South Ayrshire Council

Report by Head of Legal, HR and Regulatory Services to Cabinet of 30 August 2022

Subject: Mileage Expenses

1. Purpose

1.1 The purpose of this report is to provide an update and seek approval on the proposal to maintain our current Travel and Subsistence Policy in respect of mileage expenses for Agile, Hybrid and Home workers.

2. Recommendation

- 2.1 It is recommended that the Cabinet:
 - 2.1.1 notes that HMRC were consulted on the matter to ensure compliance with their regulations;
 - 2.1.2 note that Trade Unions were consulted on the matter;
 - 2.1.3 approves the proposal to maintain the provisions outlined in the Travel and Subsistence Policy;
 - 2.1.4 approves the changes to the Remote Working Policy to reflect the Travel and Subsistence Policy guidance (<u>Appendix 1</u>);
 - 2.1.5 approves the changes to the Travel and Subsistence Policy to include reference to the Future Operating Model (FOM) and the workstyles (Appendix 2); and
 - 2.1.6 approves the changes to the Travel and Subsistence Policy to reflect the recommendations of Internal Audit to change from AA Autoroute to Google Maps for calculating mileage (<u>Appendix 2</u>).

3. Background

3.1 When the Future Operating Model was implemented, five workstyles were identified (Front-line, Office, Hybrid, Agile and Home worker). As those employees identified as Hybrid, Agile and Home worker work fully or partially from home, considerations were given as to whether journeys from these employees' home to office locations should become claimable and consequently, whether our Travel and Subsistence Policy should be amended accordingly. Due to the requirement to verify any proposed changes with the HMRC, we were unable to include this proposal within the FOM report considered by Council on 10 March 2022 and it was deferred to enable all the necessary information to be gathered and considered at a future date.

- 3.2 These proposals were discussed with Trade Unions at FOM workstream meetings, during formal consultation on FOM proposals and again at Trade Union Liaison meetings. It should be noted that the Trade Unions do not support this proposal as their view is that employees should be able to claim mileage from their home address (within the boundaries of South Ayrshire Council). They also expressed concerns around Hybrid workers who are required to travel to visit sites during their working days as, based on our proposal, the journeys from home to these sites would not be claimable.
- 3.3. More recently, due to the rise in fuel costs Trade Unions have raised concern regarding their members' abilities to run their cars to continue to deliver services. In response to employees experiencing difficulty, the Health and Social Care Partnership has utilised hired vehicles to support employees and reviewed staffing routes.
- 3.4 Internal Audit recently conducted a review of mileage claims to assess compliance with the Travel and Subsistence Policy. Internal Audit recommended the Travel and Subsistence Policy is updated to reflect the available tools to calculate mileage claims.

4. Proposals

- 4.1 To maintain the current travel and subsistence arrangements whereby expenditure incurred for essential journeys taken throughout the duration of a working day can be claimed, those incurred during the initial travel from home to a Council location and final travel from the Council location to home are excluded as these journeys are considered a commute.
- 4.2 Since all Agile, Hybrid and Home working employees are assigned a Council office location as an admin base, the costs of travel to and from that base will not be eligible for mileage claims. HMRC confirmed that if employees are required to travel to a permanent location (such as a Council office), this travel is considered a commute and therefore not claimable. This is on the basis that whilst employees in these categories (Agile, Hybrid and Home) can work fully or partially from home, offices are a permanent location and available to them for meetings and printing facilities. Therefore, any travel from home to the permanent location is classed as a commute.
- 4.3 HMRC also confirmed that the above applies for journeys from home to a Council location different from the dedicated admin base. For example, if an agile employee has County Buildings as their admin base but decides to attend another Council location for printing because it is closer to their home, the journey from home to the other Council location is also not claimable and would still be classed as a commute.
- 4.4 In addition, for Hybrid workers who are required to carry out site visits throughout their working day, line managers should ensure that visits are scheduled during inoffice days so that any journeys carried out throughout the working day, with the exception of the travel to and from the office, are claimable and there is no detriment. Moreover, if site visits are required during home working days, as per our current Travel and Subsistence Policy, the excess mileage is claimable. For example, if the employee is required to travel 30 miles from their home to a site but the journey from home to the office is 10 miles, he/she can still claim the excess (20 miles).

- 4.5 Members are asked to approve amendments to:
 - 4.5.1 the Travel and Subsistence Policy to reflect Internal Audit's recommendations to change from AA Autoroute to Google Maps for calculating milage; and
 - 4.5.2 the Travel and Subsistence Policy to include reference to the Future Operating Model and the workstyles.
- 4.6 The proposed amendments are tracked and highlighted in **bold text** in the relevant extracts from the policies (as outlined in <u>Appendix 1</u> for the Remote Working Policy; and <u>Appendix 2</u> for the Travel and Subsistence Policy).

5. Legal and Procurement Implications

- 5.1 The Council has a legal duty to inform employees if any changes are applied to our Policies.
- 5.2 There are no Procurement implications arising from this report.

6. Financial Implications

6.1 There are no financial implications by maintaining our current position.

7. Human Resources Implications

7.1 The Travel and Subsistence Policy will be updated to ensure that reference to the Future Operating Model and Workstyles is included. Also, the Remote Working Policy will be updated to confirm our position.

8. Risk

8.1 *Risk Implications of Adopting the Recommendations*

8.1.1 There are no risks associated with adopting the recommendations.

8.2 *Risk Implications of Rejecting the Recommendations*

8.2.1 As noted at Paragraph 6.1 there are no financial implications by maintaining our current position; however, we have c1400 who are Agile, Hybrid or Home Workers; therefore, if these proposals were not approved and employees were able to claim expenses for their commutes, there would be considerable extra costs to the Council.

9. Equalities

9.1 This report provides an update on progress of a recent Council report 10 March 2022 which was assessed for potential equality impacts, and the relevant documentation is attached as <u>Appendix 3</u>.

10. Sustainable Development Implications

10.1 **Considering Strategic Environmental Assessment (SEA)** - This report does not propose or seek approval for a plan, policy, programme or strategy or document

otherwise described which could be considered to constitute a plan, programme, policy or strategy.

11. Options Appraisal

11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

12. Link to Council Plan

12.1 The matters referred to in this report contribute to Commitment 1 of the Council Plan: Fair and Effective Leadership/ Leadership that promotes fairness.

13. Results of Consultation

- 13.1 There has been no public consultation on the contents of this report.
- 13.2 Consultation has taken place with Councillor Ian Davis, Portfolio Holder for Finance, Human Resources and ICT, and the contents of this report reflect any feedback provided.
- 13.3 As a Council, we want to work collaboratively with Trade Union representatives, and we have consulted with them on the matter to ensure their input could be considered. Trade Unions preferred option is that mileage claims are paid from home and not a Council admin base.

14. Next Steps for Decision Tracking Purposes

14.1 If the recommendations above are approved by Members, the Head of Legal, HR and Regulatory Services will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Cabinet in the 'Council and Cabinet Decision Log' at each of its meetings until such time as the decision is fully implemented:

Implementation	Due date	Managed by
Make the necessary arrangements to update the Remote Working Policy and to include reference to workstyles and Future Operating Model within the Travel and Subsistence Policy	30 September 2022	Service Lead – HR and Payroll

Background Papers None

Person to Contact Catriona Caves, Head of Legal, HR and Regulatory Services County Buildings, Wellington Square, Ayr, KA7 1DR Phone 01292 612556 E-mail catriona.caves@south-ayrshire.gov.uk

Relevant Extract from Remote Working Policy

Section 14: Mileage Claims (page 10)

Most employees will be assigned a Council **office location as an admin base establishment that is regarded as the employee's normal working location.** The costs of travel to and from that **base location** will not be eligible for mileage claims. Other essential journeys should be made in accordance with the Council's <u>Travel and Subsistence policy</u>.

Whilst reasonable expenditure incurred for essential journeys taken throughout the duration of a working day can be claimed, those incurred during the initial travel from home to **team admin base the normal working location** and final travel from **team admin basis that location** to home are excluded.

Relevant Extracts from Travel and Subsistence Policy

Section 3: Work Locations (page 4)

3.1 Normal Working Location

a) Each employee will have his/her designated work location included in their contract of employment, including employees who have been identified as Hybrid, Agile and Home workers.

Section 4: Travel Expenses (page 5)

4.1 Mileage

Employees claiming mileage should refer to the standard mileage charts at Appendix A. Mileages for journeys not included in the standard mileage charts should be calculated using the AA route planner system here Google Maps. Where other systems are used for claiming mileage (e.g. CM2000) calculations of mileage for journeys not included in the standard mileage charts may be based on the inbuilt mileage calculator.

Where employees are undertaking several local journeys, and where it would not be appropriate to use the AA route planner system Google Maps e.g. visiting a series of client's houses, employees should record accurate mileage using the vehicle's milometer.

Standard Mileage Chart 3 (page 13)

For any journeys not detailed within Standard Mileage Chart 1, 2 or 3, employees should refer to the AA Route Classic Planner which is accessible here Google Maps, except for employees using different systems with an inbuilt mileage calculator, for example, CM2000.

South Ayrshire Council Equality Impact Assessment Scoping Template



Equality Impact Assessment is a legal requirement under the Public Sector Duty to promote equality of the Equality Act 2010. Separate guidance has been developed on Equality Impact Assessment's which will guide you through the process and is available to view here: <u>https://www.south-ayrshire.gov.uk/equalities/impact-assessment.aspx</u>

Further guidance is available here: <u>https://www.equalityhumanrights.com/en/publication-download/assessing-impact-and-public-sector-equality-duty-guide-public-authorities/</u>

The Fairer Scotland Duty ('the Duty'), Part 1 of the Equality Act 2010, came into force in Scotland from 1 April 2018. It places a legal responsibility on Councils to actively consider ('pay due regard to') how we can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. <u>FSD Guidance for Public Bodies</u> in respect of the Duty, was published by the Scottish Government in March 2018 and revised in October 2021. See information here: <u>https://www.gov.scot/publications/fairer-scotland-duty-guidance-public-bodies/</u>

1. Policy details

Policy Title	Remote Working Policy
Lead Officer	Wendy Wesson (Service Lead – HR & Payroll) <u>wendy.wesson@city-</u>
(Name/Position/Email)	holdings.co.uk

2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this policy? Please indicate whether these would be positive or negative impacts

Community or Groups of People	Negative Impacts	Positive impacts
Age – men and women, girls & boys	No	No
Disability	No	Yes (Workspaces designed to meet needs of people requiring additional support)
Gender Reassignment (Trans/Transgender Identity)	No	No
Marriage or Civil Partnership	No	No
Pregnancy and Maternity	No	No
Race – people from different racial groups, (BME) ethnic minorities and Gypsy/Travellers	No	No
Religion or Belief (including lack of belief)	No	No
Sex – gender identity (issues specific to women & men or girls & boys)	No	No

Sexual Orientation – person's sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight	No	No
Thematic Groups: Health, Human Rights & Children's Rights	No	No

3. What likely impact will this policy have on people experiencing different kinds of social disadvantage i.e. The Fairer Scotland Duty (This section to be completed for any Strategic Decisions). Consideration must be given particularly to children and families.

Socio-Economic Disadvantage	Negative Impacts	Positive impacts
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	No	Yes - Employees who cannot work to the workstyle agreed for their role because of low wealth will be able to request an alternative workstyle depending on their individual circumstances.
Low and/or no wealth – enough money to meet Basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	No	Yes - Employees who cannot work to the workstyle agreed for their role because of low wealth will be able to request an alternative workstyle depending on their individual circumstances.
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure/hobbies	No	No
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	No	Yes - Where possible, employees who have an agile, hybrid or homeworking workstyle and who need access to a Council building will be able to access the most appropriate closest premises depending on the exigencies of their role.
Socio-economic Background – social class i.e. parent's education, employment and income	No	No

4. Do you have evidence or reason to believe that the policy will support the Council to:

General Duty and other Equality Themes Consider the 'Three Key Needs' of the Equality Duty	Level of Negative and/or Positive Impact		
	(High, Medium or Low)		
Eliminate unlawful discrimination, harassment and victimisation	No adverse impact - Low		
Advance equality of opportunity between people who share a protected characteristic and those who do not	No adverse impact - Low		
Foster good relations between people who share a protected characteristic and those who do not. (Does it tackle prejudice and promote a better understanding of equality issues?)	No adverse impact - Low		
Increase participation of particular communities or groups in public life	No adverse impact - Low		
Improve the health and wellbeing of particular communities or groups	No adverse impact - Low		
Promote the human rights of particular communities or groups	No adverse impact - Low		
Tackle deprivation faced by particular communities or groups	No adverse impact - Low		

5. Summary Assessment

Is a full Equality Impact Assessment required? (A full Equality Impact Assessment must be carried out if impacts identified as Medium and/or High)	YES X
Rationale for decision:	
Not applicable	
Signed : Wendy Wesson	
Date: 28 th January 2022	



South Ayrshire Council Equality Impact Assessment including Fairer Scotland Duty

Section One: Policy Details*

Name of Policy	Future Operating Model – Workstreams 1 and 2 – Service Lead proposals for workstyles by role post Covid and Remote Working Policy.
Lead Officer (Name/Position)	Wendy Wesson (Service Lead – HR & Payroll) Gillian Farrell, Service Lead, OD and Customer Services
Support Team (Names/Positions) including Critical Friend	Noemi Cecconi (HR Policies and Operations Coordinator)

*The term Policy is used throughout the assessment to embrace the full range of policies, procedures, strategies, projects, applications for funding or financial decisions.

What are the main aims of the policy?	 To establish a longer term, sustainable model of working, which will include working from home; To establish fair, flexible and supportive working arrangements to ensure staff have a good work life balance and remain healthy, engaged and productive.
What are the intended outcomes of the policy?	 Increase the rate of retention of staff. Reduce absence. Attract new talent. Promote work-life balance – to ensure that staff have a good work-life balance and remain healthy, engaged and productive. In doing so, we will also improve the Council's service provision and reputation as an employer of choice. Workstyles best meet the needs of the service and take into account any changes to workstyles or ways of working which have proved effective during the pandemic period. Fair, flexible and supportive policies and working arrangements are in place Employees who cannot work to the workstyle agreed for their role will be able to request an alternative workstyle depending on their individual circumstances.

Section Two: What are the Likely Impacts of the Policy?

	nployees whose roles have been identified as meworker, hybrid or agile
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Considering the following Protected Characteristics and themes, what likely impacts or issues does the policy have for the group or community?

List any likely positive and/or negative impacts.

Protected Characteristics			Positive	and/or	Negative	Impacts		
Age: Issues		Under						Over
relating to different		21	21-30	31-40	41-50	51-60	61-70	71
age groups e.g.	Home	3%	18%	17%	23%	29%	10%	1%
older people or	Agile	0%	22%	32%	46%	0%	0%	0%
children and young people	Hybrid	0%	31%	28%	40%	0%	0%	0%
Disability: Issues								
relating to disabled		No Disat	oilitv D	isability	unknown			
people	Home		69%	7%	24%			
	Agile		68%	4%	28%			
	Hybrid		69%	7%	28%			
Gender		pated imp		770	24/0			
Reassignment – Trans/Transgende r: Issues relating to people who have proposed, started or completed a process to change his or her sex								
Marriage and Civil Partnership: Issues relating to people who are married or are in a civil partnership	No anticiț	pated imp	act					
Pregnancy and Maternity: Issues relating to woman who are pregnant and/or on maternity leave	No anticiț	pated imp	act					
Race: Issues		BME	White	Unkno	wn			
relating to people	Home	1%	92%		7%			
from different racial					7%			
groups,(BME)	Agile	2%						
ethnic minorities,	Hybrid	1%	92%	D	7%			

	1	
including		
Gypsy/Travellers		
<u> </u>		
Religion or Belief:	No anticipated imp	act
Issues relating to a		
person's religion or		
belief (including		
non-belief)		
Sex: Gender	Female	Male
identity: Issues		88% 12%
specific to women		
and men/or girls	Agile	71% 29%
and boys	Hybrid	90% 10%
Sexual	No opticipated imp	aat
	No anticipated imp	aci
Orientation:		
Issues relating to a		
person's sexual		
orientation i.e.		
LGBT+,		
heterosexual/straig		
ht		
Equality	y and Diversity The	mes Relevant to South Ayrshire Council
Health		Employees can fit into different workstyles depending
	offecting people's	on the nature of their role and therefore ensuring
Issues and impacts a	anecting people's	•
health		work-life balance (for example, reducing time pressure
		of commuting).
Lluman Diahta, laa		No opticizate disease t
Human Rights: Issues and impacts		No anticipated impact
affecting people's human rights such		
as being treated with	•	
respect, the right to e		
to respect for private	and family life,	
and the right to free	elections.	
	Socio-E	conomic Disadvantage
Low Income/Incom	Poverty: leques	Costs associated with the rising energy bills will
cannot afford to main	-	potentially negate the savings to employees from their
	•	
payments such as bi	115, 1000 and	commute to work (where applicable).
clothing.		*Employeee where expressions we do the supplicitude of
		*Employees who cannot work to the workstyle agreed
		for their role because of low wealth will be able to
		request an alternative workstyle depending on their
		individual circumstances.
Low and/or no wea		*See above.
enough money to meet basic living		
costs and pay bills b	ut have no savings	
to deal with any unex	kpected spends	
and no provision for	• •	
Material Deprivation	•	No anticipated impact
unable to access bas	sic goods and	
services i.e. financial	l products like life	
insurance, repair/rep	lace broken	

electrical goods, warm home, leisure/hobbies	
Area Deprivation: Issues: where you live (rural areas), where you work (accessibility of transport)	Where possible, employees who have an agile, hybrid or homeworking workstyle and who need access to a Council building will be able to access the most appropriate closest premises depending on the exigencies of their role.

Section Three: Evidence Used in Developing the Policy

Involvement and Consultation In assessing the impact(s) set out above what evidence has been collected from involvement, engagement or consultation? <i>Who</i> did you involve, <i>when</i> and <i>how</i> ?	 1344 employees took part in our corporate Covid survey in December 20- Jan 21 telling us about their experience of working from home. Information from this, including benefits and challenges detailed in employees' responses, were taken into account in developing workstyle proposals and policies to support them. Service Leads were asked to engage with staff at team and individual level to agree workstyle proposals by role which would best meet the needs of the service going forward, and taking into account any changes to workstyles or ways of working which have proved effective during the pandemic period. In addition, pages were created on the Core to enable employees to submit questions. https://thecore.south-ayrshire.gov.uk/article/27928/Future- Operating-Model Regular communications were issued advising employees on how to ask a question or get involved. A video https://thecore.south-ayrshire.gov.uk/article/27929/1-Workforce- <u>Analysis</u> was created to help explain workstyles and all service Leads were asked to share with staff. Trades Unions representatives were involved in both Workstreams 1 and 2. Disability Forum to be arranged TBC
Data and Research	Research carried out in respect to Remote Working across both private and
In assessing the impact set out above	public sector.
what evidence has been collected	Sought guidance from ACAS and CIPD to support the development of the
from research or other data. Please	policy.
specify <i>what</i> research was carried out	Data on protected characteristics of employees where
or data collected, <i>when</i> and <i>how</i> this	a change to their pre-Covid workstyle is proposed was
was done.	gathered from Oracle (HR system).
Partners data and researchIn assessing the impact(s) set out inSection 2 what evidence has beenprovided by partners?Please specify partners	N/A
Gaps and Uncertainties	There could be future gaps or uncertainties related to
Have you identified any gaps or	any new employees joining the organisation; however,
uncertainties in your understanding of	as part of the recruitment process and existing policies
the issues or impacts that need to be	and procedures, these would be considered at the
explored further?	appropriate time.

PC data will change as employees change roles some instances, the same job title (e.g. admin assistant) has been allocated different workstyle depending on the needs of services. Data subm Service Leads was anonymised and by role rath by individual employee. This means there may b some anomalies in the overarching data.

Section Four: Detailed Action Plan to address identified gaps in:

a) evidence and

b) to mitigate negative impacts

No.	Action	Responsible Officer(s)	Timescale
1	Continuously monitor recruitment practices to ensure that any new requirements are considered appropriately, and we have included this in the workplan for policy monitoring and review.	Service Lead – HR Payroll HR Policies and Operations Coordinator	Annually
2	If approved, Oracle to be updated with revised employee workstyles i.e. hybrid, homeworker or agile roles. This will allow data by PC to be accurately analysed as data will reflect any staffing changes or changes in circumstances.	Service Lead – HR Payroll HR Policies and Operations Coordinator	Once approved by LP

Note: Please add more rows as required. Section Five - Performance monitoring and reporting

Considering the policy as a whole, including its equality and diversity implications:

When is the policy intended to come into effect?	Once approved by Leadership Panel
When will the policy be reviewed?	Annually or update as and when changes are required.
Which Panel will have oversight of the policy?	Leadership Panel



Section 6

South Ayrshire Council

Appendix

Summary Equality Impact Assessment Implications & Mitigating Actions

Name of Policy: Remote Working Policy

This policy will assist or inhibit the Council's ability to eliminate discrimination; advance equality of opportunity; and foster good relations as follows:

Eliminate discrimination

No impact

Advance equality of opportunity

The policy will meet the needs of different groups of staff by ensuring that staff have a good work-life balance and remain healthy, engaged and productive.

Foster good relations

No impact

Consider Socio-Economic Disadvantage (Fairer Scotland Duty)

We have recognised that if employees cannot work to the workstyle agreed for their role (because this will put them in financial hardship), they will be able to request an alternative workstyle.

Summary of Key Action to Mitigate Negative Impacts			
Actions	Timescale		
Continuously monitor recruitment practices to ensure that any new requirements are considered appropriately, and we have included this in the workplan for policy monitoring and review.			

Signed: Wendy Wesson (Service Lead)

Date: 28th January 2021