



Committee: PERSONNEL COMMITTEE
Date: TUESDAY, 2ND FEBRUARY 2016
Venue: LANCASTER TOWN HALL
Time: 6.10 P.M.

A G E N D A

1. **Apologies for absence**

2. **Minutes**

Minutes of meeting held on 29th October, 2015 (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. **HR Policy Development & Review** (Pages 1 - 104)

Report of the HR & OD Manager.

6. **Exclusion of the Press and Public**

The Committee is recommended to pass the following recommendation in relation to the following item:-

"That, in accordance with Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that it could involve the possible disclosure of exempt information as defined in paragraphs 1 and 2 of Schedule 12A of that Act."

Members are reminded that, whilst the following item(s) have been marked as exempt, it is for the Committee itself to decide whether or not to consider each of them in private or in public. In making the decision, Members should consider the relevant paragraph of Schedule 12A of the Local Government Act 1972, and also whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In considering their discretion Members should also be mindful of the advice of Council Officers.

7. **Environmental Services Minor Restructure** (Pages 105 - 109)

Report of the Chief Officer (Environment).

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Elizabeth Scott (Chairman), Lucy Atkinson (Vice-Chairman), Caroline Jackson, Ronnie Kershaw, Jane Parkinson, Sylvia Rogerson and David Smith

(ii) Substitute Membership

Councillors Alan Biddulph, Andrew Gardiner, Tim Hamilton-Cox, Abi Mills, Richard Newman-Thompson and Phillippa Williamson

(iii) Queries regarding this Agenda

Please contact Stephen Metcalfe, Democratic Services - telephone 01524 582073, or e-mail sjmetcalfe@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Democratic Support, telephone 582170, or alternatively email democraticsupport@lancaster.gov.uk.

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Published on Monday, 25th January, 2016.

PERSONNEL COMMITTEE**HR POLICY DEVELOPMENT AND REVIEW****2nd February 2016****Report of the HR & OD Manager****PURPOSE OF REPORT**

To enable the Committee to consider and approve a number of Human Resources Policies and Procedures.

This report is public.

RECOMMENDATIONS

(1) That subject to any further recommendation being brought to the Committee from the Joint Consultative Committee which meets on 2 February 2016 prior to this meeting, the Committee approve:

1. **Sickness Absence Management Policy and Procedure (Revised Document)**
2. **Probation and Appointment Review Policy and Procedure (Revised Document)**
3. **Flexible Working (Right to Request) Policy and Procedure (Revised Document)**
4. **Mobile Phone and Personal Digital Assistant Device Policy (Revised Document)**
5. **Unpaid Leave Policy and Procedure (New Document)**
6. **Unpaid Parental Leave Policy and Procedure (Revised Document)**
7. **Emergency Dependents Leave Policy and Procedure (Revised Document)**
8. **Bereavement and Compassionate Leave Policy and Procedure (Revised Document)**
9. **Domestic Violence and Abuse Policy (New Document)**
10. **Job Grading, Regrading and Appeals Procedure (Revised Document)**

as appended to this report.

(2) That, subject to any further recommendations being brought to the Committee from the Joint Consultative Committee, which meets on 2 February 2016, the Committee ask Management to work with the recognised Trade Unions in developing a draft policy on Alcohol and Substance Misuse, for further consideration at a future Personnel Committee.

1.0 Introduction

- 1.1 From time to time the Council will develop procedures to support the management of workforce related matters.
- 1.2 The recognised trade unions have been consulted on the appended draft policies, which will be discussed at the Joint Consultative Committee (JCC) meeting on 2 February 2016, prior to the meeting of this Committee. Should there be any amendments proposed by the JCC, these will be presented to this Committee for its consideration. In the event of any substantial changes to a Policy being proposed at the JCC meeting and /or further consultation being required, it may be necessary to defer consideration to a future meeting of the Personnel Committee.

2.0 Sickness Absence Management Policy and Procedure

- 2.1 The current Sickness Absence Management Policy and Procedure has been in operation for over three years. In that time sickness absence has reduced and to a large degree this is due to the revised approach introduced in 2012.
- 2.2 Whilst the policy works well it is now appropriate to introduce some revisions to ensure that the policy remains effective.

Summary of main changes

- 2.3 Section 6.0 – Includes the expansion of the situations in which consideration may be given to withdrawing sick pay by a Chief Officer.
- 2.4 Section 8.0 – Includes further clarification regarding third party insurance claims.
- 2.5 Sections 15.1 & 22.1 – Clarifies when an employee has the statutory right to be accompanied at a formal meeting.
- 2.6 Section 15.3 – Includes an amendment to the automatic requirement for HR support to be provided at a Stage 2 – Short Term Absence meeting.
- 2.7 Sections 19.8 & 25.12 – Includes confirmation that the option of pay in lieu of notice can be considered, when an employee is dismissed and that contractual notice, in line with legislation, is paid at full pay.
- 2.8 Section 23.0 – Varies the timeframe within which a Long Term Absence Review Meeting should take place and also introduces the option, by mutual agreement, to deviate from the normal arrangements and move more quickly to a Long Term Absence - Case Review Hearing.
- 2.9 Section 24.0 – Expands the timeframe within which an employee who has two or more periods of Long Term Absence will move automatically to Stage 3 of the procedure, upon their return to work, and introduces a further exclusion to this rule, concerning confirmed work related injury.

3.0 Probation and Appointment Review Policy and Procedure

- 3.1 The Probation and Appointment Review Policy and Procedure has been in place for a year and is working well.

- 3.2 It is proposed to amend the document to enhance its efficacy when dealing with temporary contracts of employment.

Summary of main changes

- 3.3 Section 5.0 – Includes a reference to the importance of continuous Probation Review Periods spanning the whole period of employment for temporary staff.
- 3.4 Section 12.6 – Amends the notice period required to be provided to an appointee whose employment contract is to be terminated from one month to one week, in line with statute.

4.0 Flexible Working (Right to Request) Policy and Procedure

- 4.1 Following the expansion of the 'Right to Request' flexible working a revised Policy and Procedure was agreed by JCC and Personnel Committee on 03.02.2015.
- 4.2 The Policy is working effectively and it is now appropriate to introduce some minor amendments to the policy to ensure its continued efficacy.

Summary of main changes

- 4.3 Section 7.2 – Amends the action required by a Chief Officer to clarify that the majority of requests for flexible working can be considered and subsequently approved, without meeting with the employee.
- 4.4 Section 3.2, 7.32 and 12.4 - Clarifies that the employee has no statutory right to be accompanied at a formal meeting in respect of flexible working, however, the Council agrees to allow staff to be accompanied.
- 4.5 Section 10 – Clarifies that the employee will receive written confirmation of the outcome within 10 working days of the date of the meeting or the date of decision, if different.

5.0 Mobile Phone and Personal Digital Assistant Device Policy

- 5.1 The Mobile Phone and Personal Digital Assistant Device Policy has been reviewed to encompass Personal Digital Assistant devices as well as mobile phones.
- 5.2 The Policy has been in place for a number of years and it is now appropriate to introduce amendments to ensure it remains current and to provide greater clarity regarding the responsibilities of device owners.

Summary of main changes

- 5.3 Section 2.0 – Created to outline the purpose of a device and to define the responsibilities of the device owner.
- 5.4 Section 3.2 – Includes further clarification to device users, namely restricting the use of the device for personal calls or texts to emergency situations only.
- 5.5 Section 4.2 – Notification that use of a device for non-emergency phone calls may lead to an appropriate deduction of wages.
- 5.6 Section 5.1 – Outlines the principle of accountability of employees for any illegal, inappropriate or offensive material sent from, or shared via a device.
- 5.7 Section 6.0 – Explains the updated procedure to follow should a device be lost or stolen.

6.0 Unpaid Leave Policy and Procedure

- 6.1 This Policy has been developed by clarifying and expanding the provisions contained within the pre-existing Extended Leave Policy and Career Break Scheme. If agreed the Unpaid Leave Policy and Procedure will replace the Extended Leave Policy and Career Break Scheme.
- 6.2 The proposed Unpaid Leave Policy and Procedure defines the three classifications of Unpaid Leave; the requisite notice periods for each leave type; the criteria that must be satisfied and which level of management may authorise the various leave types. The Policy confirms that there is no right to accrual of statutory or contractual annual leave entitlement, for any period of Unpaid Leave taken.

7.0 Unpaid Parental Leave Policy and Procedure

- 7.1 The provisions pertaining to Parental Leave contained within the current Family Leave Scheme have been reviewed to ensure compliance with updated statutory provisions. If agreed the provisions will replace those contained within the Family Leave Scheme.

Summary of main changes

- 7.2 Section 1.1 – In line with statute, extends the right of employees to take 18 weeks parental leave without pay for each child, subject to the stated conditions.
- 7.3 Section 2.0 – Clarifies the legislation regarding the legal definition of ‘parental responsibility’ for married, unmarried and same-sex partners.
- 7.4 Section 5.1 – Amends the current requirement of Service Head (now Chief Officer) approval, so that line managers can approve written requests.

8.0 Emergency Dependants Leave Policy and Procedure

- 8.1 The provisions pertaining to Emergency Dependants Leave contained within the current Family Leave Scheme have been reviewed and updated to ensure uniformity with statutory provisions. If agreed the provisions will replace those contained within the Family Leave Scheme.

Summary of main changes

- 8.2 Section 1.1 – Provides greater clarity in explaining the statutory right to reasonable time off without pay to deal with each emergency involving a dependant.
- 8.3 Section 2.2 – Provides further clarity on when unpaid or paid Emergency Dependents Leave is available to employees, subject to certain conditions.
- 8.4 Section 7.2 – Reduces the number of days of annual leave permitted to be borrowed from the forthcoming annual leave year from ten to five working days.

9.0 Bereavement and Compassionate Leave Policy and Procedure

- 9.1 This revised Policy has been developed by reviewing and extending the provisions pertaining to bereavement leave contained within the Family Leave Scheme, whilst also introducing an extra provision of compassionate leave. If agreed the revised Policy will replace the provisions within the Family Leave Scheme.

Summary of main changes

- 9.2 Section 2.1 – Extends the current provision of up to 3 days with pay to up to 5 days (pro-rata) with pay for bereavement leave, and introduces the same provision for Compassionate Leave.
- 9.3 Section 2.2 – Introduces a new provision of Compassionate Leave for scenarios where there is a critical illness of a member of an employee's immediate family.
- 9.4 Section 3.1 – Amends the current requirement of approval by Chief Officer to approval by Senior Service Managers.

10.0 Domestic Violence and Abuse Policy

- 10.1 A draft Domestic Violence and Abuse Policy was presented by Unison at the preceding JCC. It was agreed that this would be reviewed by Management and a version of the policy developed for Lancaster City Council to consider at the next JCC.
- 10.2 The proposed Domestic Violence and Abuse Policy confirms Lancaster City Council's opposition to all forms of domestic violence and abuse and sets out the Council's commitment to providing appropriate support for victims. It also acts as a central source of guidance for managers and staff.

11.0 Job Grading, Regrading and Appeals Procedure

- 11.1 The document has been revised to take account of revised job titles and organisation structure.
- 11.2 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.
- 11.3 Section 6.3 has been changed to remove the sentence "The Trade Union advisor must be from a different Trade Union from that of the appellant".
- 11.4 The content of the document other than the above remains unchanged.

12.0 Draft Alcohol and Substance Misuse Policy

- 12.1 The draft document was originally considered at regional level via the Lancashire Strategic HR Group. Since then a number of Councils have adopted the policy and others are planning to follow.
- 12.2 At Lancaster we are keen to ensure that the development and implementation of a policy covering this area follows a structured plan and that HR staff, Service Managers and the recognised Trade Unions have the required knowledge to ensure it is properly implemented.
- 12.3 In addition to knowledge of both alcohol and substance misuse, officers across the Council who may be engaged in the testing of employees need to be appropriately trained and have access to appropriately calibrated and certified test equipment. Consideration therefore needs to be given to the impact and costs of the proper implementation of any such policy.

13.0 Options

13.1 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 Personnel Committee meeting, it may be appropriate for consideration of that Policy to be deferred to a future meeting to enable Officers to consider the proposed amendment in more detail and to consult further with the trade unions.

14.0 Conclusions

14.1 Members are asked to consider and accept the Officer recommendations set out at (1) and (2) above in respect of the draft policies appended to this report.

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 gained assurances that there are no material financial implications or value for money concerns associated with the proposed policy changes, as she has not been in a position to review all policy changes herself. On this basis, she has no further comments to add.

LEGAL IMPLICATIONS

All the appended policies are compliant with employment legislation and there are no further legal implications directly arising from this report.

MONITORING OFFICER'S COMMENTS

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

BACKGROUND PAPERS

None.

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Sickness Absence Management Policy and Procedure

1. Scope

The Council's Sickness Absence Management Policy and Procedure (SAMP) applies to all employees and forms part of the contract of employment. The exception to this is those individuals who are under probation, for whom the full procedural arrangements do not apply. It does not apply to casual workers.

This document should be read in conjunction with the SAMP Guidance Notes.

This policy and the payment of sick pay exist to support our employees when they are sick. A number of separate arrangements are in place to support employees should they require time away from work due to personal matters, including supporting dependants who are unwell.

2. Definitions

The following definitions are used in this policy:

Manager/Line Manager = refers to anyone within the Council who has line management responsibility including first line supervisors

Return to Work (RTW) = the date of the employee's return to work

Absence Indicator Points (AIP) = these accrue during any period of sickness absence and are calculated using the Bradford Factor Index

Trigger Point (TP) = when the formal process is triggered

Attendance Improvement Target (AIT) = the target that the employee is set to improve their attendance

Target Review Period (TRP) = the period during which an employee will be set an Attendance Improvement Target

Long Term Absence (LTA) = is defined as 4 weeks / 20 working days (pro-rated for part time staff)

Occupational Health (OH) = the Council's Occupational Health provider

3. Objectives and Principles

Lancaster City Council values the contribution of its employees in the delivery and maintenance of quality services to the community. Whilst recognising that employees may occasionally be prevented from attending work through ill health, the Council has a duty to maintain service delivery, provide value for money and minimise disruption. The Council is, therefore, committed to

managing attendance and sickness absence and believes that it is the responsibility of line managers and employees, with the support of HR and trade unions, to work together to promote and improve attendance.

The Council recognises that the majority of employees have good attendance levels. However, there are a minority of employees who have an unacceptable level of absence, which has a negative impact on colleagues who have to cover their absences. The Sickness Absence Management Policy and Procedure has been developed to ensure that there is a consistent, supportive and fair approach to dealing with absence, which applies to all employees and all types of absence. The SAMP sets out clear parameters and expectations that all employees are required to adhere to.

Further information can be found on the HR pages of ELSIE, via line managers or from HR.

The following principles apply to the Council's procedures for dealing with sickness absence:

- ❑ Good attendance is valued and all opportunities should be taken to acknowledge and recognise such attendance.
- ❑ All employees will be treated consistently and it is a requirement that sickness absence procedures will be fairly applied by all managers across the Council.
- ❑ Open communication between managers and employees is encouraged at all times, as this often allows matters to be resolved at an early point.
- ❑ Employees are encouraged to seek help with any problems they might have, which are resulting in non-attendance at work. The Council will aim to assist where practicable.
- ❑ The Council will aim to support those suffering the effects of ill health and will take reasonable steps to assist staff back to work.
- ❑ The Council will at all times be aware of its legislative responsibilities.
- ❑ The management of sickness absence cases will be conducted with respect for confidentiality and in accordance with the requirements of the Data Protection Act and Access to Medical Records Act 1988.

4. Responsibilities

4.1 Employees' responsibilities

4.1.1 In line with their contract of employment, all employees are expected to attend work unless unfit to do so. The payment of sick pay is part of the contract of employment that employees enter into with the Council and as such the employee is required to make themselves available, where reasonable notice is given, throughout their absence for meetings with managers or HR, appointments with OH providers, or for telephone discussions. In addition, employees are required to:

- ❑ Report any sickness absence promptly and in accordance with the Council's sickness absence reporting procedures, which may be supplemented for operational reasons by arrangements within particular Services;
- ❑ Ensure that annual leave is reasonably spread across the year, to allow regular breaks from work;

- ❑ Raise concerns with their manager if they believe that their job is making them ill or contributing to illness;
- ❑ Maintain regular contact with their manager, at an agreed frequency and as required by the procedure;
- ❑ Ensure that appropriate medical certifications are provided, within the timescales outlined in section 11;
- ❑ Co-operate fully with those organisations that provide occupational health support to the Council, and attend appointments when they have been arranged;
- ❑ Ensure that they act upon guidance received from OH and other supportive organisations they have received advice from;
- ❑ Ensure that medical advice and any treatment is obtained as quickly as possible in order to facilitate a return to work;
- ❑ Ensure that they fully inform their GP or consultant of any options and adjustments that the Council is prepared to put in place to support their early return to work;
- ❑ Request annual leave for holidays that they take during a period of sickness absence in accordance with the Council's procedure for requesting annual leave and do not take such annual leave unless that request is granted;
- ❑ Not abuse the Sickness Absence Management Policy or procedures. This includes not engaging in activities whilst off work due to sickness that are not conducive to recovery or which are not consistent with the reason for absence.

4.2 Management responsibilities

- 4.2.1 The responsibility for actively managing and monitoring sickness absence rests with line managers, who will be supported by HR and Occupational Health providers.
- 4.2.2 It is essential that messages about good attendance are reinforced by line managers throughout employment; including pre-employment, induction and probationary periods. Failure to explain the importance of good attendance during the initial phase of employment may lead to patterns of poor attendance developing in the future.
- 4.2.3 In order to set a positive example to their staff, it is expected that line managers will personally aim for excellent attendance.
- 4.2.4 Line managers should be aware of and acknowledge those individuals who have good attendance.
- 4.2.5 Managers should not authorise requests for annual leave that will result in the employee having little leave left for the remainder of the leave year. Where staff have insufficient leave to allow themselves a break from work, this is known to increase the likelihood of sickness absence.
- 4.2.6 Line managers will take the following steps, as a matter of routine, during and after the employee's absence:
- ❑ Record the absence when an employee reports that they are unable to attend work due to sickness.

- ❑ Maintain regular contact with employees throughout their absence.
- ❑ Once the manager knows the absence is or is likely to become long term, they should contact their HR Partner to discuss options for support.
- ❑ In consultation with HR, consider a referral to Occupational Health.
- ❑ Conduct a Return to Work interview within the required timescales, which also acts as a self certification form for absences of up to and including 7 calendar days.
- ❑ Check whether the employee's absences are work related, and if so, explore ways to remove or reduce the factor causing concern.
- ❑ Keep employees informed of their Absence Indicator Points and, when a trigger has been met, take appropriate steps in line with the Policy and Procedure.
- ❑ Ensure that sickness information is regularly updated, i.e., at least weekly on the HR and Payroll system. **As sick pay is paid via the HR and Payroll system, if line managers fail to keep electronic absence information up to date, this will impact on the pay of their employee.**

4.2.7 Where a line manager fails to comply with their responsibilities under this procedure, the Chief Officer should consider, in the first instance, the need for further training prior to considering whether this is a capability matter.

4.3 HR responsibilities

4.3.1 The HR Team are responsible for supporting managers and employees to improve attendance. To this end HR will:

- ❑ provide advice and guidance to managers, employees and Trade Union representatives on the correct implementation of the Policy and Procedure;
- ❑ ensure that managers treat all staff across the Council in a fair and equitable manner;
- ❑ attend formal absence meetings as outlined in the Policy and Procedure;
- ❑ work with the Council's Occupational Health providers and line managers to ensure that reasonable adjustments are put in place where applicable;
- ❑ where absence is due to work related or personal stress, treat the absence as a priority and will arrange early referral to Occupational Health, where possible;
- ❑ supply Management Team with sickness absence information, as required;
- ❑ keep records in line with the Data Protection Act.

5.0 Entitlement to Occupational Sick Pay

5.1 The Council's Sickness Scheme and contractual/occupational sick pay is intended to supplement Statutory Sick Pay (SSP) and Employment and Support Allowance (ESA) so as to maintain normal pay during defined periods of absence on account of sickness, disease, accident or assault. The entitlements given below reflect national conditions of service.

5.2 There is provision in the Sickness Absence Scheme for employees to receive pay for up to the following periods:

	Full Pay	Half Pay
During 1 st year of service	1 months full pay	after 4 months service - 2 months half pay
During 2 nd year of service	2 months full pay	2 months half pay
During 3 rd year of service	4 months full pay	4 months half pay
During 4 th & 5 th year of service	5 months full pay	5 months half pay
After 5 years service	6 months full pay	6 months half pay

5.3 Sickness benefits are calculated by establishing the employee's accrued benefits, as detailed above, then calculating backwards from the first day of a current period of absence and including any sickness periods within the previous twelve months.

5.4 Full sick pay will be an amount which, when added to SSP and ESA receivable, will secure the equivalent of normal pay.

5.5 In the case of half pay periods sick pay will be an amount equal to half of normal earnings plus an amount equivalent to SSP and ESA receivable, so long as the total sum does not exceed normal pay.

5.6 Where there is medical evidence that an employee is no longer fit to fulfil the responsibilities of the job, the Council reserves the right to terminate employment before the expiry of contractual/occupational sick pay, in accordance with this policy.

6.0 Withdrawal of sick pay

6.1 The payment of occupational sick pay is dependent upon the employee complying with the requirements of this Policy and Procedure. An employee will not automatically be entitled to occupational sick pay where they:

- abuse the sickness scheme, including, but not limited to, reporting in sick on the same date an earlier request for annual leave was declined;
- submit a medical certificate, after being invited to any formal meeting in conjunction with potential disciplinary matter, which leads to a delay in the disciplinary process;
- submit a medical certificate upon receipt of a disciplinary sanction;
- submit a medical certificate following their suspension in connection with a disciplinary matter;
- fail to submit a medical certificate in good time and without reasonable explanation;
- fail to attend an OH appointment;
- are absent due to or attributable to deliberate conduct prejudicial to recovery or the employee's own misconduct or neglect;

- ❑ suffer an injury sustained whilst working in their own time, on their own account for private gain or for another employer,
- ❑ are incapacitated due to actively participating in professional sport:
- ❑ remain absent from work and continue to submit medical certificates after being confirmed as fit for work either by the Council's Occupational Health provider or an employee of the Fit for Work Service;
- ❑ decline to provide contact details.

6.2 The following situations will be classed as unauthorised absence and an employee will not automatically receive any sick pay in respect of the following:

- ❑ any day's leave (or part day) which has not been notified, in line with this document, will be treated as unauthorised absence;
- ❑ failure to comply with the requirements for the provision of medical certification. These situations will be classed as unauthorised absence. Where a medical certificate is subsequently provided, the Council is required to reinstate payment of SSP.

6.2.1 Employee's will not automatically receive any sick pay where they are off sick from the Council, but they continue to work for another employer. This matter may constitute gross misconduct and if proven could lead to dismissal.

6.3 In each of the above circumstances it will be for the Chief Officer to determine if sick pay should be withdrawn from the employee. The Chief Officer will make a decision based on the facts available to them.

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

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

7.0 Attendance at appointments

7.1 Attendance at doctors, dentists and hospital appointments are not classed as sick leave and they should not be recorded as such.

7.2 Staff should arrange to attend such appointments in their own time. Paid leave will not be granted. The majority of staff either benefit from the Flexible Working Hours Scheme or work a compressed week, whereby they have one rest day during the normal working week. Additionally, many staff work on a part time basis. All of these working patterns allow employees a great deal of discretion in arranging appointments at a time that will not impact upon their work duties.

7.3 If staff are unable to make appointments in their own time or do not have the benefit of flexi time, in agreement with the line manager, it may be possible for staff to work back the hours within a set time frame. Managers should ensure that, where staff have a medical appointment, they are flexible with such requests, e.g., permitting annual leave to be taken

in hours.

7.4 Cancer screening

In line with the NJC terms and conditions of service (The Green Book), reasonable paid time off will be granted where staff are called to attend a cancer screening appointment. If required, a manager may ask the employee for proof of the appointment. The following cancer screening appointments are covered:

- ❑ national screening programmes, e.g., cervical cancer screening every 3 years;
- ❑ individual screening; where an employee is asked to attend further tests as there is a concern that the employee may be developing cancer;
- ❑ where an individual has previously had cancer treatment and they attend follow up screening appointments in the years following their treatment.

8.0 Employee Third Party Compensation Claims

8.1 Where an employee's absence is as a result of an injury sustained following an accident where third party compensation can be claimed, e.g., as a result of a road traffic accident, they are required to complete a Third Party Compensation Claim Form (form AM5). This only applies where a compensation claim is against someone other than Lancaster City Council.

8.2 The Sickness Absence Management Policy and Procedure forms part of the terms and conditions of employment of all contracted staff at Lancaster City Council. As such the Council will seek to recover any costs borne by Lancaster City Council as a result of absence or injury connected with an accident, where the employee seeks compensation from a third party. These will include, but are not limited to, sick pay paid in respect of any sickness absence as a result of the accident or injury (including employer's pension contributions and National Insurance costs), **as well as any costs arising from supporting the employee during their absence and/or return to work, such as Occupational Health, physiotherapy, counselling and so on.** The employee should advise their insurers/legal advisors of this provision as this is a factor that the employee's representative would need to consider when seeking compensation.

8.3 The employee will be expected to sign an AM5 form agreeing to repay any recovered compensation relating to the loss of pay. Whilst the responsibility for completing the form rests with the employee, managers may provide the employee with a copy of the form. The completed form should be passed to the Risk and Insurance Manager in Financial Services.

8.4 **If the employee does not complete an AM5 form, around the time of the accident or injury and the Council subsequently becomes aware that the employee has made a third party compensation claim, the Council will seek to recover any losses in line with the arrangements in this policy regardless of whether a completed AM5 form is available.**

9.0 Work-related ill health or injury

9.1 If an employee or manager believes that ill health or injury has been caused by work, the employee should complete the Council's Accident/Incident Electronic Report Form at the time or as near to the time of the incident as is practicable.

- 9.2 If an employee has not completed an Accident/Incident Electronic Report Form, but subsequently believes that their ill health or injury is caused by an incident at work, they must report this in writing to their manager, setting out the reasons why they believe that work has contributed or caused their ill health or injury and what prevented them from completing the form at the time of the accident/incident.
- 9.3 Where an Accident/Incident Electronic Report Form has been completed, or where an employee subsequently claims that their ill health or injury is caused by work, the situation should be thoroughly investigated as quickly as possible.
- 9.4 The Chief Officer will determine, based on the facts available, whether or not the employee has sustained an injury or illness as a result of what they were required to do at work, or the treatment they received at work. The Chief Officer will determine whether the facts of the incident have been accurately recorded and that there has been no negligence on the part of the employee.
- 9.5 Payroll and HR must be informed of the Chief Officer's decision. Absence through a confirmed work-related injury or illness will be paid at 6 months full pay and 6 months half pay in accordance with national terms and conditions of employment.
- 9.6 Any personal injury claims received for damages against the Council should be forwarded to Financial Services for the attention of the Risk and Insurance Manager.
- 9.7 Any person who meets the conditions for a payment under the assault provisions of the National Conditions of Service should request a claim form from the Risk and Insurance Manager, within Financial Services. Lancaster City Council does not have an Injury Allowance Scheme under the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011 [SI 2011/2954].
- 9.8 An employee who is absent due to a confirmed work-related injury or illness will continue to accrue Absence Indicator Points. It is anticipated, however, that in such cases the emphasis will normally be focussed on providing reasonable support for the employee to enable them to return to work within a reasonable timescale.

10.0 Notification of Sickness Absence

- 10.1 In order for service delivery to be maintained, it is essential for line managers to know if an employee is unable to attend work due to illness. Detailed below are the procedures all employees are required to comply with, from the first day of absence and on subsequent days (should the absence continue). In some circumstances these arrangements will be substituted or enhanced by local arrangements. Managers must ensure local arrangements are communicated to the employee as part of the induction phase. Employees who are unsure about reporting arrangements must check with their manager.
- 10.2 Failure to inform the line manager of absence will lead to the absence from work being considered to be unauthorised and will result in the loss of sick pay and may lead to disciplinary action.

10.3 First day of absence

- 10.3.1 The employee must notify their line manager as soon as possible, on the first day of absence that they are unavailable for work. This should be no later than 9.30am or no later than 30 minutes after the normal start time (for those employees who work outside of normal office opening hours).
- 10.3.2 The employee must provide information about their illness or injury, the anticipated length

of absence, whether they have sought or intend to seek medical advice and so on. The employee must inform the manager about any work commitments that may need rearranging.

- 10.3.3 It is not expected, nor is it acceptable; to leave messages with colleagues, or to send text messages or emails to report in sick. If the manager is unavailable, the employee should leave a message and telephone contact number, ensuring they get the name of the person they have left the message with. Absence reported via an unauthorised party, i.e. a message left with a work colleague, without good reason, may be considered a breach of policy and may lead to the withdrawal of sick pay and/or disciplinary action. As part of the induction phase the manager must advise the employee of the appropriate contact arrangements in the event of an absence.
- 10.3.4 If a message is received from the employee, as outlined at 10.3.3, the manager must telephone the employee back at the first available opportunity, on the first day of absence. Only when a manager is absent from work themselves, should the call be passed to another manager, who must ensure that they speak to the absent employee.
- 10.3.5 The manager must agree with the employee when the employee will next make contact. Where the employee is unsure when they will be fit to return to work, but the absence is still considered to be short term, the manager and employee must agree a regular pattern of contact. As a minimum this should be on the 2nd, 4th and 8th day of absence. For operational reasons, the manager may request the employee makes contact on each day of absence until a medical certificate is issued.
- 10.3.6 In exceptional circumstances it may be impossible for the employee to telephone in person, e.g., if they have been seriously injured. The person making contact on behalf of the employee must be prepared to provide the information that would normally have been provided by the employee. As soon as they are able to do so, the employee should make contact with their line manager.
- 10.3.7 Employees who become unwell during their working day and feel unable to continue with their duties should notify their manager that they are leaving their place of work. Employees who leave part way through a working day will be credited with their standard pay and hours.

10.4 Second Day

- 10.4.1 The employee must contact the manager on the second calendar day of absence (or first available working day after this) as detailed in section 10.3.

10.5 Fourth Day

- 10.5.1 On the fourth calendar day of absence, (or first available working day after this) the employee must again contact the manager as outlined in section 10.3.

10.5 Eighth Day

- 10.5.1 On the eighth day of absence (or first available working day after this) the employee must contact the manager and further discuss the reason for their continued absence, likely duration of sickness, any treatment they are receiving and any other relevant matters.
- 10.5.2 In addition, from the eighth day of absence the employee must obtain a "Statement of Fitness for Work" or medical certificate signed by a doctor to certify the reason for their absence. See section 11.

10.6 Maintaining Contact

10.6.1 When an employee is absent from work due to sickness it is important that regular (at least weekly) contact is maintained between the manager and employee. It is expected that this contact will be via the telephone or in person. It is important to maintain contact for the following reasons:

- ❑ To maintain a regular dialogue between the employee and manager;
- ❑ To ensure that the employee does not feel isolated. It is recognised that where an employee begins to feel disconnected from their work environment they are less likely to return to work in the short term;
- ❑ To ensure that opportunities to provide relevant support and assistance for the employee are identified;
- ❑ To provide the employee with opportunities to raise any concerns they have regarding their absence;
- ❑ To allow the manager to temporarily reallocate duties.

10.6.2 If it is apparent that an employee is going to be absent from work for more than 3 weeks, the line manager must arrange a welfare meeting with the employee during the 3rd or 4th week of absence to discuss their current health situation and what assistance the Council can provide to assist them in returning to work. If it would be beneficial to do so, the welfare meeting can be held earlier than the 3rd week.

10.6.4 The welfare meeting is not part of the formal process, however on occasion it may be helpful if a member of the HR Team attends; particularly if detailed advice is required regarding support available and/or adjustments.

10.6.5 The meeting will normally take place either at the employee's home or at the workplace. The location of the meeting will be largely determined by the employee's health and mobility.

10.6.6 If the employee is hospitalised the manager should aim to visit the employee in hospital by the 3rd or 4th week of the employee's inpatient stay. Regardless of the reason for the hospitalisation it is important the manager keeps in contact with the employee if possible. It is recognised that in some circumstances it may be necessary to be in contact with another family member.

10.6.7 It may be beneficial for the manager to send a brief follow up letter, following the welfare meeting.

10.6.8 If absences are long-term, regular contact (weekly) should be maintained between the employee and manager, for the reasons outlined in this document.

11.0 Certification of Sickness Absence

11.1 Every absence has to be certified to ensure prompt and correct payment of occupational and SSP, as well as ESA and to ensure that accurate records are maintained.

11.2 Where employees fail to comply with appropriate certification requirements, absence will be treated as unauthorised and pay withdrawn until the employee provides appropriate certification. Where no good cause is shown for failing to provide medical certificates in a timely manner this may result in loss of sick pay (as outlined in section 6) and/or possible

disciplinary action. Misleading or false statements will be dealt with under the Council's Disciplinary Policy and Procedure.

- 11.3 The Council's Return to Work form has a dual purpose, in that it also acts as a self-certification for absences between 4-7 days duration.
- 11.4 If the employee is absent for more than seven consecutive calendar days they must consult a doctor and obtain a medical certificate, which must be forwarded to the manager without delay and received by the Council by the 10th day of absence.
- 11.5 If the medical certificate is not received, then absence will be classed as unauthorised and will be considered under the arrangements for unauthorised absence.
- 11.6 The employee must continue to provide medical certificates to cover all subsequent dates of consecutive absence.

11.7 Statement of Fitness to Work / Fit Notes

- 11.7.1 Medical certificates are now also known as a "statement of fitness for work". Doctors are able to indicate on the certificate whether the employee is able to return to work with some minor and/or temporary adjustments.
- 11.7.2 Managers are expected to give full consideration to whether the proposed adjustments can be accommodated, to support the employee back to work at an early point. In some circumstances it may be appropriate to consider temporarily moving the employee to a different role or service, if suitable alternative work is available.
- 11.7.3 If the employee believes that they are well enough to return to work, prior to the expiry date on the medical certificate, they are able to do so. Fit notes are advice notes and as such an employee may decide that they feel sufficiently well to return to work earlier than the GP anticipated. In these circumstances it may be helpful for the employee to discuss this with their manager, who may wish to seek advice from HR.
- 11.7.4 Employees are expected to return to work promptly at the end of their medical certificate. In the majority of cases the employee will be able to return to their normal duties, but in other cases it may be appropriate to accommodate temporary adjustment to duties. Managers should seek to accommodate reasonable adjustments, whilst ensuring that any temporary change in duties is for a time defined period.

12.0 Sickness Absence Indicator points

- 12.1 The Council uses the widely recognised Bradford Factor Index as a way of monitoring an individual employee's level of absence. The method of multiplying the number of absences is a fair way of identifying and differentiating between regular short term absence and less frequent longer term absences. Absence Indicator Points are the number of periods of absence in a rolling 12 month period multiplied by itself, then multiplied by the total number of days absence in the same period. The calculation weights the number of instances of absences and is an indicator of the disruption caused by absence.
- 12.2 The following equation is therefore used to calculate an employee's total Absence Indicator Points:

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

- 12.3 The relevant period for the purpose of calculating Absence Indicator Points is a rolling twelve months, i.e., when looking at absence a manager will review all absences in the last 12 month period from the start date of the most recent absence.
- 12.4 Where an employee's Absence Indicator Points have reached or exceed 60 in a rolling 12 month period they will exceed the Council's Trigger Point and the line manager is required to commence the formal process.
- 12.5 To ensure that full time and part time staff are treated equitably in the application of this policy, employees who do not work a 5 day week pattern will have a pro-rata trigger point as follows:
- 4 days = 48, 3 days = 36, 2 days = 24 and 1 day =12.
- 12.6 Additionally, where a pattern of persistent short-term absence is identified, but the Absence Indicator Point total is less than the Trigger Point, the manager may still commence the formal process. This may include, but is not limited to, a pattern of absences occurring at the beginning or end of a week; during school holidays; coinciding with sporting or other events; or when an employee reports sick on the same day that a leave request had been declined. In order to consider patterns in an employee's absence history, managers will review absence data from previous years.
- 12.7 The manager may also commence the formal process where there is evidence that an employee regularly remains just below the absence trigger point due to minor health issues, where there is no underlying cause.

13.0 Return to Work (Informal Absence Review Procedure)

- 13.1 When an employee returns to work following sickness absence, the line manager is required to meet in a private setting with the employee, ideally on the first day back, or within three working days of the return to work, to conduct a Return to Work interview. Return to Work interviews are **mandatory** after every period of sickness.
- 13.2 Return to Work interviews are informal discussions and employees have no statutory right to be accompanied. HR and trade union representatives will not attend Return to Work interviews.
- 13.3 The manager should express their concern for the employee's welfare, balanced with their concerns about service delivery and the impact on other team members. The manager should also discuss with the employee options for further assistance to improve their attendance, if required.
- 13.4 Managers should ensure that staff are aware of their accumulated points total and what any future absences may mean for the employee, if they exceed the Trigger Point or other pre-existing absence target.
- 13.5 Where a manager has discussed the implications of further absence with the employee, the manager should note those either on the RTW form or in any follow up correspondence. The RTW interview is therefore an opportunity for managers to counsel staff about their attendance and to try and identify with the employee whether any reasonable steps can be taken to assist the employee in achieving improved attendance.
- 13.6 Employees have the opportunity to add comments on the RTW form. Where employees do not wish to enter a comment, managers should ask the employee to annotate the employee comments section with 'no comments', before signing it and passing it back to the manager. If an electronic RTW form is completed the manager should note any

employee comments (or 'no comments') in the appropriate section.

- 13.7 During the meeting a manager will establish whether a Formal Absence Review is required and to consider what, if any, additional information may be required to ensure a full review can be conducted in a fair, constructive and timely manner.
- 13.8 The Return to Work interview form, which will be completed and signed by both parties during the discussion, is a record of the points that have been covered. A copy of the form must be sent to HR within 5 days of the discussion, and will be retained on the employee's personal file. If the employee requests a copy of the form, the line manager should indicate that a copy of the form has been provided in the relevant box. The electronic RTW form should automatically be sent both to HR, the line manager and the employee.

14.0 Referral to Occupational Health

- 14.1 The Council seeks to support employees via the provision of Occupational Health (OH) support. The role of OH is to provide advice and guidance to the Council and employees on matters relating to work place health and attendance. The OH provider will work with the Council to support good levels of attendance.
- 14.2 Where a manager has concerns about an employee's health a referral to OH may be beneficial. The manager may wish to seek advice on this matter from their HR Partner.
- 14.3 Prior to the referral, the manager should discuss with the employee why they consider a referral to OH will be of assistance. Managers will complete a referral form for the initial OH appointment, which is available on the HR pages of Elsie. It is important that information on the form is factually correct and provides the OH advisor with sufficient information to ensure the employee gets benefit from the appointment and the Council also receives relevant information.
- 14.4 HR will book an appointment for the employee and will inform the manager and employee of the date, time and location of the appointment.
- 14.5 The OH provider will ensure that the employee is aware of their rights under the Access to Medical Reports Act, if the OH advisor considers it beneficial to obtain a report from the employee's GP or consultant.
- 14.6 Following the appointment the OH advisor will provide written guidance in the form of a report, provided to the employee, the manager and HR. The manager should consider the content of the report and discuss with the employee.
- 14.7 All Council employees are required to attend medical appointments or examinations with the Council's nominated OH provider, subject to the provisions of the Access to Medical Reports Act, where applicable.
- 14.8 If an employee declines a referral to OH or refuses to permit medical information to be shared with the Council, management will be required to base any judgements, including the employee's suitability to continue to work for the Council, on the information available to them at the time. The implications of a failure to provide access to medical information (in accordance with the relevant legislation), should be discussed with the employee.
- 14.9 The provision of an OH service is of benefit both to the Council and to employees. Wasted appointments are costly to the Council and could be used for another employee's benefit. Where an employee confirms their attendance then subsequently fails to attend an OH appointment, consideration will be given to withdrawing OSP for the period up to the next available OH appointment in line with the provisions in section 6.

15.0 Short Term Absence - Formal Procedure

15.1 Right to be accompanied

The Policy provides for all employees to be accompanied by a trade union representative or work colleague during each of the stages within the formal procedure, though the statutory right to be accompanied only applies when the meeting could result in the issue of a formal sanction.

15.2 Notice

15.2.1 Employees will be given at least 5 working day's notice of the meeting. Where a trade union representative or work colleague is not available, this should not unduly delay the meeting. However the Council will seek to accommodate the request to rearrange the meeting. It is not expected that this would need to happen on more than one occasion.

15.2.2 Where a bundle of documents is to be provided for consideration at any formal meeting, the employee must be provided with that bundle 5 working days prior to the meeting.

15.3 HR support

15.3.1 A member of the HR Team is required to attend all meetings from Stage 3 and above. Managers may elect to conduct meetings at Stage 1 and Stage 2 without HR support, though HR support is available on request. Managers who are unfamiliar with the process should request HR support to ensure they comply with the policy.

15.3.2 If the manager does not require HR support at Stage 1 or Stage 2, they must discuss the case with the HR Partner prior to the formal meeting, to ensure that they are aware of any issues of precedence and equity and have up to date guidance on the appropriate target to be issued. The manager must ensure that they comply will all aspects of the policy and should be aware that a failure to appropriately follow the policy, during the earlier stages, may impact upon the process in the latter stages. Where is it apparent that a manager is unable to comply with the provisions of the policy it will be necessary for HR to become involved in any future absence meetings to ensure equity in the application of the policy.

15.4 Written confirmation

Written confirmation of the outcomes of each of the formal stages must be provided to the employee within 5 working days of the formal meeting. A range of template letters are available to assist managers.

The manager must ensure the letter clearly explains:

- the target the employee must achieve;
- details of any adjustments or support agreed;
- the timescale during which their absence is under review;
- the date at which the Target Review Period ends;
- the intended date of the interim review meeting (if one is set);
- the intended date of the follow up meeting (if the target is achieved during the review period);

- the consequences of failing to achieve the target;
- the employee's right of appeal.

A copy of the letter must be provided to HR for the employee's personal file.

15.5 Right of Appeal (excluding appeals against dismissal)

- 15.5.1 Employees have the right of appeal against the decision of the Hearing Officer following each of the formal stages of the Short Term Absence element of the Sickness Absence Management Procedure.
- 15.5.2 Appeals must be submitted in writing within 5 working days of receipt of the written notification of the outcome of the hearing, clearly stating the grounds for appeal to the HR Partner.
- 15.5.3 Appeals against any formal level within the Sickness Absence Management Procedure, except appeals against dismissal, will only be considered for the following reasons:
- To appeal against the level of Attendance Improvement Target that has been set and/or the duration of the review period.
 - To allow the employee to argue that the original Hearing Officer reached an unfair decision.
- 15.5.4 Further information concerning appeals against dismissal is contained in Section 20.
- 15.5.5 Where possible, the appeal will be heard within 10 working days of an appeal being received. The appeal will be heard by a manager of the same level or more senior level than the original Hearing Officer, and this may be a manager from another service unit.
- 15.5.6 The appeal hearing will be conducted in line with Appendix B.
- 15.5.7 The Appeals Hearing Officer will communicate their decision in writing within 5 working days of hearing the appeal.

15.6 Reviews

- 15.6.1 Interim and follow up reviews must be arranged by the manager at the midway point and the end of the Target Review Period, respectively. There is no requirement for an interim review after either a Stage 1 – First Formal Absence Meeting or Stage 2 – Second Formal Absence Meeting. Managers may wish to hold interim reviews at their discretion.
- 15.6.2 The employee is entitled to representation at interim and follow up reviews. HR support is optional at Stage 1 and Stage 2, subject to the provisions of section 15.3, and is only required at meetings from Stage 3 onwards.
- 15.6.3 It is important that reviews are not missed and it is the manager's responsibility to schedule the review at an appropriate time and to give sufficient notice of the meeting. To ensure that they are not missed, it is wise to schedule the review once the Formal Absence Meeting has taken place and to include reference to the date of the review meeting in the outcome letter.
- 15.6.4 An interim review is an opportunity for the manager to acknowledge improvements in attendance and consider that any actions previously agreed have been implemented and are progressing satisfactorily.

- 15.6.5 Where there has been further absence by the date of the interim review, but the target has not been exceeded; the reasons for absence will be discussed with the employee and any follow up actions discussed and agreed. The manager will also remind the employee that they risk exceeding their target and what the result of that would be.
- 15.6.6 If the target has been exceeded the manager will proceed to the next formal stage.
- 15.6.7 It is a requirement of the policy that at the end of the Target Review Period a follow up meeting is arranged to discuss the employee's attendance and, if they have achieved their target, to formally note this success. The manager should also remind the employee of the consequences should their attendance levels deteriorate again in the next 12 months
- 15.6.8 The manager must write to the employee, within 5 working days of a review meeting, confirming what was discussed and the outcome. A copy must be provided to HR.

16.0 Stage 1 – First Formal Absence Meeting

- 16.1 When an employee's Absence Indicator Points have reached or exceeded the Trigger Point or where a manager has concerns about patterns of absence a Stage 1 - First Formal Absence Meeting will be held with the employee.
- 16.2 If an employee has returned from a long term absence and their resulting Absence Indicator Points exceed the Trigger Point a Stage 1 - First Formal Absence Meeting must also take place at a suitable point following the employee's return to work to set an improvement target for the future.
- 16.3 If an employee's absence levels have, during any part of the preceding 12 months, been under formal review as part of this procedure; and their absence levels have again increased, they will automatically be considered at a **Stage 2 – Second Formal Absence Meeting**.
- 16.4 The purpose of the Stage 1 – First Formal Absence Meeting is to:
- discuss the employee's absence record;
 - review the Absence Indicator Points and/or pattern of absence(s);
 - explore the reasons for the high level of absences;
 - discuss (if available) any OH information that has previously been requested;
 - identify areas for support;
 - review/update the risk assessment (if required);
 - set an attendance improvement target;
 - explain the consequences of failing to achieve the target.
- 16.5 The employee will be expected to participate in the discussion and offer their own suggestions for how they might improve their attendance.
- 16.6 The following points will be considered by the manager (this list is not exhaustive):
- In all cases it is a requirement that an Attendance Improvement Target must be set.

Guidance on targets is available from HR and it is expected that managers will seek advice on targets prior to issuing them to ensure consistency in their application.

- ❑ In cases where the employee has an underlying disability, as defined in the Equality Act 2010, advice must be obtained from HR on the appropriate target and review period. Subject to the nature of the absences to date and the nature of the disability it may be appropriate to set a more generous target, as an adjustment under the Act.
- ❑ A Target Review Period will be put in place for a defined period of time. At a Stage 1 – First Formal Absence Meeting, the Target Review Period will be of 6 – 12 months duration. The manager will decide on the length of the Target Review Period, having had due regard to the employee's reasons for absence and whether or not they have previously been in the formal sickness management procedure.
- ❑ In considering the duration of the review, the manager should aim to ensure that, by the completion of the Target Review Period, the employee's Absence Indicator Points will have dropped below the Trigger Point and ideally have reduced to zero. In the majority of cases a 12 month review period will be appropriate.
- ❑ Advice may be sought from the Council's Occupational Health Advisor/Physician.
- ❑ Other support mechanisms may be identified and implemented.
- ❑ Reasonable adjustments such as changes to workload, working practices or working patterns (temporary or permanent), additional training or the possibility of redeployment (subject to receipt of OH advice) may be identified.
- ❑ The employee will be advised if an interim review is to take place and that a follow up review will take place at the end of the Target Review Period.
- ❑ The employee will be advised that if they exceed their Attendance Improvement Target at any point during the Target Review Period, they will automatically be called to a Stage 2 – Second Formal Absence Meeting.

16.7 The manager must write to the employee as outlined in section 15.4.

16.8 Interim and follow up reviews

16.8.1 Reviews will be carried out as outlined in section 15.6.

16.8.2 There is no requirement following a Stage 1 – Formal Absence Meeting to arrange an interim review. However, managers may wish to do so at their discretion.

16.8.3 A follow up review must be arranged for the end of the Target Review Period. If the employee's attendance has improved the manager should commend them on the improvement shown and advise that they are no longer subject to formal review. The manager should advise that if the employee's attendance deteriorates again, so that they exceed the Trigger Point in the 12 months following the successful completion of the Target Review Period, they will automatically re-enter the formal process at Stage 2.

16.8.4 Following a review the manager will write to the employee in line with section 15.6.8.

17.0 Stage 2 – Second Formal Absence Meeting

17.1 If, during the Target Review Period, the employee exceeds their Attendance Improvement

Target, set for them at the Stage 1 of the process, they will be called to a Stage 2 – Second Formal Absence Meeting by the manager.

- 17.2 If an employee's absence levels have, during any part of the preceding 12 months, been under formal review as part of this Policy and Procedure; and their absence levels again reach the Trigger Point, they will automatically be called to a Stage 2 – Second Formal Absence Meeting by their manager.
- 17.3 The attendance of HR at a Stage 2 – Second Formal Absence Meeting is optional. Representation and notification arrangements will be as set out in section 15.
- 17.4 The purpose of a Stage 2 – Second Formal Absence Meeting is to:
- ❑ review and reaffirm issues previously discussed with regard to employee's attendance;
 - ❑ review the Absence Indicator Points and/or pattern of absence(s);
 - ❑ explore the reasons for the high level of absences;
 - ❑ discuss any recent Occupational Health advice, if available;
 - ❑ identify any further areas for support;
 - ❑ review/update the risk assessment (if required);
 - ❑ review the efficacy of any support already provided to the employee and amend if appropriate;
 - ❑ set targets for improvement;
 - ❑ explain the consequences to the employee of no improvement.
- 17.5 The following outcomes will be considered by the manager (this list is not exhaustive):
- ❑ In all cases it is a requirement that an Attendance Improvement Target must be set. Guidance on targets is available from HR and it is expected that managers will seek advice on targets prior to issuing them.
 - ❑ In cases where the employee has an underlying disability, as defined in the Equality Act 2010, advice must be obtained from HR on the appropriate target and review period. Subject to the nature of the absences to date and the nature of the disability it may be appropriate to set a more generous target, as an adjustment under the Act.
 - ❑ A Target Review Period will be put in place for a defined period of time. At a Stage 2 – Second Formal Absence Meeting, a Target Review Period of 9 - 12 months duration will be set. The manager will decide on the length of the Target Review Period, having had due regard to the employee's reasons for absence and whether or not they have previously been in the formal sickness management procedure.
 - ❑ In considering the duration of the review, the manager should aim to ensure that, by the completion of the Target Review Period, the employee's Absence Indicator Points will have dropped below the Trigger Point and ideally have reduced to zero. In the majority of cases a 12 month review period will be appropriate.
 - ❑ Advice may be sought from the Council's Occupational Health Advisor/Physician.
 - ❑ Other support mechanisms may be identified and implemented.

- ❑ Reasonable adjustments such as changes to workload, working practices or working patterns (temporary or permanent), additional training or the possibility of redeployment (subject to the receipt of OH advice) may be identified.
- ❑ The employee will be advised that an interim review will be held midway through the Target Review Period and a follow up review at the end of the Target Review Period.
- ❑ The employee will be advised that, if they exceed their absence target at any point during the Target Review Period, they will automatically be called to a Stage 3 – Capability Review Meeting.

17.6 The manager must write to the employee as outlined in section 15.4.

17.7 Stage 2 - Interim and follow up reviews

17.7.1 Reviews will be carried out as outlined in section 15.6.

17.7.2 There is no requirement following a Stage 2 – Second Formal Absence Meeting to arrange an interim review. However, managers may wish to do so at their discretion.

17.7.3 A follow up review must be arranged for the end of the Target Review Period. If the employee's attendance has improved the manager should commend them on the improvement shown and advise that they are no longer subject to formal review.

17.7.4 The manager should counsel the employee that, should their attendance deteriorate again, so that they exceed the Trigger Point in the 12 months following the successful completion of the Target Review Period, they will automatically re-enter the formal process at Stage 2.

17.7.5 Following a review the manager will write to the employee in line with section 15.6.8.

18.0 Stage 3 – Capability Review Meeting

18.1 If the employee has further absences and, as a consequence, they exceed the absence target (set for them at the Stage 2 – Second Formal Absence Meeting) at any point during the Target Review Period, the employee will be called to a Stage 3 – Capability Review Meeting.

18.2 In the majority of cases the meeting will be carried out by the same manager who has held the Stage 1 and Stage 2 meetings. However, in some circumstances it may be appropriate for a more senior manager (below the level of Chief Officer) to hear the Stage 3 – Capability Review Meeting. This will be a matter for local management to decide.

18.3 HR will be in attendance at a Stage 3 – Capability Review Meeting. Representation and notification arrangements will be as set out in section 15.

18.4 In all cases, recent OH advice must be obtained (i.e., within 4 - 6 weeks of the date originally scheduled for the meeting) to allow full discussion with the employee. If the employee fails to attend the OH appointment, the meeting may proceed without the benefit of recent OH advice.

18.5 The purpose of a Stage 3 – Capability Review Meeting is to identify if anything further can be done by the Council to improve the employee's attendance. Stage 3 is an opportunity to review the full case history and ensure that the manager has considered all reasonable options to improve the employee's attendance. At the meeting the manager will:

- ❑ Review with the employee any supportive measures that have been put in place to assist the employee in improving their attendance, e.g., adjustments, targets, referral to OH, etc., and amend if appropriate;
- ❑ Consider whether there is any further reasonable support that can be provided to the employee;
- ❑ Review and reaffirm issues previously discussed with regard to the employee's attendance;
- ❑ Review the Absence Indicator Points and/or pattern of absence(s);
- ❑ Explore the reasons for the high level of absences;
- ❑ Review/update the risk assessment (if appropriate);
- ❑ Explain to the employee that lack of improvement will result in their referral to a Stage 4 Case Management Hearing, which may result in their dismissal;
- ❑ Set targets for improvement and discuss a date for an interim review. If the manager considers it necessary, there can be more than one interim review meeting to discuss the employee's progress.

18.6 As the aim of the meetings is to identify reasonable options to support the employee in improving their attendance, the employee will be expected to contribute to the discussion and to make their own suggestions about steps they can take to improve their attendance.

18.7 The following points will be considered by the manager (this list is not exhaustive):

- ❑ In all cases it is a requirement that an Attendance Improvement Target must be set. Guidance on targets is available from HR and it is expected that managers will seek advice on targets prior to issuing them.
- ❑ In cases where the employee has an underlying disability, as defined in the Equality Act 2010, advice must be obtained from HR on the appropriate target and review period. Subject to the nature of the absences to date and the nature of the disability it may be appropriate to set a more generous target, as an adjustment under the Act.
- ❑ A target will be put in place for a set period of time, which is called the Target Review Period. At a Stage 3 – Capability Review Meeting, a Target Review Period of 9-12 months duration will be set. The manager will decide on the length of the Target Review Period, having had due regard to the employee's reasons for absence and whether or not the employee has previously reached Stage 3 of this procedure.
- ❑ In considering the duration of the review, the manager should aim to ensure that, by the completion of the Target Review Period, the employee's Absence Indicator Points will have dropped below the Trigger Point and ideally have reduced to zero. In the majority of cases a 12 month review period will be appropriate.
- ❑ Advice may be sought from the Council's Occupational Health Advisor/Physician.
- ❑ Other support mechanisms may be identified and implemented.
- ❑ Reasonable adjustments such as changes to the workload, working practices or working patterns (temporary or permanent), additional training or the possibility of redeployment (subject to the receipt of OH advice) may be identified.

- The employee will be advised that an interim review will be held midway through the Target Review Period (or at more frequent intervals should that be considered necessary).
- The employee will be advised that if they exceed their absence target at any point during the Target Review Period, they will automatically be called to a Stage 4 – Case Review Hearing where their absence will be considered by a Chief Officer.

18.8 The manager must write to the employee as outlined in section 15.4.

18.9 Stage 3 - Interim and follow up reviews

18.9.1 Reviews will be carried out as outlined in section 15.6.

18.9.2 An interim review must be held midway through the Target Review Period.

18.9.3 A follow up review must be arranged for the end of the Target Review Period. If the employee's attendance has improved the manager should commend them on the improvement shown and advise that they are no longer subject to formal review.

18.9.4 The manager should counsel the employee that should their attendance deteriorate again, so that they exceed the Absence Indicator Trigger Point, in the 12 months following the successful completion of the Target Review Period, they will automatically re-enter the formal process at Stage 2.

18.9.5 Following a review the manager will write to the employee in line with section 15.6.8.

19.0 Stage 4 - Case Review Hearing

19.1 Employees will be required to attend a Stage 4 – Case Review Hearing, which will be carried out by a Chief Officer where there are continuing concerns regarding an employee's level of sickness absence and improvement targets have not been met.

19.2 The purpose of the Stage 4 - Case Review Hearing is for the Hearing Officer to consider whether, having reviewed the evidence presented, there are any further actions that the Council can take to assist the employee in improving their attendance and thereby continuing in employment.

19.3 The Stage 4 - Case Review Hearing will also consider whether employment should be terminated due to an employee's incapability to work effectively for a reason linked to ill health or an inability to attend to an acceptable level.

19.4 The employee will be given 5 working days written notice of the intention to hold a Stage 4 – Case Review Hearing and will be entitled to be accompanied by a Trade Union representative or work colleague, as outlined in section 15. The Hearing Officer will be advised by a member of the HR Team.

19.5 The Stage 4 - Case Review Hearing will be carried out as outlined at Appendix C. The employee will be given the opportunity to present their case and others involved in the employee's case, such as the line manager, will also be asked to provide information on what steps have been taken to improve the employee's attendance.

19.6 When reaching a decision about whether or not to terminate employment, the Hearing Officer will consider issues such as:

- operational needs of the service and the need for the work to be undertaken;

- ❑ the impact of the employee's absence and ill health on other employees and service delivery;
- ❑ the employee's absence record;
- ❑ financial and cost implications;
- ❑ representations made by the employee and their representative;
- ❑ what actions have been taken to attempt to enable the employee to continue in employment;
- ❑ what, if any, consideration has been given to alternative duties on either a temporary or permanent basis;
- ❑ medical advice received.

19.7 The above list is not exhaustive and the weight attached to each issue will depend upon the circumstances of the case. It will be the responsibility of the Hearing Officer, in making a decision, to balance both the needs of the employee and the requirement for effective delivery of Council services.

19.8 If the Hearing Officer concludes that the employee is to be dismissed for short-term persistent absence, the dismissal will be linked to the employee's inability to attend work to an acceptable standard. Where an employee is dismissed under this Policy and Procedure it will be with contractual notice. **Consideration may be given to the option of payment in lieu of notice. Contractual notice will be paid at full pay.**

19.9 In line with Council practice, accrued annual leave should be taken by the employee if they are serving their notice period.

19.10 Normally the employee will be informed verbally of the outcome at the conclusion of the hearing, and the decision will be confirmed in writing within 5 working days. Where this is not possible, the employee will be advised of the decision in writing within 5 working days.

19.11 Where a decision is made to terminate employment, the employee will have the right of appeal against the decision. See section 20.

19.12 If the Hearing Officer decides that dismissal is not appropriate, it is for the Hearing Officer to define any further review periods or absence targets. In the case of short-term absence, it would be expected that the employee would be moved back to Stage 3 of the procedure for further monitoring and support (as appropriate). In such cases, the Hearing Officer will write to the employee within 5 working days (as outlined in section 15.4) setting out the decision, the points discussed, future actions and targets and the consequences of improvement targets not being met.

20.0 Right of Appeal against Dismissal

20.1 Where a decision is made to terminate employment on the grounds of ill health or poor attendance, the employee has the right of appeal.

20.2 In order to exercise this right, the employee must write to the HR & OD Manager within 10 working days of receipt of the written notice of termination of employment. The employee must clearly state their grounds for appeal.

- 20.3 Personnel Committee, sitting as the Appeals Panel, will aim to hear the appeal against dismissal within 20 working days of receipt of the employee's letter of appeal. If it is not possible to hear the appeal within the above timescale, the HR & OD Manager will write to the employee setting out the reason for delay and the intended date of the hearing.
- 20.4 The appeal against dismissal will be conducted in accordance with Appendix D.
- 20.5 In accordance with the procedure, Personnel Committee, sitting as the Appeals Panel, will communicate their final decision in writing within 5 working days of hearing the appeal.
- 20.6 Their decision is final within the Council's internal procedures

21.0 Long Term Absence

- 21.1 Long term absence is considered to be any absence that is or is likely to result in the employee being away from the work for 20 working days/4 weeks or more. Where it is known that an employee's absence is likely to extend beyond 20 working days/4 weeks, it is not expected that managers wait until 4 weeks have elapsed before taking steps to support the employee back to work.
- 21.2 For part-time employees the 20 working days will be pro-rated in line with their working pattern to ensure equitable treatment.
- 21.3 As soon as the manager knows that an employee has been, or will be, absent for 4 weeks they must contact their HR Partner and arrange for an Occupational Health referral to be made (if appropriate). It is important that managers treat long term absence as a priority, as early interventions increase the likelihood of a successful return to work.
- 21.4 Absences due to stress, anxiety, depression or other mental health concern, whether personal or work related, must be treated as a priority. The manager should contact HR within 2 weeks of the start of the absence and HR will arrange for an OH appointment as early as practicable.
- 21.5 There will be occasions when an OH appointment is not required early on in the absence, for example when an employee is recovering from a major operation. In many cases an OH appointment will be beneficial at a later point, as OH will be able to give practical guidance on assisting the employee back to work.
- 21.6 In the majority of cases of long term absence advice will normally be sought from the Council's OH provider. Depending on the circumstances of an individual case an OH referral may be earlier or later than 4 weeks. The purpose of gaining OH advice will be to provide an indication of the likely duration of the employee's absence and whether any steps can be taken to help the employee to return to work. HR can advise on this.
- 21.7 Where an employee has been referred to OH, the OH provider will supply a report. Depending upon the advice received from OH, one or more of the following actions may be taken:
- ❑ A review appointment may be arranged with OH.
 - ❑ Reasonable adjustments such as changes to the workload, work practices or work pattern may be identified and implemented, either as part of phasing the employee back to work or on a more permanent basis.
 - ❑ Other support mechanisms may be identified and implemented.

- ❑ Referral to the Council's OH Physician for more accurate diagnosis, further advice, consideration of ill health retirement, and so on.
- ❑ The OH advisor may determine that the employee is fit for work, in which case they will be required to return immediately or on a date set by the OH advisor, manager or HR Partner. Where an employee does not return to work after confirmation has been received that they are fit to do so, either from OH or from the Fit to Work Scheme, consideration will be given to withdrawal of Occupational Sick Pay in line with section 6.

21.8 As outlined in section 10 a welfare meeting should take place during the 3rd or 4th week of absence. Following the initial welfare meeting, the manager should ensure that further review meetings take place at regular intervals and that regular, ideally weekly, contact is maintained with the employee.

22.0 Long Term Absence - Formal process

22.1 Right to be accompanied

The Policy provides for all employees to be accompanied by a trade union representative or work colleague during each of the stages within the formal procedure, though the statutory right to be accompanied only applies when the meeting could result in the issue of a formal sanction.

22.2 Notice

22.2.1 Employees will be given at least 5 working days notice of the meeting. Where a Trade Union representative or work colleague is not available, this should not unduly delay the meeting, however the Council will seek to accommodate the request to rearrange the meeting. It is not expected that this would need to happen on more than one occasion.

22.2.2 Where a bundle of documents is to be provided for consideration at any formal meeting, the employee must be provided with that bundle 5 working days prior to the meeting.

22.3 HR support

A member of the HR Team is required to attend all stages of the Formal Long Term Absence process.

22.4 Written confirmation

Written confirmation of the outcomes of each of the formal stages must be provided to the employee within 5 working days of the formal meeting.

The manager must ensure the letter clearly explains:

- ❑ the points covered during the discussion;
- ❑ any steps that the employee or Council intend to take to facilitate a return to work;
- ❑ details of any proposed adjustments or support agreed;
- ❑ the date of the next meeting;
- ❑ the nature of the next meeting e.g. further Formal Long Term Absence Review;
- ❑ the next steps and potential outcomes if the employee's absence continues.

A copy of the letter must be provided to HR for the employee's personal file.

23.0 Formal Long Term Absence Review Meetings

- 23.1 The commencement of the formal process ensures appropriate consideration is given to supporting the employee and assisting in their return to work, as soon as is reasonably practicable. However, this does not and should not prevent ongoing dialogue between the employee and their manager concerning their welfare and the provision of information by the employee that could assist the Council in returning the employee to work.
- 23.2 A Long Term Absence (LTA) Review Meeting is an opportunity for the manager and employee to maintain regular contact, to discuss the absence, any available options to assist the employee back to work and the likely timescale within which that is likely to happen. It is important that an open discussion takes place so that the Council understands any health issues or perceived barriers that may prevent an early return to work.
- 23.3 LTA Review Meetings will take place throughout the employee's absence. Such meetings will normally take place within the specified timescales. It is an expectation that meetings should take place on a 4 – 6 week basis throughout the duration of the absence.
- 23.4 The timing of the First LTA Review Meeting will depend upon the nature of the absence. There will be occasions when, based on the particular case, it is appropriate for the First LTA Review Meeting to take place either earlier or later than normal. It is a normal expectation that a First LTA Review Meeting will take place between 6 – 10 weeks.
- 23.5 A Second LTA Review Meeting will normally take place, if the employee remains absent from work, 10 – 14 weeks after the absence commenced.
- 23.6 Prior to a referral to a LTA - Case Review Hearing, a minimum of two LTA Review Meetings must have taken place, **except when the provisions of section 23.13 apply**. It is likely that in many cases there will be more than two LTA Review Meetings.
- 23.7 Where the manager, in consultation with HR, considers that further LTA Review Meetings are required, these will take place on a 4 – 6 week basis throughout the employee's absence. If the employee is attending appointments with OH it is good practice to arrange a LTA Review Meeting following receipt of the most recent OH advice.
- 23.8 During the LTA Review meeting(s) the following points will be covered:
- ❑ review the employee's absence to date;
 - ❑ review what steps are being taken to assist the employee back to work;
 - ❑ what steps the employee and their medical advisors are taking to facilitate that process;
 - ❑ review recent OH advice (as appropriate);
 - ❑ consider opportunities to temporarily or permanently amend hours or duties;
 - ❑ consider opportunities to introduce other workplace adjustments;
 - ❑ the likely timescale within which the employee will return to work;
 - ❑ the next steps and potential outcomes if the employee's absence continues.

- 23.9 After each formal LTA – Review Meeting the manager will write to the employee summarising the main points covered during the discussion.
- 23.10 If the employee's health is such that it does not appear likely that the employee will return to work in the near future; where ill health retirement might be a suitable option or where the Council requires more detailed guidance on how to respond to a particular medical condition, the employee may be referred to the Council's Occupational Health Physician. Guidance on when this is appropriate is available from HR.
- 23.11 If, for health reasons, the employee can no longer undertake their substantive duties and where it is not reasonably practicable to make adjustments to their duties, consideration should be given to any opportunities for redeployment. See section 28.
- 23.12 During the formal reviews the option of ill health retirement may be discussed with the employee. Further information on ill health retirement can be found in section 26.
- 23.13 In certain exceptional circumstances, by mutual agreement, it may be appropriate to bring forward the LTA – Case Review Hearing without having first held at least two LTA Review Meetings, as outlined above. For example; where the employee has confirmed that they are not able to continue in their current role due to ill health, and where redeployment or ill health retirement is not available. Such situations are likely to be rare.

24.0 Return to work after long term absence

- 24.1 In the majority of cases employees will successfully return to work prior to their referral to a LTA – Case Review Hearing. Further information on supporting staff in their return to work is available in the Sickness Absence Management Guidance Notes.

24.2 Procedural matters

Following their return to work the manager is required to hold a Return to Work interview with the employee in line with the Policy and Procedure. The manager and employee may be well versed in the reasons for absence, but this informal discussion must take place. As this will happen very early in the employee's return to work, it is an opportunity for the manager to have an initial discussion with the employee.

If the employee's recent absence has resulted in them exceeding the Trigger Point it will be necessary for an Attendance Improvement Target to be set.

24.3 Repeated long term absences

- 24.3.1 Where an employee has had 2 or more periods of long term absence in the preceding 36 month period, they will automatically be referred to a Stage 3 - Capability Review Meeting.
- 24.3.2 At the Stage 3 – Capability Review Meeting the absences will be reviewed in detail and consideration will be given to how the employee can improve their attendance.
- 24.3.3 Automatic referral to a Stage 3 – Capability Review Meeting will not apply in the following situations:
- ❑ when the absence is connected to an underlying disability. However, an employee with a disability will be referred to a Stage 3 – Capability Review Meeting if the repeated long term absences are for a reason unconnected to their disability;
 - ❑ when the long term absences are directly caused by a life threatening illness;
 - ❑ where the employee has a work related injury which, after review by the Chief Officer (as per section 9), is confirmed as having been sustained through no fault of the employee.

25.0 Long Term Absence - Case Review Hearing

- 25.1 Where there is a reduced likelihood that the employee will return to work in the near future or where the employee's health means that they are no longer capable of undertaking their duties, the manager will refer them to a LTA – Case Review Hearing.
- 25.2 A LTA - Case Review Hearing will consider whether an employee is able to continue in employment and therefore all reasonable alternatives to retain the employee in work should be considered prior to referral to a Case Review Hearing.
- 25.3 Prior to referral to a LTA - Case Review Hearing, a minimum of two LTA Review Meetings will have taken place. It is likely that in the majority of cases there will be more than two Long Term Absence Review Meetings.
- 25.4 The over-riding factor in whether to hold a Case Review Hearing is, whether there is any realistic likelihood of the employee returning to work in the near future, having considered options to assist the employee to return to work. In some cases employees will be referred to a LTA - Case Review Hearing prior to them having reduced to half pay.
- 25.5 It is not a requirement of the Policy that an employee should have exhausted their entitlement to Occupational Sick Pay before their employment can be terminated.
- 25.6 Some employees may also have had previously high levels of short term absence and have been within the formal stages of the Short Term Absence process at the point that their long term absence commenced. Managers are obliged to take account of the employee's general levels of attendance when considering when to refer them to a LTA - Case Review Hearing. Where employees have had high levels of short term absence, these will also be considered during the LTA - Case Review Hearing.
- 25.7 A LTA - Case Review Hearing will take place as outlined in Appendix C. The employee will be given the opportunity to present their case and others involved in the employee's case, such as the line manager, will also be asked to provide information on what steps have been taken to improve the employee's attendance.
- 25.8 The Hearing Officer will also give consideration to the following when deciding on a course of action:
- how long the employee has been absent;
 - the nature of the incapacity;
 - the likelihood of a return to work in the near future;
 - the operational needs of the service and the need for the work to be undertaken;
 - the impact of the employee's absence and ill health on other employees and service delivery;
 - financial and cost implications;
 - representations made by the employee and their representative;
 - what steps have been taken to attempt to enable the employee to continue in employment;
 - what, if any, consideration has been given to alternative duties on either a temporary or permanent basis;
 - medical advice received.

- 25.9 The above list is not exhaustive and the weight attached to each issue will depend upon the circumstances of the case. It is the responsibility of the Hearing Officer, in making a considered decision, to balance both the needs of the employee and the requirement for effective delivery of Council services.
- 25.10 Following due consideration of the information provided at the LTA - Case Review Hearing the Hearing Officer may consider any of the following actions:
- ❑ A period of review whilst the employee's absence continues to be supported/managed, before the convening of another LTA - Case Review Hearing;
 - ❑ Retirement on the grounds of ill health¹;
 - ❑ Dismissal on the grounds of incapability due to ill health.
- 25.11 If the Hearing Officer decides that dismissal is not appropriate, the Hearing Officer will define any further review periods, and what if any further support should be made available or considered. The Hearing Officer may determine that further LTA – Review Meetings should be held and/or that, after a defined time period, the employee's case should be referred back to a LTA – Case Review Hearing.
- The Hearing Officer will write to the employee within 5 working days (as outlined in section 15.4) setting out their decision, the points discussed, future actions and targets and the consequences of improvement targets not being met.
- 25.12 If the Hearing Officer concludes that the employee is to be dismissed the employee will be served with contractual notice and consideration may be given to the option of payment in lieu of notice. Contractual notice will be paid at full pay.
- 25.13 The principles that apply to the booking of leave during periods of sickness will also apply during notice periods. Employees who have been dismissed due to long term absence, will receive pay for any outstanding annual leave at the end of their notice period.
- 25.14 Normally the employee will be informed verbally of the outcome at the conclusion of the hearing, and the decision will be confirmed in writing within 5 working days. Where this is not possible, the employee will be advised of the decision in writing within 5 working days.
- 25.15 Where a decision is made to terminate employment, the employee will have the right of appeal against the decision as outlined in section 20.
- 25.16 Appeals against dismissal will be conducted in accordance with Appendix D.

26.0 Ill health retirement

- 26.1 Where an employee is no longer able to perform their duties and it is not possible to redeploy them into an alternative role, ill health retirement or dismissal will be considered.
- 26.2 Where an employee may be eligible for ill health retirement they will be referred to an Independent Physician, for an assessment of their health.
- 26.3 Where ill health retirement is being considered, HR will be able to provide general information on the ill health provisions within the Pension Scheme Regulations.

¹ Can only be considered if supported/recommended by an Occupational Health Physician

- 26.4 To qualify for ill health retirement the Pension Scheme requires that the employee is:
- permanently incapable of discharging the duties of their current employment, and
 - has a reduced likelihood of any gainful employment before normal retirement age.
- 26.5 Consideration must be given to the possibility of reasonable adjustments to the employee's substantive role and to the option of suitable alternative employment within the Council, before the Physician will be able to advise the Council that the employee is eligible for release of pension benefits.
- 26.6 The Physician will advise the Council of which of the 3 Tiers within the Pension Scheme Regulations the employee satisfies.
- 26.7 Employees also have the right of appeal against any decision to refuse ill health retirement benefits under the Local Government Pension Scheme Internal Dispute Resolution Procedure.

27.0 Reasonable Adjustments

- 27.1 The Council is required to consider making reasonable adjustments to assist employee's who have a disability as defined under the Equality Act 2010.
- 27.2 Adjustments may take a number of forms and may be temporary or permanent, including:
- the provision of practical aids or adaptations to premises or equipment;
 - reduction in working hours or changed working pattern;
 - amendment to duties.
- 27.3 The Council will give consideration to adjustments both from the perspective of the employee and also with due regard to the reasonableness of those adjustments from an operational point of view.
- 27.4 In many cases it will be possible to accommodate adjustments to some degree or other; however in some cases it may not be considered reasonable to accommodate all or some of those adjustments. Where this is the case the manager should be able to clearly explain their reasons for being unable to accommodate the adjustments.

28.0 Redeployment

- 28.1 Redeployment will only be considered when other options to return the employee back to their substantive role have been unsuccessful and where medical advice indicates that an employee is unable to perform the duties of their current role, with reasonable adjustments.
- 28.2 In some cases, OH will not be able to recommend redeployment, despite the employee being unable to return to their substantive post.
- 28.3 The aim of redeployment will be to find a suitable position that the employee can fulfil and where reasonable adjustments can be accommodated, if required.
- 28.4 Opportunities for redeployment are limited and these are dependent upon vacancies that exist in the organisation at the time that redeployment is being considered. This will include both permanent and fixed term vacancies. If an employee is offered and accepts

redeployment into a fixed term vacancy, as an alternative to the termination of employment, they will transfer from a permanent contract of employment to a fixed term contract of employment.

- 28.5 Where an employee is redeployed for health reasons, into a fixed term appointment, the normal arrangements for notice, redeployment and redundancy will apply to the employee at the end of the contract.
- 28.6 The employee will be placed on the redeployment list from the point that medical advice is received, which recommends the employee be considered for redeployment.
- 28.7 If no suitable redeployment opportunities are available and the employee is unable to return to their existing role, consideration will be given to referral to a LTA – Case Review Hearing.
- 28.8 It is required that employees, for whom redeployment has been recommended by OH, will be placed on the redeployment list for a minimum of 4 weeks prior to a LTA – Case Review Hearing.
- 28.9 If an employee on the redeployment list is subsequently dismissed from their substantive post, they will remain on the redeployment list for the duration of their notice period to give them the maximum opportunity to secure alternative employment within the Council.

29.0 Annual leave and sickness absence

- 29.1 Employees continue to accrue annual leave during sickness absence. However, where a period of long term absence straddles two leave years only the statutory element of annual leave will transfer to the next leave year.
- 29.2 Holidays taken during a period of sickness will be treated as such and the appropriate deduction will be made from the holiday balance.
- 29.3 An employee who falls sick during the course of annual leave is required to report it to their manager on the first day of absence in accordance with Council procedure and remain in regular contact with their manager in line with normal reporting arrangements. It will also be necessary to provide a medical certificate, or equivalent if outside the U.K. and the employee will only be regarded as absent due to sickness from the date of that certificate.
- 29.4 Where an employee is receiving sick pay under the sickness scheme, sick pay should continue if a public, extra statutory or extra local holiday falls during such sickness absence. No substitute public, extra statutory or extra local holiday will be given.
- 29.5 Further information is available in the Sickness Absence Management Guidance Notes.

30.0 Employees on probation

- 30.1 Employees who are subject to probation are not covered by the provisions of the Sickness Absence Management Policy and Procedure, except for those relating to sick pay, notification and certification arrangements.
- 30.2 Return to Work interviews must be carried out following any absences and Absence Indicator Points calculated.
- 30.3 Whilst many of the arrangements within the Policy and Procedure do not apply to employees on probation, managers must ensure that new employees understand the

importance of good attendance and the requirements for prompt and proper notification of absence.

- 30.4 The purpose of probation is to allow new staff opportunity to demonstrate their suitability for employment with Lancaster City Council. Good attendance is central to demonstrating an employee's suitability for the role and their ability to fulfil their contract of employment.
- 30.5 It is expected that staff on probation will have excellent levels of attendance in order to effectively demonstrate their commitment to the Council and their suitability for the role.
- 30.6 Managers will have due regard for levels of attendance when deciding whether or not to confirm the appointment of an employee on probation.

31.0 Other Provisions

Where an employee is re-employed within a 12 month period, any absences that they had in the last 12 months, whilst previously employed by the Council, will be counted towards their Absence Indicator Points.

32.0 Review

This policy will be reviewed 2 years after implementation or earlier in the event of further changes in legislation.

Amendments which are required due to a change to 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.

Document Control:

Version No.	Effective date	Reason	Review due
1.0	October 1998	New policy document	
2.0	08.04.2003	Revisions agreed by Personnel Committee	
3.0	July 2004	Revisions agreed by Personnel Committee	
4.0	February 2006	Revisions agreed by Personnel Committee	
5.0	01.09.2012	Revisions agreed by Personnel Committee	
6.0	02.02.2016	Revisions to be considered by JCC & Personnel Committee	

How to calculate Absence Indicator Points

Absence Indicator Points are calculated using the following equation:

$$\text{Actual periods of absence}^2 \times \text{Total number of days lost.}$$

Example 1

Mr A, who works 5 days per week, has 1 period of absence for 42 days in a rolling 12-month period. Mr A's Trigger Point is 60 points.

Mr A's Absence Indicator Points would be calculated as;

$$1 \text{ period of absence} \times 1 \text{ period of absence} \times 42 \text{ days absence} = 42 \text{ points}$$

Does not exceed Trigger Point – no formal action required.

Example 2

Mr B, who works 3 days per week, has 2 periods of absence totalling 7 days in a rolling 12-month period. Mr B's pro-rated Trigger Point is 36 points.

Mr B's Absence Indicator Points would be calculated as;

$$2 \text{ periods of absence} \times 2 \text{ periods of absence} \times 7 \text{ days absence} = 28 \text{ points}$$

Does not exceed Trigger Point – no formal action required.

Example 3

Mrs C, who works 4 days a week, has 3 periods of absence totalling 6 days in a rolling 12-month period. Mrs C's pro-rated Trigger Point is 48 points.

Mrs C's Absence Indicator Points would be calculated as;

$$3 \text{ periods of absence} \times 3 \text{ periods of absence} \times 6 \text{ days absence} = 54 \text{ points}$$

Exceeds Trigger Point – first formal absence meeting required.

Example 4

Miss D, who works 5 days per week, has 2 periods of absence totalling 20 days in a rolling 12-month period. Miss D's Trigger Point is 60 points.

Miss D's Absence Indicator Points would be calculated as;

$$2 \text{ periods of absence} \times 2 \text{ periods of absence} \times 20 \text{ days absence} = 80 \text{ points}$$

Exceed Trigger Point – first formal absence meeting required.

Sickness Absence Management Policy and Procedure

Conducting an Appeal Hearing **(excluding appeals against dismissal)**

1. The Appeal will be heard by a manager of the same level or more senior level than the original Hearing Officer, and this may be a manager from another service unit.
2. The Appeal Hearing Officer, will:
 - ❑ direct and control the conduct of the hearing with fairness and impartiality;
 - ❑ consider all the information and evidence provided by the employee and manager;
 - ❑ determine whether the original outcome was reasonable in the circumstances.
3. A member of the HR Team will attend the Hearing to provide support and guidance to the Appeal Hearing Officer.

The employee has a statutory right to be accompanied at the Hearing by either a Trade Union representative or a work colleague.

The presenting manager may be accompanied by a member of the HR Team or another manager.

4. The Appeal Hearing Officer will ask the employee to confirm;
 - ❑ their grounds for appeal;
 - ❑ that they are aware of the right to be accompanied at the Hearing.
5. The Appeal Hearing Officer will explain the format of the Appeal Hearing, which will normally be as follows:
 - ❑ the Appeal Hearing Officer and accompanying HR adviser may ask questions of either side throughout the Hearing;
 - ❑ the management case will be presented first;
 - ❑ following presentation of the management case the employee (and representative) may question the management side;
 - ❑ the employee (and representative) will present their case;
 - ❑ following presentation of the employee case the management side may question the employee;
 - ❑ both sides will be asked to summarise the main points of their case; management side first and the employee (and representative) second;
 - ❑ the Appeal Hearing will be adjourned and the Appeal Hearing Officer will make their decision.

6. The management side will present their case, detailing the steps that were followed in reaching the original decision. The management side will also outline the matters that were considered in reaching a decision on the level of Attendance Improvement Target and review period.
7. The employee and representative will present their case, outlining why they consider the Attendance Improvement Target and/or review period were inappropriate in the circumstances and/or why they consider the decision was unfair. This will include an explanation of their reasons for absence and any mitigating factors that they wish the Appeal Hearing Officer to consider.
8. Once the Appeal Hearing Officer and HR adviser have completed their questions the Appeal Hearing Officer will ask both sides to summarise their cases in the following order:
 - ❑ management side;
 - ❑ employee side.
9. The Appeal Hearing Officer will adjourn the Appeal Hearing and will ask both parties to withdraw. If possible, additional rooms should be made available for the separate parties to withdraw to whilst the Appeal Hearing Officer is considering their decision.
10. The Appeal Hearing Officer may, if they wish, request that the Appeal Hearing is temporarily reconvened to ask further questions, before adjourning again.
11. The Appeal Hearing Officer will consider all the facts of the case and have due regard to whether the actions of the original Hearing Officer were appropriate in the circumstances and whether the Sickness Absence Management Policy and Procedure was followed by the manager.
12. If the Appeals Hearing Officer decides to uphold the original decision they must be satisfied that:
 - ❑ the manager has followed the steps outlined in the Sickness Absence Management Policy and Procedure, and
 - ❑ the level of Attendance Improvement Target and/or the length of the review period were in line with the Policy and Procedure and were appropriate in the circumstances.
13. If the Appeals Hearing Officer decides to overturn the original decision they must be satisfied that the manager has either:
 - ❑ set an Attendance Improvement Target and/or length of review period that were not in line with the Policy and Procedure and were not appropriate in the circumstances, and/or;
 - ❑ has failed to follow the steps outlined in the Sickness Absence Management Policy and Procedure.
14. Once the Appeals Hearing Officer has had opportunity to consider the case the Appeal Hearing will be reconvened. Both the management side and the employee's side will return to the Appeal Hearing to hear the outcome.
15. If the Appeal Hearing Officer is not able to make a decision on the day of the Appeal Hearing, they must inform both sides that they will be advised of the decision in writing within 5 working days.
16. If the Appeal Hearing Officer makes their decision, on the day of the hearing, they will verbally advise all parties of the decision. The Appeal Hearing Officer will confirm that the decision will be provided in writing within 5 working days.

17. If the Appeals Hearing Officer decides to uphold the original decision the employee will be advised of this and the Attendance Improvement Target and review period will remain in place as previously advised.
18. If a decision is taken to overturn all or part of the original decision, the Appeals Hearing Officer will advise the original Hearing Officer to re-examine the Attendance Improvement Target and/or review period. In the event that the Appeals Hearing Officer considers that the Sickness Absence Management Policy and Procedure was not duly followed, they will require the Hearing Officer to revisit the original process and remedy any errors and omissions.
19. The Appeal Hearing Officer will write to the employee within 5 working days of the decision outlining their decision. Their letter will include:
 - ❑ the date and time of the Hearing;
 - ❑ confirmation of those present;
 - ❑ the decision and any actions arising from that decision;
 - ❑ that there is no further right of appeal against the Appeal Hearing Officers decision.

Sickness Absence Management Policy and Procedure

Conducting a Stage 4 – Case Review Hearing or a Long Term Absence – Case Review Hearing

1. The Hearing Officer, who will be a Chief Officer, will:
 - ❑ direct and control the conduct of the hearing with fairness and impartiality;
 - ❑ consider all the information and evidence provided by the employee and manager;
 - ❑ determine whether the employee should be dismissed or whether a further period of monitoring and support should be put in place.
2. A member of the HR Team will attend the Hearing to provide support and guidance to the Hearing Officer.

The employee has a statutory right to be accompanied at the Hearing by either a Trade Union representative or a work colleague.

The presenting manager may be accompanied by a member of the HR Team or another manager.
3. The Hearing Officer will ask the employee to confirm that they understand;
 - ❑ the nature of and reason for the Hearing;
 - ❑ the right to be accompanied at the Hearing.
4. The Hearing Officer will explain the format of the hearing, which will normally be as follows:
 - ❑ the Hearing Officer and accompanying HR adviser may ask questions of either side throughout the Hearing;
 - ❑ the management case will be presented first;
 - ❑ following presentation of the management case the employee (and representative) may question the management side;
 - ❑ the employee (and representative) will present their case;
 - ❑ following presentation of the employee case the management side may question the employee;
 - ❑ both sides will be asked to summarise the main points of their case; management side first and the employee (and representative) second;
 - ❑ the Hearing will be adjourned and the Hearing Officer will make their decision.
5. The management side will present the case, detailing how the employee has reached the final stage of the Sickness Absence Management Policy and Procedure. This will include:

- ❑ a summary of all absences and the separate stages of the process that have been reached to get to the final stage;
 - ❑ any support offered, including practical adjustments, targets set, training, and any options for redeployment and so on;
 - ❑ any Occupational Health advice received.
6. The employee and representative will present their case, providing an explanation of their reasons for absence and any mitigating factors that they wish the Hearing Officer to consider.
7. Once the Hearing Officer and HR adviser have completed their questions the Hearing Officer will ask both sides to summarise their cases in the following order:
- ❑ management side
 - ❑ employee side
8. The Hearing Officer will adjourn the Hearing and will ask both parties to withdraw. If possible, additional rooms should be made available for the separate parties to withdraw to whilst the Hearing Officer is considering their decision.
9. The Hearing Officer may, if they wish, ask the Hearing to be temporarily reconvened to ask further questions, before adjourning again.
10. The Hearing Officer will consider all the facts of the case and, in making a decision, will balance both the needs of the employee and the requirement for effective delivery of Council services.

When reaching a decision about whether or not to terminate employment, the Hearing Officer will consider issues such as:

- ❑ the operational needs of the service and the need for the work to be undertaken;
- ❑ the impact of the employee's absence and ill health on other employees and service delivery;
- ❑ the employee's absence record;
- ❑ financial and cost implications;
- ❑ representations made by the employee and their representative;
- ❑ what actions have been taken to attempt to enable the employee to continue in employment;
- ❑ what, if any, consideration has been given to alternative duties on either a temporary or permanent basis;
- ❑ medical advice received.

The above list is not exhaustive and the weight attached to each issue will depend on the circumstances of the case.

11. In reaching a decision to terminate employment, the Hearing Officer must be satisfied that:
- ❑ the manager has followed the steps outlined in the Sickness Absence Management Policy and Procedure, and
 - ❑ reasonable support has been offered to the employee to either;

- i) improve their attendance, or
- ii) return to work.

12. In reaching a decision to retain the employee in work, the Hearing Officer must:
 - identify a period during which the employee's absence will be reviewed;
 - confirm any conditions placed on either management or employee;
13. Once the Hearing Officer has had opportunity to consider the case the Hearing will be reconvened. Both the management side and the employee's side will return to the Hearing to hear the outcome.
14. If the Hearing Officer is not able to make a decision on the day of the Hearing, the Hearing Officer must inform both sides that they will be advised of the decision in writing within 5 working days.
15. If the Hearing Officer makes their decision, on the day of the hearing, they will verbally advise all parties of the decision. The Hearing Officer will confirm that the decision will be provided in writing within 5 working days.
16. If the decision is taken to terminate employment the written confirmation must include the following:
 - the date and time of the Hearing;
 - confirmation of those present;
 - the decision to terminate the employment;
 - confirmation of the notice period to be served and the last day of service;
 - details of why the Hearing Officer reached the decision;
 - the employee's right of appeal, which must be in writing to the HR Manager within 10 working days of receipt of written notice of termination, stating their grounds for appeal.
17. If a decision is taken not to terminate employment the written confirmation must include:
 - the date and time of the Hearing;
 - confirmation of those present;
 - the decision to retain the employee;
 - details of the future review period(s);
 - any expectations placed on the employee, e.g., the achievement of a specific absence target, the date by which the employee is expected to have returned to work and so on;
 - the implications of the employee failing to meet those expectations;
 - any expectations placed upon the manager, e.g., details of further review meetings, the provision of additional support, and so on.

Sickness Absence Management Policy and Procedure

Conducting an Appeal Hearing against dismissal

1. Personnel Committee, sitting as the Appeals Panel, will hear the appeal against dismissal.
2. The Appeal Hearing will not be a full rehearing of the case, but will consider whether the decision to dismiss was reasonable.
3. The Appeals Panel will be advised by the HR & OD Manager or other nominated officer.

The appellant has a statutory right to be accompanied at the Appeal Hearing by either a Trade Union representative or a work colleague.

The Chief Officer, who dismissed the appellant, will present the management case and may be accompanied by a member of the HR Team or another manager.

4. The Chairperson of the Appeals Panel will:
 - ❑ direct and control the conduct of the hearing with fairness and impartiality;
 - ❑ ask the appellant to confirm that they understand the nature of and reason for the Hearing;
 - ❑ ask the appellant to confirm their grounds for appeal;
 - ❑ ask the appellant to confirm that they are aware of the right to be accompanied at the Hearing;
 - ❑ ask both sides to confirm if they will be calling witnesses.
5. The Chairperson will explain the format of the hearing, which will normally be as follows:
 - ❑ the Chairperson, other members of the Appeal Panel and accompanying HR adviser may ask questions of either side throughout the Appeal Hearing;
 - ❑ the management case will be presented first;
 - ❑ the management side may call witnesses;
 - ❑ after each witness has given their evidence they may be questioned by the appellant (and representative), after which the management side may re-examine the witness;
 - ❑ following presentation of the management case the appellant (and representative) may question the management side;
 - ❑ the appellant (and representative) will present their case;
 - ❑ the appellant (and representative) may call witnesses;
 - ❑ after each witness has given their evidence they may be questioned by the management side, after which the appellant (and representative) may re-examine the witness;

- following presentation of the appellant's case the management side may question the appellant.
 - both sides will be asked to summarise the main points of their case; management side first and the employee (and representative) second;
 - the Appeal Hearing will be adjourned and the Appeals Panel will make their decision.
6. The management side will present their case, detailing the evidence that was taken into account and the matters that were considered when reaching the decision to dismiss the appellant.
 7. The appellant (and representative) will present their case, explaining in detail the specific grounds for their appeal.
 8. Following the presentation of both cases, and the completion of questioning by the Appeals Panel, the Chairperson will ask both sides to summarise their cases in the following order:
 - management side
 - employee side
 9. The Chairperson will adjourn the Hearing and will ask both parties to withdraw. If possible, additional rooms should be made available for the separate parties to withdraw to whilst the Appeals Panel considers their decision.
 10. The Appeals Panel may ask the Hearing to be temporarily reconvened to ask further questions, before adjourning again.
 11. The Appeals Panel may decide that further evidence is required before a decision can be reached. If this is the case, the Appeals Panel will temporarily reconvene the Hearing to advise both sides that further evidence is required and that the Hearing will be reconvened at a date in the future, when the evidence is available. Any new evidence will be presented in line with the format of the hearing as at section 5.
 12. The Appeals Panel will consider the case and will decide whether to:
 - overturn the dismissal and reinstate the appellant in their post,
 - or
 - uphold the Chief Officer's decision to dismiss.

If the Appeals Panel concludes that reinstatement is appropriate, they must advise what further arrangements should be put in place to monitor the appellant's absences and improve their attendance.
 13. If the Appeals Panel is able to reach a decision on the day of the Hearing, both sides will be asked to return to the Hearing and the Chairperson will verbally advise both sides of the decision. The Chairperson will confirm that the decision will be provided in writing within 5 working days.
 14. If the Appeals Panel is not able to make a decision on the day of the Hearing, the Chairperson must inform both sides that they will be advised of the decision in writing within 5 working days.
 15. If the decision is taken to uphold the original decision to terminate employment, the written confirmation from the Appeal Panel must include the following:

- the date and time of the Hearing;
 - confirmation of those present;
 - the decision to uphold the original decision to terminate the employment;
 - confirmation of the notice period to be served and the last day of service;
 - details of why the Appeal Panel reached the decision;
 - confirmation that the decision is final and binding and there is no further right of appeal to the Council.
16. If a decision is taken to reinstate the appellant, the written confirmation from the Appeal Panel must include:
- the date and time of the Hearing;
 - confirmation of those present;
 - the decision to uphold the appeal and therefore reinstate the appellant;
 - details of the future review period(s);
 - any expectations placed on the appellant, e.g., the achievement of a specific absence target, the date by which the employee is expected to have returned to work and so on;
 - the implications of the appellant failing to meet those expectations;
 - any expectations placed upon the manager, e.g., details of further review meetings, the provision of additional support, and so on.



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. As a minimum, the line manager should undertake the Two Week and Three Month Review Meetings to ensure the required level of performance is reached.
- 5.4 In the case of 5.2 and 5.3 above, there will not usually be a requirement to undertake the Six Month Review Meeting, as in most cases, there will be no permanent post for the individual to be confirmed into. If, however, it is likely that the temporary contract will be extended beyond six months duration, or there is chance of the contract becoming permanent, then it will be necessary to undertake the Six Month Review Meeting.
- 5.5 It is recommended, however, that even where a Six Month Review Meeting is not required, line managers should meet with individuals to feedback on their level of performance regularly throughout the Probation Review Period until the end of the temporary contract.
- 5.6 At all times, the employee should be clear that the contract is one of a temporary nature.

- 5.7 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 one weeks' 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.

Document Control:

Version No.	Effective date	Reason	Review due
1.0	03.02.2015	New policy agreed by Personnel Committee	03.02.2017
2.0	02.02.2016	Revisions to be considered by JCC and Personnel Committee	

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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, there is no statutory right to be accompanied. However, the Council will allow employees to have the right to be accompanied by a trade union representative or work colleague. A member of the HR Team should attend to provide advice to the 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 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 may arrange a meeting with the employee to discuss the request.

7.0 Action by the Chief Officer

- 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 **In most cases, it will be possible for the Chief Officer to consider and subsequently approve the request as submitted without meeting with the employee.** However in some cases, even where the matter appears relatively straightforward, it may be appropriate for the Chief Officer to meet with the employee to ensure that both sides understand the request and are clear on the implications of their request, prior to the arrangement being formalised.
- 7.3 Chief Officer decision - arrange a meeting
- 7.3.1 If the Chief Officer decides to hold a meeting to consider the employee's request, the meeting must be held within **21 working days** of a completed application (or other written request) being received by the Service Manager. A template letter inviting the employee to a meeting is available from HR.
- 7.3.2 **There is no statutory right to be accompanied to the meeting to discuss a flexible working request. However, the Council will allow the employee to be accompanied at the meeting by a trade union representative or work colleague;** 5 working days' notice of the meeting should be given. However, if the employee is willing to waive their right to notice, the meeting can take place sooner.

- 7.3.3 If, for any reason, it is not possible to meet the above timescale, the Chief Officer should explain this to the employee and propose an alternative timescale.
- 7.3.4 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.
- 7.3.5 The Chief Officer may:
- approve the application as submitted.
 - approve a proposed amendment to the application.
 - reject the application.
 - adjourn the meeting to seek further clarification on any points raised.

If the meeting is adjourned for another day, it should be reconvened as soon as practicable.

- 7.3.6 After discussion has taken place, the Chief Officer may briefly adjourn the meeting, to consider the request and to make their decision. The Chief Officer may choose to reconvene the meeting to verbally advise the employee of their decision.
- 7.3.7 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 decision being made or 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 decision being made or 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 There is no statutory right for the employee to be accompanied at an appeal hearing. However, the Council will allow the employee to 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.

Document Control:

Version No.	Effective date	Reason	Review due
1.0	03.02.2015	New policy agreed by Personnel Committee	03.02.2017
2.0	02.02.2016	Revisions to be considered by JCC and Personnel Committee	



Mobile Phone and Personal Digital Assistant Device Policy

1.0 Scope

- 1.1 This policy applies to the use of all mobile phones and Personal Digital Assistant devices (PDAs) issued by Lancaster City Council.

2.0 Responsibilities

- 2.1 The Council's mobile phones and PDAs are issued for business purposes only. They must be used responsibly and appropriately at all times, in accordance with all other Council protocols, procedures and directives. Incorrect use may result in disciplinary action.
- 2.2 Mobile phones and PDAs, including the data stored on them, remain the property of the Council.
- 2.3 Mobile phones should be set up with a PIN code to prevent unauthorised usage in the event that the device is ever lost or stolen. Newer smartphones are issued with a six-digit pin code and users of basic handsets are advised to set a PIN code. Employees should call the ICT Service Desk on 01524 582103 for advice on PIN codes.
- 2.4 Employees are required to take the same care of mobile phones and PDAs as they would any other equipment issued by the Council.

3.0 Personal Use of Mobile Phones and PDAs

- 3.1 Personal use of mobile phones and PDAs is monitored and anomalies are highlighted and brought to the attention of the responsible Manager.
- 3.2 Mobile phones may only be used for emergency personal calls or texts during working hours, where no other means of communication are available. The employee will be expected to inform their line manager as soon as practicable after the mobile phone has been used during an emergency.
- 3.3 Certain types of calls and texts are barred (i.e., international, high charge numbers such as those starting with 09).

4.0 Paying for Personal Calls and Texts

- 4.1 Phone bills are reviewed on a monthly basis and any anomalies are highlighted and brought to the attention of the responsible Manager.
- 4.2 If it is found that mobile phones are being used for non-emergency personal calls and texts, it may be necessary to make deductions from the employee's wages.

5.0 Abuse of Mobile Phones and PDAs

- 5.1 Employees will be held accountable for illegal, inappropriate or offensive material stored on, sent from or shared via their mobile phone or PDA.
- 5.2 Any employee who abuses their mobile phone or PDA may be subject to disciplinary action, not limited to the withdrawal of the device.

6.0 Lost or Stolen Mobile Phones and PDAs

- 6.1 Employees should inform their Manager immediately if their mobile phone or PDA has been lost or stolen and report the matter to the police on 01524 63333.
- 6.2 If the mobile phone is lost or stolen during office hours (Monday to Friday from 08:00 to 18:00), employees should also call the ICT Service Desk on 01524 582103 in order to place a block on the number.
- 6.3 If the mobile phone is lost or stolen outside office hours, employees should call the relevant network provider: Vodafone on 03333 043333, Orange on 08000 790201 or T-Mobile on 08454 122582 and ask them to suspend the number. Employees should also make the ICT Service Desk aware the next working day.

7.0 Review

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

Document Control:

Version No.	Effective Date	Reason	Review Due
1.0		Policy agreed by Personnel Committee	
2.0	16.09.2008	Revisions agreed by Personnel Committee	
3.0	02.02.2016	Revisions to be considered by JCC and Personnel Committee	



Unpaid Leave Policy and Procedure

1. Introduction

1.1 This Unpaid Leave policy is intended to provide guidance when responding to requests from employees for **leave without pay** under the following three classifications:

(i) **Short term Unpaid Leave** – for periods of absence **up to and including four weeks**;

(ii) **Extended Unpaid Leave** – ordinarily for periods of absence **greater than four weeks up to and including twelve weeks**.

(iii) **Special Extended Unpaid Leave** - for periods of absence **greater than twelve weeks**. It is expected that requests for Special Extended Unpaid Leave greater than twelve weeks will be rare.

2. Scope

2.1 The provisions of the **Short term** classification of Unpaid Leave apply to all employees of Lancaster City Council, and are available to employees **without a qualifying service period**.

2.2 The provisions of both **Extended and Special Extended** Unpaid Leave apply to all employees, excluding casual workers, who have completed **one years' continuous service** with Lancaster City Council before the commencement of the period of Unpaid Leave.

3. Potential reasons for the request

3.1 All classifications of Unpaid Leave may be requested for a number of reasons, including, but not limited to:

- Care of a dependant;
- Travel abroad to visit friends or family;
- Travel abroad for religious reasons;
- Other personal reasons.

4. Conditions

4.1 It is expected that requests for all classifications of Unpaid Leave will be submitted once an employee's entitlement to annual leave has been exhausted or nearly exhausted.

- 4.2 The Council will not normally consider more than one period of Extended or Special Extended Unpaid Leave in a three year period.
- 4.3 If the reason for the request is for travel abroad, then only on receipt of approval of the Unpaid Leave should an employee commit to travel plans.

5. **Requesting Unpaid Leave**

5.1 Regardless of the classification of Unpaid Leave required, requests should be made in writing to the relevant manager before the leave is due to start, setting out the reasons for the request.

5.2 Employees should submit requests for Unpaid Leave to the relevant manager in accordance with the notice periods outlined below:

(i) **Short Term Unpaid Leave** – for requests for periods of absence up to and including four weeks, requests must be submitted **two weeks** before the leave is due to start.

(ii) **Extended Unpaid Leave** – for requests for periods of absence greater than four weeks up to and including twelve weeks, requests must be submitted **two months** before the leave is due to start.

(iii) **Special Extended Unpaid Leave** – for requests for periods of absence greater than twelve weeks, requests must be submitted **two months** before the leave is due to start.

5.3 In exceptional circumstances, the relevant manager may be prepared to accept applications for Short Term Unpaid Leave where less than two weeks' notice has been given.

5.4 Also in exceptional circumstances, the relevant manager may be prepared to accept applications for Extended or Special Extended Unpaid Leave where less than two months' notice has been given. For example, to assist with the care of a seriously ill dependant or relative.

5.5 On occasion, requests for Short Term Leave may be retrospective. For example, for emergency situations not involving a dependant where an employee has insufficient annual leave remaining and it is not practicable for the employee to request the Unpaid Leave prior to taking it.

5.6 Employees should submit requests for Unpaid Leave to the relevant manager as outlined below:

(i) **Short Term Unpaid Leave** – for requests for periods of absence up to and including four weeks, requests must be submitted to the employee's line manager.

(ii) **Extended Unpaid Leave** – for requests for periods of absence greater than four weeks up to and including twelve weeks, requests must be submitted to a Senior Service Manager.

(iii) **Special Extended Unpaid Leave** – for requests for periods of absence greater than twelve weeks, requests must be submitted to an employee's Chief Officer. It is expected that these requests will be rare.

- 5.7 Where an employee's line manager is also a Senior Service Manager, the employee can submit requests to their line manager for both Short Term and Extended Unpaid Leave for periods up to and including twelve weeks.
- 5.8 Where an employee's line manager is also a Chief Officer, the employee can submit requests to their line manager for Short Term, Extended and Special Extended Unpaid Leave for periods up to and greater than twelve weeks.
- 5.9 Employees have the option of requesting an extension to an initial request for Short Term Unpaid Leave, so that it will be subsequently categorised as a request for Extended or Special Extended Unpaid Leave. In these cases, the employee should submit their request to the relevant manager as detailed above.

6. **Consideration of request**

- 6.1 The relevant manager should consider the request taking into account some or all of the following factors:
- ❑ The operational needs of the service;
 - ❑ The employee's reason for the request;
 - ❑ The employee's attendance record;
 - ❑ The likely effect of the employee's absence;
 - ❑ Any failure on the part of the employee to return promptly from earlier periods of leave;
 - ❑ Any other relevant factors.

6.2 Where necessary, Human Resources may be consulted before a final decision is made by the relevant manager.

7. **Approval of request**

7.1 If a request for any classification of Unpaid Leave is approved, it is the responsibility of the relevant manager to write to the employee as confirmation of the approval within 10 working days of receiving the request. This includes retrospective approvals of requests. A template letter is available from HR, and a copy of the letter sent to the employee should be provided to HR.

8. **Rejection of request**

- 8.1 The discretion as to whether to approve a request for any classification of Unpaid Leave rests with the relevant manager, and there is no right of appeal should a request be rejected.
- 8.2 Upon receiving a request for Unpaid Leave, if the relevant manager considers that the request for Unpaid Leave cannot be accommodated at the time requested by the employee, then the request will be either postponed or rejected. It is good practice for the relevant manager to discuss this with the employee. HR should also be advised.
- 8.3 If the relevant manager postpones or rejects the request, there must be a clear business reason. For example, if taking the Unpaid Leave at the time requested by the employee would cause the business to be particularly disrupted.

8.4 Should the employee be in agreement, it would be good practice for the relevant manager to initially consider postponing the request, instead of rejecting it. If the employee does not wish to postpone the timing of the leave, then the manager may reject the request if there is a clear business reason to do so.

8.5 Regardless of whether the request is to be postponed or rejected, the relevant manager must write to the employee within 10 working days of receiving a request, setting out their position and providing details as to why the request is to be postponed or rejected. Template letters are available from HR, and a copy of the letter sent to the employee should be provided to HR.

8.6 An employee will not automatically be entitled to Occupational Sick pay where they submit a medical certificate, after being advised that their request for any classification of Unpaid Leave has been rejected.

9. Recording Unpaid Leave

9.1 If approved, the line manager must ensure that all classifications of absence agreed under the Unpaid Leave Policy are correctly recorded onto the MyView system to ensure that the employee’s pay ceases for the unpaid leave period.

10. Pension contributions

10.1 During periods of Unpaid Leave the employee may elect to pay pension contributions. Employees wishing to explore this option should contact payroll@lancaster.gov.uk at the earliest opportunity, as certain time limits apply. Further advice on pension contributions during periods of unpaid leave can be sought from Your Pension Service.

11. Rights during Unpaid Leave

11.1 An employee absent on any classification of Unpaid Leave remains employed, although pay and most contractual benefits will be suspended. The employee will be entitled to return to their existing post provided that they return to work on or before the agreed date.

11.2 Failure to return on the agreed date after a period of Unpaid Leave will result in pay being suspended, and will be treated as an unauthorised absence which will be dealt with through the Disciplinary Policy and Procedure.

12. Annual and Statutory Leave

12.1 For any period of Unpaid Leave taken, the employee will have no right to accrual of statutory or contractual annual leave entitlement. HR will make the necessary amendments to the employee’s annual leave balance on MyView.

13. Review

13.1 This Unpaid Leave Policy and Procedure will be reviewed 2 years after implementation or earlier in the event of further changes in legislation.

Document Control:

Version no.	Effective Date	Reason	Review due
1.0	02.02.2016	New Policy to be considered by JCC and Personnel Committee	



Unpaid Parental Leave Policy and Procedure

1. Scope

1.1 In accordance with legislation, employees with **one year's continuous service** with Lancaster City Council are entitled to take **18 weeks parental leave without pay** to look after the welfare of **each child and each adopted child**.

1.2 To qualify, employees must fulfil the following criteria:

(i) Have **one year's continuous service** with Lancaster City Council;

And

(ii) Be **named on the child's birth or adoption certificate** or have or expect to have **parental responsibility***;

And

(iii) The child must be **under 18**.

1.3 The 18 weeks Unpaid Parental Leave **applies to each child** and not to an individual's job.

1.4 Employees can take the Unpaid Parental Leave anytime **up to the child's 18th birthday**.

2. Parental responsibility

2.1 ***Parental responsibility** refers to the legal rights and responsibilities a parent has. A mother automatically has parental responsibility for her child from birth. A father usually has parental responsibility if he is married to the child's mother or listed on the birth certificate.

2.2 **For parents who are married** when the child is born, or when a child is jointly adopted by them, both parents have parental responsibility.

2.3 **For unmarried parents**, an unmarried father usually has parental responsibility for his child if he has jointly registered the birth of the child with the mother, **or** has a parental responsibility agreement with the mother, **or** he has obtained a parental responsibility order from a court.

2.6 **For two female same-sex parents who are civil partners**, both parents will have parental responsibility if they were civil partners at the time the baby is conceived by sperm donation.

2.7 **For same-sex parents who are not civil partners**, the second parent may have obtained parental responsibility by either applying for parental responsibility if a parental agreement

was made or becoming a civil partner of the other parent and making a parental responsibility agreement or jointly registering the birth of the child.

- 2.8** The law surrounding same-sex parents and which parents are considered to have parental responsibility is complex and therefore, managers should contact HR for advice if they are unsure whether the employee has parental responsibility.

3. Potential reasons for the request:

- 3.1** Parental leave **should only be taken to look after the welfare of a child**, for example an employee may wish to take leave to:

- Stay with a child who is in hospital;
- Spend more time with a child;
- Assist with school or childcare arrangements.

4. Timing of parental leave

- 4.1** Each parent can take **no more than 4 weeks of parental leave each year for each child**.

- 4.2** Parental leave must be taken as whole weeks, rather than individual days, unless the child is **disabled**.*

***Disabled** in this context means a child who is in receipt of Disability Living Allowance and for these children, the Unpaid Parental Leave can be taken as individual days.

- 4.3** A week's leave is equal to the length of time the employee is normally required to work over 7 days. For example, if an employee works three days a week, one 'week' of Unpaid Parental Leave would equal the same working pattern of three days. If an employee works irregular weeks the number of days in a 'week' is the total number of days they work a year divided by 52.

- 4.4** Unpaid Parental Leave may be taken straight after the birth or adoption of a child or following a period of maternity leave.

5. Requesting Unpaid Parental Leave

- 5.1** Employees must provide at least **21 days' notice written notice** to their line manager before the intended start date of the Unpaid Parental Leave.

- 5.2** However, it would be helpful if employees are able to provide **as much notice as possible**. Employees must confirm the start and end dates of the Unpaid Parental Leave in the written notice.

- 5.3** In exceptional circumstances, the line manager may be prepared to accept applications where less than 21 days' written notice has been provided.

6. Delaying the timing of Unpaid Parental Leave

- 6.1** Upon receiving a request for parental leave, the line manager can postpone the timing of the leave for up to six months for a **'significant reason'**, for example, if taking the leave at the time requested by the employee would cause the business to be particularly disrupted. If the line manager considers that the request for Unpaid Parental Leave cannot be

accommodated at the time requested by the employee, then it is good practice for the manager to discuss this with the employee. HR should also be advised.

6.2 If the line manager decides to postpone the commencement of Unpaid Parental Leave, the line manager will write to the employee within seven days of the original request being received. A template letter is available from HR. This correspondence will contain reasons for the postponement of the Unpaid Parental Leave and a suggestion of a new start date for the Unpaid Parental Leave, which will be within six months of the date requested by the employee. A copy of the letter should be sent to HR.

6.3 The Council will not postpone Unpaid Parental Leave when the employee provides the requisite notice to take it immediately after the birth or adoption of the child.

6.4 The Council will also not postpone Unpaid Parental Leave where postponing the leave would mean that an employee would no longer qualify, for example postponing it until after the child's 18th birthday.

7. Approval

7.1 If the request for Unpaid Parental Leave is approved, the manager may request proof from the employee. For example, a birth certificate, or in the case of a disabled child, the award of Disability Living Allowance for the child.

7.2 It is the responsibility of the line manager to write to the employee as confirmation of the approval. A template letter is available from HR, and a copy of the letter sent to the employee must be provided to HR for the employee's record.

8. Recording Unpaid Parental Leave

8.1 If approved, the line manager must ensure that any absence agreed under the Unpaid Parental Leave Policy is correctly recorded onto the MyView system to ensure that an appropriate deduction is made from pay.

9. Pension contributions

9.1 During periods of Unpaid Parental Leave the employee may elect to pay pension contributions. Employees wishing to explore this option should contact payroll@lancaster.gov.uk at the earliest opportunity, as certain time limits apply. Further advice on pension contributions during periods of unpaid leave can be sought from Your Pension Service.

10. Rights during Unpaid Parental Leave

10.1 An employee absent on Unpaid Parental Leave remains employed, although pay and most contractual benefits will be suspended. The employee will be entitled to return to their existing post provided that they return to work on or before the agreed date.

10.2 Failure to return on the agreed date after a period of Unpaid Parental Leave may be treated as an unauthorised absence and will be dealt with through the Disciplinary Policy and Procedure.

11. Annual and Statutory Leave

11.1 During periods of Unpaid Parental Leave, employees have a right to accrual of statutory annual leave only, and no right to accrual of contractual leave. HR will make the necessary amendment to the employee's annual leave balance on MyView.

12. **Review**

12.1 This Unpaid Parental Leave Policy will be reviewed 2 years after implementation or earlier in the event of further changes in legislation.

Document Control:

Version no.	Effective Date	Reason	Review due
1.0	May 2008	Unpaid Parental Leave provisions included within the Family Leave Scheme.	
2.0	02.02.2016	Revised policy to be agreed by JCC and Personnel Committee	

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Emergency Dependants Leave Policy and Procedure

1. Introduction

- 1.1 The law provides rights to all employees, allowing **reasonable time off without pay to deal with each emergency involving a dependant**. A decision on whether or not to grant a request for Unpaid Emergency Dependants Leave is therefore not related to the needs of the Service.
- 1.2 Lancaster City Council will **extend this legal right to certain employees allowing them time off with pay** to deal with an emergency involving a dependant, subject to certain conditions.

2. Scope

- 2.1 This Emergency Dependants Leave Policy is intended to provide guidance when responding to requests from employees for time off to deal with each emergency involving a dependant.
- 2.2 All employees, excluding casual workers will be entitled to time off under one or both of the following two classifications:
 - (i) **Paid Emergency Dependants Leave** – available to employees who have completed **one years' continuous service** with the Council before the commencement of the period of Emergency Dependants Leave.
 - (ii) **Unpaid Emergency Dependants Leave** – available to all employees without a qualifying service period.
- 2.3 Emergency Dependants Leave, whether paid or unpaid, is for **urgent family situations that are of an emergency or unforeseen nature**.
- 2.4 Emergency Dependants Leave is **not** available to accompany dependants to prearranged or routine appointments, nor is it available to care for dependants on an ongoing basis. It is available just to resolve the emergency situation. On occasion, this may mean that the period of paid absence will be less than a working day to allow the employee to put alternative arrangements in place.

3. Entitlement

- 3.1 **Paid Emergency Dependants Leave** – this may be granted for periods of **up to two days with pay** at the discretion of a Senior Service Manager and subject to the conditions outlined further below.

3.2 Unpaid Emergency Dependants Leave – this will be granted for employees with less than one year’s continuous service who do not wish to use their annual leave entitlement. It will also be granted for employees who have more than one years’ continuous service but do not meet the conditions outlined below to be granted Paid Emergency Dependants Leave. As the Unpaid Emergency Dependants Leave is available for emergency situations only, it is expected that no more than two days will be approved at the discretion of the employee’s line manager.

4. Conditions

4.1 The granting of up to two days Paid Emergency Dependants Leave is conditional on an employee having five days or less of unallocated annual leave entitlement remaining in the fourth quarter of the annual leave year; that is January to March.

4.2 The granting of a reasonable amount of Unpaid Emergency Dependants Leave is not conditional on an employee’s annual leave entitlement in the fourth quarter of the annual leave year, and can therefore be requested at any time during the annual leave year to deal with an emergency involving a dependant.

4.3 If there is a suspicion that an employee is abusing the scheme, consideration will be given to disciplinary action as contained within Disciplinary Policy and Procedure.

5. Potential reasons for the request

5.1 In accordance with legislation, employees will be granted Emergency Dependants Leave when the employee is faced with an emergency involving a dependant. For example:

- ❑ to provide emergency care for sick or convalescing **dependants***;
- ❑ accompanying children for emergency or unplanned medical treatment;
- ❑ childcare emergencies, where normal arrangements have broken down; for example sickness or unexpected unavailability of the regular childminder;
- ❑ attendance at urgent court hearings in child custody cases.

5.2 For the purpose of this policy, **dependants* are defined as:**

- ❑ spouse, partner, child, brother, sister, mother, father;
- ❑ a close relative or close friend living separately, but who relies on the employee for domestic or financial support;
- ❑ a person living in the employee’s household who is directly dependent on the employee for domestic or financial support.

6. Approval process

6.1 Paid Emergency Dependants Leave - a request for this type of leave should receive approval from a Senior Service Manager before commencement. However, the Council is aware that this may not be feasible in an emergency, in which case the

employee should receive approval from their line manager or another available manager before commencement of the leave. It will be expected that the employee telephones the relevant manager to request paid emergency dependants leave in **all** cases. It is not acceptable to text or email requests. The employee is then responsible for ensuring approval is received from a Senior Service Manager once the emergency has been resolved.

- 6.2 Unpaid Emergency Dependants Leave** - a request for this type of leave does not need approval from a Senior Service Manager, and can instead be approved by the employee's line manager.
- 6.3** In certain emergency situations, the immediate emergency may be resolved within one day or less, however the employee may require further time off to fully resolve the situation. In this circumstance, it is expected that the employee may receive approval for one day of Paid Emergency Dependants Leave only. Unpaid Emergency Dependants Leave or Unpaid Leave may be requested by the employee if further time off is required.
- 6.4** Where an employee requires more than the maximum two days of Paid Emergency Dependants Leave, the employee may request Unpaid Leave. The total amount of time off to be granted to deal with an emergency will be at the discretion of a Senior Service Manager.
- 6.5** Where an employee makes a request that is not exactly as described above but is generally within the spirit of the policy, Senior Service Managers will have discretion to grant the leave and may refer to Human Resources for guidance.
- 6.6** On occasion, relevant managers may request evidence of the need for such Paid or Unpaid Emergency Dependants Leave, for example a medical certificate or a hospital discharge summary.

7. Leave Borrowing

- 7.1** As an alternative to the above, where an employee requires more than two days Paid Emergency Dependants Leave, Senior Service Managers will have the discretion to allow employees to borrow annual leave from their entitlement for the forthcoming leave year, subject to the following conditions:
 - ❑ the employee must have exhausted their annual leave entitlement for the current leave year;
- And**
- ❑ the employee must state that they do not wish to take Unpaid Leave.
- 7.2** An employee wishing to request forthcoming annual leave for this reason may borrow up to five working days, in advance of accruing their entitlement to it.
- 7.3** An employee who has been granted annual leave in advance of their entitlement will be required to sign an undertaking confirming repayment of any salary received in respect of the period, should they leave the Council's employment before accruing the period of leave granted in advance. HR should be contacted for a copy of the undertaking.

7.4 Once contacted, HR will make any necessary adjustments to MyView to ensure the employee received their correct annual leave entitlement.

8. Recording Emergency Dependants Leave

8.1 If approved, the line manager must ensure that any paid or unpaid absence approved under the Emergency Dependants Leave Policy is correctly recorded onto the MyView system. This is to ensure that the employee’s employment record is accurate and in the case of Unpaid Emergency Dependants Leave, to ensure that the employee is paid correctly.

9. Pension contributions

9.1 During periods of Unpaid Emergency Dependants Leave the employee may elect to pay pension contributions. Employees wishing to explore this option should contact payroll@lancaster.gov.uk at the earliest opportunity, as certain time limits apply. Further advice on pension contributions during periods of unpaid leave can be sought from Your Pension Service.

10. Rights during Emergency Dependants Leave

10.1 The employee will be entitled to return to their existing post provided that they return to work on or before the agreed date.

10.2 Failure to return on the agreed date after a period of Emergency Dependants Leave will result in pay being suspended, and will be treated as an unauthorised absence which will be dealt with through the Disciplinary Policy and Procedure.

11. Review

11.1 This Emergency Dependants Leave Policy will be reviewed 2 years after implementation or earlier in the event of further changes in legislation.

Document Control:

Version no.	Effective Date	Reason	Review due
1.0	May 2008	Family Support Leave provisions included within the Family Leave Scheme	
2.0	02.02.2016	Revised policy to be agreed by JCC and Personnel Committee	



Bereavement and Compassionate Leave Policy and Procedure

1. Scope

- 1.1 The bereavement and compassionate leave policy applies to **all employees**, excluding casual workers and is available to employees **without a qualifying service period**.

2. Conditions

- 2.1 Employees may be granted **Bereavement Leave of up to five days (pro-rata) with pay as a result of:**

- the death of a member of their **immediate family***.

- 2.2 Employees may be granted **Compassionate Leave of up to five days (pro-rata) with pay as a result of:**

- the **critical illness**** of a member of their **immediate family***.

- 2.3 For the purposes of this policy, **immediate family*** is defined as spouse, partner, child, mother, father, brother and sister.

- 2.4 For the purposes of this policy, **critical illness**** refers to an emergency, life threatening illness.

- 2.5 Senior Service Managers will have discretion in whether an employee's situation fulfils the criteria to be granted Compassionate Leave. HR may be contacted for guidance.

3. Approval process

- 3.1 **A request for Bereavement or Compassionate Leave must receive approval from the relevant Senior Service Manager before commencement.** Managers may request evidence before or after the request is received.

- 3.2 However, the Council is aware that this may not be feasible in an emergency, in which case the employee should receive approval from their line manager or another available manager before commencement of the leave. The employee is then

responsible for ensuring approval is received from a Senior Service Manager as soon as practicably possible.

- 3.3 Compassionate Leave will only be available for an emergency, life threatening critical illness and therefore, at the point where this definition is no longer met, it is expected that employees will return to work or request another type of leave, for example Unpaid Leave.
- 3.4 In exceptional circumstances, Chief Officers have discretion to approve greater amounts of Bereavement and Compassionate leave than outlined, having considered the circumstances of the case. HR should be approached for guidance in these cases.
- 3.5 When approving Compassionate Leave, the aim is to assist the employee in remaining in work. HR should be approached for guidance to ensure that appropriate support measures and flexibility, which may include an additional period of Unpaid Leave for the employee, are in place.

4. Recording Bereavement or Compassionate Leave

- 4.1 If approved, the line manager must ensure that any absence approved under the Bereavement and Compassionate Leave Policy is correctly recorded onto the MyView system.

5. Failure to return

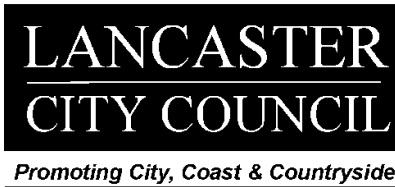
- 5.1 Failure to return on the agreed date after a period of Bereavement and/or Compassionate Leave will result in pay being suspended, and will be treated as an unauthorised absence which will be dealt with through the Disciplinary Policy and Procedure.

6. Review

- 6.1 This Bereavement and Compassionate Leave Policy will be reviewed two years after implementation or earlier in the event of further changes in legislation.

Document Control:

Version no.	Effective Date	Reason	Review due
1.0	May 2008	Provisions contained within Family Leave Scheme	
2.0	02.02.2016	Revised Policy to be agreed by JCC and Personnel Committee	



Domestic Violence and Abuse Policy

1. Scope

- 1.1 The Council opposes domestic violence and abuse in all of its forms and recognises that it is a problem which can affect victims both physically and mentally.
- 1.2 The Council is committed to ensuring that all employees are provided with a safe working environment, in which risks to health and wellbeing are considered and dealt with effectively. As a responsible employer, the Council will support all employees who experience abuse, where the Council is aware of the abuse.

2. Definition

- 2.1 The government definition of domestic violence and abuse is:

any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality.

The abuse can encompass, but is not limited to the following types:

- **psychological**
- **physical**
- **sexual**
- **financial**
- **emotional.**

- 2.2 All forms of domestic abuse come from the abuser's desire for power, coercion and control over other family members or intimate partners.
- 2.3 Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.
- 2.4 Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.
- 2.5 Forced marriage is also recognised in the UK as a form of violence against women and men. A forced marriage is where one or both people do not (or in cases of people with learning disabilities, cannot) consent to the marriage and pressure or abuse is used.

3. Our Commitment

- 3.1 **The Council will support employees who experience abuse by:**

- i. Responding appropriately to any employee who discloses that they are experiencing domestic abuse or violence.
- ii. Offering access to the full provision of leave types for relevant appointments, including with support agencies, solicitors, to rearrange housing or childcare, and for court appointments.
- iii. Temporary or permanent changes to working times and patterns, if organisationally possible.
- iv. Changes to certain specific duties, for example to avoid potential contact with an abuser in a customer facing role.
- v. Measures to ensure a safe working environment, for example changing a telephone number to avoid harassing phone calls.
- vi. Offering access to existing provisions, for example Occupational Health and counselling services.

4. Advice for Employees

- 4.1 Domestic abuse is an issue that affects all sections of society, and there will be employees within the Council who have, or continue to experience domestic violence or abuse in their personal lives. As a responsible employer, the Council is committed to minimising the impact of domestic abuse.
- 4.2 If you are a victim of domestic abuse, you may wish to tell someone. A list of contact details of various dedicated local and national support agencies can be found within this Policy.
- 4.3 You are also encouraged to speak with your line manager if you are concerned about or are experiencing domestic abuse. Line managers will not ask you for proof, they will be non-judgemental, take you seriously and take the time to listen.
- 4.4 If you prefer, you may wish to speak with a colleague or your Service HR Partner. Your line manager or Service HR Partner can, with your consent, arrange a referral to meet with the Council's Occupational Health nurse, who can advise you further about the counselling provision available.

5. Advice for Managers

- 5.1 If an employee approaches you for advice, make sure the conversation takes place in private. It may be appropriate to offer the option of speaking with someone from Human Resources, if that is more preferable to the employee. You may also wish to contact HR for advice on how to support the employee.
- 5.2 You may be the first person an employee has confided in and raising this issue will have taken a great deal of courage. The response the employee receives from you may be a crucial factor as to whether they seek further help and support.
- 5.3 You should ensure that you have formal consent from the employee if they request that you contact a support agency on their behalf.
- 5.4 The Equality and Human Rights Commission and the Chartered Institute of Personnel and Development have jointly developed a list of ten actions that can be taken to help manage domestic abuse in the workplace.

5.5 The ten actions are:

Recognise the problem:

1. Look for sudden changes in behaviour and/or changes in the quality of work performance for unexplained reasons despite a previously strong record.
2. Look for changes in the way an employee dresses; for example, excessive clothing on hot days or changes in the amount of make-up worn.

Respond:

3. Believe an employee if they disclose experiencing domestic abuse – do not ask for proof.
4. Reassure the employee that the organisation has an understanding of how domestic abuse may affect their work performance and the support that can be offered.

Provide support:

5. Divert phone calls and email messages and look to change a phone extension if an employee is receiving harassing calls.
6. Agree with the employee what to tell colleagues and how they should respond if their (ex) partner telephones or visits the workplace.
7. Ensure the employee does not work alone or in an isolated area and check that staff have arrangements for getting safely to and from home.
8. Keep a record of any incidents of abuse in the workplace, including persistent telephone calls, emails or visits to the workplace.
9. Ensure that there are domestic abuse helpline posters on noticeboards. Posters are available from HR.

Refer to the appropriate help:

10. Have a list of the support services offered in your area that is easily accessible and refer employees to appropriate organisations that deal with domestic abuse. A list of local and national support agencies can be found overleaf.

6. Support Agencies

- 6.1 Overleaf is a list of contact details of support agencies that an employee may wish to contact for further help and support.

7. Review

- 7.1 This Policy will be reviewed two years after implementation or earlier in the event of further changes in legislation

Document Control:

Version no.	Effective Date	Reason	Review due
1.0	02.02.2016	New policy to be considered by JCC and Personnel Committee	02.02.2018

Support Agency	Contact Details
Police (24 hours) – if it's an emergency or you are in immediate danger.	999
Neighbourhood Policing team – if it's not an emergency. Lancaster Police Station Thurnham Street Lancaster	01524 596649 Lancaster.NPT@lancashire.pnn.police.uk
National Domestic Violence Helpline (24 hours) Offers help and support and safe, emergency and temporary accommodation or outreach services to women and children experiencing domestic violence.	0808 2000 247 www.nationaldomesticviolencehelpline.org.uk
National Centre for Domestic Violence Provides a free, fast emergency injunction service to all survivors of domestic violence.	0800 970 2070 www.ncdv.org.uk
Broken Rainbow Broken Rainbow offers support for LGBT people experiencing domestic violence.	0800 999 5428 http://www.brokenrainbow.org.uk/
Men's Advice Line Advice and support for men experiencing domestic violence and abuse.	0808 801 0327 www.mensadvice.org.uk
Refuge helpline (24 hours) Support for women and children including refuges.	0808 2000 247
The Samaritans (24 hours) For confidential help, support and safe emergency accommodation.	116 123 jo@samaritans.org
Empowerment (formerly Lancaster and District Women's Aid) For people affected by domestic abuse.	0300 32 32 100 (option 6) admin@empowermentcharity.org.uk



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.

3.0 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.
- 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.

Document Control:

Version No.	Effective Date	Reason	Review Due
1.0	12.04.11	Policy agreed by Personnel Committee	
2.0	03.02.14	Policy update	03.02.16
3.0	02.02.16	Revisions to be considered by JCC and Personnel 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.

REGRADING APPEAL FORM

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

Grading Appeals Panel comments and outcome

Grading Appeals Panel comments and outcome

Signed: _____ **Date:** _____
(Chair of the JE Appeals Panel)

Signed: _____ **Date:** _____
(Trade Union advisor)

Signed: _____ **Date:** _____
(HR advisor)

Draft - Alcohol and Substance Misuse at Work Policy

1.0 POLICY STATEMENT

- 1.1 This Policy is about the misuse of alcohol and other substances including illegal drugs, prescribed and non-prescribed medication, solvents and any other substance which affects mental and bodily function.
- 1.2 Alcohol and substance misuse is bad for the safety and wellbeing of staff, customers and the wider public as well as reducing work performance. It can also damage the reputation of the Council. Prolonged misuse causes serious long term health problems and early death.
- 1.3 The policy covers three areas:-
- Setting sensible rules about alcohol and substance misuse and making sure people are aware of them
 - Providing help to those who have a problem of misuse
 - Dealing with people who report to work unfit through misuse
- 1.4 Managers have the main responsibility for making the Policy work in all three areas with the support of the trade unions.
- 1.5 However, all staff must make sure they bring misuse problems to the attention of their manager and cooperate with action taken under the Policy.
- 1.6 The HR Team will provide advice to managers and staff on all aspects of the policy, particularly referrals to the Council's Occupational Health Adviser and the instigation of disciplinary and capability procedures when needed.
- 1.7 Information on this policy will be provided in briefings, in induction material and on ELSIE (and will be reinforced as part of the council Health and Wellbeing campaigns. For staff who do not have access to the intranet (ELSIE), hard copies will be made available.

2.0 RULES

- ***Fitness for work*** – The overriding rule is that staff must never report for work while unfit due to the influence of alcohol or any other substance including prescription drugs. If they do so, this is likely to be treated as gross misconduct leading to dismissal.

(Detecting misuse, testing and dealing with staff in this situation is covered in section 4.0 below)
- ***Drinking alcohol during working hours*** - This will be very exceptional, i.e. only on festive occasions, leaver parties etc which have been approved and organised by the Council.
- ***Drinking alcohol during lunch-times*** – This is discouraged because, even in small quantities, alcohol affects reflexes, response times and judgement which may impact on performance and/or safety. Staff should not in any case drink alcohol at a lunch-time when they are to attend a meeting in the afternoon.
- ***Special situations*** – There are certain groups of staff who are not allowed to drink at all during the working day (including breaks and lunch-times).
 - Staff who drive most days as part of their duties whether in a Council or a private vehicle, e.g. Drivers, Building Inspectors, Housing Officer etc.
 - Staff who work with or around machinery, chemicals, or on or near the highway, e.g. Waste Operatives, Electricians, Plumbers etc.
 - Staff who have a direct responsibility for safety of the public, e.g. Lifeguards, Duty Managers, etc.

- Staff who have regular face-to-face contact with the public, e.g. VIC Staff, Customer Service Staff, Enforcement Officers etc.

Staff who temporarily take on any such duties should also observe this rule – if in any doubt, ask your manager.

- ***Drinking alcohol outside the working day*** - All staff should be aware of the time it takes for alcohol to get out of the system and be sure that when they report for work they are not under the influence of alcohol. They should also ensure that when drinking in public places, they are not identified with the Council by wearing of uniforms, ID badges etc.

(Help with problems of excessive drinking is dealt with in section 3 below)

- ***Taking illegal drugs/solvent etc misuse during the working day*** – The Council has a zero-tolerance approach to use of illegal drugs because it is a criminal offence and generally affects the user's ability to function safely. If an employee uses, buys, sells or is in possession of illegal drugs during the working day it will be considered as gross misconduct. Similarly, solvent or other substance misuse or the buying, selling or possession of such substances for these purposes during the working day will be considered as gross misconduct.
- ***Taking illegal drugs/substance misuse outside the working day*** – This cannot be condoned and the aim will be to help people to overcome the problem as quickly as possible. If the Employee refuses help or for some reason continues to use illegal drugs outside work, then this could be considered as gross misconduct. At all times, staff should ensure that when they report for work they are not under the influence of drugs or other substances. (Help with problems of drug/substance misuse is dealt with in section 3 below)
- ***Use of prescription and over-the-counter medications*** – Staff taking prescription or over-the-counter medications which are likely to affect their performance or safety at work (e.g. medication labelled “May cause drowsiness – if affected do not drive or operate machinery” to which they are susceptible) must bring this to the attention of their manager immediately and before starting work. Where there is any potential hazard, they should be transferred to alternative work until advice has been sought in consultation with HR.

3.0 HELP WITH PROBLEMS OF MISUSE

3.1 Disclosure of a misuse problem

- 3.1.1 Staff with alcohol or substance misuse problems are strongly encouraged to seek specialist help and advice which is available from GPs or local agencies, some of which are listed at the end of this Policy. Information can also be found on ELSIE.
- 3.1.2 They should also contact their manager/HR so that support can be given in the workplace and, in appropriate cases, a referral may be made to see the Council's Occupational Health Adviser.
- 3.1.3 Any such disclosure will be treated in strict confidence and colleagues will only be informed if it is sensible to do so and the member of staff agrees.

3.2 Discovery of a misuse problem

- 3.2.1 People on the way to a dependency frequently hide the evidence and refuse to admit to themselves or to others what is happening to them. Staff who suspect or know that a colleague has a problem should encourage them to seek help and, if appropriate, tell their manager.
- 3.2.2 A manager who has reasonable evidence of a misuse problem which is affecting work performance or attendance should arrange to discuss this with the Employee concerned. If, during the course of the meeting, an alcohol or substance misuse problem is admitted, advice should be sought from HR about workplace support, referral etc.

3.2.3 If it becomes clear that alcohol or substance misuse is not the causal factor, or if the Employee does not admit such a problem, the matter should be dealt with under the disciplinary, capability or attendance management procedures as appropriate.

3.3 Help with alcohol or substance misuse

3.3.1 Each case will be different, but HR, in conjunction with the manager, will arrange help in a number of the following ways:-

- Initial discussion with a trained member of the HR Team about the problem
- Referral to Occupational Health for an assessment and guidance
- Access to one or more of the local agencies listed at the end
- Confidential counselling by an in-house counsellor or by referral
- Help with job and workplace issues
- Short or longer term redeployment (is this is an option)

3.3.2 Ideally, the Employee will be able to continue in work, but if they do have to go off sick, normal absence management procedures will apply and they should be made fully aware that the rule about reporting for work unfit still applies.

3.3.3 Whether at work or off sick, regular (at least monthly) reviews should be held to monitor progress and agree further action. This must continue until both parties agree that it is no longer needed.

3.3.4 If during the course of the process, help is refused or the Employee fails to follow the programme agreed and the performance problem continues, then action may have to be taken under the capability or absence management procedures. These could ultimately lead to capability dismissal or ill-health retirement. If the problem relates to use of illegal drugs, then refusal or failure to follow the programme agreed may result in action under the disciplinary procedure.

3.3.5 If as a result of the referral programme, the employee is able to sustain a return to working at an acceptable level of performance/attendance, then any warnings under the Council's disciplinary, capability or managing attendance procedures will cease to be active after the appropriate periods.

3.4 Relapses

3.4.1 If the programme has been successful but, after a period of time, the Employee relapses into the problem behaviour, further help will normally be offered. However, each case will be considered on its merits and there will be a point at which it is reasonable to decide that no further help should be offered and the issue will be dealt with under other Council procedures.

4.0 DEALING WITH STAFF UNFIT FOR WORK

4.1 Concern as to whether someone is unfit for work due to the influence of alcohol or other substance misuse may arise following an accident or incident; from discovery of alcohol or other substances at work; from direct observation or from a report by a colleague or member of the public.

4.2 Whatever the source, a manager must act promptly to deal with the situation.

4.3 Assessing the situation

4.3.1 The manager must speak to the Employee to make them aware of the concern and to form an opinion as to whether they are actually under the influence of alcohol or other substance.

4.3.2 Evidence may include - Smelling of alcohol (or other intoxicant), facial flushing, bloodshot eyes, difficulty focusing, lack of concentration, slurred speech, hand tremors, appearing unsteady, erratic, aggressive or moody behaviour.

- 4.3.3 The discussion with the employee should take place away from colleagues and the public unless there is danger requiring immediate action. Wherever possible, the manager should seek a second opinion, preferably from another manager/supervisor.
- 4.3.4 The manager should obviously consider other causes for the symptoms observed such as the effects of chronic illnesses, recent shock or stress, etc.
- 4.3.5 When considering fitness for work, the manager must think about safety issues but also other service delivery issues and the Council's reputation. For example, is there contact directly with clients or the public or is concentration/accuracy required?

4.4 Testing

4.4.1 The key principle is that testing will be carried out on a 'with-cause' basis. This means that it will only occur if, having assessed the situation, the manager has a genuine belief that the Employee is unfit to work because of alcohol or substance misuse. It will be carried out using properly calibrated equipment by staff trained in testing procedures.

- The Employee who is thought to be unfit will first be asked by the manager to complete and sign a test form stating if any prescribed/over-the-counter medication or other substance has been taken in the last 48 hours and consenting to the test. They will be offered the opportunity to have a witness present while the test is carried out. This could be a trade union representative, a colleague or other appropriate person.
- The test will be carried out:-
 - **Alcohol** – Normally a breath test*. The action level for alcohol will be the legal drink-drive limit, i.e. currently:-
 - 35 microgrammes per 100 millilitres of breath
 - 107 milligrammes per 100 millilitres of urine
 - 80 milligrammes per 100 millilitres of blood

A second test should be taken a minimum of twenty minutes later to confirm (or otherwise) the result

- **Substances** – Normally a saliva test* which will test for various drugs. There is no acceptable volume level for each type of drug. A second test should be taken at least one hour later to confirm (or otherwise) the result.

**If the Employee is subject to a Police test (e.g. random testing or following an accident) then these results can also be taken into account in any disciplinary process.*

- Two copies of the actual test results will be printed, one for the Employee tested, one for the Council. The Employee tested should sign both copies.
- The Employee tested and any witnesses present will sign the test form to confirm the results produced.

4.4.2 If the Employee has refused to take part in testing, then it may be inferred from their refusal that they believe the result would be positive. The manager should proceed on the basis of the genuine belief that the Employee is unfit through alcohol or substance misuse, (see below).

4.5 Action following the test

4.5.1 If the Employee tested is found not to be under the influence of alcohol or substance misuse, then the manager should reassure the Employee tested and arrange for them to return to work, providing that the symptoms observed do not suggest otherwise.

4.5.2 If the test results are positive, or if the Employee has refused to take part in testing, then they may be suspended on full pay in accordance with the Council's disciplinary procedure relating to potential gross misconduct. Wherever possible, the manager should inform HR and the relevant Assistant Director of the action being taken.

4.5.3 If the Employee is considered capable of understanding the decision to suspend, it may be done in the normal way, i.e. a verbal explanation followed by written confirmation to the home address. If not, then the Employee should be instructed to cease work immediately and to report to the manager the following day, at which time a verbal explanation and written confirmation of the suspension should be given.

4.5.4 In either case, certain sensible precautions should be taken:-

- The manager should ensure that the unfit Employee can get home safely. This may include arranging for a supervisor or colleague to take them home or asking their emergency contact to pick them up.
- If the Employee refuses help or tries to drive or cycle home, the manager must take reasonable steps to prevent this including calling the Police if necessary.
- If the Employee reacts aggressively or refuses to leave, then again it may be necessary to call the Police.

4.6 Recording the incident

4.6.1 A detailed record of the incident should be taken to ensure that any formal disciplinary action will have the full facts of the case.

4.6.2 The record should include:-

- Date and time of the incident
- When concerns were first raised, by whom and what were they
- When the employee was approached and what was the response
- The date, time(s) that alcohol tests were carried out or samples for substance analysis were taken and the results of the tests.
- Where a test is refused, this must also be recorded.
- Statements from the person(s) who first raised concern, the person(s) asked to provide a second opinion, any other person who witnessed the events
- Any other information that was relevant to the decision to suspend.

5.0 REVIEW

5.1 This Policy covers a number of very sensitive areas and involves a number of areas of law which may change over time. It may need to be reviewed in the light of experience of its application but it should also be subject to a regular review every twelve months.

Support Services Available

<p>Renaissance and Drugline Lancashire 2 Union Court Union Street Preston PR1 2HD Tel 01772 253840 E-mail enquiries@druglinelancs.co.uk</p>	<p>Comprehensive drug service for drug users, their families, friends and workers.</p>
<p>Alcohol and Drugs Service 8-9 Fox Street Preston PR1 2AB Tel 01772 561300</p>	<p>Counselling, information and advice for young people worried about their own alcohol use. Drug day-care support for abstinent clients and those not using illicit substances.</p>
<p>Alcoholics Anonymous (Great Britain) National helpline 0800 9177 650 E-mail help@alcoholics-anonymous.org.uk Website www.alcoholics-anonymous.org.uk</p>	<p>Self help groups for people who recognise they need to address their alcohol use. Various meetings in Lancaster, Morecambe and across Lancashire.</p>
<p>Narcotics Anonymous UK National Helpline 0300 9991212 Website www.ukna.org</p>	<p>Self help groups for people who recognise the need to address their use of narcotics. Various meetings in Lancaster and across Lancashire.</p>
<p>Inspire Lancaster North Lancashire Integrated Recovery Service 24 Great John Street Lancaster North Lancashire LA1 1NG United Kingdom 01524 388 493</p> <p>And</p> <p>Belfield House 173 Euston Road Morecambe LA4 5LQ United Kingdom 01524 834210 Website: www.cri.org.uk</p>	<p>Advice on Drugs and Alcohol to help minimise drug and alcohol misuse where possible</p>
<p>Drinkline Helpline 0800 9178282 Website www.drinkaware.co.uk</p>	<p>Advice to alcohol drinkers or anyone concerned about the drinker. Website includes database of local services.</p>
<p>Talk To Frank Tel 0800 776600 Website www.talktofrank.com</p>	<p>Advice to drug users or anyone concerned about the drug user. Focus is on young people and concerned parents but help is available to adult drug users.</p>
<p>Cocaine Anonymous Helpline 0800 6120225 Website www.cauk.org.uk</p>	<p>Self help group specifically for cocaine users.</p>
<p>Adfam National Helpline 020 75537640 Website www.adfam.org.uk</p>	<p>Works with and on behalf of families affected by drug and alcohol problems.</p>
<p>General Practitioners, may also provide support or refer people to appropriate support services.</p>	

Draft Alcohol and Drugs Policy 'With Cause' Testing and Consent Form

Section 1- To be Completed by Donor Prior to Testing					
Donor's Name		Job Title			
Donor's Statement:					
I confirm that in the last 48 hours I have taken the following prescribed/over-the-counter medications or other substances. If None, please write none.					
I do*/ do not* consent to provide breath samples for the detection of alcohol I do*/ do not* consent to providing a saliva samples for the detection of drugs. I am fully aware of the Council's Policy and understand that the results will be passed to my manager.					
Signed		Date			
Section 2- Alcohol Testing					
Test 1 Date/ Time		Result		Tester	
Test 2 Date/ Time**		Result		Tester	
Witnesses Name		Signature			<i>If in attendance</i>
Testing Device Used:					
Declaration: I confirm that the results of the breath tests were as shown above.					
Don or		Tester		Witness	
Section 3- Drug Testing					
Test 1 Date/ Time		Result		Tester	
Test 2 Date/ Time**		Result		Tester	
Witnesses Name		Signature			<i>If in attendance</i>
Testing Device Used:					
Declaration: I confirm that the results of the drug test(s) are as shown above					
Donor		Tester		Witness	

* Delete as Appropriate **Must be at least **20 minutes** later than Test 1. *** Must be at least **one hour** after Test 1

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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