. Full details are set out at Annex H.

4.3 Mileage Rates

The trade unions objected to the current HMRC mileage rate being applied in place of the NJC mileage rates.

Management agreed that claims for essential, casual and electric car mileage will initially remain in accordance with the current applicable NJC car allowance rates, effective from 4th January 2011.

The rates for car mileage will be amended to the HMRC rates with effect from the date of the first amendment to those rates following agreement to the Essential Car User Allowance Scheme and Policy. Any changes to HMRC car mileage rates after this date will be applied from the effective date. The Travel, Subsistence and Other Allowances Policy will be amended accordingly.

4.4 Essential Car User Allowance

Management originally proposed the lower of the NJC mileage lump sum rates at £846, however, following negotiation management agreed to increase this rate to £963 which is a higher rate detailed within the current NJC scheme.

Management further agreed that with effect from 1st April 2024, the essential car user allowance will increase annually in line with the Consumer Price Index (CPI) by the Office of National Statistics.

4.5 Free Car Parking

The trade unions requested that the issue of free car parking be tied up in a collective agreement.

Management agreed that free car parking would continue for all staff for the first year following the implementation date of the new policy, proposed to be 1st April 2023.

4.6 Unison comments - ECU Policy

UNISON set out some proposed wording relating to appeals and requested the introduction of a Stage 2 appeal process.

The Council have agreed the principles of the proposal; but have amended some wording for consistency in approach across the policy, attached at Annex E. Additionally, the Council has set 28 days for response at Stage 1 appeal rather than 21 days and has aligned the Stage 2 appeal with the Appeals Policy and Procedure which sets out how a hearing will be held.

4.7 GMB Comments

GMB provided comments and feedback on the proposals and policy. The Council has reviewed this document and highlighted the following sections for response.

4.7.1 GMB, in their response, have requested that consideration be given to one or more of the following in relation to the withdrawal of the scheme:

- a) Postponing the withdrawal of the ECU allowance for staff found not to be eligible until the cost of living crisis has improved or a pay award at or above the rate of inflation has been agreed.*
- b) Retaining the ECU allowance for staff employed on lower than Principal Officer grades in order to protect the lowest paid staff.*

- c) *Providing the same level of compensation for staff who are found to be ineligible for the scheme in the future as is provided to staff found to be ineligible at the introduction of the scheme.*

In response to point a) and b), the Council has considered a range of factors prior to reviewing the essential car user allowance scheme. As the process for review has now taken a significant amount of time, the cost of living crisis has also become a factor in those considerations. Alongside this, cost saving has to be a consideration for the Council alongside how public money is spent in providing its services. Overall, it is imperative that the Council has a fair, consistent and transparent scheme that applies to all employees of the Council. The business case is set out in detail at paragraph 1 of this report which further highlights the need to review the scheme. Furthermore, the Council recognises the valuable work of its employees and having reviewed all options, ruled out removing the lump sum in its entirety at the start of its considerations to ensure that relevant staff remain compensated for being an essential car user.

Point c) requests that the 6 month “buy out/compensation” payment is retained each year, on an ongoing basis, to compensate those who may no longer be eligible for the scheme. As set out above, the Council feels strongly that the scheme should be applied fairly and consistently. The trade unions have set out arguments about the inconsistency in application of this scheme in the past and this is a point the Council accepts and considers necessary to address moving forward. To comply with the maximum statutory notice the Council would give when varying an employees’ contract which is 12 weeks, it is not considered correct to offer above the 3 months’ notice that would ordinarily apply on an ongoing basis. This offer to increase our contractual obligation as a one-off package is set out as a form of buy-out compensation payment as part of the introduction of the new scheme. Exceptions to the maximum statutory notice relate specifically to salary protection in an organisational change process, and that policy clearly sets out the car allowances are not protected in that circumstance.

- d) *The proposed policy states that where employees do not qualify for the ECU allowance, they will not be required to provide a car for work but “the duties of the post must still be met”. We would ask that the Council make it clear how this will be achieved if an employee does not have a car. It would not be reasonable to sanction an employee if they were unable to provide a car for work and therefore unable to perform a work duty and this needs to be made explicit in the policy. Alternative arrangements such as car sharing, pool cars and the funding of public transport or taxis should be confirmed.*

In response, it is proposed that the policy is amended to state – An employee who occupies a post that does not qualify for essential car user allowance may use a pool car or appropriate public transport in the event that they need to travel for work purposes to meet the requirement of their post. An employee should claim the most cost effective and time efficient route as agreed with their manager.

4.7.2 The following point was made by GMB in relation to the reduction in ECU allowance/mileage pay:

- e) *Reducing the lump sum payment and mileage rate will mean that staff are paying more in order to perform their jobs - effectively subsidising the Council's services. This is not acceptable and GMB cannot agree to any reduction in the ECU allowance and mileage rates paid.*

The Council notes this comment but maintains the principle set out at 4.7.1.

4.7.3 In relation to the Eligibility and Criteria, GMB provided the following feedback:

- f) *We therefore propose that when deciding who is eligible for the ECU allowance, the nature of the job and the need to carry out visits to sites and people's homes on a regular and not occasional basis is the key factor in determining eligibility. We argue that in making eligibility decisions, the Council should ask itself whether an employee needs to provide a car for work in order to perform their job efficiently and to meet the needs of customers and services users. The number of miles undertaken; and the frequency of visits done can be used to inform this decision making but should not be the basis for the decision.*

The Council has tried to address the points raised by the trade unions, where possible, throughout the process. This has included setting out a matrix of eligibility criteria and discussing this in detail. It is recognised that business requirements and job roles vary across the Council and in relation to the application of the criteria, some flexibility has been afforded in terms of miles and frequency. The main criteria points are that:

- typically, a vehicle would be required to fulfil the role for the majority of the working week, this should represent, on average, a requirement to use a vehicle for business purposes for 70% of working days (i.e. three to four separate days in the working week on a full time basis)

and / or

- in terms of mileage, there is no strict cut off for annual business miles incurred but it is expected that approximately 1,000 miles (on a full-time basis) would be the basis of qualification for ECU allowance.

In order to apply the principles of the scheme measurable criteria has to be set, but the Council has sought to add some flexibility to take into consideration the nature of the job and any particular relevant circumstances. This has included stating within the criteria the following:

- it is accepted that for some staff who mainly work from home, a business journey is required but no mileage can be claimed due to the journey being less than the standard home to office commute, as per mileage claim criteria. This will be taken into account where such journeys can be demonstrated.

- Heads of Service and Managers will be able to provide any relevant information to be considered as part of the annual review process.

4.7.4 As part of GMBs response a request to reconsider the proposal in relation to part time employees is set out below:

- g) *it is likely that there will be relatively few part time employees covered by the ECU allowance scheme and the cost of the paying the ECU allowance to all eligible employees would be low compared to the significant financial loss for the individual employee and we would ask that the Council reconsider this aspect of the scheme.*

The comments set out above address the Council's response to this point.

5. Essential Car User Communications and Meetings Timeline

DATE	Meeting	Detail
26 November 2020	Letter	Letter to employees from the Chief Executive regarding proposal to review ECU Scheme
27 November 2020	All Staff Email	Email to all staff from the Chief Executive regarding the draft budget/proposal to review ECU Scheme
17 December 2020	JMTUM	Management confirmed at JMTUM that there were no detailed ECU proposals to discuss at this stage
21 January 2021	JMTUM	Management confirmed at JMTUM that there were no detailed ECU proposals to discuss at this stage
8 April 2021	JMTUM	Management confirmed at JMTUM that there were no detailed ECU proposals to discuss at this stage
22 July 2021	JMTUM	Management confirmed at JMTUM that there were no detailed ECU proposals to discuss at this stage
1 September 2021	JNCC	TU's requested any proposal to review ECU be withdrawn or proposals negotiated upon once further developed. Decision was to table the proposals at future JMTUM meetings once developed.
7 October 2021	JMTUM	ECU proposals submitted from management Management provided further information to TU's, as requested by them at this meeting, on 11 October 2021
15 October 2021	All Staff Consultation	All Staff Consultation on the ECU Proposal
2 November 2021	Supplementary JMTUM	Supplementary JMTUM to discuss ECU before the next scheduled meeting. TU's were considering submitting counter proposals

22 November 2021	One Charnwood	Published ECU Phase 1 Response to Staff Consultation on ECU Proposal. Allowed more time for any further comments.
20 January 2022	JMTUM	ECU Proposal Discussed. TU submitted their counter proposal on the afternoon of 19 January 2022. Not sufficient time for management to consider prior to the meeting, therefore it was agreed a further supplementary meeting would be arranged.
31 January 2022	One Charnwood	Published ECU Phase 2 Response to Staff Consultation on ECU Proposal – extended timescale.
9 February 2022	Supplementary JMTUM	Supplementary JMTUM to discuss ECU before next scheduled meeting and to review the TU responses received in the afternoon prior to the last formal meeting.
21 March 2022	Supplementary JMTUM	Supplementary JMTUM to discuss ECU prior to next formal meeting.
7 April 2022	JMTUM	ECU discussed at this meeting. TU response received 6 April 2022 at lunchtime. Management considered this response prior to the meeting. Following the meeting, management provided further requested information on 13 April 2022 to TU's.
4 May 2022	SLT	To discuss ECU Proposal and draft policy. Policy to be circulated to TU's following agreement at SLT, for their consideration prior to 25 May 2022
25 May 2022	JMTUM	Proposed final JMTUM to discuss ECU and draft policy. TU response received afternoon of 24 May 2022. Management considered this response prior to the meeting. Following the meeting, management provided a revised ECU policy and amendment to the Travel, Subsistence and Other Allowances Policy.
11 July 2022	JNCC	Agreement not reached on 25 May 2022 therefore it was determined that a JNCC meeting should be convened.
27 July 2022	JMTUM	It was determined at JNCC that a further JMTUM meeting should be held to discuss areas of dispute with a view to reporting back at the next JNCC meeting.
14 September 2022	JNCC	Final JNCC meeting to discuss the outcome of JMTUM and any further considerations.

ESSENTIAL CAR USER BENCHMARKING – December 2020

Authority	Scheme Y / N	Details
Blaby	Y	<p>Green Book scheme</p> <p>Car Allowances <i>Where an employing authority authorises an employee to use a private car on official business, the employee will receive an allowance in accordance with the provision set out in Part 3 paragraph 6. (outlined below)</i></p> <p>6. Car Allowances <i>6.1 Employees required to use their motor vehicles for the efficient performance of their duties will receive allowances for the use of their motor vehicles on business only after being so authorised by the local authority. The local authority may determine whether the use is casual or essential and the cubic capacity of car considered appropriate.</i> <i>6.2 Essential users are those whose duties are of such a nature that it is essential for them to have a motor car at their disposal whenever required. If the employee uses a private car in carrying out those official duties then they shall be entitled to receive the lump sum allowance and mileage rates set out below.</i></p>
Harborough DC	Y	<p>Essential users are those whose duties are of such nature that it is essential for them to have a suitable means of transport at their disposal whenever required, or whose job role requires them to have a suitable means of transport to discharge the duties of the post on a frequent and planned or occasional emergency basis.</p> <p>Casual users are those who are required to have a suitable means of transport available when required</p> <p>Essential User Only £963 for staff claiming car mileage in excess of 2,000 miles per year. £480 for staff claiming 1,000 to 2,000 miles per year. £240 for staff claiming 0 to 999 miles per year.</p> <p>Full policy available</p>

Authority	Scheme Y / N	Details
Hinckley and Bosworth		
Melton DC	Y	Green Book scheme – see above
North West Leicestershire	Y	Mileage greater than 1,500 pa over a sustained period (based on a historic 3 years mileage) (This will be pro-rata to the employee's full time equivalent (FTE) if the employee works part-time) Employees who are regularly on call or are required to attend emergencies during the evening or at night outside of normal working hours. Personal or immediate response required where significant risk to service users
Oadby and Wigston BC		
Rutland CC	N	Rutland removed lease cars and essential car user allowance in 2011 and went through a contract variation process as sick pay provision was reduced at the same time. Rutland introduced pool cars so if staff needed to do a business trip they can book a car. Other than that, they pay NJC business mileage of 45p.
Leicestershire CC	N	Lease car scheme NJC business mileage of 45p
Comments from East Midlands Councils		Nationally, a lot of councils removed ECU with single status or in the last time of austerity when reviewing T&C's. We did an information request in the region on this subject in 2014 - but it still depicts the situation in the region quite well, which is a bit of mixed bag! The responses show that the majority had removed ECU and were paying HMRC mileage rates.

DETAILED ELIGIBILITY CRITERIA AND THEIR APPLICATION

VERSION: November 2022

Introduction

This document complements Appendix A of the Policy and sets out:

1. Detailed eligibility criteria and their application
2. Compilation of the initial list of roles eligible for Essential Car User (ECU) allowance
3. The ongoing review and appeals process

Original Eligibility criteria

Qualification for ECU allowance will be as follows:

‘An employee fulfilling a role that requires frequent in person attendance at sites, business premises or customers’ homes, on a day to day basis, and where this would typically result in annual business mileage of over 1,000 miles (on a full time basis).’

Eligibility criteria – in detail, following negotiation and based on above original eligibility criteria

In assessing whether a role qualifies for Essential Car Allowance the following aspects will be considered in order to reach a decision.

<i>Aspect</i>	<i>Criteria</i>	<i>Comments on initial application</i>
<p>1. Sole access to own vehicle of employee fulfilling the role during all working days and working hours:</p> <p>(For the avoidance of doubt, this would not include any Council vehicle to which an employee may have access).</p>	<p>Vehicle MUST be available to the individual employee at all times on ALL working days and working hours.</p>	<p>Failure to meet the criteria means that employee would not be eligible for ECU allowance.</p>
<p>2. Nature of use:</p>	<p>Necessary, in person attendance at sites, business premises or customers’ homes.</p>	<p>Visits to organisations, such as neighbouring local authorities, suppliers or contractors, or trade conferences are not deemed essential use as it anticipated most meetings of this type can be conducted on-line. Attendance at training courses is also excluded from the criteria.</p>

<i>Aspect</i>	<i>Criteria</i>	<i>Comments on initial application</i>
<p>3. Frequency of required vehicle use:</p>	<p>Typically, a vehicle would be required to fulfil the role for the majority of the working week; this should represent, on average, a requirement to use a vehicle for business purposes for 70% of working days over an extended period of time (ie. it is expected that on average a business journey would be required on three to four separate days in the working week).</p>	<p>Evidence of mileage claimed (or business journeys undertaken where no mileage claim was allowed) and frequency of visits in the previous financial year will be required.</p> <p>Where claim history does not indicate that in excess of 1,000 business miles are being incurred, but it can be demonstrated that a vehicle is required on a frequent basis to perform the role – defined as 70% of working days over an extended period of time – the role will be considered eligible for ECU allowance</p> <p>NOTES ON INITIAL ASSESSMENT</p> <p>The principal evidence examined for the initial compilation of the eligibility list will be mileage claims submitted in periods prior to 31 March 2020 and subsequent to 1 July 2021 (ie. pre and post COVID).</p> <p>Other evidence, such as mileage claims during the COVID period or diary records may also be considered. This latter point is noted as particularly relevant where a business journey is required but no mileage can be claimed due to the journey being less than the standard home to office commute.</p> <p>Following this, evidence of mileage claimed in the previous financial year will be required.</p>

<i>Aspect</i>	<i>Criteria</i>	<i>Comments on initial application</i>
4. Timing of business journeys	Where frequent journeys are required to be undertaken at evenings or nights, when public transport may be limited and / or safety concerns of employees exist then this may be taken in account in assessing overall eligibility	In assessing this criteria, comparison with the cost of other alternative transport options (eg pre-booked taxi) will be considered
5. Mileage	<p>There is no strict cut-off for annual business miles incurred but it is expected that approximately 1,000 miles (on a full-time basis) would be the basis of qualification for ECU allowance.</p> <p>It is accepted that for some employees who mainly work from home, a business journey is required but no mileage can be claimed due to the journey being less than the standard home to office commute. This will be taken into account where such journeys can be demonstrated.</p>	<p>Over a 40-week 'year' – allowing for holidays, sickness, training days – 1,000 miles represents just 25 miles/week; or, based on required usage of 4 days/week, 6 miles/day</p> <p>NOTES ON INITIAL APPLICATION</p> <p>As above - The principal evidence examined will be mileage claims submitted in periods prior to 31 March 2020 and subsequent to 1 July 2021 (ie. pre and post COVID). Other evidence, such as mileage claims during the COVID period or diary records may also be considered (as would be required where business journeys starting from home bases are less than the standard home to office commute); this evidence should cover at minimum a three-month block of time.</p>
6. Consistency between roles	Where employees have the same job profile, then in principle all employees with that profile will be treated equally	In practice this will mean that where there are multiple employees with the same job profile (ie same reference number) then if some qualify for ECU allowance then it is likely that this would be offered to all with that profile even if not strictly justified by individuals' journey records

Application of criteria - general approach

It is recognised that business requirements and job roles vary across the Council, and it is therefore considered that a detailed scoring or evaluation matrix is not appropriate in this situation.

Applying the criteria

1. Sole access to own vehicle – necessary condition; no flexibility
2. Nature of use: necessary, in person attendance at sites, business premises or customers' homes – exclusions to apply
3. Frequency of required vehicle use, 4. Timing of business journeys and, 5. Business mileage claim history – will be considered together, as follows:
 - Where claim history shows annual claims of above 1,000 business miles the job profile is consistent with the need to make necessary, in person attendance at sites, business premises or customers' homes, and the Head of Service concurs – the role will be considered eligible for ECU allowance
 - Where claim history does not indicate that in excess of 1,000 business miles are being incurred, but it can be demonstrated that a vehicle is required on a frequent basis to perform the role – defined as 70% of working days over an extended period of time – the role will be considered eligible for ECU allowance
 - The timing of required journeys will also be considered in the light of employee safety and the cost of alternative transport options
6. Where employees have the same job profile, then in principle all employees with that profile will be treated equally

Process for compilation of the 'Year #1' list

Where:

- an employee has claimed over 1,000 business miles in financial year 2019/20, **or** over 750 miles in the 9-month period 1 July 2021 to 31 March 2022 (pro rata for part time employees), and
- the job profile is consistent with the need to make necessary, in person attendance at sites, business premises or customers' homes, and
- the Head of Service concurs

Then - the employee will be included on the initial Year#1 list as being eligible for ECU allowance.

Additionally, where employees have the same job profile as others who do qualify for ECU allowance, and have sole access to a vehicle, they will also be deemed to qualify for ECU (as per the consistency between roles criteria as set out above).

Management will compile an interim Year #1 list on this basis for review.

Employees not on the interim list may ask to be considered for ECU eligibility at this time. Employees will need to provide evidence to support their claim, in writing, in line with the above criteria.

The final Year #1 list will be approved by SLT.

New or revised job specifications

As part of the Job Evaluation process, all new and revised jobs will be assessed for eligibility for ECU, or otherwise.

Ongoing review process

On an annual basis, Heads of Service will be provided with a report for employees in their service area eligible for essential car user allowance, outlining the total miles claimed within the previous financial year. Heads of Service, in consultation with relevant managers where appropriate, will be asked to confirm that the criteria set out above has been met including that the employee has been required to attend sites, business premises or customers' homes in person, in line with the visit frequency set out above.

Heads of Service will also be provided with a report for employees in their service area **not** in receipt of essential car user allowance, where the total mileage claimed within the previous financial year has exceeded 1,000 miles. In these cases, Heads of Service, in consultation with relevant managers where appropriate, will be also asked to confirm that the employee has been required to attend sites, business premises or customers' homes in person, in line with the visit frequency and criteria set out above, with a view to adding these employees to the eligibility list.

Interim reports will be commissioned from the internal audit function for the purposes of in-year monitoring.

An individual employee may ask to be considered for ECU eligibility. Any request of this nature will be considered within the next annual review period. Employees will need to provide evidence to support their claim, in writing, in line with the above criteria.

The final report will be submitted to SLT who will confirm those employees who continue to be eligible under the essential car user allowance scheme policy. Further evidence may be requested by SLT to demonstrate eligibility.

Where SLT determine that an employee is no longer eligible for essential car user allowance, the employee will be informed and will be written to in order to confirm the 3 months' notice to cease the allowance.

Appeals

Employees will have an opportunity to appeal against decisions to exclude them from the ECU scheme.

Stage 1 Appeal

Following confirmation of the SLT decision to withdraw essential car user allowance from a post, the postholder will be informed of the decision in writing along with their right to appeal. Employees who wish to appeal may do so by first notifying Human Resources that they wish to appeal the decision within 21 working days of the employee receiving their outcome letter. The notification to appeal should outline the grounds of the appeal (e.g. procedural flaw, unreasonable sanction, new evidence, challenge of the evidence used, due consideration of mitigation) paying particular attention to the criteria set out in the policy under Appendix A. The appeal will be considered in writing by an Essential Car User Allowances Appeal Panel in the light of additional information provided. Upon reaching a conclusion the Essential Car User Allowance Appeal panel will confirm the outcome and rationale to the employee in writing no later than 28 days after receipt of the employees written appeal. The outcome of the Stage 1 Appeal will be to either:

- uphold the employee appeal and retain/add the employee to the Essential Car Users scheme
or
- b) not uphold the employee appeal

Stage 2 Appeal

Where a decision to not uphold the employee appeal has been made the employee may proceed to a Stage 2 appeal. The Stage 2 appeal will be held in accordance with the principles of the Appeals Policy and Procedure.

Timing

The review process will take place as soon as practical following the end of the financial year, typically in April or May. The first review is envisaged to be applicable from 1 April 2023.

Employees previously in receipt of ECU allowance will be informed and given notice with effect from the date of the original decision as set out above.

Where employees are newly eligible for ECU, this will be effective from the start of the new financial year.

PHASE #1 CONSULTATION RESPONSES

ESSENTIAL CAR USER ALLOWANCE

The Council has been reviewing the Essential Car User scheme, and as part of this are consulting with the Trade Unions on a proposed way forward. It has been agreed with the Trade Unions that alongside their consultation process with their members, the Council would seek comments and views from staff to ensure everyone is given the opportunity to comment.

Essentially, we are proposing to retain a scheme, extend free parking to all staff, have a flat mileage rate for everyone and will also be looking to introduce ultra-low emission pool cars along with considering a salary sacrifice scheme to acquire low-emission vehicles. The proposals fit in with the Council's strategic priorities to reduce costs and protect services and jobs, while also supporting our green agenda and reducing our carbon footprint. The proposals for the new scheme are summarised below:

Eligibility of Posts

- a claimant should be an 'essential user' where they fulfil a role that requires frequent in-person attendance at sites, business premises or customers' homes, on a day-to-day basis
- this would typically result in annual business mileage of over 1,000 miles (on a full-time basis).

Lump Sum

- A single rate of £846 (pro-rata) per annum will be payable effective from 1 April 2022 or date of revised scheme implementation

Transitional compensation

- All affected staff would receive a one-off compensation payment based on one-quarter of the annual detriment.

Business mileage rates

- Introduction of a flat rate mileage rate for essential car users and casual car users at HMRC mileage rate – currently 45 per mile.

Free parking

- Free parking will be extended for staff while we remain at the current Southfields offices. Staff are asked to park in Beehive Lane

Pool cars

- Introduction of a small fleet of ultra-low emission pool cars for general staff use.

Salary Sacrifice Scheme to acquire low-emission vehicles

- Salary sacrifice scheme for participating staff who would trade in a portion of pre-taxed annual salary in return for a low emission vehicle (i.e., an electric car).

Comments/Views

As of 2 November 2021, 27 employees had responded with comments and views which are summarised below. These will be considered as part of the agreed Council/Trade Unions processes. The Council has responded to the comments raised. If more comments are submitted, further updates on these will be provided to staff.

Query	Response
<p>Definition of Essential/Mileage/Mileage Claims</p> <ol style="list-style-type: none"> 1) ECU has been used inappropriately as a salary top up scheme. This is evident from the range of posts in receipt of ECU where there is no clear justification. Part of the solution to this is surely to establish clear criteria for what constitute essential car use. (i.e., the post holder needs to own a car and use it regularly in order to perform their role) The £1000 per annum cut off is arbitrary and has obviously resulted in some staff being unfairly excluded from the revised scheme. 2) Using an arbitrary figure (1,000 miles) of mileage claimed is not a sufficient tool to determine if an officer is an 'essential car user' or not. An officer who is required to have a car for work purposes and cannot undertake their work duties without that car, irrespective of mileage, should be classed as an essential car user and compensated for this requirement. 3) A threshold of 1,000 miles is being used as a rule of thumb to define 'essential' users. This discriminates against staff who do many shorter journeys to perform their role and others that do relatively few but longer trips. 4) The threshold discriminates against those that cover less miles but have an equal necessity to provide a car to do their work. 5) Staff may undertake short trips and not breach the mileage threshold, but they are unable to do their jobs without access to a car. 6) I may be required to complete a home visit; these are infrequent but are sometimes necessary 7) The proposed ECU scheme, limited to a select few, keeps a two-tier system which only benefits staff that drive a lot. Surely staff that must drive a lot should be able to access low emission pool cars to carry out their roles. Current Essential Users who like me tried to find alternate ways to get about or get the job done should not be penalised for it, in fact they should be encouraged! 8) The key measure should be whether a car is <u>essential</u> to perform the job not the distance covered. No consideration is being given to trips that are for statutory or discretionary service provision. 	<p>The criteria being proposed is that a claimant should be:</p> <ul style="list-style-type: none"> • an 'essential user' where they fulfil a role that requires frequent in-person attendance at sites, business premises or customers' homes, on a day-to-day basis. • this would typically result in annual business mileage of over 1,000 miles (on a full-time basis). <p>In creating a list of roles that would be eligible for ECU allowance under the proposals the Council has looked at the existing criteria and claims and as such the 1000-mile threshold is very relevant but not a 'hard' benchmark. For example, where there are a number of people undertaking the same role and historical mileage records show that most, but not all, have typically exceeded 1,000 miles pa, it is assumed that all staff would be eligible for ECU.</p> <p>However, it is unlikely in practice that roles requiring significantly less than 1000(on a full-time basis) business miles would be eligible for ECU allowance.</p> <p>In order to be in receipt of an ECU allowance, a post must require an employee to meet a measurable definition of ECU. It is felt that the proposals are reasonable and comparable with other near neighbour authorities following a benchmarking exercise.</p> <p>Details of the benchmarking can be found on the ECU page of the intranet.</p> <p>Additionally, in establishing criteria, it is worth noting that the National Joint Council (NJC) scheme (on which the existing and proposed ECU arrangements are based) distinguishes between 'Essential' and 'Desirable' users in that 'Essential users' must have a car at their disposal whenever required, and 'casual users', for whom it is Desirable to have a car at their</p>

<p>9) My team often work across the borough and wider and attend many external meetings and carry out visits both in the day and in the evenings. Working in some of our most deprived areas means that being in their car is the safest option especially in the evenings and this needs to be considered as it is more about the role than the mileage.</p> <p>10) An assumption of mileage has been made based on those that have put in milage claims. I myself and others have very rarely claimed as often felt that the ECU payment covered the mileage.</p> <p>11) The Planning department has been under pressure and over-stretched for some time due to an increase in demand and lack of resources which has been acknowledged by SLT. Officers have been prioritising council business over applying for their mileage and are now being penalised for their commitment to the job.</p> <p>12) AMAP rates are an all-inclusive amount to cover Insurance, mot, wear and tear etc no addition payment should be needed.</p> <p>13) I can see from the manner in which you have chosen the criteria for consideration basing it on mileage that managing the team and ensuring we work efficiently in the Councils interests may have put at risk our eligibility. I believe that my officers need to react to on-going situations and as a result requires officers to have a vehicle available for use.</p> <p>14) All those people who cover the dangerous structures out of hours call out rota should be designated as essential users. It is not practical to expect staff to visit sites in the middle of the night using taxis.</p>	<p>disposal when needed. Many of those roles classed as being 'essential' car users can be argued as falling into the 'desirable' category.</p> <p>The Council currently has provisions in place for those who are required to make infrequent journeys as part of the duties of their role. These are classed as casual users and are recompensed at the appropriate mileage rate for journeys undertaken as part of their duties.</p> <p>Whilst undertaking infrequent journeys would not classify an employee as an Essential User, the HMRC mileage rate is set to take into account the variable costs of operating and maintaining a vehicle, such as the costs of fuel, servicing, maintenance (including MOT), car insurance, road tax and wear and tear.</p> <p>As outlined above, the council already has a range of posts who are classed as casual users. Their terms and conditions could require them to attend sites on an ad hoc basis for which they would be recompensed with the appropriate mileage rate. This would ensure fairness and consistency in the application of allowances and claims for all employees.</p> <p>The Council plans to acquire a small fleet of ULEV pool cars to (a) contribute towards the green agenda and (b) offer an alternative where staff would prefer not to use</p> <p>The Council needs to be able to measure mileage use for this purpose and officers have always been advised that they can claim for the miles. Where this has not been the case, alternative evidence would need to be provided regarding the mileage undertaken for management to consider.</p> <p>Managing the team and working efficiently are reasonable expectations that the Council has of its managers and employees. We advise that the most efficient route for mileage claims should also be used and therefore it should not be determined that this expectation has prohibited someone from being eligible for the essential car user allowance.</p> <p>Many aspects have been considered in line with the proposals identified. The Council has proposed options following a benchmarking exercise with near</p>
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<p>15) HMRC recommend 3500 miles before a user should be eligible for a Lump Sum – this level of mileage should be used as the bar.</p> <p>16) Some staff are new in post and therefore the posts have not recorded mileage in the monitoring period or have made only partial returns and some posts have been vacant or covered by agency staff who don't claim mileage allowance. Some staff have been on maternity leave during the monitoring period.</p>	<p>neighbour authorities. Should an employee be required to attend a site, for example, out of hours, they would be recompensed at the appropriate mileage rate for using their car. If there are any concerns relating to transport for this purpose, these should be discussed with the manager to establish if any alternative options for transport are available.</p> <p>Whilst we are aware of some recommendations set at 3500 miles, the Council has sought to be more reasonable and has determined that the 1000 miles (on a full-time basis) is a reasonable figure to set to determine eligibility for essential car user allowance.</p> <p>The HMRC rate has been set to cover the variable rates associated with operating and maintaining a vehicle. One option could have been to not pay a lump sum allowance, but in seeking to be a reasonable employer and recognise the contribution made by employees, the Council has proposed to retain a lump sum for eligible employees who meet the relevant criteria.</p> <p>Where staff are new in post the Council will look at pro rata data.</p> <p>Data prior to covid has been considered when determining mileage claims for posts, alongside more recent data, to ensure we have as accurate a picture as possible. This should therefore recognise those on maternity, sickness leave etc... It is also most likely to take into account posts where an employee has been newly appointed or the post is vacant, by considering more historical data.</p>
<p><u>Lump Sum</u></p> <p>1) The reduced figure of £846 per annum is based on the lowest figure identified in the Local Government NJC advisory levels set in 2010. This is 11 years ago and costs for car upkeep have significantly increased over 11 years.</p>	<p>The Council received specialist advice (from Tax consultants PS Tax) to set at this level, should it decide to retain a lump sum. The key feature is that to avoid tax issues the advice was to tie future rates to existing NJC allowances.</p>
<p><u>Salary Reduction</u></p> <p>1) My team have always had essential car user, and as an organisation we have used this as a perk during recruitment for many of the posts and whilst I recognise the compensation proposed it is perceived as a salary reduction.</p>	<p>The review of Essential Car User Allowance is about a range of factors, in addition to cost saving. This includes having a fair and transparent scheme, where the use of ECU allowance can be justified for each recipient. Currently some staff receiving ECU do little or no business mileage and using this allowance as a perk is simply not fair nor sustainable. In addition, there is a</p>

<p>2) The Planning Industry is facing a skills shortage and Local Government Planners at Principal and Junior Management Levels already receive below market rate salaries compared with the those in the Private Sector. Asking Officers to accept a pay cut and accept the brunt of the costs associated with undertaking the job will only deter potential applicants from applying for roles in the future and force existing staff to seek better remuneration elsewhere.</p>	<p>duty on us as a Council to ensure we are spending public money in the correct manner.</p> <p>The Essential Car User allowance is a payment in addition to salary which, as set out in employee's contracts, can be subject to review at any time. This payment should only be made where the job role requires the employee to meet clear and measurable criteria to justify the Council spending this money for this purpose.</p> <p>An alternative to ECU, where an additional financial incentive is considered, may be the existing Market Supplement policy. The Council is looking at the operation of this policy and considering other policy measures to address the specific issue of financial incentives for recruitment.</p>
<p><u>Contract/Work Location</u></p> <p>1) The Council has decided the place of work is the council office and cites advice from HMRC to support this judgement. There is a risk that changing the ECU policy will lead to more people wanting to work from the office to capture the mileage they are actually undertaking so that they breach the 1000-mile threshold. This will undermine the desire to maintain 50% occupancy and the agile working policy.</p> <p>2) No account is being taken of the work trips that are being undertaken on the way into and from work that are not being counted because of the new policy about place of work and mileage claims.</p> <p>3) In accordance with the travel, subsistence and other allowances guide I can only claim mileage for site visits which are over my commuting distance of 25 miles. The projects I lead on are all less than or equivalent to 25 miles from my home making me ineligible to claim mileage. However, the fact I have claimed very limited mileage does not reflect the essential need of a vehicle in the performance of my role.</p> <p>4) I was hired on the basis that I had to have access to a car (person specification) therefore it should be accepted that I need permanent continued access to a car in order to my job. It is also in my contract</p>	<p>The Council has correctly determined that the place of work is the permanent work establishment as set out in the contract of employment, this is in accordance with HMRC criteria and has been confirmed via specialist advice. Officers are advised to ensure their work time/mileage routes are undertaken in the most efficient manner. For some this may mean coming into the office, whilst for others it will whilst working from home. The claiming of miles when working from home must take into account the ordinary commute which is why the Travel, Subsistence and Other Allowances Policy/Agile Working Policy has been written to reflect this.</p> <p>The contract of employment states that payment of the ECU allowance is reviewed at regular intervals and should it be considered inappropriate to continue the allowance, the authority reserves the right to withdraw it upon the giving of three months' notice. The Council has set out clear rationale for the</p>

<p>that I have to have a car with business insurance and that I will be paid the essential car user allowance to cover this cost.</p> <p>5) Clarity is required on the expectations for officers on the civil emergency call out rota as to how they are to attend emergencies if they do not have a car.</p>	<p>need to review this allowance. The proposed HMRC mileage rate is set to cover many factors, including the cost of insurance.</p> <p>Should an employee be required to attend a civil emergency on the call out rota, they would be recompensed at the appropriate mileage rate for using their car. If there are any concerns relating to transport for this purpose, these should be discussed with the manager to establish if any alternative options for transport are available.</p>
<p>Business User Insurance and cost of running a car.</p> <p>1) I currently pay additional costs to have business use on my car insurance, as I still may need to use my car for work purposes (as an infrequent user). I will have to continue to pay this. Will staff be compensated in any way for this?</p> <p>2) I take part in an on-call rota out of hours. Most of the calls we get can be dealt with over the phone, but I may need to attend site. There is a requirement that I remain fit and able to attend work whilst on call and within a reasonable distance/timeframe for attendance. I need to be insured for this. Am I now expected to cover these costs myself from the small weekly payment for the times I am on call?</p> <p>3) It is essential to offset the cost of running a car in order to carry out substantive roles. i.e. business use insurance, tires, wear and tear on engine, depreciation of cars due to high mileage and petrol etc. By reducing the value of ECU (lump sum and mileage allowance) and some staff losing ECU all together, this will mean officers are picking up the cost personally of running a car to undertake their job.</p> <p>4) I do not foresee that pool cars will be sufficient to meet the demands of my job so I will be forced to continue using my own car to visit sites, of which I will have to continue paying business use insurance out of my own pocket.</p>	<p>As outlined above, the proposed HMRC mileage rate is set to cover many factors, including the costs of fuel, servicing, maintenance (including MOT), car insurance, road tax and wear and tear. Alongside this, the Council is proposing to retain a lump sum payment as part of the revised scheme.</p> <p>The specifics of the pool car scheme are yet to be determined in full but are intended to be suitable for the purpose of those who need to use a car to undertake work related journeys.</p>
<p>Part Time Workers</p>	

<ol style="list-style-type: none"> 1) The proposal as it stands would reduce my current payment from £1239 to approximately £160. There will be no change to duties. It's unreasonable for the Council to expect that we provide our vehicles for this. Personally, I use the allowance to contribute to financing the vehicle and this will have a significant impact on my finances. 2) I have looked at the proposals for the essential user scheme and generally agree with them, except for the following - Part time staff in roles eligible for ECU allowance will receive the amount pro rata in proportion to hours worked. For those who would naturally choose public transport to travel to work, the requirement to provide a car for work purposes is an imposition rather than a benefit. At the very least the ECU allowance should be a contribution towards the fixed costs of running a car such as road fund licence, insurance and MoT. These costs remain the same regardless of how often the car is used. 3) There is a clear logic and justification to paying the full amount to part time staff. These staff need a car to do their job. It is a contractual requirement regardless of the hours they work. 4) Some staff are part time and do not accrue the same mileage as full-time staff. 5) I understand the need to review this and agree with many aspects including the pro rata element but there are other things to consider. 	<p>The ordinary stance of the Council is to pro rata payments for part time staff and the Council considers that this should also apply in the case of ECU to ensure consistency across the board.</p> <p>The ECU allowance is a payment linked to a post, so if for example, two people occupied one post, the car user allowance would be split proportionately to the hours worked between the two people in that post. The Council believes that it would be correct to pro-rata this payment.</p> <p>The proposed criteria for eligibility for an ECU allowance is that:</p> <ul style="list-style-type: none"> • a claimant should be an 'essential user' where they fulfil a role that requires frequent in-person attendance at sites, business premises or customers' homes, on a day-to-day basis • this would typically result in annual business mileage of over 1,000 miles (on a full-time basis). Therefore, consideration on mileage would be given to those working on a part time basis. <p>The independent tax advice which has been received has confirmed agreement to the principle of pro rata payments.</p>
<p>Free Parking</p> <ol style="list-style-type: none"> 1) You propose the free parking will only be whilst we are at the Southfield building. I feel given we now have to transport laptops and various other equipment to the offices it would be beneficial for the free parking to continue long term to avoid people needing to walk or bike to work putting the equipment at risk. 2) Free parking for all staff is a sensible proposal with our new hybrid working arrangements and is fair to all staff. 	<p>Until a location of the Council office is confirmed, we are unable to be any more specific on the future parking arrangements and whether this will remain free. It is envisaged free parking would be maintained whilst the offices were in the vicinity of Beehive Lane car park. Whilst this is a likely medium and long term, we are not able to guarantee this with certainty.</p> <p>Thank you for this comment. In addition, please note response above.</p>

<p>Pool Cars</p> <ol style="list-style-type: none"> 1) We used pool cars at the last Authority I worked for. It was good. You booked the car online and then used your pass card to unlock the car. It depends on people returning on time the car that they have booked out and it needed a member of staff to be the liaison but it worked. It was good not to have to use own cars. 2) Can staff remove the business use and vehicles be provided by Charnwood Council for staff to use in these instances? 3) Where possible I use a works vehicle if I need to attend site. To reduce costs we are looking at only having two vehicles. Pool cars will end up like meetings rooms, never available and booked by people and then not used. If I need to attend site, instead of attending in my own vehicle I would have to wait for one of our own to be available which could be hours later. Do I no longer attend to meet contractors for works meetings on sites? 4) There is mention of pool cars but I cannot see how this would practically work for my role. Would we be expected to collect and drop off the car at the start and end of each on call period? Would we be paid overtime for collecting the car? Would we be paid milage for collecting the car? 5) Bookable pool cars are not a practical solution for officers that need to make site visits every day. It presents a further burden on staff to arrange their work load around the availability of cars and will lead to block bookings and decreased productivity. The number of pool cars required to provide flexibility and to avoid a drop in staff productivity could be significant. These vehicles are best suited to staff that are classified as casual users who are able to be more flexible about when they undertake their trips. 6) Whilst the provision of a pool car is noted, given the high number of site visits and meetings required to be undertaken by my team the use 	<p>Thank you for this comment.</p> <p>This will be a personal choice to remove Business use from your insurance, however, should you use a car for a work-related journey you are advised to retain business use insurance. Pool cars will be available to staff.</p> <p>Once further Pool car information is available this will be shared with all staff.</p> <p>It is envisaged that Pool Cars will supplement rather than replace the ECU scheme, and we expect that some staff will find it preferable to use their own vehicle whether on an Essential or Casual user basis. Use of Pool Cars will not be compulsory.</p>
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<p>the pool car provision is impractical as we would require several cars just for planning alone to meet our demand. In addition, the nature of our work often means we are required to go on site at very short notice, again this is impractical for a pre-bookable pool car situation.</p> <p>7) Will the use of a Pool Car would incur a Benefit in Kind Tax charge for employees?</p> <p>8) A Pool Car scheme is positive for some staff and certain roles where a car is needed on an ad-hoc basis and is not essential to their role.</p>	<p>Providing the arrangements for Pool Car use are set up correctly then individual users will not be liable for any benefit-in-kind liability. We will access specialist tax advice to ensure that this is the case.</p>
<p><u>Green Incentives</u></p> <p>1) Should we not as a council look to a pool of electric assisted bicycles/electric scooters which will further improve our green agenda at low cost, especially for those who live locally and visit locally for their role, but just that bit too far to walk.</p> <p>2) The introduction of a salary sacrifice scheme for electric cars would be welcome as an addition to ECU.</p> <p>3) I changed to an electric car and as a result my essential car user allowance dropped from £1239 per annum to £846 without warning. In addition, my mileage rate dropped from 50.5p per mile to 36.9p per mile, again without warning as there was no current policy for electric vehicles.</p> <p>4) In terms of the proposals for the new car allowance and electric vehicles, I feel the drop in car allowance is going to disincentivise people purchasing electric vehicles given that they are typically around £5000 higher than comparable petrol models, despite the fact that they are cheaper to run in the long term.</p> <p>5) Only the higher paid will be able to afford a new Electric Car.</p> <p>6) I welcome the proposal to offer 45p per mile for EVs as well as petrol and diesel cars.</p>	<p>We are committed to Green Incentives and once further Green Incentive information is available this will be shared with all staff.</p> <p>On the 3 November 2017, it was agreed by delegated decision that an electric car user allowance would be set at a rate well in excess of HMRC advisory rates, that being the comparable NJC rate for vehicles with a cylinder capacity of 451 – 993. The Council has to date sought to support electric car users by paying an amount far greater than the rate set by the HMRC.</p> <p>The Council is keen to promote and support the use of electric cars and green incentives. There are limitations over what an employer can do in terms of affordability for electric vehicles. However, the council will continue to look at incentives where these are possible.</p> <p>Thank you for this comment. It is encouraging to note the proposed mileage rate is being considered favourable.</p>

<p>7) I welcome the proposal for the salary sacrifice scheme. This is an excellent idea for low polluting vehicles although it is important that people can still negotiate the best prices with dealers etc. rather than being tied into over priced contracts through the scheme.</p>	<p>Thank you for this comment. The council will continue to review options around any appropriate salary sacrifice schemes.</p>
<p><u>Reluctance or Refusal to undertake Mileage if ECU removed</u></p> <p>1) Staff who lose ECU and where there is a necessity to have a car available to do their jobs are likely to work to rule. This is a huge business risk in the planning service where officers are expected to process work to statutory deadlines.</p> <p>2) We ask staff to ensure they have business use on their insurance which in some cases increases their costs. If they are not getting ECU some may not wish to use their car for work purposes.</p>	<p>If an employee is required to go on site visits, but is not meeting the requirements of the ECU scheme because of a refusal to drive if ECU is removed, how they get to the location to carry out their duties is a matter for them to explore options with their manager such as car, pool car, public transport etc. We would have to advise that we would deal with each refusal to carry out their duties on an individual basis after considering the circumstances and this could lead to a potential disciplinary. If they refuse to work to the terms of their contract (job profile) we would have to deal with in accordance with our terms and conditions.</p>
<p><u>General Concerns/Comments - current ECU Scheme and Proposals</u></p> <p>8) Itinerate workers in the council, may not complete any miles or lower mileage but will still receive full lump sum!</p> <p>9) Why do we need to pay compensation and waste more of the council money.</p> <p>10) ECU allowance encourages employees to have higher cc Cars – Carbon Footprint</p> <p>11) Essential user has previously been used as a way to give employees a pay rise – job should be properly evaluated</p> <p>12) Essential car users being paid during lockdown was a disgusting waste of tax payers money and still is if they continue to be paid to sit at home and not use their cars! A simpler paid by the mile scheme would</p>	<p>This will be part of the ongoing review process of miles undertaken where relevant or necessary for posts.</p> <p>This was felt appropriate due to the change of terms and conditions of those affected employees.</p> <p>We are trying to be as fair as possible to all employees, the car employees choose to have is their decision. The new proposals are designed to remove the existing 'reward' for having a larger-engine car.</p> <p>This should never be the case, awarding of an ECU allowance should be based on measurable and transparent criteria. Jobs should be paid correctly following job evaluation under job evaluation.</p> <p>One of the options considered was a flat rate per mile for all employees, however the decision was this proposal put forward.</p>

<p>be much better – no payment if the car hasn't been used for council business.</p> <p>13) I don't understand how this initiative saves money. On the one hand you say it will save £100k and on the other you plan to purchase, maintain, insure and administer a small fleet of pool cars. This suggests significant additional cost paid for by reducing payments to employees.</p> <p>14) I understand fully why you are looking at the essential user scheme and I would agree it has in my opinion been a long time overdue a review.</p> <p>15) If the HoS determines who is eligible the process will be unfair and cause resentment across the council, some departments get everything!</p> <p>16) I believe the current system is archaic and unfair. It has grown into a perk for certain people rather than a serious attempt to manage essential car usage. I therefore welcome these proposals to modernise the scheme, which I think are long overdue.</p>	<p>The £100k savings from the ECU scheme is lower than the original £200k+ originally envisaged but still substantial. Indicative costs suggest a leased ULEV pool car would cost around £2,500 pa. The number purchased will depend upon a usage assessment. Given that Pool Car mileage at appx 5p/mile (cost of charge) is significantly cheaper than the proposed mileage reimbursement at 45p/mile it is hoped that the net cost of pool car acquisition and running costs would not be significant.</p> <p>Thank you for this comment, it is imperative to review the ECU allowance scheme for a range of factors, set out in documentation previously provided.</p> <p>There will be a process for accessing the posts which are eligible to ensure consistency and transparency.</p> <p>As outlined above, we believe it is essential to have a fair and transparent scheme in place and this is one of the range of factors considered regarding this review.</p>
<p><u>Other Comments/Questions</u></p> <p>1) Will there be a process/criteria in place to assess eligibility if a new role is created or if a role changes and the use of a vehicle is deemed essential?</p> <p>2) What is the assessment that must be undertaken and the process to be followed to consider if new posts or redesigned post are eligible for</p>	<p>These points will be part of the ongoing review process of the miles undertaken where relevant or necessary for posts.</p>

<p>ECU in future? Or if staff increase their work mileage about the threshold due to increased service demands?</p> <p>3) What is the process if it is felt a post has been omitted from the list circulated?</p> <p>4) There was never going to be a good time to send this out but sending to staff on a Friday so that they are thinking about this for the weekend without being able to discuss it with colleagues or managers doesn't seem well thought out. With all the talk about looking after your mental health staff could be sitting at home worrying about the financial impact this is going to have on them.</p> <p>5) Staff who are removed from the ECU list are likely to be demoralised unless there is a clear rationale and fairness is applied across the board. The current proposals to select based on a mileage threshold is unsound and unfair and misunderstands the nuances around the requirements for staff work. There is a significant risk that affected staff will leave the authority if the approach taken is not seen to be rational or fair.</p> <p>6) It's worth noting that the costs of mileage are recovered from statutory fees in the case of Building control and therefore it is a zero cost to the authority. Removing staff from ECU will require a reduction in statutory fees to ensure that CIPFA guidelines are met. As such, the review would see no saving to the Council and puts this service beyond the scope of this review giving it <i>raison d'être</i> to save the council money. In light of this one fact alone, I don't feel there are any grounds to include this service in the review.</p> <p>7) It should be recognised that with the proposal to remove the Planning committee bus, it is likely that officers mileage will increase as a result to support of the alternative provisions round these savings.</p> <p>8) ECU allowance should be based on the substantive job role and not an arbitrary threshold taken during the Pandemic, which will not be a true or accurate reflection of work mileage. All post with ECU should be reviewed and if the substantive job role requires a car to complete and carry out the role these should retain ECU status.</p>	<p>Unfortunately, like you say there is never a good time. However, due to agreement with Trade Unions it was agreed that communication to all staff and Trade Unions was sent on this date together. Whenever this was sent there would have been some form of criticism over the timings. We take employees mental health very seriously and would hope that any staff effected would be in contact with their manager.</p> <p>Once a decision has been made regarding the proposals, all queries should be raised with managers/HoS. There are many reasons why employees choose to leave the Council, and this is monitored via Exit Questionnaires. Equally, benchmarking has been carried out with other Councils and the scheme being proposed by Charnwood is considered to be in line with that of others Council's and more generous than some.</p> <p>It is imperative that the measures set out in the ECU scheme and clear, transparent, equitable and measurable and parameters of the scheme are applied fairly and consistently to all employees, despite how funding is obtained. Any discussions regarding specific work-related matters should be held with the manager.</p> <p>These points will be part of the ongoing review process of the miles undertaken where relevant or necessary for posts.</p> <p>The data used includes pre-pandemic mileage.</p>
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<p>9) Planning has a well-documented and long-standing issue with recruitment. National media has highlighted a significant shortage of planning professionals within the UK and I believe the proposed changes will make retention of existing staff and attracting new staff considerably harder.</p> <p>10) Due to staff retention issues and the skills shortage, Planning have designed a career progression route within our service to grow our own officers. The proposed changes to the ECU policy will destroy this carefully planned structure as the take home pay for a Senior Planning Officer P112, will be more than the Principal Officer P122.</p> <p>11) I really do understand savings need to be made within the council, I know if we all look hard enough we can find ways in which money could be saved, one area that should be looked at is Procurement, why are we having to order goods well over priced from ESPO when exactly the same item can be purchased cheaper elsewhere.</p> <p>12) My professional body (RTPI) requires me to undertake site visits as part of their professional code of conduct which I have to abide by – removal of the essential user allowance will not allow me to competently undertake my role and risks my professional reputation and the councils by association.</p> <p>13) I fully appreciate why you are looking for savings, but I would hope that you will consider the duties and roles and the benefit to the Borough rather than who put in the highest claim, especially over lockdown.</p> <p>14) It should also be recognised that, where ECU has been used as a salary top up, this has saved the council money in the on costs of higher salaries. I know colleagues for whom the existence of ECU was a factor in their decision to take a salary cut by moving from the private sector into local govt. I am also aware that there are a number of posts within the council that are perennially difficult to recruit to and as a result we have to pay much larger agency prices to fill them.</p> <p>15) The focus on the green agenda in this document is also inconsistent with the council's failure to instigate the changes to the arrangements</p>	<p>Where there is evidence that posts cannot be recruited to, managers can utilise the Market Premia Policy as a means to attract candidates. As noted previously, the Council is currently looking at the operation of this policy.</p> <p>The career graded posts in planning are an excellent way to develop our own staff. However, at no point should the ECU be seen as a way to enhance the salary of job evaluated posts. The HoS will need to look at the detail contained in these posts.</p> <p>The Council must consider the most efficient and effective way to run its services and will review this as appropriate.</p> <p>Nowhere in the proposals does it state that employees will not be able to carry out site visits. These can still be carried out as a casual user and will be reimbursed accordingly.</p> <p>The data used includes (and is primarily based on) pre-pandemic mileage records.</p> <p>There are well accepted benefits to working in Local Government, such as annual leave, bank holidays and pension contributions. Agency staff are utilised where necessary. As stated, the ECU allowance arrangement proposals are designed to target staff who are essential car users. Other policies are more appropriate in respect of staff recruitment and retention.</p> <p>The Council has a scheme in place for employees undertaking work related journey on their bicycles. This is outlined in the Travel, Subsistence and Other Allowances Policy. Furthermore, the council has reviewed the option of a</p>
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<p>for claiming bicycle mileage that were promised to the staff forum in 2019, or to take part in the cycle to work scheme.</p> <p>16) I have previously worked for two Council's, one who removed the essential car user status completely and the other who amended it to reduce significantly the staff which were eligible for the scheme. On both occasions the result was people leaving the Council for either the private sector or for other Councils which provided a better remediation package for their employees. This also impacted on recruitment of new high-quality staff for the same reasons.</p> <p>17) New proposals do not include use of private electric vehicles, who HMRC advisory rate is 0.04p.</p> <p>18) Given that the proposal is to offer a compensation payment of one quarter of the annual detriment for staff whose allowance is going to drop from £1239 to £846 per year, I feel that I should be eligible for this given that, at the time I purchased an electric car, the Council did not even have a policy on the car user rate or mileage rate and I was therefore placed on the lowest rate. The compensation payment is low and I would request the amount is reconsidered.</p> <p>19) In terms of charging electric cars please could you clarify:</p> <ul style="list-style-type: none"> - Staff are not allowed to park on the ground floor of the beehive. Are they permitted to use the EV charging points there? - Alternatively are staff permitted to use the EV charge points designated for Council use on the 4th floor of the Beehive? <p>20) Reflecting on the impending "cost cutting" a member of my service who has left felt this was the "think end of the wedge" which signals an accelerated decline in staff remuneration and working conditions leading to a further deterioration of staff morale and people leaving the authority making working at CBC untenable.</p>	<p>Cycle to Work scheme but due to a range of factors it has not been possible to implement at this time.</p> <p>As commented previously, benchmarking has been carried out and the proposals demonstrate a level of consistency with our near neighbour authorities. Generally, we consider that the proposed ECU scheme would be equally or more beneficial to staff than that operated by neighbouring authorities.</p> <p>Users of electric vehicles will receive an increase to 45p/mile as the council is wishing to promote the use. The Council already pay well in excess of this, and yet again are proposing a higher rate to encourage the use of electric vehicles/green incentives.</p> <p>There are no proposals to change the level of compensation offered which complies with our contractual obligations. Compensation will be set at the appropriate rate for the lump sum received. The Council must be mindful of how it uses public money, and as such, there are no plans to change compensation awarded in this circumstance.</p> <p>Employees can charge their electric cars on level 5 of the Beehive Car Park. Level 1 of the car park is for members of the public and should not be used by employees. Further advice on this should be sought from Street Management.</p> <p>There are many benefits to working in Local Government, including but not limited to annual leave entitlements, bank holidays and the pension scheme. Alongside this, we have many other benefits including agile working and training opportunities. As a Council, CBC has worked hard to protect employees and services, and continues to do so in a difficult climate. We value the efforts of our employees in delivering the many varied functions</p>
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21) What would the cost saving be if staff currently receiving ECU retained it but on a pro-rata basis? The consultation option dismisses this as an option but without setting out what the saving would be if this option was implemented.

across the Council. However, we must also ensure that the schemes in place are fair, transparent, and applied consistently and this is also a determining factor in reviewing the ECU allowance scheme. The Council's current turnover is largely consistent with other years based on analysis so far this year and the Council will continue to analyse the reasons for staff leaving the authority.

This option would not address the many factors highlighted for reviewing the scheme. Alongside cost saving, it is imperative that the Council has a fair, transparent, equitable and measurable scheme in place to ensure that any allowance for ECU is awarded in accordance with those principles for the job role in question.

PHASE #2 CONSULTATION RESPONSES**ESSENTIAL CAR USER ALLOWANCE**

On the 22 November a response table was published in One Charnwood considering the comments received as part of the Essential Car User Allowance review.

It was explained as part of that response that the document would not cover each person's individual submissions, but the key points had been captured from the many comments we received

The ECU mailbox remained open following the first response, allowing a further opportunity to provide feedback. As before, we have summarised the key points and will not be responding on an individual basis to emails.

As previously advised and as summarised below, for those who have provided information and made direct requests to join or remain on the essential car user allowance eligibility list, this will be considered separately. There will therefore be no detailed response to those requests as part of this document.

We will continue to work with the trade unions in line with the established process and will endeavour to keep you informed of any further progress.

Query	Response
<p><u>Eligibility for ECU Allowance</u></p> <p>The changes to the ECU allowance appears to be a blanket approach and fails to take into account the individual requirements of each job role affected by the changes. The role requires the occupier to carry out site visits across the Borough. It is a requirement of the job role and the use of a car is essential to this. Without the ECU we cannot be expected to keep a car available for use on council business.</p>	<p>As previously stated in the One Charnwood article and the response table, for those who have provided information and made a request to join or remain on the essential car user allowance eligibility list, this will be considered as part of a separate process. More information on this will be provided once the Policy has been finalised and communicated in due course.</p>
<p><u>Criteria for ECU Allowance</u></p> <p>I do believe the eligibility criteria for the proposed ECU list does not adequately consider the nature of jobs and the 1000 mile threshold is entirely arbitrary.</p>	<p>The proposals put in place a system to be able to measure and justify the awarding of the ECU allowance. Other councils operate similar systems, so the scope of the proposal is not uncommon in local</p>

	<p>government. It outlines the need for an officer to have a car at their disposal on a regular basis, undertaking a reasonable amount of miles. This is necessary to differentiate between those who can reasonably be classed as casual users, and those where the requirement to undertake work related journeys is a regular requirement due to the nature of the job.</p>
<p>Having looked at the groups that will still be considered for the essential car user allowance, I do not seem to be in/fit into any of the categories. Does this now mean that I do not qualify for any future essential user payments? I would very much to be included within the new scheme if possible.</p>	<p>If you do not meet the criteria, we are not able to offer you inclusion to the new scheme. There will be a review and appeal process included into the Policy.</p>
<p>We would like to apply to stay on the Essential Car User Scheme to allow travel between Centres as required and remain as call out contacts for the Security Company.</p>	<p>The criteria is as listed in the proposal document, managers can request specific reviews of posts that have not been included if the role or previous mileage demonstrates the requirement.</p>
<p><u>Choice of Vehicle</u></p> <p>I would like to say that I have a car with a 2000cc engine but this car has very low emissions I think we are being penalised for having a family car which is what people need to transport their families, whilst a smaller old car could have very high emissions not sure how this works when the calculations have been made. Staff have to have a larger car when they have families, so it sounds like people are being penalised for having a family.</p>	<p>The Council accepts that each individual has every right to choose whatever vehicle they wish to suit their individual circumstances. We do however support green initiatives and have considered how we can develop our support in this area through the use of pool cars and support of electric vehicles etc.... whilst balancing this against the principles of a fair, transparent and measurable ECU scheme that recognises those postholders who meet the definitions of the scheme.</p>
<p><u>Pool Cars and Infrastructure</u></p> <ul style="list-style-type: none"> • Will the pool vehicles be in place before the policy is implemented – what's the timescale? • On the understanding that these will be electric vehicles – how will they be charged? – there is currently no infrastructure to accommodate them. 	<p>The potential pool car scheme is currently under review and once further information is available this will be shared with all staff.</p> <p>As previously stated, it is envisaged that Pool Cars will supplement rather than replace the ECU scheme, and we expect that some staff will find it preferable to use their own vehicle whether on an Essential or Casual user basis. Use of Pool Cars will not be compulsory.</p>

<ul style="list-style-type: none"> ○ The infrastructure is not only the charging units on the wall but the electrical supply from a DNO to a designated site for fleet vehicles. ○ Has a policy mandate been put in place to achieve the introduction of additional fleet electrical vehicles including infrastructure. ● How will I carry out essential inspections in the interim period i.e. before fleet vehicles are introduced. <p>The detail of the pool car scheme and ULEV salary sacrifice scheme has not been worked up yet and so it is difficult to understand if pool cars are viable alternatives to ECU or if the ULEV scheme will actually go ahead and/or be a realistic proposition in terms of affordability. It is not clear how many pool cars will be required to provide the accessibility to vehicles that will be required to maintain staff productivity if the ECU is removed from staff and no usage assessment or management cost analysis has been carried out.</p> <ul style="list-style-type: none"> - Where are the vehicles to be kept and charged and who will manage them? - What overall cost to the organisation will they have and has that been factored into the proposals? - The presumption that pool cars can plug the gap left by ECU and the use of officer's own vehicles misunderstands the highly efficient way that officers manage their caseloads and the extent of the equipment they have to carry with them to site. - How will the pool cars support officers that are on call/stand by 24/7 when presumably they will be on charge overnight? 	<p>We are looking to introduce pool cars and it is hoped these will be available when the Policy is effective. The logistics around the delivery of these vehicles is being addressed.</p>
<p>There doesn't seem to be any recognition that the loss of ECU and subsequent reduction in take home pay will significantly impact on some people's ability to run a car in the first place but they will still need to drive to carry out their duties at work. People have made financial choices based on their income including ECU. There needs to be a lot more detail about pool cars as some people may be reliant on them if they can no longer afford to run a car. I would sincerely hope that no</p>	<p>ECU has never been part of the salary hence why it is not an all inclusive amount, the Council cannot be accountable for decisions that employees have made regarding including ECU as part of their overall income. Once more details around pool cars are confirmed this will be communicated. Once the Policy has been finalised, staff will be given 3 months' notice of any changes.</p>

<p>staff member is subjected to disciplinary proceedings as alluded to in the document because their financial difficulties and a lack of access to a pool car means they are seen as 'refusing' to carry out their duties.</p>	
<p><u>Cost of Living / Savings</u></p> <p>I do understand why the criteria needs to be tidied up and that ECU should not be seen or promoted by recruiting managers as a 'perk' to enhance salaries. However, is there potential for so many essential but hard-to-recruit posts to end up using the Market Premia Policy to review salaries that there is no cost saving from reforming ECU? I can foresee a situation where cost savings are cancelled out by other consequences of removing ECU (recruitment costs, use of Market Premia Policy) and staff feel demoralised as their take home pay reduces at a time when the cost of living is increasing.</p>	<p>The need to review the ECU scheme is not simply down to savings. The scheme needs to be reviewed for all of the reasons listed in the previous response and the consultation document, including having a fair and measurable scheme in place along with the Council demonstrating they are spending public money in an appropriate and cost effective way.</p> <p>There may be roles that justifiably require a market premia, this will only be applied in accordance with the parameters of that policy.</p>
<p>I had to smile at what were put forward as the benefits of working in local government (annual leave, bank holidays, agile working, etc). Whilst all are appreciated, one of those is a legal requirement and the others are pretty common across the private/third sector. If staff retention does become an issue (as many of the comments on the proposal predict will happen) then there needs to be a stronger story told about why Charnwood is a good place to work and what the offer to staff is, especially if wages in the private sector increase in the next year or so and those in the public sector stagnate.</p>	<p>There are many benefits of working in the public sector including: Annual leave and bank holiday entitlements are greater than the statutory allowance. Training and upskilling staff in a vast range of areas across a wide range of qualifications. The local government pension scheme is a valuable part of the pay and reward package for employees working in local government with significant employer contributions. There are also many retirement benefits linked to this. The Council also looks to support its staff in a range of situations including having 3 years pay protection in certain circumstances and enhanced severance packages. The Staff, Health and Wellbeing Survey also demonstrated that there is an appreciation for the principles of agile working, with many staff enjoying the option to work from home. The Council also has in place many policies and initiatives to support employees ranging from mental health, menopause to a range of diversity issues such as trans equality.</p>
<p><u>Benchmarking</u></p>	

<p>Thank you for providing sight of the benchmarking exercise. There are some concerns about the interpretation that has been given to it. In the consultation it is said that benchmarking shows the proposals are 'reasonable and comparable with other near neighbour authorities. I don't believe that is strictly true and the claim could be seen to be misleading. The benchmarking actually shows a variety of approaches and no consistency between neighbours or an understanding of the wider measures in those authorities that help to mitigate. It is also partial as Blaby is not listed there. HDC, HBBC, and NWL all have different eligibility criteria and the criteria for Melton is not given at all (just notes that it follows the green book, whatever rate that is). NWL and HBBC have thresholds but they also have other criteria that may be used as exceptions for example those staff that are on call out. HDC actually makes clear what the definition of an essential user is but has a stratified threshold based on mileage which appears to be much fairer. NWL is either a mileage threshold of 1,500 miles or those on standby or call out where immediate response is required. It is claimed in the response that one council has a threshold of 3,500 miles but that is not shown anywhere in the benchmarking. What the benchmarking actually shows is inconsistency of approach and those councils that may be more attractive to work for by virtue of their individual schemes.</p> <p>It should be noted that NWLDC have just published the Head of Finance position in the MJ with an additional £3,000 'car allowance'. It does beg the question as to why their Head of Finance requires a car allowance to do their job but, leaving that issue aside, it illustrates in my view a recognition at NWL of the role ECU plays in recruitment: whether we accept that argument or not.</p>	<p>As you have outlined the benchmarking does contain a range of approaches, including no scheme or variations of schemes. However, where a scheme is in existence it is less generous than the proposed CBC scheme based either on the mileage threshold or the payment structure.</p> <p>We have maintained throughout that the ECU should not be used as a perk, in particular to attract candidates to higher paid roles. The Council want to establish a scheme that is fair, transparent, equitable and measurable. Using car allowance as a recruitment tool does not fit that criteria; nor would the Council wish to engage in this type of scheme. We have other policies that address recruitment challenges, some of which are currently being reviewed.</p>
<p>The response says the council received specialist tax advice and that the key feature of the proposals is to avoid tax issues but it doesn't explain what those issues are and whether they are issues for the council or recipients. It is not clear how the tax advice is relevant to the proposals. Presumably the issues are the same for all council's yet there is</p>	<p>To make certain the Council gave the best advice, a decision was taken to source specialist advice in this area to ensure that the Council's policies are applied in accordance with regulations and best practice. The issue of tax was addressed in relation to queries around mileage. In terms of mileage the tax advice this was as follows:</p>

<p>no consistent approach to ECU within Leicestershire. It is also not clear why officers are unable to claim mileage from home as their place of work (as per Blaby) and what advice the council has had in this regard. It is necessary to explain this advice so officers who are claiming tax relief for running a home office understand their tax liabilities and also understand the evidence underpinning the council's policy position.</p>	<p>Staff may consider their permanent workplace as home but there are three factors that all have to be met for this to apply:</p> <ol style="list-style-type: none"> 1. Substantive duties being performed at home 2. Having all the equipment necessary to work at home and none of that equipment is available at a work location 3. The absence of <u>any</u> choice to work from home i.e., the employer has required the employee to work from home. <p>Where staff are home based but may occasionally work from the office, HMRC would only consider home to be a permanent workplace for all travel to workplaces if all three of the above conditions were met.</p> <p>All staff still have their office designated as the permanent workplace since the Council does not, and has no plans to, require staff to work at home. The tax advice is very clear on HMRC requirements in this area and therefore we do not consider that any staff would qualify as home workers.</p>
<p><u>Ad-hoc</u></p> <p>Thank you for finding the time to respond to the comments made by staff in respect of the ECU allowance consultation. It is unfortunate that the queries and concerns that have been responded to appear to have been done so on a selective basis, i.e. not all queries are adequately answered and on the whole are very dismissive of staff concerns. I am concerned how this will compound the likely impact on staff morale and performance.</p>	<p>Whilst every effort and a lot of time has been spent in responding to all queries raised, these have been categorised where possible to make it easier for everyone to read the responses. There has never been an intention for this to be on a selective basis, nor have staff concerns been dismissed. It is hoped that all staff understand the reasons why the savings need to be made, to help protect Council services as a whole.</p>

Essential Car User Allowance Scheme Policy

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Purpose

The Essential Car User (ECU) Allowance Scheme Policy details the Council’s criteria for eligibility of an essential car user allowance scheme for relevant posts within the council.

The Council aims to provide a consistent and effective approach to business travel and related expenditure and the re-imbursement of allowance for officers in the performance of their duties.

The scheme will be subject to an annual review and the policy provides a process of review to ensure that each individual essential car user allowance remains justifiable and appropriate. The Council reserves the right to amend or withdraw the scheme upon the giving of three months’ notice.

Information on claiming mileage is set out within the Travel, Subsistence and Other Allowances Policy.

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Scope

This policy applies to all Charnwood Borough Council employees, employed under the conditions of service of the following bodies:

- National Joint Council for Local Government Service Employees.
- Joint Negotiating Committee for Chief Officers.
- Joint Negotiating Committee (JNC) for Local Authority Craft and Associated Employees’.

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Roles and Responsibilities

Employees	Employees will be personally responsible for the veracity and accuracy of claims submitted under this policy. Furthermore, employees are responsible for ensuring that necessary business journeys are carried out in the most efficient and effective way.
Managers	Managers are responsible for checking and formally certifying that the business travel has been necessary, is reasonable in the circumstances and reflects service requirements and that the criterion of the scheme continues to be met and is necessary for the post.
Head of Service	On an annual basis, Heads of Service will, in consultation with relevant managers, confirm which posts meet the essential car user allowance criteria and which do not. This information will be provided to SLT for consideration and authorisation.
Senior Leadership Team (SLT)	SLT will be responsible for reviewing any existing or proposed essential car user allowance attached to a post.
Appeal	The Essential Car User Allowances Appeal panel will consider written submissions of evidence from an employee as part of a Stage 1 appeal process. The panel will be made up of a Senior Manager (PO grade and above), who will be accompanied by a further Senior Manager and a HR representative. An employee may proceed to a Stage 2 appeal where a decision to not uphold the Stage 1 appeal was made. This appeal hearing will be held in accordance with the principles of the Appeal Policy and Procedure and is the final stage of the appeal process.
HR Services	HR Services will provide advice and support to managers on the application of the policy. HR will be required to also be a panel member at an appeal meeting (as above) and will express a view on whether the criteria is met and make recommendations about the appropriate outcome
Recognised Trade Unions	The recognised trade unions will provide advice and support to their members as requested and can represent their members at a Stage 2 appeal hearing.

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Eligibility and Criteria

Eligibility for an essential car user allowance is not automatically applied to a specific post. The scheme is subject to an annual review.

To be considered eligible for an essential car user allowance, employees must be able to demonstrate that they are able to qualify under the essential car user allowance scheme criteria.

- The complete assessment for eligibility will be in accordance with the ECU Eligibility Criteria set out at Appendix A to the policy.

ECU Annual Review Process

Timings

The annual review process will offer an opportunity for roles to be added to, or deleted from, the list of those eligible for ECU allowance.

The review process will take place immediately following the financial year end in April and May of each calendar year.

Process

Annually, in April of each year, Heads of Service will be provided with a report for employees in their service area eligible for essential car user allowance, outlining the total miles claimed within the previous financial year. Heads of Service, in consultation with relevant managers where appropriate, will be asked to confirm that the employee meets the criteria set out at Appendix A.

Heads of Service will also be provided with a report for employees in their service area **not** in receipt of essential car user allowance, where the total mileage claimed within the previous financial year has exceeded 1,000 miles. In these cases, Heads of Service, in consultation with relevant managers where appropriate, will be also asked to confirm that the employee meets the criteria set out at Appendix A, with a view to adding these employees to the eligibility list.

Interim reports will be commissioned from the internal audit function for the purposes of in-year monitoring.

An existing employee may ask to be considered for ECU eligibility. Any request of this nature will be considered within the next annual review period. Employees will need to provide evidence to support their claim, in writing, in line with the above criteria.

The final report will be submitted to SLT who will confirm those employees who will be eligible under the essential car user allowance scheme policy in the ensuing financial year. Further evidence may be requested by SLT to demonstrate eligibility.

Where SLT determine that an employee is no longer eligible for essential car user allowance, the employee will be informed in writing of the decision and given three months of the cessation of ECU allowance payments.

Car ownership for non-essential car user allowance posts

An employee who occupies a post that does not qualify for essential car user allowance may use a pool car or appropriate public transport in the event that they need to travel for work purposes to meet the requirement of their post. An employee should claim the most cost effective and time efficient route as agreed with their manager.

It should also be noted that casual car user mileage reimbursement would be payable should an employee use their vehicle for business use.

Implementation of amendments to ECU eligibility

Employees previously in receipt of ECU allowance will be informed and given notice with effect from the date of the original decision as set out above.

Where employees are newly eligible for ECU, this will be effective from the start of the new financial year.

Appeal Process

Employees will have an opportunity to appeal against decisions to exclude employees from the ECU scheme.

Stage 1 Appeal

Following confirmation of the SLT decision to withdraw essential car user allowance from a post, the postholder will be informed of the decision in writing along with their right to appeal. Employees who wish to appeal may do so by first notifying Human Resources that they wish to appeal the decision within 21 working days of the employee receiving their outcome letter. The notification to appeal should outline the grounds of the appeal (e.g. procedural flaw, unreasonable sanction, new evidence, challenge of the evidence used, due consideration of mitigation) paying particular attention to the criteria set out in the policy under Appendix A. The appeal will be considered in writing by an Essential Car User Allowances Appeal Panel in the light of additional information provided. Upon reaching a conclusion the Essential Car User Allowance Appeal panel will confirm the outcome and rationale to the employee in writing no later than 28 days after receipt of the employees written appeal. The outcome of the Stage 1 Appeal will be to either:

- uphold the employee appeal and retain/add the employee to the Essential Car Users scheme
- or
- not uphold the employee appeal

Stage 2 Appeal

Where a decision to not uphold the employee appeal has been made the employee may proceed to a Stage 2 appeal. The Stage 2 appeal will be held in accordance with the relevant principles of the Appeals Policy and Procedure.

Job Evaluation New or Revised Posts

As part of the Job Evaluation process, all new and revised jobs will be assessed for eligibility for ECU, or otherwise.

Where ECU allowance is withdrawn (as described in the paragraphs above) the decision will also be informed by the change in circumstance associated with the role and a Job Evaluation will be undertaken.

New starters appointed to a role with an ECU allowance will receive the payment from the date of commencement in post.

ECU Payments

A baseline rate of £963 per annum will be used as the calculation for those eligible for essential car user allowance.

Full time employees will be entitled to receive the whole essential car user allowance.

Part time employees will receive a fixed element of the allowance and a variable element, calculated in proportion to the hours worked in accordance with the following calculation:

$$\text{Fixed element} = \text{ECUA} \times 0.25$$

Plus

$$\text{Variable element} = (\text{ECUA} - \text{fixed element}) \times (\text{contracted hours worked}/37)$$

This is paid in 12 equal monthly instalments over the year. A proportion of the annual lump sum will be paid where an essential car user allowance is approved for a period of less than 12 months. Should an employees contractual hours change the essential car user allowance will be adjusted, as appropriate, with effect from the date of the change.

With effect from 1 April 2024, the essential car user allowance will increase annually in line with the Consumer Price Index (CPI) by the Office of National Statistics.

Claims for mileage will be in line with NJC mileage rates. Further information is available in the Travel, Subsistence and Other Allowances Policy.

Shared Use of One Vehicle

In the event that more than one employee with essential car user status uses a single car, and that car is not available during all working hours and days to each of those employees, then only one person would be entitled to be paid the essential car user allowance as they do not all meet the criteria set out above. The person receiving the allowance would ordinarily be the registered owner of the car.

ECU Car Off the Road

Further information can be found in the Travel, Subsistence and Other Allowances Policy where a car is not in use as a result of either mechanical defect or the absence of the employee through illness.

Claims for Business Travel if not an ECU

Employees in a role where it has been determined that they do not meet the criteria for essential car user will be eligible to claim casual car user allowance if they use their car in the performance of their duties.

Abuse of the Scheme

Abuses of the scheme may lead in some instances to formal disciplinary action being taken against an employee.

Appendix A Eligibility Assessment Matrix

In assessing whether a role qualifies for Essential Car User Allowance the following aspects will be considered in order to reach a decision.

<i>Aspect</i>	<i>Criteria</i>	<i>Comments</i>
Sole access to own vehicle of employee fulfilling the role during all working days and working hours: (For the avoidance of doubt, this would not include any Council vehicle to which an employee may have access).	Vehicle MUST be available to the individual employee at all times on ALL working days and working hours.	Failure to meet the criteria means that employee would not be eligible for ECU allowance.
Nature of use:	Necessary, in person attendance at sites, business premises or customers' homes.	Visits to organisations, such as neighbouring local authorities, suppliers or contractors, or trade conferences are not deemed essential use as it anticipated most meetings of this type can be conducted on-line. Attendance at training courses is also excluded from the criteria.
Frequency of required vehicle use:	Typically, a vehicle would be required to fulfil the role for the majority of the working week; this should represent, on average, a requirement to use a vehicle for business purposes for 70% of working days over an extended period of time (ie. it is expected that on average a business journey would be required on three to four separate days in the working week).	Evidence of mileage claimed (or business journeys undertaken where no mileage claim was allowed) and frequency of visits in the previous financial year will be required. Where claim history does not indicate that in excess of 1,000 business miles are being incurred, but it can be demonstrated that a vehicle is required on a frequent basis to perform the role – defined as 70% of working days over an extended period of time – the role will be considered eligible for ECU allowance
Timing of business journeys	Where frequent journeys are required to be undertaken at evenings or nights, when public transport may be limited and / or safety concerns of employees exist then this may be taken in account in assessing overall eligibility	In assessing this criteria, comparison with the cost of other alternative transport options (eg pre-booked taxi) will be considered

<i>Aspect</i>	<i>Criteria</i>	<i>Comments</i>
Mileage	<p>There is no strict cut-off for annual business miles incurred but it is expected that approximately 1,000 miles (on a full-time basis) would be the basis of qualification for ECU allowance.</p> <p>It is accepted that for some employees who mainly work from home, a business journey is required but no mileage can be claimed due to the journey being less than the standard home to office commute. This will be taken into account where such journeys can be demonstrated.</p>	<p>Over a 40-week 'year' – allowing for holidays, sickness, training days – 1,000 miles represents just 25 miles/week; or, based on required usage of 4 days/week, 6 miles/day</p>
Consistency between roles	<p>Where employees have the same job profile, then in principle all employees with that profile will be treated equally</p>	<p>In practice this will mean that where there are multiple employees with the same job profile (i.e. same reference number) then if some qualify for ECU allowance then it is likely that this would be offered to all with that profile even if not strictly justified by individuals' journey records</p>

[Proposed amendment on page 3 to be agreed and implemented once HMRC rates are amended. Will retain this section without amendment until that point.](#)

[Proposed deletion on page 13 still applicable.](#)



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Including i-expenses**

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Scope

This document applies to all employees of Charnwood Borough Council employed under the Joint Negotiating Committee for Local Government Services (JNC), National Joint Council for Local Government Services (NJC) and Joint Negotiating Committee for Local Authority Craft and Associated Employees (Craft).

Purpose

The purpose of this document is to provide managers and employees with guidance in relation to business travel, mileage claims and meal and other allowances claims to establish a clear process and ensure consistency in the approach taken across the Council.

PART 1: Authorised Business Travel

Managers may authorise an employee to use his/her own car on official Council business when travel by public transport would be inefficient in terms of time, cost or convenience.

Reimbursement for Authorised Business Travel

Employees who have carried out authorised journeys in the course of their duties may be eligible to make a claim (excluding the normal commute to/from work journey) in respect of expenditure incurred for:

- mileage or public transport fares from their designated work base for travel to/from/between other work locations, client, and training venues
- necessary visits en route from home to/from work incurring mileage in excess of their normal home/work commute journey see section [Mileage in excess of normal commute journey](#)
- [car parking](#) necessarily incurred in the course of the visit
- [subsistence](#) in accordance with the provisions of this document, and
- [miscellaneous](#) expenses as outlined in this document.

The most cost-effective and/or time-efficient route and modes of travel should be used. Wherever possible, colleagues should arrange to travel together if they are attending the same event.

Travel by Car - in most cases the shortest route will be the most cost effective. Occasionally a longer route may be quicker as the time taken to travel the route is considerably less.

Travel by Public Transport – for some longer journeys the option to use public transport may be considered. Employees should agree with their Manager the most cost-effective option.

Managers are responsible for checking and formally certifying that the business travel has been necessary, is reasonable in the circumstances and reflects service requirements.

The ~~HMRC mileage and fuel NJC car~~ allowance rates are applicable to those claiming mileage rates for car usage, ~~motorcycle and bicycle use~~. ~~The car allowance rate will also apply to electric vehicles~~. ~~Further information on rates can be obtained from the Payroll section~~.

Commented [sD1]: A link to the HMRC mileage rates will be included in the policy.

~~The mileage rates applicable to motorcycle and bicycle use are in accordance with HMRC mileage and fuel allowances and are available by [clicking here](#)~~.

Bicycles

The Council has adopted an environmental charter which declares a positive attitude towards cycling. It gives positive encouragement to employees to consider whether and how they can use a bicycle in the course of their official business as well as cycling to and from work.

Employees wishing to cycle on their own bicycle for work related journeys **must** complete a [Bicycle User Declaration](#) for the consideration and approval of their manager to obtain agreement to undertake a work-related journey on a bicycle. This agreement will remain in place for each authorised journey for a period of 12 months from the date of signature, following which the manager and employee must review the agreement. A new declaration must be completed for each 12 month period.

Management must approve each journey made on a bicycle to ensure it is an appropriate means of undertaking the journey, taking into account factors such as time and distance. The bicycle arrangements are available for all employees, subject to management approval, who travel on Council business, whether designated as essential or casual car users.

The following arrangements relate to those employees who have management approval to use a bicycle on official business mileage. A mileage allowance will be paid at current HMRC bicycle allowance rate for use of bicycles on Council business, subject to the approval of management in the case of each individual journey. Management approval is to ensure that a balance is achieved between the advantage of using a bicycle and the disadvantage of additional travel time on longer journeys. Use of a bicycle is an alternative to use of a car for such journeys and will therefore not affect payment of essential user lump sum allowances where applicable.

Once approval is obtained, the manager must email HR to confirm that the employee has approval to use a bike for work related journeys. This will then be recorded on iTrent.

Claims for bicycle mileage should be made separately from claims for car mileage by using the car allowance claim documentation clearly marked CYCLE ALLOWANCE. Where odometers are not fitted, claims should be for a fair estimate of the mileage. In approving individual journeys and verifying claims, managers must rely on common sense, random checking and mutual trust to maintain a fair and positive approach to the scheme.

Employees are reminded to adhere to the principles of Health and Safety.

Employees claiming bicycle allowance are required to have third party public liability insurance for business use.

Bicycle storage facilities are available at Southfields Annexe for Southfields, and Town Hall based employees.

All private vehicle users

Vehicle insurance – private vehicles

Employees using a private vehicle for work purposes must ensure their insurance policy covers them for appropriate business use. When submitting a travel claim the individual is confirming that the insurance policy covers use on business and indemnifies the Council against third party claims. Under the [Essential and Casual Car Users' Documentation: Guidance for Managers](#), claimants are required to present their driving licence, insurance certificate(s), MOT and vehicle registration document(s) for inspection on an annual basis.

Driving Licence Upgrade

Employees whose job requires driving Council-owned vehicles who may need to upgrade their driving licences for specific operational reasons may be reimbursed the cost of the upgrade and/or the associated medical examination costs.

Dual purpose vehicles

Where a Director certifies that an employee must have a dual purpose vehicle to allow him/her to carry goods/equipment in the course of his/her duties, the Council will reimburse the additional cost of the appropriate excise licence over and above the normal licence rate for a similar private vehicle.

PART 2: Claiming Travel Expenses

Appendix 2 gives step by step guidance to the process of submitting claims for business travel expenses.

Employees with i-Trent Access

I-Trent is available to all employees who have a current CBC logon.

All such CBC employees must use the i-Trent system and must not submit paper claims. Paper claims will not be processed and will be returned for the employee to submit via i-Trent which may result in delays in payment.

Employees who are **new starters** to the Council and it is their **first** mileage claim, or have changed their vehicle since their last i-Trent claim, **MUST** complete the Car Parking e-form **before** they make their claim. Essential car users should submit their vehicle details when they commence employment through the new starter process. In lieu of the eform being available, if the employee needs to provide details of a change of car they should email the details to the HR Administration Team.

Employees without i-Trent Access

Employees without i-Trent access should submit the paper claim form. Expense claims must be completed in full; incomplete forms will not be processed and will be returned to the employee which may result in delays to payment. Please note however that there is only one form for all vehicle users.

PLEASE NOTE: For paper based claims, only **ONE** month can be claimed on each form.

What can employees claim?

An employee should claim the most cost-effective and time-efficient routes. All claims should be incurred wholly, exclusively and necessarily in the course of Council duties.

Travel by Car - in most cases the shortest route will be the most cost effective. Occasionally a longer route may be quicker as the time taken to travel the route is considerably less.

Travel by Public Transport – for some longer journeys the option to use public transport may be considered. Employees should agree with their Manager the most cost-effective option.

Meals and other allowances are covered in [Part 3](#) of this document

Mileage in excess of normal commute journey

Mileage expenses are not payable for the normal commute journey between home and the regular workplace.

Example 1 – Visiting a client before going to regular workplace

If the journey to your regular workplace (permanent base) requires a visit(s) before reaching your regular workplace, the mileage claimable is the total journey from home to the workplace *less* the normal commute journey mileage.

(Normal commute journey from home to regular workplace = 11 miles)

Journey from home to client's home etc. = 6 miles

Journey from client's home to regular workplace = 7 miles

Total journey (actual mileage) 13 miles – normal commute journey 11 miles = 2 miles entered as claimed mileage.

Example 2 – Leaving your workplace and visiting a client before home

If the journey from your regular workplace (permanent base) requires a visit(s) before reaching your home, the mileage claimable is the total journey from the workplace to home *less* the normal commute journey mileage.

(Normal commute journey from regular workplace to home = 11 miles)

Journey from regular workplace to client's home = 12 miles

Journey from client's home to your home = 7 miles

Total journey (actual mileage) 19 miles - normal commute journey 11 miles = 8 miles entered as claimed mileage.

Example 3 - Visiting client's and returning home without going to permanent contractual workplace

On a day when you are working from home rather than going to your permanent contractual workplace (ex, Southfields) and are visiting a number of clients and then returning home, claims must be reduced by the length of the normal commute journey for the first and last journey.

(Normal commute journey from home to regular workplace = 8 miles)

Journey from home to first temporary workplace = 12 miles

The claim for this first journey should be 4 miles (12 miles minus 8 miles)

The total mileage can be claimed for any journeys between the first and last journey. For example, journeys between the first and last journey = 30 miles.

Last temporary workplace to home = 9 miles

The claim for the last journey should be 1 mile. (9 miles journey minus 8 miles normal commute journey)

Total claim = 35 miles (4 miles first journey + 30 miles journey between first and last journey + 1 mile for the last journey)

Alternatively, if the first and/or last journey mileage is less than the normal commute journey, no mileage should be claimed for the journey that this principle applies to.

Further information is available in the Agile Working Policy.

Reimbursement of Passenger Mileage

A passenger rate allowance may be paid, when an employee carries another employee in their car or van on business travel. The rates for passengers are determined by the HMRC.

Employees with more than one base/workplace

Employees who regularly attend more than one permanent workplace are not entitled to claim official mileage between home and any of their permanent workplaces.

Recall to Work

Where an employee is required to return from home to their normal workplace they are entitled to claim taxable mileage in the following circumstances:

- an emergency
- attend a meeting
- required to attend their normal workplace on a day when they would not normally attend work

These mileage expenses are subject to tax irrespective of what time of day the journey was undertaken.

Training courses - mileage

Mileage incurred when attending training courses should be claimed as 'normal' business mileage.

Wherever possible, employees attending the same event as other colleagues should travel together in the interests of the environment, alleviating parking problems and minimising travel costs.

Qualification Training

Expenses incurred travelling to and from a 'qualification' training course are recoverable if the employee leaves within 2 years of completing the course. Managers are responsible for monitoring and recording such recoverable expenses for individual members of their staff group and must notify the Payroll Section of the amount to be recovered when the employment terminates.

Public transport

Claims must be submitted through iTrent with associated receipts scanned to the system for management authorisation. Employees without access to iTrent should complete paper forms and forward to the payroll section. Details of each journey should be recorded separately.

Employees will be reimbursed travel at standard class rate.

Travel out of the County

Employees should use public transport where this is the more cost and/or time efficient option. Wherever possible, to minimise cost, employees should book advance tickets.

Where an employee is given approval to use their own vehicle, business mileage can be claimed in the normal way. Generally public transport fares only may be claimed for journeys which extend beyond the County boundary, even though an employee uses his/her car.

Mileage payments for use of the employee's own vehicle will be made if:-

- (i) the destination is inaccessible by public transport or the times of public transport are demonstrably inconvenient; or
- (ii) the employee is accompanied by another employee or Member and the passenger(s) does not claim travelling expenses

Car parking fees and related other receipts

Payment for car parking will be made to car users on official Council business, if free parking is not available and costs are incurred whilst visiting a location which is not an employee's normal place of work.

Claims for parking and other miscellaneous expenses must be submitted via iTrent and receipts scanned to the system. The claim will need to be approved by management. Employees without access to iTrent should complete paper forms and forward to the payroll section after validation from the manager.

Out of date claims

Claims over three months old will not be paid unless there are extenuating circumstances for the delay in submission; pressure of work is not an extenuating circumstance. The last date for claims to be submitted to Payroll is the 15th of each month.

VAT Fuel Receipts

All mileage claims must be accompanied by a VAT receipt for sufficient fuel to cover the total mileage claimed. Receipts must be dated before the first date for which the mileage is claimed. Claims not accompanied by a valid VAT receipt will not be processed. It is the responsibility of the (certifying) line manager to ensure that VAT receipts are provided prior to the certification/approval of the travel claim form. The VAT fuel receipt must be scanned to iTrent and retained on the system. Managers do not need to keep hard copies of the receipt. Employees without access to iTrent should complete paper forms and forward to the Payroll Section after validation from the manager.

Overpayments

The Council undertakes to give reasonable notice and to comply with Part II of the Employment Rights Act 1996 in the deduction of money owed by you to the Council, including any overpayments. The Council reserves the right to deduct any monies which have been overpaid to you directly from your salary.

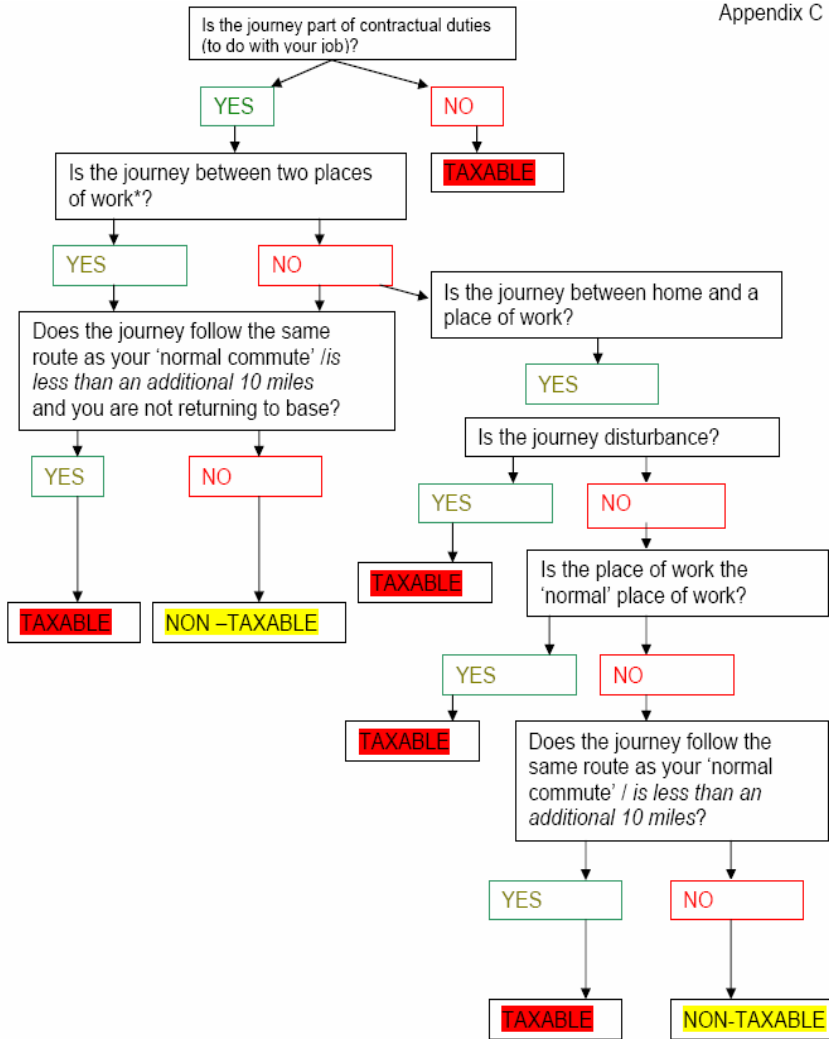
Abuse of the Scheme

Abuses of the scheme may lead in some instances to formal disciplinary/performance management action being taken against the employee.

APPENDIX 1

Flow chart – Is mileage taxable?

Appendix C



- If you are entitled to claim mileage for a journey this chart should assist in determining whether it is non-taxable i.e. 'official' or taxable.
- Employees who attend an alternative work location or client's home etc for official business reasons en route to/from the normal workplace may claim mileage in accordance with [Mileage in excess of normal commute journey](#) .
- These rules only apply where no local dispensations have been agreed by the Inland Revenue, eg where they have been notified that their work is classed as travelling appointments/area based'.

If your line manager rejects your claim, you will receive an email alert notifying you of this outcome from i-Trent.

PART 3: Meal and Other Allowances

Claims for meals and other allowances are covered by the arrangements detailed below.

Meal and Related Allowances

In exceptional circumstances, the reasonable and necessary cost of a meal/snack and beverages incurred by an employee whilst undertaking travel in the course of their duties may be claimed. The travel must occupy the whole or a substantial part of a working day, in excess of 5 hours, encompassing the normal breaks. Only actual receipted expenditure will be reimbursed up to the maximum applicable rate:

<u>Travel Time</u>	<u>Description of meal allowance</u>	<u>Maximum total</u>	<u>Maximum total if travel is still ongoing at 8pm</u>
5 hours of more	Up to £5	£5	£15
10 hours of more	Up to £10	£10	£20
15 hours or more and ongoing at 8pm	Up to £10	£25	£25

The Council considers that **only in exceptional circumstances** is it *necessary* for an employee to incur additional expense. It is almost always possible to make arrangements to avoid this.

Employees' should only claim for agreed, necessary and appropriate individual expenses. Employees' may include a non-alcoholic drink within the appropriate meal allowance. Drinks will only be reimbursed when included with a meal. The Council will not refund the cost of an alcoholic drink. The cost of this should be met directly by the employee.

The Council will not reimburse any additional costs that have not been outlined within Part 3 of this policy, unless agreement has been made with the Director, or in the case of Directors the Chief Executive, prior to the cost being incurred.

Overnight Allowances

General

Employees who are required to make an overnight stay whilst performing their official duties will be eligible to claim an allowance for bed and breakfast at a budget standard of hotel (for example, Premier Inn/Travelodge) offering appropriate and average hotel rates. Agreement for the rate should be obtained in advance from the Director to determine that the expenses are reasonable.

It will be necessary to produce evidence of expenditure in support of claims for overnight allowance. This will also enable VAT to be recovered.

The Council will not reimburse any additional costs that have not been outlined above, unless agreement has been made with the Director prior to the cost being incurred.

Overseas Travel

Employees who are required to travel abroad are reimbursed actual reasonable subsistence costs as determined by the Director, or in the case of a Director the Chief Executive, in consultation with the employee concerned.

Claiming Expenses and Receipts

Employees with i-Trent access should process a claim through i-Trent and attach the scanned receipt to the system, for approval by management. Employees without i-Trent access should gain their managers authorisation to claim. Managers must then send original receipts to payroll.

The following types of receipts are acceptable for a claim for reimbursement:

- (i) Receipts should show the date on which the expenditure was incurred.
- (ii) The name of the establishment where the expenditure was incurred should preferably be printed or 'stamped' on the receipt but, if necessary, may be self-written by the claimant.
- (iii) Receipts should show some indication of what has been purchased, not simply the term 'goods'.
- (iv) The **actual expenditure** incurred should, of course, be evident.

Totally self-written receipts (including the use of standardised receipt books), and receipts for drinks other than those purchased as part of an employee's meal are not acceptable.

It is acknowledged that there will be instances when it will be difficult to obtain proof of expenditure. The requirement to produce receipts may be waived after careful consideration of the individual circumstances, but it is anticipated that a waiver will occur only on rare occasions.

Miscellaneous Allowances

Eye Tests for Display Screen Equipment Users

Before making an appointment with an optician, all employees are reminded that they must be certified by their line manager as a habitual user of Display Screen Equipment (DSE). A [DSE user form](#) must be signed by the manager to confirm their member of staff is a DSE user.

Who are defined as DSE users?

- Normally use DSE for continuous or near continuous spells of an hour or more at a time; and
- Use it in this way more or less daily;
- Have to transfer information quickly to or from the display screen equipment;

- Needs to apply a high level of attention and concentration; or are highly dependent on DSE to do the job or have little choice about using them, or need special training or skills to use the equipment.

Any employee who is regarded as a Display Screen Equipment user is entitled to a free eye test up to the value of £25.00* upon the production of a receipt. You may attend any optician of your choice. You should pay for your eye test and submit a claim through expenses via i-Trent.

The optician should state when the employee's eyes should be re-tested under the regulations.

NB. Employers are not responsible for examinations for eye complaints that are not related to DSE work. Re-tests required under the Display Screen Equipment Regulations are normally carried out at intervals of 2 years. However, re-testing can be carried out more frequently than this where the optician recommends in writing that a re-test is required because the user is suffering from an eye complaint that affects their use of DSE or because the user is experiencing visual difficulties that may reasonably be considered to be related to the display screen work. For example, symptoms such as eyestrain or focusing difficulties.

Any employees required to purchase a pair of glasses for use ONLY whilst operating DSE may claim back the expense incurred up to the value of £44.50* upon the production of the receipt. The expense incurred for corrective glasses can only be claimed back where the optician has provided a written report clearly stating corrective glasses are required for DSE work ONLY.

Essential User Allowance

Shared Use of One Vehicle

~~To be eligible for essential car user allowance, the Council will need to determine that the post meets the requirements of paragraph 6.2 in the National Agreement on Pay and Conditions of Service (green book) outlined below.~~

~~Essential users are those whose duties are of such a nature that it is essential for them to have a motor car at their disposal whenever required. If the employee uses a private car in carrying out those official duties then they shall be entitled to receive the lump sum allowance and appropriate mileage rates.~~

~~In the event that more than one employee with essential car user status use a single car, and that car is not available at all times to each of those employees, then only one person would be entitled to be paid the essential car user allowance as they do not all meet the criteria set out at 6.2 above. The person receiving the allowance would ordinarily be the registered owner of the car.~~

Car off The Road

Where a car is not in use as a result of either mechanical defect or the absence of the officer through illness: -

Green Book - Pr 3 Paragraph 6.3

(i) The lump sum payments should be paid for the remainder of the month in which the car first went out of use, and for a further three months thereafter. For the following three months, payment should be made at the rate of 50% of the lump sum payment.

(ii) During the period when a car is "off the road" for repairs, out-of-pocket expenses in respect of travel by other forms of transport should be borne by the employing Authority.

Interpretation

1. The Council will pay reasonable out-of-pocket expenses in respect of travel by other forms of transport.

2. Where a car is out of use owing to an accident or mechanical breakdown (but not servicing) the Authority will pay $\frac{5}{7}$ ths of each week's cost of hiring a car similar to that owned by the officer concerned. Where the officer concerned is on leave or otherwise absent from work, each week's cost borne by the Council will be reduced by $\frac{1}{7}$ th for each day ($\frac{1}{14}$ th for each half day) on which the officer is absent.

3. The cost will only be borne by the Authority where the vehicle is being repaired by an accredited garage or workshop.

4. The ~~Strategic~~ Director and Head of Service will review the position after the following period of time has elapsed. For accident damaged vehicles, at the end of the month following the month in which the accident occurred. For breakdowns at the end of the week following the week in which the breakdown occurred.

5. This review will determine whether any delay in repairing the vehicle has occurred, if it is a justified delay and whether the Council should continue to contribute towards the hire of a car.

6. Where the Council has contributed to the hire of a car arising from an accident, every effort should be made by the officer concerned, if necessary supported by the Council's Legal Section, to recover the cost of hiring from the owners or insurers of any other vehicle(s) involved.

7. Before approving the hire of any vehicle the officer concerned must submit two quotations to their Strategic Director, who will approve the lower quotation. In addition, an estimate of the time the officer's car is likely to be off the road should be supplied.

8. The Head of Service should notify the ~~Strategic~~ Director of the action taken and forward certified bills for payment to the Director of Resources.

9. The cost of hiring a vehicle will be debited to the section car allowance budget.

10. Any officer who is unhappy with the decisions affecting their particular circumstances may follow the agreed grievance procedure.

Other Allowances

Interpretation Services

A pool of employees with language skills has been established that could be called upon to act as interpreters. Employees who participate will receive a retainer allowance of £102.20 per annum, plus a minimum of £6.20 for each half hour session acting as an interpreter.

First Aid

The Authority is required to have a number of trained first aiders within the workplace. Employees who have been nominated by their Head of Service and hold a current first aid certificate will be entitled to receive payment for undertaking this role. The first aid allowance is £98.40 per annum/£8.02 per month pro rata. A list of current first aiders is displayed on internal notice boards along with contact points.

Emergency Planning

Monthly Payment

This is a payment made to all those who have volunteered to respond to emergencies under the Act and is proposed at £98.40 per annum/£8.02 per month pro rata. This payment is made per contractual hours to all those who have volunteered to respond. This is the same rate paid to employees who operate as First Aiders. The payment would increase in line with that for First Aiders. Car/subsistence allowances would be paid to cover any training attended.

Call out Payment

This payment would be made to those who respond to the initial emergency call-out. The task required would be to set up a Relief Centre and receive people requiring this service. Volunteers would be paid an allowance in line with the payment to those who staff Poll Stations and would rise in line with the payments for election duties (plus car/subsistence allowance).

Staffing Relief Centres/Administrative Support

A payment of £55.20 per shift worked (plus car/subsistence allowances) for those (employees and non-employees) who staff relief centres following the initial call out period and for those who provide administrative support.

Appeal Policy and Procedure

1 Scope

This policy applies to all employees of Charnwood Borough Council. It is not applicable to casual workers.

This policy and procedure relates to appeals at all stages of the following policies:

- Attendance Management Policy and Procedure;
- Capability Policy and Procedure;
- Dignity and Behaviour at Work Policy and Procedure;
- Disciplinary Policy and Procedure;
- Grievance Policy and Procedure;
- Probation Policy and Procedure.
- Dismissal on the grounds of redundancy;
- Termination of fixed term contracts.
- Essential Car User Allowance Stage 2 Appeals

This policy should be read in conjunction with one or more of the policies listed above.

This policy and procedure does not apply to matters specifically covered by a separate policy and/or procedure (e.g. job evaluation appeals).

The Statutory Officers (Head of Paid Service, Monitoring Officer and S151 Officer) are covered by a separate procedure in relation to dismissal and disciplinary. This does not include redundancy, permanent ill health or infirmity of mind or body, a failure to renew a full term contract (unless the authority has undertaken to renew such a contract) or disciplinary action short of dismissal.

2 Purpose

The purpose of this policy is to ensure that all appeals raised by employees are addressed in a fair and consistent manner.

3 Roles and Responsibilities

HR Services	HR Services will provide advice, coaching and support to managers on the application of the Appeal Policy and Procedure. HR will also act as panel members at hearings and will express a view on whether the case is founded and make recommendations about the appropriate outcome.
Chair of the Original Panel	The Chair of the original panel will normally be required to present the case.

Panel Members	Will support the Chair of the panel and express a view on whether the case is founded and make recommendations about the appropriate outcome.
Democratic Services	Democratic Services is responsible for arranging appeal hearings involving individuals employed under the Conditions of Service of the Joint Negotiating Committee for Chief Officers of Local Authorities.
Management Representative	The management representative, who presented the original case, will normally be called as a witness.
Trade Union Representative or Work Colleague	To support and advise, if appropriate, the employee. At a hearing this may include presenting the employee's case, summarising and conferring with the employee and responding to points on behalf of the employee. The Trade Union or work colleague cannot answer questions put directly to the employee.

4 Composition of an Appeal Panel

Panel members will have had no prior involvement in the investigation or in influencing the original decision making process.

5 Appeals from Employees below JNC Level

Appeals from employees below Head of Service level will be heard by a panel of three officers. The Chair of the panel will be a Senior Manager (PO grade and above), who will be accompanied by a further Senior Manager and representative from Human Resources. In cases that could potentially lead to dismissal, the Chair should be Head of Service level or above.

6 Appeals from Employees at or above JNC Level

Appeals at this level will ordinarily be heard by a Strategic Director who will be accompanied by a representative from Human Resources.

6.1 Where dismissal is a potential outcome for a JNC Officer the appeal hearing will be heard by a panel of elected members. The panel will be a sub-committee of the Personnel Committee appointed in accordance with the requirements of the Council's Constitution.

6.2 This procedure must be read in conjunction with the relevant JNC terms and conditions of employment and the Council's Constitution for appeals at this level.

7 Registering an Appeal

All appeals must be registered with the Chair of the panel or Decision Maker who made the original decision within 7 working days of the employee receiving their outcome letter, unless the relevant policy states otherwise. Appeals submitted outside of this timeframe will only be accepted in exceptional circumstances.

8 Grounds for Appeal

When completing the [Appeal Registration Form](#) the employee should specify the grounds for their appeal (e.g. procedural flaw, unreasonable sanction, new evidence, challenge of the evidence used, due consideration of mitigation) and, if applicable, whether they are appealing against the decision to impose a sanction and/or the level of sanction applied.

8.1 The employee must set out the full reasons for their appeal and provide copies of any supporting evidence that they wish to be considered at the appeal hearing with the appeal registration form. If the employee fails to provide a reasonable level of information then, with the express permission of the Chief Executive of the Council, the Appeal Hearing will be delayed until the reasons for the appeal are fully clarified.

8.2 Unless the grounds for appeal indicate that a full rehearing should occur and this is agreed by the Appeal Panel, the hearing will not consider every point of the original complaint but rather be a consideration of the points raised in the appeal and whether the original conclusion reached by the panel or Decision Maker was appropriate.

9 New Evidence

Any new evidence, submitted as part of an appeal, should be accompanied by an explanation of how it would have influenced the original decision and why it was not available at the original hearing/meeting. The manager or Investigation Officer may also provide new evidence in response to the appeal with the provision outlined above.

9.1 If new evidence is submitted, the Chair and HR representative from the original panel will need to consider whether this information would result in new or more serious allegations being levelled against the employee. If so, an investigation into the new allegations will commence and if there is a case to answer, a new hearing will be convened under the relevant policy to consider the new allegations. In the meantime, the appeal panel will consider the employee's appeal against the outcome of the original hearing. The panel will not be provided with a copy of the new evidence as this will form part of the new investigation/hearing and any subsequent appeal relating to that process.

9.2 In all other cases, the new evidence will be submitted to the appeal panel for consideration. The panel may decide, during the course of the hearing, that further investigation of the new evidence is required before it can be properly considered. In such circumstances, the appeal hearing should be adjourned whilst this is undertaken. The investigation should be completed as quickly as possible and the appeal hearing reconvened at the earliest opportunity. Any new evidence and/or investigation report should be given to all parties within a reasonable time before any reconvened hearing to ensure it can be fully considered.

10 Convening an Appeal Hearing

The appeal hearing should be convened as soon as possible and should normally be scheduled to take place during the employee's working hours. Consideration must be given as to whether the employee requires any adjustments (e.g. hearing loop, disabled access).

- **Employees employed under the Conditions of Service of the Joint Negotiating Committee for Chief Officers of Local Authorities involving an Elected Member Panel.**

Committee Services is responsible for convening the appeal hearing. This will include confirming the composition of the panel, confirming the hearing date, time and venue, arranging a note taker and ensuring that breakout rooms and refreshments are available. Human Resources will produce the correspondence in relation to the Appeal Hearing.

- **All Other Appeals**

The Management representative from the original panel, in liaison with the HR representative, is responsible for convening the appeal hearing. This will include identifying a panel, confirming the hearing date, time and venue, and ensuring that a note taker, breakout rooms and refreshments have been arranged. Dates should be arranged in liaison with Trade Union representatives where appropriate.

- **Management Representative**

The Chair of the first hearing will normally present the management case at an Appeal Hearing and be accompanied by the HR Representative who provided support to the panel at the original hearing. The officer who presented the case at the first hearing will normally be called as a witness and may be accompanied, when answering questions, by the HR representative who supported them at the first hearing.

10.1 The Chair of the appeal panel will write to the employee to notify them of the details of the hearing, giving them a minimum of 10 working days' notice. Where there is a member panel Human Resources will write to the employee. The letter should include the employee's right to be represented by a work colleague or Trade Union representative and confirm the potential outcomes of the hearing.

10.2 Accompanying the letter, the employee should also receive copies of any relevant supporting documentation such as:

- The Appeal Registration Form (or letter of appeal) submitted by the employee;
- Any new evidence or supporting documents submitted by the employee or management representative as part of the appeal;
- Statement from management in response to the points raised in the appeal;
- All documents used at the original hearing/meeting;
- Notes from the original hearing/meeting;
- The letter confirming the outcome of the original hearing/meeting;
- The names of any witnesses that management intend to call.

10.3 A copy of the documentation should also be provided to each panel member in advance of the hearing.

10.4 A copy of the documentation, which the employee intends to refer to at the hearing and/or the names of any witnesses that the employee wishes to call, should be submitted no later than 5 clear working days prior to the appeal hearing.

11 Witnesses

It is the responsibility of the management representative to ensure that they invite any witnesses (if required) to attend the hearing. Likewise, it is the employee's responsibility to ensure that they invite any witnesses (if required) to support their case at the hearing. Please note that the employee's Trade Union representative / work colleague can act on

behalf of the employee to arrange their attendance at the hearing if permission from the employee has been granted. Witnesses should only be present at the hearing whilst questions are being asked of them by the employee, their representative, the management representative and panel members.

12 Release of Witnesses

Employees who are required to attend an appeal hearing as a witness **must** be released from duty unless this would have a significant impact on service delivery. Advice should be sought from Strategic Human Resources before declining such a request.

13 Failure to Attend

Wherever possible, arrangements for the date of the hearing should be made in consultation with the employee and their representative. Where an employee's chosen representative is unable to attend, on the arranged date of the hearing, the employee can suggest an alternative within 5 clear working days of the original date. It is important that the employee is made aware that if they fail to attend on the given (or rearranged) date without an acceptable reason, the hearing may go ahead in their absence. Where an employee fails to attend the hearing without making the panel aware, reasonable efforts should be made by the panel to ascertain the employee's whereabouts before deciding whether to hold the hearing in their absence.

Where an employee is not able to attend due to ill health it may be necessary, depending on the length of and reason for the absence, to postpone the hearing. In such cases, it may be appropriate for an Occupational Health referral to be made regarding the employee's fitness to attend a hearing.

14 Conducting an Appeal Hearing

The appeal hearing should follow the format below:

- a) The Chair of the panel will introduce those present and outline the procedure to be followed. They will confirm the points of appeal to be considered or clarify that it will be a full rehearing as determined in the Appeal Registration Form. An employee who is not accompanied will be reminded of their right to representation.
- b) The employee and/or their representative will present the reason and case for their appeal, including any new evidence.
- c) If applicable, the employee and/or their representative may call witnesses to support their case. The witness will be questioned initially by the employee and/or their representative. Following this, the management representative may question the witness followed by the panel.
- d) The employee and/or their representative will conclude their case.
- e) The management representative may question the employee and their representative on their case presentation.
- f) The panel may question the employee and their representative on their case presentation.

- g) The management representative will present their response to the appeal, including any new evidence.
- h) If applicable, the management representative may call witnesses to support their case. The witness will be questioned initially by the management representative, then the employee and/or their representative may question the witness followed by questions from the panel.
- i) The management representative will conclude their statement of case.
- j) The employee and/or their representative may question the management representative on their case presentation.
- k) The panel may question the management representative on their case presentation.
- l) The employee and/or their representative will have the opportunity to sum up their case.
- m) The management representative will have the opportunity to sum up their case.
- n) The management representative, the employee and their representative will leave the room so that the panel can deliberate.
- o) Having deliberated on the matters placed before them, the panel will reach their decision. Depending on the complexity of the case, it may be appropriate to ask all parties to wait and be recalled to be advised of the outcome. In other cases, it may be more appropriate for the panel to deliberate and to advise the employee and subsequently the management side of the outcome, at a later date. If this is the case, the decision should be made within 5 working days of the hearing unless there are exceptional circumstances where the decision may take longer. The method of contacting the employee should also be agreed before the hearing is concluded.

15 Possible Outcomes

The possible outcomes of an appeal hearing are:

- Uphold in full the original decision;
- Partially uphold the original decision;
- Overturn the original decision.

14.1 If a sanction was awarded by the original hearing panel, the appeal panel may decide to reduce this sanction. This is particularly the case if new evidence has been brought to light. The panel may also wish to make additional recommendations to both the employee and/or their manager (e.g. training, guidance, workload review, process changes, policy review etc.). The panel are not able to increase any sanction awarded to the employee by the original hearing panel.

16 Notification of Outcome

The Chair of the panel must confirm, in writing, the outcome of the appeal hearing within 5 working days of the decision, unless there are complex or extenuating circumstances that prevent this timescale being met. A copy of the notes from the hearing should also be provided. The employee will have no further right of appeal against the decision.

17 Notification of Outcome to Chief Officer or Deputy Chief Officer in Cases of Dismissal

Notice of dismissal to a Chief Officer (Strategic Director) or Deputy Chief Officer (Head of Service) shall only be made where no well-founded objection from any member of the Cabinet has been received. Following this, the normal notification of outcome process will be followed.

Appeal Registration Form

To be completed and returned to the Chair of the original panel within 7 working days of receiving written notification of the outcome of the hearing/meeting. Please include any relevant supporting documentation that you wish to be considered at the appeal hearing.

Employee Details

Name: _____

Home Address: _____

Job Title: _____

Outcome of the Hearing/Meeting

Policy Hearing/Meeting was Held Under:

Attendance Management	<input type="checkbox"/>
Capability	<input type="checkbox"/>
Dignity and Behaviour at Work	<input type="checkbox"/>
Disciplinary	<input type="checkbox"/>
Grievance	<input type="checkbox"/>
Probation	<input type="checkbox"/>
Redundancy Dismissal	<input type="checkbox"/>
Termination of Fixed Term Contract	<input type="checkbox"/>
Essential Car User Allowance Stage 2	<input type="checkbox"/>

Other: _____

Date of Hearing/Meeting: _____

Panel: _____

Outcome of Hearing/Meeting:

First Written Warning	<input type="checkbox"/>
Final Written Warning	<input type="checkbox"/>
Dismissal with Notice	<input type="checkbox"/>
Dismissal without Notice	<input type="checkbox"/>
Not Upheld	<input type="checkbox"/>

Other: _____

Grounds of Appeal

It should be noted that unless the grounds of appeal indicate that a full rehearing should occur and this is agreed, the appeal will not consider every point of the original complaint but rather be a consideration of the points raised in the appeal and whether the original conclusion reached by the panel or Decision Maker was appropriate.

Details of Appeal (Please indicate the grounds on which you wish to appeal and outline full reasons for the appeal in the relevant category below):

- Challenge Evidence Used (please outline the basis for the challenge and the specific concerns in relation to the evidence used):
- New Evidence (please provide new evidence and explain how it would have influenced the original decision and why it was not available at the original hearing/meeting):
- Due Consideration of Mitigation (please indicate any mitigation that may not have been fully considered at the first hearing, and is relevant to the case):

Procedural Flaw (please outline specific details of the procedural flaw and clarify how this affected the case and outcome):

Unreasonable Sanction (please state details regarding why the sanction is unreasonable and the reasons for this):

Other (please provide any other grounds of appeal):

(Please continue on a separate sheet of paper if necessary)

Name and Address of Representative: _____

Names of any Witnesses to be called (if known): _____

Any Dates Unavailable: _____

Name: _____ **Date:** _____

Signature: _____

CALCULATION OF ESSENTIAL CAR USER ALLOWANCE (ECUA)

This paper sets out the principle of ECUA calculations under proposed new Essential Car User arrangements.

Baseline

The baseline ECUA is **£963 per annum**. This amount is the middle NJC allowance, extant at 21 September 2022.

Indexation

The baseline ECUA will apply from the date of implementation of the new Essential Car User arrangements through until the end of the 2023/24 financial year (ie. 31 March 2024).

For financial year 2024/25 and subsequent financial years, annual ECUA will be calculated by the formula as follows:

$$\text{ECUA}(\text{new financial year}) = \text{ECUA}(\text{previous financial year}) \times (1 + \text{CPI}^*(\text{previous financial year}))$$

Where CPI* means the January calculation of the Consumer Price Index (CPI) by the UK Office of National Statistics, expressed as a decimal, relating to the previous financial year. For the avoidance of doubt, the calculation refers to the year-on-year increase in consumer prices.

Where the product of the calculation does not result in a whole number, the product will be rounded up to the next whole number for the purposes of setting ECUA.

Illustrative calculations are provided below.

ILLUSTRATIVE CALCULATION FOR FY2024/25

- Illustrative assumption – CPI as at January 2024 = 5%
- Calculation would be as follows:

$$\text{Product} = £963 \times (1 + 0.05) = £1,011.15$$

ECUA for 2024/25 is therefore £1,012, after rounding

ILLUSTRATIVE CALCULATION FOR FY2025/26

- Illustrative assumption – CPI as at January 2025 = 3%; ECUA for 2024/25 = £1,012, as calculated above
- Calculation would be as follows:

$$\text{Product} = £1,012 \times (1 + 0.03) = £1,042.36$$

ECUA for 2025/26 is therefore £1,043, after rounding

Full time employees

Staff contracted to work a full-time hours (37-hours per week) will receive the whole ECUA allowance, calculated for each financial year in accordance with the method set out in preceding paragraphs. Payment of the annual ECUA will be by instalment (typically monthly) in line with pre-existing practice.

Pro rata calculation for part-time employees

This calculation recognises that in operating a vehicle, an element of costs may be regarded as fixed, irrespective of the number of miles undertaken.

For part-time staff the calculation of ECUA will therefore comprise a fixed element, and a variable element, calculated in proportion to hours worked. This will be as follows:

$$\text{FIXED ELEMENT} = \text{ECUA} \times 0.25$$

Plus

$$\text{VARIABLE ELEMENT} = (\text{ECUA} - \text{FIXED ELEMENT}) \times (\text{contracted hours worked} / 37)$$

Where the product of the calculation does not result in a whole number, the product will be rounded up to the next whole number for the purposes of setting ECUA.

Payment of the pro rata annual ECUA will be by instalment (typically monthly) in line with pre-existing practice.

ECUA will be adjusted on monthly basis should there be any changes to the contracted hours of a part-time staff member in receipt of ECU. Overtime hours will be disregarded in respect of this calculation.

An *Illustrative* calculation is provided below.

ILLUSTRATIVE CALCULATION FOR FY2023/24 FOR PART_TIME STAFF MEMBER IN RECEIPT OF ECUA
CONTRACTED TO
WORK 25-HOURS PER WEEK

- ECUA = £963
- Fixed element = £963 x 0.25 = £240.75
- Variable element = (£963 – 240.75) x (25/37) = £488.01
- Sum of Fixed and Variable element = £240.75 + £488.01 = £728.76

The ECUA for 2023/24 for staff working 25 hours/week would be therefore £729, after rounding

**JOINT TRADE UNION STATEMENT ON PROPOSED CHANGES TO THE ESSENTIAL CAR
USER'S ALLOWANCE SCHEME AND POLICY**

24th OCTOBER 2022

After receiving Charnwood Borough Council's full and final offer on proposed changes to the Essential Car User's Allowance Scheme and Policy, UNISON and GMB undertook consultative ballots of our respective members.

The results are as follows:

UNISON:		GMB:	
ACCEPT	88%	ACCEPT:	75%
REJECT	11%	REJECT:	25%
ABSTAIN	1%		

Therefore, as trade unions representing Charnwood Borough Council employees, UNISON and GMB both ACCEPT the employer's full and final offer.

UNISON East Midlands

GMB Midlands

**Nadeem Samari
Regional Organiser**

**Jim Clarke
Regional Organiser**

Notice Period and Buy Out / Compensation in Year One

The Council originally offered a 3 month buy out / compensation on top of the 3-month notice period as set out in the contract of employment. During negotiations, SLT agreed to double the original 3-month buy out to six months in response to Trade Union request that the buy-out be increased to 3-years. This is applicable for the first year only, after which the contractual 3 months' notice will apply.

To mitigate the impact of withdrawal or reduction of ECU allowance, it is proposed that all affected staff would, in addition to the 3 months' notice, receive a one-off buy out /compensation payment for the first year only, based on [one-half/6 months] of the annual detriment.

Example (indicative) calculations:

- An employee previously receiving ECU allowance of £1,239 but no longer eligible for the scheme would receive $£1,239 \times 50\% = £620$
- A full-time employee previously receiving ECU allowance of £1,239 and eligible for the revised scheme would receive $(£1,239 - £963) \times 50\% = £138$
- A part-time employee (25 hours per week) previously receiving ECU allowance of £1,239 and eligible for the revised scheme would receive $(£1,239 - * £729) \times 50\% = £255$. **The pro rata calculation for part time employees should be based on the principle below.**

***Pro rata calculation for part-time employees**

This calculation recognises that in operating a vehicle, an element of costs may be regarded as fixed, irrespective of the number of miles undertaken.

For part-time staff the calculation of ECUA will therefore comprise a fixed element, and a variable element, calculated in proportion to hours worked. This will be as follows:

$$\begin{aligned} \text{FIXED ELEMENT} &= \text{ECUA} \times 0.25 \\ &\text{Plus} \\ \text{VARIABLE ELEMENT} &= (\text{ECUA} - \text{FIXED ELEMENT}) \times (\text{contracted hours worked}/37) \end{aligned}$$

Where the product of the calculation does not result in a whole number, the product will be rounded up to the next whole number for the purposes of setting ECUA.

An *illustrative* calculation is provided below.

ILLUSTRATIVE CALCULATION FOR FY2023/24 FOR PART_TIME STAFF MEMBER IN RECEIPT OF ECUA CONTRACTED TO WORK 25-HOURS PER WEEK

- ECUA = £963
- Fixed element = $£963 \times 0.25 = £240.75$
- Variable element = $(£963 - 240.75) \times (25/37) = £488.01$
- Sum of Fixed and Variable element = $£240.75 + £488.01 = £728.76$

The ECUA for 2023/24 for staff working 25 hours/week would be therefore £729, after rounding

The compensation payments would be subject to standard tax and NI deductions.