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 Domestic Abuse and the Implications in the Workplace Policy

   Safeguarding Adults Policy

   Training Policy

   Driving Policy

   Smoking Policy

   Appendix 1  Reviewed

   Appendix 2  Reviewed

   Appendix 3  Reviewed

   Appendix 4  Reviewed

   Appendix 5  Reviewed
5.2 The Domestic Abuse and the Implications in the Workplace policy has had a couple of minor amendments for readability purposes.

5.3 The Safeguarding Adults Policy has been updated in line with the Lancashire County Council Multi-Agency Policy and Procedures.

5.4 The Training Policy has been updated to provide better clarity on the resourcing of training and development and the financial assistance available to employees including the council policy regarding the repayment of fees if employees leave within a two year period.

A Training Handbook is also to be drafted that will include further information regarding identification of training needs, the types of training available, learning styles and the application and evaluation process through HR21.

5.5 The Driving Policy has been updated for useability and readability and to provide more clarity on the options available to Managers when an employee’s driving ability has deteriorated.

5.6 The Smoking Policy has been updated to reflect current trends and to provide more up to date information on the support available to staff.

### IMPLICATIONS

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<tr>
<td>Finance</td>
<td>There are no specific Finance issues associated to this report.</td>
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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>
</tr>
<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>
</tr>
<tr>
<td>Sustainability</td>
<td>Managers and Staff will be trained and made aware of all HR Policies</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>
</tr>
<tr>
<td>Climate Change</td>
<td>No climate change issues within this report.</td>
</tr>
</tbody>
</table>
Report Author | Telephone No. | Email | Date
--- | --- | --- | ---
Liesl Hadgraft  
Head of Business Support | (01253) 887313 | Liesl.hadgraft@wyre.gov.uk | June 2013

## List of Background Papers:

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## LIST OF APPENDICES

Appendix 1. Domestic Abuse and the Implications in the Workplace Policy
Appendix 2. Safeguarding Adults Policy
Appendix 3. Training Policy
Appendix 4. Driving Policy
Appendix 5. Smoking Policy

arm/empap/cr/13/0107lh1
Domestic Abuse and the Implications in the Workplace
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1. **Policy Statement**

1.1 Wyre Council recognises that domestic abuse is a widespread problem that can not be ignored and that everyone has the right to a life free from abuse in any form. The council strives to create a working environment that promotes the view that abuse against any person is unacceptable, that the responsibility for the abuse lies with the perpetrator and to help and support employees involved in or experiencing domestic abuse.

For the purpose of this policy domestic abuse is defined as follows:

“Any incidents of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are, or have been, intimate partners or family members, regardless of gender or sexuality.”

The council acknowledges that while it is mainly women who experience domestic abuse this policy applies equally to men who need advice or support.

All employees have the right to raise the issue of domestic abuse with the council in the knowledge that the issue will be treated with sympathy and confidentiality and that an effective support system will be available to them.

Employees experiencing domestic abuse will be expected to take a responsible attitude towards ensuring their own health and safety and that of their colleagues when the abuse impacts upon the workplace.

2. **Aims of the Policy**

2.1 To demonstrate the Council’s commitment to and support for any employee experiencing domestic abuse.

2.2 To provide advice about appropriate action to take should anyone be experiencing domestic abuse.

2.3 To publicise support for anyone experiencing domestic abuse.

2.4 To set out what the Council may do if an employee is found to be a perpetrator of domestic abuse.

3. **Manager’s Role**

3.1 A manager may become aware or suspect that an employee is experiencing domestic abuse although the employee might not feel able to raise the issue with anyone. Managers should be alert to signals such as frequent absence from work, poor performance or a partner frequently making contact.

In these cases offering appropriate support may mean that the employee is able to deal with their situation more effectively. The issues surrounding domestic abuse can be complex and sensitive and if managers have concerns they should seek advice from Human Resources.

3.2 Managers must have a sensitive approach and ensure that employees are offered support if the issue of domestic abuse has been disclosed to them. Managers are advised:

a) To ensure privacy and confidentiality as far as possible;
b) To ensure a non-judgemental approach, taking the employee seriously and above all, listening and believing what they are told;

c) That an employee may wish to involve a third party i.e. a friend, rather than their line manager;

d) That additional issues such as age, gender, sexuality, ethnicity, race and disability may also face the employee and managers should be aware of this;

e) To support the employee in whatever they decide to do by exploring the support and options available to them.

3.3 Managers must maintain a secure environment for all employees. In cases of domestic abuse the Council’s risk assessment procedure should be followed. To ensure a secure environment it may be necessary to consider, with the employee concerned, the possibility of informing colleagues of any potential risk.

3.4 Colleagues should always be reminded of the confidentiality of the issue and information should only be disclosed with the express permission of the employee concerned.

3.5 Additional courses of action could include:

a) reminding reception and switchboard staff in particular, but all employees in general, that personal details of employees are not to be divulged;

b) changing work times and patterns, along with office layout to ensure the employee is not visible through the windows or front reception points;

c) offering changes in specific duties e.g. removal from reception duties, or redeployment to another post if changes cannot be easily made;

d) agreeing what to tell colleagues and advising them what response they should give if the abuser telephones or calls at the work place;

e) reviewing systems for recording whereabouts of employees during the working day and minimising the risks to lone workers from outside visits/meetings;

f) recording all incidents of violence or threatening behaviour via the Council’s Incident Reporting Procedure. Incidents can include persistent phone calls, emails or visits by the alleged perpetrator. Details of witnesses to incidents should also be recorded. If legal proceedings follow, the records could be used as evidence;

g) considering offering paid or unpaid leave or any other flexible working options for employees experiencing domestic abuse in accordance with the Council’s Flexible Working Policy;

h) changing payment arrangements;

i) encouraging staff to seek advice of the professionals and providing advice on useful contacts;

j) referral, with employee’s consent, to appropriate counselling services.

3.6 Attendance at court will be necessary if criminal charges are brought. Leave will be granted in accordance with the Council’s Work Life Balance Policy.
Managers will reassure employees of confidentiality as far as is practicable. There are, however, some circumstances in which confidentiality cannot be assured. These occur when there are concerns about children or vulnerable adults or where the council needs to act to protect the safety of employees.

In such cases specialist advice will be sought and the employee will be advised as to why the breach is required seeking their agreement where possible.

### 4. The Council’s Approach to Employees who are Alleged or Actual Perpetrators of Domestic Abuse

#### 4.1 Employees should be aware that domestic abuse is a serious matter that can lead to criminal convictions.

#### 4.2 Conduct at Work

Perpetrators of domestic abuse might use workplace resources such as telephone, fax or email to threaten, harass or abuse their current or former partners, and may involve other colleagues who may or may not be aware of their motives in assisting them.

Such abuse requires an effective employer response because it could be damaging and potentially dangerous for those being abused, as well as possibly bringing the Council into disrepute if the abuse is allowed to continue.

Similarly, proven harassment and intimidation of Council employees by their partner or ex-partner who also works for the Council will be viewed seriously and may lead to disciplinary action being taken.

#### 4.3 Conduct Outside of Work

Conduct outside of work (whether or not it leads to police action/a criminal conviction) can also lead to disciplinary action against an employee because of its employment implications and because it undermines the confidence the Council (as an employer) has in the employee.

#### 4.4 Taking Action

Prior to commencement of any disciplinary action please seek advice from Human Resources.

Factors which will determine what action is required will include:

- the nature of the alleged or proven conduct;
- the nature of the work undertaken by an employee;
- the extent to which it involves contact with other employees or the general public or vulnerable client groups.

Certain conduct may make certain job duties inappropriate and justify consideration for redeployment. For example, it may not be appropriate for a perpetrator of domestic abuse to be providing services to vulnerable women and children, and a temporary change of duties or a transfer may need to be considered in such circumstances.

Where appropriate, action may need to be taken to minimise the potential for perpetrators to use their position or work resources to find out details of the whereabouts of their partners. This may include a change of duties or withdrawing access to certain computer programmes.
In addition to the range of remedies available to it under the Disciplinary Procedure, such action may also include a requirement for the employee to access specific support or counselling services e.g. domestic abuse perpetrator training or anger management training.

5. **Equality Impact Assessment and Monitoring**

5.1 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.

6. **Data Protection Act 1998**

6.1 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.
Safeguarding Adults
Policy & Procedure

July 2013
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1. Policy Statement

1.1 Wyre Council is committed to safeguarding and promoting the welfare of vulnerable adults and to delivering services that promote good practice.

1.2 The welfare of the vulnerable adult is paramount and is always the primary concern of the Council who recognise the need to ensure the welfare of vulnerable adults whatever their age, gender, sexual orientation, race, religion or belief, gender reassignment, disability, culture or circumstance.

1.3 The Council is committed to the following principles and actions:

- The Council will ensure that a protective safeguarding culture is in place and is actively promoted within the Council and will work together with other agencies to safeguard vulnerable adults.

- The Council will implement procedures to safeguard vulnerable adults and take all reasonable steps to protect them from harm, discrimination and to respect their rights, wishes and feelings.

- All employees of Wyre Council who work with vulnerable adults will be recruited with regard to their suitability for that responsibility. Employees who have substantial access to vulnerable adults are subject to an enhanced Disclosure Barring Service (DBS) check prior to appointment, which includes a check against the vetting and barring scheme in line with the Safeguarding Vulnerable Groups Act 2006.

- All employees/volunteers will be required to adopt and abide by this policy and procedures there in and will be provided with supervision, guidance and/or training in good practice and reporting procedures to ensure that they are properly equipped to:
  - identify where there may be a problem
  - know how to obtain advice
  - refer concerns to relevant specialists

- All employees have a responsibility to report concerns of suspected abuse or poor practice and the Council will provide designated points of contact to deal with such reports.

- Council employees are expected to work in an open and transparent way avoiding any conduct that may cause a reasonable person to question their motives and intentions.

- The Council will promote good practice that encourages a safe environment, protects all parties and avoids mistaken allegations of abuse.

- The Council will take all incidents of poor practice and allegations or suspicions of abuse seriously and these will be responded to swiftly and appropriately.

- The Council will respond promptly to suspicions or allegations involving employees and appropriate disciplinary and appeals procedures will be implemented.

- This policy will be reviewed every three years or whenever there is a change in the relevant legislation or any other adopted standard of best practice.

- Confidentiality shall be upheld in line with current data protection and human rights legislation.
2. Who does the policy apply to?

2.1 The policy applies to Members, employees, volunteers, contractors and everyone working on behalf of or representing the Council. For the purpose of this policy the term "employee" relates to any person paid or unpaid working on behalf of the Council.

3. Principles

3.1 This policy is based on the following principles that all adults have the right to:

- Live their lives free from fear, violence, harassment, humiliation, degradation, abuse and neglect;
- Be safeguarded from harm and exploitation;
- Be treated with dignity and respect, protected from mistreatment and abuse;
- Live an independent lifestyle and to make choices, even if some of those choices involve a degree of risk.

4. Identifying Abuse

4.1 Some adults (aged 18 and over) due to age, disability, illness or lifestyle may not be able to protect themselves against significant harm or exploitation.

4.2 Abuse occurs when someone’s human and civil rights are violated by someone else which may result in significant harm to, or the exploitation of the person subjected to it.

4.3 Abuse may consist of a single act or repeated acts;
- It may be physical, verbal, psychological or emotional;
- It may be an act of neglect or an omission to act;
- It may occur when a person is persuaded to enter into a financial or sexual transaction to which they had not consented, or cannot consent;
- Abuse may be deliberate or unintentional or result from lack of knowledge.

4.4 Anyone can abuse, often it can be the person you least expect, such as:

- Spouse/partner.
- Carers and care worker.
- Family member/relative.
- Friend.
- Neighbour.
- Volunteer helper.
- Someone not known to the person.

4.5 An abusive relationship often includes the misuse of power by one person over another and is most likely to take place in situations where either one person is dependent on another for their physical care or due to power relationships in society e.g. between a professional worker and a service user, a man and a woman and a person belonging to the dominant race / culture and a person belonging to an ethnic minority.

4.6 Things to look out for:
- Possible changes in the person’s behaviour or mood/personality.
- Unexplained injury or a series of injuries.
- Signs of fear or distress.
- Signs of neglect.
- Theft, fraud or unexplained financial worries.
5. Different Types of Abuse

5.1 Abuse can take many forms, including the following:

**Physical abuse** such as hitting, pushing, pinching, shaking, misusing medication, withholding food or drink, force-feeding, scalding, restraint and hair pulling, failing to provide physical care and aids to living.

**Sexual abuse** such as rape, sexual assault or sexual acts to which the person has not or could not have consented, or pressurising someone into sexual acts they don’t understand or feel powerless to refuse.

**Psychological or emotional abuse** such as threats of harm or abandonment, being deprived of contact with others, humiliation, blaming, controlling, intimidation, harassment, verbal abuse and being prevented from receiving services or support.

**Financial or material abuse** such as theft, targeted scams, fraud or exploitation, pressure in connection with wills, property, or inheritance, misuse of property, possessions or benefits.

**Neglect or Acts of Omission** such as ignoring medical or physical care needs; or preventing access to health, care or educational services or withholding the necessities of life such as food, drink and heating; or failing to ensure adequate supervision which exposes a person to unacceptable risk.

**Discriminatory abuse** such as that based on race or sexuality or, harassment, slurs or maltreatment because of someone’s race, gender, disability, age, faith, culture or sexual orientation.

**Institutional abuse** can sometimes happen in day services residential homes, nursing homes or hospitals when people are mistreated because of poor or inadequate care or neglect and poor practice that affects the whole of that service.

6. Where does abuse take place?

6.1 Abuse can take place anywhere, including:

- In the person's own home
- In the homes of their family or friends
- In public places / the community
- Place of work
- Colleges of further education
- In hospitals, G.P surgeries, or other health centres
- Care settings
- Police station.

6.2 Abuse may result from a deliberate intention to cause harm but may also occur where a provider of care lacks the necessary knowledge or skills to respond to the individual's needs.

7. How to Protect Vulnerable Adults

7.1 It is not the responsibility of employees to decide that abuse is occurring, but it is their responsibility to act on any concerns by reporting any suspicions they have.
7.2 Everyone has a responsibility to ensure action is taken to deal with any concerns about the abuse of a vulnerable adult. Every reported incident of abuse, or suspected abuse, must be taken seriously and the appropriate action taken.

7.3 What to do if you are worried about a vulnerable adult

Staff members should follow the procedure shown on Appendix A.

- **In an emergency, where there is a serious or immediate threat to a vulnerable adult**: call 999.

- **Not an emergency, in work hours**: contact your line manager and complete the Vulnerable Adult Incident Reporting Form (Appendix B). This form should always be completed as soon as possible after disclosure, incidents or concerns. To ensure that information is as accurate and helpful as possible, a detailed record should always be made at the time of disclosure/incident or concern.

Following initial discussion with your manager, concerns should be reported to Adult Social Care Services on 0845 053 0028. They have the lead responsibility in safeguarding adults who may be at risk and will determine what action to take next.

- **Not an emergency, outside work hours or if line manager not available**: Contact Adult Social Care Services on 0845 053 0028 or Lancashire Police on 0845 1 25 35 45.

Staff should inform their line manager at the earliest opportunity and complete the Vulnerable Adult Incident Reporting Form.

7.5 As a general rule contact should be made within 24 hours of the allegation, from when abuse or neglect has been witnessed or suspected.

7.6 A preliminary risk assessment should be made by the staff member and line manager. The main objective should always be to act in the adult’s ‘best interests’ and to prevent further harm. The following should be considered when assessing risk:

- Is the adult at risk still in the place where the suspected/alleged abuse happened?
- Or
- Is the adult about to return to the place where the suspected/alleged abuse happened?
- When will the alleged perpetrator(s) next have access to the adult or others who might be at risk?
- And
- What degree of harm is likely to be suffered if the alleged perpetrator is able to come into contact with the adult or others again?

7.7 When speaking to the Adult Social Care Services, Council employees should:

- give their name and details of their role within the Council.
- obtain and record the social worker’s name and the time the call was made.
- explain their concerns, giving as much clear and concise information as possible, based on their professional judgement.

7.8 The social worker will assess the situation and if required initiate the appropriate procedures to protect the vulnerable adult.

7.9 Once the incident has been reported any associated paperwork including the Vulnerable Adult Incident Reporting Form should be stored securely by the individual reporting the incident or their line manager in line with Data Protection legislation.
What to do if someone tells you that they are being abused

You must:

- Stay calm and try not to show shock or disbelief;
- Listen carefully to what is being said;
- Do not ask detailed or probing questions.

What do you tell the vulnerable person who discloses abuse?

- They were right to tell you;
- The information is being treated seriously;
- It was not their fault
- Give them information about the steps that will be taken, including any emergency action to address their immediate safety, health and well-being.

Do not:

- Stop someone who is freely recalling significant events, as they may not tell anyone again;
- Promise to keep secrets, instead explain the information will only be passed to those who "need to know”;
- Make promises that you cannot keep, such as "this will not happen to you again”;
- Contact the alleged perpetrator or anyone who might be in touch with them;
- Be judgmental, e.g. "why did you not tell them to stop and go away”;
- Tell anybody who does not need to know, i.e. gossip.

8. Allegations of abuse against employees

8.1 If an allegation of abuse is made against an employee, the Head of Business Support must be informed immediately. They will inform the relevant Director and consideration will be given to suspending the employee from work or moving them to alternative duties not involving contact with vulnerable adults – in accordance with the Council’s Disciplinary Policy and Procedure.

8.2 If it is necessary to conduct an investigation into events surrounding the complaint, this will be conducted in liaison with Adult Social Services and accordance with the Disciplinary Policy and Procedure.

8.3 The consideration of suspension in such circumstances does not imply guilt but is a neutral course of action, which is designed to ensure that both employees and complainants are protected during the investigation.

8.4 The details of the safeguarding allegation should not be discussed with them until the multiagency strategy for investigation has been agreed. This is because the police may decide to lead the safeguarding investigation, and any discussion which takes place prior to police interview may result in contamination of evidence.

8.5 Externally conducted investigations, e.g. police investigation, will normally take precedence over any internal investigations.

8.6 The alleged perpetrator will be considered innocent unless proven otherwise. Suspension offers protection for them as well as the alleged victim and other service users, and enables a full and fair investigation to take place.
9. Confidentiality

9.1 Personal information about service users held by professionals is confidential and should not normally be disclosed without the consent of the person involved. The law does however permit disclosure of confidential information without permission if it is necessary to safeguard a vulnerable adult.

9.2 Making decisions about sharing confidential information

When concerns are about abuse of vulnerable adults and there are sufficient grounds to justify sharing information on a 'need to know' basis and/or 'in the public interest', unnecessary delays in sharing that information should be avoided. Whenever possible the vulnerable adult must be consulted about information being shared on their behalf. Where they have capacity and they are not being pressured or intimidated their agreement should be sought and their refusal respected. If other vulnerable adults are at risk the ‘public interest’ principle may over-ride their decision.

9.3 The principles that(229,506),(847,720) should govern the sharing of information include:

- Confidentiality must not be confused with secrecy.
- Information will only be shared on a 'need to know' basis when it is in the best interests of the service user(s).
- Informed consent should be obtained but if it is not possible and other vulnerable adults are at risk, it may be necessary to override the requirement.
- It is inappropriate for partner agencies to give assurances of absolute confidentiality in cases where there are concerns about abuse, particularly in those situations when other vulnerable people may be at risk.

10. Equality Impact Assessment and Monitoring

10.1 The operation of this policy will be monitored for its impact on different staff groups, and particularly in relation to race (in line with the Race Relations (Amendment) Act 2000), gender, age and disability. This annual review will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

11 Data Protection Act 1998

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

arm/empap/cr/13/0107lh1 appendix 2
Appendix A

Safeguarding Adults Procedures for Recording and Reporting Abuse

Do you have concerns, think someone is being abused or has someone made a disclosure?

Is the person at risk in any immediate danger of further abuse?

Yes

In an Emergency Dial 999

No

Consult with your manager and complete the Vulnerable Adult Incident Reporting Form

Is Manager available and inside work hours?

Yes

Consult with your manager at the earliest opportunity and complete the Vulnerable Adult Incident Reporting Form

No

Report Concerns to Adult Social Care Services on 0845 053 0028 or online at www.lancashire.gov.uk/safeguardingadults and complete the Partner Alert Form
Appendix B

Vulnerable Adult Incident Reporting Form
Please give as much information as possible, using extra sheets if necessary. All information will be treated in strict confidence.

Date: _____________________ Time: _____________________ Venue: _____________________

Name of Vulnerable Adult: _____________________ D/o/B: _____________________ Age: _____________________

Ethnicity: _____________________
Address: _____________________

Postcode: _____________________ Telephone Number: _____________________

Address (if different from above):
Postcode: _____________________ Telephone Number: _____________________

Are you reporting your own concerns or passing on those of someone else? Own/Other*
Give details:

Brief description of what has promoted the concerns: include dates, times, locations etc. of any specific incidents. Please write only facts and avoid interpretation.

Any physical signs? Behavioural signs? Indirect signs?

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

Has anybody been alleged to be the abuser? Yes/No* If so, give details?

Have you consulted anybody? Yes/No* If so, give details of Police or Adult Social Care Services contact re:- Police Officer Name Badge No. Social Worker details, give dates.

Does the Vulnerable Adult have a disability? Yes/No

Your name: _____________________ Position: _____________________

To whom reported: _____________________ Position: _____________________

Date of reporting: _____________________

Signature: _____________________ Date: _____________________ Time: _____________________

This form must now be given to a Service Manager or other responsible Manager in a sealed envelope marked ‘Confidential’.

REMEMBER TO MAINTAIN CONFIDENTIALITY, DO NOT DISCUSS THE MATTER WITH ANYONE OTHER THAN THOSE THAT NEED TO KNOW
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1. Statement of Intent

1.1 The aim of this policy is to demonstrate the importance of learning and development to Wyre Council in achieving its goals and to make available to all employees the necessary experience, skills, knowledge and competence required to enable them to do their job effectively; develop their potential and their performance; and provide quality, value for money services to the people of Wyre.

1.2 Employee development refers to the progression of an individual’s potential and career in terms of knowledge, skills, personal abilities, competencies and understanding to support the council's corporate objectives and priorities set out in the Corporate Plan. It should embrace a wide range of learning experiences, both within and outside the council and is a continuing process that can help individuals to:-

- Improve their performance to achieve objectives
- Identify and develop their potential
- React positively to change
- Increase their job satisfaction
- Improve their self-confidence, motivation and initiative

2. Principles

2.1 Learning and development opportunities will be appropriate to the needs of the individual, the service and the organisation.

2.2 Learning and Development documents for the organisation will relate to National, Regional and Corporate priorities and will take into account developments in the HR profession and local government bodies' thinking. Statutory requirements and new and emerging legislation will be incorporated in workforce planning, learning and development.

2.3 Learning and development opportunities will help to increase recruitment and retention, motivation, morale and job satisfaction of staff and enable them to maximise potential within and outside the organisation.

2.4 The most effective way to identify training/learning needs will be via the appraisal scheme in which all staff are required to participate.

2.5 The Council recognises the need to provide equal access to training and development opportunities to all of its employees including those who work part-time, temporary staff and staff from diverse backgrounds who may be at risk of discrimination.

2.6 The Council's induction programme is available for all staff, in addition to Service specific induction programmes.

2.7 Employee development can be undertaken both on and off the job. On the job development includes learning through the experience of doing the job, reflecting on that experience, discussing it with a manager or colleague, receiving feedback on performance and reviewing and evaluating performance. Off the job development can include participation on courses, seminars, or conferences, undertaking a vocational or professional qualification, secondment, work placement, work shadowing, exchange visit or study leave etc. Employee development thus supports the creation of a high performing, highly skilled and effective work force.

2.8 There is a corporate commitment to continuous improvement.
3. Responsibilities

3.1 Employee development is the joint responsibility of:-
- The Senior Leadership Team
- Line Managers and supervisors
- Employees
- The Council through its Human Resources team

3.2 The Senior Leadership Team
- Ensuring that this policy is fully implemented
- Allocating an appropriate level of resources to fund training and development activities
- Identifying annual organisational priorities to which training and development can be aligned.

3.3 Line Managers and Supervisors
- Actively promoting the Council as a learning organisation
- Inducting new staff/staff new to a post and coaching in immediate work processes.
- Discussing learning and development needs of employees in relation to the knowledge, skills and competencies required for their posts and organisational priorities.
- Carrying out the Performance Management Review process systematically and agreeing a meaningful Personal Development Plan (PDP) for each of their employees.
- Designing and implementing development activities to meet the needs of their employees as appropriate.
- Ensuring that the training identified on each individual’s PDP is implemented as far as possible (within the available resources) and that staff are released and/or have appropriate protected time for development activities.
- Advising on the content of training programmes in relation to their fields of expertise.
- Contributing to the development of colleagues where appropriate.
- Reviewing and evaluating the effectiveness of the development activities carried out on individuals and teams to demonstrate a clear benefit to the service.
- Encouraging and supporting staff to be proactive about self-development at work and facilitating reinforcement and application of learning in the workplace.
- Being aware of equality and diversity issues and how they impact on staff development opportunities.

3.4 Employees
- Identifying, prioritising and agreeing their development needs with their manager and recording them on their annual PDP.
- Assisting with identifying relevant development opportunities and actively seeking opportunities to upgrade their knowledge and skills in relation to their role.
- Following the process outlined in the Training Handbook for applying for funding/time off to participate in training opportunities.
- Ensuring that they actively participate in and get the most out of any programmes they attend.
- Contributing to the development of colleagues where appropriate.
- Assessing the value of the training and development courses they undertake and completing the relevant evaluation form.
- Recognise that learning and development is a two way process and staff need to accept responsibility for their learning and development and its application in their work.
- Evaluate the effectiveness of their own development and training.

3.5 **Human Resources Team**

- Analysing PDP’s to identify any common individual training needs which it would be more cost effective to meet centrally.
- Assisting in the identification and prioritisation of organisational training needs.
- Developing an annual organisational training programme to meet these aggregated individual and organisation needs.
- Designing or commissioning appropriate training to deliver this programme.
- Maintaining information on relevant training resources and external training bodies and advising on the training and development opportunities available.
- Monitoring training attendance and funding allocations to ensure that there are no organisational barriers inhibiting equal access.
- Receiving and analysing development evaluation forms to identify which programmes are effective.

4. **Key Components of the Policy**

4.1 Developing a Training and Development policy that is flexible, pro-active, change focused and which makes a strong contribution to achieving the Council’s objectives.

4.2 Ensuring that all staff are aware of, and trained in, Equality and Diversity, Health and Safety procedures and where appropriate Safeguarding Procedures.

4.3 Making Change and Risk management integral to development.

4.4 Supporting relevant qualification training and professional or government initiatives e.g.
  - Investors in People Standard
  - Lancashire County Council Apprenticeship Scheme
  - Wyre Council Manager Essential Programme

4.5 Using a variety of Learning and Development methods as appropriate for example:
  - On the job training
  - Internal and external courses
  - Mentoring and buddy ing
  - Computer based training
  - E-learning
  - Coaching
  - Guided reading
  - Project Work

4.6 Assisting career planning by mentoring, coaching, staff progression schemes, shadowing, job swaps.

4.7 Providing study time for NVQ's/and other formal qualifications related to the aims and objectives of the council.

4.8 Providing retirement preparation and support for redeployment

4.9 Ensuring equality of access by a variety of development methods and locations.
5. Evaluation

5.1 The investment in training and development will be evaluated at all levels to assess achievements; development measured against competencies and future effectiveness.

5.2 Evaluation will encompass:
   - Reaction – “happy sheets” at the time of or immediately following training
   - Learning – post 6 months from training event to assess how effective learning has been on working practice
   - Behaviour – assessment against competencies through appraisal process
   - Results – targets met and outcomes.

5.3 To ensure equality of opportunity relevant data will be gathered and this will be monitored to ensure that opportunities are being accessed.

5.4 Evaluation will need to demonstrate a clear benefit to the overall requirement to improve individuals’ performance and ultimately improve services to the people of Wyre.

6. The Resourcing of Training and Development

6.1 The Council will seek to maximise training and development opportunities by co-operative ventures; working in partnership and obtaining outside funding.

6.2 For training and development to be effective, it needs to be adequately resourced, both in terms of appropriate funding and protected time.

6.3 A central training budget will be held by the Head of Business Support, which will be used to fund training activities that have a cost attached. This will cover training within three categories: short courses (seminars, conferences, workshops etc), programmes of longer term study (usually towards a qualification) and the development of internal programmes to meet organisational needs. The latter may include:
   - Statutory training and other training to meet the Council’s obligations as an employer (for example, health and safety, induction, etc)
   - Management training and development
   - Information and skills to meet new targets, initiatives and policy developments
   - Any knowledge or skills that are required by a significant proportion of employees (identified by the HR team through analysis of the annual PDP’s) and which would therefore be more cost effective to provide or commission centrally

6.4 Decisions about resource allocations against the budget will be made prior to training being agreed. These will be based on the training priority guidance and tailored to meet any specific organisational objectives and priorities for the year.

6.5 Where resource limitations mean that training programmes cannot be funded, individuals should receive feedback and their line manager will discuss with them whether there are alternative routes for meeting the development need.

6.6 Directors and line managers have a role in ensuring that employees have adequate time set aside to meet their development needs. If employees feel that they are not getting the necessary time, then they should discuss this with their line manager in the first instance.
6.7 All staff who undertake a course of study (including professional qualification or training event) will be expected to complete the course and should make appropriate formal application to ascertain approval and financial commitment.

6.8 In the case of a member of staff failing to complete a course of study (as set out above) the Council retains the right to reclaim costs incurred.

6.9 Costs may also be reclaimed if a member of staff leaves the Council within 2 years of completing a course for which the Council has paid the fees. The costs are reimbursed on a sliding scale from 24/24 to 1/24, depending on the month of leaving. See section 7.6.

7. Financial Assistance

7.1 Qualification Courses

Once approval to study is given, employees are entitled to financial assistance as follows:

- Tuition/course fees
- Registration fees
- Examination fees
- Reasonable expenditure on books and other essential equipment up to a maximum of £60 (see section 7.7)
- Travelling expenses

Any costs incurred with resitting of examinations should be met by the individual employee.

The Director (or his/her designated representative) may approve payment for a re-sitting of examinations where the failure or unsatisfactory progress has been due to exceptional circumstances, and if the employee has followed their studies diligently.

7.2 Non Qualification Courses

- Course fees
- Travelling expenses

Support will not normally be given for qualifications of marginal value to the Council

7.3 Re-imbursement of Professional Subscriptions

Where there is a requirement to join a professional association to undertake a qualification course, the Council will reimburse subscriptions for the duration of the course, however, once qualified it is the employee’s personal responsibility.

7.4 Travel Expenses

In line with the Financial Procedure the most cost effective, timely and environmentally friendly method of travel should be used.

Wherever practical trains (standard class) should be used for longer journeys with warrants being obtained from Finance before the date of travel.

Mileage will be paid from the work base to the course or from home to the course whichever is the lesser.
7.5 **Overnight Stays**

Reasonable costs will be paid for accommodation and in line with Council subsistence rates an evening meal and a drink (non-alcoholic). Advantage should be taken of any discounted rates available through the course providers or similar organisations.

Reasonable costs for accommodation should be agreed in advance.

Receipts for any costs incurred will be required.

7.6 **Repayment of Training Expenses**

Employees studying for qualifications (and certain non-qualification courses, identified in advance by the Head of Business Support in liaison with the relevant Director) will be required to repay any expenses incurred if they leave the authority whilst undertaking the training or within two years of the qualification being obtained with the following exceptions:

- Courses externally funded
- If the employee is facing redundancy/ill health retirement
- The relevant Director should approve any circumstances where a recovery is not to be made, (e.g. NVQ’s obtained specifically as a requirement of the job).

Reclaims will be made on the basis of 100% if the employee is part way through the course or just qualified with a rebate of 1/24 for each month completed since qualifying. For example an employee who leaves 5 months after qualification would be required to repay 19/24ths.

All repayments will include fees and expenses but will exclude salary paid in respect of the time spent on the study.

The requirement to repay expenses shall be made clear to the employee before they undertake the training.

Recovery will be made from or partly from the employee’s final salary.

Repayment is also required if an employee fails to sit an examination within a reasonable period or fails to show satisfactory progress in study or discontinues the course.

7.7 **Books**

Contributions of up to £60 towards the cost of books. All books purchased by the Council remain the property of the Council and should be returned on completion of the course.

8. **Entitlement to Time Off for Training**

8.1 **Attendance at Course**

Attendance at all courses/day release shall be classed as a standard day (half day courses shall be classed as a half standard day).

8.2 **Study Leave**

Leave will be granted with pay for employees undertaking qualification training for final revision purposes for all exams.
Time off will be equal to the duration of the exams to a maximum of 5 days per annum and will be allowed for first attempts only.

This leave will normally be taken during the period of two weeks prior to the exams.

Time off can be given to complete work based/service improvement projects which form part of a study programme, subject to approval by the appropriate Line Manager.

8.3 Distance Learning

Where training is undertaken on a distance-learning basis, normally up to fifteen working days will be allowed for the purposes of study and attendance on residential courses. Examinations days are allowed in addition.

9. Entitlement to Time Off for Training (not endorsed by the Council)

9.1 Whilst the Council is committed to support the vast majority of training requests employees are entitled to request time off without pay for training provided they have twenty six or more weeks continuous service.

9.2 Approval is more likely if (but not exclusively):

- The training enhances the employee’s own performance and that of the business
- The nature of the training could lead to an accredited or recognised qualification or it could improve skills that are relevant to the role of the employee

9.3 The request can be declined if (but not exclusively):

- The proposed training would not improve the employee’s effectiveness or the performance of the business
- It is difficult to reorganise work amongst remaining staff

9.4 The council is not bound to offer payment covering any fees or expenses incurred by the employee studying under this entitlement.

10. Equality Impact Assessment and Monitoring

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


11.1 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.
Driving at Work Policy

July 2013
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1. Policy Statement

1.1 Wyre Council is committed to the delivery of its obligations under Health and Safety legislation and recognises that it has a responsibility not only to protect staff who use motor vehicles on council business but to ensure that others are not put at risk by our work related driving activities.

2. Introduction

2.1 Policy Aims

- To minimise the number of accidents, incidents and injuries resulting from work related driving;
- To define managers’ and individuals’ responsibilities for work related road safety;
- To ensure risk in relation to work related driving is assessed in a systematic and ongoing way and that safe systems and methods of work are put in place to reduce the risk as far as is reasonable practicable;
- To increase staff awareness of the risks associated with work related driving;
- To ensure that training is available to staff on how to manage the risks associated with work related driving;
- To ensure full reporting and recording of all accidents and incidents arising in the course of work related driving.

In addition the successful management of driving at work, whilst in compliance with legislation, will not only have a direct effect on reducing accident figures, but also a long term cost saving in operational budgets by reducing insurance costs, repair and maintenance bills, running costs, carbon footprint, emissions etc.

Good management will additionally reduce any negative effects on the councils’ reputation that may arise from poor driving standards.

2.2 Scope of the Policy

These arrangements apply to all persons engaged in work-related driving activities whilst in the course of their employment for Wyre Council whether they be owner-drivers or users of vehicles that are leased or hired for use on council business or any vehicle owned by the council.

2.3 Definition of work related driving

Work-related driving is defined as: “any driving activities carried out by employees or volunteers in the course of their work whether it is on a frequent or occasional basis”.

‘Business Use’ – for the purposes of this policy business use shall mean:

- Any travel on behalf of the council once you have arrived at your usual place of employment and before you leave it at the end of your days work; and
- Any travel for the purposes of the council to a location other than your usual place of employment.
Any travel for the purposes of the council from a location other than your usual place of employment to home or some other place on non-council business.

It shall not include the travel to and from your usual place of employment at the start and finish of your working day, or during any official absences from work e.g. lunch breaks unless the vehicle used is a council owned, hired or leased vehicle.

2.4 Authorisation to use a motor vehicle on council business

The use of any motor vehicle for council business will only be permitted when authorised by a Corporate Director or line manager in accordance with this policy and the associated procedure.

3. The Legal Position

3.1 It is not intended to go in to detail to explain the whole Legislative Framework but the key areas of legislation are as follows:

The Health and Safety at Work etc. Act 1974 requires employers to ensure:
- So far as is reasonably practicable, the health and safety of all employees while at work;
- That all work equipment is suitable for its intended use and properly maintained and used i.e. that both employees and vehicles (including private vehicles) are fit to be on the road;
- That others are not put at risk by the council’s work-related driving activities.

This means that both management and employees can be prosecuted for road traffic accidents involving work-related journeys, even when the driver is using their own vehicle.

3.2 Management of Health and Safety at Work Regulations 1999

The Regulations require employers to carry out an assessment of the risks to the health and safety of employees, while they are at work, and to other people who may be affected by their work activities. The Regulations also require a periodic review of all risk assessments.

3.3 Corporate Manslaughter and Corporate Homicide Act 2007

This Act sets out a new offence to convict an organisation where a gross failure in the way activities are managed or organised results in a person's death. If found guilty companies, organisations and public bodies face considerable penalties and individuals potential imprisonment.

3.4 Road Vehicles (Construction and Use) (Amendment) (No. 4) Regulations 2003 (S.I. 2003, No. 2695)

Prohibits drivers from using a hand-held mobile phone, or similar device, while driving (Note: “driving” also includes a stationary vehicle with the engine running). It also makes it an offence (e.g. for an employer) to “cause or permit” a driver to use a hand-held mobile phone while driving.

3.5 Other relevant legislation includes:
• Road Safety Act 2006.
• Health Act 2006.

4. Responsibilities.

4.1 The remainder of this document refers to the operational and safety requirements for the use of motor vehicles on council business and is set out in four parts relating to different categories of staff and management:

A Responsibilities of drivers on council business.
B Responsibilities of drivers of council-owned vehicles, or vehicles hired or leased by the council i.e. The Green Fleet.
C Management responsibilities in relation to drivers.
D Management responsibilities for council-owned vehicles or vehicles hired or leased by the Council.

5. Part A: Responsibilities of Drivers of Vehicles Used in the Course of Council Business

5.1 Licence Requirements

All drivers must:
• Be holders of a licence valid for the category of vehicle which they are driving;
• Notify their manager if their drivers licence has been suspended or cancelled or has limitations placed on it;
• Make their licence available for inspection on an annual basis

5.2 Insurance

Drivers who use their own vehicles must ensure that they have valid insurance for use on council business, and must make their insurance certificate available for inspection as required. Any change of vehicle or terms of insurance must be notified to Human Resources and authorised line manager immediately.

For the purpose of this policy the authorised line manager is a person nominated by your Director to authorise business travel.
**Note:**
Insurance held in the name of one partner or spouse may not cover both partners or spouses for business use unless this is specifically requested. The council will not accept liability for claims which are not covered by the driver's own insurance.

Council property such as computer equipment is insured under the council's policy, but this excludes theft from an unattended vehicle. Such thefts are unlikely to be covered by the employee's own policy. All such property should be removed from unattended vehicles. If this is impossible in specific circumstances equipment must be hidden from view and preferably locked in a boot.

5.3 **Maintenance of Vehicles**
Staff using their own vehicle(s) for official duties must ensure that they are in a roadworthy condition and that a valid MOT certificate is available for inspection on request. Drivers must also decline to drive any vehicle hired for use on official duty if they have reason to suspect that it is not roadworthy.

5.4 **Legislative Requirements**
Drivers must comply with all traffic and related road safety laws whilst driving on official duties including:

- Adhering to speed limits and the conditions of the Highway Code;
- The restrictions on the use of mobiles;
- The use of seatbelts;
- Not exceeding the maximum load weight for the vehicle;
- Ensuring that goods and equipment to be carried are properly secured.

5.5 **Fitness to Drive**
Drivers must not drive, attempt to drive or be in charge of a vehicle unless they are medically fit to do so. Any medical condition or injury that is likely to have an adverse affect on the ability to drive should be reported to Human Resources and the authorised line manager immediately.

It is also the driver’s responsibility to:

- Ensure their eyesight meets the requirements of the Highway Code, with or without corrective lenses.

- To notify the DVLA of any disability or condition which currently affects their fitness as a driver or which might do so in the future (unless the effect of the disability or condition is not expected to last more than 3 months).

- Ensure that they are competent in knowledge and ability to drive particularly when it may be some time since they undertook any formal instruction.

For disabled staff, any necessary reasonable adjustments must be made to the vehicle that they are driving for business use.

5.6 **Substance Misuse**
The problems of driving while under the influence of alcohol or drugs are well known, employees must not consume alcohol or illegal drugs before driving to work.
Drinking whilst driving on council business is prohibited.

Drinking heavily or late the night before means there is still a high possibility of being above the legal limit for driving the following morning. Any drivers found to be driving under the influence of alcohol or illegal drugs will be dealt with in accordance with the Council’s Disciplinary Policy. Contraventions of this nature will be regarded as gross misconduct.

5.7 Smoking

The council's Smoking Policy prohibits smoking in any Council Vehicle. An employee who uses their private car on council business must also refrain from smoking during those journeys.

The use of e-cigarettes is also prohibited in both Council Vehicles or private cars whilst on council business.

5.8 Road Traffic Offences

Drivers are required to report any driving accidents or incidents which occur whilst driving on council business or in a council owned vehicle, and convictions for any driving offences whether arising as a result of driving on council business or not.

Wyre Council will not accept responsibility for payment of any motoring-related penalties or fines and, if using a hire car, for the payment of any administration charges related to traffic offences imposed by the hire company.

Any driver found breaching traffic or road safety law whilst on council business may face disciplinary proceedings.

Any driver found in charge of a vehicle under the influence of alcohol or drugs whilst on council business may be charged with gross misconduct and could therefore be dismissed from their post.

5.9 Business Travel

In order to reduce the risk to safety, as well as the environmental and financial impacts, steps should be taken to eliminate all unnecessary business journeys.

Staff are required to:

- Consider alternatives to travelling and make optimum use of diary planning to minimise the number of journeys to be made.
- Use the most economic and efficient method of travel, taking into account the cost of travel, environmental impact and timing factors.
- Use a council vehicle whenever possible.
- Share transport whenever possible.

6. Reimbursement of Travel Expenses

6.1 Car Mileage Claims

Only persons entitled to use their vehicles on official business are allowed to claim travelling allowance. All such persons will have been designated by their Corporate Director as car users and will have been issued with an official log book by the Human Resources Section.
6.2 **Use of log book**

Full details of every journey must be recorded into the log book. Details must show:

- Date and times of journeys;
- Full details of journey (so as to allow independent verification of mileage claimed);
- Number of passengers;
- Purpose of journey;
- Opening and closing speedometer readings for each journey;
- Miles travelled.

The log book is the sole detailed record of official journeys and must be kept on hand at all times and is subject to inspection on request.

The loss of a log book must be reported to Human Resources immediately.

6.3

All claims should be made in accordance with Wyre Council’s Financial Regulations and Financial Procedure Rules. These guidelines apply to all attendances at meetings, courses, seminars etc. Mileage allowances are paid in accordance with the mid band of the Casual User NJC rates.

All travel and subsistence claims should be made monthly using either the HR21 system or the “Staff Travel and Subsistence Allowance” claim form. Officers claims submitted more than two months after the expenses were incurred will be paid only with the express approval of the Corporate Director of Resources. Claims will be paid on or around the 15th of each month with salary payment.

All claims must be authorised by the appropriate line manager who should be a nominated signatory. It is the driver’s responsibility to ensure accurate recording of mileage and validity of claims.

Any change of vehicle or use of more than one vehicle should be clearly indicated in the log book and the mileages for different vehicles, should be shown separately on the travel claim forms.

6.4

When travelling long distances it is likely that second class rail transport will be cheaper than travel by car. Officers should be mindful of cost when planning transport for a long journey, although in certain cases public transport may not be the most efficient way to travel.

Officers should normally claim whichever is the cheaper of either public transport costs (eg. second class rail fare) or car mileage allowance, unless:

- It is neither practical nor cost-effective to travel by public transport (e.g. this would entail travelling the previous day and involve overnight accommodation, or include additional transport costs eg. taxi fares).
- The Director expressly authorises a particular method of travel due to specific operational circumstances (e.g. the shorter travelling time by car as opposed to public transport will make greater use of an officer's time).
6.5 The majority of claims will reflect situations where attendance is required during office hours at another location. The journey is from place of work to location and return to place of work, with the claim reflecting the actual mileage run. All deviations from this normal situation must be appropriately detailed in the Log Book provided, indicating both the total journey undertaken and the actual claim being made.

For those journeys which involve an end-of-day “location to home” or start-of-day “home to location”, mileage may be claimed based on to/from home or office whichever is the shorter.

Any attempt to submit a false expense claim may be treated as gross misconduct and dealt with in accordance with the Council’s Disciplinary Procedure.

6.6 Expenses Claims and Tax

All payments in excess of the HMRC rate for tax allowances (45 pence per mile at April 2013 or 25 pence on mileage exceeding 10,000) will be classed as a taxable income and will be taken into consideration when calculating tax and national insurance liability at the end of each pay period.

Drivers who are authorised to use council vehicles to travel to and from their normal place of work can only be treated as having no taxable benefit provided that the records of authorised business mileage confirm that there was no personal use of the vehicle.

7. Part B: Responsibilities of Drivers of Council Owned Vehicles or Vehicles Hired or Leased by the Council

This section should be read in conjunction with Part A of this policy.

7.1 Use of Council Vehicles

Wyre Council vehicles must only be used to carry goods and passengers on authorised journeys. Authority shall only be considered to have been given when:

- the journey is for official Council purposes, and/or
- the employee is acting on the instruction of a duly authorised officer of the Council.

Only authorised passengers should be carried in council vehicles, these passengers will be as follows:

- Council employees on duty, or travelling to and from duty.
- Persons engaged on work for or on behalf of the council.
- Persons carried in the event of an emergency.
- Persons transported as part of a council service.
- Other persons as authorised by management.

It is the legal responsibility of a driver to ensure that passengers and goods are carried safely at all times, all passengers should wear seatbelts and all loads must be securely fixed and present no danger to the vehicle occupants or to third parties.

No goods will be carried in a council vehicle other than property which belongs to the Council, or tools, equipment and materials being used on behalf of the Council, or as otherwise authorised by management.
Council vehicles must be kept clean and tidy inside and outside at all times. All equipment must be properly stowed and the vehicle washed as often as is required to keep them clean.

7.2 Authorisation for home to work travel.

All drivers must obtain formal approval for using a Council vehicle for home to office travel, approval will only be given where there is an economic or operational reason for allowing this to happen.

Applications must be made using the “COUNCIL VEHICLES – authorisation for home to work travel form.”

Economic or operational reasons include instances where the:
- Home to work base distance is less than the distance between the nearest Council approved parking area and the work base.
- Council vehicle is required to provide a service outside normal working hours.
- Risk assessment concludes that the council vehicle is best parked at officer’s home address.

The authority for the use of a council vehicle for home to work travel can only continue whilst there is a legitimate business reason for doing so. Any changes in duties, work area in relation to current address etc should be reported to the line manager, the Transport Officer and/or Head of Operations immediately.

7.3 Drivers’ Checks

To ensure council vehicles are used safely and kept in a roadworthy condition in compliance with current legislation it is the responsibility of all drivers to ensure that there are no obvious deficiencies in the vehicle. The minimum checks that should be carried out are as follows:

Daily Checks
- Check that the vehicle defect book is in the vehicle.
- Check that the vehicle coolant level is correct.
- Check that the oil levels are correct.
- Check that the windscreen washer reservoir is topped up.
- Check that there is sufficient fuel in the tank.
- Check tyres for wear or damage.
- Check for loose or missing wheel nuts, studs or bolts (where visible).
- Check that lights, reflectors and horns are working.
- Check that all fitted mirrors are correctly adjusted.
- Check that a current road fund licence disc and number plates are fitted.
- Check for obvious damage to the vehicle.

Before a trailer is towed, check that the vehicle and trailer are equipped with suitable towing attachments and electrical connections. Where required, a trailer board must be complete with lights, number plate and indicators. Ensure that breakaway cables are in good condition and always secured before moving off.
7.4 **Vehicle Security**

All Wyre Council vehicles must be garaged or parked overnight in designated parking areas in agreed locations.

Vehicles parked overnight away from the council premises must be legally parked where they will not inconvenience the public or any other road users. Parking problems should be reported to the line management.

A driver in charge of a council vehicle is responsible for the security of the vehicle and its contents whenever the vehicle is left unattended.

The following actions must always be taken on such occasions:

- The parking brake must be engaged.
- All doors and windows must be closed and locked.
- If fitted, anti-theft devices must be switched on.
- The ignition key must be removed from the vehicle.
- All valuable items should be removed from the vehicle overnight.

Vehicle keys must be kept secure at all times. Unless there is a legitimate business reason for retaining the keys overnight they should be stored in a secure area as agreed by the line manager.

Following these procedures will ensure that all unauthorised movement can be clearly identified by means of the tracker system alarm.

7.5 **Accidents, Damage or Theft**

The driver should:

- Immediately report any accident, damage or loss to the line manager, Transport Manager Insurance and Business Continuity Officer and where required the police;

- Under no circumstances admit liability or make offer of payment to a third party or insurer;

- Obtain the full name and address of each driver and witnesses together with the registration number of the vehicle(s) involved;

- Ensure that the vehicle and its contents are secured until such times as the vehicle can be moved. If the Police have been involved the vehicle should only be moved once it has been established that their initial investigation has been completed.

Wherever possible photographs and a detailed sketch (showing road markings) may also assist if liability is subsequently disputed.

An incident report form giving full details of any incident must be submitted to the Transport Officer within 24 hours. All damage should be recorded in the vehicle effect book and be attended to as soon as possible.

7.6 **Defect Reporting Repairs and Breakdowns**

As soon as a defect is noticed or damage has occurred the Transport Manager and line manager should be informed immediately.
The Transport Section will either attend the vehicle at the roadside or arrange for recovery of the vehicle. Only the Transport Section is authorised to carry out repairs or to instruct a third party to carry out repairs on council vehicles.

7.7 Training

All users of official vehicles are given basic training by the Transport Manager. This training will include a driver assessment and an introduction to the vehicle checking and reporting procedures.

7.8 The Masternaut Tracking System

A Vehicle Tracker system has been installed on the majority of the council’s vehicles. This will ensure that we improve efficiency by assisting with workload planning and protect our vehicle assets and employees. It will also provide valuable data to enable us to minimise our carbon footprint.

How is it managed?

- All managers responsible for vehicles are able to scrutinise the system to identify vehicle location etc. They also receive regular performance reports that enable them to monitor driver journeys, speed, idling time (with or without engine running), times at home address, vehicles stationary for more than one day etc.

- A manager is only able to monitor the operation of the vehicles that he or she has responsibility for.

- The Transport Manager and certain nominated officers have access to the complete system so as to monitor the overall performance of the fleet.

Wyre Council accept that staff are entitled to a degree of privacy in the work environment. It is therefore not intended to enter into intrusive monitoring, however the council reserves the right to introduce direct monitoring if the performance reports indicate that a driver is in serious breach of the council’s Policies and Procedures.

Any driver found breaching these policies and procedures or traffic/road safety laws whilst driving a council vehicle could face disciplinary procedure.

All managers and authorised users of the system are fully trained and aware of their responsibility under the Data Protection Act.

8. Part C: Management Responsibilities in Relation to Drivers

8.1 To ensure that all employees of Wyre Council remain fully compliant with legislation, arrangements must be in place to manage driving at work. Managers should be confident that as a minimum, systems are in place to control the risks that the systems are followed and correctly supervised and that compliance with policies and procedures is monitored.

In addition management of business mileage can help generate benefits in the following key areas:

- health and safety - ensuring fulfilment of duty of care for employees driving for work and avoiding financial and reputational damage linked to road-related accidents and injuries;
- environmental sustainability - reducing carbon emissions by removing unnecessary road mileage and transferring travel to public transport and pool and hire cars with lower emissions;

- financial efficiency - achieving direct cost savings by reducing the number of journeys made and promoting the use of the most cost effective method of transport in each case.

Some elements of Managing Driving at Work will be delivered corporately:

**Human Resources**
Inspection of documents for use of private vehicles.
Occupational Health Assessments

**Health & Safety**
Current Health and Safety legislation
Accident/Incident Recording
Accident/Incident Investigation

**Risk & Insurance**
Provision of insurance cover
Claim management
Risk management information

The Transport Manager manages the Council Fleet including Operator Licensing, driver assessments, and maintenance of vehicles.

Managers must be able to satisfy themselves that all procedures for managing driving at work are being adhered to.

8.2 **Who advises on Driving at Work?**

The initial point of contact on matters regarding work related driving is the Transport Manager who will be able to advise on matters relating to vehicles and driving. The Insurance and Business Continuity Officer, Human Resources, and the Health and Safety Advisor will advise on risk to the council from its’ driving activities and the measures required to manage those risks.

8.3 **Document Checks**

Managers must ensure that each driver:

- Holds a driving licence that is current and appropriate for the vehicle used for council business.

- Does not have a health problem, which may place a restriction on their ability to drive.

- Has successfully completed any assessment or training to drive the vehicle(s) associated to the post - **Council operated vehicle only**.

- Is aware of this policy and its associated guidelines.
- Has submitted all the required documentation in terms of driving licence, insurance for use of a private vehicle on council business, MOT certificates etc. to the Human Resources Section either at the recruitment stage or prior to the use of the vehicle.

The Human Resources section will assist managers by maintaining a system of annual checks on all drivers.

Checks will also be required following Road Traffic Accidents (RTA), changes in health or licence category restrictions which may rule the employee unable to continue driving a vehicle on behalf of the council. Managers are therefore required to inform Human Resources immediately they become aware of such instances.

8.4 Assessment of Risk

It is the manager’s responsibility to conduct a risk assessment on individual driving duties. This may be of a generic nature linked to a particular post outline.

See arrangements for Risk Assessment OH&S No 0003 which are available on the council’s intranet (Health and Safety – Corporate Health and Safety Documents). Copies can also be obtained from the Human Resources team.

A post may require the employee to:
- Operate a vehicle owned, hired or leased by the council;
- Use their own means of transport;
- Hold a particular category of driver licence e.g. LGV.
- Provide evidence of a particular level of competence e.g. Minibus or Mini-digger;
- Drive in adverse weather conditions;
- Drive during unsociable hours;
- Travel beyond the council boundaries.

Once the Risk Assessment has been carried out, suitable control measures must be introduced to remove or reduce the associated hazards.

In addition the manager will:
- Deal with reports of any accidents, driving incidents and near misses.
- Ensure vehicle inspections are taking place.
- Ensure that all faults are being reported and repaired.
- Ensure that vehicles are kept clean and free from equipment that may hinder safe driving.
- Ensure that drivers do not put themselves unnecessarily at risk by driving beyond their capabilities or travel unnecessarily in adverse weather conditions etc.
- Identify any training needs and deal with any driving-related concerns raised by staff.

Where it is identified that a qualified driver poses a risk to him/herself and/or others then the Corporate Director will in consultation with the Occupational Health Advisor and Health and Safety Advisor determine whether or not that driver can continue to drive Council owned vehicles.

The Manager must:

- Obtain as much relevant information as possible from the employee, including why their driving may be affected
• get advice from Human Resources if the proposed action is likely to have a significant effect on the individual’s employment

• take them off driving duties until further clarification can be obtained

• refer them to the Council’s Occupational Health Service to:
  - confirm the employee’s condition and that it stops them from driving
  - advise whether the condition is permanent
  - advise on the suitability of temporary or permanent redeployment
  - advise on reasonable adjustments

8.5 Deterioration in driving performance

Managers must investigate formal written complaints based on observations of poor driving to assess whether driver assessment is necessary.

Get advice from Human Resources if you are considering any of the redeployment options below, as this could have a significant effect on the individual’s employment.

Options available to the manager are:
  • the employee has driving tuition
  • to initiate the capability procedure
  • they’re redeployed temporarily to a job that doesn’t involve driving
  • they’re redeployed permanently to a job that doesn’t involve driving.

The Transport Manager monitors fleet vehicle incidents. Where a fleet vehicle driver has two incidents for which they’re at fault, the Transport Manager will contact their manager who will take action in accordance with advice from Human Resources.

Where it is considered that an employee’s driving performance has deteriorated to such an extent that the Council has no confidence in their ability to drive safely, and all the options described above have been considered, the Council may have no alternative but to dismiss the employee. This action will only be taken in consultation with Human Resources.

8.6 Monitoring Business Travel

Significant additional miles can be driven through poor planning, or sending vehicles to short notice appointments when they are not necessarily the nearest available.

It is the line manager’s responsibility to ensure that:

• Staff travelling within work make maximum use of council vehicles or explore public transport options before using their private cars.
• Staff members attending an event where public transport is not viable, seek to use the most economical form of transport and lift share where possible.
• Staff make optimum use of diary planning to minimise the number of journeys to be made.
8.7 Authorisation of Mileage Claims

It is the line manager’s responsibility to check that:

- They agree that the journeys claimed for have been undertaken.
- The vehicle used is the one recorded as the authorised vehicle.
- The claim represents the most appropriate way of travelling, bearing in mind cost and time taken.

All unreasonable looking claims should be challenged and refused if they cannot be justified.

Most claims will be made via the HR21 system which is set up to recognise authorised line managers. Any other claims should be made on the “Staff Travel and Subsistence Allowance” form which will need to be signed by an authorised line manager. It is the line manager’s responsibility to ensure they are registered as an authorised signatory before authorising claim forms. The Human Resources section retain details of all current authorised signatories and will reject claims that are not correctly approved.

8.8 Monitoring Use of Council Vehicles

Data from the Masternaut system should be scrutinised to ensure that drivers use the most direct routes and that the operational efficiency of the fleet is maximised through planning work schedules that make more efficient use of council vehicles.

From an environmental perspective the three most important issues to be managed are:

- Speeding – the excessive use of speed will significantly increase the vehicle’s fuel consumption and therefore the council’s cost and CO2 emissions.
- Engine Idle Time – an idling engine is extremely inefficient and therefore an unnecessary and costly waste of fuel.
- Out of Area Operations – although this is principally an operational management issue in terms of employee productivity, this information will also highlight where additional and potentially unnecessary mileage is occurring.

It should also be noted that driver behaviours such as aggressive acceleration and braking will also increase fuel consumption.

The reporting of these behaviours will be particularly useful as they can aid the targeting of driver training sessions and promote best practice.

8.9 Dealing with Infringements

Although the vehicle tracker system has been installed with a view to improving efficiency and work force planning, managers are required to deal promptly with any safety infringements identified.

Failure to deal with blatant breaches of traffic or safety law for instance could not only bring the council into disrepute but could constitute a major breach of Health and Safety Law. The Council has a duty of care towards staff and road users and persistent misuse of a council vehicle cannot be tolerated.

Breaches of this nature may be dealt with under the Disciplinary Procedure.
Vehicle accidents are one of the most common and serious causes of industrial injuries for office-based staff. Managers should:

- Include provisions related to safe driving in their Health and Safety Action Plans.
- Consider assisting staff to undertake refresher driving courses.
- Not place employees under pressure which results in unsafe driving.

9. Part D: Management Responsibilities for Council Owned Vehicles or Vehicles Hired or Leased by the Council

This section should be read in conjunction with Part C of this policy.

9.1 The Transport Manager has responsibility for ensuring that council operated vehicles are:

- Procured following the council policy;
- Fit for the purpose intended;
- Correctly maintained and regularly inspected;
- Secure with systems in place for recovery in the event of breakdown or accident;
- Constructed and used in accordance with legislation.

9.2 Vehicle Documentation

The Transport Manager will:

- Ensure that all council vehicles carry a current road fund licence and that they are tested by their due date, in line with MOT legal requirements.
- Make arrangements for an annual inspection of driving licences held by all employees permitted to drive council vehicles.
- Make all documents relating to council vehicles including the Wyre Council certificate of insurance and MOT test certificates available for inspection.

The Transport Section will also make arrangements for the following documents to be made available in every vehicle at all times:

- vehicle defect book;
- a next inspection and service sticker;
- the service schedule and record;
- daily inspection checklist.

9.3 Management of the Masternaut Tracking System

The Transport Manager will be responsible for the overall management of the Masternaut system and will use the data obtained to assist in maximising efficiency savings and minimising fleet emissions through mileage and fuel management.

9.4 Vehicle Safety Inspections and Repairs

All vehicles maintained by the council must be made available for safety inspections and routine servicing in accordance with the schedule provided by the Transport Manager.
The Transport Section should be contacted immediately if there is any doubt about the safety of a vehicle. They will either arrange for transfer of the vehicle to the Council Depot for repair or carry out an inspection of the vehicle at its location.

All hired vehicles must be checked for damage immediately on receipt and the hire company notified of any discrepancies in their record of vehicle damage.

9.5 Fuel

The Transport Manager will ensure that there are effective procedures in place for monitoring fuel consumption and will use information provided by the Masternaut System to:

- Set fuel economy benchmarks for each vehicle type.
- Create reports for all vehicles that do not meet their benchmark.
- Identify underperforming vehicles and drivers and advise on corrective action.

9.6 ‘O’ Licence and special licence requirements

The Council is required to hold a special licence to operate vehicles over 3.5 tonnes (an ‘O’ licence). The Transport Manager will be responsible for meeting the obligations covering inspection, servicing, operational management and record keeping on such vehicles.

10. Equality Impact Assessment and Monitoring

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

11 Data Protection Act 1998

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

arm/empap/cr/13/0107lh1 appendix 4
Smoking Policy

Reviewed July 2013
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1. **Policy Statement**

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

2. **Legal Position**

The Health Act 2006 laid the legal framework for Smokefree Regulation and from the 1 July 2007 all workplaces, vehicles, enclosed or partially enclosed public places must be smokefree by law, display the legally defined notices and ensure compliance with the regulations laid before Parliament.

It is not intended to go in to detail to explain the whole Legislative Framework but the key areas of legislation are as follows:

- the smoke-free (Premises and Enforcement) Regulations 2006 (SI 2006/3368);
- the smoke-free (Exemptions and Vehicles) Regulations 2007 (SI 2007/765);
- the smoke-free (Penalties and Discounted Amounts) Regulations 2007 (SI 2007/764);
- the smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2007/760); and
- The Smoke-free (Signs) Regulations 2012

3. **Purpose**

The purpose of this policy is therefore to ensure that Wyre Council complies with the legal requirements by taking measures to:

- create a smoke free environment for employees, elected members, visitors, customers and service users
- recognise a person’s right to be protected from harm and to enjoy smoke-free air
- raise the awareness of the dangers associated with exposure to tobacco smoke
- support employees who wish to stop smoking
- reduce the prevalence of smoking related illness and early death in Wyre

4. **Scope**

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

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

In workplaces shared with other organisations (e.g. partner organisations) the Council will seek to ensure that consistent and comparable smoking policies are introduced.

Where Council employees are present in another organisation’s workplace, employees will adhere to any additional smoking policies or restrictions put in place by that organisation.

The sale of tobacco products from Wyre Council sites is prohibited.

Electronic cigarettes: - battery-powered products that release a visible vapour that contains liquid nicotine that is inhaled by the user. Although they fall outside the scope of smoke-free legislation, the council prohibits the use of e-cigarettes in the workplace. The rationale for a ban on e-cigarettes is that:

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

6. **Non Smoking Areas**

Smoking is prohibited in the following areas:

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

**Note:**

**Definition of enclosed and substantially enclosed**

![Fig 1. Example of substantially enclosed premises](image1)

![Fig 2. Example of non-substantially enclosed premises](image2)
Premises are considered 'enclosed' if they have a ceiling or roof and (except for doors, windows or passageways) are wholly enclosed either on a permanent or temporary basis.

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

**Homeworkers**

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

7. **Roles and Responsibilities**

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

**It is the responsibility of the Human Resource team to:**
- Provide advice, support and guidance to all parties on the application of the policy.
- Regularly review and monitor the effectiveness of the policy.
- Promote reduction in smoking and to provide assistance to those who wish to cease smoking.

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

8. **Enforcement of the Policy**

It is expected that elected members and employees will co-operate voluntarily in making the policy work without the need for more formal measures to ensure its effectiveness.
Persistent and intentional breaches of the policy may lead to disciplinary action being taken against employees.

Contraventions of the policy by elected members may lead to action by the Standards Committee.

Visitors will be asked to respect the Council’s Policy on Smoking. Failure to comply with the policy may result in the individual being asked to leave the premises.

9. Communication of the Policy

Signage
‘No Smoking’ signage will be displayed in a prominent position at every entrance to smoke free premises (internal and external).

All Council Vehicles will carry a no smoking sign.

The size and style of signage will be to meet the needs of the location.

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

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

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

10. Raising Health Awareness

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

11. Support for Smokers

The Council recognises that smoking is an addiction and aims to provide a supportive environment. In recognition of this, the Council will grant a maximum of two hours paid time off (pro rata for part time or job share workers) to attend an initial smoking cessation consultation with the NHS Stop Smoking Service. Attendance at any appointments following the initial consultation must be made in the employee’s own time.
Staff who want treatment for their tobacco addiction should contact:

**North Lancashire NHS Stop Smoking Service** on 01524 845145
Or [click here](http://stopsmokingnorthlancs.co.uk/)

The Stop Smoking Service is delivered over a number of clinic sites. The team are based at Slyne Road Offices, Lancaster LA1 2HT 9-5pm Monday to Friday.

**Blackpool Stop Smoking Service**

Whitegate Health Centre, 150 - 158 Whitegate Drive, Blackpool, FY3 9ES
Tel: 01253 651570    Email: stop.smoking@blackpool.nhs.uk

For staff who are registered with a GP outside the Blackpool, Fylde & Wyre area telephone the National Help-Line on 0800 169 0169, or textphone 0800 169 0171 text QUIT plus your full postcode to 88088 or [click here](http://stopsmokingnorthlancs.co.uk/) to obtain the number of other local NHS Smokefree services.

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

### 12. 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.


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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