

UNION / EMPLOYEE CONSULTATION COMMITTEE

AGENDA

Thursday 9th October 2014 at 1100 hours in Chamber Suites 2 and 3,
The Arc, Clowne

Item No.		Page No.(s)
	PART 1 – OPEN ITEMS	
1.	To receive apologies for absence, if any.	
2.	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4 (b) of the Local Government Act 1972.	
3.	Members should declare the existence and nature of any personal or prejudicial interest in respect of:- a) any business on the agenda b) any urgent additional items to be considered c) any matters arising out of those items and, if appropriate, withdraw from the meeting at the relevant time.	
4.	Appointment of Vice Chair.	
5.	Minutes of a meeting held on 9 th June 2014.	3 to 7
6.	Sickness Absence/Occupational Health Statistics April to June 2014.	8 to 13
7.	Equality Monitoring Report January to March 2014.	14 to 21
8.	Equality Monitoring Report April to June 2014.	22 to 31
9.	Review of Staff Access to Leisure Facilities.	32 to 35
10.	Review of Disciplinary Policy.	36 to 54
11.	Review of Sickness Absence Management Policy.	55 to 73
12.	Draft Flexible Working.	74 to 81
13.	Draft Appraisal Policy.	82 to 106
14.	Draft Joint Driving at Work Policy.	107 to 136

UNION/EMPLOYEE CONSULTATION COMMITTEE

Minutes of a meeting of the Union/Employee Consultation Committee of the Bolsover District Council held in the Chamber Suites 1 and 2, The Arc, Clowne, on Monday 9th June 2014 at 1100 hours.

PRESENT:-

Council Representatives:-

Councillors P.M. Bowmer, V.P. Mills and K. Reid

Unison Representatives:-

W. Edge, K. Shillitto, J. Wilmot

T&GWU Representatives:-

None Present.

Officers:-

W. Lumley (Chief Executive Officer), B. Mason (Executive Director of Operations) (until Minute No. 0075), P. Wilmot (Human Resources Manager), L. Johnson (Payroll Manager) (until Minute No. 0075), J. Barltrop (Human Resource Officer) and A. Brownsword (Governance Officer)

0068. APOLOGIES

Apologies for absence were received from Councillors E. Watts and A. Tomlinson, J. Clayton (Unison) and A. Grundy (Assistant Director of Human Resources and Payroll).

0069. ELECTION OF CHAIR

Moved by Councillor K. Reid and seconded by Councillor V.P. Mills

RESOLVED that Councillor E. Watts be elected Chair of the Union Employee Consultation Committee for the ensuing year.

0070. ELECTION OF CHAIR FOR THE MEETING

Moved by J. Wilmot (Unison) and seconded by Councillor V.P. Mills

RESOLVED that Councillor K. Reid be elected Chair of the meeting.

UNION/EMPLOYEE CONSULTATION COMMITTEE

Councillor K. Reid in the Chair

0071. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

0072. ORDER OF BUSINESS

Due to work obligations of the Executive Director of Operations, the Chair consented to Agenda Item No. 10 – Local Government Pension Scheme Discretions, being taken after the Minutes.

0073. DECLARATIONS OF INTEREST

There were no declarations of interest.

0074. MINUTES – 12TH MARCH 2014

Moved by Councillor P.M. Bowmer and seconded by J. Wilmot (Unison)

RESOLVED that the minutes of a Union/Employee Consultation Committee held on 12th March 2014 be approved as a true and correct record.

0075. LOCAL GOVERNMENT PENSION SCHEME DISCRETIONS

The Human Resources Manager presented the report which sought to consult on the discretions which the Council has to make, publish and keep under review under the Local Government Pension Scheme following new regulations.

The Payroll Manager explained that whilst the Council would not exercise discretions as a matter of policy due to potential costs to local taxpayers, the Chief Finance Officer would consider individual cases on their merits, where applications were received to vary the agreed approach concerning discretions. If the applicant was not happy with the decision made by the Chief Finance Officer, an appeal could be made to the Chief Executive Officer who would submit a report to Council for a decision.

Moved by K. Shillitto (Unison) and seconded by Councillor P.M. Bowmer

RECOMMENDED that (1) the proposals be forwarded to Council for adoption,

UNION/EMPLOYEE CONSULTATION COMMITTEE

(2) the report and outcome of the UECC consideration be submitted to Council so that the policy can be approved within the deadline of 30th June 2014,

(3) subject to Council approval, the Council's Redeployment and Early Retirement Policy which incorporates the Policy Statement on LGPS discretions be updated to reflect the decisions,

(4) whilst the general approach is not to exercise any discretion where there is a cost to the Council, there may be some circumstances where this approach is too restricting and the discretionary powers need further consideration. Whenever such circumstances arise, the case would firstly be considered by the Chief Financial Officer and if appropriate, budgetary provision would be recommended to Council for its consideration. Where the decision is not to vary the standard policy, the individual would have a right to appeal to Council,

(5) the Council's existing policies be amended as set out in the report.

(Assistant Director of Human Resources and Payroll/Governance Officer)

The Executive Director of Operations and the Payroll Manager left the meeting.

0076. APPRAISAL POLICY AND PROCEDURE

Moved by J. Wilmot (Unison) and seconded by Councillor K. Reid
RESOLVED that the report be withdrawn.

0077. BASELINE PERSONNEL SECURITY STANDARDS

The Human Resource Officer presented the report regarding the requirements regarding the Baseline Personnel Standards (BPSS).

It was explained that there was now a requirement that all users of the Public Service Network must be validated to the BPSS by June 2015.

This included all users of the secure GCSX email, DWP CIS system users, Individual Electoral Registration users and staff with access to the Tell Us Once system. The BPSS was the minimum standard required to ensure the identity and integrity of an employee with access to official information. The BPSS involves four main elements which were identity check, nationality and immigration status, past three years employment history and the verification of criminal record (unspent convictions only).

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The Council currently carried out the first three elements as part of normal recruitment practices.

DBS Disclosures to check criminal records were only carried out on posts that required it. Initially, 114 staff would need full BPSS checks by June 2014. It was noted that the Government had removed the requirement for all staff with email access to be DBS checked.

The Council would need to become a Registered Body with Disclosure Scotland as they were the body responsible for carrying out Basic Disclosures. There was an annual charge of £75 which included the Lead Signatory and up to four counter-signatories.

It was confirmed that it would be a one off check of existing employees and would be carried out upon appointment of new staff in relevant posts.

Moved by K. Shillitto (Unison) and seconded by Councillor K. Reid

RESOLVED that the Union/Employee Consultation Committee note the requirements of the BPSS.

0078. DISCLOSURE AND BARRING SERVICE POLICY

The Human Resources Officer presented the report which sought to replace the existing Criminal Records Bureau Policy with a new Disclosure and Barring Service (DBS) Policy.

The DBS no longer issued certificates to employers, so employees/prospective employees were now required to bring certificates to Human Resources and Payroll for verification. SAMT had previously agreed that employees/prospective employees would be required to register with the DBS online update service so that annual status checks could be carried out and the cost would be reimbursed.

It was noted that annual checks would be carried out with the consent of the employee and the costs could be reclaimed through expenses. Staff would be able to register with the DBS using Council ICT equipment. An assessment would need to take place on whether terms and conditions were in need of amendment for existing staff. Moved by K. Shillitto (Unison) and seconded by Councillor V.P. Mills
RECOMMENDED that the Union Employee Consultation Committee support the Disclosure and Barring Service Policy 2014 and recommends its approval by Council.

(Human Resources Manager/Governance Officer)

UNION/EMPLOYEE CONSULTATION COMMITTEE

0079. SICKNESS ABSENCE/OCCUPATIONAL HEALTH STATISTICS 2013/14

The Human Resources Manager presented the report which gave information regarding the sickness absence and occupational health statistics for 2013/14.

It was noted that the target for 2014/15 was 8.5 days per FTE employee. A question was asked regarding whether any profiling of sickness reasons had taken place to see if any preventative measures could be put in place.

The Human Resources Manager noted that currently there was some profiling, but this could be expanded further to provide a breakdown of reasons for sickness across the directorates.

Moved and seconded

RESOLVED that the report be noted.

The meeting concluded at 1130

Bolsover District Council**Union / Employee Consultation Committee**

9 October 2014

Sickness Absence/Occupational Health Statistics, April to June 2014

Report of the Joint Assistant Director Human Resources

This report is public.

Purpose of the Report

To provide Sickness Absence/Occupational Health Statistics for April to June 2014 for the Committee to consider.

1 Report Details**1. Sickness Absence/Occupational Health Referral Statistics April to June 2014.**

- 1.1 The sickness absence outturn for the first quarter of 2014 (April to June) is shown below, with comparisons for the same period during 2013:-

April to June 2013	April to June 2014
2.40 days per FTE	1.86 days per FTE

The target for April to June 2014 was 2.12 days per FTE. A breakdown of these figures by Department, and by long term/short term sickness absence, is attached for information.

The overall sickness figure has reduced on the same quarter of last year. This is largely due to a reduction of long term sickness (158.5 days less), whilst short term sickness has reduced by 64 days in this quarter compared to 2013.

- 1.2 The outcome of occupational health referrals for the first quarter of 2014, with comparisons for 2013 shown below:

Status	April to June 2013	April to June 2014
Rehabilitated	9	13
Continuing	4	1*
TOTAL	13	14

*1 case recuperating following surgery, expected return October 2014

- 1.3 The top three causes of sickness absence for April to June 2014 and for the same period last year are as follows:

April to June 2013		April to June 2014	
Cause	Days Lost	Cause	Days Lost
Musc/Skeletal	272	Musc/Skeletal	214.5
Stomach/Digestion	183	Stress	158
Stress	159	Heart/Circulation	101
TOTAL	614	TOTAL	473.5

- 1.4 A breakdown of the reasons for all long term sickness absence is as follows:

Reasons for Long Term Sickness Absence April to June 2014		
Reason for Absence	No. of Employees Citing this Reason April to June 2013	No. of Employees Citing this Reason April to June 2014
Stomach/Digestion	1	0
Back/Neck	2	1
Muscular/Skeletal	6	7
Stress/Depression	2	5
Ear/Nose/Mouth	1	0
Genito/Gynaecological	1	0
Heart/BP/Circulation	0	1
TOTAL	13	14

1.5 There were no routine health surveillance clinics held during April to June 2014. When clinics take place they cover topics such as:

- Hand Arm Vibration,
- Blood Tests and
- Hepatitis B Immunisation to 'at risk' groups.

There have been 3 employees undergoing counselling during this period.

ISSUES FOR CONSIDERATION

The report is for monitoring purposes only and there are no specific issues for consideration.

2 Conclusions and Reasons for Recommendation

N/A

3 Consultation and Equality Impact

3.1 Sickness absence data is considered at the Safety Committee and quarterly performance review meetings.

4 Alternative Options and Reasons for Rejection

N/A

5 Implications

N/A

5.1 Finance and Risk Implications

N/A

5.2 Legal Implications including Data Protection

N/A

5.3 Human Resources Implications

Contained in the report

6 Recommendations

6.1 For the Committee to note the report.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
District Wards Affected	
Links to Corporate Plan priorities or Policy Framework	

8 Document Information

Appendix No	Title
N/A	
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Peter Wilmot	2412

Report Reference –

BVPI12 - APRIL - JUNE 2014 OUT-TURN LONG TERM/SHORT TERM SPLIT							
DEPARTMENT	AVERAGE EMPLOYEES 3 MTHS	DAYS LOST	FTE DAYS	LONG TERM ABSENCE NO OF DAYS	SHORT TERM ABSENCE NO OF DAYS	LT ABSENCE PER FTE	ST ABSENCE PER FTE
SENIOR MANAGERS GROUP	5	2.5	0.50	0.00	2.50	0.00	0.50
	5	2.5	0.50	0.00	2.50	0.00	0.50
GROWTH DIRECTORATE							
LEGAL AND LAND CHARGES	6.79	2	0.29	0.00	2.00	0.00	0.29
DEMOCRATIC	6.26	14	2.24	0.00	14.00	0.00	2.24
PARTNERSHIP TEAM	5	8	1.60	0.00	8.00	0.00	1.60
ECONOMIC GROWTH/HOUSING STRATEGY	3.80	4	1.05	0.00	4.00	0.00	1.05
PLANNING	15.10	23	1.52	7.00	16.00	0.46	1.06
	36.95	51	1.38	7.00	44.00	0.14	0.86
OPERATIONS DIRECTORATE							
FINANCE	9.02	40	4.43	40.00	0.00	4.43	0.00
PROPERTY/ESTATES	18.60	96.5	5.19	84.00	12.50	4.52	0.67
REVENUES	35.80	49	1.37	33.00	16.00	0.92	0.45
COMMUNITY SAFETY	10.75	0	0.00	0.00	0.00	0.00	0.00
STREET SERVICES	76.18	264	3.46	193.00	71.00	2.53	0.93
HOUSING (REPAIRS AND MANAGEMENT)	115.83	158.5	1.37	123.00	35.50	1.06	0.31
	266.18	608	2.28	473.00	135.00	1.78	0.51
TRANSFORMATION DIRECTORATE							
IMPROVEMENT	7.60	6	0.79	0.00	6.00	0.00	0.79
HUMAN RESOURCES AND PAYROLL	6.00	0	0.00	0.00	0.00	0.00	0.00
CUSTOMER SERVICE	24.70	43	1.74	26.00	17.00	1.05	0.69
LEISURE	41.16	11	0.27	0	11	0	0.27
	79.46	60	0.75	26.00	34.00	0.33	0.43
GRAND TOTAL	387.59	721.50	1.86	506.00	215.50	1.30	0.57

BVPI12 - APRIL - JUNE 2013 OUT-TURN LONG TERM/SHORT TERM SPLIT							
DEPARTMENT	EMPLOYEES @ APRIL 2013	DAYS LOST	FTE DAYS	LONG TERM ABSENCE NO OF DAYS	SHORT TERM ABSENCE NO OF DAYS	LT ABSENCE PER FTE	ST ABSENCE PER FTE
CHIEF EXECS DIRECTORATE							
CHIEF EXECUTIVES AND PARTNERSHIP	6.00	1.5	0.250	0	1.5	0.000	0.250
STRATEGY/PERFORMANCE	8.70	6	0.690	0	6	0.000	0.690
HUMAN RESOURCES AND PAYROLL	6.00	0	0.000	0	0	0.000	0.000
DEMOCRATIC	7.50	9.5	1.267	0	9.5	0.000	1.267
LEGAL AND LAND CHARGES	9.19	0	0.000	0	0	0.000	0.000
RESOURCES DIRECTORATE							
FINANCE	9.02	1.5	0.166	0	1.5	0.000	0.166
PROCUREMENT	2.81	0	0.000	0	0	0.000	0.000
CUSTOMER SERVICE	24.04	135.5	5.636	114.5	21	4.763	0.874
REVENUES	38.35	117	3.051	100	17	2.608	0.443
HEALTH AND WELL BEING							
LEISURE	41.37	19	0.459	0	19	0.000	0.459
NEIGHBOURHOODS							
COMMUNITY SAFETY	10.00	0	0.000	0	0	0.000	0.000
STREET SERVICES	78.92	338.5	4.289	246.5	92	3.123	1.166
HOUSING (REPAIRS AND MANAGEMENT)	107.67	260	2.415	163.5	96.5	1.519	0.896
DEVELOPMENT							
PLANNING/HOUSING STRATEGY	19.60	11	0.561	11	11	0.561	0.561
REGENERATION	23.84	44.5	1.867	29	15.5	1.216	0.650
GRAND TOTAL	393.01	944.00	2.40	664.5	290.50	1.691	0.739

Bolsover District Council

Union Employee Consultation Committee

9th October 2014

Equality Monitoring Report

Report of the Assistant Director of Human Resources

This report is public

Purpose of the Report

- To provide the Committee with equality data in relation to its employment practices for the period January to March 2014.

1 Report Details

- 1.1.1 To submit for Members attention monitoring data on the Council's performance on equalities issues in relation to its employment practices. This report does not cover corporate policy/service delivery monitoring.
- 1.1.2 It is recognised good practice to have a workforce that is broadly representative of the local community. With regard to the local community, the 2011 census provides the following information: -
 1. The local population is 75,866, of which 37,442 are economically active.
 2. An analysis of Bolsover District's population and workforce in respect of ethnicity is as follows:-

	White and White British	Mixed/ multiple ethnic groups	Asian/Asian British	Other	Black/African / Caribbean/ Black British
Population#	98.1%	0.7%	0.8%	0%	0.4%
Workforce##	99%	1%	0	0	0.2%

#based on 2011 Census

##based on employee personal data as at 31st March 2014.

3. An analysis of Bolsover District's population and workforce in respect of religion/beliefs is as follows:-

	Other	Christian	Hindu	Sikh	Buddhist	Muslim	Jewish	Prefer Not to Say	No Religion
Population#	0.3%	65.2%	0.1%	0.1%	0.2%	0.2%	0	6.8%	27%
Workforce##	1.45%	57.14%	0	0	0	0.2%	0	20.13%	20.7%

#based on 2011 Census

based on employee personal data as at 31st March 2014.

Performance Indicators

The following table identifies all performance indicators relevant to Equalities:-

INDICATOR	MEDIAN DERBYSHIRE AUTHORITIES 2011/12	AUTHORITY TARGET 2013/2014	AUTHORITY OUT-TURN JANUARY TO MARCH 2014
HR11A - Percentage of top 5% of earners that are women	34.89%	45%	52.17%
HR11B - Percentage of top 5% of earners from black or ethnic communities	0%	0%	0%
HR11C - Percentage of top 5% of earners who are disabled	5.28%	7%	8.69%
HR16A - Percentage of disabled employees (permanent employees)	5.24%	6%	9.52%
HR17A - Percentage of employees from minority ethnic communities'	1.44%	0.50%	1.24%

Information and Analysis
Recruitment/Selection

Permanent Employees

For the period 1st January to 31st March, 2014 there were 13 vacancies (three of which were unfilled), 368 applications received, 77 shortlisted and 24 successful candidates, on three occasions there was more than one successful candidate per vacancy. For the period 1st January to 31st March 2013 there were 18 vacancies advertised (seven of which were unfilled), 204 applications received, 89 shortlisted and 16 successful candidates. On three occasions there was more than one successful candidate per vacancy.

Applicants Breakdown

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	97.28%	2.72%	46.19%	53.81%	2.98%	17.66%	34.51%	21.73%	26.10%
2013	97.5%	2.45%	46.57%	53.43%	3.43%	23.53%	35.29%	23.03%	18.15%

Year	Heterosexual	Gay	Lesbian	Bisexual	Prefer Not to Say
2014	92.40%	0.81%	0.27%	0.27%	6.25%
2013	87.74%	0.49%	0%	0.98%	10.79%

Year	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Any other	None/Prefer Not to Say
2014	49.19%	0.54%	0%	0%	0.27%	0%	30.81%	49.19%
2013	51.96%	0.49%	0.49%	0%	0.49%	0%	0.49%	46.08%

Shortlisted Candidates Breakdown

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	98.70%	1.30%	58.44%	41.56%	10.39%	12.99%	29.87%	23.38%	33.76%
2013	100%	0%	51.68%	48.32%	3.37%	25.84%	25.84%	23.60%	24.72%

Year	Heterosexual	Gay	Lesbian	Bisexual	Prefer Not to Say
2014	90.90%	1.30%	0%	0%	7.80%
2013	85.39%	1.12%	0%	2.25%	11.24%

Year	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Any other	None/Prefer Not to Say
2014	55.85%	1.30%	0%	0%	1.30%	0%	1.30%	40.25%
2013	55.06%	0%	0%	0%	0%	0%	0%	44.94%

Successful Candidates

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	100%	0%	66.66%	33.34%	4.16%	25%	20.83%	20.83%	33.34%
2013	100%	0%	62.5%	37.5%	6.25%	37.5%	31.25%	18.75%	12.5%

Year	Heterosexual	Gay	Lesbian	Bisexual	Prefer Not to Say
2014	83.33%	4.16%	0%	0%	12.51%
2013	81.25%	0%	0%	0%	18.75%

Year	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Any other	None/Prefer Not to Say
2014	66.67%	0%	0%	0%	0%	0%	0%	33.33%
2013	43.75%	0%	0%	0%	0%	0%	0%	56.25%

Workforce Monitoring

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	98.2%	1%	52%	48%	10.2%	4.18%	19.76%	32.32%	43.72%
2013	99.18%	0.82%	53.69%	46.31%	7.38%	6.35%	23.16%	31.76%	38.73%

Year	Heterosexual	Gay	Lesbian	Bisexual	Prefer Not to Say
2014	66.74%	0	0	0.23%	32.79%
2013	66.60%	0	0	0.20%	33.20%

Year	Christian	Buddhist	Hindu	Jewish	Muslim	Seikh	Any other	None	Prefer Not to Say
2014	53.25%	0	0	0	0.23%	0	1.16%	38.83%	6.5%
2013	52.46%	0	0	0	0.20%	0	1.03%	46.31%	Not included in the last report

Employee numbers are based on headcount @ 31st March 2014 with comparative figures @ 31st March 2013.

Training/Development

126 places have been 'taken up' with regard to off the job training. The breakdown of attendees is as follows:-

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	100%	0	68.26%	31.74%	10.32%	3.97%	12.69%	37.30%	45.24%
2013	100%	0	62.28%	37.72%	3.51%	4.38%	28.95%	37.72%	28.95%

Year	Heterosexual	Gay	Lesbian	Bisexual	Prefer Not to Say
2014	60.31%	0	0	0	40.47%
2013	67.54%	0	0	0	32.46%

Year	Christian	Buddhist	Hindu	Jewish	Muslim	Seikh	Any other	None	Prefer Not to Say
2014	48.41%	0	0	0	0	0	0	42.06%	8.73%
2013	48.25%	0	0	0	0	0	0.87%	50.88%	Not included in the last report

Discipline

There were no disciplinary actions during this period.

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	0	0	0	0	0	0	0	0	0
2013	0	0	0	0	0	0	0	0	0

Grievances (including Harassment/Bullying)

There were no grievances lodged during this period.

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	0	0	0	0	0	0	0	0	0
2013	0	0	0	0	0	0	0	0	0

Labour Turnover

There have been 7 leavers during this period, the breakdown is as follows: -

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	100%	0	57.14%	47.15%	0	0	14.28%	28.57%	57.14
2013	100%	0	52.78%	47.22%	8.33%	72.22%	8.33%	2.78%	16.67%

Voluntary Leavers

There have been 7 voluntary leavers during this period, the breakdown is as follows:-

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	100%	0	57.14%	47.15%	0	0	14.28%	28.57%	57.14
2013	100%	0	50%	50%	30%	10%	20%	10%	60%

Dismissals

There were no dismissals on grounds of capability during this period.

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	0	0	0	0	0	0	0	0	0
2013	0	0	0	0	0	0	0	0	0

Redundancies

There was 1 redundancy during this period.

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	100%	0	100%	0	0	0	0	0	100%
2013	0	0	0	0	0	0	0	0	0

II-Health Retirements

There were no ill health retirement during this period.

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	0	0	0	0	0	0	0	0	0
2013	0	0	0	0	0	0	0	0	0

ISSUES FOR CONSIDERATION

Analysis of the statistics/information presented/possible changes to policy to improve performance.

IMPLICATIONS

Financial - None

Legal - None

Environmental - None

Human Resources - None

RECOMMENDED that (1) the report be noted,

(2) recommendations be received as to improvements to current performance levels.

SOURCE DOCUMENTS:

FILE REFERENCES:

Bolsover District Council

Union Employee Consultation Committee

9th October 2014

Equality Monitoring Report

Report of the Assistant Director of Human Resources

This report is public

Purpose of the Report

- To provide the Committee with equality data in relation to its employment practices for the period April to June 2014.

1 Report Details

- 1.1.1 To submit for Members attention monitoring data on the Council's performance on equalities issues in relation to its employment practices. This report does not cover corporate policy/service delivery monitoring.
- 1.1.2 It is recognised good practice to have a workforce that is broadly representative of the local community. With regard to the local community, the 2011 census provides the following information: -
 1. The local population is 75,866, of which 37,442 are economically active.
 2. An analysis of Bolsover District's population and workforce in respect of ethnicity is as follows:-

	White and White British	Mixed/ multiple ethnic groups	Asian/Asian British	Other	Black/African / Caribbean/ Black British
Population#	98.1%	0.7%	0.8%	0%	0.4%
Workforce##	99%	0.95%	0	0	0.2%

#based on 2011 Census

##based on employee personal data as at 30th June 2014.

3. An analysis of Bolsover District's population and workforce in respect of religion/beliefs is as follows:-

	Other	Christian	Hindu	Sikh	Buddhist	Muslim	Jewish	Prefer Not to Say	No Religion
Population#	0.3%	65.2%	0.1%	0.1%	0.2%	0.2%	0	6.8%	27%
Workforce##	0.9%	54%	0	0	0	0.2%	0	29%	16%

#based on 2011 Census

based on employee personal data as at 30th June 2014.

Performance Indicators

The following table identifies all performance indicators relevant to Equalities:-

INDICATOR	MEDIAN DERBYSHIRE AUTHORITIES 2011/12	AUTHORITY TARGET 2013/2014	AUTHORITY OUT-TURN APRIL TO JUNE 2014
HR11A - Percentage of top 5% of earners that are women	34.89%	45%	52.17%
HR11B - Percentage of top 5% of earners from black or ethnic communities	0%	0%	0%
HR11C - Percentage of top 5% of earners who are disabled	5.28%	7%	13.04%
HR16A - Percentage of disabled employees (permanent employees)	5.24%	6%	10.26%
HR17A - Percentage of employees from minority ethnic communities'	1.44%	0.50%	0.95%

Information and Analysis **Recruitment/Selection**

Permanent Employees

For the period 1st April to 30th June, 2014 there were 21 vacancies advertised, 149 applications received, 92 candidates shortlisted and 30 successful applicants (on 4 occasions there was more than one post per vacancy). Two vacancies were unfilled. For the period 1st April to 30th June, 2013 there were 14 vacancies advertised, 143 applications received, 58 candidates shortlisted and 32 successful candidates.

Applicants Breakdown

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	96.64%	3.36%	42.95%	57.05%	4.69%	19.46%	46.31%	24.16%	10.07%
2013	95.81%	4.19%	46.15%	53.85%	7.69%	16.08%	34.26%	23.07%	26.59%

Year	Heterosexual	Gay	Lesbian	Bisexual	Prefer Not to Say
2014	91.28%	0%	0%	0%	8.72%
2013	84%	2.09%	0%	0.69%	13.22%

Year	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Any other	None/Prefer Not to Say
2014	54.36%	0.67%	0%	0%	0.67%	0.67%	1.34%	42.29%
2013	50.34%	0%	0%	0%	0%	0%	0%	49.66%

Shortlisted Candidates Breakdown

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	97.83%	2.17%	45.65%	54.35%	3.26%	15.22%	48.91%	21.74%	14.13%
2013	96.56%	3.44%	34.49%	65.51%	6.89%	32.14%	29.31%	25.86%	12.69%

Year	Heterosexual	Gay	Lesbian	Bisexual	Prefer Not to Say
2014	94.56%	0%	0%	0%	5.44%
2013	81.85%	2.18%	0%	2.18%	13.79%

Year	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Any other	None/Prefer Not to Say
2014	58.70%	0%	0%	0%	0%	2.18%	4.34%	34.78%
2013	58.63%	0%	0%	0%	0%	0%	0%	41.37%

Successful Candidates

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	100%	0%	53.33%	46.67%	3.33%	26.67%	40%	23.33%	10%
2013	0%	100%	57.15%	42.85%	7.14%	14.28%	14.28%	42.86%	28.58%

Year	Heterosexual	Gay	Lesbian	Bisexual	Prefer Not to Say
2014	90%	0%	0%	0%	10%
2013	92.86%	0%	0%	0%	7.14%

Year	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Any other	None/Prefer Not to Say
2014	66.66%	0%	0%	0%	0%	0%	0%	3.34%
2013	42.86%	0%	0%	0%	0%	0%	0%	57.14%

Workforce Monitoring

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	98.2%	1%	52%	48%	10.2%	4.18%	19.76%	32.32%	43.72%
2013	99.21%	0.79%	53.97%	46.03%	7.74%	7.15%	22.62%	32.34%	37.89%

Year	Heterosexual	Gay	Lesbian	Bisexual	Prefer Not to Say
2014	66.74%	0%	0%	0.23%	32.79%
2013	68.85%	0%	0%	0.20%	30.95%

Year	Christian	Buddhist	Hindu	Jewish	Muslim	Seikh	Any other	None	Prefer Not to Say
2014	53.68%	0%	0%	0%	0.24%	0%	0.95%	16.15%	28.98%
2013	53.37%	0%	0%	0%	0%	0%	1.19%	17.46%	27.98%

Employee numbers are based on headcount at 30th June 2014 with comparative figures at 30th June 2013.

Training/Development

89 places have been 'taken up' with regard to off the job training. The breakdown of attendees is as follows:-

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	100%	0%	68.26%	31.74%	10.32%	3.97%	12.69%	37.30%	45.24%
2013	100%	0%	39.64%	60.36%	0%	1.80%	16.22%	39.64%	42.34%

Year	Heterosexual	Gay	Lesbian	Bisexual	Prefer Not to Say
2014	68.54%	0%	0%	0%	31.46%
2013	75.55%	0%	0%	0%	24.45%

Year	Christian	Buddhist	Hindu	Jewish	Muslim	Seikh	Any other	None	Prefer Not to Say
2014	53.93%	0%	0%	0%	0%	0%	1.12%	17.98%	24.71%
2013	54.45%	0%	0%	0%	0%	0%	1.11%	44.44%	Not included in the last report

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Discipline

There were no disciplinary actions during this period.

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	0	0	0	0	0	0	0	0	0
2013	0	0	0	0	0	0	0	0	0

Grievances (including Harassment/Bullying)

There were no grievances lodged during this period.

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	0	0	0	0	0	0	0	0	0
2013	0	0	0	0	0	0	0	0	0

Labour Turnover

There have been 7 leavers during this period, the breakdown is as follows: -

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	100%	0%	60%	40%	10%	0%	20%	10%	70%
2013	100%	0%	71.43%	28.57%	14.29%	14.29%	35.71%	14.29%	35.71%

Voluntary Leavers

There have been 9 voluntary leavers during this period, the breakdown is as follows:-

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	100%	0%	66.66%	33.33%	11.11%	0%	22.22%	11.11%	66.66%
2013	100%	0%	100%	0%	0%	0%	42.86%	28.57%	28.57%

Dismissals

There has been 1 dismissal on grounds of capability during this period.

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	100%	0%	0%	100%	0%	0%	0%	0%	100%
2013	0%	0%	0%	0%	0%	0%	0%	0%	0%

Redundancies

There were no redundancies during this period.

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	0	0	0	0	0	0	0	0	0
2013	0	0	0	0	0	0	0	0	0

II-Health Retirements

There were no ill health retirements during this period.

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	0	0	0	0	0	0	0	0	0
2013	0	0	0	0	0	0	0	0	0

ISSUES FOR CONSIDERATION

Analysis of the statistics/information presented/possible changes to policy to improve performance.

IMPLICATIONS

Financial - None

Legal - None

Environmental - None

Human Resources - None

**RECOMMENDED that (1) the report be noted,
(2) recommendations be received as to improvements to current performance levels.**

SOURCE DOCUMENTS:

FILE REFERENCES:

Bolsover District Council

Union / Employee Consultation Committee

9 October 2014

Review of Staff Access to Leisure Facilities

Report of the Joint Assistant Director (Human Resources and Payroll)

This report is public

Purpose of the Report

- To ask UECC to consider the proposal that Bolsover District Council employees and Councillors are charged at a discounted rate of 50% of the total cost of a monthly membership or pay as you go activities to access Leisure facilities operated by Bolsover District Council.

1 Report Details

- 1.1 The benefits of encouraging employees and Members to participate in leisure activities are that it facilitates a work life balance, enhances well-being and morale, reduces stress and depression and increases employee productivity. It is also useful as a recruitment incentive.
- 1.2 Currently, Bolsover District Council (BDC) employees and Members are charged for access to Council Leisure facilities excluding outdoor pitches and whole hall hire at a 25% discounted rate on the B-Active Leisure Membership Scheme which equates to 25% off a resident's rate.
- 1.3 Currently, there are a total of 32 employees who have leisure membership, each employee paying £25 per month. This is a reduction from around 80 when BDC offered the scheme free of charge before BDC moved to The Arc.
- 1.4 It is proposed employees and Members are charged at a discounted rate of 50% of the total cost of a monthly membership or pay as you go activities. This is a simple scheme that would hopefully encourage employees and Members to participate in sport activities while continuing to minimise the administrative burden on Leisure Services.

- 1.5 The HMRC Regulations state that employee access to leisure facilities that are open to the general public is classed as a taxable benefit. The proposal ensures employees and Members are charged a reasonable rate to access the Council Leisure facilities. As long as the discounted rate does not mean there is a cost to the Council by providing access to leisure facilities at this discounted rate e.g. requirement for longer opening hours or to employee extra staff to accommodate employee use of the facilities, this would satisfy HMRC regulations.
- 1.6 There would be no requirement to report this on an employee's or Member's P11D or for the employer to pay Class 1A National Insurance Contributions because the employee is paying for the benefit of accessing the leisure facilities.

2 Conclusions and Reasons for Recommendation

- 2.1 The purpose of the report is to ask UECC to consider the proposal that Bolsover District Council employees and Councillors are charged at a rate of 50% discounted rate of the total cost of a monthly membership or pay as you go activities to access Leisure facilities operated by Bolsover District Council.
- 2.2 It is evident that encouraging employees and Members to access Council Leisure facilities does provide many benefits and supports achievement of corporate Health and Wellbeing objectives.
- 2.3 The proposed arrangements will meet HMRC requirements.
- 2.4 Provision of a simple, fair and consistent access to leisure scheme that could be applied separately at each Council would be beneficial to employees and Members health and wellbeing. Furthermore, it would then be relatively straightforward to administer for Leisure Services.

3 Consultation and Equality Impact

- 3.1 Discussions on the proposal will take place at UECC.

4 Alternative Options and Reasons for Rejection

- 4.1 None arising directly from this report

5 Implications

5.1 Finance and Risk Implications

Income from this provision will be monitored and reviewed.

5.2 **Legal Implications including Data Protection**

Full account has been taken of relevant legislation.

5.3 **Human Resources Implications**

None arising directly from this report.

6 **Recommendations**

- 6.1 That UECC consider the proposal that Bolsover District Council employees and Councillors are charged at a discounted rate of 50% of the total cost of a monthly membership or pay as you go activities to access Leisure facilities operated by Bolsover District Council.

7 **Decision Information**

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	N/A
District Wards Affected	N/A
Links to Corporate Plan priorities or Policy Framework	.

8 Document Information

Appendix No	Title
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Sara Gordon	01246 217677

Bolsover District Council

UECC

9 October 2014

Review of Disciplinary Policy

Report of the Joint Assistant Director (Human Resources and Payroll)

This report is public

Purpose of the Report

- To ask UECC to consider the attached draft disciplinary policy and to recommend this for approval by Council

1 Report Details

- 1.1 A variety of documents exist currently at Bolsover District Council which cover the disciplinary process. In an attempt to bring the policy issues together into one document, the draft attached at Appendix 1 has been produced.
- 1.2 Several of the existing documents cover advice and guidance and it is proposed to combine these into a separate procedural document for managers which will not form part of the Council Policy.

2 Conclusions and Reasons for Recommendation

- 2.1 The purpose of the report is to ask UECC to consider the new draft Disciplinary Policy and seek agreement that the Policy should be recommended to Council for adoption.

3 Consultation and Equality Impact

- 3.1 Discussions on the draft policy have already taken place with senior managers and with trade union representatives.

4 Alternative Options and Reasons for Rejection

4.1 None arising directly from this report

5 Implications

5.1 Finance and Risk Implications

None arising directly from this report.

5.2 Legal Implications including Data Protection

Full account has been taken of relevant legislation and case law, as well as the ACAS Code of Practice on Discipline.

5.3 Human Resources Implications

This Policy is being considered by both Bolsover District Council and North East Derbyshire District Council for application to employees at both locations. This will facilitate consistency of approach by joint senior managers.

6 Recommendations

6.1 That UECC consider the draft Disciplinary Policy attached at Appendix 1 and recommend this to Council for approval.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	N/A
District Wards Affected	N/A
Links to Corporate Plan priorities or Policy Framework	.

8 Document Information

Appendix No	Title
1	Draft Disciplinary Policy
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Tania Morrell	01246 217006

DISCIPLINARY POLICY

This Disciplinary Policy sets the expected standards of conduct and performance at work, and the procedure helps to ensure that the standards are adhered to and also provide a fair and consistent method of dealing with alleged failures to observe them. This policy and the disciplinary rules which accompany it apply to all the Council's employees except the following:

Those employees who are covered by JNC Negotiating Committee for Chief Executives and the JNC Negotiating Committee for Chief Officers of Local Authorities.

NB (1) The Chief Executive, Executive Directors and Assistant Directors as mentioned throughout this Policy document are all joint posts, but for drafting purposes the word 'Joint' has been omitted from the titles.

NB (2) No disciplinary action will be taken against a recognised Shop Steward, trade union representative or Branch Executive Officer until the circumstances of the case have been discussed with the Regional Organiser of the union concerned.

1. INTRODUCTION

The philosophy of the Authority is to invest in its employees a high degree of trust. Any employee who betrays that trust should expect to be dealt with firmly but fairly. However, the disciplinary procedures should not be viewed primarily as a means of imposing sanctions. It should be borne in mind that the prime aim of the disciplinary process is to improve conduct and/or performance where it has been established that the required standards are not being met. It will, however, be the responsibility of Directors, Assistant Directors and Service Managers to make full use of measures available after having fully considered each case on its individual merits and having consulted with the Assistant Director - Human Resources and Payroll on cases of serious or gross misconduct.

2. RIGHT TO BE ACCOMPANIED

- 2.1 The employee should be offered the facility of being accompanied at every stage of the disciplinary process, including the investigatory interview, but this is not always possible at the point of suspension. NB the chosen companion will usually be a Trade Union representative or colleague and cannot be any person who is in any way involved in the investigation. Consideration will be given to a request for alternative representation in some circumstances.
- 2.2 During the formal disciplinary process, the chosen companion cannot answer questions on the employee's behalf but will be allowed to participate as fully as possible in the hearing. In particular the companion has a right to address the hearing and will be permitted to ask questions. The companion should also be permitted reasonable time to confer privately with the employee.
- 2.3 Where a chosen companion is not available on the date proposed for the hearing, the parties can agree an alternative time and date so long as it is

reasonable and ideally falls within ten working days of the original proposed hearing.

3. OUTSIDE OF THE FORMAL DISCIPLINARY PROCEDURE

- 3.1 Where an employee is not working to the required standard, the reason should be identified by the Manager/Supervisor and an assessment made of how the situation can be improved.
- 3.2 Timely and positive discussion with an employee to highlight problems and encourage/help the employee to improve might be appropriate in certain circumstances and could avoid formal disciplinary action at a later stage. This could include offering informal advice or coaching, or arranging counselling. Managers/Supervisors may, from time to time, take informal action in order to advise an employee of matters of concern.
- 3.3 The employee should be told of the level of improvement required, the time-scale over which such an improvement is required, and how progress will be monitored. This should be noted and confirmed in writing.
- 3.4 NB: It is important that all parties involved understand that such action is being taken outside of the formal disciplinary procedure, but that disciplinary action may follow if the required improvement is not made.

4. SUSPENSION

- 4.1 In certain circumstances, for example in cases involving gross misconduct where relationships have broken down, or where it is considered there are risks to the Council's property or risks or responsibilities to other parties, consideration needs to be given to a brief period of suspension with pay whilst an unhindered investigation is conducted. Such a suspension should only be imposed after careful consideration and in consultation with the Assistant Director - Human Resources and Payroll, and it should be made clear that the suspension is not considered as disciplinary action.
- 4.2 To ensure that the suspension is not unnecessarily protracted, a regular review should take place by the Assistant Director – Human Resources. It is understood that this can be a stressful period for the employee, and that the uncertainty surrounding an open-ended suspension can potentially exacerbate the position. For this reason the suspended employee should be contacted at appropriate intervals as part of the review process.
- 4.3 The Employer (see list of delegations at Appendix 2) has the authority to suspend an employee where this is considered appropriate. At this stage it may only be possible to give a brief outline of allegations made, pending investigation, and the employee will be given the opportunity to make initial

comments. Because of the circumstances giving rise to suspension, the meeting is likely to be called at short notice and there may not always be time to arrange for representation. It should be noted, however, that as suspension is a neutral act to facilitate the disciplinary process there is no automatic right in law to representation.

Suspension should be for as short a time as possible, and should not normally take place before the employee has had an opportunity to explain matters (see above).

However, in exceptional circumstances, if the employee is not available to attend a brief suspension meeting, it may be appropriate to notify them of the suspension in writing. They should be given the same brief outline of the allegations as they would have received at a meeting, and they should be invited to submit an initial response or comments.

- 4.4 In all cases of suspension the employee will continue to receive full pay (NB see 4.5 below).
- 4.5 If an employee falls sick during suspension then they will transfer to the sickness payment scheme whilst they are submitting fit notes. However the conditions of the suspension will still apply, and the suspension will resume if this is considered appropriate when the employee is declared well again.
- 4.6 Access to the workplace will not be allowed during suspension without the prior approval of the Employer (see list of delegations at Appendix 2). If the employee or their representative wishes to contact other employees or gain access to documents for the purpose of preparing the employee's case, provision may be made for this by the Investigating Officer on request.

5. APPOINTMENT OF INVESTIGATING OFFICER

- 5.1 Usually the investigating officer will be the employee's manager (in accordance with the list at Appendix 2 of managers who are suitably trained and delegated to take disciplinary action). However in some circumstances, eg the nature of the offence, it may be appropriate to appoint an investigating officer from another service. This decision will be made in consultation with the Assistant Director – Human Resources and Payroll.

6. INVESTIGATION

- 6.1 Where an employee is alleged to have committed an act of misconduct, the nominated Investigating Officer will carry out an investigation. This should happen promptly before recollections fade, and may include the employee being asked to attend an investigatory interview as well as obtaining statements from available witnesses. If the employee is invited to attend an investigatory interview, the Investigating Officer will explain the reasons for the interview.

- 6.2 The employee has a right to refuse to attend the investigatory interview but in such cases management will decide on whether to call a disciplinary hearing on the information available, without any input from the employee.
- 6.3 It should be made clear that this is not a formal disciplinary hearing but a preliminary investigation as part of a neutral process to establish the facts surrounding an act of suspected or alleged misconduct, and to decide whether or not there is a case to answer.
- 6.4 In certain circumstances it may be felt necessary for a representative from HR (and/or legal if appropriate) to be present at that interview.
- 6.5 The employee should be offered the facility of being accompanied by a Trade Union or other representative/colleague. However, as the investigatory interview is designed to ascertain whether or not there is a case to answer and to allow the employee to provide an explanation of the circumstances, the role of the companion at this stage will be in an advisory and supportive capacity only.
- 6.6 Management side will be making written notes of the investigatory interview to facilitate the process, and the employee's side is free to do the same. However the notes are not formal and will not normally be shared with the employee's side except to the extent that they will form part of a statement of case / witness statement as appropriate, and they will be destroyed as soon as that statement of case / witness statement has been produced. Where it is subsequently found that there is no disciplinary case to answer, any written records of the investigation will also be destroyed.
- 6.7 Where financial irregularities are involved, Internal Audit will be notified immediately.
- 6.8 As a result of the investigation, the Investigating Officer should make a recommendation on the following options:
- no further action
 - arrange informal coaching
 - arrange counselling
 - issue a management recommendation
 - arrange for the matter to be dealt with under the capability procedure
 - arrange for the matter to be dealt with under the disciplinary procedure
 - a combination of the above
- 6.9 It should be noted that investigations undertaken as part of this Disciplinary Policy fall outside the scope of the Regulation of Investigatory Powers Act 2000. On occasion lawful business monitoring may be required, but in such circumstances RIPA standards will be adhered to.

7. WHISTLEBLOWING POLICY

The Council has a separate Whistleblowing Policy and employees are asked to refer to this in appropriate circumstances. However, a summary of relevant provisions is given below:

- 7.1 This Council is committed to the highest standards of openness, probity and accountability. In line with that commitment employees who have serious concerns about the conduct of another employee are encouraged to come forward and voice those concerns as a witness. It is important that they should be able to do so without fear of victimisation, subsequent discrimination or disadvantage.
- 7.2 Under the terms of the Whistleblowing Policy, in certain circumstances a witness may be given the right to remain anonymous throughout the disciplinary process.
- 7.3 If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the employee making the allegation. If however, an allegation is made that is frivolous, malicious or for personal gain, action may be taken against the employee in accordance with the Council's Disciplinary Procedure.

8 FORMAL DISCIPLINARY ACTION

- 8.1 If on the completion of the investigation, the Investigating Officer conducting it considers that, on the balance of probabilities, there is a case to answer, the Investigating Officer will make a recommendation to the Assistant Director - Human Resources and Payroll and to the initiating officer that a disciplinary hearing should be held (see 6.8 above).
- 8.2 There may follow a short time delay whilst the Investigating Officer conducts a more detailed investigation in order to put together the Statement of Case.
- 8.3 It is the employee's responsibility to notify the Council of their chosen representative if they require copies of correspondence to be sent to them.
- 8.4 During the course of the investigation, additional matters may come to light which may not have been amongst the initial allegations but which nonetheless have to be dealt with. Therefore it should be noted that the allegations which form the basis of the hearing may differ to varying degrees from those listed in the initial correspondence, dependent upon evidence uncovered during the investigation process. However if a completely new issue arises, whilst the issues will be dealt with as part of the same disciplinary process, the employee

will be notified of the new allegation and an investigation will be carried out on this also.

9 THE HEARING

- 9.1 The disciplinary case will normally be heard by an Executive Director, an Assistant Director or relevant Service Manager, or their nominated representative (see table of delegations at Appendix 2). The Hearing Officer will be supported by a representative from Human Resources and a legal adviser may also be present. The hearing will normally be recorded to ensure that an accurate record is available. (If the recording equipment is not available then detailed notes will be taken). The notes will be circulated to the employee's side for signature.
- 9.2 The hearing will take place as soon as is practicable after the preparation of the necessary paperwork. Every attempt will be made to ensure that the hearing is scheduled no later than 15 working days after the conclusion of the investigation in order to minimise stress to the employee, although this may not always prove possible, for example in cases of annual leave or sickness. At all stages of the disciplinary process, the terms of the Single Equality Act will be adhered to. Wherever possible, the employer's side will attempt to agree a mutually convenient date within the stated timescale in order to avoid any delay.
- 9.3 The employee will be given at least five working days advance written notice of the hearing, told the purpose of it, with the statement of case, and invited to attend together with their Trade Union or other representative.
- 9.4 If, for good cause, the employee or their representative is unable to attend the hearing, it will be adjourned to a date which the employee and their representative (if any) will be informed of without delay. If the employee is unable to attend the rearranged hearing, it will normally proceed in their absence, but with their representative being provided with an opportunity to present the employee's case on their behalf. Any submission by the employee in writing, or by their representative, will be considered.
- 9.5 The Hearing Officer will use the opportunity of the Disciplinary Hearing to establish facts and to consider the response put by the employee. The main points of the investigation should be examined and a decision made as follows:
- Allegations have not been proved, therefore the case is dismissed; OR
 - Case proved on the balance of probabilities.
- 9.6 If the latter decision is made, the Hearing Officer would consider mitigation and decide upon a penalty as follows:

9.6.1 No sanction

It might be that, having considered all of the evidence and mitigation, the hearing officer considers it appropriate that no sanction be applied at this time.

9.6.2 First warning

One of the following:

Oral For a minor infringement, an employee will be given a formal oral warning. This may include advice as to future conduct. The employee should be advised in writing of the reason for the warning, that it constitutes the first step of the disciplinary procedure, and of their right of appeal. A note of the oral warning will be kept for six months from the date of the letter confirming/giving the warning, and then expunged from the employee's personal file. **OR**

Written If the infringement is regarded as more serious an employee will be given a formal written warning giving details of the complaint, the improvement or change in behaviour required, the time-scale allowed for this and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. A note of the written warning will be kept for 12 months from the date of the letter confirming/giving the warning and then expunged from the employees personal file.

9.6.3 Final Written Warning

Where there is a failure to improve or change behaviour whilst a prior warning is still current, or where the infringement is sufficiently serious, the employee will normally be given a final written warning. This will give details of the complaint(s), warn the employee that failure to improve or modify behaviour will lead to further action under this procedure and could result in dismissal, and refer to the right of appeal. A note of the written warning will be kept for 12 months from the date of the letter confirming/giving the warning and then expunged from the employee's personal file.

9.6.4 Action short of Dismissal

If the employee has received a final written warning, further misconduct or unsatisfactory performance may warrant dismissal. However, in some circumstances it might be that, having considered all of the evidence and mitigation, the hearing officer considers that dismissal would be too severe a penalty. In such cases, consideration might be given to action short of dismissal, for example demotion or disciplinary transfer (ie transfer to a different position within the Council). In such circumstances there would be no salary protection or, in the case of a change of base, no excess travel allowances. Such action would only be taken following consultation with the Assistant Director – Human Resources to ensure consistency of approach.

9.6.5 Dismissal

If the employee's conduct or performance still fails to improve, the employee will normally be liable to dismissal. The decision to dismiss will only be taken by one of the Officers with delegated authority to do so (see Appendix 2) and the employee should be informed as soon as reasonably practicable of the reasons for dismissal, the date on which the contract will terminate, the appropriate period of notice (or pay in lieu of notice) and information on the right of appeal including how to make the appeal and to whom. The decision to dismiss will be confirmed in writing. Employees will be given written reasons for dismissal.

9.6.6 Gross Misconduct

In cases where gross misconduct is alleged and is established on the balance of probabilities, the employee will be liable to summary dismissal unless mitigating circumstances render a lesser penalty appropriate.

- 9.7 NB When deciding whether a disciplinary penalty is appropriate and what form it should take, it is important to bear in mind the need to act reasonably in all the circumstances. Factors which might be relevant include the extent to which standards have been breached, precedent, the employee's general record, position, length of service and special circumstances which might make it appropriate to adjust the severity of the penalty. Where two or more employees are involved, the penalty for each must be considered separately.
- 9.8 NB In normal circumstances, recordings, notes of disciplinary meetings and warnings will be expunged from the employee's personal file after a set period, as outlined above. However there may be occasions when it would be appropriate to extend this period, for example if there has been a significant period of absence.

10 APPEALS

- 10.1 The opportunity to appeal against a disciplinary decision is essential to natural justice. Employees may choose to raise appeals on a number of grounds, which could include the perceived unfairness of the judgement, the severity of the penalty, new evidence coming to light or procedural irregularities. These grounds need to be considered when deciding the extent of any new investigation or re-hearing in order to remedy previous defects in the disciplinary process.
- 10.2 In all cases of formal disciplinary action an employee has a right of appeal.
- 10.3 Employees wishing to exercise the right of appeal must do so in writing to the Hearing Officer, with a copy to the Assistant Director – HR and Payroll, either individually or through their Trade Union within 10 working days of the date of the written notification, giving full details of the grounds of the appeal.

- 10.4 Appeals will be heard in accordance with the principles contained within the Council's Appeals Procedure. Wherever possible, the Appeal will be heard by individuals who have not been involved in the case previously.
- 10.5 Appellants will have the right to be accompanied by an appropriate Trade Union representative or other representative of their choice.

11 RECORDS

- 11.1 Written records will be kept securely by HR and Payroll, detailing the breach of the disciplinary rules, the employee's defence or mitigation, the action taken and the reasons, the date the action was taken and details of whether an appeal was lodged and its outcome and any subsequent developments. These records will be kept confidential and retained in accordance with the disciplinary policy and the Data Protection Act 1998 which requires the release of certain data to individuals on their request. Copies of any formal meeting records will be available to the employee in accordance with the Data Protection Act 1998 although in certain circumstances some information may be withheld, for example to protect a witness.
- 11.2 Records of disciplinary decisions will be kept on file but will be expunged from the employee's personal file where required by this policy.
- 11.3 In order to monitor the corporate situation with regard to disciplinary matters, and to give advice as necessary, departments are required to inform the Assistant Director - Human Resources and Payroll in writing whenever formal disciplinary action is taken.

12 GRIEVANCES

- 12.1 In the course of a disciplinary case an employee might sometimes raise a related grievance.
- 12.2 Unless the grievance throws doubt on whether or not that process can be conducted fairly, the substance of the grievance will be discussed in the context of the disciplinary hearing.
- 12.3 However if there are any grievance issues outstanding after the disciplinary hearing, these will be dealt with under the Council's Grievance Procedure.
- 12.4 If the grievance is about the behaviour of the Investigating Officer handling the case, depending on the circumstances it may be appropriate to suspend the disciplinary procedure for a short period until the grievance can be considered. The Council may also consider, if appropriate, bringing in another Investigating Officer to deal with the disciplinary case.

13 CRIMINAL CHARGES OR CONVICTIONS

- 13.1 These should not be treated as automatic reasons for dismissal. The main consideration should be whether the offence is one that makes the employee unsuitable for their type of work. In all cases a decision will need to be made as to whether the conduct is sufficiently serious to warrant instituting the disciplinary procedure. For instance, an employee should not be dismissed solely because a charge against them is pending or because they are absent as a result of being remanded in custody.
- 13.2 Disciplinary procedures will not necessarily be postponed because other proceedings are contemplated or pending. The supervisor or manager will investigate the facts, as far as possible, and take action appropriate to the findings.

13 INVOLVEMENT OF POLICE

- 13.1 Where there is a reasonable belief that a criminal offence may be involved,, it may be appropriate to include the police in the investigation. In these circumstances the Chief Executive will need to consult with the Assistant Director – HR and Payroll and the Monitoring Officer.
- 13.2 In accordance with financial regulations where theft, fraud and/or corruption are considered likely to have happened or be occurring the police may be involved following consultation with the Executive Director (Operations) and the Assistant Director – HR and Payroll, who will make the decision following discussions with the Monitoring Officer.

14 DISCIPLINARY RULES

- 14.1 This list of disciplinary rules informs employees of the general standard of conduct expected from them. Conduct which undermines the satisfactory working of the establishment and is not in accordance with these principles will give rise to disciplinary action. The disciplinary procedure which accompanies this list of rules provides a fair method of dealing with alleged failures to meet them.
- 14.2 These rules apply to all the Council's employees.
- 14.3 The public is entitled to demand of a local government employee conduct of the highest standard, and public confidence in their integrity would be shaken were the least suspicion to arise that they could in any way be influenced by improper motives.

14.4 **All** employees of the Council are expected to meet this requirement. It is expected that every employee should:-

- Be honest and beyond the reach of suspicion of dishonesty; and
- Maintain at all times a high standard of integrity, conduct and professionalism; and
- Not put their private interests* or those of relatives or friends before their duty to the Council; and
- Not use their position to further private interests* or those of relatives and friends; and
- Perform faithfully the duties specified in their contract of employment;
- Treat others with respect and courtesy.

* NB 'Private Interests' includes any interests or activities that are not directly related to an employee's contracted position. Please note this can include work connected with trade union duties or activities.

Appendix 1

The basis upon which the Council operates is one of trust, high expectations and responsibility. Emphasis is placed upon positive outcomes and achievements.

Gross misconduct is misconduct of so serious a nature that an employer is justified in no longer tolerating the continued presence at the workplace of the employee who committed the offence. Dismissal can either be with notice or without notice (summary dismissal) and gross misconduct may also warrant dismissal for a first offence. The lists below show examples of the types of offences which constitute misconduct and gross misconduct. It should be noted that some offences appear in both lists, and this is because the seriousness of the breach might be minor or significant. The lists are **not** exhaustive and there may be other offences which result in disciplinary action being taken. Every offence will be carefully considered, and disciplinary action taken in accordance with the disciplinary procedure, depending on the seriousness of the case and in the light of all the circumstances.

EXAMPLES OF GROSS MISCONDUCT

Employees should be aware of the type of conduct, often referred to as gross misconduct, which may warrant summary dismissal (ie dismissal without notice). Summary is not synonymous with instant and incidents of gross misconduct will still need to be investigated as part of the formal procedure. Acts which constitute gross misconduct include those resulting in a serious breach of contractual terms. Examples of acts which this Council considers to constitute gross misconduct are as follows:

- Theft, fraud or deliberate falsification of records
- Physical violence
- Deliberate damage to property
- Fraudulent misuse of Council's name or property
- Serious incapability brought on by alcohol or drug abuse
- Serious negligence which causes or might cause unacceptable loss, damage or injury
- Serious acts of insubordination
- Serious infringement or health and safety rules
- Serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998)
- Unfair discrimination against an employee or member of the public on the grounds of colour, disability, sex, age, ethnic origin, religion, marital status, sexual orientation or political beliefs.
- Unfair discrimination against an employee undertaking/participating in Trade Union activities.
- Harassment

- Inappropriate use of ICT equipment and systems.
- Inappropriate use of work time
- Serious breach of one or more of the Council's Policies*
- Conflict of Interests
- Inappropriate access and/or disclosure of personal or confidential information obtained through employment with the authority without authorisation.
- Abuse of Position: All employees have a position of trust and responsibility in respect of the effective and efficient operation of the organisation. No person may use an official position for a private advantage for themselves or another, and such activity may be regarded as gross misconduct.
- Failure to disclose personal circumstances that may affect employment with the Council

EXAMPLES OF MISCONDUCT

(This list is not intended to be exhaustive but gives examples of the type of conduct which is considered to constitute misconduct. It should be noted that accumulation may result in dismissal).

- Unauthorised absence from duty
- Insubordination or failure to obey a reasonable instruction
- Disregard of safety practices, procedures and rules
- Misuse or unauthorised use of Council property or equipment, including private use of Council mobile telephones
- Being an accessory to a disciplinary offence by another employee
- Undertaking activities detrimental to recovery whilst on sick leave
- Failure to follow Council procedures
- Harassment
- Inappropriate use of ICT equipment and systems
- Smoking on Council property
- Inappropriate use of work time
- Breach of one or more of the Council's policies*
- Conflict of interests
- Inappropriate access and/or disclosure of personal or confidential information obtained through employment with the authority without authorisation.
- Failure to disclose secondary employment
- Failure to disclose personal circumstances that may affect employment with the Council

*** All employees will observe the provisions of the Council's Standing Orders, Financial Regulations, Employee Code of Conduct, ICT Information Security Policy and other policies / rules applicable to employees. Copies of all these documents are available on the intranet or from Human Resources. A serious breach of these rules is likely to result in a breakdown in trust and confidence and will be treated as gross misconduct.**

Officers delegated to take Disciplinary Action or Suspend from Duty

Investigation & Suspension	Warnings and Dismissals
<p>Chief Executive Chief Executive Officer Assistant Director Economic Growth Assistant Director Planning & Environmental Health Assistant Director – Governance and Monitoring Senior Principal Solicitor (BDC) Chief Executive's and Partnership Manager (BDC) Economic Development and Investment Manager (BDC) Development Control Manager (BDC) Planning Policy Manager (BDC) Heritage Conservation Manager (BDC) Principal Solicitor (NE) Planning Services Manager (NE) Estates & Valuation Manager (NE) Partnership Co-ordinator (NE) Housing Strategy Manager (BDC and NE)</p>	<p>Chief Executive Officer Assistant Director Economic Growth Assistant Director Planning & Environmental Health Assistant Director - Governance</p>
<p>Transformation Executive Director Transformation Assistant Director Customer Service and Improvement Assistant Director Human Resources and Payroll Assistant Director Leisure Customer Services Operational Manager (NEDDC) Customer Contact Manager (BDC) Senior Duty Officers (Leisure) ICT Manager</p>	<p>Executive Director Transformation Assistant Director Customer Service and Improvement Assistant Director Human Resources and Payroll Assistant Director Leisure</p>

Investigation & Suspension	Warnings and Dismissals
<p>Operations</p> <p>Executive Director Operations</p> <p>Assistant Director Finance, Revenues & Benefits</p> <p>Assistant Director Streetscene</p> <p>Billing & Recovery Manager (BDC)</p> <p>Benefits Manager (BDC)</p> <p>Head of Housing (BDC)</p> <p>Housing Needs Manager (BDC)</p> <p>Housing Enforcement Manager (BDC)</p> <p>Operational Repairs Manager (BDC)</p> <p>Strategic Repairs Manager (BDC)</p> <p>Waste & Recycling Manager</p> <p>Grounds Maintenance and Cleansing Manager</p> <p>Chief Accountant</p> <p>Revenues & Benefits Manager</p> <p>Fleet Transport Manager</p>	<p>Executive Director Operations</p> <p>Assistant Director Finance and Revenues & Benefits</p> <p>Assistant Director Streetscene</p>

Bolsover District Council

Union / Employee Consultation Committee

9 October 2014

<p>Review of Sickness Absence Management Policy</p>
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Report of the Joint Assistant Director (Human Resources and Payroll)

This report is public

Purpose of the Report

- To ask UECC to consider the attached draft Sickness Absence Management Policy and to recommend this for approval by Council.

1 Report Details

- 1.1 Bolsover District Council and North East Derbyshire District each have their own Sickness Absence Management Policies and Procedures. These policies have been reviewed and brought together into one document, to assist managers to effectively manage sickness absence and to facilitate consistency of approach. The draft policy is attached at Appendix One.
- 1.2 Several of the existing documents cover advice and guidance at both Councils and it is proposed to combine these into a separate procedural document for managers which will not form part of the Council Policy.

2 Conclusions and Reasons for Recommendation

- 2.1 The purpose of the report is to ask UECC to consider the new draft Sickness Absence Management Policy and seek agreement that the Policy should be recommended to Council for adoption.
- 2.2 With the formation of the Strategic Alliance, Bolsover District Council and North East Derbyshire District Council are working closer together. The formation of joint services working on behalf of both Councils means that several managers currently have to apply a different sickness absence management policy at each respective Council.
- 2.3 The adoption of a policy that is applicable at both Bolsover District Council and North East Derbyshire District Council would provide an overall framework for managing sickness absence and facilitate consistency and understanding of the processes being followed by both employees and

managers. HR will continue to support and advise with all aspects of the process.

3 Consultation and Equality Impact

- 3.1 Discussions on the draft policy have already taken place with senior managers and with trade union representatives.

4 Alternative Options and Reasons for Rejection

- 4.1 None arising directly from this report

5 Implications

5.1 Finance and Risk Implications

None arising directly from this report.

5.2 Legal Implications including Data Protection

Full account has been taken of relevant legislation and case law.

5.3 Human Resources Implications

This Policy is being considered by both Bolsover District Council and North East Derbyshire District Council for application to employees at both locations. This will facilitate consistency of approach by joint senior managers.

6 Recommendations

- 6.1 That UECC consider the draft Sickness Policy attached at Appendix One and recommend this to Council for approval.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	N/A
District Wards Affected	N/A
Links to Corporate Plan priorities or Policy Framework	.

8 Document Information

Appendix No	Title
1	Draft Sickness Absence Management Policy
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Sara Gordon	01246 217677

SICKNESS ABSENCE MANAGEMENT POLICY

INTRODUCTION

This policy outlines the steps to be followed if an employee is absent due to ill-health.

All employees feel the impact of ill health and sickness absence. It can significantly affect how teams and services perform. This in turn affects the level and quality of service provided to our customers.

The Council is concerned for the safety and welfare of its employees and seeks to ensure that absence is handled in a fair and positive way. The Council's policy is designed to achieve an improvement in overall employee attendance levels and to help employees overcome ill health difficulties by providing advice and support whenever necessary.

In return the Council expects its employees to respond in the following ways:

- a) To care for their health and to seek medical help whenever appropriate
- b) To attend for work whenever they are able to do so
- c) Not to be involved in activities whilst on sick leave which may inhibit recovery and return to work
- d) Co-operate fully with the application of this policy
- e) When absent, advise their Line Manager/Supervisor in accordance with this policy
- f) To use their own time (i.e. annual leave, flexi leave, TOIL etc) for elective surgery (i.e. surgery that is not considered to be medically necessary such as cosmetic surgery) except in cases where this is linked to a serious medical condition.

Throughout the formal stages of the policy, employees have the right to be accompanied by their Trade Union representative, colleague or friend. Throughout the informal stages (e.g. return to work meeting, Occupational Health referral etc) whilst there is no entitlement in law, sympathetic consideration will be given to requests to be accompanied, and each case will be considered on its merits.

Employees should note in the event of unreasonable failure to co-operate with the terms of this policy including attending occupational health appointments and sickness capability meetings, sick pay may be withheld in respect of the period of the employee has failed to co-operate with the Council's policy.

PART ONE – SICKNESS ABSENCE REPORTING

This is the process to be followed if an employee is unable to attend work due to ill health. It applies to all employees of the Council, including those on temporary contracts and casual workers.

1 Employee Notification Policy

1.1 First day of absence

When an employee is unable to attend work the employee (or, in the case of severe incapacity, the person acting on their behalf) must notify their immediate **Line Manager/Supervisor/ or nominated officer before 9.00 am on the first day of absence**. This notification must be via a telephone call.

Street Scene employees, should notify their **Supervisor or nominated officer** as soon as possible but no later than the start of their shift to enable alternative arrangements to be made.

Those employees who work fixed patterns or shifts should normally report to the **nominated officer** at least 30 minutes before the commencement of their shift – or in the case of early morning shifts as soon as possible and in any event no later than 15 minutes after the commencement of the shift.

It is important that contact is made with the employee's Line Manager/ Supervisor in the first instance. If the Line Manager/Supervisor is not available contact should be with another nominated officer.

Services should make employees aware of individual reporting lines.

1.2 The Line Manager/Supervisor/nominated officer should obtain the following information:

- a) Employee's name
- b) Section in which employee works
- c) Reason for absence.
(This should be the general nature of any illness, the first day of sickness and whether the absence is work related or due an industrial injury at work, or whether the absence is disability related).
- d) Expected date and time of return to work if known
- e) If any assistance or advice is required by the employee
- f) Any outstanding work commitments
- g) Who reported the absence
- h) Whether or not the GP has been contacted

In addition, the employee should be advised that a further call is necessary on the fourth calendar day.

- 1.3 Upon initial notification of absence the Line Manager/Supervisor or person receiving the call must complete a Sickness Absence Form SF1. (BDC ONLY, also complete the weekly absence return and ensure TMS is updated accordingly).
- 1.4 **Fourth day of absence (calendar days)**
If the absence continues after three calendar days and the employee has not provided further notification, then on the **fourth day (if part-time the fourth calendar day)** the employee, (or, in the case of severe incapacity, the person acting on their behalf), must telephone the **Line Manager/Supervisor** and give details of the general nature of illness and the expected date of return. The times by which notification must be made are as listed in 1.1 above.
- 1.5 **Eighth day of absence (calendar days) and ongoing**
If the absence continues beyond seven calendar days a Doctor's Statement of Fitness for Work (see Section 2) must be provided to the Council **by not later than the eighth calendar day, or posted before the eighth calendar day.** Employees are advised to make early contact with their Doctor if they have reason to believe their absence may go on for longer than seven calendar days to avoid problems booking appointments.
- 1.6 On receipt of the Statement of Fitness for Work note, if the Doctor has indicated that the employee may be fit for work subject to certain conditions, the Line Manager/Supervisor will arrange to see the employee at the earliest opportunity to discuss a way forward. Advice should be sought from the HR & Payroll Service where appropriate.
- 1.7 One of the most important aspects of managing sickness absence is to maintain communication with absent employees and this is by definition a two way process. Managers and employees should therefore be proactive in maintaining contact during any period of sickness absence. This will help to facilitate a successful return to work. The form, or forms, of contact such as telephone or personal visits should always be agreed with the employee and must be in line with this policy.
- It will be very important the employee and line manager understand that the purpose of the contact is to keep in touch, exchange information and provide advice and support to facilitate an early return to work. Communication will be maintained using a sensitive approach to help employee's wellbeing and confidence while absent and maintain a link with work.
- 1.8 Subsequent Doctor's Statements must be submitted to cover absence if it extends beyond the period covered by the initial Statement. These should be provided to the Council by no later than the day after the expiry of the previous Statement and should be sent direct to the HR and Payroll Service, who will in turn notify line managers.
- 1.9 Employees should note that in the event of late notification of sickness, late submission of fit notes or failure to co-operate with the terms of the policy, sick pay may be withheld. Doctors' notes will be not accepted retrospectively where these are more than five working days overdue. Backdated statements will not be accepted, except in exceptional circumstances and with the authorisation of the relevant Assistant Director or Director in consultation with HR & Payroll.

Where an employee fails to follow the notification/certification requirements, sick pay will be deducted in respect of days where notification is late, or where Doctors' Statements of Fitness have not been received. In such circumstances, the Line Manager/Supervisor will have the discretion to reinstate sick pay for the day(s) in question only where there are exceptional reasons for doing so, in consultation with advice from the HR and Payroll Service.

- 1.10 An employee must return to work as soon as they are fit to do so, in particular if they consider themselves fit to do so before the expiry of their current Fitness for Work note. Arrangements should be agreed between the employee and their Line Manager/Supervisor, and may involve the Occupational Health Service and advice from the HR and Payroll Service as appropriate.

Return to Work

- 1.11 As soon as possible on the return to work the employee must complete a Self-Certification Form/Return to Work (SF2) in the presence of their Line Manager/Supervisor, who will conduct a Return to Work meeting at this point (see Section 3).

This information is to be kept confidential by management and HR and Payroll. A copy of a Self-Certification Form/Return to Work Form SF2 will be given to the employee at the time of completion if they wish. The completed SF2 Form must be returned to HR & Payroll.

Line Managers/Supervisors/nominated officers must send an email to the Payroll inbox to notify the date of the employee's return to work immediately upon their return. Managers are requested to send a copy of this email to the employee unless it is not possible to do so, eg because the employee does not have an email account

- 1.12 If an employee knowingly submits false information in relation to their incapacity it will be treated in accordance with the Council's Disciplinary Procedure.
- 1.13 If an employee returns from certificated absence for less than seven working days then this will normally be treated as a continuation of the previous absence and a Doctor's Statement will be required to cover the absence.

2 Statement of Fitness for Work

- 2.1 A Statement of Fitness for Work, or Fit note, will indicate whether the employee is unfit for work, or whether they may be fit subject to certain conditions.
- 2.2 The information on the form is advice for the employee and is not binding on the employer. There is no longer a requirement to obtain a fit to return to work note once the current Statement expires, or if the Line Manager/Supervisor and employee, with or without the involvement of Occupational Health, agree that the employee can return sooner than the expiry of the Statement.
- 2.3 The Line Manager/Supervisor and employee must keep in regular contact throughout any period of sickness absence, (See 1.7). The employee must inform their Line

Manager/Supervisor immediately if they are issued with a Statement of Fitness for Work or Fit Note.

- 2.4 If the Statement indicates that the employee is fit for work subject to certain conditions, then a meeting will be arranged between the Line Manager/Supervisor and the employee to discuss the position with a view to the employee returning to work as soon as possible. In cases where the Council cannot reasonably offer the required adjustments the Statement will be treated as though the employee was declared 'not fit for work'.

3 Return to Work

- 3.1 The line manager must conduct a return to work meeting with the employee following EVERY absence.
- 3.2 During the meeting, the employee and line manager will complete a Self-Certification Form/Return to Work Form SF2 together. Both will sign the form and one copy will be retained by the employee if they wish. The other will be placed on the employees personal file.
- 3.3 The purpose of the meeting is:
- (i) to identify any emerging problems that the employee may be experiencing
 - (ii) to identify any support or assistance that the Council may be able to offer as an employer to facilitate attendance at work in the future.
 - (iii) to discuss the employee's absence and to consider it in the context of other absence and an update/briefing on the service.

4 Management Recording

- 4.1 Management is responsible for ensuring:
- (i) that all employees are aware of the absence notification procedures.
 - (ii) all appropriate information and documentation is accurately completed and sent to the HR and Payroll Service in a timely manner.
- 4.2 Copies of all the documentation, including any Doctor's Statements/Fit Notes, will be retained on the employee's medical/personal file. This information is treated in the strictest confidence and retained in line with legislation.
- 4.3 Employees will have access to their own absence/medical records on written request, allowing three working days notice.

5 Sickness absence and annual leave

- 5.1 To obtain reinstatement of Annual Leave due to ill-health a Statement of Fitness for Work will be required and reinstatement will be given based on the dates in the Doctor's Statement.

- 5.2 In the event that an employee is prevented from taking their annual leave owing to long term sickness and does not return to work before the end of their annual leave year, they may be entitled to carry forward some annual leave entitlement to the following year. The entitlement will be based on 20 days (including bank holidays) for the year, and any annual leave/bank holidays already taken will be deducted. Line Manager/Supervisors should seek guidance from HR & Payroll on cases where the above applies.
- 5.3 If the employee does not return to work, the entitlement as calculated under the terms of 5.2 above will be paid and based on the 20 days (including bank holidays) for the year. Line Manager/Supervisors should seek guidance from HR & Payroll on cases where the above applies.
- 5.4 Where it is felt an employee is using their annual leave to mask an underlying medical condition and this is preventing the Council from providing advice and support to facilitate attendance at work the Line Manager/Supervisor will discuss this with the employee.

6 Management Monitoring

- 6.1 Senior and Services Managers are responsible for managing and monitoring employees' absence in accordance with this policy. HR & Payroll will provide advice and support to managers.

SICKNESS ABSENCE MANAGEMENT POLICY

PART TWO - SICKNESS CAPABILITY

INTRODUCTION

This section of the policy details the Council's expectations of both managers and employees in the management of sickness absence. Its aim is to provide a framework within which managers can balance the needs of individual employees with the need to provide services.

The policy sets out how sickness levels of employees will be monitored by their managers and how medical advice should be sought where issues continue to occur. The measures contained in this policy are not intended to prohibit sickness absence or to punish staff who have time off sick. They are designed to achieve an improvement in overall employee attendance levels and to help employees overcome ill health issues by providing advice and support whenever necessary.

Wherever possible the objective will be to assist employees to return to normal attendance at work. However it is acknowledged that this will not be possible in all cases. Therefore, this capability policy sets out the processes whereby sickness issues are addressed.

Managers should always offer support, but employees must be aware that extended or recurrent short-term absence cannot be absorbed by the service and may result in dismissal on ill-health or attendance grounds.

The issue is the level of absence experienced and not whether it is genuine.

COUNCIL SICKNESS TRIGGERS

The sickness triggers implemented by the Council to identify individual levels of sickness absence and to notify managers when further action may be beneficial, are as follows:

- a) Where there is any pattern of regular short term absence; or
- b) Four or more separate periods of absence in any rolling 12 month period; or
- c) Where there have been six days (pro-rated to hours worked) absence in any 12 month rolling period.
- d) Any ongoing absence which has lasted, or can be expected to last for four weeks or more or for any recurrent periods (which could be less than 4 weeks) associated with a serious health problem. (NB In respect of employees who work on a part-time or job-share basis the four week period would remain the same, regardless of the amount of time the employee would normally have been in attendance during that time).

This is the process to be followed if an employee is absent due to ill-health. It applies to all employees with the sole exception of employees undergoing a probationary period.

(For probationary employees please refer to the Probationary Procedure)

Line Managers/Supervisors are responsible for managing and monitoring employees' absence in accordance with this policy. Advice should be sought from the HR & Payroll Service where appropriate.

1 REPORTING INSTRUCTIONS AND RETURN TO WORK MEETINGS

- 1.1 See Part One of the Sickness Absence Management Policy.

2 FREQUENT SHORT-TERM ABSENCES

- 2.1 Sickness absence will normally be addressed through Part One of the Council's Sickness Absence Management Policy, for example, monitoring sickness absence and carrying out return to work meetings.
- 2.2 However, a meeting will be arranged with the employee (see Section 3) by their line manager where there is concern about an employee's level of repeated short term absences or an unacceptable level of sickness absence is identified as outlined in the sickness triggers, below:
 - a) Where there is any pattern of regular short term absence; or
 - b) Four or more separate periods of absence in any rolling 12 month period; or
 - c) Where there have been six days (pro-rated to hours worked) absence in any 12 month rolling period.
- 2.3 It should be noted that an employee's absence record will be monitored to enable managers both to identify emerging difficulties (for example where an employee has had consistent full attendance and then begins to have regular or significant absence); and to identify a fair overview of the employee's attendance and any annual patterns of absence.
- 2.4 A meeting may also take place at the line manager's discretion in other circumstances where there are reasonable grounds for review. Line Manager/Supervisors must seek guidance from HR & Payroll on cases where the above applies.
- 2.5 Where a meeting is called to discuss the outcome of a referral to the Council's Occupational Health Service, this may take place as part of, or in addition to, the meetings detailed in the following sections, dependent upon the circumstances.

3 First Meeting

- 3.1 The purpose of the meeting is to encourage an open discussion between the manager and employee to facilitate attendance at work. This is in addition to any Return to Work meetings.
- 3.2 The employee will be given five working days notice of the meeting by the line manager or it can take place earlier by mutual agreement.
- 3.3 The meeting will focus on the employee's health and welfare to help facilitate attendance at work. It will identify the reasons for absence and whether or not the absences relate to a disability or any other underlying cause. Advice and support will be provided where appropriate. An outcome of the meeting may be a referral to Occupational Health.

- 3.4 It is also possible that absences relating to disability may reach the stage where it is considered that the service can no longer sustain those absences. Such a situation will also be dealt with in line with this Policy, but it will be necessary to consider carefully issues about how the individual's job is done, and whether or not reasonable adjustments would assist with attendance issues.
- 3.5 Employees should be advised that continuing absences may necessitate formal action which could include termination of employment.
- 3.6 An attendance target, based on the corporate sickness trigger levels as stated in this policy, should be set with a date for a review meeting after three months (see Section 4).
- 3.7 The content and outcome of the meeting should be confirmed in writing, normally within five working days, and a copy given to the employee with a copy for the personal file.
- 3.8 Advice should be sought from the HR and Payroll Service if necessary.

4 First Review Meeting

- 4.1 The first review meeting (see Section 3.6 above) can be brought forward at the manager's discretion. This would generally be where sickness absence had continued or other relevant changes had occurred. In this case the employee should be given five working days notice of the meeting or it can take place earlier by mutual agreement.
- 4.2 The meeting will focus on the employee's health and welfare, to review the attendance record against the target previously set and to help facilitate attendance at work. Advice and support will be provided where appropriate. An outcome of the meeting may be a referral to Occupational Health.
- 4.3 If the employee has attended an Occupational Health appointment, a meeting will take place with the employee, normally within ten working days of receipt of the report (see Section 6).
- 4.4 If the level of sickness absence has reduced, this should be positively acknowledged. It may be considered necessary to arrange a further review meeting (see Section 5) after a further three month period or sooner at the manager's discretion. This should be confirmed in writing normally within five working days.
- 4.5 If the level of sickness absence has not improved, the employee should be made aware of the effect on the service and on other colleagues of their continued high level of sickness absence. If the employee has attended an Occupational Health appointment, various options will be considered (see Section 6). In addition, the meeting may also result in an appropriate outcome (see Section 7). A date should be set for a second review meeting after three months or sooner at the manager's discretion.

- 4.6 The content and outcome of the meeting should be confirmed in writing, normally within five working days, and a copy given to the employee with a copy for the personal file.

5 Second Review Meeting

- 5.1 The second review meeting (see Section 4.5 above) can be brought forward at the manager's discretion from the original date proposed for the meeting. In this case the employee should be given five working days notice of the meeting or it can take place earlier by mutual agreement.
- 5.2 The meeting will focus on the employee's health and welfare, to review the attendance record against the target previously set at the first review and to help facilitate attendance at work. Advice and support will be provided where appropriate. An outcome of the meeting may be a referral to Occupational Health.
- 5.3 If the level of sickness absence has reduced, this should be positively acknowledged and confirmed in writing normally within five working days.
- 5.4 If the level of sickness absence has not improved, as much information as is available about the employee's attendance record and other relevant factors should be obtained. The employee should then be referred to the Council's Occupational Health Service (see Section 6), unless they have already attended such an appointment.
- 5.5 If the employee has attended an Occupational Health appointment, various options will be considered (see Section 6). In addition, the meeting may also result in an appropriate outcome such as the issuing of a first level warning, (see Section 7).
- 5.6 Further review meetings will take place where necessary to facilitate attendance at work.

6 REFERRAL TO COUNCIL'S OCCUPATIONAL HEALTH SERVICE

- 6.1 Dependent upon the circumstances of each individual case, the Council will have the facility to refer the employee to the Occupational Health Service for assessment. Examples of referral circumstances could be, for example:
- a) When there are concerns about the health and safety of the individual or others
 - b) When trigger points are reached
 - c) If it is felt that early referral would benefit the employee and the organisation, e.g. in stress cases where it has been proven statistically that early referral facilitates a speedier return to work
 - d) If information is required about the likely length of absence
 - e) After an absence of four weeks, (unless the prognosis is clear e.g. broken leg etc)
 - f) Where there is no medical evidence to support frequent self certificated absences
- 6.2 The employee has a duty to undertake appointments with the Occupational Health Service, and to give immediate notice if he/she is unable to attend. Failure to do so would normally lead to withdrawal of pay under the Sickness Payments Scheme.

- 6.3 In certain circumstances, one of the options that will be considered during the Occupational Health assessment, in consultation with the employee, may be a referral under the Leisure GP Referral Scheme. The initial consultation may take place in work time, but the employee would need to pursue any subsequent programme in their own time.
- 6.4 Following receipt of the Occupational Health report, a meeting will take place with the employee, normally within ten working days of receipt of the report. This may be part of the scheduled meetings or an additional meeting, dependent upon the circumstances and timing.
- 6.5 The report will form the basis of discussion at the meeting. One of the following options should be agreed according to the circumstances which have been identified:
- a) Accept the position and keep it under review.
 - b) A return to work on a phased basis from a specified date.(See Section 9 below)
 - c) Consider introducing modified duties and/or reduced hours for a limited period of rehabilitation, with the aim that the employee will return to the full range of duties/hours in due course. If employees reduce their hours this will result in adjusted pay. Dependent upon individual circumstances, modified duties may result in adjusted pay.
 - d) Arrange alternative employment, using the Council's Redeployment Procedure, where such suitable alternative employment can be identified.

In considering the above options it will be necessary to consider "reasonable adjustments" which should be made to enable a disabled employee to remain at work, (as required by the Equality Act 2010).

- e) If termination of employment is being considered, a further meeting should be arranged with the employee and their representative to discuss this and allow the employee and their representative the opportunity to respond. (See Section 7.5)

The content and outcome of the meeting should be confirmed in writing, normally within five working days, and a copy given to the employee with a copy for the personal file.

7 MEETING OUTCOMES

Withdrawing Overtime

- 7.1 In the case of an employee normally required to undertake additional hours or non-contractual overtime, it may be appropriate to indicate that, as the commitment to additional hours may be affecting the employee's health, consideration will be given to withdrawing such overtime until the employee's attendance record indicates that the impact of ill health has been reduced or eliminated.

Formal Sickness Capability Warnings

7.2 First Level Sickness Capability Warning

A First Level Sickness Capability Warning will normally be issued where the employee has not achieved the target set at the first review meeting (See Section 4). The warning will be confirmed in writing, and it will be made clear that failure to improve attendance may lead to termination of employment. Once an employee has been placed on a warning, meetings will take place on a regular basis to set targets for, and review, attendance. Where there has been full attendance over a period of 12 months since the warning was issued, the warning will no longer be considered as 'live'. Line Managers/Supervisors should seek guidance from HR & Payroll on cases where the above applies.

7.3 Final Sickness Capability Warning

Where there is continued failure to improve attendance and achieve targets, the employee will normally be issued a Final Sickness Capability Warning. It should be made clear that the service can no longer tolerate the high level of sickness absence and that any further failure to achieve targets will lead to termination of employment. This warning will be confirmed in writing and placed on the employee's personal file. Meetings will continue to take place on a regular basis to set targets for, and review, attendance. Line Managers/Supervisors should seek guidance from HR & Payroll on cases where the above applies.

7.4 These warnings will remain on the individual's file to enable an overview of the employee's attendance. However, where it is considered that a reasonable period of full attendance has elapsed since the Final Sickness Capability Warning was issued, or there are significant mitigating circumstances to a recent period of absence, there will be the facility to reaffirm the Final Sickness Capability Warning as an alternative to termination of employment. In any event, where there has been full attendance over a period of 12 months since the warning was issued, the warning will no longer be considered as 'live', and the warning will be expunged.

7.5 Termination of Employment

If the employee's attendance still fails to reach the required targets, or if the outcome of discussions concerning Occupational Health Service reports results in termination of employment being one of the relevant options, then a meeting will be arranged as outlined below.

- The purpose of the meeting is to discuss the position and this will include a review of all the options available. The employee and their representative will be given the opportunity to respond. The employee will be made aware that a potential outcome of the meeting may be that the only course of action available is termination of employment on the grounds of sickness capability (as all other options have been considered.)
- The employee and their representative will be given five working days notice of the meeting and informed of the reason for the meeting.
- The meeting should be convened by the relevant Executive Director or Assistant Director and should be formal.
- The employee's Line Manager/Service Manager or Supervisor will be present.
- A Senior Officer from the HR and Payroll Service should always be present.
- A legal adviser may be present.

If the outcome is a decision to dismiss, the employee will receive:

- 1 The appropriate period of notice, or payment in lieu of notice (if appropriate).
- 2 Written notice of the reasons for their dismissal within five working days.

7.6 **Appeals** - The employee will have a right of appeal to the Council's Appeals Panel against a decision to dismiss. Please refer to the Council's Appeals Procedure.

8 LONG-TERM ABSENCE

- 8.1 Any ongoing absence which has lasted, or can be expected to last, for four weeks or more can generally be regarded as "long-term" or any recurrent periods (which could be less than 4 weeks) that are associated with a serious health problem. (NB In respect of employees who work on a part-time or job-share basis the four week period would remain the same, regardless of the amount of time the employee would normally have been in attendance during that time).
- 8.2 Where an employee has a physical or mental impairment which has a substantial, long-term (one year or more) adverse effect on their ability to carry out normal day-to-day activities, the provisions of the Equality Act 2010 may apply. In these circumstances the manager must consider the need for reasonable adjustments and should seek appropriate specialist advice from the HR and Payroll Service.
- 8.3 Where an employee returns to work for less than seven calendar days and then goes off sick again, the period of absence will normally be considered to be continuous for absence management purposes.
- 8.4 One of the most important aspects of managing sickness absence is to maintain communication with absent employees and this is by definition a two way process. Managers and employees should therefore be proactive in maintaining contact during any period of sickness absence. This will help to facilitate a successful return to work. The form, or forms, of contact such as telephone or personal visits should always be agreed with the employee and must be in line with this policy.

It will be very important the employee and line manager understand that the purpose of the contact is to keep in touch, exchange information and provide advice and support to facilitate an early return to work. Communication will be maintained using a sensitive approach to help employee's wellbeing and confidence while absent and maintain a link with work.

- 8.5 At the latest, after four weeks' absence the manager will invite the employee to attend a meeting to discuss progress. At the employee's request, this meeting might take place at their home or another agreed location. Five working days notice should be given of the visit or it can take place earlier by mutual agreement. A meeting may not be necessary if, for example, a return date is already in prospect.

- 8.6 The purpose of the visit is to review the employee's health and prospects for a return to work. If there is no date for a return to work, then the employee should be advised that it may be necessary to arrange a medical referral to the Council's Occupational Health Service, (see Section 6 above).
- 8.7 The outcome of the discussion should be confirmed in writing within five days of the meeting by the manager.
- 8.8 Where an employee has a physical or mental impairment which has a substantial, long-term (one year or more) adverse effect on their ability to carry out normal day-to-day activities, the provisions of the Equality Act 2010 may apply. In these circumstances the manager must consider the need for reasonable adjustments and should seek appropriate specialist advice from the HR and Payroll Service.
- 8.9 If the employee continues to remain absent due to sickness and/or within ten working days of the receipt of the Occupational Health report, the manager should arrange a meeting with the employee (or home visit at the employee's request) to advise him/her of the content of the report, if applicable.
- 8.10 At the meeting the following options should be explored according to the circumstances which have been identified:
- a) A return to work on a specified date.
 - b) A return to work on a phased basis from a specified date.(see section 9 below)
 - c) A return to work at a later unspecified date following convalescence.
 - d) A return to work on modified duties and/or reduced hours for a limited period of rehabilitation, with the aim that the employee will return to the full range of duties/hours in a given period. If employees reduce their hours this will result in adjusted pay. Dependent upon individual circumstances, modified duties may result in adjusted pay.
 - e) The possibility of a return to work to suitable alternative employment on a permanent basis (where such suitable alternative employment can be identified). Please refer to the Authority's Redeployment Procedure.
 - f) The possibility of ill-health retirement in accordance with the Local Government Pension Scheme. This option will only apply where the independent Medical Practitioner issues a Certificate of Permanent Incapacity and the employment is terminated on the grounds of permanent ill-health. (See below for policy to be followed for termination of employment on grounds of ill-health.)
- 8.11 In the event of the Occupational Health requesting the opportunity to review the employee's health after, for example, a meeting/ home visit should be arranged by the manager prior to elapse of the period to acquire up to date information for a second referral to Occupational Health. Within ten working days of receipt of the report, the manager should meet with the employee again to discuss its contents and consider the options (8.10 a-f).
- 8.12 If none of the above options available in 8.9 and 8.10 are viable, please see Section 10.

9. Phased Return to Work

- 9.1 In order to facilitate a return to work following long-term sickness absence, or in certain cases dependent on the nature of the illness, e.g. stress related absence, to facilitate an early return to work before the absence becomes long-term, the Occupational Health Adviser may recommend some form of phased return to full duties and responsibilities. This could involve a return to work on modified duties, on reduced hours, on a temporary basis or working from home, or such other reasonable measure which would reduce the need for a longer period of absence, as appropriate.
- 9.2 A meeting should take place with the employee, their line manager and a representative from the HR and Payroll Service at which agreement should be reached on the terms of a Return to Work Plan.
- 9.3 The Return to Work Plan will be produced by the line manager, and will outline the terms of the phased return. It is anticipated the employee will gradually build up to a return to full duties and responsibilities, and this should be for the shortest time possible and be achieved within a four week period. Depending upon the circumstances this may be extended for a further 2 weeks maximum.
- 9.4 For this limited phased return, the employee will need to supply a 'fit to return to work' note from their GP agreeing to the terms of the phased return. This period will therefore be classed as being at work for pay purposes and the employee will be paid their normal rate of pay.
- 9.5 If the employee has difficulty in increasing their hours/attendance/workload and it becomes unlikely that a full return will be possible as planned, then the employee will need to obtain a Statement of Fitness for Work from their GP and the phased return should be terminated as soon as practicable. In addition, a referral should be made to the Occupational Health Adviser for additional advice.

10. Termination of Employment

- 10.1 After considering all the options identified in 8.10 a) – f), it may be that the only course of action available is to consider the termination of employment on the grounds of sickness capability. This course of action may be considered where the Occupational Health Adviser is unable to certify the ill-health/incapacity as permanent and therefore ill-health retirement is inappropriate but also where the prognosis is difficult to determine. In reaching a decision on this course of action, the medical opinion given by the Occupational Health Adviser will be taken into account. However, managers must be aware that this is only one element and that there may be other relevant factors which should be taken into account in coming to a decision.
- 10.2 If termination of employment is being considered, a meeting will be held with the employee and their representative to discuss this and allow the employee and their representative the opportunity to respond.
- 10.3 The employee and their representative will be given five working days notice of the meeting and informed of the reason for the meeting. The employee should be made aware that a potential outcome of the meeting may be that the only course of action available is termination of their employment on the grounds of sickness capability.

10.4 The following process should always be followed:

- The purpose of the meeting is to discuss the position and this will include a review of all the options available. The employee and their representative will be given the opportunity to respond. The employee will be made aware that a potential outcome of the meeting may be that the only course of action available is termination of employment on the grounds of sickness capability (as all other options have been considered.)
- The meeting should be convened by the relevant Executive Director or Assistant Director and should be formal.
- The employee's Line Manager/Service Manager or Supervisor will be present.
- A Senior Officer from the HR and Payroll Service should always be present.
- A legal adviser may be present.

If the outcome is a decision to dismiss, the employee will receive:

- 1 The appropriate period of notice, or payment in lieu of notice (if appropriate).
- 2 Written notice of the reasons for their dismissal within five working days.

- 11 **Appeals** - The employee will have a right of appeal against this decision under the Council's Appeals Procedure.
12. This policy applies to all the Council's employees except the following: those employees who are covered by JNC Negotiating Committee for Chief Executives and the JNC Negotiating Committee for Chief Officers of Local Authorities.

Bolsover District Council

UECC

9 October 2014

Flexible Working

Report of the Joint Assistant Director (Human Resources and Payroll)

This report is public

Purpose of the Report

- To ask UECC to consider and note the recent change in the legislation relating to Flexible working
- To ask UECC to consider a minor variation to the existing 'Work-Life Balance Quick Guide for Managers and Employees' to reflect the change in the legislation
- To ask UECC to consider whether to recommend adoption of a separate policy relating to the statutory aspects of flexible working
- To ask UECC to make appropriate recommendations in respect of the above.

1 Report Details

- 1.1 There has been legislation in place relating to the right for employees to request flexible working since April 2003. At that time the right was limited to parents of children under 5 (or 18, if disabled). This was extended to carers of certain adults in April 2007 and to parents of children under 17 in April 2009. The latest change to the legislation simply extends the right to request flexible working to all employees.
- 1.2 This legislation was primarily aimed at employers who did not already have family friendly policies, and there is considerable overlap between the provisions of the legislation and the work-life balance policies currently in place at the Council. In fact, the Council has for some years extended access to its work-life balance policies to all employees.
- 1.3 At BDC all policies and procedures relating to flexible working options are currently contained in two documents: 'Work-life Balance Flexible Working Options – Guidance for Managers and Employees', and 'Work-Life Balance Quick Guide for Managers and Employees'. The first of these makes no direct reference to the legislation and therefore it is not proposed to make any changes at this stage. The second does make specific reference to the legislation within Appendix 1 'Work-Life Balance – Questions and Answers' and attached at Appendix 1 shows the existing wording of the relevant section with the proposed new wording to reflect the changes.
- 1.4 As indicated at 1.3 above, all BDC policies and procedures relating to flexible working options are currently contained in two documents. It may be helpful for employees to

be aware which elements of the policies represent a statutory entitlement, and what the related conditions are, and therefore attached at Appendix 2 is a draft stand-alone policy on Flexible Working for consideration.

2 Conclusions and Reasons for Recommendation

- 2.1 The purpose of the report is to notify UECC of the changes to the Flexible Working legislation and seek agreement that the relevant wording in the Work-Life Balance Guidance document be amended to reflect the changes.
- 2.2 In order to avoid confusion or misunderstanding, it is proposed to adopt a separate Flexible Working Policy document which sets out the key provisions of the legislation so that employees can be kept fully informed of their statutory rights.

3 Consultation and Equality Impact

- 3.1 None arising from this report.

4 Alternative Options and Reasons for Rejection

- 4.1 N/A

5 Implications

5.1 Finance and Risk Implications

None arising directly from this report.

5.2 Legal Implications including Data Protection

None arising directly from this report.

5.3 Human Resources Implications

None other than those included within the report.

6 Recommendations

- 6.1 That UECC to consider and note the recent change in the legislation relating to Flexible working
- 6.2 That UECC consider a minor variation to the existing 'Work-Life Balance Quick Guide for Managers and Employees' to reflect the change in the legislation
- 6.3 That UECC consider whether to recommend adoption of a separate policy relating to the statutory aspects of flexible working
- 6.4 That UECC make appropriate recommendations in respect of the above.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	N/A
District Wards Affected	N/A
Links to Corporate Plan priorities or Policy Framework	<p>STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation.</p> <p>No direct connection to specific targets</p> <p>It is widely acknowledged that people work most effectively when they are able to achieve the right balance between work and non-work responsibilities.</p>

8 Document Information

Appendix No	Title
1	Proposed amendment to 'Work-Life Balance Quick Guide for Managers & Employees' Appendix 1, 'Applying to Work Flexibly – Questions and Answers'
2	Draft Flexible Working Policy
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Tania Morrell	01246 217006

Extract from 'Work-Life Balance Quick Guide for Managers & Employees'
Appendix 1 'Applying to Work Flexibly – Questions and Answers

Existing paragraph:

Do I have the right to apply to work flexibly?

From April 2011 flexible working legislation gives all parents with children under the age of 18, and those with caring responsibilities for an adult, the right to apply to work flexibly. This does not provide an automatic right to flexible working but employers have a statutory duty to consider such requests seriously. The Council extends this right to all employees and will therefore consider requests for flexible working from any employee. All requests will be dealt with sensitively and where possible your needs will be met. However in balancing the needs of the service and organisation it is likely that not all requests will be able to be accommodated – if this is the case those with a statutory right will be given priority.

Proposed paragraph:

Do I have the right to apply to work flexibly?

Yes. From 30 June 2014 flexible working legislation has been extended to cover all employees. This does not provide an automatic right to flexible working, but employers have a statutory duty to consider such requests seriously. All requests will be dealt with sensitively and where possible your needs will be met. However, in balancing the needs of the service and organisation it is likely that not all requests will be able to be accommodated.

FLEXIBLE WORKING ARRANGEMENTS - STATUTORY

This document outlines the new statutory provisions in respect of flexible working. These should be considered in conjunction with the Council's other work-life balance policies. The statutory rights to request flexible working are now available to all employees.

1 Eligibility for Flexible Working

This is a statutory right which exists in addition to policies specific to BDC.

An employee must meet the following criteria to be eligible to make a request under this right:

- Be an employee of BDC and not be an agency worker
- Have a minimum of 26 weeks' continuous Local Government service at the date the application is made
- Not have made another application to work flexibly under the right during the past 12 months

2 Under what circumstances can an application be made?

An application can be made in a variety of circumstances, for example, it may enable the employee to spend more time with their family, or simply to achieve a better work/life balance. (See also the Council's Work-Life Balance Flexible Working options)

3 When should the application be made?

Employees should consider when they would like the new working pattern to begin. The process can take up to 14 weeks to complete, and sometimes longer where a problem arises.

Employees who wish to return from maternity leave on changed hours may wish to mention this as early as possible, but no later than 28 days prior to their intended return to work date, to enable the request to be properly considered in time for arrangements to be put in place on the employee's return.

4 How often can an application be made?

No more than one application a year can be made under the right. Each year runs from the date when the application was made.

5 What kind of changes can be applied for?

There is scope to apply for a wide variety of different types of working pattern. Eligible employees can request to:

- Change the hours they work;
- Change the times when they are required to work; or
- Work from home (whether for all or part of the week).

A request may be as simple as asking to start half an hour later than usual to allow the employee to drop their child off at school. Or it may be a bigger change to their hours in order to fit their work around childcare requirements.

An application for flexible working can be for any working pattern other than the normal working pattern in an organisation. However all applications will be subject to service requirements (see below).

6 What information should an application contain?

The written application must state the date when the employee would like the new working pattern to start. The proposed date should allow time for the application to be considered and implemented. They must also state if and when any previous application was made.

The employee must also indicate how the proposed working pattern can be made to work, and how the impact on the service/organisation can be minimised.

7 Can an employee go back to their previous hours if their circumstances change?

Any request that is made and accepted under the statutory right will be a permanent change to the employee's contractual terms and conditions (unless otherwise agreed). The employee has no automatic right to revert back to the previous working pattern. However if the employee is only looking for an informal change for a short period, for instance to cope with a bereavement or to pursue a short course of study, consideration will be given to permitting a return to the employee's original terms and conditions after a specified period.

8 What happens after the application is submitted?

- The Service Manager, in consultation with a representative from Human Resources, must hold a meeting to consider the request within 28 days after the date the application is received. This meeting will provide an opportunity for both parties to discuss the desired work pattern in depth and consider how it might be accommodated. Both the Service Manager and employee should be prepared to be flexible. If the original

suggestion for an alternative working pattern cannot be accommodated, the meeting also provides an opportunity to see if an alternative working arrangement may be appropriate. It may also be in the interests of both parties to agree that the new working pattern will take place on a trial period in order to see how it would work.

- The employee can be accompanied by a companion, ie a Trade Union representative or colleague, at the meeting.
- If the companion is unable to attend the meeting, the employee should rearrange the meeting for a date within seven days of the originally proposed time, ensuring the new time is convenient to all parties – or they might wish to consider an alternative companion.
- The Service Manager, in consultation with the Human Resources representative, must write to the employee informing them of the decision within 14 days of the meeting. If the request is accepted, the notification should include a description of the new working pattern and indicate the date it will commence. If the request is rejected, the notification must state the business grounds for refusing the application, with sufficient explanation. It should also provide details of the employee's right to appeal.

9 What are the grounds for refusing a request for flexible working?

A request under this statutory right can only be refused on business grounds, as follows:

- Burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to reorganise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes.

10 What is the procedure for appealing against a decision?

- An employee must make their appeal in writing within 14 days of the date they receive written notice that their request has been rejected. The appeal should set out the grounds for making the appeal.
- The appeal will be heard by the Assistant Director.
- An appeal meeting will be arranged to take place within 14 days of receiving notice of the appeal.
- The employee can be accompanied.

- The employee will be informed of the outcome of the appeal in writing within 5 days of the date of the meeting.
- If the appeal is upheld, the written decision must include a description of the new working pattern and indicate the start date.

11 Extension of time limits

There are two circumstances where the time limits can be extended:

- Through agreement between both parties
- Through the absence of the employer. In this case the period that the employer has to arrange the meeting will commence either on the day of the manager's return or 28 days after the application is made, whichever is sooner.

There are no other circumstances where an automatic extension to any period applies.

Bolsover District Council

Union / Employee Consultation Committee

9 October 2014

Appraisal Policy

Report of the Assistant Director – Human Resources

This report is public

Purpose of the Report

- For UECC to consider the Appraisal Policy attached as an appendix and to note the associated documentation.
- For UECC to recommend to Council the adoption of the Policy.

1 Report Details

- 1.1 Bolsover District Council and North East Derbyshire District Council currently use appraisal schemes, BDC's being the Appraisal scheme and NEDDC's being the EDPR scheme.
- 1.2 Both schemes currently assess the work undertaken by the employee/manager, set objectives for the employee/manager for the forthcoming months and highlight any learning and development requirements.
- 1.3 Both schemes currently use competencies to assess employees and managers against a set of pre determined criteria.
- 1.4 Employees are currently assessed at six (interim) and 12 (full review) month periods.
- 1.5 UECC are asked to consider recommending the adoption of a single policy for appraisal, for use at both BDC and NEDDC. The draft policy and forms are attached as appendices to this report.

2 Conclusions and Reasons for Recommendation

- 2.1 As services continue to work closer together under the Strategic Alliance, and with joint senior managers in post working to common or similar service plans, a consistent approach to appraisals at both Councils will be more efficient and less confusing.
- 2.2 The current draft policy has been produced to include comments and suggestions following consultation with senior managers, as well as informal consultation with representatives from the trade unions.

- 2.3 When the Policy has been approved, a communications plan will be put together to detail how and when this will be communicated to staff and managers via managers forums, the Intranet and briefing sessions from HR.

3 Consultation and Equality Impact

- 3.1 As indicated above at 2.2 of this report, managers have been consulted on the attached policy and documentation.
- 3.2 An informal meeting with Trade Unions took place on 30 April 2014. Minor amendments were suggested at the meeting and have been made to the attached documentation.
- 3.3 The Policy would apply to all employees at BDC and NEDDC, with the exception of some staff (maternity leave, long term sick leave etc) as detailed in the policy.

4 Alternative Options and Reasons for Rejection

- 4.1 Each Council could continue to follow its own policy for appraisal of staff. This option has been rejected as each organisation would be working towards similar criteria and the same or similar service and corporate plans but working to different timescales and using different policies and documentation. This would be inefficient as the teams involved undertake a significant amount of work twice and are unable to streamline the deadlines and plans, therefore being unable to be involved in supporting other work areas and projects.

5 Implications

5.1 Finance and Risk Implications

There are no direct financial implications arising from this report.

5.2 Legal Implications including Data Protection

There are no direct legal implications or data protection issues associated with this report.

5.3 Human Resources Implications

The opportunity to develop one policy on appraisal for the Strategic Alliance would represent Human Resource efficiencies in terms of several teams across the Council, including most significantly management and HR.

Briefings with staff and managers will take place on the new policy as appropriate utilising Service Managers Forum, Staff Roadshows, the Intranet etc.

6 Recommendations

- 6.1 That UECC recommend the attached draft policy and associated documentation to Council for adoption at Bolsover District Council.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
District Wards Affected	
Links to Corporate Plan priorities or Policy Framework	Strategic Organisational Development - Continually improving our organisation

11 Document Information

Appendix No	Title
1	Draft Appraisal Policy
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
NA	
Report Author	Contact Number
Clare Ashton	7592

Report Reference –

APPRAISAL SCHEME

Employees are the major resource for achieving objectives. Effective people management is directly related to improvements in service delivery and can affect both the employee in terms of motivation and commitment and the Council in delivering excellent services and achieving results.

INTRODUCTION

This document outlines the procedure of the Appraisal Scheme. It describes the action to be taken by line managers (appraiser) and their employees (appraisee) in preparing for, conducting and following up the review meeting.

SCOPE

This scheme applies to all employees, with variations as follows:

New Starters - all new starters must have had an appraisal within the first six months of their employment in line with the Probationary Procedure. Assistant Directors must then ensure that these employees are included into the fixed cycle of the appraisals and reviews from then on.

Casuals - where casuals work less than an average of **9 hours** per month they should be excluded from the scheme. Any queries on the determination of casuals can be obtained from the HR and Payroll Team.

Fixed term staff – on 9 month contracts or less. Training needs will have been identified at Induction or during the probationary period.

Long-Term Absences – the appraisals for employees who have been on long-term absence should be picked up as soon as reasonably practicable.

Group appraisals - These can be completed for groups of employees. There is a form designed specifically for this, which is available on the Intranet. Whilst it is permissible to have a Grouped Performance Appraisal Plan and Grouped Learning and Development Plan completed at the initial appraisal (April-June) all employees in the Group Appraisal must be assessed against competencies at the Appraisal Review on an **individual** basis and have an **individual** Learning and Development Plan completed. The Assistant Director's consent is required for carrying out grouped appraisals and this should be obtained in advance.

PERFORM – Managers should ensure that they use the appropriate long-term absence codes when entering appraisal details onto PERFORM. All appraisal and review dates will be maintained within the PERFORM system by managers.

FREQUENCY

A meeting will be carried out after the individual has been in post for six months. Following this there will be an annual meeting, with a review every six months of performance against the action plan and the continuing relevance of the plan itself. These are the minimum requirements. Additional reviews may be carried out where appropriate/necessary and many service areas conduct these supporting 1:1s.

RECORDS/CONFIDENTIALITY

Records of the interviews will be treated in the strictest confidence and be retained on the employee's personal file in accordance with the Data Protection Act 1998.

Appraisal Cycle (Annual review January - March)

Pre-Appraisal

Appraisal Preparation Form completed by Appraisee (optional).

Appraisal Meeting (January to March)

Review Performance Appraisal Plan for previous year noting outcomes. Discuss new objectives and how these link to Corporate/Service Plan Targets.

Review Learning and Development undertaken in previous year and complete relevant Post Learning and Development Evaluation Forms.

Review Competencies/ Job Description/Health & Safety Risk Assessment (where appropriate)/Check employee being treated appropriately.

Produce Individual Learning and Development Plan for next year.

Post Appraisal

Date of meeting to be entered onto PERFORM system by the manager.

Manager to provide a signed copy of documents to appraisee.

Appraisee to retain one copy.

Manager to compile Service Area Learning and Development Plan and send to Joint Assistant Director by end of March.

Any requests for training with a cost under £300 should be supported by the relevant Assistant Director and forwarded to the Assistant Director - HR and Payroll for approval.
Any requests for training with a cost over £300 should be forwarded to the HR section for agreement by the Chief Executive/Directors and Assistant Director HR and Payroll
A response will then be provided directly to the employee/manager from HR.

Quarterly budget information to SAMT on Learning and Development expenditure and any effect on budget

Appraisal Cycle (6 month review July - September)

Pre-Appraisal review

Appraisal Preparation Form completed by Appraisee (optional).

Appraisal Review Meeting (July to September)

Review Performance Appraisal Plan for April to September of current year noting outcomes. Check progress towards objectives in next six months and review past 6 months

Review Learning and Development undertaken April to September of current year and complete relevant Evaluation Forms and submit to Assistant Director to compile
Departmental Evaluation Report.

Review Competencies/ Job Description/Health & Safety Risk Assessment (where appropriate)/Check employee being treated appropriately.

Produce individual Learning and Development Plan for next year, let employee know that no plans will be documented until April however requests can still be progressed to Chief Executive/Director or Assistant Director and Assistant Director (HR) as appropriate

Post Appraisal review

Date of review meeting to be entered onto PERFORM system by the manager.

Manager to provide a signed copy of documents to appraisee.
Appraisee to retain one copy.

Any requests for training with a cost under £300 should be supported by the relevant Assistant Director and forwarded to the Assistant Director - HR and Payroll for approval.

Any requests for training with a cost over £300 should be forwarded to the HR section for agreement by the Chief Executive/Directors and Assistant Director HR and Payroll
A response will then be provided directly to the employee/manager from HR.

Quarterly budget information to SAMT on Learning and Development expenditure and any

PURPOSE

The purpose of the scheme can be defined in terms of four main activities:

Plan

- reviewing role requirements and how performance will be measured
- identifying learning and development needs to improve contribution
- identifying an action plan to meet any needs which have been highlighted through the Appraisal process

Do

- encourage performance and provide support

Review

- past performance
- assess and reviewing competencies

Revise

- seek improvements where performance standards have not been achieved and make adjustments for next planning round as necessary

AIMS

It has two main aims which are:

1. To support each employee to achieve a high standard of performance in the work which is necessary to enable their service to meet its own and the Council's priorities and objectives.
2. To identify employees' learning and development needs.

KEY PRINCIPLES

1. Achievement of individual, team and corporate priorities.
2. Commitment to the process of performance improvement .
3. The system will not be linked to an employee's pay.
4. It will not be used as a tool for selecting employees for redundancy.
5. It will not be used to rate employees against one another.
6. It will be operated separately from any disciplinary process.

BENEFITS OF THE APPRAISAL AND PERFORMANCE REVIEW SCHEME

A properly conducted Appraisal scheme benefits:

- the employee
- the manager
- the Council

In the following paragraphs, the benefits to each are explored.

Employees will benefit from the Appraisal scheme by having the opportunity to:

- understand more clearly what is expected in the job;
- find out how their manager views their work, receiving praise for jobs well done and receiving support and guidance for any areas which require improvement;
- be given the chance to contribute ideas and views as to how the service should operate;
- discuss any learning and development support they are likely to need;
- discuss and agree a learning and development plan if appropriate.

Managers conducting the reviews will benefit from the Appraisal scheme by gaining an opportunity to:

- review in detail the performance of members of the team
- assess learning, development and support needs
- understand how individuals perceive their own performance, learning and development needs
- understand individual's ambitions
- gain an overview of the balance of workload across the team
- uncover areas of confusion or overlap between members of the team
- realise constraints which inhibit employee performance
- understand how their management style contributes to the performance of their employees
- direct the work of members of the team by agreeing key objectives and how these will be met
- agree realistic learning and development opportunities with individuals
- agree any necessary updating of work programmes
- ensure equality in the treatment of employees
- encourage self assessment

The Council will benefit from the Appraisal scheme by gaining:

- improved performance from employees;
- improved motivation and job satisfaction on the part of employees;
- more accurate identification of training needs;
- better use of development opportunities in the workplace;
- greater prominence being given by all to learning and continuous improvement;
- improved opportunities being offered to groups that before have been under-represented in access to resources for training and development;
- an increased awareness of where both employee, team and organisation are going, need to go and how best to get there;
- improved quality of service given to public;

- better use of resources;
- better understanding between employees and their line manager.

RESPONSIBILITIES

Overview

The Joint Chief Executive, Joint Directors and Joint Assistant Directors interview their Service Managers who, in turn, interview the staff that they line manage and so on. This gives managers experience of being reviewed before conducting meetings themselves and ensures that the objectives they set for their staff are in line with overall corporate objectives.

Across the Council there are a range of responsibilities for performance:

Members and Senior Managers are responsible for:

- endorsing the Appraisal scheme
- ensuring that resources are targeted
- cascading corporate visions, objectives and plans down to team and individual performance level
- linking the management of people's performance with service plans
- setting targets and monitoring performance
- regularly monitoring, reviewing and evaluating the Appraisal scheme
- auditing the management processes which underpin the scheme

Line Managers are responsible for:

- translating corporate, directorate and service objectives into personal targets
- agreeing job descriptions and targets with their teams
- conducting at least monthly one-to-one meetings with each employee
- undertaking regular discussion and formal appraisals with individuals on the achievement of objectives
- identifying learning, development and other support needs and determining priorities for meeting these
- encouraging staff discussion concerning career progression and personal progression and personal development
- ensuring that six-monthly reviews take place for all employees
- recognising and communicating achievements
- evaluating developmental activity and ensuring that training evaluation forms are completed

Employees are responsible for:

- checking that their individual objectives fit with Council, service and team objectives
- ensuring that their job meets service delivery needs and that any issues of concern are fed back to their manager
- regularly communicating with their manager

- identifying personal development needs and how to achieve them
- preparing for meetings
- participating in any training, learning, development and other support opportunities that are offered
- reflecting on how development opportunities have improved the way they work and that this learning is shared with others

EQUALITY IN EMPLOYEE DEVELOPMENT

It is essential that managers treat all employees fairly and equitably in the employee development process.

As a mechanism for measuring performance, the process of Appraisal helps to identify employee development and training needs and other specific requirements to enable continuous satisfactory performance.

The Council is committed to providing equality of opportunity for its workforce and it is essential that each job-holder's performance is considered in an impartial and objective manner.

Managers must be particularly alert to the possibility of unintentional discrimination. This can occur when assumptions are made about the abilities, expectations and ambitions of employees, or when judgements are based on stereotypes rather than an individual's performance. This can prevent employees from being allowed the opportunity to develop to their full potential and as a result may have an adverse impact on the way we conduct our business.

It is recognised that individual employees have different needs. The meeting should identify the barriers to performance and development which stem from disadvantage or discrimination.

The appraisal meetings are, and should be, regarded as part of the normal managerial/supervisory role in terms of continuous monitoring of performance and agreeing objectives.

COMPETENCIES

There are six competencies which are considered to be integral to the effective performance of all employees. There are also four competencies which are considered to be integral to the effective performance of those who have managerial or supervisory responsibilities. Appraisers and appraisees are asked to prepare for this section by identifying where the core skills have been effectively demonstrated and examples of where the core skill areas need improvement. Where areas for improvement are identified, agreement should be reached on how this improvement will be achieved. For example, this could be through a change in behaviour; formal training; coaching or further structured experience in the workplace (see 2.3). The competencies should be viewed in the context of the job requirements.

Employees will be assessed against the following 6 competencies

- Communication (non-managerial)
- Performance

- Team Working
- Customer Service
- Personal Effectiveness
- Knowledge and Skills

Managers will be assessed against the following 10 competencies

- Performance
- Team Working
- Customer Service
- Personal Effectiveness
- Knowledge and Skills
- Leadership and influence
- Strategic Planning
- Managerial
- Performance Management
- Communication

PROCEDURE

The procedure has three distinct stages: preparation, meeting and follow-up. The term 'manager' is used to indicate the person responsible for conducting the appraisal meeting. The term does not relate directly to any job title. The reviewing manager will usually be the employee's line manager or supervisor.

Preparation

Initially some training is needed to help the manager operate the scheme. The training takes place before an individual conducts an appraisal meeting.

For the meeting to be effective it is important that the manager and the employee take some time to prepare for the meeting.

For the Manager

Arrange the meeting well in advance, giving reasonable notice to the employee of the meeting.

At this stage employees should also be given access to useful documentation such as records of past appraisal meetings, a copy of their current job description, relevant extracts from service plans, performance standards, Council's Corporate Plan and any other useful information.

For the Individual

The employee should look back over the previous twelve months and consider achievements and any suggestions they might have for improving the way their work is done. The employee should also consider the future. The employee should complete Appendix A.

For Both

1. Fix a mutually convenient time, allowing sufficient time for a relaxed, constructive meeting.
2. The manager and employee should each complete a preparation sheet prior to the meeting.

Appraisal is not about discussing current operational issues, which should be discussed as part of the normal day-to-day management process of the service. It is a review of key tasks and a process to identify learning and development needs. Long-term barriers to effective performance and working relationships are suitable topics for discussion.

The Meeting

No manager will conduct an appraisal meeting without first undergoing appropriate training.

Anything that detracts from the main purpose of the meeting, or interrupts this, is to be avoided. It is, therefore, essential that sufficient time is set aside (usually a minimum of one hour), that a suitable venue is booked if necessary and that all telephone calls and callers are stopped.

The purpose of the meeting is to:-

- review the employee's current job description, identifying any variations between this and the actual work being carried out
- review the actual job being done - what is involved and how well it is being done, by looking at both strengths and areas for improvement
- identify any changes which could make the job more effective
- encourage the further development of the employee within their current job
- identify any training, development and support needs the employee may have
- draw up an action plan

An appraisal record form is to be completed after each meeting.

Action Plans

These need to be realistic with definite timescales so as to be clear on who is going to do what, by when and how. Any goals should be specific, measurable, achievable, realistic and timed. They also need individuals' commitment so it is worth spending time reaching agreed goals as opposed to the manager imposing these.

Setting achievable goals is not easy. Items need to be selected that will make a significant difference to performance. It is important to focus on behaviours or outcomes that can be measured, rather than personal qualities or approaches which are open to subjective interpretation. Both parties, when setting or reviewing performance, must be aware of the need to separate the influence of other people or external factors from individual effort.

Learning and development needs should relate to competencies. They should be categorised as:-

Essential - those which are necessary to improve performance or because of changes, such as a change in job, job content, technology, work systems or methods or any other circumstances which need to be addressed to ensure that performance and service delivery is acceptable.

Desirable - those which assist in career development or which would help with improved performance and personal development.

Disputes

It is anticipated that disputes will be minimal, considering that the scheme relies on mutual respect and commitment to work amicably to resolve disagreements. However, it is recognised that there may be occasions when an employee feels dissatisfied with their treatment under the scheme, and in this case the matter will be dealt with under the Council's Grievance Procedure.

The appraisal process provides an opportunity to consider future career developments or personal aspirations for the year(s) ahead. The range of issues covered may vary; for some employees it might be their career aspirations for different roles within the Council, for others, who may be approaching a time when their pension becomes payable, it may cover where they see themselves working in the Council. The appraisee will not be held to anything which is said in this discussion; however, it does provide the opportunity to think about the longer term and succession planning. In summary:

If the Appraisee	The Appraiser should.....
Highlights specific career aspirations	Consider appraisee's learning and development needs and manage aspirations of Appraisee objectively
Highlights a wish to retire in the next 2 years	Inform HR of this intention.
Highlights a wish to retire at their Statutory Retirement Age, or at some point beyond their Statutory Retirement Age.	Inform Appraisee that they should give the relevant contractual notice as stated in their contract of employment.

Health and Safety

The appraisal process provides an opportunity to review and agree the employee's individual Health and Safety Risk Assessment. Risk Assessments should not be viewed as a one off activity but an evolving document which should be reviewed on a regular basis or when the assessment may no longer be considered to be suitable and sufficient. Examples of when this may be necessary are:

- A change in the nature of the work;
- Introduction of new plant/ work equipment
- An increased appreciation of hazards and risks;
- Following an Accident/ incident
- Due to changes in the occupational capabilities of the individual.

Service Learning and Development Plans

As well as agreeing individual Learning and Development Plans a Service Learning and Development Plan will be produced each year in April by the Assistant Director. This will form part of the Service Plan and should further prioritise identified needs within the whole service. This is important for the equitable allocation of resources across the Council. Once completed a copy of this plan must be sent to the HR and Payroll Team.

On completion of the Appraisal process, using PERFORM, a record should be made that Appraisals are complete along with the date they were carried out. If you require help with this please contact Customer Service and Improvement Department.

Monitoring and Review

The HR and Payroll Team are responsible for monitoring implementation of the Scheme and its effectiveness. The HR and Payroll Team, as part of the continuous monitoring of the Appraisal Scheme, will access a random sample of appraisal records for coverage, consistency and effective people management.

Appraisal Preparation Form – for use at annual and 6 monthly review

1) What aspects of your job performance do you feel proud of and why?
2) In what ways have you met the requirements of your job?
3) What aspects of your job performance have made you feel disappointed and why?
4) What areas of your job performance do you feel you could improve?
5) What factors have influenced your achievement of your objectives? Mention here any obstacles/problems
6) Looking ahead, what objectives would you set for yourself?
7) What do you feel are your development needs?
8) How could your manager support you in developing your potential?
9) What are your future career development and personal aspirations for the year(s) ahead?
10) Any additional comments or points that you want to raise during your review meeting?

If you require a copy of your job description please contact HR and Payroll

Appraisal Scheme

Objectives of the appraisal process

The scheme is a two-way process where both Appraisee and Appraiser are able to talk through issues that relate to their work and plan for the coming year. Both parties will need to be clear on and agree individual and team priorities and targets accordingly.

Name of employee (Or employees if conducting a group appraisal)	
Job title	
Service	
Name of Manager	
Review date	

Should you have any queries please contact a member of HR for advice

Once the appraisal form is complete please ensure that any Learning and Development requirements are included on the Service Area training plan

Overall role requirements – complete only by exception if the job has changed since the last review.

-

Review of previous year

Corporate Plan objective/target	Service Plan objectives/targets	Action taken by employee to meet the key task	Proposed and actual completion date	How was progress discussed e.g. 1:1, special meeting arranged and key dates	Outcome and comment
			XX/XX/XXXX-proposed XX/XX/XXXX-actual		

Plan for current year

Corporate Plan objective/target	Service Plan objectives/targets	Action by employee to meet the key task	Proposed completion date	How will progress be discussed e.g. 1:1, special meeting arranged and dates	Comments

Learning and Development Plan

Priority Essential/ Desirable	Identified Learning/ Development need	Link to Corporate Plan/Service Plan/Individual development	What is the best way to meet this need	Action required, by whom and date	Cost	Date training to be undertaken	Outcome/Not yet complete	Comments

Please note that any training requests should be added to the service area training plan and sent to HR ASAP to inform the Corporate Learning and Development Plan

Learning and Development Evaluation Form – complete for any learning and development activity undertaken since the last review

Name: _____

Service Area _____

Learning and Development Course	Date and Length of Course	Course Provider	Location / Venue	Reason for Attending / Objective	Did a discussion take place between yourself and your manager?	Have you fed back to colleagues where appropriate?	To what extent have your objectives been met? Full/Mainly/ Partially/ Not at all	Immediate benefits Individual/ Team/Council Impact of development	Concerns / Issues / Areas for Improvement	Would you recommend to a colleague? Why?

3 - 6 MONTH REVIEW
Reviewing the above, can you now identify any additional information e.g. benefits, improved job performance, areas for improvement, what you could do differently.
6 - 12 MONTH REVIEW
Reviewing the above, can you now identify any additional information e.g. benefits, improved job performance, areas for improvement, what you could do differently.

Competencies

The information below may be used to facilitate discussion against the assessment criteria

4	Excellent	The employee clearly demonstrates that they are performing at the highest level against their current roles and responsibilities
3	Good	There is clear indication that the employee performs well in this area. This may be an area for development if higher levels of achievement are required. However the employee is operating at a good level in this competency
2	Satisfactory/Average	There is clear indication that this competency would require strengthening for higher levels of achievement to be met. However the employee is operating at a level which is satisfactory. Strengthening this competency would enhance performance of the employee and team.
1	Improvement required	The employee is limited in this competency which will have a significant impact on the performance of the individual and the team. It will be crucial to develop this competency to allow the employee to perform.

Competencies

Leadership and Influence (Management)	
Examples include <ul style="list-style-type: none"> • provide suitable and effective leadership to the employee group and within the management teams of the Council • influence people internally and externally in appropriate ways to achieve the objectives of the Council • use behaviours which empower and develop others • motivate, encourage and engage others, especially those for whom they have line management responsibilities. 	Comments
Strategic Planning (Management)	
Examples include <ul style="list-style-type: none"> • develop and articulate the vision for their area of responsibility • make plans to involve the team in the communication of the priorities and objectives and to ensure these are actioned • anticipate future requirements and plan to meet these • make appropriate decisions about service delivery • the ability to adapt to changes and to remain open to new developments. To be proactive, consider the benefits and risks involved in change and assessing these appropriately to arrive at a decision that benefits the team, service and Council. 	Comments
Managerial (Management)	
Examples include <ul style="list-style-type: none"> • manage on an operational day to day basis the service(s) for which they are responsible, meeting legal requirements, in particular with regards to health and safety and equality legislation • manage the financial resources available, preparing and monitoring budgets and taking action to avoid under/overspends • manage the people in their team(s)/service, including performance, recruitment and selection, discipline, attendance management and learning and developing employees. • to recognise the different needs of employees and to ensure equality of opportunity • manage any physical resources for which they are responsible • manage the Health and Wellbeing of employees by encouraging open communication between manager and employee to address issues around capacity, workload and work-life balance. Managers to discuss resource issues with staff and to 	Comments

consider re-allocation of work, re-prioritisation and welfare support for the employee where appropriate.	
Performance (Management)	
Examples include <ul style="list-style-type: none"> • establish realistic and challenging targets for their service, their employees and themselves • achieve targets through effective planning, monitoring and review • reviewing the performance of others and supporting them in achieving their targets. • identifying learning and development needs of employees in order to achieve and improve performance. 	Comments
Communication (Management)	
Examples include <ul style="list-style-type: none"> • communicate the overall Council vision, priorities and objectives and link these to the team and the individual objectives • express ideas clearly in writing, on a one to one basis, in meetings and in presentations in a formal context • give clear explanations, and instructions when necessary, to others, such as other employees and the public • use communication methods which are appropriate for each situation, for example: writing, e-mail, telephone, face-to-face and so on • communicate with colleagues across the Council to improve performance and share good practice. 	Comments
Customer Focus (Management)	
Examples include <ul style="list-style-type: none"> • Use customer insight to inform policy and strategy and to prioritise service improvement activity. • Demonstrate commitment to developing and delivering customer focused services through recruitment, training and development policies for staff. 	Comments
Customer Focus (Non management)	
Examples include <ul style="list-style-type: none"> • Protect customers' privacy both in discussions and in the transfer and storage of their information. • Actively promote and participate in delivering customer focused services. • Treat all customers and clients fairly and with courtesy • Understand the needs of customers and clients • Ensure their needs are met where possible • Communicate appropriately and clearly with customers and clients 	Comments

Communication (Non management)	
Examples include <ul style="list-style-type: none"> • be clear and gain understanding from the people you deal with, for example, other employees, your manager, supervisors and customers • communicate with immediate colleagues within the work group, sharing information to improve effectiveness and performance • use communication methods which are appropriate for each situation, for example: writing, telephone, face-to-face and so on • explain about problems faced with. 	Comments
Performance (Non management)	
Examples include <ul style="list-style-type: none"> • carry out work to an appropriate level of competence and quality • achieve appropriate levels of output • work at a pace to ensure output is satisfactory • ensure errors are minimised. 	Comments
Team working (Non management)	
Examples include <ul style="list-style-type: none"> • co-operate with team members to achieve tasks and targets • to support team members willingly when required • to undertake a range of tasks within the team context • contribute to improving team performance. 	Comments
Personal Effectiveness (Non management)	
Examples include <ul style="list-style-type: none"> • take responsibility and initiative where appropriate, in dealing with situations • be punctual • have a good attendance record • have appropriate standards of personal presentation and behaviour • be aware of conduct in dealing with others in terms of equality and diversity to promote a positive, non-discriminatory environment • be safety aware • deal with change in the working situation • be able to learn and continuously improve in the job role • work co-operatively and constructively with employees, managers and others • make a personal contribution and commitment to the priorities and objectives of NEDDC. 	Comments
Knowledge and Skills (Non management)	
Examples include <ul style="list-style-type: none"> • have the necessary technical knowledge to do the job • have the necessary qualifications to do the job • update qualifications as necessary • have the necessary skills to do the job 	Comments

<ul style="list-style-type: none"> • develop personal skills within the job • identify where additional training and learning is needed to deal with changes at work • undertake learning and other development activities to improve skills and knowledge (can include within learning and development personal achievement and learning which is not initiated by the Council). 	
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Safeguarding training appropriate	Y	N
Safeguarding training undertaken	Date.....	

Data Protection training appropriate	Y	N
Data Protection training undertaken	Date.....	

Any other comments....

Signed by manager.....

Date

Signed by employee(s).....

.....

.....

Date

Once the appraisal form is complete please ensure that any Learning and Development requirements are included on the Service Area training plan

Bolsover District and North East Derbyshire District Councils

Union / Employee Consultation Committee

9 October 2014

Joint Driving at Work Policy (DRAFT)

Report of Assistant Director Streetscene

This report is public

Purpose of the Report

- To consult recognised Trade Unions and Employees the refreshed Joint Driving at Work Policy prior to seeking adoptions by way of each Council's Cabinet (NEDDC) and Executive (BDC) Committees.
- To ensure the Councils' policy demonstrate its undertaking in complying with relevant highway and road traffic legal requirements to meet its Corporate Health and Safety requirements.

1 Report Details

- 1.1 The Councils each operate fleets consisting of 160 (approx.) vehicles, predominantly medium sized vans and small cars not exceeding 3500KG gross vehicle weight (GVW). However, 20 (approx.) vehicles operate above this weight range and are classified as Large Goods Vehicles (LGV). In order to operate this class of vehicle the Council legally requires an Operator's License.
- 1.2 The Joint Driving at Work Policy (**Appendix 1**) sets out the standards which the Councils' expect its employee and/or agency/contractor drivers to meet and the framework in which it operates its fleet transport arrangements.

2 Conclusions and Reasons for Recommendation

- 2.1 The Joint Driving at Work Policy refreshes the Councils' current policy position taking in to consideration statutory and regulatory changes; also, this aims to establish one standard position across the two Councils to reflect the joint management position of the fleet transport service.
- 2.2 The policy has been updated to reflect legislative changes of a wider transport and fleet management remit than previously. It now includes **all** persons who undertake driving on Council business such as grey fleet car users, contractors and sub-contractors.
- 2.3 The policy outlines specific policy statements in order to ensure the Council can demonstrate it having taken reasonable care in its approach to the management of its fleet and persons driving whilst undertaking its business.:

- 2.4 The revised Code of Practice should be appended to the Council's Corporate Health and Safety Policy to demonstrate the Council's commitment to managing its fleet vehicle operations within relevant legislation.

3 Consultation and Equality Impact

- 3.1 The revised Code of Practice has been consulted upon with all user departments and recognised Trade Unions.

4 Alternative Options and Reasons for Rejection

- 4.1 The Councils' Driving at Work Policy needs to reflect up to date statutory, regulatory requirement and best practice. A 'do nothing' approach is therefore not an option.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 Each Council's vehicle fleet is estimated for insurance purposes to be valued at £5million (approx.). Fleet vehicles and operational plant is an essential and valuable asset which needs to be maintained to the best possible standards at all times.
- 5.1.2 Operation of fleet vehicles and operational plant present varying risks to the Councils' covered by motor liability insurance arrangements. It is therefore in the Councils' interest to ensure effective management of fleet operations to negate accidents and the impact these have on annual insurance premiums.

Risk Considerations

- 5.1.3 The table below summarises a number of risk areas:

Risk Type	Risk Detail	Control Measure
Corporate Ambitions & Priorities	Fleet vehicles\plant contribute significantly to delivery of Council services and priorities.	Vehicles\plant fit for purpose and supported by effective up to date policy statements for service needs.
Operational	Service performance and standards affected by fleet reliability.	Vehicle replacements sourced within effective utilisation period and planned maintenance\inspections undertaken.
Regulatory	European emission standards not met.	Policy statements meet Councils' statutory 'Duty of Care'.
Financial	Claim\damage cost places service budgets under pressure.	Clear policy position on fleet operating standards aims to mitigate cost impacts arising from claims\damage.
Contract Agreements	Contractor fleet standards fall below the Councils'.	Ensure contractors engaged meet Council standards to mitigate claims arising to the Council as employer.
Reputation	Council reputation damaged arising from high accident and/or high profile incidents.	Ensure vehicle specifications and driver staff employed meets policy standards.
Staff	Staff capability impacts on driving standards.	Driver licences checked at least once annually to ensure essential capability and provide training to meet statutory and/or speciality of service need.

5.2 Legal Implications including Data Protection

- 5.2.1 The Council in order to operate vehicles above 3500Kg Gross Vehicle Weight (GVW) must hold a Vehicle Operators License and appoint competent person(s) to manage and maintain its fleet. Competent person who hold a Certificate of Professional Competence are in place to meet legal requirements set out by:
- Goods Vehicles (Licensing of Operators) Act 1995.
 - European Directive 74/561 (as amended by EC 89/438, EC 96/26).
 - European Directive 98/76.
- 5.2.2 The Council must also ensure that its transport and fleet operations meet the requirements of other relevant legislation, namely the Road Traffic Act 1988, Health and Safety at Work Act 1974 and the Provision and Use of Work Equipment Regulations 1996.
- 5.2.3 Section 87 (2) of the Road Traffic Act 1988 states “It is an offence for a person to cause or permit another person to drive on a road a motor vehicle of any class if that other person is not the holder of a licence authorising him to drive a motor vehicle of that class. The Council **must** ensure persons undertaking driving on its behalf are properly licensed at all times.”
- 5.2.4 The Road Traffic Act and Health and Safety at Work Act require that operators of vehicles and employers of persons take steps, so far as reasonably practicable to ensure the safety of employees and others who may be affected by its activities. The Council **must** ensure its vehicle fleet is road worthy and fit for the purpose it intends to use it; and, must also ensure that employees who use their own vehicles (i.e. grey fleet car users) have road worthy, licensed, tested and insured vehicles for use in the course of the Council’s business.
- 5.2.5 The operation of vehicles and large operational plant poses risks to the Council if not properly managed. The Joint Driving at Work Policy is updated to reflect ‘good practice and current legal requirement’.
- 5.2.6 Vehicles and operational plant may be fitted with technological aids such as GIS Tracking and CCTV system. In these instances, staff will be reminded that monitoring takes place where and when incidents occur and information provided by systems will be used in health and safety monitoring and logistical management in the planning, execution and control of the movement of vehicles, materials, goods and / or people and their interrelated supporting activities. Data obtained from the systems will be used strictly in accordance with data protections and business needs of the Council for management of service delivery.

5.3 Human Resources Implications

- 5.3.1 The Joint Driving at Work Policy will be communicated to employees that undertake driving on Council business and will be included as part of the information provided to new starters on their first day employment induction.

6 Recommendations

- 6.1 UECC endorses the Joint Driving at Work Policy (**Appendix 1**) as fit for purpose in managing the Councils’ fleet operations and persons who drive on Council business.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
District Wards Affected	All Wards
Links to Corporate Plan priorities or Policy Framework	Place - Look After the Environment Organisation - High Performing Council People – Customer Focussed Service

8 Document Information

Appendix No	Title
Appendix 1	Joint Driving at Work Policy
Appendix 2	CCTV & GIS System Assessment
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Joint Driving at Work Policy available from Assistant Director Streetscene.	
Report Author	Contact Number
Assistant Director Streetscene	01246 593044 (BDC) 01246 217264 (NEDDC)

Bolsover District and North East Derbyshire District Council

Joint Driving at Work Policy

2014

CONTROL SHEET FOR Joint Driving at Work Policy

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Joint Driving at Work Policy
Current status - i.e. first draft, version 2 or final version	Draft
Policy author	Assistant Director Streetscene Joint Fleet & Transport Manager
Location of policy - i.e. L-drive, shared drive	shared drive
Member route for approval	
Cabinet Member (if applicable)	
Equality Impact Assessment approval date	
Partnership involvement (if applicable)	
Final policy approval route i.e. Executive/ Council /Planning Committee	
Date policy approved	
Date policy due for review (maximum three years)	Two years from date of approval
Date policy forwarded to Strategy and Performance (to include on Intranet and Internet if applicable to the public)	

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1. INTRODUCTION

The Joint Driving at Work Policy is supplementary to the Council's Health and Safety Policy statement and represents good practice aimed at securing the health and safety of drivers undertaking Council business and other persons who may be affected by activities carried out on behalf of the Council.

Drivers undertaking Council business are considered to be any person employed by the Council whether directly or indirectly (i.e. agency staff and contractors etc). Driving may be required on a regular or casual basis and this includes all management, supervisory, clerical and administrative staff that undertake driving on Council business using Council owned vehicles, hired vehicles or their own personal motor vehicles within the Council's staff car user scheme.

The Council must carry out its vehicle operations in strict compliance with road traffic legislation. All drivers must follow the rules laid out in this Policy which will be updated from time to time.

2. SCOPE

The Joint Driving at Work Policy's aim is to clearly set out standards of driving conduct for staff to ensure their own and others safety. Failure to follow the requirements of the policy may be considered misconduct and dealt with by way of the Council's Disciplinary Procedure.

Council vehicles include council owned, leased or hired vehicles.

There are also sections within the Policy which cover the use of a driver's own vehicle when used for work purposes, sometimes referred to as the grey fleet. Employees use of their own vehicle is summarised 'Grey Fleet'.

3. PRINCIPLES AND LEGAL REQUIREMENTS

The Policy aims to meet legal requirements placed on the Council by various road traffic and health and safety acts and / or regulations; in particular:

- **Road Traffic Act (1988)** – section 87 (2) states “It is an offence for a person to cause or permit another person to drive on a road a motor vehicle of any class if that other person is not the holder of a licence authorising him to drive a motor vehicle of that class.
- **The Health and Safety at Work Act 1974 (HSWA)** requires the Council to ensure, so far as is reasonably practicable, the health and safety of all employees while at work. This includes a responsibility to ensure that others are not put at risk by our work-related driving activities.
- **Management of Health and Safety at Work Regulations 1999 (MHSW)** requires the Council to carry out (and regularly review) assessments to manage risk to our employees and other people who may be affected by their work.

- **Corporate Manslaughter and Corporate Homicide Act 2007** reaffirms existing Health and Safety duties to ensure that organisations take their obligations under health and safety law seriously. The Council are committed to ensuring their health and safety management systems are fit for purpose to safeguard staff and others who may be affected by their operations.
- **Provision and Use of Work Equipment Regulations 1998 (PUWER)** requires the Councils to ensure that work equipment is suitable for use and fit for the purpose and conditions in which it is to be used; also, it is maintained to safeguard people's health and safety and staff have appropriate training in its use.
- **Lifting Operations and Lifting Equipment Regulations 1998 (LOLER)** requires the Councils to ensure any equipment used at work for lifting or lowering loads, including attachments used for anchoring, fixing or supporting it, are correctly maintained and tested to safeguard staff and others.

4 RESPONSIBILITIES

All employees at **all** levels have a responsibility to take care of their own and others' health and safety. Employees, specifically drivers of both council owned vehicles or their own vehicle when being used for work purposes, have a duty to comply with all road traffic regulations including obeying speed limits. They should also be courteous to other road users and use consideration when parking, in particular around school areas and should:

- Only drive vehicles which they are licensed, insured and competent to drive.
- Work in accordance with instruction and training.
- Complete the regular pre-drive vehicle inspections, and report any defects to their Line Manager.
- Comply with the requirements of the Highway Code
- Cooperate with health surveillance or assessment schemes.
- Report any health issues (including the taking of medication) which may affect their fitness/ability to drive safely to their Line Manager.
- Ensure that unattended vehicles have the engines turned off, with the brakes applied and all doors are locked and the keys removed from the vehicle.
- Report any accidents, injuries or near misses to their line manager promptly.
- Under no circumstances must keys be left inside the vehicle whilst unattended and/or the driver (lone driver) is undertaking operations (i.e. loading bins) within 10 metres of the vehicle whilst the engine is running to power auxiliary equipment.
- Report any driving convictions and any addition of points on their licences to their line manager and Human Resources immediately.
- Report any training needs to their Line Manager.
- Make relevant documents available when requested to do so.
- Meet specified eyesight requirements by having regular eye tests and ensure that any glasses required for driving are worn.
- Not use mobile phones whilst driving.
- Not smoke whilst driving a council vehicle at any time or whilst carrying passengers in their own vehicle in work time.
- Pay any fines associated with their driving actions.
- Not drive if their ability is impaired by alcohol or any other drug, whether prescription or non-prescription and notify Managers).

- Ensure any loads are loaded and unloaded safely and secured in transit.
- Not exceed the maximum loads permitted for any vehicle or trailer.
- Ensure that no personal information about members of the public or other employees (paper or computer records, including laptops, storage devices, discs, or PDA's) is left unsecured in any unattended vehicle.

The Council's 'O Licence' Holder (Competent Person) has responsibility to ensure operation of the fleet strictly in accordance with commitments of the licence and its legal requirements.

Staff undertaking driving duties on Council business, must not, under any circumstances, drink alcohol during the working day, including any unpaid breaks, or use illegal drugs or any prescription or non-prescription drugs which will affect their ability to drive and work safely. Likewise, staff must not arrive for work under the influence of alcohol, prescription or non-prescription drugs to the extent that their driving ability is impaired.

Staff will observe at all times any supplementary safety requirements and procedures required by their service area, risk assessments, safety policies and procedures.

Staff who drive when undertaking Council duties are reminded they may be personally and/or criminally liable for the safety of others who may be affected by their actions and therefore should not, fail to observe rules in an effort to save time which could result in serious injury damage or in severe circumstances, death of another living being.

No passengers other than council employees or persons approved by the Authority shall be carried in council vehicles.

4.1 Vehicle Pre-Use Checks

Drivers of Council vehicles must ensure they undertake daily pre-use vehicle checks before commencing driving. A reasonable time will be allowed for this. Where required these will be signed off and logged with their first line manager. Pre-driving checks will include:

- General cleanliness and tidiness of the vehicle.
- Seat belts.
- Fuel/Oil/Water levels.
- Fuel/Oil/Water leaks.
- Tyres for visual low pressure, wear, cuts and other damage.
- Wheel security & wheel brace (appropriate size).
- Wipers/Washers/Windscreen.
- Lights/Reflectors/Steering/Brakes.
- Body condition for damage.
- Load, racking and ladder security.
- Mirrors/Indicators (en route)
- Horn.
- Speed Limiter if fitted (en route)
- Speedometer.
- Exhaust emissions (obvious excessive noise and smoke).
- Fire extinguisher – present and in date.
- First Aid Kit – present and in date.

Additionally to the above operation of tail-lifts, bin lifts, cameras and any specialised adaptations and equipment will be included in the service area pre-driving check list. Where a Council vehicle is used, the driver must always report any suspected vehicle defects to their line manager. In the event a defect is suspected the vehicle should not be used until a competent person has assessed and rectified any identified fault. The driver will liaise first with their line manager as to whether a vehicle should be delivered to the Transport Team for repairs.

It is essential that drivers at the commencement of each working day undertake vehicle checks and complete a driver's daily defect report, where required. If no defects are identified, drivers will still submit a NIL defect return report to their first line manager, which will subsequently be passed to the Transport Team.

4.2 Smoking

Smoking is not permitted by law in any work vehicle that may be used by more than one person or by different people.

The Council's policy in respect of smoking at work is 'no smoking' within any vehicle used in delivery of Council services will be permitted.

4.3 Specialist Permits

Managers should ensure that drivers are correctly licensed and / or hold the correct permit for the type of vehicle or plant they have been allocated to drive. If in doubt, verification should be sought from the Transport Team.

Drivers are required to produce their driving licence and driving permits for examination before commencing driving and at any other time upon request.

Drivers must disclose full details of previous or ongoing driving offences, convictions, medical conditions and disqualifications.

Drivers may be subject to on-going training and familiarisation programmes as required by their service area: in particular, to meet statutory requirement of Driver CPC training.

Specialist permits will be managed by the relevant service managers and whose activities require the permit, in consultation with the Fleet Transport Team and / or O Licence 'Competent Person'

Section 19 permits allow certain organisations to use a passenger vehicle for hire or reward without an O Licence and a minibus for hire or reward without a PSV licensed driver. However, where charging for a service (i.e. leisure activity), which involves travel, this brings the activity into the scope of 'hire and reward'.

There are two types of Permit, **type one** for vehicles with 9 to 16 passengers, and **type 2** for vehicles with 17 or more passengers. Therefore each minibus would require a permit and authorised permit displayed.

Each minibus requires a permit and all permit vehicles must display a permit disc.

5 RISK ASSESSMENT

Risk assessments for driving related activities will follow the same principles as risk assessments for any other work related activity undertaken by service managers which must consider:

- Types of vehicles and their suitability.
- Types of journeys and routes.
- Purpose of journeys.
- Review of accident history.
- Daily vehicle checks.
- Competence, capability and suitability of drivers (licenses, health, accidents etc.)
- Load security and weight.
- Hard to access and egress locations.
- Proximity of other highway users and persons who may be affected by the activity.
- Security of Information being transported.

5.1 Route Planning and Assessment

In designing operational service delivery programs/routes Service Managers will be mindful in giving consideration to the following list, which is not exhaustive:

- Access and egress for vehicles
- Reversing and manoeuvring
- Vehicle suitability
- Route distance
- Waste disposal
- Fuelling requirements
- Timing to avoid conflicting activities
- Vehicle overloading
- Time allowance for daily vehicle check, maintenance and cleaning.

6. FITNESS TO DRIVE

It is every individual's responsibility to ensure that they are medically fit to drive, including eyesight requirements.

Drivers of vehicles, in particular vehicle classes over 3500 kg gross weight or who drive on average for three hours or more each day will be required to undergo a driver medical assessment with the Council's Occupational Health Provider and / or GP. This, in particular will apply to drivers who are frequently required to drive at night or who drive minibuses and vehicles requiring category C Driver Licence entitlement.

Driver health assessments will take place every three years. In addition to which drivers of LGV's will be required to undertake driver medicals every five years from the age of 45 and annually from the age of 65.

Employees must not drive at work under any circumstances which they know may affect their ability to drive safely. Drivers must declare to their line manager if they are suffering from any medical condition, or are taking any medication which might adversely affect their ability to drive safely, (e.g. epilepsy, diabetes, visual impairment or other relevant medical condition). In such instances referral to the Council's Occupational Health, advisor may be required.

Employees must not drive at work when they are under the influence of drugs, (whether prescription, non-prescription, legal or not legal) or alcohol.

Where a driver is deemed medically unfit to drive they will be removed from driving duties until such time as their capability is established. The Council will support individuals to ensure their fitness to drive is achieved, in particular where staff are required to drive as an essential part of their employment role.

6.1 Drivers Health Checks for Employees

Drivers will be required to undergo periodic health screening organised through the Council's Occupational Health Service and/or staff's General Practitioner. Where health conditions are identified which affect ability to drive, this will be considered by way of the Council's redeployment and/or Capability procedures.

The Council will meet costs associated with driver medical assessments and screening. Specific medical assessment is required for occupational drivers of vehicles over 3500kg, as follows:

- **Class C - LGV (Large Goods Vehicle)** - A medical certificate (DVLA Form D4) is to be completed by the drivers' doctor before applying for a LGV driver's licence. A further examination and completed medical certificate is required for each renewal application from the age of 45 (usually 5-yearly). After reaching 65 years a medical examination is required for each annual renewal of the entitlement.
- **Class C1** - Since 1st January 1997 new drivers of vehicles over 3.5 tonnes gross weight (covered by driving licence category C1) require the same medical examination as LGV drivers with 5 yearly renewals after age 45 years and annually after age 65 years.
- There are certain derogations for drivers of leisure project vehicles as shown in section 9.7.

7 **ACCIDENTS AND INCIDENT REPORTING**

Whenever a Council operated or hired vehicle is involved in an accident the driver of the vehicle is responsible for carrying out the reporting procedure as soon as possible unless he/she is incapacitated as a result of injury sustained in the accident. Where a driver is incapacitated the reporting procedure will be carried out by the Line Manager.

In exceptional cases where someone is injured or trapped in a vehicle the driver must carry out the procedure set out below. If a Council employee is injured as a result of being involved in a traffic accident it will be necessary to complete a report using the prescribed form available.

7.1 Legal Requirements

Drivers must stop after an accident and obliged to provide their name and address, registration number, and the name and address of the Authority to any person who has reasonable grounds to ask for the information. If it has not been reasonably possible to stop and follow this procedure, the accident should be promptly reported to the driver's line manager and where required, the Police within 24 hours of the event.

Accidents must be reported to the Police if it has caused injury to another person, certain animals (i.e. dogs, horses, sheep and cows) or property where you are unable to locate the owner and furnish details.

In both the driver and Authority's interests, drivers should try to obtain details of other drivers/vehicles involved in the accident and their Insurance details; also, names and addresses of witnesses and try to sketch details of the accident especially skid marks and \ or take photographs where possible.

No statement admitting liability should be made but the Police should be given all reasonable assistance.

Drivers must comply with all road transport legislation in order to protect themselves and the Authority from prosecution; therefore, it is in their own interests to read and utilise all the information and advice made available to them.

Managers and Supervisors have a responsibility to ensure that they comply with Transport legislation at all times and that their records are completed, maintained and certified in the prescribed manner.

7.2 Moving Traffic Accident

- Stop the vehicle and switch off the ignition.
- If necessary contact the emergency services.
- Exchange particulars with the driver of any other vehicles involved.
- Take the names and addresses of any independent witnesses.
- Make a note of site conditions such as position of vehicles, road and weather conditions etc., and if possible make a sketch of the site.
- If the damage to the Council operated or hired vehicles renders the vehicle un-roadworthy, drivers must contact their line manager and the Transport Team. If the Vehicle is safe to drive the journey may be continued or the vehicle may be returned to its operating depot.
- DO NOT ACCEPT RESPONSIBILITY OR LIABILITY FOR ANY ACCIDENT TO ANY THIRD PARTY AND DO NOT ARGUE.

7.3 Vehicles Damaged whilst unattended (Council or Third Party)

In general terms the procedure set out above applies to cases where a vehicle is damaged whilst parked and unattended.

If a Council operated vehicle is damaged and the other vehicle has left the site it may not be possible to exchange details and therefore it becomes important, if possible, to obtain information from anyone who may have witnessed the INCIDENT.

In cases where a Council vehicle collides with and causes damage to a parked and unattended vehicle the driver must attempt to identify and locate the owner of the damaged vehicle and exchange details.

If the owner cannot be located the driver of the Council vehicle must leave details attached to the damaged vehicle and notify the Police.

7.4 Damage to Property

If a Council operated vehicle collides with and causes damage to property the driver of the vehicle must attempt to make contact with the owner or person in charge of the property.

In cases where the owner or person in charge cannot be contacted the driver must leave details of the incident and contact details at the property and notify their Line Manager and notify the Police.

7.5 Reporting Accidents or Damage

The driver of any Council operated vehicle is responsible for reporting any incident or accident involving the vehicle under their control except in cases where injury prevents the driver from making a report, in which case the report will be made by the service areas Line Manager.

Vehicle accidents must be reported on the prescribed form available on the intranet and from the Transport Team. The completed forms should be taken to the Transport Team either on the same day or within 24 hours of an accident occurring. The Transport Team will register the forms on the system and forward them to the Insurance Officer.

Where an incident involves any of the following the driver may be suspended from driving duties immediately:

- Endorsable Road Traffic Offences (whilst at work)
- Serious Complaints concerning driving.
- Dangerous occurrences at work or breaches of safety rules.
- Injury to Others

Damage caused to Property/Plant/Vehicles arising from the possible negligence of the driver.

Where the incident is not considered of a minor nature the driver's Line Manager will consider (in consultation with Transport Team and \ or Health and Safety Advisor) suspension of the driver from driving duties on a "without prejudice" basis until the eventual outcome of an investigation is undertaken.

Whilst suspended from driving duties, pending the investigation and subsequent meeting to discuss the conclusions of the investigation, the driver's normal basic rate of pay and required level of performance will be maintained. Overtime payments which would have accrued had driving been undertaken will not be payable unless contractual. During the period of suspension from driving, the driver will be allocated other duties within his/her own service area, wherever possible.

Dependent upon the outcome of any initial accident investigation in consideration of accident severity in respect of loss, damage to Council/Private property, injury to staff and/or others and failure to meet requirements of this Policy and/or wider safety rules, the matter may be considered further by way of the Council's Disciplinary Policy.

The relevant Director will arrange for a meeting to be convened with the driver and his/her representative as soon as possible after receipt of the report, in order that the driver may be informed of the conclusions reached and of any further action to be taken against him/her as a result of the conclusions.

Drivers or operators of plant may be required to undertake training, re-training or assessment where it is considered that their conduct and capabilities warrant such as outlined in the Driver Training section of this policy.

The Council's Transport Team and Insurance Officer will monitor damage to vehicles, plant and equipment to establish any trends and areas for improvement and \ or training. The Transport Teams will bring to the attention of service managers any such findings.

7.6 Action Following 'at fault' Accidents

Where an employee has 2 or more 'at fault' accidents within a rolling 12 month period, or has a conviction for a road traffic offence whilst driving at work, the following process will apply:

Stage 1 - The employee will be invited to a meet with their manager to discuss their driving standards and conduct. At this informal meeting the manager may arrange for Driver Assessment to determine if there is any lack of driving skills, aptitude or unacceptable risk taking behaviour, followed by driver training for those drivers where this would be beneficial. Assessments and decisions will be placed on the employee's personal file and communicated to the member of staff.

Stage 2 - Where further accidents occur following this, formal disciplinary action may be considered further to driving standards and conduct having been investigated.

A driver will have a right of appeal at any stage when an 'at fault' decision has been made.

If the manager feels it is appropriate to suspend the employee from driving duties at any point due to the nature or number of incidents, they must seek the approval for this suspension from their Director in advance of implementing any period of suspension.

7.7 Roadside Penalties

The Police and VOSA can issue fixed penalty notices at the roadside for breaches of some sections of legislation. The Police and VOSA can issue fixed penalty fines for road traffic offences, vehicle 'defect rectification' notices and demand breath samples.

Fixed penalties are normally in the region of £30 to £200 and further action may result which could result in points (from 2 to 8 points) being added to the drivers licence. In all cases the **driver** is responsible for payment of any fines.

8. **DRIVER FATIGUE AND WORKING TIME**

Driver fatigue is a serious problem resulting in many thousands of road accidents each year. Sleepiness reduces reaction time, vigilance, alertness and concentration so that the risk of accidents is increased.

The Transport Team in conjunction with the Service Managers will monitor drivers of LGV vehicles to ensure strict compliance with European 'driver hours' and \ or Transport Mobile Working Time Directive requirements.

8.1 Drivers' Hours Rules (Domestic)

The UK Domestic drivers' hours' rules apply to drivers on journeys within the UK who are exempt or excluded from the EU rules.

It is an offence for a driver to contravene these rules or for an employer (or anyone else to whose orders the driver is subject) to cause or permit them to do so. The penalty (if convicted) is a fine of up to £2,500 per offence and the operator's licence (Council) and vocational licence (driver) may also be at risk.

- Daily driving limit - You must not drive for more than 10 hours in a day. The daily driving limit applies to time spent at the wheel driving. Driving may be on or off the public road.
- Duty time - Duty time is any working time.
- Daily duty limit - You must not be on duty for more than 11 hours in any working day. This limit doesn't apply on any working day when you don't drive.

Concessions to the daily duty limit may apply to some drivers of leisure project vehicles. Drivers are exempt the duty limit on any working day they do not drive. The legislation should be referred to in this instance and drivers made aware of why they have the concession in case they are subject to a roadside check from VOSA or the Police.

Driver must record hours on a weekly record sheet or by way of vehicle tachograph equipment to demonstrate the taking of breaks in accordance with EU Driver Hours and \ or Organisation of Working Time of Persons Performing Mobile Transport Operations.

The Directive(s) is incorporated within the Road Transport Regulations (RTR) and requires legal compliance as follows:

- An average 48 hour working week calculated over a 17 week reference period (4 months).
- NO opt out of the average 48 working week is available.
- A maximum 60-hour working limit applies in any given week. However, the 48 hour average will not be exceeded over the 17 week reference period.
- Night time is defined as a period between midnight and 04.00 hours for drivers and crew of goods vehicles, and between 01.00 – 5.00 hours for drivers and crew of passenger vehicles.
- If any work, regardless of its duration, is undertaken during night time a maximum 10 hour night work limit will apply in each 24 hour period. However, the night work limit can be dis-applied by a collective or workforce agreement (relevant agreement) without prejudice to EU drivers' hours rules on daily and weekly rest that must be observed.
- If the worker is employed by two or more employers then the weekly working time is the combined total of the hours worked (excluding breaks, rest and periods of availability).

VOSA enforce the regulations; primarily in response to complaints they receive. Their approach will initially be to educate employers and workers, rather than look to prosecute. Nevertheless, where evidence exists that the rules are being systematically broken examiners will be at liberty to check working time records at an employer's premises.

A 30 minute break is required if total working time is between six and nine hours and 45 minutes if total working time exceeds nine hours. These breaks can be subdivided into minimum 15 minute periods. Total working time in respect of breaks does not include periods of availability.

In most instances drivers subject to EU driver hours' rules will satisfy this requirement if breaks are taken in accordance with the EU rules that will continue to take precedence. However, mobile workers who are likely to clock up more than six hours duty before reaching four and a half hours driving would need to satisfy the working time break requirements as previously described.

(Note – Refuse 'door to door' collection is exempt from EU driver hours and will need to comply with break periods within the 6 to 9 hour band range and not the 4.5 hour EU driver hours' requirement).

Breaks taken in accordance with RTR may be taken at the workstation including the cab of the vehicle provided the worker is not required to undertake any activity that could be regarded as 'work'. Breaks are not regarded as working time whether paid or unpaid.

The Road Transport Working Time Regulations (RTR) do not make specific provision for daily and weekly rest as these requirements are set by EU Drivers' Hours Regulation 3820/85 in relation to drivers and the Horizontal Amending Regulations for other mobile workers (Refuse collection exempt).

8.2 Record Keeping

The Council will keep records of working time for mobile workers for two years after the period covered. These records will include the weekly working time and time spent working at night (if applicable). Drivers must ensure their tachograph data is downloaded every two weeks to meet this requirement.

In respect of Tachograph regulations, these require that on days where driving occurs the record provides a full 24 hour record of all activities. In most cases tachograph records will provide sufficient information for working time records; however, in a day or week where non-driving work is undertaken additional records may be required. It should be remembered that tachograph records will be retained for two years as working time records.

In the operation of LGVs the Council will utilise Tachograph equipment (Paper Disc and /or Driver PIN Card) as the primary method to ensure compliance with driving hours and break requirements. The Council may also use a variety of paper based and ICT recording systems such as time sheets, vehicle and plant sheets, log book and vehicle tracking devices. In the case of Driver PIN Cards, the Council will provide these to staff; however, should a driver lose their card they may be required to meet the cost of a replacement.

The Council require that all staff engaged in 'mobile transport operations' falling within the scope of the directive take a minimum of 30 minute break(s) (i.e. 1 x 30 or 2 x 15 minutes) during working hours and patterns of between 6 and 9 hours duration; and were working hours extend beyond 9 hours in duration, increasing to a total of 45 minutes breaks.

To ensure driver compliance, in particular driving of a vehicle above 3.5 tonne (GVW), drivers are required to utilise tachograph equipment to demonstrate compliance with the legal working time break(s) requirement.

9. COMPETENCY TO DRIVE

9.1 Driver Qualification

All staff required to drive on Council business must be legally qualified to drive the relevant class or type of vehicle and plant. It is the responsibility of Service Managers to ensure drivers hold relevant driver and / or vocational licence entitlement. Driver licence entitlements are summarised as follows:

Category	Vehicle type	Minimum Age	Comments
AM	Motorcycle	16	Light motorcycle with a design speed of less than 45 km/h (28 mph).
A1	Motorcycle	17	Light motorcycles with a cubic capacity not exceeding 125 cc and of a power output not exceeding 11 kW (14.6 bhp).
A2	Motorcycle	19	Motorcycles up to 35 kW (47 bhp) and a power to mass ratio not exceeding 0.2 kW/kg. Motorcycle combination with a power mass ratio not exceeding 0.2 kW/kg.
A	Motorcycle	24	Any size motorcycle with or without a sidecar.
B1	3 or 4 wheeled light vehicles	17	Motor tricycles/quadracycles up to 550 kg (1,210 lb) unladen.
B	Cars	17	<ul style="list-style-type: none"> Motor vehicles with a MAM not exceeding 3,500 kg (7,700 lb) having not more than 8 passenger seats with a trailer up to 750 kg (1,650 lb). Combinations of vehicles in Category B and a trailer when combined vehicle and trailer MAM's are less than 3,500 kg.
B	Minibuses	21	Vehicles with between 9 and 16 passenger seats not for hire or reward. MAM not exceeding 3.5 tonnes or 4.25 tonnes including specialist equipment for the carriage of disabled passengers. No trailer of any size may be pulled. B licence must have been held for 2 years. Valid for minibuses only when used in the United Kingdom.
B (Automatic)	Automatic cars	17	As cars (B), but only those with automatic transmission.
B+E	Cars with trailers	17	As category B but with a heavier trailer that isn't covered in the descriptions for category B.
C	Large vehicles	21	Vehicles over 3,500 kg (including those over 7,500 kg) with a trailer up to 750 kg.
C1	Medium sized	18	Vehicles between 3,500 kg and 7,500 kg with a

	vehicle		trailer up to 750 kg.
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Category	Vehicle type	Minimum Age	Comments
C1+E	Medium sized vehicle with trailers	21	Combinations of vehicles where the towing vehicle is in subcategory C1 and its trailer has a MAM of over 750 kg provided that the MAM of the combination thus formed does not exceed 12,000 kg and MAM of the trailer does not exceed the unladen mass of the towing vehicle.
C+E	Large vehicles with trailers	21	Vehicles over 3,500 kg (including those over 7,500 kg) with a trailer over 750 kg.
D1	Minibuses	21	Vehicles with between 9 and 16 passenger seats with a trailer up to 750 kg. <i>See also under B</i>
D1+E	Minibuses with trailers	21	Combinations of vehicles where the towing vehicle is in subcategory D1 and its trailer has a MAM of over 750 kg, provided that the MAM of the combination thus formed does not exceed 12,000 kg, and the MAM of the trailer does not exceed the unladen mass of the towing vehicle.
D	Buses	24 ^L	Any bus with more than 8 passenger seats with a trailer up to 750 kg.
D+E	Buses with trailers	21	Any bus with more than 8 passenger seats with a trailer over 750 kg.
f	Agricultural tractors	16	N/A
g	Road rollers	21	N/A
h	Tracked vehicles	21	N/A
k	Mowing machine or vehicle controlled by a pedestrian	16	N/A
l	Electric vehicles	17	Category now deprecated – tests no longer available (since 2001) for this category. Vehicles now fit into category B1 or B.
n	Vehicles used for very short distances on public roads	N/A	Category now deprecated – tests no longer available (since 2001) for this category. Vehicles now fit into category B1 or B.
p	Motorcycles	16	Engine capacity must not exceed 50 cc and the maximum design speed must not exceed 50 km/h (31 mph).
q	Mopeds	17	2-wheeled vehicles with engine size not more than 50 cc if powered by an internal combustion engine or maximum design speed of no more than 25 km/h (15.5 mph).

Staff and Elected Members undertaking driving on Council business are required to present relevant documentation on request (at least annually) to demonstrate they hold necessary entitlements to undertake their driving role.

Only original driving licences (Insurance and MOT documents for grey fleet) will be accepted. Line Managers, if taking copies of original documents will endorse them with their signature and date prior to forwarding to the Transport Team to demonstrate originals were reviewed. Checks will be undertaken as follows:

- The Transport Team in conjunction with Service Managers will undertake driver licence checks of staff required to undertake driving Council owned and or/hired vehicles and plant. Staff will on request present their driving licence to ensure that they hold a current licence together with relevant entitlements.
- The Human Resource Team will undertake driver licences, Insurance and MOT document checks of staff and Elected Members who undertake driving on Council business using their own private motor vehicles (grey fleet).

Licences of new members of staff will be checked as part of the recruitment process and time of first day induction.

In the event of changes to staff's licence, incurring endorsement, medical restrictions and/or any other restrictions to drive, drivers (staff) must inform their Line Manager promptly to consider any impact on their driving capability.

Drivers who incur 9 points or greater on their licence (subject to severity of driving offences) may be restricted from undertaking driving duties on Council business. Drivers must be aware that where driving is an essential part of their employed role, the loss of their driving entitlement may affect their continued employment with the Council.

9.2 Driver Assessment and Training

Driver training will normally be identified by Service Managers through annual staff appraisals and organised in conjunction with the Transport Team.

Driver assessment may be influenced by factors such as the incidence and / or type of accidents incurred; or the frequency of driving undertaken and level of mileage incurred per annum. Drivers of large goods vehicles or specialist plant and equipment may also be required to undertake additional training or assessment; in particular to meet requirements of CP Driver Training.

The Transport Team, in conjunction with Service Managers, will arrange for driver assessments and / or familiarisation sessions for drivers of vehicle in categories set out below.

9.3 Driver Induction

Service Managers will ensure that new staff first day induction includes where relevant, driving duties. Where necessary this will be in conjunction with the Transport Team.

9.4 Large Goods Vehicles (LGV)

Operation of vehicles over 3.5tonne is restricted to vocational professional qualified drivers holding a class **C licence** (see 9.7 for exception). A driver will be permitted to drive **only** following a satisfactory occupational health assessment including eyesight examination.

9.5 Light Commercial Vans (LCV)

Drivers of vans up to 3.5tonne on Council business require holding a class **B licence**. A driver will be permitted to drive **only** following a satisfactory occupational health assessment including eyesight examination.

9.6 Minibuses

UK law requires all minibus drivers to be over 21 years of age and have held a class **B licence** for at least 2 years and hold entitlement to drive vehicles with D1 classification. All minibus drivers will be required to undertake MIDAS training, regardless of 'grandfather rights'.

In order to drive a minibus on Council business you must have **less than 9** penalty points and must be authorised by your Line Manager.

9.7 Trailers

Drivers required to utilise trailers are required to hold driving licence entitlement as follows:

- (a) B + E – vehicles up to 3500kg plus trailer above 750 kg
- (b) C + E – vehicle of 3500kg plus trailer above 750 kg
- (c) D1 + E – minibus plus trailer above 750 kg

Drivers who gained their licence before 1st January 1997 will automatically hold this entitlement on their licence, however, this will not necessarily allow drivers to utilise trailers unless considered competent to do so or having received training or assessment.

Drivers who use trailers, unless they have a specific post 1997 qualification, will undergo specific training and assessment in trailer use, which will include pre-checks for lights and hitches, and driving characteristics of vehicles with trailers and how this may affect stopping distances, turning circles, reversing, use of reversing assistants (where applicable) and clearances.

Trailers, whilst being towed on the highway, are subject to legal requirements relating to any other vehicle in as much as they should be maintained in a roadworthy condition. Drivers when utilising trailers must pay particular attention to the following:

- (a) Light fittings, number plates and any relevant signs must be in good order and clearly visible.
- (b) The towing attachment (jaw or ball) and reversing clamp must move freely and the overrun brake must be operable. All securing pins and devices must be secured along with the emergency break snag connection to the vehicles drawbar;
- (c) Drivers are responsible for ensuring the effectiveness of all connections between towing vehicle and trailer.

- (d) The trailer door must be closed with all securing pins in place to prevent opening during transport.
- (e) Drivers are responsible for ensuring that any load placed on a trailer under their control (i.e. equipment and/or materials) is evenly distributed and securely lashed to prevent movement during driving or covered to prevent loss of load.
- (f) Drivers must ensure the legal MAM (Maximum Authorised Mass) and/or plated payload of the trailer is adhered to at all times (this can be found on the plate situated on the trailer 'A' frame of body part).

9.8 Leisure Project Vehicles

In the case of heavy vehicles primarily used for leisure/educational purposes, ('mobile project vehicles') there is a legal exemption for drivers who are not required to hold the above licence. In this case it is essential that the driver undergoes competency training and familiarisation training. This will be organised by the Line Manager and if required, in conjunction with the Joint Fleet & Transport Manager.

Drivers of mobile project vehicles will in any case need to be over 21 and have held their licence for two years, and will be deemed 'occupational drivers' for driver medical purposes.

Concessions to the daily duty limit may apply for drivers of leisure project vehicles who do not driver for more than 4 hours on every day of a fixed week (commencing midnight Sun/Mon). If they driver for more than 4 hours on any day in that fixed week the limit applies for every day in that week.

10 USE OF MOBILE PHONES

Any driver who uses a mobile phone whilst in charge of a moving vehicle will be in breach of the Road Traffic Act 1988 and Regulation 104 of the Road Vehicles (Construction and Use) Regulations 1986, and could be prosecuted for:

- (a) Dangerous driving; and/or
- (b) Careless or inconsiderable driving
- (c) Not exercising proper control of the vehicle at all times.

Drivers must not make calls unless the vehicle is stationary and are required to pull up in a safe position before accepting or making a call.

No employee whilst driving on Council business will use a mobile phone (even 'hands free') whilst in control of a running vehicle. Other team members present in a vehicle may accept and make calls whilst the vehicle is mobile, but at no time must the driver accept or make calls whilst the vehicle is mobile.

11 VEHICLE INSPECTION AND MAINTENANCE

All vehicles provided by the Council will be included in a planned preventative maintenance programme in accordance with the manufacturer's recommendations.

Vehicle maintenance is arranged and managed by the Transport Team in conjunction with relevant Service Managers.

The Transport Team will ensure Council operated fleet vehicles and plant (owned, leased or hired) have valid MOT certificate, valid tax disc and insured by way of the Council's motor vehicle insurance policy.

All Council vehicles will be equipped with a suitable fire extinguisher and first aid kit. Drivers are required to carry out daily vehicle checks using prescribed checklists and report faults to their Line Managers which will be retained by the Transport Team.

Historical vehicle maintenance, defects and repairs will be recorded in the Council's Fleet Management System (FMS) to ensure demonstration of its duty of care. The Council will retain paper based records for up to 2 years.

12. TECHNOLOGICAL DRIVING AND VEHICLE AIDS

The Council operate a web based vehicle and plant tracker system to specified fleet items for health and safety, security and operational productivity/service improvement reasons. GIS facilitates live tracking with visual map replays as well as detailed/summary reports. Service Managers manage the system within their respective service areas with support from the Transport Team. It is the intention that the system is used in an open and transparent manner.

The live tracking displays the current status of the vehicle i.e. geographic position, speed, direction of travel and ignition status. On certain fleet items it also provides additional information from data input relating to items such as the brush controls on a mechanical sweeper, the bin lifts on a refuse collection vehicle and the cutter position on ride-on mowers. The location, time and speed of the vehicle, as well as any additional data inputs, are reported to a central database for retention of records and reporting.

Similarly, vehicle EDV (Event Data Recorders) and CCTV (Closed Circuit Television) systems may be fitted to specialist vehicles or operational plant; for instance, refuse collection vehicles which include four cameras, one to the front, one to the rear and one on each side with hard disk recorder is fitted inside the cab.

Data recorded by the systems provides an accurate witness, for example as to whether a bin was out; if damage was caused to another vehicle or property from a Council operated vehicle. This can save both time and money for the Council in refuting unscrupulous claims for damage and defending Council staff.

The Council will utilize technological aids to monitor its fleet in order to:

- Analyse vehicle movements to maximise vehicle utilisation, improve productivity, service delivery and enhance efficiency.
- Improve security and provide an effective monitoring system for the health and safety of the workforce, particularly lone workers and vehicle related operations.
- Provide evidence of actual service delivery to secure continued confidence in the delivery of these important and valued services in the district.
- Evidence our duty of care responsibility to ensure that vehicles operate within regulatory and statutory requirements.
- In circumstances involving any Road Traffic Accident (RTA) this information will also assist in protecting the Council and its employees from claims arising from such incidents.
- Facilitate targeted job dispatch whereby any urgent changes to work schedules can be advised such as RTA, Oil spill etc.
- Help support the police in tracing any stolen vehicles.

- Reducing our carbon emissions through the vehicle management system which will help with the collection of data and reduction in fuel consumption with regard to CO2 emissions.
- Assist in securing reductions in fuel consumption and costs which will further improve our efficiency of service delivery and protect Council jobs/services.
- Respond with absolute confidence to customer enquiries and complaints.
- Record drivers' hours for the Road Transport Directive and to support written evidence of both duty and driving time.

If any poor standards of driving or conduct are identified through analysis of the systems, this will be discussed with the driver concerned in order to ascertain reasons for any variation in performance. If however, those reasons are considered to be unsatisfactory and the variation in performance considered sufficient, then the Manager may have need to investigate this issue further in accordance with the Council's disciplinary policy.

It is necessary for the purposes of the legitimate interests of the Council and the interests of the employee in assessing vehicle utilisation and geographical analysis of vehicle movements. Information from technological driving aids and systems is automated and unobtrusive and details of drivers operating a specific vehicle will only be used where there is evidence of low productivity, variations in performance or unexpected movement, accidents or claims against the Council.

Staff will be informed through management briefings and driver inductions that tracking and other systems are operated by the Council for the reasons stated. Staff will be reminded that monitoring takes place where and when incidents occur. Information provided by systems will be used in health and safety monitoring and logistical management in the planning, execution and control of the movement of vehicles, materials, goods and / or people and their interrelated supporting activities.

Only authorised managers have password protected access to systems and able to access specific screens for monitoring and reporting privileges.

13. GREY FLEET

Employees using their own vehicles for work purposes are classed as 'grey fleet' drivers.

Any person driving **their own vehicle** whilst at work must certify that:

- They have a current valid driving licence for the vehicle they are using on Council business.
- They have business use cover with their insurance company for this vehicle
- The vehicle is in a roadworthy condition
- The vehicle has a current road tax disc;

In addition all employees who use their own vehicles for work will be required to provide certified copies of their driving licence and insurance documents to Human Resources and Payroll on demand.

All employees who drive Council owned or leased or hired vehicles are covered by the Council's insurance policy, provided they have the correct licence.

APPENDIX I – Legislation and Further Information

The Highway Code

The Stationery Office 2001 ISBN 0 11 552290 5

Can also be viewed on www.highwaycode.gov.uk

The Management of Health and Safety at Work Regulations 1999 SI 1999/3242

The Stationery Office ISBN 0 11 085625 2

Five steps to risk assessment Leaflet INDG163(rev1)

HSE Books 1998 (single copy free or priced packs of 10 ISBN 0 7176 1565 0)

Managing road risk. An introductory guide for employers Available from Brake

Tel: 01484 559909 e-mail: brake@brake.org.uk or fleetsafetyforum@brake.org.uk

Managing occupational road risk Royal Society for the Prevention of Accidents available from Edgbaston Park, 353 Bristol Road, Birmingham B5 7ST Tel: 0121 248 2000

Code of Practice. Safety of loads on vehicles Third edition The Stationery Office 2002

ISBN 0 11 552547 5 available online at

www.dft.gov.uk/stellent/groups/dft_roads/documents/page/dft_roads_506864.pdf

Management of work related road safety RR018 HSE Books 2002

ISBN 0 7176 2549 4 Case studies can be viewed on

www.hse.gov.uk/roadsafety/experience.htm.

Successful health and safety management HSG65 (Second edition)

HSE Books 1997 ISBN 0 7176 1276 7

For specific information about driving at work and road safety, visit the Department for Transport (DfT) website:

www.dft.gov.uk/roadsafety

www.thinkroadsafety.gov.uk

Appendix 2

Bolsover District and North East Derbyshire District Council
Joint Driver at Work Policy
CCTV System Control Document

System Name	Fleet Vehicle GIS Tracking Systems
Data Controller	Bolsover District Council
Data Processor	Operations Directorate
System Owner	Joint Director of Operations
System Manager	Assistant Director Streetscene Assistant Director Housing
System Administrator and Deputy if applicable	Joint Grounds Maintenance & Cleansing Manager Joint Refuse & Recycling Manager Joint Fleet Transport Manager
System Operators	Assistant Director Streetscene Assistant Director Housing Joint Grounds Maintenance & Cleansing Manager Joint Refuse & Recycling Manager Joint Fleet Transport Manager Waste Services Supervisor Grounds Maintenance & Cleansing Supervisor Transport Supervisor Operational Repairs Manager Strategic Repairs Manager Housing Enforcement Manager Housing Needs Manager Housing Innovation Officer Repairs Innovation Officer
Type of System	GIS Tracking – Web based vehicle tracking system providing vehicle logistical management information to be provided in the management and performance of service delivery and safeguard tracked assets.
Purpose	<p>System enhances other systems to manage operational service delivery, safety and security during working and non-working hours; in particular, as high value diesel fuel, vehicles, plant and equipment is operated and varying risks presented to staff. Systems assist in managing logistical service delivery performance and support staff in their roles when complaints are raised against their actions.</p> <p>Operation of the system adheres to the principles of the Data Protection Act 1998, Human Rights Act 1998, Regulation of Investigatory Powers Acts 2000 and other relevant legislation. The system supports Lawful Business Monitoring (LBM) arrangements and will not be abused or misused and is correctly and efficiently installed and operated.</p>

Monitoring	GIS Tracking – System only accessible to authorised Trackyou users. No personal data is viewable. All information captured relates to business usage of fleet vehicles.
Type of Recording	GIS Tracking – Web based vehicle tracking system.
Record Retention	GIS Tracking – Web based vehicle tracking system providing vehicle logistical management and 3 month historical data held by TrackYou.
Privacy Zone Identified	The system is not intrusive to any identified privacy zone
CCTV Signs	N/a
Sound Recording	None
Secure Viewing Room	GIS Tracking – System only accessible to authorised TrackYou users. No personal data is viewable. All information captured relates to business usage of fleet vehicles.
Satellite Monitoring Stations	All system information is viewable by way of Council established business premises using corporate ICT systems.
Maintenance Log	Maintenance log is kept by Streetscene Services. This is maintained by the Joint Assistant Director Streetscene, Joint Refuse & Recycling Manager and Joint Grounds Maintenance and Cleansing manager.
Visitors/ Viewing Log	A log is kept by Streetscene Services. This is maintained by the Joint Assistant Director Streetscene, Joint Refuse & Recycling Manager and Joint Grounds Maintenance and Cleansing manager.
Evidence Disclosure Log	A log is kept by Streetscene Services. This is maintained by the Joint Assistant Director Streetscene, Joint Refuse & Recycling Manager and Joint Grounds Maintenance and Cleansing manager.
Third Party Requests	System enquiries may be made to 01246 217264\593045; with data protection information requests made to the Council's named Data Protection Officer (Mrs. J. Foley).
CCTV Risk Assessment	N/a

System Name	Fleet Vehicle CCTV Systems
Data Controller	Bolsover District Council
Data Processor	Operations Directorate
System Owner	Joint Director of Operations
System Manager	Assistant Director Streetscene Assistant Director Housing

System Administrator and Deputy if applicable	Joint Grounds Maintenance & Cleansing Manager Joint Refuse & Recycling Manager Joint Fleet Transport Manager
System Operators	Assistant Director Streetscene Assistant Director Housing Joint Grounds Maintenance & Cleansing Manager Joint Refuse & Recycling Manager Joint Fleet Transport Manager Waste Services Supervisor Grounds Maintenance & Cleansing Supervisor Transport Supervisor Operational Repairs Manager Strategic Repairs Manager Housing Enforcement Manager Housing Needs Manager Housing Innovation Officer Repairs Innovation Officer
Type of System	CCTV Hard Drive DVR System – Vehicle based system providing front and rear facing recorded angles of mobile work in operation to safeguard the health, safety and securing of staff and qualify service delivery actions.
Purpose	<p>System enhances other systems to manage operational service delivery, safety and security during working and non-working hours; in particular, as high value diesel fuel, vehicles, plant and equipment is operated and varying risks presented to staff. Systems assist in managing logistical service delivery performance and support staff in their roles when complaints are raised against their actions.</p> <p>Operation of the system adheres to the principles of the Data Protection Act 1998, Human Rights Act 1998, Regulation of Investigatory Powers Acts 2000, CCTV Code of Practice and other relevant legislation. The system supports Lawful Business Monitoring (LBM) arrangements and will not be abused or misused and is correctly and efficiently installed and operated.</p>

Monitoring	CCTV Hard Drive DVR System – Information is only accessible to staff set out below, who are able to view data in their private office: Assistant Director Streetscene Assistant Director Housing Joint Grounds Maintenance & Cleansing Manager Joint Refuse & Recycling Manager Joint Fleet Transport Manager
Type of Recording	CCTV Hard Drive DVR System – Hard Disk (DVR System).
Record Retention	CCTV Hard Drive DVR System – 14 days (approx.) continuous record at which data overwrite occurs
Privacy Zone Identified	Cameras do not observe private property; rather, constrained to viewing operational service delivery (i.e. waste collection) upon

	the highway. Cameras are not trained, nor intended to monitor private property.
CCTV Signs	Vehicles fitted with CCTV signage to notify in operation.
Sound Recording	None
Secure Viewing Room	<p>CCTV Hard Drive DVR System – Information is only accessible to staff set out below, who are able to view data in their private office:</p> <p>Assistant Director Streetscene Assistant Director Housing Joint Grounds Maintenance & Cleansing Manager Joint Refuse & Recycling Manager Joint Fleet Transport Manager</p>
Satellite Monitoring Stations	All system information is viewable by way of Council established business premises using corporate ICT systems.
Maintenance Log	Maintenance log is kept by Streetscene Services. This is maintained by the Joint Assistant Director Streetscene, Joint Refuse & Recycling Manager and Joint Grounds Maintenance and Cleansing manager.
Visitors/ Viewing Log	A log is kept by Streetscene Services. This is maintained by the Joint Assistant Director Streetscene, Joint Refuse & Recycling Manager and Joint Grounds Maintenance and Cleansing manager.
Evidence Disclosure Log	A log is kept by Streetscene Services. This is maintained by the Joint Assistant Director Streetscene, Joint Refuse & Recycling Manager and Joint Grounds Maintenance and Cleansing manager.
Third Party Requests	System enquiries may be made to 01246 217264\593045; with data protection information requests made to the Council's named Data Protection Officer (Mrs. J. Foley).
CCTV Risk Assessment	Undertaken by the Assistant Director Streetscene (26 th August 2014).