

## UNION / EMPLOYEE CONSULTATION COMMITTEE

### AGENDA

Thursday 27<sup>th</sup> June 2019 at 11am in the Council Chamber, The Arc, Clowne

<b>Item No.</b>		<b>Page No.(s)</b>
	<b>PART 1 – OPEN ITEMS</b>	
1.	To receive apologies for absence, if any.	
2.	Election of Chair for 2019/20 (Union Nomination).	
3.	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.	
4.	Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct 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.	
5.	Minutes of a meeting held on 21 <sup>st</sup> June 2018.	3 to 8
6.	Minutes of a special meeting held on 25 <sup>th</sup> March 2019.	9 to 11
7.	Sickness Absence Quarter 4 (January 2019 – March 2019).	12 to 21
8.	Draft Organisational Policies.	22 to 92

## **UNION/EMPLOYEE CONSULTATION COMMITTEE**

Minutes of a meeting of the Union/Employee Consultation Committee of the Bolsover District Council held in the Council Chamber, the Arc, Clowne, on Thursday 21<sup>st</sup> June 2018 at 1100 hours.

### **PRESENT:-**

Council Representatives:-

Councillor K. Reid in the Chair

Councillors Mrs P. M. Bowmer, A. Joesbury and D. McGregor.

Unison Representatives:- C. McKinney, K. Shillitto and L. Cheong.

Unite Representatives:- No representatives present.

Officers:- L. Hickin (Strategic Director – People), D. Clarke (Head of Finance and Resources), S. Gordon (Human Resources and OD Manager) and A. Bluff (Governance Officer).

### **0083. APOLOGIES**

Apologies for absence were received on behalf of Councillors A.M. Syrett and M.J. Dooley.

### **0084. URGENT ITEMS OF BUSINESS**

The Chair consented to four urgent items of business to be considered;

1. Appointment of Vice Chair
2. Pay Policy Statement

Two Unison verbal reports;

3. Determination of Staff Pay
4. Apprenticeship Pay Rates.

### **0085. URGENT ITEM OF BUSINESS - APPOINTMENT OF VICE CHAIR**

Moved by K. Shillitto and seconded by Councillor K. Reid

**RESOLVED** that C. McKinney (Unison) be elected as Vice Chair of the Committee for the ensuing year.

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### 0086. DECLARATIONS OF INTEREST

There were no declarations of interest made.

### 0087. MINUTES – 6<sup>TH</sup> MARCH 2018

Moved by Councillor A. Joesbury and seconded by K. Shillitto

**RESOLVED** that the Minutes of a Union/Employee Consultation Committee held on 6<sup>th</sup> March 2018 be approved as a true record.

### 0088. URGENT ITEM OF BUSINESS - PAY POLICY STATEMENT

Committee considered a report in relation to the Council's Pay Policy Statement which had been reviewed for 2018/19.

Under the Localism Act 2011, relevant authorities were required to prepare a pay policy statement for each financial year.

The statement must set out an authority's approach to a range of issues relating to the pay of its workforce, particularly its chief officers and its lowest paid employees. It must also be published on the authority's website and in any other manner that the authority feels appropriate – this was to make it accessible to citizens and enable local taxpayers to take an informed view of whether local decisions on all aspects of remuneration were fair and made the best use of public funds.

Committee was invited to make any comments or observations on the reviewed Pay Policy Statement prior to it being presented to Council for approval.

A Unison representative requested clarification of section 4.2.3 of the document and also section 5.4 under Definition of Lowest-paid Employees regarding Apprenticeship Scheme pay grades and also at 7.6 (7.6.3) under Car Allowances, if the salaries of joint chief officers included the car allowance they were paid depending on which car user scheme they were in.

The Chair advised the meeting that at 4.2.2, the figures would be as follows;

<b>Grade</b>	<b>Incremental Points</b>	<b>Chief Officer £</b>
12	37	47,583
12	38	48,549
12	39	49,513

The Chair further advised the meeting that the Apprenticeship Scheme pay grades would be discussed later on the agenda. The Human Resources and OD Manager confirmed that car allowance payments were not included in the chief officers' salaries.

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A Unison representative referred to section 4.2.4.1 of the document and queried the pay multiple for the Apprenticeship Scheme. The Human Resources and OD Manager agreed to clarify this and report back to Unison.

Moved by K. Shillitto and seconded by Councillor D. McGregor

**RECOMMENDED** that the Council be recommended to adopt the revised Pay Policy Statement and approve the policy for publication.

(Human Resources and OD Manager)

### **0089. SICKNESS ABSENCE/OCCUPATIONAL HEALTH STATISTICS – JANUARY 2018 TO MARCH 2018**

Committee considered a report in relation to sickness absence statistics for the fourth quarter of 2017/18 with comparative data for 2016/17.

The sickness absence outturn figure for the fourth quarter period of 2017/18 (January 2018 to March 2018) was 2.8 days (compared to 3.14 days in 2016/17). A breakdown of the quarterly figures for both years was included in the report for Committee's information.

There were 18 long term sickness absence cases during the fourth quarter of which 15 cases had been resolved and three cases remained ongoing.

The services with the highest absence were Housing, Customer Services and Revenues & Benefits. Committee was asked to note that sickness absence had decreased in Streetscene Services.

During the year (2017/18) there was a general trend where sickness absence had increased during the winter months in comparison to the summer months, however, sickness absence had decreased in 2017/18 compared to 2016/17.

The sickness absence outturn figure for the 2017/18 period was 9.30 days against a target of 8.5 days (compared to 10.85 days in 2016/17).

Further analysis of sickness absence was being carried out to identify trends and patterns.

The Human Resources and OD Manager advised the meeting that a new occupational health provider had been procured which would enable the Council to provide improved support to employees in relation to their health and wellbeing and attendance at work. Hobson Health would commence from 1<sup>st</sup> August 2018 and would carry out on site clinics with a dedicated nurse.

Unison representatives and Members welcomed the report.

Moved by Councillor D. McGregor and seconded by Councillor P. Bowmer  
**RESOLVED** that the report be noted.

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### 0090. ORGANISATIONAL DEVELOPMENT WORK STREAMS

Committee considered a verbal report in relation to organisational development work streams.

The Human Resources and OD Manager noted that much work was being carried out across the Council in relation to organisational development activity and queried if Committee wished to receive reports on a six monthly basis regarding this.

A Unison representative welcomed the report and requested that future planned work streams also be included in the reports.

Moved by Councillor D. McGregor and seconded by C. McKinney

**RESOLVED** that (1) the verbal report be noted,

(2) future planned work streams be included in the reports.

(Human Resources and OD Manager)

### 0091. URGENT ITEM OF BUSINESS - DETERMINATION OF STAFF PAY

A Unison representative raised Unison's concern, which had arisen over the decision-making process which determined how the national pay award for 2018 should be applied to Bolsover District Council rates of pay. Unison appreciated that there were arguments for and against different interpretations of the pay award, however, Unison believed that an important decision between consistency with the national approach on the one hand, or choosing to alleviate the impact of recent years of austerity on staff on the other, should have been decided by Elected Members.

In order to ensure that all such decisions in future were dealt with by Elected Members, Unison wished to propose the following motion to the Committee;

- a. *UECC agrees that future decisions regarding remuneration of staff (including the establishment of new pay scales to take effect in April 2019) should be decided by Elected Members at full Council, following agreement at UECC. Such decisions should not be taken under delegated powers, and*
- b. *UECC recommends to Standards Committee and Council that the Constitution be amended to reflect this as a matter of urgency".*

This matter was considered urgent by Unison because waiting for a later meeting of UECC could jeopardise the Constitution being updated in time for 2019 pay scales to be decided.

The Chair and the Strategic Director – People, confirmed to Committee that Unison's concerns had been raised at the UECC management side pre meeting where it was agreed that further discussions between management and the unions would take place.

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The Unison representative agreed to withdraw the motion subject to the outcome of the discussions, however, if an agreement could not be reached in relation to the rate of pay from 2019, then the motion would be put forward to the next meeting of UECC.

The Chair assured the Committee that if an agreement could not be reached then this issue would be considered at the next UECC meeting.

Moved by Councillor D. McGregor and seconded by Councillor Mrs P.M. Bowmer

**RESOLVED** that if an agreement was not reached from discussions held between management and the unions before the next meeting of UECC in relation to the rate of pay from 2019, then Unison's motion would be put to the next meeting of UECC.

(Unison)

### 0092. URGENT ITEM OF BUSINESS - APPRENTICESHIP PAY RATES

A Unison representative drew Committee's attention to the minutes of the last meeting where it was agreed by Members and Unison that UECC supported the Apprenticeship Strategy subject to the Living Wage being applied to apprentices. However, it had come to Unison's attention that the Council was currently recruiting two apprenticeship posts at minimum wage only and this was contrary to what was agreed.

Unison sought to reach an agreement that all apprenticeships would be recruited at Foundation Living Wage with immediate effect.

Another Unison representative noted that the Council could not claim to be a Living Wage employer if apprentices were paid the national minimum wage.

This matter was considered urgent by Unison because the apprenticeship posts were already advertised.

The Human Resources and OD Manager confirmed that Unison's query was in relation to new apprenticeships. She noted that as the Strategy was a joint strategy with North East Derbyshire District Council, the issue would need to be raised at North East also.

Both councils had agreed to pay apprentices the national minimum wage based on their age, so the rationale originally put in place at Bolsover would need querying to see if that had evolved and changed. Further, the bottom of the spinal column points were being eroded with the increase of the minimum wage and the living wage. The Human Resources and OD Manager was mindful that there were some employees who were toward the bottom of the pay scales and an assessment of duties and responsibilities would need to be undertaken. This was because paying people on the same pay with limited knowledge and maybe no experience, in comparison to someone who has full experience, knowledge and skills, could cause issues and concerns from members of staff. It had become more complicated with the suggestion of looking at paying the living wage but a full assessment would need to be undertaken which could not be looked at in isolation. Budgets would also need to be looked at.

The posts currently advertised were linked to funding through the Partnership Team so there were some restrictions on those posts. The Human Resources and OD Manager

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agreed to present a report to Committee once an assessment had been undertaken. Committee was asked to note that the JCG equivalent meeting at North East Derbyshire District Council had been cancelled and the Human Resources and OD Manager had not been able to seek their views. Ideally, for both Councils, it would be beneficial to have the same principals in place regarding apprenticeships as there were some apprentices that undertook the same roles.

The Chair requested that the Human Resources and OD Manager worked with the Unions on the assessment.

The Unison representative commented that if decisions were made to change the rates of pay for apprentices then those that were recruited on the lower scales would then affectively see a pay rise once that it had been agreed. The minutes from the last meeting were not necessarily reflective of the difficulties which arose from that and it was a complication that had not been foreseen when it was discussed at the previous meeting.

The Chair requested that further to the Human Resources and OD Manager making enquiries to try to resolve the anomalies raised, the item be brought back to UECC for further discussion

The HR and OD Manager commented that the first full year of the Apprenticeship Levy funding had just passed and it had proven successful across both councils. There were apprentices that wished to apply for established job roles and those were there was a demand for particular work activities to continue. It was recognised that posts and service demands had evolved. Therefore, if an individual was undertaking full duties and responsibilities, it was ensured that their pay and Job Evaluation were an accurate reflection of this.

The Chair noted that Members had previously stated that if the Council was taking on apprentices, they were hopeful that there would be a job outcome for them.

Moved by Councillor D. McGregor and seconded by K. Shillitto

**RESOLVED** that the HR and OD Manager undertakes an assessment of the position across both councils and reports back to UECC as soon as possible.

The meeting concluded at 1135 hours.

## **SPECIAL UNION/EMPLOYEE CONSULTATION COMMITTEE**

Minutes of a meeting of a Special Union/Employee Consultation Committee of the Bolsover District Council held in the Council Chamber, the Arc, Clowne, on Monday 25<sup>th</sup> March 2019 at 1500 hours.

### **PRESENT:-**

Council Representatives:-

Councillor K. Reid in the Chair

Councillors:- Mrs P. M. Bowmer, M. J. Dooley, A. Joesbury and A. M. Syrett.

Unison Representatives:- C. McKinney and K. Shillitto.

Unite Representatives:- No representatives present.

Officers:- D. Swaine (Chief Executive Officer), S.E.A. Sternberg (Head of Corporate Governance and Monitoring Officer), S. Gordon (Human Resources and OD Manager) and N. Calver (Governance Manager).

Also in attendance was V. Dawson (Solicitor – Team Manager – Contentious) and Deputy Monitoring Officer)) and Councillor C. R. Moesby, observing.

### **0816. APOLOGY**

An apology for absence was received on behalf of Councillor D. McGregor.

### **0817. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

### **0818. JOINT APPEALS AND JOINT EMPLOYMENT COMMITTEE**

The Union/Employee Consultation Committee gave consideration to proposals put to the meeting of Council on 6<sup>th</sup> March 2019 for the revisions to the process of hearing disciplinary and capability matters in relation to Members on the Strategic Alliance Management Team (SAMT) to ensure that the process was fit for purpose.

This item of business had been deferred from the meeting of Council pending further consideration by both the Standards Committee and the Union/Employee Consultation Committee. Standards Committee Members discussed the proposals at their Meeting on 11<sup>th</sup> March 2019 and made their recommendations for consideration at this meeting of UECC.



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A supplementary report had been produced setting out Standards Committee's views and comments as well as a revised set of recommendations. As part of the review of the Constitution it had been identified that there was a flaw in the Terms of Reference for the Joint Employment Committee and the Joint Appeals Committee whereby their Membership both comprised of both Council Leaders and Deputies and the Leader of the Principal Opposition in each Council. This would mean that any Member of the SAMT would be subject to disciplinary and capability process by the Joint Employment Committee and would appeal to the same Members against a decision made. This was a breach of natural justice.

In addition the Terms of Reference for the Joint Committees, on closer inspection, did not align across both North East Derbyshire and Bolsover District Council – one allowed disciplinary procedures and the other did not.

Officers advised that a revised arrangement was required to resolve the gap in the process to avoid any legal challenge against decisions made by either the JAC or the JEC.

The proposals detailed in the 6<sup>th</sup> March Council report were for amalgamation of the two Committees to create a Joint Employment and Appeals Committee (JEAC) which would sit as an eight Member Committee to deal with appointment of SAMT Members. The membership proposed would be the Leader, the Deputy Leader a Cabinet Member and the Leader of the Principal Opposition Group at both authorities. It was further proposed that disciplinary and capability procedures for Directors and Heads of Service be heard by a more senior officer with a right of appeal to Members. A revised Terms of Reference, as set out in Appendix 1 to the report, and a further amendment to the Scheme of Delegation was suggested to be included within the Review of the Constitution.

When considering this matter at the meeting on 11<sup>th</sup> March Standards Committee Members were supportive for a clear and consistent approach and procedure across both authorities which reflected ACAS guidance and the relevant statutory regulations. However, they had reservations that the revised amendments were the desirable way of dealing with these matters and whilst they were happy for the proposals to be agreed in order to make the process sound, they wished for the Terms of Reference and the processes associated with the Committee's to be considered at their forthcoming meeting on the 1<sup>st</sup> July 2019.

A Unison representative recognised the problems identified within the Constitution and was supportive of the temporary fix. He was satisfied that a suitable approach was for senior officers to be treated the same as all other BDC staff and comfortable with the principles contained within the proposals. Further, Unison were satisfied that Standards Committee at their Meeting on 1<sup>st</sup> July could consider this matter further and the Terms of Reference, including safeguards, could be refined and reviewed at that time.

The Unison representative confirmed that there were no Unison members subject to the processes outlined and he was unable to speak on behalf of Unite who may have their own concerns about the fairness of the proposals.

The Chief Executive Officer confirmed that Unite representatives had been briefed on the proposals and should any of their members be subject to this process they would be required to brief them direct. The Unison representative wished for it to be noted that

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whilst Unison were happy that their reservations could be addressed through a further review he was only speaking on behalf of Unison. It was further confirmed that the comments made at the meeting could be fed into the review undertaken by Standards Committee in July 2019.

Moved and seconded

**RESOLVED** that (1) the views expressed at the meeting on the proposals be incorporated into the recommendations made to Council for consideration of this matter on 3<sup>rd</sup> April 2019;

(2) recommendations made in the original report to Council on 6<sup>th</sup> March be made to Council on 3<sup>rd</sup> April 2019,

(3) it be noted that the arrangements agreed would be reviewed and comments incorporated as part of the 2019/2020 planned Constitutional review at Standards Committee.

(Governance Manager)

**Bolsover District Council**

**Union/Employee Consultation Committee**

**27<sup>th</sup> June 2019**

**Sickness Absence Quarter 4 (January 2019 – March 2019)**

**Report of the HR & OD Manager**

This report is public

1. **Purpose of the Report**

1.1 To report the sickness absence figures throughout the Council for Quarter 4, January to March 2019.

2. **Issues for Consideration**

2.1 Figure 1 shows a summary of sickness absence levels within Bolsover District Council for the months January to March 2019.

2.2 Absence for the Senior Managers Group is shown as 50% of the total absence for Senior Managers as this is split with Bolsover/NE Derbyshire District Council.

2.3 The **average number of days lost per employee** for the Quarter 4 was **2.09 days**.

2.4 The **2018/19** actual outturn figure for the **average number of days lost per employee** is **8.7 days**

2.5 The annual target for the Local Performance Indicator to the end of March 2019 is **8.5 days**.

3. Summary of Key Corporate Trends

The following tables detail the key pattern and trends being experienced corporately in relation to sickness absence.

Table One: Organisational Outturn Average Number of Days Absence

	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>Current Year 18/19</b>
<b>Quarter One</b>	1.35	1.92	2.00	2.23
<b>Quarter Two</b>	1.49	2.74	2.12	1.86
<b>Quarter Three</b>	1.65	3.05	2.38	2.52
<b>Quarter Four</b>	1.91	3.14	2.80	2.09
<b>Overall Outturn</b>	<b>**6.28</b>	<b>**10.75</b>	<b>9.3</b>	<b>8.7</b>

**\*\* NB for 2015/16 and 2016/17 out-turn figures include retrospective TMS revisions**

Table Two: Organisational Long Term/Short Term Split Days Percentage

	<b>2015/16</b>		<b>2016/17</b>		<b>2017/18</b>		<b>2018/19</b>	
	Short term	Long Term	Short term	Long Term	Short term	Long Term	Short term	Long Term
<b>Quarter One</b>	43.5%	56.5%	28.9%	71.1%	31.4%	69.6%	34.0%	66.0%
<b>Quarter Two</b>	57.8%	42.2%	47.4%	52.6%	35.5%	64.5%	35.0%	65.0%
<b>Quarter Three</b>	47.9%	52.1%	29.7%	70.3%	50.3%	49.7%	32.4%	67.6%
<b>Quarter Four</b>	42.9%	57.1%	34.0%	66.0%	49.4%	50.6%	43.6%	56.4%
<b>Overall Outturn</b>	<b>47.6%</b>	<b>52.4%</b>	<b>27.0%</b>	<b>73.0%</b>	<b>37.4%</b>	<b>62.6%</b>	<b>36.25%</b>	<b>63.75%</b>

Table Three: Number of Long Term/Short Term Cases

	<b>2015/16</b>		<b>2016/17</b>		<b>2017/18</b>		<b>2018/19</b>	
	Short term	Long Term	Short term	Long Term	Short Term	Long Term	Short Term	Long Term
<b>Quarter One</b>	77	9	78	18	69	16	104	18
<b>Quarter Two</b>	101	7	69	24	96	18	85	14
<b>Quarter Three</b>	108	11	112	25	112	18	98	21
<b>Quarter Four</b>	104	15	110	25	144	18	103	14
<b>Overall Outturn</b>	<b>390</b>	<b>42</b>	<b>369</b>	<b>92</b>	<b>421</b>	<b>70</b>	<b>390</b>	<b>67</b>

Table Four: Top Three Services Proportionately Experiencing Highest Levels of Absence

	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>Current Year 18/19</b>
<b>Quarter One</b>	1 Housing 2 Legal 3 Revenues	1 Legal 2 Finance 3 Democratic	1 Customer Services 2 Housing 3 Planning	1 Customer Services 2 Property/Estates 3 Housing/CS
<b>Quarter Two</b>	1 Democratic 2 Ec. Growth/Hsg Strat 3 Revenues	1 Democratic 2 Streetscene 3 Property & Estates	1 Planning 2 Customer Services 3 Democratic	1 Customer Services 2 Elections 3 Revs & Bens
<b>Quarter Three</b>	1 Democratic 2 Legal 3 HR & Payroll	1 Democratic 2 Finance 3 HR & Payroll	1 Customer Services 2 ICT 3 Democratic	1 Elections 2 HR/Payroll/H&S 3 CEO/Dir/HoS
<b>Quarter Four</b>	1 Democratic 2 Street Services 3 Finance	1 Democratic 2 Property & Estates 3 Housing	1 Streetscene 2 Customer Services 3 Revenues	1 CEO/Dir/HoS 2 Democratic 3 Customer Services
<b>Overall Outturn</b>	<b>1 Democratic</b> <b>2 Ec. Growth/Hsg Str.</b> <b>3 Revenues</b>	<b>1 Democratic</b> <b>2 Property &amp; Estates</b> <b>3 Streetscene</b>	<b>1 Cust Services</b> <b>2 Housing</b> <b>3 Revenues</b>	<b>1Cust Services</b> <b>2CEO/Dir/HoS</b> <b>3HR&amp;Payroll</b>

Table Five: Top Three Services Proportionately Experiencing Lowest Level of Absence

	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>Current Year 18/19</b>
<b>Quarter One</b>	1 CEPT 2 Community Safety 3 HR & Payroll	1 CEPT 2 Economic Growth 3 HR & Payroll	1 Perf/Comms 2 ICT 3 Legal	1 HR & Payroll 2 Elections 3 Procurement
<b>Quarter Two</b>	1 Finance 2 CEPT 3 Planning	1 CEPT 2 Improvement 3 Planning	1 Finance 2 Perf/Comms 3 CEPT	1 Perf/Comms 2 CEPT 3 Econ Growth
<b>Quarter Three</b>	1 Ec. Growth/Hsg Strat. 2 CEPT 3 Finance	1 Comm Safety 2 Improvement 3 Planning	1 Finance 2 Planning 3 Econ Growth	1 Procurement 2 CEPT 3 Finance
<b>Quarter Four</b>	1 Comm Safety 2 Improvement 3 Legal	1 CEPT 2 Legal 3 Improvement	1 Finance 2 CEPT 3 Legal	1 Finance 2 Partnerships 3 Procurement
<b>Overall Outturn</b>	1 <b>CEPT</b> 2 <b>Comm Safety</b> 3 <b>Improvement</b>	1 <b>CS&amp;I</b> 2 <b>CEPT</b> 3 <b>Comm Safety</b>	1 <b>Finance</b> 2 <b>Legal</b> 3 <b>CEPT</b>	1 <b>Procurement</b> 2 <b>Finance</b> 3 <b>CEPT</b>

Table Five: Top Three Reasons for Absence

	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>Current Year 18/19</b>
<b>Quarter One</b>	1 Musc Skeletal 2 Other 3 Stomach/digestion	1 Musc Skeletal 2 Stress/Dep 3 Other	1 Operations/Hosp 2 Stress/Dep 3 Musc Skeletal	1 Stress/Dep 2 Musc Skeletal 3 Other
<b>Quarter Two</b>	1 Stress/Dep 2 Musc Skeletal 3 Other	1 Musc Skeletal 2 Stress/Dep 3 Other	1 Stress/Dep 2 Operations/Hosp 3 Musc/Skeletal	1 Stress/Depression 2 Other MuscSkeletal 3 Other
<b>Quarter Three</b>	1 Musc Skeletal 2 Stress/Dep 3 Back/Neck	1 Musc Skeletal 2 Other 3 Heart Circulation	1 Stress/Dep 2 Operations/Hosp 3Musc Skeletal	1 Other Musc Skeletal 2 Operations/Hosp 3 Stress/Dep 4

<b>Quarter Four</b>	1 Stress/Dep 2 Musc Skeletal 3 Infections	1 Musc Skeletal 2 Infections 3 Stomach/Digestion	1 Musc Skeletal 2 Operations/Hosp 3 Stress/Dep	1 Ops/Hospital 2 Stress/Depression 3 Viral
<b>Overall Outturn</b>	<b>1 Musc Skeletal</b> <b>2 Stress/Dep</b> <b>3 Other</b>	<b>1 Musc Skeletal</b> <b>2 Stress/Dep</b> <b>3 Other</b>	<b>1 Stress/Dep</b> <b>2 Musc Skeletal</b> <b>3 Operations/Hosp</b>	<b>1 Other Musc Skel</b> <b>2 Stress/Depression</b> <b>3 Back Problems</b>

### Key Trends

- The average number of days per fte Employee lost during Quarter 4 (2.09) is lower than Quarter 4 (2.80) from the previous year (2017/18)
- The Council's sickness levels have reduced for the second consecutive year.
- The long term sickness accounted for a high proportion of days lost (63.75%) over the year.
- Stress/Depression features as a top three reason in all four quarters and muscular skeletal is featured in three out of the four quarters.

### 5. Actions

- 5.1 Managers have support from dedicated service area HR Link Officers and are issued monthly sickness absence information. Managers are also able to access sickness information for their teams' on a daily basis via HR21 Self Service.
- 5.2 Support for managers and employees is provided by Occupational Health where appropriate and employees have access to the 24 hour, 7 days a week Employee Assistance Programme where confidential advice is provided on a range of issues
- 5.3 Operational concerns about the management of sickness absence cases that exist are being raised with the respective managers and dealt with as per standard practice and policy.

### Recommendations

- 6.1 To note the contents of this report

**Appendix One: Summary Figures for the Quarter by Directorate/Service**

Figure One – Service Breakdown Short/Long Term Split

<b>Service</b>	<b>Short term days</b>	<b>No. of Employees absent</b>	<b>Long term days</b>	<b>No. of Employees absent</b>	<b>Total Days lost</b>	<b>FTE No. in Section</b>	<b>Average days lost per FTE</b>
CEO, Directors and Heads of Service	0	0	32	1	32	6	5.33
Democratic	1	1	27	1	28	5.51	5.08
Elections	5	1	0	0	5	3.2	1.56
Human Resources/Payroll/H&S	14	1	0	0	14	7.83	1.79
Legal	10	2	0	0	10	8.69	1.15
Perf/Comms - Performance	4	3	0	0	4	6.81	0.59
Finance	0	0	0	0	0	7.43	0
Revenues & Benefits	56.5	13	22	1	78.5	32.8	2.39
Customer Services	8	4	78	2	86	22.62	3.80
ICT (Service Desk)	0	0	0	0	0	0	0
Leisure	67	25	0	0	67	41.72	1.61



Partnerships Strategy	0	0	0	0	0	8.5	0
Streetscene	65	24	96	3	161	69.75	2.31
Econ Dev	1	1	0	0	1	3.6	0.28
Housing/ CS	87.5	19	192	6	279.5	123.72	2.26
Procurement	0	0	0	0	0	2	0
Planning	10	1	0	0	10	18.72	0.53
Prop/Commercial/Estates	10	8	24	1	34	17.96	1.89

Figure Two: Directorate Breakdown Short/Long Term Split

Directorate	No. of FTE Employees	Short term days	No of employees absent	Long term Days	No of employees absent
Directors/Heads of Service	6	0	0	32	1
People	216.86	230.5	74	223	7
Place	164	108.5	29	216	7

Figure Three: Top Three Reasons for Absence per Directorate

Directorate	No. of Employees	Top 3 Reasons for Absences
Directors/Heads of Service	(6 fte Employees)	1.Stress/Depression
People	(216.86 fte Employees)	1. Ops/Hospital 2. Viral 3. Chest/Respiratory
Place	(164 fte employees)	1. Other Musc. Skeletal 2. Stress 3. Ops. Hospital

**7 Decision Information**

<p><b>Is the decision a Key Decision?</b>  A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <i>BDC: Revenue - £75,000</i> <input type="checkbox"/>  <i>Capital - £150,000</i> <input type="checkbox"/>  <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/>  <i>Capital - £250,000</i> <input type="checkbox"/>  <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	<p>No</p>
<p><b>Is the decision subject to Call-In?</b>  (Only Key Decisions are subject to Call-In)</p>	<p>No</p>
<p><b>Has the relevant Portfolio Holder been informed?</b></p>	<p>Yes</p>
<p><b>District Wards Affected</b></p>	<p>N/A</p>
<p><b>Links to Corporate Plan priorities or Policy Framework</b></p>	

8 **Document Information**

Appendix No	Title
	N/A
<p><b>Background Papers</b> (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)</p>	
Report Author	Contact Number
Sara Gordon, HR and OD Manager	217677

Report Reference –

**Bolsover District Council**

**UECC**

**27th June 2019**

**Draft Organisational Policies**

**Report of the HR & OD Manager**

This report is public

**Purpose of the Report**

- For the following policies to be brought to UECC for consideration:
  - Capability
  - Probation
  - Disclosure and Barring Service
  - Learning and Development
  - Smoke Free

**1 Report Details**

- 1.1 Please find attached the final version of the following policies for consideration.
- 1.2 The purpose of the policies is to:
  - To make processes simpler and clearer for managers and employees
  - To fit the corporate context and supportive work environment both Council's have in place
  - To ensure adherence to legislation and best practice
- 1.3 HR have been working with managers from both Councils and the Trade Unions to regularly review working practices to ensure the organisation's policies are fit for purpose and continue the ethos of being a supportive employer.
- 1.4 The policies have been approved by SAMT and been with the Trade Unions for their comments from 8 April 2019 and Service Managers from 13 May 2019.

**2 Conclusions and Reasons for Recommendation**

- 2.1 Approval of the attached policies will provide clear direction for managers when undertaking people management processes, delivering high performing services and supporting employees and other stakeholders in the workplace.
- 2.2 Agreement to the policies fulfils both legal and best practice guidance for employers.

**3 Consultation and Equality Impact**

3.1 There are no equality implications arising from the implementation of these policies. The policies support corporate equality and diversity aims.

3.2 The policies are being submitted to this Committee for consultation purposes.

**4 Alternative Options and Reasons for Rejection**

4.1 The alternative option is not to have these policies which has been rejected on the grounds of risk to the Council of failing to fulfil legal obligations and best practice.

**5 Implications**

**5.1 Finance and Risk Implications**

5.1.1 The financial implications arising from approval of the policies will be met from existing budgets.

**5.2 Legal Implications including Data Protection**

5.2.1 There are no direct legal implications arising from the approval of these policies.

**5.3 Human Resources Implications**

5.3.1 The HR implications are contained within the policies.

**6 Recommendations**

6.1 That the Committee support the following policies:

- Capability
- Probation
- Disclosure and Barring Service
- Learning and Development
- Smoke Free

**7 Decision Information**

<p><b>Is the decision a Key Decision?</b>  A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <i>BDC: Revenue - £75,000</i> <input type="checkbox"/>  <i>Capital - £150,000</i> <input type="checkbox"/>  <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/>  <i>Capital - £250,000</i> <input type="checkbox"/>  <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----

<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Affected</b>	N/A
<b>Links to Corporate Plan priorities or Policy Framework</b>	Transforming our organisation. Provide our customers with excellent service.

## 8 Document Information

Appendix No	Title
1.	Capability Policy
2.	Capability Policy – Appendix One
3.	Capability Policy – Appendix Two
4.	Capability Policy – Appendix Three
5.	Probation Policy
6.	Probation Policy – Appendix One
7.	Probation Policy – Appendix Two
8.	Disclosure and Barring Service Policy
9.	Learning and Development Policy
10.	Smoke Free – SAMT Report
11.	Smoke Free – Appendix One
12.	Smoke Free – Appendix Two
<b>Background Papers</b> (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
HR & OD Manager – Sara Gordon	01246 217677

# Capability Policy

March 2019



*We speak your language*

---

Polish

*Mówimy Twoim językiem*

---

French

*Nous parlons votre langue*

---

Spanish

*Hablamos su idioma*

---

Slovak

*Rozprávame Vaším jazykom*

---

Chinese

我们会说你的语言

---

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Bolsover District Council on

**01246 242424** or

North East Derbyshire District

Council on **01246 231111**

## CONTROL SHEET FOR CAPABILITY POLICY

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Capability Policy
Current status – i.e. first draft, version 2 or final version	First draft
Policy author (post title only)	Sara Gordon
Location of policy (whilst in development) – i.e. L-drive, shared drive	S Drive HR folder
Relevant Cabinet Member (if applicable)	Cllr McGregor Cllr Smith
Equality Impact Assessment approval date	
Partnership involvement (if applicable)	N/A
Final policy approval route i.e. Joint Strategic Alliance Committee, Cabinet/Executive/Council	SAMT UECC/JCG Council
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Improvement (to include on Intranet and Internet if applicable to the public)	

# CAPABILITY POLICY

## 1. Introduction

1.1 The Capability Policy is designed to ensure employees are given the support, encouragement, development and guidance they need to achieve the levels of performance required and expected in their job role. The policy provides a framework for managing underperformance in a fair and consistent manner for all employees, when an employees' work performance falls below that expected for the role.

## 2. Scope

2.1 This policy applies to all employees of the Council regardless of whether they are full time, part time, fixed term or casual employees. It also pays due regard to the principles of the Equality Act 2010 covering age, disability, gender, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

It excludes new employees currently within their probation period, agency workers, volunteers and Elected Members who are covered under separate policies.

## 3. Principles

### 3.1 Purpose of the Capability Policy

- To inform employees of the expected level of performance required and to support employees to achieve these standards.
- To provide the employee with the opportunity to demonstrate they have the ability to undertake the role
- To manage underperformance in a fair and consistent manner

## 4. Statement

### 4.1 Responsibilities

- **Manager** – responsible for identifying underperformance together with implementing, managing, monitoring and assessing employees in accordance with this policy
- **Employee** – responsible for performing to the best of their ability together with fully engaging with and co-operating with the application of this policy
- **HR** – responsible for supporting the manager and employee and providing advice on the implementation of this policy in practice

### 4.2 Capability Process

<b><u>Stage</u></b>	<b><u>Indicative Timescales</u></b>
Informal	1 to 2 months
First Formal Meeting	Following informal stage
Second Formal Meeting	At the latest 4-6 weeks after First Formal Meeting
Third Formal Meeting	At the latest 4-6 weeks after Second Formal Meeting

Meeting convened with Head of Service/Director	Following Third Formal Meeting if performance standards continue not to be met
------------------------------------------------	--------------------------------------------------------------------------------

The objective of the informal and formal meetings are as follows:

- To identify and address any underlying factors impacting on an employee's performance
- To establish, discuss, set targets for and monitor performance
- To identify development and support needs
- To identify any concerns on either side and ways of resolving these
- To provide an opportunity for positive and constructive feedback on both sides
- An Employee Support Plan should be completed by the manager and given to the employee (see Appendix One) at the **formal stage** (this tool can also be used at the informal stage).
- Alternatively, a Corporate Work Tracker can be used in lieu of the above where appropriate (see Appendix Two) at the **informal stage**
- The employee will be informed of the potential consequences of failing to improve their performance i.e. it may result in consideration of termination of employment.
- The manager will explain how the capability process aligns with the Councils Competency Framework (see Appendix Three) and how the employee's performance will be assessed against the requirements of the job role.

It is considered good practice for the manager to keep written notes at all stages of the capability process.

4.3 The employee will be given 5 working days notice of the **formal stage** meetings and be offered the right to be accompanied at the meeting by a Trade Union or other Representative. The meeting can be held sooner at the agreement of both parties. A representative from HR may be present at the meeting in an advisory capacity.

4.4 The manager has the discretion to bring forward review meetings if appropriate and following consultation with HR, subject to the requirements of paragraph 4.3.

4.5 The possible outcome of the informal and formal meetings are:

- The employee **has met** the performance standards required and no further action will be taken
- The employee **has not met** the performance standards required and the matter will be progressed to the next stage.
- The employee may be issued with a warning (see 4.13) and notified of the potential consequences of failing to improve their performance i.e. that it may result in the Head of Service considering the termination of the employee's employment.
- Some **progress has been made** towards the performance standards required by the employee. The review period will be extended for a short period within the current stage for a timescale appropriate and reasonable to the circumstances of the case, but for no longer than 4 weeks. The purpose of the extension is to enable the employee to demonstrate further improvement towards the achievement of the performance standards required.

4.6 Following a formal meeting, the employee will receive from their manager:

- An updated copy of their Employee Support Plan
- Written confirmation of the outcome of the meeting

4.7 The manager will also schedule regular meetings/catch ups with the employee in addition to the above in line with normal management best practice. The frequency and format of the meetings will vary from one service to another due to the difference in nature of these services.

4.8 It is important to note the capability process can be twin tracked with other associated policies and procedures such as:

- Sickness Absence Management
- Disciplinary Process
- Grievance Process

NB The above is not an exhaustive list

4.9 If the employee has demonstrated improved performance over a reasonable period of time and met the level of performance required, then this will be confirmed to the employee in writing and the process will end.

4.10 However, it is important to note that should an employee's performance decline within the 12 month period following a formal capability process being undertaken, then the formal process will recommence at the stage at which the employee had reached previously.

4.11 If an employee fails to co-operate with the policy, the manager can escalate the process and bring forward the meeting with the Head of Service/Director. If an employee fails to attend any meetings held in accordance with this policy without good reason, the meeting will proceed in their absence.

#### 4.12 Issuing a Capability Warning

A capability warning is issued by the manager to the employee when issues of concern have been raised with the employee and at the next review meeting subsequent to this no improvement has been achieved. The employee will be informed that failure to improve will place their ongoing employment with the Council at risk. The employee has the right to be accompanied by a Trade Union or other representative at the meeting.

- First level capability warning – issued at the second formal meeting if performance standards have not been achieved
- Final level capability warning - issued at the third formal meeting if performance standards have not been achieved

4.13 The warnings will be removed following the conclusion of a formal capability process. However, it is important to note that should an employee's performance decline within the 12 month period following a formal capability process being undertaken, then these warnings will be considered live.

#### 4.14 What happens if an employee continues not to meet performance requirements?

The employee will be informed that a meeting will be convened with the Head of Service/Director to review the position and consider whether the employee's contract of

employment should be terminated. Advice should be sought from HR by the manager at the earliest opportunity in these cases.

#### 4.15 Meeting Convened with Head of Service or Director

A meeting is convened with the Head of Service/Director to consider the employee's ongoing employment with the Council in cases where the employee has clearly failed to either:

- Meet expected performance requirements
- OR a capability warning has been issued

The manager will consult with HR prior to proceeding to this stage.

The employee will be given 5 working days notice of the meeting and offered the right to be accompanied at the meeting by a Trade Union or other Representative. The meeting can be held sooner at the agreement of both parties. A representative from HR will be present at the meeting in an advisory capacity.

4.16 The meeting with the Head of Service/Director will provide the opportunity for the manager to present their case and for the employee to present any information they wish to be considered relevant to the process. The Head of Service/Director will consider all the information presented and make a decision.

The possible outcomes of the meeting will be:

- Reaffirm capability warning and/or extend the capability period for up to a further four weeks
- Withhold pay progression
- Consider alternatives to dismissal such as exploring the option of redeployment
- Dismissal with notice or pay in lieu of notice

4.17 The employee will receive written notification of the outcome of the meeting within five working days and if dismissed the employee will be offered the right to Appeal in accordance with the relevant Council's Appeals Procedure.

## **5. Appendices (if applicable)**

Appendix One - Employee Support Plan

Appendix Two - Corporate Work Tracker

Appendix Three – Competency Framework

Employee Name:

Manager:

Date:

<u>Objective/Desired Outcome</u>	<u>Steps to be taken by Employee to achieve Objective/Outcome</u>	<u>Management Support to be put in place to facilitate achievement of Objective/Outcome</u>	<u>Timescales</u>	<u>Progress/Comments/Outstanding matters to address</u>

<b><u>Objective/Desired Outcome</u></b>	<b><u>Steps to be taken by Employee to achieve Objective/Outcome</u></b>	<b><u>Management Support to be put in place to facilitate achievement of Objective/Outcome</u></b>	<b><u>Timescales</u></b>	<b><u>Progress/Comments/Outstanding matters to address</u></b>



## Workstream Performance Tracker

Instructions for completion: Use new template for each meeting and save each version in your own folder, send updated version prior to each meeting to your Manager. Keep text to a minimum using bullets to separate information

DATE COMMENCED: ### 2019  LAST UPDATED:	<b>Employee Name / Team: #####</b> <b>Manager: #####</b>
<b>Task/Objectives</b>	<b>Actions / Progress</b>
1.	
2.	
3.	
4.	
5.	
6.	
7.	
<b>Team and (if line manager) 1:1's Update</b> <ul style="list-style-type: none"> <li>• Team 1:1 meetings update (if line manager)</li> </ul>	

<ul style="list-style-type: none"> <li>• Timesheets submitted</li> <li>• Working hours update</li> <li>• Annual leave update</li> <li>• Customer Service update</li> </ul>	
<p><b>Progress against 'to do's' agreed at previous meeting (if not covered above)</b></p>	
<p><b>Evaluation of Learning, Development or Training Undertaken</b></p>	
<p><b>Learning, Development or Training Identified</b></p>	
<p><b>Other Areas of Discussion</b></p>	
<p><b>Overall Performance Update (to be completed by manager)</b></p>	

	Communication	Customer	Collaboration	Transformation	Performance	Leadership
<b>All Employees</b>	<p>Honest, open and accountable</p> <p>Listens, is involved and responds</p> <p>Shows empathy</p> <p>Clear, concise and confident approach</p> <p>Confident communicating and dealing with a range of audiences</p> <p>Checks people understand the message being conveyed</p> <p>Good oral and written communication skills</p>	<p>Value peoples differences and treats everyone fairly and with respect</p> <p>Ensures customer focus is a top priority</p> <p>Considers the customer's perspective whilst building good and trusting relationships</p> <p>Owens and deals effectively with any customer feedback to improve service</p> <p>Flexible in finding ways to exceed customer expectations</p> <p>Supports new initiatives and work practices to raise standards of service</p> <p>Keeps personal data secure at all times</p>	<p>Works with partners to provide quality services</p> <p>Committed to contributing to team goals</p> <p>Positive approach to working with others</p> <p>Works well within own team and with others to achieve objectives</p> <p>Clear and accountable for own actions</p> <p>Willing to provide support and assistance to others</p> <p>Develops effective relationships for the benefit of the team and organisation</p>	<p>Embraces change and innovation</p> <p>Will challenge themselves and change for the better</p> <p>Challenges the status quo and proactively seeks opportunity for service improvement</p> <p>Tries and tests new approaches and is positive about change</p> <p>Keeps an open mind, generates new ideas and solutions</p> <p>Helps others through change</p> <p>Always puts the organisation and customer first</p>	<p>Shows respect, honesty and openness</p> <p>Is proud and passionate about what we do</p> <p>Focused and committed to achieving excellent results</p> <p>Develops self to continually improve performance</p> <p>Consistently delivers</p> <p>Positive about taking on tasks and responsibility</p> <p>Persistent in the face of obstacles, sees tasks through to completion</p> <p>Works to a clear set of priorities, adjusting to meet changing demands</p> <p>Seeks feedback from others</p>	<p>Leads by example through own commitment and professionalism</p> <p>Maintains a positive and proactive approach</p> <p>Supports colleagues</p> <p>Provides constructive feedback to others</p> <p>Creates trust through being open and honest</p> <p>Treats everyone with respect, fairness and dignity</p>
<b>Managers</b>	<p>Translates strategic plans into actions appropriate to the audience</p> <p>Handles the communication of difficult issues effectively and with sensitivity</p> <p>Able to successfully address audiences and convey an impelling message</p> <p>Able to champion the organisation</p> <p>Inspires people around corporate vision, values and objectives by clearly explaining the situation to gain commitment</p>	<p>Has good customer insight and aligns plans and services accordingly</p> <p>Actively seeks opportunities to learn more about customers and build services accordingly</p> <p>Learns more about customers to improve the organisation</p> <p>Ensures personal data is managed appropriately</p> <p>Ensures services are delivered in a fair manner</p>	<p>Motivates the team to share goals and sets clear objectives and accountabilities</p> <p>Effective in providing support and constructive challenge</p> <p>Takes accountability for the team</p> <p>Develops and maintains constructive relationships with others</p> <p>Utilises the strengths of others to improve effectiveness and achieve objectives</p> <p>Recognises and celebrates success</p>	<p>Proactive in developing innovative ways of working to improve services</p> <p>Encourages new ideas, solutions and suggestions for improvement</p> <p>Influences others on the need and drive for change</p> <p>Flexible and adapts in response to new opportunities whilst managing risk</p> <p>Deals effectively with uncertainty and ambiguity</p> <p>Provides strong leadership in supporting others through change</p>	<p>Effectively manages people, budgets and resources to deliver effective and efficient services in a safe manner</p> <p>Sets stretching but realistic objectives ensuring people know priorities</p> <p>Keeps people focussed and ensure tasks are seen through to completion swiftly</p> <p>Develops self and others to improve, ensuring regular discussions on performance are embedded</p> <p>Ensure business continuity arrangements are in place</p>	<p>Inspires, coaches, mentors and empowers others</p> <p>Shows resilience</p> <p>Accessible and shows empathy</p> <p>Demonstrates strong personal conviction and confidence</p> <p>Provides clear direction and priorities where everyone understands their responsibilities</p> <p>Develops sustainable strategies, plans and policies</p> <p>Focus' on the bigger picture</p> <p>Champions a high performance culture</p>

# Probation Policy

March 2019

*We speak your language*

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**Polish**

*Mówimy Twoim językiem*

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**French**

*Nous parlons votre langue*

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**Spanish**

*Hablamos su idioma*

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**Slovak**

*Rozprávame Vaším jazykom*

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我们会说你的语言

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**Council on 01246 231111**

## CONTROL SHEET FOR PROBATION POLICY

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Probation Policy
Current status – i.e. first draft, version 2 or final version	First draft
Policy author (post title only)	Sara Gordon
Location of policy (whilst in development) – i.e. L-drive, shared drive	S Drive HR folder
Relevant Cabinet Member (if applicable)	Cllr McGregor Cllr Smith
Equality Impact Assessment approval date	
Partnership involvement (if applicable)	N/A
Final policy approval route i.e. Joint Strategic Alliance Committee, Cabinet/Executive/Council	SAMT UECC/JCG Council
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Improvement (to include on Intranet and Internet if applicable to the public)	

# PROBATION POLICY

## 1. Introduction

1.1 The Probation policy is designed to ensure new employees are given the support, encouragement, development and guidance they need to achieve the levels of performance and behaviour required in their job role. The policy ensures a fair and consistent process is followed for all employees.

## 2. Scope

2.1 The Probation Policy applies to:

- New employees and Apprentices joining Bolsover District Council
- New employees and Apprentices joining NE Derbyshire District Council
- Any employee who transfers employment between the above two Councils

2.2 The duration of the probation period is six months, with the possibility of an extension for a further two months, but only in very exceptional circumstances.

2.3 This policy pays due regard to the principles of the Equality Act 2010 covering age, disability, gender, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It excludes agency workers, volunteers and Elected Members who are covered under separate policies.

## 3. Principles

### 3.1 Purpose of the Probation Policy

- To provide support to the new employee and welcome them to the Council
- To inform the new employee of expected standards of behaviour and performance and to assist employees to achieve these standards.
- To provide the new employee the opportunity to demonstrate they are suitable for the role

## 4. Statement

### 4.1 Responsibilities

- **Manager** – responsible for implementing, managing, monitoring and assessing the new employee in accordance with this policy
- **Employee** – responsible for their own performance and fully engaging with and co-operating with the application of this policy
- **HR** – responsible for supporting the manager and employee and providing advice on the implementation of this policy in practice

## 4.2 Probation Process

<u>Stage</u>	<u>Timescale</u>
Corporate Induction/ Service Induction	First week of employment
First Interview	End of first month of employment (4 weeks)
Second Interview	End of third month of employment (12 weeks)
Third Interview	End of sixth month of employment (24 weeks)
Extension	Granted by Head of Service in very exceptional circumstances for up to a further one month

The objective of the interview meetings are as follows:

- To establish, discuss and monitor performance, behaviour and attendance
- To identify short-term development and support needs
- To identify any concerns on either side and ways of resolving these
- To provide an opportunity for positive feedback on both sides
- To establish a two-way communication process

It is considered good practice for the manager to keep written notes at all stages of the probationary process.

4.3 The manager will also schedule regular meetings in addition to the above employee's during the probation period. The frequency and format of the meetings will vary from one service to another due to the difference in nature of these services.

4.4 The manager will explain how the probation process aligns with the Councils performance review process and how the employee's performance will be assessed.

4.5 It is important to note the probation process can be twin tracked with other associated policies and procedures such as:

- Induction
- Sickness Absence Management
- Disciplinary Process

NB The above is not an exhaustive list

Attendance at work and levels of sickness absence are factors that will be taken into consideration when assessing an employee during their Probation period.

4.6 If a new employee has demonstrated their suitability for the role and met the standards of behaviour and performance required, then at the end of the six month probation period the employee will be confirmed in the post to which they have been appointed.

### 4.7 What happens if a new employee is not meeting requirements?

- The manager has responsibility for addressing any concerns with the new employee as soon as reasonably practicable.
- The manager has the discretion to bring forward interviews/meetings if appropriate and following consultation with HR



- An Employee Support Plan should be put in place by the manager for the employee (see Appendix One)
- Alternatively, a Corporate Work Tracker can be used in lieu of the above (see Appendix Two)
- Regular meetings must be arranged by the manager with the employee to review and monitor the position
- The employee will be informed by the manager that failure to demonstrate improvement will result in a warning being issued. If a warning is to be issued the manager must notify the employee of their right to be accompanied at the meeting by a Trade Union Rep or other representative
- Advice should be sought from HR by the manager at the earliest opportunity

4.8 If an employee fails to co-operate with the policy, the manager can escalate the process and bring forward the meeting with the Head of Service/Director. If an employee fails to attend any meetings held in accordance with this policy without good reason, the meeting will proceed in their absence.

#### 4.9 Issuing a Probation Warning

A probation warning is issued by the manager to the employee when issues of concern have been raised with the employee and at the next review meeting subsequent to this no improvement has been achieved. The employee will be informed that failure to improve will place their ongoing employment with the Council at risk. The employee has the right to be accompanied by a Trade Union or other representative at the meeting, if a warning is likely to be issued.

#### 4.10 Meeting Convened with Head of Service or Director

A meeting is convened with the Head of Service/Director to consider the new employee's ongoing employment with the Council in cases where the employee has clearly failed to either:

- Demonstrate their suitability for the role
- Meet expected performance requirements
- Meet expected standards of behaviour
- OR a probation warning has previously been issued

The manager will consult with HR prior to proceeding to this stage. The meeting with the Head of Service/Director may be convened at any stage during the Probation Period subject to one or several of the above criteria being met.

4.11 The meeting with the Head of Service/Director will provide the opportunity for the manager to present their case and for the employee to present any information they wish to be considered relevant to the process. The Head of Service/Director will consider all the information presented and make a decision.

The possible outcomes of the meeting will be:

- Dismissal with notice or pay in lieu of notice
- Extension of the Probation Period for up to a further one month

4.12 The employee will be given 5 working days notice of the meeting and offered the right

to be accompanied at the meeting by a Trade Union or other Representative. The meeting can be held sooner at the agreement of both parties. A representative from HR will be present at the meeting in an advisory capacity.

4.13 The employee will receive written notification of the outcome of the meeting within three working days and if dismissed will be offered the right to Appeal in accordance with the relevant Council's Appeals Procedure.

NB: The decision to dismiss an employee may occur prior to the completion of the sixth month Probation Period or extended period.

## **5. Appendices (if applicable)**

Appendix One - Employee Support Plan

Appendix Two - Corporate Work Tracker

Employee Name:

Manager:

Date:

<u>Objective/Desired Outcome</u>	<u>Steps to be taken by Employee to achieve Objective/Outcome</u>	<u>Management Support to be put in place to facilitate achievement of Objective/Outcome</u>	<u>Timescales</u>	<u>Progress/Comments/Outstanding matters to address</u>

<b><u>Objective/Desired Outcome</u></b>	<b><u>Steps to be taken by Employee to achieve Objective/Outcome</u></b>	<b><u>Management Support to be put in place to facilitate achievement of Objective/Outcome</u></b>	<b><u>Timescales</u></b>	<b><u>Progress/Comments/Outstanding matters to address</u></b>

## Workstream Performance Tracker

Instructions for completion: Use new template for each meeting and save each version in your own folder, send updated version prior to each meeting to your Manager. Keep text to a minimum using bullets to separate information

DATE COMMENCED: ### 2019  LAST UPDATED:	<b>Employee Name / Team: #####</b> <b>Manager: #####</b>
<b>Task/Objectives</b>	<b>Actions / Progress</b>
1.	
2.	
3.	
4.	
5.	
6.	
7.	
<b>Team and (if line manager) 1:1's Update</b> <ul style="list-style-type: none"> <li>• Team 1:1 meetings update (if line manager)</li> </ul>	

<ul style="list-style-type: none"> <li>• Timesheets submitted</li> <li>• Working hours update</li> <li>• Annual leave update</li> <li>• Customer Service update</li> </ul>	
<p><b>Progress against 'to do's' agreed at previous meeting (if not covered above)</b></p>	
<p><b>Evaluation of Learning, Development or Training Undertaken</b></p>	
<p><b>Learning, Development or Training Identified</b></p>	
<p><b>Other Areas of Discussion</b></p>	
<p><b>Overall Performance Update (to be completed by manager)</b></p>	



# **Disclosure and Barring Service Policy**

**June 2019**



*We speak your language*

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**Polish**

*Mówimy Twoim językiem*

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**French**

*Nous parlons votre langue*

---

**Spanish**

*Hablamos su idioma*

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**Slovak**

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North East Derbyshire District

Council on **01246 231111**



## CONTROL SHEET FOR DBS Policy

<b>Policy Details</b>	<b>Comments / Confirmation (To be updated as the document progresses)</b>
Policy title	Disclosure and Barring Service
Current status – i.e. first draft, version 2 or final version	First Draft
Policy author (post title only)	HR Link Officer (Organisational Development)
Location of policy (whilst in development)	HR
Relevant Cabinet Member (if applicable)	
Equality Impact Assessment approval date	
Partnership involvement (if applicable)	
Final policy approval route i.e. Cabinet/ Council	
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Performance & Communications (to include on Extranet and Internet if applicable to the public)	

## **DBS Policy**

### **1. Introduction**

This policy sets out the approach to criminal background checks within Bolsover and North East Derbyshire District Councils.

### **2. Scope**

This policy applies to all employees in both paid and volunteer positions.

The Council is committed to safeguarding the welfare of those accessing our services and has a statutory duty of care towards vulnerable members of society under the Safeguarding Vulnerable Groups Act 2006, as amended principally by the Protection of Freedoms Act 2012 and the Rehabilitation of Offenders Act 1974 (as amended in 2013). However this duty must be carried out with due regard to all other legislation including the Data Protection Act (2018), the Human Rights Act (1998) and in line with the General Data Protection Regulations (GDPR).

As an organisation using the Disclosure and Barring Service (DBS), the Council fully complies with the DBS Code of Practice.

The Council recognises the importance of employment in the rehabilitation of ex-offenders and will only take criminal records into account for recruitment purposes when the conviction is relevant. Unless the nature of the work means that a role is exempt, applicants are not required to disclose convictions which are spent under the Rehabilitation of Offenders Act 1974 (as amended in 2013). (See Appendix A)

Having an unspent conviction will not necessarily bar applicants from employment.

The Safeguarding Vulnerable Groups Act 2006 (as amended), identifies a number of offences which prevent barred people from working in regulated activities. The Council, as an employer and regulated activity provider, and individuals can be convicted of a criminal offence if a person who is barred from engaging in a particular activity does actually engage in that activity. A regulated activity provider also commits an offence if they permit a person to engage in a regulated activity while knowing or having reason to believe that the individual is barred.

The maximum sanctions for these offences are fines of up to £5,000 or up to five years in prison.

### **3. DBS Checks**

For applicants who are offered employment in posts which require undertaking any form of regulated activity, an Enhanced DBS Check must be undertaken and this must include a check to ensure that the successful candidate is not barred from working with children and or adults in vulnerable circumstances. (See Appendix B).

Regulated activity is defined by the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012, and includes roles where individuals are required to work unsupervised with children or in a limited range of establishments with opportunity for contact with children; or working with adults

providing healthcare, personal care, social work, assistance with cash, bills and/or shopping, assistance in the conduct of a person's own affairs or conveying children or adults for particular reasons. The definition of regulated activity with regard to children is detailed in Appendix C and definition of regulated activity with regard to adults is detailed at Appendix D.

It is an offence for individuals on the Barred Lists to apply for posts in Regulated Activity. We will not employ someone to work in Regulated Activity with children if they have been barred through the DBS Children Barred List, or someone to work with adults at risk who are barred through the DBS Adult Barred List. In addition if the Council receives an application form a person for either paid or voluntary work who is barred from working with children or adults, the Council will make a referral to the DBS to notify them of the individual's attempt to apply for barred work.

Other roles are identified by legislation as being eligible for an Enhanced Level DBS check without a check against the children or adults barred list. This means that it is at the employer's discretion as to whether a DBS check should be undertaken.

Users of the Public Services Network (PSN) are required to comply with the Baseline Personnel Security Standard: this is the minimum recruitment check required for all people with access to Government assets. Within this compliance a basic disclosure must be undertaken for those employees with administrative privileges across the Council's IT applications, and that check must have satisfactory results (Appendix B).

The minimum age that someone can have a DBS check is 16 years old.

#### **4 Roles and Responsibilities**

Human Resources (Organisational Development) along with Managers and the Strategic Alliance Management Team will determine if a post involves regulated activity and therefore requires a DBS check.

An audit of all relevant posts will take place annually to ensure that safeguards continue to be met and we are fully compliant with the DBS Code of Practice.

#### **5. Cost of Disclosure**

The cost of the DBS Disclosure checks relating to appointments to Council posts will be met by the Council.

If a prospective employee decides at a later date that they wish to decline the offer of appointment made to them, they will be charged for the cost of the DBS and Update Service check.

Checks for volunteers are free. A volunteer is currently defined by the DBS as a person who performs an activity which involves spending time, unpaid (except for travelling and other approved out-of-pocket expenses), doing something which aims to benefit some third party other than or in addition to a close relative.

## **6. Requesting a Disclosure**

A disclosure is only requested for the successful candidate following the selection process.

As the DBS no longer issue Disclosure Certificates to organisations, when an individual receives their certificate from the DBS they must take it into Human Resources for verification. This applies to prospective employees as well as current employees.

## **7. Update Service**

All new and existing employees who require an enhanced DBS check must subscribe to the DBS Online Update Service.

It is the employee's responsibility and a contractual obligation to keep this subscription up to date on an annual basis. If any employee fails to renew the subscription they will be charged for both the new DBS check and re-registering on the update service due to breaching the terms and conditions of employment. This may also result in disciplinary action and suspension from work pending receipt of an updated disclosure check.

For new applicants to the Council who already have an enhanced DBS certificate for the relevant workforce and who are signed up to the online update service, the Council will accept this disclosure and carry out an online status check to ensure that their disclosure is still valid.

The online status check will be carried out on an annual basis. If the online status check reveals a change in the disclosure status then a new DBS check will be required. Employees have a duty to inform their manager of any cautions or convictions they receive immediately. Failure to do so may result in disciplinary action being taken.

If existing or new employees are applying for a position within a different workforce - moving from adult workforce to children's workforce or vice versa - then a new DBS check will be required.

The Council will reimburse employees the cost of the annual subscription to the online update service.

## **8. Use of Disclosure Information**

A disclosure is only requested for a successful candidate following the recruitment and selection process or as a routine recheck for existing employees.

If a disclosure or online status check reveals information about spent or unspent convictions which may make the individual unsuitable for the applied post, or continuing in their current post, the appointing or line manager, along with Human Resources, will discuss the situation with the individual in line with the DBS Code of Practice and through use and completion of Appendix E – Checklist for Employees with Adverse Disclosures.

When assessing any disclosure or declared conviction information received, consideration will be given to a range of issues and the risk assessment will support a manager's decision enabling them to assess the suitability of the applicant for their proposed position in light of matter(s) disclosed on their DBS certificate.

## **9. Security, Confidentiality, Storage and Retention**

Disclosure information will be treated with the utmost confidentiality and kept in a secure place. Access to disclosure information is restricted to those individuals who have a requirement to see it in the course of their duties. Information will only be disclosed to third parties in exceptional circumstances and with the consent of the DBS.

Disclosures will be kept by the Council for a maximum of six months after a recruitment decision has been made. This is to allow for the consideration and resolution of any disputes or complaints. Disclosures will then be destroyed by secure means.

The Council will however keep a secure record of the name of the employee, the position for which the disclosure was requested, the unique reference number and date of the disclosure, and a record of the details of the recruitment decision made as a result. All information will be processed fairly, and in accordance with the provisions of the General Data Protection Regulations.

## **10. Disputes**

If an employee believes that the information provided in a DBS check is inaccurate or incorrect, then it is the responsibility of the individual to raise this with the DBS. The Council will base any decision on the information provided by the DBS and this decision will be final.

## **11. Employees with Adverse Disclosures**

Where existing employees who have not been previously checked, or their post requires a re-check and subsequently have an adverse disclosure result, Human Resources will discuss this with the employee and their line manager. Legal advice may also be sought. It may be appropriate to move the employee to an alternative post with no access to children and/or adults at risk depending on the nature of the disclosure and pending the outcome of a full investigation. If there are no suitable duties the employee could undertake during this period which does not bring them into contact with children/adults at risk, the line manager will give consideration to suspending the employee on full pay pending the outcome of a disciplinary investigation.

**Policy Statement on the Recruitment of Ex-Offenders**

As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), the Council complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly.

The Council undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

The Council will only ask an individual to provide details of convictions and cautions that it is legally entitled to know about. Where a DBS certificate at the enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended). The Council will only ask an individual about convictions and cautions that are not protected.

The Council is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, gender reassignment, religion, sexual orientation, marriage and civil partnership, maternity and pregnancy, age, and physical or mental disability or offending background.

The Council actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records. The Council selects all candidates for interview based on their skills, qualifications and experience.

An application for a criminal record check is only submitted to the DBS after a risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, all job adverts and invite to interview letters will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position.

The Council ensures that those involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences and have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, eg the Rehabilitation of Offenders Act 1974 as amended.

At interview, or in a separate discussion, the Council ensures that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal or an offer of employment.

The Council complies fully with the DBS Code of Practice and make a copy available on request. The Council will discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

<b><u>DBS POST CHECKLIST</u></b>	
<b><u>POSTS REQUIRING AN ENHANCED DBS CHECK FOR REGULATED ACTIVITY RELATING TO CHILDREN AND ADULTS</u></b>	
<b>BDC</b>	<b>NEDDC</b>
ASB Case Worker	Assistant Community Safety Officer
Assistant Community Safety Officer	Community Safety Manager
Community Outreach Worker	Senior Community Employment Advisor
Community Ranger	
Community Safety Officer	
Domestic Violence Officer	
Housing Enforcement Manager	
Housing Needs Manager	
NG20 Multicultural Adviser	
NG20 Project Development Officer	
NG20 Project Community Dev Officer	
Senior Parenting Practitioner	
<b><u>POSTS REQUIRING AN ENHANCED DBS CHECK FOR REGULATED ACTIVITY RELATING TO CHILDREN</u></b>	
<b>BDC</b>	<b>NEDDC</b>
Active Lifestyles Manager	Duty Officer
Activity Assistant	Gymnastics Coach
Arts Development Officer	Gymnastics Development Officer
Duty Manager	Gym Instructor
Exercise/Fitness Improvement Coach	Head Attendant
Exercise/Fitness Referral Officer	Health and Sports Development Officer
Extreme Sports Coach	Healthy Lifestyles Instructor
Extreme Wheels Manager	Healthy Lifestyles Operations Officer
Fitness Instructor	Lead Facility Officer
Healthy Lifestyles Instructor	Leisure Attendant
Leisure Facility Manager	Leisure Operations Manager
Lifeguard/Leisure Attendant	Senior Facility Officer
Manager (PVOAC)	Sports Coach
Outdoor Recreation Officer	Swimming Development Officer
Physical Activity/Sports Co-ordinator	Swimming Instructor
Physical Activity/Sports Development Manager	Trampoline Coach
Physical Activity/Sports Development Officer	
Ranger/Instructor	
School Sports Coach	
Swimming Teacher	
<b><u>POSTS REQUIRING AN ENHANCED DBS CHECK FOR REGULATED ACTIVITY RELATING TO ADULTS</u></b>	
<b>BDC</b>	<b>NEDDC</b>
Scheme Manager	Accommodation and Prevention Officer
Support Officer	Housing Options Officer
	Housing Options Team Leader
	Joint Housing Strategy and Growth Manager
<b><u>POSTS REQUIRING AN ENHANCED DBS CHECK</u></b>	
	<b>NEDDC</b>
	Big Local Support Worker
	Community Development Worker
	Community Outreach Worker
	GHBL Support Worker
	Home Improvement Co-ordinator
	Home Improvement Officer – soon to be disestablished
	Partnership Development Officer

## **BPSS POST LIST**

### **POSTS REQUIRING A BASIC DBS CHECK THROUGH DISCLOSURE & BARRING SERVICE ENGLAND & WALES**

<b>BDC</b>	<b>NEDDC</b>
Contact Centre Manager	Customer Service Adviser
Customer Adviser	Customer Service Apprentice
Customer Services Apprentice	Customer Service Co-ordinator
Customer Services Manager	Customer Services Manager
Administration Assistant – Elections	Electoral Services Manager
Democratic Services Assistant (Elections)	Electoral Services Officer
Electoral Services Manager	Electoral Registration Assistant
Elections Officer	Electoral Registration Canvasser
Housing Needs Officer	Joint Housing Growth Officer
Money Advice Worker	
Rent Collector	
Tenancy Management Officer	
Catering/Refreshment Assistant - Leisure	Business Improvement Co-ordinator
Cleaner – Leisure Centre	Catering Assistant - Leisure
Receptionist/Front of House - Leisure	Cleaner - Leisure
	Receptionist - Leisure
Benefits Manager	Debtors Assistant
Benefits Officer	Performance Monitoring Officer
Benefits Overpayments Officer	Recovery Officer
Benefits Supervising Officer	Revenues and Benefits Manager
Benefits Visiting Officer	Revenues Administration Assistant
Billing and Recovery Assistant	Revenues Apprentice
Billing and Recovery Manager	Revenues Assistant
Billing Officer	Revenues Control/Statistics Officer
Billing/Recovery Supervisor	Revenues Performance/Systems/Training Off
Clerical Support Officer – Revenues	Revenues Recovery Assistant
Recovery Officer	Revenues Team Leader
Recovery Officer Sundry Debts	Revs & Bens Customer Service Adviser
Revenues Support Officer	Revs & Bens Customer Services Team Leader
Revenues Visiting Officer	Senior Revenues Officer
Senior Benefits Officer	Visiting Officer
Senior Benefits/Technical Officer	
Senior Billing Officer	
Senior Court Officer	Administration Assistant (ICT Service Desk)
Senior Recovery Officer	Application Development Officer
	CIS Developer
	GIS Officer
	ICT Apprentice
	ICT Manager
	Infrastructure Manager
	Project and Development Manager
	Property Gazetteer Officer
	Senior Service Desk Technician
	Senior Technology Officer
	Service Desk Manager
	Service Desk Technician
	Technology Officer



**REGULATED ACTIVITY RELATING TO CHILDREN****General exceptions:**

Regulated activity relating to children does not include:

- Family arrangements and personal, non-commercial arrangements.
- Activity by a person in a group assisting or acting on behalf of, or under direction of, another person engaging in regulated activity in relation to children.

Regulated activity relating to children is:

**1. Teaching, training or instruction of children:**

- a. Carried out by the same person frequently (once a week or more) **or** on 4 or more days in a 30-day period **or** at any time overnight (between 2am-6am *and* with an opportunity for face-to-face contact with children);
- b. NOT supervised – i.e. under reasonable day-to-day supervision by another person engaging in regulated activity;
- c. NOT activity relating to a child, aged 16 or over, in the course of his employment, not by a person for whom arrangements exist principally for that purpose; and
- d. NOT activity merely incidental to activity with adults

**2. Care or supervision of children (except that covered by points 6 or 7):**

- a. Carried out by the same person frequently (once a week or more) **or** on 4 or more days in a 30-day period **or** at any time overnight (between 2am-6am *and* with an opportunity for face-to-face contact with children);
- b. NOT supervised – i.e. under reasonable day-to-day supervision by another person engaging in regulated activity (unless providing relevant personal care or health care by or under a professional – see point 6 and 7 below);
- c. NOT health care provided by or directed or supervised by a health care professional;
- d. NOT activity relating to a child, aged 16 or over, in the course of his employment, not by a person for whom arrangements exist principally for that purpose; and
- e. NOT activity merely incidental to activity with adults.

**3. Advice or guidance:**

- a. Provided wholly or mainly for children;
- b. Relating to their physical, emotional or educational well-being;
- c. Carried out by the same person frequently (once a week or more) **or** on 4 or more days in a 30-day period **or** at any time overnight (between 2am-6am *and* with an opportunity for face-to-face contact with children);
- d. NOT legal advice; and

- e. NOT activity relating to a child, aged 16 or over, in the course of his employment, not by a person for whom arrangements exist principally for that purpose.
4. **Moderating a public electronic interactive communication service** which is likely to be used wholly or mainly by children
- a. Carried out by the same person frequently (once a week or more) **or** on 4 or more days in a 30-day period; and
  - b. NOT activity by a person who does not have access to the content of the matter or contact with users.
5. **Driving a vehicle** being used only for conveying children and their carers/supervisors
- a. Carried out by the same person frequently (once a week or more) **or** on 4 or more days in a 30-day period; and
  - b. Done under an agreement, either with the driver or with a person with whom the driver works, for gain or not.
6. **Relevant personal care**
- a. Either:
    - i. Physical help with eating or drinking necessary due to illness or disability;
    - ii. Physical help with toileting, washing, bathing or dressing necessary due to age, illness or disability;
    - iii. Prompting, with supervision, in relation to i or ii where the child is otherwise unable to decide; or
    - iv. Any form of training, instruction, advice or guidance given to the child in relation to i or ii.
  - b. NOT activity relating to a child, aged 16 or over, in the course of his employment, not by a person for whom arrangements exist principally for that purpose; and
  - c. NOT activity merely incidental to activity with adults.
7. **Health care** provided for children
- a. By, or under the direction or supervision of, a health care professional;
  - b. NOT activity relating to a child, aged 16 or over, in the course of his employment, not by a person for whom arrangements exist principally for that purpose; and
  - c. NOT activity merely incidental to activity with adults.
8. **Childminding**
- a. On domestic premises, for reward; and
  - b. With a requirement to register, or voluntary registration, under Childcare Act 2006.
9. **Fostering** a child

- a. NOT care arranged by family members, not for reward; and
- b. NOT LA fostering a child with a barred person who is, or lives with, a relative of the child.

10. **Day-to-day management or supervision** on a regular basis of a person providing regulated activity as described by points 1-7 and 11 (or in relation to points 1, 2 and 11, activity which would be regulated activity if it was unsupervised).

11. Activity carried out at **certain establishments**:

- a. Carried out by the same person frequently (once a week or more) **or** on 4 or more days in a 30-day period;
- b. Carried out for in connection with the purposes of the establishment;
- c. Gives the person the opportunity, in carrying out their work, to have contact with children;
- d. NOT activity by a person contracted or volunteering to provide temporary or occasional services (and not mentioned in points 1-7 above);
- e. NOT supervised volunteering – i.e. under reasonable day-to-day supervision by another person engaging in regulated activity; and
- f. Carried out at one of the following establishments:
  - i. A school;
  - ii. A pupil referral unit;
  - iii. A nursery school;
  - iv. An institution for the detention of children;
  - v. A children's home;
  - vi. A children's centre; or
  - vii. Any childcare premises, including nurseries (but not including the home of a parent of at least one child to whom the childcare is provided).

**REGULATED ACTIVITY RELATING TO ADULTS****General exception:**

Regulated activity relating to adults does not include:

- Activity by a person in a group assisting or acting on behalf of, or under direction of, another person engaging in regulated activity relating to adults.

Regulated activity relating to adults is:

**1 Health care** provided for adults:

- g. By, or under the direction or supervision of, a health care professional.
- h. Includes first aid provided by a person acting on behalf of an organisation established for the purpose of providing first aid such as St John Ambulance but not first aid in the workplace.

**2 Relevant personal care:**

- a. Either:
  - i. Physical help with eating, drinking, toileting, washing, bathing, dressing, oral care or care of skin, hair or nails, necessary due to age, illness or disability;
  - ii. Prompting, with supervision, in relation to i where the person is otherwise unable to decide; or
  - iii. Any form of training, instruction, advice or guidance given to the person in relation to i.

**3 Relevant social work:**

- a. Provided by a social care worker to an adult who is a client or potential client; and
- b. Required in connection with any health, education or social services provided.

**4 Day to day assistance in relation to general household matters:**

- a. Either:
  - i. Managing the person's cash;
  - ii. Paying the person's bills; or
  - iii. Shopping.
- b. Necessary by reason of age, illness or disability.

**5 Relevant assistance in the conduct of an adult's own affairs:**

- a. Anything done on behalf of a person by virtue of:
  - i. A lasting power of attorney;
  - ii. An enduring power of attorney;

- iii. A court order appointing a deputy or making decisions on the person's behalf;
- iv. The appointment of an independent mental health/capacity advocate;
- v. The provision of independent advocacy services; or
- vi. The appointment of an appointee to receive the person's benefit payments.

**6 Conveying:**

- a. Necessary by reason of age, illness or disability;
- b. Transporting to, from or between places where the person receives health care, personal care or social work; and
- c. NOT by family, friends or taxi drivers or licensed private hire drivers.

**7 Certain inspection functions**

- 8 Day-to-day management or supervision** on a regular basis of a person who is providing a regulated activity relating to adults is also a regulated activity.

**Note:** There is *no* requirement for the above activities to be done a certain number of times before they become regulated activity.

NAME OF CANDIDATE/EMPLOYEE: \_\_\_\_\_

**CHECKLIST FOR EMPLOYEES WITH ADVERSE DISCLOSURES**

When deciding on the relevance of offences to particular posts the following risk assessment must be completed

**General**

- How serious is the offence and its relevance to the safety of other employees, customers, clients or property
  
- How long is it since the offence occurred?
  
- Was the offence a one-off, or part of a history of offending?
  
- Has the individual's circumstances changed since the offence was committed, making re-offending less likely?
  
- Has the offence been decriminalised by Parliament?
  
- In which country was the offence committed? (Some activities are offences in Scotland and not in England and Wales and vice versa?)



**Date of interview to discuss criminal record history:**

**Interview conducted by:**

**Record of discussion (key points)**

**Decision (including rationale)**





# **Learning and Development Policy DRAFT**

**(April 2019)**

*We speak your language*

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**Polish**

*Mówimy Twoim językiem*

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**French**

*Nous parlons votre langue*

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**Spanish**

*Hablamos su idioma*

---

**Slovak**

*Rozprávame Vaším jazykom*

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**Chinese**

我们会说你的语言

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North East Derbyshire District

Council on **01246 231111**

## CONTROL SHEET FOR [Learning and Development Policy]

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Learning and Development Policy
Current status – i.e. first draft, version 2 or final version	First Draft
Policy author (post title only)	HR Link Officer (OD)
Location of policy (whilst in development) – i.e. L-drive, shared drive	S drive
Relevant Cabinet Member (if applicable)	
Equality Impact Assessment approval date	
Partnership involvement (if applicable)	
Final policy approval route i.e. Joint Strategic Alliance Committee, Cabinet/Executive/Council	
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Improvement (to include on Intranet and Internet if applicable to the public)	

# LEARNING AND DEVELOPMENT POLICY

## 1. Introduction

Learning and development at all levels is crucial to achieving the Council's corporate objectives. The Council is committed to developing and managing its' workforce to ensure the organisation is able to sustain high performance and transform service delivery, and to assist employees to reach their full potential.

## 2. Scope

This policy applies to all employees of the Council regardless of whether they are full time, part time, fixed term or casual employees. It also pays due regard to the principles of the Equality Act 2010 covering age, disability, gender, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

It excludes agency workers, volunteers and Elected Members who are covered under separate policies.

## 3. Principles

The Council recognises that by investing in and engaging people through learning and development, the organisation is able to harness employees' full potential to improve and transform service delivery, while fulfilling their need for personal development and job satisfaction.

The Learning and Development Policy will support delivery of the Council's Corporate Aims.

In particular this policy supports the Transforming our Organisation priority of:

- Supporting and engaging with our employees
- Making the best use of our assets.

This policy is supported by the Appraisal Scheme.

## 4. Statement

The Council is committed to making resources available to provide learning and development opportunities to maximise the potential of its employees.

## 5. Learning and Development

Employees will have different learning and development needs at different stages of their career. The Council has identified that there will be some mandatory learning and development required for employees as follows:

### Essential

- Corporate induction
- Service induction

- Corporate learning:
  - Customer Service
  - Data Protection
  - Equality and Diversity
  - Health and Safety
  - Freedom of Information and Records Management
  - Safeguarding Children and Vulnerable Adults
- Where appropriate, policy knowledge which is essential for Managers
- Continuing Professional Development (CPD) which is essential for the post.
- In exceptional circumstances some qualifications listed as desirable on the person specification may be considered as essential post employment where the qualification is essential to succession planning.

### **Desirable**

- Learning that is not mandatory but would be useful for the post holder to carry out their duties.
- Skills and knowledge that will help improve an individual's job performance.

## **5.1 Learning and Development Opportunities**

The following learning and development opportunities are available within the Council:

Additional duties opportunities	Leadership Development
Apprenticeships – supported by the Apprenticeship Scheme	Management Development
Coaching	Mentoring
Conferences	Partnership Working
Development Opportunities eg career graded posts	Post Entry Training leading to a recognised qualification
Health and Safety	Professional Updates
Higher Education Courses	Project Work
ICT	Short Courses
In house training/briefings	Work Experience
Joint Working	Work Shadowing

## **5.2 Learning and Development Responsibilities**

### **5.2.1 Corporate**

SAMT are responsible for ensuring that this Policy is implemented across the Council and supports the Council's Corporate Aims.

SAMT should be aware of the Council's overall investment in learning and development and the quantification of how this investment has improved the performance of the Council.

### **5.2.2 Managers**

Managers are responsible for ensuring that this Policy is implemented across the Council, and supports the Council's Corporate Aims.

Managers are responsible for ensuring consistency in the application of learning and development requests.

Learning and development needs should be discussed with individual employees and an individual development plan agreed. Managers should encourage and support employees to be proactive about self-development at work and facilitate reinforcement and application of learning in the workplace.

The opportunity to utilise Apprenticeship Levy funding should always be explored prior to any other learning and development expenditure commitments.

Reviewing and evaluating the effectiveness of learning and development on individuals and teams is essential to demonstrate a clear benefit to the Council.

Managers are responsible for inducting new employees and employees new to a post, and provide coaching on immediate work processes.

Managers must ensure that HR is informed of all learning and development activity undertaken by employees so that information can be recorded on the Council's HR and Payroll system.

### **5.2.3 Employees**

Employees are expected to actively contribute to identifying and meeting their own job-related development needs and agree personal learning and development plans and implementation with their line manager.

Employees should recognise that learning and development is a two-way process and individual employees need to accept responsibility for their learning and development and its application in their work.

An evaluation form must be completed after any learning and development activity is undertaken, and discussed with the line manager and submitted to HR.

### **5.2.4 Human Resources**

Human Resources are responsible for ensuring that this Policy is implemented across the Council, and supports the Council's Corporate Aims.

Human Resources are responsible for managing the learning and development budget and if required will provide specialist support to Managers in the development of their employees.

The opportunity to utilise Apprenticeship Levy funding will be explored prior to agreeing any other learning and development expenditure commitments.

Evaluation of learning and development activities will be recorded when submitted by managers and/or employees.

Human Resources will be responsible for developing and/or designing internal corporate learning and development programmes as required and will source suppliers for externally delivered corporate learning and development programmes such as Management and Leadership Development.

### **5.3 Identification**

The identification of learning and development needs for all employees is essential to the success of a Learning and Development Policy. Managers and employees will ensure that needs are accurately identified, with a Plan being agreed with each employee as part of the Appraisal Scheme and as a result of day to day observations or interactions with employees.

The responsibility for analysis and identification of appropriate learning and development activities lies in the first instance with employees and Managers.

Appraisals are to be held with all employees in line with the Appraisal Scheme, with individual learning and development needs identified.

All learning and development activities provided for employees must be consistent with, and support the Council's Aims.

### **5.4 Short Courses**

Requests for short course training should be made using the Learning and Development Request Form. (Attached at **Appendix A**). This form will be forwarded to the employee's line manager for approval. Once approved the line manager will complete a purchase order request using the Council's training cost code, which will then be forwarded to HR (OD) to enable details of the training to be recorded and details placed on the employee's personal file. The line manager or employee can then proceed to book the training course

### **5.5 Post Entry Training**

Requests for post entry training leading to an accredited qualification should be made using the Learning and Development Request Form. This form will be forwarded to the employee's line manager for approval, before being sent to Human Resources (OD). HR (OD) will initially consider whether the training could be undertaken as part of an apprenticeship.

If a suitable apprenticeship can be identified, HR (OD) will make arrangements for the training through the apprenticeship levy.

If the post entry training is to be funded out of the corporate training budget, and there is sufficient funding available, HR (OD) will raise a Purchase Order for the training, and will inform the line manager that the course can be booked.

## 5.6 Learner Agreement and Repayment of Fees

Where the Council has provided financial sponsorship to undertake training leading to a recognised qualification, certificate, license etc, or training where the costs exceed £500, a learner agreement will be issued.

If an employee leaves the employment of the Council within two years of achieving their qualification, certificate, license etc, or receiving financial support to undertake training where the costs exceed £500, the employee will be required to repay the cost of the course on a sliding scale.

Information regarding the Post Entry Training scheme are attached at **Appendix B**.

**For jointly funded appointments where the Council has paid a percentage of the training costs, repayment will be based on the actual costs incurred by the Council.**

## 6 Evaluation

Following completion of either a short course or a course supported under the Post Entry Training Scheme, an Evaluation Form must be completed by the employee and sent to the line manager and to HR (OD) to include on the employee's personal file (**Appendix C**).

## 7 People Strategy Framework

Corporate Aim and Priority for People Strategy	People Strategy Action Plan Aims	Employee Life Cycle
<p>Transforming Our Organisation</p> <p>Provide our customers with excellent service</p>	1.Improve employee engagement	
	2.Provide a healthy and safe work environment	
	3.Build workforce capability	
	4.Promote a high performance culture	
	5.Support organisational transformation	
	6.Transform HR and Payroll Service delivery	



## Learning and Development Action Plan Aims

1. Support the Council in achieving the Corporate Plan
2. Effectively manage the Council's learning and development budget
3. Respond to existing employee Learning and Development needs utilising the apprenticeship levy where appropriate
4. Support the development of employees to enable career progression both internally and externally
5. Procure Learning and Development as required for Management and Leadership development, and manage this ongoing relationship
6. Provide learning and development support and advice to employees and managers

### **8 Conclusion**

The learning and development of employees is to be continually assessed and evaluated to ensure it meets the needs of the Council and individuals, and is delivered in the most effective way. Learning and development priorities are to be reviewed on an annual basis to ensure they meet the current and future needs of the Council and individuals.

### **9. Responsibility for Implementation**

Responsibility for implementation of this policy lies with Strategic Alliance Management Team, Line Managers and Human Resources.



### **10. Appendices (if applicable)**

Appendix A – Learning and Development Request Form

Appendix B – Post Entry Training Scheme

Appendix C – Employee Learning, Development and Training Evaluation

Learning and Development Request Form

 		<b>REQUEST FOR TRAINING</b>	
		<b>INSTRUCTIONS FOR USE</b> <ul style="list-style-type: none"> <li>• One form should be completed for each course.</li> <li>• If you are requesting qualification based training please read the Guidance Notes.</li> <li>• Training request must be signed by the employee's Line Manager/Service Manager</li> </ul>	
<b>PART A</b>			
Employee Surname:		Employee Forename(s):	
Job Title:		Service:	
<b>PART B</b>			
Course/Apprenticeship Title:		Certificating Body (if appropriate):	Level/Year (if appropriate):
<b>Course Provider Details</b> Name:		Address:	
Telephone number:			
<b>Pattern of Attendance (details):</b>		Date of Course:	
Short Course <input type="text"/>		Training Location:	
<b>Qualification Based Training</b>		Duration of Course/Apprenticeship:	
Day Release <input type="text"/>		Total Cost of Course/Apprenticeship Funding Band: £	
Block Release <input type="text"/>			
Full-Time <input type="text"/>			
E Learning <input type="text"/>		Could this training be delivered as part of the Apprenticeship Programme? YES/NO	
Other <input type="text"/>			
If Other, please specify:			
<b>PART C</b>			
1. Please state why you wish to undertake this training and its relevance to your work.			

2. Is this training a requirement from your last Appraisal/Review?	YES / NO
If no, why is the training necessary now? <i>(please tick)</i>	
Legislation requirement <input type="checkbox"/>	Corporate requirement <input type="checkbox"/>
Continuing professional development <input type="checkbox"/>	Other – Please explain <input type="checkbox"/>

PART D – to be completed if Qualification Based Training is requested	PART E - DECLARATION														
Please give details of support requested per item:	In submitting this application, I accept that should financial assistance be provided, I agree to comply with the conditions of approval as stated in my contract of employment, the Learning and Development Policy and other relevant Council Guidelines.														
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;"><u>Item</u></th> <th style="text-align: right; border-bottom: 1px solid black;"><u>Amount (£)</u></th> </tr> </thead> <tbody> <tr> <td>Registration Fees</td> <td></td> </tr> <tr> <td>Course Fees</td> <td></td> </tr> <tr> <td>Exam Fees</td> <td></td> </tr> <tr> <td>Books</td> <td></td> </tr> <tr> <td>Other (please specify)</td> <td style="border-bottom: 1px solid black;"></td> </tr> <tr> <td><b>TOTAL</b></td> <td style="text-align: right;"><b>£</b> _____</td> </tr> </tbody> </table>	<u>Item</u>	<u>Amount (£)</u>	Registration Fees		Course Fees		Exam Fees		Books		Other (please specify)		<b>TOTAL</b>	<b>£</b> _____	<b>Signature of Applicant:</b> <b>Date:</b>
<u>Item</u>	<u>Amount (£)</u>														
Registration Fees															
Course Fees															
Exam Fees															
Books															
Other (please specify)															
<b>TOTAL</b>	<b>£</b> _____														

THIS SECTION IS TO BE COMPLETED BY YOUR LINE MANAGER/SERVICE MANAGER
I confirm that this training is necessary to meet the needs of the Service and is a *Priority 1/ 2 (*please select) learning and development need
Is this training fully funded through the apprenticeship levy?      Yes / No
Which budget would fund these development costs?                      SERVICE / CORPORATE / APP LEVY
What is the main Corporate Aim that this training will contribute to? <i>(please tick)</i>
Unlocking Our Growth Potential <span style="float: right;"><input type="checkbox"/></span>
Providing our Customers with Excellent Services <span style="float: right;"><input type="checkbox"/></span>
Supporting our Communities to be Healthier, Safer, Cleaner and Greener <span style="float: right;"><input type="checkbox"/></span>
Transforming our Organisation <span style="float: right;"><input type="checkbox"/></span>

APPROVAL
Approved by Line Manager/Service Manager Print Name: _____ Signature: _____ Date: _____
Approved by Human Resources (OD) Name: _____ Date: _____

**Please return completed form to Human Resources for recording and/or approval**

Input onto CHRIS 21
Signed: _____ Date: _____

**Please note you will be required to complete a Post Learning and Development Evaluation Form following this training**

For more information on how we use personal information please go to our privacy statement on the Council's website or contact a member of the HR & Payroll team

## **POST ENTRY TRAINING SCHEME (Including qualification training)**

### **1 Responsibility of Employee**

- 1.1 A Learning and Development Application form should be submitted with the cost of the course, registration and examination fees. Where you are unable to obtain an exact figure from the College etc, please give an approximate figure in every case. Do not forget to include estimates for travel and subsistence.
- 1.2 If your application for Post Entry Training is successful, a learner agreement will be issued.
- 1.3 Once approved, any changes to your Post Entry Training request must be reported to and agreed by Human Resources (Organisational Development).
- 1.4 In some cases a letter for the College/University you are due to attend will be issued which gives them authorisation to invoice the Council for your tuition fees.

### **2 Fees and Expenses**

- 2.1 The Council will pay for the following:
  - All course fees
  - Registration fee if required to undertake the course, but only for the duration of the course
  - Examination entry fee and request for approval for one retake if required
- 2.2 The cost of approved additional expenditure:
  - The excess of the cost of travelling to and from the venue of the course or examination over the cost of travelling to and from the place of employment. The cost will be based on public transport fares **or**
  - The excess of mileage to and from the venue of the course or examination over the mileage usually incurred travelling to and from the place of employment.
  - Subsistence allowance – current rates are available from Payroll
  - No subsistence allowances are made in respect of attendance at evening classes only.
- 2.3 All claims for reimbursement of travel, expenses etc should be made on HR21. If you are not on HR21 an expenses claim form can be collected from Human Resources.

### **3 Repayment of Fees**

Where the Council has provided financial sponsorship for you to undertake training leading to a recognised qualification, certificate or license etc., or training where the costs exceed £500, the following conditions apply:

- If you decide not to carry on with the course without good reason (to be determined by Joint Head of Service – Corporate Governance, and HR and OD Manager, you will be liable to 100% repayment of all the course fees and expenses.
- If you leave the Council within two years of obtaining your qualification or assistance, there is a requirement to repay the course, registration and examination fees on the following basis:
  - First six months after end of assistance - 100%
  - 7 – 12 months after end of assistance - 75%
  - 13 – 18 months after end of assistance - 50%
  - 19 – 24 months after end of assistance - 25%

Where repayment of financial assistance is required, this will not include salary paid in respect of time spent at approved courses of study.

**For jointly funded appointments where the Council has paid a percentage of the training costs, repayment will be based on the actual costs incurred by the Council.**

#### **4 Study Leave**

- 4.1** Whilst undertaking Post Entry Training, study leave is granted as ½ day's leave per examination.
- 4.2** If you fail to sit for an examination without good reason, or fail to show satisfactory progress or discontinue your course, the Council will withdraw the facilities granted under this scheme and will require repayment of the financial assistance.
- 4.3** If you fail your final exam, the Council will pay for the first resit where there has been satisfactory progress in your studies. However the continuance of facilities under the Post Entry Training scheme will be reviewed if further resits or a lack of satisfactory progress occurs.
- 4.4** **As soon as you receive notification of the outcome of your studies, you will be expected to forward a copy of the appropriate certificate/document to HR (OD).**

Please complete the form below using Adobe Acrobat reader.  
Print off **two** copies and send one to your manager and one to Human Resources.

**Section One: Record**

Employee Name/s:

Job Title:

Name of Learning/  
Development/Training Event  
Undertaken:

Internally or Externally

Internal  External

Date/s Undertaken:

**Section Two: Evaluation**

1. Were your learning objectives achieved?

Fully  Partially  Not at all

2. What did you feel was the best part of this learning/ training/ development and why?

3. How will you apply this learning/training/development back in the workplace?

4. Would you recommend this learning/training/development to your colleagues?

5. Is there anything that can be improved?

6. Any other comments?

**Thank you for taking the time to complete this form**

HR Use:	Input on CHRIS: 81	Date:
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**Bolsover District Council/ NE Derbyshire District Council**

**SAMT**

**March 2019**

**Review of Smoking at Council Premises**

**Report Author: HR & OD Manager**

**Purpose of the Report**

- To seek SAMT approval to the proposed approach contained within this report to balance creating a smoke free environment with effectively managing smoking on Council premises.
- To seek SAMT approval on the attached refreshed Smoke Free Policy as at Appendix One.

**1 Report Details**

1.1 It has been brought to the attention of management that issues have arisen in relation to the smoking arrangements at key premises at both Council's. Key concerns are as follows:

- Suitability of existing smoking areas
- Increase in litter (largely cigarette butts)
- Impact on professional appearance and Council reputation
- Lack of clear signage and communication
- Conflict between enforcement work undertaken by the Environmental Health Team and the perception of smoking/litter present at Council premises

1.2 Therefore, it is timely to review the current smoking provisions. A discussion has taken place between the following Officers who have drawn up recommendations for a proposed approach moving forward:

- Joint Head of Service (Property and Commercial Services)
- Joint Head of Service (Streetscene)
- Environmental Health Manager
- HR & OD Manager

1.3 Discussions took into account the users of the building (public, tenants, staff) as each site is different and should be treated on its merits, the expectations of different stakeholders, the reputation of the Council and the degree of concerns/issues being experienced.

1.4 If approved by SAMT, the proposed approach is:



- Circulate the refreshed Smokefree Policy (Appendix One) with covering communication in Appendix Two to Staff and Managers.
- To remind and inform Tenants of the Council's smoking arrangements at Council properties.
- Redesignate the smoking area at Mill Lane to top of steps in side car park, opposite second staff entrance, place an appropriate refuse bin at the smoking area (to be emptied by the Cleaners/Caretakers) and appropriate signage. An outside litter bin to be placed near entrance doors to Reception.
- Redesignate the smoking area at Arc to front of site to the far side of the entrance gates and place an appropriate refuse bin at the smoking area (to be emptied by Streetscene) and appropriate signage.
- Other sites such as Leisure Centres, Depots and Business Centres have experienced no issues therefore no further action is required.
- Signage and provision of appropriate litter bins will cost approx. £1000

1.5 If approved, the above will be implemented by the Officers outlined in 1.2 or their designated representative.

## **2 Conclusions and Reasons for Recommendation**

2.1 The purpose of this report is to seek SAMT approval to proceed with the proposed approach to effectively manage smoking at Council sites outlined in 1.4 and to adopt a refreshed Smokefree Policy.

## **3 Consultation and Equality Impact**

3.1 The purpose of this report is to consult SAMT on the proposed smoking arrangements within both Councils.

## **4 Alternative Options and Reasons for Rejection**

4.1 The Council can choose not to progress with the proposed smoking arrangements. However, this may have a significantly detrimental impact on successfully managing smoking within Council premises.

## **5 Implications**

### **5.1 Finance and Risk Implications**

As covered within the report

### **5.2 Legal Implications including Data Protection**

As covered within the report

### **5.3 Human Resources Implications**

As covered within the report

## 6 **Recommendations for SAMT**

6.1 To seek SAMT approval to the proposed approach contained within this report to balance creating a smoke free environment with effectively managing smoking on Council premises.

6.2 To seek SAMT approval on the attached refreshed Smoke Free Policy as at Appendix One

## 7 **Decision Information**

<b>Is the decision a Key Decision?</b>	No
<b>District Wards Affected</b>	N/A
<b>Links to Corporate Plan priorities or Policy Framework</b>	Transforming our organisation

## 8 **Document Information**

<b>Appendix No</b>	<b>Title</b>
Appendix One	Smoke Free Policy
Appendix Two	Covering Communication
<b>Background Papers</b>	
N/A	
<b>Report Author</b>	<b>Contact Number</b>
Sara Gordon - HR & OD Manager	Ext 7677



# Smoke Free Policy

March 2019

*We speak your language*

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Polish

*Mówimy Twoim językiem*

---

French

*Nous parlons votre langue*

---

Spanish

*Hablamos su idioma*

---

Slovak

*Rozprávame Vaším jazykom*

---

Chinese

我们会说你的语言

---

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Bolsover District Council on

**01246 242424** or

North East Derbyshire District

Council on **01246 231111**

## CONTROL SHEET FOR PROBATION POLICY

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Smoke Free Policy
Current status – i.e. first draft, version 2 or final version	Refreshed Final Version
Policy author (post title only)	Sara Gordon
Location of policy (whilst in development) – i.e. L-drive, shared drive	S Drive HR folder
Relevant Cabinet Member (if applicable)	Cllr McGregor Cllr Smith
Equality Impact Assessment approval date	
Partnership involvement (if applicable)	N/A
Final policy approval route i.e. Joint Strategic Alliance Committee, Cabinet/Executive/Council	Refreshed final version
Date policy approved	September 2013 Revised March 2019
Date policy due for review (maximum three years)	
Date policy forwarded to Improvement (to include on Intranet and Internet if applicable to the public)	

# SMOKEFREE POLICY

## **1. Introduction**

It is a well known and scientifically proven that exposure to second hand smoke, also known as passive smoking, increases the risk of lung cancer, heart disease and other illnesses. Ventilation or segregating smokers in the same airspace as non-smokers does not completely eliminate potentially dangerous exposure.

Elittering and vaping will be treated in the same way as cigarettes by the Council and for the purposes of this policy.

## **2. Aims of the Policy**

The Council recognises that exposure to second hand smoke has an adverse effect on the health of employees, workers, service users, customers, tenants and visitors.

This Policy Statement has been prepared and seeks to

- make arrangements which will protect persons employed by or having business with the Council from exposure to second hand smoke, and
- assist compliance with the Health Act 2006.

## **3. Policy Statement**

It is the policy of the Council that

- all workplaces under the Council's control are smoke free with designated smoking areas signposted for individuals choosing to smoke
- the Council's image and reputation are protected
- all employees have a right to a smoke free environment.

The original policy came into effect on 1<sup>st</sup> October 2007. This revised version of the policy includes the addition of electronic cigarettes and vaping. The following rules apply.

- Smoking, vaping and the use of electronic cigarettes is prohibited in all Council controlled workplaces with no exceptions. This includes council vehicles.
- The policy applies to all employees, elected members, workers, contractors, customers, tenants and visitors.
- Smoking, vaping and the use of electronic cigarettes will not be permitted in Council grounds unless within a designated smoking area.
- Any individual including employees seen dropping litter such as cigarette butts, can be liable to an immediate fixed penalty notice and associated fine.

, The following steps will be taken in relation to smokefree arrangements.

- Ask any service users or clients who are visited regularly not to smoke or vape for a certain period prior to any pre-arranged visit and during a visit. The client should also be asked to ensure that no-one living in the house with them smokes.
- If service users or clients do smoke or vape, ask that they limit their smoking to rooms where people will not be working and open windows in rooms where people are working to help clear secondhand smoke.
- Visitors etc. who refuse to comply with the policy will be asked to leave the premises.
- Identify employees who have a pre-existing condition that is made worse by exposure to tobacco smoke, such as asthma, COPD and cardiovascular disease or who face additional risks e.g. due to pregnancy. Employees who have such conditions are at higher risk and particular care should be taken to prevent or minimise their exposure to tobacco smoke.
- Ensure that no employee is expected to make consecutive visits, or even a sequence of visits, to houses in which they are likely to be exposed to tobacco smoke.
- Ensure all Tenants are informed of their requirement to comply with the Council's Smokefree Policy.
- Smoking is permitted outside the workplace and outside working hours, i.e. before/after work or during breaks.
- Employees on flexi time may be permitted to take smoking breaks, but must clock out and smoke/vape in their own time. However this is at the discretion of their manager, and is subject to the needs of the service.
- Smoking/vaping is prohibited within 5 metres of any Council workplace.
- Any smoking areas will be designated using appropriate signage and their locations are available from the Facilities Team or HR Team.

#### **4. Implementation**

Overall responsibility for the implementation of this policy rests with Line Managers.

All employees are expected to co-operate in the implementation of the policy.

The policy shall be included on the Extranet.

Line managers shall ensure that all new employees are made aware of the requirements of the policy.

Appropriate signs relating to smoking restrictions shall be displayed in all premises and vehicles.

## **5. Non-Compliance**

Disciplinary action may be taken against any employee failing to comply with the policy.

Any visitor seen to be smoking, vaping or using electronic cigarettes at any premises will be advised of the policy and asked to extinguish/put away smoking materials, vaping materials and/or electronic cigarettes.

Any contractor seen to be smoking, vaping or using electronic cigarettes at any premises shall be reminded of the contractual conditions verbally and in writing.

All persons attending Council premises need to be aware of the requirement to comply with the policy and that non-compliance will be a breach of the Health Act 2006 and therefore a criminal offence.

Private Dwellings: smokers will be requested to refrain from smoking during visits from Council employees and that, if people insist on smoking or vaping in the presence of Council employees, the visit will be ended

## **6. Policy Review**

This policy shall be reviewed as necessary and will be subject to change to take account of any operational or legislative requirements.



## Covering Communication

Dear All

The Council is committed to ensuring it's premises are a smoke-free environment and protecting employees to enable them to work in a smoke-free workplace.

As a reminder to everyone smoking is not permitted:

- By any persons including staff, Councillors, visitors and tenants within the premises or on the grounds from which Council services are delivered.
- Within vehicles parked on these premises.
- Within Council vehicles and pool cars at any time.
- In personal vehicles when transporting others within working hours and/or when on authorised business

There are dedicated smoking areas and individuals are requested to respectfully ensure they only smoke within these dedicated areas to minimise the impact of smoking on others.

The smoking areas are:

- Arc: Front of site to the far side of the Entrance gates
- Mill Lane: Top of steps in side car park
- Doe Lea Depot: Outside pedestrian entrance gate on the pavement or outside bottom vehicular entrance gates
- Eckington Depot: Outside entrance gates
- Coney Green, Tangent & Pleasley Vale Business Centres: Smokefree for Members of the Public and Tenants have a designated smoking area at the rear of the site
- Eckington Pool, Dronfield Sports Centre and Sharley Park Leisure Centre are smokefree sites
- South Normanton Hub: TBC

Other premises: Individuals must be 5 metres away from the building.

The use of e-cigarettes and vaping is prohibited wherever smoking is prohibited.

Please note smokers are expected to dispose of cigarette waste sensibly in an appropriate receptacle and not leave litter on the ground. In line with the Council's Smoking Policy and the law any individual seen dropping litter can be liable to an immediate fixed penalty notice and fine.

Any employees failing to follow the Council's Smoking Policy will be subject to disciplinary action.

Any visitor seen smoking, vaping or using electronic cigarettes at any premises will be advised of the policy and asked to extinguish/put away their cigarette/electronic cigarette. Employees are responsible for making visitors to Council premises aware of the

requirement to comply with the policy and that non-compliance will be a breach of the Health Act 2006 and therefore a criminal offence.

Any contractor seen to be smoking, vaping or using electronic cigarettes at any premise shall be reminded of the contractual conditions verbally and in writing.

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