



Employment and Appeals Committee Agenda

Wyre Borough Council
Date of Publication: 11 February 2022
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Employment and Appeals Committee meeting on Monday, 21 February 2022 at 6.00 pm in the Committee Room 2, Civic Centre, Poulton-Le-Fylde

1. Apologies

2. Declarations of interest

Members will disclose any pecuniary and any other significant interests they may have in relation to the matters to be considered at this meeting.

3. Confirmation of Minutes

(Pages 3 - 6)

To confirm as a correct record, the minutes of the previous meeting of the Employment and Appeals Committee held on Monday 1 November 2021.

4. Policy Review

(Pages 7 - 10)

Report of the Human Resources Manager to present to the Employment and Appeals Committee additions and amendments to Human Resource Policies.

- | | | |
|-----|--|-----------------|
| (a) | Promoting Attendance & Managing Sickness Absence | (Pages 11 - 44) |
| (b) | Hybrid Working Policy | (Pages 45 - 52) |
| (c) | Employer Discretions Policy | (Pages 53 - 70) |
| (d) | Pay and TOIL Policy | (Pages 71 - 74) |
| (e) | Flexible Working Policy | (Pages 75 - 94) |

(f) Fostering Policy

(Pages 95 -
100)



Employment and Appeals Committee Minutes

The minutes of the Employment and Appeals Committee meeting of Wyre Borough Council held on Monday, 1 November 2021 at the Council Chamber - Civic Centre, Poulton-le-Fylde.

Employment and Appeals Committee members present:

Councillors A Turner, Baxter, P Ellison, Fairbanks and Swales

Apologies for absence:

Councillors Webster, Lady D Atkins, Holden and A Vincent

Failed to attend or tender their apologies for absence:

Councillor Armstrong

Officers present:

Jane Collier, Human Resources Manager and Deputy Monitoring Officer
Marianne Unwin, Democratic Services Officer
Marc Whittaker, Senior Human Resources Advisor
Olivia Cordingley, Human Resources Advisor

One member of the public attended the meeting.

6 Election of Chairman

Councillor A Turner was elected as the Chairman of the Employment and Appeals Committee for the municipal year 2021/2022.

7 Election of Vice Chairman

Councillor Baxter was elected as the Vice Chairman of the Employment and Appeals Committee for the municipal year 2021/2022.

8 Declarations of interest

None.

9 Confirmation of Minutes

The minutes of the meeting held on Monday 12 July 2021 was **approved** as a correct record.

Policy Review

The Human Resources Manager and Deputy Monitoring Officer, Jane Collier, submitted a report presenting five of the council's existing Human Resources policies and working arrangements that had been reviewed and updated.

Jane Collier introduced the report and provided members with a brief overview of the proposed amendments. She pointed out that the visual design of the policies had been updated.

(a) **Disclosure and Barring Service Policy**

Jane Collier explained that this policy was updated to provide clarity on the types of DBS checks offered and the complicated flow charts at Appendix 1 had been replaced with information regarding regulated activity at Appendix A. There were links within the policy that provided clearer information than the previous flow charts.

Following questions from members, it was explained that DBS checks are only carried out of those in specific roles that require assessment.

In addition, Jane Collier highlighted to members that DBS had made several changes in the way certificates are processed and issued. Therefore, the DBS Secure Handling & Storage Policy had been withdrawn.

A member of the committee asked whether the council get to see a copy of the DBS certificate. Jane Collier explained that they can see a copy but usually this was not necessary, she reassured members that the council would be notified of any convictions, warnings or reprimands.

(b) **Employee Training and Development Policy**

Jane Collier introduced this policy and addressed the minor updates in the report.

She highlighted that the policy includes reference to the new e-learning portal known as Learning Pool and that Human Resources are in the process of rolling this out to all staff. She also mentioned that the policy no longer states a specific amount available to staff on courses for books and equipment. She explained that due to internet access and search engines such as Google, courses were conducted differently. Therefore, less requirement for books and other such equipment, however each case was determined on its own merit as in some instances the cost may reasonably exceed £60.

Jane explained to members that the new Learning Pool did not include accredited qualifications, but there was a range of courses that were specific to the role.

(c) **Leave and Work Life Balance Policy**

Jane Collier updated members on the minor amendments made throughout this policy to update new staff responsibilities. She additionally highlighted that pandemic arrangements in sections 3.4 and 10 had been amended to make them more relevant to current practice.

Councillor Paul Ellison entered the meeting during this item.

Members asked questions and received answers regarding the number of staff currently on Extended Authorised Absence (EAA) and the take-up of time off for volunteering activities.

(d) **Redeployment Policy**

Mrs Collier introduced this item and explained the minor amendments in section 4 of the policy. She clarified that staff members would need to provide a good reason if they did not consider a post as a suitable alternative.

Members asked if there were any plans for restructures within the council. She explained that there were no immediate plans for large scale restructuring, however, Heads of Service are tasked to examine whether their departments run most efficiently.

(e) **Chief Officers Disciplinary Policy**

Mrs Collier explained that minor amendments had been made throughout this policy and that the list of Gross Misconduct Offences was updated to bring it in line with statutory policy.

11 Appeals Panel Training

The Democratic Services Officer, Marianne Unwin, provided an update of an Appeals Panel virtual training session hosted by North West Employers in the New Year. This would be open to all members of the committee and other councillors. She explained that more details on this session would be sent to members in due course.

12 Decision taken

Following discussion, the committee **approved** all of the following reviewed and amended Human Resources policies and procedures:

- Disclosure and Barring Service Policy
- Employee Training and Development Policy
- Leave and Work Life Balance Policy
- Redeployment Policy

- Chief Officers Disciplinary Policy

The meeting started at 6.02 pm and finished at 6.27 pm.

Date of Publication: 03 November 2021



Report of:	Meeting	Date
Human Resources	Employment and Appeals Committee	21 February 2022

Policy Review

1. Purpose of report

- 1.1 To present to the Panel additions and amendments to Human Resource Policies.

2. Outcomes

- 2.1 The amendment to existing policies and procedures.

3. Recommendation/s

- 3.1 That the Panel approve the policies and arrangements set out in Section 5.

4. Background

- 4.1 From time to time the Council needs to develop new policies and working arrangements to ensure we comply with statutory requirements and effectively manage our human resources.
- 4.2 The development of new policies and the review of existing policies will also be informed by employment best practice and the organisational needs of the Council.

5. Key issues and proposals

- | | | |
|-----|---|----------|
| 5.1 | Promoting Attendance & Managing Sickness
Absence | Reviewed |
| | Hybrid Working Policy | New |
| | Employer Discretions Policy | Reviewed |
| | Pay and TOIL Policy Extract | Reviewed |
| | Flexible Working | Reviewed |
| | Fostering Policy | Reviewed |

- 5.2** Throughout the policy amendments have been made to make the policy more user friendly and readable.

Section 2 has been updated to reflect latest advice on Covid-19 and self-isolation.

Changes have been introduced to the setting of targets and review periods at Stage 2 formal absence meetings. Absence thresholds are reset for a 12 month period, giving the employee a clean slate before they progress to stage 3 and potential dismissal.

- 5.3** The Hybrid working policy has been drafted in line with the Hybrid Working Programme being carried out by the council. This policy replaces the previous Agile Working Policy.
- 5.4** There have been no legislative or policy changes that give rise to the need for amendments to the Discretion Policy. Minor change only at 3.1.1 & 3.1.2 to give the most recent figures quotes by the LGA.
- 5.5** The Pay and TOIL policy has been updated to include a limit of 37 hours (pro-rata) to the accrual of TOIL hours. As this policy has recently been reviewed just the relevant extract has been included.
- 5.6** Flexible working policy has been updated to include reference to the Hybrid Working styles and that if hybrid working is approved as part of a flexible working request then a Hybrid Working Discussion Form and DSE Workstation Assessment form must be completed and sent to HR.
- 5.7** Fostering policy only minor amendments.

Financial and legal implications	
Finance	There are no specific Finance issues associated to this report.
Legal	There are no specific Legal issues associated to this report. However failure to comply with appropriate legislation may expose the Council to litigation.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	X

risks/implications	✓ / x
asset management	X

equality and diversity	X
sustainability	X
health and safety	x

climate change	X
ICT	X
data protection	X

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
HR Manager and Deputy Monitoring Officer	01253 887506	jane.collier@wyre.gov.uk	February 2022

List of background papers:		
name of document	date	where available for inspection

List of appendices

Appendix 1	Promoting Attendance & Managing Sickness Absence
Appendix 2	Hybrid Working Policy
Appendix 3	Employer Discretions Policy
Appendix 4	Pay and TOIL Policy Extract
Appendix 5	Flexible Working
Appendix 6	Fostering Policy

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Together
we make a
difference

Promoting Attendance & Managing Sickness Absence

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1. INTRODUCTION

1.0

Pandemic

In response to a pandemic all Council employees are expected to follow the social distancing and public health guidelines published by the Government and by the Council in order that the highest level of Health and Safety working practices are met.

Risk Assessments are in place and our buildings are covid secure. Meetings should be held with only essential members present and must adhere to social distancing and personal hygiene measures such as regular hand washing, use of hand sanitiser and surface cleaning.

Should there be a valid reason why a meeting cannot be conducted in person, consideration will be given to holding the meeting virtually.

1.1

Policy Statement

Wyre Council values the contribution of its employees in the delivery and maintenance of high levels of service. Whilst recognising that employees may occasionally be prevented from attending work through ill health, the Council has a duty to maintain service delivery, provide value for money and minimise disruption. The Council is, therefore, committed to managing attendance and sickness absence and believes that it is the responsibility of line managers and employees, with the support of HR and trade unions, to work together to promote and improve attendance.

The Council recognises that the majority of employees have good attendance levels. However, there are a minority of employees who have an unacceptable level of absence, which has a negative impact on colleagues who have to cover their absences. By implementing this policy the Council aims to strike a reasonable balance between the pursuit of its' business needs and the genuine needs of employees to take time off work due to sickness.

This Policy and Procedure has been developed to ensure that there is a consistent, supportive and fair approach to dealing with absence, which applies to all employees and all types of absence. The council does however recognise that discretion should be allowed in certain circumstances and when this does occur, it is important that decisions are taken in liaison with Human Resources to ensure a consistent approach is maintained.

It is the Council's policy to pay employees the rate of pay whilst absent from work as set out in the Contract of Employment and Statement of Particulars. Payment is however conditional upon an employee complying with the Council's Policy and Procedure, including notifying their manager of the absence, issuing the Council with a Fit Note, attending return to work interviews, attending Occupational Health appointments and maintaining appropriate contact with the Council.

1.2

Aims of the Policy

The aim of this Policy and Procedure is to ensure:

- All employees are treated fairly, consistently and sensitively during times of illness and are made aware of any support mechanisms that may be available to them.
- All employees understand their responsibilities and follow sickness reporting arrangements.
- Managers have a structured framework to assist them in managing sickness absence.
- Reasonable adjustments are considered for employees where applicable.
- Absence records are monitored and action taken at the specific trigger points.
- There is an agreed procedure for managing sickness absence that must be followed.
- The highest levels of quality and service can be maintained to allow the Council to fulfil its obligations to all users of its services.

The Promoting Attendance and Managing Sickness Absence Policy and Procedure is designed to provide guidance on management of both long term and short term sickness absence. We will take a supportive approach, whilst aiming to achieve a balance between the needs of the individual and the needs of the service.

1.3

Scope

This policy applies to all employees with the exception of those individuals who are under probation for whom the full procedural arrangements do not apply and should be managed in line with the Probationary Policy and Procedure.

This policy and the payment of sick pay exist to support our employees when they are sick. Arrangements under the Work Life Balance Policy apply, where employees require time away from work due to personal matters.

2. SICKNESS DUE TO COVID-19

2.0

Do not come into the workplace if you have symptoms of Covid-19 or test positive for Covid-19. You should report that you have symptoms or have tested positive to your line manager and maintain contact during your absence as normal.

You will be required to follow national guidance in place at the time of your absence in relation to self-certification, isolation periods and testing.

The latest government guidance is available at www.gov.uk or www.nhs.uk or you can contact a member of the HR team.

2.1 If you are absent from work due to having tested positive for Covid-19 your absence will be recorded as sickness. This period of time will count towards your calculation of Occupational Sick Pay entitlement however the recorded absence will not contribute towards attendance thresholds under this procedure.

If you are required to self-isolate and cannot work from home your absence will be recorded as self-isolating. This will not count towards your Occupational Sick Pay or attendance thresholds under this procedure.

If you are required to self-isolate and your job allows you to work from home, you will be expected to work from home and your absence will not be recorded as self-isolation.

If you have reported as self-isolating, you must self-isolate. Where we have reasonable suspicion that an employee not following government advice, disciplinary action may be taken.

Any employee that has reported as self-isolating may be required by the council to be tested for COVID-19. If the result is positive this will be recorded as sickness absence if they are not able to work from home.

3. SICKNESS NOTIFICATION

3.0 Notification and Reporting Arrangements

These guidelines have been produced to help you understand the importance of your personal contribution toward improving attendance and controlling absence, by ensuring that you acknowledge the importance of attending work and fully understand what is expected of you.

All absences and absence information should be logged in the Council's sickness management system from the initial notification of absence to the employee's return to work including the return to work interview.

If you cannot work because you are sick, you need to phone your manager to let them know. You should do this as soon as you can, this will normally be by 10.00am. The more notice you are able to provide the better able your manager will be to arrange appropriate cover for your absence. You would normally need to contact your manager each day you are off, however, if it's clear that your absence is likely to last for more than one day, you should explain this to your manager and agree the appropriate timeframe for making contact, and what form the contact should take.

You will need to let your manager know the following:

- The reasons for your absence
- When you think you will be able to return to work
- How and when you will keep your manager updated of your progress
- Give a contact number so that you can be reached if you do not contact them
- Advise of any work/issues that will need to be dealt with during your absence.

It is not normally acceptable for someone to telephone on your behalf or for you to inform your manager of your initial absence by text or email. Neither is it acceptable for you to ring a colleague. If your line manager is not immediately available you must leave a telephone number where your line manager can make contact with you. It is not sufficient to provide 'sick', 'unwell or 'personal' as reasons for absence.

If your absence continues beyond 7 calendar days, you need to get a fit note from your GP. You don't need to continue to notify your manager daily once you have received a fit note, although you and your line manager should agree appropriate contact arrangements.

If your absence is not supported by a fit note, or you don't follow the notification procedure, your manager will make reasonable efforts to contact you and check you are okay. For this reason, it is important you provide your manager with appropriate contact details. If your manager is unable to make contact, they, or a member of the HR Team may visit you at home to make sure nothing serious has happened. While mitigating factors will be taken into account, if you do not make contact this could be viewed as unauthorised absence, which means you will not get paid while you are off and may lead to disciplinary action being taken.

Line managers should contact HR where an employee has failed to follow the correct procedure or they have any other concerns relating to sickness absence.

3.1

Informal Welfare Meeting

Where Occupational Health have not been involved in the early stages of the absence and it is apparent that you are going to be absent from work for a longer period of time thereby likely to reach the threshold for long term absence (4 weeks or more), your line manager must arrange to meet with you to discuss your current health situation and what assistance we can provide to help you in returning to work. This meeting will normally take place at 2 weeks of absence.

This is a welfare discussion and is not part of any formal process. However on occasion it may be helpful if a member of the HR Team attends; particularly if detailed advice is required regarding support available and/or adjustments.

You will also be made aware of when the formal process maybe initiated, however this will be dependent on the discussions that take place at the welfare meeting.

The meeting will normally take place either at your home or at your normal workplace. The location of the meeting will be largely determined by your health and mobility. There may be occasions where this meeting can be held virtually, however it is expected that you will have your camera turned on for this meeting.

3.2

Statement of Fitness to Work / Fit Notes

Medical certificates are now also known as a “statement of fitness to work”. Doctors are able to indicate on the certificate whether the employee is able to return to work with some minor and/or temporary adjustments.

Line managers are expected to give full consideration to whether the proposed adjustments can be accommodated, to support you back to work at an earlier point. In some circumstances it may be appropriate to consider temporarily moving you to a different role or service, if suitable alternative work is available.

If you believe that you are well enough to return to work, prior to the expected return to work date on the medical certificate, you should first discuss this issue with your line manager or HR. Fit notes are advice notes and as such you may decide that you feel sufficiently well to return to work earlier than the GP anticipated.

You are expected to return to work promptly at the end of your medical certificate.

4. RESPONSIBILITIES

4.0

Managers

Each manager has the general responsibility to:

- Ensure all employees are aware of the policy and reporting arrangements
- Ensure confidentiality of personal information at all times and fair, consistent treatment of staff
- Maintain accurate records of absence by ensuring the sickness management system is kept up to date with all relevant information
- Pro-actively manage attendance and promote the wellbeing of staff, including undertaking risk assessments and identifying any underlying causes if there are high absence rates within the workgroup
- Check whether the employee's absences are work related, and if so, explore ways to remove or reduce the factor causing concern.
- Monitor/manage all sickness absence effectively
- Involve HR and Occupational Health in addressing sickness absence
- Ensure absence is never ignored
- Ensure that return to work interviews are carried out for every absence, ideally on the employee's first day of return to work.
- Obtain medical advice about an employee's ability to undertake their job utilising advice provided by GP's in employees 'fit notes' and holding case conferences with Occupational Health where appropriate. This should be undertaken as part of the council's duty of care towards its employees.
- Maintain reasonable and appropriate contact with employees who are absent
- Ensure that the probationary period of each new employee is used appropriately, that attendance records are monitored and that appropriate action is taken if any problems emerge.

In order to set a positive example to their staff, it is expected that line managers will personally aim for excellent attendance.

Line managers should be aware of and acknowledge those individuals who have good attendance e.g. 1-2-1 meetings.

4.1

Employees

In line with their contract of employment, all employees are expected to attend work unless unfit to do so. The payment of sick pay is part of the contract of employment that employees enter into with the Council and as such the employee is required to make themselves available throughout their absence for meetings with managers or HR, appointments with Occupational Health, or for telephone discussions. In addition, employees are required to:

- Ensure that medical advice and treatment is received as quickly as possible and follow all recommended medical advice or treatment in order to facilitate a prompt return to work.
- Attend any appointments made with Occupational Health and comply with all advice they give which will facilitate a return to work.
- Respond in a timely manner to any communications from the Council and attend management meetings as required.
- Raise with their manager any concerns with their job which they feel are making them ill or contributing to their illness/absence.
- Refrain from any activity, domestic, social or sporting, which may be prejudicial to recovery, cause further absence or bring into question the reason for the continued absence.
- On return to work, attend and participate in a return to work interview with their line manager.
- Co-operate with all reasonable attempts to facilitate a safe and full return to work including undertaking alternative duties.
- Advise their line manager if they intend to go on holiday or are living at a different address whilst absent from work due to sickness absence.
- Ensure that they fully inform their GP or consultant of any options and adjustments that the Council is prepared to put in place to support their early return to work.

Request annual leave for holidays that they take during a period of sickness absence in accordance with the Council's procedure for requesting annual leave and do not take such annual leave unless that request is granted.

5. OCCUPATIONAL SICK PAY

5.0

Entitlement to Occupational Sick Pay

The Council's Sickness Scheme and contractual/occupational sick pay is intended to supplement Statutory Sick Pay and Employment Support Allowance so as to maintain normal pay during defined periods of sickness absence. The entitlements given below reflect national conditions of service.

There is provision in the Sickness Absence Scheme for employees to receive pay for up to the following periods:

	Full Pay	Half Pay
During 1 st year of service	1 months full pay	after 4 months service - 2 months half pay
During 2 nd year of service	2 months full pay	2 months half pay
During 3 rd year of service	4 months full pay	4 months half pay
During 4 th & 5 th year of service	5 months full pay	5 months half pay
After 5 years' service	6 months full pay	6 months half pay

Sickness benefits are calculated by establishing the employee's accrued benefits, as detailed above, then calculating backwards from the first day of a current period of absence and including any sickness periods within the previous twelve months.

Full sick pay will be an amount which, when added to Statutory Sick Pay and Employment Support Allowance receivable, will secure the equivalent of normal pay.

In the case of half pay periods sick pay will be an amount equal to half of normal earnings plus an amount equivalent to Statutory Sick Pay and Employment Support Allowance receivable, so long as the total sum does not exceed normal pay.

Where there is medical evidence that an employee is no longer or unlikely to be sufficiently fit to fulfil the responsibilities of the job, we reserve the right to terminate employment before the expiry of contractual/occupational sick pay, in accordance with this policy.

5.1

Withdrawal of Occupational Sick Pay

The payment of occupational sick pay is dependent upon the employee complying with the requirements of this Policy and Procedure. An employee will not automatically be entitled to occupational sick pay where they:

- fail to notify of absence or fail to maintain appropriate contact in line with the policy and procedure
- abuse the sickness scheme, including, but not limited to, reporting in sick on the same date an earlier request for annual leave was declined;
- submit a medical certificate, after being advised that they are the subject of disciplinary action, which leads to a delay in the disciplinary process;
- submit a medical certificate following their suspension in connection with a disciplinary matter;
- fail to attend an OH appointment;
- are absent due to or attributable to deliberate conduct prejudicial to recovery or the employee's own misconduct or neglect;
- suffer an injury sustained whilst working in their own time, on their own account for private gain or for another employer;
- are incapacitated due to actively participating in professional sport;
- continue to work for another employer, whilst off sick from the Council. This matter may constitute gross misconduct and if proven could lead to dismissal;
- fail to return to work despite appropriate agreed adjustments being put in place.

5.2

The following situations will be classed as unauthorised absence and you will not automatically receive any sick pay in respect of the following:

- any day's leave (or part day) which has not been notified, in line with this document, will be treated as unauthorised absence;
- failure to provide contact details or maintain contact;
- failure to comply with the requirements for the provision of medical certification.

5.3

In each of the above circumstances it will be for the Head of Service in liaison with the HR Manager to determine if sick pay should be withdrawn from you. The decision will be made based on the facts available to them.

5.4

Where sick pay is withdrawn, you will be advised of the reasons; the length of time sick pay will be withdrawn; and your right of appeal for reinstatement of sick pay to the Director. In these circumstances, you will be asked to enter your grounds for appeal in writing, and this will be considered at stage 2 of the Resolution Policy by the relevant Director.

5.5

Where any part of sick pay is reinstated this will be reimbursed to you at your next normal salary payment date.

6. RETURN TO WORK INTERVIEWS

6.0 Return to work interviews must be conducted after every period of absence ideally on the first day of your return to work. They are an important part of absence management and can help identify short and long term absence problems at an early stage. They also provide line managers with an opportunity to start a dialogue with staff about underlying issues which may be causing the absence and allow them make changes which will support you.

Return to work interviews are informal discussions and you have no statutory right to be accompanied.

Your line manager should express their concern for your welfare, balanced with their concerns about service delivery and the impact on other team members. Your line manager should also discuss with you options for further assistance to improve your attendance, if required.

It is important that your absence record is discussed and that you are made aware of where you are in respect of the absence thresholds.

If you have reached the thresholds you should be advised that you will need to attend an Absence Management Meeting.

The return to work form must be completed on the sickness management system to record the points discussed at the meeting.

7. REFERRAL TO OCCUPATIONAL HEALTH

7.0 In certain circumstances, we might ask you to attend our Occupational Health providers who are best placed to provide us with the specialist advice we may need to be able to support you. If your fit note or Occupational Health report mentions any reasonable adjustments that could potentially be made to support you at work, we will consider that advice.

If you are asked to attend Occupational Health, your manager will contact you to explain why we need to seek additional medical advice. This could be before, during, or after a period of absence.

Your manager will complete a referral form prior to your occupational health appointment giving as much detail as possible in order to provide the occupational health advisor with sufficient information to ensure you get the best possible benefit from the appointment and we receive relevant information as a consequence.

You are strongly encouraged to attend Occupational Health if your line manager feels it is necessary. You won't be referred without your consent, but if you decline your absence will continue to be managed based on the information available, which may then not include important medical advice.

If you confirm that you will attend an Occupational Health appointment and then subsequently fail to attend, consideration will be given to withdrawing sick pay for the period up to the next available Occupational Health appointment.

- 7.1 The Occupational Health provider will ensure that the employee is aware of their rights under the Access to Medical Reports Act, if the Occupational Health advisor considers it beneficial to obtain a report from the employee's GP or consultant.
- 7.2 Following the appointment the Occupational Health advisor will provide written guidance in the form of a report, provided to your manager and HR, you may also request a copy. Your manager will consider the content of the report and discuss this with you.

7.3 **Being accompanied to an Occupational Health Appointment**

In normal circumstances you should be seen on your own to enable confidential information to be discussed. If you have a learning disability, or communication/ language problem then a suitably qualified assistant may be invited into the consultation to improve the communication process. The Occupational Health Advisor will be able to advise when this may be applicable and who would be suitably qualified taking into consideration the nature of the disability.

Should you request to be accompanied by a family member or trade union representative or colleague during a consultation they will be asked to wait outside the room whilst discussing confidential issues and then invited to join the appointment only if it is appropriate for them to do so. Inviting 'third parties' into a meeting means that the consultation becomes an open meeting and the clinician will require to be accompanied by a member of the client's management team. This may be in person or via a conference call. These meetings are termed Case Conferences where non-confidential issues such as workplace support including phased return and other adjustments can be discussed.

The Occupational Health appointment is not part of any formal process and therefore it would not be appropriate for a union representative or work colleague to accompany you in any formal capacity.

8. ABSENCE MANAGEMENT

- 8.0 While we are committed to providing support to colleagues who are experiencing health difficulties, where sickness absence reaches certain levels we often need to manage this through a more formal process.

Your manager will determine the most appropriate way of managing your absence by referring to a number of sickness absence thresholds.

8.1 **Short Term Absence**

Short-term absence is normally identified as absence that has no underlying long-term medical condition and is attributable to minor ailments.

The short term absence thresholds are as follows:

- Any absence(s) within a rolling 12 month period which amounts to 2 of your working weeks;
- 3 periods of absence of 1 day or more in any rolling twelve month period;
- a pattern of absence which is causing concern whereby at the Manager's discretion the formal procedure may be initiated. This may include, but is not limited to, a pattern of absences occurring at the beginning or end of a week; during school holidays; coinciding with sporting or other events; or when an employee reports sick on the same day that a leave request had been declined.
- Where your manager has concerns regarding your welfare or your ability to undertake your normal duties

As detailed in section 2.1, if you have tested positive for Coronavirus and have been absent from work as a result, this period of time will not be taken in to account for absence management proceedings.

- 8.2 If you have a disability that is affecting your attendance at work, serious consideration will be given to increasing the threshold levels as a reasonable adjustment where the absences relate to the disability.

8.3 **Long Term Absence**

Long-term absence is normally identified as an absence from work for 4 weeks or more normally due to an underlying medical condition and/or where there is no prospect of you returning to work in the near future. The threshold for managing long-term absence is 4 weeks of continuous absence in a 12-month rolling period.

As detailed in section 5.5, if you have tested positive for Coronavirus and have been absent from work as a result, this period of time will not be taken in to account for absence management proceedings.

- 8.4 When you reach the threshold for either short term or long-term sickness as defined above, your manager will review your attendance record with you using an Absence Management Meeting, where review periods and targets for improvement will be set.

- 8.5 There may be occasions where holding an Absence Management Meeting is not appropriate but this must be decided in liaison with Human Resources.
- 8.6 Where procedures are followed it is legitimate to dismiss on the grounds of 'some other substantial reason' (where no underlying medical condition is identified) or 'capability' where an underlying medical condition is identified.

9. ABSENCE MANAGEMENT MEETINGS (FORMAL PROCESS)

- 9.0 Whenever you are off work due to sickness, your manager will look at the number of instances and days you have been off sick in the past 12 months to check whether you have reached or exceeded any of the absence thresholds.

If your sickness absence reaches any of the threshold levels, your manager will discuss this with you at a return to work meeting (or will communicate this to you by other means if you are still off work) to make you aware that you have reached the threshold and what this means.

There are normally three formal meetings in the absence management process; these will be referred to as Stage 1 Absence Meeting, Stage 2 Absence Meeting and Stage 3 Absence Meeting.

If you exceed a threshold (e.g. more than 3 instances/2 of your normal weeks OR 4 weeks of continuous long term absence in a 12 month period) in most cases your manager will arrange a formal absence meeting with you, this will usually be at Stage 1

Progression to a formal absence meeting will typically be automatic, although your manager will take into consideration the specific circumstances and may choose not to proceed immediately to a formal meeting. For example:

- Where an absence relates to a 'one off' situation, such as surgical intervention
- Where an absence is related to a critical illness; or
- Where, up to that point, you have had a consistently exceptional attendance record

Managers should seek advice from HR before any decisions are made to ensure a consistent approach is being taken.

- 9.1 The purpose of the Absence Meeting is to provide assistance and support to you to help improve your attendance to a satisfactory level.

Absence Management Meetings are not disciplinary meetings. The aims of these meetings are to:

- Establish the reasons for your absence; is it medical or non-medical.
- Explain to you the impact the absence is having on the organisation.
- Discuss possible ways of reducing absence in the future.
- Investigate any reasonable adjustments.
- Discuss the possibility of requiring additional information from Occupational Health and what this entails.
- Inform you of the possible actions if your level of absence is not improved.
- Set a review period and targets for improvement to reduce absences.

9.2 **Right to be accompanied**

At all formal stages of the Absence Management Procedure (i.e. formal Absence Meetings) you may, if you wish, be accompanied by a recognised trade union representative or work colleague. Although it would not normally be acceptable for this to be a close relative, consideration will be given to this in exceptional circumstances.

9.3 **Notice**

You will be given at least 5 working days' notice of the meeting. Where a trade union representative or work colleague is not available this should not unduly delay the meeting. However we will seek to accommodate the request to rearrange the meeting but it is not expected that this would need to happen on more than one occasion.

Managers should treat individuals in a sensitive manner. Discussions between you and your manager will be kept confidential so far as reasonably possible. The meetings will be arranged at a suitable venue, which will normally be your place of work. However, in some circumstances (depending on your health and well-being) this may be held at your home with your consent or other suitable location.

Further details of the Absence Management Meetings are in the absence management procedure, Appendix 1.

9.4

Thresholds following a formal absence meeting

If you exceed the absence threshold of more than e.g. 3 instances/2 of your normal weeks OR 4 weeks of continuous long-term absence in a 12-month period, your manager will invite you to attend a formal Stage 1 Meeting.

At a Stage 1 Meeting, your manager will ask about your health, discuss your levels of absence and the thresholds you have met, discuss any medical advice from Occupational Health, consider any disabilities and reasonable adjustments and discuss any other support available to you, such as the Employee Assistance Programme.

As part of the Stage 1 Meeting, your manager will set you targets to bring your attendance levels back under the absence threshold (more than 3 instances/2 of your normal weeks).

Where the Stage 1 Meeting was due to long term absence, your line manager will set you a target depending on the medical advice available to them.

If this target is not achieved within the set timescale, your line manager will then invite you to attend a Stage 2 Meeting.

At the Stage 2 Meeting, the absence thresholds are reset and you would only proceed to the next formal absence meeting (Stage 3 Meeting) if you exceed any of the thresholds again over the next 12 months or if a long term absence continues to the next review period (see below)

If you are absent before attending a scheduled formal absence meeting, the meeting will be rearranged and the total instances or days will be taken into account.

9.5

Review Periods

One of the outcomes of the Stage 1 absence meeting will be to set a relevant period of time for your manager to review your attendance. The review periods should normally be set for a 2 – 4 month period. In certain circumstances, it may be appropriate to set a longer review period depending on the level of the meeting, previous attendance record and nature of the absence/absences. This must be done in consultation with Human Resources.

If your absences do not improve during the review period your manager will need to decide whether another absence management meeting is needed.

9.6

Combined short-term and long-term absence

Occasionally, you might reach thresholds with a mixture of long and short-term absence. When this happens, your manager will continue to manage your sickness absence and you will still progress through the appropriate sickness absence process.

9.7

Sustaining your Return to Work

When you return to work you will be expected to achieve and maintain a level of absence which does not exceed the absence thresholds or the agreed target set by their manager. The point where your absence got to in the absence management procedure will remain “live” for one year. Your absences will be reviewed throughout this time and if the satisfactory improvement proves only to be of a temporary nature then your manager has the option of returning immediately to the point in the procedure that you had reached when you returned to work.

If you return to work following a period of long-term absence (i.e. over 4 weeks), you will have also exceeded the threshold for short-term absence and further short-term absence will be managed under this procedure from the point in the procedure you had previously reached.

If you had previously been managed under the short-term absence procedure prior to being absent on long term sickness you will return to the point in the procedure you had previously reached.

9.8

Repeated long term absences

If you have 2 or more periods of long-term absence in any 24-month period, you will automatically be referred to a Stage 2 Attendance Management Meeting. At this meeting your absences will be reviewed in detail and consideration will be given to how you can improve your attendance.

10. PHASED RETURN TO WORK

10.0

Following a period of long-term absence Occupational Health may recommend that a phased return to work would be beneficial. The phased return period will normally be for four weeks or less and involves a gradual build-up of hours and/or duties. Employees will receive their normal pay from day one of the phased return.

If you wish to request to increase the phased return beyond four weeks, you will be asked to cover non-working time during the extended period with annual leave. A phased return to work may include modification to days or hours of work or adjustment to duties.

11. REASONABLE ADJUSTMENTS

11.0

The Council is required to consider making reasonable adjustments to assist employees' who have a disability as defined under the Equality Act 2010.

Adjustments may take a number of forms and may be temporary or permanent, including:

- Providing you with practical aids or making adaptations to premises or equipment;
- Reduction in your working hours or changes to your working pattern;
- Amendments to your duties (normally temporary).

We will give consideration to adjustments both from the perspective of the employee and also with due regard to the reasonableness of those adjustments from an operational point of view.

In many cases it will be possible to accommodate adjustments to some degree or other; however in some cases it may not be considered reasonable to accommodate all or some of those adjustments. Where this is the case your manager should be able to clearly explain the reasons for being unable to accommodate the adjustments.

12. REDEPLOYMENT

12.0 Redeployment will only be considered when other options to return you back to your substantive role have been unsuccessful and where medical advice indicates that you are unable to perform the duties of your current role, with reasonable adjustments.

In some cases, Occupational Health will not be able to recommend redeployment, despite you being unable to return to your substantive post.

The aim of redeployment will be to find a position that you can fulfil and where reasonable adjustments can be accommodated, if required.

12.1 Opportunities for redeployment are limited and these are dependent upon vacancies that exist in the organisation at the time that redeployment is being considered. This will include both permanent and fixed term vacancies. If you are offered and you accept redeployment into a fixed term vacancy, as an alternative to the termination of employment, you will transfer from permanent contract of employment to a fixed term contract of employment.

12.2 Where you are redeployed for health reasons, into a fixed term appointment, the normal arrangements for notice, redeployment and redundancy will apply to you at the end of the contract.

12.3 Where you are re-deployed due to health reasons to a lower graded post, pay protection does not apply.

- 12.4 If no suitable redeployment opportunities are available and you are unable to return to your existing role, consideration will be given to progressing the formal absence management procedure through to stage 3 of the procedure.

13. CAPABILITY AND ILL HEALTH RETIREMENT

- 13.0 **Capability dismissal**
If it is decided following an Absence Meeting 3 that there's nothing more that can be done to help you return to work, or that your short term absence levels are no longer sustainable, then it's possible you will be dismissed on the grounds of capability due to ill-health or some other substantial reason depending on the reasons for sickness absence. This decision would only be taken after all mitigating factors, reasonable adjustments and redeployment possibilities had been explored. Absence Meeting 3 can only be held by a Corporate Director or Chief Executive with the authority to dismiss.
- 13.1 **Ill Health Retirement**
If you are a member of the Local Government Pension Scheme, below normal retirement age, and advice from Occupational Health is that you are permanently unfit to carry out the duties of your post, you may be dismissed on the grounds of capability due to ill-health with access to pension benefits. This is known as ill health retirement.
- 13.2 Where you may be eligible for ill health retirement (release of pension due to reasons of ill health) you will be referred to an Independent Physician through Occupational Health, for an assessment of your health.
- 13.3 Where ill health retirement is being considered, HR will be able to provide general information on the ill health provisions within the Pension Scheme Regulations.
- 13.4 To qualify for ill health retirement the Pension Scheme requires that you are permanently incapable of discharging the duties of your current employment, and has a reduced likelihood of any gainful employment before normal retirement age.
- 13.5 Consideration must be given to the possibility of reasonable adjustments to your substantive role and to the option of suitable alternative employment within the Council, before the Physician will be able to advise the Council that the you are eligible for release of pension benefits.
- 13.6 There are 3 Tiers of ill health retirement within the Pension Scheme Regulations and the Physician will advise the Council of which of these Tiers you satisfy.
- 13.7 There are occasions where an employee with a serious long term or terminal condition may wish to be dismissed and/or may be eligible for early release of pension benefits and therefore there may be some discretion on the application of the procedure.

14. APPEALS

14.0 At all stages of the formal Absence Management Procedure employees have the right of appeal to the next level of management or to the Employment and Appeals Panel in the case of dismissal.

Appeals must be submitted in writing to the Human Resources Manager within 10 working days of receipt of the written outcome of the meeting clearly stating the grounds for appeal.

Appeals against any formal level within the Absence Management Procedure except dismissal will only be considered for the following reasons:

- To appeal against the level of target or duration of review period set.
- The employee believes that the original hearing officer reached an unfair decision.

Where possible the appeal will be heard within 10 working days of an appeal being received.

The decision of the hearing officer will be communicated to you in writing within 5 working days of the hearing.

The decision of the hearing officer will be final.

14.1 Appeals against dismissal

Appeals against dismissal will be heard in line with the Appeals against Dismissal Policy.

Risk Assessments are in place and our buildings are Covid secure. Meetings should be held with only essential members present and must adhere to social distancing and personal hygiene measures such as regular hand washing, use of hand sanitiser and surface cleaning.

15. SICKNESS DURING THE WORKING DAY

15.0 If you have worked for more than half of your expected hours and then have to leave work through ill-health, this will be counted as a full day's attendance.

If you have worked for less than half your expected hours and have to leave work through ill-health, this will be counted as a full day's sickness absence for monitoring purposes, and will be counted in the calculation of trigger points.

16. ACCIDENT OR INJURY AT WORK

- 16.0** If you consider your illness arises from an accident at work you must notify your line manager immediately so that the Accident Incident Reporting Form can be completed. If you are absent from work due to an accident or injury at work your absence will be treated in the same way as if your absence was due to sickness and therefore the Absence Management Procedure should be followed. Absences must still be supported by a doctor's certificate if they persist for longer than seven calendar days.
- 16.1** Absences due to a work related accident, incident, disease or dangerous occurrence must be treated on a case-by-case basis. Line managers should seek advice as appropriate from Health and Safety. It is the line manager's responsibility to ensure that accident/incident reports are completed so that where necessary reports and information can be forwarded to the HSE in line with the RIDDOR Regulations.
- 16.2** An absence which counts as a confirmed work-related injury or illness will continue to accrue towards the trigger points as set out in this policy. It is anticipated, however, that in such cases the emphasis will normally be focussed on providing reasonable support for you to enable you to return to work within a reasonable timescale.
- 16.3** In accordance with the Local Scheme of Conditions of Service an employee who is absent from work as a result of an accident is not entitled to a sick pay allowance if damages may be receivable from a third party. The Council may at its discretion advance the allowance provided the employee agrees to refund the amount from any damages awarded. It is the employee's responsibility to inform the Council of any claims they have submitted and damages awarded.

17. MEDICAL/HOSPITAL APPOINTMENTS

- 17.0** Attendance at doctors, dentists and hospital appointments are not classed as sick leave and they should not be recorded as such.
- Wherever possible, you should make medical/dental appointments outside of your normal working hours. However, where this is not practical, they must be made to cause minimal disruption to the working day, i.e. lunchtime, early, late appointments and you will be required to make up the time, either by staying late or by using flexi time where this scheme is operated.

If it is not possible to arrange appointments out of work hours permission to attend during work hours should be sought and should not be unreasonably refused. Except in cases of emergency, you should advise your line manager of the proposed time of the appointment as soon as possible and must produce an appointment card or letter if asked. Where there are a series of appointments for regular and on-going treatment, acceptable arrangements need to be approved by your line manager for handling these.

Under normal circumstances time will not be credited to staff for time away from work for doctor or dentist appointments however where a hospital appointment is necessary this will be treated as authorised absence and time credited in line with section 9.8 of the Flexitime Policy.

18. DISABILITY LEAVE

18.0 Disability leave is different from sick leave or annual holiday entitlement. It is most commonly used to allow you paid time off for rehabilitation, assessment or treatment.

Examples of situations where disability leave might be appropriate include:

- time off to attend annual check-ups
- medical appointments that occur unavoidably during working hours
- time off for treatment or surgery
- time off to attend physiotherapy
- time off for counselling and hospital appointments
- time off for specific rehabilitation activities such as sign language training.

Time taken for disability leave should always be recorded separately to sickness absence. An appointment card or letter must be produced upon request.

19. ANNUAL LEAVE ENTITLEMENT IN RELATION TO SICKNESS ABSENCE

19.0 If you become unfit for work either immediately prior to or during a period of pre-booked annual leave must comply with sickness reporting procedures (where practical) and provide a Fit Note to cover the period you wish to reclaim.

In such situations the reason for the employee remaining unfit for work must not conflict with likely activities undertaken whilst on holiday or activities required to undertake the holiday itself. If the you become fit for work whilst still on leave, you should also confirm the date on which you would have been fit to work on your return from leave.

- 19.1** If you are absent due to long term sickness, you will accrue annual leave and may request to take this during a period of long term absence. If you wish to take leave during long term absence, you should request this in writing via your line manager.
- 19.2** If you return to work in the current leave year, every effort should be made to take your remaining contractual annual leave entitlement to assist with your rehabilitation back to work. Should you be unable to take all of the leave, you are allowed to carry it forward into the new leave year.
- 19.3** If you return to work in a new leave year, you still have the right to the contractual annual leave you accrued whilst off sick during the previous leave year, which you should be allowed to carry forward into the new leave year. However, it is recommended that you take most or all of this leave in a block in the first month after your official return to work date or to assist with extending a phased return to work.

20. ABSENCE FROM HOME ADDRESS WHEN ABSENT ON SICK LEAVE

- 20.0** There are occasions when an individual who is absent on sick leave is away from his/her home address, e.g. to stay with parents; convalesce; go on holiday (acceptable as long as nothing is done which might worsen the condition or otherwise prolong the sickness absence). You must agree to provide your line manager with the revised necessary contact details and the length of time you are likely to be away from home.

21. ABUSE OF SICKNESS SCHEME

- 21.0** In cases where abuse of the sickness policy is suspected, which may include, failure to report sickness absence at the appropriate time; non-attendance at an Occupational Health appointment without reasonable cause; failure to submit a Doctor's fit note at the appropriate time; submission of forged or false fit notes; deliberate conduct prejudicial to the employee's own recovery; or due to the employee's misconduct or neglect, sick pay may be suspended and consideration may be given to disciplinary action. Advice from HR must be sought in these cases.

22. CASES OF SUSPECTED MISCONDUCT

- 22.0** There occasionally will be circumstances where some form of disciplinary action may be appropriate. This only applies in cases of misconduct. Where there is a sickness or welfare issue the matter will be dealt with under the Attendance Review Procedure.

22.1 The action that needs to be taken, or indeed when to take it, will vary in each case and will be dependent upon the facts. The following situations would normally be those where consideration may be given to instituting the Disciplinary Procedure:-

- Failure to follow the notification rules by not contacting the Designated Officer during the first day of absence and having no good reason for doing so.
- Providing an unsatisfactory reason for being absent from work.
- Frequent short-term sickness absence, and suspicious patterns of absence where there is no satisfactory account at the return to work interview.
- Unauthorised absence.
- Deliberate falsification of a doctor's certificate.
- Abuse of the Council's sickness scheme.
- Refusal to return to work when appropriate agreed adjustments are put in place

The last three examples are potentially gross misconduct.

22.2 On each occasion the responsible line manager should take action in accordance with the normal disciplinary procedure. It is important that minor misdemeanours are not ignored.

22.3 If the Disciplinary Procedure is invoked, the first stage will be to investigate the situation by interviewing the employee as soon as possible in order to determine the reason for absence and to consider any other evidence available.

22.4 The overall objective is to improve the individual's attendance record to an acceptable standard. Any warnings given should be accompanied by a timescale for improvement and the situation must be monitored and reviewed throughout this period.

23. SICKNESS AND 1-2-1 MEETINGS

23.0 The 1-2-1 meetings provide an opportunity to consider an individual employee's sickness and review the overall picture, examine possible trends and learn, by seeking to determine how well supported the employee was on their return. The review does not replace the Return to Work interviews or other good management practice in dealing with sickness absence issues.

24. EQUALITY IMPACT ASSESSMENT AND MONITORING

24.0 The operation of this policy will be monitored for its impact on different staff groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

25. DATA PROTECTION

- 25.0 In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with Data Protection requirements.

APPENDIX 1 – ABSENCE MANAGEMENT PROCEDURE

Short term absence is normally identified as absence that has no underlying long term medical condition and is attributable to minor ailments. Often the employee will only be absent for a few days. Short term absence is the most disruptive in terms of service delivery.

Long term absence is identified as an absence from work for 4 weeks (or more) with an underlying medical condition and/or where there is no prospect of a return to work in the near future.

For long term absence cases progression to formal action may not be necessary if the return to work is imminent or if the manager feels that progress is being made and an early return to work/improvement is likely (as discussed at informal welfare meeting), no further action is required except, where the manager considers appropriate, a referral to Occupational Health to confirm fitness to return to duty.

Informal Actions

Short term absences

- Return to work discussions after every absence
- Discuss absences and identify any underlying reasons
- See if any assistance can be offered
- Advise employee of consequences of hitting absence thresholds
- Maintain records of all discussions

Long term absences

- Informal welfare meeting (At two weeks).
- Keep in touch with the employee
- Send copies of any communications that have been issued to staff, e.g. core brief (unless the employee has requested they do not want to receive such items).
- Any changes in sick pay entitlement should be communicated to the employee, e.g. full pay reduces to half pay.
- Ensure employees are aware that they can access the Employee Support Programme

Stage 1

Absence Management Meeting

In cases where an employee's attendance meets the Council's attendance thresholds, or there is a pattern of absence which is causing concern, the employee will be invited to attend a Stage 1 Absence Management Meeting with their line manager.

Template letters are available from HR for all written correspondence as part of the Attendance Management Procedure

Preparation before the meeting:

The manager will write to the employee and invite the employee to a meeting to discuss their sickness absence. The manager may invite a member of Human Resources to also attend this meeting if required, this is recommended in the majority of cases.

The letter from the manager must:

- Require the employee to attend a meeting to discuss the matter – informing him/her of the stage of the procedure they are at;
- Give at least five days' notice;
- Set out details of the unsatisfactory attendance, including a copy of all relevant documentation, e.g. copies of return to work interview notes and Occupational Health advice;
- Advise the employee that they have the right to bring a trade union representative or work companion;
- Advise that if the employee refuses or fails to attend the meeting without good reason a decision can be made in his/her absence. Managers must take advice from Human Resources in these circumstances.

During the Meeting:

The purpose of the Stage 1 Absence Management Meeting is to:

Short term absence

- Discuss the employee's absence record;
- Review the number of and/or pattern of absences;
- Explore the reasons for the high level of absences;
- Discuss (if available) any OH information that has already been requested;
- Identify areas for support;
- Set an improvement target and review period;
- Explain the consequences of failing to achieve the target

Long term absence

- Review the employee's absence to date;
- Review what steps are being taken to assist the employee back to work;
- What steps the employee and their medical advisors are taking to facilitate that process;
- Review recent OH advice (as appropriate);
- Consider opportunities to temporarily or permanently amend hours or duties;
- Consider opportunities to introduce other workplace adjustments;
- Consider the likely timescale within which the employee will return to work;
- Discuss the next steps and inform the employee of the potential outcomes if their absences continue.
- Set a monitoring period to review the employee's absence

The employee will be expected to participate in the discussion and offer their own suggestions for how they might improve their attendance.

In cases where the employee has an underlying disability, as defined in the Equality Act 2010, advice must be obtained from HR on the appropriate target and review period. Subject to the nature of the absences and the nature of the disability it may be appropriate to set a more generous target as an adjustment under the act.

Where appropriate reference should be made to other supporting policies such as work life balance and flexible working options.

Outcomes of meeting:

- A review period should be set for the employee to achieve a sustained improvement in their attendance or return to work. The sustained improvement required is for the employee to reduce their current level of sickness to below the Council's trigger point. The monitoring period may be brought to an end earlier if the employee fails to meet the level of attendance required;
- Agree on any reasonable adjustments or forms of support that might be put in place to reduce absences;
- Advise the employee that should their attendance not significantly improve, or they are unable to return to work during the agreed period set, then they will be subject to a Stage 2 Absence Management meeting;
- The outcome of the Stage 1 Absence Management meeting will be confirmed in writing to the employee.

Follow Up Action:

Short term absence

- A follow up review meeting must be arranged for the end of the review period. If the employee's attendance has improved the manager should commend them on the improvement shown and advise that they are no longer subject to formal review.
- The manager should advise that if the employee's attendance deteriorates again, so that they exceed the thresholds then they could progress to a Stage 2 meeting.
- The manager will write to the employee following the review meeting to confirm the outcome and what was discussed.
- If the level of attendance has not reached the required level and the employee will be subject to Stage 2.

Long term absence

- The manager will stay in touch with the employee and review absence at the end of the review period.

Stage 2

Absence Management Meeting

If following the review period set at the Stage 1 Absence Management Meeting the employee fails to provide an immediate and sustained improvement in their attendance or are still absent from work, they will be invited in writing to attend a Stage 2 Absence Management Meeting.

Preparation before the meeting:

The meeting will normally be held by the Head of Service who will write to the employee and invite them to a meeting to discuss their sickness absence. A member of Human Resources should also be invited to the meeting.

The letter from the manager must:

- Require the employee to attend a meeting to discuss the matter – informing him/her of the stage of the procedure they are at;
- Give at least five days' notice;

- Set out details of the unsatisfactory attendance, including a copy of all relevant documentation, e.g. copies of return to work interview notes and Occupational Health advice;
- Refer to previous warning(s);
- Inform the employee that they have the right to bring a trade union representative or work-place companion;
- Advise that if the employee refuses or fails to attend the meeting without good reason a decision can be made in his/her absence. Managers must take advice from Human Resources in these circumstances.

The manager should ensure that the employee has been referred to OH prior to the meeting if this has not already taken place so that OH advice is available for consideration at the Stage 2 meeting.

During the Meeting:

The purpose of the Stage 2 Absence Management Meeting is to:

Short term absence

- Review and reaffirm issues previously discussed with regard to the employee's attendance;
- Review the number of and/or pattern of absences;
- Explore the reasons for the high level of absences;
- Discuss any recent OH advice;
- Identify any further areas for support;
- Review the efficacy of any support already provided to the employee and amend if appropriate;
- Set an improvement target and review period;
- Explain the consequences of failing to achieve the target.

Long term absence

- Discuss any progress or improvements in the employee's health
- Review the employee's absence to date;
- Review what steps are being taken to assist the employee back to work;
- What steps the employee and their medical advisors are taking to facilitate that process;
- Review recent OH advice (as appropriate);
- Consider opportunities to temporarily or permanently amend hours or duties;
- Consider opportunities to introduce other workplace adjustments;
- Consider the likely timescale within which the employee will return to work;
- Discuss the next steps and inform the employee of the potential outcomes if their absences continue.

The employee will be expected to participate in the discussion and offer their own suggestions for how they might improve their attendance.

Outcomes of meeting:

Short term absence

- Set a monitoring period for the employee to achieve a sustained improvement in their attendance. The sustained improvement required is for the employee to reduce their current level of sickness to below the Council's trigger point.

Long term absence

- Set a further monitoring period in order to review the employee's absence. If at the end of the monitoring period they have been unable to return to work and the prognosis is still unclear or redeployment has not been successful then they will progress to the next stage of the procedure which could lead to dismissal on the grounds of capability where an underlying medical condition is identified.

- Agree on any further reasonable adjustments or forms of support that might be put in place to reduce absences
- Decide whether to utilise the option of requesting the employee to produce a GP's Fit Note from the first day of each period of sickness absence during the monitoring period any cost will need to be reimbursed by the Council.
- Advise the employee that if there is no improvement within the review period the employee will be required to attend an Absence Management Meeting at Stage 3 of the procedure the outcome of which could be dismissal.
- The outcome of the Stage 2 Absence Management Meeting will be confirmed in writing to the employee (template letter available from HR)

Follow Up Action:

Short term absence

- A follow up review meeting must be arranged for the end of the review period. If the employee's attendance has improved the manager should commend them on the improvement shown and advise that they are no longer subject to formal review.
- The manager should advise that if the employee's attendance deteriorates again, so that they exceed the trigger point in the 12 months following the successful completion of the review period they will automatically re-enter the formal process at Stage 2.
- The manager will write to the employee following the review meeting to confirm the outcome and what was discussed.
- If the level of attendance has not reached the required level and the employee will be subject to Stage 3.

Long term absence

- The manager will stay in touch with the employee and review absence at the end of the review period.

Stage 3

Absence Management Meeting

Management

If following the review of Stage 2 the employee still fails to provide a sustained improvement in their attendance or return to work, they will be invited in writing to attend a Stage 3 Absence Management Meeting to discuss the way forward the outcome of which may be dismissal.

Preparation before the meeting:

The manager will write to the employee and invite them to a meeting to discuss their sickness absence. The meeting will need to be chaired by a Corporate Director and a member of HR must also be in attendance.

The letter from the manager must:

- Require the employee to attend a meeting to discuss the matter – warning that a possible outcome of this meeting is dismissal;
- Give at least five days' notice;
- Set out details of the unsatisfactory attendance, including a copy of all relevant documentation, e.g. copies of return to work interview notes and Occupational Health advice;
- Refer to previous warning(s);
- Inform the employee that they have the right to bring a trade union representative or workplace companion;
- Advise that if the employee refuses or fails to attend the meeting without good reason a decision can be made in his/her absence. Managers must take advice from Human Resources in these circumstances.

A Human Resources representative must be present at the Stage Three meeting. His/her role is to advise the Director on correct procedures and attendance management measures, but the Director makes the final decision on any attendance management measure that may be applied.

During the Meeting:

Short term absence

- The Director chairing the meeting will consider whether, having reviewed the information presented, there are any further actions that the Council can take to assist the employee in improving their attendance and thereby continuing in employment;
- The employee will be given the opportunity to present their case and any mitigating circumstances;
- Others involved such as the line manager may also be asked to provide information on what steps have been taken to improve the employee's attendance.

Long term absence

- The Director chairing the meeting will consider whether an employee is able to continue in employment and all reasonable alternatives to retain the employee in work have been considered;
- The employee will be given the opportunity to give an explanation as to why their attendance has not improved and any mitigating circumstances;
- Others involved in managing the absence such as the line manager may also be asked to provide information on what actions have been taken.

When reaching a decision about whether or not to terminate employment the Director will consider issues such as:

Short term absence

- Operational needs of the service and the need for the work to be undertaken;
- The impact of the employee's absence and ill health on other employees and service delivery;
- The employee's absence record;
- Financial and cost implications;
- Representations made by the employee and their representative

Long term absence

- How long the employee has been absent;
- The nature of the incapacity;
- The likelihood of a return to work in the near future;
- The operational needs of the service and the need for the work to be undertaken;
- The impact of the employee's absence and ill health on other employees and service delivery;
- Financial and cost implications;

- What actions have been taken to attempt to enable the employee to continue in employment;
- What if any consideration has been given to alternative duties on either a temporary or permanent basis
- Medical advice received.
- Representations made by the employee and their representative;
- What steps have been taken to attempt to enable the employee to continue in employment;
- What, if any, consideration has been given to alternative duties on either a temporary or permanent basis;
- Medical advice received.

The above lists are not exhaustive and the weight attached to each issue will depend upon the circumstances of the case. It will be the responsibility of the Director in making the decision to balance both the needs of the employee and the requirement for effective delivery of Council services.

Outcomes of meeting:

Short term absence

- If the Director concludes that the employee is to be dismissed for short term persistent absence the dismissal will be linked to the employee's inability to attend work to an acceptable standard
- If the Director decides that dismissal is not appropriate a further review period and targets should be set.

Long term absence

Following due consideration of the information provided at the Stage 3 Attendance Meeting the Director may consider any of the following actions:

- A further period of review whilst the employee's absence continues to be supported/managed, before the convening of another meeting at stage 3 of the procedure;
- Retirement on the grounds of ill-health (this can only be considered if supported/recommended by Occupational Health Physician);
- Dismissal on the grounds of capability due to ill health

Follow Up Action:

- The outcome of the Absence Management Hearing will be confirmed in writing to the employee.

Right of Appeal (see section 14)

Employees have the right of appeal against the decision of the hearing officer following each of the formal stages of the Absence Management Procedure.

Appeals against dismissal will be heard in line with the Appeals against Dismissal Policy.

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Hybrid Working Policy

FEBRUARY 2022

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1. INTRODUCTION

- 1.1 Hybrid working is a flexible working arrangement, which allows employees to work from a variety of different locations. It empowers employees to work flexibly from any location, whether from a council building, within the community or by home working.
- 1.2 The council has adopted hybrid working so that staff can work from more than one location in the most 'effective' and 'efficient' way which benefits the council, our staff and the service we deliver to our residents
- 1.3 The council believes that its staff members are its most valuable asset and is committed to attracting and retaining the very best talent. It also appreciates that the UK workforce is becoming increasingly diverse and includes a high percentage of parents and individuals with caring responsibilities, as well as those whose interests and aspirations impact on their time. Hybrid working is one of the flexible working options offered by the council and enables a better work life balance together with the ability to meet business needs in the most effective and efficient way.

2. SCOPE

- 2.1 **Suitability of the Role for Hybrid Working**
Generally, it will be those roles that are traditionally office based that are suitable for hybrid working. Hybrid working is not suitable for roles where there is a requirement for the role holder to be at a particular location, using specialist equipment or providing face-to-face interaction with the public.
- 2.2 This policy should also be read in conjunction with:

Flexible Working Policy
Flexitime Policy
Driving Policy
Data Protection
ICT Usage Policy
Disciplinary Policy
Promoting Attendance Managing Absence
FAQ – Guidance for Staff

3. PRINCIPLES

- 3.1 The Council wants to support staff to perform their role when, where and how they and their Manager choose, to maximise their productivity, innovation and ultimately deliver best value to the council.

- 3.2 The degree of work flexibility will depend on the service that is being delivered and the workstyle of each role. It is recognised that, due to their nature, some roles in the Council will have more scope for home or hybrid working than others. However, all managers and employees are encouraged to continuously identify opportunities and maximise the potential to work flexibly wherever possible whilst ensuring operational and team needs are met.
- 3.3 If business needs are such that staff are required to be present in the office, then they will be expected to attend.

4. HYBRID WORKING STYLES

- 4.1 There are four styles that the council had identified for traditionally office based staff.
- 4.1.1 **100% Office Worker**
This is suitable for staff who have to be physically present at a particular office to undertake the work required, for example where direct face-to-face contact with members of the public or other staff members is required.
- 4.1.2 **Hybrid Worker**
This is suitable for staff who are required to work from council offices however some of the work they carry out as part of their normal duties can be undertaken from home. They may also be required to attend meetings at a variety of council and partner offices.
- 4.1.3 **Mobile Hybrid Worker**
This style is suitable for staff who work predominately out in the community and are required to access and update information whilst working out in the field, as well as at a variety of council and partner offices. They will also be able to carry out a proportion of their work from home.
- 4.1.4 **100% Home Based**
This style is suitable for staff where there is no requirement for work to be undertaken outside of the home base. All of the employees working time is spent at the home although they may be required to attend an office base or other venue on a very infrequent or ad hoc basis.
- 4.2 **Contractual Place of Work**
For the 100% office worker, hybrid worker and mobile hybrid worker the contractual place of work will be their usual designated office base as set out in existing terms and conditions of employment.

For the 100% home worker the contractual place of work will be their home.
- 4.3 The council considers that 100% home working will only be suitable in exceptional circumstances as it is felt the combination of home/office working is far more beneficial for employee wellbeing, team morale and business need.

- 4.4 If it is considered that 100% home working is the most appropriate style this will need to be agreed in conjunction with the Corporate Director and Human Resources as it will result in a change of terms and conditions of employment.

5. AGREEING APPROPRIATE WORKING STYLE AND WORK PATTERN

- 5.1 The working style which is most appropriate for each staff member must be agreed between staff members and their manager.
- 5.2 The [Working Style Discussion Form](#) has been designed to assist with the process. This enables full consideration of the most appropriate working style, pattern of work, ie. home/office split, any operational requirements and any equipment that will be needed.
- 5.3 Each discussion form will require sign off by the relevant Head of Service and in the instances where the staff member is likely to be working more from home than office base sign off is also required from the relevant Corporate Director.
- 5.4 In agreeing the appropriate working style and working arrangements, due consideration needs to be given to the best fit operationally for the service and for the team
- 5.5 Whilst there are no set limits or restrictions to the number of days working from home operational need must always come first and staff/managers need to give sensible consideration to the most appropriate working arrangement.
- 5.6 DSE Assessments are required for each location of work and must be attached when submitting the Working Style Discussion form. Staff who work from home for any part of a working week must also provide a photograph of their work set up with the DSE Assessment.
- 5.7 Once completed the discussion forms must be sent to HR.
- 5.8 **Review of Working Style/Arrangements**
The working arrangements agreed and documented on the Working Style Discussion Form will be reviewed on an annual basis through the 1-2-1+ process. If however the staff member or their manager have concerns at any time that the arrangement is not working as effectively as it should this should be addressed. Any changes made to the working style or pattern of home/office working must be carried out taking into consideration operational and team needs.
- 5.9 **Resolution of disagreement about working style**
All of the discussion forms are signed off by the relevant Head of Service and Director where there is a request for more than 50% home working to ensure that decisions regarding home/office working are consistent across the service and directorate. However if a staff member considers that their working style and/or pattern of days working from home/office are not appropriate they should raise this initially with their Head of Service or the HR Manager.

- 5.10 It is anticipated that any disagreement can be managed informally however if concerns remain unresolved they should be raised as a request for resolution via the Council's Resolution Policy.

6. GENERAL CONSIDERATIONS

- 6.1 **Insurance, Mortgage and Tenancy Arrangements**
Whilst hybrid working is covered by the Council's Employer's Liability Policy employees are required to notify their own insurance provider if they work from home as part of their week.
- 6.2 Similarly, staff must also contact their mortgage provider or landlord as some mortgage and rental agreements do not permit any form of homeworking to take place on the premises. It is the employee's responsibility to undertake these checks.
- 6.3 **ICT & Workstation Equipment**
Managers should carefully consider the need for the additional equipment based on the frequency of home working, the employee's requirements including any DSE considerations.
- 6.4 The council will not pay for a full workstation set up at both home and office location. They will however pay for adaptations such as mouse, keyboard, monitor raiser if appropriate and as identified by your DSE assessment.
- 6.5 Employees should take reasonable care of the council equipment and only use it for council business. ICT equipment may only be used in accordance with the council's relevant [ICT policies](#).
- 6.6 Personal equipment that an employee uses for work purposes remains their responsibility and the council is not liable for any loss, damage, repair or replacement of any personal equipment. If an item of equipment is deemed necessary for work, the employee should contact their line manager.
- 6.7 **Working Time**
The Council's policies relating to working time and flexi-time arrangements will continue to apply to all staff irrespective of their working arrangements. It is important that managers monitor working hours and where these are excessive, talk to staff about how the balance can be improved. It is also important that staff clock using the Crown System in line with the [Flexitime Policy](#). This includes actively clocking in and out at lunchtime when home working.
- 6.8 **Confidentiality**
It is important that staff ensure they maintain confidentiality regardless of whether they work in the office, at home or from another location. The General Data Protection Regulation (GDPR) and Data Protection Act 2018 applies regardless of work location and staff are responsible for keeping the councils data secure. The council's [Data Protection Policy](#) must be followed at all times and staff must take all reasonable steps to keep Council information safe.

6.9

Business Mileage

Business mileage can be claimed in line with section 6 of the council [Driving Policy](#). The contractual/normal place of work is the work location set out in employees Statement of Particulars and staff. Mileage is not claimable for journeys to and from your contractual place of work. Where an employee travels to a location other than their contractual place of work, either from home or on the way home, expense claims will be considered only in respect of any mileage incurred which is over and above their usual home to work mileage.

6.10

Household Costs

The costs of electricity, water, heating, telephone, broadband and other utilities will not be covered by the council. These costs will remain the employee's responsibility.

7. HEALTH AND SAFETY

7.1

Health and Safety

Employers are under a statutory duty to provide its employees with a safe working environment and all employees should be made aware of arrangements to protect their health and safety, including personal security. Health and Safety Legislation applies to all employees, whether they are working in the office, remotely or from home.

7.2

Employees are responsible for taking reasonable steps to ensure their own health and safety and that of anyone else that may be affected by what they do. For example, a home worker needs to include anyone who may have access to the work space during the employees working hours. It is the homeworkers' responsibility to carry out adequate checks and report any work related hazards to others who might access their work space.

7.3

The employee must also report any changes to their home working setup to their manager and update the Risk Assessment accordingly to ensure the health, safety and wellbeing of the employee is maintained at all times.

7.4

DSE Assessments

As part of the process for agreeing working style and working pattern for hybrid working, managers must consider all the health and safety implications. Therefore as part of the Working Style Discussion Forms a DSE assessment must be submitted including a photograph of the work station set up.

7.5

Staff are also required to update their DSE Assessment following any changes to their home working set up.

7.6

Electrical equipment

All equipment used in home work locations must be checked to ensure that it complies with best practice and manufacturer's guidelines. Staff must ensure that equipment is available for checking when advised by the council that it is taking place. Homeworkers will be responsible for any other electrical

equipment used by them in their work activities and will continue to be responsible for the safety of electrical sockets and wiring in their home.

8. SICKNESS ABSENCE

8.1

Sickness Absence

Staff who are working from home must follow the normal notification and reporting procedures when not fit to work due to health reasons and will remain subject to the Promoting Attendance and Managing Absence policy.

9. MISCONDUCT

9.1

Employee conduct

If hybrid working becomes unsuitable due to employee conduct or performance, the homeworking arrangement may be terminated immediately. Further disciplinary action may also be taken in line with council policy.

10. EQUALITY IMPACT ASSESSMENT MONITORING

10.1

The operation of this policy will be monitored for its impact on different staff groups in line with the Equality Act 2010. This will enable the council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

11. DATA PROTECTION

11.1

In implementing this policy, the council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with Data Protection requirements.

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Employer Discretions

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1. STATEMENT OF INTENT

- 1.1 Wyre Council intends to manage early termination of employment to ensure that the interests of the Council, the Pension Scheme and the employees are given appropriate consideration.

2. INTRODUCTION

- 2.1 The Council has certain discretionary functions available under the Local Government Pension Scheme (LGPS) Regulations and the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011. This document is a written statement of policy in relation to the exercise of certain discretionary functions available under LGPS legislation.

This policy relates to all employees employed by the Council who are members of the Local Government Pension Scheme administered by the Lancashire County Council.

2.2 **Normal Retirement Age (NRA)**

The normal retirement age for Local Government Pension Scheme members has been aligned to the employee's individual State pension age at the time the employment is terminated (with a minimum of age 65). When a member reaches NRA an immediate pension becomes payable once the employee has left employment. An employee may retire before age NRA but may be subject to a reduction in their pension benefits.

Employees have a right to ask to continue to work beyond their normal retirement date and remain in the LGPS until 2 days before their 75th birthday. If they continue in employment beyond NRA their benefits are increased to reflect the fact that they will be paid for less time.

2.3 **Early retirement at age 55**

Under LGPS Regulations, employees who have at least 3 months membership of the LGPS can elect to receive their annual pension and lump sum on leaving employment from age 55, without the Council's consent and at no capital cost to the Council. If the employee elects to receive their benefits before their normal retirement date the benefits will be reduced to reflect the costs of the pension coming into payment early, subject to transitional protection arrangements.

2.4

Redundancy / Early retirement in the interests of the business

Employees aged 18 and over who have at least two years continuous service will receive a redundancy compensation payment.

In addition those who are aged 55 who have at least 3 months membership of the LGPS will receive immediate payment of an unreduced pension and lump sum based on their accrued contributory service at the date their employment is terminated.

2.5

Ill Health Retirement

If an employee's employment is ended due to ill health they are entitled to receive immediate payment of pension benefits regardless of age, provided that they have at least 3 months membership or have transferred pension rights from a previous scheme. A certificate must be obtained from an independent registered medical practitioner qualified in occupational health medicine before a decision can be made regarding ill health benefits. The cost of the early release of benefits in ill health retirement cases is met by the employer through the valuation process.

3. DISCRETIONS EXERCISED BY THE COUNCIL

3.1

PART A 1 - Discretions from 1 April 2014 in relation to post 31 March 2014 active members and post 31.3.14. leavers in accordance with:

- Regulation 60 of the Local Government Pension Scheme (LGPS) Regulations 2013
- Paragraph 2 (2) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014
- Regulation 66 of the Local Government Pension Scheme (Administration) Regulations 2008
- Regulation 106 of the Local Government Pension Scheme Regulations 1997

3.1.1

Discretion: Regulation R31 of the LGPS Regulations 2013. Power to grant additional pension.

An employer can grant additional pension of up to a maximum £6,822 a year (figure at 1 April 2018) to an active scheme member or within 6 months of leaving to a member whose employment was terminated on the grounds of redundancy or interest of the business. This maximum figure that can be awarded from 1 April 2018 but it will be index linked and the level increased on the 1st April each year.

Exercise of Discretion:

The Council has determined not to award additional pension.

3.1.2

Discretion: Regulation R16 (2)(e) and R 16(4)(e) of the LGPS Regulations 2013. Whether, how much, and in what circumstances to contribute to a shared cost APC scheme.

Where an active Scheme member wishes to purchase extra annual pension of up to £6,822 (figure at 1 April 2018) by making Additional Pension Contributions (APCs) an employer can voluntarily contribute towards the cost of purchasing that extra pension via a Shared Cost Additional Pension Contribution (SCAPC). That maximum figure that can be initially awarded will be index linked and the level increased on 1st April each year.

Exercise of Discretion:

The Council has determined not to make any shared cost contribution to an additional pension.

3.1.3

Discretion: Regulation R30(6) of the LGPS Regulations 2013, Regulations 3 (5), 11(2) and 11(3) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 and regulation 18(3) of the LGPS (Benefits, Membership and Contributions) Regulations 2007) - Flexible retirement.

To determine whether all or some benefits can be paid if an employee applies for flexible retirement at or after age 55. Employees opting for flexible retirement by reducing hours or moving to a lower grade can draw their pension benefits whilst continuing in employment and building up further benefits in the scheme.

Specifically where the employer consents to flexible retirement then, in addition to the benefits the member has accrued prior to 1 April 2008 (which the member must draw), the employer can also allow the member to choose to draw:

- all, part or none of the pension benefits they accrued after 31 March 2008 and before 1 April 2014,
- and / or
- all, part or none of the pension benefits they accrued after 31 March 2014.

Exercise of Discretion:

The Council will not automatically operate this discretion but each case is to be considered on its merits.

3.1.4

Discretion: Shared Cost Additional Voluntary Contributions (SCAVCs)
Regulation 17 of the LGPS Regulations 2013, Regulations 15(1)(d)
of the LGPS (Transitional Provisions, Savings and Amendment)
Regulations 2014, Regulation 25(3) of the LGPS (Administration)
Regulations 2008 and Regulation 15(3) of the LGPS (Benefits,
Membership and Contributions) Regulations 2007

An active member may elect to pay AVCs into a scheme established under contract between his appropriate administering authority and a body approved for the purposes of the Finance Act 2004.

An employer can, at its discretion, contribute to the AVC scheme and where they do the AVC scheme is known as a shared cost additional voluntary contributions arrangement (SCAVC). An employer should establish whether, how much and in what circumstances to either continue with an existing SCAVC or enter into a new SCAVC.

Exercise of Discretion:

The Council will pay SCAVC contributions where an employee has elected to pay AVCs by salary sacrifice. The amount of these employer SCAVC contributions will not exceed the amount of salary sacrificed by the employee. This is a Council discretion which is subject to the employee meeting the Council's conditions for acceptance into the salary sacrifice shared cost AVC scheme and may be withdrawn or changed at any time.

3.1.5

Discretion: Regulation R30(8) - Power to pay unreduced benefits on flexible retirement.

Determine whether or not to waive all or part of the actuarial reduction that may apply if the officer retires before age NRA.

Benefits taken on flexible retirement will be subject to a potential actuarial reduction if they are being drawn earlier than the member's normal retiring age (flexible retirement provisions may be operated for members potentially up to a member's 75th birthday). The reductions applied will be in accordance with guidance issued by the government actuary. Employers can if they choose waive, in whole or in part, any reductions that might apply.

Exercise of Discretion:

The Council will not automatically operate this discretion to waive all or part of the actuarial reductions with each case being considered on its merits. The cost of the pension strain should normally be mitigated by the salary saving over 2 years in order for consent to be given in any particular case.

3.1.6

Early retirement and waiving actuarial reductions. (Schedule 2 paragraphs 1(2), 2(1), 2(2) and Regulation 3 (1) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014, Regulation 30(8) of the LGPS Regulations 2013 and regulation 30(5) and 30A(5) of the LGPS (Benefits, Membership and Contributions) Regulations 2007)

Determine whether or not to waive all or part of the actuarial reduction on benefits which a member voluntarily draws before normal pension age for both active, deferred members & suspended tier 3 ill health pensions. The employer must pay to the Pension Fund a sum representing the capital cost of waiving those reductions.

If a member leaves a local government employment before he is entitled to the immediate payment of retirement benefits, then if he is age 55 or more (or having attained age 55 and have previously been awarded deferred benefits after 01 April 2014) he may choose to receive payment of them immediately.

Any benefits payable may be reduced as appropriate in accordance with guidance issued by the Government Actuary. Appendix 1 lists the options available to the Council in terms of the level of reductions that can be waived.

Exercise of Discretion:

The Council will not automatically operate this discretion to waive the actuarial reductions with each case being considered on its merits.

3.1.7

Discretion: Regulation TP Sch. 2, 1(2) - Whether to allow the 'rule of 85' to be "switched on" for members who would normally meet the rule but who will not if they draw the benefits age 55-59.

The LGPS 2014 permits current employees and deferred members to choose to take their retirement pensions from age 55. This election is without employers consent and therefore is subject to an actuarial reduction. In such cases of voluntary retirement between the ages of 55 to 60, the Rule of 85 protections do not apply. However, the Council has discretion to waive the actuarial reduction applied to benefits paid early.

Exercise of Discretion:

The Council will not automatically operate this discretion to waive the actuarial reductions with each case being considered on its merits.

3.2

PART A2 - Discretions in relation to scheme members who ceased active membership on or after 1 April 2008 and before 1 April 2014.

3.2.1 Discretion: Regulation B30(2) B30A(3) and (5) of the LGPS (Benefits, Membership and Contributions) Regulations 2007) - Early release of deferred benefits with employer consent

Determine whether to grant application for early payment of deferred benefits on or after age 55 and before age 60 to members who have left the scheme between 1 April 2008 and 31 March 2014 with deferred benefits (or suspended tier 3 benefits).

Exercise of Discretion:

The Council will not automatically operate this discretion to waive the actuarial reductions with each case being considered on its merits.

3.2.3 Discretion: Regulation B30(5)

Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under B30 and B30A

Exercise of Discretion:

The Council will not operate automatically the discretion to waive actuarial reduction on compassionate grounds and will consent to such requests where there are exceptional reasons for doing so.

3.3 PART A3: - Discretions under the Local Government Pension Scheme Regulations 1997 (as amended) in relation to members who ceased active membership on or after 1 April 1998 and before 1 April 2008.

3.3.1 Discretion: Regulation 31(2- Early release of deferred benefits with employer consent (Grant application from a post 31.3.98 / pre 1.4.08 leaver for early payment of benefits on or after age 50/55 and before age 60.)

Determine whether to grant application for early payment of deferred benefits on or after age 50 and before age 60 to members who have left the scheme between 1 April 1998 and 31 March 2008 with deferred benefits.

*It should be noted that benefits paid on or after age 50 and before age 55 would be subject to an unauthorised payments charge under the Finance Act 2004 and, where applicable, an unauthorised payments surcharge under that Act, and a Scheme sanction charge on any benefits built up after 5 April 2006.

Exercise of Discretion:

The Council will not automatically operate this discretion with each case being considered on its merits.

3.3.2

Discretion: Regulation 31(5)

Waive, on compassionate grounds, the actuarial reduction applied to benefits paid early for a post 31.3.98 / pre 1.4.08 leaver

Exercise of Discretion:

The Council will not automatically operate this discretion to waive the actuarial reductions with each case being considered on its merits.

3.3.3

Discretion: Regulation 31(7A)

Employees who opt out pre 1.4.08 will only to get benefits paid from NRD unless the employer agrees otherwise.

Exercise of Discretion:

The Council will not automatically operate this discretion with each case being considered on its merits.

3.4

PART A4:- Discretions in relation to scheme members who ceased active membership before 1 April 1998.

3.4.1

Discretion:- Regulation D11(2)(c) of the LGPS Regulations 1995)

Grant application from a pre.1.4.98 leaver for early payment of deferred benefits on or after age 50 and before age 60 on compassionate grounds. Under these rules the sole discretion is that the Council may determine on compassionate grounds that benefits are to become payable on an unreduced basis.

*It should be noted that benefits paid on or after age 50 and before age 55 would be subject to an unauthorised payments charge under the Finance Act 2004 and, where applicable, an unauthorised payments surcharge under that Act, a Scheme sanction charge will not be payable.

Exercise of Discretion:

The Council will not automatically operate this discretion with each case being considered on its merits.

3.5

PART B – Formulation of policy in accordance with further discretions under the Local Government Pension Scheme Regulations 2013

3.5.1

Discretion: Regulation R100(6) of the LGPS Regulations 2013 - Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS

The LGPS Regulations enable members to transfer pension rights accrued prior to joining the scheme into the LGPS, and thereby count additional pension. This election should be made within 12 months of first joining the LGPS in the employment.

Whether, with the agreement of the Pension Fund administering authority, to permit a Scheme member to elect to transfer other pension rights into the LGPS if he / she has not made such an election within 12 months of joining the LGPS

Exercise of Discretion:

The Council will not automatically operate this discretion with each case being considered on its merits.

3.5.2

Discretion: Regulation R22 (7)(8) of the LGPS Regulations 2013 - Whether to extend the 12 month option period for a member to elect that deferred benefits should not be aggregated with a new employment.

Previous LGPS rights are automatically aggregated unless an election to keep those accrued benefits separate is received. Regulations 22 (7) and (8) allow an employer to extend the 12 month time limit within which a Scheme member who has a deferred LGPS benefit following the cessation of employment (or cessation of a concurrent employment) to elect not to have the deferred benefits aggregated with their new LGPS employment (or on-going concurrent LGPS employment) if the member has not made an election to retain separate benefits within 12 months of commencing membership of the LGPS in the new employment (or within 12 months of ceasing the concurrent membership).

Exercise of Discretion:

The Council will not automatically operate this discretion with each case being considered on its merits.

3.5.3

Discretion: Regulation R9 and 10 of the LGPS Regulations 2013 - Determine rate of employees' contributions.

An active member shall make contributions to the Scheme at the relevant contribution rate, from his pensionable pay, in each employment in which he is an active member. The contribution rate to be applied to his pensionable pay in any financial year is the rate determined by the employer with reference to the tiered contribution pay bands stated in the regulations.

Where there is a material change to a member's pensionable pay in the course of a financial year, the employer may re-determine the contribution rate to be applied.

Exercise of Discretion:

The Council will re-determine the % contribution rate applied from the date of the material change.

3.5.4

Discretion: Regulation R21(4) and(5) of the LGPS Regulations 2013**Assumed Pensionable Pay**

Whether or not, when calculating assumed pensionable pay when a member

- is on reduced contractual pay or no pay on due to sickness or injury, or
- is absent during ordinary maternity, paternity or adoption leave or during paid additional maternity, shared parental or adoption leave, or
- is absent on reserve forces service leave, or
- retires with a Tier 1 or Tier 2 ill health pension, or
- dies in service

to include in the calculation the amount of any 'regular lump sum payment' received by the member in the 12 months preceding the date the absence began or the ill health retirement or death occurred. A 'regular lump sum payment' is a payment for which the member's employer determines there is a reasonable expectation that such a payment would be paid on a regular basis.

Exercise of Discretion:

The Council will not automatically operate this discretion with each case being considered on its merits.

3.5.5

Discretion: Regulation B11(2) – Power of employing authority to determine a policy for averaging pensionable pay by way of fees.

To allow a member to select a final pay period for fees to be any 3 consecutive years ending 31st March in the 10 years prior to leaving.

Exercise of Discretion:

Provided that the financial implications are not material the Council will allow a member to select the final pay period for fees to be any 3 consecutive years ending 31st March in the 10 years prior to leaving.

3.6

PART C1: Exercise of discretions in accordance with Local Government (Early Termination of Employment) (Discretionary Compensation Amendment) Regulations 2006 (as amended.)

3.6.1

Discretion: Regulation 5 - Redundancy and Compensation Payments

The Council has the discretion to base redundancy payments on an actual week's pay where this exceeds the statutory limit.

Exercise of Discretion:

The Council has adopted the power to use the actual week's pay excluding employer's pension contribution for this calculation.

3.6.2

Discretion: Regulation 6 - Redundancy and Compensation Payments

These regulations provide a discretionary power to award a one-off lump sum payment of up to 2 years pay (104 weeks), inclusive of any redundancy payment made. This applies to any member whose employment is terminated on the grounds of redundancy, efficiency of service.

Exercise of Discretion:

The Council has decided not to award any compensation/enhanced payments and will use the statutory formula to calculate redundancy payments giving a maximum of 30 weeks pay.

3.7

Part C2: Exercise of discretions in accordance with Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended)

3.7.1

Discretion: Regulation 17

Whether and to what extent to reduce or suspend the member's annual compensatory added years payment during a period of re-employment in local government.

Exercise of Discretion:

A reduction or suspension of pension would take place where the amount of new earnings together with the pension payment exceeded the annual rate of pay on leaving the first employment, with appropriate adjustments made for the effects of index linking to salary and pension benefits.

3.7.2

Discretion: Regulation 19

How to reduce the member's annual compensatory added years payment following the cessation of a period of re-employment in local government.

Exercise of Discretion:

The member's annual compensatory added years payment following cessation of a period of re-employment in local government will be adjusted to ensure that the member has not exceeded the membership that would have been accrued in their first employment had they continued in employment until age 65.

3.7.3

Discretion: Regulation 21 (4)

How to apportion any surviving spouse's or civil partner's annual compensatory added years payment where the deceased person is survived by more than one spouse or civil partner.

Exercise of Discretion:

Any surviving spouse's annual compensatory added years payment will be divided equally where the deceased person is survived by more than one spouse or civil partner.

3.7.4

Discretion: Regulation 21 (7)

Whether, in respect of the spouse of a person who ceased employment before 1 April 1998 and where the spouse or civil partner remarries, enters into a new civil partnership or cohabits after 1 April 1998, the normal pension suspension rules should be dis-applied i.e. whether the spouse's or civil partner's annual compensatory added years payments should continue to be paid.

Exercise of Discretion:

The spouse's or civil partner's annual compensatory added years payments should continue to be paid in respect of the spouse or civil partner of a person who ceased employment before 1 April 1998 and where the spouse or civil partner remarries, enters into a new civil partnership or cohabits after 1 April 1998.

3.7.5

Discretion: Regulation 21 (7)

Whether, in respect of the spouse or civil partner of a person who ceased employment before 1 April 1998 and where the spouse or civil partner remarries or cohabits or enters into a civil partnership on or after 1 April 1998 with another person who is also entitled to a spouse's or civil partners annual CAY payment, the normal rule requiring one of them to forego payment whilst the period of marriage, civil partnership or co-habitation lasts, should be dis-applied i.e. whether the spouses' or civil partners' annual CAY payments should continue to be paid to both of them.

Exercise of Discretion:

The spouse's or civil partner's annual compensatory added years payments should continue to be paid to both parties and where the spouse or civil partner remarries, enters into a new civil partnership or cohabits after 1 April 1998 with another person who is also entitled to a spouse's or civil partners annual CAY payment.

3.7.6

Discretion: Regulation 25 (2)

How it will decide to whom any children's annual compensatory added years payments are to be paid where children's pensions are not payable under the LGPS (because the employee had not joined the LGPS) and, in such a case how the annual added years will be apportioned amongst any eligible children.

Exercise of Discretion:

Any annual added years will be divided equally amongst any eligible children.

4. CONSIDERATION OF REQUESTS FOR EARLY RETIREMENT (EXCLUDING ILL HEALTH RETIREMENTS).

4.1 Making a request

Formal requests for early termination of employment or flexible retirement should be made in the first instance to the employee's Director, who will make their recommendation.

4.2 Obtaining Information

Advice on early retirement / flexible retirement / voluntary redundancy etc can be obtained from the Human Resources section. All requests for estimates of benefits and pension forecasts should also be made via Human Resources.

4.3 Determination of Applications

Determination of applications for early release from any employee, except members of the Management Team, is delegated to the Chief Executive in association with the S151 Officer. In determining the application, they must be satisfied that the proposals are cost-neutral to the Council over a specified period of time in accordance with the Council's policy and Audit Commission requirements. Any proposal for the early release of a member of the Management Team must be considered by the full Council.

4.4 This policy does not override the provision of the Local Government Pension Scheme Regulations (as amended), the Local Government (Discretionary Payments) as amended, and the Employment Rights Act.

5. LOCAL GOVERNMENT (DISCRETIONARY PAYMENTS) (INJURY ALLOWANCES) REGULATIONS 2011

5.1 Exercise of discretions in accordance with Regulation 14 of the Injury Allowances in respect of leavers, deaths and reduction in pay.

5.1.1 Discretion: Regulation 3(1)

Whether to grant an injury allowance following reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job.

- 5.1.2 Discretion: Regulation 3(4) & 8**
Amount of injury allowance following reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job.
- 5.1.3 Discretion: Regulation 3(2)**
Determine whether a member continues to be entitled to an Injury Allowance awarded under regulation 3 (1).
- 5.1.4 Discretion: Regulation 4 (1)**
Whether to grant an injury allowance and determine the amount following cessation of employment as a result of permanent incapacity caused by sustaining an injury or contracting a disease in the course of carrying out the duties of the job.
- 5.1.5 Discretion: Regulation 4 (3) & 8**
Amount of injury allowance following cessation of employment as a result of permanent incapacity caused by sustaining an injury or contracting a disease in the course of carrying out the duties of the job.
- 5.1.6 Discretion: Regulation 4(2)**
Determine whether a member continues to be entitled to an Injury Allowance awarded under regulation 4 (1).
- 5.1.7 Discretion: Regulation 4 (5) Whether to Suspend or Discontinue an Injury Allowance**
Whether to suspend or discontinue the injury allowance awarded under regulation 4 (1) if the member secures paid employment for not less than 30 hours per week for a period of not less than 12 months.
- 5.1.8 Discretion: Regulation 6(1)**
Whether to grant an injury allowance following cessation of employment with entitlement to immediate LGPS pension where a regulation 3 payment was being made at date of cessation of employment but regulation 4 does not apply.
- 5.1.9 Discretion: Regulation 6(1)**
Determine the amount of any injury allowance to be paid under regulation 6(1).
- 5.1.10 Discretion: Regulation 6(2)**
Whether to cease payment of an injury allowance awarded under regulation 6(1).
- 5.1.11 Discretion: Regulation 7(1)**
Whether to grant an injury allowance to the spouse civil partner, nominated co-habiting partner or dependent of an employee who dies as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job.
- 5.1.12 Discretion: Regulation 7(2) & 8**
Determine the amount of any injury allowance to be paid under regulation 7(1).

5.1.13

Discretion: Regulation 7(3)

Determine whether and when to cease payment of an injury allowance awarded under regulation 7(1).

Exercise of Discretions

The Council has determined not to adopt its discretionary powers in respect of the injury allowance regulations described above as it cannot be satisfied that such a policy would be workable, affordable and reasonable having regard to the foreseeable cost.

Declaration

It is understood that the above discretions are applicable to all eligible members of the Scheme. In respect of the mandatory policy requirements, a written statement should be published indicating the policy which is being applied by that employer in the exercise of its functions. A copy of the scheme employer's policy decisions should be sent to Your Pension Service within one month of the date the policy is revised.

Any change to the discretions exercised under the LGPS Regulations can take immediate effect from the date the Scheme employer agrees the change.

Any change to the discretions exercised under the Discretionary Compensation Regulations 2000, the Discretionary Compensation Regulations 2006 or the Injury Allowances Regulations 2011 cannot take effect until one month after the date the Scheme employer publishes a statement of its amended policy.

The policies made above:

- i. Must have regard to the extent to which the exercise of the discretions could lead to a serious loss of confidence in the public service;
- ii. Will not be used for any ulterior motive;
- iii. Will be exercised reasonably;
- iv. Will only be used when there is a real and substantial future benefit to the employer for incurring the extra costs that may arise;
- v. Will be duly recorded when applied.

Signed on behalf of the Employing Authority:

Name in Block Capitals:

Position:

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6. Overtime and Time Off in Lieu (TOIL)

- 6.1 Overtime pay is defined as the additional pay claimed as a result of additional hours worked to contracted hours. It can be planned or occasionally unplanned. Unless an employee has a contractual entitlement to overtime or it has been authorised in advance by the appropriate line manager a claim for overtime will not be considered.

Planned overtime is pre- determined and the need for the overtime will have come about either from special one off project work or to carry out essential work.

- 6.2 Time off in Lieu (TOIL) is defined as time taken off to compensate for planned (or occasionally unplanned) time worked in addition to contracted hours.

Subject to working patterns and contractual arrangements TOIL should normally only apply to hours worked before 7.15am and after 7.00pm.

- 6.3 Employees who work additional hours on an ad hoc basis are recompensed either with an overtime payment or time off in lieu (TOIL) through the flexible hours recording system.

- 6.4 If the starting point for overtime worked is the employee's home address any travel time included should be less than the time that it normally takes to travel from home to normal work base and back.

6.5 **Employees on or below scp 22**

Employees on or below scp 22 who are required to work additional hours beyond their working week are entitled to receive overtime payments / TOIL on the following basis:

Monday to Saturday – time and a half

Sundays and Public and Extra Statutory holidays – double time (min 2 hours)

6.5 **Employees paid on scale point 23 or above**

Those who are paid on scale point 23 and above will receive overtime payments as outlined above but these will be calculated at scp 22.

Staff paid on scale point 23 and above will be entitled to TOIL at plain time for hours worked from Monday to Thursday, time and a half for Fridays and Saturdays and double time for Sundays and Bank Holidays.

6.6 **Part time employees**

Part time employees are entitled to receive overtime payments / TOIL only at times and in circumstances in which full-time employees in the establishment would qualify. Otherwise a full working week for full time employees (37 hours) shall be worked by a part time employee before these enhancements apply.

6.7 **Work undertaken under the emergency plan**

Where recall to work is outside an employees' usual/contracted working hours and their skill and professional knowledge means their attendance is critical to the emergency, the normal restriction that part time workers will need to have worked 37 hours before attracting overtime payments / TOIL at enhanced rates will be set aside. This arrangement must have been previously agreed with the Corporate Director for payment to be made.

Employees recalled to work under the emergency plan will be paid as follows:

Employees on or below scp 22 who are required to work additional hours beyond their working week are entitled to receive overtime payments on the following basis:

Monday to Saturday – time and a half

Sundays and Public and Extra Statutory holidays – double time (min 2 hours)

Work carried out from midnight onwards will be paid at double time.

Those who are paid on scale point 29 and above will receive overtime payments as outlined above but calculated at scp 22.

Travel time will be included in the time worked.

Staff recalled to work on a day's leave will have their leave reimbursed. Overtime rates will only apply outside of normal working hours.

Sleep time for those working through the night and contracted to work the next day will be granted depending on the circumstances and only with the agreement of a Corporate Director up to a maximum of 7 hours 24 minutes.

6.8 Working Hours

The Council is mindful of the Working Time Regulations and has a duty of care to protect the health and safety of its employees by ensuring that they do not work too many hours. The normal working week is one of 37 hours and employees should not work more than 48 hours a week unless agreed by the line manager. Any requirement to work beyond the Working Time Regulations should be referred to the human resources team in the first instance.

If any employee regularly works additional hours, then working hours may need to be formally amended to reflect this.

6.9 Record Keeping

Where an employee currently utilises the Council's flexitime system this will be the mechanism by which additional hours worked will be managed. The arrangements for the operation of the flexitime system are detailed in the relevant policy and procedure.

Post holders who are required to work outside the normal core flexi time (7.15 am to 7.00pm Monday to Friday) on a regular basis, may have their carry over limit increased up to a maximum of 4 days to accommodate operational requirements.

Any increase in the carryover from 2 to 4 days must be agreed by the Head of Service in consultation with the HR team.

It is the responsibility of Line Managers to monitor the accumulation of TOIL and additional hours should normally only be worked with the prior agreement of the Line Manager.

6.10 **Taking TOIL**

Every effort should be taken to take TOIL as soon as possible after it is accrued, however, it is recognised that this may be restricted due to operational requirements.

Where TOIL of more than half of a normal working day is being claimed this should be claimed in line with the principles of booking flexi or annual leave.

6.11 Staff with high TOIL balances must speak with their manager and agree a plan to reduce the balance by taking TOIL leave whilst maintaining service delivery.

TOIL balances should not exceed 37 hours (pro-rata). Director approval will be required for any exceptional balances over this threshold.

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Together
we make a
difference

Flexible Working Policy and Application Procedure

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1. POLICY STATEMENT

- 1.1** Wyre Council recognises the importance of offering flexible working arrangements that enable employees to balance their working life with other priorities. It also recognises the need to develop modern flexible working practices that maximise service delivery.

The council will therefore aim to ensure that flexible working arrangements are promoted for all employees, and that requests are considered and implemented, where operational and service conditions allow.

2. AIMS OF THE POLICY

- 2.1** The aim of this policy is to:
- implement flexible working arrangements which allow employees to balance their working life with other commitments whilst maintaining a high standard of cost effective service to Council users;
 - to make available flexible working arrangements at all levels regardless of age, sex, sexual orientation, race, religion, belief or disability, subject to operational and service needs;
 - promote flexible working arrangements through information and guidance for managers and all employees;
 - promote an agile working culture by the flexible use of office space and work locations.

3. ANNUAL LEAVE, PUBLIC AND EXTRA STATUTORY HOLIDAYS

- 3.1** The legal position is that all employees have the statutory right to ask to work flexibly after 26 weeks service. It also stipulates that an employee can only make a statutory request once in any 12 month period. However there may be occasions (particularly where the need is urgent) where the Council will consider an application regardless of the number of previous requests or length of service.

There is no obligation on Wyre Council to automatically agree to a request for flexible working.

3.2

The law requires the employee to fulfil certain criteria when submitting their request.

The employee must:

- lodge the request in writing;
- date the request;
- state that the request is a request for flexible working;
- specify the change(s) to working arrangements that they would like;
- state the date on which the proposed change(s) should take effect;
- indicate the effect(s), if any, that the employee thinks the change(s) will have on the employer and how he or she thinks any such effects might be dealt with; and
- indicate whether he or she has previously submitted a request for flexible working to the employer and, if so, when.

A request that does not fulfil the above criteria will not be valid and will not, therefore, require the employer to activate the statutory procedure.

The employer must

- consider and decide upon requests and appeals within three months of the receipt of the request
- have a sound business reason for rejecting any request

3.3

Wyre Council have produced a flexible working application form to facilitate requests for flexible working. (see appendix 1).

4. BENEFITS OF FLEXIBLE WORKING

4.1

While flexible working arrangements need to be well managed, any practical difficulties that flexible working might create can often be resolved through the adoption of positive attitudes, common sense and effective communication. Line managers can gain substantially by adopting a positive approach towards flexible working.

4.2 Taking a more flexible approach to work location and working time could:

- enable individuals to achieve work-life balance
- reduce the need for employees to take time off work due to care issues, problems at home etc.
- permit an employee recovering from an illness or adjusting to an impairment to return to work on a phased basis.
- provide a suitable adjustment for people with certain disabilities.
- relieve pressure and reduce employee stress
- improve morale and motivation and give better job satisfaction
- allow employees to gradually reduce their hours before choosing to retire

It could also:

- assist the Council in attracting and retaining the best people.
- enable the council to meet business needs and provide a quality-driven, added-value service to customers.
- ensure that people are making effective use of their working time.
- reduced office space and more efficient and effective use of Council buildings
- benefits the environment by reducing the use of resources and travel related emissions.

5. GENERAL CONSIDERATIONS

5.1 This policy considers a number of options, but in practice the request could be for a combination of any of the following options:

- part-time working / job share
- flexible working patterns including annualised and compressed hours
- voluntary - reduced working time
- hybrid working / homeworking
- part-year working including term-time only
- any other such arrangements that are agreed.

5.2 Managers and employees will discuss the flexible working request and the operational impact, but discussions about contractual changes to terms and conditions of service must be done in consultation with human resources and any appropriate trade union representative.

5.3 Employees need to be realistic and recognise that the full range of flexible working options will not be appropriate for all jobs across all services.

5.4 Managers are expected to consider requests in relation to both the needs of the service area and the employee concerned and ensure that there are sound and demonstrable service, management and operational reasons for the decisions they make.

- 5.5 Operational feasibility, performance standards, health and safety, data protection, and security of equipment must not be compromised. Each application for flexible working will be considered in accordance with the following criteria:
- the cost of the proposed arrangement;
 - the effect of the proposed arrangement on other staff;
 - the level of supervision that the post-holder requires;
 - the structure of the department and staff resources;
 - other issues specific to the individual's department;
 - an analysis of the tasks specific to the role, including their frequency and duration;
 - an analysis of the workload of the role.
- 5.6 Any management proposal to instigate agile working will be taken through the normal consultation/negotiation process including trade union consultation.
- 5.7 Changes to the working pattern will normally mean a permanent change to the employees' contract of employment, unless otherwise agreed.
- 5.8 Appropriate rest periods, as stipulated in the Working Time Regulations, must be factored into any work pattern or arrangement.

6. THE FLEXIBLE WORKING OPTIONS

- 6.1 **Job Sharing**
- This is an arrangement whereby two part-time employees share the responsibilities of one position. The arrangement of hours in a shared post should normally be determined by the line manager in consultation with the job-sharers with the total hours of the job-sharing partnership not exceeding those of the full-time established post.
- The duties of the shared post may be allocated between sharers to reflect the skills, abilities and working hours of the sharers and the needs of the Service. However, it should be borne in mind that the grade applies to the whole job so managers must ensure that the work is divided fairly and that both individuals carry equal responsibility.
- Job-sharers will be classed as part-time workers and, as such, have legal rights, based on the principle of equal treatment with comparable full-time workers.

6.2

Part-time working

Part-time working is the most prevalent and established type of flexible working any number of hours below 37 hours is considered as part-time working. Part-time workers have legal rights, based on the principle of equal treatment with comparable full-time workers.

Issues that must be addressed include:

- holiday entitlement and overtime; and
- arrangements for training and meetings, which are often designed around full-time workers' hours.

6.3

Annualised hours

This method of working is more suited to a service area where seasonal variations have an impact on workload.

Annualised hours working involves an employee working a set number of hours over the year rather than per week allowing flexible working patterns to be worked throughout this period. Normally a period of regular hours forms the core of the arrangement, with the remaining time left unallocated and used on a flexible basis to meet peaks in demand.

The weekly contracted hours will be converted to annualised hours by dividing the total hours to be worked per annum by 52.143. This will allow salary to be paid in 12 equal payments, irrespective of the number of hours worked that month. The contracted hours should be monitored to ensure that they are not be exceeded or underworked over the 12 month period.

Where employment is terminated part way through a year, by either side, human resources will calculate any over or under worked hours by multiplying the contract hours by the number of weeks worked that year and deducting the number of hours worked.

6.4

Compressed Hours

This is a system that permits employees to work their total number of contractual hours over fewer working days. Usually a five-day week is compressed into four days or four and a half days, or a 10-day fortnight into nine days.

The remaining day would therefore be a non-working day and will be agreed with the line manager according to the requirements of the role, it is anticipated that this will be a fixed day but with flexibility due to service requirements.

The start and finish time in a working day should not exceed those set out in the Flexitime Policy.

6.5

Flexitime

This permits flexibility of working hours and is designed to replace arrangements where staff start and finish work at fixed times, with a system which allows each individual a degree of freedom in choosing his or her time of arrival or departure.

A small number of staff will be excluded from the scheme due to the nature of their duties and the Council's requirements.

See Flexitime Policy for details

6.6

Term time working

This method of flexible working normally means that the employee only works during school term times and their contract of employment is varied from a 52 week contract to a term time contract (normally 39 weeks) with their salary and annual leave entitlement being reduced accordingly.

Salary is usually paid in 12 equal monthly instalments.

Annual leave will normally be taken during the periods the employee is not working as the payment for annual leave will be included as part of their normal salary. However, it is recommended that managers should accommodate reasonable requests for time off as a certain amount of flexibility could be beneficial to both parties.

Issues that must be addressed include:

- whether or not half-term holidays are excluded, as well as the summer, Christmas and Easter holidays;
- whether or not it should be a requirement that all normal paid holiday be taken during school holidays, or to allow the individual to swop their days / weeks off from time to time;
- the organisation of training for employees who are on term time;
- if, and how, the individual will be kept informed about workplace developments during school holidays; and
- how the responsibilities of the job can be maintained during school holidays, particularly where the job involves managing other members of staff.

6.7

Voluntary Reduced Working Time (V-time)

This is a system whereby it is agreed that the employee will work reduced hours for a fixed period of time, with a return to full-time hours at the end of this period.

The Council will consider requests from employees to voluntarily reduce their hours of work on a temporary basis with their pay adjusted accordingly.

The reduction in hours or unpaid leave of absence will be for a specified period of time of **up to a maximum of 5 years** and can be achieved in a number of ways, as follows:

- reducing the working day
- reducing the number of days worked in the week
- taking time off in a block of days/weeks/months

All requests will be subject to operational considerations.

At the end of the specified period, the employee will **either** return to their substantive working hours **or** submit a further application to remain on the agreed reduced hours on a permanent basis. Such a request will be considered by the manager and be subject to operational considerations.

Where a request to remain on reduced hours is approved, a new contract of employment will be issued to the employee.

6.8

Hybrid Working

Hybrid working is a flexible working model which allows employees to work from a variety of different locations.

We are adopting a hybrid working model for office based staff so that they can work from more than one location in the most 'effective' and 'efficient' way which benefits the council, our staff and the service we deliver to our residents. See the Hybrid Working Policy for further details.

6.9

Extended Authorised Absence EEA (including Career Breaks)

This is a system whereby the employee has an extended period of time away from paid work, with a guarantee of a return to the same or a similar job at the end of the time.

Employees who have more than 12 months service may apply for a period of EAA of between three months and two years depending on their individual needs.

All requests for EAA will be subject to operational requirements - (for further details please see the EEA Policy).

7. MAKING AN APPLICATION FOR FLEXIBLE WORKING

- 7.1 Employees wishing to apply for flexible working time should make their request to their Head of Service (with a copy to Human Resources) using the Flexible Working Request Form.
- 7.2 **Employees' rights:**
- To have their application considered in accordance with the set procedure and rejected only where there is a clear business ground for doing so.
 - To have a work colleague or trade union representative present when meeting the manager to discuss the application.
 - Where an application is rejected, to have a written explanation.
 - To appeal against an employer's decision to reject an application.
 - To be protected from detriment or dismissal for making an application under the right.
- 7.3 **To assist matters employees should:**
- Make their applications well in advance of when they want it to take effect.
 - Provide a carefully thought-out application.
 - Be prepared to discuss their application in an open and constructive manner.
 - Be prepared to be flexible themselves in order to reach an agreement with the manager.

8. CONSIDERING A REQUEST FOR FLEXIBLE WORKING

- 8.1 The law requires requests to be dealt with in a timely manner and that the consideration process, including any appeal is completed within three months of first receiving the request. The time scales for appeal are such that in order to comply with statutory requirements Managers have a maximum of 30 days to deal with an application for flexible working. (see section 9 for specific time table)
- 8.2 An application will be considered to have been made on the day that it was received by the manager it was addressed to unless an employee fails to provide all the required information asked for in the application form. In which case the manager should tell them what is required and ask them to re-submit the application when complete.
- The manager should also inform the employee that the time scale for dealing with the application would commence once the completed form has been resubmitted.

8.3

Managers rights:

- To reject an application when the desired working pattern cannot be accommodated within the needs of the business.
- To seek the employee's agreement to extend timescales where it is appropriate.
- To consider an application withdrawn in certain circumstances, as set out in 8.6.

8.4

Managers responsibilities

- To take all reasonable steps to accommodate an employee's flexible working, consider requests objectively and in accordance with the set procedure.
- To ensure that they adhere to the time limits and either agree or refuse an application for flexible working within 28 days of the date of application
- To provide the employee with appropriate support and information during the course of the application.
- To consult with Human Resources before making a final decision on any request to work flexibly.
- To decline a request only where there is a recognised business ground and to explain to the employee in writing why it applies.
- To ensure that any variation of the procedure is agreed in advance with the employee, recorded in writing and passed to Human Resources for monitoring and storing.
- To ensure that they do not subject an employee to detriment or dismissal for making an application under the right.

8.5

Managers must give full objective consideration to the request as per section 5 of this policy and should aim to hold a meeting with the employee no later than 7 days after the date of receipt of the application. The purpose of the meeting will be to discuss the changes the employee has proposed, the effects of the proposed changes and any possible alternative arrangements that might suit both parties. Employees have the right, if they wish to be accompanied at the meeting by a work colleague or recognised union representative.

8.6

A manager whose employee fails to attend the meeting more than once and does not provide a reasonable explanation may treat the application as having been withdrawn. In such circumstances that manager should write to the employee confirming that the application is now considered withdrawn.

8.7

Reaching a decision

All management decisions to grant flexible working must be made by the Head of Service (or Service Director where appropriate) and the employee must be informed of the decision **within 14 days** of the date of the meeting.

If for some reason the request cannot be dealt within three months then an employer can extend this time limit, provided the employee agrees to the extension.

If it is unclear whether the arrangements requested are sustainable or agreeing the request could impact on other employees' it is advisable to agree the request on a temporary or for a trial period in the first instance.

A trial period should be of sufficient duration to give both parties a chance to find out whether the chosen pattern of working will work out well in practice. In such circumstances, managers should agree an extension of time for making the final decision.

If an employee has made a request for Hybrid Working and that request is approved, a Hybrid Working Discussion Form and DSE Workstation Checklist must be completed and sent to Human Resources along with the approved Flexible Working Request form.

The council considers that 100% home working will only be suitable in exceptional circumstances as it is felt the combination of home/office working is far more beneficial for employee wellbeing, team morale and business need.

If it is considered that 100% home working is the most appropriate style this will need to be agreed in conjunction with your Corporate Director and Human Resources as it will result in a change of terms and conditions of employment.

Having considered the changes the employee is requesting and weighed up the advantages, possible costs and potential logistical implications of granting the request the manager must let the employee know their decision. The outcome of the request will be confirmed in writing to the employee either:

- agreeing to the application and specifying the contract variation agreed and the start date on which it is to take effect;
- agreeing a compromise such as a temporary agreement to work flexibly, or
- refusing the application and stating the specified grounds for the refusal.

8.8

Refusing a flexible working application

There is no statutory obligation to grant a request and it would be unusual for managers to be able to agree to the working pattern or arrangement of every employees' application. However where managers do reject flexible working applications this refusal can only be based on one or more of the following business grounds, as set out in the relevant legislation:-

- the burden of additional costs,
- an inability to reorganise work amongst existing staff
- an inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- detrimental effect on ability to meet customer demand
- insufficient work for the periods the employee proposes to work
- a planned structural change to your business.

If the employee is unhappy with the decision they have the right of appeal which should be lodged in writing to the HR Manager within 10 working days of receipt of the letter.

9. TIMESCALES

9.1

Action	Timescale
The manager must hold a meeting with the employee to discuss their application for flexible working	No later than 7 days after the date of receipt of the application.
The manager will write to the employee to confirm their decision.	Within 14 days after the date of the meeting.
If the employee is aggrieved	
Any appeal should be lodged in writing to the HR Manager	Within 10 working days of receipt of the decision letter.
A meeting will normally be held with the Corporate Director in accordance with Stage 2 of the Resolution Policy.	Within 10 working days from date of appeal letter
The Corporate Director will write to the employee to confirm their decision.	Within 5 working days of the hearing.
If the employee continues to be aggrieved then the matter can be referred to the Appeal Stage of the Resolution Policy whose decision on the matter will be final.	

9.2

Extending the timescales to confirm a decision

An extension to timescale would normally be requested because:

- the manager or the employee may not be available because of illness or annual leave during the relevant period or
- it could be that an alternative working pattern was suggested by the employee at the meeting, and s/he may need more time to consider the fuller impact on service delivery, team colleagues etc.
- a trial period has been agreed to test the feasibility of the flexible working pattern

9.3

A proposal for an extension is likely to be in the employee's interests and the employee is encouraged to be open to such requests.

If the applicant does not accept the request to extend the time limit, the application will be dealt with within the designated timescales with the information available at that time.

If the applicant's line manager is not available during the designated timescales, then the next level of manager will designate an alternative equivalent manager to deputise and consider the request.

10. SUPPORTING POLICIES

10.1 Flexible working links into a number of other supporting policies (see below) and those who want to apply for options 6.1, 6.8 and 6.9 should do so in accordance with those specific policies:

- Hybrid Working Policy
- Equal Opportunities
- Extended Authorised Absence
- Leave and Work Life Balance Policy
- Health & Safety
- Promoting Attendance and Managing Sickness Absence
- Working Carers Policy

11. EQUALITY IMPACT ASSESSMENT AND MONITORING

11.1 **Equality Act**
The operation of this policy will be monitored for its impact on different equality groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

12. DATA PROTECTION

12.1 **Data Protection Act**
In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with Data Protection requirements.

FLEXIBLE WORKING REQUEST APPLICATION FORM

SECTION 1: TO BE COMPLETED BY EMPLOYEE

Note to the Employee

You must submit this form to your line manager to make a request for a flexible working arrangement. Before completing the form please read the Work Life Balance Policy.

Name:
Directorate:
Job Title:
Section:
Employment Start Date:
Date of Last Flexible Working Request: (if applicable)
Reason for your request (please tick as appropriate)
a) I have responsibility for the upbringing of a child under 17
OR a child under 18 with a disability
AND I am the mother, father, adopter, guardian, special guardian or foster parent of the child
OR the spouse/partner/civil partner of the above

b) I am caring for an adult for whom I am:			
the spouse/partner/civil partner or relative		Or live at the same address	
c) Other (<i>please state reason below</i>)			
Please describe your current working arrangements (days/hours of work/other):			
Please describe your desired working arrangements:			
Proposed Hours:			
Proposed Working Pattern:			
Other (please detail):			
Please detail any issues, problems or benefits that may arise from your proposal with respect to the service and/or your colleague/s:			

How could these be addressed?	
Do you wish the arrangement to be Permanent or Temporary (please delete as appropriate) If Temporary please state proposed period for arrangement:	
Date you wish the arrangement to commence:	Signature: Date:
SECTION 2: TO BE COMPLETED BY LINE MANAGER	
Note to the Line Manager Before completing this form please read the Work Life Balance Policy and seek advice from Human Resources as required.	
Name:	Job Title:
Please comment on benefits that may be gained by agreeing to the flexible working request:	

Please identify operational, financial, staffing or service-related problems that may arise if the request is approved:

Please identify ways in which the problems detailed above may be overcome to enable the original request to be workable:

If you believe you cannot overcome the problems identified above but can suggest a compromise arrangement please give details:

Do you recommend approval of the request
YES/NO (Delete as appropriate)

Signature:

Date:

SECTION 3: HEAD OF SERVICE AUTHORISATION

I have considered the request for flexible working and the comments made by the employee(s) and line manager. I do/do not (*delete as appropriate*) approve the request.

My reason/s for refusing the request are (tick appropriate box(es) and give brief explanation below):

• Burden of additional costs	
• Detrimental effect on ability to meet customer demand	
• Inability to re-organise work among existing staff	
• Inability to recruit additional staff	

• Detrimental impact on quality	
• Detrimental impact on performance	
• Insufficiency of work during the periods the employee proposes to work	
• Planned structural changes	
Details:	
OR	
The following working arrangements have been agreed:	
Please give reasons for any compromise arrangements reached:	
The new working arrangements will commence on(<i>insert date</i>).	
There will/will not be a trial period (<i>please delete as appropriate</i>)	
Where applicable the trial period will last for(<i>insert details</i>)	
A review will be held on(<i>insert date</i>)	
Name	Signature
Date	

Please forward this form to Human Resources.

Together
we make a
difference

Fostering Policy

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1. INTRODUCTION

- 1.1** Fostering is an activity where even though a looked after child or young person is placed with a fostering family, the legal responsibility remains with the local authority and/or the child's birth parents. Fostering can last as long as months or years - or as short as just a few days. Sometimes the child will end up returning to their birth families; sometimes they will get adopted into a new family. Fostering is not the same as adoption; placements are considered a temporary solution that will help in the journey towards a permanent solution. There are many reasons why fostering is put into place and children are brought into care, including illness, a family breakdown, instances where the child's welfare is in jeopardy and relationship problems. While the benefits to the looked after child or young person are numerous, there are also benefits to the fostering family and the wider community where children live in a loving and supportive environment.
- 1.2** Wyre Council is committed to supporting employees to become foster parents and employees in their role as a foster parent. This policy sets out the Council's support for employees who are undertaking the care of a child or children under a foster-care arrangement with a local authority.
- 1.3** It is recognised that, in such cases, employees have specific obligations towards the child/children in accordance with their arrangement with the local authority and that, in some cases; the child/children may require a high level of care. This policy is intended to form part of the Council's overall family-friendly/ work-life balance approach, and it attempts to strike a balance between the business needs of the Council and the needs of the employee to meet their care obligations.

2. NOTIFICATION REQUIREMENTS

- 2.1** To ensure that the line manager and colleagues can provide employees with the necessary support and encouragement, employees who are intending to foster a child/children are asked to give their line manager at least four weeks' notice of their intention to train as a foster carer. This is to ensure that, should they wish to request any special arrangements to care for the child/children, their line manager has sufficient notice to make any necessary arrangements for staff cover.

3. TIME OFF TO CARE FOR NEW FOSTER CHILDREN

- 3.1 Foster carers may need to take time off work to help the child/children to settle into the new environment. They may also need time off to attend training courses, meetings with professionals or appointments with the child/children. Employees who require time off to attend training or meetings or to care for the child/children at the start of the foster-care arrangement may request special leave to do so. The request must be in writing and the employee must specify the period of time off that they require.
- 3.2 The following provisions are available to support employees who require leave to attend to their fostering commitments. The leave most appropriate to the situation, which takes account of the individual circumstances, should be discussed with and agreed between the employee and their line manager:
- Annual Leave
 - Special Leave – Time off for Dependants or Emergencies (Unpaid)
 - Special Leave (Unpaid)
 - Extended Authorised Absence (Unpaid)

4. TIME OFF FOR DEPENDANTS

- 4.1 Foster carers (irrespective of length of service, and whether they are part time or full time) are entitled to take a reasonable amount of time off during working hours to take necessary action:
- to provide assistance when a dependant falls ill, gives birth or is injured or assaulted;
 - to make arrangements for the provision of care for an ill or injured dependant;
 - because of the unexpected disruption or termination of arrangements for the care of a dependant;
 - to deal with an incident that involves their child and occurs unexpectedly while the child is at school/other educational establishment.
- 4.2 It is helpful if the foster carer informs their line manager the reason for their absence and how long they expect to be absent as soon as is reasonably practicable. Time off work is envisaged as being no more than one or two days. It is envisaged that this leave is used by an employee to attend to an emergency that arises during working hours. It cannot be used as a means of the employee seeking time off to attend to or care for the foster child/children because of lack of available childcare options.
- 4.3 Time off for carers' dependants is unpaid.

5. PARENTAL LEAVE

- 5.1 All employees who have parental responsibility for children are entitled to take up to 18 weeks' unpaid parental leave for each individual child before that child reaches the age of five. Where the child is in receipt of disability living allowance, the employee may take up to 18 weeks before the child's 18th birthday.
- 5.2 However, the statutory right to parental leave is available only to carers when they have parental responsibility for the children concerned. It is normally the case that foster carers will not have parental responsibility, since this will usually be with the local authority if the child has been placed under an interim or full care order.
- 5.3 Employees who are foster carers and wish to take parental leave may be asked to supply evidence of parental responsibility.
- 5.4 In cases where employees do not have parental responsibility for the child, they will not be entitled to parental leave. Instead, employees may request annual or special leave.

6. FLEXIBLE WORKING

- 6.1 All staff have a statutory right to request flexible working if they have 26 weeks' continuous service.
- 6.2 Each request will be dealt with individually, taking into account the likely effects that the proposed changes to working hours or place of work are likely to have on the council, the work of the department in which the employee making the request is employed and the employee's colleagues. Agreeing to one employee's request will not therefore set a precedent or create a right for another employee to be granted a similar change to their working pattern.
- 6.3 Employees who wish to submit a request for flexible working should do so in writing in line with the procedure set out in the Flexible Working Policy which can be accessed via the intranet or available from HR.
- 6.4 The request may be for a permanent or temporary variation of their working arrangement.

7. EQUALITY IMPACT ASSESSMENT AND MONITORING

- 7.1 The operation of this policy will be monitored for its impact on different staff groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

8. DATA PROTECTION

- 8.1 In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with Data Protection requirements.