

Item: 33

Human Resources Sub-committee: 4 November 2025.

1. Recommendations

It is recommended:

1.1.

That the Committee approves the attached minute as a true record.

1.2.

That the Committee considers the recommendations at paragraph 1.

2. Appendix

Draft Minute of the Meeting of the Human Resources Sub-committee held on 4 November 2025.

Minute

Human Resources Sub-committee

Tuesday, 4 November 2025, 14:00.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Alexander G Cowie, James R Moar, Ivan A Taylor and Duncan A Tullock.

Present via remote link (Microsoft teams)

Councillors Janette A Park and Gwenda M Shearer.

Clerk

- Hazel Flett, Service Manager (Governance).

In Attendance

- Hayley Green, Director of Infrastructure and Organisational Development.
- Gareth Waterson, Director of Enterprise and Resources.
- Andrew Groundwater, Head of Human Resources and Organisational Development.
- Gavin Mitchell, Head of Corporate Governance.
- Craig Walker, Service Manager (Human Resources Operations).

Observing

- Susan Taylor, Committees Officer.

Apologies

- Councillor John A R Scott.
- Councillor Heather N Woodbridge.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor Alexander G Cowie.

1. Employment Status

After consideration of a report by the Director of Infrastructure and Organisational Development, together with an Equality Impact Assessment, copies of which had been circulated, and after hearing a report from the Service Manager (Human Resources Operations), the Sub-committee:

Resolved to **recommend to the Council**:

1.1. That the policy statement on Transfer to Permanent Employment, attached as Appendix 1 to this Minute, be approved.

1.2. That the policy statement on Flexible Contracts of Employment, attached as Appendix 2 to this Minute, be approved.

2. Conclusion of Meeting

At 14:09 the Chair declared the meeting concluded.

Signed: Alexander G Cowie

Policy Statement: Transfer to Permanent Employment

As the largest employer in Orkney, the Council is committed to fair and equitable treatment of its workforce. This includes promoting job security, fair pay, and consistent conditions of service—key elements in becoming an employer of choice and addressing long-term recruitment and retention challenges.

In line with UK Government legislation effective from 2026, the Council will be legally required to offer guaranteed hours contracts to zero-hours workers. Additionally, the Scottish Government's Fair Work agenda mandates the Council to avoid inappropriate use of zero-hours contracts.

Recognising the complexity of converting temporary contracts to permanent ones—due to varying statutory and policy provisions—the Council has developed a streamlined process for employees on Scottish Joint Council (SJC) Conditions of Service (Grades A to N) and Chief Officers.

Eligibility Criteria for Permanent Appointment

Directors (for SJC employees) and the Chief Executive (for Chief Officers) may approve permanent appointments where all the following criteria are met:

1. Length of Service

One of the following must apply:

- At least 2 years in the same role under one or more continuous temporary contract(s).
- At least 2 years of continuous service in the role as a casual/relief/supply worker.
- Over 2 years of continuous local government service with the Council and no other permanent post.

2. Funding

One of the following must apply:

- The post is funded from an agreed baseline budget.
- Temporary funding has been consistently provided from the same source for at least 2 years and is expected to continue through the current and next budget year.

3. Job Security

- The post is not considered at risk in the current or next budget year.

4. Recruitment

- The post holder was appointed through a process compliant with the Council's Recruitment and Selection or Redeployment Policy.

Approval Process

- Requests are not automatically granted but will not be unreasonably refused.
- If hours have varied, permanent contracts will reflect the minimum known full-time equivalent (FTE), typically based on the average contractual hours over the temporary period.
- If a request is declined, clear justification must be provided, based on one or more unmet criteria.
- Employees may reapply after one additional year of continuous service in the same temporary post.
- A written explanation will be provided for any refusal.

Appeals

- Employees may appeal a refusal by submitting their case to the relevant Director.
- If the original decision was made by that Director, another Director will review the appeal.
- Appeals will typically be reviewed based on submitted documentation, without a face-to-face meeting.
- A written outcome will be provided within four weeks of receipt.

Policy Statement: Flexible Contracts of Employment

As Orkney's largest employer, the Council is committed to fair treatment of its workforce—ensuring job security, fair pay, and consistent terms of employment.

These principles support our goal of becoming an employer of choice and addressing long-term recruitment and retention challenges.

From 2026, UK legislation will require guaranteed hours contracts for zero-hours workers. The Scottish Government's Fair Work agenda also prohibits inappropriate use of zero-hours contracts.

Casual, relief, and supply arrangements are suitable for short-term, ad-hoc needs only. They must not be used to cover regular or recurring work patterns, as these roles offer limited employment rights and are inconsistent with fair working practices.

Policy Guidelines

- This policy position applies to posts established under Scottish Joint Council (SJC) terms and conditions of service (Grades A – N).
- Casual/relief/supply workers must not be scheduled for recurring work lasting more than 12 consecutive weeks.
- Breaks inserted to disrupt continuity of service will be disregarded; such service will be treated as continuous.
- If work is expected to last 12 weeks or more, a flexible or contracted post must be advertised from the outset.
- Any casual/relief/supply worker who completes 12 continuous weeks in the same post and location (excluding peripatetic roles) should be offered a flexible contract—either permanent or temporary (minimum one year).
- Flexible contracts require formal approval but will not be unreasonably refused.
- If a flexible contract cannot be approved, the worker must revert to a genuinely casual pattern of work.
- Requests for flexible contracts may be initiated by managers or individual workers.

Appeals Process

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- If the original decision was made by that Director, another Director will review the appeal.
- Appeals are typically reviewed based on submitted documentation, without a face-to-face meeting.
- A written outcome will be provided within four weeks of receipt.