



Wyre Borough Council

Date of Publication: 23 October 2020

Please ask for : Duncan Jowitt

Democratic Services Officer

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Employment and Appeals Committee Agenda

Employment and Appeals Committee meeting on Monday, 2 November 2020 at 6.00 pm - Remote Access via WebEx

For Public Access to the meeting please dial:

+44-20-7660-8149 (free WebEx UK number)

And enter:

Meeting number (access code): 163 326 6793 Meeting password: 88396973

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) Grading Review and Appeal Procedure (Pages 9 - 20)
- (b) Flexitime Working Policy (Pages 21 - 30)
- (c) Time off for Trade Union Duties (Pages 31 - 38)
- (d) Social Media Policy (Pages 39 - 46)
- (e) Disciplinary Policy and Procedure (Pages 47 - 78)
- (f) Appeal against Dismissal Procedure (Pages 79 - 86)
- (g) Resolution Policy (Pages 87 - 104)
- (h) Redundancy Policy and Selection Procedure (Pages 105 - 110)
- (i) Employee Code of Conduct (Pages 111 - 124)

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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, 13 July 2020 by Remote Access via Webex.

Employment and Appeals Committee members present:

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

Apologies for absence:

Councillor Holden

Other councillors present:

None

Officers present:

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

No members of the public or press attended the meeting.

11 Declarations of interest

None.

12 Confirmation of Minutes

The minutes of the meeting held on 24 February 2020 were confirmed as a correct record.

13 Policy Review

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

Members of the committee asked a number of questions regarding the content of the policies to which the Head of Business Support responded and requested a number of amendments which the Head of Business Support agreed to incorporate into the policies.

Decision taken

The committee approved the additions and amendments to Human Resource Policies and documents:

- Disciplinary Policy and Procedure
- Grievance Policy and Procedure
- Driving Policy
- Grading and Appeals Policy and Procedure
- Leave and Worklife Balance Policy
- Promoting Attendance Policy
- Agile Working Policy
- Veteran Guaranteed Interview Scheme
- Reservist Policy

The meeting started at 6.05 pm and finished at 7.36 pm.

Date of Publication: 16 July 2020



Report of:	Meeting	Date
Human Resources	Employment and Appeals Committee	2 November 2020

Policy Review

1. Purpose of report

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

2. Outcomes

2.1 The amendment to existing policies and procedures.

3. Recommendation/s

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

4. Background

4.1 From time to time the Council needs to develop new policies and working arrangements to ensure we comply with statutory requirements and effectively manage our human resources.

4.2 The development of new policies and the review of existing policies will also be informed by employment best practice and the organisational needs of the Council.

5. Key issues and proposals

5.1	Grading Review and Appeal Procedure	Reviewed
	Flexitime Working Policy	Reviewed
	Time off for Trade Union Duties	Reviewed
	Social Media Policy	Reviewed
	Disciplinary Policy and Procedure	Reviewed
	Appeal against Dismissal Procedure	New
	Resolution Policy	New

Redundancy Policy and Selection Procedure	Reviewed
Employee Code of Conduct	Reviewed

5.2 To promote the Council values inclusion of WOW is being made to policies as they are being reviewed.

5.3 The Grading Review and Appeal Procedure has been updated at to allow for a trained member of staff to undertake the Job Evaluation assessment with HR where there is deemed to be a conflict of interest, unequal representation or lack of trained TU officials to move the process forward swiftly.

It has also been amended so that to include changes that relate to pandemic situations.

5.4 The Flexitime Working Policy has been reviewed and an addition made to section 9.1 for clarification of time travelling between contractual place of work and home.

5.5 A minor change has been made to section 1.4 of the Time off for Trade Union Duties to reflect recognised unions of Unison, GMB and Unite.

5.6 The Social Media Policy has been updated by Communications to reflect current practice and a reminder for staff working between personal and work accounts to be aware of what they are commenting/liking.

5.7 The Disciplinary Policy has been reviewed with updates including reference to the new Appeal against Dismissal Procedure and guidance for electronic meetings has been included in appendices.

5.8 The Appeal against Dismissal Procedure is new and provides a central policy document of reference for all applicable policies where dismissal is a potential outcome.

5.9 The Resolution Policy is new and combines the Grievance and Dignity at Work Policies. It aims to be more constructive than previous policies and puts the onus on resolution on those involved with only one formal stage plus the right of appeal. It should also be noted that unlike the previous Grievance Procedure, there is no progression of the policy to Employment Appeals Panel.

5.10 The Redundancy Policy and Selection Procedure has been included to mention the Exit Payment Cap, which is due to become effective from 1 January 2020. As it is not yet known exactly how this will work updates reflecting the changes the legislation will impose will be made to the policy for the first Employment Appeals in 2021. A full review of this policy will be carried out at this time.

5.11 The Employee Code of Conduct has been updated to include conduct when involved in a social media broadcast or virtual meeting.

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

Other risks/implications: checklist

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

risks/implications	✓ / x
community safety	X
equality and diversity	X
sustainability	X
health and safety	x

risks/implications	✓ / x
asset management	X
climate change	X
ICT	X
data protection	X

Processing Personal Data

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

report author	telephone no.	email	date
Head of Business Support	01253 887316	Liesl.hadgraft@wyre.gov.uk	November 2020

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

List of appendices

Appendix 1	Grading Review and Appeal Procedure
Appendix 2	Flexitime Working Policy
Appendix 3	Time off for Trade Union Duties
Appendix 4	Social Media Policy
Appendix 5	Disciplinary Policy and Procedure
Appendix 6	Appeal against Dismissal Procedure
Appendix 7	Resolution Policy
Appendix 8	Redundancy Policy and Selection Procedure
Appendix 9	Employee Code of Conduct



Grading Review and Appeal Procedure

1.	Statement of Intent
1.1	Wyre Council is committed to ensuring that all staff are rewarded fairly in relation to the roles to which they are appointed. The current economic climate and in particular the reduction in funding from Central Government means that staffing reviews are now more frequently undertaken. Consequently, roles change in relation to complexity, level of duties, accountabilities and responsibilities. Such changes ultimately require a review of the grade for the post.
1.2	We are committed to the Council's values of Working Collaboratively, One Team One Council and Working Smart (WOW).
2.	Purpose and Scope
2.1	<p>This document sets out the process that should be followed when:</p> <ul style="list-style-type: none"> • a new post is created; • a staffing review identifies that a post has changed significantly; • a post holder has taken on additional responsibilities over a period of time; • it is believed that an equivalent job is more highly graded; • an existing employee is dissatisfied with their grade. <p>Managers should identify significant changes in job roles and not allow employees to reduce or take on additional responsibilities without considering the impact on the grading of the post.</p> <p>The document applies to all Wyre Council employees engaged on National Joint Council for Local Government Services [Green Book] conditions of service and/or whose jobs have been evaluated using the GLPC Job Evaluation Scheme.</p>
3.	The Evaluation Procedure
3.1	Changes to staffing resources are documented and approved using the Officer Delegation Report (ODR). The Head of Service will complete the ODR in consultation with the Corporate Director and produce job descriptions and person specifications for the new or amended positions.
3.2	Management will ultimately determine the duties and responsibilities of posts. However where changes are being made to the post of an existing employee, the manager will formally consult with the post holder regarding the content of the revised job description.
3.3	Where the proposals create a new position or affect the duties and responsibilities of an existing post the ODR and the supporting documentation should be forwarded to the Human Resources Advisor with responsibility for job evaluation to provide an initial assessment and instigate a formal job evaluation of the role by a Job Evaluation Panel.
3.4	The Job Evaluation Panel should be comprised of a minimum of three trained staff. Where possible, and when deemed appropriate by the Head of Business Support

	<p>this will include one trained Trade Union Official, the Head of Business Support and a nominated HR Advisor as a chairperson. Whilst union representation will be sought in the first instance, where there is deemed to be a conflict of interest, unequal representation across council services or a lack of trained trade union officials to move the evaluation forward swiftly, a trained member of staff can be used in place of a trained union official. The trained member of staff would be someone who was independent of the job evaluation process. This decision rests with the Head of Business Support or a Corporate Director where the Head of Business Support is unavailable or the conflict of interest relates to them.</p> <p>Once the initial JE Assessment is validated and the ODR is approved the JE Assessment will stand for a period of 12 months from the date of appointment to the new/amended post. If after 12 months the employee is dissatisfied with their job evaluation the employee has the right to request a review.</p>
3.5	<p>The 12 month review is a formal procedure that allows for the ‘testing’ of a new job description and initial job evaluation assessment. The post holder is given the opportunity to draw on the 12 months experience of working in the post and put forward any additional information to support the application. The application for review should be made no later than 20 working days after the end of the 12 month period.</p>
4.	Request for Review
4.1	<p>Grounds for review</p> <p>An employee who is dissatisfied with their job evaluation may ask for a review on one or more of the following grounds:</p> <ul style="list-style-type: none"> • a review is requested by an existing employee after 12 months in post; • an existing employee is dissatisfied with their grade; • it is believed that an equivalent job is more highly graded; • the job has changed significantly since the initial evaluation.
4.2	<p>It should be noted that:</p> <ul style="list-style-type: none"> • an increase in the volume of work undertaken by the post holder would not necessarily result in an increase in the job size sufficient to warrant re-grading; • it will not be appropriate to consider individual factor elements identified as part of the review in isolation, all other factor levels should also be re-evaluated; • this procedure could lead to a re-evaluation that results in an increase or decrease in salary.
4.3	<p>Making an application</p> <p>The application should be submitted to the Head of Business Support on the appropriate form (see Appendix 1 of this document). The form mirrors the factors used in the GLPC Job Evaluation process and each request should clearly state the basis for the request and provide as much information as possible to support the application.</p>
4.4	Procedure on receipt of the application

	<p>On receipt of the request for review, the Human Resources Advisor responsible for Job Evaluation will review the application and meet with the employee and/or Head of Service to ensure that the information provided is accurate and complete. It may also be necessary to meet with other job holders if the post is a generic position.</p> <p>The Human Resources Advisor responsible for Job Evaluation will present the application and all related information to the Job Evaluation Panel for a review of the position.</p>
4.5	<p>The agreed effective date</p> <p>New or changed posts (i.e. an application made following a 12 month review period): if successful the agreed effective date will be the date that the employee was appointed to the role.</p>
4.6	<p>All other posts: If successful the agreed effective date will be the date that the employee submits their application to the Head of Business Support.</p>
4.7	<p>If no agreement is reached the post holder will be advised in writing of the decision that the post will not be re-graded. The post holder has the right of formal appeal in accordance with the procedure described below. The application for appeal should be made in writing to the Head of Business Support.</p>
5.	<p>Hearing the Appeal</p>
5.1	<p>All appeals will be referred to a Grading Appeals Panel and will be heard within 20 working days.</p> <p>All meetings during a pandemic will be held virtually or with appropriate social distancing measures in place.</p> <p>During an emergency e.g. a pandemic it may be necessary to extend this period. The Corporate Director hearing the appeal will determine a reasonable length of time to allow arrangements for an Appeals Panel to meet. This should not exceed six months.</p>
5.2	<p>Due to the size of the Authority it will not be possible to restrict the panel members to those who have had no earlier involvement in the job evaluation process. The Grading Appeals Panel will therefore comprise of a minimum of five trained staff which should include a Corporate Director, Head of Service and Trade Union Official that have not been previously involved with the evaluation and a HR Advisor and Trade Union representative from the original job evaluation panel.</p> <p>Where there is deemed a conflict of interest, unequal representation across council services or a lack of trained Trade Union officials to move the evaluation forward swiftly, a trained member of staff can be used in place of a trained union official. This decision will be made by the Corporate Director hearing the appeal.</p>
5.4	<p>The employee must be given at least 5 working days' notice of the time and date of the appeal hearing and if they wish, their representative has the right to attend the meeting and present their case. A management representative from the applicant's</p>

	<p>service area may also be present.</p> <p>During a pandemic it may be necessary to extend this period to a reasonable length as deemed appropriate by the Corporate Director hearing the appeal.</p>
5.5	After presenting the case the employee, their representative and the management representative will leave the room to allow the Grading Appeals Panel to consult and re-evaluate with the advisors and consider their decision.
5.7	<p>The Grading Appeals Panel will:</p> <ul style="list-style-type: none"> • check whether the applicant satisfies one or more of the grounds for appeal - . appeals which do not meet one of the grounds for appeal will be rejected and employees will be advised giving reasons for the rejection; • consider the original evaluation, the job description and all the representations made in respect of the application; • ascertain whether or not the issue is one that has been subject to a local convention, or one that has been dealt with as part of the moderation or evaluation process previously. In such a case the advisors to the hearing should identify the convention and advise the panel accordingly. • determine whether or not to uphold the original evaluation or to make changes to the factor levels for the post. <p>This determination could result in an increase or decrease in the grade of the post.</p>
5.8	The decision of the Grading Appeals Panel will be reached by a majority vote and there is no further right of appeal.
5.9	<p>Notification of outcome</p> <p>The employee will be notified by Human Resources of the outcome of their appeal within 5 working days.</p> <p>HR will inform the employee, their Head of Service and Director of the outcome and any change to the grade. HR will also inform the Head of Finance and S151 Officer of any changes to the grade.</p>
6.	Equality Impact Assessment And Monitoring
6.1	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.
7.	Data Protection
7.1	In implementing this policy, the council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line

	with Data Protection requirements.
8.	Pandemic
8.1	<p>In response to a pandemic all council employees are expected to follow the social distancing and public health guidelines published by the Government and by the council in order that the highest level of Health and Safety working practices are met.</p> <p>Wherever possible, meetings should be held virtually either by video call or by telephone to avoid face-to-face contact. It is recognised that this is not possible or practical for every situation and therefore meetings should be held with only essential staff present and social distancing and personal hygiene measures (such as regular hand washing, use of hand sanitiser and surface cleaning) in place.</p> <p>Pandemic Risk Assessments must be followed at all times and any issues raised immediately with an appropriate line manager.</p>



Request for Review

Name: **Contact Details:**

Post Title: **Grade:**

Directorate: **Service:**

Is this job covered by a generic job description? Yes [] No []
 (i.e. Are there other people doing the job covered by this job description)

If so, is this a group application? Yes [] No []
 If so, please name all those who are submitting this appeal / re-grading request: [Please continue on another sheet if required]

.....

I wish to appeal as the job evaluation scheme has been wrongly applied to my post.	
I wish to appeal because the job information provided at the evaluation stage was not complete.	
I wish to appeal as I believe that an equivalent job is more highly graded.	
I wish to apply for a re-grading because my post has changed significantly since the initial job evaluation.	

APPEAL / RE-GRADING EVIDENCE – In order for the Job Evaluation panel to assess each area fully, information and examples supporting the application must be provided for ALL factor levels. This ensures that the panel use the most up to date information with regard to your current role and responsibilities when assessing your regrade application. Incomplete forms will be returned unassessed.

It is the responsibility of the post holder to supply all relevant information to assist the grading process. It is important to understand that scores may decrease as well as increase as part of the process.

Where a particular task or activity is referenced, please indicate the frequency this is undertaken, for example; three times a week I'm required to use a ride on mower for more than 2 hours or 20% of my week is spent driving to/from sites across the borough.

Additional information such as appendices must be clearly referenced to the appropriate factor(s).

Factor Level	Please include all relevant evidence.
Supervision and Management of People	
Creativity and Innovation	
Contacts and Relationships	
Decisions - Discretion	

Decisions - Consequences	
Factor Level	Please include all relevant evidence.
Resources cash plant/equipment stocks/materials data systems buildings	
Work Environment work demands	
Work Environment physical demands	
Work Environment working conditions	
Work Environment work context	

Knowledge and Skills	

I / we have also enclosed additional information in support of my/our application / appeal and give the following explanation as to why I/we think it should be included.

Description of Additional Information.

Employee(s) Signature: Date:

For Office Use Only

<p>Head of Service Report. You should include your own observations on the evidence provided and confirm that the information is accurate and complete. Please also state whether there are any other factors that should be taken into consideration as part of the process.</p>
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Signed: Date:
Head of Service.

The completed form should then be forwarded to the Head of Business Support.

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Flexitime Working Policy

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1. Policy Statement

1.1 The Council is committed to the promotion of a healthy work-life balance for all staff and welcomes the contribution that a degree of flexibility in working arrangements can make.

The operation of a flexitime scheme can also enable employees to work in a more effective way and assist in more efficiently meeting the needs of a service, which can be significantly beneficial to their service area and to the Council as a whole.

1.2 The aim of this policy is to ensure a fair and consistent application of the scheme across the Council subject to service requirements and that the flexibilities allowed by the Scheme will be of mutual benefit to both the Council and its employees.

2. Principles

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

2.2 Under this scheme, it allows employees some discretion in arranging their working time. However sufficient cover within a section must be maintained as agreed with their Manager and provided the needs of the service are met as determined by management.

2.3 We are committed to the council's values of Working Collaboratively, One Team One Council and Working Smart (WOW).

3. Scope

3.1 Flexitime arrangements will apply as far as practicable to all council staff however it is acknowledged that some may be excluded owing to the nature of their duties and the requirements of the service are that they work in.

3.2 It is easier to be more flexible with some staff than others due to the differing nature of duties across the Council and Managers will need to be mindful of the needs of the service when managing the times staff work and when considering any flexi-leave requests under the scheme.

3.3 The services provided by each service area must not be compromised to accommodate the flexitime scheme. Service areas participating in the flexitime scheme shall be responsible for adapting it to fit their operational needs with the approval of the relevant Head of Service.

4. Supporting Policies

4.1 This policy should be read in conjunction with the policies listed below:

- Leave and Work Life Balance Policy
- Flexible Working Policy
- Training Policy
- Disciplinary Policy

5. Responsibilities

- 5.1 **Employees**
 - 5.1.1 It is the responsibility of Employees to manage their flexitime credits and debits within the prescribed limits and also manage their time effectively so that they only accrue flexitime in consideration of the needs of the service.
 - 5.1.2 Employees are expected to co-operate with their service area and to be flexible in ensuring that any minimum staffing levels required are maintained during the normal working day, including lunch times and other breaks.
- 5.2 **Managers**
 - 5.2.1 It is the responsibility of Managers to ensure that flexitime is only being accrued in order to meet the needs of the service.
 - 5.2.2 Managers are responsible for ensuring the correct operation of the flexitime scheme in their section and for resolving any related issues as detailed in the policy.

6. Operation of the Scheme

- 6.1 All working time will be recorded by the use of equipment operated by a swipe/proximity card or by logging on at the desk top.
- 6.2 All staff will be expected to use the clocking system for time recording and fire/roll call purposes although not all employees will be on a flexi-time contract and may work fixed hours instead.
- 6.3 Each employee should 'swipe in' on arrival, and 'swipe out' on departure each day including lunchtime. This is important as the system is used for fire evacuation procedures and in the event of evacuating the building the information recorded on the flexi system may be required to assist the Duty Fire Officer with a roll call.

For the Fire Evacuation Procedures to work effectively all employees need to get into the habit of swiping in and out of the building every time they leave and enter.
- 6.4 Employees must also be mindful of the limits of the working time directive and not work over 48 hours per week.
- 6.5 The length of a lunch break is variable but must be a minimum of 30 minutes if working hours are over 6 per day. If staff chose not to take a lunch break they must not work more than a six hour day. Working over this time limit will result in up to 30 minutes being deducted from their time in respect of the break that should have been taken.
- 6.6 Employees who do not swipe during lunchtime will automatically be deducted 30 minutes by the system, but should more than 30 minutes be taken without swiping they will need to submit an adjustment to show the extra time taken. There are some instances when the Crown system will not automatically deduct the lunch break depending on different roster patterns and times of clockings. It is therefore important

that employees check the system on a regular basis to ensure that their time has been accurately recorded.

6.7 Employees need to monitor their clockings and where any are missed it will show as an 'Exception' in the system. Clocking requests will need to be made for missed swipes as credit will not be received for any incomplete days.

6.8 **Civic Centre**

6.8.1 Normal Office hours are 08.30 – 17.00

- 6.8.2
- Earliest start 07.15
 - Latest finish 19.00
 - Lunch break to be taken between 11.00 – 15.00
 - Whilst the system will record swipes outside of the earliest start and finish times the time will not automatically be credited as working time.

6.9 **Copse Road**

6.9.1 Normal working hours vary depending on the role undertaken.

- 6.9.2
- Earliest start 04.00
 - Latest finish 19.00
 - Lunch break to be taken between 10.00 – 14.30

6.10 **Marine Hall/Thornton Little Theatre**

6.10.1 Working hours vary considerably depending on events/shows taking place.

6.10.2 Start and finish times are very much dependent on the events taking place at each venue.

7. **Credit/Debit Flexitime Hours**

7.1 Eligible employees who work hours in excess of their contracted hours accrue "credit" flexitime hours. Any hours where employees fall short of their contracted hours are referred to as "debit" flexitime hours. Employees can use accrued credit hours to request time off work in the same way that they would request annual leave.

7.2 The settlement period over which working hours are calculated is four weeks i.e. 148 hours for full time, pro rata for part time. You must work your contracted hours during the settlement period.

7.3 These periods are pre-determined and listed next to the recording equipment and are available on the Intranet. Each employee must account for his or her contracted hours within the 4 weeks period, subject to the carry-over allowance.

7.4 Hours built up during a settlement period may be carried over into the next settlement period, up to a maximum of 14 hours 48 minutes (pro rata for part-time employees). Any credit in excess of 14 hours 48 minutes will be forfeited (pro rata for part-time employees). It is therefore imperative you manage your flexi accordingly. Similarly hours in debit may be carried forward but they must not exceed 7 hours 24 minutes at any

time during the settlement period, (pro rata for part-time employees). Part Time staff who are unsure what their carry-over allowance should be can contact Human Resources.

- 7.5 Credit hours should only be accrued where there is a genuine need for tasks to be completed at work.
- 7.6 Staff with debit flexitime hours on termination of employment will have these hours charged against outstanding annual leave or, if there is no leave outstanding, will have their final pay adjusted to cover the deficit. Staff with an excess of flexitime hours on termination will be required to take these hours as flexitime prior to termination of employment. In exceptional circumstances where it is not possible to take the time owed it will be paid at single time rate with their final pay.
- 7.7 Managers are responsible for monitoring the amount of credit and debit hours for the staff in their section. Where employees look likely to exceed the maximum amount of credit/debit hours allowable under the scheme, managers should ensure that this is discussed with the employee concerned to establish why this is the case, with the aim of assisting them to manage their working pattern.

8. Flexi Leave

- 8.1 In addition to the flexibility with start and finish times flexitime may allow for additional flexi leave days to be taken from credit hours.
- 8.2 The maximum number of flexi days that can be taken each settlement period is 2 days (pro rata for part-time employees) subject to Manager's approval.

9. Recording Flexitime in Special Circumstances

- 9.1 Where an employee starts or finishes their working day at a location which is not their usual base of work, they should ensure that their actual start/finish times are added to the flexi system at the first available opportunity excluding the time it normally takes to travel home to office or office to home.

For example, where an employee starts work from home and later travels to their contractual place of work continue their work, the travel time to and from their contractual place of work should not be included in the flexi time accrued i.e. they must clock OUT when leaving home and then clock IN on arrival at the contractual place of work they have travelled to and repeat this for the journey home.

- 9.2 Adjustments for the time spent outside the office on official business, should include travelling time between the office and the other place of business, subject to a maximum adjustment of 11 hours 15 minutes per day. If travelling from home and back to place of business or event, deduct the time that it normally takes to travel from home to office and back.

Adjustments for attending agreed seminars, conferences and externally organised training events should be dealt with in the same way.

- 9.3 When attending approved 'College' day release (including day/evening class) the maximum adjustment is your standard hours for that day. Employees who leave the office for 'college' during the course of the day and are absent for the remainder of the day should swipe in/out as normal and ask their manager to submit an adjustment for the difference up to a maximum of their normal standard hours for that day.
- 9.4 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.
- 9.5 Credit will not be given for staff carrying out election duties for another Council.
- 9.6 Any employee working overtime (which has been agreed by their Manager) must have already completed their normal standard hours on the current day, or they must not commence overtime before 17.00. Employees must not swipe out to commence overtime (due to Fire Evacuation Procedures) but Managers must ensure that a negative adjustment is made for the hours worked so that they are deducted off the flexi system before authorising payment for overtime
- 9.7 Under normal circumstances staff will not be credited for time away from work for doctor or dentist appointments.
- 9.8 Where a hospital appointment is necessary (ie. where the employee has no control over the timing of the appointment), this will be treated as an authorised absence and the time allowed. Time credited will be from leaving the office to:
- Returning to the office; or
 - Leaving hospital if not returning to the office, less lunch break if appropriate
 - It should be noted that except in exceptional circumstances time should not exceed 7 hours 24 minutes for the day (or equivalent if part-time).

9.9 **Time off for Religious Practices.**

Wyre Council will grant employees reasonable time off during working hours for religious observance insofar as this is possible and practicable, taking into account the needs of the service and whether or not such arrangements might cause disturbance or disruption to other members of staff and/or their work or work patterns.

Any time off would need to be made up through the flexi-time scheme or by agreement with the line manager.

In some cases, where the flexi scheme does not operate, days off for religious observances can be requested through the normal annual leave procedure or through the Council's TOIL procedures where these apply. Where it is not possible to take annual leave or TOIL, employees can request time off as unpaid special leave.

However, where an employee requests time off at a particularly busy time or at a time when the employee's absence would otherwise cause difficulties for the business or his/her department, or where the amount of time off requested is unreasonable or

excessive (taking into account the needs of the business), the organisation reserves the right to refuse to grant some or all of any of the time off requested.

9.10 Working Patterns

In circumstances where the needs of the service require a change in the existing working arrangements, or sections where the working pattern varies with the needs of the service, it may be possible to objectively justify a requirement for employees to work shifts at times or on days that they do not wish to work for religious reasons. However, before a decision is made, managers are advised to contact HR in the first instance to discuss and explore further alternatives.

All employees, whatever their religion or belief, will be treated equally in respect of requests for time off for religious observance or requests for alterations to their working patterns for religious reasons.

10 Suspension of Flexitime Arrangements

- 10.1 In the event that a manager becomes concerned about any aspect of an employee's work performance or health, they may require that the employee works to a standard work pattern or standard contractual hours rather than participating in the flexitime scheme.
- 10.2 This will only apply where the manager has reason to believe that the flexitime pattern of work is contributing to the problem. Some examples of this could be where an employee will not have appropriate support contacts in place at the times they are choosing to work, or where Occupational Health or an employee's GP has advised that longer working days are not appropriate due to an ongoing health condition. Another example could be where the employee is not managing their time effectively and has exceeded the agreed limit of credit or debit hours.
- 10.3 The employee's manager should arrange to discuss any difficulties with the employee at the earliest available opportunity and an appropriate pattern of work will be agreed between them. This may be applied on either a temporary or permanent basis, dependent on the circumstances.

11. Cards

- 11.1 Each card is unique and will only access the record of the individual concerned. In no circumstances should an employee attempt to swipe in or out with another employee's card or allow anyone else to use their card. This could result in disciplinary action being taken against those involved.
- 11.2 The swipe card will be the property of Wyre Council and its safety will be the responsibility of the employee to whom it is issued.
- 11.3 In addition to operation of the flexi system the card will also act as an Identification Card. It provides access to the security doors in the Civic Centre and is used to activate the printers/photocopiers.

11.4 Lost cards are a security risk and should be reported immediately to IT who will cancel the card and issue a replacement. (Please see information on the Intranet regarding staff passes).

11.5 Charges may be imposed on staff who repeatedly lose cards and require replacements.

12. Abuse of the Scheme

12.1 Abuse of the scheme may result in disciplinary action being taken against the individual concerned and any employee who has knowingly sanctioned such abuse. Also deduction of pay, where appropriate and removal from the scheme may be considered.

12.2 The use of a card issued to another officer is not permissible under any circumstances. Any such abuse will be considered as Gross Misconduct under the Council's Disciplinary Procedures, and could lead to the Employee's dismissal.

12.3 Under no circumstances should an Employee upon arriving at work during the course of the day leave his/her vehicle or bicycle in an unauthorised area merely to 'swipe in', and then return to the vehicle to park or store their bike before commencing work.

12.4 It is expected that when staff swipe in or log themselves at work through their desk top that they are ready to start work.

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.

15. Pandemic

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

Wherever possible, meetings should be held virtually either by video call or by telephone to avoid face to face contact. It is recognised that this is not possible or practical for every situation and therefore meetings should be held with only essential members present and social distancing and personal hygiene measures such as regular hand washing, use of hand sanitiser and surface cleaning at the front of mind.

Pandemic Risk Assessments must be followed at all times and any issues raised immediately with an appropriate line manager.

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Time Off for Trade Union Duties

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1.	Introduction
1.1	Wyre Council values the importance of positive working relations between Elected Members, managers and employees in the delivery of Council Services.
1.2	We are committed to the council's values of Working Collaboratively, One Team One Council and Working Smart (WOW).
1.3	Trade Union representatives have a statutory right to time off, both paid and unpaid, for trade union duties, activities and training. It is for the Council to determine the appropriate level of time off (paid and/or unpaid) that will be granted to Trade Union representatives in accordance with this Policy.
	The provisions within this Policy comply with the relevant statutory provisions for time off for trade union activities and with the guidance contained in the ACAS Code of Practice on Time Off for Trade Union Duties and Activities.
	The amount of time off is determined by the nature of activities, operational demands and whether or not the representative belongs to a recognised trade union.
1.4	Definition of a "Trade Union Representative"
	Within this Policy, the term "Trade Union Representative" is intended to cover: Trade Union Officials, Trade Union Shop Stewards, Trade Union Representatives and, where appropriate, Union Learning Representatives and/or Safety Representatives.
1.5	What is trade union recognition?
	A trade union is "recognised" by an employer when it negotiates agreements with employers on pay and other terms and conditions of employment on behalf of a group of workers. This process is known as 'collective bargaining'.
	A trade union may seek recognition in an organisation by voluntary or statutory means. Wyre Council have formally 'recognised' the following unions: Unison, GMB and Unite.
	Where a non-recognised Trade Union wishes to be recognised by the Council for collective bargaining and representation purposes, they must make a written application to the Head of Business Support.
2.	Time off for trade union duties
2.1	Wyre Council will grant union representatives reasonable time off with pay during working hours to undertake the following duties:
	1. Negotiation in connection with matters for which the trade union is recognised for collective bargaining purposes i.e.

- terms and conditions of employment, e.g. pay, working hours, holidays, pensions, sickness absence arrangements, notice periods, training, learning, equality and diversity;
- physical conditions in the workplace, e.g. workplace environment and operation of equipment or machinery;
- allocation of work or duties, including flexible working arrangements, work-life balance issues, job evaluation and grading;
- appointment (or failure to appoint) and termination or suspension of employment or the duties of employment of one or more workers (e.g. recruitment and selection policies, redundancy and dismissal arrangements);
- disciplinary matters, e.g. disciplinary procedures, including representing or accompanying workers during the disciplinary process and acting as a witness before agreed appeal bodies or tribunals;
- trade union membership (i.e. representational arrangements, any union involvement in the introduction of new workers);
- procedures for negotiation and consultation e.g. collective bargaining, grievance procedures and joint consultation arrangements.

2. Obtaining information from, and consulting with Wyre Council on redundancy (as identified under s.188 of TULR(C)A).

3. Receiving information from, and consulting with Wyre Council under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006/246).

2.2

Trade union representatives are statutorily entitled to take a reasonable amount of paid time off to accompany a worker at a disciplinary or grievance hearing regardless of whether they belong to a union that has been recognised by Wyre Council.

They must however have been certified by their union as being capable of acting as a worker's companion.

2.3

Time off for training purposes

The Council recognises that on their appointment, trade union representatives need to be suitably trained to undertake their role, and therefore will support the principle of representatives undertaking training that provides the relevant skills and knowledge for their particular role.

Consideration will therefore be given to providing reasonable time off with pay for Trade Union Representatives to undergo training in employee relations and health and safety matters which are relevant to the carrying out of their duties; such training will be approved by the Trade Union Congress or by the independent trade union of which they are an official.

Requests for time off to attend trade union training courses should be made to the relevant Head of Service/Corporate Director. Details of the request should include the course title, the name of the provider, course syllabus and timing and duration of the training, location etc.

2.4

Time Off: Duties not directly linked to the work of the Council

Time off may also be considered for trade union representatives and trade union members to represent the union at meetings and activities that are not directly related to employee relations between the Council and its employees. Consideration of any request for time off for such purposes will take into account the operational requirements of the service in relation to the employee's job.

Paid time off for delegates to attend other meetings / conferences will be at Management discretion and those wishing to attend should apply to their Head of Service/Corporate Director.

2.5

Time Off: Employees who are trade union members

Every employee who is a member of a recognised trade union is entitled to have reasonable time off during working hours in order to take part in trade union activities.

Trade union activities for members may include:

- Attending work place meetings to discuss and vote on the outcome of negotiations with the employer
- Meeting trade union officials to discuss issues relevant to the workplace
- Voting in union elections
- Meeting with Trade Union Learning Representatives.

Where trade union representatives intend holding meetings with their members these should, unless there are exceptional circumstances be agreed by the relevant Head of Service and take place immediately before or at the end of normal working hours / shifts or during meal or other break times, to ensure that disruption to services are minimised.

Paid time off for Trade Union Members in these circumstances will be at the discretion of the relevant Head of Service/Corporate Director and will normally be in relation to choosing trade union representatives or giving and receiving information and /or consultation on Wyre Council matters.

Branch officials should always consult with Human Resources in such cases.

2.6

Industrial Action

There is no right to time off for Trade Union activities which themselves consist of industrial action or any other action being taken in the furtherance of a trade dispute.

Examples would include attending a strike, rally or a demonstration during working hours. However, where a Trade Union Representative is not taking part in industrial action, but undertaking duties connected with the dispute e.g. attendance at related meetings with the Council about the dispute including discussions about exemptions, normal arrangements for time off with pay as outlined in this Policy will apply.

3.	Procedures for requesting time off
3.1	<p>In order to minimise disruption to Wyre Council business, line management should be notified of all scheduled trade union meetings. All meetings should be diarised and other than in exceptional / emergency circumstances, requests for paid / unpaid time off should be made in advance.</p>
3.2	<p>Requests for time off for extended periods such as training should be made in writing to Heads of Service/Corporate Director using the pro forma 'Request for Time off for Trade Union Duties and Activities'.</p> <p>All requests for time off will be considered on an individual basis with due regard to efficient running of the service. Managers must ensure that all requests are dealt with promptly.</p> <p><i>N.B. Heads of Service/Corporate Director may, if they wish, delegate authorisation of requests for time off to an appropriate level of line management within their Service Area, to enable requests to be determined as quickly as possible.</i></p> <p>All trade union representatives are required to keep a record of all time off taken during office/ working hours using the 'Log of Time off for Trade Union Duties and Activities'. This information should be sent to Human Resources on a quarterly basis so that the data can be collated and published in accordance with the Code of Practice on Data Transparency.</p>
3.3	<p>Reasonableness</p> <p>Both parties must accept the need to be flexible and the determination of reasonableness will ultimately depend on the needs of the business at the time of the request. However, managers will give consideration to the nature and timing of the request, the amount of time off previously granted or planned for the future, and the number of representatives or members seeking time off within a given period.</p>
4.	Equality Impact Assessment and Monitoring
4.1	<p>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.</p>
5.	Data Protection
5.1	<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>
6.	Pandemic
	<p>In response to a pandemic all Council employees are expected to follow the social distancing and public health guidelines published by the Government and by the Council in order that the highest level of Health and Safety working practices are met.</p>

Wherever possible, meetings should be held virtually either by video call or by telephone to avoid face to face contact. It is recognised that this is not possible or practical for every situation and therefore meetings should be held with only essential members present and social distancing and personal hygiene measures such as regular hand washing, use of hand sanitiser and surface cleaning at the front of mind.

Pandemic Risk Assessments must be followed at all times and any issues raised immediately with an appropriate line manager.

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Social Media and Employment Policy

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1. Policy Statement

- 1.1 Wyre Council acknowledges that there is significant potential for using social media and that this can bring great advantages. The responsible, corporate use of social media is therefore encouraged.
- 1.2 This policy provides a structured approach to using social media and will ensure that it is effective, lawful and does not compromise Council information or computer systems/networks.
- 1.3 Users must ensure that they use social media sensibly and responsibly, in line with council policy whether using it on council business or personal use outside working hours. 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.
- 1.4 Personal use of social media during working hours is not permitted.

2 Supporting Policies and Guidance

- 2.1 This Policy should be read in conjunction with the Social Media Guidance available on the Council's intranet or from the Communications Team.
- 2.2 This policy has links to the following policies:
 - Employee Code of Conduct
 - IT Computer Use Policy
 - Safeguarding Children Policy
 - Safeguarding Adult Policy
 - Resolution Policy
 - Disciplinary Policy
 - Data Protection Policy
 - RIPA Policy Statement

3. Definition of Social Media

- 3.1 For the purposes of this policy, social media is a type of interactive online media that allows parties to communicate instantly with each other or to share data in a public forum. This includes online social forums such as Twitter, Facebook, Instagram and LinkedIn. Social media also covers blogs and video- and image-sharing websites such as YouTube, Flickr and Instagram. This list is not exhaustive.
- 3.2 Employees should be aware that there are many more examples of social media that can be given and this is a constantly changing area. Employees should follow these guidelines in relation to any social media that they use.

4. Use of Social Media at Work

4.1 Social media will be made available for corporate / business use only.

If it is established that an employee's role should include the use of social media, approval should be sought by their Manager using the 'Social Media Access Form' from ICT, available on Topdesk.

4.2 Social media access will be granted once the request has been approved by the Communications Team and full training has been given.

4.3 Anyone wishing to set up a council related social media page, profile or group must first fill out the Social Media New Account Application Form which will need to be approved by the Communications Team. Anyone wishing to do this will need to show that the group, activity, place or event cannot be effectively promoted through the council's existing social media, and that they have the systems in place to monitor the account and reply to enquiries.

4.4 Staff who have access to council social media accounts must ensure that they are logged into the correct account and must take care not to confuse them with their personal accounts. For avoidance of doubt they must not comment on or 'like' an inappropriate post (including videos) when logged into council accounts.

4.5 Responsibilities of Users

The following guidelines will apply to online participation and set out the standards of behaviour expected as a representative of Wyre Council.

1. Be aware of and recognise your responsibilities identified in this policy.
2. Remember that you are personally responsible for the content you publish on any form of social media.
3. Never give out personal details such as home address and telephone numbers. Ensure that you handle any personal or sensitive information in line with Data Protection.
4. Be aware of safeguarding issues, as social media sites are often misused by offenders. Safeguarding is everyone's business – if you have concerns about other site users, you have a responsibility to report these to your manager or the Designated Safeguarding Officer (see Wyre Hub for list of names).
5. Respect copyright, fair-use and financial disclosure laws.
6. Social media sites are in the public domain and it is important that you are confident about the nature of the information you publish. Permission must be sought if you wish to publish or report on meetings or discussions that are meant to be private or internal to Wyre Council. Don't cite or reference colleagues, customers, partners or suppliers without their approval.

7. Don't use insulting, offensive or discriminatory language or engage in any conduct that would not be acceptable in the workplace. Show consideration for others' privacy and for topics that may be considered objectionable or inflammatory.
8. Don't download any software, shareware or freeware from any social media site, unless this has been approved and authorised by the Information Technology Team.
9. Rules apply during the period between the notice of an election and the election itself (purdah). Local authorities should not publish any publicity on controversial issues or report views of proposals in such a way that that identifies them with any individual members or political party. Full details are on the intranet and should be discussed with the Communications Team.

4.6 Investigatory Use

The Surveillance Commissioners have provided guidance that certain activities will require authorisation under RIPA or RIP(S)A and this includes repetitive viewing of what are deemed to be "open source" sites for the purpose of intelligence gathering and data collation.

Whilst it is recognised that social media can be used for investigatory purposes (in accordance with RIPA guidance), such as identifying fraud, illegal events, debt recovery etc. under no circumstances should employees use social media for investigatory purposes without authority from the relevant Corporate Director or Chief Executive.

Officers who have the authority to carry out investigations using social media must comply with relevant guidance and legislation. See the RIPA Policy Statement on BRIAN or available from Legal Services for further information.

5. Monitoring use of social media during work time

- 5.1 Social Media access is monitored in line with the guidelines set out in the ICT Computer Use Policy and staff should have no expectation of privacy when using council equipment for private usage. N.B personal use should not be in work's time as set out in section 1.4 so should be limited to lunch breaks or before/after clocking on to work.

6. Social media in your personal life

- 6.1 The council recognises that many employees make use of social media in a personal capacity. While they are not acting on behalf of the council, employees must be aware that they can damage the council if they are recognised as being one of our employees.
- 6.2 Employees are allowed to say that they work for the council, and it is recognised that sometimes staff may want to discuss their work on social media. However, an employee's online profile (for example, the name of a blog or a Twitter name) must not contain the council's name.

- 6.3 If employees do discuss their work on social media, they must include on their profile a statement along the following lines: "The views I express here are mine alone and do not necessarily reflect the views of my employer." This does not however exempt you from the points as set out in 6.4.
- 6.4 Any communications that employees make in a personal capacity through social media must not:
- bring the council into disrepute, for example by:
 - criticising or arguing with customers, colleagues, Elected Members or rivals;
 - writing or knowingly confirming by liking or sharing negative, offensive or defamatory comments about individuals or other organisations or groups;
 - using foul or abusive language; or
 - posting images that are inappropriate or links to inappropriate content;
 - breach confidentiality, for example by:
 - revealing information owned by the council;
 - giving away confidential information about an individual (such as a colleague or customer contact) or organisation (such as supplier or partner organisations); or
 - discussing the council's internal workings (such as its future plans that have not been communicated to the public);
 - breach copyright, for example by:
 - using someone else's images or written content without permission;
 - posting anything that is copyrighted, including maps; or
 - failing to give acknowledgement where permission has been given to reproduce something; and
 - do anything that could be considered discriminatory, or bullying or harassment of, any individual for example by:
 - making offensive or derogatory comments relating to sex, gender reassignment, race (including nationality), disability, sexual orientation, religion or belief or age;
 - using social media to bully another individual (such as an employee of the council);
 - posting images or links to content that are discriminatory or offensive.
- 6.5 As the owner of the social media account the employee should take the necessary measures to ensure that friends or relatives do not access their social media accounts and make any posts or comments that may put the employee at detriment of this policy.

- 6.6 Whilst employees need to be aware of their privacy settings, restricting these does not mean that they can post what they want about the Council, individuals or organisations associated with the Council. Postings can be copied by people entitled to access them and sent on to others beyond the control of the original poster. Hence merely having privacy settings does not mean that comments will be kept out of the public domain.
- 6.7 Any employee who feels that they have been harassed or bullied, or are offended by material posted by a colleague on a social media site should inform their manager or a member of the HR Team.
- 6.8 For further information please see the guidelines – “Advice for Wyre Council employees using social media sites at home” available on Wyre Hub.

7. Use of social media in the recruitment process

- 7.1 Unless it is in relation to finding candidates (for example, if an employee has put his/her details on social media websites for the purpose of attracting prospective employers), the HR department and managers will conduct searches, either themselves or through a third party, on social media only when it is directly relevant to the applicant's skills or claims that he/she has made in the recruitment process. For instance, a prospective employee might claim that:
- they have used social media in their previous job (for example, as a publicity tool); or
 - their social media use is directly relevant to a claim made in an application (for example, if they run a blog based around a hobby mentioned in a CV or a skill that they claim to be proficient in).
- 7.2 There will be no systematic or routine checking of prospective employees' online social media activities, as conducting these searches during the selection process might lead to a presumption that the applicant's protected characteristics (for example, sexual orientation or religious or political beliefs) played a part in the recruitment decision.

8. Disciplinary action over social media use

- 8.1 All employees are required to adhere to this and associated policies. Employees should note that any breaches of this policy may lead to disciplinary action. Serious breaches of this policy, for example incidents of bullying of colleagues, use of inappropriate language, accessing inappropriate and/or offensive channels or social media activity causing serious damage to the council, may constitute gross misconduct and lead to summary dismissal.

9. Equality Impact Assessment and Monitoring

- 9.1 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.

10. Data Protection

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



Disciplinary Policy and Procedure

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1. Introduction

- 1.1 The Council and the trade unions attach great importance to establishing and maintaining good working relationships at all levels within the council by encouraging all employees to achieve and maintain acceptable standards of conduct and behaviour.
- 1.2 It is the council's belief that employees should be motivated by their sense of responsibility and involvement rather than by fear of disciplinary action. Disciplinary rules and procedures are nevertheless necessary to promote positive employee relations and fair, consistent treatment of employees, to help ensure that standards are upheld and to provide a fair method of dealing with alleged failures to observe the standards.
- 1.3 It is also recognised that discipline is necessary for the efficient and effective operation of the council and for the health and safety at work of all employees.
- 1.4 Whilst the disciplinary procedure provides a formal process for resolving alleged breaches, the council recognises that in many cases early intervention with the right word at the right time and in the right way may be all that is needed and will often be a more effective and satisfactory method of dealing with such situations.

2. Aims

- 2.1 The aims of this policy are:
 - To encourage corrective rather than punitive action
 - To ensure the consistent and fair treatment of employees
 - To support standards of conduct and behaviour which ensure the efficient and effective operation of the council

3. Scope

- 3.1 This procedure applies to all employees of the council excluding officers employed under J.N.C. Conditions of Service for Chief Officers and for Chief Executives.
- 3.2 This procedure does **not** apply to agency staff, external contractors or external consultants.

4. Roles and Responsibilities

- 4.1 It is the responsibility of individual **Employees** to:

- Be aware of the Council's policy and procedure
- Maintain acceptable standards of performance and conduct.
- Comply with the Council's Code of Conduct at all times
- Carry out their role to the standards expected
- Understand the impact of their behaviour on colleagues and customers of the Council
- Clarify expectations, behaviours and procedures with their line manager if they are unsure about them
- Co-operate fully and promptly if they are asked to be involved in a disciplinary case, this may include giving evidence in an investigation
- Declare any conflict of interest that arises if they are involved in disciplinary matters.

4.2 It is the responsibility of **Managers** to:

- Seek advice from Human Resources in a timely manner
- Be able to demonstrate an appropriate level of competence to deal with disciplinary matters effectively
- Be responsible for setting and maintaining standards of performance
- Comply with the Council's policy and procedure
- Ensure employees understand the policy and procedure
- Ensure the policy and procedure are fairly and consistently applied
- Recognise where circumstances make it difficult from time to time for staff to comply fully with the Council's policy and procedure
- Assist, wherever possible, the employee to correct unacceptable behaviour
- Set a good example through their own conduct and behaviour
- Remain impartial when dealing with disciplinary issues

4.3 It is the responsibility of **Human Resources** to:

- Ensure provision of training, support and guidance for managers
- Regularly review and monitor the operation and effectiveness of the policy and procedure including any adverse impact
- Ensure compliance with legal obligations

5. During a Pandemic

- 5.1 Any disciplinary procedure at this time must be carried out in a way that follows public health guidelines around social distancing and closure of certain business premises.
- 5.2 Going through a disciplinary procedure can be stressful in normal times, and employees might be facing other stressful circumstances at this time. The Council will give careful consideration to the health and wellbeing of employees when deciding whether and how to proceed at this time.

5.3 Whether the Council decides to go ahead with the procedure or postpone it, the Council will explain their decision with those involved. This will help everyone to be clear about what has been agreed and why.

5.4 Where all those involved in the procedure are still going to the workplace, the Council will consider whether the procedure can be carried out in line with public health guidelines.

For example, if interviews and meetings can be held in a place that safely allows for social distancing as well as privacy.

5.5 If some or all of those involved in the procedure are working at home, the Council will need to decide if the procedure can still be carried out in a fair and reasonable way. When making this decision the Council will consider the individual circumstances and sensitivity of the case, for example if it needs to be dealt with urgently, or if it would be dealt with more fairly when people are able to return to the workplace.

5.6 Going ahead with a procedure at this time might mean having to use video meetings for any investigation interviews and hearings. See appendix 5 – Electronic Meeting Guidance. The Council will consider if this can be done in a fair way, including if:

- everyone involved has access to the technology needed for video meetings, for example the necessary equipment and internet connection
- anyone involved has any disability or other accessibility issues that might affect their ability to use video technology, and whether any reasonable adjustments might be needed
- any witness statements or other evidence can be seen clearly by everyone involved during the hearing
- it will be possible to fairly assess and question evidence given by people interviewed in a video meeting
- it's possible to get hold of all the evidence needed for the investigation or hearing, for example records or files that are kept in the office
- it's possible for the person under a disciplinary investigation to be accompanied during the hearing

5.7 If the Council decides to continue or start a disciplinary procedure, the Council will follow Acas's Code of Practice for Pandemic situations.

5.8 The right for an employee to be accompanied at a disciplinary hearing still applies. The employee's chosen companion must be able to attend the hearing, even if it's being carried out through a video meeting.

The hearing must be set up to allow the employee's chosen companion to:

- put forward and sum up the employee's case
- respond on behalf of the employee to anything said (although it should be noted that the companion is not able to answer questions directed at the employee).
- talk privately with the employee at any point

During a pandemic, the availability of an employee's chosen companion might be more limited than usual. For example, they might have more caring responsibilities. The Council will consider if a delay of more than 5 days is reasonable in the circumstances.

6. General Principles

- 6.1 This policy and procedure is designed to encourage all employees to achieve and maintain satisfactory standards of conduct, and not purely as a means of imposing sanctions.
- 6.2 Standards of work and conduct required will be reiterated to ensure that employees are clear as to what is expected of them (this should also have been done at the outset of taking up employment).¹
- 6.3 We are committed to the council's values of Working Collaboratively, One Team One Council and Working Smart (WOW).
- 6.4 All disciplinary proceedings will be dealt with confidentially and treated as an allegation subject to the outcome of any disciplinary hearing.
- 6.5 All disciplinary issues will be dealt with in a fair and timely manner and with clear decisions at all stages.
- 6.6 The Council reserves the right to implement the disciplinary procedure at any stage, if the employee's conduct warrants such action.
- 6.7 The Council's safeguarding policies must be referred to in circumstances where an allegation or incident is in relation to a child, young person or vulnerable adult.
- 6.8 Managers should consult Human Resources before a disciplinary investigation takes place. A representative from Human Resources will normally attend disciplinary hearings and where requested, disciplinary meetings. However, for avoidance of doubt, a disciplinary hearing held without a representative from Human Resources, shall not be regarded as being improperly conducted for the purposes of this procedure.

¹ See also the Wyre Borough Council Capability Procedure

- 6.9 At all stages of the disciplinary procedure, except for the informal stage, an employee will have the right to be accompanied by an approved trade union representative or work colleague of their choice.
- 6.10 Electronic recordings should not be made of any meetings or hearings involved in the disciplinary process without the consent of those present.
- 6.11 An employee will not be dismissed for a first breach of discipline except in a case of gross misconduct, where the penalty will be summary dismissal without notice or pay in lieu of notice.
- 6.12 No disciplinary action will be taken against a trade union representative until circumstances have been discussed with a full time official of the trade union concerned.
- 6.13 Where disciplinary action is withdrawn or where the employee is cleared of any alleged misconduct, any written reference to the matter will be removed from the employee's personal file.
- 6.14 An employee may appeal against any disciplinary action imposed in accordance with this procedure.
- 6.15 The application of this policy and procedure will be non-discriminatory irrespective of an employee's age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender or sexual orientation.

7. Definitions

7.1 **Misconduct**

Examples of misconduct, which would normally justify the use of the Disciplinary Procedure has been attached as Appendix 1.

7.2 **Gross Misconduct**

Examples of serious offences that constitute acts of gross misconduct and potentially could lead to an employee's dismissal have been attached as Appendix 1.

Where misconduct is related to inappropriate conduct towards a child or vulnerable adult and it is perceived that the individual may pose a risk to children or vulnerable adults, details of the offence will be passed to the relevant external authorities by the Human Resources Team.

Similarly, where the misconduct is of a very serious nature, e.g. theft, fraud, details of the offence will be passed to the Head of Business Support who in liaison with Internal Audit/ Section 151 Officer may subsequently refer the matter on to external authorities, for example the police.

Neither of the two lists in Appendix 1 are exhaustive and one test that should be asked when determining if there is a potential for a misconduct allegation is - would a reasonable person be aware that disciplinary action would result from a certain act or omission?

7.3 **Conduct Outside of Work**

The Council does not seek to dictate how employees conduct themselves in their personal lives outside work. However, unlawful, anti-social or other conduct by employees which may jeopardise the Council's reputation or position will be dealt with through the disciplinary procedure. Examples of such behaviours are listed in Appendix 1.

7.4 **Cases of Alleged Criminal Activity**

A disciplinary investigation may run in parallel to any external investigation if necessary (e.g. police, child protection etc.), but should not be held up by it, unless it is prejudicial to those investigations to proceed. Case law clearly indicates that it is not always necessary to await the outcome of any court hearing before deciding on disciplinary action.

8. Procedure

8.1 The Disciplinary Procedure comprises of the following stages, where applicable:

- Informal Stage (where appropriate)
 - Informal Resolution
- Formal Stages
 - Investigation (including suspension where necessary)
 - Hearing
 - Sanctions
 - Written Warning
 - Final Written Warning
 - Dismissal with Notice or Summary Dismissal
 - In exceptional circumstances, consideration may be given to some other disciplinary penalty as an alternative to dismissal such as demotion, transfer or loss of seniority/pay.
 - Appeal

No formal disciplinary proceedings will be taken against an employee until a case has been fully investigated. The investigation will be relative to the nature of the allegation.

8.2 At every stage of the formal procedure an employee will be advised of the nature of the allegation against them and will be given the opportunity to state their case before any decision is made.

8.3 At all formal stages of the procedure the Employee will have the right to be accompanied by a workplace colleague or approved trade union representative.

8.4 **Resignation during an investigation or before a Disciplinary**

If the employee resigns either during a disciplinary investigation or prior to a disciplinary hearing then the Council will reserve the right to continue with the investigation and/or hearing despite the resignation.

The results of any findings/decision will be held on the employee's personnel file and any appropriate actions taken in line with the Disciplinary Policy.

8.5 **Criminal Conviction/Imprisonment**

An employee who receives a criminal conviction or imprisonment may be dismissed, however each case will be determined on its own merit. The Council's Disciplinary Policy, including undertaking an internal investigation will be followed on all occasions.

9. The Informal Procedure – Informal Discussions

9.1 Minor offences or lapses by the employee, should in the first instance, be dealt with by an informal discussion between a supervisor/manager and the employee concerned.

9.2 Nothing in this procedure is intended to prevent the normal process of management and supervision whereby managers manage performance including: performance and development reviews and 1:1s, allocating work, monitoring performance, drawing attention to errors, poor quality and minor misconduct whilst also highlighting work that has been done well either through routine management or regular appraisal.

Most cases of minor misconduct are best dealt with through such informal processes rather than through the formal disciplinary procedure.

9.3 The manager should discuss any problem with the employee at the earliest possible opportunity with the objective of encouraging and helping the employee to improve and stopping the matter from escalating. This may cover conduct, work performance, sickness or personal problems. It is an informal process designed to work through difficulties before they become so significant that disciplinary action may be necessary.

9.4 Clear goals need to be set and a review meeting scheduled to ensure improvement in behaviour/conduct is satisfactory within an agreed timeframe.

Failure to improve behaviour or standards of performance within this timeframe may result in formal proceedings being invoked.

- 9.5 An informal written record of any discussion should be made, including date, outline of discussion, details of any agreed action, training or other support to be made available to the employee. Should the behaviour or conduct continue and move to Formal Disciplinary Procedure, these records will be important evidence.

10. The Formal Procedure

10.1 Advice from Human Resources

To ensure compliance with the law, fairness and consistency, managers must consult with a Human Resources Advisor before embarking on the formal procedure or considering any disciplinary action.

10.2 Right to be accompanied

10.2.1 At all stages of the formal procedure the employee has the right to be accompanied by a recognised trade union representative or work colleague.

10.2.2 For the purpose of this policy, the right of representation includes meetings which could result in:

- A formal warning being issued
- The confirmation of a warning or some other disciplinary action (such as an appeal hearing)

and,

- Meetings held as part of the investigation process

It should be noted that the right to be accompanied does not extend to meetings held to inform of an impending issue or to suspend. However, the council will not refuse a reasonable request to be accompanied at such meetings.

It is the employee's responsibility to arrange to be accompanied.

10.2.3 The chosen representative is able to contribute to and ask questions at the hearing, however the chairperson is entitled to expect the employee and not the representative to answer any questions asked.

10.2.4 If the chosen representative is not available at the proposed time of the meeting, the employee may request an alternative time and date so long as it is reasonable and falls within five working days of the original date. This alternative date must have regard to the availability of the other employees involved in the hearing and may be extended by mutual agreement.

During a pandemic it may be necessary to extend this period to a reasonable length as deemed appropriate by the Head of Business Support.

10.2.5 There is no entitlement to external representation, legal or otherwise.

10.3 **Investigation of alleged misconduct/gross misconduct**

When an allegation/s is made which is considered to be more serious than can be dealt with by an informal discussion between the manager and the employee, an investigation must be carried out before any disciplinary action is taken.

10.3.1 **Investigating Officer**

The employee's immediate manager/supervisor will normally be designated as the investigating officer. There will be times when depending on the seriousness of the allegation or if the immediate manager has an involvement an alternative investigating officer will be designated by the Head of Business Support in liaison with the relevant HOS/Director.

If a financial irregularity is alleged, or the allegation involves the loss or suspected loss of assets, the theft or malicious alteration of data or the investigation requires observation of the employee, the investigation will be carried out by Internal Audit.

10.3.2 **Police Involvement**

At any stage during the investigatory process the Investigating Officer, having consulted with the Head of Business Support can recommend that the police should be involved e.g. if the possession of illegal drugs is involved or in the event of claims of abuse, theft or fraud. In the case of theft or fraud, the Audit Section will need to be involved from the outset.

The involvement of the police should not be viewed as a reason to suspend the internal process of the investigation unless the internal investigation would prejudice the police investigation. Usually, the police investigation will run parallel to the internal investigation but by definition, the results of any police investigation may take some considerable time to be made known. In view of this, the internal investigation should continue in the normal manner with the emphasis on fairness and equality², and any recommendation made as a consequence of the internal investigation may be made without waiting for the results of the police investigation.

10.3.3 **Investigation Process**

Once the investigating officer has been nominated, the employee will be issued with a letter confirming that an allegation has been made against them including details of the allegation, that there is to be an investigation and who the investigating officer is.

² Equal treatment of staff regardless of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender or sexual orientation

In the majority of cases such written confirmation will be issued at the commencement of an investigation but in some cases e.g. potential fraud (or where evidence is behaviour based and evidence needs to be collected before the person is informed e.g. attendance), it may be appropriate not to inform the employee until later in the investigation process. In addition there may be occasions where the allegations are less serious in nature and warrant a less formal approach whilst still falling within the parameters of the formal procedure.

Internal Audit must be contacted for advice should it be considered necessary to search the personal property of an employee. Searches of personal property such as coats, bags, briefcases etc. may only be undertaken by Internal Audit and only in the employee's presence. Desks, cupboards, filing cabinets and work vehicles are not considered to be personal property.

Internet and email monitoring and control software has been installed and the investigating officer may, in the course of the investigation, monitor usage and inspect the contents of emails and files.

During the process of the investigation, it will normally be necessary to interview the employee(s) in question. This should be done as soon as reasonably practicable but in any event should normally take place within 10 working days of the investigation commencing. Where either party wished to extend this time limit a request should be made in writing stating the reasons for the delay. Where sickness is the reason for a request by the employee, this must be accompanied by a medical certificate. However, it is not expected that any extension will exceed a further 20 working days and the investigation may have to continue and conclude in an employee's absence if they are unable to attend.

During a pandemic it may be necessary to extend this period to a reasonable length as deemed appropriate by the Head of Business Support.

Detailed records must be kept of any interviews held and witnesses interviewed must sign any statement given and recognise that they could be used at a subsequent hearing.

The Investigating Officer will investigate the matter, interview witnesses and gather documentary evidence as appropriate. They will then prepare a report for submission to Human Resources giving the outcome of the investigation and make one of the following recommendations:

- That no further action to be taken: or
- That Informal Action may be required: e.g. counselling, keeping under review, management action, training etc: or
- That disciplinary hearing should be held

If as a result of the investigation, a disciplinary hearing is deemed appropriate, the investigating officer will be required to present the report at the hearing.

If a disciplinary hearing is not deemed necessary the employee must be informed of this in writing within **5 working days** of the conclusion of the investigation. If currently under suspension, appropriate arrangements will be made for the employee to return to the workplace.

Officers involved in the disciplinary investigation must not lead any subsequent disciplinary hearing. They may, however, be involved in any suspension and it may be appropriate for them to either present or assist in the presentation of management's case at any disciplinary hearing.

- 10.3.4 The Council's Occupational Health Advisor will be consulted if at any stage in the investigation there may be a medical issue.

10.4 **Suspension**

The Council may decide to suspend an employee from work pending the investigation. The decision to suspend must be made in liaison with a member of the Management Team and Human Resources.

Suspension is most likely to be appropriate where the continued presence of the individual at work would pose a risk to themselves or others or where the employee would have an opportunity to frustrate the investigation by destroying or compromising evidence.

An alternative to suspension such as requesting the employee to undertake alternative duties which remove them from their normal workplace or to work from home whilst the investigation is conducted may also be considered.

Suspension or temporary redeployment does not constitute disciplinary action or indicate belief in the employee's guilt and must never be taken as an assumption of guilt. Rather it is a mechanism to allow breathing space for a fair investigation to take place to establish whether or not there is a case to answer.

Once the investigation is completed the employee will either return to work with an unblemished record or will be required to attend a disciplinary hearing.

10.4.1 **Suspending an Employee**

Where it is deemed necessary for an employee to be suspended from duty, the relevant Corporate Director must meet with the employee as quickly as possible to explain:

- What is being alleged.
- Why it is necessary for the employee to be suspended or temporarily redeployed. That the employee will be on full contractual pay for the duration of the suspension.
- That there is no presumption of guilt.
- That an investigation will take place and the employee will have the full opportunity to put his/her case forward.
- That the employee must be available for contact by the manager or investigating officer and to attend meetings as part of the investigation process.
- That whilst suspended the employee should not return to the work premises or have any contact with colleagues with the exception of an agreed liaison officer.
- The employee's right to be accompanied at any further meetings.
- Details of the Council's Employee Support Programme and encourage the employee to make use of it.

The employee will be asked to hand over their ID card and any other equipment belonging to the Council.

Arrangements for contacting the employee and the telephone number to be used must also be agreed. If appropriate a liaison officer will be nominated.

A letter, confirming the suspension and the reason(s) for the suspension, will be sent to the employee within **2 working days** from the date of the suspension.

Should formal disciplinary proceedings be warranted it should be noted that those managers involved in the suspension process are not able to chair the disciplinary hearing or conduct the investigation.

10.4.2 **Contact During Suspension**

Contact with the employee during the period of suspension should be made within **10 working days** from the date of suspension and at regular intervals thereafter. The purpose of contact during suspension is to:

- facilitate investigatory meetings;
- keep the employee informed of the progress of the investigation in terms of it's likely time of conclusion
- inform the employee of the consequences of the conclusions of the investigation and to inform them of any subsequent action.

Every effort must be made to conclude a disciplinary investigation as quickly as possible from the date the suspension commences.

11. Disciplinary Hearings

- 11.1 If the Service Manager/Director accepts a recommendation to proceed to a full disciplinary hearing this will be convened in accordance with the arrangements described below.

Disciplinary hearings will normally be held no more than 10 working days after completion of the investigation.

All hearings and investigation meetings during a pandemic will be held virtually where possible. See section 6.

During a pandemic it may be necessary to extend this period to a reasonable length as deemed appropriate by a Corporate Director.

- 11.2 The intention of the Hearing is to give the employee every opportunity of stating their case and to allow management to consider all relevant information before making a final decision. Guidance on the conduct of a disciplinary hearing has been attached as Appendix 3.

- 11.3 The employee will be notified in writing at least 5 days working days before the Hearing takes place, this notice may be extended to allow an employee to be represented provided that the extended period is for no longer than 5 working days.

During a pandemic it may be necessary to extend this period. See section 6.7.

The notification will include:

- notification that there will be a Hearing held under the Councils disciplinary procedure
- the reason for the Hearing
- the date, time and place of the Hearing
- the right of the employee to be accompanied
- who is expected to be conducting the Hearing and other attendees
- supporting documentary evidence and witness statements

- 11.4 Documents which the employee wishes to be considered and details of any witnesses s/he intends to call at the hearing must be provided to Human Resources at least 3 working days before the hearing.

All parties must respect the need for confidentiality, at all times, in relation to any information exchanged.

- 11.5 Every effort is made to arrange the timing of a hearing, such that it is suitable for all involved parties. However, it should be noted that where an employee is persistently unable or unwilling to attend a disciplinary meeting, the Council will have no option than to make a decision based on the evidence available.

Sickness may be a reason given for non-attendance but is only valid if the employee is genuinely too ill to attend a formal meeting or disciplinary hearing. An employee may be too sick to work but fit enough to attend such a meeting. An occupational health referral must take place if the employee is certificated as sick by their general practitioner or specialist.

A hearing can take place in the employee's absence or the employee can nominate a representative to attend on their behalf.

- 11.6 All disciplinary hearings will be conducted on the basis that there is no presumption of guilt.
- 11.7 A member of Human Resources will normally be present at Hearings to advise the chair of the hearing and ensure a fair and impartial process.
- 11.8 Once all of the evidence has been provided to the manager conducting the hearing, it will ordinarily be adjourned whilst a decision is reached.
- 11.9 The outcome of the Hearing will be conveyed as soon as possible. If it is not possible to confirm the outcome on the same day, the employee will be given an anticipated time scale for confirmation of the outcome and a subsequent meeting will be arranged to convey the decision. The decision will then be confirmed in writing within 5 working days of the hearing decision and be copied to the employee's representative if requested.
- 11.10 A copy of the letter must be placed on the employee's personal file. It forms part of the employee's employment record and must not be removed from the file once the warning is spent.

12. Sanctions

- 12.1 The Disciplinary process can be instigated at any stage dependant on the seriousness of the alleged conduct.

12.2 **Written Warning**

A written warning may be given where:

- Informal attempts to resolve the matter have failed, or
- The matter is considered to be too serious to be resolved by informal processes

A written warning may be issued by a line manager.

The employee will be provided with written reason(s) of the decision within 5 working days of the hearing. A Written Warning will normally remain in force for disciplinary purposes for a period of 12 months from the date the warning was issued. However, a historical note of the Written Warning will remain on an employee's personal file.

The employee has the right of appeal against a Written Warning.

12.3 Final Written Warning

A final written warning may be given where:

- The employee's conduct has not improved as a result of previous written warning(s), that warning is still in force and he/she has committed a further offence requiring disciplinary action.
- No previous warning is in force but the employee has committed an offence which is serious but does not warrant dismissal.

A final written warning may be issued by a Head of Service.

The employee will be provided with written reason(s) of the decision within 5 working days of the hearing. A Final Written Warning will normally remain in force for disciplinary purposes for a period of 2 years from the date the warning was issued. However a historical note of the Final Written Warning will remain on the employee's personal file.

The employee has the right of appeal against a Final Written Warning.

12.4 Dismissal

If an employee's conduct or performance is still unsatisfactory or the case warrants it, dismissal will normally result. Only the Corporate Directors or Chief Executive can take the decision to dismiss after full discussion and consideration of the case. The employee will be provided, within **5 working days** of the decision with written reasons for dismissal and confirmation of the date on which employment was/will be terminated, as well as to their right of appeal.

12.5 Spent Warning

Although disregarded for sequential disciplinary purposes, a record of spent warnings must be kept permanently on the employee's personal file as part of his/her employment record.

13. Appeals

- 13.1 At all stages employees have the right of appeal to the next level of management. For appeals against dismissal, see The Appeals against Dismissal Policy and Procedure.

An employee may choose to appeal because;

- They think the finding or penalty is unfair
- New evidence comes to light
- They think the disciplinary procedure was not used correctly.

The employee should make any appeal in writing to the Head of Business Support, within **10** working days of receipt of the penalty. The employee must state the specific reasons for their appeal. An appeal hearing will be convened within **20** working days of receipt with all information relating to the appeal being available at least **5 working** days before the hearing is held.

During a pandemic it may be necessary to extend this period to a reasonable length as deemed appropriate by the Chair of the Appeal Hearing.

In the event of the Chair upholding an appeal, any reference to the sanction will be deleted from an employee's file with immediate effect.

In the event that the Chair vary the disciplinary sanction then the timescales for keeping information on the employee's file will be adjusted to be in accordance with the Chair's decision.

The decision at the appeal is final.

14. Pandemic

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

Wherever possible, meetings should be held virtually either by video call or by telephone to avoid face to face contact. It is recognised that this is not possible or practical for every situation and therefore meetings should be held with only essential members present and social distancing and personal hygiene measures such as regular hand washing, use of hand sanitiser and surface cleaning at the front of mind.

Pandemic Risk Assessments must be followed at all times and any issues raised immediately with an appropriate line manager.

15. Equality Impact Assessment And Monitoring

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.

16. 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.

Guidance Note on Examples of Misconduct and Gross Misconduct either during or outside work.

Misconduct

The following are examples of misconduct, which would normally justify the use of the Disciplinary Procedure. The list is neither exhaustive nor exclusive and, depending on the precise circumstances, any act listed below may be considered so serious as to be regarded as Gross Misconduct:

- Unjustified refusal of a lawful and reasonable instruction.
- Lateness, unauthorised absences, failure to notify sickness absence.
- Insubordination or verbal assault whilst at work.
- Personal misconduct outside of work, sufficiently serious to affect an employee's position at work.
- Threat of violence.
- Unauthorised use of the Council's resources, or information gained during the course of one's employment.
- Negligence in job performance (other than capability).
- Negligence in carrying out duties in accordance with relevant policies and procedures.
- Unacceptable standards of personal conduct.
- Intentional disregard of legitimate instructions from a line manager/senior officer
- Failure to observe safe working practices at work, including failure to wear personal protection equipment (PPE).
- Breach of smoking policy
- Failure to co-operate with disciplinary cases, including withholding of information known to be pertinent to the case
- Criminal conduct
- Making vexatious complaints or grievances
- Failure to adhere to the Councils Code of Conduct
- Misuse or unauthorised use of Council resources for example; vehicles, equipment or facilities
- Conduct in the workplace that has a negative impact on work, colleagues or service delivery. (for example poor personal hygiene)
- Purporting to represent the views of the Council on social networking sites without prior approval or authorisation
- Failing to act when acts of discrimination are witnessed

Gross Misconduct

The following are examples of serious offences that constitute acts of gross misconduct and potentially could lead to an employee's dismissal. This list is neither exhaustive nor exclusive:

If an employee commits an act of gross misconduct the Council has the right to dismiss the employee without serving them with their contractual notice, subject to a formal investigation and hearing.

- Theft or incitement to steal, attempted theft, fraud or fraudulent falsification of accounts, or other official records including abuse of the flexi time system, ie. swiping in or out for someone else.
- Providing false and misleading information, eg. on application forms, medical questionnaires or examination, at an accident investigation or at a disciplinary investigation.
- Wilful and deliberate damage to the authority's assets or to another employee's property.
- Incitement to or use of physical violence to anyone at all on the authority's premises or whilst on authority business, sufficiently serious to affect an employee's position at work.
- Bringing firearms or offensive weapons on authority premises.
- Accepting gifts or bribes for personal gain and hospitality, outside Wyre Borough Council policy.
- Disclosure of confidential information.
- Grossly offensive behaviour, harassment and bullying.
- Being incapable of work, or of working safely due to the influence of alcohol, or drugs*.
- Negligent or wilful failure to comply with legal requirements of the Council's various policies and procedures such as Health and Safety rules, Equal Opportunities, Safeguarding or the Data Protection Act, or any other legal or statutory requirement.
- Serious neglect of duty and responsibility associated with the post.
- Criminal offence bringing the Council into disrepute.
- Gross insubordination.
- Gross neglect of health and safety rules.
- Accessing material on the Internet of an 'inappropriate nature such as sites containing pornographic, sexist, racist, indecent, rude, obscene, political or violent material.
- Bringing the Council into serious disrepute.
- Deliberate falsification of Council documents.
- Serious breach of safety regulations endangering oneself and/or others.
- Criminal offences which are related to, or impact on an employee's ability to fulfil the terms of their contract, or are incompatible with an employee's role, or have the potential to damage the reputation of the Council.
- Discrimination against Council employees or members of the public in breach of the Council's equality and diversity policies.

- Corrupt or improper practice involving children or vulnerable adults.
- Using social network sites to make derogatory comments about other organisations or individuals in relation to their employment/work activity.
- The posting of photographs on social networking sites, or the distribution of photographs, that could bring the Council and/or its officers into disrepute and/or harm.
- Serious breach of the Councils ICT or Data Protection policy.
- Significant loss of public money or property for which the employee is responsible.
- Negligence whilst carrying out duties on behalf of the Council.
- Wilful neglect to obtain/retain the professional qualifications or membership as required by the job description.
- Failure to disclose any caution or conviction as required under the Rehabilitation of Offenders Act.
- Supplying and/or trafficking or drugs, money laundering activities, or the sale or distribution of illegal substances or products.
- Serious negligence which causes unacceptable loss, damage or injury, or acting in a manner dangerous to others.
- Unauthorised entry to computer records and deliberate misuse of the Council's computer resources and telephone services.
- Serious breach of any of the Council policies and procedures such as Financial Regulations or Financial Procedure Rules.
- Fraudulent claims made within job applications particularly in relation to qualifications, experience or job history.

*Please note - In certain cases drugs prescribed by a doctor or purchased from a chemist can induce drowsiness and will include the advice not to operate machinery. Employees must inform their line manager if they have taken such medicine and would normally be required to operate machinery or drive a vehicle during the course of their work.

Frequently Asked Questions – Paid Suspension

Q. When is paid suspension used?

A. Paid suspension is not considered a disciplinary sanction but a neutral act enabling a full investigation to be carried out. It is normally used where a particularly serious allegation is made, where relationships have broken down or where it would be impossible for a full investigation to be completed if the employee was still in the workplace.

Suspension will not be undertaken without obtaining advice from Human Resources and must be authorised by a Head of Service.

Q. How should I be notified of my suspension?

A. Normally you will be notified by your Head of Service (or nominated manager):

- Verbally - if it is practical or possible for you to be informed in this way;
- By telephone - if it is not possible to meet with you in person;
- By letter - if it is not possible to meet with you or contact you by telephone.

Regardless of how you are informed of your suspension you will be issued with a suspension letter outlining the reasons for your suspension and any terms you must abide by during the period of the suspension.

Q. Will I be paid if I have been suspended?

A. You will normally continue to receive full pay during your suspension. However, if you are certified as unfit to attend for work, owing to ill-health or you are on maternity leave, your payments will be made in accordance with your conditions of service.

Q. Will continuous service be affected by suspension?

A. Suspension does not affect your employment rights. For the purposes of calculating continuous service in relation to benefits such as sickness, maternity, redundancy, pensions etc. the period of suspension counts as normal employment

Q. Do I have to stay at home during my normal working hours in case I am called back to work?

A. You are required to make yourself available to your employer at reasonable notice (e.g. for a meeting or interview). Normally this would mean you should be prepared to report to work on the day following the request for you to report to work. However, you could be asked to return on the same day as the request is made, which would not be unreasonable if the request was made early in the day for an afternoon meeting and a representative was also available.

Q. What happens if I wish to make a trip away from home during the period of suspension?

A. Annual leave arrangements still apply during suspension, therefore if you wish to make a trip away from home, which would make you unavailable to attend work as described above, you will need to seek authorisation for annual leave from your line manager in the normal way.

Given that suspension is not a disciplinary penalty, annual leave which has been arranged prior to suspension will be honoured other than in exceptional circumstances, where the matter will be discussed with you.

You will need to clear any request in advance, including confirming pre-arranged leave, with your line manager. They will need to consider the likelihood of your being required to attend work during the time requested.

Q. Am I allowed access to my workplace and colleagues during suspension?

A. The council does not wish to impede you in preparing your case. If you wish to visit your workplace during the suspension period you must first obtain the permission of your line manager or other nominated manager. S/he will need to be satisfied that there are reasonable grounds for your request and that your visit will not interfere with any related investigation.

Your employer, obviously, cannot prevent you from meeting with colleagues outside normal working hours. However, if you intend discussing the matters relating to your suspension, please be aware that this may place your colleagues in a difficult position. In any event, they may choose not to discuss it with you. You should, therefore approach them sensitively.

Q. What assistance is there for employees on paid suspension?

A. If you are a member of a trade union you are advised to seek advice from your trade union representative.

Your manager, or another nominated person if this is not appropriate, will keep in contact with you to both advise you of progress regarding the investigation and keep you updated with any development in connection with your job.

Q. How long can the suspension last?

A. There are no specified time limits. However, suspension will be for as short a period as possible.

Where a suspended employee is the subject of external investigations, police enquiries or charged with a criminal offence, the length of the suspension may be prolonged pending the outcome of police enquiries or legal proceedings.

Where the investigation is subject to a delay your line manager (or other nominated manager) will write to inform you of the delay and the reason for it.

Q. How will I know when the suspension has ended?

A. Normally, suspension ends when, following the completion of the investigation, a decision is taken.

This decision may be:

- to take no action and end the suspension;
- to proceed with formal disciplinary action;
- to take some other form of action.

In any event you will be notified in writing of the decision.

Where disciplinary action is taken, the suspension will normally continue until the hearing takes place, and it will be decided at the hearing when the suspension will end.

You will remain suspended until informed otherwise by your Head of Service or Human Resources.

Q. How can I return to work after being suspended?

A. Paid suspension is not a disciplinary penalty. Employees can return to work successfully after being suspended and will receive support from both their manager and HR advisor in this event

Guidance on the conduct of a Disciplinary Hearing

The following guidance is to be used by all officers involved in the planning and/or Hearing of a disciplinary case and is designed to assist in ensuring a fair and consistent approach to the administration of all disciplinary hearings.

The Venue

It is imperative that the chosen venue is private and offers suitable access to all those present or who may be called as witnesses during the proceedings.

Disciplinary Hearing – Order of Proceedings

The manager chairing the hearing must be authorised to give the potential sanction proportionate to the alleged misconduct.

At the start of the hearing the chair will outline the order of proceedings, introduce all who are present and explain the reason for their attendance. They will also confirm that the hearing is a disciplinary hearing to consider whether disciplinary action should be taken.

The Management Case

The chair must outline the allegations against the employee.

The investigating officer will then present the management case and in doing so will refer to the investigation report, any witness statements and may call any necessary witnesses to give evidence and question them.

The employee and/or their representative may ask questions of any witnesses and the investigating officer.

The chair of the hearing and the advisor from Human Resources may ask questions of the investigating officer and/or the witnesses at any time.

Witnesses will be called as required and will leave as soon as they have answered all the questions put to them. They will not stay in the room for the course of the hearing.

The Employee's Case

The employee or his/her companion will then present the employee's case, including calling any witnesses one at a time and questioning them.

The investigating officer, the chair and the advisor from Human Resources may ask questions of the employee and/or the witnesses at any time.

Summing Up

The chair of the hearing will then ask the investigating officer to sum up their case. No new evidence may be submitted at this stage.

The employee or his/her companion will then be asked to sum up his/her case and put forward any mitigating circumstances. No new evidence may be submitted at this stage.

If at any time it appears that further investigation is required or further evidence needed the chair has the right to adjourn the hearing to allow this to happen.

The chair has the discretion to determine any issues relating to the admissibility of evidence and is entitled to rule on behaviour by any party within the hearing.

Adjournment

The hearing will then be adjourned and the investigating officer, the employee and their representative (if appropriate), will then withdraw.

The chair will then consider the decision with advice from the Human Resources representative. If it is necessary to recall one or other of the parties to clarify a piece of evidence already given, both parties are to return notwithstanding that only one is concerned with the point giving rise to doubt.

The chair and HR representative will review all the evidence before a decision is reached. In arriving at a decision, they will bear in mind the need to act reasonably in all circumstances. If the employee is found to have committed an offence, before imposing a disciplinary sanction, the following will be considered:

- the gravity of the offence;
- the penalty imposed in similar cases in the past (although each case must be considered on its own merits);
- any special or mitigating circumstances (e.g. health or domestic problems, provocation); and
- whether the proposed penalty is reasonable in all the circumstances.

The chair may decide to:

- exonerate the employee
- not to proceed with any disciplinary action, but rather to set down the required standard of behaviour or conduct of the employee together with dates upon which a review will be performed
- to issue a warning
- to recommend dismissal.

Once a decision has been reached, the hearing will reconvene and the decision is announced. If time and circumstances do not allow this to be on the same day as the hearing an alternative time and date will be agreed.

The Decision

Once the chair has reached a decision the hearing will reconvene. The employee and his/her companion will be told the decision in a statement which should:

- Summarise why the hearing was called by stating the allegation/s.
- Briefly summarise the evidence the chair looked at in respect of each of the allegations, and whether or not the allegation was found to be substantiated.
- Include a reference to any mitigating circumstances.
- Give the decision i.e. no case to answer/first written warning/final written warning/dismissal with notice/summary dismissal.
- Where a warning has been issued state the length of time a warning will remain in effect, what actions or improvements the employee needs to achieve, together with the timescale for achieving these, that the employee's conduct will be monitored throughout the life of the warning, and that any further misconduct may result in further disciplinary action being taken.
- If the employee is to return to work, state what arrangements are to be made. This is particularly important in cases where the employee has been suspended. State what support is to be given to the employee.
- In dismissal cases state whether or not this is summary dismissal. (Summary dismissal is for gross misconduct and is without notice or pay in lieu of notice).
- In cases of summary dismissal, state that the dismissal takes place with immediate effect, and what arrangements are to be made for the employee to leave the premises and to collect any personal effects.
- In cases of professional misconduct, or criminal activity, state the intention to supply details of the outcome of the disciplinary hearing to an appropriate professional body, or to the Police.
- State that the employee has a right of appeal, and should he/she wish to do so, must exercise this within 10 working days of receipt of the decision letter, in writing, and send it to the Head of Business Support.

This statement will form the substance of a decision letter which must be sent to the employee within 5 working days of the hearing decision, and be copied to the employee's representative if requested.

A copy of the letter must be placed on the employee's personal file. It forms part of the employee's employment record and must not be removed from the file once the warning is spent.

DISCIPLINARY PROCEDURE

Frequently Asked Questions

Q. What is the difference between an investigatory meeting and a disciplinary hearing?

A. Essentially, the purpose of an investigatory meeting is to establish what happened, while the purpose of a disciplinary hearing is to decide what to do about it.

Q. Can the Council invite an employee to an investigatory interview or disciplinary hearing if they are on sick leave?

A. Where an employee who is subject to disciplinary proceedings is absent due to a short-term illness, the most appropriate course of action is likely to be for the Council to postpone the interview/hearing until the employee is well enough to attend. If the employee is on long-term sickness absence, the Council will balance the need to avoid unreasonable delay in the process with the importance of allowing the employee to put their case before it makes a decision. The Council will take steps to determine whether or not the employee is well enough to attend a disciplinary hearing, even though they are not fit for work. If necessary, the employee may be required to attend an appointment with the Councils Occupational Health provider to determine their suitability to attend the disciplinary hearing. The Council will obtain medical evidence focused on the employee's ability to take part in a disciplinary hearing, and take into account any medical advice.

Q. What happens if the union representative/work colleague is not available at the proposed time of the meeting?

A. If the companion is not available at the proposed hearing time and the employee suggests another time that is reasonable and falls within five working days of the original time, the hearing will, wherever possible, be postponed until the new time proposed by the employee.

Q. Can the Council reject an employee's choice of companion for the disciplinary meeting?

A. Under section 10 of the Employment Relations Act 1999, employees have the right to be accompanied at a disciplinary or grievance hearing if their request to be accompanied is reasonable. Therefore, the Council can reject an employee's choice of companion if it is unreasonable for him or her to request to be accompanied by that person. This may be the case, for example, if the companion is involved in the proceedings, or because he or she will not be available for a meeting for a substantial length of time.

Q. Is an employee allowed paid time away from their job to accompany a colleague to a disciplinary or grievance meeting?

A. Yes. An employee is permitted to take a reasonable amount of paid time off during their working hours to accompany a colleague to a disciplinary or grievance hearing. The accompanying employee should advise their line manager when they are due to be absent.

Q. Can the Council dismiss an employee on the grounds of a criminal act that happened outside of the workplace?

A. It is permissible to dismiss an employee on the grounds of a criminal act that happened outside of the workplace if it thought likely to affect the continued employment relationship, the ability of the employee to do their job, brings the reputation of the Council into disrepute or frustrates the contract.

Q. What can the Council do if an employee posts derogatory remarks, including comments that may be construed as bullying, or photographs on a social networking site, or circulates inappropriate photographs and comments by any other means?

A. It is recognised that the use of social networking is widespread and an effective means of keeping in contact with friends, family and often with colleagues. When used appropriately there is no problem, but employees should be aware that whilst they may feel a need to express their thoughts and frustrations about work they should be careful to avoid statements or comments that may be defamatory to colleagues or otherwise damaging to the reputation of the Council. Any bullying, harassment, victimisation or threats towards colleagues either face to face or via social networking sites may be classed as gross misconduct and be dealt with accordingly under the scope of the disciplinary policy. Similarly any content or material that is likely to bring the Council into disrepute may also be subject to a disciplinary process.

Electronic Meeting guidance

Where the Chair decides that a meeting should take place using alternative arrangements (e.g. by telephone or video conference) that have been previously agreed then the following will apply:

- the usual notice and arrangements for issuing papers continues except where the Chair has exercised their right to waive the usual notice;
- all participants will receive clear instructions regarding how to access the meeting including where they can access support if they experience difficulty;
- all participants will be given advance notice of the meeting in line with current policy procedures so that they can declare if they have a disability or other accessibility issues that might affect their ability to use video technology, and whether any reasonable adjustments might be needed;
- all participants must attend the meeting with webcams enabled at all times;
- where there is a requirement for an adjournment / breakout for any participant this will be carried out either at a different physical location or separate independent virtual meeting;
- all participants will note and follow any instructions given on how to manage their participation at the meeting. For example confirming attendance, speaking through the Chair of the meeting, etc;
- all panel members will abide by their normal rules, procedures and code of conduct adopted by the Council in relation to holding hearings, giving particular regard to the duty to maintain confidentiality;
- the panel will contribute towards a safe and secure environment for the meeting by giving due regard to the Council policies relating to Data Protection and the appropriate use of ICT;
- a minute taker may be nominated to take notes of the meeting – but it will not ordinarily be recorded;
- under no circumstances can a recording take place without all parties being aware.



Appeals against Dismissal Procedure

1. Introduction

- 1.1 Employees have the right to appeal against any decision to dismiss them. This policy sets out the process that will be followed in dealing with any such appeal.
- 1.2 This procedure sets out to ensure that decisions taken are fair and reasonable in all circumstances and that the appropriate process has been followed in reaching decisions.
- 1.3 The decision to dismiss may have been made in-line with the following policies:
Disciplinary Policy
Capability Policy
Redundancy Policy
Promoting Attendance Controlling Absence Policy
Probationary Policy
Any other relevant policies whereby dismissal may be the outcome.

In exceptional circumstances a dismissal may have been carried out that doesn't sit within any of the above policies e.g. Some other Substantial Reason Dismissals.

2. Scope

- 2.1 This procedure applies to all employees of the council excluding officers employed under J.N.C. Conditions of Service for Chief Officers and for Chief Executives and Protected Officers.
- 2.2 This procedure does **not** apply to agency staff, external contractors or external consultants or staff
- 2.3 This procedure does **not** apply to appeals against actions or decisions other than dismissal made under relevant policies.

3. Principles

- 3.1 All employees have the right of appeal against a management decision to dismiss.
- 3.2 We are committed to the Council's values of Working Collaboratively, One Team One Council and Working Smart (WOW).
- 3.3 Confidentiality must be maintained throughout the appeal process by all those involved.
- 3.4 Employees have the right to be accompanied at an appeal hearing by a trade union representative or a work colleague. There is no right however to legal representation.

- 3.5 Elected members who sit on the Appeals Panel will attend an appropriate training course or demonstrate an appropriate level of competence.

4. Procedure

4.1 How to Appeal

4.1.1 An employee wishing to appeal against a dismissal made must submit in writing to the Head of Business Support within 10 working days of receiving the letter confirming dismissal under the relevant policies.

4.1.2 An appeal may be made on the following grounds:

- A procedural error
- The decision was unfair and unreasonable
- That further new material information has come to light which, had it been known at the time of the hearing, may have affected the decision to dismiss. This must be information that was unavailable at the original hearing and is pertinent to the case.

4.1.3 The letter of appeal must set out the grounds of the appeal and should state whether the appeal is in respect of the whole decision or relates to only part of any finding or decision.

4.2 Arrangements for the Appeal Hearing

4.2.1 On receipt of the appeal, the Head of Business Support will liaise with Democratic Services who will make arrangements with the Chair of the Employment Appeals Committee (or his/her deputy) to convene an Employment Appeals Panel, which will normally be within 20 working days.

4.2.2 The agreed paperwork will be circulated to the parties 5 working days in advance of the hearing which will include:

- Original letter of dismissal
- Any relevant papers supporting the decision to dismiss
- Letter of Appeal
- Specific detail of what the employee wishes to appeal against
- Any documentation submitted by the employee in support of their appeal.

4.2.3 The employee submitting the appeal will be responsible for informing Democratic Services of the names of any witnesses they may wish to call in support of their appeal. It will be the responsibility of the employee to notify the witnesses of the date, time and location of the hearing.

4.2.4 Any witnesses who are employees of Wyre Council that the employee submitting the appeal wishes to be available at the hearing will be responsible for informing their line manager of the request to attend an appeal hearing.

- 4.2.5 The Panel will comprise of 3 members of the Employment Appeals Committee. A representative from Human Resources (or Independent Advisor) will be present to advise and support the Panel.

The chair of the dismissal hearing (management representative) will attend and may also be supported by a representative from Human Resources.

- 4.2.6 All hearings and investigation meetings during a pandemic will be held virtually where possible or in line with the government guidelines at the time. It may also be necessary to extend the period of time set out in 4.2.1 above to arrange the hearing to a reasonable length as deemed appropriate by the Chair of the Employment Appeals Committee (or his/her deputy) hearing the grievance. During the appeal hearing the employee will only be able to refer to and pursue the grounds of appeal specified in their appeal letter.

4.3 **Procedure for the Employment Appeals Hearing**

4.3.1 Introduction

The chair of the Employment Appeals Panel will introduce those present and explain their reason for attendance.

The chair of the Employment Appeals Panel will confirm that the hearing is an appeal against dismissal and will explain how it will be conducted.

4.3.2 Employee's Statement of Appeal

The employee, or their representative will state their ground of appeal and desired outcomes. The employee will only be able to refer to and pursue the grounds specified in the letter of appeal and submitted documentation.

It is not expected that new evidence will be allowed at the appeal, unless there are mitigating circumstances as to why the information was not previously presented or available. A decision on whether to allow new evidence, will be at the discretion of the Panel.

As part of their representation, the employee may call witnesses in support of their appeal.

The panel, the management representative and their relevant advisors may ask questions of the employee and any witnesses.

Whilst the employee's representative may assist the employee with the presentation of their case, the employee must answer questions asked of them by the panel, management representative and their relevant advisors.

4.3.3 Presentation of the Management Representative

The management representative will provide a statement including the reasons for their decision to dismiss. As part of this witnesses may be called.

The employee, their representative, the panel and their relevant advisors may ask questions of the management representative and any witnesses. The HR Advisor to the management representative may contribute as required.

4.3.4 Final Statements

The management representative and then the employee or their representative may sum up their case and make a final statement if they so wish.

4.3.5 Adjournment

The employee, their representative, the management representative (including their HR Advisor) and any witness will then withdraw. The panel with their advisor will consider the evidence. If it is necessary to recall either party or witness in order to clear up any point of uncertainty on the evidence given, both parties will be recalled notwithstanding the fact that only one may be concerned with the point giving rise to doubt.

4.3.6 Decision

The chair will, if possible, give a decision to the parties immediately after the hearing. On occasions, time constraints may make it necessary to adjourn the hearing for a longer period to properly consider the information provided. In this case, it will be agreed to re-adjourn the meeting at a later date or that the employee will be informed of the decision in writing.

In any case, the decision made will be confirmed in writing within 5 working days of the hearing.

4.4 This is the final stage of the Council's internal process and the decision of the panel is final.

5. Pandemic

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

5.2 Wherever possible, meetings should be held virtually either by video call or by telephone to avoid face to face contact (see Appendix 1 – Electronic Meeting Guidance). It is recognised that this is not possible or practical for every situation and therefore meetings should be held with only essential members present and social distancing and personal hygiene measures such as regular hand washing, use of hand sanitiser and surface cleaning at the front of mind.

- 5.3 Pandemic Risk Assessments must be followed at all times and any issues raised immediately with an appropriate line manager.

6. Equality Impact Assessment And Monitoring

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

7. Data Protection

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

Electronic Meeting guidance

Where the Chair decides that a meeting should take place using alternative arrangements (e.g. by telephone or video conference) that have been previously agreed then the following will apply:

- the usual notice and arrangements for issuing papers continues except where the Chair has exercised their right to waive the usual notice;
- all participants will receive clear instructions regarding how to access the meeting including where they can access support if they experience difficulty;
- all participants will be given advance notice of the meeting in line with current policy procedures so that they can declare if they have a disability or other accessibility issues that might affect their ability to use video technology, and whether any reasonable adjustments might be needed;
- all participants must attend the meeting with webcams enabled at all times;
- where there is a requirement for an adjournment / breakout for any participant this will be carried out either at a different physical location or separate independent virtual meeting;
- all participants will note and follow any instructions given on how to manage their participation at the meeting. For example confirming attendance, speaking through the Chair of the meeting, etc;
- all panel members will abide by their normal rules, procedures and code of conduct adopted by the Council in relation to holding hearings, giving particular regard to the duty to maintain confidentiality;
- the panel will contribute towards a safe and secure environment for the meeting by giving due regard to the Council policies relating to Data Protection and the appropriate use of ICT;
- a minute taker may be nominated to take notes of the meeting – but it will not ordinarily be recorded;
- under no circumstances can a recording take place without all parties being aware.



Resolution Policy and Procedure

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1. Purpose

- 1.1 The purpose of this Resolution Policy is to bring complaints, grievances, conflicts and disputes to a satisfactorily and constructive resolution, both speedily and effectively. Wherever possible, the Resolution Policy places responsibility for the resolution of conflicts and disputes directly with the people involved. To assist resolution, the council will provide such support as is required.
- 1.2 This policy combines the previous Grievance and Dignity at Work policies to provide a positive way of dealing with issues that would have been dealt with under those policies. The Resolution Policy does not diminish employee's right to raise a 'grievance' but provides a means of doing so in the most positive way possible.

2. Application and Scope

- 2.1 This policy applies to all employees of the council excluding officers employed under J.N.C. Conditions of Service for Chief Officers, for Chief Executives and Protected Officers.
- It does **not** apply to agency staff, external contractors or external consultants.
- 2.2 This policy provides a formal method for resolving disputes, complaints, conflicts and allegations of bullying or harassment. It may be used in individual disputes, team disputes and in collective disputes.
- 2.3 The Resolution Policy is suitable for the following types of issues:
- Disagreements and disputes between colleagues;
 - Disagreements and disputes within or between teams;
 - Disagreements and disputes between managers and members of their team;
 - Concerns or complaints about the allocation or distribution of resources;
 - Concerns or complaints about the actions or inactions of the council; about terms and conditions of employment; health and safety; new working practices; the working environment; equality of opportunity; and allegations of bullying, harassment or victimisation.
- 2.4 This policy will not apply in the following circumstances:

- 2.4.1 Where the disciplinary, capability or managing attendance procedures are invoked and the matter would be better be dealt with by way of an appeal in line with the relevant procedure.
- 2.4.2 When the matter is one over which the council has no control, or where management is acting in accordance with council policy and procedures.
- 2.4.3 Where the matter is the subject of collective negotiation or consultation with trade unions and staff.
- 2.4.4 Where an employee has serious concerns about an aspect of the council's work or those who work for the council. In such circumstances, the Whistleblowing Policy is available to enable employees to raise concerns about workplace malpractices, suspicions of criminal acts, miscarriage of justice and dangers to health and safety.
- 2.4.5 Separate procedures are in place to deal with grading issues (Re-grading Policy) and therefore such matters are excluded from this policy.

3. Introduction

- 3.1 Resolution is all about securing a solution to a situation that is acceptable to all the parties involved. As a result, those parties then feel determined to implement the agreement
- 3.2 The council believes that a resolution that is secured by the parties themselves is more likely to be mutually acceptable and successful over the long term, rather than one that is imposed on them – with one side perceiving that they have won and the other perceiving they have lost.
- 3.3 We are committed to fostering mutual respect and understanding with all our employees - between colleagues, colleagues and their managers and within teams. This is even more important when we experience a conflict or a dispute in the workplace.
- 3.4 We recognise that conflict in the workplace is normal; in many cases, it is inevitable and when managed well, it leads to healthy, resilient and positive relationships.
- 3.5 We aim to support our employees to work together to resolve any disputes and conflicts constructively and speedily.
- 3.6 This policy encourages early resolution and offers a collaborative system of conflict resolution that balances the rights of the parties with their interests and needs; it brings the core principals of mediation to the forefront of conflict resolution and encourages constructive resolution at every stage of a dispute.

- 3.7 Any dispute will be treated in a fair and consistent way and dealt with quickly and supportively.
- 3.8 We recognise that a positive working environment and good working relationships have a positive impact on your wellbeing, engagement and the council's success.
- 3.9 This policy draws on five core principles:
- Dialogue: Building dialogue between people to help them to resolve disputes, conflicts and complaints.
 - Fairness: Giving all employees access to a fair and dignified approach for managing disputes, conflicts and complaints.
 - Mutual Respect: Recognising that disputes, conflicts, and complaints can be challenging. We encourage a respectful approach at all times to support the achievement of win/ win resolutions.
 - Collaboration: We actively encourage the parties in a dispute, conflict, or complaint to work together to identify, agree and implement a shared solution.
 - Timeliness: We will seek to resolve all workplace disputes, conflicts, and complaints in a timely manner and will, wherever possible, avoid any unnecessary delays.

4. Principles

- 4.1 This policy is focussed on restoring and protecting working relationships. It is proactive, values based and it supports all parties at all stages of the conflict management cycle.
- 4.2 We encourage positive and constructive behaviours in the workplace and a collaborative approach to achieving a constructive resolution to disputes or conflicts.
- 4.3 This policy integrates the values and principles of mediation into conflict resolution: empathy, dignity, respect, openness, collaboration and fairness.
- 4.4 We place significant emphasis on early resolution, which will help to establish a resolution culture.
- 4.5 In more serious disputes and where there is a clear breach of conduct, the option to defer to the Disciplinary Policy may be appropriate.
- 4.6 We are committed to the Council's values of Working Collaboratively, One Team One Council and Working Smart (WOW).

- 4.7 We are committed to the fair treatment of our employees, regardless of race or belief, gender, sex, gender reassignment, religion, sexual orientation, responsibilities for dependants, age, physical and/or mental disability, marriage and civil partnership or pregnancy and maternity.
- 4.8 Whilst a dispute is being considered the “status quo” will prevail whenever possible. “Status quo” means that any change causing the dispute will not be implemented.

5. Roles and Responsibilities

- 5.1 It is the responsibility for all **Employees** to:

Be aware of the council’s policy and procedure.

To fully engage in respectful dialogue to resolve issues at the earliest possible stage of conflict.

To work together to find mutually acceptable, win/win outcomes to conflict.

To be courageous and take steps to pro-actively resolve conflict in a solution focussed manner, not allowing perceptions, assumptions or fear to rule decision-making.

To approach all conversations respectfully, constructively and non-judgementally.

To learn from previous emotionally charged situations/ conflicts and to transform that learning into positive behavioural change.

To engage with others constructively and calmly during difficult conversations and during times of change, conflict and crisis.

To be able to receive difficult feedback and respond non-defensively.

To be empathetic and able to respond to others in a compassionate and supportive manner.

To raise any matters in a timely manner, so that they can be resolved fairly and quickly.

To maintain confidentiality and deliver on any agreements reached throughout the process.

To take ownership and responsibility for resolving any conflicts or disputes.

If you have a disability or a learning difficulty and require any adjustments, to enable you to fully engage with the process, you are asked to notify your manager, or HR, of those requirements, so that any adjustments can be considered and put in place, where reasonable.

- 5.2 It is the responsibility of **Managers** to:

Seek advice from Human Resources in a timely manner.

To promote constructive and collaborative conversations and respectful dialogue.

To listen actively, non-judgementally and with sensitivity.

To act with compassion, impartiality, integrity and without taking sides.

To spot the signs of conflict early, to intervene and ensure the employee has the right support and guidance to effectively secure their own resolution.

To keep a documented record of any conflict, the approach to resolution and any agreements.

To raise the profile of the Resolution Policy and the approaches available to effectively manage conflict.

To maintain an open culture where people can speak up about their experiences.

To set up and run facilitated conversations.

5.3 It is the responsibility of **Human Resources** to:

Ensure provision of training, support and guidance for managers.

Regularly review and monitor the operation and effectiveness of the policy and procedure including any adverse impact.

Ensure compliance with legal obligations.

6. Procedure

6.1 To commence the process, the aggrieved employee will need to submit a 'request for resolution'. The submission of a 'request for resolution' is appropriate when:

- Support is required to resolve a conflict, dispute, or complaint; or
- Previous attempts to resolve a conflict, dispute, or complaint have been unsuccessful.

It is expected that a staff member only submits a 'request for resolution' once all efforts to resolve the issue themselves have been exhausted.

6.2 **Step One: Submitting A Request for Resolution**

A written 'request for resolution' should be submitted to either Human Resources or their line manager.

6.2.1 Human Resources are responsible for administering and overseeing the application of the Resolution Policy. As such, any 'requests for resolution' will be communicated and shared with them. In certain circumstances this may not be appropriate and will be carried out by an appropriate Head of Service or Corporate Director.

6.2.2 Submitting a 'request for resolution' may result in one or more of the following courses of action:

- Encouragement to engage in an early resolution meeting (direct face to face talks) between the parties;
- A facilitated conversation chaired by a manager or member of HR;
- Team conference in the case of team disputes and collective disputes;
- A formal resolution meeting to offer a determination of the case in the event that the above steps are unsuccessful.

6.3 **Step Two: The Resolution Triage Assessment Process**

Following receipt of a 'request for resolution', a member of Human Resources will undertake a resolution triage assessment to identify the most suitable route to resolution.

During the assessment, emphasis will be placed on early resolution, including the value that roundtable conversations, team conferencing and coaching can have in facilitating a successful and lasting resolution.

Where the request for resolution involves a specific individual the relevant manager will be informed.

Human Resources will communicate with employees involved to support them during the process. Occupational Health and/or the Employee Support Programme will be available to any member of staff needing some additional support.

6.4 **Resolution Methods**

There are a number of approaches for facilitating a resolution, which are summarised below.

6.4.1 **Early Resolution Meeting**

The resolution meeting is an early attempt to identify and resolve a disagreement, a conflict or a dispute. It provides an opportunity for managers, employees, and colleagues to discuss situations in a supportive, constructive and empathetic forum.

6.4.1.1 Most workplace disagreements, disputes, and conflicts can be resolved at the resolution meeting stage.

6.4.1.2 An early resolution meeting is an informal meeting designed to secure a constructive and lasting resolution. To support the smooth running of the meeting the following guidance is offered:

- Be respectful and courteous at all times;
- Give each other time to talk and avoid interrupting each other;
- Listen actively when the other person is talking;
- De-personalise the situation, speak from the 'I' rather than the 'you';
- Try to see the situation from the other persons point of view;
- Be open and honest, this is a key part of building trust;
- Seek areas for agreement and explain what requests you would like to help move the situation forward (this should be positioned as a request and not a demand).

6.4.1.3 A good structure for the conversation would be:

- To outline what you have observed;
- To share any relevant facts, which support or illustrate what you are saying;
- To explain what impact the situation is having on you;
- To explain what your perception is of the other persons intention;
- To explain what your underlying needs and goals are.

6.4.2 **Facilitated Roundtable Conversations**

A facilitated conversation may be led by a manager or a member of Human Resources. In some cases, it may be chaired jointly.

6.4.2.1 The conversation is a confidential discussion between all parties that draws on the same principles as mediation. However, it is less formal than mediation and can be used to bring parties together at an early stage of the dispute. The facilitator acts neutrally and creates the right conditions for effective dialogue. The facilitator encourages the parties to engage in constructive dialogue and to listen actively. It is a solution focussed process with the aim of helping the parties to reach a mutually acceptable outcome.

6.4.3 **Team Conferencing**

Team conferencing has many similarities to the approach of facilitated conversations and mediation and seeks to bring a group of people together to address and resolve issues of conflict.

6.4.3.1 In brief, the process involves:

- Initially, information gathering and individual private meetings take place to explore the needs and goals for the team conference.
- At the team conference:
 - Participants are welcomed, introductions are made and ground rules are established;
 - Objectives are set, and feedback is provided on the situation and the context for the conference;
 - Participants are invited to provide an overview of their experiences, the impact of the situation, their needs and goals;
 - Dialogue is facilitated where participants raise and discuss any issues;
 - Non-blaming problem statements are generated that are used for collaborative problem solving;
 - A team action plan is developed, which includes details of follow up and after care.

6.4.4 **Formal Resolution Meeting**

A formal resolution meeting may be convened as a result of the outcome of a triage assessment or where alternative approaches to resolving conflict have been deemed unsuitable or unsuccessful.

6.4.4.1 A Resolution Officer will be appointed by the Head of Business Support to consider the matter. Where the Resolution Officer believes the issues relates to serious misconduct and where there are reasonable grounds to believe the

concerns may be justified, then the matter may be referred for investigation in accordance with the Council's Disciplinary Policy.

6.4.4.2 The Resolution Officer will arrange a meeting with the member of staff requiring resolution to discuss their complaint. In circumstances where further information is needed, the Resolution Officer, in liaison with the Head of Business Support, will determine the appropriate point at which the meeting should be arranged. This may be prior to or following a period of fact-finding.

6.4.4.3 Human Resources, in liaison with the Resolution Officer, will send the employee a letter to acknowledge the intention to convene a formal resolution meeting, providing 5 working days advance notice of the meeting, including their right of representation.

6.4.4.4 The employee will receive written confirmation of the outcome of their complaint within 5 working days of the formal resolution meeting, unless further investigation is required.

6.4.4.5 In circumstances where further information is required, the employee will be notified of this and provided with an indicative timeframe for reaching a decision on the outcome of their resolution meeting.

6.4.4.6 If the staff member remains aggrieved following the outcome of their formal resolution meeting, they have a right of appeal.

6.4.5 **Right to Representation**

6.4.5.1 Employees have the right to be accompanied at the Resolution Meeting and any associated fact finding meetings by a recognised trade union representative or work colleague.

6.4.5.2 It is the employee's responsibility to arrange to be accompanied.

6.4.5.3 The chosen representative is able to contribute to and ask questions at the meeting/ hearing. However the Resolution Officer is entitled to expect the employee and not the representative to answer any questions asked.

6.4.5.4 If the chosen representative is not available at the proposed time of the meeting, the employee may request an alternative time and date so long as it is reasonable and falls within five working days of the original date. This alternative date must have regard to the availability of the other employees involved in the hearing and may be extended by mutual agreement.

6.4.5.5 There is no entitlement to external representation, legal or otherwise.

6.4.6 **Inability to Attend a Resolution Meeting**

6.4.6.1 Employees should make every effort to attend the meeting. If an employee feels that they are unfit to attend they should contact the appointed Resolution Officer. It may be appropriate to seek advice from Human Resources and/or seek a medical opinion from the Occupational Health Advisor. If the employee then fails to attend an occupational health appointment arranged to consider

their fitness to attend the meeting, the meeting may go ahead in their absence and a decision will be made based on the information available.

- 6.4.6.2 If the employee fails to attend the arranged meeting, it will be re-arranged. If the employee fails to attend the re-arranged meeting it will go ahead in their absence and a decision will be made based on the information available. In exceptional circumstances the employee may send their representative to the hearing on their behalf.

7. Appeal

- 7.1 Any appeal against the outcome of a resolution meeting must be submitted in writing to the Head of Business Support, within 10 working days of receipt of the written resolution outcome. The appeal must make clear the grounds on which you are appealing.
- 7.2 An Appeal Officer will be appointed by the Head of Business Support to hear the appeal and the appellant will be notified of the arrangements for an Appeal Hearing, within 10 working days of receipt of the appeal.
- 7.3 The appeal hearing will not consider any new complaints or concerns, which have not been raised previously, as part of the original 'request for resolution'. It is not expected that new evidence will be allowed at appeal, unless there are mitigating circumstances as to why the information was not previously presented or available. A decision on whether to allow new evidence, will be at the discretion of the Appeal Officer.
- 7.4 The employee has a right to representation at the Appeals Hearing as set out in 6.4.5.
- 7.5 Following the appeal hearing, the employee will receive a written outcome. This will be provided within 5 working days of the appeal hearing taking place.
- 7.6 The decision at appeal is final and there are no further stages within the procedure.

8. Collective Complaints, Conflicts or Disputes

- 8.1 To be considered a collective complaint, conflict, or dispute, the matter must have been raised by two or more employees regarding the same workplace matter.
- 8.2 The process for considering both individual and collective complaints or conflicts is the same.

9 Timescales

- 9.1 The early and pro-active resolution of any conflict, dispute or complaint is strongly encouraged to ensure any issues can be resolved swiftly. This will avoid matters escalating unnecessarily or working relationships deteriorating further.
- 9.2 A successful resolution is far more likely when matters are addressed promptly.
- 9.3 There are no time limits imposed for this policy with the exception of the appeal process set out in section 7 above.
- Each case will be considered on its own individual merits.
- We expect all employees to take steps to actively address any issues within a reasonable time period of becoming aware of the issue.
- 9.4 The passage of time can greatly affect an individual's recollection of events and the availability of evidence. Any historic issues raised may not be able to be substantiated owing to insufficient evidence. Staff are, therefore, encouraged to take steps to resolve issues at the earliest opportunity available.

10. Multiple Requests for Resolution

- 10.1 The council reserves the right to refuse a request for resolution if it clearly relates to one dealt with previously, where the issue was dealt with in a proper manner and in accordance with policy and procedure.

11. Vexatious/Malicious Allegations/Complaints

- 11.1 Any member of staff who raises a reasonable and genuine concern or complaint, shall suffer no detriment as a result of raising the complaint. However, false or vexatious complaints will be taken very seriously. We may invoke the Disciplinary Policy in circumstances where, on the balance of probability, it is reasonable to find that a member of staff has:
- Made a false, vexatious and/or malicious complaint;
 - Deliberately made a complaint to cause distress or harm;
 - Discredited a colleague and/or the council.

12. Participation in the Process

- 12.1 This policy should be used to resolve all reasonable and genuine conflicts, complaints, and disputes. It is expected, therefore, that employees will fully co-operate with the process and will engage in respectful, constructive, and collaborative dialogue.
- 12.2 Should any employee be obstructive and/or un-co-operative during the application of this policy and/or behave in such a way as to aggravate or

exacerbate the situation, then the Disciplinary Policy may be invoked where considered appropriate.

13. Confidentiality

- 13.1 Resolution proceedings are confidential between the relevant parties involved. Any information made available during the proceedings must not be shared with anyone except those directly involved. Any member of staff who fails to maintain confidentiality, without good reason or just cause, may be subject to disciplinary action.

14. Support to Staff

- 14.1 Whilst the emphasis throughout this policy and procedure is on constructive resolution, it is understood that it may be stressful for any persons involved.
- 14.2 Human Resources will communicate with employees to support them during the process. Occupational Health and/or the Employee Support Programme will be available to any member of staff needing some additional support.

15. Overlapping Resolution and Disciplinary Cases

- 15.1 Where an employee raises a request for resolution during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the issue raised. Where the issue or dispute and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

16. Effect of Resignation on Outstanding Dispute

- 16.1 Wherever possible a dispute should be dealt with through this procedure before an employee leaves employment. If however, this is not possible, agreement with the employee will be sought on whether and how the it should be progressed.
- 16.2 In the case of a collective grievance the dispute will continue in accordance with this procedure for those employees who remain in the employment of the council.

17. Pandemic

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

- 17.2 Pandemic Risk Assessments must be followed at all times and any issues raised immediately with an appropriate line manager.
- 17.3 Going through the resolution process can be stressful in normal times, and employees might be facing other stressful circumstances at this time. The council will give careful consideration to the health and wellbeing of employees when deciding whether and how to proceed at this time.
- 17.4 Whether the council decides to go ahead with the procedure or postpone it, the council will explain their decision with those involved. This will help everyone to be clear about what has been agreed and why.
- 17.5 Where all those involved in the procedure are still going to the workplace, the council will consider whether the procedure can be carried out in line with public health guidelines.

For example, if interviews and meetings can be held in a place that safely allows for social distancing as well as privacy.

- 17.6 If some or all of those involved in the procedure are working at home, the council will need to decide if the procedure can still be carried out in a fair and reasonable way. When making this decision the council will consider:
- the individual circumstances and sensitivity of the case, for example if it needs to be dealt with urgently, or if it would be dealt with more fairly when people are able to return to the workplace;
 - if anyone involved has a reasonable objection to the procedure going ahead at this time.
- 17.7 Going ahead with a procedure at this time might mean having to use video meetings for any investigation interviews and hearings. See appendix 2 – Electronic Meeting Guidance. The council will consider if this can be done in a fair way, including if:
- everyone involved has access to the technology needed for video meetings, for example the necessary equipment and internet connection;
 - anyone involved has any disability or other accessibility issues that might affect their ability to use video technology, and whether any reasonable adjustments might be needed;
 - any witness statements or other evidence can be seen clearly by everyone involved during the hearing;
 - it will be possible to fairly assess and question evidence given by people interviewed in a video meeting;
 - it's possible to get hold of all the evidence needed for the investigation or hearing, for example records or files that are kept in the office;

- it's possible for the person raising the grievance to be accompanied during the hearing.

17.8 If the council decides to continue or start a resolution procedure, the council will follow Acas's Code of Practice for Pandemic situations.

17.9 The right for an employee to be accompanied at a resolution meeting still applies. The employee's chosen companion must be able to attend the hearing, even if it's being carried out through a video meeting.

If the availability of an employee's chosen companion is affected by the pandemic the council will consider if a delay of more than 5 days is reasonable in the circumstances.

18. Equality Impact Assessment And Monitoring

18.1 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.

19. Data Protection

19.1 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
Request for Resolution**



First Name:	Surname:
Service Area:	Job Title:

1. Request for Resolution

Please state clearly the full nature of your complaint, conflict or dispute in as much detail as necessary.

2. Resolution Approach

Have you attempted to resolve the matter? Y / N

If YES, what was the approach taken, outcome reached and why you are not satisfied with this?

If NO, why not?

Please continue on another sheet if necessary.

3. Resolution Sought

What resolution do you need?

Please continue on another sheet if necessary.

4. Employee Statement

I have read the Resolution Policy and submit this request for resolution in accordance with its provisions.

Signature:	Date:
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On Completion, please return this form to either your line manager or Human Resources.

Electronic Meeting guidance

Where the Chair decides that a meeting should take place using alternative arrangements (e.g. by telephone or video conference) that have been previously agreed then the following will apply:

- the usual notice and arrangements for issuing papers continues except where the Chair has exercised their right to waive the usual notice;
- all participants will receive clear instructions regarding how to access the meeting including where they can access support if they experience difficulty;
- all participants will be given advance notice of the meeting in line with current policy procedures so that they can declare if they have a disability or other accessibility issues that might affect their ability to use video technology, and whether any reasonable adjustments might be needed;
- all participants must attend the meeting with webcams enabled at all times;
- where there is a requirement for an adjournment / breakout for any participant this will be carried out either at a different physical location or separate independent virtual meeting;
- all participants will note and follow any instructions given on how to manage their participation at the meeting. For example confirming attendance, speaking through the Chair of the meeting, etc;
- all panel members will abide by their normal rules, procedures and code of conduct adopted by the Council in relation to holding hearings, giving particular regard to the duty to maintain confidentiality;
- the panel will contribute towards a safe and secure environment for the meeting by giving due regard to the Council policies relating to Data Protection and the appropriate use of ICT;
- a minute taker may be nominated to take notes of the meeting – but it will not ordinarily be recorded;
- under no circumstances can a recording take place without all parties being aware.



Redundancy Policy and Selection Procedure

Reviewed March 2018

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1. Policy Statement

- 1.1 Wyre Council is committed to protecting the employment security of employees. However, there may be occasions when legislative changes, the demand for services, or budgetary constraints impact on staffing requirements.

Where staff cuts are inevitable the Council will manage redundancies in line with statutory requirements and good practice, and aims to minimise the adverse impact on both those employees who lose their jobs and on those remaining in employment.

This procedure outlines the approach to be adopted should be read in conjunction with the associated policies on Redeployment and Managing Restructures and Changes to Terms and Conditions.

- 1.2 All reasonable steps will be taken to avoid compulsory redundancies and there will be full and meaningful consultation with employees and recognised trade unions regarding any proposal for organisational change.

2. Consultation

2.1 Responsibilities

Service Directors and Heads of Service have the overall responsibility for ensuring the fair and consistent application of the Redundancy Policy. Responsibility for individual consultation lies with the relevant Heads of Service but Human Resources will take the lead in any formal consultation process.

2.2 Who to consult

Consultation will take place with the relevant recognised trade union(s) appropriate to the employees affected, whether or not any of the employees are trade union members. 'Employees affected' means employees who are at risk of redundancy and those affected by measures associated with the redundancies e.g. employees taking on re-allocated work.

The Head of Service will also make appropriate arrangements to consult with those who are absent from work on maternity/adoption/paternity leave, long term sickness absence, secondment, extended authorised absence etc.

Human Resources will consult with the full time official of the relevant trade unions in accordance with Section 188 of the TULRA, they will also inform the Secretary of State of its proposals under Section 193 as appropriate.

2.3 When to consult

The Council will normally apply the 30 days consultation period as a minimum where employees are at risk of redundancy. However statutory requirements will apply if the Council is proposing to dismiss on redundancy 20 or more employees within a period of 90 days. This means that consultation must commence

- At least 30 days before the first dismissal takes effect if 20 to 99 employees are to be made redundant over a period of 90 days or less;

- At least 45 days before the first dismissal takes effect if 100 or more employees are to be made redundant over a period of 90 days or less;

And

The Council must disclose the following information in accordance with procedures set down in s188(1A) of the Trade Union and Labour Relations (Consolidation) Act 1992, otherwise they may have to pay a protective award to each employee who was not properly consulted.

1. The reasons for the proposals
2. The numbers and descriptions of employees involved
3. The selection criteria to be used
4. Procedures to be used in carrying out the dismissals including the period over which dismissals are to take effect
5. The measures for minimising or avoiding compulsory redundancies.

3. Avoiding or reducing the need for compulsory redundancies

3.1 When the Council believes it has, or is likely to have a need to reduce staffing levels, every effort will be made by the Council to reduce the number of possible redundancies. The Council will consider the following: -

- a) restrictions on recruitment;
- b) natural wastage;
- c) the termination of employees on agency contracts, casual and short term contracts;
- d) seeking applicants for part time working;
- e) the reduction or elimination of overtime;
- f) the retraining and redeployment to other parts of the Council;
- g) seeking applicants for early / flexible retirement or voluntary redundancy.

However it is important that the Council retains the balance of skills and experience within service areas and teams. Consideration will only be given to volunteers for redundancy if this is not detrimental to the Council.

4. Selection Pool

4.1 This will be considered as part of the formal consultation process, however where there is a reduction in the need for employees to carry out work of a particular kind, and a number of employees are employed undertaking that work, these employees will form a pool of staff at risk of redundancy.

A formal selection process will be undertaken to determine which employees are to be made redundant. The process will seek to identify the employees from that pool with the knowledge, skills and qualities that best meet the present and anticipated needs of the Council.

5. Selection Criteria

5.1 If having taken any of the above steps, the number of employees still exceeds the requirements, selection criteria may have to be applied. This would come into effect where two or more employees who hold similar jobs are at risk of redundancy.

The Council must maintain a balanced workforce, able to meet ongoing and future service and client needs. The criteria to be considered will be based on objective assessment of: -

1. Work Performance/Capability record;
2. Specific skills, essential qualifications or experience relevant to the future needs of the service;
3. Attendance record;
4. Disciplinary record;
5. Aptitude for work (additional transferable skills and experience to be considered as evidence of flexibility and approach to work that may be a relevant service need.
6. Length of service

This criteria will be applied without discrimination.

- 5.2 Under the Employment Equality (Age) Regulations 2006, redundancy selection processes must be free of age discrimination. For example, selecting employees for redundancy on a “last in first out” (LIFO) basis is likely to be indirectly discriminatory as this practice puts younger employees at a particular disadvantage.
- 5.3 However, selecting employees for redundancy on a LIFO basis may be justifiable in some cases if it constitutes a proportionate means of achieving a legitimate aim. It is therefore possible to consider length of service and reward loyalty and therefore, **used as one of several** criteria or a deciding factor when other factors are not decisive, LIFO may be a proportionate means of achieving this aim. The use of LIFO as the sole criterion is not advisable, if there are other factors that can be taken into account.

6. Alternative Work

- 6.1 The Council has a statutory duty in redundancy situations to consider whether suitable alternative employment exists. A range of factors must be taken into account when determining the suitability of an alternative position including; grade, status, working environment, terms and conditions of employment, working pattern, location etc. The employee should be given sufficient details to enable them to decide whether to accept the new role or not. Employees who unreasonably refuse an offer of suitable alternative employment may lose their entitlement to redundancy pay.
- 6.2 An employee who accepts employment on terms and conditions which differ in any material respect from their previous terms and conditions has a statutory entitlement to a four week trial period. The purpose of the trial period is to give the employee a chance to decide whether the new job is suitable without necessarily losing the right to a redundancy payment. If there is agreement that the role is not a suitable alternative, the employment ends by reason of redundancy.

Further information is to be found in the Redeployment Policy.

7. Support for Redundant Employees

- 7.1 During the period of notice of redundancy, employees will be entitled to reasonable time off with pay during working hours to look for new employment. The Council’s permission must be obtained in advance of the absence from work. This provision is also available to employees wishing to take time off to make arrangements for training for future employment.

- 7.2 The Council will take any other steps as are practical to assist redundant employees to find alternative employment. Further information can be found in the Redundancy Support Procedure.

8. Redundancy Payments

- 8.1 Redundancy payments are subject to the Exit Payment Cap reform, which is currently under consultation and due to be effective from 1 January 2020. Any outcome from this affecting the calculation of redundancy payments will supersede entitlement as set out below.
- 8.2 The Employment Rights Act 1996 provides a basic entitlement for employees dismissed as redundant who have been continuously employed for at least two years as follows:-
- For each year of service from age 18-21 inclusive – half a weeks pay
 - For each year of service from age 22-40 inclusive – one weeks pay
 - For each year of service from age 41-64 inclusive – one and a half weeks pay

Reckonable service is limited to the last 20 years before redundancy.

The Council has used its discretion to base redundancy payments on an actual week's pay where this exceeds the statutory limit. For this purpose the actual week's pay will exclude the employer's LGPS pension contribution.

- 8.3 To qualify for redundancy pay, employees must normally work up to the date on which the notice of redundancy expires. Employees wishing to leave before that notice expires may do so, but only with the Council's prior agreement. If the agreement is given the employee will still be entitled to redundancy pay. The Council's consent will not be unreasonably withheld, but employees leaving early without the consent may lose their right to a redundancy payment.

9. Appeals

- 9.1 Where an employee believes that the selection criteria has been unfairly applied in their case, they will have the right to appeal to the Appeals Panel. The appeal must be made in writing within ten working days of being notified that they have been selected for redundancy. The Appeal must be addressed to the Head of Business Support.

10. Equality Impact Assessment and Monitoring

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

11. Data Protection

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



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.

When involved in any kind of social media broadcast or virtual/remote meeting staff must ensure that they behave appropriately maintaining acceptable levels of conduct as they would in any face to face setting.

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:

Resolution Policy

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

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- 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. Pandemic

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

Wherever possible, meetings should be held virtually either by video call or by telephone to avoid face to face contact. It is recognised that this is not possible or practical for every situation and therefore meetings should be held with only essential members present and social distancing and personal hygiene measures such as regular hand washing, use of hand sanitiser and surface cleaning at the front of mind.

Pandemic Risk Assessments must be followed at all times and any issues raised immediately with an appropriate line manager.

14. Equality Impact Assessment and Monitoring

- 14.1 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.

15. Data Protection

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

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