



Committee: PEOPLE AND ORGANISATIONAL DEVELOPMENT COMMITTEE

Date: TUESDAY, 5TH MARCH 2024

Venue: LANCASTER TOWN HALL

Time: 6.10 P.M.

A G E N D A

1. **Apologies for absence**

2. **Declarations of Interest**

To receive declarations by Councillors of interests in respect of items on this Agenda.

Councillors are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Councillors should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Councillors are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

3. **Minutes**

Minutes of meeting held on 15th February 2024.

4. **Items of Urgent Business authorised by the Chair**

5. **Health and Safety Policy Development and Review (Pages 3 - 77)**

Report of the Chief Officer - People and Policy. Report and appendices published on 29.02.24.

6. **HR Policy Development and Review (Pages 78 - 116)**

Report of HR Policy and Strategy Lead.

7. **Pay Policy Statement 2024/2025 (Pages 117 - 148)**

Report of the Chief Officer – People and Policy.

8. **Gender Pay Gap Reporting** (Pages 149 - 161)

Report of the Chief Officer – People and Policy.

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Prof Chris Harris (Chair), Jason Wood (Vice-Chair), Mandy Bannon, Paul Hart, Caroline Jackson, Paul Newton and Sue Penney

(ii) Substitute Membership

Councillors Alan Greenwell, Sam Riches and Sue Tyldesley

(iii) Queries regarding this Agenda

Please contact Stephen Metcalfe, Democratic Support - email sjmetcalfe@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Democratic Support email democraticsupport@lancaster.gov.uk.

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CHIEF EXECUTIVE,
TOWN HALL,
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Published on Monday, 26th February 2024.

PEOPLE AND ORGANISATIONAL DEVELOPMENT COMMITTEE

HEALTH & SAFETY POLICY DEVELOPMENT REVIEW

Tuesday 5th March 2024

Report of the Chief Officer People and Policy

PURPOSE OF REPORT

To enable the Committee to consider and approve a range of amendments and additions to existing policies and procedures.

This report is public.

RECOMMENDATIONS

- (1) That, in consideration of the comments of the Joint Consultative Committee on 21st February 2024, the Committee approve the new policies referred to in this report.**

1.0 Introduction

- 1.1 Following the Health and Safety Corporate Review, there was an action to renew all Health and Safety Policies to ensure they are up to date with current Legislation and have sufficient guidance for staff members with specific responsibilities included.
- 1.2 As part of this the proposed following health and safety policies are required:
 Health and Safety Objectives 2024-26
 Health and Safety Policy Statement
 Health and Safety Policy – Roles and Responsibilities
 Health and Safety Policy – Systems and Arrangements
 Display Screen Equipment Policy and Guidance Document
 Audit Policy
 Lone Working Policy
 Accident Reporting Policy, Accident RIDDOR Guidance Document and Accident Investigation Document

- 1.3 These new policies are presented to the Committee for their consideration.

2.0 Health and Safety Policy inc. Roles & Responsibilities and Systems & Arrangements

- 2.1 Lancaster City Council last reviewed and updated the Health and Safety Policy Statement on 3rd May 2022. The policy statement itself does not reflect the current values of the organisation and does not detail the general statements of what the council aims for in terms of health and safety.

There is a separate Roles and Responsibilities document in place, with the last review date being June 2022. This document does not reflect the current structure of the organisation and does not sufficiently detail the responsibilities of each role.

The organisation does not currently have a systems and arrangements document under the health and safety policy detailing an overview of the main hazards and does not have an employee safety handbook.

2.3 The JCC made comments on the lack of inclusion in the local health and safety representative in terms of their roles and responsibilities. This has been addressed within the updated draft of the roles and responsibilities document.

3.0 **Health and Safety Objectives 2024-26**

3.1 Within the corporate safety review it was noted there is no specific strategy in place for the organisation in terms of aims and objectives for health and safety to measure compliance against.

3.2 The working party which is formed of representatives of various departments within the council, led by Ashley Walker (external consultant) have agreed a set of aims and objectives for the next three years based on issues and non-compliance.

3.3 The new Strategy document cover areas such as:

- Health and safety leadership
- Regulatory compliance and managing risk
- Competence and capability
- Developing a positive health and safety culture
- Business continuity
- Occupational health and wellbeing
- Monitor and review

3.4 The JCC made comments on the lack of inclusion in the local health and safety representative in terms of their roles and responsibilities for the strategy. This has now been addressed within the document.

4.0 **Display Screen Equipment Policy**

4.1 Lancaster City Council last reviewed and updated the DSE Policy in August 2018 and has not been updated since. The policy details how to complete the DSE training within the intranet system although does not detail other procedures to follow. It also does not detail specific roles and responsibilities of employees or line managers. The new policy is in line with regulations, offers guidance and assistance for employees to understand the requirements of a DSE Assessment.

4.2 The new guidance document details the characteristics of a good working station and how it is set up.

4.3 When presenting the updated policy to the JCC there were no comments or concerns raised.

5.0 **Audit Policy**

5.1 Within the corporate safety review it was noted there is no documented audit policy in place for the organisation in terms of the types of audits and inspections completed and by who, by when and what trends are highlighted in terms of non-conformances or good practice. In

terms of completed audits there is a lack of evidence and there is no overview of issues at an SLT level.

5.2 The working party have agreed on a consistent standard for the organisation for the completion of audits and inspections and is generating a full audit schedule.

5.3 When presenting the new policy to the JCC there were no comments or concerns raised.

6.0 Accident Reporting Policy, Accident RIDDOR Guidance and Accident Investigation Guidance

6.1 Lancaster City Council last reviewed and updated the Accident Reporting Policy in August 2018 and has not been updated since. The policy does not detail specific roles and responsibilities of employees or line managers and only includes a link to the reporting webpage. The new policy is in line with regulations, offers guidance and assistance for employees to understand the requirements of reporting accidents.

6.2 The new guidance documents detail what a RIDDOR is and the internal and external reporting requirements in detail. The accident investigation guidance document gives extensive guidance for a manager on how to investigate an accident or incident and the protocols to follow.

6.3 When presenting the updated policy to the JCC there were no comments or concerns raised.

8.0 Options

8.1 The options available to the Committee are to approve the new and revised policies as drafted, to approve the policies with amendments, or not to approve the policies.

However, if substantial changes in respect of any Policy are proposed at the People and Organisational Development Committee meeting, it may be appropriate for consideration of that Policy to be deferred to a future meeting to enable Officers to consider the proposed amendment in more detail and to consult further with the trade unions.

9.0 Conclusions

9.1 Members are asked to consider and accept the Officer recommendations set out above in respect of the new drafted policy documents appended to this report.

RELATIONSHIP TO POLICY FRAMEWORK

The Council is committed to the health safety and welfare of all employees and members of the community we support, and it is considered that the amended policies will raise the standard of the current health and safety practices across the organisation.

CONCLUSION OF IMPACT ASSESSMENT

FINANCIAL IMPLICATIONS

There are no specific financial implications to note with all implications of the implementation of the new and updated policies having been discussed by the Senior Leadership Team.

SECTION 151 OFFICER'S COMMENTS

The section 151 officer has been consulted and has no further comments to add.

LEGAL IMPLICATIONS

The proposed new and updated policies will assist in compliance against the Health and Safety at Work Act 1974 and the Management of Health and Safety Regulations 1999.

MONITORING OFFICER'S COMMENTS

Terms of reference for this Committee include the development and review of policies in relation to health & safety and welfare.

BACKGROUND PAPERS

Policies Documents for Review

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1.0 INTRODUCTION & PURPOSE

The Purpose of this health and safety strategy is **to ensure health and safety is fully integrated into the management of all aspects of Lancaster City Council operations and the compliance to the Health and Safety Policy**. This Health and Safety Strategy has been developed and endorsed by the Senior Leaders to support and promote proactive health and safety management throughout the organisation including, the quality and environmental standards. The management team believe health and safety is central to everything the organisation does and by working together we can better protect the health and safety of all our staff, visitors, contractors, members of the public and all people we support.

This health and safety strategy looks to continually improve the health, safety and wellbeing of all staff and the residents we support. Lancaster City Council will work closely with all stakeholders, regulatory bodies and external advisors to ensure this strategy sets out and delivers its strategic aims and objectives. This will be achieved through the creation, implementation and monitoring of a robust action plan. This health and safety strategy and its associated action plan will be developed to set targets which are realistic, achievable and measurable.

This is a three-year strategic plan, but it will be reviewed annually to ensure any changes implemented within the company has been reflected in the plan.

2.0 BACKGROUND

Lancaster City Council operates under various departments each presenting a number of health and safety risks and issues which require careful management. Currently there are a number of ways the organisation is working to promote proactive health and safety management:

- The creation and communication of a suite of corporate health and safety policies.
- The expectation that corporate and departmental procedures are created, communicated and implemented where these are required.
- The health and safety committee with representation from all areas of our business, to meet every month to provide guidance on all aspects of health and safety management and to monitor our performance.
- Collaborative working across the operational and administration teams.
- The roll out of a risk management system to help standardise our health and safety control measures and to provide the Chief Officers with 'real-time' health and safety reports.
- External audits and guidance on health, safety and fire risk management with follow up reports for action where required.
- The investigation of all accidents and incidents to establish causation and the implementation of actions to minimise the risk of recurrence of similar events and which may also result in questions from enforcing authorities.
- Regularly review the trends of reported near misses, audit reports, events and observations in order to continually improve our working practices and standards.

3.0 GOALS

Lancaster City Council considers the delivery of the following key goals integral in pursuant of the overall purpose of this health and safety strategy:

- Health and safety leadership
- Regulatory compliance and managing risk
- Competence and capability
- Developing a positive health and safety culture

- Business continuity
- Occupational health and wellbeing
- Monitor and review

3.1 GOAL – HEALTH & SAFETY LEADERSHIP

Successful health and safety leadership starts at top management level and establishes a positive culture within the company to keep each other safe, well and healthy.

What we will do:

- Establish effective ‘downward’ communication through a sensible yet robust health and safety framework and listen to the messages coming back from our people through various forms of communication methods.
- Ensure we provide the necessary competent and adequate resource to enable effective health and safety management and leadership at all levels and within all divisions.
- Monitor and review our health and safety systems and processes to ensure they are fit for purpose, and continually improve.

Outcomes:

- Staff will feel empowered to own and promote safe working practices, creating a positive health and safety working environment.
- Staff will receive the necessary information, instruction and training in order they can carry out their work safely and confidently.
- Adapt our policies, procedures and working practices to be as effective as we possibly can.

3.2 GOAL – REGULATORY COMPLIANCE & MANAGING RISK

Successful health and safety management needs a thorough and comprehensive risk assessment programme in place with sensible risk mitigation measures implemented and monitored.

What we will do:

- Aim to exceed regulatory compliance and achieve high performing safety practices through demonstrable audits and regular risk reduction exercises with all levels of management within the company.
- Establish and regularly review a risk register for the company in order to assess high risk factors and implement consistent and effective control measures (GRACE).
- Establish, maintain and monitor a centralised risk assessment register (My Compliance).
- Provide training and assistance to operational staff to ensure teams have an up-to-date practical risk assessment and risk control strategy in place.
- Establish and maintain a consistent approach across the organisation for risk control and measures.
- Keep up to date on new and changing legislation so as to respond accordingly.
- Keep up to date on events, industry guidance and serious incidents both internally and externally to learn and quickly adapt to client and regulatory requirements.
- Regularly review accidents, incidents, near misses and trends in order to reduce and continually improve our working practices.

Outcomes:

- Compliance with applicable health and safety legislation most notably the Health and Safety at Work etc. Act 1974 and the Management of Health and Safety Regulations 1999.
- Consistent approach and framework utilised for risk management practices
- Reduced risk of:
 - injury or harm occurring to any person; and
 - damage to our property, assets and corporate image; and
 - litigation (civil and criminal) to the organisation and/or individual's
- Up to date communication of current health and safety compliance and best practice through the dedicated management system.

3.3 GOAL – COMPETENCE

Fundamental to the success of this health and safety strategy is to have adequate resource and competent people in place each with a clear understanding of their risk mitigation plan.

What we will do:

- Keep an up-to-date health and safety training standard to ensure staff at all levels receive the correct health and safety training for their role.
- Develop a suite of health and safety policies and procedures and work towards a standard approach across the organisation.
- Ensure Line Management have specific health and safety management training to ensure competence in the creation and implementation of risk assessments for their teams.
- Ensure all staff complete mandatory set e-learning and face to face training as defined by a role training matrix and mandatory training standard.

Outcomes:

- Through a number of training initiatives staff will receive, up to date, applicable and timely health and safety information, instruction and training.
- Managers are equipped with the knowledge and confidence to manage safety for their respective sites.
- Confident staff who are aware of their legal obligations and that of the organisation as directed in our policies, procedures, training programme and working practices.
- Increased engagement in our strategic health and safety efforts.

3.4 GOAL – DEVELOPING A POSITIVE HEALTH & SAFETY CULTURE

Safety culture is a combination of the attitudes, values and perceptions that influence how something is **actually** done in the workplace, rather than how it **should** be done.

What we will do:

- Lead by example and ensure the health and safety committee continues to be given the backing and commitment required to drive forward our health and safety management framework, systems and review processes.
- Focus on the following areas of our health and safety efforts:
 - Effective communication: both 'top-down' and 'bottom-up'
 - Effective training: to ensure knowledge is up to date
 - Effective consultation: to ensure staff feedback is listened to
- Carry out an employee health and safety climate survey to gauge staff thinking and approach to health and safety.

- As part of the new audit programme a behavioural safety initiative is to be implemented across all teams to ensure a consistent approach to safety is maintained and staff are engaged.

Outcomes:

- Health and safety is an integrated part of everyone's 'day-job'.
- Staff are motivated to work together to maintain a safe and healthy working environment.
- Staff have the opportunity to formalise their health and safety comments, concerns and general feedback.

3.5 GOAL – BUSINESS CONTINUITY

It is paramount that the organisation continues to remain responsive and alert to matters which could harm the business, our staff, members of the public, contractors and other organisations we work closely with.

What we will do:

- Monitor national government publications and ensure appropriate measures to be taken in different operating environments to keep people safe from potential threats.
- Ensure staff are ever mindful of what escalation procedures are required whenever a member of staff, visitor, or contractor presents with symptoms of an infectious virus or disease.
- Ensure that our risk assessment framework is reviewed and all control measures relating to infection control.

Outcomes:

- The organisation continues to be alert to and effectively manage the risks of infectious virus / disease to the organisation's operations and safety of our staff, contractors and visitors.
- The organisation can demonstrate health, safety and event mitigation and control is managed effectively.
- The organisation will be effectively prepared for any future pandemics or the alike in the future.

3.7 GOAL – OCCUPATIONAL HEALTH & WELLBEING

It is important how we care for our staff and their health both physically and mentally.

What we will do:

- Actively promote mental and physical health campaigns across the business with champions identified within the company to assist in the promotion and guidance.
- Implement a health surveillance programme based on the health hazards and each individual's job role.

Outcomes:

- Reduction of sickness absence rates across the organisation.
- Mentally and physically well staff engaged in their job role and the impact they have in the organisation.
- Improvement in the understanding of the occupational health hazards and the control measures implemented.

3.8 GOAL – MONITOR & REVIEW

The Senior Managers will monitor the effectiveness of this strategy to ensure it remains up to date and effective:

What we will do:

- Ensure the Health and Safety Committee provides timely reports to the management team on our current health and safety management strategy, concerns and risk mitigation plans at least every 4 months.
- Ensure RIDDOR reports along with accident, incident and near miss occurrence data is reviewed and the resulting information acted upon.
- Our competent person will ensure that a robust audit programme is in place, to be undertaken by our own competent person and external providers with resulting actions for improvement fed back to the management and Health and Safety Committee.

Outcomes:

- The organisation can demonstrate to stakeholders a clear commitment to effective and sensible health and safety management across the organisation.
- The organisation can respond swiftly to changing circumstances needs or any identified health and safety trends.
- Have continued access to impartial, professional and up to date advice to ensure our health and safety management framework, systems and processes remain effective and current.

4.0 KEY ROLES AND RESPONSIBILITIES

Chief Officers

Approve, support, actively promote and provide the relevant resources to maintain a safe and compliant working environment.

Health, Safety & Wellbeing Joint Consultative Committee

The Health, Safety & Wellbeing JCC will regularly review progress, advise actions and coordinate the organisation's Health and Safety activities and culture. It will use every endeavour to ensure the systems and checks in place for audit, property / vehicle management and related activities are functional and fit for purpose. This committee will advise the management team of any concerns that may place the company or its employees at risk.

Health and Safety Representatives / Trade Union Representatives

A trade Union is a fellow worker elected by other union members to look after the health and safety at work of people they work with. Trade Union Representatives are to be consulted on all health and safety matters relating to this strategy.

Managers and Supervisors

Ensure that health and safety remain a key part of all team meetings and that all operational areas of the organisation are compliant in terms of actions and policy adherence. They will be responsible for escalation where appropriate and immediate mitigation locally and informing the health and safety team of any incidents and audit report actions.

All Staff

All members of staff have an obligation to contribute to the safety of all employees, contractors and visitors and a responsibility to ensure their own actions are compliant, minimising the risk of harm to themselves and others.

HEALTH AND SAFETY POLICY STATEMENT

Lancaster City Council recognises that its activities give rise to a range of hazards, in particular refuse and construction activities. It also recognises that its employees and members of the public may be exposed to hazards when providing on-site support and provision of services.

The organisation believes that despite the presence of these hazards, all accidents and incidents of work-related ill health are preventable. It also recognises the legal responsibility to ensure the health, safety and welfare of persons affected by its activities.

As such, the Senior Leadership Team are committed to the following:

- Preventing injury or ill health to anyone who may be affected by its work activities.
- Complying with all relevant legal, and other third-party requirements.
- Continually improving its risk management and occupational health and safety performance.

The organisation will achieve these commitments by:

- Basing the health and safety systems in line with HSG 65.
- Systematically identifying hazards present and applying a risk assessment procedure that will identify and implement appropriate control measures and safe systems of work.
- Maintaining a set of objectives and a supporting programme of work that is focused on achieving the organisation's commitments and eliminating or reducing the major hazards present.
- Clearly defining individual management and employee responsibilities for implementing the Health and Safety Management System and achieving the organisation's objectives.
- Providing appropriate information, instruction, training, and supervision so that all employees:
 - Are aware of their responsibilities and legal duties; and
 - Can support the implementation of the Health and Safety Management System and the development of a proactive health and safety culture.
- Maintaining effective systems of communication and consultation on health and safety issues with all employees and other persons affected by the organisation's activities.

The appropriateness and effectiveness of this policy, and the means identified within it for delivering the organisation's commitments, will be regularly reviewed by top management.

The implementation of this policy is fundamental to the success of the organisation and must be supported by all employees as an integral part of their daily work. This policy is publicly available to interested external parties upon request.

This Policy represents Lancaster City Council's general position on health and safety management matters within our organisation and will be formally reviewed annually.

Signed & Dated:

Mark Davies
Chief Executive
March 2024

HEALTH AND SAFETY POLICY DUTIES AND RESPONSIBILITIES

Lancaster City Council recognises that as an employer the organisation and its employees have prescribed statutory duties. All employees, officers and contractors are made fully aware of their responsibilities and role in contributing to maintaining a safe working place.

The organisation will identify responsible individuals who will:

- Identify actual or possible hazards and ensure that appropriate safety measures are implemented to minimise risk.
- Provide, monitor, and maintain a safe environment and systems of work in all areas of operation.
- Maintain premises, plant, and equipment to safe levels.
- Provide instruction, training and supervision to enable employees to carry out their duties safely and to enable them to actively contribute to health and safety.
- Provide all safety devices and protective equipment required to minimise risks to employees.
- Provide safe arrangements for the use, handling, storage and transport of dangerous substances.
- Provide a healthy working environment.
- Ensure adequate first aid facilities.
- Provide and maintaining fire safety systems and procedures.
- Ensure safe access and egress to all premises and sites we manage.

Chief Officers and Chief Executive Officer (Senior Leadership Team)

The Chief Officers (including the Chief Executive Officer) have ultimate responsibility for ensuring that the duties imposed on the organisation as the Employer under the Act are carried out and will:

- Ensure there is an effective health and safety management structure.
- Ensure that key posts are filled by competent individuals and the requirements of these posts are being met.
- Ensure that matters of health and safety are as equal importance as other key business functions.
- Ensure that the Top Management provides as far as is reasonably practicable the resources deemed necessary, to fulfil the requirements determined by statute.
- Review safety performance of the company.

The Chief Officers will:

- Ensure the preparation of Policy.
- Provide adequate resources to implement the Policy.
- Ensure there is an effective health and safety management structure.
- Ensure that health and safety considerations are integral to the overall management culture.
- Make adequate channels of communication available to employees so health and safety concerns can be raised, debated and appropriately resolved.
- Ensure establishment and maintenance of effective health and safety management systems.
- Ensure the appointment of a competent person(s) to assist with the development and implementation of the policy and providing competent advice in health and safety matters.
- Ensure review and monitoring of safety **performance**.
- Promote a positive safety culture through appropriate support and encouragement.
- Ensure safe working conditions are maintained for employees, visitors, contractors, and members of the public.
- Develop a positive attitude to health and safety among employees by demonstrating their own commitment to achieving a high standard of health and safety performance.
- Ensure that safety is given adequate consideration in all projects / schemes undertaken.
- Ensure that the arrangements of the organisation Health and Safety Policy are fully understood and observed at all levels of management and by all employees and contractors.

- Delegate responsibilities for health and safety matters to all levels of management within their and ensure that they are adequately trained and instructed to undertake such responsibilities.

Corporate Health and Safety Manager / Consultant (Appointed Competent Person)

The Corporate Health and Safety Manager will:

- Examine the requirements of laws, orders, regulations and codes of practice relevant to the health and safety of employees and members of the public we support in the organisation and to the health and safety of others towards whom the company has duties under the Health and Safety at Work etc. Act 1974.
- Devise the organisation's health and safety system and associated policies and procedures.
- Advise all levels of management regarding the implementation of the company's health and safety system, policies and procedures including accident / RIDDOR reporting.
- Monitor accidents / incidents and liaise with managers regarding remedial actions.
- Ensure the updating and amendment of the Health and Safety Policy and associated policies and procedures as required, and that amendments are brought to the attention of all levels of management. Advise on information, instruction and training requirements relating to health and safety and liaise with the Chief Officers to ensure implementation of health and safety training programme.
- Report to the Chief Officers as required on health and safety matters and advising as necessary.
- Represent the organisation in any matters relating to health and safety and liaise with inspectors of the enforcing authorities.
- Review and monitor the organisation's health and safety performance.

Line Managers

Have direct responsibility for health and safety matters relating to the employees reporting directly to them and are therefore responsible for the implementation of the provisions of health and safety policies.

These Managers will:

- Be responsible for implementing the Health and Safety Policy, codes and procedures in the departments / projects under their control and ensure this is brought to the attention of all employees and contractors.
- Ensure that all subordinates carry out their duties under the Health and Safety Policy.
- Co-operate with the Health and Safety team on matters affecting health, safety and welfare of employees, members of the public and contractors.
- Liaise with the Health and Safety team on any activities, equipment, areas deemed to be unsafe and any breach of statutory requirement in the premises under their control and which they cannot effectively deal with.
- Carry out suitable and sufficient risk assessments, implement control measures to reduce the risk and devise safety systems of work.
- Ensure that all employees and contractors are fully aware of and understand the outcomes of risk assessments and that employees adhere to the detailed control measures.
- Promote a positive safety culture through leading by example and providing appropriate support and encouragement.
- Ensure adequate instruction and supervision to ensure that work is undertaken in a safe manner.
- Ensuring that all employees receive adequate / appropriate training to comply with legislative requirements in liaison with the Health and Safety team.
- Ensure that business continuity and emergency response plans for their sites are prepared and kept up to date.
- Ensure that adequate first aid facilities are provided at their premises.
- Ensure that accidents, incidents, dangerous occurrences and near misses in the premises / department under their control are reported in accordance with the company procedures (also where

required to the HSE under RIDDOR), thoroughly investigated, and resulting remedial actions implemented.

- Carry out periodic safety inspections and allocated audit of the premises / departments under their control and ensure any remedial actions addressed.
- Be available for contribution to external safety inspections / audits for the premises / department under their control.
- Ensure that contractors adhere to the organisation safety policies and adhere at all times to their legal and contractual responsibilities.
- Make available all necessary personal protective equipment.
- Ensure cleanliness and hygiene standards are maintained throughout council premises.

Employees and Contractors

All employees and contractors will undertake their responsibilities and behave at all times in a manner that takes full account of health and safety matters, in particular cooperation with management to achieve a healthy and safe environment, attend all relevant training and follow all relevant policies and procedures.

Individuals are encouraged to play an active role by being consulted on the health and safety policies and procedures, taking part in health and safety inspections and attending meetings on their sites. Breach of Health and Safety policies or procedures is a serious disciplinary matter and may constitute gross misconduct.

All employees and contractors have specific health and safety responsibilities to:

- Be aware and adhere to the company Health and Safety Policy, procedures, risk assessments, safe systems of work including departmental or site safety requirements.
- Take reasonable care of their own health and safety, and the safety of other persons who may be affected by what they do or do not do.
- Be familiar with emergency procedures and drills.
- Presenting themselves for work in suitable clothing / footwear to carry out their contracted duties in a safe manner, as determined through the risk assessment process, adhering to any uniform policies and accepted health care protocols where relevant.
- Correctly use work items, including personal protective equipment, in accordance with training and instructions.
- Must not intentionally misuse or recklessly interfere with anything provided for health and safety reasons.
- Co-operate with the employer / client on matters relating to health and safety.
- Immediately report to their line manager any serious and imminent danger to health and safety and any short comings in health and safety arrangements.
- Report and record all incidents, accidents and near miss events appropriately.
- Comply with all hazard / warning signs and notices displayed on their sites.
- Remove or warn others of a hazard e.g. spillage, in an appropriate way.
- Conduct themselves in an orderly manner and refrain from any form of behaviour, which could lead to accidents or injury.
- Attend as requested, any health and safety training courses.
- Check any equipment before use and report any faults / damage to their line manager; and
- Not undertake any task for which authorisation and / or training / instruction has not been given.

Health and Safety Representatives / Trade Union Representatives

Health and Safety / Trade Union Representatives have certain responsibilities and duties and are able to audit and complete inspections where required.

A safety rep is a fellow worker elected by other union members to look after the health and safety at work of people they work with.

Health and Safety Representatives have the right to:

- take an active part in workplace risk assessments;
- investigate potential hazards and 'dangerous occurrences' and examine the accident data.
- investigate members' complaints.
- carry out inspections of the workplace in work time, at least every three months.
- be consulted on new working practices and new technology.
- receive safety information from their employer (such as inspectors' reports, hygiene surveys and risk assessments).
- attend union-approved training courses without loss of pay; and
- have access to a phone and office equipment, and paid time off work, both to carry out inspections and to meet staff and other safety reps.

Health, Safety & Wellbeing Joint Consultative Committee (HS&W JCC)

The HS&W JCC provides the leading mechanism for staff consultation, tabling and monitoring of issues of health, safety and wellbeing concern, activity and progress.

SYSTEMS AND ARRANGEMENTS FOR HEALTH AND SAFETY

Accidents / Incidents, Dangerous Occurrences and Near Miss Events

Employees are instructed to report all accidents, incidents, dangerous occurrences and near miss events involving themselves or others. Damage to property must also be reported, as this could be an indicator of a near miss event trend.

All reports are required to be submitted through the My Compliance system (if an employee does not have access to this system, they must report via paper copy or email to their Line Manager, who must transpose the information onto the My Compliance system). All occurrences reported should be subject to some degree of investigation (see accident / incident / near miss investigation procedure and guidance).

Supervisors / Line Managers are responsible for ensuring all accidents, dangerous occurrences and near miss events are recorded and reported to the relevant authorities within a specified time. They are also responsible for carrying out an investigation to prevent a recurrence and for reporting relevant incidents to HSE under RIDDOR (Reporting Injuries Diseases Dangerous Occurrences Regulations 2013) with the assistance of the Health and Safety team.

Accident / incident trends are analysed at regular intervals and appropriate actions are taken with a view to minimise the risk of a recurrence further similar incidents following which any lessons learned are shared within the organisation.

External investigations can be arranged through the Health and Safety team to give a balance / impartial view of an accident or incident where this is felt to be relevant. External investigations must be completed by the Health and Safety team if an incident is RIDDOR Reportable.

Asbestos

In accordance with the Regulation 4 of the Control of Asbestos Regulations 2012, a suitable and sufficient assessment will be carried out by a specialist contractor to determine whether asbestos is or is liable to be present in the company properties built prior to the year 2000.

Where the assessment shows that asbestos is or is presumed to be present in any part of the premises, the Company will ensure that:

- The assessment gives details of the severity of the risk;
- A written plan identifying those parts of the premises concerned is prepared; and
- The measures which are to be taken for managing the risk are specified in the written plan including monitoring the condition of the Asbestos Containing Materials (ACMs), removing the ACMs if they cannot be maintained/repared and that information about the location and condition of any ACMs is provided to every person liable to disturb it, and made available for emergency services.

This information is recorded in an asbestos register and management plan located in each site (and / or on SharePoint).

Competence / competent advice

The company employs an internal health and safety team (along with access to an external consultant), who acts as the competent appointed person to provide advice to the operations of the organisation. Use is also made of a number of subject matter experts to assist with operational and strategic health and safety objectives, especially for specialist areas for example asbestos, legionella where applicable.

Consultation and Trade Union Representation

Employee consultation as determined by the Health and Safety (Consultation with Employees) Regulations 1996 shall be arranged via nominated representatives. The organisation has appointed Trade Union Representatives under the Safety Representatives and Safety Committees Regulations 1977. Consultation on relevant issues is carried out by the following methods:

- Health and safety committee meetings
- Senior management meetings
- Team meetings
- Written communication in the form of emails, reports, bulletins, information, newsletters etc.
- My Compliance Notifications for safety updates
- Safety campaigns through briefings and workshops

Contractors

All contractors required to work with the organisation are required to demonstrate their competence through various methods from preferred contractor frameworks or by completing a contractor's questionnaire (dependant on the department). They are obligated to submit proof of insurance, risk assessments and method statements prior to work being carried out and their competency details verified.

Culture / communication

The safety culture of an organisation is the product of individual and group values, attitudes, perceptions, competencies and patterns of behaviour that determine the commitment to, and the style and proficiency of, an organisations health and safety management. The organisation and its employees endeavour to effect health and safety culture through ensuring:

- Health, safety, environmental & risk management is a 'standard agenda' item on all meeting minutes.
- Meaningful representation at the health and safety committee.
- Health, safety, environmental and risk management is included in staff appraisals.
- Listening to comments and concerns and acting on them where improvements may be required.
- A robust, practical and relevant health and safety training programme is active for all employees.

COSHH

An assessment of hazardous substances is carried out within each service in accordance with the Control of Substances Hazardous to Health Regulations 2002 (as amended). Where possible, substances evaluated as hazardous are eliminated or substituted. It is the responsibility of the Supervisor to ensure COSHH risk assessments are carried out.

Display Screen Equipment (DSE)

All Display Screen Equipment workstations will be a subject to an assessment as required by the Health and Safety (Display Screen Equipment) Regulations 2002 (as amended). It is the responsibility of the Chief Officer of each department and Line Managers / Supervisors to ensure DSE workstation assessments are carried out where applicable.

Driving on business / Driving Organisation Vehicles

In order to comply with road traffic legislation, drivers of motorised vehicles must have control over their vehicle at all times. Legislation also places a duty on the employer to provide a safe working environment; this is also extended to driving on Company business.

It is a requirement for all employees who drive on company business to follow safe driving practices and comply with the Road Traffic Act 1988, as detailed within the Highway Code and the company's Driving at Work Policy.

Emergency procedures / planning

Emergency procedures are designed to give warning of imminent danger and to allow employees and others to move to a place of safety.

Supervisors in liaison with other relevant departments i.e. the health and safety team; HR etc., shall be responsible for ensuring that the necessary procedures are devised for the premises under their control and that all employees and visitors are given appropriate information / instruction and training and are fully conversant with these procedures.

As part of site emergency planning risk assessment process, the following issues must be addressed:

- Identifying potential critical incidents.
- Considering what might happen on-site and off-site.
- Considering who might be harmed and how.
- Establishing effective plans for managing a critical incident.
- Rehearsing your plans e.g. undertaking fire drills.
- Training staff.

Electrical systems / Equipment

The Electricity at Work Regulations 1989 require every employer to comply with the provisions of the Regulations in so far as they relate to matters which are within their control and in particular:

- All systems shall at all times be of such construction as may be necessary to prevent danger, so far as is reasonably practicable.
- All systems shall be maintained, so far as is reasonably practicable, so as to prevent danger.
- Every work activity, including operation, use and maintenance of a system and work near a system, shall be carried out in such a manner as not to give rise (so far as is reasonably practicable) to danger.
- Any equipment provided under the Regulations for the purpose of protecting persons at work on or near electrical equipment shall be suitable for the use for which it is provided and be maintained in a condition suitable for that use, and be properly used.

Installation of electrical systems is carried out by suitably qualified contractors who are selected in accordance with laid down criteria and are required to demonstrate their competence prior to acceptance as an approved contractor.

Inspection and testing of electrical systems and equipment is carried out by competent persons, including portable appliance testing. All Services hold a register of portable appliances for inspection purposes.

Protective devices in the form of circuit breakers and Residual Current Devices are used throughout the organisation.

Fire

The expectations for fire safety at each site where fire safety legislation applies, are summarised as follows:

- An external Fire Risk Assessment is carried out by Lancashire County Council three yearly.
- A fire risk assessment is carried out by a competent person at each premises and reviewed annually where applicable within the non-technical FRA's. Any remedial measures identified are implemented.
- Staff are provided with fire safety training both generic and site specific so they understand the importance of high standards of fire safety and the action that must be taken in the event of fire.
- Fire drills are carried out at regular intervals and a nominated person at each service will carry out regular fire safety checks.

First aid

First aid facilities are provided, as determined by a risk assessment of needs, in accordance with legal requirements (SJA Tool available [here](#)). The location of first aid boxes and the names of first aider / person trained in first aid at work will be displayed on notice boards and at key points.

First aid boxes are checked monthly (as relevant) and replenished as required.

All first aid personnel are provided with approved training as determined by the Health and Safety (First-Aid) Regulations 1981.

Gas safety

Gas Safety (Installation and Use) Regulations 1998 aims to ensure the safe installation, maintenance, and use of gas in domestic and business premises.

The organisation recognises the risks to employees, members of the public and others from defective gas installations; therefore, it is the organisation's policy to comply with the provisions of legislation relating to the installation and use of gas on company premises.

Installation and maintenance of gas appliances is carried out by suitably qualified contractors who are Gas Safe registered. Contractors are selected in accordance with laid down criteria and are required to demonstrate their competence prior to acceptance as an approved contractor.

Housekeeping

Satisfactory levels of workplace cleanliness have been considered by law for many years. The organisation recognises the need to ensure that adequate standards of housekeeping are achieved.

Risk assessments shall consider all areas in the workplace, whether it is by location or by task.

The company inspection system will identify hazards on a continuous basis from which remedial action can be taken to eliminate / minimise the risk of accidents / near misses occurring.

Hygiene schedules are used to ensure that cleaning of workplaces is systematic and thorough.

Inspections

To keep people safe, health and safety checks / inspections are carried out and documented to ensure that:

- Welfare is maintained to keep them in a safe condition.
 - Equipment is maintained and serviced to ensure it remains in a safe condition.
-

- Statutory safety inspections / examinations on equipment are carried out by competent persons in line with the required schemes of inspection.
- Equipment is maintained in good condition and is only used by staff who know how to use it safely.
- Storage of chemicals, fuel and equipment is in secure areas.

Information, instruction and training

Chief Officer's (delegated to Line Managers) will be responsible for ensuring an up-to-date Health and Safety Law poster is prominently displayed and that all relevant health, safety and fire risk management information is communicated to staff. HSE Law Poster details are stated as below:

Kevin McKay
H&S Manager

Ashley Walker
H&S Consultant
07976416947

All employees will be recommended for safety training as is appropriate to their positions. This commences with an induction. All new employees are required to undertake induction training which is a combination of e-Learning and attendance at formal training sessions for specific topics.

Refresher training is updated at regular intervals and monitored.

Maintenance of equipment

Work equipment will be provided and maintained in accordance with the Provision and Use of Work Equipment Regulations 1998. Equipment will be suitable for its intended purpose and only be used for tasks and under the conditions for which it is suitable. "Suitable" meaning in this context, "with respect to the health and safety of any person".

Supervisors are responsible for ensuring that employees under their jurisdiction are provided with appropriate and sufficient training in the use of work equipment prior to use.

All employees will report to the appropriate manager, any defects / hazards, which in their opinion, creates risks to health and safety. Pending correction of these defects, the manager or person in charge will take such immediate precautions against these risks as may be necessary and be responsible for keeping under review the effect of the precautions and the progress of measures to correct defects.

Managers who arrange hire or loan any work equipment should ensure that relevant inspection and maintenance records are available and that employees are trained in its use, prior to its use. Requests for inspection and maintenance records should be made as part of the purchasing process.

Monitoring Performance

There are several measures used to monitor health and safety performance. This can be achieved through:

- Daily visual checks to ensure high levels of good housekeeping (and where standards slip remedial action implemented).
 - Documented monthly health and safety checks undertaken to identify health and safety issues.
 - Responding to health, safety environmental and risk management concerns immediately.
-

An audit programme also takes place to give an impartial but balanced view on the health and safety arrangements within the company. The results of these audits are presented to and monitored by the corporate health and safety committee.

Moving and handling

The organisation will provide adequate manual handling training and mechanical equipment (where relevant) and ensure adequate instruction and training for relevant employees.

Moving and handling risk assessments are also carried out on manual handling activities which pose a significant risk of injury.

Pregnant workers

The health and safety of new and expectant mothers at work is covered by the Management of Health and Safety at Work Regulations 1999. The regulations require that there is an assessment of risk to all employees, from which, the organisation will undertake what is reasonably practicable to control those risks. This assessment is required to consider risks to new and expectant mothers.

All levels of management are responsible for ensuring that risk assessments are carried out on individual employees they are responsible for once an employee declares a pregnancy; that information is recorded; appropriate control measures are defined and implemented, and the assessment is reviewed at least every two months throughout the pregnancy.

Personal Protective Equipment (PPE)

Protective clothing / safety equipment is provided for employees in accordance with statutory requirements and risk assessments which are required to detail the items and grade of any PPE required to safely undertake specific tasks. It is a condition of employment, where appropriate, protective clothing is worn, and safety equipment used as instructed. Line Managers are responsible for identifying needs and subsequent provision.

Section 8 of the Health and Safety at Work etc. Act 1974 states that no person shall intentionally or recklessly interfere with or misuse anything provided in the interest of health, safety, or welfare. Employees are reminded of this duty.

Risk Assessment

The management of health and safety within individual company locations is based around risk assessment (Regulation 3, Management of Health, and Safety Regulations 1999). Records of risk assessment will be located at the site to which they relate.

All tasks and activities undertaken by employees are assessed for foreseeable hazards and associated risk. If foreseeable significant hazards are identified, a full risk assessment is undertaken and a record of the significant findings made, kept, and regularly reviewed. All Risk Assessments are to be created within the MY Compliance System. Risk assessments include:

- Description of the identified hazard.
- Who could be harmed.
- An assessment of the risk.
- What controls are in place to reduce the risk; and
- Any additional controls considered necessary to further reduce the risks.

For further details see the Risk Assessment Policy and associated guidance.

Stress

The organisation recognises that stress can represent a risk to both physical and mental health. Whilst some pressure of work is beneficial to individuals, when it reaches an unacceptable level it can cause adverse effects on both individuals and teams. Therefore, the organisation is committed to preventing work related stress illness from occurring, where possible by introducing measures to identify situations of undue pressure as soon as possible and ensuring that prompt remedial action is taken.

Line Managers and Supervisors are responsible for ensuring that the measures contained in the Stress at Work Policy are implemented.

Safe systems of work

A safe system of work is defined as the method resulting from an assessment of the risks associated with a task and the identification of the precautions necessary to carry out the task in a safe and healthy manner.

Safe systems of work are necessary to ensure that control measures detailed in the risk assessments are properly applied and that any residual risks are adequately controlled.

The degree of formality is dependent upon factors such as: the level of risk, frequency of task, complexity and variability of task, employee capabilities and the complexity of control measures.

For all safe systems of work, there are five basic steps necessary in producing them:

- Assessment of the task
- Hazard identification and risk assessment
- Identification of safe methods
- Implementing the system; and
- Monitoring the system

Safe systems of work are defined and implemented by the following mechanisms according to the level of risk and complexity of the task and / or control measures and can take the form of:

- Task safety instruction (informal oral instructions, safety sign and notices, written safety rules or key points).
- Task procedures (step by step description of how a task should be performed);.
- Method statements (a description of how risks will be controlled and managed in relation to specific tasks or activities).
- Permits to work (a formal mechanism for ensuring that safe systems of work are implemented for routine and non-routine processes with a high degree of foreseeable risk, and which require clear and precise instructions for safe operation).

It is the responsibility of the Line Manager / Supervisor to ensure that safe systems of work are devised (in conjunction with the appointed safety reps / Health and Safety team) and that employees for which they are responsible are briefed and / or trained effectively and have adequate supervision in their use.

Where training needs are identified because of this, these shall be communicated to ensure provision of appropriate and relevant training.

Violence at work

Increasingly, employees who deal directly with others in the course of their work may face aggressive or violent behaviour. Susceptible groups include those working directly with members of the public, working shifts, at night or lone working.

Violent incidents will often cause great distress and possibly give rise to difficulties for employees carrying out their duties in the future. The company policy therefore is to be proactive in taking action to minimise the risk from violence, and to ensure that employees receive adequate training, information, and instruction.

Work experience trainees

Any work experience trainees will be limited in the tasks they can carry out. These tasks will be agreed as part of a risk assessment conducted between the relevant service manager and the organisation requesting the placement.

Strict supervision arrangements will be put in place to minimise the potential for accidents and incidents.

All work experience trainees have a responsibility to follow the safety rules and working practices in which they have been instructed. They will be encouraged to report any hazards to their Instructors / Supervisors.

Young Persons

To ensure the safety of young persons a risk assessment shall be undertaken to take account of the workers' lack of experience, absence of awareness of existing or potential risks.

Line Manager's will be responsible for ensuring that risk assessments are undertaken, and appropriate control measures implemented.

Disciplinary action

An employee may be liable for disciplinary action if they are found to have acted in breach of Lancaster City Council's Health and Safety Policy. Please refer to the Disciplinary Policy. The refusal of any employee to meet their obligations will be regarded as a matter to be dealt with under the Disciplinary Procedure. Where an employee leaves them self or other employees open to risk or injury, it may be necessary to implement the formal stages of the Disciplinary Procedure up to and including Dismissal.

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1.0 INTRODUCTION

The principal risks relate to physical (musculoskeletal) problems, visual fatigue and mental stress. These are not unique to DSE work nor an inevitable consequence of it, and indeed there is some evidence that the risk to the individual user from typical DSE work is low if appropriate precautions are taken, however, in DSE work as in other types of work, ill health can result from poor equipment or furniture, work organisation, working environment, job design and posture, and from inappropriate working methods.

2.0 GENERAL STATEMENT

Lancaster City Council acknowledges that health and safety hazards may arise from the use of this equipment. It is therefore the company's policy to ensure that any risks are reduced to a minimum. Whilst it is generally recognised that the use of DSE can be undertaken without undue risks to health, it is appreciated that some employees may have genuine reservations and concerns. The company will seek to give information and training to enable a fuller understanding of these issues.

Lancaster City Council (the organisation) is committed to protecting the health, safety and welfare of our employees and recognises that the use of computer workstations, tablets and laptops may lead to muscular-skeletal disorders, visual disorders, fatigue, and stress.

This Policy applies to staff who 'habitually use display screen equipment as a significant part of their normal work'.

Scope: This policy applies to DSE Users in the Company and follows the obligations under the Health and Safety (Display Screen Equipment) Regulations 1992. Lancaster City Council will minimise risks to DSE Users, so far as is reasonably practicable.

Implementation: It is the responsibility of line managers to ensure that staff members are aware of and understand this policy and any subsequent revisions.

Compliance: This policy complies with all relevant regulations and other legislation.

3.0 ORGANISATION AND MANAGEMENT RESPONSIBILITIES

Whilst it is neither possible nor desirable to fully define responsibilities, the following give the main responsibilities in relation to this policy:

Senior Leadership Team

- To ensure effective health and safety management structure.
- To ensure that key posts are filled by competent individuals and the requirements of these posts are being met.
- To ensure that the Senior Management Team gives matters of health and safety equal importance as other key business functions.
- To ensure that the Senior Management Team provides as far as is reasonably practicable the resources deemed necessary, to fulfil the requirements determined by statute.
- Review safety performance of the Company with the Senior Management Team.

Chief Executive Officer

- The Chief Executive Officer has overall responsibility for ensuring that the Company meets its statutory obligations and that effective arrangements for the management of health and safety are put in place.
- The Chief Executive Officer executive responsibility to manage Health and Safety including compliance with Health and Safety at Work Act, etc. 1974 and other relevant legislation, best practice guidance and Company policies to meet legal and organisational requirements.

The Health and Safety Team

- The Health and Safety Team have overall responsibility for providing advice and assistance the implementation of this policy within their respective services.

Chief Officers and Line Managers

Have direct responsibility for health and safety matters relating to premises under their control and for persons reporting directly to them and are therefore responsible for the implementation of the provisions of this policy for the homes/departments under their jurisdiction by:

- Consulting employees on DSE work.
- Ensuring all DSE assessments are carried out for staff in their area of responsibility.
- Carrying out and implementing suitable and sufficient risk assessments.
- Implementing measures to reduce the risk.
- Authorising eye and eyesight tests to employees who have been identified as DSE Users.

Employees

Employees are responsible for co-operating with Managers to enable them to provide a safe working environment and ensure legal compliance, namely by:

- Completion of the online training package, initially as part of the induction process, and thereafter as required or as part of the refresher training process.
- Undertake the DSE Self-Assessment, initially as part of the induction process, and again as part of the review process.
- Seek advice from line managers (and the health and safety team where required) to resolve any issues arising from a DSE Assessment.

- Repeat self-assessments as required e.g. if there are any significant changes to work equipment or environment, or as advised by line managers or health and safety Manager.
- Set up workstations in accordance with the guidance provided by the DSE Regulations.
- Report any health problems which may be related to computer work, to their Line Manager.

4.0 DEFINITIONS

Display Screen Equipment (DSE and Visual Display Units (VDU))

Means any alphanumeric or graphic display screen, regardless of the display process involved e.g. display screens, desk top computers, laptops, iPads, tablets, other touch screens, microfiche and other similar devices.

User/Operator

A User means an employee who habitually uses display screen equipment as a significant part of his/her normal work.

The HSE guidance states: It will generally be appropriate to classify the person concerned as a "User" or "Operator" if they:

- Use DSE for continuous or near continuous spells of one hour or more at a time.
- Use DSE in this way daily.
- Have to transfer information quickly to and from the DSE.

Use

means use for or in connection with work.

Workstation

means an assembly comprising –

- display screen equipment (whether provided with software determining the interface between the equipment and its operator or user, a keyboard or any other input device),
- any optional accessories to the display screen equipment,
- any disk drive, telephone, modem, printer, document holder, work chair, work desk, work surface or other item peripheral to the display screen equipment, and
- the immediate work environment around the display screen equipment.

5.0 REQUIREMENTS FOR WORKSTATIONS

Minimum requirements for display screen workstations, covering the equipment, the working environment, and the interface (for example software) between the computer and the user or operator are set out in Schedule 1 to the Regulations and are covered within the workstation assessment checklist.

6.0 HOMEWORKING

For details relating to home working see Homeworking policy and guidance.

7.0 WORKSTATION ASSESSMENTS

Workstation self-assessments shall be carried out by all employees who use DSE, using the workstation assessment checklist which is located on My Compliance and the Intranet. The results of this assessment will then be reviewed where necessary by the Line Manager, who will help resolve any outstanding problems.

A more formal one-to-one assessment may be carried out by the Health and Safety Team if required e.g. if the Line Manager has specific concerns about the individual or workstation or the employee is experiencing health issues related to the use of the workstation.

The assessment shall be repeated/reviewed if major changes are made to equipment or furniture, if workstations are relocated, if the nature of the work changes or if the health of the user changes.

8.0 LAPTOP COMPUTERS AND PORTABLE DEVICES

Laptops must comply with the full regulations when they are used for continuous periods of more than one hour per day, on most days. Ideally the keyboard and screen should be separate, and there are several options to achieve this:

- Use with a docking station (preferred).
- Use with a separate monitor.
- Use with a separate keyboard and mouse.

All laptops and their accessories should be as light as possible and should be carried in suitable laptop bags/carriers especially if a laptop is to be carried frequently.

9.0 WORK ROUTINE/REST BREAKS

In many tasks, natural breaks or pauses occur because of the inherent organisation of the work. Whenever possible, jobs using DSE should be designed to consist of a mix of screen-based and non-screen-based work to prevent fatigue and to vary visual and mental demands. Where the job unavoidably contains spells of intensive DSE work (whether using the keyboard or input device, reading the screen, or a mixture of the two), these should be broken up by periods of non-intensive, non-DSE work. Where work cannot be so organised, for example in jobs requiring only data or text entry or screen monitoring requiring sustained attention and concentration, deliberate breaks or pauses must be introduced.

Breaking up long spells of DSE work helps to prevent fatigue, eyestrain, upper limb disorders and backache. Most employees will have some control over their own working arrangements and will be able to organise their work to take this into account.

The best way to break up work is to alternate sedentary work with more active tasks, such as filing, photocopying etc. Where this is not possible, more formal breaks may be necessary.

There is no prescribed frequency or duration of breaks from display screen work, however short, frequent breaks are more satisfactory than occasional, longer breaks: for example, a 5-10 minute break after 50-60 minutes continuous screen and/ or keyboard work is likely to be better than a 15-20 minute break every 2 hours.

Where possible, employees will be given the discretion to decide the timing and extent of off screen tasks. Employees who believe that their workload does not permit adequate breaks should bring this to the attention of management.

Changes of activity (time spent doing other tasks not using the DSE) appear from study evidence to be more effective than formal rest breaks in relieving visual fatigue.

If possible, breaks should be taken away from the DSE workstation, and allow the user to stand up, move about and/or change posture.

Users of display screen equipment are encouraged, and will be expected to, take the opportunities for breaks.

10.0 EYE/EYESIGHT TESTS / CORRECTIVE APPLIANCES

Under the Health and Safety (Display Screen Equipment) Regulations 1991 as amended, the organisation has a duty to provide provide 'users' **who so request it**, with an appropriate eye and eyesight test. In Great Britain an 'appropriate eye and eyesight test' means a 'sight test' as defined in the Opticians Act legislation. The definition of a 'user' is those people that use a computer for most of their working hours and could not do without a computer to do their work.

If an Employee and/or new recruit is defined as a 'user', the company will cover the cost of an eye/eyesight test (costs as detailed below)

If the test shows that the user needs glasses, **specifically for their VDU work**, the company will pay for the cost of a basic pair of frames and single distance lenses solely and specifically for DSE use only (costs as detailed below). However, this does not apply if normal glasses used for other purposes are adequate for VDU work.

Referrals should be accompanied by appropriate written evidence signed by a qualified Optician, please refer to the HR Policy or contact the HR team for more information.

Not all glasses are supplied free of charge. If the 'user' already wears glasses and these are adequate for normal work, including work with DSE, there is no duty for the employer to pay for or towards glasses.

Additional costs over the limit and all costs associated with the staff member's choice above a basic pair of frames and lenses (e.g. designer frames, tinted lenses etc.) cannot be claimed by the employee.

Frequency of testing

Eye and eyesight tests should be provided:

- as soon as practicable after display screen users have made a request.
- for recruits or employees who are to become users and have made a request. In such cases the test must be carried out before the employee becomes a user.
- for users at regular intervals after the first test, provided they want the tests. Intervals for repeat testing will be as recommended by the clinical judgement of the optician. The frequency of repeat testing needed will vary between individuals, according to factors such as age. The company is not responsible for any corrections for vision defects or examinations for eye complaints which are not related to display screen work which may become necessary within the period. These are the responsibility of the individual concerned.
- for users experiencing visual difficulties which may reasonably be related to the display screen work, for example visual symptoms such as eyestrain or focusing difficulties.

Repeat eye tests are usually required every two years. More frequent eye tests will only be paid for if prior arrangements have been made.

Users, or those about to become users, can request an eye test, for which reimbursement will be made up to the maximum costs stated. Higher payments for tests conducted privately will not be made.

Care and Replacement of Spectacles

The employee is personally responsible for the safekeeping of spectacles. Under the Health and Safety at work Act it is an offence to interfere with, or misuse, anything provided in the interest of health and safety. Employees are expected to demonstrate the same degree of care for spectacles as for any other item of company property.

Users are entitled to claim payment for repeat NHS eye tests as recommended by a qualified optician. Payment for further changes will be restricted to the cost of new lenses, due to changes in eyesight. Further contributions to the replacement of frames within the overall limit will only be made where the frames are no longer fit for purpose.

11.0 INFORMATION AND TRAINING

All employees who use display screen equipment will be given training to enable them to work without risk to health.

Further advice & information is available from the HSE website and free to download:

- [INDG36 – Working with VDU's](#)

12.0 MONITORING & REVIEW

The ongoing implementation of the Display Screen Equipment policy will be monitored through the supervision and the company H&S Audit process.

Any member of staff with a health concern regarding use of VDU's should ensure that it is discussed with their supervisor / manager.

DISPLAY SCREEN EQUIPMENT – Workstation Set up and Use

The information below has been produced to assist users to achieve good working postures and to organise their workstations safely. If necessary, it can be separated from the main document and issued directly to them.

How to Achieve Good Working Postures

There is no such thing as one correct sitting posture, so varying the way you sit during the day will help to reduce aches and pains. Certain postures should be avoided and your sitting position influences the comfort of your entire body. It is most important to adjust your seat and DSE correctly.

Step 1 - Adjust Your Seat Height

- Sit in front of your terminal and adjust the height of your seat so that your forearms are roughly horizontal and your wrists are straight when your hands are on the keyboard. If your feet are not comfortably on the floor, or there is pressure on the back of your thighs from the seat edge, then use a footrest.
- If you sit too high or too low you will be forced to type with bent wrists or in a hunched or stooped position. This can cause discomfort in your wrists, arms, shoulders, neck or back and therefore it should be avoided.

Step 2 - Adjust Your Backrest

- Make sure your bottom is towards the back of the seat and then adjust the height and angle of your backrest so that it supports your lower back. If you still need extra support put a cushion in the small of your back. If necessary, try altering the angle of the seat base so that it is tilted slightly forward. This makes it easier to maintain a comfortable upright posture.
- Try changing the angle of the backrest during the day to vary your sitting position. Avoid slouching or perching on the edge of your seat as you will not get any support from the backrest if you do. Also, the slouched 'C' shape posture is damaging to your back - discs, muscles and ligaments are stressed in this posture.

You may feel uncomfortable at first, but this is because you have to 'unlearn' bad posture habits reinforced over many years.

Do take the time and effort to achieve good posture - it is well worth it!

Step 3 - Adjust Your Screen Position

- The height and angle of your screen influences the position of your head and neck. If the angle is wrong you may suffer from neck and shoulder pain. Usually the most comfortable position is looking slightly down (at an angle of approximately 10-15 degrees).
- If your screen is too low you will not be able to maintain an upright posture or your neck may be bent too far forwards - try using proprietary screen raisers to overcome this. Ideally, the screen should be positioned so that the central part of the screen is at eye level.
- **Touch typist** - make sure you are sitting in the correct position, with your hands in your normal typing position. Without moving your head you should just be able to look over the top of the screen; then lower your eyes to the middle of the screen; adjust the screen height to achieve this.
- **Non-touch typist** - again make sure you are sitting correctly with your hands resting on the keyboard. Start by looking at the keyboard, then raise your eyes (not your head) and look at the middle of the screen; adjust screen height to achieve this.

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Step 4 - Screen/Seat Position

- The ideal position is one where the screen is in front of you, to allow your body to remain in a neutral position (not twisted).
- For some people this means the screen is in, or near, the middle of the desk; for others it may be offset in which case you must swivel your chair so that your whole body is parallel with the screen.

Step 5 – Keyboard and Mouse

- If necessary, support the wrists with a wrist-rest when using the keyboard. When using the mouse, try to support the whole forearm on the desk or use a mouse mat to support the wrist and forearm. Also, if you do a lot of repetitive mouse movements, try to reduce the amount of time spent using the mouse by:
 - using the keyboard controls.
 - training yourself to use the mouse with either your left or right hand.
 - taking frequent breaks, rather than continually operating the mouse.

Additional Points

Make Sure You Can Read the Screen Comfortably

Tired eyes and headaches at the end of the working day may be the result of difficulty reading your screen. This could be due to a number of factors, such as:

Dirty Screens

Screens quickly attract dust and then text becomes difficult to read, so it is important to clean screens regularly with proprietary cleaner. If you use a filter, remember to clean the screen behind the filter as well. Working with a dirty screen means your eyes have to work even harder.

Vision

DSE work, like any other close work, requires good or corrected vision. Ideally, you should have your eyesight checked on a regular basis. If you feel that DSE work is affecting your eyesight or causing discomfort, then inform your manager. You are entitled to have your eyes screened every two years, free of charge, or more frequently, if you experience discomfort.

Reflections and Glare

Reflections and glare from windows or artificial lights make the screen difficult to read. There are several things which will help:

- try moving your screen to a different angle.
- avoid sitting with windows or light directly in front of or behind your screen.
- if possible, sit at right angles to light coming through windows.
- use window blinds.
- if lighting levels are too high, try selectively turning off lights or use task lighting.
- adjust the brightness and contrast controls on the monitor to suit the lighting conditions.
- if you still have problems see your Health and Safety Manager.

Organise Your Work Area

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How you organise your work area will influence the way you sit. The best arrangement will depend on the tasks involved in your job.

If your work area is badly arranged so that you have to sit in a bent or twisted position, then back or neck ache is likely to result. This can be avoided if you think carefully about the requirements of your job and arrange your work area accordingly.

Document Holders

Do you spend most of your time reading from source documents, or looking at your screen? Many people assume that the screen should be placed directly in front of them. If you are reading mainly from hard copy documents the best solution could be to move the screen to one side and use a copy holder to raise documents to a comfortable height. The important thing to remember is to keep the document holder level with the screen. The idea is to minimise head and neck movement and also to reduce the need for your eyes to keep refocusing.

Try to place your screen in a position where background distractions from such things as moving people, shiny surfaces or wall notices are not visible on the screen.

Take a Break

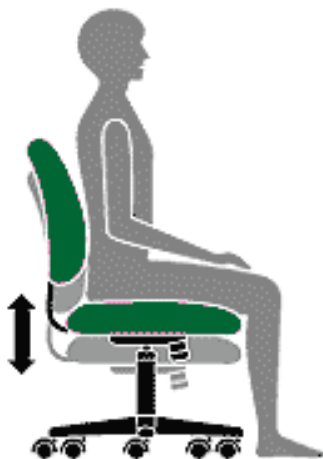
The human body is designed for movement and it does not like prolonged periods of static posture. Whenever possible, try to break up any long periods of DSE work with other activities such as photocopying or telephoning. The aim is to move around and change your posture, so that your eyes and body get a rest from DSE work.

If it is not possible to build in these natural breaks then aim to take a 5 minute break every hour. Be sensible about taking breaks.

Report any Problems

If you start to experience any problems when working with your DSE you must tell your line manager.

DISPLAY SCREEN EQUIPMENT – CHAIR SET UP & ADJUSTMENT



Chairs are adjustable to suit individual needs.

Did you know that there is no single correct chair that is 100% perfect for everyone?

Chairs are adjustable because they allow most people to adjust them according to their own individual needs. However, in order to make a typical office chair suitable for most people, there are **some minimum criteria** which should be fulfilled. For example, it should be possible, and easy - whilst seated on the chair – to independently adjust the chair's height, the position of the backrest and the seat tilt (if provided). The chair will normally have a five-point star base for stability, with either castors or gliders (which should be chosen according to the type of floor covering).

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Figure 1(a) Recommended adjustability

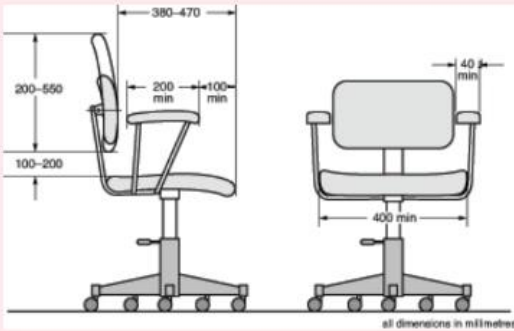


Figure 1(b) Recommended chair dimensions

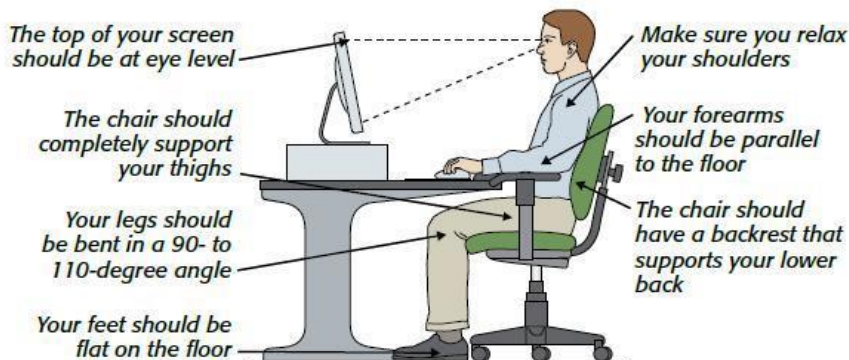
Tips

The height of the chair should be adjusted so that your hands and forearms are parallel to the desk, and the keyboard at about elbow height. If your feet do not rest comfortably on the floor, then a footrest is necessary.

The backrest of the chair should be adjusted to support the lumbar curve with your shoulders relaxed.

Seating and posture for typical office tasks

1. Seat back independently adjustable for height and tilt, and chair arms dropped
2. Good lumbar support
3. Seat height adjustable
4. No excess pressure on underside of thighs and backs of knees
5. Foot support if needed
6. Space for postural change with no obstacles under desk
7. Forearms approximately horizontal – elbows at 90 degrees, shoulders relaxed
8. Minimal extension, flexion or deviation of wrists
9. Screen height and angle should allow comfortable head position
10. Space in front of keyboard to support hands and wrists during pauses in keying



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DISPLAY SCREEN EQUIPMENT – KEYBOARDS

Is your keyboard separate from the screen and does your keyboard have a matt surface, legible symbols, an appropriate layout and sufficient space in front of it?
Do you experience aches or pains in your hands, wrists and arms whilst using your keyboard?

Tips

- Try pushing the display screen further back to create more room for the keyboard.
- If you have a raised, thick keyboard, a wrist rest may help.
- When typing, **aim to avoid:**
 - bending your hands at the wrist
 - hitting the keys too hard
 - over-stretching your fingers

Good keyboard technique is critical. When typing, your forearms should be parallel to the desktop and roughly level with the top of the keyboard. There should also be room to rest your hands when not typing.

There are an increasing number of **ergonomic keyboards** on the market, and also **left-handed keyboards**.



DISPLAY SCREEN EQUIPMENT - USE OF ELECTRONIC DEVICES



The use of tablets, smartphones and other mobile devices in the workforce has increased significantly over the past few years.

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The use of tablets, iPhones, smartphones and other mobile devices in the workplace is becoming more and more common, yet the long-term associated risks are still largely unknown. Short-term effects are known to include neck pain - from heads being tilted at an uncomfortable angle - and muscle fatigue from arms being outstretched for extended periods whilst waiting for screens to load. Muscle fatigue is also a risk for those who have difficulty in viewing small screens, and who therefore hold them at arms' length for extended periods of time. It is possible that longer-term effects of using mobile devices will become apparent over time.

What you can do to reduce risks

- Regularly look away from the screen to relax eye muscles
- Increase font size to avoid eye strain
- Hold device at eye level to reduce neck strain, or use a stand
- Place the device on a table or surface when typing
- Vary the fingers you use to input data
- Use an external keyboard – or switch to a PC or laptop - when inputting large amounts of data or typing for a lengthy period of time
- Regularly change position and stretch

DISPLAY SCREEN EQUIPMENT – USING A MOUSE

Intensive use of a mouse, trackball or similar pointing device may give rise to aches and pains in the fingers, hands, wrists, arms or shoulders. This can also happen with a keyboard. Most mouse work concentrates on activity on just one hand and arm (and just one or two fingers) and this intensity may make problems more likely to occur.

Risks can be reduced by adopting a good posture and techniques, i.e.

- Place the mouse close to you, so that it can be used with a relaxed arm and straight wrist without over-stretching, and adjust the position of your keyboard to ensure you have support during pauses between keying.
- Support your arm on the desk or armrests of the chair. Do not over-reach.
- Don't leave your hand on the device when it is not being used.
- Take frequent breaks and short pauses.
- Use good keyboard techniques: wrists straight, a soft touch on the keys and do not overstretch your fingers.

If you have tremors in your hand or finger problems, a **stationary mouse** is the best option. However, if you are still finding the mouse awkward, there are alternative shapes and sizes, or even an alternative device such as a **trackball mouse**.



A **roller mouse** is good for neck and shoulder issues.

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vertical mouse is more effective generally than a mouse mat and keyboard rest (as users tend to swivel their wrists). If possible, trial one before purchasing.



The **Microsoft Arc** and cordless **Trackman optical** are types of mouse that allow the hand and wrist to work in a more natural position:



A **mouse bean** provides good wrist support, and is very useful if the user has carpal tunnel syndrome:



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DISPLAY SCREEN EQUIPMENT – WORKING WITH LAPTOPS



Increases in home or mobile working has resulted in more people working on laptops in various locations than ever before. However, as the keyboard and screen are not separate, as with a traditional computer and monitor, it is difficult to find a good working posture.

In order to prevent neck strain, you need to ensure that the top of your screen is roughly at eye level, so if you are going to be working at a laptop for prolonged periods of time, the screen needs to be raised in order to achieve a good head position. Generally, therefore, it is not advisable to use your laptop for long periods of time without suitable adaptations, such as using a laptop riser, separate keyboard and mouse.

What you can do

- To prevent eye strain, ensure your laptop screen is positioned roughly one arms' length away from you.
- To prevent neck strain, ensure that the top of your laptop screen is positioned roughly at eye level.
- Ideally, use a laptop riser, separate keyboard and mouse – liaise with your line manager / IT department for provision.



Use a laptop riser if necessary

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1.0 INTRODUCTION

This policy has been implemented to ensure the conformity of internal and externally provided processes, products, and services.

Lancaster City Council operates an organisation-wide audit programme, covering internal, supplier and external audits that serves the following purposes:

- To determine if the requirements of management systems are effectively implemented including any specific customer or regulatory requirements.
- To ensure the workplace is safe.
- To ensure that all legal and other requirements are met.
- Identification of non-compliances.
- Verification of effective correction of all identified non compliances.
- To contribute to the continual improvement process.
- To ensure suitability and competency of suppliers.

2.0 GENERAL STATEMENT

Lancaster City Council (the organisation) is committed to protecting the health, safety and welfare of our employees and recognises that there is a requirement for checking all workspaces are legally compliant and our services are of a suitable standard.

Scope: Audits cover the following areas:

- Management systems and processes
- Suppliers
- Approval body requirements (including regulators) where required.

This policy refers to all Lancaster City Council sites, operations, and activities.

Implementation: It is the responsibility of line managers to ensure that staff members are aware of and understand this policy and any subsequent revisions.

Compliance: This policy complies with all relevant regulations and other legislation.

3.0 ORGANISATION AND MANAGEMENT RESPONSIBILITIES

Whilst it is neither possible nor desirable to fully define responsibilities, the following give the main responsibilities in relation to this policy:

Senior Leadership Team

- To ensure an effective and robust auditing programme is in place.
- To ensure that key posts are filled by competent individuals and the requirements of these posts are being met.
- To ensure that the Senior Management Team gives matters of health and safety equal importance as other key business functions.
- To ensure that the Senior Management Team provides as far as is reasonably practicable the resources deemed necessary, to fulfil the requirements determined by statute.
- Review performance of the organisation with the Management Team.

Chief Executive Officer

- The Chief Executive has overall responsibility for ensuring that the Organisation meets its statutory obligations and that effective arrangements for the management of auditing are put in place.

Chief Officers

- The Chief Officers have executive responsibility ensure an audit programme is implemented and adhered to in accordance with relevant legislation, best practice guidance and policies to meet legal and organisational requirements.
- The Chief Officers have a responsibility ensure that audits are carried out in accordance with the audit programme by trained and competent persons as and when they are required.

Internal Auditors

- Internal auditors are responsible for ensuring audits are carried out in an effective and consistent manner.
- Producing comprehensive audit reports.
- Identifying non-conformities and Opportunities For Improvement (OFI's).

Line Managers (Departmental inc. Facilities)

- Line Managers have direct responsibility for ensuring that the implemented audit programme is adhered to by their respective teams/functions/departments.
- Line managers also have a responsibility to ensure that all necessary documentation, evidence and information is provided upon request of an internal auditor and without delay.
- Line managers also have a responsibility to ensure that co-operation with the audit programme provided and any assistance required during the audit process is provided.

Employees

Employees are responsible for co-operating with the audit programme/process and all internal auditors.

Health and Safety Trade Union Representatives

Trade Union Representatives undertake specific audits and consultations with the direct teams. All Trade Union Representatives are able to have access to all audit and inspection data when requested.

4.0 DEFINITIONS

Audit: An assessment of the effective implementation of the Management System.

Non-conformance: A requirement that is not fulfilled.

OFI (opportunities for improvement): A learning or minor deficiency that has no impact and can usually be fixed with little effort on the spot or at some point in the future with little or no impact.

Minor Non-conformance: is a failure to comply with standards / process which based on judgment and experience is not likely to result in the failure of the management system or immediately impact on the health, safety, environment, or product quality or reduce its ability to ensure controlled processes or products.

It may be one of the following:

- A failure in some part of the management system relative to standards / process.
- A single observed lapse in following one item of a company's management system.
- A failure which could result in statutory requirement not being met but which does not immediately impact on health, safety, environment or plant and equipment.

Major Non-conformance: is one or more of the following:

- Any issue which if not rectified would immediately impact on health, safety, environmental or product / service delivery and which needs to be addressed as an urgent priority.
- The absence or total breakdown of a system / process to meet a requirement.
- A number of minor nonconformities against one requirement can represent a total breakdown of the system and thus be considered a major nonconformity.
- Any noncompliance that would result in the probable shipment of nonconforming product.
- A condition that may result in the failure or materially reduce the usability of the products or services for their intended purpose.
- A noncompliance that judgement and experience indicate is likely either to result in the failure of the management system or to materially reduce its ability to ensure control of processes and products.

Corrective Action process: Process used to rectify a Noncompliance / Non- conformance.

Standard: The term given to a set of agreed upon standards set out by an awarding body, organisation. Accreditors, legislation, professional body or governing body.

5.0 Audit Schedule Planning

The annual audit schedule is available to all staff via the My Compliance system, through the Intranet or from their line manager. The plan covers Internal, External and Supplier audits.

The schedule contains the following:

- Area being audited
- Date (by month)
- Responsible auditor (by role)

The following factors may cause the planned schedule to be revised:

- Status and importance of processes and areas to be audited
- Results of previous internal / external audits
- Results of self-inspections
- Injury statistics
- Management priorities
- Commercial intentions
- Legal, regulatory, and contractual requirements
- Customer requirements

- Needs of other interested parties
- Risks to the organisation
- Performance related issues

6.0 Type of Audits

Types of Internal audits carried out are listed below. These cover all areas of the organisation based on risk level from onsite operations to management level.

1. Management system audit – carried out by qualified auditors and looking mainly at procedural/standard compliance.

Key performance indicator: The management systems will be formally audited every 6 months to ensure compliance with the required measures.

2. Technical process system audit – carried out by experienced staff with knowledge of the area being audited and concentrating on technical compliance, competency and understanding of process by the auditee.

Key performance indicator: all process audits will be based on risk which is identified within the Annual Audit Programme.

3. EHSS site audit – carried out by operational staff and specific sites and department locations focussing on the high-risk level hazards and requirements.

Key performance indicator: all appointed Managers are required to complete a EHSS site audit once per month within their designated location / team.

4. Management engagement tour – carried out by senior management at all of the organisation's facilities. This is a general safety audit and technical expertise would be called on as required to assist.

Key performance indicator: Each Chief Officer is to have an engagement tour per allocated auditor per quarter to engage in feedback from the workforce on EHSS issues.

5. Supplier Audits – The frequency of audits will be dependent on an annual risk review or performance of the supplier:

High risk - 6 months to 1 year
Medium risk - 1 to 2 years
Low risk - 2 years (desktop review only)

Key performance indicator: All high-risk suppliers to be audited once per year initially, following this based upon the severity of actions will determine the subsequent frequency.

6. External Audits – These consist of the following types:
 - a. Certification / accreditation audits
 - b. Regulatory agencies audits

7.0 Audit Process

Before any planning for an audit is done the auditor should notify the auditee of their intent to audit them and agree a suitable time.

Planning

The auditor prepares for the audit by reviewing one or all of the following as applicable regardless of type:

- Standard requirements
- Requirements of the management system
- Customer requirements
- Previous audits and unverified corrective action
- Previous observations
- Review scope of current / future contracts with operations team(s)
- Resource requirements
- Auditee contact

Carry out audit

- Opening meeting - All audits will have an opening meeting explaining to the auditees the scope and purpose of the audit
- Conduct Audit – Conduct audit with planned checklists
- Closing meeting - All audits will have a closing meeting to inform the auditee of the preliminary audit results. The meeting will need involvement of higher management to these areas.

Audit report

It is the responsibility of the auditor to issue the final report in a timely manner along with any associated corrective actions / observations (This should be within 3 working days).

For all types of audits carried out except for engagement tours the audit report should consist of the following:

- Scope of Audit
- The auditee/s
- Summary of Audit
- Strong Points (General summary not a list of good points found)
- Weak Points (General summary not a list of actions found)
- List of Corrective actions
- Areas for improvement / Observations

Non-conformity / Corrective Action

Any identified NCR's and corrective actions will be issued to the auditee within the audit report, these actions must also be logged on the My Compliance action tracker for completion. NCR's and corrective actions should also be raised for external audits carried out by a third party so all actions across the company get captured are actioned formally. All corrective actions should be submitted within 25 days either closed out or detailing the planned close out actions that need to take place. All evidence as applicable should be supplied with the close out. The auditor will monitor / assist with close out as required.

Areas for improvement / Observations

Any identified areas for improvement / observations will be reviewed at the next audit of that area.

Verification

The Auditor verifies effective correction of all identified non compliances after the auditee has submitted objective close out evidence. This should be completed within 1 to 3 months.

Records

Records of audit reports and corrective actions are filed on the My Compliance and within the audit schedule.

8.0 Addressing Non-conformities and Opportunities for Improvement

Any non-conformities and Opportunities for Improvement must be addressed to ensure compliance is maintained with the relevant standard or procedure they are related to. These can be addressed in various ways such as:

- Reviewing current working/operational practices to bring them in line with the standard or procedure.
- Reviewing and updating procedures to reflect changes in operational and working practices.
- Reviewing the organisations legal register to ensure all the organisations practices and activities are undertaken in accordance with the law. This also provides the opportunity to ensure all relevant legislation, applicable to the organisation has been documented and considered.
- Carrying out period management meetings to raise, discuss and find appropriate solutions to non-conformities and OFI's.
- Discussing Non-conformities and OFI's with line managers and other relevant personnel to communicate non-conformities and OFI's and develop an action plan to address them.

Non-conformities and OFI's are addressed post audit and report, during the health and safety committee and the SLT meetings, elaborated on and solutions to be suggested. The attendees of this meeting shall also develop a plan of action, along with times scales, to remedy all Non-conformities and OFI's.

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1.0 INTRODUCTION

Increasing numbers of jobs can require people to be left alone and isolated. Many of the hazards that lone workers face are similar to those faced by other workers, however, the risks involved may be greater because the worker is on their own and some groups such as health, postal, security, and the emergency services are frequently attacked.

Working alone is not in itself against the law and it will often be safe to do so. However, the law requires employers to consider carefully, and then deal with, any health and safety risks for people working alone.

2.0 GENERAL STATEMENT

Lancaster City Council have a legal responsibility to ensure the health, safety and welfare of its employees while at work. There are times when staff are required to work alone, this may be as a substantial part of their working life or on an occasional basis. The purpose of this policy therefore is to assess the hazards and associated risks to lone workers and implement and maintain, so far as is reasonably practicable, such preventative measures as are necessary to eliminate where reasonably practicable and where not to minimise the risks to personal safety faced by employees who work alone or away from their base location.

Implementation: This policy applies to all staff who may be working alone, at any time, in any situation described in the definition below

Compliance: This policy complies with all relevant regulations and other legislation as detailed in the Compliance with Regulations & Legislation Statement.

3.0 DEFINITION

The HSE says defines lone workers as “those who work by themselves without close or direct supervision”.

This includes those in fixed establishments e.g.

- People working alone in a residential home, small workshop, petrol station, kiosk or shop
- People working on their own outside normal hours, e.g. cleaners and security, maintenance or repair staff

and mobile workers working away from a fixed base – e.g.

- Workers involved in construction, maintenance and repair, plant installation and cleaning work
- Service workers, including postal staff, social and medical workers, care/support workers working in the community, social workers, estate agents, and sales or service representatives visiting domestic and commercial premises

A huge number of jobs can require people to be left alone and isolated. Many of the hazards that lone workers face are similar to those faced by other workers. However, the risks involved may be greater because the worker is on their own.

4.0 ORGANISATION AND MANAGEMENT

Chief Executive Officer

The Chief Executive has overall responsibility for ensuring that the Organisation meets its statutory obligations and that effective arrangements for the management of health and safety are put in place.

Chief Officer

The Chief Officer of each department has executive responsibility to manage Health and Safety including compliance with Health and Safety at Work Act, etc. 1974 and other relevant legislation, best practice guidance and Company policies to meet legal and organisational requirements.

Health and Safety Team

The Health and Safety Team is responsible for advising on appropriate measures to meet legal and organisational requirements as required and for regularly monitoring and reviewing any incidents / accident that involve lone working issues to ensure that the provisions of this policy were implemented.

Line Managers

Line Managers will ensure:

- Avoidance of lone working where possible.
- Ensure that risk assessments regarding lone working are written and regularly reviewed.
- Ensure that safe systems of work are developed and implemented.
- Employees are informed of their responsibilities under this policy.
- Ensure that all employees comply with relevant guidelines and policies.
- Relevant training will be provided to lone working staff where necessary.
- All accident/incident/reports involving lone working are properly recorded using the relevant electronic system for staff and the people supported, investigated, and monitored.
- Ensure that Bank and Agency staff have undergone appropriate induction before assigned any lone working.

- Ensuring that appropriate support is given to staff following an incident e.g. debriefing, Human Resources, Employee Assistance Programme etc.

Employees / Contractors are responsible for:

- Understanding and adhering to the lone working policy and guidelines.
- Undertaking appropriate training related to lone working and health and safety.
- Reporting any concerns to their manager as soon as is reasonably practicable.
- Taking all reasonable steps to maintain their own personal health and safety and that of other work colleagues.
- Reporting of all adverse incidents, as soon as possible, on the relevant electronic system.

5.0 RISK ASSESSMENT

There is a legislative duty to assess risks to lone workers and take steps to avoid or control risks where necessary. This must include:

- Involving workers when considering potential risks and measures to control them.
- Taking steps to ensure risks are removed where possible, or putting in place control measures, e.g. carefully selecting work equipment to ensure that staff are able to perform the required tasks in safety.
- Instruction, training, and supervision.
- Reviewing risk assessments periodically or when there has been a significant change in working practice.

The following should also be considered in the risk assessment process:

- Arrangements for visiting residential site visits, including consideration of alternatives.
- Travelling between appointments.
- Reporting and recording arrangements.
- Communication (e.g. mobile telephones / radios) and traceability (e.g. visit log at base).
- Personal Safety training in relation to lone working and as work content may require e.g. violence and aggression.
- Being aware that some tasks may be too difficult or dangerous to be carried out by an unaccompanied worker.
- Where a lone worker is working at another employer's workplace, informing that other employer of the risks and the required control measures.
- When a risk assessment shows it is not possible for the work to be conducted safely by a lone worker, addressing that risk by making arrangements to provide help or back-up.

Risk assessment should also result in managers being able to decide on the right level of supervision. There are some high-risk activities where at least one other person may need to be present. Examples include:

- Working in a confined space, where a supervisor may need to be present, along with someone dedicated to the rescue role;
- Working at or near exposed live electricity conductors;

Where the conditions of service delivery or its associated tasks require staff to work alone, both the individual staff member and manager have a duty to assess & reduce the risks which lone working presents.

6.0 THE HAZARDS

People who work alone will of course face the same risks in their work as others doing similar tasks. However, additionally they may encounter the following:

- Accident or sudden illness may occur when there is no one to summon help or first aid.
- Having a medical condition which causes limitations in the workplace.
- Violent behaviour from members of the public especially in public places.
- Attempting tasks that cannot safely be done by one person, e.g. heavy lifting of heavy or unwieldy loads.

Other hazards that may occur are include:

- Fire
- Defective vehicles
- Driving including road rage
- Electric Shock
- Exposure to chemicals
- Faulty equipment
- Poor or lack of training
- Inexperience of the working environment or appreciation of the potential risks
- Pregnant or young workers
- Slips trips or falls
- Working over or near water, including canals, rivers etc.
- Confined spaces
- Poor lighting

The perception of these hazards or the actual risk may be different for different people. For example, the inexperience of a newly trained worker may underestimate the risks. Some workers may feel particularly vulnerable to violence away from the workplace or after dark. A medical condition may make it unsafe for an individual to work alone.

The supervisor / manager must consider these factors when completing risk assessments and take the appropriate steps to reduce the risk, particularly for frequent lone workers or lone workers engaged in high risk activities.

7.0 ASSESSMENT OF RISK – EVALUATE THE RISK & DECIDE ON PRECAUTIONS

Supervisors and managers are to discuss with the employees concerned the situations they face and decide on the level of risk posed by the situation and whether or not additional precautions are required or even if the job / task can be completed safely by a single person. Depending on the results it may be required to introduce new precautions, safe working practices or provide personal protective equipment.

The findings should be clearly recorded on the risk assessment template and consider, as appropriate to the circumstances:

- The environment – location, security, access
- The context – nature of the task, any special circumstances
- The individual concerned – indicators of potential or actual risk
 - Including the person undertaking the task
 - Including the client behaviours & associated risks
- History – any previous incidents in similar situations
- Staffing levels & availability
- Any other special circumstances

All available information should be taken into account. Where there is reasonable doubt about the safety of a lone worker in a given situation, consideration should be given to sending a second worker or making other arrangements to complete the task.

While staff resource implications cannot be ignored, safety must be the prime concern.

Staff must remain vigilant and flexible regarding the current risk assessment & system of work as special circumstances may arise that increase the risk – a person's response, unpredictable nature of the client or resident, the indication of alcohol or substance use, the presence of a dog, or any other factors specific to the situation which might affect the assessment.

8.0 PLANNING

- Staff should be fully briefed in relation to the risks as well as the task itself.
- Communication, checking in and call back arrangements must be in place – the system must ensure that the return of the worker or a call from them is actively expected and waited for, and that action is taken to contact them if they do not return or the call is not made.
- The team manager is responsible for agreeing and facilitating these arrangements, which should be tailored to the operating conditions affecting the team.

9.0 MEASURES TO REDUCE THE RISK OF LONE WORKING

Supervision

Lone workers are by definition not under constant supervision. However, supervisors/managers can ensure that the employees understand the risks associated with their work and the relevant safety precautions. They can put into place arrangements for the individual to contact a supervisor if they need additional support or guidance. Employees new to a job or undergoing training may need to be accompanied initially. Regular contact by phone or radio may be appropriate. The supervisor or manager should assess what level of supervision is required.

Personal Safety

Staff should take all reasonable precautions to ensure their own safety, as they would in any other circumstances whilst at work.

Staff must not assume that having a mobile phone and a backup plan is a sufficient safeguard in itself. The first priority is to plan for a reduction of risk. Before working alone, an assessment of the risks involved should be made together with the supervisor / manager.

For occasional or low risk lone workers, all that may be required is a system of basic communication. Staff must ensure they have informed their line manager / supervisor or other identified person of when they will be working alone; giving accurate details of their location; and following an agreed plan to inform that person when the task is completed; This includes tasks when a staff member expects to go home following a visit rather than returning to their base.

The system must ensure that the return of the worker or a call from them is actively expected and waited for, and that action is taken to contact them if they do not return, or the call is not made. In the event a person does not report in after finishing a visit / task the designated person should instigate a contact procedure, i.e. a mobile phone call, if there is still no contact a senior manager should be informed and a decision taken whether to go to the last known address or to alert the police.

All employees involved share a responsibility to maintain such informal systems for safe lone working.

Staff carrying out resident visits must provide an accurate plan of the day's activities and must inform their line manager if they deviate from the plan.

Arrangements for contacts and response should be tailored to the needs and nature of the team & work activity.

Issues to take into account include:

- Staffing levels and availability
- The identified risks
- Measures in place to reduce those risks.

Staff may be given a mobile phone or personal radio as an identified measure regarding lone working, they are responsible for checking that it is charged and in working order.

People Safe

The organisation uses a lone working system called People Safe as the preferred option. When staff members are given the People Safe system and equipment it is mandatory that it is used correctly.

People Safe is a lone worker alarm which is provided to an employee working alone so that they can signal for help when no one else is around. Without colleagues nearby, the outcome of any incident is likely to be more severe for lone workers. Equipped with a lone worker alarm, they can raise a SOS alert which is handled by a 24/7 Alarm Receiving Centre who can send help to their location.

10.0 SPECIFIC PROCESSES

Residents / Property Visits

Employees undertaking a residents / property visit and lone working must have access to the following information before they make the home visit:

- Any risk assessment carried out on the home, occupants, pets.
- Relevant information on previous visits.
- Details of incidents or crisis that may affect being a lone worker.
- Emergency contact details, including the 24-hour on call service.

Lone working in offices

All offices should have door entry systems so that entry can be restricted, and the identity of visitors verified. Lone working in the office will be included in the risk assessment which will identify particular risks associated with lone working and appropriate safeguards put in place.

Lone working out of 'office hours'

When making resident / property visits or working when the office will not be open, the employee must inform another colleague, manager or personal contact to tell them where they will be working and when they expect to leave particular locations. On leaving the working location they are to call the colleague, manager or personal contact to inform them that they have left safely.

If the colleague, manager or personal contact has not heard from an employee by the time expected, they are to call that employee on their mobile phone to check that everything is alright and no further action is required. If necessary a 'code' word could be used to indicate they might require assistance.

If no contact is made the colleague, supervisor or personal contact they might find it necessary to visit the location or alert the police.

All lone working should be subject to regular risk assessment on a case by case basis and where the 'risk' is considered low it may not be necessary to use the above procedures. This will be left to the discretion of the individual employee and the Manager.

Lone Working away from base location

When attending courses, seminars, workshops or visiting other organisations there should be regular contact with their line manager or other designated person to ensure the safety and wellbeing when travelling or lone working.

Emergencies

If a situation arises where it is necessary or appropriate to call for assistance or contact emergency services, the employee must have access to a mobile telephone with up-to-date emergency contact information.

If personal safety is compromised the employee should be made aware that they may leave the home/location immediately and find somewhere safe, preferably with other people. If the incident is serious a Senior Manager must be informed as soon as possible.

11.0 STAFF WORKING FROM HOME

Staff working from their own home should take every reasonable precaution to ensure that their address and telephone number remain confidential.

There should be regular contact with their line manager or other designated person if working at home for extended periods. An appropriate reporting-in system should be used if making visits from home, or for those staff who are required to drive long distances, the implementation of a buddy system for checking that each other are safe and well on a suitable basis (at the end of each day).

12.0 PERSONAL SAFETY

Reasonable precautions might include:

- Ensure your mobile phone or radio is charged and working at the start of your shift (radio check)
- Carry a People Safe personal alarm / pendant when issued by line manager.
- If issued with an alarm pendant, weekly check that it is functioning properly.
- Checking if a resident is known to present a risk and the agreed plan for working with them.
- Checking directions for the destination.
- Ensure your car is roadworthy, has breakdown cover & suitable emergency equipment.
- Keep your car locked at all times.
- Fitting a discreet emergency call button.
- Ensuring that items such as laptops & mobile phones are carried discreetly.
- Taking care when entering or leaving empty buildings, especially at night.
- Parking in lit areas under a streetlight.
- Avoid if possible poorly lit or deserted areas.
- Avoid walking down dark alley ways.
- Walk facing the traffic.

The agreed plan for contact or emergency response may be a standard one for the team or specific to the individual situation. It should be recorded and readily accessible by the identified person, and updated as necessary. It may be appropriate to agree a code word or phrase to indicate that assistance is required.

Pay consideration to the clothing you are wearing to ensure that specific items will not offer an assailant an advantage. Similarly, be aware that pens, pencils, keys or heavy bags may also be used to cause injury.

Record of vehicle details; those who use their private cars for conducting residents / property visits should have full vehicle details recorded by their line manager, i.e. registration, make and colour.

13.0 INFORMATION, TRAINING & GUIDANCE

Line managers are to identify which of their staff undertake lone working and ensure they have the appropriate level of training, equipment and information to enable them to carry out their duties as safe as reasonably practicable. By reading through this policy with staff it should ensure that all parties are well equipped and aware of possible hazards together with safety precautions that can be put in place to protect staff.

Everyone should remember that their own personal safety should be a priority, they should not get involved in any situation that is escalating or where there is concern that it might result in violence. If an individual's personal safety is compromised they should get out of the situation and summon help.

14.0 MONITORING & REVIEW

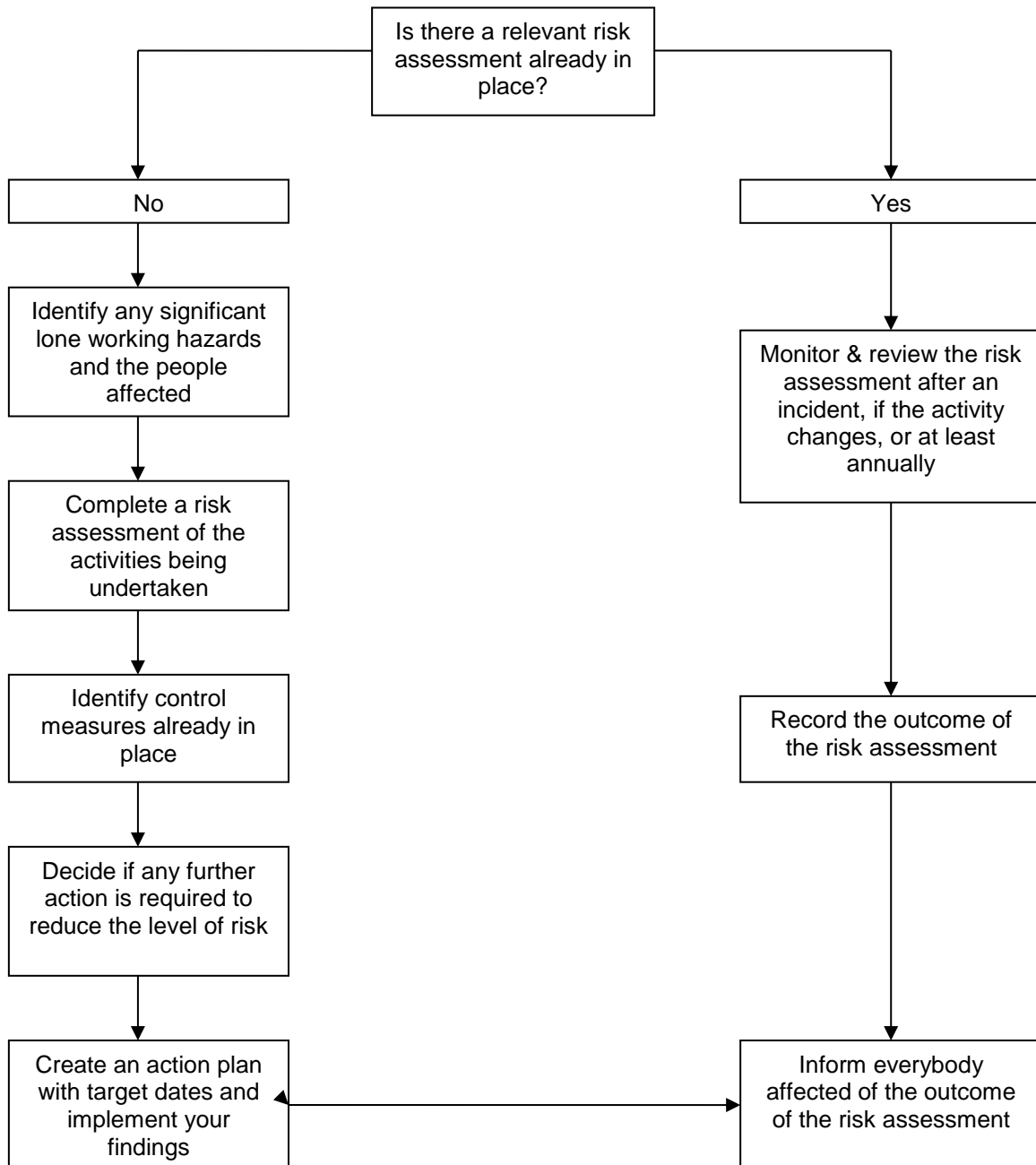
The ongoing implementation of the Lone Working Policy will be monitored through the supervision process.

Where appropriate, lone working and risk assessment will be regular agenda items for team meetings.

Any member of staff with a concern regarding these issues should ensure that it is discussed with their supervisor / manager or with the team, as appropriate.

This policy will be reviewed as part of the regular cycle of reviews, unless changing circumstances require an earlier review.

15.0 LONE WORKING RISK ASSESSMENT FLOW DIAGRAM



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01 INTRODUCTION

Keeping records and the reporting to the enforcing authority for health and safety certain types of injury is a legislative requirement. The Reporting of Injuries, Disease and Dangerous Occurrence Regulations 2013 (RIDDOR) requires employers, and other people in control of work premises, to report and keep records of:

- Work-related accidents which cause death;
- Work-related accidents which cause certain specified injuries (reportable injuries);
- Work-related accidents which cause incapacitation of more than 7 days;
- Diagnosed cases of certain industrial diseases; and
- Certain 'dangerous occurrences' (incidents with the potential to cause harm).

Scope

This policy applies within all Lancaster City Council services, and applies to all members of staff and visitors involved in or witness to an accident, incident, near miss, or dangerous occurrence.

Purpose

This policy is intended to set out the company's arrangements for reporting and investigating accidents and incidents.

02 GENERAL STATEMENT

The organisation recognises the need for a simple, effective and efficient system of accident and incident reporting, not as a means of apportioning blame, but as a mechanism for identifying risks and learning from mistakes, therefore it is the policy of Lancaster City Council to report and investigate all occurrences. The degree of investigation being determined by the severity of the occurrence.

This document outlines the process to be followed when an employee or contractor experiences an accident, incident, dangerous occurrence or near miss whilst at work. This will also apply to visitors who are classed as members of the public and therefore not at work.

The organisation's aim is to reduce the number of accidents by:-

- Improving training and staff awareness;
- Implementing comprehensive risk assessments; and
- Learning from past experience in taking action to prevent recurrence.

03 LEGISLATION

Reporting of Injuries, Diseases & Dangerous Occurrences Regulations

It is a legal requirement under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) to report certain injuries, diseases or dangerous occurrences. Employees, agency workers and members of the public are included where they are injured or suffer a disease as a result of a work activity.

GDPR / Data Protection

All accident/incident records should be stored in accordance with GDPR / data protection legislation as they contain personal information.

04 DEFINITIONS

Accident

An unplanned, unwanted event or series of events, which results in loss and / or damage (including physical injury) particularly those which arise out of, or in connection with, work.

In relation to RIDDOR, specifically those arising '**out of or in connection with work**' and acts of non-consensual violence **to people at work**.

There must be an identifiable external event that causes the injury, e.g. a falling object / striking someone etc. Injuries themselves, e.g. 'feeling a sharp twinge', are not accidents.

An accident may be caused through:

- The manner of conducting the work, this refers to the way in which any work activity is being carried out including how it is organised or supervised. In other words operating unsafe systems of work.
- The equipment plant or substances used for the purposes of the work. This includes, for example, lifts, hoists, baths, air conditioning units, beds, furniture, gas supplies, any substances used in conjunction with the work.

- The condition of the premises used for the work. This includes the condition of the structure or fabric of a building or outside area, e.g. car park, condition of floors, paving, stairs, lighting etc.

Cumulative exposures to hazards, which eventually cause injury (e.g. repetitive lifting), are not classed as 'accidents' under RIDDOR.

Near Miss

"Any event, which under slightly different circumstances, may have resulted in injury or ill health of people, or damage or loss to property, plant, materials or the environment or a loss of business opportunity".

Example: A window cleaner dropping a bucket from a height, which just missed a person standing underneath, would be classed as a "near-miss" incident. This incident did not cause an injury to a person but, under slightly different circumstances (the person standing nearer to the contact point) the person may have been injured.

Dangerous Occurrences

A notifiable event (to the relevant enforcement authority) of a type specified in schedule 2 of RIDDOR which could have resulted in a reportable injury even if, in the circumstances, it did not do so. There are 27 types of dangerous occurrences included in the "General Category" within schedule 2 of RIDDOR that are relevant to most workplaces. Examples are as follows:

- The collapse, overturning or failure of any load-bearing part of any lifting equipment, other than an accessory for lifting.
- Any plant or equipment unintentionally coming into contact with an uninsulated overhead electric line in which the voltage exceeds 200 volts; or close proximity with such an electric line, such that it causes an electrical discharge.
- Any explosion or fire caused by an electrical short circuit or overload (including those resulting from accidental damage to the electrical plant) which either results in the stoppage of the plant involved for more than 24 hours; or causes a significant risk of death.

05 ORGANISATION AND MANAGEMENT

Chief Executive Officer

The Chief Executive has overall responsibility for ensuring that the company meets its statutory obligations and that effective arrangements for the management of health and safety are put in place.

Chief Officer

The Chief officer of each department has executive responsibility to manage health and safety including compliance with Health and Safety at Work Act, etc. 1974 and other relevant legislation, best practice guidance and Company policies to meet legal and organisational requirements.

Health and Safety Team

The Health and Safety Team is responsible for advising on appropriate measures to meet legal and organisational requirements as required.

Line Managers

Line Managers have direct responsibility for health and safety matters relating to premises under their control and for persons reporting directly to them and are therefore responsible for the implementation of the provisions of this policy for the departments under their jurisdiction by:

- Ensuring that all staff are aware of their responsibility to report any accident, incident, near miss or dangerous occurrence occurring to:-
 - a member of staff whilst carrying out their duties
 - a contractor, whilst on the premises carrying out their duties
 - a member of the public whilst on company property
- Ensuring that accident / incident reports are completed for each accident / incident that occurs on the online reporting systems.
- Meeting the requirements of the RIDDOR, specifically to complete and submit the online RIDDOR reporting form.
- Ensuring copies of the RIDDOR report form are downloaded from the online reporting system on submission of the completed online form or a screen shot taken prior to submitting to take note of the reference number.
- Ensuring that accident / incident investigations are carried out.
- Ensuring that occurrences are reported to other relevant statutory bodies in accordance with their requirement and timescales.
- Informing the Health and Safety Manager of all RIDDOR reportable accidents / injuries.
- Ensuring that following an investigation, relevant risk assessments and any local procedures are reviewed and any remedial action required to improve the effectiveness of control measures are implemented and documented within the risk assessments.
- Ensuring that the investigations form for all RIDDOR reportable / serious occurrences are completed on the online reporting system.
- Reviewing all accidents, incidents, near misses and dangerous occurrences at monthly intervals.

Health and Safety Representatives / Trade Union Representatives

Health and Safety / Trade Union Representatives have certain responsibilities and duties and are able to audit and complete inspections where required.

Health and Safety Representatives have the right to investigate potential hazards and 'dangerous occurrences' and examine the accident data and investigate members' complaints.

Employees / Contractors

Employees and Contractors are responsible for reporting any accident / incident or near miss that occurs to themselves.

06 REPORTING REQUIREMENTS

What should be reported?

Employees are responsible for ensuring that all accidents, incidents (including those not requiring first aid), near misses and dangerous occurrences and any other unsafe situations are reported as soon as possible to their line manager or the person in charge of the premises at the time of the occurrence.

There are 2 levels of reporting:

- In house reporting

- Reporting under RIDDOR

07 IN HOUSE REPORTING

Paper reporting forms

Where staff members do not have access to the My Compliance system, a paper form must be completed and issued to either the responsible person for the facility or the department manager.

Electronic reporting system

The procedure for recording accidents and incidents is by completing an electronic accident / incident report form on 'My Compliance'. All accidents and incidents shall be recorded on the electronic system accessed from the relevant link provided on the company Intranet.

Employees must make a prompt, full and detailed report regarding the accident or incident, and the form must be completed clearly and as fully as possible.

It must contain only factual detail and not supposition or opinion. Some information fields on the systems are mandatory (compulsory) and this is indicated by an asterisk (*). These information fields must be completed to enable the form to be saved to the system. Failure to complete the mandatory information will result in an inability to save the form.

Managers, after checking that the form has been accurately and fully completed shall commence completion of the manager's investigation / response section. It may not be possible to fully complete this section until an investigation into the occurrence have been completed. In these circumstances the section should be closed as "In progress".

Please note – only when an accident / incident is classed as a RIDDOR (please see further guidance on RIDDOR reportable events) then the box should be clicked to state it is a RIDDOR.

Accidents to Visitors / Contractors / Residents

Any non-employee who is involved in an accident or near miss incident whilst on company premises or at a resident's home must report the incident immediately to the person in charge of the premises, who must ensure that the company procedure is adhered to.

All injuries, however minor, must be reported. Contractors should also notify their own employer where applicable.

If an injury occurs to a member of the public on company premises, which results in their removal directly from the scene of the accident to hospital for hospital treatment, then this is RIDDOR reportable.

Road Traffic Collisions

Please refer to the Driving at Work Policy, all incidents, or accidents in relation to an RTA must be reported on My Compliance, although they will not be RIDDOR Reportable.

08 RIDDOR REPORTING

Not all accidents which result in injuries need to be reported, a RIDDOR report is required only when the accident is work-related, and it results in an injury of a type which is reportable – detailed below:-

- **Deaths**

All deaths to employees and non-employees, except for suicides, must be reported if they arise from a work-related accident, including an act of physical violence to a worker.

- **Specified Injuries to employees**

- A fracture, other than to fingers, thumbs, and toes.
- Amputation of an arm, hand, finger, thumb, leg, foot, or toe.
- Any injury likely to lead to permanent loss of sight or reduction in sight in one or both eyes.
- Any crush injury to the head or torso, causing damage to the brain or internal organs.
- Serious burns including scaldings (covering more than 10% of the body, or damaging the eyes, respiratory system, or other vital organs).
- Scalping (separation of skin from the head) which require hospital treatment.
- Loss of consciousness caused by head injury or asphyxia.
- Any other injury arising from working in an enclosed space, which leads to hypothermia, heat-induced illness or requires resuscitation or admittance to hospital for more than 24 hours.

- **Over 7-day incapacitation injuries to employees**

An accident or incident at work, including physical violence, that results in an employee being incapacitated for more than 7 consecutive days.

Incapacitation in this context means being away from work, or unable to perform normal work duties, for more than seven consecutive days.

In the calculation of the period of incapacitation for work any days the injured person would not normally have been expected to work, such as weekends, rest days or holidays, must be included.

Note: Over-three-day injuries are not reportable under RIDDOR, unless the incapacitation period goes on to exceed seven days.

- **Injuries to non-employees**

Work-related accidents involving people who are not at work e.g. members of the public must be reported if a person is injured and is taken **directly** from the scene of the accident to hospital for treatment to that injury. There is no requirement to establish what hospital treatment was provided, and no need to report accidents where people are taken to hospital purely as a precaution when no injury is apparent. If the accident occurred at a hospital, the report only needs to be made if the injury is a 'specified injury' (see above).

Other RIDDOR reportable occurrences

Reportable occupational disease – These diseases include:

- Carpal Tunnel Syndrome: where the person's work involves regular use of percussive or vibrating tools.
- Cramp of the hand or forearm: where the person's work involves prolonged periods of repetitive movement of the fingers, hand or arm.
- Occupational dermatitis: where the person's work involves significant or regular exposure to a known skin sensitiser or irritant.

- Hand Arm Vibration Syndrome: where the person's work involves regular use of percussive or vibrating tools, or holding materials subject to percussive processes, or processes causing vibration.
- Occupational asthma: where the person's work involves significant or regular exposure to a known respiratory sensitiser ; and
- Tendonitis or tenosynovitis: in the hand or forearm, where the person's work is physically demanding and involves frequent, repetitive movements.

A reportable disease must be diagnosed by a doctor. Diagnosis includes identifying any new symptoms, or any significant worsening of existing symptoms. Employees need to provide the diagnosis in writing to their manager.

Exposure to carcinogens, mutagens, and biological agents

Regulation 9 requires employers and self-employed workers to report cases of occupational cancer, and any disease or acute illness caused by an occupational exposure to a biological agent.

For a full, detailed list, refer to the online guidance at: <https://www.hse.gov.uk/riddor/carcinogens.htm>

Reportable dangerous occurrences

Dangerous occurrences are certain, specified 'near-miss' events. Not all such events require reporting. There are 27 categories of dangerous occurrences that are relevant to most workplaces. For example:

- The collapse, overturning or failure of load-bearing parts of lifts and lifting equipment.
- Plant or equipment coming into contact with overhead power lines.
- Explosions or fires causing work to be stopped for more than 24 hours.

For a full, detailed list, refer to the online guidance at: <http://www.hse.gov.uk/riddor/dangerous-occurrences.htm>

09 HOW TO REPORT UNDER RIDDOR

Online

The RIDDOR report form for workplace injuries can be accessed on the following link: <https://notifications.hse.gov.uk/riddorforms/Injury>

Please refer to the Lancaster City Council guidance document "HS Accident Reporting – Guide to completing RIDDOR report form prior to completing the online form.

Telephone

All incidents can be reported online but a telephone service is also provided for reporting fatal / specified, and major incidents **only** - call the Incident Contact Centre on 0345 300 9923 (opening hours Monday to Friday 8.30 am to 5 pm).

10 REPORTING TIMESCALES

In House 'My Compliance' System

The following timescales apply to reporting accidents on My Compliance.

- Accident / Incident records - **within 24 hours** of the accident / incident occurring. If a major accident occurs, then this must be communicated to the Health & Safety Manager **within 12 hours** of the accident / incident occurring.
- A staff debrief **MUST** take place within 48 hours with the staff involved in the incident.

RIDDOR Reportable Injuries

'Specified Injuries'

Notify the enforcing authority of the reportable occurrence by the quickest practicable means without delay. Complete the online RIDDOR report form within 10 days of the occurrence.

'Over 7 day incapacitation'

Where staff have been absent (or not able to carry out their normal work duties) for more than 7 days, complete the online RIDDOR report form 15 days of the occurrence.

11 FOLLOW UP ACTIONS

- All RIDDOR reports must be copied to the Health and Safety Team.
- All accidents / incidents must be investigated to help prevent a recurrence.
- Employees who have been injured must have a return-to-work interview prior to commencing their shift by their Line Manager, in order to discuss their fitness for work – whether they are fully fit for normal duties, or whether their injuries / conditions will cause any limitations in the workplace, in which case support measure must be considered and implemented where reasonably practicable until the IP is fully able to undertake their normal duties.
- It may be required that the IP is referred to the Rehabilitation Service or Occupational Health for professional assessment and advice regarding their ability to carry out full working duties.

12 INFORMATION / TRAINING

To enable employees to understand the importance and requirements of the reporting of accidents, incidents, dangerous occurrences and near misses, appropriate information and training shall be given to all personnel.

13 ACCIDENT INVESTIGATION

Line Managers are responsible for carrying out an investigation after an accident or near miss that has been reported. The purpose of the investigation is to determine the cause or causes so action can be taken to prevent a recurrence. It is not to apportion blame. The degree of investigation being determined by the severity of the accident/incident.

In the event of an accident occurring to a member of staff whilst carrying out their duties or any other person on company premises, the manager or person in charge of the premises at the time shall:

- Ensure that any injured person receives first aid treatment.
- Visit the scene of the accident, ensuring that no immediate hazard remains.
- As far as possible, establish the facts.
- Ensure that all witnesses make a written statement.
- Identify any immediate action required.

- Ensure that, where appropriate, any piece of equipment is withdrawn from service and isolated / identified so that it may not be used; and
- Where considered appropriate, make a sketch or arrange for a photograph to be taken complete relevant documentation.

See supplementary Lancaster City Council guidance document Accident Investigation for further details.

14 REVIEWING ACCIDENT INFORMATION

Accident records shall be reviewed at monthly intervals by managers to ascertain the nature of the accidents and incidents which have occurred, and that remedial action is implemented relevant and appropriate to the circumstances of the occurrence.

This review shall be in addition to an individual investigation of the circumstances surrounding each accident.

Accident information shall also be reviewed at monthly interval as part of the company's compliance and governance system.

15 ACCIDENT / INCIDENT RECORD KEEPING

Reportable Injuries

- Copies of the completed online report form must be forwarded to the Health and Safety Manager.
- Copies of the completed RIDDOR report forms shall be retained in accordance with company policy on document retention.
- Accident records must be kept securely in the premises complying with requirements of GDPR.

In house Accident / Incident reports

- Accident/incident reports for all services and offices shall be retained in accordance with company policy on document retention.
- Accident records must be kept securely in the premises complying with requirements of GDPR.

16 MONITORING AND REVIEW

Monthly statistical analysis will be provided to the Senior Leadership Team in a monthly compliance report.

Where appropriate, RIDDOR will be a regular agenda item for health and safety meetings.

This policy will be reviewed every 2 years, unless changing circumstances require an earlier review.

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DEFINITIONS

Accident

An unplanned, unwanted event or series of events, which results in loss and/or damage (including physical injury) particularly those which arise out of, or in connection with, the work. In relation to RIDDOR, specifically those arising **‘out of or in connection with work’** and acts of non-consensual violence **to people at work**.

There must be an identifiable external event that causes the injury, e.g. a falling object striking someone. Injuries themselves, e.g. ‘feeling a sharp twinge’ or feeling unwell, are not accidents.

Accidents may be caused through:

- The manner of conducting the work, this refers to the way in which any work activity is being carried out including how it is organised or supervised. In other words, operating unsafe systems of work.
- The equipment plant or substances used for the purposes of the work. This includes, for example, lifts, hoists, baths, air conditioning units, beds, furniture, gas supplies, any substances used in conjunction with the work.
- The condition of the premises used for the work. This includes the condition of the structure or fabric of a building or outside area, e.g. car park, condition of floors, paving, stairs, lighting etc.

Cumulative exposures to hazards, which eventually cause injury (e.g. repetitive lifting), are not classed as ‘accidents’ under RIDDOR.

Incidents involving Customers

An occurrence or event that gives cause for concern and may or may not result in injury, which is **not** arising out of or in connection with the work, i.e. not related to systems of work, equipment, or workplace environment. It includes Customers falling ill, going dizzy and colliding with a door frame, falling over their own feet etc.

Near Miss

“Any event, which under slightly different circumstances, may have resulted in injury or ill health of people, or damage or loss to property, plant, materials or the environment or a loss of business opportunity”.

Example: A window cleaner dropping a bucket from a height, which just missed a person standing underneath, would be classed as a “near-miss” incident. This incident did not cause an injury to a person but, under slightly different circumstances (the person standing nearer to the contact point) the person may have been injured.

Dangerous Occurrences

A notifiable event (to the relevant enforcement authority) of a type specified in schedule 2 of RIDDOR which could have resulted in a reportable injury even if, in the circumstances, it did not do so. There are 27 types of dangerous occurrences included in the "General Category" within schedule 2 of RIDDOR that are relevant to most workplaces. For example:

- the collapse, overturning or failure of any load-bearing part of any lifting equipment, other than an accessory for lifting.
- Any plant or equipment unintentionally coming into contact with an uninsulated overhead electric line in which the voltage exceeds 200 volts; or close proximity with such an electric line, such that it causes an electrical discharge.
- Any explosion or fire caused by an electrical short circuit or overload (including those resulting from accidental damage to the electrical plant) which either results in the stoppage of the plant involved for more than 24 hours; or causes a significant risk of death.

WHAT IS RIDDOR?

RIDDOR is the Law that requires employers, and other people in control of work premises, to report and keep records of:

- work-related accidents which cause death.
- work-related accidents which cause certain serious injuries (specified reportable injuries).
- work-related accidents which cause incapacitation of more than 7 days.
- diagnosed cases of certain industrial diseases; and
- certain 'dangerous occurrences' (incidents with the potential to cause harm).

There are also special requirements for gas incidents (see 'Reportable Gas Incidents' below).

Why report?

Reporting certain occurrences is a **legal requirement**.

The report informs the enforcing authorities (HSE, local authorities) about deaths, injuries, occupational diseases, and dangerous occurrences, so they can identify where and how risks arise, and whether they need to be investigated.

This allows the enforcing authorities to target their work and provide advice about how to avoid work-related deaths, injuries, ill health, and accidental loss.

TYPES OF REPORTABLE INJURY?

Deaths

All deaths to workers and non-workers must be reported if they arise from a work-related accident, including an act of physical violence to a worker.

Suicides are not reportable as the death does not result from a work-related accident.

For fatal accidents to workers only, you can phone 0345 300 9923 and an online RIDDOR report form must be completed within 10 days of the occurrence.

Specified injuries to workers

The list of 'specified injuries' in RIDDOR 2013 (regulation 4) includes:

Fractures, other than to fingers, thumbs, and toes.

Bone fractures include a break, crack, or chip. They are reportable when diagnosed or confirmed by a doctor, including when they are specified on a GP 'fit note'. In some cases, there may be no definitive evidence of a fracture (e.g. if an X-ray is not taken), but the injury will still be reportable if a doctor considers it is likely that there is a fracture. Self-diagnosed 'suspected fractures' are not reportable.

Amputation of an arm, hand, finger, thumb, leg, foot or toe.

Amputation includes both a traumatic amputation injury at the time of an accident, and surgical amputation following an accident, as a consequence of the injuries sustained.

Any injury likely to lead to permanent loss of sight or reduction in sight in one or both eyes.

Any blinding and injuries causing reduction in sight are reportable when a doctor diagnoses that the effects are likely to be permanent.

Any crush injury to the head or torso, causing damage to the brain or internal organs.

Injuries to the brain or internal organs in the chest or abdomen are reportable, when caused by crushing as result of an accident.

Any burn injury (including scalding) which:

- covers more than 10% of the whole body's total surface area or
- causes significant damage to the eyes, respiratory system or other vital organs.

Burns which meet the above criteria are reportable, irrespective of the nature of the agent involved, and so include burns caused by direct heat, chemical burns and radiological burns.

Medical staff may indicate the approximate proportion of skin suffering burn damage, and charts are often available in hospital burns units. In adults of working age, the *Rule of Nines* can help estimate the body surface area (BSA) affected:

- skin covering the head and neck: 9%
- skin covering each upper limb: 9%
- skin covering the front of the torso: 18%
- skin covering the rear of the torso: 18%
- skin covering each lower limb: 18%

If the BSA of a burn exceeds 15% in an adult, they are likely to require hospitalisation for intravenous fluid resuscitation.

Where the eyes, respiratory system or other vital organs are significantly harmed as a consequence of a burn, this is a reportable injury irrespective of the surface area covered by that burn. Damage caused by smoke inhalation is not included in this definition.

Any degree of scalping requiring hospital treatment.

Scalping is the traumatic separation or peeling of the skin from the head due to an accident, eg hair becoming entangled in machinery. Lacerations, where the skin is not separated from the head, are not included, nor are surgical procedures where skin removal is deliberate.

Any loss of consciousness caused by head injury or asphyxia.

Loss of consciousness means that the injured person enters a state where there is a lack of response, either vocal or physical, to people trying to communicate with them. The length of time a person remains unconscious is not significant in terms of whether an accident is reportable.

Asphyxia (lack of oxygen) may happen when a person enters an oxygen-deficient atmosphere, such as a confined space, or are exposed to poisonous gases, e.g. carbon monoxide.

Any other injury arising from working in an enclosed space which:

- leads to hypothermia or heat-induced illness or
- requires resuscitation or admittance to hospital for more than 24 hours.

An enclosed space includes any space wholly or partly enclosed, to the extent that there is a significantly increased risk to the health and safety of a person in that space by virtue of its enclosed nature. This includes any confined space as defined by the Confined Spaces Regulations 1997, and additionally similar spaces where there is a foreseeable risk of hypothermia (e.g. a cold store).

For specified injuries, you can phone 0345 300 9923 and an online RIDDOR report form must be completed within 10 days of the occurrence.

Over-seven-day injuries to workers

This is where an employee, or self-employed person, is away from work or unable to perform their normal work duties for more than seven consecutive days.

This seven-day period does not include the day of the accident, but does include weekends and rest days.
An online RIDDOR report form must be completed within 15 days of the occurrence.

Over-three-day incapacitation

Accidents must be recorded, but not reported where they result in an employee **being incapacitated** for more than three consecutive days.

Non-fatal accidents to non-employees (e.g. members of the public)

Accidents to members of the public or others who are not at work must be reported if they result in an injury and the person is taken directly from the scene of the accident to hospital for treatment to that injury.

Examinations and diagnostic tests do not constitute 'treatment' in such circumstances.

There is no need to report incidents where people are taken to hospital purely as a precaution when no injury is apparent.

If the accident occurred at a hospital, the report only needs to be made if the injury is a 'specified injury' (see above).

NOTE: A reportable injury can only be reported in one category, therefore when deciding whether an occurrence to staff is reportable as a "specified injury" or an "over 7 day incapacitation" where both categories are applicable, e.g. the person has sustained a fractured wrist but is also off work as a result of

the fracture, the “specified injury” has priority, so in this example it would be reported in the “specified injury” category.

Injuries to customers / residents / members of the public

Not all sports injuries to pupils are reportable under RIDDOR, as organised sports activities can lead to sports injuries that are not connected with how our facilities manage the risks from the activity.

The essential test is whether the accident was caused by the condition, design or maintenance of the premises or equipment, or because of inadequate arrangements for supervision of an activity.

If an accident that results in an injury arises because of the normal rough and tumble of a game, the accident and resulting injury would not be reportable.

Examples of reportable incidents include where:

- the condition of the premises or sports equipment was a factor in the incident, e.g. where a customer slips and fractures an arm because a member of staff had polished the sports hall floor and left it too slippery for sports; or
- there was inadequate supervision to prevent an incident, or failings in the organisation and management of an event.

Accidents to people we support in a playground / park?

Most playground accidents due to collisions, slips, trips, and falls are not normally reportable. They are only reportable where the injury results in a customer either being killed or taken directly to a hospital for treatment. Either is only reportable if they were caused by an accident that happened from or in connection with a work activity.

This includes incidents arising because:

- the condition of the premises or equipment was poor, e.g. badly maintained play equipment; or
- the planned activity had not provided adequate supervision, e.g. where particular risks were identified, but no action was taken to provide suitable supervision.

Reportable occupational diseases

Employers and self-employed people must report diagnoses of certain occupational diseases, where these are likely to have been caused or made worse by their work. These diseases include (regulations 8 and 9):

- carpal tunnel syndrome.
- severe cramp of the hand or forearm.
- occupational dermatitis.
- hand-arm vibration syndrome.
- occupational asthma.
- tendonitis or tenosynovitis of the hand or forearm.
- any occupational cancer.
- any disease attributed to an occupational exposure to a biological agent.

Reportable dangerous occurrences

Dangerous occurrences are certain, specified ‘near-miss’ events (incidents with the potential to cause harm.) Not all such events require reporting. There are 27 categories of dangerous occurrences that are relevant to most workplaces. For example:

- the collapse, overturning or failure of load-bearing parts of lifts and lifting equipment
- plant or equipment coming into contact with overhead power lines.
- explosions or fires causing work to be stopped for more than 24 hours.

For a full, detailed list, refer to the online guidance at: www.hse.gov.uk/riddor.

Reportable gas incidents

If you are a distributor, filler, importer or supplier of flammable gas and you learn, either directly or indirectly, that someone has died, lost consciousness, or been taken to hospital for treatment to an injury arising in connection with the gas you distributed, filled, imported, or supplied, this can be reported online.

If you are a gas engineer registered with the Gas Safe Register, you must provide details of any gas appliances or fittings that you consider to be dangerous to the extent that people could die, lose consciousness, or require hospital treatment. This may be due to the design, construction, installation, modification, or servicing, and could result in:

- an accidental leakage of gas
- inadequate combustion of gas; or
- inadequate removal of products of the combustion of gas.

You can report online.

Exemptions

In general, reports are not required (Regulation 14) for deaths and injuries that result from **medical or dental treatment**, or an examination carried out by, or under the supervision of, a doctor or registered dentist.

RECORDING REQUIREMENTS

Records of incidents covered by RIDDOR are also important. They ensure that you collect sufficient information to allow you to properly manage health and safety risks. This information is a valuable management tool that can be used as an aid to risk assessment, helping to develop solutions to potential risks. In this way, records also help to prevent injuries and ill health, and control costs from accidental loss.

You must ensure that records are kept of:

- any accident, occupational disease or dangerous occurrence which requires reporting under RIDDOR; and
- any other occupational accident-causing injuries that result in a worker being away from work or incapacitated for more than three consecutive days (not counting the day of the accident but including any weekends or other rest days). You do not have to report over-three-day injuries, unless the incapacitation period goes on to exceed seven days.

You must produce RIDDOR records when asked by HSE, local authority or other statutory inspectors.

All staff accidents, including RIDDOR reports, must be logged on My Compliance.

HOW TO REPORT

Telephone: All incidents can be reported online, but a telephone service remains for reporting **fatal and specified injuries only**.

Call the Incident Contact Centre on 0845 300 9923 (opening hours Monday to Friday 8.30 am to 5 pm).

Online: To access the online RIDDOR report form click on the following link:
<https://notifications.hse.gov.uk/riddorforms/Injury> (this will take you to the form).

Remember that the online reporting system will not automatically e-mail you a pdf copy of the completed RIDDOR form, therefore it is a requirement that you download a copy yourself on submitting the form when completed.

On completion, when you have clicked on the “submit button” another screen will appear with a message that says, “THIS IS THE ONLY OPPORTUNITY TO DOWNLOAD A PDF COPY OF THE COMPLETED FORM”. There is also a download button which you need to click on. This will provide you with a PDF copy of the form you have just completed. You then need to save this pdf copy to a location of your choosing on your computer.

To complete RIDDOR report form

- Complete the details required on the first screen/page. Ensure all fields are completed especially those with an * otherwise it will not allow you to move onto the next page.
- When you have completed the details on screen/page 1, click on the on the next button (this will take you to the next screen/page).
- When you have completed the details on screen/page 2, click on the on the next button (this will take you to the next screen/page).
- Ensure you enter date from the calendar by clicking on the calendar symbol – Do not free type this in
- Choose the relevant options from the drop-down boxes where these are indicated by a drop-down arrow.
- In the box “describe what happened”, give as much detail as you can. For instance:
 - further details about the operation or activity in progress.
 - the environmental conditions.
 - the name of any substances involved.
 - the name and type of any machinery involved.
 - the events that led to the incident.
 - the part played by any people.
 - action taken (if any) to prevent similar incidents occurring.
- When detailing what happened, as you are reporting what another person has told you; you need to use words like “alleged” or “claimed” and should start by referring to the IP (injured person) Use the abbreviation rather than write “injured person”.

Example “IP alleges that she was walking through the park with a person we support when she slipped on black ice and fell. She claims she was wearing flat footwear at the time (trainers). She further claims that following a hospital visit she has a fractured rib, but as yet this has not been substantiated by a medical certificate.

- Click on the on the next button (this will take you to the next page).
- Complete the information relating to the injured person – you must give their home address details NOT the service in which they work. Ensure all fields are completed especially those with an * otherwise it will not allow you to move onto the next page. Click on the on the next button (this will take you to the next screen/page).
- Complete the required information. Where the information fields have drop down boxes indicated by a drop-down arrow and choose the relevant option.
- Ensure all fields are completed especially those with an * otherwise it will not allow you to move on to the next stage.
- Click on the “Submit” button.

USEFUL EXAMPLES

1. A customer has a seizure whilst walking around the council premises; falls and as a result of this sustains a fractured ankle.

Is this reportable?

Answer – **NO** because the cause **WAS NOT** arising out of or in connection with the work activity.

2. A customer is walking around outside the premises and trips over an uneven flagstone; falls and sustained a fractured wrist.

Is this reportable?

Answer – **YES** because the cause **WAS** arising out of or in connection with the work activity. Uneven flagstones are classed as an unsafe environment as they should have been addressed and action taken to make them level/even therefore eliminating the unnecessary tripping hazard.

Category – “Member of the public taken to hospital for treatment”.

3. A member of staff trips over some torn carpet whilst walking into a room in the premises; falls and as a result of this sustains a fractured wrist which is confirmed on a medical certificate issued by a GP.

Is this reportable?

Answer – **YES** because the cause **WAS** arising out of or in connection with the work activity. The torn carpet was making an unsafe environment and should have been subject to remedial action to make it safe.

4. A member of staff feels unwell whilst walking around the premises, faints and falls hitting their head on the floor causing a large laceration. Paramedics are called and take the person to hospital as they assess the wound needs to be glued and the person is showing symptoms of concussion. The floor is checked, and no unsafe circumstances are identified – the person fell purely because they fainted.

The person is kept in hospital for over 24 hours for observation and sends a medical certificate in stating they will be off work for 2 weeks.

Is this reportable?

Answer – **NO** because the cause **WAS NOT** arising out of or in connection with the work activity.

5. A member of staff is walking around the premises, slips and falls hitting their head on the floor causing a large laceration. Paramedics are called and take the person to hospital as they assess the wound needs to be glued and the person is showing symptoms of concussion. The floor is checked and is found to be wet due to an unidentified spillage – it is apparent from checking the person and the area that the wet floor was the cause of the fall.

The person is kept in hospital for over 24 hours for observation and sends a medical certificate in stating they will be off work for 2 weeks.

Is this reportable?

Answer – **YES** because the cause **WAS** arising out of or in connection with the work activity. The spillage on the floor should have been cleared away and not left on the floor creating an unnecessary slipping hazard.

Category - Over 7-day incapacitation.

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1.0 INTRODUCTION

Accidents / Incidents and near miss events can be indications that the arrangements which are in place to control risk have been ineffective. According to the Health and Safety Executive (HSE) at least 70% of accidents are preventable by management actions and that accidents and near miss are opportunities to learn from mistakes. These lessons cannot be learned unless the investigations take place and are thorough, fully exploring the cause and harm. In the case of a near miss event the cause and potential harm of the event.

The management of Health and Safety at Work Regulations 1999, Regulation 5 requires employers to plan, organise, control, monitor & review their health & safety arrangements. Reporting and investigating form an essential part of this process.

There are other very good reasons for effective and thorough investigation, which include:

- Moral obligation.
- Report to Enforcing Authority.
- Damage to plant and equipment.
- Loss of Working Time and Financial Impact; and
- Insurance Obligations.

The organisation requires accident, incident, and near miss or identified hazards information in order to be pro – active in improving health and safety rather than merely reactive, to help reduce the likelihood of injury to persons involved with our business, especially the people we support for whom we have an extra duty of care.

Reasons for Investigating of Accidents / Incidents and Near Miss events include:

- Determine the causes of the occurrence.
- Ensure that any preventative measures taken are adequate to prevent a recurrence and to secure compliance with the law.
- Determine whether any specific breaches of legislation have occurred.
- Increase the knowledge and awareness of the employer/employee; and
- Determine whether lessons can be learnt – Policy review, training requirements etc.

This procedure is applicable to all members of staff, contractors and visitors involved in or witness to an accident, incident or near miss.

Implementation: It is the responsibility of line managers to ensure that staff members are aware of and understand this procedure and guidance and any subsequent revisions.

2.0 REQUIREMENT FOR ACCIDENTS / INCIDENTS OR NEAR MISS TO BE INVESTIGATED

The organisation requires that all accidents / incidents or near miss are investigated, however, the depth of investigation will be influenced by the following factors:

- The type of incident - fall from height, chemical handling, machinery - including vehicles.
- The form and severity of the injury, or the potential for severe injury or damage.
- Whether the accident indicates the continuation of a particular trend in accident experience.
- The extent or involvement of machinery, plant or dangerous substance.
- The possibility of a breach of law.
- Whether accident is RIDDOR reportable; and
- Whether there are likely to be claims against insurance policies.

The My Compliance system is in place for the recording and investigation of all incidents. Investigation records are an integral part of this system.

3.0 INVESTIGATION ARRANGEMENTS

All accidents, incidents and near misses are required to be reported / recorded through the agreed reporting mechanisms (My Compliance) but a decision needs to be made on the level of investigation that needs to be carried out.

Clearly all serious occurrences need a more thorough investigation, which would include looking at the likelihood of the event occurring again and the worst-case potential consequence.

Depending on the potential severity and complexity of the event, the investigation and action plan shall be completed by the appropriate level of personnel, someone who has the authority, status, and knowledge to make and implement recommendations. This will usually be the designate manager in liaison with the Health and Safety Manager, however should the investigation require a team approach, a team can be made up of the following:

- Someone familiar with the work location.
- A manager (Services Manager / Department Manager / Facilities).
- Health and Safety Representative.
- Health and Safety Manager; and
- Other specialist professional(s).

Any findings and recommendations should be reported to Chief Officer.

Ideally an investigation will occur as soon as possible, if not immediately, after the event has happened. If it is left more than a few days then people's memories can fade.

Levels of Investigation

Minimal investigations – A Manager looks at the circumstances of the undesired event, identifies how to prevent future similar incidents and completes required action, documenting records accordingly (online reporting).

Low level investigations – A Manager does a short investigation into the circumstances and looks at the immediate underlying and root causes of the undesired event to try and prevent it from happening again.

Medium level investigations – A more detailed investigation involving the above together with support as required from the Health and Safety Manager.

High level investigation – The highest level of investigation, using a team-based approach this includes Departmental heads, Line Managers, Supervisors, the Health and Safety Manager, Employee Representatives but is led by the Health and Safety Manager.

4.0 INVESTIGATION PROCEDURES

The quality of the investigation and the accuracy of the findings are dependent on the investigation commencing immediately after the accident. This is particularly true when it comes to interviewing witnesses and recording the conditions of the accident location.

The purpose of investigation is to:

- Establish causation (immediate/underlying/root including contributory causes).
- Identify underlying failures in health and safety management systems.
- Identify reasons for any substandard performance.
- Learn from events.
- Identify corrective actions required to prevent/minimize recurrence; and
- Satisfy legal reporting and investigation requirements.

The main elements of an investigation

The event

- What has happened?
- Where has it happened?
- Who has it happened to?
- When did it happen?

The Scene

The place where the accident actually happened – note that there may be more than one scene e.g. fall through barrier onto ledge and then onto floor off ledge.

Evidence

Factual things involved in the event; this can include witness statements, pieces of equipment, documents, photographs, it may even involve a room or section of the building.

Witnesses

This will include anyone present at the time of the event and those not present but who may be able to add information. The best witnesses are those who saw the accident, ensure that they give a witness statement by completing the witness statement section of the electronic accident / incident report form.

To enable a picture to be built up of what happened it is important to talk to anyone involved – including people not actually there at the time but who may have valuable information to input into the investigation – e.g. maintenance personnel.

The investigation will depend upon evidence gathered and witness statements.

Investigation report

The main document that will be produced will sum up what you believe caused the accident and will identify the measures you believe are required to prevent it or reduce the likelihood of it from occurring again. This must be accurate, brief, and clear.

Investigation File

This is the document that will, if required, be used in any court proceedings. It will contain every document you have produced in respect to the investigation and will identify what exhibits have been seized, by whom and where they are. If every investigation is treated as though it were a fatality or as though it were to be subject to court scrutiny, producing a file would become second nature.

The following procedure is recommended:

1. First any casualties should be checked over and provided with first aid as applicable and / or other medical aid as circumstances require, ensure the area is safe and left alone / prevent access.
2. Look at the overall picture first.
3. Use the camera to take photographs of the accident scene.
4. Collect names and contact details of witnesses, to include all those who saw, heard, felt or smelt something related to the event.
5. Interview witnesses separately to ensure that each tells their own story without influence from others. Take full statements about what they have seen and heard, as soon as possible after the event.
6. Clarify the facts where discrepancies occur.

Establish the facts as quickly and completely as possible about:

- The general environment.
- The equipment, product or procedure involved; and
- The sequence of events leading to the accident.

Establish the immediate cause(s):

These are aspects of the accident / incident which directly influenced the outcome (damage or injury) and are often referred to as “direct causes”. They are the features of an accident / incident which immediately contributed to harm or damage being caused.

Establish underlying cause(s):

These aspects of the accident / incident are effectively contributory breaches which in themselves did not cause harm but made a significant contribution to the accident/incident. They are often referred to as “in-direct causes”.

Establish root cause(s):

Generally, these are aspects of our safety management performance or system which have in some way failed – were the policies or procedures adequate, were they implemented / did staff comply with them – if not why not?

5.0 WITNESSES

- Interview them separately so that they can speak freely, without embarrassment and with no influence from others.
 - Ask open questions and do not lead witnesses.
-

- Interview them at the scene of the accident if possible.
- Make the interview as informal and unthreatening as possible – you are establishing what happened, not allocating blame.
- Ask questions to draw out information.
- Feedback to witnesses what you understand they said, to check that your version is correct.
- Include full name and address, telephone number and signature.
- Encourage witnesses to let you know if they subsequently remember anything else that may be relevant.

6.0 ACTION PLAN

When carrying out an investigation fill in the action plan section of the investigation form (on the online reporting system) correctly and ensure that the relevant people are informed. Additional information other than that requested on the form may be required – depending upon the severity and complexity of the incident.

Recommended remedial action should include measures which will prevent similar accidents / incidents or near misses and take account of whether the safety precautions were adequate, but not implemented / complied with. Remedial actions could include any actions reduce the consequence of the event reoccurring as well as actions to prevent reoccurrence, for example:

- Better guarding or barriers where appropriate.
- Better test and maintenance schedules.
- Revised systems of work.
- Safe systems of work – new written or reviewed.
- Improved inspection regime.
- Improved supervision, training instruction and information.
- Improved communication.
- Provision and use of personal protective equipment; or
- Review of similar activities in other areas.

Ensure that remedial action is taken immediately, even if it is only a temporary one for high-risk tasks / activities, do not carry out until sufficient remedial action is implemented. Also, permanent action is taken as soon as possible with planned completion dates recorded.

Details of actions to be completed to prevent an occurrence must be recorded, and should:

- Identify and consider alternative or improved measures of risk control (training, signage, guarding).
- Identify risk assessments / policies or procedures to be reviewed.
- The action plan should have SMART objectives, i.e. Specific, Measurable, Agreed, and Realistic, with timescales recorded.

Review findings and recommendations:

- The report writer's Manager and the Health and Safety Manager should review the report.
- They should evaluate the quality of the report and give feedback on how it could be improved.

7.0 INFORMING OTHERS

The report and action plan must be communicated to the relevant interested parties:

- Who will have a duty to complete actions they have been made responsible for.
- Have a direct health and safety responsibility involved (Line Management).

- Relevant external agencies requiring a statutory report; and
- Health & Safety representatives and committees.

8.0 INCLUSION IN MONTHLY SLT's and HEALTH AND SAFETY MEETINGS

Accidents / Incidents and Near Miss events and reports are to be included in the monthly SLT's and health and safety meetings to:

- Monitor that the completion of recommended remedial actions have been taken on time.
- Check the ongoing effectiveness of actions.
- Raise the awareness of events to all staff groups; and
- Ensure the full local compliance with this policy.

9.0 MONITORING AUDIT AND REVIEW

The ongoing implementation of this policy will be monitored through supervision, Health, and Safety Committees and also the company Health and Safety Audit Process.

PEOPLE AND ORGANISATIONAL DEVELOPMENT COMMITTEE

HR POLICY DEVELOPMENT AND REVIEW

6 March 2024

Report of the HR Policy and Strategy Lead

PURPOSE OF REPORT

To enable the Committee to consider and approve the introduction of revised Flexible Working Request, Disciplinary and Sickness Absence Management policies.

This report is public.

RECOMMENDATIONS

That the draft revised Flexible Working Request, Disciplinary and Sickness Absence Management policies appended to this report are considered by the committee and approved.

1.0 Introduction

- 1.1 The council has undertaken a phase three review of HR Policies which fall into the category of flexible working requests, disciplinary and sickness absence management.
- 1.2 The policy review continues to concentrate on standardising format and branding of all the HR policies; bringing them in line with the branding selected to produce the employee handbook.
- 1.3 The policy review also concentrates on simplifying and shortening policies where possible, so that they are easier to follow and digest for employees, trade unions and managers.
- 1.4 It is considered that a lot of information currently in these policies would be better served in guidance documents to ensure that the policy is focused on the fundamentals of principles and process. It is the intention that each of these policies will be introduced alongside a suite of supporting documents provided to both managers and employees to ensure they each feel equipped and prepared to engage with these meetings.
- 1.5 The policies are appended to this report, as well as a policy review tracker which focuses specifically on amendments to the policy.

2.0 Disciplinary Policy

- 2.1 The existing LCC Disciplinary Policy was last reviewed in 2019 and comprises an 18-page master policy and four appendices.
- 2.2 The main focus of the policy is on roles, responsibilities, and the procedure to be followed. Some FAQs have been introduced to address nuanced situations that the policy previously covered, but they are now much more accessible. If an employee is reading the policy for one of those specific purposes, their questions will be found very

easily. The FAQ section is something we can add to should any anomalous situations arise outside of a formal policy review.

- 2.3 The much-consolidated policy has an increased focus on informal resolution of minor conduct issues. Line managers are currently undergoing mandatory training on the disciplinary process to identify and differentiate between minor matters of misconduct which should be resolved informally and swiftly, and more serious incidents of misconduct which require investigation.
- 2.4 Whilst consolidated, there are no substantive changes suggested to the disciplinary process (or associated sanctions). The informal and formal stages of the process will remain the same, and the Chief Executive and Chief Officers remain only those with authority to approve suspension.
- 2.5 Throughout the policy there is a greater focus on alternatives i.e., alternatives to suspension and alternatives to dismissal. There is less emphasis on the specific examples of misconduct and gross misconduct and more emphasis on the difference between the two.
- 2.6 Employees (and the Disciplinary Hearing Manager) have historically had an unfettered ability to request witnesses *attend* hearings to be “cross-examined” by the employee and Disciplinary Hearing Manager. In a bid to de-formalise the process as much as possible, and to move away from a case versus case mentality, there is a new obligation on employees to identify potential witnesses at investigation stage, so the Commissioning Officer has all of the facts when deciding whether the formal disciplinary process should be initiated. Written witness evidence supporting mitigation should be shared by employees in advance of a hearing, and only in exceptional cases i.e. where there is new evidence, or it could not have reasonably been foreseen that the relevant witness could add value, should they be invited to attend a hearing. We consider this will lead to less rescheduling based on witness availability and is consistent with a move away from an overly legalistic approach to formal processes.
- 2.7 At the last People and OD Committee meeting, the new LCC Appeal Policy was approved which introduced consistency of the appeals process for each decision which carries the right of appeal. The disciplinary policy now links to the Appeal Policy.
- 2.8 If approved, the policy will be launched alongside a suite of supporting documents including guidance for Investigating Officers and Disciplinary Hearing Managers.

3.0 Sickness Absence Management

- 3.1 The LCC Sickness Absence Management Policy and Procedure had not been reviewed since 2016 and comprised a 40-page document including 4 appendices.
- 3.2 It is one of the most frequently used policies for line managers and employees, so we considered it important that it was as concise and easy to follow as possible. The focus of this review has therefore been on consolidation. The use of FAQs (which will be highlighted to employees viewing the policy on the intranet) should hopefully answer some of the specific questions an employee might look at the sickness absence policy for.
- 3.3 The current policy starts off with the nuanced circumstances around sickness absence such as withdrawal of sick pay, attendance at appointments, employee third party compensation claims and work-related ill-health or injury. It is a vast amount of information to get through prior to sickness absence reporting and the actual process to follow should an employee be absent from work due to sickness absence. The nuanced

situations have been addressed as FAQs at the end and the policy now concentrates on entitlement, reporting and stages of the process.

- 3.4 There is no proposal to change any of the stages of the informal or formal absence management process for either short or long-term absences. The only substantive change is in respect of repeated long-term absences. Previously, the policy required that managers look back at the previous 36 months when a third period of long-term sickness absence had started and automatically refer to a stage 3 Review Meeting. This has been reduced to 24 months, so that managers are not looking back as far. We consider that this will mean fewer automatic referrals to a Stage 3 in these circumstances. The policy still provides that disability related absences will not be counted in these circumstances (and they will likely make up a significant proportion of LTS absences in any event).
- 3.5 The previous policy made it clear that telephone was the preferred method of communication unless the employee is severely inhibited. This is underlined in the consolidated new policy. LCC understands that there will be times that employees cannot communicate their absences directly by telephone, but it remains the preferred method of communication. Further, the existing policy is very prescriptive around the days that contact must be made during sickness absence. This will very much be dictated by the reason for the sickness absence and contact on the second fourth and eight day may not be conducive to recovery or appropriate in the circumstances. LCC wants to empower managers to decide how much contact is necessary and to agree this with the employee when the absence is first communicated.
- 3.6 The policy previously required fit notes to be provided if an employee fell sick during a holiday. This is inconsistent with self-certification and in all cases, self-certification will be applicable for the first 7 calendar days of sickness absence (pro-rated for part-time employees).
- 3.7 The policy previously made it a Chief Officer's responsibility to *confirm* a work-related injury. We do not consider that it should be a Chief Officer's responsibility to decide whether something is a work-related injury or not, particular as it relates to liability, but only to decide whether their discretion should be exercised to increase sick pay for those who have not yet reached the maximum. The updated policy makes it clear that exercising such discretion is not an admission of liability.
- 3.8 At the last People and OD Committee meeting, it was considered whether there is a place for previous decision makers in a final hearing. The wording of the policy has been adapted so that it is no longer a *requirement* that a previous decision maker be in a case review hearing, but that a Chief Officer can choose to invite a previous decision maker if they wish. If *either* the Chief Officer *or* the employee decides that they wish for the previous decision maker to be present, they are *required* to attend the case review hearing.
- 3.9 At the last People and OD Committee meeting, the new LCC Appeal Policy was approved which introduced consistency of the appeals process for each decision which carries the right of appeal. The Sickness Absence Policy now links to the Appeal Policy.
- 3.10 If approved, the policy will be launched alongside a suite of supporting documents which will include manager guidance on how to conduct informal and formal review meetings.

4.0 Flexible Working Request Policy and Procedure

- 4.1 The Flexible Working Request Policy and Procedure had already been updated in July 2023 in anticipation of the April 2024 changes in legislation. A review has been undertaken to ensure that the policy remains compliant with legislation.

- 4.2 The April 2024 changes remove the requirement that an employee needs to explain the impact they consider the requested changes may have on the business and the workforce. The Policy did not include this requirement, however the Application Form did, and this has now been removed.
- 4.3 At the last People and OD Committee meeting, the new LCC Appeal Policy was approved which introduced consistency of the appeals process for each decision which carries the right of appeal. The Flexible Working Request Policy now refers to the new Appeal Policy, and as such employees will have a further five working days to submit an appeal, in line with appeals of other formal decisions.

5.0 Comments and Amendments following the meeting of JCC on 21 February 2024

Flexible Working Requests

- 5.1 The first policy discussed at the meeting of the JCC was the Flexible Working Request policy. Following an observation at the meeting, provision 6.1 has been revised to ensure that employees are kept up to date if an initial review of a formal request is taking longer than 7 days. This would routinely happen in any event, however the policy is now explicit.
- 5.2 It was also observed that there is an increased emphasis on de-escalation, and a greater emphasis on informally resolving issues more widely, and it was therefore suggested that an informal process could be introduced as regards flexible working requests. This will require a process to be mapped out to ensure that any permanent changes are adequately reflected from a HR perspective, but this will necessitate changes to provision 1.2 to include the option to agree flexible working requests informally, and a new provision to encourage informal resolution where possible prior to requesting an application form be submitted. It requires further deliberation on when it may be necessary to rely on the application form and to ensure all parties are comfortable with how specifically the policy will be adapted going forward to provide for this.

Disciplinary

- 5.3 A couple of straightforward amendments have been made to the Disciplinary policy following observations made at the JCC meeting:
- 5.3.1 Provision 6.2 has been amended to confirm that suspension is a neutral act designed to protect the Council and the employee; and
- 5.3.2 Provision 7.5 has been amended to remove the first bullet point confirming that the investigating officer will write to the employee confirming the name of the investigating officer (rather the letter will be signed off by the investigating officer).

Sickness Absence Management

- 5.4 Two amendments have been made to the Sickness Absence Management policy following observations made at the JCC meeting:
- 5.4.1 Provision 10.1 has been revised to include an *essential* referral to Occupational Health where an employee is suffering from work related stress; and
- 5.4.2 Provisions 13.1 and 13.2 have been amended to remove references to “automatic” referral to a stage 3 case review hearing, and instead the emphasis is on

may to ensure that managers are conscious of whether this is an appropriate step in the circumstances.

5.5 There was some reflection on the usefulness of the Bradford Factor and the use of triggers in sickness absence management. It was acknowledged that there was not the time to consider this in greater detail prior to the next People and Organisational Development Committee meeting, however, there have been internal comments to the same effect, and will be something which is explored further in future.

6.0 Options

6.1 The options available to the Committee are to approve the revised policies as drafted, to approve the policies with amendments, or not to approve the policies.

6.2 However, if substantial changes in respect of any Policy are proposed at the People and Organisational Development Committee meeting, it may be appropriate for consideration of that Policy to be deferred to a future meeting to enable Officers to consider the proposed amendment in more detail and to consult further with the trade unions.

7.0 Conclusions

7.1 Members are asked to consider and accept the Officer recommendations set out above in respect of the draft policies appended to this report.

**CONCLUSION OF IMPACT ASSESSMENT
(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):**

Please see associated Equality Impact Assessment in respect of the proposed revised policies. There is no notable impact when compared with the existing policies as the revisions proposed are minor, the revised policies achieve the same aims and are necessary for legal compliance.

LEGAL IMPLICATIONS

There are no further legal implications. Each of these policies are necessary to ensure legal compliance.

FINANCIAL IMPLICATIONS

There are no financial implications to the implementation of the policy.

OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces:

Chief Officers and their delegates, managers and HR have significant roles to play in these procedures. The revised policies will be implemented at a time where the Lancaster People Manager Essentials mandatory courses are being run to upskill line managers in these commonly used areas.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no comments to add.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

Policies and policy amendment tracker are appended.

Contact Officer: Laura Collins

E-mail: lcollins@lancaster.gov.uk

HR Policy Amendments Tracker

Policy Section Number (new number)	Existing/New Section	Section Heading	Amendment/addition Notes
Flexible Working Request Policy			
3.1	Revised Existing	Conditions and Arrangements	The provision set out the statutory time limit of 2 months to respond to a request (including appeal). It is still LCC's commitment to dealing with flexible working requests within 1 month, but the statutory requirement is 2 months to <i>respond</i> to a request, <i>not</i> to have also dealt with an appeal (as there is no statutory right of appeal). Amended to re-state the statutory requirement of 2 months to respond.
12.1	Revised Existing	Appeal	Revised to include reference to the recently approved LCC appeal policy. This will give employee's a further 5 days to appeal a decision and brings the appeals process in line with all other decisions which carry a right of appeal for consistency.
Flexible Working Request Application Form	n/a	n/a	Removed the section which previously requested employee's to set out the impact the request may have on the service in line with new legislative requirements.
Disciplinary Policy			
N/A	N/A	Branding	Policy re branded to new format.
N/A	N/A	Generic Layout	Layout follows new format. Scope, Purpose, Roles & Responsibilities followed by the procedure to be followed.
3.2	New	Employee's Responsibilities	Introduced 2 new employee responsibilities: <ol style="list-style-type: none"> 1. To make the Commissioning Officer and/or Disciplinary Hearing Manager aware of any reasonable adjustments that may be required to co-operate with the process (this has been updated in the invite letters to remind employees); and 2. To provide any evidence, including naming any relevant witnesses to either the Investigating Officer or the Disciplinary Hearing Manager to consider as soon as possible (see "witnesses" below)
3.3	New	Council's Responsibilities	The previous policy had objectives and principles but no Council responsibilities. We have introduced Council Responsibilities which reflect the previous objectives and principles to showcase the fact that it is not just line managers and employees who are responsible for good conduct; it is also the Council's responsibility to promote fairness and consistency.

4	Revised Existing	Misconduct or gross misconduct: what is the difference?	The existing policy included a section around the difference between misconduct and gross misconduct. It acknowledged it would be impossible to provide a conclusive list but some of the examples given were misleading as to their severity i.e. equality and diversity breaches were listed under misconduct (when they could very possibly be gross misconduct). We have moved away from using lots of specific examples to highlight what is considered misconduct or gross misconduct as this will be dictated by the specific circumstances. The new policy focuses on the impact and distinguishes gross misconduct as a matter so serious that dismissal ought to be considered. The new mandatory training on disciplinaries aims to empower managers to evaluate the severity of misconduct and to know how to act immediately i.e. for matters which are minor with inconsequential impact, they should deal with it informally and for matters they consider cannot be remedied by a 1:1 conversation, they should initiate an investigation.
5	Revised Existing	Conduct outside of work/criminal activity	Merged previous paragraphs 6 and 7 concerning conduct outside of work and criminal activity. Focus is on respect for a private life and the relevance of the conduct to the workplace but sets out detail as before around what the Council may consider dealing with internally.
	Removed from Existing	9. Raising Concerns Whilst at Work	Current paragraph 9 refers to the raising concerns whilst at work policy and makes it clear that if that policy has been misused then it could be a disciplinary matter. Policy misuse more generally is a matter to be considered for disciplinary, so it did not feel necessary to include this one specific example.
7.18 and 7.19	Revised Existing	Disciplinary Hearing (re appeals)	The recently introduced Appeals Policy ensures that all formal decisions with the right of appeal will be handled in the same manner consistently. A right of appeal is of course afforded in the case of any formal sanction under the disciplinary policy and rather than setting out the appeal process in detail or in an appendix, the appeal policy will be linked.
	Revised Existing	Existing policy "22. Witnesses"	The current policy provides that employees and managers can call witnesses to a disciplinary hearing and that they can each be "cross-examined" by the other. We want to move away from a case versus case mentality and focus on examination of evidence presented. It should not be a managers case versus an employee's case, it is an opportunity for an impartial manager to decide on the evidence whether they have formed a reasonable belief in the allegations. We have introduced a new employee obligation as above to identify any witnesses early in the procedure i.e., at investigation stage to ensure that investigation manager has taken those views into account when conducting the investigation (as these could be pivotal when the Commissioning Officer decides whether there is a case to answer). Witnesses may also be useful in mitigation, but again, a witness statement provided in advance of the hearing would be preferable. The emphasis is now on witness statements, but there is still cope for witnesses to attend where it has not been possible/foreseeable to obtain their evidence earlier.
	Revised Existing	Appeal	Revised to include reference to the recently approved LCC appeal policy. This will give employee's a further 5 days to appeal a decision and brings the appeals process in line with all other decisions which carry a right of appeal for consistency.
	Revised existing	Removal of appendices	There were extensive appendices to the policy document setting out how the meeting and hearing would be run. This information is better served in guidance document which is tailored to the relevant party. Manager guidance will be implemented to ensure managers are equipped to conduct fair hearings.
	Revised Existing	Review	Annual review is recommended. It is unlikely that substantive changes will be necessary to this policy as the disciplinary procedure is rather routine, but it will give HR the opportunity to add to FAQs or to address in-year cases which might prompt minor changes.
N/A	N/A	FAQ's	Introduction of FAQs to separate out some of the nuanced points. This will serve as an area we can continue to add to if anomalous scenarios arise which were not envisaged at the time of review. For Performance

			Improvement purposes these FAQs include applicability of the policy to employees on probation or appoint review, those who have lost any relevant licences, pay increment and more. All of this information was included within the policy previously, it has just been set out so it is more accessible.
Sickness Absence Policy			
N/A	N/A	Branding	Policy introduced with branding to match new format.
N/A	N/A	Generic Layout	Layout follows new format. Scope, Purpose, Roles & Responsibilities followed by the procedure to be followed.
N/A	N/A	Consolidation of all provisions	All provisions have been consolidated. All substantive changes are set out in the below areas:
	New	FAQs	Moved the sections on withdrawal of sick pay, attendance at appointments, employee third party compensation claims (the notification of a claim having been made now being an employee obligation), work-related ill-health or injury to the FAQ section, so the main body of the policy can get straight into entitlement and the process to follow to report absence and then the informal and formal management steps.
5	Revised existing	Sickness Absence Reporting Procedure	Employee's (unless severely inhibited) <i>required</i> to make contact by telephone only. More flexibility for manager and employee to agree how much checking in is necessary (which ought to be dictated by the reason for the absence). LCC recognises that too much contact may not be conducive to recovery.
		Self-certification	Existing policy required a fit note for any sickness absence taken during an existing holiday. This is not consistent with self-certification, which is now applicable across the board in the first 7 days of absence (pro-rated for part-time employees).
8	Consolidated existing	Formal absence management	Stages 1 – 3 of the formal process contained a lot of repetition as the process is the same (save for how the first stage is triggered). Removed repetition and consolidated into one section rather than separate sections for each stage.
9	New	Disabilities and reasonable adjustments	Intro of definition of disability. HR should be engaged where a manager suspects or is told directly that an employee has a disability. This is so that occupational health can be engaged as appropriate and reasonable adjustments can be reflected on as soon as possible.
13	Revised existing	Repeated LTS	Policy previously provided for a 36-month period to look back at when a third LTS absence had started. This has been reduced to 24 months, as the 36-month period was considered too long and would not likely cause as much disruption as 2 LTS instances in 24 months. Disability related LTS will not count towards this, and neither will work related illness/injury.
15.6	Removed existing	Re: interim reviews	During formal absence management, it was previously necessary to have an interim review. If absence targets have been set, and there are no absences, it will be clear to each party that good progress is being made against those targets. If there are any absences during the review period, a return to work will still be necessary, so it feels unnecessary to also be holding interim reviews. A review will be important at the end of the review period to confirm that targets have been met and to confirm the current absence indicator points (and therefore make the consequences of follow up absences clear).
	Revised Existing	Case Review Hearing(s)	Consistent with other changes to grievance, performance improvement and appeal, no longer a <i>requirement</i> for previous decision maker to be present in hearing., But, if <i>either</i> the employee or the Chief Officer wants them there, they are <i>required</i> to attend to answer questions.
	Revised Existing	Appeal	Revised to include reference to the recently approved LCC appeal policy. This will give employee's a further 5 days to appeal a decision and brings the appeals process in line with all other decisions which carry a right of appeal for consistency.

	Revised existing	Removal of appendices	There were extensive appendices to the policy document setting out how the meeting and hearing would be run. This information is better served in guidance document which is tailored to the relevant party. Manager guidance will be implemented to ensure managers are equipped to conduct fair hearings.
	New	When will the policy be reviewed?	Annually or earlier in the event of relevant legislative action.
Document control added and footer with version reference.			



Lancaster City Council's Equality Impact Assessment Guidance and Form

What is an equality impact assessment?

An equality impact assessment is a way of understanding the impact that a new way of doing things might have on members of our community, in particular people from protected groups. This could be a new service, practice, policy, strategy, project or decision.

Protected groups include age, disability, faith, religion or belief, gender (including marriage, pregnancy and maternity), gender reassignment, race and sexual orientation (including Civil Partnership).

Please note: the impact on rural communities and people on low incomes must also to be considered.

Why do I need to carry out an equality impact assessment?

Part of the council's core purpose is to *'provide a range of customer focused services and offer value for money and meet the needs of people who live, work and visit the district' and to 'maintain a cohesive community by ensuring we understanding the needs of our communities and provide equality of access to our services and employment opportunities'*.

It is therefore important that we collect and use information about our community to help us to understand how service changes and decisions might impact on the local community.

Our corporate *Ethos* makes it clear that in our stewardship role the council has a responsibility for *'ensuring the social, economic and environmental wellbeing of the local area'* and that in terms of social justice that *'the values of local government are founded on equality and meeting community needs'*.

Therefore we should consider how everything we do will impact on the communities that we serve. This should lead to more informed decision making, more customer focussed, cost effective, efficient services for local people.

When delivering services and employment, the council has a general equality duty to consider the need to:

- Eliminate unlawful discrimination, harassment, victimisation or other unlawful conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not.

How do I carry out an equality impact assessment?

A simple form has been developed to assist services with carrying out equality impact assessments.

The form provides a consistent approach to equality impact assessment, however, it is more important that we consider how everything we do will impact on the local community and that action is taken to mitigate impact. The form provides a way of recording this.

The council's 'getting to know our communities' data will help services to assess potential impact on protected groups. This provides both local and national statistics and is available on the Elsie equality and diversity page (via HR).

All councils have to produce similar information, therefore it may be useful to do a web search rather than starting from scratch.

An example of a completed form is also available on the Elsie equality and diversity page (via HR).

When do I need to carry out equality impact assessment?

Equality impact assessment should take place when considering doing something in a new way.

For example:

- A change in a current service or introduction of a new service
- The review of a current policy/strategy or the development of a new policy/strategy
- The start of a new project or when making a decision.

A decision making flow chart is available on the Elsie equality and diversity page (via HR).

An equality impact assessment form will need to be completed as an appendix to decision making committee reports eg Cabinet, Council.

Please note: the outcomes of your equality impact assessment should be used to inform your reports.

Please refer to the report writing guidelines on Elsie or contact democratic services for advice on this.

Who should carry out equality impact assessment?

An equality impact assessment should be carried out by the officer leading on above examples.

Who can I contact for support and guidance?

Equality impact assessment support is available from the HR and Organisational Development Team.

Equality impact assessment form

An equality impact assessment should take place when considering doing something in a new way.

Please submit your completed form as an appendix to your committee reports for monitoring and publishing purposes to ['report clearance'](#) (please refer to report writing guidance).

Please keep your answers brief and to the point. Consideration needs to be reasonable and proportionate.

Please also remember that this will be a public document – do not use jargon or abbreviations.

Section 1: Details

Service	People and Policy
Title and brief description (if required)	Revision of the disciplinary, flexible working request, and sickness absence management policy
New or existing	Existing
Author/officer lead	Laura Collins, HR Policy and Strategy Lead
Date	21.02.2024

Does this affect staff, customers or other members of the public?

Yes Please complete the rest of the equality form.
No Please return the equality form as above.

Section 2: Summary**What is the purpose, aims and objectives?**

To review and update the disciplinary, flexible working request, and sickness absence management policies.

Who is intended to benefit and how?

1. Existing members of staff and applicants– improving and developing our employment offer, ensuring our policies continue to be in line with legislation and best practice.
2. Line Managers – providing a policy framework which is compliant and relevant and can assist them in managing people processes.

3. Lancaster City Council – attracting and retaining talent in our workforce ensuring that policies link to other wider underpinning strategies such as the people plan and fair work charter aims.

Section 3: Assessing impact

Is there any potential or evidence that this will or could:		
• Affect people from any protected group differently to others?	Yes*	No
• Discriminate unlawfully against any protected group?	Yes*	No
• Affect the relations between protected groups and others?	Yes	No
• Encourage protected groups to participate in activities if participation is disproportionately low (won't always be applicable)?	Yes	No
• Prevent the council from achieving the aims of its' Equality and Diversity Policy?	Yes	No

If yes, please provide more detail of potential impact and evidence including:

- A brief description of what information you have and from where eg getting to know our communities data, service use monitoring, views of those affected ie discussions or consultation results?
- What does this tell you ie negative or positive affect?

Age including older and younger people and children	N/A
Disability	*All HR policies constitute a “provision, criterion or practice” which, even if applied equally to all members of staff, could disproportionately impact those with protected characteristics and therefore amount to discrimination for the purposes of the Equality Act. With these policies in mind, disability is relevant. In particular, a disabled employee’s ability to co-operate with the formal processes and propensity for a larger than average amount of sickness absence. There is of course a legitimate aim being pursued in having each of these policies in place and ensuring that reasonable adjustments are made. These are also pre-existing policies with minimal updates (and the revisions made are more favourable for employees than the existing policies).
Faith, religion or belief	N/A
Gender including marriage, pregnancy and maternity	N/A
Gender reassignment	N/A

Race	N/A
Sexual orientation Including Civic Partnership	N/A
Rural communities	N/A
People on low incomes	N/A

Section 4: Next steps

Do you need any more information/evidence eg statistics, consultation? If so, how do you plan to address this?

No

How have you taken/will you take the potential impact and evidence into account?

N/A

How do you plan to monitor the impact and effectiveness of this change or decision?

Policies to be reviewed in line with regular cycle of review annually.

Thank you for completing this equality impact assessment form, please submit your completed form as an appendix to your committee reports for monitoring and publishing purposes to ['report clearance'](#) (please refer to report writing guidance).



Disciplinary Policy and Procedure

1. Who does this policy apply to?

- 1.1 All employees of Lancaster City Council, (LCC) except those who are in their probationary period (in which case the Probation and Appointment Review Policy applies), casual workers, Chief Officers and the Chief Executive (to each of whom it does not apply at all).

2. What is the purpose of this policy?

- 2.1 To provide a consistent and fair framework for addressing unacceptable behaviour and to encourage improvement amongst employees whose conduct is unsatisfactory. It is also to ensure that where the misconduct is so severe that dismissal is a potential outcome, alternatives are explored first, and the decision to dismiss is therefore a fair one. Dismissal will be considered only as a last resort.

3. What roles do management, the employee, the Council and HR play in this policy?

Management Responsibilities

- 3.1 Managing conduct is a line manager's responsibility. Managers must:
- Effectively communicate the standards of conduct expected;
 - Ensure employees understand the Council's Values and Behaviours;
 - Act upon instances of misconduct without delay and promptly engage HR;
 - Implement the Disciplinary Policy and Procedure consistently and in line with best practice as advised by HR;
 - Read and follow the Disciplinary Policy and Procedure, and any associated manager guidance to effectively contribute to the overall management of conduct issues;
 - Ensure that employees are released to co-operate with investigations and hearings as required;
 - Commit to dealing with minor issues of misconduct informally; and
 - Act fairly and impartially when tasked with investigation, or decision making in accordance with this policy and procedure.

Employee Responsibilities

- 3.2 Employees are responsible for ensuring they uphold the appropriate standard of conduct. Employees must:
- Comply with all Council wide, service specific and professional standards of conduct, including the Council's Values and Behaviours;

- ❑ Co-operate with the various stages of this policy and procedure by engaging with the fact-finding investigation and disciplinary hearing(s). This may also include acting as a witness in an investigation into someone else's alleged misconduct;
- ❑ Request any reasonable adjustments which may be necessary at any stage of the disciplinary procedure. Requests should be made to the Commissioning Officer at fact-finding stage and the Disciplinary Hearing Manager at the disciplinary hearing stage;
- ❑ Provide any evidence that they wish for an Investigating Officer or a Disciplinary Hearing Manager to consider as soon as possible (including naming any witnesses who they consider an investigating officer should speak with during the investigation stage).

Council Responsibilities

- 3.3 It is the Council's responsibility to ensure that employees, managers and HR are empowered to perform their responsibilities in connection with this Policy. Also, the Council must:
- ❑ Ensure that disciplinaries are considered fairly and consistently;
 - ❑ Ensure that reasonable adjustments are considered when requested;
 - ❑ Ensure that the Disciplinary Process and Procedure is in line with guidance provided by ACAS (Advisory, Conciliation and Arbitration Service).

HR responsibilities

- 3.4 The HR Team are responsible for supporting and advising managers and employees, and thereby contributing to the maintenance of proper conduct. HR will:
- ❑ Routinely update the Disciplinary Policy and Procedure, and ensure that appropriate training is implemented for managers;
 - ❑ Advise managers on all aspects of the Disciplinary Policy and Procedure and provide guidance on best practice and consistency;
 - ❑ Provide support during disciplinary hearings and other formal disciplinary meetings when required;
 - ❑ Promote and support the Council's Values and Behaviours

4. Misconduct or gross misconduct: what is the difference?

- 4.1 It would be impossible to provide a list of examples to cover all scenarios which the Council would consider to be misconduct or gross misconduct. However, it is important to understand what the Council considers to be the difference and how incidents will therefore be approached.
- 4.2 For matters of minor misconduct, the Council will firstly consider informal action. Examples of minor misconduct could be poor timekeeping, first unauthorised absence or a failure to follow reasonable instructions. There are a number of other situations where minor misconduct could be identified, but the impact of the alleged misconduct will factor into how serious the Council considers it to be. It is likely that if there is no to little harm caused by the alleged misconduct, the allegation would be one of misconduct and informal resolution would be explored initially, before moving forward with the formal part of the Policy and Procedure.
- 4.3 Where the impact/harm to the Council or its' employees or agents, or the public is more serious, but the alleged misconduct does not warrant considering dismissal, this type of conduct is likely to be considered serious misconduct, which could lead to a final written warning (even in the absence of prior warnings).

- 4.4 Gross misconduct, is alleged misconduct which is so serious that dismissal is a likely outcome if, following the disciplinary hearing, the disciplinary hearing manager forms a reasonable belief that the employee has committed the act. Examples likely to be deemed gross misconduct include theft, physical violence, bullying and harassment, gross negligence or serious insubordination.
- 4.5 Concerns with under performance or a failure to meet the required performance standards will typically be dealt with via the Performance Improvement Policy. However, any issues of sub-standard performance that result from *deliberate* misconduct or gross negligence, will be dealt with using the Disciplinary Policy and Procedure.
- 4.5 During the course of a disciplinary an employee will always be aware of the circumstances being investigated, and subsequently prior to a disciplinary hearing what the allegations are against them, how serious those allegations are considered to be i.e. misconduct or gross misconduct, and what the potential outcome of a disciplinary hearing could be. It is important to be aware that live warnings have cumulative effect, and therefore multiple warnings for misconduct can ultimately add up to dismissal with notice. Upholding an allegation of gross misconduct could lead to summary dismissal i.e., immediate dismissal without notice.

5. Conduct Outside of Work/Criminal Activity

- 5.1 The Council respects that all employees are entitled to have a private and personal life outside of work and where issues arise in an employee's private life which are not relevant to the workplace, they will not be investigated or explored by the Council. However, where such conduct outside of the workplace undermines an employee's ability to perform their role, may bring the Council into disrepute, or there is a connection between such external conduct and the workplace, the Council will deal with such conduct via this Policy and Procedure. Please refer to Section 3.3 of the Code of Conduct for further details around conduct outside of the workplace.
- 5.2 Similarly, where an employee is the subject of criminal proceedings, the Council will be required to assess whether or not this is relevant to the workplace. This will of course be very fact sensitive, and the Council will carefully consider its course of action. Where an employee is unable to fulfil their contract of employment due to criminal charges, the Council will consider whether the employee is able to continue in the role in accordance with their contract of employment.

6. Suspension

- 6.1 In some cases, suspension from duties may be necessary. This could be due to the severity of the allegations, the breakdown in relationships, to protect the integrity of an investigation, or if there is a risk to other people or Council property. Prior to suspending an employee, alternatives to suspension will be considered such as amended duties or working from a different location.
- 6.2 Suspension is not a presumption of guilt, and it is not a disciplinary sanction. Suspension is a neutral act designed to protect the Council and the employee; it allows for a thorough investigation to take place, and the Council takes its responsibilities regarding suspension very seriously. Only the Chief Executive and Chief Officers have the authority to approve suspension.
- 6.3 Prior to suspension, the employee will be made aware of the suspension verbally. This will be followed up with a letter confirming the terms of the suspension and any associated expectations of the employee. It will cover:
- ❑ The details of the allegation(s);

- Who the employee is able to contact within the Council (including their nominated person);
- That the employee will be expected *not* to attend premises without permission;
- Details of the investigation;
- Pay confirmation;
- The expected length of suspension;
- The expectations around employee conduct i.e. to keep the matter confidential
- The support that is available to them during the suspension.

6.4 It is the Council's objective to limit the amount of time an employee spends on suspension. If there are any delays in the investigation, the employee will be promptly notified and kept updated. The suspension will be kept under continuous review. If, as the investigation progresses, it becomes clear that suspension is no longer necessary, it will be discontinued as soon as possible.

7. Disciplinary Procedure

Informal Procedure

7.1 There will be occasions when conduct falls short of expectation but is not serious enough to warrant formal disciplinary action. Where there is a minor conduct issue (which has not previously been addressed) with the employee, the matter should be dealt with promptly and informally. The manager will seek to understand why this has happened, provide an explanation for why the conduct was not acceptable and set the appropriate standard moving forward. Despite this being an informal conversation, this will be followed up with a letter (file note) to confirm that any further instances may lead to formal action.

Formal Procedure

7.2 When a line manager learns of potential misconduct, they should discuss the circumstances with the employee and engage their HR Business Partner/Advisor. If following this, the line manager is satisfied that allegations are sufficiently serious and cannot be managed informally, then a formal investigation should be carried out straight away. HR will be available as a liaison and as advisory support throughout the formal process.

Fact-Finding Investigation

7.3 A Commissioning Officer (Chief Officer or Head of Service), in conjunction with HR will appoint the Investigating Officer.

7.4 The Commissioning Officer will define the scope of the investigation based on the suspected misconduct. It is the purpose of the fact-finding investigation and therefore the responsibility of the Investigating Officer to carry out a reasonable investigation which is fair and impartial, and to find as much evidence which either supports or does not support the suspected misconduct.

7.5 Once the decision has been made to undertake a fact-finding investigation, the Investigating Officer shall advise the employee in writing of:

- the details of the matter under investigation (and make clear that the disciplinary investigation will cover the initial matter, plus any other issues or breaches of policies which are revealed as a result of the investigation);
- the date, time and place of the investigation (and the date of the meeting will be no sooner than five working days' after the invite has been sent);
- their right to be accompanied to the meeting by a colleague or a trade union official.

7.6 A member of the HR Team, may be present at the interview with the employee to take a record of the conversation. The notes of the meeting will be made available as soon as possible thereafter.

- 7.7 Whilst it is necessary for a thorough investigation to take place, it is also important that the investigation is carried out in a reasonable timeframe. Should the Investigating Officer envisage an investigation that is likely to take longer than 20 working days, they should inform the Commissioning Officer and the employee whose conduct is the subject of the investigation will be updated.
- 7.8 The Investigating Officer shall be entitled to interview such witnesses and carry out such enquiries as they deem necessary. This may include examining the Council's email, internet and other IT systems (including the user accounts of any employee under investigation).
- 7.9 All other witnesses will be met with informally, and their statements taken as soon as possible thereafter. Again, HR may be present to take a note of those conversations and they will follow up with each of the witnesses with their statements to check for accuracy.
- 7.10 It is not the role of the Investigating Officer to determine if there is a case to answer, but to compile an investigation report which, alongside all of the evidence will be reviewed by the Commissioning Officer. It will be for the Commissioning Officer to decide on the basis of the investigation report, whether there is a disciplinary case to answer.

Disciplinary Hearing

- 7.11 Following a fact-finding investigation, if it is considered by the Commissioning Officer, that there are grounds for disciplinary action, the employee will be required to attend a disciplinary hearing.
- 7.12 In cases of misconduct, the Chief Officer may delegate authority and appoint a suitable senior manager as the Disciplinary Hearing Manager to make decisions falling short of dismissal. However, for cases of gross misconduct, the Commissioning Chief Officer or another Chief Officer will be the Disciplinary Hearing Manager and only they will have the authority to dismiss an employee.
- 7.13 The hearing will be held as soon as reasonably practicable, but the employee will be given notice in writing at least 5 working days prior to the hearing of:
- The date, time and place of the hearing;
 - The allegations against them;
 - The basis for those allegations and what the likely range of consequences will be if the Disciplinary Hearing Officer holds a reasonable belief in and upholds the allegations; and
 - Their right to be accompanied.

They will also be provided with a copy of the investigation report and copies of all evidence which has been considered during the fact-finding investigation, including witness statements taken from colleagues or third parties. Should the employee have any evidence they want to be taken into account, this should be sent to the Disciplinary Hearing Manager as soon as possible and no later than 2 working days before the hearing. It is the expectation that any relevant witnesses will have been identified by the employee at the investigation stage, but any evidence to be considered in mitigation will be reviewed by the Disciplinary Hearing Manager.

- 7.14 HR will be present to take a record of the hearing, and this will be made available to the employee as soon as possible once the hearing has closed.
- 7.15 The purpose of the disciplinary hearing is for the Disciplinary Hearing Manager to decide whether or not they have formed a reasonable belief in any of the allegations which have been put to the employee. The Investigating Officer will be present to present the findings of the investigation report, and the Disciplinary Hearing Manager will ask specific questions of the employee and provide the employee and/or their companion with the right to respond, and to sum up their case. The Disciplinary Hearing Manager will be keen to understand any mitigating factors, so it will be important for the employee to tell the Disciplinary Hearing Manager anything they wish for them to take into account.

- 7.16 In exceptional circumstances, if the employee has not previously identified a witness at the investigation stage, and they have not provided a written witness statement from them ahead of the hearing, a request for a witness to be present in the hearing will be considered by the Disciplinary Hearing Manager. It is however the expectation that witnesses will be identified earlier in the disciplinary process so that all interviews take place *before* a decision is made to proceed with a formal disciplinary hearing.
- 7.17 The Disciplinary Hearing Manager will adjourn the hearing and take some time to consider whether or not they have formed a reasonable belief in any of the allegations. They will accordingly consider what the appropriate disciplinary sanction will be in the circumstances reflecting on the allegations and the prior disciplinary record of the employee. If it is possible to communicate the outcome the same day, the hearing will be reconvened, otherwise if the Disciplinary Hearing Manager considers there is not enough time left in the day to make a decision, to agree a follow-up hearing to deliver the outcome verbally. In exceptional cases, it may be necessary for the Disciplinary Hearing manager to communicate the outcome in writing, but this will be discussed with the employee prior to the Hearing being adjourned.
- 7.18 An outcome letter will be prepared and sent to the employee as soon as possible after the hearing. It will detail the rationale for the Disciplinary Hearing Manager's decision, and where the outcome is a formal disciplinary sanction, the employee will be afforded the right of appeal.
- 7.19 Please see here for further information on the LCC Appeals Policy.
- 7.20 If an employee fails to attend or is unable to attend (or their chosen companion is unable to attend) a Disciplinary Hearing on one occasion, the Hearing will be rescheduled for a date no later than five working days later. If the employee is unable or unwilling to attend the re-scheduled Hearing, the Disciplinary Hearing Officer will make a decision on the facts available to them at the time.

8. Disciplinary Sanctions

- 8.1 For matters of minor misconduct, it is expected that a line manager will deal with this promptly and informally. If it is determined that formal action is necessary, the possible formal sanctions which will in the majority of cases remain live for a period of 12 months could be:
- A formal verbal warning (likely only to be applicable for a first-time incident);
 - A written warning (likely to be applicable if there is a live formal verbal warning, or for a more serious first-time incident);
 - A final written warning (likely to be applicable during the life of a formal written warning, or for a very serious first-time incident);
 - Suggesting* demotion/redeployment (likely only to be suitable as an alternative to dismissal, with the employee's agreement and will likely be accompanied by a final written warning);
 - Dismissal (which can either be as a result of cumulative warnings which would be accompanied by contractual notice, or could be summary dismissal i.e., without notice for acts of gross misconduct);
 - Loss of increment (this sanction is available to managers in conjunction with disciplinary sanctions at any of the above levels.)
- 8.2 For matters of gross misconduct, dismissal could be an outcome. LCC are committed to exploring alternatives to dismissal and will take mitigation seriously. Dismissal will be a last resort, and in all cases, due regard will be given to alternatives such as implementing sanctions for longer than 12 months, redeployment and/or demotion.

9. When will this policy be reviewed?

- 9.1 This policy will be reviewed every year or earlier in the event of changes in legislation.

Document Control:

Version no.	Effective Date	Reason	Review due
1.0	31.05.2005	Revisions agreed by Personnel Committee	
2.0	25.06.2013	Revisions agreed by Personnel Committee	
3.0	02.10.2018	Revisions agreed by Personnel Committee	
4.0	15.10.2019	Revisions agreed by Personnel Committee	
5.0	TBC		

FAQs

I have been asked to give a witness statement, can I remain anonymous if I do?

It is important that an employee who is the subject of a disciplinary investigation and/or procedure knows the case against them, and they have a proper and adequate opportunity to challenge the evidence against them. More often than not, that will mean that anonymising witness statements will not be possible. However, there will be some exceptional circumstances (particularly if a witness feels threatened) when the identity of a witness will not be shared with the employee. The HR team and/or the disciplinary investigation officer/disciplinary hearing manager will be transparent about whether or not this will be possible as soon as the issue is raised.

I am going through the disciplinary process, but I have raised a grievance, what happens then?

Each case will be different, but if the grievance is about going through the disciplinary process, then the disciplinary hearing would be considered the most appropriate forum to raise those issues. However, if the grievance is unrelated to the disciplinary, HR will give thought to whether the two processes can run alongside each other in tandem, or whether one of the processes needs to be suspended whilst the other is finalised. This will be communicated clearly to you from the outset.

I am going through the disciplinary process, who can I speak to about it?

The disciplinary process is confidential from the beginning of the investigation and remains so even after the outcome has been communicated. LCC takes its obligations in that respect incredibly seriously and will only share anything related to the process on a need-to-know basis. It is expected that employees only discuss the matter with HR, immediate family, and anybody that owes them a duty of confidentiality (such as a doctor, or a counsellor etc.)



Sickness Absence Policy

1. Who does this policy apply to?

- 1.1 All employees of Lancaster City Council, except those who are in their probationary period (where the full procedure does not apply), casual workers, Chief Officers and the Chief Executive (to each of whom it does not apply at all).

2. What is the purpose and objective of this policy?

- 2.1 This policy and the payment of occupational sick pay exist to support our employees when they are unfit to work. LCC values the contribution of its employees in the delivery and maintenance of quality services to the community. Whilst recognising that employees may occasionally be prevented from attending work through ill-health, the Council has a duty to maintain service delivery, provide value for money and minimise disruption. LCC is therefore committed to the fair and effective management of sickness absence.

3. What roles do the employee, management, LCC and HR play in this policy?

3.1 Employee Responsibilities

- Report absence promptly and by following the Sickness Absence Reporting Procedure set out below.
- To make themselves available throughout sickness absence for meetings and/or telephone conversations with line managers, HR and Occupational Health (OH) providers.
- Seek appropriate help when suffering from ill health and ensure that medical advice and treatment is obtained as soon as possible.
- Co-operate with organisations who provide OH support, attend appointments when they have been arranged and implement the suggestions of the provider.
- Promptly raise concerns with management if they believe their role is making them ill or contributing to their illness.
- Request annual leave for holidays that will be taken during a period of sickness absence and not take such annual leave until the request is approved.
- Not to abuse the Sickness Absence Policy including by not engaging in activities (including working for other employers) whilst absent from work which are not conducive to recovery.
- If an employee has suffered an accident or injury outside of work which has led to a period of sickness absence, and they make a third-party compensation claim, the employee should notify LCC that they are making such a claim and co-operate with LCC should they decide to pursue recovery of any occupational sick pay paid.

3.2 Management Responsibilities

- Managers are actively responsible for managing and monitoring sickness absence in line with this policy and should therefore have a thorough understanding of the policy and its requirements.
- Managers should reinforce messages about good attendance throughout employment and aim to have good attendance to set a good example.

3.3 LCC Responsibilities

- To ensure that there is a consistent, supportive and fair approach to dealing with sickness absence.
- To take reasonable steps to assist employees back to work.

- ❑ To provide managers with guidance on how to follow the policy and support their employees to return back to work.
- ❑ At all times to be aware of its legislative responsibilities.

3.4 **HR responsibilities**

- ❑ To support each service to improve attendance by advising on the policy, attending formal meetings and ensuring that a consistent, fair and equitable approach is taken.
- ❑ To ensure the appropriate retention of documents on the employee's personnel file.

4. Occupational Sick Pay Entitlement

4.1 LCC's occupational sick pay tops up Statutory Sick Pay (SSP) and Employment Support Allowance (ESA) to maintain full contractual pay during sickness absence. Employees are entitled to the following:

	Full Pay	Half Pay
During first year of service	1-month full pay	After 4 months' service – 2 months half pay
During second year of service	2 months full pay	2 months half pay
During third year of service	4 months full pay	4 months half pay
During fourth and fifth year of service	5 months full pay	5 months half pay
After five years' service	6 months full pay	6 months half pay

4.2 In the case of half pay periods occupational sick pay will be an amount equal to half of contractual earnings plus an amount equivalent to SSP and ESA (provided the total sum does not exceed normal full contractual pay).

4.3 According to the above entitlements, the relevant period for calculating outstanding occupational sick pay entitlement is a rolling 12 months i.e. when looking at absence a manager will review all absence in the last 12- month period from the *start date* of the most recent absence.

5. Sickness Absence Reporting Procedure (and keeping in touch)

5.1 On the first day of absence, the employee should telephone their line manager no later than 30 minutes after their normal start time providing information about the reason for their absence, and the anticipated length of sickness absence. For those employees who do not have a regular start time, they must contact their line manager as soon as possible following 9am. Line managers should make employees aware of who they may contact in the event of their absence. Unless an employee is severely inhibited from making direct contact by telephone, no other method of contact is permitted by this policy.

5.2 The first 7 calendar days (pro-rated for part time employees) of sickness absence can be self-certified, but if an absence lasts longer than 7 calendar days, employees are required to get a fit note from a registered healthcare professional.

- 5.3 How much contact there is between line manager and employee will depend upon the reason for and the expected length of absence. The level of contact can be agreed between the line manager and employee during the first conversation where sickness is notified but it is important that regular contact is maintained between the manager and the employee.
- 5.4 Failure to inform the line manager of absence will lead to the absence from work being unauthorised and will result in the loss of occupational sick pay and may lead to disciplinary action.

6. Sickness Absence Indicator Points

- 6.1 LCC uses the Bradford Factor Index as a way of monitoring levels of absence. The below calculation weights the number of instances of absences and is an indicator of the disruption caused by absence.

$$\text{(Periods of absence)}^2 \times \text{Total number of days lost}$$

- 6.2 The relevant period for calculating Absence Indicator Points is a rolling 12 months i.e. when looking at absence a manager will review all absence in the last 12- month period from the *start date* of the most recent absence.
- 6.3 According to the number of days an employee works, LCC's absence Trigger Points are as follows:

5 days = 60, 4 days = 48, 3 days = 36, 2 days = 24, 1 day = 12
- 6.4 Where an employee's Absence Indicator Points reach or exceed the above, the line manager will be required to commence the formal process.

Absence Management

7. Informal Sickness Absence Management (Return-to-Work)

- 7.1 The line manager is *required* to meet informally with the employee to conduct a return-to-work meeting. This should be conducted as soon as possible following their return; ideally on the first day, but by no later than the third working day.
- 7.2 During a return-to-work a manager will express concern for the employee's welfare and balance this against concerns for service delivery and impact to other team members (if appropriate). The manager will inform the employee of their accumulated absence indicator points total and explain the implications of further absence. It will also be an opportunity to reflect on whether there are any reasonable steps that could be taken to assist the employee in achieving improved attendance.
- 7.3 A record of the meeting will be taken, and employees should be given the opportunity to review the return-to-work form and add comments to it if necessary. Simply add "no comment" if there is nothing further to add, but employees are encouraged to annotate the form. This should be signed and passed back to the manager and the manager *must* send the completed form to HR and the employee within 5 days of the discussion.

8. Formal Sickness Absence Management

Stages 1 – 3 – Capability Review Meetings

- 8.1 The first formal meeting will be triggered when the Absence Indicator Points above are met or exceeded. The second, third and fourth stage will be triggered if the attendance targets set at the preceding meeting are exceeded. The fourth and final stage of the formal sickness absence management process could lead to an employee's dismissal on the grounds of capability.
- 8.2 Unlike with informal meetings (return-to-works), employees are entitled to be accompanied to formal meetings by a trade union representative or work colleague. In the majority of cases, Stages 1-3 of the process will be led by the employee's line manager, however at Stage 3, it may be more appropriate in the circumstances for a more senior manager (if applicable) to lead the meeting. This will be a matter for local management in consultation with HR to decide.
- 8.3 All formal meetings will be scheduled with five working days' notice. LCC will seek to accommodate a request to rearrange a formal meeting on one occasion, provided the re-scheduled meeting is within five working days of the original date. Where any documents are provided ahead of a formal meeting for consideration, these will typically accompany an invite letter. HR will attend formal meetings from Stage 3 onwards to advise on the policy and to record a note, but HR *must* be notified if formal absence management is taking place.
- 8.4 Stages 1 – 3 of the formal process require the line manager to discuss the sickness absences leading up to the meeting (reviewing the reason for the absence, the Absence Indicator Points and pattern of absences) and to set some attendance targets and a target review period. The employee and line manager should explore whether any adjustments or support are required, and the manager must inform the employee of the implications of failing to meet the targets (i.e. being referred to the next stage of the process).
- 8.5 Further guidance is provided to managers on the suitability of attendance targets, but to promote sustained improvement, the target review period will be 12 months. To ensure employees fully understand the attendance target, the target will be expressed as days and/or occasions of sickness absence during the target review period.
- 8.6 Written confirmation of the outcome of the formal meeting will be provided to the employee and the employee will have the right to appeal against the outcome. Please see the LCC Appeals Policy for further information on how to submit an appeal.
- 8.7 Following any sickness absence during the target review period set during any stage of the formal sickness absence process, a return to work must be completed as above. If the target is exceeded during the target review period, the employee will be advised at that return-to-work meeting that they will be called to the next stage of the formal process and shortly after will receive an invitation to the next stage.
- 8.8 A review meeting will be convened where absence has remained below or equal to the target set, and during this meeting the line manager will make the employee aware of their current Absence Indicator Points and the consequences of that increasing further i.e. if in the following 12 months, they hit absence triggers again, they will be automatically called to the next stage in the formal absence management process. This will be followed up in writing.

Stage 4 – Case Review Hearing

- 8.9 Employees will be required to attend a Stage 4 – Case Review Hearing, which will be led by a Chief Officer where there are continuing concerns regarding an employee's level of sickness absence and attendance targets have not been met. The employee's line manager will also be required to attend to explain the previous stages of the process and respond to any questions raised by the employee and/or Chief Officer.

- 8.10 It will be for the Chief Officer to decide on the basis of the procedure followed and the evidence provided, whether they consider the previous decision maker(s) is required to be present at the Case Review Hearing. If *either* the Chief Officer or the employee requests the previous decision maker(s) be present, they will be *required* to attend to answer questions.
- 8.11 The purpose of a Stage 4 – Case Review Hearing is for the Chief Officer appointed to consider whether, having reviewed all of the evidence presented (which is made up of all the documents associated with informal and formal sickness absence management and representations made by all parties to the Case Review Hearing), there are any further actions that LCC can take to assist the employee in improving their attendance and thereby continuing in employment.
- 8.12 It therefore also falls to the Chief Officer to consider whether employment should be terminated on the grounds of capability i.e. an inability to attend work to an acceptable level.
- 8.13 When reaching a decision about whether or not to terminate employment, the Chief Officer will consider issues such as the operational needs of the service, the impact of the employee's absence/ill-health on service delivery and other colleagues, the employee's absence record, financial and cost implications, representations made by the employee or their representative, what actions have been taken to attempt to enable the employee to continue in employment, and any medical advice received. The Chief Officer will always give due consideration to alternatives to dismissal, such as alternative duties or redeployment.
- 8.14 If the decision to dismiss is taken, the employee will be dismissed with contractual notice at full pay. Consideration may be given to the option of paying in lieu of the employee's notice period and it is expected that employees will take the remainder of their annual leave during the notice period if it is required to be worked.
- 8.15 Typically at a Case Review Hearing, the employee will be informed verbally of the outcome at the conclusion of the Hearing, and the decision will be confirmed in writing within 5 working days. If it is not possible to communicate the outcome verbally, either because there is no time left the same day, or the Chief Officer needs more time to reflect on the decision, the outcome will be communicated within 5 working days in writing.
- 8.16 An employee will have the right of appeal against a decision to dismiss, and attention is drawn to the LCC Appeal Policy for the correct procedure to follow.
- 8.17 If the Chief Officer decides that dismissal is not appropriate in the circumstances, it will fall to them to define any further review period or attendance targets. For persistent short-term absences, it would be expected that the employee would be moved back to Stage 3 of the procedure for further monitoring and support. This will be confirmed in writing with 5 working days.

9. Disabilities and reasonable adjustments

- 9.1 In cases where an employee has a disability, which means that they have a physical or mental impairment which has a substantial impact on their ability to do day to day tasks (including work) which may have already lasted or could be likely to last 12 months or longer, advice must be sought from HR. There can be no one size fits all approach to the adjustments that are required for our employees with disabilities, but HR will support managers to ensure that LCC's obligations under the Equality Act are met and employees with disabilities are not disadvantaged.
- 9.2 Employees are not required to disclose their disabilities, but where they are shared, they should be treated sensitively and confidentially, and any support they require (whether or not this leads to or has been disclosed as a result of sickness absence) should be addressed with them in a supportive manner.

10. Occupational Health

- 10.1 At all stages of sickness absence management, it will be appropriate to reflect on whether it may be necessary and beneficial to seek advice from LCC's OH Advisor however it is *essential* that a referral is made if an employee is referred to a Stage 3 Capability Review Meeting and where an employee is suffering from work related stress.
- 10.2 Occupational health advice is not just applicable where a colleague has a disability, but certainly where an employee has a disability or an illness which has an impact on their ability to perform their role or attend work, it is a useful tool to understand whether any reasonable adjustments might be required to enable an employee to meet attendance targets more easily. These could be changes to workload, working practices or working patterns on a temporary or permanent basis, or additional training. Such changes can be implemented without an OH referral, but where it has been considered appropriate to instruct one, it will be necessary to discuss the report with the employee during the process of ongoing absence management.

Long Term Sickness (LTS) Absence Management

11. Informal LTS management

- 11.1 Long term absence is considered any one period of sickness absence that is or is likely to result in the employee being away from work for 20 working days/4 weeks or more (pro-rated for part-time employees).
- 11.2 As soon as a line manager knows that an employee has been, or will be, absent for four weeks, they will contact HR and arrange for an OH referral to be made if appropriate. It is important that managers prioritise early intervention in cases of LTS, as that may increase the likelihood of a successful return to work.
- 11.3 With employees on LTS, a welfare meeting should take place during the third or fourth week of absence. Following the initial welfare meeting, the manager should ensure that further review meetings take place at regular intervals and that regular weekly contact is maintained with the employee.

12. Formal LTS Management

- 12.1 The commencement of the formal process ensures appropriate consideration is given to supporting the employee and assisting in their return to work, as soon as is possible. Except in exceptional circumstances (i.e. where the employee has confirmed they are not able to return to their post and where redeployment or ill-health retirement are not available), prior to an LTA – Case Review Hearing, a minimum of two Long-Term Absence (LTA) Review Meetings *must* have taken place. It is likely that in many cases, depending upon the nature of the absence, there will be more than two LTA Review Meetings.
- 12.2 Unlike with informal meetings (welfare meetings), employees are entitled to be accompanied to formal LTA Review Meetings by a trade union representative or work colleague. In the majority of cases, the employee's line manager will lead the review meetings.
- 12.3 All formal meetings will be scheduled with five working days' notice. LCC will seek to accommodate a request to rearrange a formal meeting on one occasion, provided the re-scheduled meeting is within five working days of the original date. Where any documents are provided ahead of a formal meeting for consideration, these will typically accompany an invite letter. HR's attendance at the first LTA Review Meeting will be optional, however at subsequent LTA Review Meetings HR will attend to advise on the policy and to record a note. HR *must* be notified if formal absence management is taking place.

- 12.4 An (LTA) Review Meeting is an opportunity for the manager and employee to maintain regular contact, to discuss the absence, any available options to assist the employee back to work and the timescale within which that is likely to happen. It is important that an open discussion takes place so that the Council understands any health issues or perceived barriers that may prevent an early return to work.
- 12.5 During an LTA Review Meeting the line manager will review the employee's absence to date, review what steps are being taken to assist the employee back to work, what steps the employee and their medical advisors are taking to facilitate a return, review recent OH advice (as appropriate), consider opportunities to temporarily or permanently amend hours of duties, consider opportunities to introduce other workplace adjustments, reflect on likely timescale within which the employee will return to work and explore next steps and potential outcomes if the employee's absence continues.
- 12.6 If during any stage of the formal LTS management procedure it becomes clear that the employee can no longer undertake their duties and there are no adjustments that can be made, consideration will be given to any opportunities for redeployment and/or ill-health retirement.
- 12.7 LTA Review Meetings will take place throughout the employee's absence. Such meetings will normally take place on a 4–6-week basis throughout the duration of the absence.
- 12.8 The timing of the **First LTA Review Meeting** will depend on the absence, but it will typically be between week 6 and week 10.
- 12.9 If the employee remains absent, a **Second LTA Review Meeting** will normally take place between week 10 and week 14.
- 12.10 After each formal LTA Review Meeting, the manager will write to the employee summarising the main points covered during the discussion.
- 12.11 Should an employee return to work, and in the majority of cases LCC expects that there will be a successful return to work prior to a referral to an LTA – Case Review Hearing, the line manager is required to hold a return-to-work meeting with the employee. Even though there have been regular welfare meetings throughout the absence, an informal discussion must take place.
- 12.12 If the employee's recent absence has resulted in them exceeding the absence indicator trigger point, it will be necessary to refer them to the relevant stage of the formal absence management process. If the employee has not in the preceding 12 months been subject to formal absence management, they will be referred to Stage 1. Employees who were already on a formal attendance target, will be referred to the next stage of the formal process.

Case Review Hearing

- 12.13 An LTA – Case Review Hearing will consider whether an employee is able to continue in employment and therefore all reasonable alternatives to retain the employee in work should be considered prior to referral to a Case Review Hearing.
- 12.13 The principal factor in deciding whether to refer to a Case Review Hearing is, whether there is any realistic likelihood of the employee returning to work in the near future, having considered all reasonable options to assist the employee to return to work.
- 12.14 In some cases, employees will be referred to a Case Review Hearing prior to them having reduced to half pay. It is not a requirement of the policy that an employee should have exhausted all their entitlement to Occupational Sick pay before their employment can be terminated.

- 12.15 Some employees may also have had previously high levels of short-term absence and have been within the formal stages of the Short-Term Absence management process at the point that their long-term absence commenced. Managers are obliged to take account of the employee's general levels of attendance when considering when to refer them to an LTA – Case Review Hearing.
- 12.16 Employees are entitled to be accompanied to the Case Review Hearing by a trade union representative or work colleague. It will be for the Chief Officer to decide on the basis of the procedure followed and the evidence provided, whether they consider the previous decision maker(s) is required to be present at the Case Review Hearing. If *either* the Chief Officer or the employee requests the previous decision maker(s) be present, they will be *required* to attend to answer questions.
- 12.17 The Chief Officer will consider: how long the employee has been absent, the nature of the incapacity, the likelihood of a return to work in the near future, the operational needs of the service and the need for the work to be undertaken, the impact of the employee's absence and ill health on other employees and service delivery, financial and cost implications, representations made by the employee and/or their representative, what steps have been taken to attempt to enable the employee to continue in employment, what consideration has been given to alternative duties on either a temporary or permanent basis and the medical advice received.
- 12.18 Following due consideration of the information provided at the LTA – Case Review Hearing, the Chief Officer may consider any of the following actions:
- A period of review whilst the employee's absence continues to be support/managed before the convening of another Case Review Hearing; or
 - Retirement on the grounds of ill health (which can only be considered if supported/recommended by an Occupational Health Physician; or
 - Dismissal on the grounds of capability.
- 12.19 If the Chief Officer decides that dismissal is not appropriate, they will be responsible for defining any further review periods, and what if any further support should be made available or considered. The Chief Officer may determine that further LTA Review Meetings should be held and/or that, after a defined period, the employee's case should be referred back to an LTA Case Review Hearing.
- 12.20 Normally the employee will be informed verbally of the outcome at the conclusion of the hearing, but in any event, the Chief Officer will write to the employee within 5 working days setting out their decision. If an employee is dismissed, they will be served with contractual notice and consideration may be given to the option of payment in lieu of notice. Contractual notice will be paid at full pay.
- 12.21 Where a decision is made to terminate employment, the employee will have the right of appeal against the decision. Please refer to the LCC Appeal Policy for further information on the appeals process.

13. Repeated LTS

- 13.1 Where an employee has had 2 or more periods of long-term absence in the preceding 24- month period (counting back from the start date of the third and most recent LTS absence), they may be referred to a Stage 3 – Capability Review Meeting.
- 13.2 Referral to a Stage 3 – Capability Review Meeting will *not* apply in the following situations:
- When the absence is connected to an underlying disability (unless it is not the underlying disability which prompted the most recent LTS absence); and
 - Where the employee has a work-related injury.

14. Ill-Health Retirement

- 14.1 Where an employee is no longer able to perform their duties and it is not possible to redeploy them into another role, ill-health retirement is to be considered. An employees' eligibility for ill-health retirement *must* be assessed by an independent Physician.
- 14.2 To qualify for ill health retirement, the Pension Scheme requires that the employee is *permanently incapable of discharging the duties of their current employment and has a reduced likelihood of any gainful employment before normal retirement age*.
- 14.3 Consideration must be given to the possibility of reasonable adjustments to the employee's role and to the option of suitable alternative employment within LCC, before the Physician will be able to advise LCC that the employee is eligible for release of pension benefits, and which of the 3 Tiers within the Pension Scheme Regulations the employee satisfies.
- 14.4 Employees have a right of appeal against any decision to refuse ill-health retirement benefits under the Local Government Pension Scheme Internal Dispute Resolution Procedure.
- 14.5 Where an employee is granted ill-health retirement, they will be referred straight to a case review hearing.

15. When will this policy be reviewed?

- 15.1 This policy will be reviewed annually or earlier in the event of changes in legislation.

Document Control:

Version no.	Effective Date	Reason	Review due
1.0	October 1998	New policy document	
2.0	08.04.2003	Revisions agreed by Personnel Committee	
3.0	July 2004	Revisions agreed by Personnel Committee	
4.0	February 2006	Revisions agreed by Personnel Committee	
5.0	01.09.2012	Revisions agreed by Personnel Committee	
6.0	02.02.2016	Revisions agreed by Personnel Committee	
7.0	TBC	TBC	

FAQS

Do I get time off for appointments?

Attendance at doctors, dentists and hospital appointments are not classed as sick leave and they will not be recorded as such. It is expected that appointments are booked in an employee's own time. The Flexible Working

Hours Scheme allows a great deal of discretion for booking appointments, and for those who are not able to avail themselves of that, we would ask that appointments are booked with least disruption and arrangements are made locally with line management on how the absence will be dealt with i.e. annual leave or working the time back.

In cases of cancer screening (specifically, national screening programmes, individual screening and follow-up screening), reasonable paid time off will be granted. A line manager may request proof of the appointment.

What if my illness/injury is work-related?

If you or your manager believe that an illness/injury has been caused by work, you should fill out an Accident/Incident Electronic Report Form at the time or as close to the time of the incident as possible. If it isn't filled out at the time, but the employee believes that their illness/injury is attributable to work, they should inform their manager in writing setting out the circumstances of the incident.

The Chief Officer will review the report and may apply their discretion to award six months full pay and six months half pay, based on the circumstances in question. Please note, however, that should any additional sick pay be offered to an employee, this is not an admission of liability on the part of Lancaster City Council.

What if I am in my probationary period?

Whilst the formal procedural steps will not be followed in the case of probation, the occupational sick pay entitlement and sickness reporting procedure do apply during your probationary period. Return to works will be completed and Absence Indicator Points calculated.

Good attendance is important to demonstrate suitability for a role with LCC and managers will have due regard for levels of attendance when deciding whether or not to confirm the appointment of an employee on probation.

I recently left my employment with LCC but have now returned. Does my old absence count now?

If an employee is re-employed within a 12-month period, any absences they had in the last 12 months when employed by LCC will be counted towards Absence Indicator Points.

What happens with sickness absence and annual leave?

Annual leave continues to accrue during sickness absence. Where a period of long-term sickness absence straddles two leave years only the statutory element (i.e. the first 20 days) of annual leave will transfer to the next leave year. Any leave actually taken will be deducted from the statutory holidays before being carried over.

An employee who falls sick during annual leave should follow the sickness absence reporting procedure and an employee wishing to take annual leave during a period of sickness absence should request this in the usual way.

Where an employee is receiving occupational sick pay, this should continue if a public, extra statutory or extra local holiday falls during the sickness absence. No substitute public, extra statutory or extra local holiday will be given.

Will anything affect my occupational sick pay?

LCC reserves the right to **withdraw occupational sick pay** in certain circumstances.

The payment of occupational sick pay is dependent upon the employee complying with the requirements of this policy. An employee will not automatically be entitled to Occupational Sick Pay where they:

1. Have abused the sickness scheme;
2. Submit a fit note after being invited to any formal meeting in conjunction with a potential disciplinary matter (which delays the disciplinary process);
3. Fail to submit a fit note in good time and without reasonable explanation;
4. Fail to attend a scheduled OH appointment.

Where Occupational Sick Pay is withdrawn, the employee will be advised of the reasons, the length of time sick pay will be withdrawn and their right of appeal for reinstatement of sick pay to the Chief Executive. In these circumstances, the employee will be asked to enter their grounds for appeal in writing, and their appeal will be considered as part of a desk top review by the Chief Executive (whose decision is final).

Where any part of sick pay is reinstated this will be reimbursed to the employee at their next normal salary payment date.



Flexible Working Request Policy and Procedure

1. Introduction

- 1.1 The Council believes that flexible working can increase staff motivation, promote work-life balance, reduce employee stress, and improve performance and productivity. This policy and procedure is in place to ensure all eligible employees have their request considered seriously as required by law.
- 1.2 The Council wishes, where practicable, to facilitate and support its employees in achieving a balance between their work and family life. The Council already has a range of measures in place, to assist employees in balancing their commitments, including but not limited to, flexi time or compressed shift patterns. This policy also ensures that Lancaster City Council complies with the law.
- 1.3 This document should be read in conjunction with the Flexible Working (Right to Request) Application Form.

2. Scope

- 2.1 All employees have the right to request flexible working from day one of employment and to have their request seriously considered by their employer.
- 2.2 Each employee has a statutory right to submit up to two requests in any 12-month period.
- 2.3 The Flexible Working Request Policy does not apply to casual workers.

3. Conditions and arrangements

- 3.1 The timescales outlined within this document are those considered to be reasonable in normal circumstances by Lancaster City Council. The statutory requirement regarding timescales is that from the point that the employee has supplied full information, LCC should respond within **2 months**. The aim of the council is for requests however to be dealt with as swiftly as possible and within one month. Where it is not possible for the request to be fully considered in the 2-month period, the period can be extended with the agreement of the employee.
- 3.2 At all formal meetings, there is no statutory right to be accompanied. However, the Council will allow employees to have the right to be accompanied by a trade union representative or work colleague. A member of the HR Team should attend to provide advice to the manager conducting the meeting and ensure consistency of application of the policy and procedure.
- 3.3 If the employee fails to attend a meeting, including an appeal hearing and subsequently fails to attend a second (rearranged) meeting, the flexible working request will be treated as having been withdrawn and the employee should be advised of this in writing.

- 3.4 Each request will be considered on a case-by-case basis and in the order that requests are received. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar amendment to their working pattern. Equally, flexible working requests that are accommodated in one Service area will not create a right to a similar request being accommodated in another Service area.

4. Requests for flexible working

- 4.1 A request for flexible working could include:

- a request to change the number of hours that an employee works.
- a request to change the pattern of hours worked, including start and finish times.
- a request to job share.
- a request for permanent home working or the application of hybrid working to a role.

- 4.2 A request for flexible working may be permanent or temporary. Where a request for flexible working is temporary, e.g., to cope with temporary caring responsibilities or a bereavement, the reason for the request should be clearly explained on the application form, which will include the dates when the temporary arrangement will be in place.

- 4.3 Where an employee requests a variation in their hours, including a reduction in working hours, the change will be permanent following any agreed trial period. It is not possible to guarantee that if, at a future date the employee wished to increase their hours or return to their existing pattern of work, such a request could be granted since it would be dependent upon service need at that time.

- 4.4 Where a request is made for a temporary change in hours, it will be the normal expectation that the employee will automatically return to their substantive hours or pattern of work at the end of the temporary period. Trial periods will not apply to temporary requests for flexible working of one year or less.

5. Application Process

- 5.1 All requests must be made in writing and submitted in the first instance to the relevant Line Manager. Employees are asked to complete the **Flexible Working Application Form** which is available from the HR Team or is accessible from the HR pages of the intranet. Completion of the form will assist in ensuring that employees put all the required detail in their request.

- 5.2 Note should be taken of the date of receipt of the Flexible Working Application Form by the line manager to ensure statutory deadlines are adhered to and acknowledgement of receipt the form and the date received should be provided to the employee by the line manager in writing by email or letter.

6. Action by the Line Manager

- 6.1 In order to comply with statutory timescales, it is important that the Line Manager reviews the application promptly, ideally **within 7 days**. Should the line manager anticipate that the review will take longer than 7 days, they will keep the employee updated.

- 6.2 If an application is received that does not contain sufficient information to enable the employee's request to be properly considered, the Line Manager (with HR support if required) should explain to the employee where additional or amended information is required.

- 6.3 The 2-month statutory period will not start until the employee has supplied full information to enable their request to be considered.

- 6.4 Once the Line Manager has received and reviewed a fully completed application, containing all the necessary information to assist in making a decision, the Line Manager will complete the relevant section of the Flexible Working Application Form and pass it to the relevant HRBP to add their comments.

- 6.5 Line managers should ensure that they discuss any changes which may affect the staffing budget with their service accountant at this point e.g., in the case of a reduction in hours.

- 6.5 Once comments have been added by the line manager in consultation with finance and by the HRBP, the Flexible Working Application Form will be submitted to the Chief Officer for consideration, who may arrange a meeting with the employee to discuss the request.

7. Action by the Chief Officer

- 7.1 The Chief Officer must seriously consider the business case for accepting or rejecting an employee's request for flexible working, by carefully weighing up the potential benefits to the employee and the Council, against any adverse impact of implementing the change(s).
- 7.2 In most cases, it will be possible for the Chief Officer to consider and subsequently approve the request as submitted without meeting with the employee. However, in some cases, even where the matter appears relatively straightforward, it may be appropriate for the Chief Officer to meet with the employee to ensure that both sides understand the request and are clear on the implications of their request, prior to the arrangement being formalised.
- 7.3 Chief Officers are also required by law to ensure that they consult with the employee as a means of exploring the available options, before rejecting a flexible working request. In these cases, a consultation meeting **must** take place.
- 7.4 **Consultation meeting.**
- 7.4.1 If the Chief Officer decides to hold a meeting to consider the employee's request, the meeting must be held within **21 working days** of a completed application (or other written request) being received by the Line Manager.
- 7.4.2 There is no statutory right to be accompanied to the meeting to discuss a flexible working request. However, the Council will allow the employee to be accompanied at the meeting by a trade union representative or work colleague; 5 working days' notice of the meeting should be given. However, if the employee is willing to waive their right to notice, the meeting can take place sooner.
- 7.4.3 If, for any reason, it is not possible to meet the above timescale, the Chief Officer should explain this to the employee and propose an alternative agreed timescale.
- 7.4.4 In addition to being accompanied by a member of the HR Team, the Chief Officer may ask the Line Manager to be present at the meeting to assist in the discussion around the employee's request.
- 7.4.5 The Chief Officer may:
- approve the application as submitted.
 - approve a proposed amendment to the application.
 - reject the application.
 - adjourn the meeting to seek further clarification on any points raised.
- If the meeting is adjourned for another day, it should be reconvened as soon as practicable.
- 7.4.6 After discussion has taken place, the Chief Officer may briefly adjourn the meeting, to consider the request and to make their decision. The Chief Officer may choose to reconvene the meeting to verbally advise the employee of their decision.
- 7.4.7 In all cases, and regardless of whether the request is agreed, partially agreed or rejected, the decision should be provided to the employee in writing within 5 working days.

8. If the Chief Officer approves the application.

- 8.1 The employee will receive written confirmation of the Chief Officers decision within 5 working days of the decision being made or within 5 working days of the date of the meeting, setting out any action on which the agreement is dependent and establish a start date. The Chief Officer should seek advice from HR over the content of the letter.
- 8.2 Once the Chief Officer has agreed a change, this will, subject to paragraph 11.5.2 below be treated as permanent and the employee has no automatic right to revert to their previous pattern of work. Exceptions to this will include temporary changes, for a specified time or, for operational reasons, where the change cannot be agreed on a permanent basis. Equally, where it is agreed that a trial period should take place, to consider if the requested change is operationally viable, the trial period will not be treated as a permanent change.

- 8.3** Where the change is a temporary, time limited, change the employee will automatically revert to their original working arrangements at the end of the temporary period.
- 8.4** Where the flexible working request will result in a change to the employee's contracted working hours, whether temporary or permanent, on receipt of the decision letter and flexible working application form HR will issue a relevant amendment to contract letter.

9. If the Chief Officer partially accepts the application.

- 9.1** In some circumstances the Chief Officer may be able to agree some, but not all, aspects of the employee's request. In many cases, where the original request cannot be accommodated it may be possible for a compromise to be agreed and subsequently actioned.
- 9.2** The employee still has the right to appeal against the Chief Officer's decision, if their request is only partially upheld.
- 9.3** Where the employee requests a reduction in working commitment, the Chief Officer may agree the request subject to the need to fill the remaining hours of the post. In such instances there is likely to be a delay caused by the need to recruit before the revised working arrangement can be put into practice. Where this is the case, the Chief Officer must explain their decision in writing and advise the employee that they may exercise their right to appeal against the delay should they wish.

10 If the Chief Officer rejects the application.

- 10.1** If the Chief Officer considers that there are business reasons for rejecting the request, they will outline those to the employee. The decision can be provided verbally and followed up in writing or provided solely in writing. The employee will receive written confirmation of the decision, setting out the reasons for declining the request, within 5 working days of the consultation meeting. The letter will also set out the right of appeal. Support is available for managers from HR regarding the content of the letter.
- 10.2** Reasons for declining a request must be based on one or more of several legally specified grounds, these are:
- the burden of additional costs.
 - detrimental effect to meet customer demand.
 - inability to reorganise work among existing staff.
 - inability to recruit additional staff.
 - detrimental impact on quality.
 - detrimental impact on performance.
 - insufficiency of work during the periods the employee proposes to work; or
 - planned structural changes.

11. Trial periods

- 11.1** In some cases the Chief Officer may decide to reserve their decision pending a trial period, to ascertain if the requested change is workable for both parties. Trial periods will not be used for temporary working arrangements of a duration of one year or less.
- 11.2** The trial period should be long enough to allow the likely effects of the changed working pattern on the business to be established. The length of a trial period will vary depending upon the nature of the flexible working request and the type of work that the employee normally undertakes. In most cases a trial period of 3 months should be sufficient.
- 11.3** A trial period can be beneficial for both sides, especially where there is some doubt as to the viability of the working arrangements requested by the employee. It can give both the Chief Officer and the employee an opportunity to review how the new arrangements work in practice and whether they are likely to create any practical difficulties for the service or the Council as a whole.
- 11.4** **Arranging a trial period.**

- 11.4.1 If the Chief Officer agrees to a trial period, it is very important that the letter to confirm the trial period clearly states that changes to the employee's terms of employment have been agreed for a trial period only. If this is not clear, the employee will, by default, have the right to regard the changed terms of employment as a permanent variation to his or her contract. The letter should also explain that the trial period can be cut short if there are concerns over the changed working arrangements. The Chief Officer should seek advice from HR regarding the content of the letter to confirm a trial period.
- 11.4.2 Where the trial period will result in a change to the employee's contracted working hours, the letter and flexible working request form must be forwarded to both HR and the service accountant so that the relevant amendments can be made to the HR system and to budgets.

11.5 Changes/early termination during the trial period

- 11.5.1 If for any reason, during the trial period the arrangement is not working, either side may request a meeting to review the working arrangements at any point during the trial period. It is not in the interest of either party to delay an open discussion about any issues causing concern and to attempt to resolve them.
- 11.5.2 If either party is finding the new working arrangements unworkable, the aim will be to reach a new flexible working arrangement that is suitable to all parties. Where a new arrangement is agreed, both sides may wish to agree to a further trial period, which should not exceed 3 months. For practical reasons it may be necessary to agree to a shorter timescale to trial the revised arrangements, so that the trial period is not overly extended.
- 11.5.3 If it is not possible to agree to a new working arrangement, during the trial period, the Chief Officer will, in liaison with HR, write to the employee to advise them that the trial period will cease. Since the employee will have been fully aware that the trial period can be ended early, it is not a requirement to give the employee notice of this decision. However, from a practical point of view it may be helpful to the employee to give them a weeks' notice of the decision to end the trial period.
- 11.5.4 Where a trial period is cut short this is in effect a decision to refuse a request for flexible working. The Chief Officer must therefore advise the employee in writing of the decision and inform the employee of their right of appeal against this decision.

11.6 End of trial period review

- 12.6.1 Towards the end of the trial period, the Chief Officer and Line Manager will meet with the employee to discuss the success, or otherwise, of the new working arrangements.
- 11.6.2 If the new arrangements are successful, the change will become permanent from that point. The Chief Officer in liaison with HR should write to the employee to advise them of their decision. A copy of the letter must be forwarded to HR with the Flexible Working Application Form to ensure that the permanent change can be formally actioned on the HR system, and the relevant amendment to contract (where required), can be sent to the employee.
- 11.6.3 Alternatively the Chief Officer may decide, for business reasons, that the flexible working arrangements are not workable and will advise the employee of this in the meeting. If any other options are available these can be explored at this point. If no other options are available, then the employee's working arrangements will revert to those in place under his/her contract of employment. This decision and the employee's right of appeal will be confirmed in writing within 5 working days of the meeting.

12. Right of Appeal

- 12.1 Employees have the right to appeal a rejected flexible working request. Please see the LCC Appeal Policy for further information.

13. Review

- 13.1 This policy and procedure will be reviewed every three years or earlier in the event of changes in legislation.

Document Control:

Version no.	Effective Date	Reason	Review due
1.0	03.02.2015	New policy agreed by Personnel Committee	03.02.2017
2.0	02.02.2016	Revisions agreed by Personnel Committee	02.02.2018
3.0	21.07.2021	Amendment of job titles in accordance with constitution and delegations (please note further revision likely in line with Working Well project)	21.07.2022
4.0	13.07.2023	Rebranding of policy and amendments agreed as per new legislative guidance by People and Organisational Development Committee.	13.07.2026
5.0		Policy and application form review ahead of April 2024 legislative changes and incorporating 2023 appeal policy	13.07.2026

PEOPLE AND OD COMMITTEE**Pay Policy Statement 2024/2025
Tuesday 5th March 2024****Report of the Chief Officer – People and Policy****PURPOSE OF REPORT**

To ask that People and OD Committee consider and recommend to Full Council the Pay Policy Statement for 2024-2025 as required by the Localism Act 2011.

This report is public.

RECOMMENDATIONS

- (1) **To consider and recommend to Full Council, on 13th March 2024, the Pay Policy Statement 2024-2025.**

1.0 Introduction

1.1 Section 38 of the Localism Act 2011 places a requirement on local authorities to publish a Pay Policy Statement by the 31st March each year. This includes the remuneration of its Chief Officers. This Statement must be approved by resolution of Council, and this function may not be delegated.

1.2 The Statement sets out the Council's arrangements relating to:

- the remuneration of its Chief Officers;
- the remuneration of its lowest-paid employees, and
- the relationship between the remuneration of its Chief Officers and the remuneration of its employees who are not Chief Officers.

1.3 The Pay Policy Statement has been prepared in accordance with the requirements of the Localism Act 2011 and having regard to the guidance issued by the Department for Levelling Up, Housing and Communities and Local Government (DLUHC) under Section 40 of the Act.

2.0 Proposal Details

2.1 During the course of the year, if the Authority makes any determination relating to the remuneration or any other terms and conditions of a Chief Officer, it must comply with its Pay Policy Statement

2.2 The Pay Policy for 2023.2024 was updated to include the new leadership structure which commenced from 1st April 2023. It should be noted that within the 2024.2025 Pay Policy, there are no notable changes other than updated salary ranges in-line with the most recent pay award.

3.0 Conclusion

3.1 Members are asked to consider and recommend the 2024-2025 Pay Policy to Full Council.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):</p> <p>No notable impact.</p>	
<p>LEGAL IMPLICATIONS</p> <p>The Council has a statutory obligation, pursuant to s38 of the Localism Act 2011 to approve annually a Pay Policy Statement.</p>	
<p>FINANCIAL IMPLICATIONS</p> <p>No financial implications.</p>	
<p>OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces</p> <p>There are no resource implications arising from this report.</p>	
<p>SECTION 151 OFFICER'S COMMENTS</p> <p>The Section 151 Officer has been consulted and has no comments.</p>	
<p>MONITORING OFFICER'S COMMENTS</p> <p>The Monitoring Officer has been consulted and has no further comments.</p>	
<p>BACKGROUND PAPERS</p> <p>2024-2025 Pay Policy (Proposed) 2023-2024 Pay Policy JNC Conditions of Service Handbook</p>	<p>Contact Officer: Alex Kinch Telephone: 01524 582083 E-mail: akinch@lancaster.gov.uk</p>



Lancaster City Council's Equality Impact Assessment Guidance and Form

What is an equality impact assessment?

An equality impact assessment is a way of understanding the impact that a new way of doing things might have on members of our community, in particular people from protected groups. This could be a new service, practice, policy, strategy, project or decision.

Protected groups include age, disability, faith, religion or belief, gender (including marriage, pregnancy and maternity), gender reassignment, race and sexual orientation (including Civil Partnership).

Please note: the impact on rural communities and people on low incomes must also to be considered.

Why do I need to carry out an equality impact assessment?

Part of the council's core purpose is to *'provide a range of customer focused services and offer value for money and meet the needs of people who live, work and visit the district' and to 'maintain a cohesive community by ensuring we understanding the needs of our communities and provide equality of access to our services and employment opportunities'*.

It is therefore important that we collect and use information about our community to help us to understand how service changes and decisions might impact on the local community.

Our corporate *Ethos* makes it clear that in our stewardship role the council has a responsibility for *'ensuring the social, economic and environmental wellbeing of the local area'* and that in terms of social justice that *'the values of local government are founded on equality and meeting community needs'*.

Therefore we should consider how everything we do will impact on the communities that we serve. This should lead to more informed decision making, more customer focussed, cost effective, efficient services for local people.

When delivering services and employment, the council has a general equality duty to consider the need to:

- Eliminate unlawful discrimination, harassment, victimisation or other unlawful conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not.

How do I carry out an equality impact assessment?

A simple form has been developed to assist services with carrying out equality impact assessments.

The form provides a consistent approach to equality impact assessment, however, it is more important that we consider how everything we do will impact on the local community and that action is taken to mitigate impact. The form provides a way of recording this.

The council's 'getting to know our communities' data will help services to assess potential impact on protected groups. This provides both local and national statistics and is available on the Elsie equality and diversity page (via HR).

All councils have to produce similar information, therefore it may be useful to do a web search rather than starting from scratch.

An example of a completed form is also available on the Elsie equality and diversity page (via HR).

When do I need to carry out equality impact assessment?

Equality impact assessment should take place when considering doing something in a new way.

For example:

- A change in a current service or introduction of a new service
- The review of a current policy/strategy or the development of a new policy/strategy
- The start of a new project or when making a decision.

A decision making flow chart is available on the Elsie equality and diversity page (via HR).

An equality impact assessment form will need to be completed as an appendix to decision making committee reports eg Cabinet, Council.

Please note: the outcomes of your equality impact assessment should be used to inform your reports.

Please refer to the report writing guidelines on Elsie or contact democratic services for advice on this.

Who should carry out equality impact assessment?

An equality impact assessment should be carried out by the officer leading on above examples.

Who can I contact for support and guidance?

Equality impact assessment support is available from the HR and Organisational Development Team.

Equality impact assessment form

An equality impact assessment should take place when considering doing something in a new way.

Please submit your completed form as an appendix to your committee reports for monitoring and publishing purposes to ['report clearance'](#) (please refer to report writing guidance).

Please keep your answers brief and to the point. Consideration needs to be reasonable and proportionate.

Please also remember that this will be a public document – do not use jargon or abbreviations.

Section 1: Details

Service	People and Policy
Title and brief description (if required)	Pay Policy 2024 2025
New or existing	New
Author/officer lead	Alex Kinch, Chief Officer – People and Policy
Date	7 th Feb 2024

Does this affect staff, customers or other members of the public?

Yes Please complete the rest of the equality form.
No Please return the equality form as above.

Section 2: Summary**What is the purpose, aims and objectives?**

The pay policy lays out the Council's approach to pay for staff

Who is intended to benefit and how?

Section 3: Assessing impact

Is there any potential or evidence that this will or could:		
• Affect people from any protected group differently to others?	Yes	No
• Discriminate unlawfully against any protected group?	Yes	No
• Affect the relations between protected groups and others?	Yes	No
• Encourage protected groups to participate in activities if participation is disproportionately low (won't always be applicable)?	Yes	No
• Prevent the council from achieving the aims of its' Equality and Diversity Policy?	Yes	No

If yes, please provide more detail of potential impact and evidence including:	
<ul style="list-style-type: none"> - A brief description of what information you have and from where eg getting to know our communities data, service use monitoring, views of those affected ie discussions or consultation results? - What does this tell you ie negative or positive affect? 	
Age including older and younger people and children	
Disability	
Faith, religion or belief	
Gender including marriage, pregnancy and maternity	
Gender reassignment	
Race	
Sexual orientation Including Civic Partnership	

Rural communities	
People on low incomes	

Section 4: Next steps

Do you need any more information/evidence eg statistics, consultation? If so, how do you plan to address this?

No

How have you taken/will you take the potential impact and evidence into account?

N/A

How do you plan to monitor the impact and effectiveness of this change or decision?

N/A

Thank you for completing this equality impact assessment form, please submit your completed form as an appendix to your committee reports for monitoring and publishing purposes to ['report clearance'](#) (please refer to report writing guidance).

Lancaster City Council Pay Policy Statement 2024 - 2025

1. Introduction and Purpose

- 1.1 In accordance with the requirements of Section 38 of the Localism Act 2011, this Pay Policy statement has been produced to reflect the Council's approach to pay policy for the year 2024/2025.
- 1.2 This statement sets out the Council's policies in relation to the remuneration of our Chief Officers and all other employees. It also clarifies the relationship between Chief Officer remuneration and the remuneration of our lowest paid employees.
- 1.3 The purpose of this statement is to demonstrate transparency with regards to setting the pay of Council employees.

2. Setting Terms and Conditions

- 2.1 The Council's Chief Officers, including the Chief Executive, are employed under the nationally agreed Joint Negotiating Committee (JNC) terms and conditions. All other employees are employed under the nationally agreed National Joint Council (NJC) terms and conditions.
- 2.2 Pay increases relating to cost of living are agreed nationally by the NJC and JNC negotiating bodies.

3. Definitions of Chief Officers within Lancaster City Council

- 3.1 Chief Officers (in senior positions) within this Council are currently defined as the Chief Executive, and:
 - Senior Chief Officer
 - Chief Officer – Resources (S151)
 - Chief Officer – Governance (Monitoring Officer)
 - Chief Officer – People and Policy
 - Chief Officer – Planning and Climate Change
 - Chief Officer – Sustainable Growth
 - Chief Officer – Environment and Place
 - Chief Officer – Housing and Property
- 3.2 In addition to the above, the Council has further posts which may fall into the wider statutory definition of Chief Officer posts via reporting lines, although they are not designated as such within this Council. These other posts are as follows
 - Senior Manager – Democratic Services
 - Senior Manager - ICT
 - Senior Manager – Community & Leisure
- 3.3 All the posts named at 3.2 fall into a pay grade which currently starts from £57,714 up to a maximum pay point of £71,907 (grade 14). The terms of service for these posts are governed by the National Joint Council for Local Government National Agreement on Terms and Conditions of Service (the NJC Green Book).
- 3.4 The Monitoring Officer function attached to the Chief Officer – Governance post, and the Section 151 Officer role attached to the Chief Officer – Resources posts are paid an allowance for this responsibility.

An allowance of £9000 (per annum) is made for the Monitoring Officer and 151 Officer functions. An allowance of £6000 per annum is divided up and awarded pro rata to Deputies carrying out these statutory functions (e.g. 1 Deputy for each role would attract £6000, 2 Deputies £3000).

4. Remuneration of the Chief Executive

- 4.1 The post of Chief Executive (which also acts as Head of Paid Service) is paid on a fixed salary of £128,055. There has not been an agreement of pay award for 2024/2025, therefore the salary will remain the same as 2023/2024, pending any national pay award agreement.

5. Remuneration of other Chief Officers

- 5.1 Chief Officers are paid within a band which starts from £73,557 up to a maximum of £80,714. There has not been an agreement of pay award for 2024/2025, therefore the salary will remain the same as 2023/2024, pending any national pay award agreement.

Statutory Chief Officers are remunerated in accordance with their technical expertise and background.

6. Policy on Other Aspects of Chief Officer Remuneration

- 6.1 Aside from 'pay' there are other aspects of Chief Officer remuneration which are outlined below:

6.1.1 **Travel and other expenses:** reimbursed through normal Council policies and procedures in the same way for all staff.

6.1.2 **Bonuses:** The terms of employment do not provide for the payment of any bonuses.

6.1.3 **Honoraria:** through normal Council policies and procedures in the same way for all staff.

6.1.4 **Severance arrangements (for Chief Officers ceasing to hold office):**

The Council's normal policies in relation to redundancy and early retirement apply to these posts, in line with relevant regulations.

Any payments falling outside the provisions above or the relevant periods of notice within the contract of employment shall be subject to formal decision made by People and OD Committee, as per the constitution.

- 6.2 There are no provisions for any other increases or additions to Chief Officer remuneration, other than as outlined in this policy.

7. Returning Officer Fees

- 7.1 Fees for Returning Officers and other electoral duties are identified and paid separately for local government elections, elections to the UK Parliament and EU Parliament and other electoral processes such as referenda. As these relate to performance and delivery of specific election duties as and when they arise, they are distinct from the process for the determination of pay for Chief Officers.

8 Other Chief Officer Conditions of Service

- 8.1 The other terms and conditions of service are set out in the relevant conditions of service handbooks, as follows:

Chief Executive: The Joint Negotiating Committee for Local Authority Chief Executives – Conditions of Service

All other Chief Officers: The Joint Negotiating Committee for Chief Officers in Local Authorities – Conditions of Service

9. Pension Contributions

- 9.1 For all employees, including Chief Officers, where employees have exercised their right to be a member of the Local Government Pension Scheme, the Council will make contributions to the Pension Fund in line with the Employer contribution rates determined by the Actuary.

10. Recruitment of Chief Officers

- 10.1 The Council's policy and procedures in relation to the recruitment of Chief Officers is set out within the Council's Constitution.
- 10.2 When recruiting for all posts, the Council will take full and proper account of all provisions of employment legislation and its own agreed policies.
- 10.3 The remuneration offered to any newly appointed Chief Officer will be in accordance with the pay structure and relevant policies in place at the time of recruitment. New appointments for staff up to and including Chief Officers are normally made at the minimum of the grade for the post, although this can be varied if necessary, to ensure the best candidate can be appointed.
- 10.4 Where the Council is unable to recruit Chief Officers, or there is a need for interim support to provide cover for a substantive Chief Officer post, the Council will, where necessary, consider engaging individuals under a 'contract for service' (rather than them being direct employees of the Council). These will be sourced through a relevant recruitment process, under relevant Officer delegations, ensuring the Council is able to demonstrate the maximum value for money from securing the service.

11. Approval of Salary Packages in Excess of £100K

- 11.1 Before any offer of appointment is made, the Council will ensure that salary packages in excess of £100,000 will be considered by full Council. This salary package will be defined as base salary, bonuses, fees, routinely payable allowances and any benefits in kind which are due under the contract.

12. Re- Employment of Former Chief Officers

- 12.1 It is the Council's policy not to re-employ any Chief Officer who was previously made redundant from the authority / received any other severance payment, or later engage them under a contract for service or interim contract except under exceptional circumstances

13. Publication and Access to Information regarding Chief Officer Remuneration

- 13.1 Upon approval by Council, the Pay Policy Statement will be published on the Council's website. In addition, relevant information will be reported in the Council's annual Statement of Accounts.

14. Payment of Lower Paid Employees within the Council

- 14.1 The Council uses the NJC negotiated pay spine (i.e. a nationally agreed and defined list of salary points) as the basis for its local pay structure, which determines the salaries for most of its workforce. The Council uses the NJC payspine SCP 3 - 47.
- 14.2 The Council operates a Job Evaluation Scheme to determine the pay grade for posts and uses the Willis Towers Watson Global Grading Scheme.
- 14.3 The Council ensures that all staff (aside from Apprentices) are paid at least the 'Real Living Wage' rate. Spinal Column Point (SCP) 3 automatically defaults to the Living Wage on 1st April each year and the Council uses this to define its 'lowest paid' employees.
- 14.4 The Council employs Apprentices who are not considered within the definition of 'lowest paid employees'. They are paid under the separate Apprentice Pay Rates, the highest of which equates to the real Living Wage rate.
- 14.5 The Council does not have a policy on maintaining a specific pay ratio between its Chief Officers and its lowest paid staff, although it is conscious of the need to ensure that Chief Officer salaries are not excessive.

15. Pension Contributions

- 15.1 Where employees have exercised their right to join the Local Government Pension Scheme, the Council agrees to contribute to the Scheme at rates set by Actuaries.

16. Payments on Termination

- 16.1 The Council's approach to statutory and discretionary payments on termination of employment of Chief Officers, prior to retirement, is set out within its policy statement and in accordance with:
- Local Government (Early Termination of Employment Discretionary Compensation) (England and Wales) Regulations 2006.
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17. Changes to Pay Policy

- 17.1 Should any amendments be required to this policy during the year, then matters will be reported to the People and OD Committee for consideration, for subsequent referral to Council.

18. Accountability and Decision Making

- 18.1 In accordance with the Constitution of the Council, People and OD Committee are responsible for decision making in relation to policies for recruitment, pay, terms and conditions and severance arrangements in relation to employees of the Council.

Lancaster City Council Pay Policy Statement 2023-24

1. Introduction and Purpose

- 1.1 In accordance with the requirements of Section 38 of the Localism Act 2011, this Pay Policy statement has been produced to reflect the Council's approach to pay policy for the year 2023/2024.
- 1.2 This statement sets out the Council's policies in relation to the remuneration of our Chief Officers and all other employees. It also clarifies the relationship between Chief Officer remuneration and the remuneration of our lowest paid employees.
- 1.3 The purpose of this statement is to demonstrate transparency with regards to setting the pay of Council employees.

2. Setting Terms and Conditions

- 2.1 The Council's Chief Officers, including the Chief Executive, are employed under the nationally agreed Joint Negotiating Committee (JNC) terms and conditions. All other employees are employed under the nationally agreed National Joint Council (NJC) terms and conditions.
- 2.2 Pay increases relating to cost of living are agreed nationally by the NJC and JNC negotiating bodies.

3. Definitions of Chief Officers within Lancaster City Council

- 3.1 Chief Officers (in senior positions) within this Council are currently defined as the Chief Executive, and:
 - Senior Chief Officer
 - Chief Officer – Resources (S151)
 - Chief Officer – Governance (Monitoring Officer)
 - Chief Officer – People and Policy
 - Chief Officer – Planning and Climate Change
 - Chief Officer – Sustainable Growth
 - Chief Officer – Environment and Place
 - Chief Office – Housing and Property
- 3.2 In addition to the above, the Council has further posts which may fall into the wider statutory definition of Chief Officer posts via reporting lines, although they are not designated as such within this Council. These other posts are as follows
 - Senior Manager – Democratic Services
 - Senior Manager - ICT
 - Senior Manager – Community & Leisure
- 3.3 All the posts named at 3.2 above fall into a pay grade which currently starts from £55,558 up to a maximum pay point of £69,221 (grade 14). The terms of service for these posts are governed by the National Joint Council for Local Government National Agreement on Terms and Conditions of Service (the NJC Green Book) and accordance with the new pay and grading structure 2020.

- 3.4 The Monitoring Officer function attached to the Chief Officer – Governance post, and the Section 151 Officer role attached to the Chief Officer – Resources posts are paid an allowance for this responsibility.

An allowance of £9000 (per annum) is made for the Monitoring Officer and 151 Officer functions. An allowance of £6000 per annum is divided up and awarded pro rata to Deputies carrying out these statutory functions (e.g. 1 Deputy for each role would attract £6000, 2 Deputies £3000).

4. Remuneration of the Chief Executive

- 4.1 The post of Chief Executive (which also acts as Head of Paid Service) was paid on a fixed salary of £123,725 as at 1 April 2022. This currently remains the same in 2023-2024, pending any pay award agreement.

5. Remuneration of other Chief Officers

- 5.1 Chief Officers are paid within a band which starts from £71,070 up to a maximum of £77,985. There has not been an agreement of pay award for 2023/2024, therefore the salary will remain the same as 2022/2023, pending any national pay award agreement.

Statutory Chief Officers are remunerated in accordance with their technical expertise and background

6. Policy on Other Aspects of Chief Officer Remuneration

- 6.1 Aside from 'pay' there are other aspects of Chief Officer remuneration which are outlined below:

6.1.1 **Travel and other expenses:** reimbursed through normal Council policies and procedures in the same way for all staff.

6.1.2 **Bonuses:** The terms of employment do not provide for the payment of any bonuses.

6.1.3 **Honoraria:** through normal Council policies and procedures in the same way for all staff.

6.1.4 **Severance arrangements (for Chief Officers ceasing to hold office):**

The Council's normal policies in relation to redundancy and early retirement apply to these posts, in line with relevant regulations.

Any payments falling outside the provisions above or the relevant periods of notice within the contract of employment shall be subject to formal decision made by Personnel Committee, as per the constitution.

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JOINT NEGOTIATING COMMITTEE
for
LOCAL AUTHORITY CHIEF OFFICERS

CONDITIONS OF SERVICE
HANDBOOK

UPDATED 8 August 2017

Employers' Secretary:	Officers' Side Secretary:
<p>NAOMI COOKE Local Government Association 18 Smith Square London SW1P 3HZ</p> <p>Tel: 020 7187 7373 email: info@local.gov.uk</p>	<p>REHANA AZAM GMB Mary Turner House 22 Stephenson Way London NW1 2HD</p> <p>Tel: 020 7391 6700 email: info@gmb.org.uk</p>

The Joint Negotiating Committee (JNC) for Chief Officers of Local Authorities is the national negotiating body for the pay and conditions of service of chief officers in England and Wales.

The Authorities' Side consists of elected members nominated by the Local Government Association and the Welsh Local Government Association. The Staff Side consists representatives of GMB and UNISON.

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NB: All hyperlinks and email addresses contained in this Agreement are correct at the time of publication. Please notify the Joint Secretaries of any discrepancies by emailing them at the addresses shown on the cover page.

PART 1 - CONSTITUTION

TITLE

- 1 The Committee shall be known as the Joint Negotiating Committee for Chief Officers of Local Authorities (hereinafter referred to as “the Committee”).

SCOPE

- 2 The Committee shall have within their scope any officer of a local authority in England and Wales who
- a is a chief officer designated by the employing authority as the administrative and executive head
 - either i* of a separate department
 - or ii* of a particular function or servicewhich in either case is regarded by the authority as important in relation to the total activities of the authority; or
 - b is designated by the authority as a recognised deputy to any chief officer covered by (a) above including an officer of deputy status but whose post may carry a different title.

MEMBERSHIP

- 3 The Committee shall consist of 36 members, appointed as follows:-

Representing local authorities:

Local Government Association	9
Welsh Local Government Association	1

Representing officers:

GMB	23
Unison	3

- 4 If any of the organisations named in paragraph 3 hereof fail to appoint the number of representatives provided for by the Constitution, such failure to appoint shall not vitiate the decisions of the Committee always providing the quorum referred to in paragraph 13 is met. In the event of any member of the Committee or any sub-committee thereof being unable to attend any meeting of the Committee or of the sub-

committee, as the case may be, the organisation represented by such member shall be entitled to appoint another representative to attend and vote in his/her place.

- 5 A member of the Committee shall automatically retire on ceasing to be a member of the organisation which he/she represents.
- 6 On the occurrence of a casual vacancy, a new member shall be appointed by the organisation in whose representation the vacancy occurs and shall sit until the end of the period for which his/her predecessor was appointed.

FUNCTIONS

- 7 The functions of the Committee shall be to secure the largest possible measure of joint action in respect of the salaries and service conditions of officers within the scope of the Committee; and to seek to resolve any differences between a local authority and its officers which may be referred to the Committee, in accordance with procedures to be determined by the committee from time to time.

PROCEDURE

- 8 **Sub-Committees** The Committee may appoint from their own members such sub-committees as they may consider necessary and with such authorities as they may from time to time determine. The reports of all sub-committees shall be submitted to the full Committee.
- 9 **Chair and Vice-Chair** The Committee shall appoint annually a Chair and Vice-Chair. When the Chair is a member of the Authorities' Side, the Vice-Chair shall be appointed from the Officers' Side and vice versa. The Chair shall be held in alternate years by a member of the Authorities' Side and a member of the Officers' Side. The Chair, or in his/her absence, the Vice-Chair, shall preside at all meetings of the Committee. In the absence of both the Chair and Vice-Chair at any meeting, a chair shall be elected to preside. In no case shall a Chair have a second or casting vote.
- 10 **Officers** The Committee shall appoint joint secretaries and a treasurer.
- 11 **Meetings** Meetings of the Committee shall be held as often as may be necessary, and the Chair shall call a special meeting if so requested by one-third of either side of the Committee. The notice summoning any special meeting shall state the nature of the business proposed to be transacted thereat, and no other matters shall be discussed. A special meeting shall take place within fourteen days after the request has been received.

- 12 **Voting** Voting in the Committee and in sub-committees shall be by show of hands or otherwise as the Committee or sub-committee, as the case may be, shall determine. No resolution shall be regarded as carried unless it has been approved by a majority of the members entitled to vote present on each side of the Committee or sub-committee, as the case may be.
- 13 **Quorum** The quorum of the Committee shall be 10, consisting of 4 representatives of local authorities and 6 of the officers. In the absence of a quorum the Chair shall vacate the chair, and the business then under consideration shall be the first business to be discussed either at the next ordinary meeting or at a further special meeting to be held within fourteen days after the date fixed for the first special meeting, as the case may be. The quorum of a sub-committee shall, subject to any directions given by the Committee, be determined by the sub-committee.
- 14 **Notices of meetings** All notices of meetings of the Committee and of any sub-committee thereof shall be sent to the respective members at least seven clear days before the date of the meeting.

FINANCE

- 15 The expenses of the Committee, excluding any necessary travelling or subsistence expenses incurred by the members, shall be shared equally by the two sides.

ARBITRATION

- 16 In the event of a dispute over terms and conditions of employment arising between the two sides of the Committee on any matter of general application to staff or of application to particular classes of staff, the dispute shall, at the request of either side, be reported to the Advisory, Conciliation and Arbitration Service by the Joint Secretaries with a request that the matter be referred for settlement by arbitration. The arbitration award shall be accepted by the two sides, and shall be treated as though it were an agreement between the two sides.

AMENDMENTS TO CONSTITUTION

- 17 Alterations in the Constitution of the Committee shall be made as follows:
 - a in paragraph 3 of this Constitution any change to the organisations represented on each Side, shall be a matter for each Side to determine.
 - b all other clauses can only be changed with the assent of both Sides.

PART 2 – CONDITIONS OF SERVICE

1. APPLICATION OF TERMS AND CONDITIONS GENERALLY

A chief officer shall enjoy terms and conditions in other respects not less favourable than those accorded to other employees of the local authority. Where terms and conditions are not specified locally, 'Green Book' provisions shall apply. Such terms and conditions may include:

- Adoption Scheme
- Car Allowances
- Continuous Service
- Grievance
- Health, Safety & Welfare
- Maternity / Paternity Scheme
- Reimbursement of Expenditure
- Sickness Scheme
- Training & Development

2. QUESTIONS OF INTERPRETATION

Any questions concerning the interpretation of the paragraphs of this booklet shall be referred to the Joint Secretaries who if necessary, may agree to refer it to the Joint Negotiating Committee for determination.

3. PERIODS OF NOTICE TO TERMINATE EMPLOYMENT

The period of notice on either side will normally be three months, but this can be changed by mutual agreement.

4. ANNUAL LEAVE

The chief officer shall be entitled to a minimum of 30 days' annual leave (in addition to statutory and other public holidays but inclusive of any long service leave, extra statutory and local holidays). In exceptional circumstances and by mutual agreement annual leave may be carried forward to the next leave year.

5. HONORARIUM PAYMENTS

A local authority may consider granting an honorarium (of an amount dependent upon the circumstances of each case) to an officer within purview of this Committee who performs duties outside the scope of his/her post over an extended period.

6. RELOCATION EXPENSES

In the case of officers being relocated it is the practice of some authorities to contribute towards the approved costs of removal

expenses and of other incidental expenses reasonably attributable to the removal; it would be in the best interests of local government and facilitate movement of officers if this practice were more widely followed.

7. SETTING REMUNERATION LEVELS

- 7.1 The Localism Act 2011 requires local authorities to produce and publish a pay policy statement. According to the Act and statutory guidance published in 2012 and 2013, the statement should include the local authority's policy on specific aspects of chief officers' remuneration: remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments, and transparency arrangements. It should also set out the approach to be adopted towards pay dispersion, (i.e. differentials). In addition, the Local Government Transparency Code 2015 requires local authorities to publish the differential between the taxable benefits of senior managers and the median taxable earnings figure for the local authority's whole workforce, and details of senior employee salaries (above £50,000), names (with the option for individuals to refuse to consent for their name to be published), job descriptions, responsibilities, budgets and numbers of staff.
- 7.2 In this context it is essential for good governance that local authorities can demonstrate that decisions on pay and reward packages for chief officers have been made in an open and accountable way.
- 7.3 One option is for a local authority to establish a remuneration committee. The establishment of a remuneration committee is of course optional and different models may well suit individual authorities. What is clear though is that more than lip service must be paid to the notion of providing a verifiable and accountable process for recommending the remuneration level of the most highly-paid officials.
- 7.4 The issues that local authorities will need to consider if they set up such a committee are set out at **Appendix 3** of the JNC Conditions of Service Handbook for local authority Chief Executives.

8. PERFORMANCE APPRAISAL

- 8.1 Chief officers' responsibilities and accountabilities should be set out in writing at the appointment stage. Where this has not been done at the appointment stage it should be agreed with the individual officer concerned prior to the implementation of the performance appraisal scheme. Subsequently, there should be an annual process of performance appraisal linked to those responsibilities and accountabilities.
- 8.2 The performance appraisal process is separate from any scheme relating to either pay or performance related pay.

- 8.3 The performance appraisal process should involve the setting of both general and specific objectives for the year ahead and the review of performance in achieving previously set objectives. The focus of the process should be on clarifying what the chief officer will be expected to achieve and on identifying any continuing personal development needs to maintain a high level of performance.
- 8.4 The authority will provide training for all parties involved in the process, including elected members if involved.
- 8.5 The setting of objectives should be by consensus between the chief officer and his/her line manager, and/or the chief executive, and if desired an appropriate elected member. The result of the performance appraisal process will be to identify agreed objectives that are relevant and challenging but achievable and realistic in the light of available resources and time. (Joint Secretaries guidance on appraisal of chief officers is set out in full at **Annex 1**)

9. RESTRICTIONS ON RE-EMPLOYMENT

- 9.1 After termination of the chief officer's employment he/she:
 - a will not divulge any information to any third party which is confidential to the authority.
 - b will not, without the consent of the authority, which will not unreasonably be withheld, within a period of 12 months take up employment with or provide services for reward to any body:
 - i if during the chief officer's last two years of employment with the authority the officer has been directly involved in transactions with that body for which the offer of employment or provision of services could reasonably be regarded as a reward
 - ii which is likely to benefit from commercially sensitive information which is known to the chief officer by virtue of his/her past employment by the authority.
- 9.2 These provisions would not apply if the termination of employment with the local authority arose as the result of redundancy or the externalisation of work and consequent transfer to a new employer.

10. SALARY

The salary paid to a chief officer will be that determined by the employing local authority. Salaries shall be deemed to be inclusive, and all other fees and emoluments, unless they are covered by **Paragraph 11** or the authority expressly agrees that they shall be

retained by the officer, shall be paid by the officer into the local authority's accounts.

11. RETURNING OFFICER FEES

The chief officer shall be entitled to receive and retain the personal fees arising from such of the duties of returning officer, acting returning officer, deputy returning officer or deputy acting returning officer and similar positions as he or she performs subject to the payment of pension contributions thereon, where appropriate, unless a specific term has been included in the chief officer's contract referring to alternative arrangements.

12. OFFICIAL CONDUCT

12.1 The public is entitled to demand of a local government officer conduct of the highest standard.

12.2 An officer's off-duty hours are his/her personal concern but he/she should not subordinate his/her duty to his/her private interests nor put himself/herself in a position where his/her duty and his/her private interests conflict, or where public confidence in the conduct of the authority's business would be weakened.

12.3 Officers within purview of this Committee shall devote their whole-time service to the work of the local authority and shall not engage in any other business or take up any other additional appointment without the express consent of the local authority.

12.4 An officer shall not be required to advise any political group of the local authority, either as to the work of the group or as to the work of the local authority, neither shall he/she be required to attend any meetings of any political group. This shall be without prejudice to any arrangements to the contrary which may be made in agreement with any officer and which includes adequate safeguards to preserve the political neutrality of the officer in relation to the affairs of the local authority.

12.5 No officer shall communicate to the public the proceedings of any committee meeting nor the contents of any document relating to the authority which in either case is regarded by the authority as confidential unless required by law or expressly authorised to do so.

12.6 If it comes to the knowledge of an officer that a contract in which he/she has any pecuniary interest, whether direct or indirect (not being a contract to which he/she is himself/herself a party), has been or is proposed to be, entered into by the authority, he/she shall, as soon as practicable, given notice in writing to the chief executive of the authority of the fact that he/she is interested therein. (Attention is

drawn to the provisions of the Local Government Act 1972 Section117).

- 12.7 Information concerning an officer's private affairs shall not be supplied to any person unless the consent of such officer is first obtained.

PART 3 - DISCIPLINE, CAPABILITY AND REDUNDANCY

1. SPECIFIC STATUTORY OFFICERS

- 1.1 Where disciplinary action against the Monitoring Officer or s151 Officer or, in Wales, the Head of Democratic Services is contemplated, the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) in England, and the Local Authorities Standing Orders (Wales) Regulations 2006 in Wales, provide a degree of protection for these officers against unwarranted political interference in their statutory role within local authorities.
- 1.2 **(England)** Paragraph 13 and 13A and Appendix 5A of the Conditions of Service Handbook of the Joint Negotiating Committee for Local Authority Chief Executives, which give effect to these statutory requirements, can be used as a reference guide in circumstances where disciplinary action against the Monitoring Officer or s151 Officer is contemplated.
- 1.3 **(Wales)** Paragraph 13 and 13B and Appendix 5B of the Conditions of Service Handbook of the Joint Negotiating Committee for Local Authority Chief Executives, which give effect to these statutory requirements, can be used as a reference guide in circumstances where disciplinary action against the Head of Democratic Services is contemplated.

2. CHIEF OFFICERS OTHER THAN SPECIFIC STATUTORY OFFICERS

- 2.1 The size and structure of local authorities varies greatly and it is therefore difficult to set out single disciplinary and capability procedures which would fit all authorities. However, authorities will have local procedures to deal with such issues.
- 2.2 In general, informal conciliation is to be preferred to formal disciplinary and capability procedures if it can bring about a mutually agreed solution to the problems that have arisen. Such solutions should make it clear what specific changes in behaviour and/or performance are expected and within what timescales. However, provision is required to undertake more formal action where necessary.
- 2.3 The principles of natural justice and good management practice must govern the conduct of any proceedings against a chief officer on the grounds of either alleged misconduct (i.e. 'discipline') or an alleged inability to carry out their role (i.e. 'capability'). Authorities should have full regard to the principles and standards set out in the ACAS Code of Practice on Disciplinary Procedures.

- 2.4 A particular consideration for Chief Officers is that the procedures must take account of an officer's position in the hierarchy when determining who conducts investigations, undertakes disciplinary/capability hearings taking any appropriate action and who hears appeals. Depending on the structure of the authority and the circumstances of the case these functions should normally be undertaken by officers as appropriate but in some cases may require a committee of members to be involved in hearings or appeals.
- 2.5 Where the chief officer's continuing presence at work compromises an investigation or impairs the efficient exercise of the local authority's functions, the chief officer may (subject to whatever consultation or approval may be required under the authority's standing orders) be suspended from duty. The Council, or appropriate committee or senior officer, acting under delegated powers, may carry out such suspension on full pay. Written notice stating the reasons for any such suspension shall be given at the earliest opportunity possible.
- 2.6 Suspension protocols regarding communication and matters such as annual leave and sickness should be agreed. The necessity for the chief officer to remain suspended should be reviewed at regular intervals and where possible lengthy periods of suspension should be avoided.
- 2.7 In England, where an authority operates a mayor or leader cabinet executive system and as a result of disciplinary proceedings there is a recommendation to dismiss, they should check whether the executive objections procedure set out in schedule 1, part I, paragraph 6 and part II, paragraph 6 of the Local Authorities (Standing Orders) (England) Regulations 2001 applies, and if so ensure it is followed before the chief officer is dismissed.
- 2.8 Where the chief officer in question is a Director of Public Health in England then the authority should ensure that it complies with section 73A of the National Health Act 2006, which provides that before terminating the appointment of its Director of Public Health, a local authority must consult the Secretary of State for Health. Further information on this is available in the Department of Health's guidance, [Directors of Public Health in Local Government: Roles, responsibilities and context](#).
- 2.9 The Joint Secretaries (or their representatives) are available to act in an impartial conciliation role, whether formal or informal if required to do so by the local parties.

3. REDUNDANCY

- 3.1 Employing authorities should consult with any chief officer affected at the earliest possible stage when there is a suggestion that the chief officer's post might be abolished or proposed for abolition.

- 3.2 If after such consultation a proposal is formulated to abolish the chief officer's post, and that is part of a proposal to dismiss 20 or more employees from one establishment within 90 days the procedure of Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992, requiring consultation with trade unions, should be followed, the required statutory information being sent to the chief officer and to each independent trade union recognised by the employers for collective bargaining purposes for the chief officer. Where the provisions of the Act do not apply in any event a period of not less than twenty-eight days should be allowed for the individual consultation process. The chief officer and a trade union representative should also be afforded an opportunity of making oral representations to the Committee or Council meeting concerned before a final decision is made.
- 3.3 If following such consultations the authority decide that the post must nevertheless be abolished, the officer should be offered any suitable alternative employment that may be available or which may become available in consequence of the re-organisation giving rise to the abolition of the chief officer's post.
- 3.4 The authority should also bear in mind the possible application of discretionary powers of premature retirement, and permissible enhancement of benefits or redundancy payments, and the possibilities of providing an alternative post or of extending the period of notice to assist the chief officer in finding other employment.
- 3.5 Where the chief officer in question is a Director of Public Health in England then the authority should ensure that it complies with section 73A of the National Health Act 2006, which provides that before terminating the appointment of its Director of Public Health, a local authority must consult the Secretary of State for Health. Further information on this is available in the Department of Health's guidance, [Directors of Public Health in Local Government: Roles, responsibilities and context](#).

JOINT GUIDANCE ON APPRAISAL OF THE CHIEF OFFICER**1. INTRODUCTION**

- 1.1 This guidance is intended for use by senior officers, elected members and the chief executive when agreeing a process for appraising the performance of the chief officer. The focus of this process should be on clarifying what the chief officer is expected to achieve and on identifying any continuing developmental needs which, if met, would maintain a high level of performance. The process of setting objectives should be by agreement and the result should be to identify objectives which are relevant and challenging but achievable.
- 1.2 The process should not become complex. At all times it needs to focus clearly on a few basic issues: what the chief officer's job is; what has been done well; what could have been done better; the major issues over the next year; and what developmental needs the process clearly identifies.

2. RESPONSIBILITY FOR APPRAISAL

- 2.1 The responsibility for appraising a chief officer lies primarily with their line manager and/or chief executive. It is a contractual obligation on the part of both the chief officer and the employing local authority to engage in a regular process of appraisal.
- 2.2 It will be for local decision in the light of local circumstances whether the appraisal should include any input from elected members representing all political groups or by a senior representative or representatives of the controlling group. Whichever approach is adopted, those conducting the appraisal need to bear in mind at all times that the chief officer is employed by the local authority as a whole, not by the controlling group, and is therefore required to serve all of the local authority.

3. AIMS OF APPRAISAL

- To identify and clarify the key objectives, priorities and targets of the local authority and appropriate timescales for their achievement over the next (e.g. twelve) months
- Agree what the chief officer should personally achieve over the next (e.g. twelve) months and identify required standards of performance, in order to help deliver the local authority's key objectives, priorities and targets. Wherever possible standards of performance should be expressed in ways which can be monitored objectively

- Discuss positive achievements over the past (e.g. twelve) months and identify reasons for good performance
- Discuss instances over the past (e.g. twelve) months where targets have not been met, identifying the factors preventing the achievements of agreed goals
- Discuss developmental requirements. The chief officer will have strengths and weaknesses and the parties should identify the professional development necessary to equip the chief officer with the requisite skills to meet the local authority's objectives. The parties should be proactive and anticipate future developmental needs in the context of the local authority's changing priorities. This discussion could lead to the design of a formal programme of continuous professional development (CPD). Equally this discussion may lead to agreement on changes to the working relationship between the chief officer and the chief executive. It should not be assumed that it is only the chief officer who may need to adjust his / her approach to the working relationship

3.1 Appraisal should be set in the context of the local authority's objectives, priorities and targets, generally expressed in corporate plans. Appraisal targets when taken as a whole should be related to agreed targets for the local authority as a whole.

4. THE APPRAISAL CYCLE

Appraisal should take place on a predetermined date, **at least annually**, backed up by regular monitoring meetings at which targets can be reviewed for continuing relevance. A formal system of appraisal should not prevent the continuous review of progress and performance.

5. KEY ELEMENTS OF THE APPRAISAL PROCESS

- Continuous two-way monitoring of performance against objectives
- Preparation for an appraisal interview
- An appraisal interview where recent and current performance, future objectives and development needs are discussed
- Agreement on action required from either party to ensure required performance is achievable
- A continuing process of informal discussion regarding performance

6. THE APPRAISAL INTERVIEW AND AFTERWARDS

- Both parties should be well informed and prepared for the interview
- The process should be two-way
- The interview should be free from interruptions, and notes should be taken when necessary
- The parties should concentrate as far as possible on established facts rather than unsubstantiated opinions
- Targets which are realistic and capable of being monitored should be agreed
- Any agreed personal development plans should be implemented within the agreed timescale
- The chief officer should be given a reasonable opportunity to correct any shortfalls in performance
- A date for the next review should be agreed

7. OTHER MATTERS

The detailed content of appraisal interviews should normally be treated as confidential to the participants, unless both parties agree that it would be helpful for the targets agreed for the ensuing period to be shared more widely. However, it may be useful to report to an appropriate committee meeting that an appraisal interview has taken place.

PEOPLE AND OD COMMITTEE

Gender Pay Gap Reporting

5th March 2024

Report of the Chief Officer – People and Policy

<p style="text-align: center;">PURPOSE OF REPORT</p> <p>To enable the Committee to consider the Gender Pay Gap report, and the comparison between figures for 2022 and 2023.</p> <hr/> <p>This report is public.</p>

RECOMMENDATIONS

- (1) That People and OD Committee notes the gender pay gap report and the figures provided for 2023.**

1.0 Introduction

- 1.1 The Equality Act 2010 (Gender Pay Gap Information) Regulations 2017 require that organisations with 250 employees or more publish specific figures about their gender pay gap on a snapshot date of 31st March each year.
- 1.2 The Council is due to publish its figures in line with these regulations, and the report is appended.
- 1.3 The figures published show both the mean and median pay gaps, which are lower than the national averages. The report also clarifies the reasons why figures are at the level they are, specifying the composition of our workforce at various levels.
- 1.4 The Committee should note that the Council has a set of pay grades, each with its own salary range. All employees carrying out the same job are paid within a specific grade, and all employees within each grade benefit equally from progression within the grade, up to the maximum salary payable. Jobs are allocated to specific grades within the Council using the analytical job evaluation scheme the Council currently uses. Both of these approaches ensure that the Council complies with equal pay legislation.

2.0 2023 Gender Pay Gap figures

- 2.1 Gender Pay Gap figures for 2023 are as follows:
1. Mean Gender Pay Gap 10% (compared to 7.8% in 2022)
 2. Median Gender Pay Gap 14% (compared to 11% in 2022)
- 2.2 These figures, when compared to the figures for 2022, show that the mean and median figures have increased slightly, but remain below the national average. The median national pay gap in 2023 was 14.3%.

2.3 Casual staff have historically been included in the methodology for gender pay gap reporting at the Council. Removing Casual staff results in a gender pay gap as follows:

1. Mean Gender Pay Gap 2.4%
2. Median Gender Pay Gap 0%

3.0 Analysis

3.1 There are a higher proportion of females in our lower quartile of the data reported which impacts on our pay gap figures.

3.2 The vast majority (72%) of employees in our in-house cleaning team (Grade 5) are female, and these positions are paid within the lower quartile. This is historically a female dominated profession and attracts a higher proportion of female applicants.

3.3 A high proportion (61%) of casual roles (Grade 5) such as catering assistants, general assistants (cleaning) and events staff are also occupied by females. Casual roles are known to be largely attractive to females due to often potential caring and childcare responsibilities falling onto females. Our casual roles allow employees to refuse work when offered if they are not available. Section 2.3 illustrates the core workforce gender pay gap excluding casual staff for comparative purposes.

3.4 The existence of a gender pay gap does not make it unlawful. Having a gender pay gap does not mean the Council is discriminating in relation to gender pay. A gender pay gap is not solely the result of pay practices. It is about much broader influences. Gender pay gaps are the outcome of economic, cultural, social and educational factors.

3.5 Nevertheless, the Council is committed to reducing the gender pay gap. Activities to address this include:

Engagement with the Women's Network which led to suggestions including:

- Share the Council's flexible working policy and guidance information with all staff
- Ensure vacancy forms ask recruiting managers to consider whether a job share or part time working could be an option
- Create shadowing and mentor opportunities at all levels to ensure women have the opportunity to experience other roles to help them understand their development needs and to help build confidence
- Continue to provide safe spaces for women to share and discuss topics that are meaningful to them

3.6 Some of these suggestions have already been actioned and others are included in our existing three-year People Plan. Other workforce strategies within the plan include:

- A commitment to reviewing our EDI practices and policy – the plan to ensure our recruitment and employment practices are non-discriminatory
- Our training and development programme for all people managers – which will cover equality issues in HR workshops and through accredited leadership qualifications
- Continued review of our recruitment practices to reduce the potential for unconscious bias, including our use of structured interviews so all applicants are assessed using pre-specified criteria and digitalisation
- Our increased focus on intelligent decision making – through the use of the HR dashboards and putting it on the leadership team agenda
- Our restructuring, which puts people management (and therefore EDI in employment practices) on the senior leadership team – making it central to all decision making

- Our commitment to maintaining our Real Living Wage accreditation and using our job evaluation scheme to ensure that grades are allocated to job roles according to responsibility carried and nothing else
- Our continued commitment to hybrid working and other flexible working practices – making it easier for those with caring responsibilities to balance them with their work
- New approach to employee engagement to improve the options available for people to feedback on issues
- Continued embedding of our values and behaviours so that employees understand our commitment to inclusion
- New approach to talent management and development of career pathways, with the aim of supporting the potential in all of our people to develop, including the promotion of apprenticeships to increase skills, qualifications and experience
- Continued tight monitoring of any requests for changes in pay

4.0 Conclusion

- 4.1 The Council continues to pay its staff in accordance with internal policy and procedure and complies with employment legislation in ensuring pay rates follow the principle of 'equal pay for work of equal value'. The Council is also a Real Living Wage Employer.
- 4.2 The primary reasons for the Gender Pay Gaps as reported above are the make-up of our workforce. Our lower quartile roles are attracting female applicants due to external circumstances and due to historically roles being female dominated in these areas.
- 4.3 The Council's gender pay gap is favourable when compared to national averages. However, the Council has continued to develop and promote a range of workforce strategies, as outlined above, that contribute towards addressing the gender pay gap by enabling the Council to recruit and retain talent.

CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):
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There is no impact. Should actions be proposed as a result of this paper, then impact assessments will be carried out in relation to those specific actions.
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LEGAL IMPLICATIONS

There are no legal implications arising from this report.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces:

There are no resource implications arising from this report. However, should actions be proposed as a result of this report, then it is expected that the Human Resources team would be responsible for progressing those actions, and would need to review capacity when considering timescales alongside other priorities.
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SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no comments.

BACKGROUND PAPERS

2023 Gender Pay Gap Report paper to be published on the council's website by 31st March 2024

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Lancaster City Council's Equality Impact Assessment Guidance and Form

What is an equality impact assessment?

An equality impact assessment is a way of understanding the impact that a new way of doing things might have on members of our community, in particular people from protected groups. This could be a new service, practice, policy, strategy, project or decision.

Protected groups include age, disability, faith, religion or belief, gender (including marriage, pregnancy and maternity), gender reassignment, race and sexual orientation (including Civil Partnership).

Please note: the impact on rural communities and people on low incomes must also to be considered.

Why do I need to carry out an equality impact assessment?

Part of the council's core purpose is to *'provide a range of customer focused services and offer value for money and meet the needs of people who live, work and visit the district' and to 'maintain a cohesive community by ensuring we understanding the needs of our communities and provide equality of access to our services and employment opportunities'*.

It is therefore important that we collect and use information about our community to help us to understand how service changes and decisions might impact on the local community.

Our corporate *Ethos* makes it clear that in our stewardship role the council has a responsibility for *'ensuring the social, economic and environmental wellbeing of the local area'* and that in terms of social justice that *'the values of local government are founded on equality and meeting community needs'*.

Therefore we should consider how everything we do will impact on the communities that we serve. This should lead to more informed decision making, more customer focussed, cost effective, efficient services for local people.

When delivering services and employment, the council has a general equality duty to consider the need to:

- Eliminate unlawful discrimination, harassment, victimisation or other unlawful conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not.

How do I carry out an equality impact assessment?

A simple form has been developed to assist services with carrying out equality impact assessments.

The form provides a consistent approach to equality impact assessment, however, it is more important that we consider how everything we do will impact on the local community and that action is taken to mitigate impact. The form provides a way of recording this.

The council's 'getting to know our communities' data will help services to assess potential impact on protected groups. This provides both local and national statistics and is available on the Elsie equality and diversity page (via HR).

All councils have to produce similar information, therefore it may be useful to do a web search rather than starting from scratch.

An example of a completed form is also available on the Elsie equality and diversity page (via HR).

When do I need to carry out equality impact assessment?

Equality impact assessment should take place when considering doing something in a new way.

For example:

- A change in a current service or introduction of a new service
- The review of a current policy/strategy or the development of a new policy/strategy
- The start of a new project or when making a decision.

A decision making flow chart is available on the Elsie equality and diversity page (via HR).

An equality impact assessment form will need to be completed as an appendix to decision making committee reports eg Cabinet, Council.

Please note: the outcomes of your equality impact assessment should be used to inform your reports.

Please refer to the report writing guidelines on Elsie or contact democratic services for advice on this.

Who should carry out equality impact assessment?

An equality impact assessment should be carried out by the officer leading on above examples.

Who can I contact for support and guidance?

Equality impact assessment support is available from the HR and Organisational Development Team.

Equality impact assessment form

An equality impact assessment should take place when considering doing something in a new way.

Please submit your completed form as an appendix to your committee reports for monitoring and publishing purposes to ['report clearance'](#) (please refer to report writing guidance).

Please keep your answers brief and to the point. Consideration needs to be reasonable and proportionate.

Please also remember that this will be a public document – do not use jargon or abbreviations.

Section 1: Details

Service	Human Resources
Title and brief description (if required)	Gender Pay Gap
New or existing	New
Author/officer lead	Alex Kinch, Chief Officer – People and Policy
Date	7 th February 2024

Does this affect staff, customers or other members of the public?

Yes Please complete the rest of the equality form.
No Please return the equality form as above.

Section 2: Summary**What is the purpose, aims and objectives?**

To restructure the leadership team to ensure that the Council is equipped to meet our challenges and continue to deliver excellent services for our Communities.

As the Council is currently operating with an interim leadership team structure, the new structure will provide stability and re-align our resources in order to deliver on our priorities and key outcomes.

Who is intended to benefit and how?

Lancaster City Council staff, Members and Residents through a stable senior structure that is fit for purpose and set up to provide direction.

Section 3: Assessing impact

Is there any potential or evidence that this will or could:		
• Affect people from any protected group differently to others?	Yes	No
• Discriminate unlawfully against any protected group?	Yes	No
• Affect the relations between protected groups and others?	Yes	No
• Encourage protected groups to participate in activities if participation is disproportionately low (won't always be applicable)?	Yes	No
• Prevent the council from achieving the aims of its' Equality and Diversity Policy?	Yes	No

If yes, please provide more detail of potential impact and evidence including:	
<ul style="list-style-type: none"> - A brief description of what information you have and from where eg getting to know our communities data, service use monitoring, views of those affected ie discussions or consultation results? - What does this tell you ie negative or positive affect? 	
Age including older and younger people and children	
Disability	
Faith, religion or belief	
Gender including marriage, pregnancy and maternity	
Gender reassignment	
Race	
Sexual orientation	

Including Civic Partnership	
Rural communities	
People on low incomes	

Section 4: Next steps

Do you need any more information/evidence eg statistics, consultation? If so, how do you plan to address this?

No

How have you taken/will you take the potential impact and evidence into account?

N/A

How do you plan to monitor the impact and effectiveness of this change or decision?

Action plan referenced in report

Thank you for completing this equality impact assessment form, please submit your completed form as an appendix to your committee reports for monitoring and publishing purposes to ['report clearance'](#) (please refer to report writing guidance).

Gender Pay Gap March 2023

Introduction

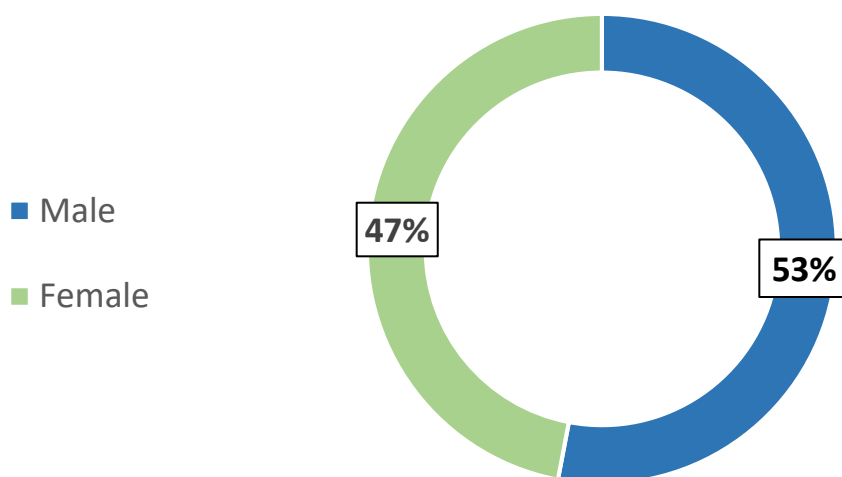
The Equality Act 2010 (Gender Pay Gap Information) Regulations 2017 require that organisations with 250 employees or more must publish specific figures about their gender pay gap every year on a snapshot date of 31st March. This includes the requirement to base calculations on the ordinary pay for all staff paid on the snapshot date.

Gender Split

On 31st March 2023 our workforce totalled 940 individuals, of which 499 (53%) were male and 441 (47%) were female (all staff have disclosed either as male or female for the purposes of this information).

For the purpose of reporting the gender pay gap, all permanent, temporary and casual employees are included in the total workforce figure.

A positive pay gap indicates that men are paid more, whilst a negative pay gap indicates that women are paid more.



The regulations require us to report on:

Mean Gender Pay Gap	The difference between the mean hourly rate of pay of male full-pay relevant employees and that of female full pay relevant employees
Median Gender Pay Gap	The difference between the median hourly rate of pay of male full-pay relevant employees and that of female full pay relevant employees
Mean Bonus Gap	The difference between the mean bonus pay paid to male relevant employees and that paid to female relevant employees
Median Bonus Gap	The difference between the median bonus pay paid to male relevant employees and that paid to female relevant employees
Bonus Proportions	The proportions of male and female relevant employees who were paid bonus pay
Quartile Pay Band	The proportions of male and female full pay relevant employees in lower, lower middle, upper middle and upper quartile pay bands

Gender Pay Gap

Year	Mean hourly rate pay gap	Median hourly rate pay gap
2023	10%	14%
2022	7.8%	11%
2021	8.23%	9.48%
2020	-0.44%	2.13%
2019	4.74%	6.59%

Bonus Gender Pay Gap

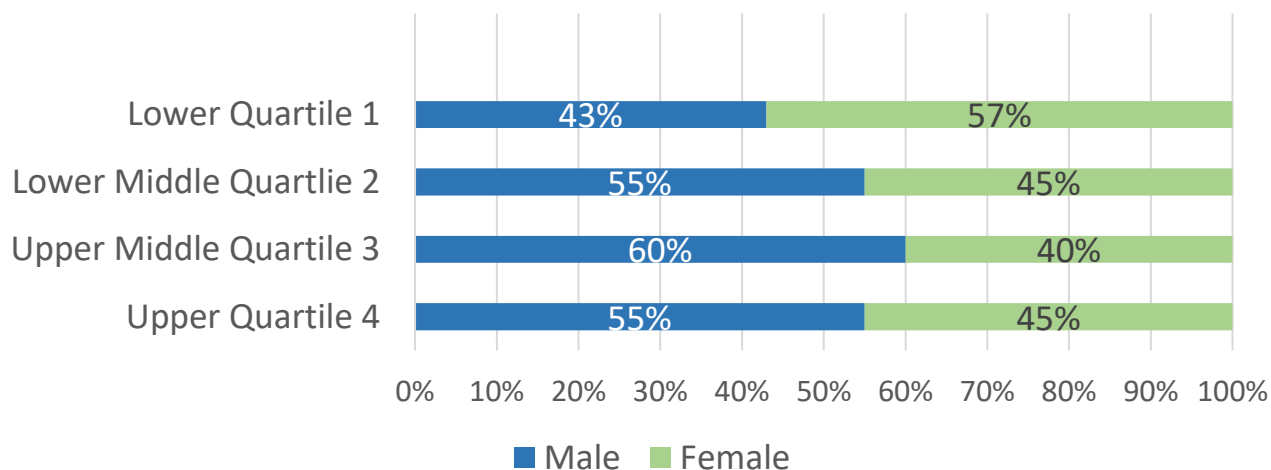
The only payment made by the council that meets the definition of a 'bonus' is a long service award, which is provided through a voucher of up to the value of £150 awarded to employees on completion of 25 years of service.

For the year 2022/23, 6 employees received the long service award all of which were male.

Gender	Percentage of staff in receipt of a bonus
Male	6
Female	0

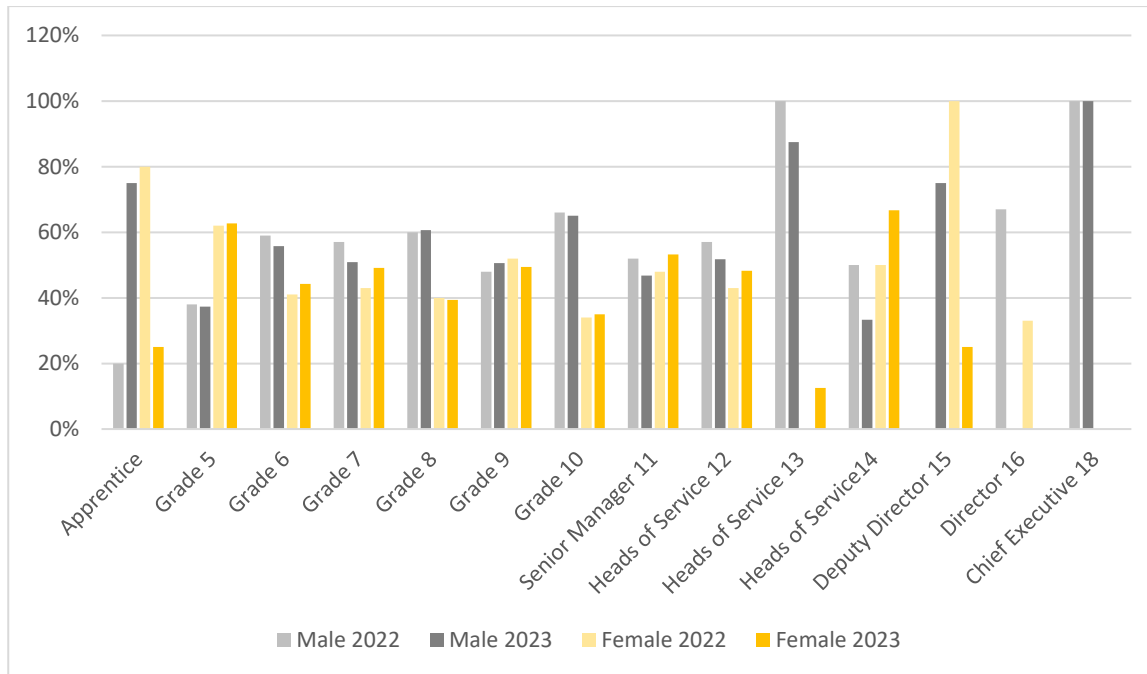
Mean Bonus Gap	0
Median Bonus Gap	0

Quartile Pay Band



The percentage of females in Upper Quartile 4 has remained consistent at 44% for the last few years but has increased to 45% in 2023. The proportion of females in lower pay quartiles has increased; there has been an increase in percentage of females in Lower Middle Quartile 2 from 43% in 2022 to 45% in 2023, and an increase for females in lower quartile 1 of 2% from 55% in 2022 to 57% in 2023. There has been an increase of females in the upper middle quartile 3 from 39% to 40%.

Proportion of Males and Females by Grade



Grade*	Male		Female	
	2022	2023	2022	2023
Apprentice	1	3	4	1
Grade 5	47	56	77	94
Grade 6	149	145	103	115
Grade 7	80	56	60	54
Grade 8	100	117	66	76
Grade 9	36	44	39	43
Grade 10	21	26	11	14
Senior Manager 11	25	22	23	25
Senior Manager 12	16	15	12	14
Heads of Service 13	4	7	0	1
Heads of Service 14	5	1	5	2
Deputy Director 15	0	6	1	2
Director 16	2	0	1	0
Chief Executive 18	1	1	0	0

Trend Analysis

The data tells us that in 2023 on average males are paid 10% (mean figure) more than females, this is an increase of 2.2% from the previous year.

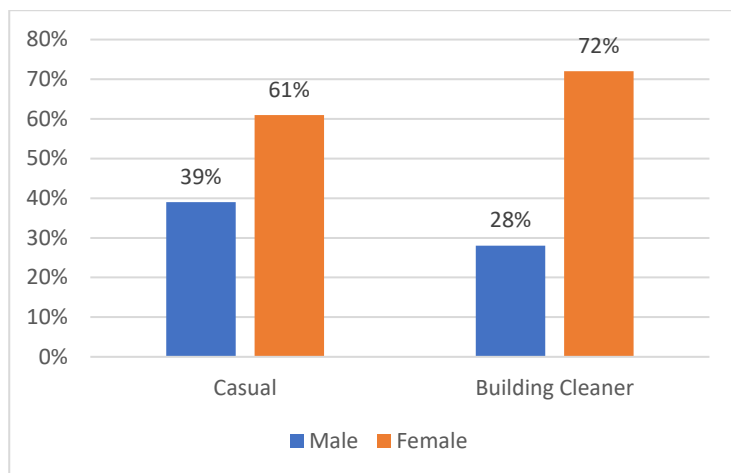
The median pay gap however is greater than mean pay gap at 14%, resulting in an increase of 3% from the previous year.

A comparison of grade bandings and percentage females and males within each band does not indicate a significant change to the weighting of male and female postholders in each band from the previous year 2022.

As was reported in the last financial year the numbers of people employed who are female within Grade 5 are still proportionally higher than those females employed within other grade bandings. Grade 5 falls within the Councils reported Lower Quartile 1.

There have been no substantial changes in the other grade bandings in the weighting of male to female postholders year on year.

Grade 5 Analysis



Grade 5 Further Analysis			
Casual	Male	46	39%
	Female	71	61%
		117	
Building Cleaner	Male	9	28%
	Female	23	72%
		32	

Females occupy 72% of the in-house building cleaning functions posts as well as 61% of our casual positions.

Historically building cleaning has attracted female applicants and has been a female dominated sector. Casual roles also tend to attract female applicants due to their flexible nature working around childcare and other commitments.

It should be noted that as a Real Living Wage employer the Council do pay real living wage for our lowest paid staff, which from April 2024 is increasing to £12 per hour.