Human Resource Policies

1. Purpose of Report

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

2. Outcomes

2.1 The amendment to existing policies and procedures.

3. Recommendation

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

4. Background

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

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

5. Key Issues and Proposals

5.1 Driving Policy
TOIL Policy
Grievance Policy & Procedure
Managing Stress in the Workplace
Employee Code of Conduct
Disciplinary Policy (Safeguarding)
Special Leave Section of the Work-life Balance Policy

Review Status
Appendix 1
Appendix 2
Appendix 3
Appendix 4
Appendix 5
Appendix 6
5.2 The Driving Policy has been reviewed and updated to reflect the removal of the essential car user allowance (sections 2.4) and to include guidance on the authorisation of council vehicles for home to work travel and vehicle security – section 6.2 and 6.4 respectively.

5.3 The Time Off In Lieu Policy has been updated for “useability” and “readability” purposes and section 3 (Authorisation) and section 6 (Record Keeping) have been reviewed to ensure accountability.

5.4 The Grievance Policy & Procedure has combined the existing handbook and policy into one document which has hopefully made it easier to follow and has also been updated for “useability” and “readability” purposes.

5.5 The Managing Stress in the Workplace has also been updated for “useability” and “readability” purposes. There is also not more information in the policy regarding managing work related stress and the use of individual risk assessments.

5.6 The Employee Code of Conduct has been updated to specifically mention the Council’s safeguarding policies and a section has been added regarding standard of dress & appearance.

5.7 The Disciplinary Policy has also been updated to mention the Council’s Safeguarding policies, to this effect the following has been added to The General Principles section of the policy.

6.6 The Council’s safeguarding policies must be referred to in circumstances where an allegation or incident is in relation to child, young person or vulnerable adult safeguarding concerns.

A full review of the policy took place in July 2011 so it was not the intention to review the policy in its entirety again.

5.8 The Special Leave section of the Work life Balance Policy has been amended to include a section on unpaid leave which should give staff and managers better clarity. This policy has also recently been through the review process so we are not looking at the policy in its entirety this time. We have however decided to add a section on unpaid leave to the Special Leave element of the policy which hopefully provides better clarity.

The new section is at 7.4 and I have also added a sentence to 7.5 to enable employees to take an extended period of unpaid leave to give more flexibility if they are dealing with the loss or serious illness or a dependant or family member.
**IMPLICATIONS**

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<thead>
<tr>
<th>Category</th>
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<tbody>
<tr>
<td>Finance</td>
<td>There are no specific Finance issues associated to this report.</td>
</tr>
<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 beaches of Health and Safety Regulations. As a major employer the Council must demonstrate best practice in relation to all employment matters</td>
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<tr>
<td>Asset Management</td>
<td>No asset management issues within this report.</td>
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<td>Climate Change</td>
<td>No climate change issues within this report.</td>
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**List of Background Papers:**

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<tr>
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<th>Date</th>
<th>Where available for inspection</th>
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<tr>
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**LIST OF APPENDICES**

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- Appendix 2. TOIL Policy
- Appendix 3. Grievance Policy & Procedure
- Appendix 4. Managing Stress in the Workplace
- Appendix 5. Employee Code of Conduct
- Appendix 6. Special Leave section of Work Life Balance Policy

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Driving at Work Policy
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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 reasonably 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:
• The Road Traffic Act 1991.
• 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 as required.

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 do not exceed the legal drink drive limit.

The legal drink drive limit cannot be safely converted into a certain number of units, as it depends on a number of factors to include gender, body mass and how quickly your body absorbs alcohol. 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.

**Drinking whilst driving on council business is prohibited.**

- 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 **Smoking**

The council's Smoking Policy prohibits smoking in the work place. Where any employee uses their private car on council business and on occasion carries, as passengers, colleagues who do not smoke, they must refrain from smoking during those journeys.

5.7 **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.

5.8 **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.

5.9 **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.

5.9.1 **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.

5.9.2  Making a claim for reimbursement of travel expenses

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 NJC rates, which are normally reviewed annually.

Mileage should be claimed using either the HR21 system or the “Staff Travel and Subsistence Allowance” claim form.

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.

5.9.3  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). This would also include consideration of the “50 mile radius” rule (see above).

5.9.4  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.

Where an officer is in receipt of payment for overtime working then no claim for mileage incurred in order to undertake that working would normally be approved. However, this may need further consideration in the light of management requirements and exigencies of the service and approval may be given.
5.9.5 All travel and subsistence claims should be made monthly and must be submitted to the Human Resources Section for payment. 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.

5.9.6 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.

5.9.7 Expenses Claims and Tax

All payments in excess of the HMRC rate for tax allowances (45 pence per mile with effect from 1/7/2011 (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 personal use of the vehicle.

6. 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.

6.1 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 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.
6.2 **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.

6.3 **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.

6.4 **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 over night 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.

6.5 **Accidents, Damage or Theft**

The driver should:

- Immediately report any accident, damage or loss to the line manager, Transport Officer, Insurance 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.

6.6 **Defect Reporting Repairs and Breakdowns**

As soon as a defect is noticed or damage has occurred the Transport Officer 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.

6.7 **Training**

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

6.8 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 Officer has 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.

7. Part C: Management Responsibilities in Relation to Drivers

7.1 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 Officer 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.

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

The initial point of contact on matters regarding work related driving is the Transport Officer who will be able to advise on matters relating to vehicles and driving. The Audit and Risk Manager, the Human Resources Manager, the Health and Safety Team and any working groups agreed via the Joint Consultative and Safety Panel, will advise on risk to the council from its’ driving activities and the measures required to manage those risks.

**7.3 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 ensure compliance 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.

7.4 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.

7.5 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.

7.6 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.

7.7 Monitoring Use of Council Vehicles

Data from the Masternaut system should be scrutinized 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.

7.8 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
8. 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.

8.1 The Transport Officer 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.

8.2 Vehicle Documentation

The Transport Officer 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 Borough 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;
- a 'safe driving' card;
- daily inspection checklist.

8.3 Management of the Masternaut Tracking System

The Transport Officer 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.

8.4 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 Officer.

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.

8.5 **Fuel**

The Transport Officer 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 under performing vehicles and drivers and advise on corrective action.

8.6 **‘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 Officer will be responsible for meeting the obligations covering inspection, servicing, operational management and record keeping on such vehicles.

9. **Equality Impact Assessment and Monitoring**

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

10. **Data Protection Act 1998**

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

comm/empap/050312/04lh Appendix 1
Time off in Lieu Policy

January 2012 draft
1. Introduction

There are occasions when the hours worked by employees exceed their contracted hours, this may be due to evening meetings, weekend work, call outs or there may be an unplanned yet urgent need to extend the working day. Although the Council does operate a flexitime system not all employees are able to benefit from this scheme or may have elected to work a fixed working routine.

The purpose of this Policy is to provide guidance on the process for managing unpaid periods of time that staff have worked which are in addition to their normal contracted hours. It applies to all employees other than those who have been employed on an annualised hour basis.

2. Definition of Terms

Time off in Lieu (TOIL) is defined as time taken off to compensate for planned (or occasionally unplanned) time worked in addition to contracted hours. There is no provision for overtime to be paid under TOIL.

Overtime Pay is defined as the additional pay claimed as a result of additional hours worked to contracted hours. It can be planned or occasionally unplanned. Unless an employee has a contractual entitlement to overtime or it has previously been authorised in advance by the appropriate line manager a claim for overtime will not be considered.

3. Authorisation

It is the responsibility of Line Managers to monitor the accumulation of TOIL and additional hours should normally only be worked with the prior agreement of the Line Manager.

It is anticipated that where an employee currently utilises the Council’s flexitime system that this will be the mechanism by which additional hours worked will be managed. In which case TOIL should normally only apply to hours worked before 7.15am and after 7.00pm. The arrangements for the operation of the flexitime system are detailed in the relevant policy and procedure.

4. TOIL should be calculated as follows:

Staff paid on scale point 28 and below: at time and a half for hours worked Monday to Saturday and double time on Sundays and Bank Holidays.

Staff paid on scale point 29 and above: at plain time for hours worked from Monday to Thursday, time and a half for Fridays and Saturdays and double time Sundays and Bank Holidays.

Part time workers will need to have worked 37 hours before attracting TOIL at
enhanced rates.

5. Working Hours

The Council is mindful of the Working Time Regulations and has a duty of care to protect the health and safety of its employees by ensuring that they do not work too many hours. The normal working week is one of 37 hours and employees should not work more than 48 hours a week unless agreed by the line manager. Any requirement to work beyond the Working Time Regulations should be referred to the Human Resources Team in the first instance.

If any employee regularly works additional hours, then working hours may need to be formally amended to reflect this. Typically, no more than 2 additional days (14 Hours 48 Minutes) should be worked in a four-week period.

6. Record Keeping

Those who are employed under the Council’s Flexible Working Scheme (Flexi) should record any additional hours on a Flexi Adjustment Sheet.

Post holders who are required to work outside the normal core flexi time (7.15 am to 7.00pm) on a regular basis, those staff will be allowed to carry over a maximum of 4 days per flexi settlement period.

Staff not employed under the Council’s Flexible Working Scheme should record the additional hours worked and the TOIL hours taken as time off on the Time off in Lieu Form (see appendix 1).

7. Re-claiming Time Off in Lieu

Taking back any time in lieu must be agreed by a line manager with due consideration given to service needs.

Every effort should be taken to take TOIL as soon as possible after it is accrued, however, it is recognised that this may be restricted due to operational requirements.

Where TOIL of more than half of a normal working day is being claimed this should be claimed inline with the principles of booking flexi or annual leave. Normally no more than two days should be re-claimed at any one time. This is however at the discretion of the line manager.

8. Activation of the Emergency Plan

Should an employee be called to work under the emergency plan and as a result accrue “TOIL” the restrictions as set out above may be set aside.
When normal working resumes, Managers will be expected to agree a plan which bring an employee back in to the scope of the arrangements set out above within a reasonable time frame.

9.  Equality Impact Assessment and Monitoring

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


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

comm/empap/050312/04lh Appendix 2
### Time off in Lieu (TOIL) Record

**Appendix One**

**Name:** _________________________________  **Job Title:** ________________________  **Section:** _________________

**Month:**

<table>
<thead>
<tr>
<th>Date</th>
<th>Additional Hours Worked</th>
<th>Reason</th>
<th>Approved by Line Manager <em>(Signature required in advance)</em></th>
<th><strong>TOIL Taken</strong></th>
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**Employees Signature**

__________________________  **Date**

__________________________

**Line Managers Signature**

__________________________  **Date**

__________________________
Grievance Policy & Procedure
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1. Introduction

1.1 The Council and the trade unions attach great importance to establishing and maintaining good working relationships at all levels within the council by encouraging all employees to achieve and maintain acceptable standards of conduct and behaviour.

1.2 It is however recognised that, from time to time, working relationships may be affected by dissatisfaction due to a variety of reasons and any such issues should be resolved promptly in the interest of good employee relations. This policy and procedure ensure that staff are treated reasonably and consistently by providing a fair and equitable method of dealing with grievances before they develop into major problems.

1.3 The Council encourages free communication between employees and their managers to ensure that questions and problems arising during the course of employment can be expressed and where possible resolved quickly and to the satisfaction of all concerned.

1.4 Both parties should be able to clearly demonstrate all reasonable efforts have been made to resolve the issues informally before the formal process is commenced.

1.5 Whilst a grievance is being considered the “status quo” will prevail whenever possible. “Status quo” means that the change causing the grievance will not be implemented.

2. Principles

2.1 This policy is designed to help managers, employees and their representatives deal with grievance situations in the workplace. It is clearly in everyone’s interests to resolve problems before they can develop into major difficulties for all concerned.

2.2 During the grievance procedure the following principles will be applied in order to ensure that employees receive consistent and fair treatment.

2.2.1 Confidentiality – Confidentiality should be maintained by all those involved, including the employee and their representative, at all stages throughout the procedure by ensuring that only those people who need to know have access to details. While respecting confidentiality, it is important that the employee is free to discuss issues with their trade union representative or work colleague who may be able to assist or support them through what is acknowledged to be difficult circumstances. Written records will be treated as confidential.

2.2.2 Fairness – Whenever a grievance process is being followed it is important to deal with issues fairly. There are a number of elements to this:

- Managers and employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.
- Managers and employees should act consistently.
- The council will carry out any necessary investigations to establish the facts of the case.
• The council will inform employees of the basis of the hearing and give them the opportunity to put their case before any decisions are made.
• Employees have the right to be accompanied at any formal grievance meeting or interviews that are conducted as part of the investigation process.
• Employees are entitled to the right of appeal against any formal decision made with the exception of stage 3 where the decision made by the Employment Appeals Panel is final.

3. Scope

3.1 This procedure applies to all employees of the council excluding officers employed under J.N.C. Conditions of Service for Chief Officers and for Chief Executives.

3.2 This procedure does not apply to agency staff, external contractors or external consultants.

4. Training

4.1 All supervisors/line managers who might act as investigating officers or who lead at hearings will attend an appropriate training course or demonstrate an appropriate level of competence. Elected members who sit on the Employment Appeals Panel will also attend an appropriate training course or demonstrate an appropriate level of competence.

5. Roles and Responsibilities

5.1 It is the responsibility of individual Employees to:
   • Be aware of the Council's policy and procedure
   • Maintain acceptable standards of performance and conduct.

5.2 It is the responsibility of Managers to:
   • Comply with the Council's policy and procedure
   • Ensure employees understand the policy and procedure
   • Ensure the policy and procedure are fairly and consistently applied
   • Recognise where circumstances make it difficult from time to time for staff to comply fully with the Council’s policy and procedure
   • Assist, wherever possible, the employee to correct unacceptable behaviour

5.3 It is the responsibility of Human Resources to:
   • Ensure provision of training, support and guidance for managers
   • Regularly review and monitor the operation and effectiveness of the policy and procedure including any adverse impact
   • Ensure compliance with legal obligations
6. **Exclusions to the Policy**

This policy and procedure will not apply in the following circumstances:

6.1 Where the disciplinary, capability or managing attendance procedures are invoked and the matter would be better be dealt with by way of an appeal in line with the relevant procedure.

6.2 When a grievance is raised about a matter over which the council has no control, or where management is acting in accordance with council policy and procedures.

6.3 Where the grievance is the subject of collective negotiation or consultation with trade unions and staff.

6.4 Where an employee has serious concerns about an aspect of the council’s work or those who work for the council. In such circumstances the Whistleblowing Policy is available to enable employees to raise concerns about workplace malpractices, suspicions of criminal acts, miscarriage of justice and dangers to health and safety.

6.5 Separate procedures are in place to deal with complaints of bullying and harassment (Dignity at Work Policy) and grading issues (Re-grading Policy) and therefore such matters are excluded from this policy.

7. **Areas of Possible Grievance**

7.1 The definition of a grievance is where an employee has a problem or concern about their work, working conditions or working relationships with colleagues that they wish to raise or have resolved.

7.2 This policy and procedure covers the following circumstances:

- A grievance by an employee relating to his/her employment
- A collective grievance held by more than one employee about a particular issue concerning their employment.

8. **Multiple Grievances**

8.1 The Council reserves the right to refuse to hear a grievance if it clearly relates to one dealt with previously, where the grievance was dealt with in a proper manner and in accordance with policy and procedure.

9. **Informal Stage**

9.1 If an employee has a grievance or concern they should, in the first instance, raise this issue with their line manager. If they feel unable to discuss the matter with their direct line manager they should raise it with the next manager up in the structure or contact a member of the Human Resources team. The employee and the manager to whom the grievance is raised should make every effort to resolve the issue.

9.2 The manager and employee should meet to discuss the issue that is causing the employee concern. During this meeting the manager should ascertain what the employee’s concern is and how the employee believes the matter should be
resolved. It may be necessary for the manager to investigate the issue further and they should keep the employee informed of their progress in doing so. Once the manager has concluded their investigation they should meet with the employee to inform them of the outcome of their findings.

9.3 Although this is an informal part of the process the manager should make note of:

- The nature of the grievance
- Their response
- And action taken
- The reason for the action

This information will be useful should the issue progress to the formal stage.

The employee should be given a copy of any notes taken at this meeting.

9.4 Where the grievance is about a disagreement with or the behaviour of another employee, mediation should be considered as a possible solution at this stage. Mediation is a process where a neutral person – the mediator - works with the individuals who have a disagreement to help them find a solution and reach an agreement that will sort out their problem or improve the situation. The mediator will not take sides or judge who is right or wrong. The aim of mediation is to find a way or reaching a resolution to a matter so that the two individuals can work together and agree a way forward.

10. Formal Grievance Procedure

10.1 Where the employee feels that a satisfactory resolution has not been reached informally, the employee should raise this issue formally by completing the Grievance Pro-forma (see Appendix 1). It should be noted that no new issues can be considered once the pro-forma has been submitted and the formal stage of the grievance procedure has commenced. Where new issues are to be considered, a separate grievance would need to be submitted.

10.2 The Grievance proforma should be submitted to the employee’s Head of Service unless the grievance is about that Head of Service in which case it should be submitted to the Head of Business Support.

10.3 Investigation

10.3.1 The Head of Service in liaison with Human Resources will appoint an investigating officer and inform the employee who will be investigating their grievance.

10.3.2 If the grievance is against a specific individual, the individual's line manager will be informed that the grievance has been raised and that an investigation will be undertaken. That manager must then inform that employee that a grievance has been raised which involves them, outlining what the grievance is regarding and advising them of the investigating officer as well as providing suitable support for the individual.

10.3.3 The investigator will meet with the employee who has raised the grievance to establish the basis of the grievance and the desired outcome.

10.3.4 Where relevant the investigator will meet with the employee against whom the
allegations have been raised.

10.3.5 During the investigation, other employees may be approached by the investigator and asked to provide a witness statement. An employee should act as a witness if asked to do so, as this is usually a reasonable managerial request. Witnesses should be aware that it will not be possible to withdraw their information once given to the investigating officer although they will be given the opportunity to see the notes of the meeting and suggest any changes they feel are needed.

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

10.3.7 Investigatory interviews should be carried out as soon as reasonably practicable but in any event normally within 10 working days of the investigation commencing. Agreement from both parties may be sought to extend this time limit, however if the extension is due to the aggrieved employee’s ability to attend the investigatory interview the investigation will be suspended and clarification may be sought as to whether the employee wishes to continue with the grievance.

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

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

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

10.4 **Right to be Accompanied**

Any employee who is interviewed as part of the investigatory process, will have the opportunity to be accompanied either by a work colleague of their choice, or a trade union representative.

The work colleague/trade union representative would be present to observe the proceedings and advise the employee but cannot answer questions on the employee’s behalf.

There is no entitlement to external legal representation.

10.5 **Police Involvement**

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

10.6 The investigator will complete the investigation as quickly as possible and write an investigation report for submission to the Head of Service and a copy to the Head of Business Support.
11. Formal Stages

There are 3 potential stages to the formal grievance procedure which are as follows:

Stage 1

11.1 The Head of Service will normally hear the grievance at this stage of the procedure.

If on receipt of the decision following the grievance hearing the employee has the right to appeal to the next stage of the procedure.

Stage 2

11.2 If the employee continues to be aggrieved then they can refer the matter to the relevant Corporate Director using the original proforma and the management response. This should normally be done within 10 working days of receiving the Stage 1 decision. A meeting will normally be convened within 10 working days, with the Director supported by a representative from the Human Resources team who may attend in an advisory role. The decision of that meeting will be communicated to the employee in writing within 5 working days of the hearing. The letter will also set out the right to appeal.

Stage 3

11.3 If the employee continues to be aggrieved then the matter can be referred to the Employment and Appeals Committee whose decision on the matter will be final.

An appeal under stage 3 will be submitted in writing to the Head of Business Support who will liaise with Democratic Services to arrange a meeting.

12. The Grievance Hearing (applicable to stage 1 & stage 2)

12.1 Grievance hearings will normally be held no more than 10 working days after completion of the investigation. Where the employee’s chosen representative is unable to attend on the date initially set for the hearing s/he may request a postponement of the hearing date provided this is for no longer than 5 working days.

At least 5 working days’ notice of the hearing will be given.

12.2 Paperwork for the hearing

Before a grievance hearing is held all the papers and documents, including the investigating officer's report must be sent to the employee no later than 5 working days before the hearing. This should be sent with the letter calling the employee to the hearing.

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

12.3 All parties must respect the need for confidentiality, at all times, in relation to any information exchanged.
12.4 **Inability to Attend the Grievance Hearing**

Employees should make every effort to attend the grievance hearing. If an employee feels that they are unfit to attend they should contact the Head of Service who is to chair the hearing. It may be appropriate to seek advice from Human Resources and/or seek a medical opinion from the Occupational Health Advisor. If the employee fails to attend an arranged occupational health appointment the hearing will normally go ahead and a decision will be made based on the information available.

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

12.5 The procedure followed at the hearing can be seen at Appendix 2.

12.6 The Chair will state at the close of the hearing that the decision reached will be confirmed in writing within 5 working days of the hearing and that the employee has the right to appeal against the decision reached.

12.7 After the meeting the Chair will complete the management response section of the Grievance proforma and send this with the letter confirming the decision reached at the hearing to the employee.

12.8 Where the grievance was raised against another employee, the chair of the hearing will also communicate the outcome and any recommendations to the Head of Service of that employee. They will then communicate it to the employee concerned and act on any recommendations as required.

13. **Procedure at Formal Stage 3 Hearings**

13.1 On receipt of the appeal Democratic Services will make arrangements with the Chair of the Employment Appeals Committee (or his/her deputy) to convene an Employment Appeals Panel which will normally be within 20 working days. The case will be presented to the Panel (the procedure used can be seen in Appendix 3) and the outcome conveyed to the employee within 5 working days. The decision of the Employment Appeals Panel shall be final and as such the appeals procedure is exhausted.

13.2 The Hearing will be convened as follows:

Democratic Services will convene an Appeals Hearing
- The date, time and venue for the hearing shall be notified to all parties
- Democratic Services will ensure that all parties have the relevant documentation which will include:
  - Original Grievance Submission
  - Findings/Response from Management
  - Letter of Appeal
  - Specific detail of what the employee wishes to appeal against.
- The agreed paperwork will be circulated to the parties 5 working days in advance of the hearing.
- The employee submitting the appeal will be responsible for informing the Democratic Services manager of the names of any witnesses they may wish
to call in support of their appeal. It will be the responsibility of the employee to notify the witnesses of the date, time and location of the hearing.

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

13.3 The procedure followed at the Employment Appeals Hearing can be seen at Appendix 3.

14. Overlapping Grievance and Disciplinary Cases

14.1 Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

15. Appeals

15.1 Any employee dissatisfied at the decision made at a grievance hearing has the right of appeal to the next stage of the procedure, as set out in section 12 of this policy, with the exception of stage 3 where the decision made by the Employment Appeals Panel is final.

16. Effect of Resignation on Outstanding Grievance

16.1 Wherever possible a grievance should be dealt with before an employee leaves employment. If however, this is not possible, agreement with the employee will be sought on whether and how the grievance should be progressed.

16.2 In the case of a collective grievance the grievance will continue in accordance with this procedure for those employees who remain in the employment of the council.

17. Equality Impact Assessment And Monitoring

17.1 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.

18. Data Protection Act 1998

18.1 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.
## Appendix 1

### Grievance Pro-Forma

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<td>Post Title:</td>
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### Background – What has happened? Please give details of time(s) and date(s) if appropriate

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<tbody>
<tr>
<td>Signed (Employee)</td>
</tr>
<tr>
<td>-----------------------------------</td>
</tr>
<tr>
<td>Received (Manager)</td>
</tr>
<tr>
<td>Management Response to the Grievance</td>
</tr>
<tr>
<td>Signed:</td>
</tr>
<tr>
<td>The response(s) to the grievance and any proposed remedies are acceptable/not acceptable</td>
</tr>
<tr>
<td>If not acceptable why do you remain aggrieved?</td>
</tr>
<tr>
<td>Signed:</td>
</tr>
</tbody>
</table>

NB: If you wish to provide further information, please continue on a separate sheet
Appendix 2

Procedure for the Grievance Hearing

Introduction
The chair of the hearing will introduce those present and explain their reason for attendance. They will also explain the purpose of the hearing and how it will be conducted. A representative from Human Resources will normally be present to advise and support the Chair.

Employee’s Statement of Grievance
The employee will state their grievance and desired outcomes. As part of this witnesses may be called.

The investigator, chair & HR representative may ask questions of the employee and any witnesses.

The investigator’s Statement of Findings
The investigator will provide a summary of the investigation and its findings. As part of this witnesses may be called.

The employee, chair and HR representative may ask questions of the investigator and any witnesses.

Final Statements
Both the investigator and employee may sum up their case and make a final statement if they so wish.

Further Investigation
The chair may consider adjourning the meeting if it is necessary to investigate any new facts that arise.

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

Decision
The chair will, if possible, give a decision to the parties immediately after the hearing. On occasions, time constraints may make it necessary to adjourn the hearing for a longer period to properly consider the information provided. In this case, it will be agreed to re-adjourn the meeting at a later date or that the employee will be informed of the decision in writing. In any case, the decision made will be confirmed in writing within 5 working days of the hearing including what action, if any, should be taken, by whom and the agreed timescales. The employee will also be informed in the letter of their right to appeal against the decision reached.

Note: References to employee include the representative acting on the employee’s behalf.
Appendix 3

Procedure for the Employment Appeals Hearing

Introduction
The chair of the Employment Appeals Panel will introduce those present and explain their reason for attendance. They will also explain the purpose of the hearing and how it will be conducted.

A representative from Human Resources will be present to advise and support the Panel. The chair will confirm that the hearing is a grievance appeal hearing and will explain how it will be conducted.

Employee’s Statement of Appeal
The employee will state their grievance and desired outcomes. As part of this witnesses may be called.

The chair, the panel and the HR advisor may ask questions of the employee and any witnesses.

Presentation of Decision of the Chair of the Grievance Hearing
The chair of the stage 2 grievance hearing (management representative) will provide the reasons for their decision. As part of this witnesses may be called.

The employee, the panel and HR advisor may ask questions of the management representative and any witnesses.

Final Statements
Both the management representative and employee (last) may sum up their case and make a final statement if they so wish.

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

Decision
The chair will, if possible, give a decision to the parties immediately after the hearing. On occasions, time constraints may make it necessary to adjourn the hearing for a longer period to properly consider the information provided. In this case, it will be agreed to re-adjourn the meeting at a later date or that the employee will be informed of the decision in writing. In any case, the decision made will be confirmed in writing within 5 working days of the hearing and the employee will be informed in the letter of their right to appeal against the decision reached.

Note: References to employee include the representative acting on the employee’s behalf.
Managing Stress in the Workplace

March 2012
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<td>11. Responsibilities</td>
<td>7</td>
</tr>
<tr>
<td>12. Confidentiality</td>
<td>8</td>
</tr>
</tbody>
</table>
1. Introduction

1.1 This Council firmly believes that its employees are its most valuable asset and to enable all staff to perform at their best it is committed to promoting a positive working environment, free from unnecessary or undue pressures. To help ensure and maintain such an environment the Council will work in collaboration with employees, managers, Occupational Health and recognised Trade Unions. The Council will also, where appropriate, work in partnership with external bodies, for example, the Health and Safety Executive, Primary Care Trust.

1.2 The Council will support any member of staff who is identified as being subjected to undue pressure at work or experiencing symptoms of stress due to events or concerns outside of work. The Council will achieve this by encouraging early reporting of symptoms by employees, by training line managers to recognise symptoms and informing line managers and employees of the appropriate support mechanisms available.

1.3 These arrangements both support and are supported by other Council arrangements, policies and procedures such as, Attendance Management, Flexible Working, Equal Opportunities, Risk Assessment, Performance Management and Dignity at Work.

2. Who do these Arrangements Affect?

2.1 Any person employed by this Council who:

- May potentially suffer from undue pressure.
- May manage persons who may be affected by undue pressure.

3. What is Undue Pressure?

3.1 Undue pressure is a complex issue that can often involve multiple causes. These causes may be related to events or circumstances in the workplace, may emanate from home life or may result as a combination both.

3.2 Most individuals will experience, in their life, times when they feel they are subjected to undue pressure. Such times may occur following bereavements, serious illness, a period of unscheduled unemployment or major upheaval.

3.3 In the workplace pressure or challenges can often have a positive effect by motivating individuals and assisting the organisation in its achievement of targets and goals. However persistent undue pressure may result in some individuals experiencing adverse reactions, in other words feeling stressed.

4. What is Stress?

4.1 The Health & Safety Executive (HSE) defines stress as “the adverse reaction people have to excessive pressure or other types of demand placed upon them”. This definition makes an important distinction between pressure and challenges at work that keep individuals motivated and stress, which can sometimes be detrimental to health.

4.2 The Council aims to ensure that all employees understand stress, particularly occupational (work-related) stress and how to identify, prevent and control it. The Council recognises the potential effects stress may have upon performance and attendance and will therefore deal with such matters sensitively and appropriately.
5. Why Manage Stress?

5.1 The Council has implemented these arrangements in order to reduce the likelihood of occupational stress related illnesses and help ensure the continued good health and well being of all Council employees. Prolonged exposure to undue pressure may significantly increase the risk of psychological and physiological damage, including depression and anxiety conditions.

5.2 Compliance with these arrangements effectively demonstrates the Council’s compliance with current health, safety and employment legislation, thereby preventing potential legal prosecutions. Compliance with these arrangements will also help to minimise the likelihood of stress related illness and will therefore reduce the potential for stress related absenteeism and consequently any resulting employee liability claims.

6. How is Stress Managed Corporately?

6.1 Policies and Procedures

The Council has a number of policies and procedures in place that significantly reduce the likelihood of undue pressure (therefore reducing the potential for stress) amongst its employees; these can be found in the Human Resources Section on the Intranet and include:

- Work-life Balance Policy.
- Dignity at Work Policy.
- Attendance Management Policy.
- Whistleblowing Policy.
- Code of Conduct Policy.
- Equal Opportunities Policy.
- Extended Authorised Absence Policy.
- Grievance Procedures.
- Performance Management Scheme.
- Exit interviews.
- Risk assessment.

6.2 Staff Surveys

Corporately the Council carry out staff surveys which help to identify areas of undue pressure within the organisation. From the results of these surveys Action Plans will be produced to eliminate or reduce the likelihood of undue pressure occurring in areas identified as at risk.

6.3 Employee Support Programme (EAP)

The Council provides a free of charge Employee Assistance Programme (EAP) to all employees. The EAP can help and support employees with many of the issues and difficulties they face, whether work or home related. The EAP is provided by a company that is completely independent from the Council. The comprehensive service offers guidance on financial, legal, work, personal, stress and family care issues.

The confidential EAP telephone help line is available 24 hours a day, 7 days a week, 365 days a year. Calls will be answered by a trained and experienced professional who will discuss problems with employees.

Information regarding the EAP is available in the form of leaflets, posters and on the intranet. Information regarding the service is provided to all new employees at induction.
EAP can be contacted on 0800 030 5182.

6.4 Occupational Health

The Council provides an Occupational Health Service for employees that can be accessed through their line manager or the Human Resources Team. Upon referral, the Occupational Health Advisor will assess the employee and has the option to recommend various treatments, including confidential counselling. A maximum of 6 counselling sessions may be provided, if appropriate.

6.6 Other Activities

Employees are encouraged to access the programme of activities available at the Poulton Community YMCA. Further information can be accessed by the Intranet pages of Leisure Services.

7. How is Stress Identified and Managed Locally

7.1 The Council’s risk assessment arrangements require that all activities that carry a significant risk are assessed. Such assessments must include consideration and assessment of the risk from undue pressure. The assessment must determine the controls already in place to manage undue pressure and decide if these controls are adequate or if further controls are required. If further controls are required these must be agreed with the person responsible for managing the activity and once agreed implemented and monitored.

7.2 For an example risk assessment see appendix 1. The arrangements for carrying out a risk assessment and the pro-formas required can be found on the Intranet under the Health and Safety page or in your Occupational Health and Safety Manual.

7.3 Local monitoring of sickness absence along with the conducting of return to work interviews will further help line managers identify individual employees suffering from signs of undue pressure or the symptoms of stress. The line manager may then use any of the previously mentioned corporate policies to help manage and improve the situation, for example the line manager may wish to offer flexible working or special leave. Line managers may also refer employees to the EAP helpline or the Occupational Health Service if they feel employees may be at risk from or are showing symptoms of stress (for signs of stress see appendix 2).

Line managers must ensure that they have an effective process to facilitate two way communications between themselves and their team members. Communication processes may include one-to-ones, team meetings, supervision meetings, informal chats, appraisal meetings etc. Employees should be encouraged to raise concerns and discuss any relevant problems.

7.4 All employees have a legal duty to report any symptoms of work related ill health (including stress) and must be encouraged to do so at the earliest opportunity. Employees also have a duty to co-operate with line management on issues relating to health and or safety. This duty extends to attending any service offered to reduce, combat or eliminate the likelihood of stress.

8. Individual Stress Assessments

8.1 Where there are concerns that a member of staff may be under undue pressure an individual stress assessment must be carried out see appendix 3.
8.2 The stress assessment is a systematic process that looks at the detail of a person’s role, it should ideally be carried out with the line manager as they are often the people best placed to control the workload and allocation of responsibilities. In situations where the employee – manager relationship may be an issue the process may be carried out by another appropriate manager.

8.3 Consideration should be given to the following which are potential causes of stress in the workplace. This should be done jointly between the employee and their manager and carried out privately without interruption.

8.3.1 Demands of the Role – how is the employee coping with the demands of their job, this includes work patterns, work environment, skills and their capability?

8.3.2 Control of their work – how much say does the employee have in the way they do their work, timing of breaks, control over pace, use of skills and initiative or opportunity to develop?

8.3.3 Support in work – this includes support from line management & colleagues and other support structures e.g. resources, networks etc.

8.3.4 Relationships – are working relationships with managers and colleagues free from bullying and other unacceptable behaviours?

8.3.5 Role in the organisation – do individuals clearly know what their role and responsibilities are? Is there any confusion or lack of clarity regarding what is expected of them?

8.3.6 Managing change – how change is or has been managed and communicated. Are individuals given timely information regarding changes that may affect them?

8.4 Any actions identified as a result of carrying out the stress assessment should be agreed and both the manager and employee should sign the assessment form and any supplementary notes.

9 Stress due to Events/Issues Outside of Work

9.1 Where stress is recognised or cited by an employee the following action should be taken ideally by their direct line manager.

- Discuss the matter fully with the employee ensuring complete confidentiality
- Refer to Occupational Health
- Encourage the employee to contact the EAP service
- Consider if any flexible working options may assist the employee
- Carry out an individual stress risk assessment if appropriate

10 Sickness Absence due to Stress

10.1 Absences should be dealt with in line with the Attendance Management Policy.

10.2 Any employee who is absent from work due to stress should be referred to Occupational Health at the earliest opportunity

10.3 Where Occupational Health recommends that work would be beneficial to the employee consideration should be given to whether arrangements such as home working, flexible
working options or phased return can be made to enable the employee to return at the earliest opportunity.

10.4 Where work is cited as a possible cause of the stress absence the line manager or other appropriate person should meet with the employee to carry out the individual stress risk assessment with any actions agreed as an outcome assisting a return to work.

### 11. Responsibilities

#### 11.1 Human Resources
- Management of the Occupational Health Service.
- Management of the Employee Assistance Programme.
- Facilitation of surveys to help identify areas where undue pressure may be occurring in the Council.
- Facilitation of stress related training.
- Provide advice, support and guidance to the Council and its line managers on matters relating to stress management.
- Produce absence reports highlighting incidents of stress related absence.
- Ensure appropriate supporting policies, as previously identified, are in place and regularly reviewed.

#### 11.2 Occupational Health
- Assess those referred and provide or facilitate appropriate treatments.
- Provide advice, support and guidance to the Council and line managers on matters relating to stress management.

#### 11.3 Line Managers
- Ensure that stress issues are addressed in the activity based risk assessments they carry out for their areas (see appendix 1).
- Implementing and communicating these arrangements to all relevant employees.
- Ensure that they are able to identify the signs and symptoms of stress in individuals.
- Identify and support members of staff who are experiencing undue pressure or stress.
- Carry out individual assessments with employees when symptoms of stress are identified (see appendix 3).
- Ensure good communication with all staff
- Ensure staff are fully trained to discharge their duties
- Monitor workloads to endure that staff are not overloaded
- Monitor holidays to ensure that staff are taking their full entitlement
- Ensure bullying and harassment is not tolerated
- Direct employees suffering from stress symptoms to the appropriate support mechanisms that are available, eg. EAP, Human Resources, Occupational Health.
- Be aware of policies that address work-life balance, eg. Flexible Working, Special Leave etc.
- Monitor sickness/absence rates within their areas to identify undue pressure or symptoms of stress.
- Make contact with individuals who are off sick with stress and offer support.
- Conduct return to work interviews for all staff who have been off sick.
- Attend stress related training when requested.

#### 11.4 Employees
- Are responsible for bringing to the attention of their line manager issues they feel may
be contributing to making them feel under undue pressure.
- Are responsible for co-operating with line management regarding any support offered to reduce or eliminate undue pressure or feelings of stress, including attending awareness training if requested.
- Should access the Employee Assistance Programme (EAP) if they would like someone independent to talk to.
- Be receptive to opportunities of counselling and/or other offers of physical and psychological assistance when recommended.
- Attend any Occupational Health or Counselling sessions that have been arranged.
- Attend any training related to stress that is provided.
- Take individual responsibility for their own health and help to establish and improve a healthy working environment.
- Be receptive to colleagues who may be showing signs of stress, be supportive and report any areas of concern to the manager as appropriate.
- Contribute to team discussions and participate in the action planning.

12. Confidentiality

12.1 Any information gathered regarding the mental or physical well being of any employee will be considered of a sensitive nature and will therefore be stored securely and only passed on with the individual's consent and in compliance with the Data Protection Act 1998. Any other relevant medical codes of confidentiality will also be adhered to.

13. Equality Impact Assessment And Monitoring

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


14.1 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.
# Appendix 1 - Example of Risk Assessment

## Wyre Borough Council Risk Assessment Form 1

This Form can be used for the assessment of all organisational risks including; Health and Safety; Risk Management & Business Continuity.

This Form must be used in conjunction with Form 2 – Agreed Actions

For Details of Risk Ratings see Form 3

<table>
<thead>
<tr>
<th>Directorate: Resources</th>
<th>Date of Assessment: EXAMPLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section: Reception desk</td>
<td>Assessment Team EXAMPLE</td>
</tr>
<tr>
<td>Location: Civic Centre</td>
<td></td>
</tr>
</tbody>
</table>

Assessment Activity: Working behind Reception greeting visitors and answering telephone enquiries.

Do the hazards create a business continuity risk?  Yes / No

<table>
<thead>
<tr>
<th>WHAT IS THE HAZARD</th>
<th>What is the Potential Harm</th>
<th>Who is at Risk</th>
<th>Controls In Place</th>
<th>LIKELIHOOD</th>
<th>Severity</th>
<th>Risk Rating</th>
<th>FURTHER POTENTIAL CONTROLS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lone working</td>
<td>Verbal abuse Physical assault</td>
<td>Employee</td>
<td>Personal Safety Arrangements Risk Assessment Arrangements Telephone communication Call alarm under desk</td>
<td>2</td>
<td>2</td>
<td>4</td>
<td>Handling aggression training</td>
</tr>
<tr>
<td>Long periods on VDU</td>
<td>RSI’s, eye strain, DSE/ Workstation User</td>
<td>DSE Arrangements Workstation assessment carried out Activity changes to allow rest from DSE</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>Job rotation</td>
<td></td>
</tr>
<tr>
<td>Electrical items</td>
<td>Electric shock Trips over loose cables</td>
<td>Employees in the work vicinity</td>
<td>All electrical items regularly PAT tested Cables routed under and behind desks</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>Regular office safety inspections</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>WHAT IS THE HAZARD</th>
<th>What is the Potential Harm</th>
<th>Who is at Risk</th>
<th>Controls In Place</th>
<th>LIKELIHOOD</th>
<th>Severity</th>
<th>Risk Rating</th>
<th>FURTHER POTENTIAL CONTROLS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Undue work pressures</td>
<td>Stress symptoms</td>
<td>Employee</td>
<td>Demands – Supplementary support available for the desk at busy times Control – shift patterns agreed with staff, breaks agreed amongst staff</td>
<td>2</td>
<td>2</td>
<td>4</td>
<td>Line managers to ensure staff read and understand Managing Work Related Pressure Arrangements</td>
</tr>
<tr>
<td>Biological – Germs and viruses</td>
<td>Illness</td>
<td>Employee Others the employee may come into contact with</td>
<td>Counter separating employees from public. Flu jabs available to employees Occupational health scheme</td>
<td>3</td>
<td>2</td>
<td>6</td>
<td>Flu inoculations to be made available to those staff interfacing with the public.</td>
</tr>
<tr>
<td>---</td>
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<td>---</td>
<td>---</td>
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<td>---</td>
</tr>
</tbody>
</table>

All Agreed Actions and Target Dates must be recorded on Form 2 (OH&SF 002)
Wyre Borough Council Risk Assessment Form 2 – Example - Agreed Actions
This Form must be completed with the Section Manager and in conjunction with Risk Assessment Form 1

<table>
<thead>
<tr>
<th>Further Control Agreed</th>
<th>Resource implication</th>
<th>Person Responsible</th>
<th>Signature</th>
<th>Target date</th>
<th>Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Line managers to ensure staff read and understand Management of Stress Arrangements</td>
<td>Time</td>
<td>Line Managers</td>
<td></td>
<td>On induction And Regular refreshers</td>
<td></td>
</tr>
<tr>
<td>Front of House staff to be advised to undergo flu jabs offered by Occupational health</td>
<td>In the region of £20 per injection + time resource</td>
<td>Appropriate line manager Occupational health Scheme</td>
<td></td>
<td>Annually in November</td>
<td></td>
</tr>
<tr>
<td>Handling Aggression training</td>
<td>Training cost + Time resource</td>
<td>Line Managers</td>
<td></td>
<td>On induction And Regular refreshers</td>
<td></td>
</tr>
</tbody>
</table>

Assessment / Activity / Area / Type

Section Manager Responsible for this Action Plan………………………………………… Signature…………………………………………

Action Plan Review Date…………………………………………
Recognising the Possible Signs of Stress

The following list is some possible signs of stress however these may also be caused by something other than stress. Always seek medical advice if you are worried about your health.

- **Physical Signs**
  
  Decreased energy, constant fatigue.
  Persistently raised pulse or blood pressure.
  Flushing or sweating.
  Headaches, including migraine.
  Sleep disturbance.
  Sexual problems.
  Muscle tension, aches or stiffness (especially neck and shoulders), backache.
  Skin problems (hives, eczema, psoriasis, itching).
  Constant colds, minor ailments or infections.
  Dizziness, disturbed vision.
  Heart palpitations, chest pain.
  Asthma or shortness of breath.
  Digestive problems – nausea, constipation, diarrhoea, abdominal cramps, heartburn.
  Trembling.
  Dry mouth.

- **Psychological Signs**
  
  Increased anxiety.
  Irritability, anger, mood swings, tearful, over-emotional.
  Depression.
  Difficulty concentrating, memory lapses, mind racing, indecisiveness, confusion.
  Low self esteem, loss of confidence.
  Feeling helpless or hopeless.
  Loss of motivation.
  Loss of sense of humour.

- **Behavioural Signs**
  
  Increased smoking or drinking.
  Argumentative (road rage, domestic or workplace conflicts).
  Fidgeting (nail-biting, foot-tapping).
  Reduced interest in appearance.
  Changes to diet – over-eating or loss of appetite.
  Poor time management.
  Withdrawn, isolation from social activities.
  Constantly on the go.

There are various strategies that can be used if you feel that you are suffering from stress:

- Prioritise and deal with the high priority first.
- Think of issues and try to come up with solutions.
- Only try to tackle things you can change.
- Don’t be too hard on yourself – there’s no need to be perfect every time, keep things in proportion.
• Share a problem and seek advice from others, utilise family, friends, colleagues, manager, HR, Occupational Health, EAP.
• Don’t be reluctant to seek medical help if you are worried about your health.
• Make some time every day for yourself and find time to relax.
• Look after your health by taking a balanced diet, avoid excessive drinking and smoking, try to exercise regularly and try to adopt a wide range of interests.
• Learn to delegate or ask for help.
• Have proper breaks for meals.
• Make your manager aware if your job is overloaded or under loaded.
• Take a deep breath and take a step back from the situation before reacting.
HSE STRESS RISK ASSESSMENT PROCESS

Management Guidance Tool

A manager with direct line management responsibility for the individual is best placed to conduct this assessment. This is a checklist only and notes must be recorded, concerns documented and actions allocated and assigned completion dates. A review date must be assigned where actions are required.

1 Demands

**Standard**: Employees indicate that they can cope with the demands of their jobs

<table>
<thead>
<tr>
<th>Demand</th>
<th>Concerns</th>
<th>Action Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work pattern</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Work environment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Skill match</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Within capability</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2 Control

**Standard**: How much say the person has in the way they do their work

<table>
<thead>
<tr>
<th>Control</th>
<th>Concerns</th>
<th>Action Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Timing of breaks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Control over pace</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use of skills &amp; initiative</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Opportunity to develop</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
3 **Support**

**Standard:** Includes relationships with line management and colleagues & support structures in place e.g. learning resources and colleague circles/consultations

<table>
<thead>
<tr>
<th>Support</th>
<th>Concerns</th>
<th>Action required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colleagues</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Managers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Access to resources</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Systems &amp; Feedback</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4 **Relationship**

**Standard:** Includes promoting positive working to avoid and manage conflict

<table>
<thead>
<tr>
<th>Relationship</th>
<th>Concerns</th>
<th>Action required</th>
</tr>
</thead>
<tbody>
<tr>
<td>With management</td>
<td></td>
<td></td>
</tr>
<tr>
<td>With colleagues</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Processes to raise concerns in place</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Positive behaviours promoted within the business</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5 **Role**

**Standard:** Understanding the role and responsibilities within the organisation

<table>
<thead>
<tr>
<th>Role</th>
<th>Concerns</th>
<th>Action required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clear role definition</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Responsibilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reporting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conflicts</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
6 Change

**Standard:** Organisational change (large or small) is managed and communicated.

<table>
<thead>
<tr>
<th>Change</th>
<th>Concerns</th>
<th>Action required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Timely information provided regarding reasons for change</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adequate consultation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Probable impact communicated</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Support provided</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

To complete the assessment, colleagues should be offered the opportunity to comment on any aspects of their work which they feel has not been covered in the assessment.

Colleagues must be advised that supplementary notes will be filed with this checklist in the employment record.

This assessment however is NOT part of any grievance procedure. Where necessary, colleagues should be redirected to the appropriate avenue for resolution of issues raised which are considered outwith of the remit of this assessment.

**FURTHER ADVICE**

[www.hse.gov.uk/stress/standards](http://www.hse.gov.uk/stress/standards)

[www.people-am.com](http://www.people-am.com)

Date of Assessment:_____________________________________

Assessor Signature :_____________________________________

Colleague Signature:_____________________________________
Employee
Code of Conduct

February 2012
Appendix 1: Example of Types of Misconduct and Gross Misconduct
Wyre Council Code of Conduct

1. Introduction

1.1 The Code of Conduct, as set out below is designed to:
   a) Promote fairness and consistency in the treatment of individuals;
   b) Assist in the effective operation of the Council;
   c) Establish the required standard of conduct of employees of the Council; and
   d) Maintain satisfactory relationships within the workforce and between employees and their managers and with elected members.

1.2 The Code may be supplemented from time to time by more specific service area rules which take account of the nature of the work and the working conditions.

2. Rules of Conduct

2.1 If a breach of these rules is established, it will constitute misconduct and may lead to action being taken under the Council’s Disciplinary Procedure.

2.2 The more serious the breach the more likely it is possible that such a breach will be regarded as gross misconduct. (Examples of types of misconduct and gross misconduct are attached at Appendix 1).

2.3 The rules as set out below do not constitute a comprehensive list.

   All employees are required:
   a) To comply with any published work rule or with any legitimate and reasonable request, instruction or contractual requirement given by a supervisor, manager or Director.
   b) To act in a manner, whether at work or outside work, which will (having regard to the employee’s position with the Council) ensure the confidence of the public in the Council and which will not have a serious adverse effect on any individual’s employment. This includes any convictions for a criminal offence and any corrupt or improper practice or breach of trust.
   c) To act in a manner that is not contrary to the Council’s legitimate interest.
   d) To act in a proper and orderly manner and always act within the law on the Council’s premises or in the Council’s vehicles or in association with any official duty.
   e) To act in a manner that would not result in an action against the Council for negligence.
   f) To comply with health and safety regulations.
   g) To act in accordance with the Council’s equal opportunities in employment policy.
   h) To treat colleagues, elected members, the public or clients on the Council’s premises or in the Council’s vehicles used in association with any official duty with dignity and respect. Assault or threatening, intimidating or abusive behaviour would be in breach of this requirement.
i) Not to lose or damage the Council’s equipment and/or property by wilful or negligent act.

j) To act honestly in relation to the Council’s property. Theft of or unauthorised or improper use of Council vehicles, equipment, materials or labour (including unauthorised use of or tampering with any computer or associated equipment and software) or theft from a service user would be regarded as a breach of this rule.

k) To act honestly in relation to the Council’s funds. Theft, misappropriation, failure to account for or fraudulently claiming any money belonging to the Council or its service users would be regarded as a breach of this rule.

l) To attend work between the contracted times and for the contracted number of hours a week and not to be absent from work without permission or, if sick, without notifying the supervisor or such absence. Doctors’ medical certificates must be submitted within the prescribed time limits.

m) To act in accordance with the Council’s sick pay scheme and not to act in a manner which would impair recovery and delay a return to work when absent due to illness or injury.

n) To accurately maintain the Council’s records or documents. Alteration, mutilation or destruction of any record or document unless properly authorised to do so or falsification of any record or document will be regarded as a breach of this rule.

o) To report or record any matter in respect of which there is a duty to report or record. For example, there is a duty to report to a suitable person (who may be a Police Officer) any illegal or corrupt act by another employee or another person on the Council’s premises or who is using Council facilities.

p) Not to disclose confidential information to any unauthorised person.

q) To act in accordance with the Council’s safeguarding policies:
   - Child and Young Person Protection Policy
   - Safeguarding Adults Policy

3. Further Restrictions and Requirements

3.1 Local Government employees are subject to a number of specific restrictions and requirements which are set out below. Any employee who is unsure whether or not a particular requirement applies to them should seek clarification from their line manager.

a) Accepting Gifts

It is strictly forbidden (by law) to accept, through employment with the Council, any fee or reward whatsoever other than proper pay and allowances. The Council’s “Gifts and Hospitality – A Code of Conduct for Officers” identifies the circumstances in which gifts may be accepted. Whilst there are certain gifts for which permission is not required, it is in your interests to make a declaration so that its acceptance cannot be misunderstood. Other gifts require the specific consent of the Director or Chief Executive, depending on the employee’s post.

b) Confidential Information

Confidential information obtained in the course of work must not be divulged to any person (inside or outside the Council’s employment) who is not authorised to receive it, unless expressly told to do so by someone in authority or there is a requirement by law
to do so. Similarly, no information concerning another employee’s affairs, known about through work, is to be given to any person not authorised to receive it, without the consent of that employee.

c) **Outside Activities**

Off duty hours are an employee’s personal concern but should not interfere with his/her duties and an employee should not put him/herself in a position where duty and private interests conflict. The Council will not normally prevent employees from undertaking additional employment but any such employment must not, in the opinion of the Council, conflict with or be detrimental to the Council’s interest or in any way weaken public confidence in the conduct of the Council’s business.

Officers (Grade 8 and above), may not in any case engage in any business or take up any additional job without permission of the Director. Directors require the permission of the Chief Executive. The Chief Executive needs the permission of the Employment and Appeals Committee.

Officers who receive a salary of Grade 12 or above (on the APT&C salary scales) or where a job has been designated as ‘politically sensitive’, may not take part in political activities. This includes standing for election to another authority (except Town and Parish Councils). The Council is obliged, by law, to enforce this contractual obligation.

d) **Interest in Contracts**

A financial interest (directly or indirectly) in a contract which the Council is about to enter into (or has already done so) must be notified to the Head of Governance in writing as soon as possible. This applies to an employee who is a member, a partner or an employee of a company or organisation party to a contract.

e) **Drivers of Council Vehicles**

Drivers are required to inform their line managers or any accidents in which they are involved, including those which occur outside their employment contract, and of any endorsements to their driver’s licence. Drivers are also required to produce their licences periodically at the request of their line managers. Drivers are required to notify their line managers of any other driving work they propose to undertake and should always abide by the statutory regulations on driver’s hours.

f) **Standard of Dress & Appearance**

There is a general expectation that dress and appearance will be appropriate to the standards set by individual departments to suit the services they provide and to meet the expectations of the public.

4. **Equality Impact Assessment and Monitoring**

4.1 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.

5. **Data Protection Act 1998**

5.1 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.
### EXAMPLE OF TYPES OF MISCONDUCT AND GROSS MISCONDUCT

The Disciplinary rules are divided into 2 main groups, i) misconduct and ii) gross misconduct.

The examples provided below are not an exhaustive list and are designed to provide an indication of the action which may be taken.

<table>
<thead>
<tr>
<th>i) <strong>Minor/Serious Misconduct</strong></th>
<th>ii) <strong>Gross Misconduct</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Unjustified refusal of a lawful and reasonable instruction.</td>
<td>Theft or incitement to steal, attempted theft, fraud or fraudulent falsification of accounts, or other official records including abuse of the flexi time system, ie. swiping in or out for someone else.</td>
</tr>
<tr>
<td>Theft or incitement to steal, attempted theft, fraud or fraudulent falsification of accounts, or other official records including abuse of the flexi time system, ie. swiping in or out for someone else.</td>
<td>Providing false and misleading information, eg. on application forms, medical questionnaires or examination, at an accident investigation or at a disciplinary investigation.</td>
</tr>
<tr>
<td>Lateness, unauthorised absences, failure to notify sickness absence.</td>
<td>Wilful and deliberate damage to the authority’s assets or to another employee’s property.</td>
</tr>
<tr>
<td>Insubordination or verbal assault whilst at work.</td>
<td>Incitement to or use of physical violence to anyone at all on the authority’s premises or whilst on authority business, sufficiently serious to affect an employee’s position at work.</td>
</tr>
<tr>
<td>Personal misconduct outside of work, sufficiently serious to affect an employee’s position at work.</td>
<td>Bringing firearms or offensive weapons on authority premises.</td>
</tr>
<tr>
<td>Personal misconduct outside of work, sufficiently serious to affect an employee’s position at work.</td>
<td>Accepting gifts or bribes for personal gain and hospitality, outside Wyre Borough Council policy.</td>
</tr>
<tr>
<td>Unauthorised use of the Council’s resources, or information gained during the course of one’s employment (except where employees are protected under the provisions of the Public Interest Disclosure Act).</td>
<td>Grossly offensive behaviour, harassment and bullying.</td>
</tr>
<tr>
<td>Unauthorised use of the Council’s resources, or information gained during the course of one’s employment (except where employees are protected under the provisions of the Public Interest Disclosure Act).</td>
<td>Being incapable of work, or of working safely due to the influence of alcohol, or illegal drugs.</td>
</tr>
<tr>
<td>Negligence in job performance (other than capability).</td>
<td>Negligent or wilful failure to comply with legal requirements of the Council’s or Department’s various policies and procedures such as Health and Safety rules, Equal Opportunities, Safeguarding or the Data Protection Act, or any other legal or statutory requirement.</td>
</tr>
<tr>
<td>Negligence in carrying out duties in accordance with relevant policies and procedures.</td>
<td>Serious neglect of duty and responsibility associated with the post. Criminal offence bringing the Council into disrepute.</td>
</tr>
<tr>
<td>Unacceptable standards of personal conduct.</td>
<td>Gross insubordination.</td>
</tr>
</tbody>
</table>
Fraudulent time keeping.

Note: Incidences described above would normally result in an oral or written warning, however continued/ repeated incidences of minor misconduct will be treated as serious misconduct and may lead to dismissal.

Note: Incidences of gross misconduct may result in immediate suspension pending investigation, and ultimately lead to summary dismissal.

**Please refer to the Disciplinary Procedure for full details.

comm/empap/050312/04lh Appendix 5
7. Special Leave

7.1 The Council recognises that there may be occasions when employees need to take time away from work for reasons that do not necessarily fall under existing leave provisions.

7.2 Parental Leave

Employees who are parents of children under the age of five (18 if the child is adopted or disabled) and have a minimum of one year’s continuous service are able to request time off work to look after a child or make arrangements for their child's welfare.

Parental leave is available to employees who have, or expect to have, parental responsibility for a child and may enable parents to spend more time with their children and achieve a better balance between their work and family commitments.

Each parent can take 13 weeks’ parental leave in total for each child. This means that both mothers and fathers, if they have twins or adopt more than one child at a time, can take 13 weeks’ leave for each child.

In most cases, an employee will take leave in blocks of one week or more (for example, in two-week or three-week blocks), up to a maximum of four weeks in a year for each child. However, the Council, at its discretion, may allow parents to take the leave in days or periods shorter than a week.

Wherever reasonably possible, an employee should give the Council at least 21 days’ notice, giving the dates when the leave is to start and finish. This notice should be in writing to their line manager in the first instance.

There may be exceptional circumstances where it is considered that an employee’s absence would unduly disrupt the business, and, therefore, in these circumstances, the Council may request that the leave be postponed for a period no longer than six months. This would be discussed fully with the employee.

Time off for Parental Leave is unpaid.

7.3 Time Off for Dependents and Emergencies

All employees will be allowed reasonable time off to provide care and attention to dependants or to deal with an unexpected event involving a dependant.

This may include:

- caring for ill dependants or accompanying them during an appointment/stay at hospital;
- making longer term care arrangements for the ill or injured;
- breakdown or unexpected disruption in care arrangements;
- incidents at school.

Reasonable time off will be granted for the employee to deal with the situation and put necessary longer term arrangements in place. For example, if the employee’s child falls ill time can be taken to deal with their initial needs, such as taking them to the doctor and arranging for their care.
The Council will also be sympathetic to a reasonable request for time off to deal with domestic emergencies not involving dependants. This may include fire, flood or theft at home.

Time off for dependents and emergencies is unpaid.

Although it is understood that situations may arise where it is not possible for employees to provide notice of time off it is important that contact is made with their line manager as soon as possible on the first day of absence of the reason(s) for the absence and how long they may expect to be absent from work.

As an alternative to taking unpaid leave, employees may consider, in discussion with their manager, using one or more of the following options:

- using annual leave e.g. where time off is half a day or more;
- using flexi time or arranging to work up additional hours e.g. where time off is less than half a day;
- changing working patterns or arrangements on a short-term basis.

It will depend on the individual circumstances as to the most appropriate option for taking leave and it will be at the discretion of line manager as to how leave can be taken in these circumstances, with each case being considered on its own merits.

7.4 Unpaid Leave

Additional annual leave may be taken in the form of unpaid leave up to a maximum of 5 days per annum.

Application for unpaid leave should be made to the Head of Service using the “Request for Unpaid Leave Form” (see Appendix 1). Requests made will be considered according to the needs of the service and any unpaid leave taken under other sections within this policy e.g. for public duties and volunteering activities.

In exceptional circumstances additional unpaid leave may be approved at the discretion of your Head of Service.

Payment for unpaid leave days may be deducted over a period of up to 3 months (this may however be extended in agreement with the Head of Business Support when additional days have been approved).

7.5 Compassionate Leave

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

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

Individual circumstances, the nature of relationships and the required observances of different religions may vary. Therefore, rather than being prescriptive on the number of days applicable, each case should be assessed individually by the manager who will normally take the following into consideration:
• the relationship between the individual and the employee;
• whether the employee is involved in making funeral arrangements;
• whether there may be a requirement to travel or attend a funeral.

It may also be appropriate to consider other flexible working/leave options covered within this policy either instead of or in addition to compassionate leave, particularly if staff need to travel abroad, are suffering from the loss of a close family member or where they are caring for a terminally ill dependant or family member. In such circumstances an extended period of unpaid leave may be considered and with the deduction from salary spread over an agreed number of months.

7.6 All employees will be allowed reasonable time off work to undertake public duties. This will normally be up to a maximum of 10 days within the leave year (pro-rata for part time staff).

The public duties that are covered by the existing legislative provisions are as follows:

• Justices of the Peace;
• members of a local authority (e.g. a councillor);
• members of a police authority;
• members of any statutory tribunal;
• members of a relevant health body;
• members of the managing or governing body of an educational establishment;
• members of the governing body of a further or higher education corporation;
• members of a school council or board in Scotland;
• members of the General Teaching Councils for England and Wales;
• members of the Environment Agency or the Scottish Environment Protection Agency;
• in England and Wales, prison independent monitoring boards, and in Scotland, prison visiting committees;
• members of Scottish Water or a Water Customer Consultation Panel.

Employees should advise both their line manager and Human Resources before first entering into such commitments and discuss the extent of the commitment and the implications for their work.

Employees will be allowed reasonable time off on a case-by-case basis. The following points should be taken into consideration when considering a request for time off:

• how much time off is required overall to perform the duties and how much time off is required to perform the particular duty in question;
• how much time off the employee has already been granted for this purpose;
• the impact of the employee’s absence upon the Council.

The Council will normally grant paid leave to employees taking reasonable time off for public duties. However, where ‘no loss of earnings’ compensation is offered by the relevant public body, the employee is required to inform the Council and the salary will be adjusted accordingly.

7.7 Court Attendance

The Council will grant paid leave for employees who are called to attend Court for either Jury Service or as a witness during a trial. The employee should claim loss of earnings from the Court and their salary will be adjusted accordingly.
Any employee who is called for Jury Service should forward their written notification (Jury Service Summons) to Human Resources as soon as it is received.

An employee should receive an expenses claim form from the Court where they can normally claim loss of earnings, subsistence allowance and travelling expenses.

Details of the amount the employee claims for loss of earnings must be forwarded to Human Resources to enable the appropriate adjustments to be made to the employees’ salary.

7.8 **Members of the Reserve Forces**

Employees who are members of the Volunteer Reserve Forces (Royal Naval Reserve, Royal Marines Reserve, Territorial Army or Royal Auxiliary Air force) will normally be granted two-week’s additional paid leave per year.

Recruits to the volunteer reserve forces are required to inform the Council of their status as reservists to ensure that the Council is better informed as to its obligations to employees and to enable to plan adequately for their absence and ultimate return.

Existing reservists are also expected to inform the Council of their next reengagement.

7.9 **Trade Union Duties** (See Time off for Trade Union Duties policy for further information).

Reasonable time off with pay during working hours will be granted for trade union officials for the purpose of carrying out trade union duties or undertaking training in relation to trade union duties for a trade union recognised by the Council.

Reasonable time off with pay during working hours will be granted for Union Learning Representatives for the purpose of carrying out related duties or undertaking relevant training for a trade union recognised by the Council.

7.10 **Election Duty**

Absence from normal working duties will be granted to employees performing election duties without detriment to normal salary.

7.11 **Training Leave**

Employees with a minimum of 26 weeks continuous service have the right to make a request in relation to time off for study or training purposes.

Employees may submit a request in relation to any type of study or training, provided that they can reasonably demonstrate that the study or training is likely to lead to an improvement in their effectiveness at work, and consequently an improvement in the performance of the business.

Requests can be made either in relation to an accredited programme leading to the award of a recognised qualification, or in relation to unaccredited training that will help the employee to develop specific skills relevant to his/her job. The proposed training can be conducted in any location and at any time, and can be supervised or unsupervised. However, it must be relevant to the employee’s employment within the Company.
The Council is not obliged by law to pay an employee for any time off granted for study or training under the right to make a request in relation to study or training.

However, the Council may, at its discretion, agree to pay the employee his/her normal wage/salary during some or all of any time off granted for study or training purposes.

The Council will also consider, in appropriate cases, whether or not it is willing to pay for any training requested by the employee.

The Council will endeavour, wherever possible, to accommodate an employee’s request in relation to study or training, provided that the needs of the business are not likely to be adversely affected if the request is granted.

Each request will be dealt with individually, taking into account the nature of the employee’s request and any likely effects of granting it, eg any effects on the employee’s work or on the employee’s colleagues. Agreeing to one employee’s request will not set a precedent or create a right for other employees to have their requests in relation to study or training granted.

7.12 Volunteering Activities

The Council recognises the valuable work that volunteers provide to the community and how this can also be used to aid employee’s personal and professional development.

In supporting employees with volunteering activities the council will allow up to 10 days unpaid leave to enable them to engage in volunteering activities. Arrangements will need to be agreed between employees and line managers and should not conflict with work requirements.

Approval for time off will need to be sought using the ‘Special Leave’ Form available from Human Resources or on the intranet and employees should provide evidence of the voluntary activity if required.

comm/empap/050312/04lh Appendix 6