



Employment and Appeals Committee Agenda

Wyre Borough Council
Date of Publication: 15 February 2019
Please ask for : Duncan Jowitt
Democratic Services and Councillor
Development Officer
Tel: 01253 887608

Employment and Appeals Committee meeting on Monday, 25 February 2019 at 6.00 pm in Committee Room 2, Civic Centre, Poulton-Le-Fylde

1. Apologies

2. Declarations of interest

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

3. Confirmation of Minutes

(Pages 1 - 2)

To confirm as a correct record, the minutes of the previous meeting of the Employment and Appeals Committee.

4. Policy Review

(Pages 3 - 6)

Report of the Head of Business Support.

- (a) Fostering Policy (Pages 7 - 12)
- (b) Gender Reassignment Policy (Pages 13 - 22)
- (c) Working Carers Policy (Pages 23 - 30)
- (d) Agile Working Policy (Pages 31 - 40)
- (e) Driving Policy (Pages 41 - 60)
- (f) Apprenticeship Policy (Pages 61 - 68)

This page is intentionally left blank



Employment and Appeals Committee Minutes

The minutes of the Employment and Appeals Committee meeting of Wyre Borough Council held on Monday, 29 October 2018 at the Committee Room 2, Civic Centre, Poulton-Le-Fylde.

Employment and Appeals Committee members present:

Councillors A Turner, Atkins, B Birch, Collinson, Holden, Robinson, Shewan, B Stephenson and Wilson

Apologies for absence:

Councillor(s) R Amos

Other councillors present:

None

Officers present:

Liesl Hadgraft, Head of Business Support and Monitoring Officer
Duncan Jowitt, Democratic Services and Councillor Development Officer

No members of the public or press attended the meeting.

5 Declarations of interest

None.

6 Confirmation of Minutes

The minutes of the previous meeting were approved as a correct record.

7 Policy Review

The head of business support submitted a report presenting six of the council's existing human resources policies that had been reviewed and updated.

Members of the committee asked appropriate questions related to the content of the policies and the head of business support provided comprehensive responses.

Decision taken

The following reviewed human resources policies were approved:

- Promoting Attendance and Controlling Absence
- Employee Training and Development Policy
- Dignity at Work Policy
- Chief Officers Disciplinary Policy
- Redeployment Policy and Procedure
- Eyesight Testing Policy and Procedure

The meeting started at 6.00 pm and finished at 6.24 pm.

Date of Publication: 30 October 2018



Report of:	Meeting	Date
Human Resources	Employment and Appeals Committee	25 February 2019

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	Fostering Policy	Appendix 1	Reviewed
	Gender Reassignment Policy	Appendix 2	Reviewed
	Working Carers Policy	Appendix 3	Reviewed
	Agile Working Policy	Appendix 4	Reviewed
	Driving Policy	Appendix 5	Reviewed
	Apprenticeship Policy	Appendix 6	New

- 5.2 The Fostering Policy, Gender Reassignment Policy and Working Carers Policy has been reviewed with minor changes.
- 5.3 The Agile Working Policy has been reviewed and updated with input received from HOS & Managers. A form is to be created that staff can complete on-line which will cover health and safety implications of the home-working set up. The intention is that this will be in place by the time policies go to Employment Appeals.
- 5.4 The Driving Policy has been updated to make clear that the use of hands-free/Bluetooth devices are not allowed whilst driving on council business nor should they adjust sat navs whilst driving. Other minor amendments have also been made with input from the Transport Manager and also to bring in line with other policies.
- 5.5 The Apprenticeship policy is a new policy covering information on the government apprenticeship levy and how managers can make use of this to create apprentice positions.

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
Head of Business Support	01253 887316	Liesl.hadgraft@wyre.gov.uk	February 2019

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

List of appendices

- Appendix 1 Fostering Policy
- Appendix 2 Gender Reassignment Policy
- Appendix 3 Working Carers Policy
- Appendix 4 Agile Working Policy
- Appendix 5 Driving Policy
- Appendix 6 Apprenticeship Policy

This page is intentionally left blank



Fostering Policy

February 2019

Contents

		Page
1.	Introduction	3
2.	Notification Requirements	3
3.	Time off to care for new foster children	3
4.	Time off for Dependents	4
5.	Parental Leave	4
6.	Flexible Working	5
7.	Equality Impact Assessment and Monitoring	5
8.	Data Protection	5

1. Introduction

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

2. Notification requirements

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

3. Time off to care for new foster children

- 3.1 Foster carers may need to take time off work to help the child/children to settle into the new environment. They may also need time off to attend training courses, meetings with professionals or appointments with the child/children. Employees who require time off to attend training or meetings or to care for the child/children at the start of the foster-care arrangement may request special leave to do so. The request must be in writing and the employee must specify the period of time off that he/she requires.

3.2 The following provisions are available to support employees who require leave to attend to their fostering commitments. The leave most appropriate to the situation, which takes account of the individual circumstances, should be discussed with and agreed between the employee and their line manager:

- Annual Leave
- Special Leave – Time off for Dependants or Emergencies (Unpaid)
- Special Leave (Unpaid)
- Extended Authorised Absence (Unpaid)

4. Time off for dependants

4.1 Foster carers (irrespective of length of service, and whether they are part time or full time) are entitled to take a reasonable amount of time off during working hours to take necessary action:

- to provide assistance when a dependant falls ill, gives birth or is injured or assaulted;
- to make arrangements for the provision of care for an ill or injured dependant;
- because of the unexpected disruption or termination of arrangements for the care of a dependant;
- to deal with an incident that involves their child and occurs unexpectedly while the child is at school/other educational establishment.

4.2 It is helpful if the foster carer informs their line manager the reason for their absence and how long he/she expects to be absent as soon as is reasonably practicable. Time off work is envisaged as being no more than one or two days. It is envisaged that this leave is used by an employee to attend to an emergency that arises during working hours. It cannot be used as a means of the employee seeking time off to attend to or care for the foster child/children because of lack of available childcare options.

4.3 Time off for carers' dependants is unpaid.

5. Parental leave

5.1 All employees who have parental responsibility for children are entitled to take up to 18 weeks' unpaid parental leave for each individual child before that child reaches the age of five. Where the child is in receipt of disability living allowance, the employee may take up to 18 weeks before the child's 18th birthday.

5.2 However, the statutory right to parental leave is available only to carers when they have parental responsibility for the children concerned. It is normally the case that foster carers will not have parental responsibility, since this will usually be with the local authority if the child has been placed under an interim or full care order.

- 5.3 Employees who are foster carers and wish to take parental leave may be asked to supply evidence of parental responsibility.
- 5.4 In cases where employees do not have parental responsibility for the child, they will not be entitled to parental leave. Instead, employees may request annual or special leave.

6. Flexible Working

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

7. Equality Impact Assessment and Monitoring

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

8. Data Protection

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

This page is intentionally left blank



Gender Reassignment Policy

Updated February 2019

Contents

		Page
1.	Introduction	1
2.	Purpose	1
3.	Scope	1
4.	Definitions for the Purpose of this Policy	1
5.	The Legal Position	2
6.	Roles and Responsibilities	3
7.	Action on Initial Request for Support	4
8.	Security of Restricted Information	5
9.	Corporate Insurance	6
10.	Victimisation, Discrimination, Bulling or Harassment	6
11.	Counselling	7
12.	Equality Impact Assessment and Monitoring	7
13.	Data Protection	7

1. Introduction

- 1.1 Wyre Council is committed to promoting equality and fairness in all employment practices. It 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 any individuals whose gender presentation is atypical.
- 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 **Transsexualism** also known as **gender dysphoria** is a consistent and overwhelming desire to live and be accepted as a member of the sex opposite to that allocated at birth.

Many experience such intense and prolonged discomfort that they undergo a process of changing their gender. The process consists of changing their name, and personal documentation, and, usually involves undergoing significant medical treatment in the form of hormones and sometimes various surgical procedures.

Transsexual is a term used in the Equality Act 2010 to describe a person who intends to undergo, is undergoing or has undergone a permanent change of gender i.e. **‘transitioning’** or **‘gender reassignment’**.

- 4.2 **Gender reassignment** describes the process whereby a person changes their gender. This is a personal process, not a medical process which means that someone does not need to have undergone surgery or be under any kind of medical supervision to be classed and protected as transgender.
- 4.3 **Transgender** (often abbreviated to “trans”): This is often used as an “umbrella term” that includes those who temporarily change their gender and appearance, as well as transsexual people. Transsexualism is not the same as, and should not be confused with, transvestism, cross-dressing or sexual orientation.
- 4.4 **It must be noted that many trans people do not identify as transsexual and prefer the words trans or transgender.**

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.

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 Head of Business Support 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 Human Resources Advisor, 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 display characteristics of both genders and his or her physical appearance will begin to change, relocation may need to be considered if for instance they have face to face contact with the public.

5. Use of facilities;

- transgender employees should use the facilities, of their acquired gender and part of the discussion process will be to agree the point at which the use of facilities e.g. toilets and changing rooms should change from one sex to the other and how colleagues should be informed of this change.

- it is not acceptable, in the long term, to expect a transsexual employee to use separate facilities, such as a disabled person's toilet. However, this may be a practical and acceptable short-term option whilst the individual is going through the earlier stages of reassignment provided this is what they wish.

6. Amendments to records and systems

- the steps that need to be taken to amend records and systems.

7. Potential areas of conflict

- these should be identified and dealt with before they arise and nothing should be done without the consent / knowledge of the individual.

8. Training provision for co-workers.

- this may include awareness training

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 Head of Business Support 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 Head of Business Support 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 - 0800 882 4102.

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.

This page is intentionally left blank



WORKING CARERS POLICY

Contents

		Page
1.	Background	3
2.	Purpose	4
3.	Scope of the Policy	4
4.	Policy Statement	4
5.	Definition of a Carer	5
6.	Carer's Responsibility	5
7.	Manager's Responsibilities	5
8.	Support Options	5
9.	Additional Sources of Support	7
10.	Equality Impact Assessment and Monitoring	7
11.	Data Protection	7

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 him/her, 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.

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.

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.

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.

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. 0800 808 777

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.

15. Data Protection

15.1 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.



Agile Working Policy

February 2019

TABLE OF CONTENTS

Contents

		Page
1.	Introduction	3
2.	Agile Working Arrangements	3
3.	General Considerations	4
4.	How to make an Agile Working Application	6
5.	Considering an Agile Working Request	8
6.	Equality Impact Assessment and Monitoring	8
7.	Data Protection	8

1. Introduction

- 1.1 Agile working is a way of working in which an organisation empowers its employees to work flexibly from any location, whether it's from a council building, within the community or by varying degrees of home working and hot-desking. The purpose being to optimise their performance.
- 1.2 The extent of agile working is dependent on the nature of the role, the needs of the service and an individual's circumstances. With careful planning, staff should be able to carry out their duties from a variety of locations.
- 1.3 The aim of this policy is to outline working options that are available to employees that managers can promote in order to deliver services in a more efficient and effective way. The policy will provide managers and staff with a better understanding of the basic principles of agile working by:
- providing greater flexibility as to where work is performed
 - encouraging agile working wherever possible; and
 - identifying a formal process by which agile working can be introduced.

Any proposal to introduce agile working will be mutually agreed between the line manager and the employee.

1.4 **Agile workers:**

- will be treated in the same way as their office based colleagues
- should not suffer a detriment financially, in terms of job satisfaction or career prospects.
- must adhere to all Council policies in the same way as office based colleagues.
- must be contactable by their line manager during all designated working hours.
- will not be entitled to claim travel expenses from home to the council offices (unless they are 100% home based). Any travel expenses claimed must be in line with the Council's Driving Policy.

2. Agile Working Arrangements

For the purpose of this policy council staff fall into one of four categories:

2.1 **Fixed (100% desk allocation in a fixed location)**

These are employees who are required to spend most of their working time at a fixed location, for example, providing face to face customer services or using specialist equipment e.g. large reprographics equipment.

2.2 **Flexible**

Flexible staff are employees who are regularly away from the office, this will include those who work at home for part of their working week or work from home on an ad-hoc basis. Lots of council staff could fall into this category and the degree of flexibility would need to be determined by the Head of Service in consultation with the employee.

2.3 **Mobile (hot desking i.e. several employees will share a desk or work station.)**

Employees who spend a significant proportion of their working time on the move and have the ability to work from any location at any given time and utilise whatever workspace is available to them be that in an office, on site, in the community or at home.

2.4 **Home based (0% desk allocation e.g. no specific desk allocation)**

Employees who predominantly work at home but occasionally come into the office for meetings with their manager/team.

3. General Considerations

3.1 Developments in technology enable employees to process information using various types of portable (mobile) electronic devices. These devices enable staff not only to work at different locations but also while they are 'on the move'. Where it is identified that such practices would enhance service delivery or generate savings then managers may want to initiate discussion about the possibility of agile working.

3.2 **Suitability of the Role for Agile Working**

Despite such developments as outlined above, it is important to recognise that some roles are not suitable for agile working. This is especially the case where there is a requirement for the role holder to be at a particular location, using specialist equipment or providing face to face interaction with the public.

3.3 **When considering the practicalities of agile working both parties must be mindful of the following principles:**

- Operational feasibility, performance standards, customer service, health and safety, data protection, and security of equipment must not be compromised.
- Discussions and consultations/negotiations with employees and their representatives (where appropriate) on contractual changes to terms and conditions of service must be done in consultation with human resources.
- Proposals to instigate agile working will be taken through the normal consultation/negotiation process including trade union consultation.
- All staff will continue to have a designated base for travel claim purposes, although they may choose to work from an alternative location to allow for improved efficiency and a more effective service.

3.4 **Resource Implications**

Consideration should be given to whether the additional cost of setting up an agile working arrangement whilst still retaining an office base outweighs the potential benefits. Potential savings and benefits could include, increased productivity, lower travel costs and reduced requirement for office space. However additional ICT equipment and services may be required, e.g. computer terminals, access to remote working facilities, smart devices which provide access to back office systems and e-mail and calendar. There may also be additional costs to maintain regular communication with employees and additional management oversight requirements both in relation to the employee not being readily 'observable' and reduced cover from having fewer staff on hand in the office.

The council's ICT team have developed remote working facilities that enable access to desktop facilities from various locations including the employee's own home broadband connection. Arrangements can also be made for staff to access the secure Public Services Network (PSN) for such facilities as the DWP's Customer Information System (CIS). Any decisions involving the use and provision of ICT equipment should therefore be made in consultation with the ICT and Digital service and a holistic view may need to be taken where numbers of arrangements being requested impact on licencing thresholds etc..

3.5 Security, Data Protection and Confidentiality

- 3.5.1 The use of unmanaged devices is regulated by legislative requirements and ICT Services must be satisfied that the devices used are suitable, so that all processing of personal data under their control remains compliant with Data Protection Laws.
- 3.5.2 An unmanaged device is one classed as not being owned by the Data Controller, i.e. Wyre Council. Examples of unmanaged devices include home computers, laptops, iPads, iPhones and other personal smartphones or home devices or devices owned by other third parties in relation to activities at Wyre. To address this issue for home working or similar situation the council provides secure access to facilities via the VMware Horizon View Client and Webmail. Any other method of accessing data is prohibited.
- 3.5.3 The risks associated with a particular employee working occasionally from home will depend on the nature of the work, the type of records used, the access required and the employee's home circumstances. Certain systems require additional security for example: the DWP's CIS and gcsx.gov.uk email communications. Where these systems are to be accessed remotely ICT should be contacted to discuss the appropriate actions required to satisfy the necessary controls.
- 3.5.4 The employee is responsible for the confidentiality of any records held remotely (either in paper or electronic form) and for their transportation to and from base. Only the minimum level of confidential information should be held remotely and any confidential waste, must be disposed of in accordance with council policies. The employee must satisfy their line manager that the precautions taken are adequate to protect the councils' responsibilities with regard to Data Protection legislation.
- 3.5.5 Agile workers will be responsible for taking adequate steps to ensure the security of council equipment. They must ensure that they comply with the Council's ICT Computer Use Policy and that where council's equipment is provided, it is only to be used by Council employees. Personal confidential information held on electronic devices such as computers, mobile devices, or encrypted memory sticks must be held securely, whether being accessed at base, from another council site or remotely (including at home).

3.6 Hot Desking / Clear Desk

A hot desk refers to a designated work space for any employee to use at any time. Where applicable, designated banks of hot desks should be used by visiting staff, or alternatively individuals should be allowed to 'book' a free desk within that service area. All staff should therefore be encouraged to assist this process by adopting a clear desk principle that enables use of the space by other members of staff.

3.7 **Health and Safety**

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

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

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

3.8 **Risk Assessments**

As part of the application process for agile working, managers must consider all the health and safety implications. Therefore as part of the agile working application a risk assessment must be submitted to enable the manager to make an informed decision. The self-assessment form can be accessed on the intranet or from the Human Resources (HR) team. Those employees 100% home based may require a home visit by their manager or alternatively photographic evidence of their home working setup.

The employee will be required to update their Risk Assessment following any changes to their home working set up. These will need to be sent to their manager for evaluation.

3.9 **Insurance, Mortgage and Tenancy Arrangements**

Whilst agile working is covered by the Council's Employer's Liability Policy, employees are required to notify their own insurance provider if the nature of their agile working includes working from home. Failure to inform domestic insurers may result in home insurance cover being rendered invalid. Copies of home insurance documentation to evidence this cover are subject to audit and must be made available on request.

Similarly, staff must also contact their mortgage provider or landlord as some mortgage and rental agreements do not permit any form of homeworking to take place on the premises. It is the employee's responsibility to undertake these checks.

3.10 **Sickness Absence**

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

4. **How to make an Agile Working Application**

4.1 Those requesting agile working should apply directly to their line manager using the Agile Working Application Form. The line manager will then need to liaise with HR before approval is sought from the Head of Service/ Service Director. The application should

clearly state the reasons for making the request and consider the impact it would have on the service detailing how any problems could be overcome.

- 4.2 Managers should be aware that employees have a statutory right to ask for flexible working, which can include agile working, and that such requests must be dealt with within a legal framework and set time scale. Failure to follow the prescribed procedure could lead to a complaint being brought in an employment tribunal. (For further information see the Council's Flexible Working Policy or contact HR).

All applications should therefore be dealt with in consultation with HR and a decision will be given, in writing to each applicant within 28 working days of receipt of the request. It is important therefore that managers liaise early with HR to avoid delays.

4.3 **Setting up an agile working arrangement**

For an agile working arrangement to succeed, managers must be confident of the suitability of the individual concerned, have considered the impact on the service provision, the impact on colleagues and the work base to be used.

4.4 **Points to consider :**

4.4.1 The suitability of the individual applicant

The individual will need to be able to:

- Deliver work effectively without supervision.
- Deal with reduced social contact and isolation
- Demonstrate self-reliance and initiative.

4.4.2 Impact on service provision

- Is the role suitable for agile working?
- Is there a need for face to face interaction with colleagues or the public?
- If the duties involve the handling, processing or creation of data, Can the employee obtain full access to the systems and information they require easily and quickly from home?
- Can the work output can be clearly defined, measured and monitored?
- Is there a need to ensure adequate office presence?

4.4.3 ICT Provision

- Is the necessary ICT infrastructure in place?
- Has the cost of providing any necessary ICT equipment been assessed?

4.4.4 Impact on colleagues

- How will it impinge on overall work operations?
- Will there be an impact on the team dynamic?
- What impact would changes have on the work of other employees?
- What would be the implications for management and supervision?
- Will there be an impact on office cover that impinges on colleagues?

4.4.5 The suitability of the work base

- Whether the accommodation and work station satisfies Health and Safety requirements.
- Suitability of the base in relation to secure storage of equipment, information etc.
- Is there a need to restrict access to the work space by others.
- Impact of any distractions.

5. Considering an 'Agile Working' Request

- 5.1 Agile working arrangements will only be approved where the overall efficiency of the service is not adversely affected and the manager is satisfied that all circumstances are suitable.
- 5.2 Whilst there may be some ad-hoc informal agreements for which applications have not been submitted, all parties must be aware of, and abide by certain policies concerning security, confidentiality and health and safety.
- 5.3 The introduction of agile working will be subject to review. During this time the working arrangement will be closely monitored to ensure that it is operationally suitable and will be revoked if the arrangement is not working.
- 5.4 Individual contractual changes will be drafted by Human Resources following full consultation with the employee and their representatives (where appropriate) but line managers will need to agree:
- Tasks and objectives;
 - The procedure for assessing and monitoring performance and output ;
 - Communication arrangements including agreement of when and how the employee can be contacted, employees home phone numbers are available from HR;
 - Health and safety arrangements;
 - Operational arrangements including details of any council equipment to be used, secure storage of equipment, information, documents etc.
 - Duration of the agreement and timescales for periodic review.
- 5.5 Where an application has been refused the employee can refer the matter to the relevant Service Director for further consideration.

6. Equality Impact Assessment and Monitoring

- 6.1 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.

7. Data Protection

- 7.1 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



Driving at Work Policy

Contents

		Page
1.	Policy Statement	1
2.	Introduction	1
3.	The Legal Position	2
4.	Responsibilities	3
5	Part A: Responsibilities of Drivers of Vehicles Used in the Course of Council Business	3
6	Reimbursement of Travel Expenses	6
7.	Part B: Responsibilities of Drivers of Council Owned Vehicles or Vehicles Hired or Leased by the Council	8
8.	Part C: Management Responsibilities in Relation to Drivers	12
9.	Part D: Management Responsibilities for Council Owned Vehicles or Vehicles Hired or Leased by the Council	16
10.	Equality Impact Assessment and Monitoring	17
11.	Data Protection	17

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 Service 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 out in four parts relating to different categories of staff and management:
- A** Responsibilities of drivers on council business.
 - B** Responsibilities of drivers of council-owned vehicles, or vehicles hired or leased by the council i.e. The Green Fleet.
 - C** Management responsibilities in relation to drivers.
 - D** Management responsibilities for council-owned vehicles or vehicles hired or leased by the Council.

5. Part A: 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 or 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.

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 or 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 Service 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.

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.

Staff who have legally compliant hands free phones fitted into their own car are advised not to use these devices whilst driving on council business, if they choose to do so it will be at the driver's responsibility.

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.
- Share transport whenever possible.

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 Service 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;
- Opening and closing speedometer readings for each 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 Service Director or Chief Executive. 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 Service 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 at April 2013 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. Part B: Responsibilities of Drivers of Council Owned Vehicles or Vehicles Hired or Leased by the Council

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

7.1 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 Officer and/or relevant Head of Service/Service 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 and of its handling characteristics, and all auxiliary equipment, in accordance with the Daily Vehicle Check and Driver Defect Report. It is a 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

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 Manager, Audit and Risk Team and where required the police;
- Under no circumstances admit liability or make offer of 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 Officer 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 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 Manager. This training will include an introduction to the vehicle checking and reporting procedures.

7.8 The Masternaut 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 masternaut 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 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. Part C: 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 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 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 OH&S No 0003 which are available on the council's intranet (Health and Safety – Corporate Health and Safety Documents). 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 Service 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:
 - confirm the employee's condition and that it stops them from
 - driving
 - advise whether the condition is permanent
 - advise on the suitability of temporary or permanent
 - redeployment
 - 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 Manager monitors fleet vehicle incidents. Where a fleet vehicle driver has **two** incidents for which they're at fault, the Transport 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 Service 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 Masternaut 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. Part D: Management Responsibilities for Council Owned Vehicles or Vehicles Hired or Leased by the Council

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

9.1 The Transport 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 Manager will:

- Ensure that all council vehicles are appropriately licenced 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;
- a next inspection and service sticker;
- the service schedule and record;
- daily inspection checklist.

9.3 **Management of the Masternaut Tracking System**

The Transport Manager will be responsible for the overall management of the Masternaut 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 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 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



APPRENTICESHIP POLICY AND GUIDANCE

February 2019

TABLE OF CONTENTS

Contents

		Page
1.	Introduction	3
2.	Definitions	3
3.	Public Sector Target	4
4.	Access to the Apprenticeship Levy funds	4
5.	Apprenticeship Pay	6
6.	Termination of Contract	7
7.	Equality Impact Assessment and Monitoring	7
8.	Data Protection	7

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 have a set target to consider employing new apprentice starts over the period of 1 April 2017 to 31 March 2021.

The target period is from 1 April 2017 to 31 March 2021, however all employers that fall within the scope of the target must have regard to this target for the entire target period. Taking regard to the target can include when making workforce planning decisions and the Department for Education recommend public sector bodies should actively consider apprenticeships for new recruits or existing employees as part of career development.

Apprentices will only count towards the target in the year in which they begin their apprenticeship. Human Resources are required to submit government returns annually covering the reporting periods below

- 1 April 2017 to 31 March 2018
- 1 April 2018 to 31 March 2019
- 1 April 2019 to 31 March 2020
- 1 April 2020 to 31 March 2021

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 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 and 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.

This page is intentionally left blank