Human Resource Policies

1. Purpose of Report
   1.1 To present to the panel additions and amendments to Human Resource Policies.

2. Outcomes
   2.1 The amendment to existing policies and procedures.

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

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

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

5. Key Issues and Proposals

   5.1 Extended Authorised Absence Policy  Appendix 1  Reviewed
       Redundancy Policy and Selection Procedure  Appendix 2  Reviewed
       Capability Policy and Procedure  Appendix 3  Reviewed
       Health and Wellbeing Framework  Appendix 4  New

   5.2 The Extended Authorised Absence Policy has been updated for “usability” and "readability" purposes with only very minor updates that do not affect the existing policy or application procedure.

   5.3 The Redundancy Policy and Procedure has been updated to take into consideration the removal of the default retirement age from 1 October 2011. The amendments made to the policy take out elements related to termination of individuals who have reached ‘normal retirement age’.
References to the call for volunteers for early retirement and voluntary redundancy have also been removed.

5.4 The Capability Policy & Procedure has been updated for “usability” and “readability” purposes.

5.5 The existing Health and Wellbeing Policy was created for the Health Matters Group which is no longer in existence and therefore no longer has any bearing as a policy. This new document provides a central reference and brings together existing policies, procedures and processes including Health and Safety, Occupational Health, Stress and mental wellbeing and Recruitment and Selection.

### IMPLICATIONS

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<tr>
<th>Finance</th>
<th>There are no specific Finance issues associated to this report.</th>
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<tr>
<td>Legal</td>
<td>There are no specific Legal issues associated to this report. However failure to comply with appropriate legislation may expose the Council to litigation.</td>
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<tr>
<td>Community Safety</td>
<td>There are no specific Community Safety issues associated to this report.</td>
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<tr>
<td>Equality and Diversity</td>
<td>The policies have been drafted to ensure the Council’s commitment to Equality and Diversity is reinforced.</td>
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<tr>
<td>Sustainability</td>
<td>Managers and Staff will be trained and made aware of all HR Polices</td>
</tr>
<tr>
<td>Health and Safety</td>
<td>There are no specific Health and Safety issues associated to this report other than those already identified within the policies.</td>
</tr>
<tr>
<td>Risk Management</td>
<td>Failure to have modern policies and procedures implemented in a robust manner may leave the council open to potential litigation or claims in relation to breaches of Health and Safety Regulations. As a major employer the Council must demonstrate best practice in relation to all employment matters</td>
</tr>
<tr>
<td>Asset Management</td>
<td>No asset management issues within this report.</td>
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<tr>
<td>Climate Change</td>
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<tr>
<th>Report Author</th>
<th>Telephone No.</th>
<th>Email</th>
<th>Date</th>
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<tbody>
<tr>
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<td>June 2012</td>
</tr>
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### List of Background Papers:

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| Appendix 2. | Redundancy Policy and Selection Procedure |
| Appendix 3. | Capability Policy and Procedure |
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arm/empap/cr/12/0207lh1
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Wyre Council Extended Authorised Absence (EAA) Scheme

1. Introduction

1.1 The Council is committed to equality of opportunity in employment for all staff and to developing work practices and human resource policies that support work-life balance. The Council has developed an EAA scheme to enable employees to take extended periods of unpaid time away from work and to help employees strike a balance between paid work and personal life.

1.2 The aims of the EAA Scheme are to attract and retain staff by demonstrating a commitment to their long-term career and personal development, to reduce the numbers of leavers and resulting recruitment and training costs, to support the Council’s Equal Opportunities Policy and to contribute to work-life balance.

2. EAA Conditions

2.1 A request for EAA would not normally be considered from an employee who has less than 12 months continuous service.

2.2 All requests for EAA will be subject to operational requirements. Consideration will be given to the following issues:

- The technical skills of the employee and the range of similar skills within the Council.
- The knowledge of the employee holder and the range of similar knowledge within the Council.
- The investment in training and development that has been made by the Council to develop the employee’s competence within his/her post.
- The impact on service delivery and the workload of other employees.
- The ability/need to recruit a temporary appointment to cover the period of absence and the cost involved.

2.3 Employees may apply for a period of EAA of between three months and two years depending on their individual needs. The maximum of two years ensures that Wyre as a council does not find itself at a disadvantage covering roles with limited resources.

2.4 A period of EAA may be taken in addition to Maternity Leave, Adoption Leave or Parental Leave or other statutory entitlements that may be available (see appropriate policies).

2.5 An employee may seek to take more than one EAA period, but there must be at least three years between each period.
2.6 In certain circumstances EAA may not be the most appropriate arrangement for an employee. In such instances alternative arrangements, more appropriate to the individual case, may be agreed between the employee and their Head of Service or Director.

2.7 Alternative arrangements could include leave in accordance with the Council’s policies for Maternity Leave, Adoption Leave or Parental Leave, or Flexible Working. The suitability of any of the above for any situation should be considered as a possible alternative if it is appropriate.

3. **Reasons for Taking an EAA**

3.1 EAA could be taken for any of the reasons listed below, or simply to have a break from paid employment. Possible reasons for a period of EAA could include:

- Childcare responsibilities.
- Elder care responsibilities.
- Travel.
- Study.
- To pursue a personal interest.

4. **Conditions of Service During a Period of EAA**

4.1 All periods of EAA are unpaid.

4.2 The period of the EAA will count as continuous service.

4.3 During EAA an employee will not accrue annual leave. As the period is used in calculations of continuous service an employee may return to an increased annual leave entitlement according to their length of service.

4.4 EAA is not counted as pensionable service. An employee can choose to make pension contributions during the EAA.

4.5 Members of the Local Government Pension Scheme must pay pension contributions for the first 30 days of their EAA. They can pay contributions during further leave, up to a maximum period of 36 months (which is beyond our permitted timescale). The employee only pays their contribution; the employer continues to pay the employer contribution. An application to pay contributions on any period of more than 30 days must be made within 30 days of the end of the EAA.

4.6 Standard salary progression will continue during EAA.

4.7 An employee must obtain consent from the Council if they are undertaking paid work for another organisation during EAA. Such consent will not be unreasonably withheld and the requirement is primarily designed to avoid any conflicts of interest.

5. **Keeping in Contact**

5.1 The employee’s Line Manager or a Director shall ensure that contact is maintained with employees who are taking EAA. This may include, for example, provision of information through email or inviting them to seminars, training sessions or social
events that the Council may organise.

5.2 It is particularly important that employees are invited, where practicable, to any training which may be connected with the introduction of new courses, systems or procedures and are kept up-to-date with information on changes which may affect them, such as pay awards, Directorate or section reorganisations or new legislation. Any time spent on such training will be compensated for by the equivalent time off when the employee returns to work.

5.3 Employees should also be sent copies of the Council’s newsletters where appropriate and any other relevant information that will help them to keep in touch and to facilitate their return to work. Ideally there should be a named person in the Council (section/team) responsible for sending on relevant information and maintaining contact.

5.4 In addition, employees taking an EAA are encouraged to keep in contact with their section/team during the EAA.

6. Organisational Changes During EAA

6.1 If organisational changes occur, the Council will ensure that employees taking an EAA are involved in any consultations or other appropriate procedures as far as possible on the same basis as all other affected employees.

6.2 Where an employee’s post is likely to become subject to redundancy during the EAA the Council will inform the employee and discuss the situation with them, as required by statute and the Council’s procedures.

7. Returning to Work

7.1 Unless the employee has given a firm return date on the EAA Application Form, he/she must provide at least two months written notice to the Head of Business Support of his/her intention to return to work. The actual date will be subject to mutual agreement between the employee and the relevant Head of Service or Director.

7.2 Sections/teams should ensure that, prior to returning to work, employees are given training on any new systems, procedures or courses that have been introduced and are brought up to date on changes that will affect them such as pay awards, section/team reorganisations or new legislation.

7.3 In order to ensure the effectiveness of the EAA Policy, the Council will seek, as far as possible, to place an employee returning from EAA in his/her former job or suitable alternative employment.

8. Salary on Return to Work

8.1 At the end of EAA, an employee will return to a salary that reflects cost of living increases and any increments due during the EAA, subject to the employee being able to demonstrate the appropriate competence, knowledge and qualifications required for payment of any increments.
9. **Resignation During EAA**

9.1 If an employee decides to resign during EAA, they must submit a written statement of resignation to the Head of Business Support. The contract of employment will normally cease from the date when the resignation is received, i.e., it is not expected that a notice period will be worked.

10. **Application Procedure**

Employees who wish to take EAA should follow the procedures detailed below:

10.1 Apply to his/her Director at least three months in advance of the proposed start date of the period of EAA, using the EAA Application Form and forward a copy of the form to the Human Resources team.

10.2 A representative of the Human Resources team will arrange to meet with the employee and his/her line manager in order to clarify any aspect that may need resolution.

10.3 The Director will consider the request in consultation with a representative of the Human Resources team and they may decide to approve or refuse the request.

10.4 EAA may be refused for operational reasons. If the application is refused, the Director will provide reasons for the refusal in writing to the applicant.

10.5 If the employee concerned is dissatisfied with the decision, they should follow the procedure laid out below (refusal of EEA).

10.6 The date for commencement and termination of the EAA will be by mutual agreement between the employee and their Director and will need to take into account outstanding work activities and replacement staff arrangements.

10.7 Before the EAA commences the relevant line manager should carry out a pre-break interview. The interviews should cover areas of mutual interest including:

- Mechanisms for keeping in touch.
- Name of contact person.
- Arrangements for any periods of work/training.
- Arrangements for returning to work.
- Pension.

10.8 A written record of the pre-break interview should be forwarded to the Human Resources team for entry on to the employee’s personnel file.

10.9 On returning to work, after completion of the EAA, the employee should be welcomed back by the line manager with a re-entry interview. The interview should cover areas of mutual interest such as:

- Changes within the section/team and Council.
- Employee’s salary and holiday entitlement on return to work.
11. **Refusal of EAA**

11.1 Staff who feel that they have been unreasonably refused EAA or who feel that they have been victimised for requesting one should, in the first instance, raise the matter with their Director and inform the Head of Business Support. They can also consult with their trade union and have the right to raise the matter through the grievance procedure.

11.2 The Head of Business Support shall record all complaints. All applications, agreements and refusals shall be monitored, with the aim of bringing about consistency between Directorates/Sections in the way that policies related to work-life balance are implemented throughout the Council.

11.3 None of the conditions within this policy affect an employee’s right to benefit from any contractual or statutory rights that may govern the entitlement to other forms of leave/absence (paid or unpaid). Any advice or guidance required on these matters can be gained from the Human Resources team.

12. **Equality Impact Assessment and Monitoring**

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

13. **Data Protection Act 1998**

13.1 In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with the requirements of the Data Protection Act 1998.
Redundancy Policy and Selection Procedure

Reviewed May 2012
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1. **Policy Statement**

1.1 The Council aims to ensure as far as possible security of employment for its employees. However, it is recognised that whether through the requirements of legislation, Best Value, changing local demands or budgetary pressures there may be circumstances when the Council has a reduced requirement for employees. Such changes may mean that some jobs are redundant or alter substantially to improve service efficiency.

1.2 The Council will seek to minimise the effects of redundancies through seeking suitable volunteers to leave and the provision of sufficient time and effort to finding alternative employment (see redeployment policy). Where compulsory redundancies are unavoidable, the council will deal with the redundancies in the most fair, consistent and sympathetic manner possible and minimise as far as possible any hardship that may be suffered by the employees concerned.

2. **Consultation**

2.1 The Council is committed to keeping Trade Unions fully informed about staffing requirements and any potential redundancy situation. When change becomes necessary, consultation with the Trade Union and individual employees who are affected will start at the earliest practicable opportunity and will always meet the requirements of any consultation agreement and legislative requirements.

2.2 However consultation will start:

- At least 30 days before the first dismissal takes effect if 20 to 99 employees are to be made redundant over a period of 90 days or less
- At least 90 days before the first dismissal takes effect if 100 or more employees are to be made redundant over a period of 90 days or less

If redundancies are expected, the Council will disclose the following information to the Trade Union as required by law: -

1. The reasons for the proposals
2. The numbers and descriptions of employees involved
3. The selection criteria to be used
4. Procedures to be used in carrying out the dismissals including the period over which dismissals are to take effect
5. The measures for minimising or avoiding compulsory redundancies, these may include:
   - natural wastage
   - restrictions on recruitment
   - retraining and redeployment to other parts of the Council
   - reduction or elimination of overtime
   - introduction of short-time working where this is provided for in the contract of employment or by an agreed variation of its terms
   - retirement of those employees already beyond normal retirement age
   - seeking applicants for early retirement, or voluntary redundancy and
   - termination of the employment of temporary or contract staff
Consultation with employees affected will involve:

1. Giving as much warning as practicable of the change and its implications
2. Consideration for redeployment
3. Consideration for any relevant matters they wish to raise

### 3. Procedure for avoiding or reducing the need for compulsory redundancies

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

- a) a total or partial freeze on recruitment, combined with reductions through natural wastage.
- b) the termination of employees on agency contracts, casual employees and short term contracts;
- c) a call for volunteers for part time working or job sharing arrangements;
- d) the reduction or elimination of overtime where practical;
- h) the retraining and redeployment where appropriate, of existing employees into appropriate vacancies.

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

### 4. Selection Criteria

#### 4.1 If having taken any of the above steps, the number of employees still exceeds the requirements, selection criteria may have to be applied. This would come into effect where two or more employees who hold similar jobs are at risk of redundancy. The criteria to be considered will be based on objective assessment of:

1. Performance/Capability record
2. Skills and experience
3. Length of service
4. Attendance
5. Personal circumstances

This criteria will be applied without discrimination.
4.2 Under the Employment Equality (Age) Regulations 2006, redundancy selection processes must be free of age discrimination. For example, selecting employees for redundancy on a “last in first out” (LIFO) basis is likely to be indirectly discriminatory as this practice puts younger employees at a particular disadvantage.

4.3 However, selecting employees for redundancy on a LIFO basis may be justifiable in some cases if it constitutes a proportionate means of achieving a legitimate aim. It is therefore possible to consider length of service and reward loyalty and therefore, used as one of several criteria or a deciding factor when other factors are not decisive, LIFO may be a proportionate means of achieving this aim. The use of LIFO as the sole criterion is not advisable, if there are other factors that can be taken into account.

5. Alternative Work

5.1 This is dealt with in detail in the redeployment policy.

6. Facilities for Redundant Employees

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

6.2 The Council will take any other steps as are practical to assist redundant employees to find alternative employment. Such steps may include the provision of facilities for officials of the Employment Service to visit work to interview those facing redundancy. Further information can be found in the Redundancy Support Procedure.

7. Redundancy Payments

7.1 The Employment Rights Act 1996 provides a basic entitlement for employees dismissed as redundant who have been continuously employed for at least two years as follows:-

- For each year of service from age 18-21 inclusive – half a weeks pay
- For each year of service from age 22-40 inclusive – one weeks pay
- For each year of service from age 41-64 inclusive – one and a half weeks pay

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

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

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

9. Equality Impact Assessment and Monitoring

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


10.1 In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with the requirements of the Data Protection Act 1998.
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1. **Scope of the Capability Procedure**

1.1 This procedure shall apply to all employees of Wyre Council excluding Officers employed under JNC Conditions of Service for Chief Officers.

1.2 The full procedure will not apply to employees on a probationary period or seasonal employees (see Section 7).

2. **Definition of Capability**

2.1 This procedure is appropriate to situations where there is dissatisfaction with an employee’s performance related to his/her innate ability to do the work in question to the required standards. Capability is assessed by reference to skill, aptitude, health or any other physical or mental quality.

Examples of problems that lead to capability issues are (N.B. this list is not exhaustive):

- Insufficient training
- Post-recruitment – square peg in round hole, inadequate induction
- Inability to cope with change
- The effects of harassment
- Relationship perceptions e.g. over-sensitivity
- Lack of managerial guidance
- Poor communication
- Inadequate equipment to do the job
- Alcohol/drugs
- Illness/sickness/phobia (See Attendance Review Procedure)
- Loss of, or inability to gain, the necessary qualification to do the job.

3. **Standards**

3.1 **Setting Standard of Performance**

3.1.1 It is **essential** that all employees are clear about the standard of work required and are left in no doubt about what is expected of them. Duties and expectations should be fully explained to employees affected by change.

3.1.2 Proper training and supervision are essential to achievement of satisfactory performance. It is good management practice to continuously discuss progress with employees, including at appraisal and during the probationary period, in order to identify problems and solutions at an early stage.

3.2 **How Standards are Measured Against Performance**

3.2.1 Standards of performance set should be realistic and measurable. Generalisations about an employee’s short coming will be insufficient. The manager must clearly define the key tasks/responsibilities and the way in which the employee is failing to achieve the standard required in each area, by reference to quality and timescale.
3.2.2 The manager will then be in a position to set clear targets for the standard to which these tasks/responsibilities should be carried out. The employee must be given a reasonable period within which to demonstrate an improvement before again reviewing performance.

3.2.3 Consideration should be given as to whether an apparent problem is due to unreasonable expectations, a lack of proper explanation or insufficient supervision and/or training. Employees have a responsibility to achieve a satisfactory level of performance, but should be given help and encouragement to reach it.

4. Situations Outside this Procedure

4.1 Where an employee’s performance is **wilfully** inadequate, careless or negligent; or is attributable to a combination of incompetence and misconduct, the problem should be dealt with under the Disciplinary Procedure as one of **conduct** rather than capability.

4.2 Where an employee’s performance is affected by ill-health, this should be dealt with under the Attendance Management Procedure.

5. Informal One to One Discussion

5.1 An employee’s failure to achieve a satisfactory standard of performance should be identified at the earliest opportunity and the reasons for the problem fully explored by means of a thorough discussion, between the immediate line supervisor/manager and the employee.

5.2 It is not a prerequisite of this informal discussion that the Human Resources section be informed.

5.3 The immediate supervisor/manager should arrange to discuss the exact nature of the problem(s) with the employee. The aim will be to:

- explain in precise terms how he/she is failing to achieve at the required targets;
- ask for an explanation and explore the reasons for the problem;
- gain a commitment to improve;
- **agree** clear, realistic targets to help him/her achieve the overall standard required;
- identify if appropriate what support, guidance, counselling and/or training should be provided;
- agree a reasonable period following which the situation will be reviewed (see Section 9).

5.4 The discussion should be helpful and constructive, with the aim of achieving full and effective performance in the job.

5.5 This stage does not require representation, however, if the employee wishes to be accompanied by a trade union representative or work colleague, this will normally be agreed.

5.6 All possible solutions should be explored, whilst remaining realistic about the situation and the support which can be offered.
5.7 Written notes of the discussion and points raised must be kept by the supervisor/manager and progress monitored. The areas of concern, the standard expected and the target agreed, any support to be provided and the review period should all be noted. The notes will be required at further stages of the process.

5.8 At the end of the review period the employee must be advised in writing whether their performance is satisfactory.

5.9 If no or insufficient improvement is achieved, the Formal Procedure should be applied (see section 6).

5.10 If there is a belief at this stage that failure to improve is related to the employees conduct rather than capability the Disciplinary Procedure should be used.

6. Formal Procedure

6.1 Human Resources must be notified of all stages of the Formal Procedure, though it is not a prerequisite that a Human Resources representative is in attendance at capability meetings.

6.2 Employees have the right to be accompanied by a recognised trade union representative or work colleague at all states of the Formal Procedure.

6.3 The seriousness of the case may dictate that the Formal Procedure should be entered at a later stage, for example Stage 2. The principle is that an employee should not normally be dismissed until he/she had been given proper chance to improve and at least one Written Warning given that a failure to achieve the standard required within a stated reasonable period (which will preferably be agreed with the employee) will result in his/her employment being terminated.

6.4 If a capability problem or a problem relating to an employee’s qualification (for example the loss of driving licence) makes it impossible to carry out his or her job, an employee may be dismissed under this procedure if no reasonable redeployment opportunity exists.

6.5 Formal Procedure Stage 1

6.5.1 The employee will be advised is writing of the requirement to attend a formal meeting to discuss the situation. Notice will normally be given of at least five working days unless otherwise agreed. The notification will include:

- the date and time of the meeting;
- the place of the meeting;
- precise details of the areas in which the employee is failing to achieve the standard(s) required;
- confirmation that the meeting is being held under the Council’s Capability Procedure (enclosing a copy), and the stage reached;
- a statement that the employee will be asked for an explanation and that possible solutions will be jointly explored;
- a statement of the employee’s right to be accompanied by a trade union representative or work colleague.
6.5.2 The meeting should be conducted by the employee’s line manager and a member of the Human Resources Section will normally be in attendance.

6.5.3 The tone of the meeting should be helpful and constructive, but realistic. It should be conducted along the lines outlined in paragraph 6.3 exploring why the action taken so far has failed to improve matters. The employee (and/or his/her representative) should be given every opportunity to provide a full explanation.

6.5.4 There should normally be a brief adjournment before the manager makes a decision about the next step is arrived at. All possible solutions should be explored.

6.5.5 The decisions reached and the next procedural steps should be fully explained to the employee and a review period agreed. The employee must be informed that this is a Written Formal Warning and that a failure to achieve the standard of performance required may lead to the next stage of the Formal Procedure and ultimately may put his/her employment at risk.

6.5.6 An accurate but concise record of the interview should be kept, and the situation confirmed in writing to the employee, specifying:

- the precise aspect of his/her performance discussed as giving cause for concern;
- details of what was agreed, including the standard(s) required and performance targets set, any support and/or training to be given;
- the next procedural steps, monitoring arrangements and a review date;
- that a failure to achieve a satisfactory performance standard may result in the next stage of the Formal Procedure being invoked and may put the employees employment at risk.

6.5.7 The situation should continue to be monitored. Informal progress discussions with the immediate supervisor/manager are encouraged.

6.5.8 If no, or insufficient improvement is achieved by the end of the review period the employee will be required to attend a further interview under Stage 2 of the Formal Procedure.

6.6 **Formal Procedure Stage 2**

6.6.1 The purpose of this stage is to ensure that all options have been pursued and explored.

6.6.2 The procedure outlined in Formal Procedure Stage 1 should be followed.

6.6.3 The employee should be informed both verbally and in writing that if there is still a failure to demonstrate the improvement required during the further review period, his/her employment may be terminated without further warning. This constitutes a Final Written Formal Caution.

6.6.5 If no, or insufficient improvement is achieved by the end of the review period, the employee should be required to attend a Hearing under Stage 3 of the Formal Procedure.
6.7 **Formal Procedure Stage 3**

6.7.1 The Hearing under stage 3 of the procedure must be conducted by a manager at Corporate Director level or above.

6.7.2 The employee must receive at least five working days notice of the hearing, the arrangements for which should be confirmed in writing. The notification will include:

- the date and time of the interview;
- the place of the hearing;
- precise details of the areas in which the employee is failing to achieve the standard(s) required;
- confirmation that the hearing is being held under the Council’s Capability Procedure (enclosing a copy) and the stage reached;
- a statement that at the end of the hearing, a decision will be made about his/her future in the job and this may include a decision to terminate his/her employment;
- a statement of the employee’s right to be accompanied by a recognised trade union representative or work colleague.

6.7.3 The aim of the interview will be to:

- explain in precise terms how he/she is still failing to achieve a satisfactory standard;
- listen to his/her (and/or his/her representative) explanation;
- fully consider any points raised and ensure that all avenues for achieving a solution have been explored and all reasonable training, support and counselling (if appropriate) given;
- arrive at a decision about the employees future, including the decision whether to dismiss; or consider other options including redeployment.

6.7.4 The employee should be informed of the decision, which should only be taken after an adjournment to fully consider the case.

6.7.5 If the decision is taken to dismiss, the employee must be advised of his/her right of appeal (see paragraph 13).

6.7.6 The manager may agree to a final review period if he/she is in any doubt that a full opportunity to improve or sufficient support/training has been given. If this action is taken the employee must be informed in writing that a failure to achieve a satisfactory standard following the further review period will result in his/her employment being terminated.

6.7.7 An accurate but concise record of the interview should be kept. This is the responsibility of the manager conducting the hearing.

6.7.8 Where the decision is dismissal Human Resources will write to the employee confirming the decision made and specifying:

- how he/she failed to achieve the standard of performance required;
- the decision reached;
- the effective date of termination of employment and arrangements for the notice period;
- the right of appeal against dismissal and how the right may be exercised.
6.7.9 Where the decision is other than dismissal Human Resources will write to the employee, advising him/her of the corrective course of action. Failure to accept the decision will lead to dismissal.

### 7. Employees on a Probationary Period

#### 7.1 Employees on a probationary period will not normally be entitled to the provision of the full Capability Procedure but must have a minimum of the Informal Discussion and Stage 2 of the Formal Procedure before the dismissal stage.

#### 7.2 An option available will be to extend the probationary period by one month for employees on a three month probationary period and three months for employees on a six month probationary period.

#### 7.3 Seasonal employees will be entitled to the Informal Discussion only before dismissal. Human Resources must be consulted prior to dismissal.

### 8. Payment of Increments

#### 8.1 To pay an increment where an employee’s capability is in question may send a conflicting message about the level of satisfaction with his/her performance and the seriousness of the situation.

#### 8.2 The payment of an increment may be withheld where the Informal or Formal Stage or beyond of the Capability Procedure has been invoked and is failing to bring about an improvement.

#### 8.3 Any increment withheld will be paid subsequently if the employee’s performance reaches a satisfactory standard, from the date the performance is deemed to be satisfactory.

### 9. Review Periods for Improvement

#### 9.1 What is a ‘reasonable’ period for improvement? It is impossible to be specific and each case must be considered on its circumstances and, as far as possible, agreed with the employee. Consideration should be given to such factors as:

- length of employment;
- the seriousness of the problem (what are the consequences of continuing mistakes, is it a ‘key post’?);
- the nature of the work (realistically, how long will it take to demonstrate an improvement?);
- what support/training/counselling needs to be provided?
- the employee’s personal circumstances;
- any other relevant issues not covered above.

#### 9.2 Once a Review Period is determined, it should be adhered to. The employee may not demonstrate signs of improvement during this period, but this would not be regarded as sufficient reason to ‘cut short’ the period. It would be appropriate for the manager/supervisor to informally remind the employee of the requirements to meet the standard(s).
10. Employees Refusing to Accept there is a Problem/Refusal to Co-operate

10.1 It is important to obtain the employee's commitment to reaching the required standard(s). However, occasionally an employee may not accept there is a problem, or he/she does accept there is a problem but may not respond to constructive moves and suggestions to aid improvement.

10.2 It may be appropriate to approach the employee's trade union representative in an attempt to obtain the employees' commitment/co-operation.

10.3 The onus is still on the manager/supervisor to suggest ways in which the required standard can be achieved. If these are rejected by the employee, the appropriate Caution for the relevant stage of the procedure should be issued and the employee given, a reasonable period in which to reach the required standard(s).

10.4 In these circumstances, careful and accurate notes should be made of the employee's responses.

11. Redeployment

11.1 There is a specific duty to consider the availability of suitable alternative work before arriving at a decision to dismiss.

11.2 Redeployment will depend on suitable alternative work being available for the employee. There is no requirement for the Authority to create a post where none is available. Consideration should be given to whether he/she would be suitable for a post if a reasonable and realistic amount of training was provided.

11.3 A reasonable trial period should be agreed before any permanent redeployment. The situation should be closely monitored and the employee given as much support, guidance and training as possible. On completion of the trial period, if the arrangement is confirmed as permanent, no salary protection will apply, i.e. the employee will receive the rate of pay for the post irrespective of whether it is higher or lower than the rate for the original job. It is essential that it is made clear to the employee that acceptance of employment on a lower grade may affect pension benefits.

11.4 The terms of any trial period should be clearly explained both verbally and in writing and the potential consequences of dismissal if it is unsuccessful. The employee's substantive post must be kept available to maintain the contractual link between the employee and the job until the situation is resolved. Temporary cover of the substantive post will be permitted subject to the normal approvals.

12. Action in Serious Cases

12.1 In the rare event that the perceived incapability is considered serious enough to have a substantial adverse effect of the delivery of services, the Council reserves the right to suspend an employee on full pay whilst investigations take place. This would be a precautionary act and does not in itself constitute formal action.
12.2 Where an employee commits a single error and the actual or potential consequences of that error are extremely serious, such a case should be investigated and dealt with under the Disciplinary Procedure.

13. Right of Appeal

13.1 An employee who feels aggrieved at any stage of the Capability Procedure may pursue the matter through the Grievance Procedure.

13.2 The appeal against dismissal shall be heard by Employment and Appeals Panel (Stage 3 of the Grievance Procedure).

14. Equality Impact Assessment and Monitoring

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

15. Data Protection Act 1998

In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with the requirements of the Data Protection Act 1998.
POLICY

Wyre Council is committed to protecting and promoting the health and wellbeing of all its employees.

The Council intends to strive towards creating an environment and culture where health and wellbeing is supported and promoted allowing employees to achieve their full potential and to achieve their personal aspirations whilst maintaining a worklife balance. It is widely acknowledged that healthy and well employees are physically and mentally able, willing to contribute in the workplace and likely to be more engaged at work.

The health and wellbeing framework intends to provide a holistic approach to improving health and wellbeing through the provision of practical incentives and interventions. Whilst ensuring the health and wellbeing initiatives are balanced to meet the needs of employees and with those of the organisation. Eight key areas make up this strategy:

1. Creating a safe and healthy workplace
2. Recruitment, retention and rehabilitation
3. Mental wellbeing and minimising stress
4. Musculoskeletal disorders
5. Tobacco smoke and smoking cessation
6. Alcohol and other substance misuse

Benefits should be accessible to all sectors of the workforce in line with the principles set out in the Council’s Equal Opportunities Policy.

BENEFITS OF A HEALTHY WORKPLACE

- Reduced sickness absence
- Fewer injuries and accidents
- Improved productivity and performance
- Improved employee engagement, morale and staff retention
- Employees who are more receptive to and better able to cope with change
- Enhanced reputation and corporate responsibility

(Faculty of Public Health and the Faculty of Occupational Medicine)

HOW WILL EMPLOYEES BENEFIT FROM THIS FRAMEWORK?

- Help employees manage minor health problems in work.
- Aids return to health following an absence from work because of illness.
- Help to avoid work-related health problems.

CREATING A SAFE AND HEALTHY WORKPLACE

OCCUPATIONAL HEALTH

The provision of Occupational Health, currently provided through People Asset Management, is recognised as essential for the effective management and prevention of
absence from work. Occupational Health supports the Council’s attendance processes through the delivery of support packages, treatment and professional and fully qualified occupational health advice. Occupational Health provides:

- Pre-employment Assessments – taking into account the specific requirements of the job.
- Stress management advice and therapy
- Onward referral for counselling and physiotherapy
- DSE/Workstation assessments
- Health surveillance for employees exposed to certain workplace hazard e.g. Noise
- Health promotion – encouraging a healthy lifestyle i.e. Smoking cessation, diet, etc.
- Health screening – provision of detailed personal health screening.
- Tests include blood pressure and employees are provided with a report of their results.
- Control of Infection – This is provided through immunisation programmes and advice.
- Absence management
- Fitness for work assessments – following illness or injury.

**BHSF CASH PLAN**

BHSF provide a health cash plan that is available to all staff working at Wyre. Although it is unsubsidised payments are deducted from salary each month. Through the plan staff can claim cash towards dental check-ups and treatment, eye-sight tests, new glasses, contact lenses and therapy treatments such as physiotherapy and chiropody.

**EYE SIGHT TESTS**

Employees who have been identified as a VDU (Visual Display Unit) user through their Display Screen Equipment (DSE) assessment are entitled to receive a free full eyesight test and VDU glasses if required.

The Council will also provide eye tests for those employees who drive Council vehicles as part of their role and staff are reminded of their duty to ensure that they meet the minimum vision standards in deciding on their fitness to drive.

Eye-sight tests are administered on behalf of the Council by D&A Opticians. Local branches can be found in Blackpool, Cleveleys, St. Annes, Preston and Lancaster (see intranet for further details of these and other branches).

Further information on eye-sight testing can be found in the Council’s Eye-sight Testing Policy available on the Intranet or from Human Resources.

**HEALTH AND SAFETY**

Organisational health and safety is provided by qualified health and safety professionals, who ensure that all reasonable steps are taken to eliminate hazards to health and safety and to eliminate the cause of foreseeable accidents. The predominant objective of the Council is to create and sustain a positive and innovative health and safety culture. This is essential for the continuous development and for the raising of awareness of the Council and employees of their obligations, in achieving a positive reduction in accidents, incidents, near misses and hazards to health.
Under the provision of the Health and Safety at Work Act 1974, the Council recognises its managerial responsibilities, and as far as is reasonably practicable will endeavour to:

- Provide and maintain plant and systems of work that are safe and without risk to health. Plant includes any machinery, equipment or appliances including portable power tools and hand held tools.
- Ensure that the use, handling, storage and transportation of articles and substances is safe and without risk.
- Provide sufficient information, instruction, training and supervision to ensure that all employees are able to carry out their work safely and to provide specific health and safety related training as required.
- Ensure all workplaces are safe and healthy and will maintain safe means of entry and exit at all times.
- Ensure workplace environments do not adversely impact on the health, safety or wellbeing of employees; this includes the provision of adequate welfare facilities.
- Provide and maintain procedures for consultation with employees and employees’ representatives regarding matters to ensure and improve good health and safety practice.

HEALTH AND SAFETY POLICIES AND RISK ASSESSMENTS

In addition to the Health and Safety provision in order to protect and maintain a safe and healthy working environment, these include:

- COSHH
- Guidance on the safe use of access equipment
- Ladder inspection procedure
- First aid at work
- Display screen equipment (DSE) policy
- Hand arm vibration policy
- Lone working policy
- Accident reporting procedure
- Guidance on dealing with violence and aggression at work
- Fire precautions
- Personal protective equipment
- Manual handling
- Maternity risk assessment procedure
- Directorate guidance on risk assessments

CONSULTING ON HEALTH AND SAFETY ISSUES

The Council recognises the importance of involving staff in the management and improvement of health, safety and welfare in the workplace. It is also recognised that Trade Unions have a vital role to play in assisting the Council to develop policies that provide a framework to ensure the health, safety and welfare of staff, and to encourage the commitment and involvement of staff in the health and safety procedures.

SUN PROTECTION

Employees who are exposed to the sun as a part of their normal duties are provided with sun block, sun protection and broad rim hats. All employees are advised to protect themselves from the damaging affects of sun exposure whilst at work and at home.
RECRUITMENT, RETENTION AND REHABILITATION

RECRUITMENT AND SELECTION POLICY

The recruitment and selection policy provides the Council’s code of practice on recruitment and selection and in conjunction with the Recruitment and Selection Handbook exists to ensure that the Council appoints the best person for the right job and also to ensure that we are eliminating all types of discrimination.

The policy explains what should happen at each stage of the recruitment process, from when someone hands in his or her resignation to when a new person starts a job. It also provides guidance on specific impairments and the reasonable adjustments that may be offered, in order to ensure equality of access.

ATTENDANCE POLICIES

The Council values the contribution of its employees in the delivery and maintenance of quality services to the community. Whilst recognising that employees may be prevented from attending work through ill health, the Council has a duty to maintain service delivery and minimise disruption. The Council is therefore committed to managing attendance and sickness absence and believes that this is the responsibility of managers, trade union representatives and employees to work together to promote an attendance culture, the management of sickness absence and wellbeing.

The Attendance Policy and Attendance Management Policy provides guidance on reporting individuals as absent, the return to work interview process, dealing with short term and long term absences and the support available to help individuals return to work following illness. This may include support from Occupational Health, Physiotherapy or a phased return to work.

JOB EVALUATION

Job Evaluation is a process that seeks to objectively measure the different elements or parts of a job. It evaluates each element and gives a total score for the post. All the jobs are scored in the same way, giving a comparison of the jobs throughout the Council.

All posts within the Council have been evaluated against the NJC Job Evaluation Scheme, ensuring that employees can expect equal pay for work of equal value.

MATERNITY, PATERNITY AND ADOPTION LEAVE

The Council provides detailed guidance on the provisions for maternity, paternity and adoption leave. It includes details of time off and pay provisions, health, safety, welfare and wellbeing advice and support.

MENTAL WELLBEING AND MINIMISING STRESS

MANAGING STRESS IN THE WORKPLACE

The managing stress in the workplace policy aims to promote a harmonious and healthy working environment, to promote engendering trust and co-operation between colleagues and to foster an environment in which staff treat each other with dignity and respect. The
Council recognises that it has a duty of care towards its staff and a legal obligation to provide a safe working environment.

The policy provides guidance for managers on the HSE Management Standards and explains the steps that should be taken to support a workplace stress risk assessment. It also identifies the interventions and support solutions that the Council provides to help managers in tackling workplace stress.

EMPLOYEE ASSISTANCE PROGRAMME

Wyre Council fund an Employee Assistance Programme for all staff. The service provided by Health Assured is there to help employees deal with personal problems that might adversely impact their work performance, health, and wellbeing. The telephone services are available via a freephone number 24 hours a day 365 days a year.

Health Assured offers cover for the employee and their immediate family members who reside at the same address, including children in full-time education. The service provides access to:

- Stress helpline
- Structured telephone counselling
- Tax advice
- Legal advice *(the EAP will not provide employment law advice)*
- Eldercare
- Childcare
- Medical information

In addition as part of the Health Assured EAP staff also have access to a range of engaging and useful online tools. These include:

- Emotional support
- Fitness advice (including video demonstrations)
- Personal coaching tool
- Health assessment
- Medical information

WORK LIFE BALANCE

The Council recognises the importance of helping its employees balance their work and home life by offering flexible working arrangements that enable them to balance their working life with other priorities, including parental and other caring responsibilities, life-long learning, charity work, leisure activities and other interests. In turn it recognises that staffing levels must at all times remain in line with the demands of the business.

FLEXI TIME

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

Under this scheme, employees are allowed some discretion in arranging their working time. However sufficient cover within a section must be maintained as agreed with their Manager and provided the exigencies of the service are met as determined by management. Normal office opening times are 0830 to 1700 Monday to Friday. Many of the Council’s employees
do already benefit from this scheme however unfortunately a small number of staff will be excluded from the scheme due to the nature of their duties and the Council’s requirements.

FLEXIBLE WORKING

Although it is recognised that certain employees do have a legal right to request flexible working, the Council’s policy is that all employees are entitled to submit a request regardless of age, gender, sexual orientation, gender reassignment, marital status, race, religion or belief, whether they have a disability, their level of seniority, their length of service, current working pattern, or whether they are employed on a permanent or fixed-term basis.

The procedure for requesting flexible working is set out in section 5 of the Council’s Work Life Balance Policy.

SPECIAL LEAVE

As part of our commitment to work life balance, this policy aims to address the needs of employees to balance work with personal circumstances. Circumstances when special leave may be granted (usually unpaid) include, time off for dependents, acting as a Court witness, public duties and career breaks.

COMPASSIONATE LEAVE

The Council recognises that when faced with the death of a dependant, partner or family member employees may need to take time away from work and may require additional support.

Line managers have the discretion to grant up to 6 days paid compassionate leave (pro-rata for part time staff) to employees following the bereavement of a dependant, partner or family member.

Individual circumstances, the nature of relationships and the required observances of different religions may vary. Therefore, rather than being prescriptive on the number of days applicable, each case should be assessed individually by the manager who will normally take the following into consideration:

- the relationship between the individual and the employee;
- whether the employee is involved in making funeral arrangements;
- whether there may be a requirement to travel or attend a funeral.

Further information on Flexible Working, Special Leave and Compassionate Leave is contained within the Council’s Work Life Balance Policy.

STAFF FOCUS GROUP

The staff focus group actively seeks to engage with employees by communicating, consulting and involving employees in the development and implementation of procedures and other staff issues. The informal Staff Matters meetings are held on a monthly basis and are chaired by the Chief Executive. Group members’ are representatives from all areas of the Council.
EQUAL OPPORTUNITIES POLICY

The Council is committed to providing equal opportunities in employment and to eliminating unlawful discrimination in employment or to customers.

The purpose of Equal Opportunities policy is to provide equality and fairness for all in our employment and not to discriminate on grounds of age, disability, gender, gender reassignment, marital status, race, religion or belief, pregnancy and maternity or sexual orientation. The Council opposes all forms of unlawful and unfair discrimination.

The policy ensures that all employees, whether part time, full time, or temporary, will be treated fairly and with respect. Selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the organisation. The policy also provides clear reporting procedures for those who feel discriminated against.

DIGNITY AT WORK POLICY

The Council fully supports the right of all people to be treated with dignity and respect at work. We are committed to promoting a working environment free from all forms of harassment and bullying and agree that appropriate steps should be taken to achieve this.

It is well recognised that workplace harassment and bullying has a detrimental and negative affect on individuals and therefore operational efficiency. The aim of the anti harassment and bullying policy is to engender a culture that does not condone harassment and bullying and where all complaints or allegations are taken seriously and acted upon in an appropriate way.

PERFORMANCE MANAGEMENT

Performance management is essential for supporting individuals to achieve their full potential, to identify clear aims and objectives, priorities workload and to identify strengths and areas where further support is required. The Council recognises that effective performance management should alleviate stress through effective two way communication, involvement of employees in their own development and identification of training needs.

MUSCULOSKELETAL DISORDERS

MANUAL HANDLING TRAINING & GUIDANCE

The Council acknowledges that manual handling activities are one of the largest causes of injuries in the UK, accounting for nearly a quarter of all accidents in the UK. With this in mind manual handling guidance and training is available to all employees and should form part of directorate health and safety risk assessments.

DISPLAY SCREEN EQUIPMENT (DSE) ASSESSMENTS

Working with display screen equipment is not generally considered to be high risk, but it can lead to muscular and other physical problems, eye fatigue and mental stress. It is recognised that problems of this kind can be overcome by good ergonomic design of equipment, furniture, working environment and the tasks performed.
The Council has a duty to comply with the Health & Safety (Display Screen Equipment) Regulations 1992, as amended by the Health and Safety (Miscellaneous Amendments) Regulations 2002. The amendments to the regulations stipulate that all Visual Display Unit (VDU) workstations should be assessed, not just those that are dependent upon how many hours the employee operates the equipment.

The Council provides DSE assessments to all employees identified as ‘users’ and workstations that are shared and also of employees who operate the equipment for less time. DSE assessors have completed the appropriate level of training to provide the full DSE assessment.

ATTENDANCE POLICY

Following periods of long term sickness absence for musculo-skeletal disorders, the Council’s Attendance Policies support employees through the provision of:

1. Reasonable adjustments - including adjustments/alternations to premises, reallocation of duties or the provision of specialist equipment.
2. Phased return to work programmes – initially reduced working hours, gradually increasing over a period of up to six weeks.

Any adjustments made to modify a post, will be done so on the advice of Occupational Health or Health and Safety.

PHYSIOTHERAPY

Musculo-skeletal problems accounts for a significant number of the absences within the Council. It is recognised that by providing early intervention such as treatment and support for these types of injuries this will help to reduce absence from the workplace and therefore help to reduce pressure on colleagues that results from an individuals absence.

Physiotherapy is provided to employees in circumstances when their condition is/may prevent their attendance at work or when their condition has occurred as a result of an industrial injury.

TOBACCO SMOKE AND SMOKING CESSATION

SMOKE FREE POLICY

The Council recognises that smoking and the effects of second hand or passive smoke are major causes of preventable ill health conditions and early death. The purpose of the smoke free policy is to protect and improve the health, safety and well being of all employees and members, as well as those who visit Council premises by prohibiting smoking on any Council premises.

It is widely accepted that smokers are more susceptible to illnesses, leading to increased costs to the Council from absenteeism, and loss of productivity. This is further compounded by second hand smoke which can cause detrimental impacts on the non smoking workforce and the working environment, in terms of exposure to second hand smoke and cigarette litter.

The policy acknowledges the rights of all employees and members, and particularly non-smokers, to have a smoke free working environment. This policy covers all Council
employees and members during working hours, as well as visitors to Council buildings. The policy applies to all property occupied by Council employees including offices, workshops and Council vehicles.

SMOKING CESSATION SESSIONS

A free service for all smokers in Lancaster District, Wyre and Fylde who want to quit.

Your local stop smoking service offers:

- One-to-one appointments with a specialist adviser who can offer expert advice and a tailor made quitting plan just for you.
- Group support in some areas for those who would like to share their experience with others.
- A specialist one-to-one service for mums to be who want to quit and their families.
- A wide range of venues, days and times to suit you.
- Appointments in Lancaster, Morecambe, Carnforth, Garstang, Fleetwood, Cleveleys, Thornton, Over Wyre, Great Eccleston, Kirkham, Freckleton, St Anne’s and Lytham.

Employees can contact this service by calling 01524 845145 to register.

ALCOHOL AND OTHER SUBSTANCE MISUSE

ALCOHOL AND SUBSTANCE MISUSE POLICY

The Council recognises that alcohol consumption and drug taking can adversely affect behaviour, performance and relationships, both within work and outside. It is recognised that such issues are very sensitive and individuals may face difficulty in coping with this aspect of their lives. This policy aims to offer appropriate support and guidance where possible resorting to sanctions only where necessary.

INFORMATION AND SUPPORT

Information and supporting guidance is provided through Occupational Health or Human Resources.