



Employment and Appeals Committee Agenda

Wyre Borough Council
Date of Publication: Date Not Specified
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Employment and Appeals Committee meeting on Monday, 24 February 2020 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 3 - 4)

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

4. Policy Review

(Pages 5 - 8)

Report of the Head of Business Support.

- (a) Safeguarding Policy (Pages 9 - 22)
- (b) Recruitment of Ex-Offenders Policy (Pages 23 - 32)
- (c) Work Experience Placements Policy (Pages 33 - 44)
- (d) Smoking Policy (Pages 45 - 52)
- (e) Zero Tolerance Policy (Pages 53 - 60)
- (f) Leave and Work Life Balance Final Policy (Pages 61 - 72)
- (g) Equal Opportunities Policy (Pages 73 - 82)
- (h) Employee Code of Conduct (Pages 83 - 96)

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Employment and Appeals Committee Minutes

The minutes of the Employment and Appeals Committee meeting of Wyre Borough Council held on Monday, 28 October 2019 at the Committee Room 2, Civic Centre, Poulton-Le-Fylde.

Employment and Appeals Committee members present:

Councillors R Amos, Collinson, Armstrong, Lady D Atkins, Baxter, P Ellison, Swales and Le Marinel

Apologies for absence:

Councillor(s) Fairbanks

Other councillors present:

Councillors I Amos

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 held on 15 July 2019 were agreed as an accurate record.

7 Policy Review

The Head of Business Support submitted a report presenting additions and amendments to four of the council's human resource policies.

Members of the committee asked a number of questions regarding the content of the policies and suggested some amendments to the policies which the Head of Business Support agreed would be made before the revised policies were published and brought to the attention of employees.

Decision taken

The committee approved the following reviewed human resources policies, subject to the amendments suggested:

- Domestic Abuse in the Workplace
- Equal Opportunities
- Extended Authorised Absence
- Preventing Illegal Working

The meeting started at 6.00 pm and finished at 6.36 pm.

Date of Publication: 19 October 2019



Report of:	Meeting	Date
Human Resources	Employment and Appeals Committee	5 February 2020

Policy Review

1. Purpose of Report

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

2. Outcomes

2.1 The amendment to existing policies and procedures.

3. Recommendation

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	Safeguarding Policy	New
	Recruitment of Ex-Offenders Policy	Reviewed
	Work Experience Placements Policy	Reviewed
	Smoking Policy	Reviewed
	Zero Tolerance Policy	Reviewed
	Leave and Work Life Balance Policy	Reviewed
	Equal Opportunities Policy	Reviewed
	Employee Code of Conduct	Reviewed

- 5.2** The Safeguarding policy replaces the two separate policies – Safeguarding Adults Policy and Safeguarding Children Policy. It has been drafted in conjunction with Officers and Managers working in this field and has also had input from the external specialists.
- 5.3** The Recruitment of Ex-offenders, Work Experience, Smoking and Zero Tolerance policies have all been reviewed and updated with only minor changes.
- 5.4** The Leave and Work Life Balance policy has not been reviewed in its entirety but purely to include reference to a new legal requirement regarding compassionate leave for parents or legal carer following the death of their child.
- 5.5** The Equal Opportunities Policy has been updated to include a section relating to the IHRA definition of antisemitism with an appendix showing the definition and examples of antisemitism.
- 5.6** The Employee Code of conduct has been updated to include a section on Equality and referring to the Equal Opportunities Policy – neither of the latter two policies have been reviewed in their entirety.

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.

Implications	✓ / x
Community Safety	x
Equality and Diversity	x
Sustainability	x
Health and Safety	x

Risks/Implications	✓ / x
Asset Management	x
Climate Change	x
Data Protection	x

Report Author	Telephone No.	Email	Date
Head of Business Support	(01253) 887316	Liesl.hadgraft@wyre.gov.uk	February 2020

List of Background Papers:		
Name of Document	Date	Where available for inspection
None		

LIST OF APPENDICES

Appendix 1	Safeguarding Policy
Appendix 2	Recruitment of Ex-Offenders Policy
Appendix 3	Work Experience Placements Policy
Appendix 4	Smoking Policy
Appendix 5	Zero Tolerance Policy
Appendix 6	Leave and Work Life Balance Policy
Appendix 7	Equal Opportunities Policy
Appendix 8	Employee Code of Conduct

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Safeguarding Policy

February 2020

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1. Executive Summary

- 1.1 Wyre Council is fully committed to its duties and responsibilities to safeguard and promote the welfare of children, young people and adults at risk of abuse, neglect and exploitation. This Safeguarding Policy reinforces that commitment and provides assurance that the Council will act in the best interests of the local community.
- 1.2 Safeguarding cannot be achieved by one agency alone and the role we play, alongside our partners to effectively deliver this commitment across Wyre is paramount. We will therefore demand good public services from our partner agencies in this regard.
- 1.3 All children, young people and adults have the right to participate and be safe whatever their age, gender identity, marriage and civil partnership, pregnancy and maternity, sexual orientation, race, religion or belief, disability, culture or circumstance. This includes a right to protection from abuse, neglect and any form of exploitation.
- 1.4 This Safeguarding Policy aims to ensure that a consistent approach to safeguarding exists across all council services. It outlines key roles and responsibilities of individual officers to embed safeguarding policies, practices and procedures into the council's everyday business.

2. Policy Statement

- 2.1 Wyre Council is committed to working in partnership with others to safeguard children and adults at risk from all forms of abuse, neglect or exploitation. The council will raise awareness of safeguarding issues to ensure that the needs and interests of children, young people and adults at risk are incumbent in decision making processes and through service provision.
- 2.2 This policy aims to ensure that an overarching approach to safeguarding is embedded within all council services and that employees, elected members, those delivering contracts on behalf of the council and volunteers understand their role and responsibilities in supporting all residents to live a life free from abuse, exploitation and intimidation.
- 2.3 We will create an environment where staff are trained to an appropriate level and encouraged to think of safeguarding as being their responsibility, understanding the need for them to play a full and active part in the delivery of the council's response. We will also create an organisational culture where the reporting of abuse and exploitation is encouraged and staff, elected members and contractors feel supported to do so.
- 2.4 The council will ensure that it complies with all relevant safeguarding legislation, data protection legislation and government guidance.
- 2.5 In particular the Council is committed to the following principles and actions:
 - The Council will ensure that a safeguarding culture is in place and is actively promoted within the Council and will work together with other agencies to safeguard vulnerable children, young people and adults at risk.
 - The Council will implement procedures to safeguard children, young people and adults at risk and take all reasonable steps to protect them from harm, discrimination and to respect their rights, wishes and feelings.
 - All employees of Wyre Council who work with children, young people and adults at risk will be recruited with regard to their suitability for that responsibility. Employees who have substantial access to children, young people and adults at risk are subject to an enhanced Disclosure Barring Service (DBS) check prior to appointment, which includes a check against the vetting and barring scheme in line with the Safeguarding Vulnerable Groups Act 2006.
 - All employees have a responsibility to report concerns of suspected abuse or poor practice and the Council will provide designated points of contact to deal with such reports.
 - Council employees are expected to work in an open and transparent way avoiding any conduct that may cause a reasonable person to question their motives and intentions.

- The Council will promote good practice that encourages a safe environment, protects all parties and avoids mistaken allegations of abuse.
- The Council will take all incidents of poor practice and allegations or suspicions of abuse seriously and these will be responded to swiftly and appropriately.
- The Council will respond promptly to suspicions or allegations involving employees and appropriate disciplinary and appeals procedures will be implemented.
- This policy will be reviewed every three years or whenever there is a change in the relevant legislation or any other adopted standard of best practice.
- Confidentiality shall be upheld in line with current data protection and human rights legislation.

3. Statutory Responsibilities

3.1 As a District Council we have specific legal safeguarding responsibilities under:-

- Section 11 of the Children Act 2004
- Children and Social Work Act 2017
- Care Act 2014
- Mental Capacity Act, 2005
- Counter Terrorism and Security Act 2015
- Modern Slavery Act 2015
- Housing Act 2004

4. Who does the policy apply to?

4.1 The policy applies to employees, elected members, volunteers, contractors and everyone working on behalf of or representing the Council. For the purpose of this policy the term “employee” relates to any person paid or unpaid working on behalf of the Council.

4.2 Robust safeguarding procedures must be applied when entering into contracts and service level agreements. It is the responsibility of the officer managing the agreement or contract to check that the organisation has appropriate safeguarding procedures in place and that their staff have relevant training and are Disclosure and Barring Service (DBS) checked where necessary.

5. Definitions and Supporting Information

Child, or young person	Anyone under the age of 18
Adult at Risk	A person aged 18 years or over, who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.
Parent	Parent, carer or guardian
Staff, elected members and volunteers	Anyone working on behalf of, delivering a service for, or representing the Council
Abuse	Abuse is any form of physical, emotional or sexual mistreatment or lack of care that leads to injury or harm. It can take many forms, including the following: Discriminatory Abuse: Includes abuse on the grounds of race, faith or religion, age, disability, gender, sexual orientation or any of the other protected characteristics Domestic Abuse: Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over

	<p>who are or have been intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to psychological, physical, sexual, financial and emotional abuse.</p> <p>Financial or material abuse: includes theft, fraud, internet scamming, coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.</p> <p>Physical Abuse: is the non-accidental infliction of physical force that results (or could result) in bodily injury, pain or impairment.</p> <p>Sexual abuse: is the direct or indirect involvement in sexual activity without consent or forcing or enticing children or young people in sexual activities.</p>
Neglect	Ignoring medical, emotional or physical care needs, failure to provide access to appropriate health, social care or educational services, and the withholding of the necessities of life such as medication, adequate nutrition and heating.
Organisational abuse	Is the mistreatment, abuse or neglect of an adult by a regime or individuals in a setting or service where the adult lives or that they use.
Psychological abuse	Sometimes called Emotional Abuse is behaviour that has a harmful effect on emotional health, well-being and development.
Self-Neglect	This covers a wide range of behaviours including neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding
Child Sexual Exploitation (CSE)	A form of child abuse. It occurs where anyone under the age of 18 is persuaded, coerced or forced into sexual activity in exchange for, amongst other things, money, drugs/alcohol, gifts, affection or status. Consent is irrelevant, even where a child may believe they are voluntarily engaging in sexual activity with the person who is exploiting them. CSE does not always involve physical contact and may occur online.
County Lines	County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs into one or more importing areas within the UK, using dedicated mobile phone lines or other form of "deal line". They are likely to exploit children and adults at risk to move and store drugs and money and they will often use coercion, intimidation, violence (including sexual violence) and weapons. County lines activity and the associated violence, drug dealing and exploitation has a devastating impact on young people, vulnerable adults and local communities. County lines may also involve the commission of the offences of 'slavery, servitude, forced or compulsory labour' and 'human trafficking' as defined by the Modern Slavery Act 2015.
Child Criminal Exploitation (CCE)	Child Criminal Exploitation is common in county lines but is broader than it, e.g. those being forced to work on cannabis farms or to commit theft. CCE occurs where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child or young person under the age of 18. It can be perpetrated by individuals or groups, males or females, and young people or adults. Criminal exploitation does not always involve physical contact and can occur through the use of technology. It may also involve force and/or enticement-based methods of compliance and is often accompanied by violence or threats of violence. CCE often occurs without the child's immediate recognition, even though activity may appear to be consensual and despite the fact that victims frequently believe that they are in control of the situation. In reality, they are often exposed to injuries, trauma, sexual violence, debt bondage and danger.
Prevent	As part of the national counter-terrorist strategy Prevent aims to stop people becoming involved in terrorist activity or supporting terrorism by working with individuals and communities to address issues before they become a criminal

	<p>matter, and to stop people moving from extremism into terrorist-related activity. Individuals who are identified as being at risk will be referred to the Channel Panel programme.</p> <p>There is no expectation for the council to take on a surveillance or enforcement role as a result of Prevent. Rather, the council will work with partner organisations to contribute to the prevention of terrorism by safeguarding and protecting vulnerable individuals and making safety a shared endeavour.</p>
<p>Modern Slavery (and Human Trafficking)</p>	<p>Encompasses slavery, human trafficking, forced labour and domestic servitude.</p>
<p>Honour Based Abuse, including Female Genital Mutilation and Forced Marriage</p>	<p>Honour Based Abuse is violence and abuse in the name of honour, covering a variety of behaviours (including crimes), mainly but not exclusively against females, where the person is being punished by their family and/or community for a perceived transgression against the 'honour' of the family or community, or is required to undergo certain activities or procedures in 'honour' of the family.</p> <p>Honour Based Abuse is not a crime itself, however the practices used to punish individuals are criminal acts, i.e. abduction, forced marriage, assault and murder and includes physical abuse, sexual abuse, emotional and/or psychological abuse, financial abuse, forced marriage and female genital mutilation.</p> <p>Female Genital Mutilation is a collective term for illegal procedures which include the removal of part/all external female genitalia for cultural or other nontherapeutic reasons. The practice is not required by any religion. It is painful, medically unnecessary and has serious health consequences at the time it is carried out and in later life. The procedure is typically performed on girls of any age, but is also performed on new born girls and on young women before marriage/pregnancy. A number of girls die as a direct result of the procedure, from blood loss or infection. FGM may be practised illegally by doctors or traditional health workers in the UK, or girls may be taken abroad for the operation.</p> <p>A Forced Marriage "is a marriage conducted without the valid consent of both parties, where duress is a factor" ('A Choice by Right' HM Government 2000). It is illegal under the Anti-Social Behaviour, Crime and Policing Act 2014 to:</p> <ul style="list-style-type: none"> a) use violence, threats or any other form of coercion for the purposes of causing another person to enter into a marriage; and b) believe, or ought reasonably to believe, that the conduct may cause the other person to enter into the marriage without free and full consent. <p>Duress can involve physical, psychological, sexual, financial and/or emotional pressure.</p> <p>The legislation also applies to a person deceiving someone into going abroad for the specific purpose of forcing them to marry and is committed whether or not the forced marriage goes ahead.</p>

6. Reporting concerns – Everyone’s responsibility

6.1 It is not our job to establish whether or not abuse is taking place but it is everyone’s responsibility to report any concerns we have over the welfare of children, young people or adults at risk. This responsibility includes; spotting signs of abuse, reporting concerns and handling any allegations reported to us by members of the public.

As a general rule if something does not feel right it may not be and so should be reported.

7. Who to Tell

7.1 All suspicions, concerns and disclosures must be reported immediately to one of the Designated Safeguarding Officers (DSO’s) below:

Lead Designated Safeguarding Officer	Mark Broadhurst, Head of Housing and Community Services	01253 887433
Designated Safeguarding Officer	Shelley Birch, Health Partnerships and Early Action Officer	01253 887240
Designated Safeguarding Officer	Neil Greenwood, Head of Environmental Health & Community Safety	01253 887410
Designated Safeguarding Officer	Jane Collier, Senior Human Resources Advisor	01253 887506

Where you think the case is urgent and none of the above are available, do not delay contact

Lancashire County Council Adult Social Care – 0300 123 6721
Lancashire County Council Childrens Social Care:
0300 123 6720 (Monday – Friday 9am -5pm)
0300 123 6722 (Out of Hours)
Lancashire Police – 0845 125 3545 or 999 in an emergency.

7.2 Where the Designated Safeguarding Officer considers the concern does not reach the Lancashire County Council safeguarding threshold for action consideration will be given to the matter being referred to the Wyre and Fylde Integrated Team (WFIT)

WFIT is a multi-agency partnership, hosted by the Council every two weeks that provides a multi-agency response to support a vulnerable person.

7.3 What to do if someone tells you that they are being abused

Council staff have no investigative role and should not prompt or probe for information if someone starts to talk to them about abuse or neglect. The most important thing to do is to stay calm and listen. Listening and responding effectively means helping people to open up and you can do this by:

- Giving them your full attention
- Keeping your body language open, calm and reassuring
- Being compassionate and understanding
- Reassuring them that their feelings are important
- Respecting pauses and not interrupting - let them go at their own pace
- Making it clear that you’re interested in what they’re telling you
- Reflecting back what they said to check your understanding, using their language to show it’s their experience

- DO NOT make promises about confidentiality but do reassure people that you will only share sensitive information on a 'need to know' basis
- DO NOT get embroiled in why?
- DO NOT judge or react negatively

- Avoid displays of shock and keep opinions to yourself, i.e. about what may have happened or those allegedly involved

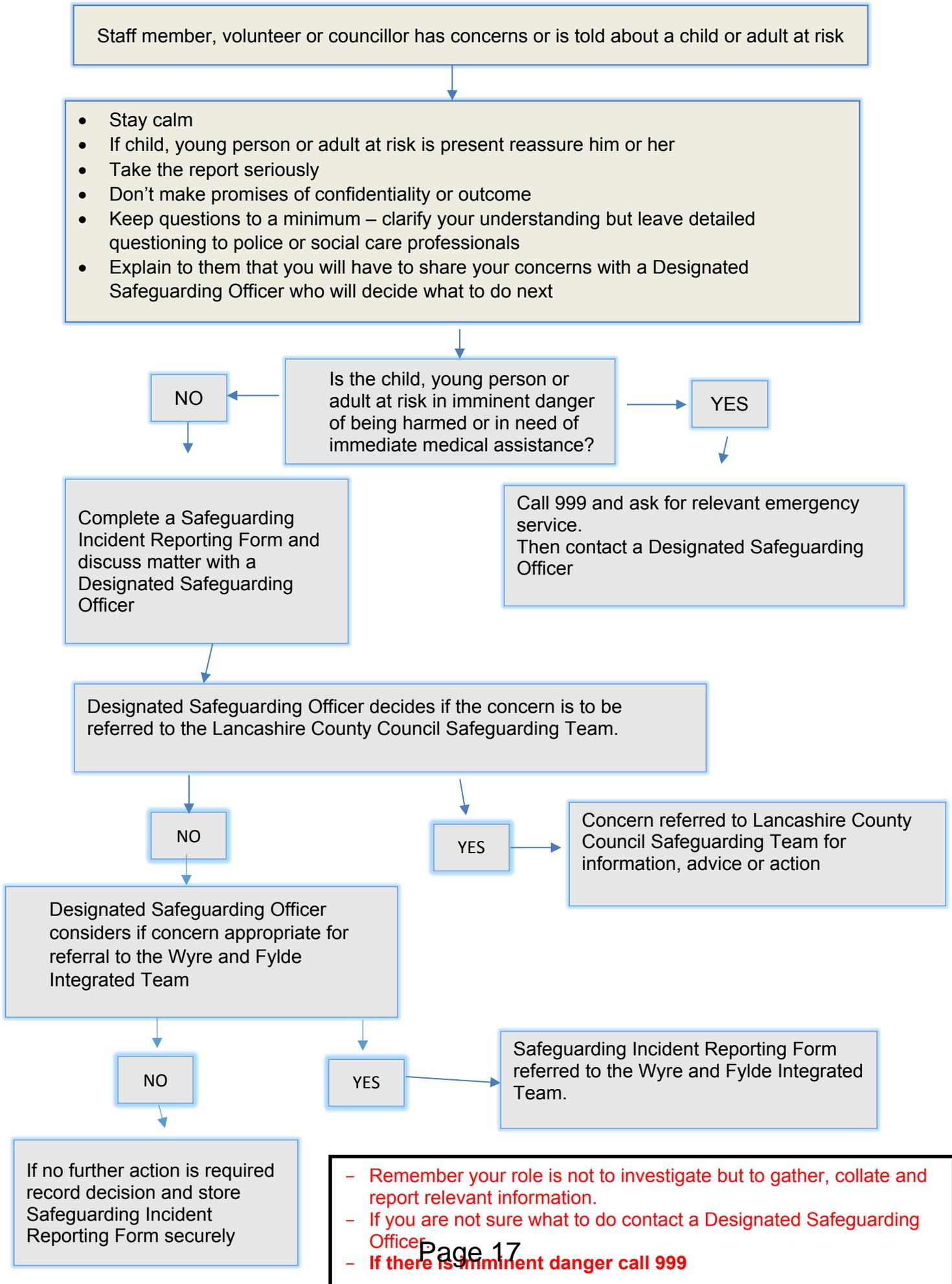
What to do next:

If there is an immediate risk of harm call 999, otherwise make a note of the key facts as soon as possible on a Safeguarding Incident Reporting Form. Remember to:

- stick to the facts as you understand them - who? what? where? when?
- use their words and phrases
- record what led up to the conversation, where it took place and who was present
- make a note of any questions you needed to ask

Discuss the matter with a Designated Safeguarding Officer as soon as possible and follow the steps laid out in section 8.

8. Process for reporting and dealing with concerns.



9 What happens after I report or raise a safeguarding concern?

Once you have raised concerns with a Designated Safeguarding Officer (DSO) using the Safeguarding Incident Reporting Form (Appendix 1) the action that then follows will largely depend on the nature of the concerns raised.

It is likely the DSO will need to speak to you for clarification and may seek additional information or intelligence on the matter before proceeding.

The DSO may agree with you what further action is necessary, but again depending on the nature of the concern the matter may be referred on to an appropriate agency or officer and the final outcome not necessarily disclosed to you.

However you should be assured that any concerns will be taken seriously. Appropriate action will be taken to deal with the concern or it will be escalated it to the appropriate level.

Whilst you may not learn the eventual outcome of concerns you raise the following are some potential outcomes.

- referral to an appropriate individual agency for intervention
- a multi-agency response to support the vulnerable person
- criminal investigation
- the instigation of criminal proceedings
- internal disciplinary proceedings

10. Allegations against Staff, Elected Members or Volunteers

10.1 Staff who work with children can be vulnerable to malicious or misplaced allegations against them. Unfortunately there are also occasions where some adults/professionals have been found to be perpetrators of child abuse or of displaying unsuitable behaviours which would harm the children they work with.

10.2 Allegations of harm or inappropriate behaviour made against staff, either paid or unpaid, are serious and must be dealt with by the Local Authority Designated Officer (LADO). The LADO is located within Children's Services at Lancashire County Council and must be alerted to all cases in which it is alleged that a person who works with children has:

- behaved in a way that has harmed, or may have harmed a child
- possibly committed a criminal offence against, or related to, a child; or
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

The LADO is independent of Wyre Council and the role includes:

- The management and oversight of individual cases
- Providing advice and guidance to employers and voluntary organisations
- Liaising with the police and other agencies
- Monitoring the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process

The LADO for Lancashire is Tim Booth contactable on 01772 536694 or at Tim.booth@lancashire.gov.uk.

10.3 If an allegation of abuse is made against an employee, the Head of Business Support must be informed immediately. They will inform the relevant Director and the Lead Designated Safeguarding Officer. Consideration will be given to suspending the employee from work or moving them to alternative duties not involving contact with children, young people or adults at

risk – in accordance with the Council’s Disciplinary Policy and Procedure.

- 10.4 If it is necessary to conduct an investigation into events surrounding the complaint, this will be conducted in liaison with the LADO and in accordance with the Disciplinary Policy and Procedure.
- 10.5 The consideration of suspension in such circumstances does not imply guilt but is a neutral course of action, which is designed to ensure that both employees and complainants are protected during the investigation.
- 10.6 The details of the safeguarding allegation should not be discussed with them until the strategy for investigation has been agreed with the LADO. This is because the police may decide to lead the safeguarding investigation and any discussion which takes place prior to police interview may result in contamination of evidence.
- 10.7 Externally conducted investigations, e.g. a police investigation, will normally take precedence over any internal investigations.
- 10.8 The alleged perpetrator will be considered innocent unless proven otherwise. Suspension offers protection for them as well as the alleged victim and other service users, and enables a full and fair investigation to take place.
- 10.9 **The Welfare of Staff**

Wyre Council is committed to following the correct process for dealing with any allegation against a member of staff, but it is also mindful of the welfare of that staff member and will provide appropriate help and support to them.

11. Decisions about Sharing Concerns

- 11.1 If a child, young person or adult at risk does not want concerns to be followed up, we will take their wishes into account before deciding what to do, considering:-
- the perceived level of risk to the individual and /or others and
 - their capacity to understand the matter in question and to make decisions relating to it.

The decision will be made by a Designated Safeguarding Officer.

- 11.2 In some circumstances it would be important to talk to parents or carers to clarify any concerns (but not the alleged abuse). For example if a child seems withdrawn, there may be a reasonable explanation, which a parent can provide.

However, sharing the concern may sometimes seem to present a greater risk, e.g. where the parent / carer is the one who may be responsible for the abuse. In these circumstances, or where concerns still exist despite an explanation from parents and carer, any suspicion, allegation or incident of abuse must be reported to the designated safeguarding officer and recorded.

12. Equality Impact Assessment and Monitoring

- 12.1 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.

13. Data Protection

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

Appendix A

Safeguarding Incident Reporting Form

Please give as much information as possible, using extra sheet if necessary. All information will be treated in strict confidence.



Your Details	
Name of person making report	
Position	
Date / Time of report	

Details of person you are concerned about	
Name of person	
Date of Birth	
Adult / Child	
Male / Female	
Address	
Postcode	
Telephone Number	

Parent/Guardian details (if applicable)	
Parent/Guardian name	
Address	
Postcode	
Telephone Number	

Details of incident (who?, what?, where?, when?)

Have you spoken to the person concerned? Yes/No* If so, what was said?

Signature:

Date:

Time:

This form must now be emailed to a Designated Safeguarding Officer or passed to them by hand in a sealed envelope marked 'Confidential'.

REMEMBER TO MAINTAIN CONFIDENTIALITY, DO NOT DISCUSS THE MATTER WITH ANYONE OTHER THAN THOSE THAT NEED TO KNOW

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Recruitment of Ex-offenders Policy

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1. Policy Statement

- 1.1 Wyre Council is committed to equality of opportunity for all job applicants and aims to select people for employment on the basis of their individual skills, abilities, experience, knowledge and, where appropriate, qualifications and training.

Wyre will therefore consider ex-offenders for employment on their individual merits. The Council's approach towards employing ex-offenders differs, however, depending on whether the job is or is not exempt from the provisions of the Rehabilitation of Offenders Act 1974.

- 1.2 Wyre Council is committed to ensuring that all information provided about an individual's criminal convictions, including any information released in disclosures, is used fairly and stored and handled appropriately and in accordance with the provisions of the Data Protection Act 1998. Data held on file about an individual's criminal convictions will be held only as long as it is required for employment purposes and will not be disclosed to any unauthorised person.

2. Rehabilitation of Offenders Act 1974

- 2.1 The Rehabilitation of Offenders Act 1974 ("1974 Act") primarily exists to support the rehabilitation into employment of reformed offenders who have stayed on the right side of the law. Under the 1974 Act, following a specified period of time which varies according to the disposal administered or sentence passed, cautions and convictions (except those resulting in prison sentences of over four years and all public protection sentences*) may become spent. As a result the offender is regarded as rehabilitated.

For most purposes the 1974 Act treats a rehabilitated person as if he or she had never committed, or been charged with charged or prosecuted for or convicted of or sentenced for the offence and, as such, they are not required to declare their spent caution(s) or conviction(s), for example, when applying for most jobs or insurance, some educational courses and housing applications.

Further information on rehabilitation periods can be seen in Appendix 1.

- 2.2 Once a rehabilitation period has expired and no further offending has taken place, a conviction is considered to be 'spent'. Once a conviction has been spent, the convicted person does not have to reveal it or admit its existence. However there are some exceptions.

3. Jobs covered by the Rehabilitation of Offenders Act 1974

- 3.1 Wyre Council will not automatically refuse to employ a particular individual just because he/she has a previous criminal conviction.
- 3.2 During the selection process, Wyre Council will ask job applicants to disclose any unspent convictions, but will not ask job applicants questions about spent convictions, nor expect them to disclose any spent convictions.

- 3.3 If an applicant has a conviction that is not spent and if the nature of the offence is relevant to the job for which he/she has applied, the Council will review the individual circumstances of the case and may, at its discretion, decline to select the individual for employment.

4. Jobs that are exempt from the Rehabilitation of Offenders Act 1974

- 4.1 The Council has a duty of care to protect the well-being of the public and service users and in particular children and adults in its care who are considered to be especially vulnerable or at risk. The Exceptions Order overrules the employment rights an ex-offender would otherwise have in respect of spent convictions. Ex-offenders have to disclose information about spent, as well as unspent convictions, provided the employer states clearly on the application form or at the interview that the job applied for is exempted.
- 4.2 Exempted occupations fall into the following categories (see appendix 2 for examples):
- Work that brings the person into contact with groups such as the infirm, elderly, mentally ill and young people under the age of 18.
 - Professionals that have legal protection, for example, nurses, doctors, dentists, chemists, accountants.
 - Posts concerned with the administration of justice, for example, police officers, lawyers, probation officers, and traffic wardens.
 - Health service appointments

5. Job Applicants

- 5.1 The Council is committed to the fair treatment of its staff, potential staff and users of its services regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background. We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.
- 5.2 Pre-employment checks and other safe recruitment practices are a requirement to ensure that people who may pose a threat to children and adults are not given positions of trust where they could exploit those entrusted to their care.
- 5.3 As an organisation using the DBS disclosures to assess applicants' suitability for positions of trust, we comply fully with the DBS Code of Practice and undertake to treat all applicants for positions fairly.
- 5.4 A disclosure is only requested when it is legal to do so. The parameters are set out in the Council's Disclosure & Barring Service (DBS) Policy. For those positions where a disclosure is required all job adverts, application forms, and recruitment material will contain a statement that a disclosure will be requested before an appointment is made.

- 5.5 Unless the nature of the position allows the Council to ask questions about a person's entire criminal record we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act (1974).
- 5.6 We ensure that all those in the Council who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act (1974).
- 5.7 Having a criminal record will not bar a person from working at the Council. It will depend on the nature of the position and the circumstances and background of the offences. We do not discriminate unfairly against any subject of a disclosure on the basis of conviction or other information revealed. At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position before any offer of employment is considered.

6. Protection of a Rehabilitated Person

- 6.1 The unauthorised disclosure of information about a spent conviction is illegal. Unauthorised disclosure is where an official with access to information about the person's criminal record discloses this information other than in the course of official duties. Serious misuse of a person's criminal record could result in a prison sentence of up to six months or a fine of up to £1,000, or both.

7. Council Employees

- 7.1 Following appointment, employees have a responsibility to report any relevant changes of circumstance to their employer. These include any criminal investigations, convictions or warnings they may become the subject of, or any other relevant information which a reasonable employer might consider to impact on the employment of that individual. Employees should always discuss with their line manager any difficulties or problems that may impact on their suitability to work with children and adults so that appropriate support can be provided or action taken. Failure to disclose convictions with the line manager may result in disciplinary action.
- 7.2 Any existing employee may be asked to undertake a DBS re-check in line with Council policy. Refusing to comply with such a request may result in the employee being subject to formal disciplinary action for deliberate and/or unreasonable refusal to carry out lawful and safe instructions issued by an appropriate manager/supervisor, and/or to comply with a contractual agreement.
- 7.3 Confidentiality cannot be guaranteed where concerns arise about the welfare or safety of children or adults but any information sharing will be in accordance with relevant legislation and policy and only as is necessary in the circumstances.

8. Equality Impact Assessment and Monitoring

- 8.1 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.

9. Data Protection

- 9.1 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.

Appendix 1

The rehabilitation periods for sentences with additional “buffer periods” which run from the end date of the sentence are shown in the table below:

Sentence/disposal	Buffer period for adults (18 or over at the time of conviction or time the disposal is administered). This applies from the <u>end</u> date of the sentence (including the licence period).	Buffer period for young people (under 18 at time of conviction or the time the disposal is administered). This applies from the <u>end</u> date of the sentence (including the licence period).
Custodial sentence* of over 4 years, or a public protection sentence	Never spent	Never spent
Custodial sentence of over 30 months (2 ½ years) and up to and including 48 months (4 years)	7 years	3 ½ years
Custodial sentence of over 6 months and up to and including 30 months (2 ½ years)	4 years	2 years
Custodial sentence of 6 months or less	2 years	18 months
Community order or youth rehabilitation order **	1 years	6 months

*Custodial sentence includes a sentence of imprisonment (both an immediate custodial sentence and a suspended sentence), a sentence of detention in a young offender institution, a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000, a detention and training order, a sentence of your custody, a sentence of corrective training and a sentence of Borstal training.

**In relation to any community or youth rehabilitation order which has no specified end date, the rehabilitation period is 2 years from the date of conviction.

The following table sets out the rehabilitation period for sentences which do not have “buffer periods” and for which the rehabilitation period runs from the date of conviction:

Sentence/disposal	Rehabilitation period for adults (18 and over at the time of conviction or the time the disposal is administered)	Rehabilitation period for young people (under 18 at the time of conviction or the time the disposal is administered)
Fine	1 year	6 months
Conditional discharge	Period of the order	Period of the order
Absolute discharge	None	None
Conditional caution and youth conditional caution	3 months or when the caution ceases to have effect if earlier	3 months
Simple caution, youth caution	Spent immediately	Spent immediately
Compensation Order	On the discharge of the order (i.e. when it is paid in full)	On the discharge of the order (i.e. when it is paid in full)
Binding over order	Period of the order	Period of the order
Attendance Centre Order	Period of the order	Period of the order
Hospital Order (with or without a restriction order)	Period of the order	Period of the order

Referral order	Not available for adults	Period of the order
Reparation order	Not available for adults	None

Suspended sentences

A suspended prison sentence is treated as one that has taken effect and the rehabilitation period is the same as for the full sentence.

Consecutive and concurrent sentences

An offender may be sentenced at one time for several offences. If the court decides that imprisonment is the right penalty for more than one offence, it can order that these run concurrently or consecutively. If a person is sentenced to two terms of imprisonment of six months each, to run concurrently, the person will be subject to a rehabilitation period of seven years. If they were ordered to run consecutively, they would be subject to a rehabilitation period of ten years.

Extension of rehabilitation periods

Rehabilitation periods may be extended if a person receives further convictions while an original rehabilitation period is still running. If the second conviction is for a summary offence, i.e. an offence that can be tried only in a Magistrate's Court, then the first rehabilitation period is not affected and both rehabilitation periods will run their separate course. If, however, the second conviction is more serious and could be tried in a Crown Court, then neither conviction will become spent until the longer rehabilitation period has expired.

Where the original sentence resulted in a disqualification, probation or other penalty, the rehabilitation period will not be affected if the person is convicted of a further offence.

Appendix 2

Examples of the types of occupations, posts and activities in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

Please be aware that this is **not** a comprehensive list and merely gives an indication of the general types of employment that are included in the Exceptions Order.

1. Regulated activity with children and other activities which involve working closely with children such as caring for, training, supervising or being solely in charge of children under 18 (including adoption, fostering, day care and childminding)
2. Regulated activity and other activities which involve caring for, training, supervising or being solely in charge of other people in vulnerable circumstances (including social work and advocacy services)
3. Employment in healthcare professions (including medical practitioners, dentists, nurses, midwives, optometrists, registered pharmacists and osteopaths)
4. Employment concerned with national security (including the provision of air traffic services and employment by the UK Atomic Energy Authority)
5. Employment in the legal profession (including barristers, solicitors, legal executives, the Crown Prosecution Service and judicial appointments)
6. Offices and positions in HM Courts and Tribunals Service and the Judicial Office (including Justices' and sheriff's, court and tribunal security officers and contractors with unsupervised access to court-houses, tribunal buildings, offices and other accommodation used in relation to the court or tribunal)
7. Employment in law enforcement (including police constables and cadets, the naval, military and air force police, traffic wardens and employment in the Serious Fraud Office (SFO) and the Serious Organised Crime Agency (SOCA))
8. Offices responsible for the enforcement of warrants and writs (including Court officers who execute county court warrants, High Court enforcement officers, sheriffs and Civilian enforcement officers)
9. Employment in the Prison and Probation Services (including prison and probation officers, members of boards of visitors etc.)
10. Employment in the financial sector (including chartered and certified accountants, actuaries and all positions for which the Financial Conduct Authority or the competent authority for listings are entitled to ask exempted questions to fulfil their obligations under the Financial Services and Markets Act 2000)
11. For licensing purposes (including the National Lottery, gambling, firearms and drugs licensing purposes, Security Industry Authority licences, and licensing hackney carriages or private hire vehicle drivers)

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Work Experience and Placement Policy

Reviewed January 2020

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1. Work experience placements

- 1.1 Work placement schemes provide opportunities and benefits to both individuals and employers. They are a useful way for those wishing to enter local government to gain an insight into the work carried out and to make informed career choices. They also provide the opportunity to acquire new skills in a structured environment, and increase opportunities for future employment. They showcase career opportunities available within the council and develop management skills for existing staff.

2. Work Experience and the National Minimum Wage (NMW)

- 2.1 Work experience can be unpaid if the individual isn't a 'worker' or the placement is part of a further or higher education course.

An individual may be a worker whereby a contract is entered into (written, oral or implied) and there is an obligation for that individual to carry out some work or service. In these circumstances they would be entitled to core employment rights and protections such as the NMW and holidays.

For further information see Appendix A which provides examples of work placements that do and do not require payment of the National Minimum Wage.

If a Manager is approached by someone requesting work experience or a work placement they should contact Human Resources for advice as to whether they are likely to be classed as a worker or not and what options may be available.

- 2.2 Failure to pay the NMW to someone who is entitled to it is against the law. If an unpaid person claims that they are owed arrears of the NMW it is up to the Council to prove that they are not a worker and that no arrears are owed. Someone's entitlement to the NMW depends on the contractual relationship and not their job title.

2.3 **Exceptions to payment of the NMW**

In the following situations people are able to carry out work experience/placement opportunities without the requirement to pay them NMW.

- Students working as a required part of a UK-based further or higher education course don't qualify for the NMW if their placement does not exceed one year. The exemption does not apply to students performing work that is not related to their course, eg to help finance their studies or during a gap year.
- People undertaking work experience who are of compulsory school age are not entitled to the NMW. If someone is above compulsory school age but has stayed on in full or part-time education, they are entitled to the NMW unless they are undertaking a work placement as a required part of their studies.
- Someone who is carrying out a placement that does not involve any work being performed, such as work shadowing, so long as they are only observing and not performing work.

- Participants in government schemes or programmes to provide training, work experience or temporary work, or to help in seeking or obtaining work, for example Prince's Trust or T Level Work Placements
- Volunteers – are individuals or groups who offer us their time, experience, knowledge and skills without financial gain beyond reimbursement of expenses, helping us to achieve our service objectives, or with the aim of providing a benefit to the local community. They are not in a contractual position (written or implied) with the Council. Volunteers should be reimbursed for any expenses they incur in volunteering, for example travel expenses. (See volunteer policy for further information).

2.4 It is possible to take people on for genuine work experience reasons but the more 'work' (as opposed to shadowing, observing etc.) they do and the greater the obligation to attend for work the greater the risks of the NMW applying.

3. Principles

- 3.1 Work experience is often undertaken by students as part of a further or higher education course to learn about the working environment within the Council.
- 3.2 Everyone on work experience should have the chance to try various tasks and develop skills that will make them more attractive to prospective employers. However they should not be relied on to fulfil roles that would otherwise be undertaken by a member of staff.
- 3.3 Work experience can be unpaid if the individual isn't a 'worker' or the placement is part of a further or higher education course.
- 3.4 If the terms of the placement are such that the individual is performing as a 'worker' the National Minimum Wage should be adopted throughout the duration of the placement.
- 3.5 Whether paid or not, the person on work experience may be entitled to the reimbursement of reasonable and pre-agreed expenses. These are to be agreed prior to the start of the placement by the Head of Service and in consultation with Human Resources.
- 3.6 Before the start date, written confirmation of the work experience should be provided, clearly outlining the terms of the engagement. Where the National Minimum Wage applies, a standard, short-term contract is required.

4. Types of Placement

- 4.1 Placements can be either:
- a work-shadowing placement where the individual observes the work undertaken by the Council's employees but does not perform any work for the benefit of the Council, except for doing some work for illustrative or learning purposes; or

- a work-experience placement, where the individual is expected to perform some work or provide some assistance to the council or to its employees.

4.2 **School Placements**

The Council will provide work experience placement to students from schools in the Wyre area or to students who are resident in the Borough. These will be mainly Year 10 students (aged 15 – 16). The Council will strive to ensure placements are available to students who may find it more difficult to get placements within our local businesses i.e. students with learning difficulties, special needs, etc.

Other requests will be considered outside these categories if opportunities are available.

4.3 **Work Shadowing**

This is where an individual is assigned to follow an employee going about his or her normal activities, allowing close observation of tasks, which for reasons of complexity, safety or security cannot be actively undertaken by the shadowing individual. This applies to persons from other organisations who wish to gain an insight into the Council and its services.

4.4 **Internship**

Work experience can be called a 'placement' or an 'internship'. Internships are sometimes understood to be positions requiring a higher level of qualification than other forms of work experience, and are associated with gaining experience for a professional career.

4.5 **Government Work Experience**

If an individual is between the ages of 16 and 24 and claiming Jobseeker's Allowance (JSA) and people over the age of 25 who do not have recent work history they are eligible to apply for a work experience placement whilst continuing to receive JSA and Universal Credit and will continue to be subjects to the benefit conditions. In this instance, the placement should last for between two and eight weeks and should offer 25-30 hours of activity per week. During the period of the placement they will continue to actively look for work.

5. **Method of placement**

5.1 In order to ensure a fair and structured system work experience requests will be dealt with centrally. Each request for a placement will be dealt with by the Human Resources Section who can then allocate and keep records of placements throughout the Council. If an individual or an organisation approaches a section or manager directly, this request should be directed to Human Resources who will assess the feasibility of offering a placement.

5.2 Wherever possible where a placement is provisionally accepted then the individuals will be invited to come on a pre-placement visit where they will be escorted around the site/office to meet staff who they will be working with. This provides an opportunity for

the potential individual to decide whether the type of work and the workplace environment is what they really want.

- 5.3 Once the arrangements are confirmed the individual will be sent a work experience application form and a copy of the Council's Code of Conduct and ICT Computer Use policy to sign and return. This form will also ensure the Council gains all the information it needs e.g. about the interests and skills of the potential placement. A letter of confirmation of the placement will be sent by Human Resources once it is agreed. This will give reporting instructions such as contact name, start time, length of placement and location.
- 5.4 Any work experience placement, regardless of their age or from which organisation they have been placed, has the same responsibilities as any employee in so much as they must take reasonable care of their own health and safety and that of other people who may be affected by their actions. They must also co-operate with the Council in complying with our legal duties.
- 5.5 Prior to the commencement of the placement, the department that the placement is due to work in will undertake an appropriate risk assessment.
- 5.6 A copy of the Council's liability insurance document will be issued to the work experience placement if requested. If the placement includes travel in a council owned vehicle a copy of the councils vehicle insurance can also be issued on request.
- 5.7 Human Resources will keep a central record of all work experience placements and will be responsible for ensuring records are up to date and destroyed after 12 months of the placement ending. Details kept will include:
- Name of the individual
 - Age, gender, ethnic group and disability of the individual
 - Organisation/school the individual is from if applicable
 - Dates of the placement
 - Section/Division and name of responsible manager for placement

6. Induction and Supervision

- 6.1 All work experience placements should have a brief induction on their first day that outlines to them their duties and covers health and safety information. It is the responsibility of the Placement Manager (Manager or Supervisor in charge of the area where the placement is) to ensure that the Induction checklist (see Appendix B) is completed and signed off.
- 6.2 Individuals should dress smartly and appropriately for the area of work they are taking part in.

7. Tasks

- 7.1 The Placement Manager will ensure that the work experience person is given work that is commensurate with his/her skills and abilities. The work may cover a range of tasks and may be in one department or in different departments and may cover one area of work or different areas of work. Should there be insufficient work available the

relevant line manager will make reasonable efforts to find the work experience person suitable alternative work within the Council.

8. Disciplinary and Capability Issues

- 8.1 The Council's disciplinary, grievance and capability procedures do not apply to work-experience personnel. Line managers and other personnel should observe basic principles of fairness in dealing with any issues of capability or conduct that may arise. In cases of capability, individuals should be informed of any shortcomings in their performance and given the chance to improve. In cases of misconduct, the line manager must have reasonable grounds for believing that the individual has been guilty of misconduct and should give him or her the opportunity to give any explanation/mitigation.
- 8.2 Where, in the opinion of the relevant line manager, the capability or conduct issues are serious, the matter should be brought to the attention of the HR department who may contact the school or college involved with the placement.
- 8.3 The Council reserves the right to terminate a placement immediately, should the work-experience person be guilty of serious misconduct or any negligence resulting in loss or damage to the Council.

9. Health and Safety

- 9.1 The Placement Manager must ensure that the work experience or work-shadowing placement has the same basic training on matters of health and safety as other workers.
- 9.2 To ensure the Health and Safety requirements are met, it is essential that:
- I. All individuals on placement are properly prepared and briefed on hazards within the work place and control measures to reduce or eliminate risk of injury before they start their placement.
 - II. Workplace supervisors/managers know exactly what is expected of them and are aware of their legal responsibilities.
 - III. If a placement is arranged for a person with special needs e.g. particularly a Disability or Learning Difficulties then the risk assessment must take account of this. In accordance with Health and Safety legislation, the Placement Manager must ensure that risk assessments of work areas are carried out prior to a school work experience student commencing a placement on Council premises. Before the placement begins the parent/guardian of the student should be advised of the risks, and how they will be reduced or eliminated. Students must also be fully prepared and briefed on hazards, and the measures in place to reduce or remove the risks.
 - IV. The tailored risk assessment should then be outlined to the applicant at induction.
 - V. Where it is appropriate for placements to wear appropriate Personal Protective Equipment this will be supplied and must be worn at all times.

9.3 A young person at work is an individual who has not reached the age of 18, and a child at work is an individual that has not reached the minimum school leaving age usually 15 years old.

Young people are at a greater risk at work for the following reasons:

- Lack of knowledge, experience and training
- A young person's body has not fully developed
- A young person is more likely to take risks, respond to peer group pressure and be over enthusiastic

Before employing a young person the Placement Manager must carry out a risk assessment to identify the control measures required to minimise the health and safety risks this will include consideration of whether those managing the placement should be DBS checked.

10. Safeguarding

10.1 All staff involved in the work placement of young people should be aware of the protocol for working with children set out in the Safeguarding Children's Policy.

10.2 For those who would benefit from site visits or other work out of the office a letter of permission may be required from the young person's parent or carer.

11. Equality Impact Assessment and Monitoring

11.1 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.

12. Data Protection

12.1

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.

Appendix A – National Minimum Wage Entitlement Examples

Examples of Work placements that DO require payment of the National Minimum Wage

1. A request is received from a graduate who would like to work voluntarily to gain some work experience to improve their C.V. as they are having problems getting paid work. As the manager of the section you see this as an excellent opportunity not only for the individual to get valuable work experience but also for a project or area of work to be undertaken that is required within the service that you are struggling to find the resource to tackle. It is agreed orally that the workplacement will attend work Monday – Friday 9.00 – 15.00 and will undertake the activities as directed. The successful completion of the area of work to be undertaken is important to the service area therefore the workplacement would need to achieve certain objectives and targets.
2. A request is received from an individual requiring work experience and offering to do this without pay. There are tasks within the section that need doing that are normally or currently carried out by an existing paid member of staff. It is agreed with the individual seeking work experience that they will carry out these tasks. It is agreed that they will work on a regular basis and because these tasks are important to the service certain standards of performance are set.

Examples of Work placements that DON'T require payment of the National Minimum Wage

1. A request is received from a student where completion of their course/degree is dependant on the completion of a relevant work placement. Such placements can be for up to a period of one year.
2. A request is received from a graduate who would like to gain work experience to enable them to work within a certain profession. They will be shadowing a member of staff and will not be responsible for the completion of any specific tasks themselves.
3. A similar request is received, this time they will be carrying out some work projects but the arrangement is very casual with no requirement for the individual to attend specifically at any particular time or a specified number of hours and there is no obligation to work. The sort of work they will be carrying out would be that which is for their own experience or training purposes only and if carrying out a project they would not be held responsible if it wasn't completed or it failed. The danger would be with this sort of arrangement that if the individual concerned was competent the arrangement would become more regular and with this regularity and obligation to work then the obligation to pay the NMW would apply.



INDUCTION PROCESS FOR WORK EXPERIENCE PLACEMENTS

A member of staff from the employing department will meet the student on their first day and go through points 1.0 to 1.3 of the induction process. Many induction needs are connected to the immediate working environment and these will be addressed when the student is introduced to their new working environment.

The guidelines can be altered to include any areas which are specific to a particular Directorate. It is intended that they will install a degree of uniformity into the Induction process.

Name **Start Date**

Job Title **Service Unit**

		Yes	N/A	Date	
1.0	Temporary Staff Badge	Issue of Temporary staff badge. Make sure student understands to return the badge to reception at the end of placement.			
		Importance of wearing the badge in the building.			
		Office opening hours.			
1.1	Work Experience placement form	Ensure student has completed prior to placement. If they have not, ask them to complete one at induction.			
1.2	No smoking policy	Explain WBC Policy.			
1.3	Code of Conduct and ICT Computer Use Policy (if appropriate).	Ask placement for a signed copy of the Code of Conduct and ICT Computer Use Policy (if appropriate)			

Induction Process undertaken by:

Name: **Date:**

I confirm that the above points have been explained to me

Name: **Date:**

Appendix B
Directorate

The following are guidelines for the Directorate Induction meeting:

		Yes	N/A	Date	
2.0	Job Description (should already have a copy, <u>if appropriate</u>)	Explain to the student about the duties they will be undertaking. Make sure the student knows who they are responsible to and who they can approach if they need any help.			
2.1	Starting & finishing times	Confirm with student what time they should start and finish. Normally hours of work are agreed prior to the placement beginning.			
2.2	Lunch breaks	Confirm what time to go for lunch and how long.			
2.3	Section/Directorate	Explain the structure of the Section /Directorate. Give a Directorate Organisational Chart.			
2.4	Sickness	Explain that they must notify either their Supervisor or Human Resources before 10.00am. They must also ring School/College to notify them of their absence. Explain importance so that any work that needs completing is kept to schedule.			
2.5	Use of Office Equipment	Explain telephone system, photocopier etc, including private use.			
2.6	I.T. Computer/Internet Use	Explain correct use of the Council's computers and Internet facilities (if appropriate)			
2.7	Drinks/Rest Facilities	Explain use of tea/coffee and lunch facilities available within their place of work. Arrange a tour of the building.			
2.8	Customer Care	Explain the Council's commitment to Customer Care.			

Appendix B

Health & Safety

3.0	Rules & Regulations	Explain any prohibited machinery, equipment, substances, areas etc.			
		Explain that the student will be working to existing policies and procedures and the location of these.			
3.1	Hazards	Explain how to keep safe any loose clothing/long hair/jewellery.			
3.2		Explain any specific hazards that have been identified on the Risk Assessment, for example any moving site traffic or heavy lifting.			
3.3	Fire Safety	Explain who the fire warden within the section is, what to do if the fire alarm sounds and the nearest fire exits.			
3.4	First Aid	Explain who is qualified to give first aid and where the first aid box is located.			
3.5	General Behaviour	Explain security doors and building security in general. Explain that any unacceptable behaviour or health and safety breaches may result in the placement being terminated with immediate effect.			

Induction Process undertaken by:

Name:

.....

Date:

.....

I confirm that the above points have been explained to me

Name:

.....

Date:

.....

PLEASE RETURN TO HUMAN RESOURCES WHEN COMPLETED



Smoking Policy

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1. Policy Statement

- 1.1 Wyre Council has a legal obligation to provide a safe and healthy workplace and is committed to providing a healthy and comfortable environment for elected members, employees, contractors and visitors to its premises. It will take all reasonable steps to eliminate exposure to environmental tobacco smoke in and around all its public buildings, workplaces and facilities.

2. Legal Position

- 2.1 The Health Act 2006 laid the legal framework for Smoke Free Regulation and from the 1 July 2007 all workplaces, vehicles, enclosed or partially enclosed public places must be smoke free by law, display the legally defined notices and ensure compliance with the regulations laid before Parliament.
- 2.2 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 Smoke-free (Premises and Enforcement) Regulations 2006 (SI 2006/3368);
 - the Smoke-free (Exemptions and Vehicles) Regulations 2007 (SI 2007/765);
 - the Smoke-free (Penalties and Discounted Amounts) Regulations 2007 (SI 2007/764);
 - the Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2007/760); and
 - the Smoke-free (Signs) Regulations 2012

3. Purpose

- 3.1 The purpose of this policy is therefore to ensure that Wyre Council complies with the legal requirements by taking measures to:
- create a smoke-free environment for employees, elected members, visitors, customers and service users
 - recognise a person's right to be protected from harm and to enjoy smoke-free air
 - raise the awareness of the dangers associated with exposure to tobacco smoke
 - support employees who wish to stop smoking
 - reduce the prevalence of smoking related illness and early death in Wyre

4. Scope

- 4.1 This policy applies to all elected members, employees, employees of partner organisations, third parties hiring Council premises, contractors and visitors to Wyre Council buildings and enclosed spaces.

5. Policy Rules

- 5.1 Smoking during normal working time is not allowed. Employees who smoke during their lunch break must ensure that they do so outside the areas affected by this policy.

- 5.2 Employees must not smoke in public while wearing a Wyre Council uniform and/or an ID badge when on or off duty.
- 5.3 In workplaces shared with other organisations (e.g. partner organisations) the Council will seek to ensure that consistent and comparable smoking policies are introduced.
- 5.4 Where Council employees are present in another organisation's workplace, employees will adhere to any additional smoking policies or restrictions put in place by that organisation.
- 5.5 The sale of tobacco products from Wyre Council sites is prohibited.
- 5.6 Electronic cigarettes (also known as vapes) are battery-powered products that release a visible vapour that contains liquid nicotine that is inhaled by the user. Although they fall outside the scope of smoke-free legislation, the council prohibits the use of e-cigarettes in the workplace.

The rationale for a ban on e-cigarettes is that:

- although they do not produce smoke, e-cigarettes produce a vapour that could provide an annoyance or health risk to other employees;
- some e-cigarette models can, particularly from a distance, look like real cigarettes, making a smoking ban difficult to police, and creating an impression for visitors/customers/other employees that it is acceptable to smoke.

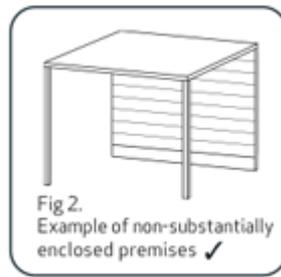
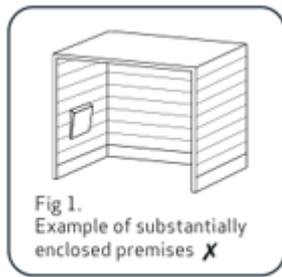
6. Non Smoking Areas

6.1 Smoking is prohibited in the following areas:

- All operational buildings, offices and depots - this will include associated outdoor areas, yards, car parks and garden areas at the Civic Centre. A map of the boundaries is shown at Appendix 1.
- Enclosed or substantially enclosed spaces in public parks and open spaces.
- Immediately adjacent to access doorways, reception areas, lifts, any rest or common/public rooms, corridors, kitchens and toilets. This includes approach paths and the surrounding grounds.
- All Members' rooms and political group rooms
- All Council owned and managed public buildings.
- All Council owned vehicles.
- A personal vehicle being used whilst on council business.

Note:

Definition of enclosed and substantially enclosed



Premises are considered '**enclosed**' if they have a ceiling or roof and (except for doors, windows or passageways) are wholly enclosed either on a permanent or temporary basis.

Premises are considered '**substantially enclosed**' if they have a ceiling or roof, but have an opening in the walls, which is less than half the total area of the walls. The area of the opening does not include doors, windows or any other fittings that can be opened or shut.

6.2 Homeworkers

Homeworkers are not required to refrain from smoking during the course of work that is carried out for the council in their home, unless they invite others into an area of their home for work purposes.

7. Roles and Responsibilities

7.1 It is the responsibility of Managers to:

- Be fully conversant with this policy.
- Ensure that all employees who report to them are aware of and comply with the policy.
- Ensure day-to-day compliance by all elected members, employees, contractors and visitors.
- Ensure that employees who report to them are not leaving their workstation to smoke during working hours.

7.2 It is the responsibility of the Human Resource team to:

- Provide advice, support and guidance to all parties on the application of the policy.
- Regularly review and monitor the effectiveness of the policy.
- Promote reduction in smoking and to provide assistance to those who wish to cease smoking.

7.3 It is the responsibility of all elected members and employees to:

- Comply with the Policy.
- Comply with smoke-free policies in force in other premises when carrying out council business.
- Not to leave their workstation to smoke during working hours.
- Promote and maintain a smoke-free working environment by ensuring, so far as it is reasonable to do so, that visitors, customers and service users are made aware of the policy and address any breaches to the policy.

8. Enforcement of the Policy

- 8.1 It is expected that elected members and employees will co-operate voluntarily in making the policy work without the need for more formal measures to ensure its effectiveness.
- 8.2 Persistent and intentional breaches of the policy may lead to disciplinary action being taken against employees.
- 8.3 Contraventions of the policy by elected members may lead to action by the Standards Committee.
- 8.4 Visitors will be asked to respect the Council's Policy on Smoking. Failure to comply with the policy may result in the individual being asked to leave the premises.

9. Communication of the Policy

9.1 **Signage**

- 9.1.1 'No Smoking' signage will be displayed in a prominent position at every entrance to smoke free premises (internal and external).
- 9.1.2 All Council Vehicles will carry a no smoking sign.
- 9.1.3 The size and style of signage will be to meet the needs of the location.

9.2 **Elected Members and employees**

The policy will be made available via the intranet, team briefs or as a paper copy as required.

9.3 **Prospective and New Employees**

All new employees will be informed of the Smoking Policy at commencement of employment and at their induction training (for new staff).

9.4 **Contractors**

All contractors will be provided with a copy of the policy on engagement. Compliance with the policy on smoking will be included in contracts as part of the health and safety requirements.

10. Raising Health Awareness

- 10.1 The Council will actively promote the improvement of the health of its employees providing information on health risks and other problems related to smoking of tobacco products. Information and advice on the effects of smoking (both active and second hand) will be available at regular intervals.

11. Support for Smokers

- 11.1 The Council recognises that smoking is an addiction and aims to provide a supportive environment. In recognition of this, the Council will grant a maximum of two hours paid time off (pro rata for part time or job share workers) to attend an initial smoking cessation

consultation with the NHS Stop Smoking Service. Attendance at any appointments following the initial consultation must be made in the employee's own time.

11.2 Staff who want treatment for their tobacco addiction should contact :

11.2.1 **Lancashire NHS Foundation Trust – Quit Squad on 0800 328 6297**
Or [click here](http://www.quitsquad.nhs.uk/index.php) to <http://www.quitsquad.nhs.uk/index.php>

The Stop Smoking Service is delivered over a number of clinic sites.

11.2.2 **Smokefreelife**
[Click here](https://smokefreelife.net/) to <https://smokefreelife.net/> for further information

11.2.3 For staff who are registered with a GP outside the Blackpool, Fylde & Wyre area telephone the National Help-Line on 03001231044, or text QUIT plus your full postcode to 88088 or [click here](#) to obtain further information regarding NHS Smokefree services.

11.3 The Human Resource team is able to provide those wishing to stop smoking with appropriate literature.

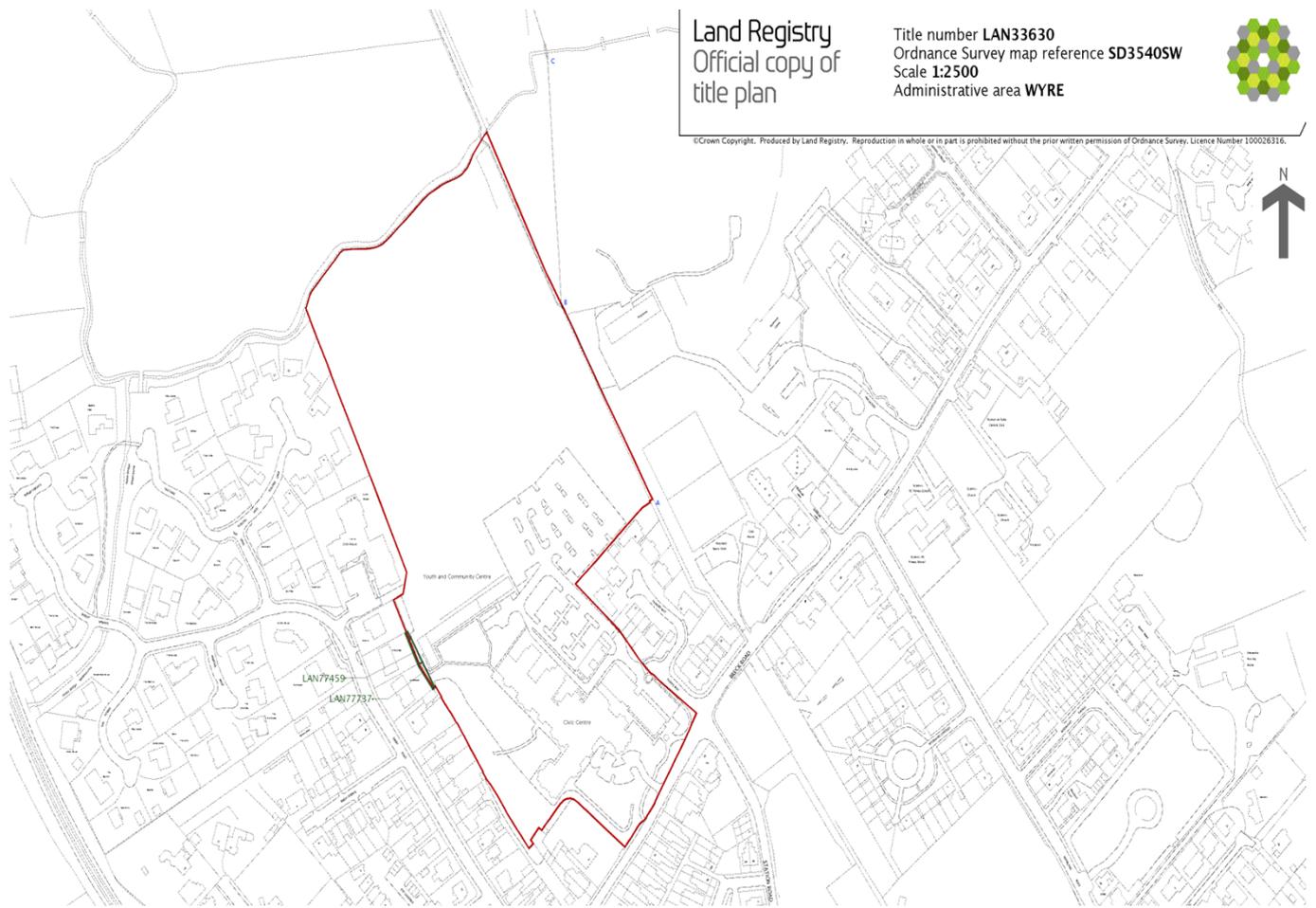
12. Equality Impact Assessment and Monitoring

12.1 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.

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.

Civic Centre Boundary





Zero Tolerance Policy

Reviewed February 2020 ;

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1.	Introduction
1.1	<p>Wyre Council is committed to providing a safe and secure working environment and acts or threats of physical violence, intimidation, harassment, verbal abuse or coercion which an employee is subjected to during the course of their duties will not be tolerated.</p>
1.2	<p>The Council will deal with all instances of violence or abuse in a robust and proactive manner. The Zero Tolerance Policy and associated policies and procedures have been put in place to reduce risk and to enable staff to manage an aggressive or violent situation should it arise.</p>
1.3	<p>An act of work-related violence or aggression is defined as any incident in which a person is faced with an aggressive or violent situation, is verbally or physically abused, threatened or assaulted whilst undertaking duties expected of them in the course of their employment, regardless of the location at which it occurs.</p> <p>These include, but are not limited to:</p> <p>Verbal Abuse: any verbal abuse issued with the intent of creating distress, fear or intimidation to another individual, or group of individuals.</p> <p>Physical Abuse: any intentional movement of the body which may include touching, gesturing, pushing, striking, stalking, spitting, any unwanted intrusion of “reasonable space” of an employee or an intentional use of any object towards an individual.</p> <p>Creating a Hostile Working Environment: any intentional non-physical action that can be considered intimidating or harassing or which involves the explicit or implicit challenge to the safety, well-being or health of an individual.</p> <p>A Hate Crime: any criminal offence, perceived by the victim or any other person, as being motivated by hostility or prejudice based upon the victim’s disability, race, religion or belief, sexual orientation or gender identity. This could include verbal abuse, physical assault, damage to property, threats, intimidation or harassment. If no criminal offence is committed it will be recorded as a hate incident.</p>
1.4	<p>The Council will make clear its stance on zero tolerance through prominent information in public places:</p> <ul style="list-style-type: none"> • Benefit Mobile Advice Centre • Civic Centre Reception • Copse Road Depot • Marine Hall • Thornton Little Theatre • Fleetwood Market <p>and will use the full extent of the law to protect its employees and support them in the prosecution of offenders.</p>

2.	Associated Policies
2.1	The Dignity at Work Policy – makes a clear statement that unwanted or unaccepted harassment, bullying, victimisation or discrimination will not be tolerated.
2.2	Whistleblowing Policy – provides a confidential route for concerns to be brought to the attention of the Council without any fear of reprisals.
2.3	Lone Working and Personal Safety Policy states that the Council will not tolerate any acts of violence or aggression towards or from any of its employees and will implement suitable controls to prevent or eliminate work related violence and aggression.
3.	Roles and Responsibilities
3.1	<p>Managers:</p> <p>Managers should ensure that the Council's policy and agreed procedures are communicated to service-users and visitors and that they are made fully aware that the Council will report any assaults on employees to the Police.</p> <p>Notices to this effect are displayed prominently within service areas.</p> <p>Key responsibilities:</p> <ul style="list-style-type: none"> • Encourage and support staff to report all incidents of abuse • Establish a safe system of working and ensure that they have specific guidance for their service areas which is written and communicated appropriately to staff. This should include arrangements for lone/mobile workers; • Carry out an assessment of the risk of violence /abuse within their working environment; • Ensure that staff attend appropriate training; • Ensure that records are maintained of risk assessments and training and that all reporting documentation has been completed; • Ensure that staff receive relevant and timely support following incidents; • Investigate reported incidents; • Inform staff of the outcome of the investigations; • Take appropriate action against service users who assault, threaten or abuse staff; • Evaluate the effectiveness of any measures undertaken.
3.2	Employees:

	<p>All employees will conduct themselves in such a way as to reduce the possibility of any conflict and will not act in a way that would create a violent, abusive or unsafe workplace environment for themselves and others.</p> <p>If confronted with a situation that has the potential to escalate into an abusive/violent incident an employee must make a serious attempt to remove him/herself from the situation and report the event to their manager.</p> <p>All staff have the responsibility to:</p> <ul style="list-style-type: none"> • Identify high-risk situations and agree action plans with managers as part of the risk assessment process; • Report and complete incident reports in an accurate and timely manner; • Undertake all training identified as appropriate to their role; • Always work in a professional way and be aware of how their own behaviour might be perceived by others; • Consider the safety of others who may be affected by their actions or omissions; • Make appropriate use of any personal safety equipment and facilities provided.
4.	Risk Assessments
4.1	<p>Prevention of violence/abuse at work must start with a full assessment of the risks. Risk Assessments should be carried out in line with the council's Health and Safety Policy and appropriate control measures will be implemented to protect individuals in their working environment.</p>
4.2	<p>Risk assessments should be in place to cover all reasonably foreseeable risks of violence or abuse.</p>
4.3	<p>In carrying out a risk assessment the following may indicate that there is a risk of abuse or violence:</p> <ul style="list-style-type: none"> • Dealing with intoxicated / angry or distressed members of the public • Dealing with customers suffering from mental illness or stress • Customers who are confused / disorientated / suicidal / have a known criminal history • High-risk areas with contentious issues or complaints • Lone working • Situations where money, or other valuables may be a target for theft • When withholding or withdrawing a service / benefit <p>The list shown above is not exhaustive and managers must take care to assess all possible personal security risks within their responsibility. Police assistance should be sought where the presence of drugs/weapons has been detected and/or to deal with violence or threatened/suspected violence.</p>

4.4	When dealing with a known or suspected violent or abusive individual, under no circumstances should staff see such people on their own. They should seek advice from their Line Manager before face-to-face meetings are arranged.
5.	Training
5.1	Training is provided for appropriate employees to manage conflict / personal safety aimed at equipping them to handle conflict and understand the issues of personal safety and the need for appropriate risk assessment and control measures.
5.2	Managers are responsible for ensuring their staff receive the training appropriate to their needs for their job role as identified in the risk assessment. The type of training will depend on the area of work and the risk assessments associated to those activities.
5.3	<p>Some of the training interventions that may be identified include:</p> <ul style="list-style-type: none"> • Risk assessment • Customer care • Dealing with aggression • Complaint handling • Incident reporting
6.	Incident Reporting
6.1	<p>Physical Assault, Threat of Physical Violence or Verbal Abuse</p> <p>In the event of an employee being threatened, receiving verbal abuse or being physically assaulted in the workplace the Head of Service and the Health and Safety Advisor should be contacted immediately. Consideration will be given in such event to reporting the matter to the police with the agreement of the employee who has been subject to the treatment.</p> <p>The line manager will ensure that all possible preventive action is taken to minimise the risk of a similar incident occurring. Actual incidents of violence and near misses will be reviewed as soon as possible after they occur, as a means of assessing whether or not there are any improvements that can be made to the risk assessment.</p>
6.2	<p>Police Involvement</p> <p>Council employees are entitled to ask the police to investigate alleged incidents of assault against them. Management should fully support staff wishing to take this course of action.</p> <p>Where there has been an act of violence in the workplace and the individual wants to prosecute, the council and the individual concerned would take advice from the police as to whether to proceed or otherwise.</p>

6.3	<p>Verbal Abuse</p> <p>In the case of verbal abuse the Council may need to consider the seriousness of the incident before involving the police. For example, someone swearing at a member of staff could be dealt with administratively through warning letters about their behaviour. However, where the verbal abuse involves threats or the use of a weapon the police should always be informed.</p>
6.4	<p>Hate Crime</p> <p>No hate incident or crime is too minor to report and staff are encouraged to report all incidents as soon as they occur which can be done through Lancashire Victim Services, contact details as follows: Tel: 0300 323 0085 E-mail: info@lancashirevictimservices.org Website: www.lancashirevictimservices.org Secure E-mail: vcu.lancashire@victimsupport.cjism.net</p>
6.5	<p>Incident Report Form</p> <p>An incident report form must be completed by the employee subjected to the abuse / assault and forwarded to the relevant Head of Service and the Health and Safety Advisor.</p> <p>On receipt of the incident report form, the line manager will ensure that any necessary support arrangements, such as counselling are offered.</p> <p>Following a specific violent or aggressive incident by a member of the public/service user/visitor, and after appropriate consultation, the Head of Service will consider the possibility of banning the alleged offender(s) from Council premises.</p>
7.	<p>Equality Impact Assessment and Monitoring</p>
7.1	<p>Data will be collected as part of the wider Health and Safety incident reporting and will form part of the normal reporting regime to the Management Team.</p>
7.2	<p>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.</p>
8.	<p>Data Protection</p>
8.1	<p>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.</p>

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Leave and Work Life Balance Policy

March 2018 amended February 2020

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1. Introduction

- 1.1 Wyre Council supports the promotion of work-life balance for employees and recognises that, on occasion, they may require additional time off to meet obligations or attend events outside of their working life.

This document sets out the leave schemes that are available to assist employees in achieving this balance. Managers will consider all the circumstances surrounding each request and ensure fairness and consistency in applying the policy.

2. Supporting Policies

- 2.1 This policy should be read in conjunction with the following policies:
- Extended Authorised Absence Policy.
 - Equal Opportunities
 - Flexible working Policy
 - Health & Safety
 - Becoming a Parent – Maternity, Paternity and Adoption
 - Promoting Attendance
 - Time off for Trade Union Duties

3. Annual Leave, Public and Extra Statutory Holidays.

- 3.1 All employees are entitled to annual leave as stipulated in their contract of employment. The full time entitlements are as follows:

Up to the completion of 4 years continuous service	=	23 days
From the 4 th complete year to the 5 th complete year	=	25 days
After the completion of 5 years continuous service	=	28 days

Part time employees have a pro-rated entitlement.

- 3.2 Annual holiday entitlement is accrued at one twelfth of the annual entitlement for each full month worked. This will not affect the actual holidays taken (all of which is subject to approval) but it will be used to calculate pay-in-lieu of holiday (or excess holiday) if the employee leaves during the year. Any leave taken in excess of accrued entitlement will be deducted from the final pay.
- 3.3 The annual leave year will run from the month of the employee's start date with Wyre Council.
- 3.4 Up to 5 days annual leave (pro rata for part time staff) not taken during the leave year may be carried forward into the next leave year with the approval of the Head of Service.

Any carried over leave should be used within two months. There is no payment in lieu for holidays not taken.

- 3.5 In addition to your annual leave there is an entitlement to payment for 8 Bank Holidays and 1 extra statutory holiday i.e.

Good Friday, Easter Monday, May Day, Spring Bank Holiday, August Bank Holiday, Christmas Day, Boxing Day, New Year's Day.

The extra statutory holiday is an additional day taken at Christmas and will be fixed each year depending on which days of the week Christmas falls.

Part time employees have a pro-rated entitlement to Bank Holidays and Extra Statutory Holidays.

4. Maternity, Paternity and Adoption Leave

4.1 Maternity Leave

Eligible employees can take up to 52 weeks' maternity leave. The first 26 weeks is known as 'Ordinary Maternity Leave', the last 26 weeks as 'Additional Maternity Leave'.

The earliest leave can be taken is 11 weeks before the expected week of childbirth and mothers must take at least 2 weeks after the birth

Eligibility for paid maternity leave is dependent on your length of service.

4.2 Paternity Leave

Eligible employees can take up to 2 weeks ordinary paternity leave because their partner is having a baby or adopting a child, they may also be eligible for up to 26 weeks' paid Shared Parental Leave, see 4.4 below.

4.3 Maternity Support Leave

Maternity Support Leave of 5 days paid leave will be granted to the child's father or the partner or nominated carer of an expectant mother at or around the time of birth. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth.

- 4.4 **Shared Parental Leave** Mothers are able to end their maternity leave early and share up to 50 weeks' untaken leave and 37 weeks' unclaimed pay with their partner.

4.5 Adoption Leave

Eligible employees can take up to 52 weeks' adoption leave. The first 26 weeks' is known as ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave.

Adoption leave entitlement applies to one adoptive parent the other adoptive parent will be entitled to take paternity leave.

- 4.6 See Maternity, Paternity & Adoption Policy for further information.

5. Ordinary Parental Leave

- 5.1 In addition to the entitlements set out in section 4 parents of children under the age of 18 (birth and adoptive) who have a minimum of one year's continuous service are able to

request up to 18 weeks leave to look after their child or make arrangements for their child's welfare.

- 5.2 The right to Ordinary Parental Leave arises in respect of each child.
- 5.3 Time off for Parental Leave is unpaid.
- 5.4 In most cases, an employee will take leave in blocks of one week or more (for example, in two-week or three-week blocks), up to a maximum of four weeks in a year for each child. However, the Council, at its discretion, may allow parents to take the leave in days or periods shorter than a week.
- 5.5 Wherever reasonably possible, an employee should give the Council at least 21 days' notice, giving the dates when the leave is to start and finish. This notice should be in writing to their line manager in the first instance.
- 5.6 There may be exceptional circumstances where it is considered that an employee's absence would unduly disrupt the business, and, therefore, in these circumstances, the Council may request that the leave be postponed for a period no longer than six months. This would be discussed fully with the employee.

6. Extended Authorised Absence EAA (including Career Breaks)

- 6.1 This is a system whereby the employee has an extended period of time away from paid work, with a guarantee of a return to the same or a similar job at the end of the period.
- 6.2 Employees who have more than 12 months service may apply for a period of EAA of between three months and two years depending on their individual needs. The maximum of two years ensures that Wyre as a council does not find itself at a disadvantage covering roles with limited resources.
- 6.3 All requests for EAA will be subject to operational requirements - (for further details please see the EAA Policy).

7. Compassionate Leave

- 7.1 The Council recognises that when faced with the death of a dependant, partner or family member employees may need to take time away from work and may require additional support.
- 7.2 Individuals will obviously require varying levels of time off work dependant on the relationship, the location of the funeral or if the employee is responsible for the funeral arrangements or the estate of the deceased. The Head of Business Support (or in their absence a member of the HR Team) is therefore allowed the discretion, in liaison with the line manager, to authorise compassionate leave of up to 10 days. Any extension beyond this must be authorised by a member of the Corporate Management Team.
- 7.3 With effect from 1 April 2020 parents or carers will have a statutory entitlement to two weeks' leave following the loss of a child under the age of 18 or a stillbirth after 24 weeks of pregnancy.

Whilst the legal requirement is for the leave to be paid at the statutory rate the Council will authorise two weeks paid compassionate leave to parents or those with legal caring responsibility for the child.

The leave can be taken in one block of two weeks or two blocks of one week to be taken within 56 weeks of the child's death.

- 7.3 It is recognised that not even the maximum number of days would be sufficient to recover from the loss of someone close to you. The purpose of compassionate leave is therefore not to help you get over the loss but to help deal with the immediate shock and distress and give you the time to deal any arrangements that need to be made.
- 7.4 It may also be appropriate to consider other leave options covered within this policy or flexible working options covered in the Flexible Working Policy either instead of or in addition to compassionate leave. This will be especially applicable if staff need to travel abroad, are suffering from the loss of a close family member or where they are caring for a terminally ill dependant or family member. In such circumstances an extended period of unpaid leave may be considered and with the deduction from salary spread over an agreed number of months.
- 7.5 Support from Occupational Health and the Council's Employee Support Programme will also be available.
- 7.6 Applications for Compassionate Leave should be made using the Compassionate Leave form available on the intranet or from Human Resources.

8. Special Leave

- 8.1 There may be occasions when employees need to take time away from work for reasons that do not necessarily fall under existing leave provisions. The Council has a number of schemes that allow staff to take time off work: some paid and some unpaid.

8.2 Time Off for Dependants

All employees will be allowed reasonable time off to provide care and attention to dependants, this may include:

- caring for ill dependants
- attending hospital with a dependant
- making longer term care arrangements for the ill or injured;
- breakdown or unexpected disruption in care arrangements;
- incidents at school etc.

Time off for dependents is unpaid.

There may be other occasions when long term leave (3 months or more) is needed particularly when a dependant requires respite care or is terminally ill, in which case it may be more appropriate for the employee to apply for a career break under the Extended Authorised Absence Policy.

8.3 Time Off for Emergencies

The Council will also be sympathetic to a reasonable request for time off to deal with domestic emergencies not involving dependants. This may include fire, flood or theft at home.

Time off for emergencies is unpaid.

As an alternative to taking unpaid leave, employees may consider, in discussion with their manager, using one or more of the following options:

- using annual leave e.g. where time off is half a day or more;
- using flexi time or arranging to work up additional hours e.g. where time off is less than half a day;
- changing working patterns or arrangements on a short-term basis.

It will depend on the individual circumstances as to the most appropriate option for taking leave and it will be at the discretion of line manager as to how leave can be taken in these circumstances, with each case being considered on its own merits.

8.4 Unpaid Leave

Unpaid leave may be approved at the discretion of your Head of Service. Requests made will be considered according to the needs of the service.

Payment for unpaid leave days may be deducted over a period of up to 3 months (this may however be extended in agreement with the Head of Business Support when additional days have been approved).

8.5 Purchase of Additional Annual Leave

Subject to operational requirements employees are able to purchase up to 5 days additional annual leave per annum.

The cost of purchasing annual leave is provided through salary sacrifice, which is an agreement between employees and the Council to vary their salary and benefits package under their contract of employment. This can be paid back over a period of up to 12 months.

For details of the scheme and how to apply see the Purchase of Additional Annual Leave Policy.

8.6 Public Duties

All employees will be allowed reasonable paid time off work to undertake public duties. This will normally be up to a maximum of 10 days within the leave year (pro-rata for part time staff).

The public duties that are covered by the existing legislative provisions are as follows:

- Magistrates;
- members of a local authority (e.g. a councillor);
- members of a police authority;
- members of any statutory tribunal;
- members of a relevant health body;
- members of the managing or governing body of an educational establishment;
- members of the governing body of a further or higher education corporation;

- members of a school council or board in Scotland;
- members of the General Teaching Councils for England and Wales;
- members of the Environment Agency or the Scottish Environment Protection Agency;

Council employees should advise both their line manager and Human Resources before first entering into such commitments and discuss the extent of the commitment and the implications for their work.

Where a 'no loss of earnings' compensation is offered by the relevant public body, the employee is required to inform the Council and the salary will be adjusted accordingly.

Council reserves the right to instruct any member of staff not to undertake duties which it considers harmful to its interests.

8.7 **Jury Service**

The Council will grant paid leave for employees who are called to attend Court for Jury Service. Any employee who is called for Jury Service should notify their Head of Service and forward their written notification (Jury Service Summons) to Human Resources as soon as it is received.

The court will provide a form for Wyre Council Payroll to complete in relation to loss of earnings and which should send to human resources. Once the service is completed the court will provide a statement of monies paid in relation to loss of earnings, which again, should be sent to human resources.

You will receive your normal pay during Jury Service and any monies paid to you by the court will be deducted on your return. If you fail to claim for loss of earnings through the Court, the Council reserves the right to deduct from your salary any monies paid at the standard rate for loss of earnings.

8.8 **Service as a Witness**

If an employee is cited to attend court as a witness, leave of absence will be granted as follows:-

- in the case of an employee called as a witness in a case before a senior court of England or Wales leave with pay will be granted, on the understanding that loss of earnings received by the employee from the Court, will be paid back to the council.
- in all other cases where the employee is called to attend court as a witness, leave without pay will be granted. Employees can claim from the person citing them, the relevant amount in respect of loss of earnings.

8.9 **Members of the Reserve Forces**

Employees who are members of the Volunteer Reserve Forces (Royal Naval Reserve, Royal Marines Reserve, Territorial Army or Royal Auxiliary Air force) will normally be granted two-week's additional paid leave per year.

Recruits to the volunteer reserve forces are required to inform the Council of their status as reservists to ensure that the Council is better informed as to its obligations to employees and to enable to plan adequately for their absence and ultimate return.

- 8.10 Existing reservists are also expected to inform the Council of their next reengagement.

Community Emergency Services

An employee who is a member of a community emergency service, for example retained fire fighters, will be granted paid leave to attend emergencies during working hours.

- 8.11 **Trade Union Duties** (See Time off for Trade Union Duties policy for further information).

Reasonable time off with pay during working hours will be granted for trade union officials for the purpose of carrying out trade union duties or undertaking training in relation to trade union duties for a trade union recognised by the Council.

Reasonable time off with pay during working hours will be granted for Union Learning Representatives for the purpose of carrying out related duties or undertaking relevant training for a trade union recognised by the Council.

Trade Union Representatives are required to keep a record of all time off taken during office/ working hours as it will need to be collated and published in accordance with the Code of Practice on Data Transparency.

- 8.12 **Election Duty**

Staff who assist with election duties for Wyre during their normal working day will be able to claim back time up to their normal working hours for that day. Credit will not be given for duties outside of the normal working day such as the Poll Officer/Presiding Officer training and the count. Nor will time be given for any election duties carried out on a normal day off.

Credit will not be given for staff carrying out election duties for another Council.

- 8.13 **Training Leave**

Employees with a minimum of 26 weeks continuous service have the statutory right to make a request in relation to time off for study or training purposes.

Employees may submit a request in relation to any type of study or training, provided that they can reasonably demonstrate that the study or training is likely to lead to an improvement in their effectiveness at work and consequently an improvement in the performance of the business.

The Council is not obliged to grant paid leave but may, at its discretion, agree to pay the employee his/her normal wage/salary during some or all of any time off granted for study or training purposes.

Each request will be dealt with individually, taking into account the nature of the employee's request and any likely effects on the service.

- 8.14 **Volunteering Activities**

The Council recognises the valuable work that volunteers provide to the community and how this can also be used to aid employee's personal and professional development.

In supporting employees with volunteering activities the council will allow up to 10 days unpaid leave to enable them to engage in volunteering activities. Arrangements will need to be agreed between employees and line managers and should not conflict with work requirements.

9. Applying for time off work

- 9.1 Applications for time off (unless otherwise stated) should be made on the "Request for Unpaid Leave Form".

Although it is understood that situations may arise where it is not possible for employees to provide notice of time off, the absence must be reported to the line manager as soon as possible and no later than 10.00 am (or no later than the specified for those who work non-standard hours).

- 9.2 Failure by the employee to make contact with his/her manager could lead to disciplinary action if the leave is treated as an unauthorised absence.

Requests for time off will be considered against the work commitments and take into account:

- whether the absence would be unduly disruptive to the work of the team or service, and
- whether productivity may be affected in relation to the quantity or quality of work and service delivery.

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.

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Recruitment of Ex-offenders Policy

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1. Policy Statement

- 1.1 Wyre Council is committed to equality of opportunity for all job applicants and aims to select people for employment on the basis of their individual skills, abilities, experience, knowledge and, where appropriate, qualifications and training.

Wyre will therefore consider ex-offenders for employment on their individual merits. The Council's approach towards employing ex-offenders differs, however, depending on whether the job is or is not exempt from the provisions of the Rehabilitation of Offenders Act 1974.

- 1.2 Wyre Council is committed to ensuring that all information provided about an individual's criminal convictions, including any information released in disclosures, is used fairly and stored and handled appropriately and in accordance with the provisions of the Data Protection Act 1998. Data held on file about an individual's criminal convictions will be held only as long as it is required for employment purposes and will not be disclosed to any unauthorised person.

2. Rehabilitation of Offenders Act 1974

- 2.1 The Rehabilitation of Offenders Act 1974 ("1974 Act") primarily exists to support the rehabilitation into employment of reformed offenders who have stayed on the right side of the law. Under the 1974 Act, following a specified period of time which varies according to the disposal administered or sentence passed, cautions and convictions (except those resulting in prison sentences of over four years and all public protection sentences*) may become spent. As a result the offender is regarded as rehabilitated.

For most purposes the 1974 Act treats a rehabilitated person as if he or she had never committed, or been charged with charged or prosecuted for or convicted of or sentenced for the offence and, as such, they are not required to declare their spent caution(s) or conviction(s), for example, when applying for most jobs or insurance, some educational courses and housing applications.

Further information on rehabilitation periods can be seen in Appendix 1.

- 2.2 Once a rehabilitation period has expired and no further offending has taken place, a conviction is considered to be 'spent'. Once a conviction has been spent, the convicted person does not have to reveal it or admit its existence. However there are some exceptions.

3. Jobs covered by the Rehabilitation of Offenders Act 1974

- 3.1 Wyre Council will not automatically refuse to employ a particular individual just because he/she has a previous criminal conviction.
- 3.2 During the selection process, Wyre Council will ask job applicants to disclose any unspent convictions, but will not ask job applicants questions about spent convictions, nor expect them to disclose any spent convictions.

- 3.3 If an applicant has a conviction that is not spent and if the nature of the offence is relevant to the job for which he/she has applied, the Council will review the individual circumstances of the case and may, at its discretion, decline to select the individual for employment.

4. Jobs that are exempt from the Rehabilitation of Offenders Act 1974

- 4.1 The Council has a duty of care to protect the well-being of the public and service users and in particular children and adults in its care who are considered to be especially vulnerable or at risk. The Exceptions Order overrules the employment rights an ex-offender would otherwise have in respect of spent convictions. Ex-offenders have to disclose information about spent, as well as unspent convictions, provided the employer states clearly on the application form or at the interview that the job applied for is exempted.
- 4.2 Exempted occupations fall into the following categories (see appendix 2 for examples):
- Work that brings the person into contact with groups such as the infirm, elderly, mentally ill and young people under the age of 18.
 - Professionals that have legal protection, for example, nurses, doctors, dentists, chemists, accountants.
 - Posts concerned with the administration of justice, for example, police officers, lawyers, probation officers, and traffic wardens.
 - Health service appointments

5. Job Applicants

- 5.1 The Council is committed to the fair treatment of its staff, potential staff and users of its services regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background. We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.
- 5.2 Pre-employment checks and other safe recruitment practices are a requirement to ensure that people who may pose a threat to children and adults are not given positions of trust where they could exploit those entrusted to their care.
- 5.3 As an organisation using the DBS disclosures to assess applicants' suitability for positions of trust, we comply fully with the DBS Code of Practice and undertake to treat all applicants for positions fairly.
- 5.4 A disclosure is only requested when it is legal to do so. The parameters are set out in the Council's Disclosure & Barring Service (DBS) Policy. For those positions where a disclosure is required all job adverts, application forms, and recruitment material will contain a statement that a disclosure will be requested before an appointment is made.

- 5.5 Unless the nature of the position allows the Council to ask questions about a person's entire criminal record we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act (1974).
- 5.6 We ensure that all those in the Council who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act (1974).
- 5.7 Having a criminal record will not bar a person from working at the Council. It will depend on the nature of the position and the circumstances and background of the offences. We do not discriminate unfairly against any subject of a disclosure on the basis of conviction or other information revealed. At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position before any offer of employment is considered.

6. Protection of a Rehabilitated Person

- 6.1 The unauthorised disclosure of information about a spent conviction is illegal. Unauthorised disclosure is where an official with access to information about the person's criminal record discloses this information other than in the course of official duties. Serious misuse of a person's criminal record could result in a prison sentence of up to six months or a fine of up to £1,000, or both.

7. Council Employees

- 7.1 Following appointment, employees have a responsibility to report any relevant changes of circumstance to their employer. These include any criminal investigations, convictions or warnings they may become the subject of, or any other relevant information which a reasonable employer might consider to impact on the employment of that individual. Employees should always discuss with their line manager any difficulties or problems that may impact on their suitability to work with children and adults so that appropriate support can be provided or action taken. Failure to disclose convictions with the line manager may result in disciplinary action.
- 7.2 Any existing employee may be asked to undertake a DBS re-check in line with Council policy. Refusing to comply with such a request may result in the employee being subject to formal disciplinary action for deliberate and/or unreasonable refusal to carry out lawful and safe instructions issued by an appropriate manager/supervisor, and/or to comply with a contractual agreement.
- 7.3 Confidentiality cannot be guaranteed where concerns arise about the welfare or safety of children or adults but any information sharing will be in accordance with relevant legislation and policy and only as is necessary in the circumstances.

8. Equality Impact Assessment and Monitoring

- 8.1 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.

9. Data Protection

- 9.1 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.

Appendix 1

The rehabilitation periods for sentences with additional “buffer periods” which run from the end date of the sentence are shown in the table below:

Sentence/disposal	Buffer period for adults (18 or over at the time of conviction or time the disposal is administered). This applies from the <u>end</u> date of the sentence (including the licence period).	Buffer period for young people (under 18 at time of conviction or the time the disposal is administered). This applies from the <u>end</u> date of the sentence (including the licence period).
Custodial sentence* of over 4 years, or a public protection sentence	Never spent	Never spent
Custodial sentence of over 30 months (2 ½ years) and up to and including 48 months (4 years)	7 years	3 ½ years
Custodial sentence of over 6 months and up to and including 30 months (2 ½ years)	4 years	2 years
Custodial sentence of 6 months or less	2 years	18 months
Community order or youth rehabilitation order **	1 years	6 months

*Custodial sentence includes a sentence of imprisonment (both an immediate custodial sentence and a suspended sentence), a sentence of detention in a young offender institution, a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000, a detention and training order, a sentence of your custody, a sentence of corrective training and a sentence of Borstal training.

**In relation to any community or youth rehabilitation order which has no specified end date, the rehabilitation period is 2 years from the date of conviction.

The following table sets out the rehabilitation period for sentences which do not have “buffer periods” and for which the rehabilitation period runs from the date of conviction:

Sentence/disposal	Rehabilitation period for adults (18 and over at the time of conviction or the time the disposal is administered)	Rehabilitation period for young people (under 18 at the time of conviction or the time the disposal is administered)
Fine	1 year	6 months
Conditional discharge	Period of the order	Period of the order
Absolute discharge	None	None
Conditional caution and youth conditional caution	3 months or when the caution ceases to have effect if earlier	3 months
Simple caution, youth caution	Spent immediately	Spent immediately
Compensation Order	On the discharge of the order (i.e. when it is paid in full)	On the discharge of the order (i.e. when it is paid in full)
Binding over order	Period of the order	Period of the order
Attendance Centre Order	Period of the order	Period of the order
Hospital Order (with or without a restriction order)	Period of the order	Period of the order

Referral order	Not available for adults	Period of the order
Reparation order	Not available for adults	None

Suspended sentences

A suspended prison sentence is treated as one that has taken effect and the rehabilitation period is the same as for the full sentence.

Consecutive and concurrent sentences

An offender may be sentenced at one time for several offences. If the court decides that imprisonment is the right penalty for more than one offence, it can order that these run concurrently or consecutively. If a person is sentenced to two terms of imprisonment of six months each, to run concurrently, the person will be subject to a rehabilitation period of seven years. If they were ordered to run consecutively, they would be subject to a rehabilitation period of ten years.

Extension of rehabilitation periods

Rehabilitation periods may be extended if a person receives further convictions while an original rehabilitation period is still running. If the second conviction is for a summary offence, i.e. an offence that can be tried only in a Magistrate's Court, then the first rehabilitation period is not affected and both rehabilitation periods will run their separate course. If, however, the second conviction is more serious and could be tried in a Crown Court, then neither conviction will become spent until the longer rehabilitation period has expired.

Where the original sentence resulted in a disqualification, probation or other penalty, the rehabilitation period will not be affected if the person is convicted of a further offence.

Appendix 2

Examples of the types of occupations, posts and activities in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

Please be aware that this is **not** a comprehensive list and merely gives an indication of the general types of employment that are included in the Exceptions Order.

1. Regulated activity with children and other activities which involve working closely with children such as caring for, training, supervising or being solely in charge of children under 18 (including adoption, fostering, day care and childminding)
2. Regulated activity and other activities which involve caring for, training, supervising or being solely in charge of other people in vulnerable circumstances (including social work and advocacy services)
3. Employment in healthcare professions (including medical practitioners, dentists, nurses, midwives, optometrists, registered pharmacists and osteopaths)
4. Employment concerned with national security (including the provision of air traffic services and employment by the UK Atomic Energy Authority)
5. Employment in the legal profession (including barristers, solicitors, legal executives, the Crown Prosecution Service and judicial appointments)
6. Offices and positions in HM Courts and Tribunals Service and the Judicial Office (including Justices' and sheriff's, court and tribunal security officers and contractors with unsupervised access to court-houses, tribunal buildings, offices and other accommodation used in relation to the court or tribunal)
7. Employment in law enforcement (including police constables and cadets, the naval, military and air force police, traffic wardens and employment in the Serious Fraud Office (SFO) and the Serious Organised Crime Agency (SOCA))
8. Offices responsible for the enforcement of warrants and writs (including Court officers who execute county court warrants, High Court enforcement officers, sheriffs and Civilian enforcement officers)
9. Employment in the Prison and Probation Services (including prison and probation officers, members of boards of visitors etc.)
10. Employment in the financial sector (including chartered and certified accountants, actuaries and all positions for which the Financial Conduct Authority or the competent authority for listings are entitled to ask exempted questions to fulfil their obligations under the Financial Services and Markets Act 2000)
11. For licensing purposes (including the National Lottery, gambling, firearms and drugs licensing purposes, Security Industry Authority licences, and licensing hackney carriages or private hire vehicle drivers)

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Employee Code of Conduct

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Appendix 1: Rules of Conduct

Wyre Council Code of Conduct

1. Introduction

- 1.1 The public is entitled to expect the highest standards of conduct from all Council officers. Your role is to serve the Council in delivering services to the local community, providing advice and implementing its policies. In performing your duties, you must act with integrity, honesty, impartiality and objectivity.

This Code applies to all Wyre Council staff and describes the minimum standards of behaviour required. Maintaining these standards will ensure best practice and protect you from misunderstanding or criticism. Where the Council has a policy or protocol that provides more detail on specific issues, the name of the policy or protocol is in italics at the end of a section.

For ease of reference the main rules of conduct are listed in Appendix 1 but more detailed information is included below.

1.2 Key Points

There are four key points to remember in all that you do: **ensure your conduct:**

- is never influenced by personal gain;
- could not give anyone reason to question your motives;
- is always in line with the Council's policies and procedures.
- does not bring the Council into disrepute.

1.3 The Council's Constitution

The Council has certain powers and duties that are set out in a formal document, the Constitution. The Council must act under the Constitution and the law; otherwise it will be acting ultra vires, that is, beyond the scope or in excess of its legal power or authority.

While you may not use the Constitution in your day-to-day work it is a useful reference for all matters relating to the composition of the Council, rules about members and committee meetings, financial and procurement procedures and other issues of relevance to officers.

The Council has adopted a protocol to govern the relationship between members and officers which forms part of the Constitution.

2. Standards of Conduct

- 2.1 You have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in you, and in such a way as to preserve public confidence in the council.
- 2.2 You have a general duty to act in the interests of the council as a whole and the local community it represents.

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

3. Equality

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

4. Proper Use of Council Resources

- 4.1 The Council is responsible for the efficient use of the public resources it controls including financial resources, equipment and its staff. You must not use council premises, property or facilities unless authorised to do so. Some facilities, such as photocopying, may be made available to officers for private use on agreed terms and with prior approval.

All officers have a duty to abide by the highest standards of probity in dealing with financial issues. You must operate within the financial regulations and financial procedure rules to ensure that all the Council's transactions, material commitments, contracts and other essential accounting information is recorded completely, accurately and on a timely basis.

You are required to ensure that Internal Audit and the Council's External Auditor are given access at all reasonable times to premises, personnel, documents and assets that they consider necessary for the purposes of their work.

4.2 Use of Technology, Telephones, Internet and Email

You should be familiar with the rules relating to personal use of equipment, the prohibitions on accessing or downloading racist, sexist, pornographic or violent websites or material, virus protection and the use of unapproved software.

Users must ensure that they use social media sensibly and responsibly whether business or personal use, in line with council policy. They must ensure that their use will not adversely affect the council or its business, not be damaging to the council's reputation and credibility or otherwise violate any council policies.

Officers may make personal telephone calls using the landline whilst at work but such calls should be kept to a minimum. All personal use of a works mobile will be charged at the full rate.

The Council does allow for personal use of e-mail and the internet providing that it is not excessive, does not interfere with your normal activities and it is made clear that any message sent is not on behalf of the Council.

For further information see:

ICT Computer Use Policy
Social Media and Employment Policy.

5. Political Neutrality

5.1 Advice to Members

Employees serve the Council as a whole and not any political grouping or individual Councillor. Employees must always operate in a fair and even-handed manner.

Employee support is limited to information and advice on Council business. It does not extend to Party or external business.

Employees need to be aware that should they attend political group meetings these may include non-members of the Council who are not subject to the Council's Code of Conduct.

When providing information or advice to political groups, Employees must at all times maintain confidentiality and political neutrality.

5.2 Politically restricted posts

Some local government employees are contractually prohibited from participating in certain "political activities" as set out below and the Council is obliged, by law, to enforce this contractual obligation.

- Chief Executive;
- Monitoring Officer;
- Section 151 Officer;
- Corporate Directors;
- All posts where the salary is or exceeds spinal column point 38 (Grade 12);
- Posts where the holders are responsible for advising members or speaking on behalf of the authority on a regular basis (even where the salary is below point 38);

These posts are identified as being politically restricted on the job description and on the Council's Establishment list.

Where a local authority employee holds a politically restricted post, he/she may not:

- be an elected member of another authority (except Town or Parish Councils);
- hold office in a political party;
- canvass on behalf of a political party;
- become an MP or an MEP.

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

6. Disclosure of Information

6.1 Confidentiality

Confidential information obtained in the course of your work must not be divulged to any person (inside or outside the Council's employment) who is not authorised to receive it, unless there is a requirement by law to do so. Similarly, no information concerning another employee's affairs, known about through work, is to be given to any person not authorised to receive it, without the consent of that employee.

If you are in any doubt about disclosing information then you are expected to seek guidance from your manager.

6.2 Transparency Code / Freedom of Information

The Council is committed to open government and the law requires that certain types of information must be made available to members, auditors, government departments, service users, and the public. In particular, the Freedom of Information Act 2000 gives a legal right of access to information held by the Council, subject to certain exemptions.

For further information or guidance concerning freedom of information requests please contact the legal services team and for the Open Data/ Transparency Code please contact the Electoral Services and Information Governance Manager.

7. Relationships

- 7.1 Employees should always remember their responsibilities to the community and should provide courteous, efficient and impartial service delivery to all groups and individuals within the community.

You are also expected to apply the same high standards of conduct in your dealings with colleagues as with the public. The disruption of other's work or the acting in any way that unnecessarily makes the tasks of others more difficult or more time consuming is unacceptable behaviour.

7.2 Relationships with Contractors

Orders and contracts must be awarded on merit, by fair competition, in accordance with the Council's Financial Regulations and Financial Procedure Rules.

You should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts.

Those involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority. Employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

Employees who are privy to confidential information on tenders or costs for either internal or external contracts should not disclose that information to any unauthorised party or organisation.

7.3 Appointments and other employment matters

All appointments should be made on merit and in accordance with the Council's agreed procedures. In order to avoid any possible accusation of bias, managers should liaise with HR to ensure appropriate measures are put in place with the appointment process where they are related to an applicant, have a close personal relationship outside work with him or her, or if their knowledge of an applicant is such that they cannot maintain objectivity. This may include being excluded from the recruitment process.

Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a friend, partner, relative or a person to whom the employee owes (or is owed) an obligation.

8. Gifts and Hospitality and Registering Interests

-
- 8.1 Offers of gifts and hospitality may include items ranging from diaries, stationery, boxes of chocolates, to free meals and golf days.

In exercising judgement as to whether to accept a gift or hospitality the question should be asked what public perception would be if the information was published given your role and circumstances.

It is your responsibility to ensure that you are not placed in a position that risks, or appears to risk, compromising your role with the council and you should not be seen to be securing gifts and hospitality by virtue of your job.

You should tactfully refuse all personal gifts and offers of hospitality that you think may damage public confidence in you.

8.2 **Registering gifts and hospitality**

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

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

Prior to accepting any gift or hospitality with a **value of £25 or more**, the Officer should seek authorisation from their Director or Chief Executive. Only once consent has been given should the Officer take ownership and the details must then be passed to the Head of Governance immediately for recording in the Council’s Register.

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

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

8.3 Personal Interests

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

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

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

8.4 Declaring an Interest

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

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

9. Outside Commitments

9.1 Although your activities during off duty hours are your personal concern they should not interfere with your duties as an employee of the Council, and you should not put yourself in a position where duty and private interests conflict. The Council will not normally prevent you from undertaking additional employment but any such employment must not, in the opinion of the Council, conflict with or be detrimental to the Council's interest or in any way weaken public confidence in the conduct of the Council's business

Officers at Grade 8 or above may not in any case engage in any business or take up any additional job without permission of the Director or Chief Executive. Directors require the permission of the Chief Executive and the Chief Executive needs the permission of Full Council.

Applications for consent should be submitted to Human Resources who will consult with the relevant Corporate Director, Chief Executive or Employment and Appeals Panel as appropriate.

The guiding principle will be that any such employment must not conflict with or react detrimentally to the authority's interests or in any way weaken public confidence in the conduct of the authority's business.

In any event, no outside work of any sort should be undertaken in the office and use of council facilities is forbidden.

The Council is mindful of its responsibility towards the health and wellbeing of its employees under the Working Time Regulations and the Health and Safety at Work Act and all employees are required to notify Human Resources of any other jobs they may have in addition to working at Wyre Council.

10. Fraud and Corruption

10.1 Council employees have an important role to play in relation to protection against fraud and corruption. You should report any concerns, associated with the Council's finances, resources and responsibilities, to a senior line manager or the Head of Governance.

10.2 Bribery is the act of offering money or other incentives to persuade somebody to do or not to do something, especially something dishonest or illegal. The Bribery Act makes it an offence for UK citizens and residents to pay or receive a bribe either directly or indirectly. This includes transactions that take place in the UK and abroad, and in both private and public organisations.

Employees must be aware that it is a serious criminal offence for them to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in his/her official capacity.

For further information see:

Anti-Fraud, Corruption and Bribery Policy.

10.3 Raising Concerns at Work - Grievances and Whistleblowing

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

If you have any concerns arising from:

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

For further information see:

Grievance Policy and Procedure and *Dignity at Work Policy*

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

For further information see:

Whistleblowing Policy.

11. CCTV

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

12. Breaches of the Code of Conduct

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

13. Equality Impact Assessment and Monitoring

- 13.1 The operation of this policy will be monitored for its impact on different equality groups in line with the Equality Act 2010. This will enable the Council to assess whether any

differences have an adverse impact on a particular group, such that further action would be required.

14. Data Protection

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

Appendix 1

Rules of Conduct

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

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

All employees are required:

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

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