



Committee: PERSONNEL COMMITTEE
Date: TUESDAY, 3 FEBRUARY 2015
Venue: MORECAMBE TOWN HALL
Time: 6.00 P.M.

A G E N D A

1. **Apologies for absence**

2. **Minutes**

Minutes of meeting held on 27th November and 8th December 2014 (previously circulated).

3. **Declarations of Interest**

To receive declarations by members of interests in respect of items on this agenda.

Members 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 10 and in the interests of clarity and transparency, members 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, members 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.

4. **Items of urgent business authorised by the Chairman**

5. **Corporate Health and Safety Arrangements and Members' Responsibilities** (Pages 1 - 26)

6. **Officer Employment Procedure Rules** (Pages 27 - 36)

7. **Human Resources Policy Development and Review** (Pages 37 - 83)

8. **Recruitment for On-call Fire-fighters at Lancaster Fire Station** (Pages 84 - 93)

ADMINISTRATIVE ARRANGEMENTS

(i) **Membership**

Councillors Paul Gardner (Chairman), David Smith (Vice-Chairman), Shirley Burns,

Caroline Jackson, Jane Parkinson, Margaret Pattison and Sylvia Rogerson

(ii) Substitute Membership

Councillors Tony Anderson, Keith Budden, Melanie Forrest, Janet Hall, Kathleen Graham, Billy Hill and Ian Pattison

(iii) Queries regarding this Agenda

Please contact Peter Baines, Democratic Services - telephone 01524 582074 or e-mail pbaines@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Members' Secretary, telephone 582170, or alternatively email memberservices@lancaster.gov.uk.

MARK CULLINAN,
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Published on Monday 26th January 2015.

PERSONNEL COMMITTEE**Corporate Health and Safety Arrangements and
Members' Responsibilities
3 February 2015****Report of Chief Officer (Health & Housing)****PURPOSE OF REPORT**

To brief members on their responsibilities for health and safety and to outline the council's current arrangements.

This report is public.

RECOMMENDATIONS

(1) That this report be noted.

1.0 Introduction

- 1.1 This report follows a request that the Committee be informed of Members' role and responsibility for health and safety.
- 1.2 The training currently being delivered to our managers and supervisors (an Institution of Occupational Safety & Health award) defines three broad areas of health and safety responsibility: legal, moral and financial. The Health & Safety Executive, the regulator, will primarily be concerned with legal compliance. Our elected members, management and staff will however be equally concerned with moral and financial provisions in the balance of getting health, safety and welfare provision and performance right.
- 1.3 The Health and Safety at Work etc., Act 1974 and regulations made under it provide the legal framework for the council's responsibilities. There are general legal duties and specific requirements, the latter being the focus of various sets of regulations dealing with control of chemicals, provision and use of equipment, working at heights, accident reporting, etc.
- 1.4 It is inevitable that despite all care and attention in the workplace accidents can and will happen. The legal minimum standard in practice is that the council must do everything "reasonably practicable" to protect the health, safety and welfare of employees, customers and other people who come into contact with or are affected by our activities. This means doing what it is technically possible to do ('practicable') within the limits of what is justifiably affordable across the sector and feasible to implement without preventing the council from being able to deliver necessary services ('reasonable').

2.0 Responsibilities of elected members for health and safety

- 2.1 The statement of this council's elected members' responsibility for health and safety can be found in the terms of reference of Personnel Committee in the Constitution Part 3 paragraph 6.2: "Be responsible for Health and Safety policy".
- 2.2 Legal responsibilities to comply with health and safety legal requirements fall to the council as a body and, where they may also fall to individuals, primarily to the Chief Executive and the relevant Management Team member according to who may be legally defined as the council's 'controlling mind' for individual cases of operational health and safety. Some responsibilities for compliance with health & safety legal requirements are delegated to managers and supervisors. Separately, individual employees are under a legal duty to cooperate with and follow the council's health and safety requirements in their working practices and adhere to safety controls. The Health & Safety Executive (HSE) is the regulator for health and safety compliance by the local government sector, in the same way (and not to be confused with) the council's own Environmental Health role as health and safety regulator for local businesses.
- 2.3 Guidance on health and safety matters for elected members can be found in this document: *'Think about health and safety – What elected members of local authorities need to know'* (Institution of Occupational Safety & Health, 2009) which forms Appendix 1. It is proposed that, following the meeting, a briefing note will be prepared for elected members on health and safety reflecting key local considerations informed by this document.
- 2.4 Members will wish to be informed and assured about standards of health and safety compliance, i.e. is the council doing everything it can reasonably be expected to do to comply with the law and look after its people. Members will also be interested in the moral and financial dimensions of safeguarding health, safety and welfare standards. Officers will verbally brief the meeting about current research into how other councils are measuring performance and the information they are presenting to elected members.

3.0 Current health and safety arrangements

- 3.1 The council's management and control structure for health and safety has the Chief Executive supported by the Chief Officer (Health & Housing) as Management Team member leading corporately on health and safety. Through Environmental Health, the Corporate Safety Officer – who is the council's legally required 'competent person' – is responsible for providing support in terms of policy, guidance and advice, council-wide coordination. Given the wide range of safety-concerned work activities operated at and from White Lund Depot, the post of Safety Manager has been created to provide effective local control and coordination, reporting to the Chief Officer (Environment).
- 3.2 An illustrative list of the council's current health and safety arrangements is provided in Appendix 2.
- 3.3 A revision of the council's Safety Policy is currently being finalised for consultation and approval. This will clearly define roles and responsibilities reflecting the wide-ranging changes we have seen in the council's

management, staffing and assignment of duties. It will also pave the way for work to strengthen our health and safety management and assurance.

3.4 Following their return to work after an extended period of illness, the council's Safety Officer is reviewing the draft corporate Health & Safety Strategy to reflect the revision of HSE guidance note HS(G)65 on management of health and safety at work, with the aim of strengthening health and safety management in practice; competency; performance; and culture. Already the council has some work in hand:

- Rolling out IOSH Managing Safely training with excellent results, feedback and post-course activity by attending staff (which have included union safety officials)
- Strengthening property and facilities management arrangements, including the establishment of a compliance officer post and system within Property Group – leading to good progress on some of the 'big four' property-related issues: fire safety, asbestos, legionella, and contractor control
- Developing mechanisms for monitoring, testing, reporting and auditing safety compliance

4.0 Engaging with employees on health and safety

4.1 Matters of health and safety within the council are routinely considered operationally within services and corporately by Management Team. Information and consultation with staff takes place both within services on single-service matters, and through the Joint Consultative Committee on Health and Safety featuring union health and safety representatives and the chair of personnel Committee.

4.2 White Lund Depot has its own dedicated works safety committee. Health and safety matters are also regularly raised to the works council and in the service managers meetings which feature Health & Safety in every meeting.

4.3 Staff consultation and engagement is supported by Unison and Unite having formally appointed and trained health and safety representatives within our workforce. GMB union member employees rely more on external regional support on matters of health and safety.

5.0 Conclusion

5.1 This report is presented as a briefing and to facilitate members' consideration of the information they wish to receive in future on matters of health and safety.

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

This report directly concerns and supports health and safety. No other implications.
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LEGAL IMPLICATIONS

The Council's health and safety legal responsibilities are identified in this report but there are
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no new legal implications arising from reference to them.

FINANCIAL IMPLICATIONS

Whilst the council's health and safety legal responsibilities are addressed in this information no new financial implications have been identified.

OTHER RESOURCE IMPLICATIONS

Human Resources:

There are no HR matters directly relating to this report.

Information Services:

No implications have been identified.

Property:

Whilst the council's health and safety legal responsibilities are addressed in this information no new Property implications have been identified.

Open Spaces:

Whilst the council's health and safety legal responsibilities are addressed in this information no new open spaces implications have been identified.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

In the absence of the Monitoring Officer the Deputy Monitoring Officer has been consulted and has no observations to make on this report.

BACKGROUND PAPERS

1. Health & safety at Work etc. Act 1974.
2. Health & Safety Executive guidance note HS(G)65 'Managing for health and safety'.

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Think about health and safety

What elected members of local
authorities need to know





Who are we?

The Institution of Occupational Safety and Health (IOSH) is the world's biggest professional health and safety organisation. With more than 35,500 members, we play a vital role in providing advice to both public and private sector employers on effectively managing health and safety. IOSH has charitable status, is incorporated by Royal Charter, and has over 13,000 Chartered Safety and Health Practitioners.

Chartered Members develop strategies to cut down injury and ill health. This not only helps to prevent unnecessary suffering, but also increases profit margins and competitiveness and, in the public sector, frees up resources and leads to better services.

If you'd like to learn more about IOSH, or are interested in supporting one of our campaigns, please call our Communications team on 0116 257 3189.

Why do you need to think about health and safety?

“The [health and safety] failings were not only at the lowest levels... those failings went all the way, I am afraid to say, to the top of the council in terms of its serving officers. It is likely they went beyond the officers to the councillors”

– Mr Justice Burnton, judge in the case against Barrow Borough Council following the deaths of seven people (2006)

“All elected members still have a responsibility for ensuring health and safety within the authority”

– Joyce Edmond-Smith, Health and Safety Commission, urging elected members to take their health and safety responsibilities seriously (2003)

“There was a written policy on health and safety, which as a matter of drafting was a thing of... some beauty. If it had existed beyond its existence on paper, it would have very substantially mitigated the blameworthiness of those representing the Borough”

– Mr Justice Burnton (2006)

“We want to focus our attention on practical steps that protect people from real risks that can lead to injury and even death – we do not want to stop people from living their lives”

– Geoffrey Podger, Chief Executive, Health and Safety Executive, urging local authorities to join the ‘Sign up to sensible risk’ campaign (2007)

Playing a key role in local communities

As a councillor of a local authority you may be unclear about your role in relation to health and safety. This IOSH booklet provides some timely and pertinent prompts to help you think through the issues you may need to consider in your local authority (LA).

The role of local authorities in relation to health and safety is multifaceted:

- > LAs are the Health and Safety Executive's partners as regulators of workplaces, seeking to ensure that dutyholders manage workplaces in a way which assures the health and safety of their workforce and those affected by work activities
- > LAs are major employers and therefore have a more direct concern for ensuring that the senior management team as dutyholders themselves are assuring the health and safety of employees and those affected by the way the LA delivers services
- > LAs are major purchasers of services from other organisations and as such have a great opportunity to influence health and safety standards within those contracted supplier organisations.

As your partners, your regulator and the regulators of those to whom you contract activities, we in the HSE are here to support you, to offer advice and guidance.

We welcome this contribution from IOSH to help you find your way through a complex multidimensional role.

[Judith Hackitt CBE, Chair, Health and Safety Executive](#)

A safe and healthy workforce is a prerequisite to the delivery of excellent services to local communities. As elected members you have a significant part to play in securing the health and safety of your council's workforce.

This booklet is designed specifically for local authority elected members and gives good guidance on the action which members, and particularly portfolio holders, should be taking to ensure that employees, service users, clients and members of the public are not put at risk.

The Local Government Association and Local Government Employers fully support this initiative by IOSH and I commend this booklet to you.

[Sir Steve Bullock, Chair, Local Government Association Human Resources Panel and Local Government Employers Board](#)

Elected members have a key role to play in ensuring the health, safety and wellbeing of entire communities.

Your decisions have a major influence on both local authority staff and the public, so I would urge you to read this booklet and take the many important messages on board.

The wealth of information in here will help you make the right decisions to ensure no-one is put at serious risk.

The booklet is fully endorsed by CoSLA, and I hope you will see it as an invaluable supporting resource for your role.

[Councillor Michael Cook, Strategic Human Resource Management Spokesperson, Convention of Scottish Local Authorities](#)

Making a difference to health and safety in your authority

Do you know the risks the people in your authority face? Are you setting the right strategy and budget? Do the decisions you make as an elected member mean that people are at risk?

Since the introduction of the Local Government Act 2000 and the Local Government in Scotland Act 2003, the role of elected members has changed for good, and for the good. Councillors have far more power and responsibility than before.

You're not responsible for managing health and safety services on a day-to-day basis – this is down to the officers in charge of service provision. But it's vital for you to understand the strategic way in which you can and do affect health and safety management in your authority – by what you say, what you do and what you decide. It's also important that you're aware of your potential liabilities as a body – and as an individual – in terms of both criminal and civil law.

As someone who has spent more than 40 years working in the local authority sector, I'd like to remind you that as a decision-maker in perhaps the largest employer in your county, district or borough, you can have a significant influence on health and safety standards not just for your own workers, but for the contractors and suppliers working for you too. On top of this, thousands of members of the public can be affected by what you decide.

And don't forget that getting health and safety management right reaps other rewards. It's no coincidence that organisations with an excellent safety record are also the most efficient – the operational discipline which delivers great safety also delivers efficiency.

Ray Hurst, Immediate Past President, Institution of Occupational Safety and Health

Think about health and safety is supported by



Take time to think about health and safety

We know that as an elected member of a local authority you have a huge range of responsibilities to juggle. But taking a little time to think about how you and your colleagues manage health and safety is well worth doing. After all, we're talking about your most valuable 'resource' – people.

The UK has over 400 local authorities, employing more than 2 million people. While health and safety standards in authorities are generally good, too many employees are still injured, made ill or even killed as a result of their work.

Local authorities are complex organisations. And while no two authorities are structured or function in exactly the same way, at the core of every authority are its elected members. Put simply, elected members make decisions that impact on a wide range of workplaces – civic offices, schools, leisure centres, sports halls, town halls, sheltered housing complexes, children's homes, multi-storey car parks and so on.

As well as their own employees, local authorities are also responsible for the health and safety of contractors they engage to help them provide services – from refuse collection to personal care – in addition to the major construction and maintenance projects they manage and finance. In a typical year, the public sector spends over £35 billion on construction.

And, of course, it doesn't stop there – on top of employees and contractors, millions of service users and customers are affected. Authorities may also enforce health and safety in other workplaces, and have to fund and staff this properly too.

Local authorities, and those elected to govern them, have huge responsibilities to the people in their community, not just those who work for them.

Your role

Elected members provide their authority with leadership, direction and strategy, and allocate budgets to enable

services to be delivered to the local community. It's these strategies that are then implemented, through paid officers, using the budget that's been allocated.

As an elected member, because of the influence you have on budget and policy decisions, you can affect how health and safety is managed. If a cabinet or executive system operates in your authority and you're a member, you'll have both individual and collective governance responsibilities. And if you have health and safety as a specific part of your portfolio, you'll need to act as 'champion' and lead in this area. This means making sure the authority has the right health and safety policy and strategy, objectives are set and delivered, and that you keep the cabinet or executive informed of issues. You also need to make sure that the authority has access to competent health and safety advice, the right resources, and that employees and their representatives are fully engaged.

Having a health and safety 'champion' doesn't diminish the responsibilities of others at this level – everyone has a key role and must fulfil it properly. As an individual cabinet or executive member you can be held personally liable under the Health and Safety at Work Act if your failure means that the authority commits an offence. And if your individual behaviour is grossly negligent and causes death, you may be personally liable under common law.

Think about health and safety

This free booklet looks at the impact of getting health and safety wrong and how to get it right. We've also developed a PowerPoint presentation for health and safety professionals to use as part of training sessions for elected members. The presentation is at www.iosh.co.uk/electedandsafe.

Who is responsible for health and safety?

In most local authorities, the chief executive is at the top of the organisational structure and has overall responsibility for health and safety. But a landmark charge of corporate manslaughter against a council for an outbreak of legionnaire's disease, though unsuccessful, also emphasised the potential collective responsibility of council leaders and elected members (see box).

In 2003, Joyce Edmond-Smith of the Health and Safety Commission wrote to council leaders urging them to take their health and safety responsibilities seriously. She said:

There is a collective responsibility for providing leadership and direction, which means that all elected members still have a responsibility for ensuring health and safety within the authority. The goal of effective management of occupational health and safety is more likely to be achieved where all elected members have a proper understanding of the risks, the systems in place for managing the risks and an appreciation of the causes of any failures.

This letter was referred to in the HSE's Barrow report and its contents commended to council leaders. You'll find it as appendix 3 of the 'Report of the public meetings into the legionella outbreak in Barrow-in-Furness', www.hse.gov.uk/legionnaires/barrowreport.pdf.

- The Health and Safety Commissioner also recommended that:
- > a senior elected member should be given responsibility for health and safety
 - > the elected member should be given training
 - > local authorities should set targets for reducing the number of injuries and cases of ill health
 - > regular reports should be produced on how targets are being met.

In the private sector, directors are expected to set the scene for the safety culture in their business – in local authorities, you play a similar role in influencing attitudes. 'Leading health and safety at work', guidance recently issued by the Health and Safety Commission and Institute of Directors, reinforces this.

A landmark case – Barrow Borough Council

In 2002, an outbreak of legionnaire's disease at an arts and leisure centre run by Barrow Borough Council led to the deaths of seven people. Nearly 200 people were infected.

A case against the Council for corporate manslaughter was dismissed under previous law. The Council pleaded guilty under the Health and Safety at Work Act. Mr Justice Burnton said that he would normally have imposed a fine of more than £1 million, but he was reluctant as it would have had a direct impact on taxpayers and service provision. Even so, he fined the Council £125,000 plus £90,000 costs:

One of the purposes of a financial penalty is to demonstrate to those council taxpayers, to the electorate and to councillors the importance and the gravity of matters such as this.

In his summing up of the case, he stated:

The failings were not only at the lowest levels... those failings went all the way, I am afraid to say, to the top of the council in terms of its serving officers. It is likely they went beyond the officers to the councillors, because there is no evidence that there was proper attention given to health and safety within the borough.

Barrow Council leader Bill Joughin said:

We had policies written on paper but ... it was not part of the culture of the organisation, and there was no chain of command. We ticked all the boxes, but there was not a procedure which ensured it was all adhered to.

An accident waiting to happen?

People don't have to get hurt for an organisation to end up in court. When legionella was found in the air cooling system of a national museum, the Board of Trustees was fined £500 and made to pay £35,000 prosecution costs.

Your authority's role

Some councils are health and safety enforcing authorities. Their officers inspect, give advice to and if necessary take action against businesses mainly in the service sector, including retail, banking and finance and entertainment. Because of this, local authorities are expected to be exemplars of health and safety, showing a good example to others. This is echoed in the government's 'Revitalising health and safety' strategy, which states that:

Government must lead by example. All public bodies must demonstrate best practice in health and safety management. Public procurement must lead the way on achieving effective action on health and safety considerations and promoting best practice right through the supply chain. Wherever possible, wider government policy must further health and safety objectives.

And in its strategy document 'The health and safety of Great Britain: be part of the solution', the government highlights the need for stakeholders, including local authorities, to do more to improve standards of health and safety. In the foreword, Judith Hackitt, HSE Chair, says:

The strong co-regulator partnership between HSE and local authorities is integral to this strategy and to its delivery.

Improvements in health and safety also contribute to a number of government priorities, highlighted in the Local Government National Indicators. So, health and safety should feature in the priorities and strategies in local and multi-area agreements.

Think about...

- > If a local business complained about enforcement action by the authority for something that the authority itself was failing to do in its role as an employer, how would you react? Do you think your authority would find it difficult to take proceedings against the business?
- > When you set budgets, or cut them, is it at the expense of health and safety risk management?
- > Is your authority creating unnecessary risks for contractors in the way contracts are specified?
- > Do you show your own commitment to health and safety when you speak to people in service teams?

When things go wrong – the law

The law – criminal

All employers in the UK, including local authorities, have a duty under the Health and Safety at Work Act to protect the health and safety of workers and members of the public who could be affected by their work. This includes work that you award to contractors.

On top of the Act, there's a whole range of regulations, covering areas including asbestos, domestic gas and construction.

The Corporate Manslaughter and Corporate Homicide Act came into force in 2008 and covers both public and private sectors.

Before this Act, if people were killed while working for or affected by a large, complex organisation it was difficult to get the evidence of a director's gross negligence needed to secure a conviction. Only cases involving directors of small businesses tended to reach the courts because the actions of an individual director could be more readily linked to someone's death. Now an organisation can be found guilty of corporate manslaughter where it can be put down to a general collective failure in how things were organised and managed by senior management, leading to a gross breach of duty of care linked to a death. Juries will consider issues ranging from whether health and safety guidance was followed, to the organisation's culture. Senior people – those making significant decisions about an organisation or substantial parts of it – will be under scrutiny. And that could include elected members.

The law – civil

Local authorities have a 'duty of care' to their employees and anyone else who might be affected by what they do. It's this area of law – civil – that allows authority employees who are injured or suffer ill health at work to make compensation claims, and members of the public to claim for injuries when they think the authority has been negligent.

Think about...

- > Has your authority faced enforcement action for failing to meet legal requirements in the last few years? What happened as a result?
- > How many civil claims have been made against your authority in the last few years? How many went to court? How many were settled out of court?
- > How much has legal action cost your authority?

More info...

- > Find out more about the new Corporate Manslaughter and Corporate Homicide Act at www.justice.gov.uk/publications/corporatemanslaughter2007.htm
- > www.cps.gov.uk/legal/a_to_c/corporate_manslaughter/index.html
- > www.hse.gov.uk/corpmanslaughter
- > www.lge.gov.uk/lge/core/page.do?pageId=119849

When things go wrong – penalties

If someone working for the local authority or a member of the public dies or is seriously injured because of the authority's negligence, the case will probably end up in court. This could result in:

- > a fine for the authority – with a knock-on effect on the budget
- > a fine for council officers, and possibly even for you as an individual
- > higher insurance premiums
- > bad publicity for the authority, both locally and nationally
- > bad publicity for you as an individual elected member
- > imprisonment.

Under the new Health and Safety Offences Act, if a guilty verdict is handed down for a health and safety offence, lower courts will be able to impose a fine of up to £20,000, and higher courts will be able to set an unlimited fine. Prison is now an option for nearly all offences. The new Corporate Manslaughter and Corporate Homicide Act brings unlimited fines, and they're likely to be substantial.

When your authority breaches health and safety law, prosecution isn't the only enforcement action that can be taken. If, for example, there's been a serious accident during a council-run refuse collection service, HSE inspectors could then judge it to be unsafe, and issue:

- > an improvement notice, or
- > a prohibition notice.

The first would mean you'd have to take some action to correct the problem. This could be costly in terms of time and resources, both of which will have to be taken away from other priorities.

The second would stop the service immediately. In this example, the refuse collection would be cancelled, leaving you with the problem of how to continue to deliver the service to residents. As well as being costly, the negative publicity would be damaging to your authority's reputation.

Think about...

- > How does your authority meet its legal obligations in relation to health and safety?
- > How do you influence the way your authority meets these obligations?
- > Do any decisions made by you and other elected members obstruct or prevent your authority from meeting its legal obligations?
- > Do elected members have a role to play in health and safety strategy?
- > Do you think about the health and safety impacts of your plans or purchasing decisions?
- > If health and safety goes wrong, are you liable for prosecution?

When things go wrong – the fallout

There are, of course, clear ethical reasons for making sure that people are protected in your authority.

As an elected member, you've been chosen to serve your local community – and many of the people who work in your authority will live, and vote, there too.

If someone is killed at work, then this will inevitably hit the headlines. The family and the community can be devastated. But remember that serious accidents and illness cases can have a major impact too. People can be left unable to work and with their lives damaged irrevocably.

Think about...

- > How would you feel if someone in your ward was badly injured, or even killed?
- > What would the impact be on the community that you represent if a resident was killed or seriously hurt because of something that the authority did or didn't do?



• Did you know?

In a single year in Great Britain:

- > there were 299,000 serious work accidents. Two hundred and thirty-three people were killed at work
- > around 21,000 people had hearing loss caused by work
- > around 20,000 people believed they had a work-related skin disease
- > more than half a million people suffered from a work-related musculoskeletal problem
- > about 442,000 people believed they were suffering from stress, depression or anxiety caused by their work

When things go wrong – the cost of accidents

Good health and safety management is important from a moral and legal perspective. But there is also a persuasive financial case for cutting down on accidents and ill health.

While you may have insurance policies to cover accidents, the direct costs are outweighed by the indirect costs, which can be between eight and 36 times as much as the direct costs. Also, some local authorities pay the first £250,000 of a claim, meaning that only the most expensive claims are paid for by their insurance. In recent years, the cost of meeting claims in the public sector has risen sharply.

The 'hidden', indirect costs that you can't insure against include:

- > sick pay
- > extra wages or overtime to cover the worker's absence
- > loss of productivity and the cost of having to hire and train new staff
- > fines
- > legal costs
- > damage to machines, equipment or property
- > time and money spent on investigating the accident and preparing the claim
- > an increase in insurance premiums
- > reputation damage.

And don't forget that planning safety into projects and jobs can help identify more cost-effective ways of doing things that may not have been considered otherwise.

Think about...

- > How many accidents were reported in your authority last year?
- > How many accidents resulted in absence from work?
- > How much do accidents and ill health cost your authority every year?
- > How many insurance claims were brought against your authority last year as a result of accidents? What was the average payment for each claim?
- > Does your authority only recognise costs when paying out directly for things that have gone wrong?
- > Would having an effective health and safety management system save your authority money by reducing the numbers of accidents and claims?
- > What would the electorate think if your council received a large fine because of an accident to a local authority employee, and the only way of paying it was to increase council tax or cut services?
- > Would taking a proactive approach to health and safety save your authority money?



Did you know?

- > A city council was fined £125,000 plus £40,000 costs after a refuse lorry killed an 11-year-old girl
- > A county borough council was fined £60,000 plus £22,000 costs after a man died in a care home – poor maintenance and training was to blame
- > A metropolitan borough council was fined £400,000 and over £30,000 costs following a local death
- > A district council was fined £18,000 plus £7,000 costs after problems with asbestos exposure at a leisure centre

When things go wrong – the cost of ill health

The most common illnesses and medical conditions that people develop in the course of their work include stress and musculoskeletal disorders. They're a significant cause of sickness absence, both short and long term, often resulting in a long term chronic illness.

For employers, including local authorities, occupational ill health can reduce productivity, increase the cost of hiring new staff, and result in civil claims or retirements with enhanced sickness payments. These directly affect your authority's budget.

Helping people to come back to work after they've been off with an injury or serious illness can make sound economic sense, as well as bringing benefits to the business and people involved. One manufacturing company reported that for every £1 it spent on its rehabilitation initiative, it saved £12.

Under its welfare reform proposals, the government aims to get 1 million people off benefit and back to work. Local authorities are likely to play a major role in this, not only in their capacity as an employer, but through their links with local business and as community leaders.

More info...

- > The HSE's Ill Health Cost Calculator helps you work out the costs of employees who are off because of a work-related illness. Find out more at www.hse.gov.uk/costs/download/calculator/ill_health_costs_calcv2_1.html
- > Health Work Wellbeing's toolkit helps organisations put a cost on ill health. Find out more at www.workingforhealth.gov.uk/Employers/Tool
- > Compare how many days your authority loses to ill health at www.hse.gov.uk/statistics/dayslost.htm
- > The HSE's management standards can help manage stress and cut down absence. Find out more at www.hse.gov.uk/stress/standards

Think about...

- > What's your authority's sickness absence record? How much is down to work?
- > Does your authority carry out pre-employment health checks?
- > Do you have health surveillance procedures for specific risks such as vibration and noise?
- > Did you know that it's a legal requirement to report work-related illnesses such as hand-arm vibration syndrome?
- > Do you consult with staff on health issues?
- > Do you run health promotion campaigns?
- > Would reducing occupational ill health save the authority money?
- > Would having a good rehabilitation programme save the authority money? Would investing in early treatment, such as physiotherapy, help people get back to work quicker?



Did you know?

- > The Chartered Institute of Personnel and Development estimates that, for local government, sickness absence costs over £584 per worker per year
- > IOSH research found that people working in the public sector report more work-related illness than those in the private sector
- > Nationally, a total of 13.5 million working days were lost to stress, depression and anxiety in a single recent year
- > The biggest single cause of absence in local government is attributed to common mental health problems including anxiety, stress and depression, accounting for around 23 per cent of all days off work
- > A local authority worker suffering from vibration white finger was awarded £42,000 compensation – there was no monitoring and no suitable equipment
- > An improvement notice was served on a city council because it had no central management system for health risks

Getting health and safety right – policy and management

By law, organisations that employ five or more people must have a written health and safety policy.

There was a written policy on health and safety, which as a matter of drafting was a thing of... some beauty. If it had existed beyond its existence on paper, it would have very substantially mitigated the blameworthiness of those representing the borough.

This comment, by Mr Justice Burnton in the case against Barrow Borough Council (see page 05), highlights the fact that your health and safety policy should be more than just lip service to meet legal compliance. It should define your arrangements for managing health and safety risks, and identify the people who have specific roles and responsibilities in carrying it out.

The policy should be reviewed periodically, kept up to date and communicated to all employees. Implementation arrangements should be realistic and achievable and measured against improvement targets. Regular reviews and audits will help check delivery of the policy objectives and how efficient the management system is.

Your management system should allow the cabinet or executive and scrutiny committee to receive both specific – related to an incident or accident – and routine reports on health and safety performance, to make sure the policy is being delivered. You should also report publicly on your performance. This shows commitment to health and safety as well as helping to focus on your own record and consider what more you need to do. Being open about performance promotes trust with stakeholders, and improves your reputation with them.

Think about...

- > Do the health and safety policies in your authority come before elected members for approval? Do you know what these policies are?
- > Is your policy communicated to everyone at the authority?
- > Do you have responsibilities within your authority's health and safety policies?
- > Do you make sure that the decisions you make don't go against the policies?
- > Do you make sure that your policy and risk management process are reviewed in the light of health and safety performance reports?

More info...

- > The HSE offers free guidance on management systems at www.hse.gov.uk/pubns/manindex.htm
- > The HSE operates an online benchmarking tool to help large organisations measure how effective their internal controls are and how they perform against others in the same sector. Find out more about the Corporate Health and Safety Performance Indicator at www.chaspi.info-exchange.com
- > Download the Institute of Directors/Health and Safety Commission guidance for directors and equivalents, 'Leading health and safety at work', at www.hse.gov.uk/leadership/index.htm

Getting health and safety right – advice

As an employer, local authorities must have access to competent health and safety advice – it's the law.

While you're not responsible for employing or hiring someone to give you advice, it's worth checking that your authority gets competent advice, and that the advisers are suitably qualified and experienced, with the right skills and knowledge.

If you want expert advice on health and safety

management, you can do no better than talk to a Chartered Safety and Health Practitioner. IOSH members commit to Continuing Professional Development to make sure that their skills and expertise are kept up to date, and work to a strict code of conduct. The IOSH Public Services Group has 3,500 members, all involved with work in the public sector.

Don't overlook the 'health' in 'health and safety'. It's critical to make sure that your authority has access to sound occupational health advice – ill health caused or made worse by work costs councils twice as much as reported accidents. Your occupational health service should work closely with health and safety and HR professionals to manage health risks, as well as getting people back to work successfully after they've been off with a serious illness or injury. And as the local government working population is growing older it's worth considering setting up a wellbeing programme – this sort of initiative can improve health, attendance and service delivery.

IOSH believes that the key to successful health and safety management is to get strong, committed leadership, involve workers in the decisions that affect them, and act on the advice of properly qualified and experienced health and safety professionals.

Think about...

- > Does your authority employ or hire people who are competent to give advice?
- > Does your health and safety policy identify the 'competent person'?
- > Do you have contact with the people who are giving your authority health and safety advice?
- > Has your authority carried out an occupational health needs assessment to check whether you have the right level of expertise and service available?

More info...

- > IOSH's Get the Best campaign is calling for regulation of the health and safety profession. We're concerned that when unqualified people give advice this can result in wasted resources at best, and ruined or lost lives at worst. Get details at www.iosh.co.uk/getthebest
- > The Association of Local Authority Medical Advisers offers information on occupational health advice. Find out more at www.alama.org.uk
- > Health Work Wellbeing's toolkit helps organisations measure how successful their wellbeing programmes are. Find out more at www.workingforhealth.gov.uk/Employers/Tool
- > IOSH has a free online Occupational Health Toolkit to help tackle the main work health issues at www.ohtoolkit.co.uk

Getting health and safety right – training

Everyone at work should have training in health and safety. The type of training they need depends on their job and the level they're at in the organisation.

'Front line' employees need to be trained in the basics of health and safety, such as safe systems of work. They may also need training in areas including using equipment safely, lifting loads without hurting themselves and using computers in the right way.

Training for managers and supervisors can be formal or informal. The aim of the training should be to help them plan work safely and understand the implications for themselves and the local authority if they don't.

The people at the top, including members who have a portfolio or scrutiny function, need to know their broad strategic responsibilities. They don't have to know the detail, but they must have an understanding of the issues, and recognise the commitment and resources needed to make sure that health and safety is managed properly.

Think about...

- > What training have you been given to help you understand your health and safety role and responsibilities?
- > What training do employees and managers get?
- > How much does your authority spend on health and safety training each year? Do you use in-house or external health and safety trainers?
- > Do the trainers you use have the right experience and qualifications for the job?
- > How can training people in health and safety help to cut down accidents and ill health, and save money and improve service delivery in the long run?

More info...

- > Download 'Setting standards in health and safety', IOSH's free guidance on training and competence, at www.iosh.co.uk/technical
- > Ask the health and safety team at your authority for a brief training session to help you understand your responsibilities – there's a PowerPoint presentation to go with this booklet
- > Find out about IOSH's range of training courses at www.iosh.co.uk/training

Getting health and safety right – sensible risk management

We want to focus our attention on practical steps that protect people from real risks that can lead to injury and even death – we do not want to stop people from living their lives

– Geoffrey Podger, Chief Executive, HSE

Risk management is about identifying significant risks and taking practical action to reduce them.

Sensible health and safety risk management is about:

- > making sure that workers and the public are properly protected
- > balancing benefits and risks, with a focus on reducing real risks – both those which come up more often and those with the potential for serious consequences
- > enabling innovation and learning, not stifling them
- > making sure that those who create risks manage them responsibly
- > helping people understand that, as well as the right to protection, they also have to take responsibility for themselves and others.

Sensible health and safety risk management isn't about:

- > creating a totally risk-free society
- > generating useless paperwork
- > scaring people by exaggerating or publicising trivial risks
- > stopping important recreational and learning activities for people where the risks are managed
- > reducing the protection of people from risks that could cause real harm.

Local authorities can demonstrate their commitment to non-nonsense risk management by joining the HSE's 'Sign up to sensible risk' campaign.

Think about...

- > Does your authority tackle business risk sensibly?
- > Does your authority make decisions based on the fear of litigation or on the basis of real risk?
- > Does your authority hide behind health and safety as an excuse for not doing things?
- > Who is making risk-averse decisions in your authority?
- > Does your authority challenge the media if 'health and safety' is wrongly blamed for a decision it's made?

More info...

- > IOSH's 'Stop taking the myth!' campaign challenges cases where 'health and safety' is used as an excuse not to do something, or to justify an unpopular decision. We believe that this does more than just give health and safety management a bad name. It distracts people from what health and safety is really about – stopping illness, injury and death. Find out more at www.iosh.co.uk/campaigns
- > Use IOSH's Risk Management Reality Checklist as a guide – download it at www.iosh.co.uk/sensible-safety
- > Look at the HSE's sensible risk site at www.hse.gov.uk/risk/principles.htm
- > Find out which councils have signed up to sensible risk management and get involved at www.hse.gov.uk/risk/signup.htm

Health and safety doesn't fit into a neat box. It's relevant in every department at your authority, and to every activity that's carried out. Health and safety is part of everything you do.

Think about how well you understand the issues in the service areas that you're involved with – not just for employees, but for service users and members of the public too.

We've identified the top five issues for local authorities – these are arguably the main 'hot spots' for the sort of work your authority carries out. You'll no doubt find that other issues make the headlines in your organisation – but this is a good starting point for your thinking. Remember, too, that different activities can be put under different headings. For example, injuries from falls from a height are a common cause of death, but they don't just happen in construction – you'll need to consider places including schools and offices as well.

- > **Construction** – this covers a huge range of operations, including property maintenance and management, refurbishment, demolition and excavation, as well as specific problem areas such as asbestos and legionella
- > **Transport** – again, there's a lot covered in this category, including highways maintenance, road safety, depot management, pedestrian access, school transport and occupational road risks. Just think about how many people in the authority are involved in transport in one form or another
- > **Fire** – the sheer size of your authority's property portfolio makes this an important area. Think about, in particular, places like care homes, where some people will need special 'evacuation plans' because of disability
- > **Mental health problems** – these are the biggest cause of sickness absence in local government. Stress, anxiety and depression are the main issues
- > **Musculoskeletal injuries** – bad backs, muscle damage and sprains are all too common. Injuries aren't just caused by lifting or moving heavy things – repetitive tasks such as intensive keyboard use can also be to blame, along with slip or trip accidents

Need to know more?

'Leading health and safety at work', Institute of Directors and Health and Safety Commission,
www.hse.gov.uk/leadership/index.htm

'Your council's role in health and safety regulation' – this councillor's handbook explains the council's enforcing role, HSE/LACORS, <http://news.hse.gov.uk/2008/07/07/your-councils-role-in-health-and-safety-regulation>

Find out more about the work of the IOSH Public Services Group at www.iosh.co.uk/groups

Useful weblinks

www.iosh.co.uk
www.iosh.co.uk/techguide
www.ohtoolkit.co.uk
www.wisepup2work.co.uk/whac
www.cosla.gov.uk
www.gmb.org.uk
www.hse.gov.uk
www.hse.gov.uk/myth
www.lge.gov.uk
www.unison.org.uk

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We welcome all comments aimed at improving the quality of our guidance. Please send your feedback to the Head of Publishing, at caroline.patel@iosh.co.uk.

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IOSH is the Chartered body for health and safety professionals. With more than 35,500 members in 85 countries, we're the world's biggest professional health and safety organisation.

We set standards, and support, develop and connect our members with resources, guidance, events and training. We're the voice of the profession, and campaign on issues that affect millions of working people.

IOSH was founded in 1945 and is a registered charity with international NGO status.

Institution of Occupational Safety and Health
Founded 1945
Incorporated by Royal Charter 2003
Registered charity 1096790



INVESTOR IN PEOPLE

Outline of council's current health & safety supporting arrangements (as at January 2015)

Please note that the following list of current health and safety arrangements and activities is provided for outline information and not exhaustive.

Corporate Safety function (Environmental Health, Health & Housing)

- Safety policy
- Guidance
- Advice
- Information to Management Team / service managers on changes in legislation
- Accident and near-miss investigation, horizon-scanning and networking with other organisations to identify learning points and develop in-house good practice (focussed on activities of services other than Environmental Services)
- Assists health & safety function in Environmental Services as appropriate
- Input to council-run event safety (e.g. public events on the Promenade)
- Coordination of 'eyecare' provision to display screen users
- Secretariat for the Joint Consultative Health & Safety Committee
- Liaison with the council's risk manager to help mitigate losses or claims
- Maintains central record of notifiable accidents and ensure compliance with the requirements of RIDDOR
- Point of liaison between council and Health and Safety Executive
- Assists in developing and maintaining formalised staff safety liaison arrangements
- Assists Human Resources as appropriate to facilitate effective occupational health function

White Lund Depot (environmental Services)

- Dedicated Health & Safety / Fleet Manager and an assisting officer – coordination, guidance, advice, accident and near-miss investigation, hazard report procedures and solutions, horizon-scanning and networking with other organisations to identify learning points and develop in-house good practice (dedicated primarily to Environmental Services work activities)
- Works safety committee
- Service management and works council meetings which both consider safety issues regularly
- Safety inspections programmes:
 - Scheduled workplace inspections
 - Regular programme of ad-hoc inspections, new business sites inspected/risk assessed
 - On-site inspections (e.g. at location highways works are being undertaken)
 - Supervisors weekly ad-hoc inspections of individuals, vehicles, working practices
 - Equipment inspections programme (e.g. ladders)
- In-service training
- Toolbox talks arrangements
- Health and safety manuals in every refuse collection and Repairs & Maintenance Service vehicle
- Driver assessments, driving licence checking
- Special arrangements:
 - Banksmen supervising reversing vehicles
 - Abrasive wheels training and inspection
- Assistance to Corporate Safety function

Municipal property (Property Group, resources)

- Municipal premises provision and management, repair and maintenance, physical security measures
- Establishing compliance management system for municipal (i.e. council operated and occupied) buildings and land
- Fire safety – risk assessment, training for Property Group staff, provision and testing of safety systems / equipment / egress, fire warden staffing (currently each service nominates fire wardens who liaise with Property Group wardens in evacuation situations)
- Asbestos identification, control, monitoring and remediation
- Legionella testing and control

Human Resources (Governance)

- Pre-employment medicals (screened on paper or full medical)
- Health surveillance:
 - Hearing
 - Respiratory function
 - Skin irritation / sensitivity
 - Hand-arm vibration
- Vaccinations (e.g. against hepatitis)
- Coordination, monitoring and reporting of sickness absence management
- Early access to physiotherapy to reduce sickness absence due to musculo-skeletal disease
- Coordination of employee referral to specialist occupational health support
- Occupational health participation in Toolbox Talks (e.g. hand-arm vibration)
- Coordination of safety training delivery in the Corporate Training Programme (see separate section below on Training)
- Well-being programme promoting positive physical and mental health

Training (coordinated by Human Resources, and often delivered by or through the Health & Safety Manager from Environmental Services)

Recently delivered training

- IOSH Managing Safely four day programme for managers
- Manual Handling
- Asbestos Awareness
- COSHH Awareness
- Emergency First Aid at Work
- First Aid at Work
- Fire Warden training
- Legionnaires Disease Awareness
- IOSH – Managing Safely
- Ladder Safety
- Personal Safety
- Reversing Assistance

Central Control (Health & Housing)

- Lone worker safety automated logging and alerting system

Democratic Services

- Maintains arrangements for health and safety to be properly and fully considered during report-writing and decision-making

PERSONNEL COMMITTEE**OFFICER EMPLOYMENT PROCEDURE RULES
3rd February 2015****Report of the Monitoring Officer****PURPOSE OF REPORT**

To enable the Committee to consider a report on constitutional matters to be presented to Council in March.

This report is public

RECOMMENDATIONS

- (1) **That the report be noted. Any comments or recommendations made by the Committee will be included in the report to Council.**

1.0 Introduction

- 1.1 The Monitoring Officer is responsible for keeping the Council's Constitution under review, and, as part of this exercise, has noted that the Officer Employment Procedure Rules in Part 4 Section 6 of the Constitution are in need of revision to ensure that they comply with statutory requirements and meet the needs of the Council.
- 1.2 Accordingly, the Monitoring Officer has prepared amended Rules, for consideration by Council for inclusion in the Constitution for the next municipal year. This report gives the Committee an opportunity to note the recommended revised Rules and consequent amendment to the Terms of Reference of this Committee, and to make any comments prior to consideration by Council.

2.0 Proposal Details

- 2.1 The draft report to Council and revised Officer Employment Procedure Rules are appended to this report.

3.0 Details of Consultation

- 3.1 This report is presented to the Committee by way of consultation.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None directly arising from this report.

LEGAL IMPLICATIONS

None directly arising from this report.

FINANCIAL IMPLICATIONS

None directly arising from this report.

OTHER RESOURCE IMPLICATIONS

Human Resources:

As set out in the draft report to Council

Information Services:

None

Property:

None

Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

As set out in the draft report to Council.

MONITORING OFFICER'S COMMENTS

As set out in the draft report to Council.

BACKGROUND PAPERS

None

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DRAFT

COUNCIL

**OFFICER EMPLOYMENT PROCEDURE RULES
4th March 2015**

Report of the Monitoring Officer

PURPOSE OF REPORT

To enable Council to consider revised Officer Employment Procedure Rules for inclusion in the Constitution, and a consequent amendment to the Terms of Reference of the Personnel Committee.

This report is public

RECOMMENDATIONS

- (1) That the revised Officer Employment Procedure Rules appended to this report be approved for inclusion in the Constitution.
- (2) That, subject to the approval of recommendation (1) above, paragraph 6.6 of the terms of reference of the Personnel Committee in Part 3 Section 6 of the Constitution be amended to read: "(a) On the appointment of a Head of Paid Service by Council, to undertake such role as may be requested by Council, and (b) to be responsible for the appointment of other JNC Chief Officer posts."

1.0 Introduction

- 1.1 The Monitoring Officer is responsible for keeping the Council's Constitution under review, and, as part of this exercise, has noted that the Officer Employment Procedure Rules in Part 4 Section 6 of the Constitution are in need of revision to ensure that they comply with statutory requirements and meet the needs of the Council.
- 1.2 Accordingly, the Monitoring Officer has prepared amended Rules, for consideration by Council for inclusion in the Constitution for the next municipal year.
- 1.3 It should be noted that, inevitably, some of the provisions in the amended Rules apply specifically to the Council's Chief Officers and in particular to those Chief Officers who are designated as statutory officers - the Head of Paid Service, Monitoring Officer and Section 151 Officer. Whilst the Monitoring Officer, as the Chief Officer responsible for the Constitution, has drafted the amended Rules, advice has also been taken from the Human

Resources and Organisational Development Manager. Further, the Rules adopted by other local authorities have been examined and followed as examples of good practice.

2.0 Proposal Details

- 2.1 The Council is required by law to have Procedure Rules or Standing Orders which cover the matters prescribed in the Local Authorities (Standing Orders) Regulations 1993 and the Local Authorities (Standing Orders) (England) Regulations 2001. The revised Officer Employment Procedure Rules are drafted to meet the requirements of those Regulations in relation to staffing matters, and to that extent the contents of the Rules are defined by the Regulations. It should be noted that the law require the Council to designate an officer as Head of Paid Service. In this Council, as in many other Councils, it is the Chief Executive who is designated the Head of Paid Service, and to that extent the two terms are interchangeable.
- 2.2. Whilst the Regulations provide for full Council to appoint a Head of Paid Service, they do not prescribe the arrangements a Council makes for elected members to select an appointee for recommendation to Council. Nor do they prescribe which member body should be responsible for the appointment of other Chief Officers.
- 2.3 Currently, the Rules provide for the Personnel Committee to make a recommendation to Council for the appointment of a Head of Paid Service, and for Personnel Committee to appoint other Chief Officers. However, the Personnel Committee comprises only seven members of Council, and Council may feel that for such an important appointment as that of Head of Paid Service/ Chief Executive, there should a wider elected member input, perhaps involving Cabinet, Overview and Scrutiny Committee as well as Personnel Committee. It will be necessary for there to be a Committee which will make a recommendation to Council on the appointment. However, it would perhaps be preferable for Council to consider the most appropriate arrangements at the time of each appointment. Rule 3(a) has therefore been redrafted to enable this.
- 2.4 It is considered that this proposed amendment to Rule 3 (a) would ensure a wider involvement of members in the recruitment process for the Head of Paid Service, whilst giving Council the flexibility to make such arrangements as it considers are appropriate at the time. .
- 2.5 If this recommendation is approved, a consequent amendment to the Terms of Reference of the Personnel Committee would be required to reflect that the Committee would undertake such role in the appointment of a Head of Paid Service as directed by Council, whilst still appointing to other JNC Chief Officer posts.

3.0 Details of Consultation

- 3.1 A draft of this report was submitted to the Personnel Committee at its meeting on the 3rd February 2015 and

4.0 Options and Options Analysis (including risk assessment)

- 4.1 The Rules must meet the requirements of the Local Authorities (Standing

Orders) Regulations 1993 and the Local Authorities (Standing Orders) (England) Regulations 2001, and to that extent no options are presented on the general substance of the Rules. However, it is for Council to decide the arrangements it wishes to have in place for the member body responsible for making a recommendation to Council for the appointment of a Head of Paid Service. Officers would recommend the amendments set out in the attached draft Rules.

5.0 Conclusion

5.1 Council is recommended to approve revised Officer Employment Procedure Rules to replace those currently in Part 4 Section 6 of the Constitution.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None directly arising from this report. The Rules reflect the relevant Standing Orders Regulations, and these and the Council's recruitment procedures are designed to ensure compliance with equality and diversity principles.

LEGAL IMPLICATIONS

The revised Rules reflect the requirements of the relevant Regulations.

FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report.

OTHER RESOURCE IMPLICATIONS

Human Resources:

The revised Rules provide the framework within which the Council will operate. Any detailed processes that are developed to deal with individual cases will comply with the law and follow HR best practice. The Council will also ensure that any arrangements that are developed comply with the provisions of National Frameworks and Conditions of Service for Chief Executives and Chief Officers.

Information Services:

None

Property:

None

Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments. It should be noted that, as set out in paragraph 1.3 of the report, the Rules apply specifically to the Section 151 Officer in her role as such and as a Chief Officer

MONITORING OFFICER'S COMMENTS

The report has been prepared by the Monitoring Officer as the officer responsible for advising on the Constitution, and again it should be noted that the Rules apply specifically to the Monitoring Officer.

BACKGROUND PAPERS

None

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Part 4, Section 6

Officer Employment Procedure Rules

1. RECRUITMENT AND APPOINTMENT

(a) Declarations

- (i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they or their partner are the parent, grandparent, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of or in a continuing close personal relationship with an existing councillor or officer of the Council; or of the partner of such persons.
- (ii) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant Chief Officer or an officer nominated by him/her.

(b) Seeking support for appointment

- (i) Subject to sub-paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any councillor or officer for any appointment with the Council. The content of this paragraph will be included in any recruitment information
- (ii) Subject to sub-paragraph (iii), no Councillor will seek support for any person for any appointment as an officer with the Council.
- (iii) Nothing in sub-paragraphs (i) and (ii) will preclude a Councillor or officer from giving a written reference for a candidate for submission with an application for appointment

2. RECRUITMENT OF HEAD OF PAID SERVICE AND CHIEF OFFICERS

(1) Where it is proposed to appoint the Head of Paid Service or a Chief Officer and it is not proposed that the appointment be made exclusively from among existing officers, the Council will:

(a) draw up a statement specifying:

- (i) the duties of the officer concerned (the job description); and
- (ii) any qualifications or qualities to be sought in the person to be appointed (the person specification);

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(c) make arrangements for a copy of the statements mentioned in sub-paragraph (a) above to be sent to any person on request.

(2) Where a post has been advertised as provided in sub-paragraph (1)(b) above, all qualified applicants for the post shall be interviewed, or a short list of such qualified applicants shall be selected, and those included on the short list shall be interviewed.

- (3) Where no qualified person has applied, further arrangements shall be made for advertisement in accordance with sub-paragraph 1(b) above

3. APPOINTMENT AND DISMISSAL OF HEAD OF PAID SERVICE

- (a) In making arrangements for the appointment of the Head of Paid Service, the Council will on each occasion designate an appropriate ad hoc Committee, constituted with regard to proportional representation, and including at least one member of Cabinet, to make a recommendation to Council on the appointment. The Council will approve the appointment of the Head of Paid Service following the recommendation of such Committee. In addition, in formulating the arrangements for the appointment, Council may request the involvement of the Cabinet, Overview and Scrutiny Committee and the Personnel Committee at any stage of the process.
- (b) The Council will approve the dismissal of the Head of Paid Service following the recommendation of such dismissal by the Personnel Committee of the Council. The Committee when making such a recommendation must include at least one member of the Cabinet.

4. APPOINTMENT AND DISMISSAL OF CHIEF OFFICERS

- (a) The appointment of a Chief Officer will be made by the Personnel Committee, which, when making such appointment must include at least one member of the Cabinet.
- (b) The dismissal of a Chief Officer is the responsibility of the Personnel Committee. The Committee when dismissing a Chief Officer must include at least one member of the Cabinet.

5. OTHER OFFICERS

- (a) The function of appointment and dismissal of, and taking disciplinary action against any officer other than the Head of Paid Service or a Chief Officer is the responsibility of the Head of Paid Service (Chief Executive) or his/her nominee, and, (save in respect of Deputy Chief Officers as defined in Section 2(8) of the Local Government and Housing Act 1989), may not be discharged by councillors. This is a requirement of the Local Authorities (Standing Orders) (England) Regulations 2001.
- (b) Any disciplinary action will be taken in accordance with the Council's Disciplinary Policy and Procedure, as adopted from time to time.
- (c) Nothing in sub-paragraph (a) above shall prevent a person from serving as a member of any committee or sub-committee established by the Council to consider an appeal by an officer against any decision relating to the dismissal of, or taking disciplinary action against that officer.
- (d) Any appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

6. CONSULTATION WITH CABINET MEMBERS

No offer of an appointment or notice of dismissal in relation to the appointment or dismissal of the Head of Paid Service, a Chief Officer or a Deputy Chief Officer (as defined in Section 2(8) of

the Local Government and Housing Act 1989) shall be given by the appointor or dismissor (as defined in the Local Authorities (Standing Orders) (England) Regulations 2001) until:

- (a) the appointor or dismissor has notified the Chief Officer (Governance) of the name of the person to be appointed or dismissed and any other particulars relevant to the appointment or dismissal and the period within which any objection is to be made by the Leader on behalf of the Cabinet; and
- (b) the Chief Officer (Governance) has notified every member of the Cabinet of the name of the person to be appointed or dismissed, and any other particulars relevant to the appointment or dismissal which the appointor or dismissor has notified to the Chief Officer (Governance), and the period within which any objection to the appointment or dismissal is to be made by the Leader on behalf of the Cabinet to the Chief Officer (Governance); and
- (c) either
 - (i) the Leader has, within the period specified in the notice under sub-paragraph (b) notified the Chief Officer (Governance) that neither he/she nor any other member of the Cabinet has any objection to the appointment or dismissal;
 - (ii) the Chief Officer (Governance) has notified the appointor or dismissor that no objection was received within that period from the Leader; or
 - (iii) the appointor or dismissor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

8. DISCIPLINARY ACTION – HEAD OF PAID SERVICE, MONITORING OFFICER AND CHIEF FINANCE OFFICER

- (a) No disciplinary action in respect of the Head of Paid Service, Monitoring Officer or Chief Finance Officer (officer having responsibility for the purposes of Section 151 of the Local Government Act 1972 for the administration of the Council's financial affairs), except action described in sub-paragraph (b) below may be taken by the Council or by a committee or sub-committee, a joint committee on which the Council is represented or any other person acting on behalf of the Council, other than in accordance with a recommendation in a report made by a designated independent person under regulation 7 of the Local Authorities (Standing Orders)(England) Regulations 2001.
- (b) The action mentioned in subparagraph (a) above is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

9. DISCIPLINARY ACTION – HEAD OF PAID SERVICE AND CHIEF OFFICERS

Subject to paragraph 8 above, the Personnel Committee has delegated authority to take disciplinary action against the Head of Paid Service and Chief Officers, and to dismiss Chief Officers on disciplinary grounds

- (a) Any proposal to dismiss the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer must be approved by full Council.

- (b) Where the Personnel Committee meets to consider the taking of disciplinary action against the Head of Paid Service or a Chief Officer, the Committee must include at least one member of the Cabinet.
- (c) The Investigating Committee for the purposes of the JNC Conditions of Service shall be the Personnel Committee. That Committee must include at least one member of the Cabinet.

10. **NO DIRECTIONS TO BE GIVEN TO PERSONS MAKING APPOINTMENTS OR TAKING DISCIPLINARY ACTION**

Save as specifically provided for elsewhere in these Rules, neither the Council nor the Cabinet or Committee or Overview and Scrutiny meeting or individual Councillor, nor any other person shall directly or indirectly:

- (i) give directions to any person taking any step in relation to an appointment to a post in the paid service of the authority as to the identity of the person to be appointed;
- (ii) give directions about the taking of any disciplinary action in relation to a person in the paid service of the authority; or
- (iii) otherwise interfere with the making of such an appointment or the taking of disciplinary action.

PERSONNEL COMMITTEE

HR POLICY DEVELOPMENT AND REVIEW

3 February 2015

Report of the HR & OD Manager

<p>PURPOSE OF REPORT</p> <p>To enable the Committee to consider and approve a number of Human Resources Policies and Procedures.</p> <p>This report is public.</p>
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RECOMMENDATIONS

That subject to any further recommendation being brought to the Committee from the Joint Consultative Committee which meets on 3 February 2015 prior to this meeting, the Committee approve:

1. The new Shared Parental Leave Policy and Procedure with future consequential changes to the existing Paternity/Partner Leave Policy.
2. The new Probation and Appointment Review Policy and Procedure.
3. The amended Early Termination of Employment Policy.
4. The new Flexible Working (Right to Request) Policy and Procedure with future consequential changes to the existing Council's Family Leave Scheme.
5. The amended Job Grading, Regrading and Appeals Procedure.

1.0 Introduction

1.1 From time to time the council will develop procedures to support the management of its workforce related matters.

1.2 The recognised trade unions have been consulted as part of the Joint Consultative Committee (JCC) at its meeting on 3 February 2015 prior to this meeting. Should there be any amendments to the attached draft documents proposed by the JCC, these will be presented to the Personnel Committee for its consideration. In the event of any substantial changes to a Policy being proposed at the JCC meeting and /or further consultation required, it may be necessary to defer consideration to a future meeting of the Personnel Committee.

2.0 Details

2.1 The Council has developed a new Shared Parental Leave Policy and Procedure in light of impending legislative changes.

- 2.2 The Council has developed a new Probation and Appointment Review Policy and Procedure, to formalise and clarify existing practice with regard to new appointees.
- 2.3 The existing Early Termination of Employment Policy and Arrangements has been reviewed and amended as part of the ongoing policy and procedure review arrangements.
- 2.4 A revised Flexible Working (Right to Request) Policy and Procedure has been devised to formalise arrangements since the introduction of the expansion of the 'Right to Request' to all employees.
- 2.5 The Job Grading, Regrading and Appeals Procedure has been amended to account for revised job titles and service structures.

3.0 Shared Parental Leave Policy and Procedure

- 3.1 This new policy document has been developed in response to changed legislation which will allow greater flexibility for birth and adoptive parents, with regard to sharing of the 52 weeks leave that is available after the birth or adoption of a child.
- 3.2 Shared Parental Leave legislation replaces and expands upon the existing legislation regarding additional paternity leave (as outlined within the Paternity/Partner Leave Policy and Procedure) and is effective for births/placements after 5th April 2015. The Paternity/Partner Leave Policy will remain in place, until such time as no further applications can be made and/or there are no existing employees utilising Additional Paternity Leave, after which point it will be archived.
- 3.3 The arrangements are complex and in line with other local councils it is proposed to offer the provision required under legislation.

3.4 Section 2.5 SPLIT days

Employees may work for up to 20 days without bringing the Shared Parental Leave to an end. These days are referred to as 'Shared Parental Leave In Touch' (SPLIT) days.

The rate of pay an employee receives on a SPLIT day is a matter for employers. It has previously been agreed by JCC and Personnel Committee that Keeping in Touch (KIT) days, permissible under the Maternity Policy and also the Paternity/Paternity Leave Policy, should be paid at the employee's normal hourly rate for any hours of work done on a KIT day.

It is proposed therefore that the rate of pay for SPLIT days should be in line with those agreed for KIT days, namely the employee's hourly rate of pay.

4.0 Probation and Appointment Review Policy and Procedure

- 4.1 The Council has had a framework in place for a number of years to support and manage both individuals who are new to Lancaster City Council and individuals who have moved to a new role within the Council.
- 4.2 The proposed Probation and Appointment Review Policy and Procedure encompasses all current arrangements, as well as providing more detailed guidance to both managers and appointees in what they can reasonably expect within the Probation or Appointment Review Period.

5.0 Early Termination of Employment Policy and Arrangements

5.1 Summary of Changes

- 5.1.1 Section 8.0 - The introduction of a change to the way compulsory redundancy payments are calculated to bring them in line with the statutory formula. The current Council arrangements are that where an employee is made compulsorily redundant the payment is calculated using their actual weekly pay, even if this is above the statutory cap (currently £464.00 per week).
- 5.1.2 This proposal will increase the differential in redundancy pay between the amount received if made compulsorily redundant and the amount received under VR. As Members will be aware the majority of staff elect to depart under Voluntary Redundancy.
- 5.1.3 By increasing the differential between the two amounts, which will particularly apply to higher paid staff, it is more likely that staff will elect for VR and it will be less attractive to staff to risk being made compulsorily redundant, where they retain the right to challenge their selection for redundancy at a later date. This approach should therefore further encourage staff to elect for VR, which disqualifies staff from later complaining against their selection for redundancy.
- 5.1.4 Section 10.1 - The revised policy includes reference to the fact that the VR cap will automatically increase each year in line with any increases to the statutory calculation.
- 5.1.5 Section 17.1 - The arrangements for re-employment of an ex-employee who elected to take VR have been amended, so that those staff departing on enhanced VR terms will not be considered for re-employment until 1 year has elapsed after their termination. There is no change to re-employment arrangements for staff departing on compulsory redundancy.
- 5.1.6 Section 20.1 - Information on pension discretions is now within a separate document

6.0 Flexible Working (Right to Request) Policy and Procedure

The legislation covering the 'Right to Request' flexible working was expanded with effect from 1 July 2014 to allow all employees, regardless of the reason, to request to change their working commitment and to have that properly considered.

Lancaster City Council had a pre-existing arrangement for requesting Flexible Working within the Family Leave Scheme, for those employees with caring responsibilities, in accordance with the previous legislation. Any recent requests received from employees have been considered in line with current legislation.

6.1 Summary of Changes

- 6.1.1 Section 12.0 - There is no right of appeal against a decision not to grant a flexible working request, however it is considered to be good practice to do so. In light of the significant expansion of the 'Right to Request' it is proposed that any appeals should be heard by the Chief Executive, due both to the likely increase in applications and in light of the need to comply with the statutory 3 month timescale.
- 6.1.1 If agreed, the revised policy will replace the existing section with the Council's Family Leave Scheme. The remaining policies contained in the Family Leave Scheme will be separated out into their constituent policies and published separately

7.0 Job Grading, Regrading and Appeals Procedure

- 7.1 The document has been revised to take account of revised job titles and organisation structure. The content of the documents other than this remain unchanged.
- 7.2 The instance of grading appeals are low. However, the procedure that is in place is considered sound and offers Appellants a fair opportunity to have their arguments heard by an Appeal Panel made up of the Chief Executive and a Trade Union representative. No changes are therefore proposed to the existing arrangement.

8.0 Options

- 8.1 The options available to the Committee in respect of each Policy are to approve the appended document as drafted, to approve the document with amendments, or not to approve the document. However, if substantial changes in respect of any Policy are proposed at the JCC 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 Recommendations

- 9.1 The Officer recommendation is that subject to consideration of any additional recommendations brought to the Committee from the JCC meeting on 3 February 2015 the Committee approve:
 - The new Shared Parental Leave Policy and Procedure.
 - The new Probation and Appointment Review Policy and Procedure.
 - The amended Early Termination of Employment Policy.
 - The new Flexible Working (Right to Request) Policy and Procedure and in doing so approve the changes to the existing Council’s Family Leave Scheme.
 - The amended Job Grading, Regrading and Appeals Procedure.

RELATIONSHIP TO POLICY FRAMEWORK

The Council is committed to good standards of employment practice, and it is felt that the amended policies and the new policies will augment our existing Human Resource Management arrangements.

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

The policies will apply to all employees.

FINANCIAL IMPLICATIONS

There are no direct implications as a result of this report.

SECTION 151 OFFICER’S COMMENTS

The s151 Officer has been consulted and would add that sound, robust HR management practices also contribute to achieving value for money and improving the use of public funds.

LEGAL IMPLICATIONS

There are no legal implications directly arising from this report.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has nothing further to add.

BACKGROUND PAPERS

None.

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Shared Parental Leave Policy and Procedure

1.0 Scope

This policy outlines the statutory right to take Shared Parental Leave (SPL) to care for a child due to be born or placed for adoption on or after 5th April 2015. It also outlines notification requirements before a period of SPL and the entitlement to pay during SPL.

SPL gives employees with caring responsibilities for babies or newly adopted children the opportunity to share up to 52 weeks of leave with their partner should they wish to do so by committing to end maternity or adoption leave and pay early. The untaken balance of leave and pay can then be taken as SPL. Parents taking SPL can take leave in separate blocks, returning to work in between blocks, and both parents can be on leave at the same time. Eligible employees are entitled to submit up to three notices to take a 'Period of Leave'.

SPL will replace the existing entitlements of additional paternity leave and pay. For parents with a baby due on or before 4 April 2015, the entitlement to additional paternity leave and additional statutory paternity pay will remain in place.

These rights also apply to partnerships of the same sex and intended parents in a surrogacy arrangement.

2.0 Entitlements

2.1 Qualifying for Shared Parental Leave

To be entitled to SPL, employees must:

- be the mother, father, or main adopter of the child, or the partner of the mother or main adopter;
- have, or share with the other parent, the main responsibility for the care of the child;
- have at least 26 weeks' continuous service at the 15th week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child, known as the 'relevant week';
- still be in continuous employment until the week before any SPL is taken;
- comply with the relevant notice and evidence requirements.

In addition, the other parent must:

- have at least 26 weeks' employment (employed or self-employed) out of the 66 weeks prior to the relevant week;
- have average weekly earnings of at least £30 during at least 13 of the 66 weeks prior to the relevant week.

For the mother or main adopter to be entitled to SPL, they must be entitled to statutory maternity or adoption leave. For the partner to be entitled to SPL, the mother or main

adopter must be entitled to statutory maternity or adoption leave, or entitled to statutory maternity/adoption pay or maternity allowance.

Employees must also follow the statutory notification and information requirements detailed in this policy.

2.2 Amount and Timing of Shared Parental Leave

SPL must be taken in weekly blocks and within a one year period beginning with the date of the baby's birth or the child's placement for adoption.

The maximum of 52 weeks of SPL will be reduced by the number of weeks of maternity or adoption leave that have already been taken by the mother or main adopter, or the number of weeks of statutory maternity/adoption pay or maternity allowance already taken if the mother or main adopter is not entitled to statutory maternity/adoption leave.

After the birth of a child it is compulsory for the mother to take two weeks of maternity leave, therefore in the majority of cases working parents will have the opportunity to split 50 weeks of SPL.

SPL is in addition to the statutory right to two weeks of paternity leave for fathers and partners. Paternity leave must be taken in advance of any SPL. Further information can be found in the Council's Paternity/Partner Leave Policy and Procedure.

2.3 Rights During Shared Parental Leave

Salary will be replaced by Statutory Shared Parental Pay if the employee is eligible for it.

Employees are entitled to receive all the other normal terms and conditions of the contract of employment, including annual holiday entitlement.

2.3.1 Holiday Entitlement

Annual leave continues to accrue as normal throughout any periods of SPL.

Employees should aim to use their annual leave within the leave year it has been accrued, however, in agreement with their Chief Officer, they may carry forward a maximum of five days' annual leave into the next leave year.

Annual leave cannot be taken simultaneously with SPL. Annual leave should be taken before any periods of SPL commence, or at the end of all SPL periods taken. Normal approval procedures apply.

Bank holidays that fall during any period of SPL absence will not be re-credited to the employee to be taken at a later date. The only exception to this will be when the employee's paid leave in any annual leave year, within the SPL period(s) falls below the statutory minimum of 5.6 weeks per year as outlined in the Working Time Regulations.

2.3.2 Pension

Pension contributions will continue to be made by the Council during the period when the employee is in receipt of pay, including statutory maternity pay, maternity allowance or shared parental pay, but not during any period of unpaid maternity leave.

2.3.3 Flexible Working Requests

Full consideration will be given to requests from employees who, upon their return from SPL, wish to change their working pattern. Employees should submit their requests as far in advance of their return date as practicable, to allow adequate time for the request to be fully considered and, where appropriate, the necessary arrangements put in place.

Further information about flexible working can be found in the Council's Family Leave Scheme.

2.3.4 Childcare Vouchers

Employees returning from SPL may wish to consider joining the Council's Childcare Voucher Scheme, which provides a tax efficient way of assisting with childcare costs. Further details about the scheme can be found on the HR intranet or by contacting the HR Team.

2.3.5 Salary Sacrifice Schemes

Employees taking part in any scheme that works on a salary sacrifice basis should consider how being in receipt of Shared Parental Pay, or nil pay, may affect their participation in the scheme. Employees should contact the HR Team if more information is required.

2.4 Shared Parental Pay

In addition to the requirements regarding entitlement to leave outlined above, if an employee wishes to claim Shared Parental Pay (ShPP), average weekly earnings must be equal to or above the Lower Earnings Limit over the eight week period ending with the relevant week.

A maximum of 39 weeks' ShPP is payable, and this will be reduced by the number of weeks of statutory maternity/adoption pay or maternity allowance that have already been taken by the mother or main adopter. ShPP is a standard weekly rate set by the government each tax year, or 90% of normal weekly earnings if this is lower.

Employees must follow the statutory notification and information requirements detailed below in Section 3.

2.5 Contact During Shared Parental Leave

The Council is entitled to make reasonable contact with employees during SPL. This may be to discuss the employee's plans to return to work, or perhaps any changes in the workplace. The employee is also entitled to make reasonable contact with the Council, for example, to discuss any arrangements for the return to work.

Employees may work for up to 20 days without bringing the SPL to an end, but work during SPL will not have the effect of extending the SPL period. These days are referred to as 'Shared Parental Leave In Touch' (SPLIT) days. If an employee undertakes any work whilst on a SPLIT day, payment will be received at the normal rate of pay for the actual hours worked. Employees are under no obligation to work during SPL, and the Council is under no obligation to offer work.

The 20 SPLIT days available during SPL are in addition to the 10 'Keeping in Touch' days available during Maternity and Adoption Leave.

2.6 Fraudulent Claims

If the Council suspects that fraudulent information may have been provided or where the Council has been informed by the HMRC that a fraudulent claim has been made, the Council may use the Disciplinary Policy and Procedure to investigate the matter further, which could lead to action up to and including dismissal.

2.7 Change in Employee Circumstances

It is possible that a parent's circumstances may change after periods of SPL have been agreed. This could prove difficult for the Council if the change is advised at short notice and arrangements to cover the post are already in place. In such circumstances, the Council may decide to hold the employee to the agreed arrangements.

3 Procedure

Employees and managers should, where possible, have an informal discussion as soon as possible prior to employees giving formal notification of their intention to take SPL, for example, when the employee knows maternity/adoption leave is going to be taken, so that statutory entitlements to other types of leave and pay can be discussed, and to ensure that plans for any discontinuous periods of leave can be considered as early as possible.

As the SPL provisions are complex, if an employee wishes to take SPL, the relevant procedures can be clarified with the HR Team to ensure that they are followed correctly. If the employee wishes to have an informal discussion to understand this Policy and Procedure in more detail, they should contact their Service HR Partner to arrange this.

3.1 Notice of Entitlement and Intention to take SPL and ShPP

The Notice of Entitlement and Intention is a notice to the Council advising that the employee is entitled to take SPL and when they intend to take it. The employee should aim to submit this as early as possible to their Service Manager to enable potential planning and cover arrangements in the Service area.

Employees must notify the Council in writing at least eight weeks before the start date of the first period of SPL. The written notice must contain the following information:

- employee's name and the other parent's name;
- the start and end dates of the mother's or main adopter's maternity/adoption leave, or the start and end dates of the statutory maternity/adoption pay or maternity allowance period if the mother/main adopter is not entitled to statutory leave;
- the expected date of birth/placement and the actual date of birth/placement if the written notice is given after the birth/placement;
- the amount of SPL and ShPP available and an indication of how much each parent intends to take, which may be varied by a subsequent written notice signed by both parents;
- an indication of the start and end dates of the periods of SPL and ShPP intended to be taken. This indication is not binding and can be amended at a later date;
- a signed declaration that the employee meets the conditions for entitlement to SPL, that the information provided is accurate and that he/she will notify the Council immediately if he/she ceases to meet the conditions for entitlement, such as no longer caring for the child.

There must also be a signed declaration from the other parent containing:

- their name, address and National Insurance number;
- confirmation that they meet the employment and earnings conditions;
- confirmation that they are the father/mother or partner of the father/mother of the child or civil partner or spouse of the employee;
- confirmation that, at the time of the birth, they will share the main responsibility for the care of the child;
- their consent to the amount of leave the employee intends to take;
- confirmation that they will immediately inform the Council if they cease to satisfy the employment and earnings conditions;
- consent for the employer to process the information in the partner's declaration.

3.2 Notice to End Statutory Maternity/Adoption Leave and Payments

At the same time that a 'Notice of Entitlement and Intention' to take SPL is submitted, the mother/main adopter must give the Council a notice to end maternity/adoption leave and pay, giving at least eight weeks' notice of the date on which the leave and pay is to end, or the date on which pay is to end if they are not entitled to leave. If the mother is only entitled to maternity allowance (and not maternity leave) her notice of curtailment must be submitted to Jobcentre Plus. Her maternity allowance cannot be reinstated, so she is in effect giving consent for her partner to take the whole of any ShPP entitlement.

A notice to end maternity/adoption leave and pay is usually binding, but may be revoked in the following circumstances:

- if it becomes apparent that neither parent is entitled to SPL or ShPP; or
- if the notice to end leave/pay was given before the birth/placement and is revoked up to six weeks following the birth; or
- if the other parent dies.

3.3 Formal Notice Requesting a 'Period of Leave'

The Formal Notice is where the employee submits the actual details of the period of leave he/she intends to take.

The first period of SPL may be identified and formally requested in the initial notice of entitlement and intention to take SPL. Employees are entitled to submit a maximum of three formal notices to take a 'Period of Leave'.

Each notice requesting a 'Period of Leave' must be given at least eight weeks before the start of a 'Period of Leave', stating the dates of the leave and the dates on which ShPP will be claimed, if applicable.

If the first notice requesting a 'Period of Leave' is given prior to the birth of a child, the notice may express the start date in relation to the date of birth, for example "starting two weeks after the baby is born for a period of four weeks".

3.4 Confirmation of SPL and ShPP

If a continuous period of leave is requested in a notice for a 'Period of Leave', employees will be entitled to take that 'Period of Leave' and this will be confirmed in writing.

If more than one 'Period of Leave' is requested in a notice, i.e., discontinuous periods of leave, the Council will seek to accommodate the request but this cannot be guaranteed. The Service Chief Officer will discuss the request with the employee to determine if it can be accommodated. The Service Chief Officer will have to consider operational factors in making a decision on such a request, for example, if the post has already been temporarily filled as a result of the period of maternity/adoption leave. The Service Chief Officer is advised to contact the relevant HR Partner for further guidance.

If the discontinuous leave request cannot be accommodated, there may be an alternative pattern of leave which can be agreed, or the request may be refused. The Council's decision will be confirmed in writing.

If no agreement is reached within 14 calendar days of the notice requesting the 'Periods of Leave' being submitted the employee can:

- take the discontinuous periods of leave requested in one continuous block, beginning on the original start date; or
- withdraw the request within 15 calendar days of the request being submitted. If the request is withdrawn in these circumstances it will not count as one of the three formal requests; or
- take the continuous block starting on a new date, as long as the new date is later than the original start date, and the Council is notified of the new date within 19 calendar days.

3.5 Varying a Booked 'Period of Leave'

If an employee wishes to vary or cancel a booked period of SPL, he/she is entitled to submit a request providing he/she provides written notice of at least eight weeks before any period of leave is due to commence. An employee may:

- vary the start and/or end date, or cancel the leave; or
- vary or cancel the amount of leave requested; or
- request that a single period of leave becomes a discontinuous period of leave, or vice versa.

A variation will count as one of the three formal notices requesting a 'Period of Leave', apart from circumstances such as the baby being born early or the Council requesting the dates to be amended.

3.6 Evidence Requirements

The Council may request a copy of the child's birth certificate and the name and address of the other parent's employer.

In the case of adoption, the Council may request the name and address of the other parent's employer, along with evidence confirming the following:

- the name and address of the adoption agency;
- the date that the main adopter was notified of having been matched for adoption with the child;
- the date on which the adoption agency expects to place the child with the family.

Any such request will be made by the Council within 14 days of receiving the 'Notice of Entitlement and Intention' to take SPL and ShPP. Employees must respond to the request for evidence within 14 days, or within 14 days of the birth of the child if the request was made before the child was born.

If a birth certificate has not yet been issued, employees must sign a declaration stating that fact along with the date and location of the child's birth. If the other parent has no employer, this must also be declared.

In some circumstances, the Council may choose to write to the employer of the other parent for clarification on information provided.

3.7 Returning from Shared Parental Leave

If an employee wishes to return early from SPL, or extend the period of the SPL, the Council must be notified at least 8 weeks before both the original end date and the new end date.

If an employee returns to work immediately after a period of SPL, which together with any statutory maternity/adoption leave taken to care for the same child, was 26 weeks or less, the employee will return to work in the same job.

If an employee returns to work from a period of SPL, which together with any maternity/adoption leave taken to care for the same child, was more than 26 weeks, the employee will normally be entitled to return to the job in which he/she was employed before the absence. If that is not reasonably practicable, a similar role will be offered on no less favourable terms and conditions.

Employees will not lose the right to return to work if they do not follow the correct notification procedures, however, the Council may take appropriate disciplinary action if they fail to return to work at the end of the SPL period.

In the event that an employee is unable to return to work at the end of the SPL due to ill health, the Council's normal sickness absence rules, procedures and payments will apply. For further information, employees should refer to the Sickness Absence Policy and Procedure.

4 Further Information

Any questions relating to this Policy or Procedure, or further guidance on issues connected with SPL can be obtained from the Service HR Partner.

5 Review

This policy will be reviewed two years following implementation, or earlier in the event of further changes in legislation.



Probation and Appointment Review Policy and Procedure

1.0 Scope

- 1.1 The Council's Probation and Appointment Review Policy and Procedure applies to all newly appointed employees and to existing employees who have taken on a new role within the Council. Both will be hereafter referred to as the 'appointee'. The Probation and Appointment Review Policy and Procedure forms part of the contract of employment.
- 1.2 The exceptions to this are the Chief Officer positions for whom separate arrangements are in place.
- 1.3 The Probation and Appointment Review Policy and Procedure does not apply to casual workers.

2.0 Objectives and Principles

- 2.1 Lancaster City Council recognises the need to support and develop new appointees to achieve their full potential. The Probation/Appointment Review Period allows the Council to assess the capabilities and conduct of each appointee and allows the appointee to decide whether or not the job is suitable for them.
- 2.2 All appointees must be clear about the standard of work expected during the course of their employment. An up to date job description and person specification provides a knowledge and skills framework for each post, and will be used in conjunction with regular interaction during the Probation / Appointment Review Period between the manager and appointee.
- 2.3 The Council recognises the link that can develop between a poor induction and Probation / Appointment Review Period and poor performance in the role. The Council is committed to ensuring an effective induction and Probation/Appointment Review Period to avoid performance management issues arising later in employment.
- 2.4 Whilst some appointees may be recruited or promoted from within the organisation, it is still necessary to monitor the effectiveness of internally appointed employees and assist them in achieving the required standards of performance in a new post. The Council is therefore committed to the provision of an Appointment Review Period for internal recruits, which shadows the Probation Procedure to assist the appointee in achieving the required standards in their new role.
- 2.5 The objectives of this Policy are:
 - ❑ To ensure that new appointees are supported in a structured way during their Probation/Appointment Review Period.
 - ❑ To provide line managers with a framework and guidance to assess the skills, conduct, performance and attendance of appointees, before deciding whether or not to confirm their appointment.

- ❑ To ensure that before the appointee is confirmed as successfully completing their Probation/Appointment Review Period they have reached the required standard of performance expected for that role.
- ❑ To ensure there is a consistent, supportive and fair approach to dealing with issues that arise during the Probation/Appointment Review Periods, in line with legislative guidelines and best practice.
- ❑ Where appointees under Probation / Appointment Review are unable to reach a good standard of performance, to deal with any concerns in an appropriate and timely manner.

2.6 The following principles apply to the Council's procedures for dealing with matters of concern that arise during the Probation / Appointment Review Period:

- ❑ Application of the procedure will be fair, prompt, impartial and consistent, and will be applied without discrimination.
- ❑ Action will be taken as soon as problems are identified. Where appropriate and if timescales allow, the appointee may be given more time to meet the requirements of the role and provided with further support.
- ❑ Appointees are encouraged to raise, at an early point, any concerns they might have during their Probation / Appointment Review Period. The Council will in return take all reasonable and practicable steps to assist the employee.
- ❑ Where it is apparent that the appointee is unable to reach the required standards of performance the matter will be handled appropriately and without unnecessary delay.

3.0 Responsibilities

3.1 Appointees' responsibilities:

All appointees have a contractual responsibility to work to the required standard and to achieve a level of performance which is prescribed by and acceptable to the Council. Appointees therefore have a responsibility to:

- ❑ demonstrate their suitability for the post which they are appointed to;
- ❑ bring to the attention of their line manager, at the earliest opportunity, any difficulties they are experiencing, or concerns they may have;
- ❑ raise any issues outside of work which may affect their performance with their line manager, as soon as possible;
- ❑ raise with their line manager any need for training, development or support, which they believe to be necessary in order for them to fulfil the requirements of the role;
- ❑ individuals newly appointed to Lancaster City Council must attend the Council's Corporate Induction and undertake any mandatory training required for the post;
- ❑ co-operate fully with the Council's Probation and Appointment Review Policy and Procedure where performance falls short of the required standards.

3.2 Management responsibilities:

Managers are responsible for actively managing and monitoring Probation / Appointment Review, and will be supported by Human Resources (HR). It is essential that managers proactively assess and support employees during these key first months of a new role.

Probation should not be viewed by line managers as a form filling exercise that only needs to be considered at specific intervals during the Probation/Appointment Review Period. Rather the Probation/Appointment Review Period should be viewed as a clear opportunity for line managers to shape and develop the post holder.

Managers should therefore ensure they communicate what is expected of their appointee on a regular basis during the Probation/Appointment Review Period. This may be through regular one to one meetings, team meetings or briefings, training sessions, etc., which will form the basis of support offered to the appointee.

Managers have a responsibility to:

- ❑ establish standards of performance, responsibilities and objectives that are consistent with the position and in line with the job description;
- ❑ communicate the required standards, responsibilities and objectives of the post to the appointee;
- ❑ be available for advice and supervision with the appointee, when required;
- ❑ keep written notes of 1:1 meetings and supervision sessions;
- ❑ ensure that the appointee is effectively inducted locally within the service area and their immediate team;
- ❑ ensure that the appointee attends Corporate Induction and all mandatory relevant courses, including any online e-learning that is assigned;
- ❑ promptly hold formal Probation/Appointment Review meetings within the first week, and by the end of the third and sixth month anniversary of their appointment
- ❑ fully complete all required paperwork and send to HR in a timely fashion;
- ❑ take action, where necessary, to resolve any issues at an early stage;

3.3 HR responsibilities:

The HR Team are responsible for providing advice and support to managers and employees during the Probation/Appointment Review Period, as required.

HR will:

- ❑ provide advice and guidance to managers, appointees and trade union representatives on the correct implementation of the policy and procedure;
- ❑ ensure that managers treat all new appointees in a fair and equitable manner through the consistent application of this policy and procedure;
- ❑ attend formal meetings as outlined in the procedure;

- ❑ issue three and six month formal review reminders to line managers;
- ❑ confirm in writing to the appointee the outcome of the Probationary/Appointment Review Period;
- ❑ keep records in line with the Data Protection Act.

4.0 The distinction between a Probation Review and an Appointment Review

- 4.1 All appointees who are new to Lancaster City Council are subject to a six month Probation Period.
- 4.2 Appointees who are new to Lancaster City Council, but who have worked previously in Local Government or within a body covered by the Local Government Modification Order are also subject to the six month Probation Period, as they are new to Lancaster City Council. Whilst suitability for the role must be established, this does not affect any other rights to continuous service e.g. for redundancy purposes.
- 4.3 Where an appointee with previous Local Government service fails to establish their suitability for the role their employment will be terminated with the appropriate notice.
- 4.4 Existing Lancaster City Council appointees who have transferred internally from another role within the Council are subject to a six month Appointment Review Period. When issues arise during the Appointment Review Period managers should handle these in line with this procedure. Should the required improvements not be made, the matter should be progressed to Stage 2 of the Capability and Performance Improvement Policy and Procedure.

5.0 Temporary Staff

- 5.1 Appointees on contracts of six months or longer will be required to complete a full Probation Review period.
- 5.2 The successful completion of a Probation Review Period by a temporary appointee will not automatically confirm permanent employment on that individual.
- 5.3 Where an individual is on a temporary contract of less than six months, the Probation Review Period will span the whole period of employment. If the temporary contract was to be extended, the Probation Review Period would continue in line with the procedure until such time as they have met the probation requirements.
- 5.4 All reviews should be completed in a timely fashion, in line with the dates outlined in this Policy and Procedure, until the employee leaves the organisation.

6.0 Staff on Secondment

- 6.1 Any individual on secondment for more than six months, into another role within the Council, will be subject to a full Appointment Review Period.
- 6.2 There is no requirement for an individual on secondment for less than six months to have an Appointment Review Period. However, if the line manager has concerns regarding the employee's performance, capability, attendance or conduct during the term of the secondment, they should speak with them, in the first instance, to discuss if any further support can be identified. The manager may decide that the most appropriate option is to

terminate the secondment early, following advice from HR. Where this is considered to be the most appropriate course of action the manager will explain their reasons for this decision to the secondee, and will give them reasonable notice of their return to their substantive role.

- 6.3 On successful completion of the Appointment Review Period, the appointee will be confirmed into the role for the agreed period of the secondment only. This will not be confirmation into the role on a permanent basis.

7.0 Probation and Appointment Review Procedure

- 7.1 In order to support the Probation and Appointment Review process the Council has developed a procedure to assist in the fair and consistent treatment of all new appointees.
- 7.2 The Probation/Appointment Review Period normally lasts for a period of six months. Throughout the six month Probation/Appointment Review Period an appointee's performance and competence should be subject to assessment by their line manager.
- 7.3 Regular informal one to one meetings or discussions should be held to review performance and to ensure that new appointees are kept informed of their progress against the required standards. Whilst one to one meetings are informal, these still form part of the process of assessing or measuring an appointee's performance, and ensuring that they are receiving appropriate support.
- 7.4 Managers must ensure that any concerns they have are raised as soon as possible to allow the appointee opportunity to improve. Where concerns only develop towards the end of the Probation/Appointment Review Period, this will not prevent matters being considered in line with the relevant sections of this Policy and Procedure.
- 7.5 Formal review meetings should take place within the appointee's first week of employment, then at the three month, mid-way point, and six months after they started in the role, in line with Section 9.
- 7.6 It is considered good practice for the line manager to book the review meetings into the diary of the employee soon after the start of employment, to ensure that the review meetings take place in a timely manner.

8.0 Commencing Employment

- 8.1 It is known that where an appointee feels welcomed into a new organisation or team, that they are more likely to feel a stronger positive connection with their employer and therefore more likely to perform and attend work well.
- 8.2 It is therefore good practice for line managers to make contact with their appointee prior to them commencing work in their new role and ensure they know when and where to arrive on their first day in the role and who they should ask for upon arrival. This is also an opportunity for the appointee to ask any further questions they may have before their first day in the role.
- 8.3 Line managers are responsible for ensuring that work locations or work stations are prepared and any equipment the appointee may require is ordered in preparation for their first day. This will help ensure that the appointee feels welcome on arrival.

- 8.4 Where appointees need to undertake specified training before they are able to undertake some or all aspects of their role, such as manual handling, the line manager should ensure that this is arranged promptly.
- 8.5 A new starter pack will be provided by HR to the line managers of any appointees who are new to Lancaster City Council. The documents within the starter pack should be used in conjunction with any service based induction arrangements.

9.0 Undertaking Probation and Appointment Review Assessments

The line manager should ensure that they (or another nominated individual) are available to welcome the appointee on their first day in the role. In the first few days in the role the line manager should give a local induction to provide the appointee with essential information regarding the role, team and wider Council, including time to complete any appropriate online e-learning and to ensure that the employee understands their responsibilities with regard to relevant health and safety matters.

9.1 Initial Meeting

- 9.1.1 An initial formal meeting should then be held within the first two weeks of the appointee commencing their new role. This is separate to any general welcome meetings. This will be an opportunity for the line manager to outline their expectations during the Probation/Appointment Review Period and to set initial objectives for the appointee. The main objectives should be listed on the **Probation/Appointment Review Form 1**.
- 9.1.2 The Probationary/Appointment Review Period must be properly planned to be effective. The standards required and objectives to be achieved need to be explained to the appointee and they should be clear of what is expected of them. By signing the Probation/Appointment Review Form 1, the appointee is confirming they understand the standards and objectives they must achieve.
- 9.1.3 Appointees should be set between three and six objectives, depending on the nature of the job role, which should follow the S.M.A.R.T. principle (Specific, Measurable, Achievable, Relevant, Time limited). These should be linked to the relevant Job Description/ Person Specification for the post. For further support on setting objectives, please contact your designated HR Partner.
- 9.1.4 It is recognised that in some areas of the Council, in addition to the main objectives listed on the form, the service unit may have a fuller list of objectives/targets that they consider must be achieved in order for a specific role to be effectively carried out. Where this is the case the line manager must ensure that the appointee is aware of this and it may be useful to append any such document to the **Probation/Appointment Review Form 1**.
- 9.1.5 The health and safety risk assessment(s) for the post, will have been revisited by the line manager at the time the post was advertised, and therefore the health and safety information discussed between the manager and appointee will be current. During the initial meeting the line manager will make the appointee aware of any key health and safety responsibilities and requirements, which are attached to the post.
- 9.1.6 A record of the meeting must be kept on the **Probation/Appointment Review Form 1**, which must be signed by both the line manager and the appointee. The form should be sent to HR within five working days of the appointee's start date, which will be retained in the appointee's central personnel record. Copies should be retained by the manager and appointee for their reference.

9.2 Initial Learning and Development Needs

- 9.2.1 The manager and appointee should also discuss any initial learning and development needs, which will assist the appointee in becoming effective in their role. It is important that any development needs should be clearly linked to the role. The line manager should make the appointee aware of the Council's Corporate Training Programme and how they access training. If any development needs are identified, which can be supported by the Corporate Training Programme, this should be booked through MyView or via completion of a Training and Development Nomination form, which should be returned to HR.
- 9.2.2 It may be agreed that the appointee requires access to a course that is not available via the Corporate Training Programme. In these circumstances the Service Training Budget should be utilised and/or other delivery of funding options explored, determined as appropriate by the relevant manager.
- 9.2.3 There are a number of mandatory courses accessed via the Learning Zone, the Council's e-learning system which must be completed during the appointee's first weeks of employment, ideally within the first week.
- 9.2.4 All new appointees will automatically be invited to Corporate Induction within their probation period. It is a mandatory requirement that all individuals who are new to the Council attend this Corporate Induction to ensure that they are orientated to the wider Council. As this may take place some weeks after the employee starts in their new role, managers must ensure that they have appropriately inducted the appointee into their Service and team.

9.3 Three Month Review Meeting

- 9.3.1 The formal Three Month Review Meeting should happen on or as near to the three month anniversary of the appointee starting the role as possible, which is at the mid-way point of the Probation/Appointment Review Period.
- 9.3.2 At the Three Month Review Meeting the appointee and manager must formally document the standards of work performance, conduct and attendance of the appointee, as well as their progress against the objectives that were set at the initial meeting. The manager and appointee should recognise areas where they have met or exceeded objectives as well as areas where they have not yet met objectives. Any areas of concern should be discussed and noted on the Review Form.
- 9.3.3 The meeting should also consider what, if any, further support, training or guidance is required. A review of any courses, including e-learning, which were identified as required on the Probation/Appointment Review Form 1 should take place. Consideration should also be given to any further learning and development needs.
- 9.3.4 A record of the meeting, including appointee comments, should be made on **Probation/Appointment Review Form 2 – 3 Month Review**, which must be signed by both the line manager and the appointee. The form must be sent to HR within five working days of the review taking place. Copies should be retained by the manager and appointee for their reference.
- 9.3.5 It is not expected that managers should wait until this meeting to discuss any issues relating to the appointee's performance, conduct or attendance. Managers should raise any concerns as soon as they come to light, so that the appointee has an opportunity to make any required improvements. The manager should ensure that the issues raised have been recorded. Equally the appointee should not wait until this meeting before raising any issues that are impacting upon their ability to achieve their objectives and the standards of performance required. However, where issues have been previously identified it will be appropriate for those to be reviewed during the discussion.

9.3.6 The manager should:

- ❑ discuss the appointee's performance against objectives and targets set at the initial meeting;
- ❑ review customer service skills (internal and external) in line with corporate standards;
- ❑ review interpersonal and communication skills;
- ❑ review attendance and punctuality, noting any absences that have occurred and the reasons for these;
- ❑ identify any areas of performance, conduct and attendance that need improving, specifying the standards required and how these can be achieved;
- ❑ review training requirements and agree any further development needs;
- ❑ recognise and record good performance and achievements made so far;
- ❑ note what support and guidance has been provided to date and what future support and guidance is available;
- ❑ set a date for the Six Month Review Meeting.

9.3.6 The appointee should:

- ❑ actively participate in the review, including identifying any successes or difficulties they have experienced;
- ❑ further discuss any problems or issues which they believe are preventing them from demonstrating their suitability for the role;
- ❑ confirm any training and development needs identified since the initial meeting.

9.4 Six Month Review Meeting

9.4.1 The formal Six Month Review Meeting should happen on or as near to the six month anniversary of the appointee's start date in the role as possible.

9.4.2 The manager should review the appointee's performance in the final three months of the Probation/Appointment Review Period, as well as reviewing progress against any issues identified at the Three Month Review Meeting. During the meeting the manager and appointee will discuss their performance against objectives/targets and discuss whether there are any further development needs or objectives still to be met.

9.4.3 At the Six Month Review Meeting the manager should confirm verbally with the appointee whether they have successfully completed their Probation/Appointment Review Period.

9.4.4 If the manager considers that the appointee has not met the objectives and/or standards to be confirmed in post, the manager should verbally advise the employee of this and whether or not it is the intention to extend the Probation/Appointment Review Period.

9.4.5 A record of the meeting should be kept on the **Probation/Appointment Review Form 3 – 6 Month Review**, which must be signed by both the line manager and the appointee. The form must be sent to HR within five working days of the review taking place. Copies should be retained by the manager and appointee for their reference.

9.4.6 It is not expected that managers should wait until this meeting to discuss any issues relating to the employee's performance, conduct or attendance. Where these have been a matter of concern it is appropriate for these to be formally discussed and noted, whether the issues have been resolved or are ongoing. Subject to the issues involved, it may be appropriate for matters to be dealt with in line with Sections 10 – 14.

9.4.7 The manager should:

- ❑ discuss the appointee's performance against objectives and targets set at the initial meeting;
- ❑ review whether the appointee has met the requirements discussed at the Three Month Review Meeting, including quality and accuracy of work, customer services skills, interpersonal/communication skills and attendance/timekeeping in line with service and corporate standards;
- ❑ review training requirements and agree any future learning and development needs.

9.4.8 In the case of a Probationary Period the manager should then decide whether to:

1. confirm the appointee has successfully completed their Probationary Period.
2. extend the probationary period for a period of up to three months, (see Section 11).
3. take action in line with Section 12 below to consider terminating the appointee's contract during their probationary period due to the appointee's inability to demonstrate their suitability for the post.

9.4.9 In the case of an Appointment Review Period the manager should then decide whether to:

1. confirm that the employee has successfully completed their Appointment Review Period.
2. in the event that there are unresolved issues that have occurred during the Appointment Review Period and it is not possible for the manager to confirm the successful completion of the Appointment Review Period, the appointee will be referred to Stage 2 of the Council's Capability and Performance Improvement Procedure.
3. only where the manager is confident that a short extension to the Appointment Review Period will result in the appointee meeting the standard, should consideration be given to a temporary extension, as an alternative to moving directly to Stage 2 of the Council's Capability and Performance Improvement Procedure.

9.4.10 Where the employee has met the required standard, HR will, upon receipt of the completed **Probation/Appointment Review Form 3 – Six Month Review**, write to the appointee to confirm the successful completion of their Probation/Appointment Review Period.

10.0 Managing Performance, Attendance and Conduct

A formal meeting to discuss an appointee's performance, attendance or conduct can be called at any time during the Probation/Appointment Review Period, if the manager considers that there is appropriate reason to do so. It is not in either the appointee's or the Council's interest to delay or ignore issues that are giving cause for concern.

10.1 Issues Regarding Performance Capability

10.1.1 Issues that arise in respect of an appointee's performance capability during the Probation/ Appointment Review Period should be discussed with the appointee at the time that they occur, rather than leaving them until the formal review meetings. It may be beneficial for managers to seek advice from their Service HR Partner at an early point when concerns begin to develop.

10.1.2 Where performance capability issues arise the manager should meet with the appointee informally in the first instance to:

- ❑ clarify what the difficulties are in detail, specifying where and how their performance is falling below what is acceptable;
- ❑ provide (as appropriate) evidence and examples of the problems and issues to be discussed;
- ❑ allow the appointee an opportunity to raise and respond to any concerns;
- ❑ discuss the action required by the member of staff to address the problem, e.g., set targets specifying in detail what standards of performance are required to reach an acceptable level;
- ❑ identify any training needs that may need to be met in order for the appointee to achieve the targets;
- ❑ set dates by when the targets should be met;
- ❑ explain what the consequences may be if the standards / targets are not met, i.e., it may be necessary to discuss the matter further at a formal meeting, the outcome of which may mean that the appointee is not confirmed in post or in certain circumstances that the Probation/Appointment Review Period is terminated early.

10.1.3 The manager should provide a written summary of what was discussed during the meeting to the appointee within five working days of the meeting. A copy of the letter should be sent to the Service HR Partner for the employee's record.

10.1.4 If performance does not improve within a reasonable timescale following any informal meetings, appointees in the Probation Review Period should be invited to attend a Formal Review Meeting with their line manager and a member of the HR Team, in line with Section 12. The outcome of the Formal Review Meeting may lead to the termination of their employment within their Probationary Review Period. Appointees who are under Appointment Review should either be referred to Stage 2 of the Council's Capability and Performance Improvement Procedure or, if a secondment arrangement is in place it may be appropriate to bring the secondment to an end earlier than anticipated, in line with Section 6.

10.2 Issues Regarding Poor Attendance

10.2.1 A Probation/Appointment Review Period enables the appointee to demonstrate their suitability for the role, it is therefore expected that attendance is excellent to ensure that the appointee fully utilises the time available to demonstrate their suitability.

10.2.2 Evidence suggests that individuals who have poor attendance in the first few months of in a new role are likely to continue with that pattern if they are confirmed in post. The Council requires excellent levels of attendance to ensure efficient and effective services are

provided to the public and the Probationary/Appointment Review Period is an appointee's opportunity to demonstrate their commitment to this.

10.2.3 Where a manager has concern over attendance they should seek further advice from their Service HR Partner and arrange a formal meeting in line with Section 12. Appointees subject to an Appointment Review Period will be managed, as appropriate, under the Council's Sickness Absence Management Policy and Procedure.

10.2.4 Poor attendance during the Probation Review Period is likely to lead to termination of employment.

10.3 Issues of Misconduct

10.3.1 The Council's full disciplinary policy and procedure does not apply where any disciplinary issues arise within the Probation Review Period. Managers should contact their Service HR Partner and arrange a formal meeting in line with Section 12.

10.3.2 Misconduct during the Probation Review Period is likely to lead to termination of employment. For those staff in an Appointment Review Period, the Council's normal Disciplinary Policy and Procedure should be invoked.

11.0 Extending the Probation/Appointment Review Period

11.1 The Probation Review Period runs for a period of six months. During this time managers must ensure that constructive feedback is given to appointees on a regular basis and that any performance, attendance or conduct issues are resolved as soon as possible within this period. It is important that managers make all reasonable efforts to support appointees in meeting the agreed objectives during this time. Managers should keep a record of issues discussed at informal meetings, to enable the manager and the appointee to keep track of their performance against overall objectives each time they meet.

11.2 In the majority of cases, where the appointee has not met the standard within the normal six month Probation/Appointment Review Period, it will be appropriate to discuss this at the Six Month Review Meeting.

11.3 In exceptional circumstances the Probation Review Period may be extended for up to three months. This may apply to a situation where an employee has not yet demonstrated their suitability, but they are likely to do so given more time.

11.4 Appointees who have not demonstrated their suitability during their Appointment Review Period should be transferred to Stage 2 of the Council's Capability and Performance Improvement Policy, if they have not met the required standard by the Six Month Review Meeting. In certain circumstances (see Section 9), the manager may consider it appropriate to agree an extension of up to three months to the Appointment Review Period. However, if the appointee fails to achieve the necessary standard by the end of the extension period, they would automatically be moved to Stage 2 of the Council's Capability and Performance Improvement Policy.

11.5 Where a manager believes that the appointee may not be able to achieve the required standard by the Six Month Review Meeting, they should discuss this with their Service HR Partner in good time, prior to arranging the Six Month Review Meeting. Where it is considered appropriate to offer a short extension to the Probation/Appointment Review Period, this should be discussed with the appointee at the Six Month Review Meeting and subsequently confirmed on the relevant form.

- 11.6 If the decision is taken to extend the Probation Review Period the line manager should complete the **Probation/Appointment Review Form 4 - Extension of Probation/Appointment Review**, which must be signed by both the line manager and the appointee. The form must be sent to HR within five working days of the review taking place. Copies should be retained by the manager and appointee for their reference.
- 11.7 The manager should confirm with the appointee:
- ❑ the reasons for the extension;
 - ❑ the length of the extension period;
 - ❑ any assistance, guidance or training to be given during the extension;
 - ❑ any areas of improvement that are required and how these will be monitored;
 - ❑ the consequences should they not reach the required standard by the Extension Review Meeting. In the case of appointees in a Probation Review Period, this will mean that the appointee will not be confirmed in post and that their employment is likely to be terminated in line with Section 12 below.
- 11.8 Where it is appropriate to extend Probation/Appointment review, the manager and appointee should have discussed and recorded the performance to date, and also discussed and recorded the future objectives, standards and improvements that must be met during the extension period.
- 11.9 The manager must convene an Extension Review Meeting, towards the end of the extension period, to discuss the appointee's performance during the extension period. After discussion during the meeting, the manager will confirm whether or not the appointee has met the necessary standard or not. A record of the meeting should be made on the **Probation/Appointment Review Form 5 – Extension Review Meeting**, which must be signed by both the line manager and the appointee. The form must be sent to HR within five working days of the review taking place. Copies should be retained by the manager and appointee for their reference.
- 11.10 In the case of a Probationary Period the manager should then decide whether to:
1. confirm the appointee has successfully completed their Probationary Period.
 2. take action in line with Section 12 to consider terminating the appointee's contract during their probationary period, due to their inability to demonstrate their suitability for the post.
- 11.11 In the case of an Appointment Review Period the manager should then decide whether to:
1. confirm that the appointee has successfully completed their Appointment Review Period.
 2. transfer the appointee to Stage 2 of the Council's Capability and Performance Improvement Procedure.
- 11.12 Where the appointee has met the required standard, HR will, upon receipt of the completed **Probation/Appointment Review Form 5 – Extension Review Meeting**, write to the appointee to confirm them in post.

12.0 Termination of Employment in the Probation Period

- 12.1 Where the appointee has failed to achieve the required standard of performance, conduct or attendance during their Probation Review Period, they should be invited to a formal meeting to discuss this by their manager.
- 12.2 On occasion it may be apparent early in the Probation/Appointment Review Period that the appointee is not suitable for the role. On such occasions it will not be necessary to wait until the end of the normal six month review period to take action against the appointee. Advice should be obtained from the Service HR Partner in all cases.
- 12.3 The manager should write to the appointee giving five working days' notice that they are required to attend a Formal Review Meeting to discuss their performance during Probation Review Period.
- 12.4 The purpose of the meeting will be to consider the appointee's performance, conduct and attendance to date and take a decision on whether employment should be terminated due to failure to achieve the required standards.
- 12.4 The appointee is entitled to be accompanied at the meeting by a trade union representative or work colleague. Managers should be accompanied by their Service HR Partner.
- 12.5 Only senior Service Managers who report directly into a Chief Officer, may hold Formal Review Meetings to consider whether or not the appointee's employment should be terminated. In the majority of cases it is likely that the senior Service Manager will not be the appointee's line manager. On occasion the Formal Review Meeting may be conducted by the appointee's line manager, who has conducted the probation review meetings. The senior Service Manager may ask the line manager to attend the discussion to explain why they consider the employee has failed to meet the required standard.
- 12.6 Where the manager considers that the appointee's performance, conduct or attendance is below the required standard and that this will not improve within a reasonable period of time then the appointee may be dismissed with appropriate contractual notice or offered pay in lieu of notice, where normal deductions would apply.
- 12.7 A letter confirming the outcome of the meeting should be sent to the appointee in the 5 working days following the meeting.
- 12.8 If at any point the appointee wishes to end their employment within the Probation Review Period they must give a minimum of one month's notice in writing to their line manager. However, in exceptional circumstances the line manager, in consultation with their Service HR Partner, may be prepared to agree to a request from the appointee to serve a shorter notice period.

13.0 Right of Appeal

- 13.1 Where a decision is made to terminate employment the appointee has the right of appeal against this decision.
- 13.2 In order to exercise this right, the appointee must write to the HR & OD Manager within 10 working days of receipt of the written notice of termination of employment, clearly stating their grounds of appeal.
- 13.3 The Chief Officer will normally hear the appeal within 20 days of receipt of the letter of appeal. If it is not possible to hear the appeal within the above timescale, the HR Partner

will write to the appointee setting out the reason for delay and the intended date of the hearing.

- 13.4 At the appeal hearing the appointee has the right to be accompanied by a Trade Union representative or work colleague. The Hearing Officer will be accompanied by a member of the HR Team.
- 13.5 The Service Manager who took the decision to dismiss the employee will present the management case outlining why the decision to dismiss was taken.
- 13.6 The Chief Officer will allow both sides opportunity to present their case. After adjourning to consider the available information, the Chief Officer will reconvene the hearing and will normally verbally communicate their decision. This will be followed by confirmation of the decision in writing, within 5 working days of the hearing.

The Chief Officer will either:

- extend the Probation Review Period for a further defined period of time of no more than three months, clearly outlining the standards/objectives to be achieved by a set date, or;
- uphold the decision to terminate employment.

The decision of the Hearing Officer is final and there is no further right of appeal.

14.0 Transfer to Stage 2 of the Capability and Performance Improvement Policy

- 14.1 Where an appointee within the Appointment Review Period has failed to meet the necessary standards, they will be transferred to Stage 2 of the Capability and Performance Improvement Policy.
- 14.2 Managers may elect to move them to Stage 2 of the Capability and Performance Improvement Policy either six months after commencing the role or, in specific circumstances, after the appointee has been given a further opportunity to meet the standard via an extension of up to three months to their Appointment Review Period.
- 14.3 After discussion with the appointee at either the Six Month Review Meeting or the Extension Review Meeting, the manager will verbally confirm their decision to the appointee. There is no right of appeal against the decision to move an appointee to Stage 2 of the Capability and Performance Improvement Policy. The manager will complete the necessary paperwork and provide a copy to HR within five working days to confirm that the appointee has been unable to complete the Appointment Review Period.
- 14.4 The manager, with advice from the Service HR Partner, should also write to the appointee to confirm this decision. Any arrangements after this point will be made in line with the Capability and Performance Improvement Policy.

15.0 Review

This policy and procedure will be reviewed two years after implementation or earlier in the event of changes in legislation.



Early Termination of Employment Policy and Arrangements

1. Introduction

- 1.1 This Policy sets out the Council's approach to the early termination of an employee's contract of employment. For the purposes of this Policy, termination occurs where an employee's employment ceases as a result of actions taken by the Council or in response to a request made by an individual employee.
- 1.2 This policy has been developed with due consideration given to the requirements of:
 - Local Government (Early Termination of Employment Discretionary Compensation) (England and Wales) Regulations 2006.
 - Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007
 - Local Government Pension Scheme (Admin) Regulations 2008 (regulation 66).
 - The Local Government Pension Scheme Regulations 2013
- 1.3 In formulating this Policy, the Council has given consideration to the extent to which it may exercise its discretionary powers, with appropriate safeguards to prevent a serious loss of confidence in the public service, and has satisfied itself that the policy is workable, affordable and reasonable having regard to the foreseeable costs.
- 1.4 The Council's view is that in relation to the early termination of employment this action should be seen as an exception rather than a norm, although it recognises that there may be circumstances where early termination of employment is unavoidable, and circumstances where early termination may benefit the Council and be acceptable to the employee.

2 Resignation

- 2.1 An employee of the Council may exercise their contractual right to resign at any time by giving proper notice under the contract of employment. Once a lawful resignation has been given it cannot be withdrawn other than with the Council's express permission or where the resignation came in the heat of the moment and was retracted quickly.

3 Retirement (Local Government Pension Scheme Membership)

- 3.1 The normal retirement age for Local Government Pension Scheme members is now aligned to the employee's individual State Pension Age (normal retirement age). If an employee intends to leave the Council's employment at normal retirement age, they are required to notify the Council of their intention to retire in line with their required contractual notice period. When a member reaches normal retirement age, an immediate pension becomes payable once the employee has left employment.
- 3.2 A member of the LGPS may retire before normal retirement age, but may be subject to reduction to their pension benefits (see early retirement section).
- 3.3 Employees will continue to accrue service-related benefits after their normal retirement age as long as they remain in employment with an organisation that is a member of the LGPS.

However, regulation 17(4) of the LGPS Benefit Regulations requires that a scheme member's pension must come into payment no later than the day before the member's 75th birthday.

4 Early Retirement with Reduced Pension Summary

- 4.1 Under LGPS Regulations, on leaving employment, employees can elect to receive their pension benefits from age 55, provided that they have at least 3 months membership of the pension scheme.
- 4.2 From age 55 employees can access their pension benefits without the Council's consent.
- 4.3 If the employee elects to receive their benefits before their normal retirement date the benefits will be reduced, to reflect the costs of the pension coming into payment early, subject to any transitional protection arrangements that may be applicable.
- 4.4 An employee considering early retirement can obtain detailed advice from "Your Pension Service" Helpline on 01772 530530 or by email to pensions.helpdesk@lancashire.gov.uk

5 Ill-Health Retirement

- 5.1 If, due to an employee's ongoing ill health, the Council has no alternative but to terminate an employee's contract of employment, he / she may request Ill Health Retirement, under the provisions of the Local Government Pension Scheme. In all cases the Council will follow the procedures defined by the LGPS regulations.

6 Redundancy

- 6.1 Under s.139 of the Employment Rights Act 1996, an employee is dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to:
 - The fact that the employer has ceased or intends to cease to carry on the business for the purposes for which the employee was employed, or to carry on that business in the place where the employee was so employed, or
 - The fact that the requirements of the business for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind, in the place where the employee was employed by the employer, have ceased or diminished or are expected to cease or diminish.
 - 6.2 The Council recognises that, on occasion, policy decisions will necessitate a reduction in the number of its employees below a level that can be achieved through natural turnover. In such circumstances, the Council will take all reasonable steps to avoid compulsory redundancy. The Council's Redeployment Policy is particularly relevant in this respect and should be read together with this Policy.
- ## **7 Redundancy Pay**
- 7.1 Regardless of whether an employee is entitled to receive their pension or not, they are entitled to receive a compensatory lump sum payment in cases of redundancy, where they meet the statutory arrangements for a redundancy payment.
 - 7.2 Under the Employment Rights Act 1996, an employee dismissed due to redundancy after having completed at least two years' continuous service with an employer is entitled to a redundancy payment.

8 Statutory Redundancy Pay Calculations

8.1 The Employment Rights Act 1996, section 162 sets out how a redundancy payment is calculated. In summary this is:

- half a week's pay for each year of employment up to the age of 21
- one week's pay for each year of employment in which the employee was aged between 22 and 40; and
- one and a half weeks' pay for each year of employment in which the employee was aged 41 or over.

The maximum number of years of employment that can be taken into account is 20. The maximum weeks' pay is a statutory calculation, that is increased annually in line with the Retail Prices Index (RPI), under the automatic indexation provisions of the Employment Relations Act 1999.

8.2 The Council will calculate the redundancy pay for an employee, subject to compulsory redundancy, by using the national statutory formula. Any compulsory redundancy payment will be capped at the statutory maximum applicable at the time of dismissal.

9 Calculation of Continuous Service

9.1 For the purpose of the calculation, continuous employment will be the aggregation of all continuous local government and related employment defined within the Redundancy Payments (Continuity of Employment in Local Government etc.) (Modification) Order 1999 (as amended).

10 Voluntary Redundancy (VR)

10.1 Under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) (Miscellaneous) Regulations 2006 the Council may:

- calculate redundancy pay on actual weekly pay rather than the statutory amount
- enhance the compensation payment (Redundancy Pay) up to a maximum of 66 weeks

The Council will therefore exercise its discretion in relation to voluntary redundancy (VR) by:

- using the employee's normal weekly pay to calculate a VR compensation payment
- using the statutory formula for the calculation of applicable weeks (as detailed in para 8.1 above)
- capping the maximum VR compensation payment at the statutory maximum redundancy compensation payment multiplied by 2.2.

10.2 The Council will always seek to mitigate the impact of any redundancy situation by endeavouring to redeploy displaced employees to other suitable employment within the Council or by seeking volunteers, before any compulsory redundancies are considered.

10.3 Consultation documentation and communications will identify the posts, which it is proposed will be disestablished as part of any restructure.

10.4 The arrangements which relate to a request for volunteers will be set out in the consultation

arrangements relating to the relevant change/restructure taking place.

- 10.5 The management and administration of redundancies will be carried out in such a way to ensure there is an objective, fair and non-discriminatory approach in place that is applied consistently to workforce reduction. This includes circumstances where there is a fair selection for voluntary redundancy in an effort to limit compulsory redundancies.
- 10.6 The arrangements below outline the main criteria for VR selection. Managers will define the specific criteria required for the service area in order to release individuals under VR, whilst ensuring limited disruption for the service area and to deliver future Council priorities.

Service Managers and HR must ensure that any volunteer is aware that:

- there is no guarantee that a Voluntary Redundancy will be granted
- business needs of the Council take priority
- volunteers will continue to work until a release date is agreed by their manager.

- 10.7 Consideration will only be given to volunteers for redundancy if this is not detrimental to the Council. The decision to accept applications for voluntary redundancy will be based on the need to ensure that there is a balanced workforce with the requisite skills to meet future business needs.
- 10.8 The terms of the Redeployment Policy will not apply to any employee who applies for VR. Further, an employee who has unsuccessfully sought redeployment in a redundancy situation will not subsequently be eligible to apply for voluntary redundancy.
- 10.9 If an application for voluntary redundancy is granted, the employee will receive an enhanced redundancy payment. This will be calculated using the national statutory redundancy formula, with the statutory maximum figure for weekly pay replaced by the employee's actual weekly pay. The total of this calculations will be multiplied by 2.2 to produce a voluntary redundancy payment.
- 10.10 Any enhanced redundancy pay **will not** exceed the sum of the maximum statutory redundancy pay multiplied by 2.2.

(For example: as at 1 February 2015 this was £13,920 x 2.2 = £30,624).

- 10.11 If an employee accepts voluntary redundancy and therefore benefits from an enhanced redundancy payment, they will not be eligible to appeal against the selection process for voluntary redundancy.

11 Redundancy or Efficiency Terminations - Employees aged 55 and over (Pension Issues)

- 11.1 In addition to the compensation payments specified above, for termination of employment on the grounds of redundancy (or efficiency), employees aged 55 or over, who have at least three months' membership of the Local Government Pension Scheme, will receive immediate payment of an unreduced pension and lump sum based on their accrued contributory service at the date their employment is terminated.

12 Consultation

- 12.1 Before any decisions are taken which may affect the ongoing employment of any employee appropriate consultation will take place with both the affected employee(s) and the relevant trade union(s). The communication during the consultation process is designed to ensure the Council fully explains how any individual employee and/or groups may be affected and the timescale of any proposed actions.

- 12.2 The Service Manager must be able to demonstrate that the selection for redundancy is made on the basis of objective criteria that is reasonable, fair and consistently applied. Once provisional selections for redundancy have been made, individual consultation with each employee will be arranged. At these meetings each employee has the right to be accompanied by a trade union representative or work colleague.

13 Right of Appeal against selection for Redundancy

- 13.1 As a means of maintaining an open dialogue during a consultation period, there is no provision for an employee who has been provisionally identified as displaced by a restructure to raise a grievance or appeal at this stage, based on the employee's view that they:
- disagree with the proposals which have been developed; or
 - the provisional selection arrangements; or
 - the pool of potentially at risk employees.

For the process of consultation to be meaningful, it is expected that if there are issues to be raised then these would form part of the dialogue between management, affected employees and, where appropriate, their trade union representatives.

- 13.2 However once an employee has been selected for redundancy and has been formally issued with notice of their selection for redundancy, and is therefore facing redeployment or dismissal, they do have the right to appeal the decision. Such appeals will be to the Council's Personnel Committee. The grounds for appeal are either that:

- the employee is dissatisfied with the way in which the Council has applied its redundancy selection criteria;

Or

- the employee believes that he/she has been unfairly disadvantaged by the selection criteria or not given a fair opportunity to put forward representations.

14 Termination in the Interests of efficiency

- 14.1 Early termination of employment in the interests of the efficient exercise of the Council's functions does not require a redundancy situation to exist, and does not require that a post be deleted from the Council's Establishment. It is impossible to define conclusively "the interests of efficiency". However, this might include circumstances where changes beyond the individual employee's control have led to inefficient discharge of a function, or where the retention of an employee is preventing the introduction of changes in structure or practices that would improve efficiency.

- 14.2 **Early termination on the grounds of efficiency will not be granted as a substitute for disciplinary action, or for action on the grounds of capability where such action would be justified.**

- 14.3 The Council believes that termination in the interests of efficiency will be rare. Generally the Council will not exercise its discretion to pay compensation where employment is terminated early on efficiency grounds. However, individual cases will be considered on their merits.

- 14.4 If compensation is being considered or if there are other capital pension costs arising from the termination, Chief Officers must be able to demonstrate how they intend to make the required efficiency savings and fund the early termination.

15 Process for applying for Early Termination (Redundancy or Efficiency)

- 15.1 Redundancy (or potential redundancy) situations will be identified initially by Chief Officers and linked to the Council's corporate and business planning arrangements, or other emerging changes in business needs. In doing so, Chief Officers will consult with Human Resources and Financial Services. Potential situations for terminating employment in the interest of efficiency will also be identified in this way.
- 15.2 Subject to Human Resources' confirmation of the situation, and Financial Services' confirmation of the financial implications, Chief Officers will then notify staff affected (or staff potentially affected) as part of a structured consultation process, and where appropriate, seek applications for voluntary termination on the relevant grounds. Wherever possible, volunteers will be sought, rather than resorting to compulsory redundancy.
- 15.3 An employee who is considering the possibility of applying for early termination on either redundancy or efficiency grounds should first speak to the appropriate senior Service Officer, who will speak with the Chief Officer on a confidential basis. The Chief Officer will consult Human Resources and Financial Services as appropriate and a decision will be made as to whether or not the application would be supported in principle.
- 15.4 Employees who are members of a recognised trade union are strongly advised to discuss an application for voluntary redundancy with their trade union representative at an early stage in the procedure.
- 15.5 Employees may also wish to contact Human Resources for information about redundancy/compensatory pay and pension benefits (if appropriate).
- 15.6 Human Resources staff are not able to advise on pension matters and further information regarding pension benefits may be obtained from "Your Pension Service" (at Lancashire County Council), as the administering body. Seeking such information will not commit the employee, and the request or application may be withdrawn by the employee at any stage.
- 15.7 In the event that an employee decides to formalise an application for early termination, whether on grounds of redundancy or efficiency, the request should in the first instance be made in writing to the Chief Officer stating the date on which it is requested that the employment should terminate. A copy of the letter should also be sent to the HR and OD Manager.
- 15.8 All such formal applications, whether they include early payment of pension benefits or not, will be referred to the Chief Executive for consideration.

16 Decision Making

- 16.1 Applications which relate to minor changes to the Council's establishment will be determined under the scheme of delegation by the Chief Executive. Minor changes are considered to be those which affect less than 20 employees. However, the Chief Executive may refer any case, to the Personnel Committee and/or Cabinet for consideration, irrespective of the number of employees affected by the change. Factors affecting this decision may be the type of posts that are disestablished or the potential impact on the way services are delivered following any changes.
- 16.2 All changes that impact on more than 20 employees will be referred to members for consideration.

17 Re-employment with Lancaster City Council

- 17.1 An employee who is dismissed on redundancy grounds, and received a voluntary (enhanced) redundancy payment, may be considered for re-employment to posts within the Council after a period of one calendar year has elapsed since the date of termination of employment.
- 17.2 If an employee is dismissed on compulsory redundancy grounds he/she may be considered for re-employment to any post within the Council after the minimum statutory period of four weeks has elapsed.

18 State Benefits

- 18.1 The Council recommends that any employee whose employment with the Council is terminated should request information from the local office of the Department for Work and Pensions about state benefits. Entitlement to any Benefits / Support may be affected by a number of factors. Individuals are advised to check their own personal position in relation to the claiming of benefit.

19 Other Policies

- 19.1 This Policy should be read in conjunction with the Council's Redeployment Policy and Flexible Retirement Policy, which are available from Human Resources or accessible via the intranet (insert URL).

20 Discretionary benefits

- 20.1 Under the regulations that govern the Local Government Pension Scheme (LGPS) the Council is able to exercise a number of discretions. Full details of how the Council has determined it will exercise any discretions is detailed in the "Statement of Lancaster City Council – Employer Discretions" <<Insert URL>>. For further advice and guidance on this matter is available from the HR & OD Team.

21 Review of Policy

- 21.1 This Policy will be regularly kept under review in the light of operating experience, changes in legislation, and the financial position of the Council. If changes are made to the Policy in so far as it relates to discretionary compensation for the early termination of employment, a statement of the amended policy will be published, which will take effect one month after the date of publication.
- 20.2 Changes which are required to apply any applicable legislation or regulation will be incorporated into the policy documents at the appropriate time and reported for information to the recognised trade unions and Personnel Committee.



Flexible Working (Right to Request) Policy and Procedure

1.0 Scope

- 1.1 All employees who have a minimum of 26 weeks' continuous service have the right to request flexible working and to have their request seriously considered by their employer.
- 1.2 Each employee has a statutory right to submit only one request in any 12 month period.
- 1.3 The Flexible Working (Right to Request) Policy does not apply to casual workers.

2.0 Aims and Objectives

- 2.1 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 flexi time or compressed shift patterns,
- 2.2 In line with changed legislation, the Council recognises its duty since 1 July 2014 to seriously consider requests from all employees for flexible working arrangements. Requests to work flexibly can be for any reason and are no longer limited to those employees with caring responsibilities.

3.0 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 only statutory requirement regarding timescales is that the whole process, from the point that the employee has supplied full information, should be completed within 3 months, including any appeal. Where it is not possible for the request to be fully considered in the 3 month period, the time period can be extended subject to the agreement of the employee.
- 3.2 At all formal meetings employees 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 Service Manager and/or Chief Officer.
- 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.

4.0 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.
- a request to job share.
- a request to perform some work from the employee's home.

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 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.

4.5 Where a request is received for an employee to work from home on a regular basis, this should be considered in line with the document "Guidance on Flexible Working Requests" [INSERT URL] along with any relevant guidance or policies relating to the use of Information Technology and Health and Safety. Guidance documents will be developed over time as changes to operating arrangements occur.

5.0 Application Process

5.1 All requests must be made in writing and submitted in the first instance to the relevant senior Service Manager. Employees are encouraged to complete the **Flexible Working Application Form**, which is available from the HR Team or is accessible from the HR pages of the intranet. Requests can however be made by email or letter.

5.2 Note should be taken of the date of receipt of the Flexible Working Application Form or other communication.

5.3 If the employee has not submitted their request via the Council's Flexible Working Application Form, the Service Manager must ensure that sufficient information has been obtained, in writing, from the employee to enable the request to be properly considered.

5.4 Any request for flexible working must include:

- the date of the application;
- the changes that the employee is seeking to his/her terms and conditions;
- the date on which the employee would like the revised terms and conditions to come into effect;
- what effect the employee thinks the requested change would have on the organisation;
- how, in his/her opinion, any such effect might be dealt with;
- a statement that this is a statutory request;
- whether or not the employee has made a previous application for flexible working;

- if the employee has made a previous request, when they made that application; and
- whether the request is in relation to the Equality Act 2010, for example, as a reasonable adjustment for a disabled employee.

6.0 Action by the Service Manager

- 6.1 In order to comply with statutory timescales, it is important that the Service Manager reviews the application promptly.
- 6.2 If an application is received that does not contain sufficient information to enable the employee's request to be properly considered, the Service Manager (with HR support if required) should explain to the employee where additional or amended information is required, e.g., further information on the reasons for the request, or how the impact of the request can be mitigated.
- 6.3 The 3 month period will not start until the employee has supplied full information to enable their request to be considered.
- 6.4 Once the Service Manager has received and reviewed a fully completed application, containing all the necessary information to assist in making a decision, the Service Manager will complete the relevant section of the Flexible Working Application Form and pass it to the Service HR Partner to add their comments.
- 6.5 Once comments have been added, the Flexible Working Application Form will be submitted to the Service Chief Officer for consideration, who will normally arrange a meeting with the employee to discuss the request.

7.0 Action by the Chief Officer – arranging a meeting

- 7.1 Chief Officers 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 The Chief Officer will normally hold a meeting to consider the employee's request within **21 working days** of a completed application (or other written request) being received by the Service Manager. A template letter inviting the employee to a meeting is available from HR.
- 7.3 As the employee can 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 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 timescale.
- 7.5 On occasion it may be possible for the Chief Officer to consider and subsequently approve the request without meeting with the employee, however it is likely that these cases will be the exception. Even where the matter is 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.
- 7.6 In addition to being accompanied by a member of the HR Team, the Chief Officer may ask the Service Manager to be present at the meeting to assist in the discussion around the employee's request.

7.7 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, to seek further information, to allow the Chief Officer to make an informed decision, it should be reconvened as soon as practicable.

7.8 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.

7.9 In all cases, and regardless of whether the request is agreed, partially agreed or rejected, the decision be provided to the employee in writing within 10 working days.

8.0 If the Chief Officer approves the application

8.1 The employee will receive written confirmation of the Chief Officer's decision within 10 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 8.5.2 below be treated as permanent and the employee has no automatic right to revert back to his/her previous pattern of work. Exceptions to this will include temporary changes, for a specified time period 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 back 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, a Change of Conditions form **must** be completed, so that budgets may be adjusted accordingly and a revised contract of employment created.

8.5 Home working requests

8.5.1 Where a request for a contractual right to work from home is received (as opposed to ad hoc working from home arrangements), the Service Manager and Chief Officer will consider the operational impact of the request and will liaise with ICT to discuss any issues relating to the provision of IT facilities.

8.5.2 Where a request for a contractual right to work from home is agreed, this should be reviewed on an annual basis. It is recognised that future changes to structural or operational arrangements across the Council or the Service could result in home working arrangements being amended or ceasing. Where this is necessary, and after discussion with the employee, contractual notice would be served.

8.5.3 If, for any reason, it is not possible for staff to work from home, due to an IT issue or some other unforeseen event, the home working arrangement will temporarily cease until such time as the matter has been resolved.

9.0 If the Chief Officer partially accepts the request

- 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.

10.0 If the Chief Officer rejects the request

- 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 10 working days of the date of the meeting. The letter will also set out the right of appeal.
- 10.2 Reasons for declining a request must be based on one or more of a number of 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.

11.0 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.
- 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 with regard to 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, a Change of Conditions form **must** be completed, so that budgets may be adjusted accordingly and a revised contract of employment created confirming the temporary variation to the contract during the trial period.

11.5 Changes/early termination during the trial period

- 11.5.1 If for any reason, during the trial period it is clear that 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

- 11.6.1 Towards the end of the trial period, the Chief Officer and Service 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 considered to be 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 Change of Conditions form **must** be completed so that the permanent change can be formally actioned.
- 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.

12.0 Right of Appeal

- 12.1 Employees wishing to appeal against a Chief Officer's decision to reject their application for flexible working arrangements should do so by writing to the HR & OD Manager, stating their grounds for appeal, within 10 working days of receiving written notification of the rejection of their request.
- 12.2 In line with the ACAS guidance, appeals will be considered if:
- there is new information that was not available to the Chief Officer at the time they made their original decision, or
 - the employee thinks the application was not handled reasonably in line with the Council's policy.
- 12.3 Wherever possible the Council's Chief Executive will hear appeals within **15 working days** of the HR & OD Manager being informed in writing that the employee wishes to appeal. If it is not possible to convene a meeting with the Chief Executive within 15 working days, an extension of time may be agreed between the Council and employee. In these circumstances, the HR & OD Manager will write to the employee, specifying why the extension is required and a date when the appeal will be held.
- 12.4 The employee will have the right to be accompanied at the appeal hearing by either a work colleague or trade union representative.
- 12.5 The adviser to the Chief Executive (normally the HR & OD Manager or his/her nominee) will write to the employee within **5 working days** of the appeal hearing to notify the employee of the Chief Executive's decision.
- 12.6 If the Chief Executive upholds the appeal the Chief Officer will be requested to reconsider the original request.
- 12.7 If the Chief Executive dismisses the appeal the notification from the Chief Executive will state the grounds for the decision and contain a sufficient explanation as to why those grounds apply. There is no further right of appeal.

13.0 Review

This policy and procedure will be reviewed two years after implementation or earlier in the event of changes in legislation.

Job Grading, Regrading and Appeals Procedure

1. Introduction

- 1.1 This procedure describes the arrangements for the evaluation of new and changed posts* and for assessing regrading applications.

*Re-evaluations will only be undertaken where the changes to the job description are significant.

- 1.2 This procedure will apply to all employees of the Council whose terms and conditions of service are determined by the NJC for Local Government Services (the Green Book).
- 1.3 All evaluations will be undertaken by the Human Resources (HR) staff fully trained in the use of the GLPC computerised job evaluation scheme.
- 1.4 This procedure provides a structured approach for the evaluation of posts across all Council Services. It is expected that the relevant Chief Officer and Manager, will critically evaluate any request that suggests that a post has change significantly to justify a Job Evaluation Review. It is expected that this critical review will consider the "Why" and "How".

2. Procedure for grading of new or changed posts

- 2.1 Prior to the submission and approval of a report containing staffing implications, it is essential that a Job Description and supporting evidence for each new or changed post is prepared and submitted to HR who will consider the documentation and discuss the details with the Chief Officer and Manager. In the case of a changed post, the discussion will also include the postholder(s) if the post is filled. The post will be evaluated by HR using the computerised job evaluation scheme and its associated locally agreed conventions.
- 2.2 Following the evaluation, HR will inform the Manager concerned (and the employee(s) if the post is filled) of the outcome. The Manager will prepare a report, normally on a Change of Conditions form (the re-evaluation has resulted in a change of grade).
- 2.3 The recommendations within the Change of Conditions form will be considered by the appropriate officers.
- 2.4 It may be that the evaluation of a post takes place as part of a service restructure. In considering the proposals submitted by Managers/Chief Officer, the HR Team will assess if the proposals are likely to impact on any existing evaluation.
- 2.5 If the changes that are proposed impact on the evaluation of a post held by an existing employee, then this information will be set out in the restructuring report and form part of the consultation process with those employees affected by the restructure.

3. Procedure for regrading applications generated by the postholder

- 3.1 Applications must be submitted on the appropriate form – Regrading Application Form. The form must also be completed by the Service Manager and Chief Officer before it is submitted to HR.

- 3.2 Regrading applications will only be accepted where there is a significant change to the job.
- 3.3 The Manager must confirm that the description of the duties and responsibilities and that the effective date claimed in the application is accurate. If there is disagreement this must be resolved before the application is submitted for evaluation
- 3.4 If the Manager and Applicant(s) cannot agree the matter should be referred to the relevant Chief Officer who should seek advice from HR.
- 3.5 The Applicant(s) must send the completed Regrading Application Form and copy of the job description to HR.
- 3.6 The HR Team will:-
- Acknowledge receipt of the application
 - Clarify any issues with the postholder(s) and line manager where necessary
 - Evaluate the post
 - Inform the Chief Officer and Service Manager concerned of the outcome
 - Write to the Applicant setting out the decision including the rationale and the right of appeal
 - If the grade is changed a report (on a Change of Conditions form) will be prepared by the appropriate Service Manager
 - The recommendations within the Change of Conditions form will be considered by the appropriate officers
- 3.7 If approved, HR will write to the applicant advising them of the decision and of the date of implementation. This will normally be the date of the application unless an earlier date is claimed, which can be substantiated by supporting evidence.

4. Right of Appeal

- 4.1 Employees whose job has changed and employees who submit a regrading application will have a right of appeal to the Job Evaluation (JE) Appeals Panel if they are dissatisfied with the job evaluation and can demonstrate that one of the grounds for appeal is satisfied.

5. Grounds for Appeal

- 5.1 An employee who is dissatisfied with their job evaluation has the right of appeal on one or more of the following grounds:
- The salary of the post has been reduced
 - There has been a loss of incremental progression
 - More responsibility within the post has not been recognised

6. The Appeal Procedure

- 6.1 To exercise this right, the employee(s) must appeal in writing to the HR & OD Manager, on the Regrading Appeal form, within 10 working days of receipt of written notification of the grade.
- 6.2 On receipt of the Regrading Appeals Form, the HR & OD (or appointed Deputy) will gather all the information required by the JE Appeals Panel.
- 6.3 The appeal will be considered by the JE Appeals Panel. The Panel will be composed of:
- The Chief Executive
 - An advisor from a recognised Trade Union
 - An advisor from Human Resources.

The Trade Union advisor must be from a different Trade Union from that of the appellant.

- 6.4 A meeting of the JE Appeals Panel will normally be convened within 20 working days of receipt of the appeal.
- 6.5 The HR representative who evaluated the job will normally be the HR Advisor to the JE Appeals Panel. Their role will be to:
- Set out the grounds for appeal have been met
 - Explain the rationale behind any decisions
 - Provide information and advice on the GLPC Job Evaluation scheme.
- 6.6 If the panel is not satisfied that the grounds for appeal have been met, the appeal will be rejected and appellant will be advised, giving reasons for the rejection.
- 6.7 The appellant has the right to attend and present their case to the JE Appeals Panel and be accompanied by a Trade Union representative or work colleague of their choice. A management representative may also be present.
- 6.8 After presenting the case the employee, their representative and the management representative (if appropriate) will leave the room to allow the JE Appeals Panel to consider their decision in private.
- 6.9 If information is missing, or if new information is forthcoming, or there has been a misapplication of the job evaluation scheme, any new information will be entered into the software by the HR representative for re-evaluation of the factor/s concerned.

This could change the original level of the factor (which could go up as well as down) or could confirm the evaluated factor level.

- 6.10 The Chief Executive will have the determining vote. The decision of the Panel is final and there is no further right of appeal.

7. Action Following the Appeal Hearing

- 7.1 The appellant, Chief Officer and Service Manager will be notified by HR of the outcome of their appeal within 5 working days of the date of the meeting. Details of any changes to the factor levels and total score will be provided, together with confirmation of whether the amendments have resulted in a change to the grade of the job.
- 7.2 Successful appeals will be backdated to the date of the regrading application (unless an earlier date is claimed which is supported by evidence) or, in the case of a changed job, the date of the appointment to the post.
- 7.3 If an appeal against a grade involves a group of employees, wherever possible agreement should be reached between the employees in the following areas:-
- The content of the appeal
 - Nomination of an employee to attend the appeal panel on behalf of the group

8. Review

- 8.1 The functions of the JE Appeals Panel will be reviewed annually. The forum for the review will be the Joint Consultative Committee.

REGRADING APPLICATION FORM

How to complete the form

General Guidance

Before you begin to complete the Grading/Regrading Appeal Form you should read the guidance notes below. If you are a trade union member you may wish to discuss your appeal and the completion of the Appeal Form with your trade union representative.

Grounds for Appeal

The following are grounds for appeal:

- The salary of the post has been reduced
- There has been a loss of incremental progression
- More responsibility within the post has not been recognised

Making an Appeal

You will need to complete the appeal form and send it to HR & OD Manager within 10 working days of receipt of written notification of the grade.

What will happen after that is clearly laid out in the Grading, Regrading and Appeals Procedure.

To be completed by the job holder, and returned to the HR & OD Manager within 10 working days of receiving written notification of the grade.

Employee Name:			
Post No:			
Job Title:			
Service Area:			
Job Evaluation Points:		Grade:	
Type of Appeal:		Individual Appeal / Group Appeal <i>(Delete as Appropriate)</i>	
Please indicate the Grounds for Appeal (Please tick)			
The salary of the post has been reduced		<input type="checkbox"/>	
There has been a loss of incremental progression		<input type="checkbox"/>	
More responsibility within the post has not been recognised		<input type="checkbox"/>	
Service Manager comments:			
Name; _____		Signature: _____ Date : _____	
Chief Officer comments:			
Name; _____		Signature: _____ Date : _____	
For Office Use only			
Date appeal lodged:		Date received in HR	

The information which I request is considered as part of the Appeal is:

(You may submit additional documents if required, however salary information relating to similar posts within other organisations will not be considered by the Appeals Panel)

Large empty rectangular box for providing appeal information.

Name: _____ **Signature:** _____

Date: _____

For office use only

PERSONNEL COMMITTEE

**RECRUITMENT FOR ON-CALL FIRE-FIGHTERS AT
LANCASTER FIRE STATION
03 FEBRUARY 2015**

REPORT OF THE HR AND OD MANAGER

PURPOSE OF REPORT

To consider a request from Lancashire Fire and Rescue Service for support with their recruitment of on-call fire-fighters.

This report is public

RECOMMENDATIONS

- (1) **That Personnel Committee considers the request received from Lancashire Fire and Rescue Service**

1.0 Introduction

- 1.1 A request has been received from the Service Delivery Manager, Lancashire Fire and Rescue Services (LFRS), for the City Council, as a large employer in the District, to support LFRS with their recruitment of on-call fire-fighters in Lancaster. The criteria for which is that retained fire-fighters live or work within approximately a five minute distance from the fire station.
- 1.2 LFRS have advised that they have secured a £2.4 million funding bid for a new fire station in Lancaster and one of the fire appliances will be crewed by on-call fire-fighters.
- 1.3 The Assistant Chief Fire Officer attended Overview and Scrutiny Committee, at its meeting on the 11 June 2014 as the request of the Committee to discuss the proposed reduction in Lancaster Fire Station capacity.
- 1.4 Following the meeting, at the request of the Overview and Scrutiny Committee, the Chief Executive wrote to the Assistant Chief Fire Officer, expressing the Committee’s concerns at the proposals. A copy of that letter and the reply from the Chairman of the Lancashire Fire Authority are attached at **Appendix A**.
- 1.5 The following Notice on Motion to Council was considered by full Council at its meeting on the 22 October 2014

“This Council notes with regret the decision by Lancashire Combined Fire Authority (CFA) to reduce cover at Lancaster Fire Station from two full time appliances to one full time appliance with the other to be staffed by retained (part time) crews with an up to 5 minute slower response time.

This Council believes that this cut in services is a direct result of the Government's cut to the Lancashire Fire and Rescue Service budget. The loss of this full time appliance and others in Lancashire, is inevitable unless the funding cuts are reversed.”

1.6 Council resolved to:

1. *To lobby local Members of Parliament and the Government to ask for the funding cuts to be reversed.*
2. *To join with other Lancashire Councils in collaboration with the Lancashire CFA to campaign for adequate funding for Lancashire Fire and Rescue Service.*

2.0 Proposal Details

2.1 If Personnel Committee are minded to agree to the request to support LRFS in their recruitment drive for retained fire-fighters, internal communication methods will be used, such as providing staff with leaflets and access to posters and using the intranet.

3.0 Implication as an employer

3.1 The Council applies all the statutory obligations in relation to time off work for public duties.

3.2 Employees in the Army Reserves or other reserve forces have certain protections under employment law if they're called up for service. Employers of reservists also have particular rights and obligations in this situation – eg they may be able to claim financial assistance or apply for an exemption.

3.3 The duties of an On-call Fire-fighter are not covered by any statutory arrangements, therefore an officer's external (other) employment in a role of “On-call Fire-fighter” would be treated in the same way as any other external/additional employment.

3.4 The Council's Code of Conduct, Part 7 - Codes and Protocols, Officers' Code of Conduct, Para 7 Outside Commitments (Appendix B) defines the boundaries within which outside commitments are managed.

3.5 Like any employment, care would have to be taken to ensure that any external obligations to the role of “On-call Fire-fighter” did not conflict with the duties of an Officer of the Council.

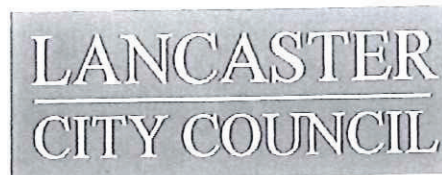
3.6 If the Personnel Committee were minded to support the recruitment drive by LRFS, it is not anticipated that this would place a strain on Council resources. However, given that the Council may be seen as actively promoting these roles, there may be an expectation amongst officers that the Council in some

way endorses employment in such posts, without further consideration of the potential impact on Council services or regard for the provisions set out in the Officer Code of Conduct. These issues can be addressed by proper promotion of vacancies and clear communication between Lancaster City Council and LFRS.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p> <p>Impact assessment is covered in the report.</p>	
<p>LEGAL IMPLICATIONS</p> <p>There are no legal implications directly arising from this report.</p>	
<p>FINANCIAL IMPLICATIONS</p> <p>There are no direct financial implications arising from this report. Services would be required to manage any resource implications arising from within existing budgets.</p>	
<p>OTHER RESOURCE IMPLICATIONS</p> <p>Human Resources: The HR & OD Manager is the author of the report. The HR implications are set out in the body of the report.</p> <p>Information Services: N/A</p> <p>Property: N/A</p> <p>Open Spaces: N/A</p>	
<p>SECTION 151 OFFICER'S COMMENTS</p> <p>The Section 151 Officer has been consulted and has no further comments to add.</p>	
<p>MONITORING OFFICER'S COMMENTS</p> <p>In the absence of the Monitoring Officer, the Deputy Monitoring Officer has been consulted and has no observations to make on this report.</p>	
<p>BACKGROUND PAPERS</p> <p>None.</p>	<p>Contact Officer: HR and OD Manager Telephone: 01524 582076 E-mail: shampson@lancaster.gov.uk Ref: CE/SH/ES/Cttees/Personnel – 1.</p>



Contact: Elaine Stoker
Telephone: (01524) 582011
Fax: (01524) 582020
E-mail: chiefexecutive@lancaster.gov.uk
Website: www.lancaster.gov.uk
Our Ref: CE/ES/Ltrs – Gen19
Your Ref:



Promoting City, Coast & Countryside

Chief Executive

**Mark Cullinan
Chief Executive**

Town Hall
Dalton Square
LANCASTER LA1 1PJ

DX63531 Lancaster

Mr D Russel
Assistant Chief Fire Officer
Lancashire Fire and Rescue Service
Garstang Road
Fulwood
PRESTON
PR2 3LH

26 June 2014

Dear Mr Russel

As you know, the City Council's Overview and Scrutiny Committee recently considered the reduction in Lancaster Fire Station's capacity that is to be brought in from April 2016.

The Committee agreed the following:

- 1) That David Russel, Assistant Chief Fire Officer, Michael Barke, Area Manager, and Tony Crook, Group Manager, from Lancashire Fire and Rescue be thanked for their attendance at the meeting.
- (2) That the Overview and Scrutiny Committee express its concern and dismay over the decision to remove the second whole-time fire appliance from Lancaster Fire Station despite the City Council's consultation response.

The Overview and Scrutiny Committee request that:

- (i) The Lancashire Fire Authority in conjunction with Lancashire Fire and Rescue Service conduct an urgent review of the Authority's decision to remove the second whole-time fire appliance in light of significant future risk that has emerged recently and has not been taken into consideration when making this decision.
- (ii) Any reviews undertaken by the Fire and Rescue Service are reported to the City Council's Overview and Scrutiny Committee.
- (iii) That a copy of the letter be sent to the relevant Government Department and the local MP.



I would be grateful if you could consider the Committee's request and provide your response at your earliest convenience.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mark Cullinan', written in a cursive style.

Mark Cullinan
Chief Executive

Letter also sent to Lancashire Combined Fire Authority

Copy to: The Rt Hon Eric Pickles MP, Secretary of State, DCLG
Eric Ollerenshaw MP

Appendix 2



Mark Cullinan
 Chief Executive
 Lancaster City Council
 Town Hall
 Dalton Square
 Lancaster LA1 1PJ

Please ask for: County Councillor Frank de Molfetta
 Telephone: 07917 627364
 Email: francesco.demolfetta@lancashire.gov.uk
 Your Ref: CE/ES/Ltrs-Gen19
 Our Ref:
 Date: 6 August 2014

Dear Mr Cullinan

I am writing in response to your letter dated 26 June 2014.

It is perhaps helpful if I respond to each point using the numbering as set out in your letter.

- (2) As was clearly set out by ACO Russel at the City Council's Overview and Scrutiny Committee, the Fire Authority have taken the decision to remove a wholetime fire engine from Lancaster, taking into account risk profile of Lancaster both now and in the future

By way of background, due to financial pressures resulting from a 25% reduction in Government grant, at the time of undertaking the Emergency Cover Review (ECR) Lancashire Fire and Rescue Service (LFRS) was seeking to save £10m by 2016/17. This was split with £5m being taken out of support functions and £5m out of frontline services. It should be noted that this figure has since been updated to take account of the latest Local Government Finance Settlement and other funding forecasts and the savings target has now increased to £13m by 2016/17. This is set against £15m savings which have already been made since 2005 largely through a 25% reduction in Wholetime (WT) firefighter posts. Furthermore it is anticipated that the requirement to make savings will continue beyond this time period with latest estimates showing a 35% Government grant cut by 2018.

Given the scale of savings required, LFRS is simply not able to make the required level of savings, without making changes to its emergency response function. Hence, the Emergency Cover Review 2013 presented a number of 'options for change' which the Fire Authority approved at its meeting on 9 December 2013. The Service is now implementing a three year plan with changes to fire engines in Lancaster programmed to take place in year 3 (April 2016).

Contd ...

Headquarters

Lancashire Fire & Rescue Service
 Garstang Road, Fulwood
 Preston
 PR2 3LH



In accordance with Authority policy, a period of twelve weeks was allocated for consultation (29 July to 20 October 2013) in respect of the ECR and proposals for change. During this period, a comprehensive consultation exercise was undertaken involving staff, partners and service users. This included the use of Public Scrutiny Forums facilitated by Opinion Research Services and Open Public Meetings, which in the case of Lancaster, was held on 16 September 2013. Attendance at the public meeting was poor with only 11 attendees, the majority of whom were LFRS staff. Outside of these events the Authority received a number of written responses, 6 in the case of Lancaster, one of which was a letter from Lancaster City Council dated 16 September 2013.

Upon completion of the consultation process all of the written correspondence received, along with feedback from staff and the Public Scrutiny Panels/Open Public Meetings, was carefully considered and presented in full to the Authority's Planning Committee on 21 November 2013. The comments received in relation to Lancaster focused on a number of key themes: large geographical area, Lancaster University, planned future development i.e. expansion of Heysham Port, Heysham to M6 Link and increasing population. Indeed, the letter from the City Council made reference to a number of these themes.

As ACO Russel explained to the City Council's Overview and Scrutiny Committee all of these points were carefully considered prior to final decisions being made. Equally, there is sometimes an incorrect assumption made that themes such as the above, translate across into increased risk and activity, activity in the context of increased demand on LFRS resources - this is not the case. Our risk profiling tells us that the majority of fires across Lancashire occur in older, more traditional housing stock i.e. houses in multiple occupation in the West End of Morecambe as a point in case, and not necessarily in new homes which are built to modern building regulation standards including the requirement for hard wired smoke detection. The infrastructure in North Lancashire, for example, Heysham Power Station, Heysham Port, Lancaster University and the hospital are well managed sites all demonstrating a strong record health and safety record of actively managing their processes and associated risks.

I acknowledge the fact that changes to the built environment take place, something which can be applied to a greater or lesser extent to other parts of Lancashire. It is for this very reason that our ECR is undertaken every 3 to 4 years to ensure that resources remain matched to Lancashire's risk profile. Whilst we remain cognisant of such changes we do so by adopting a risk based approach. The simple fact remains that Lancaster are attending 36% less operational incidents over the period 2010/13 compared to 2007/10. It is also worth noting that Lancaster's second wholetime (WT) fire engine is the quietest WT fire engine in the County, in terms of the number of operational incidents it attends, when compared to the Service's four other fire stations which have two WT fire engines.

Taking this historical data alongside changes (existing and proposed) to the built environment, the professional opinion was that Lancaster should maintain two fire engines, albeit the configuration, should be one wholetime fire engine and one retained duty system fire engine, as opposed to two wholetime fire

engines. The professional view remains unaltered and to a great extent has to do in light of my comments regarding the financial environment in which LFRS is being required to operate within. Finally, I understood the view of the City Council whilst not supportive of the decision to remove a wholetime fire engine, was that *"the option of keeping the second engine but with retained firefighters would seem a reasonable one, assuming that assurances were given that the wider factors had been taken into account"*. The assurance I give you is that absolutely this has been the case not just in the context of Lancaster but in all locations where there are changes to fire cover.

Regarding the other points:

- 2(i) The Fire Authority, in conjunction with Lancashire Fire and Rescue Service, remains content with its decision given the imperative to find savings. Plans to remove a WT fire engine and replace it with an RDS fire engine will continue with implementation by April 2016.
- 2(ii) Lancashire Fire and Rescue Service will remain receptive to requests to engage with district councils, but will not as a matter of course report all reviews to the Overview and Scrutiny Committee. The Service will continue to follow the Fire Authority's Consultation Strategy central to which is proportionate reporting / consultation which is communities led.
- 2(iii) As requested, a copy of my letter will be forwarded to Eric Ollerenshaw MP and Brandon Lewis MP (Department for Communities and Local Government).

Yours sincerely



County Councillor Frank de Molfetta
Chairman
Lancashire Combined Fire Authority