



Employment and Appeals Committee Agenda

Wyre Borough Council
Date of Publication: 1 July 2022
Please ask for : Marianne Unwin
Democratic Services Officer
Tel: 01253 887326

Employment and Appeals Committee meeting on Monday, 11 July 2022 at 6.00 pm in the Committee Room 2 - Civic Centre

1. **Election of Chair for 2022/23**
2. **Election of Vice-Chair for 2022/23**
3. **Apologies for absence**
4. **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.

5. **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 21 February 2022.

6. **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) Apprenticeship Policy (Pages 11 - 18)
- (b) Gender Reassignment Policy (Pages 19 - 28)
- (c) Driving Policy (Pages 29 - 52)
- (d) Employee Code of Conduct (Pages 53 - 68)

- (e) Protected Officers Disciplinary Policy (Pages 69 - 80)
- (f) Promoting Attendance and Managing Sickness Absence (Pages 81 - 114)
- (g) Working Carers Policy (Pages 115 - 122)
- (h) Eye Sight Testing Policy (Pages 123 - 126)



Employment and Appeals Committee Minutes

The minutes of the Employment and Appeals Committee meeting of Wyre Borough Council held on Monday, 21 February 2022 at the Committee Room 2, Civic Centre, Poulton-le-Fylde.

Employment and Appeals Committee members present:

Councillors A Turner, Baxter, Webster (joined during item 4), Lady D Atkins, P Ellison (joined during item 4b), Holden (joined during item 4) and Swales

Apologies for absence:

Councillor A Vincent

Failed to attend or tender their apologies for absence:

Councillors Armstrong and Fairbanks

Officers present:

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

No members of the public or press attended the meeting.

13 Housekeeping message from the Chair

Before the formal proceedings, the Chair, Councillor Ann Turner, reminded members of the council's procedure regarding the recording of meetings.

14 Declarations of interest

None.

15 Confirmation of Minutes

The minutes of the meeting held on Monday 1 November 2021 were confirmed as a correct record.

16 Policy Review

The Human Resources Manager and Deputy Monitoring Officer, Jane Collier, submitted a report presenting six of the council's Human Resources policies

and working arrangements that had been reviewed.

Jane Collier introduced the report and provided members with a brief overview of the policies.

(a) Promoting Attendance & Managing Sickness Absence

Jane Collier explained that section two of the policy had been revised to reflect government guidance on Covid-19 and self-isolation. She added that this amendment might be subject to change and brought back to the committee due to further amendments to guidance.

She also explained that there had been changes made to the setting of targets and review periods at Stage 2 formal absence meetings. Following a question put by a member of the committee, Jane Collier explained that the revised policy intended for absence thresholds to be reset for a 12 month period.

The Chair summarised that this amendment allowed for employees to start again before progressing to Stage 3 and potential dismissal, therefore, was to the benefit of the employees.

(b) Hybrid Working Policy

Jane Collier introduced the new Hybrid Working Policy and explained that it replaced the previous Agile Working Policy. She highlighted that the policy had been drafted in line with the rollout of the council's Hybrid Working Programme.

She explained that the policy was well received by employees; however, some managers had accommodated further conversations with employees.

A member questioned the review period of the policy. Jane Collier assured the committee that the policy would be flexible to the operational needs of the council.

Some members discussed the emotional and mental health benefits from working in the office environment and the innovation and collaboration that can result from working closely as a team.

In response to a question from members, Jane Collier explained that at present no departments were working 100 per cent home-based.

(c) Employer Discretions Policy

Jane Collier explained to the committee that there had been no legislation change that merited amendments to the Discretionary Policy.

(d) Pay and TOIL Policy

Jane Collier introduced the relevant extract of the Pay and Toil Policy and explained that this had been updated to include a TOIL accrual limit of 37 hours (pro-rata). If employees wished to accrue more than 37 hours, this would require Director approval.

(e) Flexible Working Policy

Jane Collier explained the Flexible Working Policy was updated with the inclusion of a reference to the new Hybrid Working Styles.

Members asked questions and received answers regarding Flexitime.

(f) Fostering Policy

Jane Collier clarified that the Fostering Policy had slight amendments made.

Following a question, it was explained that at present, there were no employees who used this policy, nevertheless, the policy remained in place as the council was committed to supporting employees who become foster parents.

17 Decision taken

Following discussion, the committee **approved** all of the following Human Resources policies and arrangements:

- Promoting Attendance and Managing Sickness Absence
- Hybrid Working Policy
- Employer Discretions Policy
- Pay and TOIL Policy Extract
- Flexible Working
- Fostering Policy

The meeting started at 6.00 pm and finished at 6.20 pm.

Date of Publication: 22 February 2022.

This page is intentionally left blank



Report of:	Meeting	Date
Human Resources	Employment and Appeals Committee	11 July 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 | Gender Reassignment Policy | Reviewed |
| | Apprenticeship Policy | Reviewed |
| | Driving Policy | Reviewed |
| | Employee Code of Conduct | Reviewed |
| | Working Carers Policy | Reviewed |
| | Protected Officers Disciplinary Policy | Reviewed |
| | Promoting Attendance and Managing Sickness | |
| | Absence | Reviewed |

5.2 Apprenticeship Policy

Updated to section 3.1 as the public sector target reporting period set by the Government has now ended.

5.3 Gender Reassignment Policy

Update to section 4.1 of definitions used in the policy.

Update to section 7.3 as temporary relocation / redeployment will be considered at the request of the employee or on the advice of Occupational Health.

Other minor changes throughout.

5.4 Driving Policy

Minor change to section 4.1 regarding Green Fleet and Grey Fleet.

Update to section 5.4 regarding changes made to the Highway Code in January 2022.

Update to section 5.10 regarding vocational drivers found guilty of any new motoring offences must report to the Transport and Maintenance Team Manager.

Update to section 7.3 regarding towing trailers and the requirement for certified training before being authorised to tow a trailer.

Minor update to section 9.2 regarding vehicle documentation.

5.5 Employee Code of Conduct

Addition to section 8.5.2 and 8.5.3 relating to completing the online form when declaring gifts and hospitality.

Other minor changes throughout.

5.6 Protected Officers Disciplinary Policy

Change to section 5.3.2 regarding the Independent Panel

Changes to section 7.1 regarding examples of Gross Misconduct

Other minor changes throughout.

5.7 Promoting Attendance and Managing Sickness Absence Policy

This policy was reviewed in its entirety at February's Employment Appeals. Changes this time are purely in relation to removal of government restrictions around Covid-19. It is now being managed in line with other reasons for sickness absence.

5.8 Working Carers Policy

Minor changes throughout.

5.9 Eye Sight Testing Policy

Addition to section 1 regarding contribution to purchasing safety glasses.

Change made to section 2.1 as the corporate provider has now changed.

Minor amendments made to section 2.2 to reflect the new corporate provider.

Change made to section 2.3 in relation to cost of glasses or the councils contribution towards.

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
equality and diversity	X
sustainability	X
health and safety	x

risks/implications	✓ / x
asset management	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	July 2022

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

List of appendices

- Appendix 1 Gender Reassignment Policy
- Appendix 2 Apprenticeship Policy
- Appendix 3 Driving Policy
- Appendix 4 Employee Code of Conduct
- Appendix 5 Working Carers Policy
- Appendix 6 Protected Officers Disciplinary Policy
- Appendix 7 Promoting Attendance and Managing Sickness Absence
- Appendix 8 Eye Sight Testing Policy

Together
we make a
difference

APPRENTICESHIP POLICY AND GUIDANCE

TABLE OF CONTENTS

ITEM NO.	SUBJECT	PAGE
1.	Introduction	3
2.	Definition	3
3.	Public Sector Target	4
4.	Access To Apprenticeship Levy Funds	4
5.	Apprenticeship Pay	7
6.	Termination of Contract	8
7.	Equality Impact Assessment and Monitoring	8
8.	Data Protection	8

1. INTRODUCTION

- 1.1 In April 2017 the Government introduced an Apprenticeship Levy, with the objective of creating three million new apprenticeship starts by 2020. The Apprenticeship Levy can be drawn on by all UK employers to fund the cost of training and assessment of apprenticeships, however the levy is only payable by certain UK employers with a pay bill of more than £3 million and is deducted monthly on a percentage of the organisation's payroll bill on a PAYE basis.

2. DEFINITION

2.1 What is an apprenticeship

An apprenticeship is a way for young people and adult learners to earn while they learn in a real job, gaining a real qualification and skills for the future. Depending on the sector and job role, an apprenticeship can take anything between one and five years to complete. It is a package of training and qualifications. Key features include:

- Must be employed in a real job - they may be an existing employee or a new hire.
- Must work towards an approved apprenticeship standard to develop new skills.
- Training must last at least 12 months, but any contract needs to be at least a year and a day.
- Must spend at least 20% of time undertaking off the job training. This can include work-based learning.

2.2 Part Time Apprentices

The minimum duration of each apprenticeship is based on the apprentice working 30 hours a week or more, including the off-the-job training they undertake. If the apprentice works fewer than 30 hours a week the provider must extend the minimum duration of the apprenticeship (pro rata) to take this into account. This will also apply to any temporary period of part-time working.

Where a part-time working pattern is needed, the extended duration of the apprenticeship must be agreed by the apprentice, the line manager and the provider.

Where part-time working is agreed, the provider must:

- record the agreed average number of hours each week
- evidence why this working pattern is needed
- extend the minimum duration using the following formula:
- $12 \times 30 / \text{average weekly hours} = \text{new minimum duration in months}$

3. PUBLIC SECTOR TARGET

- 3.1 As part of the apprenticeship reform, prescribed groups and public sector bodies with 250 or more staff in England had a target to employ at least 2.3% of their staff as new apprentice starts over the period of 1 April 2017 to 31 March 2022

The target period has now ended however, public sector employers who were required to report against the public sector apprenticeships target are asked to continue to gather, and later report:

- new apprenticeship starts
- total number of apprentices
- organisational headcount

4. ACCESS TO THE APPRENTICESHIP LEVY FUNDS

- 4.1 From April 2017, an Apprenticeship Levy deduction has been paid into the council's online Digital Apprenticeship Service account. In addition, the government contribute a percentage towards this figure. Human Resources will be responsible for ensuring any apprenticeship payments to apprenticeship providers are set up accordingly and will authorise any payments and monitor the Digital Apprenticeship Service account.

4.2 Apprenticeship Request

Line managers, in consultation with Human Resources will be responsible for identifying apprenticeship opportunities in their teams. Where an opportunity has been identified, the line manager must consult with Human Resources to identify the most appropriate apprenticeship standard available. Only approved apprenticeship standards can be used to draw on funds from the apprenticeship levy. Should there be an over subscription of apprenticeship requests, priority will be given to areas considered difficult to recruit to or difficult to retain staff by the Head of Governance and Business Support.

4.3 Off the job training

It is a requirement that all apprentices must spend at least 20% of their time in off-the-job training. Off-the- job training is defined as learning which is undertaken outside of the normal day to day working environment and leads towards the achievement of the apprenticeship. This can include training that is delivered at the apprentice's normal place of work but must not be delivered as part of their normal working duties.

The off-the-job training must be directly relevant to the apprenticeship standard as outlined below:

Off-the-job training must:

- be planned, reviewed and evaluated jointly between the apprentice and a tutor, teacher, mentor or manager
- allow access as and when required by the apprentice either to a tutor, teacher, mentor or manager
- be delivered during contracted working hours
- be delivered through one or more of the following methods:
- The teaching of theory (for example: lectures, role playing, simulation exercises, online learning or manufacturer training).
- Practical training: shadowing; mentoring; industry visits and attendance at competitions.
- Learning support and time spent writing assessments/ assignments.
- be formally recorded, either in a diary or workbook, and be verified by a timesheet.

Off-the-job training does not include:

- English and maths (up to level 2 / new GCSE 9-4 / old GCSE A*-C), where the assessment plan states that the individual must either have achieved this level or gain it during their apprenticeship.
- Progress reviews or on-programme assessments needed for an apprenticeship framework or standard
- Training which takes place outside the apprentice's normal working hours (this cannot count towards the 20% off-the-job training)

The apprentice is responsible for keeping a record of time spend on off the job training. This can be done by recording time on a timesheet or another acceptable means the apprenticeship provider has in place.

It will be the responsibility of the line manager to review and agree with the apprenticeship provider all time required to undertake the apprenticeship prior to the apprenticeship being approved.

The line manager will also be responsible for ensuring that the employee have sufficient supported to enable them to complete their apprenticeship and enough time is given which will allow them to meet the necessary 20% off the job training needed as part of the apprenticeship standard.

4.4 **Maths and English**

Apprenticeship standards, as outlined above, contain minimum English and maths requirements. Where apprentices do not meet these requirements at entry they will be required to undertake English and/or maths tuition and take the appropriate qualification/s as part of the Apprenticeship programme.

Apprentices will be required to undertake English and/or maths tuition in addition to the 20% block of time allowed for off-the-job training. Apprentices will be allowed reasonable time in works time to attend any additional tuition arranged through the apprenticeship provider to help them achieve the necessary standards. This must be agreed in advance with their line manager.

4.5 **Apprenticeship Agreement**

The apprentice will be required to complete and agree an Apprenticeship Agreement which will be provided by the training provider, which includes a commitment statement outlining specific elements that relate to the apprenticeship they are undertaking, e.g. title of the apprenticeship, start date, expected end date, provider details, employer details and employee details.

4.6 End of Point Assessment

An end-point assessment is a holistic assessment of the knowledge, skills and behaviours which have been learnt throughout an apprenticeship standard. The requirements for end-point assessment are set out in the assessment plan for the specific apprenticeship standard. Apprentices will not be able to achieve an apprenticeship standard without satisfying all the requirements of the assessment plan, including the end-point assessment.

Human Resources will, in consultation with the line manager and apprenticeship provider, ensure an end of point assessment is in place for the apprentice.

5. APPRENTICESHIP PAY

5.1 Existing Staff

Where an existing member of staff is enrolled on an apprenticeship programme they would remain on their current terms and conditions, just as they do when other training is undertaken.

5.2 New Apprenticeship Positions

The apprenticeship Levy is only available to cover the cost of any approved apprenticeship standard identified as suitable for an employee or future vacancy. Any associated salary costs and expenses must be met by the employing section following standard procedure including a written Officer Delegation Report where appropriate.

All apprenticeship positions will be subject to formal Job Evaluation assessment the same as any other position. However, where a position has been identified as a true apprenticeship opportunity, i.e. with no previous experience or relevant qualifications the Council may appoint on National Minimum Wage for an apprentice as set out in the Pay Policy Statement.

Apprentices are entitled to the apprentice rate if they're either:

- aged under 19
- aged 19 or over and in the first year of their apprenticeship

Apprentices are entitled to the minimum wage for their age if they both:

- are aged 19 or over
- have completed the first year of their apprenticeship

6. TERMINATION OF CONTRACT

- 6.1 Should an employee leave the councils employment, Human Resources will make contact with the apprenticeship provider to stop payments towards the cost of the apprenticeship. Unlike other formal qualifications funded by the Council, there can be no recovery of apprenticeship costs should the apprentice leave during or at any time after completing their apprenticeship.
- 6.2 **The end of Apprenticeship Training/Fixed Term Contract**
- Apprentices employed in fixed term posts will be provided with information, advice and guidance, to endeavour to help them find suitable employment at the end of their contract.

7. EQUALITY IMPACT ASSESSMENT AND MONITORING

- 7.1 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.

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.

Together
we make a
difference

**GENDER
REASSIGNMENT
POLICY**

TABLE OF CONTENTS

ITEM NO.	SUBJECT	PAGE
1.	Introduction	3
2.	Purpose	3
3.	Scope	4
4.	Definitions For The Purpose Of This Policy	4
5.	The Legal Position	5
6.	Roles and Responsibilities	6
7.	Action on Initial Request for Support	6
8.	Security of Restricted Information	8
9.	Corporate Insurance	9
10.	Victimisation, Discrimination, Bullying or Harassment	9
11.	Counselling	9
12.	Equality Impact Assessment	9
13.	Data Protection	10

1. INTRODUCTION

- 1.1 Wyre Council is committed to promoting equality and fairness in all employment practices. We will provide a diverse and inclusive working environment where people feel that they can be themselves, are valued for their individual differences and are treated with dignity and respect. This includes how individuals wish to identify and express their gender.
- 1.2 For the majority of people their innate sense of being male or female i.e. their gender identity matches their birth sex and they do not have any questions over their gender identity. However, there are a small number of people whose gender identity does not match the gender they were assigned at birth, these are transgender people. Some will undergo the process of aligning their life and physical identity to match their gender identity, and this is called transitioning.
- 1.3 Ignorance of the issues that surround transsexualism has led to negative stereotyping, ridicule, discrimination and persecution of the transgender community. Many encounter alienation by family and friends, suffer anxiety and depression and fear ridicule and victimisation from work colleagues.

2. PURPOSE

- 2.1 The purpose of the Gender Reassignment Policy is:
- To ensure employees or members of staff who are contemplating undergoing, are undergoing or have undergone gender reassignment are treated with dignity and respect and are supported in recruitment, employment and personal development.
- To provide management guidance on the status of transsexual or transgender staff and the issues faced by individuals going through the process of gender reassignment.
- To detail the appropriate procedure to be followed when a transsexual or transgender person applies for a post with the Council following gender reassignment, or states that they are about to undergo gender reassignment whilst in the employment of the Council.
- To provide guidance to staff and officers in supporting staff who are contemplating undergoing, are undergoing or have undergone transition.
- To provide understanding of the need for confidentiality and respect with regard to staff who are contemplating undergoing, are undergoing or have undergone transition.

3. SCOPE

- 3.1 This policy is primarily written in relation to those effecting or having completed a permanent change of gender, however all transgender people are entitled to the same dignity and respect afforded to others in the workplace.

4. DEFINITIONS FOR THE PURPOSE OF THIS POLICY

- 4.1 Gender identity – this is how a person perceives their gender. Typically, this is the birth gender or the gender that is associated with their physical appearance, however, those who are undergoing gender reassignment may associate with a gender that does not match their physical appearance.

Gender reassignment – this is the process in which individuals change gender. This may be from a female to a male, or from a male to a female. To be included within the protected characteristic of gender reassignment, the individual does not need to undergo any medical treatment or intervention.

Gender dysphoria – this is a recognised medical condition where an individual feels distress and discomfort as their gender identity is inconsistent with their physical appearance. This used to be known as “gender identity disorder”.

Transsexual – this is the specific term used within the Equality Act to define individuals who fall within the protected characteristic of gender reassignment.

Transgender/trans – these are umbrella terms commonly used to describe all individuals whose gender identity falls outside of their physical appearance. These terms will cover individuals such as those who adopt the physical appearance of the opposite gender on an intermittent basis and non-binary identities, as well as those who are transsexual. These terms are commonly seen as more inclusive than the term transsexual.

Non-binary – this describes individuals whose sense of gender identity does not identify with male or female. Many non-binary individuals will refrain from using pronouns such as “he” or “she”.

Gender expression – this is the way in which an individual chooses to express their gender. Common examples include clothing, jewellery, hairstyle, voice, names and pronouns.

Affirmed gender - this is the term for an individual’s gender once gender reassignment has taken place.

5. THE LEGAL POSITION

- 5.1 It is not intended to go in to great detail to explain the whole Legislative Framework, suffice to say that the key areas of legislation are set out below.

5.2 The Equality Act 2010:

The Act defines nine “protected characteristics” which are age, disability, marriage and civil partnership, pregnancy and maternity, race and ethnicity, religion or belief, sex, sexual orientation and gender reassignment.

Provisions within this Act cover:

Discrimination on the grounds of gender reassignment in relation to pay, treatment in employment and vocational training.

Individual disability discrimination rights must be considered where the individual has been diagnosed as suffering from gender dysphoria or gender identity disorder and the condition has lasted 12 months, is likely to last 12 months or will remain with the individual for the rest of their life.

5.3 The legislation makes clear that it is not necessary for people to have any medical diagnosis or treatment to gain gender reassignment protection; it is a personal process of moving from one’s birth gender to the preferred gender.

5.4 The Equality Duty under this Act places a statutory duty on public authorities to pay due regard to the elimination of discrimination and harassment of transsexual staff.

Employers can be held responsible for the actions of their staff even if it is without the employers’ knowledge or approval. Employees are also individually responsible for their own discriminatory actions.

5.5 The Gender Recognition Act (GRA) 2004: gives legal recognition to transsexual/transgender people in their acquired gender. They must satisfy the Gender Recognition Panel that they:

- Have or have had gender dysphoria
- Have lived in the acquired gender for a period of two years prior to the application
- Intend to live permanently in the acquired gender
- Are not married

The gender recognition process ensures that they receive a full Gender Recognition Certificate (GRC) and new birth certificate reflecting their acquired gender.

They are also afforded all the rights and responsibilities appropriate to that gender. It should be noted that under section 22 of the Gender Recognition Act if such an individual is in possession of a GRC, it is a criminal offence to disclose their transgender status without their consent. It is also inappropriate to ask someone to produce a GRC and they are not obliged to produce it.

5.6 **Section 8 Asylum and Immigration Act 1996:** Since May 2004 a potential employer must see an applicant's proof of identity and right to work in the UK. This includes a UK/EEC passport or a full birth certificate and a P45, P60, National Insurance card or a letter from a Government agency.

Some transsexual people may not have any identification documents in their acquired gender, for example birth certificate. A birth certificate is not sufficient proof of identity for the purpose of this Act, it may therefore be more appropriate for them to produce a passport. Employers must ensure that any information which discloses an employee as trans, must be kept confidential.

5.7 **Data Protection:** Under Data Protection legislation transsexual identity and gender reassignment would constitute 'sensitive data' for the purposes of the legislation and must be processed as such.

5.8 There is normally no requirement for a transgender and transsexual person to tell their employer about their gender reassignment status or answer questions about a possible transgender status. However, it would be unusual for someone to reach the point of a social transition while in employment without advising the Council.

6. ROLES AND RESPONSIBILITIES

6.1 It is the responsibility of Managers to:

- Support members of staff who are contemplating undergoing, are undergoing or have undergone gender reassignment.
- Respect the individual's right to privacy and to ensure that all sensitive information remains totally confidential.
- Resolve any genuine concerns that employees may have
- Ensure colleagues have training around equality and diversity and gender reassignment.

6.2 It is the responsibility of the Human Resource Team to:

- Ensure compliance with the policy and its supporting legislation.
- Provide advice, support and guidance to all parties on the application of the policy.
- Arrange confidential support and counselling for those who are suffering emotionally.

7. ACTION ON INITIAL REQUEST FOR SUPPORT

7.1 The person first approached may not necessarily be in the best position to advise on the way forward but whoever is approached must first reassure the employee that the Council will be as supportive as possible.

7.2 That individual should request the permission of the staff member to contact the Human Resources Manager who will help identify a main point of contact to discuss the process for handling the transition. This nominated person could be a line manager or a member of Human Resources , but it may be necessary to approach other officers as the transition progresses.

7.3 **Agreeing a process**

Transition is the process of moving from one gender to another, and involves social, psychological, and emotional changes. The time scale for the transition will depend on how the employee wishes to proceed and the nominated officer will help plan for this.

The nominated officer and employee should therefore agree an initial plan that will support the employee and facilitate the change process. It is expected that initial discussions will be needed in relation to:

1. Who needs to know and at what point;

- Will the employee inform their line manager, colleagues and clients themselves, or would he or she prefer this to be done for them?

2. When the employee would like to start attending work in their desired gender;

- how and when to inform colleagues
- changing name and pronouns socially
- changing the way he or she will dress

3. If and when they intend to start hormone therapy and/or undergo surgery;

- what time will be needed for medical appointments or procedures, and/or possible side-effects of any medication
- sick pay entitlements and time off for medical appointments etc. will be in accordance with corporate policies.

4. Is redeployment / relocation appropriate;

- during the earlier part of the medical process, the staff member may wish to be redeployed temporarily or this could be a recommendation from Occupational Health that we may consider.

7.4 **Official Records**

A transgender employee has the right to be addressed by the name and pronoun corresponding to the employee's gender identity. Certain types of records, like those relating to payroll and pension benefits may require a legal name change before changes can be made. Most records, however, can be changed to reflect a person's preferred name without proof of a legal name change.

8. SECURITY OF RESTRICTED INFORMATION

8.1 Recruitment

Applicants do not have to disclose their transsexual/ transgender status during recruitment or as a condition of employment. If they choose to do so, this must not be used as a reason for not offering employment and non-disclosure or subsequent disclosure are not grounds for dismissal.

8.2 The recruitment selection panel, will not be informed of any disclosure made by an applicant either personally or on their application or pre-employment medical questionnaire. Should the applicant be successful any disclosure would remain strictly confidential unless a relevant Genuine Occupational Qualifications (GOQ) applies. GOQ for a specific gender are rarely required and advice should be sought from the Human Resources Manager in such cases.

8.3 The respective forms used for security checks and medical screening will seek information that will lead to identification of transsexual status. This information will remain 'confidential' and the disclosure of this information will be restricted to those personnel closely involved in the two procedures who will be required to honour that confidentiality. Any subsequent paperwork that indicates the individual's transsexual status will not be accessible to other staff.

8.4 Protected Information

Section 22 of the Gender Recognition Act 2004 establishes a right to privacy for the transsexual person in that it is an offence for a person to disclose information he or she has acquired in an official capacity about a person's application for a gender recognition certificate or about the gender history of a successful applicant – this is 'protected information.'

Access to any records showing the change of name and other details associated with the individual's transsexual status such as records of absence for medical treatment should be restricted to HR staff who require such information to perform their specific duties.

Any deliberate or inappropriate release of confidential information leading to a transsexual staff member or recruit being identified against their wishes, whether internally or externally, could be treated as a matter of gross misconduct.

8.5 Gender Recognition Certificate

When a trans person receives a gender recognition certificate, they have the right to request that all references to their former name and gender are removed from old records to ensure their former identity is not revealed. All records held on paper file must be found and replaced with new records. i.e. any certificates should be replaced with new ones, their original offer letter will need to be replaced with an offer letter in their new name. Nothing should remain on the file that would disclose to a third person that a change has occurred.

- 8.6 The Human Resources Manager will be responsible for the safe keeping of all records and documentation relating to the transition and he or she will destroy all such documents as soon as the person has successfully transitioned into their new gender role.

9. CORPORATE INSURANCE

- 9.1 With regard to the Council's general insurance (group motor and personal accident policies) there is currently no necessity to disclose whether or not an individual has undergone gender reassignment as such individuals would be treated in the same way as anyone else. However there are insurers who would automatically invalidate a policy if the medical aspects of gender reassignment is not disclosed. Once we are aware that an employee has reassigned gender, any insurance implications would be discussed in full with the employee. No disclosure would be made without the written agreement of the employee concerned.

If we as an employer remain unaware, then the obligation to disclose falls upon the employee, who could also be held liable in the event of an incident for which no valid insurance cover existed.

10. VICTIMISATION, DISCRIMINATION, BULLYING OR HARASSMENT

- 10.1 Wyre Council is committed to creating a safe work environment for all employees. Any incident of discrimination, harassment, victimisation or bullying because of gender identity will be dealt with in accordance with the Council's Dignity at Work Policy and /or the Council's Disciplinary Policy and if proven could lead to the dismissal of the perpetrator.

11. COUNSELLING

- 11.1 This procedure can be distressing for all parties, if anyone feels unable to discuss any problems with their direct line manager the Human Resources Team and Occupational Health are available to help. Alternatively confidential advice is available from the Employee Support Programme.

12. EQUALITY IMPACT ASSESSMENT AND MONITORING

- 12.1 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.

13. DATA PROTECTION

- 13.1 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.

Together
we make a
difference

DRIVING AT WORK POLICY

TABLE OF CONTENTS

ITEM NO.	SUBJECT	PAGE
1.	Policy Statement	3
2.	Introduction	3
3.	The Legal Position	4
4.	Responsibilities	5
5.	Part A: Responsibilities Of Drivers Of Vehicles Used In The Course Of Council Business	6
6.	Reimbursement of Travel Expenses	10
7.	Part B: Responsibilities Of Drivers Of Council Owned Vehicles Or Vehicles Hired Or Leased By The Council	12
8.	Part C: Management Responsibilities In Relation To Drivers	17
9.	Part D: Management Responsibilities For Council Owned Vehicles Or Vehicles Owned By The Council	22
10.	Equality Impact Assessment And Monitoring	23
11.	Data Protection	23

1. POLICY STATEMENT

- 1.1 Wyre Council is committed to the delivery of its obligations under Health and Safety legislation and recognises that it has a responsibility not only to protect staff who use motor vehicles on council business but to ensure that others are not put at risk by our work related driving activities.

2. INTRODUCTION

2.1 Policy Aims

- To minimise the number of accidents, incidents and injuries resulting from work related driving;
- To define managers' and individuals' responsibilities for work related road safety;
- To ensure risk in relation to work related driving is assessed in a systematic and ongoing way and that safe systems and methods of work are put in place to reduce the risk as far as is reasonably practicable
- To increase staff awareness of the risks associated with work related driving;
- To ensure that training is available to staff on how to manage the risks associated with work related driving;
- To ensure full reporting and recording of all accidents and incidents arising in the course of work related driving.

In addition the successful management of driving at work, whilst in compliance with legislation, will not only have a direct effect on reducing accident figures, but also a long term cost saving in operational budgets by reducing insurance costs, repair and maintenance bills, running costs, carbon footprint, emissions etc.

Good management will additionally reduce any negative effects on the councils' reputation that may arise from poor driving standards.

2.2 Scope of the Policy

These arrangements apply to all persons engaged in work-related driving activities whilst in the course of their employment for Wyre Council whether they be owner-drivers or users of vehicles that are leased or hired for use on council business or any vehicle owned by the council.

2.3 Definition of work related driving

Work-related driving is defined as: “any driving activities carried out by employees or volunteers in the course of their work whether it is on a frequent or occasional basis”.

‘Business Use’ – for the purposes of this policy business use shall mean:

- Any travel on behalf of the council once you have arrived at your usual place of employment and before you leave it at the end of your day’s work; and
- Any travel for the purposes of the council to a location other than your usual place of employment.
- Any travel for the purposes of the council from a location other than your usual place of employment to home or some other place on non-council business.

It shall not include the travel to and from your usual place of employment at the start and finish of your working day, or during any official absences from work e.g. lunch breaks unless the vehicle used is a council owned, hired or leased vehicle.

2.4 Authorisation to use a motor vehicle on council business

The use of any motor vehicle for council business will only be permitted when authorised by a Corporate Director or line manager in accordance with this policy and the associated procedure.

3. THE LEGAL POSITION

3.1 It is not intended to go in to detail to explain the whole Legislative Framework but the key areas of legislation are as follows:

The Health and Safety at Work etc. Act 1974 requires employers to ensure:

- So far as is reasonably practicable, the health and safety of all employees while at work;
- That all work equipment is suitable for its intended use and properly maintained and used i.e. that both employees and vehicles (including private vehicles) are fit to be on the road;
- That others are not put at risk by the council’s work-related driving activities.

This means that both management and employees can be prosecuted for road traffic accidents involving work-related journeys, even when the driver is using their own vehicle.

3.2 Management of Health and Safety at Work Regulations 1999

The Regulations require employers to carry out an assessment of the risks to the health and safety of employees, while they are at work, and to other people who may be affected by their work activities. The Regulations also require a periodic review of all risk assessments.

3.3 Corporate Manslaughter and Corporate Homicide Act 2007

This Act sets out a new offence to convict an organisation where a gross failure in the way activities are managed or organised results in a person's death. If found guilty companies, organisations and public bodies face considerable penalties and individuals potential imprisonment.

3.4 Road Vehicles (Construction and Use) (Amendment) (No. 4) Regulations 2003 (S.I. 2003, No. 2695)

Prohibits drivers from using a hand-held mobile phone, or similar device, while driving (Note: "driving" also includes a stationary vehicle with the engine running). It also makes it an offence (e.g. for an employer) to "cause or permit" a driver to use a hand-held mobile phone while driving.

3.5 Other relevant legislation includes:

- The Road Traffic Act 1991.
- Road Safety Act 2006.
- Health Act 2006.
- Provision and Use of Work Equipment Regulations 1998 (S.I. 1998, No. 2306).
- Workplace (Health, Safety and Welfare) Regulations 1992 (S.I. 1992, No. 3004) – including the provisions of the Health and Safety (Miscellaneous Amendment) Regulations 2002 (S.I. 2002, No. 2174).
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (S.I. 1995, No. 3163).
- Health and Safety (First Aid) Regulations 1981 (S.I. 1981, No. 917).
- Working Time (Amendment) Regulations 2006 (S.I. 2006, No. 99).

4. RESPONSIBILITIES

4.1 The remainder of this document refers to the operational and safety requirements for the use of motor vehicles on council business and is set in four parts relating to different categories of staff and management.

- Responsibilities of drivers on council business i.e. The Grey Fleet
- Responsibilities of drivers of council-owned vehicles or vehicles hired or leased by the council
- Management responsibilities in relation to drivers.
- Management responsibilities for council-owned vehicles or vehicles hired or leased by the council.

5. RESPONSIBILITIES OF DRIVERS OF VEHICLES USED IN THE COURSE OF COUNCIL BUSINESS

5.1 Licence Requirements

All drivers must:

- Be holders of a licence valid for the category of vehicle which they are driving;
- Notify their manager if their drivers licence has been suspended or cancelled or has limitations placed on it;
- Make their licence available for inspection on an annual basis.

5.2 Insurance

Drivers who use their own vehicles must ensure that they have valid insurance for use on council business, and must make their insurance certificate available for inspection as required. Any change of vehicle or terms of insurance must be notified to Human Resources and authorised line manager immediately.

For the purpose of this policy the authorised line manager is a person nominated by your Director to authorise business travel.

Note:

Insurance held in the name of one partner or spouse may not cover both partners and spouses for business use unless this is specifically requested. The council will not accept liability for claims which are not covered by the driver's own insurance.

Council property such as computer equipment is insured under the council's policy, but this excludes theft from an unattended vehicle. Such thefts are unlikely to be covered by the employee's own policy. All such property should be removed from unattended vehicles. If this is impossible in specific circumstances equipment must be hidden from view and preferably locked in a boot.

5.3 Maintenance of Vehicles

Staff using their own vehicle(s) for official duties must ensure that they are in a roadworthy condition and that a valid MOT certificate is available for inspection on request. Drivers must also decline to drive any vehicle hired for use on official duty if they have reason to suspect that it is not roadworthy.

5.4 Legislative Requirements

Drivers must comply with all traffic and related road safety laws whilst driving on official duties including:

- Adhering to speed limits and the conditions of the Highway Code;
- The restrictions on the use of mobiles;
- The use of seatbelts;
- Not exceeding the maximum load weight for the vehicle;
- Ensuring that goods and equipment to be carried are properly secured.

The Highway code was updated on the 29th January 2022 this includes 8 major changes. All staff must make themselves aware of the changes listed below.

Hierarchy of Road Users.

People Crossing the Road at Junctions.

Walking, Cycling or Riding in a Shared Space.

Positioning in the Road when Cycling.

Overtaking when Cycling and Driving.

People Cycling at Junctions.

People Cycling, Riding a Horse and Driving Horse Drawn Vehicles on Roundabouts.

Parking, Charging and Leaving Vehicles.

5.5 The road user and the law

It is important to note that references to ‘road’ generally include footpaths, bridleways and cycle tracks, and many roadways and driveways on private land (including many car parks). In most cases, the law will apply to them and there may be additional rules for particular paths or ways. Some serious driving offences also apply to all public places, for example public car parks.

5.6 Fitness to Drive

Drivers must not drive, attempt to drive or be in charge of a vehicle unless they are medically fit to do so. Any medical condition or injury that is likely to have an adverse effect on the ability to drive should be reported to Human Resources and the authorised line manager immediately.

It is also the driver’s responsibility to:

- Ensure their eyesight meets the requirements of the Highway Code, with or without corrective lenses.
- To notify the DVLA of any disability or condition which currently affects their fitness as a driver or which might do so in the future (unless the effect of the disability or condition is not expected to last more than 3 months).
- Ensure that they are competent in knowledge and ability to drive particularly when it may be some time since they undertook any formal instruction.

For disabled staff, any necessary reasonable adjustments must be made to the vehicle that they are driving for business use.

5.7 **Substance Misuse**

The problems of driving while under the influence of alcohol or drugs are well known, employees must not consume alcohol or illegal drugs before driving to work.

5.8 **Drinking whilst driving on council business is prohibited.**

Drinking heavily or late the night before means there is still a high possibility of being above the legal limit for driving the following morning. Any drivers found to be driving under the influence of alcohol or illegal drugs will be dealt with in accordance with the Council's Disciplinary Policy and the Council's Drugs and Alcohol in the Workplace Policy.

Any manager who suspects an employee is unfit to drive because they show evidence of being under the influence of alcohol or drugs must stop them from doing so. Testing may be appropriate in line with the Drugs and Alcohol in the Workplace policy. The Council also reserves the right to call the police if a person is suspected of driving whilst under the influence of alcohol or drugs.

Contraventions of this nature will be regarded as gross misconduct and could lead to dismissal.

5.9 **Smoking**

The council's Smoking Policy prohibits smoking in any council vehicle. An employee who uses their private car on council business must also refrain from smoking during those journeys.

The use of e-cigarettes is also prohibited in both council vehicles and private cars whilst on council business.

5.10 **Road Traffic Offences**

Drivers are required to report any driving accidents or incidents which occur whilst driving on council business or in a council owned vehicle, and convictions for any driving offences whether arising as a result of driving on council business or not.

Payment of any motoring-related penalties or fines and, if using a hire car, for the payment of any administration charges related to traffic offences imposed by the hire company will normally be the responsibility of the employee.

If you believe consideration should be given to the reimbursement of the penalty or fine, for example, if you have had cause to park a vehicle in a restricted area, without in your opinion causing an undue safety hazard, to unload heavy materials, then you will need to submit your case in writing to the relevant Corporate Director or Chief Executive. Please note employees should pay the fine before seeking reimbursement.

Any driver found breaching traffic or road safety law whilst on council business may face disciplinary proceedings.

Any driver found in charge of a vehicle under the influence of alcohol or drugs whilst on council business may be charged with gross misconduct and could therefore be dismissed from their post. The Council also reserves the right to call the police if a person is suspected of driving whilst under the influence of alcohol or drugs.

Vocational drivers (LGV) must report immediately to the Transport and Maintenance Team Manager, if you are found guilty of any new motoring offence. Wyre Council hold a Goods Vehicle, Operators License and have a duty to report all motoring offences committed in any vehicle to the Traffic Commissioner.

5.11 **Use of Mobile Phone/ Blue-tooth Devices**

It's a specific offence to operate a hand-held mobile phone or similar device while driving and the regulations apply equally to drivers of all types of motor vehicle (including tractors / ride on mowers etc.). The exact definition of "use" of a mobile phone and of "driving" is broader than we think. A driver of a vehicle that is off the road and not moving, may be considered to be driving if the engine is on. Therefore, a driver who stops their vehicle to use their phone, will need to turn their engine off first.

Although there are hands free/ blue tooth devices that are legally compliant any driver seen not to be in control of a vehicle whilst using a hands free phone etc. can be prosecuted for that offence.

Wyre Council therefore prohibits the use of hands-free phones of any description in Wyre Council vehicles. The use of hand-held phones and 2-way radios is prohibited in any vehicle whilst driving on council business.

The only situation in which it is permitted to use a phone while driving is to dial 999 or 112. This is only allowed if there is a genuine emergency and the driver is unable to stop and park their vehicle at that moment.

5.12 **Satellite Navigation Systems (Sat Nav)**

It is important that staff are not distracted by any devices they have in their car and this will also include sat navs. Do not adjust or operate devices while actually driving; routes in the sat nav should be set before the journey starts. If it is necessary to make adjustments or to input new information, only do so when stopped in a safe place.

5.13 Business Travel

In order to reduce the risk to safety, as well as the environmental and financial impacts, steps should be taken to eliminate all unnecessary business journeys.

Staff are required to:

- Consider alternatives to travelling and make optimum use of diary planning to minimise the number of journeys to be made.
- Use the most economic and efficient method of travel, taking into account the cost of travel, environmental impact and timing factors.
- Use a council vehicle whenever possible.
- Follow all safety advice and guidance in respect of vehicle cleanliness, use of hand sanitisers and other PPE as instructed.

6. REIMBURSEMENT OF TRAVEL EXPENSES

6.1 Car Mileage Claims

Only persons entitled to use their vehicles on official business are allowed to claim travelling allowance. All such persons will have been designated by their Corporate Director as car users and will have been issued with an official log book by the Human Resources Section.

6.2 Use of log book

Full details of every journey must be recorded into the log book. Details must show:

- Date and times of journeys;
- Full details of journey (so as to allow independent verification of mileage claimed);
- Number of passengers;
- Purpose of journey;
- Miles travelled.

The log book is the sole detailed record of official journeys and must be kept on hand at all times and is subject to inspection on request.

The loss of a log book must be reported to Human Resources immediately.

6.3 All claims should be made in accordance with Wyre Council's Financial Regulations and Financial Procedure Rules. These guidelines apply to all attendances at meetings, courses, seminars etc. Mileage allowances are paid in accordance with the mid band of the Casual User NJC rates.

All travel and subsistence claims should be made monthly using either the HR21 system or the "Staff Travel and Subsistence Allowance" claim form. Officers claims submitted more than two months after the expenses were incurred will be paid only with the express approval of the relevant Corporate Director or Chief Executive and will be capped at 12 months. Claims will be paid on or around the 15th of each month with salary payment.

All claims must be authorised by the appropriate line manager who should be a nominated signatory. It is the driver's responsibility to ensure accurate recording of mileage and validity of claims.

Any change of vehicle or use of more than one vehicle should be clearly indicated in the log book and the mileages for different vehicles, should be shown separately on the travel claim forms.

6.4 When travelling long distances it is likely that second class rail transport will be cheaper than travel by car. Officers should be mindful of cost when planning transport for a long journey, although in certain cases public transport may not be the most efficient way to travel.

Officers should normally claim whichever is the cheaper of either public transport costs (eg. second class rail fare) or car mileage allowance, unless:

- It is neither practical nor cost-effective to travel by public transport (e.g. this would entail travelling the previous day and involve overnight accommodation, or include additional transport costs eg. taxi fares).
- The relevant Corporate Director or Chief Executive expressly authorises a particular method of travel due to specific operational circumstances (e.g. the shorter travelling time by car as opposed to public transport will make greater use of an officer's time).

6.5 The majority of claims will reflect situations where attendance is required during office hours at another location. The journey is from place of work to location and return to place of work, with the claim reflecting the actual mileage run. All deviations from this normal situation must be appropriately detailed in the Log Book provided, indicating both the total journey undertaken and the actual claim being made.

Where an employee travels to a location other than their normal 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.

Any attempt to submit a false expense claim may be treated as gross misconduct and dealt with in accordance with the Council's Disciplinary Procedure.

6.6 Expenses Claims and Tax

All payments in excess of the HMRC rate for tax allowances (45 pence per mile from tax year 2011/12 to present date (June 2022) or 25 pence on mileage exceeding 10,000) will be classed as a taxable income and will be taken into consideration when calculating tax and national insurance liability at the end of each pay period.

Drivers who are authorised to use council vehicles to travel to and from their normal place of work can only be treated as having no taxable benefit provided that the records of authorised business mileage confirm that there was no personal use of the vehicle.

7. RESPONSIBILITIES OF DRIVERS OF COUNCIL OWNED VEHICLES OR VEHICLES HIRED OR LEASED BY THE COUNCIL

7.1 **This section should be read in conjunction with Part A of this policy.**

Use of Council Vehicles

Wyre Council vehicles must only be used to carry goods and passengers on authorised journeys. Authority shall only be considered to have been given when:

- The journey is for official Council purposes, and/or
- The employee is acting on the instruction of a duly authorised officer of the Council.

Only authorised passengers should be carried in council vehicles, these passengers will be as follows:

- Council employees on duty, or travelling to and from duty.
- Persons engaged on work for or on behalf of the council.
- Persons carried in the event of an emergency.
- Persons transported as part of a council service.
- Other persons as authorised by management.

It is the legal responsibility of a driver to ensure that passengers and goods are carried safely at all times, all passengers should wear seatbelts and all loads must be securely fixed and present no danger to the vehicle occupants or to third parties.

No goods will be carried in a council vehicle other than property which belongs to the Council, or tools, equipment and materials being used on behalf of the Council, or as otherwise authorised by management.

Council vehicles must be kept clean and tidy inside and outside at all times. All equipment must be properly stowed and the vehicle washed as often as is required to keep them clean.

7.2 Authorisation for home to work travel.

All drivers must obtain formal approval for using a Council vehicle for home to office travel, approval will only be given where there is an economic or operational reason for allowing this to happen.

Applications must be made using the “COUNCIL VEHICLES – authorisation for home to work travel form.”

Economic or operational reasons include instances where the:

- Home to work base distance is less than the distance between the nearest Council approved parking area and the work base.
- Council vehicle is required to provide a service outside normal working hours.
- Risk assessment concludes that the council vehicle is best parked at officer’s home address.

The authority for the use of a council vehicle for home to work travel can only continue whilst there is a legitimate business reason for doing so. Any changes in duties, work area in relation to current address etc should be reported to the line manager, the Transport & Maintenance Team Manager and/or relevant Head of Service/Corporate Director immediately.

7.3 Drivers’ Checks

To ensure council vehicles are used safely and kept in a roadworthy condition in compliance with current legislation it is the responsibility of all drivers to ensure that there are no obvious deficiencies in the vehicle.

Before a Council fleet vehicle is used for the first time each day (or first time by a driver that day), a thorough check must be made of its external and internal condition of the Operator’s Licence that certain vehicles, such as refuse collection vehicles, are subject to a daily vehicle check. The Council applies this principal to all its fleet.

Drivers will rectify defects themselves where possible e.g. by topping up oil and coolant or cleaning mirrors or windows. Any remaining defects should be reported as soon as possible, but no later than the end of the shift.

If in the opinion of the driver a defect prejudices the safety of the vehicle, then it must not be driven and the defect/s reported to their line manager and Transport workshop immediately.

Tyres

Tyres should be checked carefully each day and any issues reported. Drivers are reminded that tyre problems should be dealt with in the same manner as a breakdown i.e. reported to the Transport workshop.

Drivers using their own vehicles must ensure the tyres have at least the minimum legal tread requirement and that tyres are adequately inflated.

Trailers

If you passed your car driving test from 1 January 1997, you are now allowed to tow trailers up to 3,500kg MAM (New Legislation 16th December 2021).

Although the new rules allow you to tow a 3,500kg trailer, all Drivers with the new entitlement must attend a certified Trailer Towing Course, before authorisation will be given to tow a trailer.

Before a trailer is towed, check that the vehicle and trailer are equipped with suitable towing attachments and electrical connections. Where required, a trailer board must be complete with lights, number plate and indicators. Ensure that breakaway cables are in good condition and always secured before moving off.

7.4

Vehicle Security

All Wyre Council vehicles must be garaged or parked overnight in designated parking areas in agreed locations.

Vehicles parked overnight away from the council premises must be legally parked where they will not inconvenience the public or any other road users. Parking problems should be reported to the line management.

A driver in charge of a council vehicle is responsible for the security of the vehicle and its contents whenever the vehicle is left unattended.

The following actions must always be taken on such occasions:

- The parking brake must be engaged.
- All doors and windows must be closed and locked.
- If fitted, anti-theft devices must be switched on.
- The ignition key must be removed from the vehicle.
- All valuable items should be removed from the vehicle overnight.

Vehicle keys must be kept secure at all times. Unless there is a legitimate business reason for retaining the keys overnight they should be stored in a secure area as agreed by the line manager.

Following these procedures will ensure that all unauthorised movement can be clearly identified by means of the tracker system.

7.5

Accidents, Damage or Theft:

The driver should:

- Immediately report any accident, damage or loss to the line manager, Transport & Maintenance Team Manager, Audit and Risk Team and where required the police;

- Under no circumstances admit liability or make offer payment to a third party or insurer;
- Obtain the full name and address of each driver and witnesses together with the registration number of the vehicle(s) involved;
- Ensure that the vehicle and its contents are secured until such times as the vehicle can be moved. If the Police have been involved the vehicle should only be moved once it has been established that their initial investigation has been completed.

Wherever possible photographs and a detailed sketch (showing road markings) may also assist if liability is subsequently disputed. 'Bump' cards are kept in all Council Vehicles which must be completed as soon as possible after an accident.

An incident report form giving full details of any incident must be submitted to the Transport & Maintenance Team Manager within 24 hours. All damage should be recorded in the vehicle effect book and be attended to as soon as possible.

7.6 **Defect Reporting Repairs and Breakdowns**

As soon as a defect is noticed or damage has occurred the Transport & Maintenance Team Manager and line manager should be informed immediately.

The Transport Section will either attend the vehicle at the roadside or arrange for recovery of the vehicle. Only the Transport Section is authorised to carry out repairs or to instruct a third party to carry out repairs on council vehicles.

7.7 **Training**

All users of official vehicles are given basic training by the Transport & Maintenance Team Manager. This training will include an introduction to the vehicle checking and reporting procedures.

7.8 The Quartix Tracking System

A Vehicle Tracker system has been installed on the majority of the council's vehicles. This helps to improve efficiency by assisting with workload planning and also protects our vehicle assets and employees. It will also provide valuable data to enable us to minimise our carbon footprint.

Staff who drive vehicles fitted with the Quartix system are issued with tracker keys which should be used for each journey. These keys identify the driver of the vehicle and it is therefore important that staff do not allow other drivers to use the vehicle whilst their tracker key is being used. Doing so would potentially leave the staff member liable for prosecution of any offence that may occur when the vehicle is being used by another driver.

How is it managed?

- All managers responsible for vehicles are able to scrutinise the system to identify vehicle location etc. They also receive regular performance reports that enable them to monitor driver journeys, speed, idling time (with or without engine running), etc.
- A manager is only able to monitor the operation of the vehicles that he or she has responsibility for.
- The Transport & Maintenance Team Manager and certain nominated officers have access to the complete system so as to monitor the overall performance of the fleet.

Wyre Council accept that staff are entitled to a degree of privacy in the work environment. It is therefore not intended to enter into intrusive monitoring, however the council reserves the right to introduce direct monitoring if the performance reports indicate that a driver is in serious breach of the council's Policies and Procedures.

Any driver found breaching these policies and procedures or traffic/road safety laws whilst driving a council vehicle could face disciplinary procedure.

All managers and authorised users of the system are fully trained and aware of their responsibility under Data Protection legislation.

8. MANAGEMENT RESPONSIBILITIES IN RELATION TO DRIVERS

- 8.1 To ensure that all employees of Wyre Council remain fully compliant with legislation, arrangements must be in place to manage driving at work. Managers should be confident that as a minimum, systems are in place to control the risks that the systems are followed and correctly supervised and that compliance with policies and procedures is monitored.

In addition management of business mileage can help generate benefits in the following key areas:

- health and safety - ensuring fulfilment of duty of care for employees driving for work and avoiding financial and reputational damage linked to road-related accidents and injuries;
- environmental sustainability - reducing carbon emissions by removing unnecessary road mileage and transferring travel to public transport and pool and hire cars with lower emissions;
- financial efficiency - achieving direct cost savings by reducing the number of journeys made and promoting the use of the most cost effective method of transport in each case.

Some elements of Managing Driving at Work will be delivered corporately:

Human Resources

Inspection of documents for use of private vehicles
Occupational Health Assessments

Health & Safety

Current Health and Safety legislation
Accident/Incident Recording
Accident/Incident Investigation

Risk & Insurance

Provision of insurance cover
Claim management
Risk management information

The Transport & Maintenance Team Manager manages the Council Fleet including Operator Licensing, driver assessments, and maintenance of vehicles.

Managers must be able to satisfy themselves that all procedures for managing driving at work are being adhered to.

8.2 Who advises on Driving at Work?

The initial point of contact on matters regarding work related driving is the Transport & Maintenance Team Manager who will be able to advise on matters relating to vehicles and driving. The Audit and Risk Team, Human Resources and the Health and Safety Advisor will advise on risk to the council from its' driving activities and the measures required to manage those risks.

8.3 Document Checks

Managers must ensure that each driver:

- Holds a driving licence that is current and appropriate for the vehicle used for council business.
- Does not have a health problem, which may place a restriction on their ability to drive.
- Has successfully completed any assessment or training to drive the vehicle(s) associated to the post - **Council operated vehicle only.**
- Is aware of this policy and its associated guidelines.
- Has submitted all the required documentation in terms of driving licence, insurance for use of a private vehicle on council business, MOT certificates etc. to the Human Resources Section either at the recruitment stage or prior to the use of the vehicle.

The Human Resources section will assist managers by maintaining a system of annual checks on all drivers.

Checks will also be required following Road Traffic Accidents (RTA), changes in health or licence category restrictions which may rule the employee unable to continue driving a vehicle on behalf of the council. Managers are therefore required to inform Human Resources immediately they become aware of such instances.

8.4 Assessment of Risk

It is the manager's responsibility to conduct a risk assessment on individual driving duties. This may be of a generic nature linked to a particular post outline.

See arrangements for Risk Assessment, which are available on the council's intranet. Copies can also be obtained from the Human Resources team.

A post may require the employee to:

- Operate a vehicle owned, hired or leased by the council;
- Use their own means of transport;
- Hold a particular category of driver licence e.g. LGV.
- Provide evidence of a particular level of competence e.g. Minibus or Mini-digger;
- Drive in adverse weather conditions;
- Drive during unsociable hours;
- Travel beyond the council boundaries.

Once the Risk Assessment has been carried out, suitable control measures must be introduced to remove or reduce the associated hazards.

In addition the manager will:

- Deal with reports of any accidents, driving incidents and near misses.
- Ensure vehicle inspections are taking place.
- Ensure that all faults are being reported and repaired.
- Ensure that vehicles are kept clean and free from equipment that may hinder safe driving.
- Ensure that drivers do not put themselves unnecessarily at risk by driving beyond their capabilities or travel unnecessarily in adverse weather conditions etc.
- Identify any training needs and deal with any driving-related concerns raised by staff.

Where it is identified that a qualified driver poses a risk to him/herself and /or others then the Corporate Director will in consultation with the Occupational Health Advisor and Health and Safety Advisor determine whether or not that driver can continue to drive Council owned vehicles.

The Manager must:

- obtain as much relevant information as possible from the employee, including why their driving may be affected
- get advice from Human Resources if the proposed action is likely to have a significant effect on the individual's employment
- take them off driving duties until further clarification can be obtained
- refer them to the Council's Occupational Health Service to:
 - 1) confirm the employee's condition and that it stops them from driving
 - 2) advise whether the condition is permanent
 - 3) advise on the suitability of temporary or permanent redeployment
 - 4) advise on reasonable adjustments

8.5 Deterioration in driving performance

Managers must investigate formal written complaints based on observations of poor driving to assess whether driver assessment is necessary.

Get advice from Human Resources if you are considering any of the redeployment options below, as this could have a significant effect on the individual's employment.

Options available to the manager are:

- the employee has driving tuition
- to initiate the capability procedure
- they're redeployed temporarily to a job that doesn't involve driving
- they're redeployed permanently to a job that doesn't involve driving.

The Transport & Maintenance Team Manager monitors fleet vehicle incidents. Where a fleet vehicle driver has **two** incidents for which they're at fault, the Transport & Maintenance Team Manager will contact their manager who will take action in accordance with advice from Human Resources.

Where it is considered that an employee's driving performance has deteriorated to such an extent that the Council has no confidence in their ability to drive safely, and all the options described above have been considered, the Council may have no alternative but to dismiss the employee. This action will only be taken in consultation with Human Resources.

8.6 Monitoring Business Travel

Significant additional miles can be driven through poor planning, or sending vehicles to short notice appointments when they are not necessarily the nearest available.

It is the line manager's responsibility to ensure that:

- Staff travelling within work make maximum use of council vehicles or explore public transport options before using their private cars
- Staff members attending an event where public transport is not viable, seek to use the most economical form of transport and lift share where possible.
- Staff make optimum use of diary planning to minimise the number of journeys to be made.

8.7 Authorisation of Mileage Claims

It is the line manager's responsibility to check that:

- They agree that the journeys claimed for have been undertaken.
- The vehicle used is the one recorded as the authorised vehicle.
- The claim represents the most appropriate way of travelling, bearing in mind cost and time taken.
- The journey has taken place within the last 2 months.

All unreasonable looking claims should be challenged and refused if they cannot be justified. Any claim submitted after 2 months of the event must be referred to the relevant Corporate Director of Chief Executive (see section 6.3).

Most claims will be made via the HR21 system which is set up to recognise authorised line managers. Any other claims should be made on the “Staff Travel and Subsistence Allowance” form which will need to be signed by an authorised line manager. It is the line manager’s responsibility to ensure they are registered as an authorised signatory’ before authorising claim forms. The Human Resources section retain details of all current authorised signatories and will reject claims that are not correctly approved.

8.8 **Monitoring Use of Council Vehicles**

Data from the Quartix system should be scrutinised to ensure that drivers use the most direct routes and that the operational efficiency of the fleet is maximised through planning work schedules that make more efficient use of council vehicles.

From an environmental perspective the three most important issues to be managed are:

- Speeding – the excessive use of speed will significantly increase the vehicle’s fuel consumption and therefore the council’s cost and CO2 emissions.
- Engine Idle Time – an idling engine is extremely inefficient and therefore an unnecessary and costly waste of fuel.
- Out of Area Operations – although this is principally an operational management issue in terms of employee productivity, this information will also highlight where additional and potentially unnecessary mileage is occurring.

It should also be noted that driver behaviours such as aggressive acceleration and braking will also increase fuel consumption.

The reporting of these behaviours will be particularly useful as they can aid the targeting of driver training sessions and promote best practice.

8.9 **Dealing with Infringements**

Although the vehicle tracker system has been installed with a view to improving efficiency and work force planning, managers are required to deal promptly with any safety infringements identified.

Failure to deal with blatant breaches of traffic or safety law for instance could not only bring the council into disrepute but could constitute a major breach of Health and Safety Law. The Council has a duty of care towards staff and road users and persistent misuse of a council vehicle cannot be tolerated.

Breaches of this nature may be dealt with under the Disciplinary Procedure.

Vehicle accidents are one of the most common and serious causes of industrial injuries for office-based staff. Managers should:

- Include provisions related to safe driving in their Health and Safety Action Plans.
- Consider assisting staff to undertake refresher driving courses.

Not place employees under pressure which results in unsafe driving.

9. MANAGEMENT RESPONSIBILITIES FOR COUNCIL OWNED VEHICLES OR VEHICLES OWNED BY THE COUNCIL

9.1 **This section should be read in conjunction with Part C of this policy.**

The Transport & Maintenance Team Manager has responsibility for ensuring that council operated vehicles are:

- Procured following the council policy;
- Fit for the purpose intended;
- Correctly maintained and regularly inspected;
- Secure with systems in place for recovery in the event of breakdown or accident;
- Constructed and used in accordance with legislation.

9.2 **Vehicle Documentation**

The Transport & Maintenance Team Manager will:

- Ensure that all council vehicles are appropriately licensed and that they are tested by their due date, in line with MOT legal requirements.
- Make arrangements for an annual inspection of driving licences held by all employees permitted to drive council vehicles.
- Make all documents relating to council vehicles including the Wyre Council certificate of insurance and MOT test certificates available for inspection.

The Transport Section will also make arrangements for the following documents to be made available in every vehicle at all times:

- vehicle defect book;
- daily inspection checklist.
- Wyre Council's Drivers Handbook – Health and Safety at work
- Important Notice Sticker – Detailing the Drivers Responsibilities and Breakdown Information

9.3 **Management of the Quartix Tracking System**

The Transport & Maintenance Team Manager will be responsible for the overall management of the Quartix system and will use the data obtained to assist in maximising efficiency savings and minimising fleet emissions through mileage and fuel management.

9.4 **Vehicle Safety Inspections and Repairs**

All vehicles maintained by the council must be made available for safety inspections and routine servicing in accordance with the schedule provided by the Transport & Maintenance Team Manager.

The Transport Section should be contacted immediately if there is any doubt about the safety of a vehicle. They will either arrange for transfer of the vehicle to the Council Depot for repair or carry out an inspection of the vehicle at its location.

All hired vehicles must be checked for damage immediately on receipt and the hire company notified of any discrepancies in their record of vehicle damage.

9.5 **'O' Licence and special licence requirements**

The Council is required to hold a special licence to operate vehicles over 3.5 tonnes (an 'O' licence). The Transport & Maintenance Team Manager will be responsible for meeting the obligations covering inspection, servicing, operational management and record keeping on such vehicles.

10. EQUALITY IMPACT ASSESSMENT AND MONITORING

- 10.1 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.

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.

This page is intentionally left blank

Together
we make a
difference

**EMPLOYEE
CODE OF CONDUCT**

TABLE OF CONTENTS

ITEM NO.	SUBJECT	PAGE
1.	Introduction	3
2.	Standards of Conduct	4
3.	Equality	5
4.	Proper Use of Council Resources	5
5.	Political Neutrality	6
6.	Disclosure of Information	7
7.	Relationships	7
8.	Gifts and Hospitality and Registering Interests	8
9.	Outside Commitments	10
10.	Fraud and Corruption	11
11.	CCTV	12
12.	Breaches of the Code of Conduct	13
13.	Equality Impact Assessment and Monitoring	13
14.	Data Protection	13

Appendix 1: Rules of Conduct

1. INTRODUCTION

- 1.1 The public is entitled to expect the highest standards of conduct from all Council officers. Your role is to serve the Council in delivering services to the local community, providing advice and implementing its policies. In performing your duties, you must act with integrity, honesty, impartiality and objectivity.
- 1.2 This Code applies to all Wyre Council staff and describes the minimum standards of behaviour required. Maintaining these standards will ensure best practice and protect you from misunderstanding or criticism. Where the Council has a policy or protocol that provides more detail on specific issues, the name of the policy or protocol is in italics at the end of a section.
- 1.3 For ease of reference, the main rules of conduct are listed in Appendix 1; more detailed information is included below.
- 1.4 **Key Points**
- There are four key points to remember in all that you do: **ensure your conduct:**
- is never influenced by personal gain;
 - could not give anyone reason to question your motives;
 - is always in line with the Council's policies and procedures.
 - does not bring the Council into disrepute.
- 1.5 **The Council's Constitution**
- 1.5.1 The Council has certain powers and duties that are set out in a formal document, the Constitution. The Council must act under the Constitution and the law; otherwise it will be acting *ultra vires*, that is, beyond the scope or in excess of its legal power or authority.
- 1.5.2 While you may not use the Constitution in your day-to-day work it is a useful reference for all matters relating to the composition of the Council, rules about members and committee meetings, financial and procurement procedures and other issues of relevance to officers.
- 1.5.3 The Council has adopted a protocol to govern the relationship between members and officers which forms part of the Constitution.

2. STANDARDS OF CONDUCT

- 2.1 You have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in you, and in such a way as to preserve public confidence in the council.
- 2.2 You have a general duty to act in the interests of the council as a whole and the local community it represents.
- 2.3 As well as avoiding actual impropriety, you should avoid any appearance of improper behaviour.
- 2.4 Where you have private interests which conflict with your public duty you must resolve this conflict in favour of the public interest.
- 2.5 You should make relevant declarations of interest whenever you consider that your personal interests may be in conflict with the authority's interests.
- 2.6 You should work with colleagues and councillors in a spirit of mutual respect and co-operation.
- 2.7 When making appointments, awarding contracts, or transacting other business, you should ensure that your decisions are made solely on merit
- 2.8 You should ensure that confidential material, including material about individuals both written and verbal, is handled in accordance with legislative requirements.
- 2.9 You should avoid accepting gifts and hospitality that might reasonably be thought to influence your judgement.
- 2.10 You should ensure that your profile and related content on social media is consistent with how you wish to present yourself to the public. Using your public voice to criticise or embarrass the Council, councillors, colleagues or customers is not acceptable.
- 2.11 You should not post or forward a link to any abusive, discriminatory, harassing, derogatory, defamatory or inappropriate content i.e. anything that your colleagues, councillors, customers, clients etc. would find offensive, insulting, obscene and/or discriminatory.
- 2.12 When disagreeing with others' opinions on social media keep comments appropriate and polite at all times.

3. EQUALITY

- 3.1 You must ensure that Council Policy relating to equality and equal opportunities is followed – see Council Equal Opportunities Policy.
- 3.2 Every employee has a duty to behave in a non-discriminatory way towards all individuals with whom he/she has contact at work, including Councillors, members of the local community, customers and other employees.

4. PROPER USE OF COUNCIL RESOURCES

- 4.1 The Council is responsible for the efficient use of the public resources it controls including financial resources, equipment and its staff. You must not use council premises, property or facilities unless authorised to do so. Some facilities, such as photocopying, may be made available to officers for private use on agreed terms and with prior approval.
- 4.2 All officers have a duty to abide by the highest standards of probity in dealing with financial issues. You must operate within the financial regulations and financial procedure rules to ensure that all the Council's transactions, material commitments, contracts and other essential accounting information is recorded completely, accurately and on a timely basis.
- 4.3 You are required to ensure that Internal Audit and the Council's External Auditor are given access at all reasonable times to premises, personnel, documents and assets that they consider necessary for the purposes of their work.
- 4.4 **Use of Technology, Telephones, Internet and Email**
 - 4.4.1 You should be familiar with the rules relating to personal use of equipment, the prohibitions on accessing or downloading racist, sexist, pornographic or violent websites or material, virus protection and the use of unapproved software.
 - 4.4.2 Users must ensure that they use social media sensibly and responsibly whether business or personal use, in line with council policy. They must ensure that their use will not adversely affect the council or its business, not be damaging to the council's reputation and credibility or otherwise violate any council policies.
 - 4.4.3 When involved in any kind of social media broadcast or virtual/remote meeting staff must ensure that they behave appropriately maintaining acceptable levels of conduct as they would in any face to face setting.
 - 4.4.4 Officers may make personal telephone calls using the landline whilst at work but such calls should be kept to a minimum. All personal use of a works mobile will be charged at the full rate.
 - 4.4.5 The Council does allow for personal use of e-mail and the internet providing that it is not excessive, does not interfere with your normal activities and it is made clear that any message sent is not on behalf of the Council.

For further information see:

ICT Computer Use Policy
Social Media and Employment Policy.

5. POLITICAL NEUTRALITY

5.1 Advice to Members

- 5.1.1 Employees serve the Council as a whole and not any political grouping or individual Councillor. Employees must always operate in a fair and even-handed manner.
- 5.1.2 Employee support is limited to information and advice on Council business. It does not extend to Party or external business.
- 5.1.3 Employees need to be aware that should they attend political group meetings these may include non-members of the Council who are not subject to the Council's Code of Conduct.
- 5.1.4 When providing information or advice to political groups, Employees must at all times maintain confidentiality and political neutrality.

5.2 Politically restricted posts

- 5.2.1 Some local government employees are contractually prohibited from participating in certain "political activities" as set out below and the Council is obliged, by law, to enforce this contractual obligation.
- Chief Executive;
 - Monitoring Officer;
 - Section 151 Officer;
 - Corporate Directors;
 - All posts where the salary is or exceeds spinal column point 38 (Grade 12);
 - Posts where the holders are responsible for advising members or speaking on behalf of the authority on a regular basis (even where the salary is below point 38).
- 5.2.2 These posts are identified as being politically restricted on the job description and on the Council's Establishment list. Where a local authority employee holds a politically restricted post, he/she may not:
- be an elected member of another authority (except Town or Parish Councils);
 - hold office in a political party;
 - canvass on behalf of a political party;
 - become an MP or an MEP.

- 5.2.3 This restriction includes a prohibition on public acts in support of a political party such as canvassing and speaking or writing publicly in a personal capacity on subjects that are politically controversial, but other non-political public protests can be made in the same way as other officers.

6. DISCLOSURE OF INFORMATION

6.1 Confidentiality

- 6.1.1 Confidential information obtained in the course of your work must not be divulged to any person (inside or outside the Council's employment) who is not authorised to receive it, unless there is a requirement by law to do so. Similarly, no information concerning another employee's affairs, known about through work, is to be given to any person not authorised to receive it, without the consent of that employee.
- 6.1.2 If you are in any doubt about disclosing information then you are expected to seek guidance from your manager.

6.2 Transparency Code / Freedom of Information

- 6.2.1 The Council is committed to open government and the law requires that certain types of information must be made available to members, auditors, government departments, service users, and the public. In particular, the Freedom of Information Act 2000 gives a legal right of access to information held by the Council, subject to certain exemptions.
- 6.2.2 For further information or guidance concerning freedom of information requests please contact the legal services team and for the Open Data/ Transparency Code please contact the Electoral Services and Information Governance Manager.

7. RELATIONSHIPS

- 7.1 Employees should always remember their responsibilities to the community and should provide courteous, efficient and impartial service delivery to all groups and individuals within the community.
- 7.2 You are also expected to apply the same high standards of conduct in your dealings with colleagues as with the public. The disruption of other's work or the acting in any way that unnecessarily makes the tasks of others more difficult or more time consuming is unacceptable behaviour.

7.3 Relationships with Contractors

- 7.3.1 Orders and contracts must be awarded on merit, by fair competition, in accordance with the Council's Financial Regulations and Financial Procedure Rules.
- 7.3.2 You should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts.
- 7.3.3 Those involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority. Employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 7.3.4 Employees who are privy to confidential information on tenders or costs for either internal or external contracts should not disclose that information to any unauthorised party or organisation.

7.4 Appointments and other employment matters

- 7.4.1 All appointments should be made on merit and in accordance with the Council's agreed procedures. In order to avoid any possible accusation of bias, managers should liaise with HR to ensure appropriate measures are put in place with the appointment process where they are related to an applicant, have a close personal relationship outside work with him or her, or if their knowledge of an applicant is such that they cannot maintain objectivity. This may include being excluded from the recruitment process.
- 7.4.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a friend, partner, relative or a person to whom the employee owes (or is owed) an obligation.

8. GIFTS AND HOSPITALITY AND REGISTERING INTERESTS

- 8.1 Offers of gifts and hospitality may include items ranging from diaries, stationery, boxes of chocolates, to free meals and golf days.
- 8.2 In exercising judgement as to whether to accept a gift or hospitality the question should be asked what public perception would be if the information was published given your role and circumstances.
- 8.3 It is your responsibility to ensure that you are not placed in a position that risks, or appears to risk, compromising your role with the council and you should not be seen to be securing gifts and hospitality by virtue of your job.
- 8.4 You should tactfully refuse all personal gifts and offers of hospitality that you think may damage public confidence in you.

8.5 Registering gifts and hospitality

8.5.1 The Council has a register for recording the receipt of gifts and hospitality, this register is kept by the Head of Governance and Business Support.

8.5.2 If a gift is received or hospitality accepted **up to the value of £25**, unless it is of purely “token” value (e.g. diary, pen, free gift at an exhibition), it should be declared to your line manager, and reported to the Head of Governance and Business Support using the [online form](#) for inclusion in the Council’s register.

8.5.3 Prior to accepting any gift or hospitality with a **value of £25 or more**, the Officer should seek authorisation from their Director or Chief Executive prior to the Officer taking ownership. The online form must then be completed as set out in 8.5.2.

8.5.4 In instances where the Chief Executive is in receipt of a gift or hospitality over the value of £25, approval must be sought from the Leader of the Council. However, if both the Chief Executive and the Leader of the Council are both in receipt of a gift or hospitality, approval must then be sought from the Cabinet.

8.5.5 The Council prohibits the acceptance of cash gifts of any value.

8.6 Personal Interests

8.6.1 Personal interests that may impinge or might reasonably be deemed by others to impinge on an employee’s impartiality or conflict with the duty owed to the Council should be declared in writing. These could be an officer’s interests outside work, membership or affiliations to societies or clubs, business interests etc. Anything that may lead to allegations of bias or favouritism; whether it is financial or political, should be declared.

8.6.2 Employees must also declare any financial or non-financial interests that they consider could bring about conflict with the Council’s interests, for instance:

- membership of an organisation receiving grant aid from the council;
- membership of an organisation or pressure group which may seek to influence the Council’s policies;
- having a beneficial interest in property or land which is within the Council’s district and is subject to any Council business e.g. subject to housing benefit / planning application etc;
- a financial interest (directly or indirectly) in a contract which the Council is about to enter into (or has already done do). This applies to an employee who is a member, a partner or an employee of a company or organisation party to a contract.

8.7 Declaring an Interest

Employees who have an interest, financial or non-financial, should not involve themselves in any decision or allocation of Council services or resources from which they, their friends, persons to whom they owe (or are owed) an obligation, or family might benefit and should ensure that the matter is referred immediately to their line manager. The details should then be passed to the Head of Governance and Business Support to be entered onto the Council's Register.

8.8 For further information see the Gifts and Hospitality and Registering Interests Policy.

9. OUTSIDE COMMITMENTS

- 9.1 Although your activities during off duty hours are your personal concern they should not interfere with your duties as an employee of the Council, and you should not put yourself in a position where duty and private interests conflict. The Council will not normally prevent you from undertaking additional employment but any such employment must not, in the opinion of the Council, conflict with or be detrimental to the Council's interest or in any way weaken public confidence in the conduct of the Council's business.
- 9.2 Officers at Grade 8 or above may not in any case engage in any business or take up any additional job without permission of the Director or Chief Executive. Directors require the permission of the Chief Executive and the Chief Executive needs the permission of Full Council.
- 9.3 Applications for consent should be submitted to Human Resources who will consult with the relevant Corporate Director, Chief Executive or Full Council as appropriate.
- 9.4 The guiding principle will be that any such employment must not conflict with or react detrimentally to the authority's interests or in any way weaken public confidence in the conduct of the authority's business.
- 9.5 In any event, no outside work of any sort should be undertaken in the office and use of council facilities is forbidden.
- 9.6 The Council is mindful of its responsibility towards the health and wellbeing of its employees under the Working Time Regulations and the Health and Safety at Work Act and all employees are required to notify Human Resources of any other jobs they may have in addition to working at Wyre Council.

10. FRAUD AND CORRUPTION

- 10.1 Council employees have an important role to play in relation to protection against fraud and corruption. You should report any concerns, associated with the Council's finances, resources and responsibilities, to a senior line manager or the Head of Governance & Business Support.
- 10.2 Bribery is the act of offering money or other incentives to persuade somebody to do or not to do something, especially something dishonest or illegal. The Bribery Act makes it an offence for UK citizens and residents to pay or receive a bribe either directly or indirectly. This includes transactions that take place in the UK and abroad, and in both private and public organisations.
- 10.3 Employees must be aware that it is a serious criminal offence for them to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in his/her official capacity.

For further information see:

Anti-Fraud, Corruption and Bribery Policy.

10.3 **Raising Concerns at Work - Grievances and Whistleblowing**

The Council is committed to the highest standards of openness, probity and accountability.

If you have any concerns arising from:

(a) your working conditions or relationships with colleagues that you wish to have resolved you should raise any such issues with your Line Manager, their superior or contact a member of the Human Resources team, you may also wish to seek the support of your trade union representative.

For further information see:

Resolution Policy

(b) any other aspect of the Council's operations, for instance if you become aware of any activities that you believe are illegal, improper, unethical or in some other way inconsistent with the Employee Code of Conduct, or the Council's Constitution, policies and procedures, there is a procedure for these concerns which follows the requirements of the Public Interest Disclosure Act 1998. You should normally raise such concerns with your immediate manager or their superior but this depends on the seriousness and sensitivity of the issues involved. If you believe that management is involved or there is serious malpractice you should approach the Head of Governance & Business Support immediately.

For further information see:

Whistleblowing Policy.

11. CCTV

- 11.1 CCTV cameras are installed at the Wyre sites in addition to public places throughout the borough. Appropriate signs are clearly displayed so that employees, residents and visitors are aware they are entering an area covered by CCTV.
- 11.2 Images are being recorded for the following reasons:
- To assist in the prevention or detection of crime or equivalent malpractice
 - To assist in the identification and prosecution of offenders
 - To monitor the security of the relevant premises
 - To ensure that health and safety and other council rules, policies and procedures are being complied with.
- 11.3 Wyre Council accept that staff are entitled to a degree of privacy in the work environment. It is therefore not intended to enter into intrusive monitoring, however the council reserves the right to use images for monitoring purposes or as evidence as part of an investigation if there is appropriate reason to do so. Consideration in respect of this must be carried out in liaison with the HR Department and the council's Data Protection Officer.
- 11.4 All managers and authorised users of the CCTV systems are fully trained and aware of their responsibility under Data Protection legislation.

12. BREACHES OF THE CODE OF CONDUCT

- 12.1 All employees are expected to accept and adhere to the Code of Conduct. Any breach of any part of the Code or its supporting policies and protocols may render the employee liable to disciplinary proceedings.
- 12.2 Further information on what may be considered to be breaches of the Code of Conduct and the likely consequences of doing so is to be found in the Council's Disciplinary Policy.

13. EQUALITY IMPACT ASSESSMENT AND MONITORING

- 13.1 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.

14. DATA PROTECTION

- 14.1 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.

RULES OF CONDUCT

If a breach of these rules is established, it will constitute misconduct and may lead to action being taken under the Council's Disciplinary Procedure. The more serious the breach the more likely it is possible that such a breach will be regarded as gross misconduct.

The rules as set out below do not constitute a comprehensive list.

All employees are required:

- a) To comply with any published work rule or with any legitimate and reasonable request, instruction or contractual requirement given by a supervisor, manager or Director.
- b) To act in a manner, whether at work or outside work, which will (having regard to the employee's position with the Council) ensure the confidence of the public in the Council and which will not have a serious adverse effect on any individual's employment. This includes any convictions for a criminal offence and any corrupt or improper practice or breach of trust.
- c) To act in a proper and orderly manner and always act within the law on the Council's premises or in the Council's vehicles or in association with any official duty.
- d) To act in a manner that would not result in an action against the Council for negligence.
- e) To comply with health and safety regulations.
- f) To act in accordance with the Council's equal opportunities policy.
- g) To treat colleagues, elected members, the public or clients on the Council's premises or in the Council's vehicles used in association with any official duty with dignity and respect. Any attempts to embarrass, ridicule, harass, threaten, intimidate abuse or assault could lead to disciplinary action being taken.
- h) Not to lose or damage the Council's equipment and/or property by wilful or negligent act.
- i) To act honestly in relation to the Council's property. Theft of or unauthorised or improper use of Council vehicles, equipment, materials or labour (including unauthorised use of or tampering with any computer or associated equipment and software) or theft from a service user would be regarded as a breach of this rule.
- j) To act honestly in relation to the Council's funds. Theft, misappropriation, failure to account for or fraudulently claiming any money belonging to the Council or its service users would be regarded as a breach of this rule.

- k) To attend work between the contracted times and for the contracted number of hours a week and not to be absent from work without permission or, if sick, without notifying the supervisor or such absence. Doctors' medical certificates must be submitted within the prescribed time limits.
- l) To act in accordance with the Council's Promoting Attendance and Controlling Absence Policy and not to act in a manner which would impair recovery and delay a return to work when absent due to illness or injury.
- m) To accurately maintain the Council's records or documents. Alteration, mutilation or destruction of any record or document unless properly authorised to do so or falsification of any record or document will be regarded as a breach of this rule.
- n) To report or record any matter in respect of which there is a duty to report or record. For example, there is a duty to report to a suitable person (who may be a Police Officer) any illegal or corrupt act by another employee or another person on the Council's premises or who is using Council facilities.
- o) Not to disclose confidential information to any unauthorised person.
- p) To act in accordance with Data Protection Legislation.
- q) To act in accordance with the Council's Social Media Policy.
- r) To ensure proper use of the council CCTV systems including disclosure of images.
- s) To act in accordance with the Council's safeguarding policy.

This page is intentionally left blank

Together
we make a
difference

**Disciplinary Policy and
Procedure
“Protected Officers”**

**(Chief Executive, Chief Finance Officer
and Monitoring Officer)**

TABLE OF CONTENTS

ITEM NO.	SUBJECT	PAGE
1.	Introduction	3
2.	General Guidelines and Principles	3
3.	Formal Procedure	4
4.	Disciplinary Hearing	6
5.	Where Dismissal is Proposed	8
6.	Appeals	9
7.	Examples of Gross Misconduct	10
8.	Order of Conduct of Disciplinary Hearing	11
9.	Equality Impact Assessment and Monitoring	12
10.	Data Protection	12

1. INTRODUCTION

- 1.1 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 introduced specific regulations that make distinctive provisions for certain protections to be in place in the event of disciplinary action being considered against a Local Authority Chief Executive, Chief Finance Officer or Monitoring Officer. These officers will be referred to as the 'Protected Officers'.
- 1.2 This formal procedure reflects the requirements of these Regulations and the model procedures within the JNC handbooks for Chief Executives (updated October 2016).
- 1.3 Where an allegation is made relating to the conduct or capability of a protected officer or there is some other substantial issue that requires investigation and where this may potentially lead to dismissal, the matter will be considered as set out below by the Senior Officer's Disciplinary Committee (the Committee). If a recommendation to dismiss has been made it will also be considered by the Independent Panel, comprising of at least two Independent Persons (see 5.3), prior to a final decision by Full Council. This includes situations of significant sickness absence where the next stage may be termination of employment (other than formal ill health retirements).

2. GENERAL GUIDELINES AND PRINCIPLES

- 2.1 The definition of disciplinary action as set out in the Local Authorities (Standing Orders) (England) Regulations 2001 as amended includes other reasons for dismissal such as capability or some other substantial reason including a breakdown in trust and confidence between the chief executive and the authority or situations of significant sickness absence (other than formal ill health retirements).
- 2.2 In general, informal conciliation is to be preferred if it can bring about a mutually agreed solution to the problems that have arisen. Where potential disciplinary problems (either conduct or performance) are identified then either of the parties may wish to approach the appropriate JNC Side Secretary. The Joint Secretaries are available at any stage in the proceedings to facilitate discussions between the parties and act as impartial conciliators.
- 2.3 Any officer within the scope of this policy has the right to be accompanied by a trade union representative or work colleague at any formal stage of the procedure. They and/or their representative have the right to put their side of the case and to call witnesses.

- 2.4 The Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) provide that the dismissal of a chief executive or protected officer in cases of disciplinary action (as defined by the regulations) may only take place if the proposal to dismiss is approved by way of a vote at a meeting of the authority, after they have taken into account:
- any advice, views or recommendations of a panel (the Independent Panel)
 - the conclusions of any investigation into the proposed dismissal and
 - any representations from the protected officer concerned
- 2.5 The procedure:
- specifies who has the authority to take disciplinary actions
 - ensures that action is not taken without careful investigation
 - gives clear details of time scales and any deadlines associated with the various stages of the procedure.
- 2.6 The HR Manager should be informed of all disciplinary concerns raised in respect of the Protected Officers. North West Employer Organisations will be the Council's main point of contact for advice and guidance on the employment and legal implications of dealing with the complaint. They will also attend and be involved in any part of the process as appropriate.
- 2.7 If the officer concerned is a trade union steward or representative, the Council will inform the regional office of the trade union concerned prior to commencement under this procedure.
- 2.8 At all stages in the procedure confidentiality must be respected by all the parties involved.
- 2.9 No officer will be dismissed for their first breach of discipline, unless it is a case of gross misconduct.
- 2.10 The application of this policy and procedure will be non-discriminatory irrespective of an employee's age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender or sexual orientation.

3. FORMAL PROCEDURE

- 3.1 **Preliminary Investigation**
- 3.1.1 The Committee will, as soon as is practicable inform the protected officer in writing of the allegations or other issues under investigation and provide him/her with any evidence that the Committee is to consider and his/her right to present oral evidence.

3.1.2 The protected officer will be invited to put forward written representations and any evidence including any written evidence from witnesses. The Committee will also provide the opportunity for the protected officer to make oral representations. At this initial point in the procedure, it is not anticipated that witnesses will be called; the discretion to do so lies solely with the Committee.

3.1.3 The Committee will give careful consideration to the allegations or other issues, supporting evidence and the case put forward by the protected officer before taking further action.

3.1.4 The Committee will decide whether

- the issue requires no further formal action under this procedure or
- the issue should be referred to an Independent Investigator.

3.1.5 The Committee will inform the protected officer of its decision without delay.

3.2 **Suspension**

3.2.1 Where there is enough evidence to suggest that the protected officer may be guilty of gross misconduct or where the officer's continuing presence at work compromises the investigation or impairs the efficient exercise of the Council's functions, the officer will be suspended from duty.

3.2.2 The decision to suspend will be made by the Committee having taken into consideration appropriate employment/HR advice. This will normally be carried out in person with the protected officer either by the full Committee or individually by the Committee Chair who ultimately has the delegated power to suspend. In certain circumstances however it may be that the protected officer is informed in writing of the decision to suspend.

3.2.3 The protected officer will receive confirmation of the suspension in writing at the earliest opportunity stating the reasons for the suspension, who they may contact within the Council while they are suspended and that suspension will be on full pay and should last no longer than 2 months (unless there are exceptional circumstances).

3.2.4 It will be made clear to the officer that suspension is not a disciplinary penalty and that it will not prejudice any future disciplinary hearing.

3.2.5 During the course of the investigation, the Independent Investigating Officer may need to review the suspension and recommend:

- that the Council terminates any suspension of the officer;
- that any such suspension must continue after the expiry of 2 months.

3.3 **Appointment of an Independent Investigator**

- 3.3.1 Cases will vary in complexity but the threshold test for the Committee in deciding whether to appoint an Independent Investigator is to consider the allegation or matter and assess whether:
- if it were to be proved, it would be such as to lead to the dismissal or other action which would be recorded on the protected officer's personal file and
 - there is evidence in support of the allegation sufficient to require further investigation.
- 3.3.2 The Committee select the Independent Investigator from a list maintained by the National Joint Secretaries.
- 3.4 **The Independent Investigation**
- 3.4.1 Once appointed it will be the responsibility of the Independent Investigator to:
- investigate the issue/allegation
 - prepare a report stating in his/her opinion whether the evidence he/she has obtained supports any allegation of misconduct or incapability or supports a need for action under this procedure for some other substantial reason
 - recommend any disciplinary action (if appropriate) or range of actions which appear to him/her to be appropriate for the authority to take against the protected officer.
- 3.4.2 Where disciplinary action is recommended the HR Manager will arrange a hearing with the Committee.
- 3.5 **Cases Involving Child Protection, Vulnerable Adults or Financial Irregularities, or Wider Issues for the Council**
- 3.5.1 Any complaint involving allegations relating to child protection issues or vulnerable adults must be discussed with the Local Authority Designated Officer for children's social care and adult's social care, as appropriate at Lancashire County Council.
- 3.5.2 In accordance with the Financial Regulations and Financial Procedure Rules the Chief Internal Auditor must be notified of any suspected fraud, theft, irregularity, improper use or misappropriation of the authority's property or resources.

4. DISCIPLINARY HEARING

- 4.1 If the Committee accepts a recommendation to proceed to a full disciplinary hearing this will be convened in accordance with the arrangements described below.

- 4.2 The officer must receive formal notice of a disciplinary hearing. The letter must give at least 5 working days' notice of the hearing and will include:
- confirmation that the Committee will act as the Hearing Panel;
 - the date, time and location of the hearing;
 - the investigation report, which will include details of the allegations;
 - any other supporting evidence and any witnesses that will be called;
 - the fact that the officer will have the opportunity to state their case and call and/or question any witnesses;
 - the protected officer's right of representation by a trade union representative or work colleague;
 - any previous warnings that could be taken into account when deciding the level of any disciplinary action;
 - the fact that, depending on its findings, the hearing could result in disciplinary action and (adding where appropriate) that this could include dismissal.
 - the right to submit a written statement to the Hearing Panel.
 - a request that any documents which the officer wishes to be considered and details of any witnesses s/he intends to call are provided to the HR Manager at least 3 working days before the hearing for distribution to the panel.
- 4.3 An appropriate independent employment specialist will attend with the Hearing Panel.
- 4.4 A model order of conduct for the disciplinary hearing is shown in section 8.
- 4.5 The Committee, having considered all associated factors may:
- Take no further action
 - Recommend informal resolution or other appropriate procedures
 - Refer back to the Independent Investigator for further investigation and report
 - Take disciplinary action against the protected officer short of dismissal
 - Propose dismissal of the protected officer to the Council.
- 4.6 If, following an investigation and disciplinary hearing, disciplinary action is required, the following options are available:
- Written Warning
 - Final Written Warning
 - Dismissal, and dismissal with offer of re-engagement

5. WHERE DISMISSAL IS PROPOSED

- 5.1 Where the Committee proposes dismissal, the Regulations require that before notice of dismissal is issued:
- an opportunity has to be given to the executive (Cabinet) to object, and
 - the council must approve the dismissal.
- 5.2 **Executive Objections Procedure**
- 5.2.1 The Monitoring Officer will appoint a 'Proper Officer' to liaise with the Cabinet. If the Monitoring Officer is the one subject to disciplinary proceedings a Proper Officer will be appointed by the Corporate Management Team in liaison with Human Resources.
- 5.2.2 The Committee will inform the Proper Officer that it is proposing to the council that the protected officer be dismissed and that the executive objections procedure should commence.
- 5.2.3 The Proper Officer will notify all members of the executive of:
- The fact that the Committee is proposing to the council that it dismisses the protected officer
 - Any other particulars relevant to the dismissal
 - The period by which any objection to the dismissal is to be made by the Leader of the Council on behalf of the Executive to the Proper Officer
- 5.2.4 At the end of this period the Proper Officer will inform the Committee either:
- That the Leader has notified him/her that no members of the Executive have any objection to the dismissal
 - That an objection or objections have been received and provide details.
- 5.2.5 The Committee will consider any objections and satisfy itself as to whether any of the objections are both material and well founded. If they are, then the Committee will act accordingly and may commission further investigation by the Independent Investigator and report if required.
- 5.2.6 Having satisfied itself that there are no material and well-founded objections to the proposal to dismiss, the Committee will inform the protected officer of the decision and put that proposal to the Independent Panel along with the Independent Investigator's report and any other necessary material.
- 5.3 **The role of the Independent Panel**
- 5.3.1 Where the Committee is proposing dismissal, this proposal needs to go before the Independent Panel which must be appointed at least 20 days before the meeting of Full Council at which the recommendation for dismissal is to be considered.

- 5.3.2 The Independent Panel should comprise of at least two independent persons appointed by the Council in accordance with Regulations made under Section 28(7) of the Localism Act 2011.
- 5.4 **The role of Full Council**
- 5.4.1 The Council will consider the proposal that the protected officer should be dismissed and must take into account:
- Any advice, views or recommendations of the Independent Panel
 - The conclusions of the investigations into the proposed dismissal
 - Any representations from the protected officer
- 5.4.2 The protected officer will have the opportunity to appear before Full Council and put his or her case forward before a decision is taken. They will have the right of representation at this meeting.
- 5.4.3 The Council is at liberty to reject the proposal to dismiss. It can then decide on the appropriate course of action which could include substituting a lesser sanction or referring back to the Committee to determine that sanction.
- 5.4.4 It should be noted that the Council's decision is the final stage in the process and in effect constitutes the appeal stage as well.

6. APPEALS

- 6.1 **Appeals against dismissal**
- Where the Committee has made a proposal to dismiss; the hearing by Full Council will also fulfil the appeal function.
- 6.2 **Appeals against action short of dismissal**
- If the Committee takes action short of dismissal, the protected officer may appeal to the Council's Employment and Appeals Committee. They will consider the report of the Independent Investigator and any other relevant information. The protected officer will have the opportunity to appear at the meeting and state his/her case.
- 6.3 The decision of the Appeals Committee will be final.

7. EXAMPLES OF GROSS MISCONDUCT

7.1 Some of the offences which may be regarded as gross misconduct are (this list is not exhaustive):

- theft, unauthorised use or removal of the council's, a service user's, a client's or a fellow employee's property;
- falsification of time-sheets, expenses claims or other records;
- fighting or physical assault;
- sexual or racial harassment;
- harassment or discrimination on the grounds of race, gender, sexuality, disability, age or religious belief;
- deliberate damage to council or a fellow employee's property;
- accepting gifts or bribes for personal gain;
- inability to carry out normal work through being under the influence of alcohol or other drugs (medically prescribed drugs may be an exception);
- negligent or wilful failure to comply with legal requirements and council policies and procedures;
- deliberate disregard for safety rules;
- serious negligence causing unacceptable loss, damage or injury;
- a serious breach of the Code of Conduct;
- misuse of an employee's official position for personal gain, or for the inappropriate benefit of a friend, colleague or member of the employee's family;
- serious neglect of duty and responsibility associated with the post;
- failure to comply with a reasonable management instruction, despite being warned of the consequences;
- abuse of a service user;
- Non-disclosure of criminal convictions, cautions, and bans e.g. from driving that have occurred during the employees employment with the council;
- bringing the council into serious disrepute;
- criminal offences, which relate to, or affect the employee's ability to fulfil the terms of their contract, or have the potential to damage the reputation of the council.

8. ORDER OF CONDUCT OF DISCIPLINARY HEARING

- 8.1 The Hearing Panel Chairman will begin the formal hearing by
- introducing the people present
 - explaining the purpose of the meeting
 - checking any arrangements for representation
 - outlining the format to be followed
- 8.2 The Independent Investigating Officer presents the case from their investigation, referring to any documents and witnesses.
- If they call a witness -
- they will question the witness
 - the employee or their representative may question the witness
 - the Hearing Panel and their advisor may ask questions of the witness
- 8.3 The Officer or their representative can then question the Independent Investigating Officer.
- 8.4 The Hearing Panel and their advisor may question the Independent Investigating Officer.
- 8.5 The Officer or their representative presents the officer's response - which will include any mitigation, referring to documents and witnesses where appropriate.
- 8.6 If the officer or their representative calls a witness -
- They will question the witness
 - The Independent Investigating Officer may question the witness
 - The Hearing Panel and their advisor may ask questions of the witness
- 8.7 The Independent Investigating Officer questions the officer or their representative on their response to case.
- 8.8 The Hearing Panel and their advisor may question the officer or their representative.
- 8.9 Summing up by each side. The Independent Investigating Officer sums up the case first. The Officer/representative sums up last. New evidence should not be introduced during summing up. However, the Hearing Panel reserves the right to seek further information where it appears that there may be new evidence that could affect the outcome of that decision.
- 8.10 The Hearing Panel and their advisor adjourn to consider and decide on whether the allegations are substantiated and (taking into account any current warning) on any consequent action.
- 8.11 All parties are recalled and informed of the decision, the rationale for making that decision and that written confirmation will follow.

- 8.12 Where the decision is to issue a sanction short of dismissal, the officer will also be informed of their right of appeal.
- 8.13 Where the decision is to recommend dismissal or dismissal with an offer of re-engagement the matter will be referred to Full Council and action will continue as 5.4 above.

9. EQUALITY IMPACT ASSESSMENT AND MONITORING

- 9.1 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.

10. DATA PROTECTION

- 10.1 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.

Together
we make a
difference

Promoting Attendance & Managing Sickness Absence

TABLE OF CONTENTS

ITEM NO.	SUBJECT	PAGE
1.	Introduction	4
2.	Sickness Due to Covid-19	5
3.	Sickness Notification	6
4.	Responsibilities	8
5.	Occupational Sick Pay	9
6.	Return to Work Interviews	12
7.	Referral to Occupational Health	12
8.	Absence Management	13
9.	Absence Management Meetings (Formal Process)	15
10.	Phased Return to Work	18
11.	Reasonable Adjustments	18
12.	Redeployment	19
13.	Capability and Ill Health Retirement	19
14.	Appeals	20
15.	Sickness During the Working Day	21
16.	Accident or Injury at Work	21

17.	Medical/Hospital Appointments	22
18.	Disability Leave	22
19.	Annual Leave Entitlement in Relation to Sickness Absence	23
20.	Absence From Home Address When Absent On Sick Leave	24
21.	Abuse of Sickness Scheme	24
22.	Cases of Suspected Misconduct	24
23.	Sickness and 1-2-1 Meetings	25
24.	Equality Impact Assessment and Monitoring	25
25.	Data Protection	25
	APPENDIX 1 – ABSENCE MANAGEMENT PROCEDURE	26

1. INTRODUCTION

1.0

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.

1.1

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.

1.2

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

Now that Covid-19 restrictions have been lifted in England, staff with symptoms of Covid-19 will be managed in line with other reasons for sickness absence.

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

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.

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

Long term absence

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

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.

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;

Long term absence

- Discuss any progress or improvements in the employee's health
- Review the employee's absence to date;

- 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.
- 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 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.

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
- 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.

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;
- 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

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:

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.
- 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.

This page is intentionally left blank

Together
we make a
difference

Working Carers Policy

TABLE OF CONTENTS

ITEM NO.	SUBJECT	PAGE
1.	Background	3
2.	Purpose	4
3.	Scope of the Policy	5
4.	Policy Statement	6
5.	Definition of a Carer	7
6.	Carer's Responsibilities	8
7.	Manager's Responsibilities	6
8.	Support Options	7
9.	Additional Sources of Support	8
10.	Equality Impact Assessment and Monitoring	8
11.	Data Protection	8

1. BACKGROUND

- 1.1 Current figures suggest that as many as one in eight adults in the United Kingdom (approximately six million people in total) are carers and half of these individuals try to juggle their caring commitments with paid employment. With on-going advances in medical technology and treatment, people are living longer and it is anticipated that the number of carers could rise to nine million by the year 2037.
- 1.2 At Wyre Council we recognise that some employees have caring responsibilities for seriously ill, elderly or disabled relatives, partners and family members. We also recognise that other employees may have these responsibilities in the future.
- 1.3 As an employer, we have a duty of care for the health, safety and wellbeing of our employees, therefore a legal and moral responsibility to support employees who are carers.
- 1.4 Further, we are committed to offering carers the same recruitment and retention opportunities as everyone else, regardless of their responsibilities outside work. The Equality Act 2010 protects job applicants and employees against direct discrimination and harassment if they are associated with someone who has a protected characteristic, for example a disability.
- 1.5 In addition to the legal and moral responsibilities we have, research has shown that it makes business sense to care for and support carers in their employment. Other employers have found that offering carers flexible ways of working and leave arrangements, to accommodate their needs, can bring huge benefits to an organisation, resulting in:
- Lower staff turnover
 - Reduced recruitment and training costs
 - Greater productivity
 - Lower absenteeism
 - Higher staff morale
 - Higher levels of trust in working relationships
 - Improved image of the organisation

We appreciate the demands that caring responsibilities have on our employees and we are aware that, at times, it may be difficult to combine paid work with caring responsibilities outside of work. It is accepted that these caring demands place an additional strain upon an employee, which can in some cases impact on their performance at work as well as their health. It is for this reason that we recognise the importance of supporting carers and aim to assist them successfully manage the balance between caring and work responsibilities, wherever possible.

2. PURPOSE

- 2.1 The aim of this policy is to ensure that we are able to recruit and retain the service of valued employees who have caring responsibilities outside of the workplace. The policy is a guide for both employees and managers as to how to approach and deal with requests for leave and flexibility to assist with caring commitments. It is intended to cover all possible situations and circumstances that an employee with caring responsibilities could face.
- 2.2 It is important to note that although the decision to agree requests for leave and flexibility in relation to working arrangements ultimately lies with line managers, they are encouraged and expected to sympathetically consider employees' requests for support in these circumstances, where business or service needs allow.

3. SCOPE OF THE POLICY

- 3.1 The Work and Families Act 2006 and the Employment Rights Act 1996 gave working carers' statutory rights to help them manage work and caring responsibilities, including the right to request flexible working arrangements and leave.
- 3.2 This policy pulls together the existing provisions that Wyre Council operates for employees needing time away from work with the flexible working provisions. This Working Carers Policy should therefore be read in conjunction with these statutory provisions, Council policies and approved practices/procedures.

4. POLICY STATEMENT

- 4.1
- Employees are actively encouraged to inform their line manager if they are caring for someone.
 - Managers are actively encouraged to meet with their employees who have caring responsibilities to discuss the support they need.
 - Managers are encouraged to consider requests from employees with caring responsibilities (for leave or flexibility in their working arrangements) favourably, wherever possible, where business or service needs allow.

- Issues raised and discussed between employees and their manager are dealt with in a confidential manner.
- Employees with caring responsibilities are treated fairly and consistently, whilst taking into account the individual needs and circumstances of each case.
- Employees are not discriminated against, harassed, victimised or disadvantaged because of their caring responsibilities.

Note: This policy is separate to and therefore not designed to cover issues relating to employees with childcare responsibilities (as separate parental leave arrangements exist in relation to childcare) unless the child in question has a disability or serious long-term health condition.

5. DEFINITION OF A CARER

- 5.1 For the purpose of this policy, a “working carer” is defined as “a Council employee who spends a significant proportion of their life providing unpaid support to family in addition to their working role. This could be caring for a relative or partner who is ill, frail, disabled or has mental health or substance misuse problems.”

6. CARER’S RESPONSIBILITIES

- 6.1 Staff are under no obligation to tell their line manager that they are a carer but we would encourage them to do so, wherever possible. By speaking with their line manager, and explaining their caring commitments to them, they are able to discuss how these impact on their ability to balance work with caring responsibilities. Staff are also encouraged to seek advice and information from the sources of support available to them (for example, from their line manager, HR, the Carers Centres, Occupational Health or the Employee Support Programme).
- 6.2 We would also encourage staff to inform their work colleagues of their caring responsibilities, if they feel able to do this. Work colleagues can often be very supportive and understanding of the commitments people have outside of work and may find that colleagues are carers themselves, therefore aware of the difficulties that are faced in managing work and caring responsibilities.

7. MANAGER'S RESPONSIBILITIES

- 7.1 To actively encourage employees with caring responsibilities to meet with them and to openly and honestly discuss the difficulties they are experiencing balancing their work and caring commitments. Managers, have a duty of care for the health, safety and wellbeing of their employees.
- 7.2 To consider requests from employees with caring responsibilities for leave or flexibility in their working arrangements favourably, wherever possible, where business or service needs allow, to enable these valued members of staff time to attend to their caring commitments.
- 7.3 In addition to considering formal flexible working options, employees and line managers are also encouraged to consider informal, short term, alterations to working practices to help employees cope with a caring emergency or unforeseen situation.
- 7.4 The following formal flexible working provisions are available to support employees who require flexibility in their working arrangements on a more long term basis to attend to their caring commitments. It is important to note that a number of the flexible working arrangements are subject to qualifying criteria. This does not, however, prevent a manager from agreeing to or proposing a variation in working arrangements for an employee who does not meet the qualifying criteria if agreeing to this request will assist the employee with their caring commitments and does not adversely impact on business or service needs:
- Flexible Working Hours
 - Working from home
 - Annualised Hours
 - Compressed Hours
 - Term Time Working
 - Voluntary Reduced Working Time (V Time)
 - Extended Authorised Absence
 - Job Share
 - Part time Working

Further information on the above options and details of how to submit a flexible working request can be found within the Flexible Working Policy which can be accessed via the Council website.

8. SUPPORT OPTIONS

- 8.1 Employees are encouraged to discuss their individual circumstances with their line manager and bring options/suggestions to the meeting as to what leave or flexible working arrangements would assist with their caring commitments, having also considered the impact their request could have on the delivery of the service.
- 8.2 The options open and available to employees include the following leave and flexible working provisions, but this list is not exhaustive. Managers have the discretion to agree to specific/individual requests, which take account of the circumstances their employee is experiencing, if they feel this course of action is reasonable and it is something they are able to accommodate. The following options should therefore be considered alongside more short term, informal, options such as working from home, mobile working or allowing employees to make up the time they owe over an agreed period of time.
- 8.3 **Support Options – Leave**
- The following provisions are available to support employees who require leave to attend to their caring 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
 - Purchase of additional annual leave
 - Special Leave – Time off for Dependants or Emergencies (Unpaid)
 - Special Leave (Unpaid)
 - Extended Authorised Absence (Unpaid)
- Further details on the above provisions and how to request them can be found within the Leave and Work Life Balance Policy which can be accessed via the Council website.
- 8.4 **Support Options - Flexible Working Arrangements**
- It is important that flexibility is available to all employees and in particular to carers who have to balance work with caring responsibilities. Offering flexibility often means that carers are able to continue working effectively and add value to the organisation whilst at the same time cope with the pressures they face outside of work.
- Often the arrangements that have to be made are relatively straightforward and can easily be put into place by the line manager.
- Most caring emergencies for which specific arrangements have to be made will be relatively short term, and it is therefore important to emphasise the need for an on-going flexible approach between employees and managers.

9. ADDITIONAL SOURCES OF SUPPORT

9.1 If further help and assistance is needed, the following sources of support are available to both employees and line managers:

- HR Section
- Occupational Health
- Employee Support Programme
- Carers Centres (Carers Hub Lancashire or Blackpool Carers Centre)
- Carers Direct – Tel. 0300 123 1053
- Carers UK – Tel. 020 7378 4999

10. EQUALITY IMPACT ASSESSMENT AND 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.

Together
we make a
difference

EYESIGHT TESTING POLICY AND PROCEDURE

TABLE OF CONTENTS

ITEM NO.	SUBJECT	PAGE
1.	Policy Statement	3
2.	Procedure	3
3.	Drivers	4
4.	Opticians of Employee's Choice	4
5.	Equality Impact Assessment and Monitoring	4
6.	Data Protection	4

1. POLICY STATEMENT

- 1.1 Under the Health and Safety (Display Screen Equipment) Regulations 1992 the Council is required to provide employees who are identified as “users” of Display Screen Equipment (DSE) with an appropriate eye and eyesight test.
- 1.2 “Users” are defined in Regulation 1 of the DSE Regulations as “an employee who habitually uses [DSE] as a significant part of his [or her] normal work”.
- The above would apply if most or all of the following criteria are met:
- The employee has no discretion over whether to use a VDU or not.
 - The employee uses a VDU screen for concentrated periods of an hour or more at a time, more or less on a daily basis.
 - The employees’ job entails the fast transfer of information between the employee and the screen.
 - Attention and concentration demands are high and may be critical consequences if an error occurs.
- 1.3 The Council will also provide eye tests for those employees who drive Council vehicles as part of their role and staff are reminded of their duty to ensure that they meet the minimum vision standards in deciding on their fitness to drive.
- 1.4 The Council may also provide a contribution towards the purchase of prescription safety glasses where these are identified as necessary through risk assessment.

2. PROCEDURE

- 2.1 Eyesight tests are administered on behalf of the Council by Specsavers, the corporate provider. Local branches of Specsavers can be found in Cleveleys, Blackpool, St Annes and Preston.
- 2.2 Employees requiring an eyesight test should contact Human Resources who will register their details (subject to the employee’s permission) with Specsavers. .
- An e-Voucher will be issued which they will need to show proof of at their appointment.
 - Employees should make an appointment in their own time with the branch of their choice.
- 2.3 If the outcome of the eyesight test is that corrective appliances are required solely for VDU, the e-Voucher issued will cover the cost of glasses from the £49 range or alternatively will contribute £49 towards the cost of glasses. The difference in cost of any upgrade from the £49 range would be at the employees’ own cost.

- 2.4 If employees require corrective appliances but not specifically for VDU work they will need to purchase these themselves.
- 2.5 The Council are invoiced for the cost of eyesight tests and VDU glasses so employees do not need to pay any money unless upgrading VDU glasses or purchasing non VDU specific corrective appliances.
- 2.6 Employees are entitled to further tests at regular intervals, which will normally be every two years unless experiencing particular visual difficulties.

3. DRIVERS

- 3.1 If the outcome of the eyesight test is that corrective appliances are required for driving the Council will contribute £40 towards the cost.

4. OPTICIANS OF EMPLOYEE'S CHOICE

- 4.1 Whilst it is the Council's preference that Employees use the procedure outlined above, they may if they wish attend an opticians of their choice. Employees will need to obtain an Eyesight Test form from Human Resources and book the appointment in their own time. The Council will contribute £15 towards to cost of the test and £49 towards the cost of VDU glasses if required. This can be claimed back using HR21 or the Wyre Council Expenses form, which should be sent to Human Resources with receipts and a copy of the completed Eyesight Test form.

5. EQUALITY IMPACT ASSESSMENT AND MONITORING

- 5.1 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.

6. DATA PROTECTION

- 6.1 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.