

Your ref  
Our ref  
Ask for Christine Lewis  
Email christine.lewis@lichfielddc.gov.uk



District Council House, Frog Lane  
Lichfield, Staffordshire WS136YU

Customer Services 01543 308000  
Direct Line 01543 308065

1<sup>st</sup> February 2017

Dear Sir/Madam

### **EMPLOYMENT COMMITTEE**

A meeting of the Employment Committee has been arranged to take place **THURSDAY 9<sup>th</sup> FEBRUARY 2017 at 6.00 PM IN THE CONFERENCE ROOM** District Council House, Lichfield to consider the following business.

Access to the Conference Room is via the Members' Entrance.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Neil Turner', is written in a cursive style.

Neil Turner BSc (Hons) MSc  
**Director of Transformation & Resources**

### **To: Members of Employment Committee**

Councillors Powell (Chairman), Miss Hassall (Vice-Chairman), Mrs Banevicius, Mrs Constable, Cox, Mrs Eagland, Humphreys, Smedley, Mrs Stanhope MBE, Strachan and Yeates.



[www.lichfielddc.gov.uk](http://www.lichfielddc.gov.uk)



[/lichfielddc](https://www.facebook.com/lichfielddc)



[lichfield\\_dc](https://twitter.com/lichfield_dc)



[MyStaffs App](#)

## AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. To approve as a correct record the Meetings held on 26<sup>th</sup> October 2016 and 13<sup>th</sup> December 2016 (copy attached)
4. Elected Members Learning & Development Needs Analysis 2017-18 (copy attached)
5. Employee Code of Conduct and HR Policies (copy attached)
6. IT Acceptable Use Policy (copy attached)



# EMPLOYMENT COMMITTEE

26<sup>th</sup> OCTOBER 2016

## PRESENT:

Councillors Powell (Chairman), Hassall (Vice Chairman), Mrs Banevicius, Smedley, Mrs Stanhope MBE, Strachan and B. Yeates

**120** (AN APOLOGY FOR ABSENCE was received from Councillors Mrs Eagland, Cox and Humphreys)

## **121** DECLARATIONS OF INTEREST

Councillor Strachan disclosed a personal pecuniary interest in one example of a claim against the Council described in the Annual Health and Safety Report (Agenda Item No. 5).

## **123** MINUTES

The Minutes of the Meeting held on 24<sup>th</sup> May 2016, as printed and circulated, were taken as read, approved as a correct record and signed by the Chairman.

## **124** DRIVING AT WORK POLICY

Consideration was given to the proposed Driving at Work Policy which amalgamated current service specific procedures in to one document.

The policy required employees driving at work to have appropriate licences, insurance cover and permits for the vehicles they used/drove and these would be checked annually. The committee noted that driving licences were now submitted digitally rather than in paper form.

In response to concern raised about refuse vehicles reversing, it was confirmed that refuse vehicles were required to reverse with a "banks-man" and any breach of this procedure could lead to an investigation and potentially disciplinary action. Mr Langston promised to follow up the observation with the Councillor.

Details were given of the process to be followed if an incident/accident occurred and it was noted that vehicles are fitted with recordable CCTV systems, which provide additional evidence in the event of an accident/incident.

**RESOLVED:** That the Report and Driving at Work Policy be approved.

## **125 ANNUAL HEALTH AND SAFETY REPORT**

The Committee received the Council's Health, Safety and Insurance 2015/16 Annual Report. The Committee interrogated the data in detail and explored the difference between public liability, employee and motor vehicle claims. Accidents whilst reversing were identified as a cause for concern and this was being monitored but the Committee noted the improving trend. The Health and Safety Manager said he was currently working with the Joint Waste Service to try and improve the systems used i.e. look at different routes which could be taken, different storage areas for the bins, different times of the day which would alleviate the risks. In-house staff training had been delivered to 160 members of staff over the last 12 months. Lichfield District Council had had no visits from the Health & Safety Executive nor the Environment Agency or Fire Service in relation to its health and safety, however, there was likely to be a HSE Audit of the Joint Waste Service at some point as part of their National Audit Strategy.

**RESOLVED:** That the Health, Safety and Insurance 2015/16 Annual Report be approved.

## **126 REVISED PAY POLICY STATEMENT**

Mr Turner, Director of Transformation and Resources introduced the revised Pay Policy Statement. This revision had been necessary as a consequence of the recent new management structure. However, since publishing the document there had been one additional amendment relating to the authorising of all potential recruitments which has now been delegated to all Heads of Service and Directors not the Leadership team as stated on page 3. This additional amendment was agreed.

Apprentices were mentioned as there did not seem to be many employed by Lichfield District Council. Mr Turner said this is likely to increase in time.

**RESOLVED:** That the Pay Policy Statement be approved subject to the amendment on page 3.

## **127 EXCLUSION OF PUBLIC AND PRESS**

**RESOLVED:** That as publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted, the public and press be excluded from the meeting for the following item of business, which would involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended.

**IN PRIVATE**

**128 FIT FOR THE FUTURE REDUNDANCY REPORT**

The Committee received a redundancy report following the review of the Community Transport Scheme and the decision to cease the service.

**RESOLVED:** That the Compulsory Redundancy as detailed in Appendix A of the report be approved and recommended to Full Council.

(The Meeting closed at 6.30 p.m.)

CHAIRMAN

# EMPLOYMENT COMMITTEE

13<sup>th</sup> DECEMBER 2016

## PRESENT:

Councillors Smedley (In the Chair), Mrs Banevicius, Mrs Constable, Cox, Strachan and B. Yeates

1. **APOLOGIES FOR ABSENCE** were received from Councillor Powell, Mrs Hassall, Humphreys and Mrs Stanhope MBE)

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

3. **EXCLUSION OF PUBLIC AND PRESS**

**RESOLVED:** That as publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted, the public and press be excluded from the meeting for the following item of business, which would involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended.

## IN PRIVATE

4. **FIT FOR THE FUTURE REDUNDANCY REPORT**

The Committee received a Fit for the Future Voluntary Redundancy Report together with the financial implications.

**RESOLVED:** That the Voluntary Redundancy application on the schedule attached at Appendix A of the Report be approved and recommended to Full Council.

(The Meeting closed at 5.40 p.m.)

CHAIRMAN

# ELECTED MEMBERS LEARNING & DEVELOPMENT NEEDS ANALYSIS 2017-18



## REPORT OF THE HUMAN RESOURCES MANAGER

Date: 9th February 2017  
Agenda Item: 4  
Contact Officer: Cathy Pepper  
Tel Number: 01543 308112  
Email: Cathy.pepper@lichfielddc.gov.uk  
Key Decision? NO  
Local Ward Members None

## EMPLOYMENT COMMITTEE

### 1. Executive Summary

- 1.1 To seek the opinion of the Committee as to the content of the 2017/18 Elected Members Learning & Development Needs Analysis (LDNA) and how best to ensure a high level of response.

### 2. Recommendations

- 2.1 That the Employment Committee provides advice and direction on the above LDNA.
- 2.2 That the Committee considers the outcome of the survey at its next meeting to ensure that Member learning and development priorities are met.
- 2.3 That the Committee advises on how best to promote learning and development to Elected Members.

### 3. Background

- 3.1 Elected Member Learning & Development is a key factor in Lichfield District Council's continuing performance as a good council and being Fit for the Future.
- 3.2 To ensure that Learning & Development events are meeting the needs of Members, we would ask the Committee to provide us with guidance on the content of the attached document and how best this should be communicated given that unless the Members actively promote their own Learning and Development, we cannot ensure that Members will take up opportunities presented to them.
- 3.3 This Committee has been active in promoting and improving the numbers responding to the LDNA and the data insert below indicates an average of over 60% response rate over the last three surveys. Although this is an improvement over previous years there is still some way to go to ensure that Members are taking up the Learning and Development opportunities that this Committee has identified as important.

Returns 2016	%	Returns 2015	%	Returns 13/14	%	Returns 12/13	%
28/46 (no nil returns)	61	<i>The committee agreed in 2014 that no survey would be carried out in that year as plans were being made for the General Election in 2015</i>	0	32/55 (9nil returns)	58	37/56 ( 8 nil returns)	66

3.4 The purpose of the survey is to identify any individual learning and development requirements to ensure that Members are able to fulfil their role as a Councillor most effectively. We also provide role specific training around key areas.

3.5 All members must attend Equality and Diversity training and Planning Committee members must attend a minimum of one training session per year. It is strongly recommended that members attend sessions on the following key topics to keep up to date.

- Code of conduct/ potential changes
- Planning
- Audit
- Finance
- Overview and Scrutiny
- Regulatory and Licensing training
- Health & Safety
- Safeguarding

3.6 The Committee are asked to give advice and guide to officers on how best to promote these learning opportunities to relevant councillors.

3.7 This Committee is asked to recommend that when there are Cabinet changes, senior Councillors are encouraged to attend relevant events as part of their development into the role.

Given our financial constraints we need to continue to be flexible and creative in supporting Member development through different means e.g. sending out briefing notes, attending regional courses, where appropriate on line training and working with our neighbouring councils where appropriate.

3.8 **Appendix A** sets out the LDNA Questionnaire 2017/18 along with a Personal Development Tool for Members.

Alternative Options	There are no recommended alternative options.
---------------------	---

Consultation	The views of the Committee are welcomed. Chief Officers have been consulted and advised on key areas for member development over the next 12 months.
--------------	---

Financial Implications	A budget of 5K for Member development has been allocated and will be used to fund learning and development in a way that meets the priority needs of the majority of Members and the council.
------------------------	---



	When Members do not attend the events there is a cost to the Council in terms of poor value for money in relation to the cost of development for Members actually attending.
--	--

Contribution to the Delivery of the Strategic Plan	<p>Learning and development will continue to specifically address corporate priorities and issues highlighted in the Strategic Plan.</p> <p>This contributes to the strategic priority of 'A council that is fit for the future'.</p>
--	---

Equality, Diversity and Human Rights Implications	There are no Equality, diversity or human right issues identified.
---	--

Crime & Safety Issues	No Applicable
-----------------------	---------------

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Members availability to attend relevant events	Introduce more flexible ways of learning and Development e.g. on line packages	Green- Tolerable
B	The risk of members failing to engage / attend planned events	Need to find ways of ensuring members engage with their own Personal Development	Yellow- Material
C	Waste of resources /costs effectiveness associated with none attendance.	Encouraging members to attend events or make the development compulsory	Green- Tolerable

Background documents

Relevant web links

Name: Cllr Click here to enter text.

## Elected Members Learning and Development Needs Analysis 2017

Lichfield District Council is committed to supporting you in your role as an Elected Member. There are a variety of ways that you can develop your skills as a Councillor.

Sufficient time and funds need to be allocated to make this Learning & Development effective.

- Provision will be made in your Calendar of 5 Learning & Development dates throughout the coming year, and there are specific training dates in the diary. This will ensure that elected Members have adequate notice of training events and can plan accordingly.
- Events will also be arranged to brief Elected Members in legislation and similar issues.
- A budget has been set that will provide sufficient funding for the 5 proposed Learning & Development dates.

To ensure that Learning & Development events are meeting the needs of Members, you are invited to express your Learning & Development requirements on the attached Members Learning & Development Needs questionnaire. To help you identify your own development needs, There is a [self review tool](#) for you to work through, available online [Click here](#). This will help you reflect on what are the core skills of an effective councillor, where you see your own strengths and where you might need to develop further. It then gives some ideas on development initiatives that could be taken to meet those needs. This is for your own private use and does not need to be returned.

- The questionnaire will be issued XXXX 2017. Agreed at employment Committee
- After working through the development tool, transfer your Development needs on to the questionnaire.
- **Please** make full use of the section inviting your own ideas for topics not covered in the lists, so that your Development Programme can be tailored to your individual needs. If numbers are small, alternative options to an on-site workshop will be sought e.g. Regional events, briefing notes.
- **There is no need** to list legislation issues because these will be covered as essential topics that will be directed at those Elected Members for whom it is relevant.
- **Please** return the completed form to the Learning & Development Officer, Mandy Linthwaite, as soon as possible but in any case by XXXX .

# Members Learning & Development Needs 2017 (LDNA)

The purpose of this questionnaire is to identify any individual Learning & Development requirements to ensure that you are able to fulfil your role as a Councillor most effectively.

**1. Role specific training.** We regularly organise training around key areas. It is strongly recommended that members attend sessions on these key topics to keep up to date. All members must attend Equality and Diversity training and Planning Committee members must attend a minimum of one training session per year.

- Code of conduct/ potential changes
- Planning
- Audit
- Finance
- Overview and Scrutiny
- Regulatory and Licensing training
- Health & Safety
- Safeguarding

**All Members** are welcome to attend these events and will be shown on the Calendar of meetings.

If there is anything within the above areas you would like us to cover please indicate below:

Click here to enter text.

## 2. Current Learning Priorities

Please insert an x in the relevant row, the main learning and development needs that you currently feel you require:

**Generic Skills –**

LEARNING OR DEVELOPMENT REQUIRED (X)	SUBJECT	DESCRIPTION OF LEARNING OR DEVELOPMENT
<input type="checkbox"/>	<b>Chairing Skills</b>	Manage meetings more effectively, questioning, listening and timing
<input type="checkbox"/>	<b>Effective Ward member</b>	Being an effective community leader
<input type="checkbox"/>	<b>Data Protection and Freedom of Information</b>	New legislation is coming into force in May 2018 Understand its impact on the Council and your responsibilities
<input type="checkbox"/>	<b>Speed Reading</b>	Learn new strategies and techniques to enable you to read and assimilate information faster
<input type="checkbox"/>	<b>Managing Time effectively</b>	How to get organised, manage your paperwork, prioritising
<input type="checkbox"/>	<b>Personal Safety</b>	Understanding steps to take to keep yourself safe when meeting 1-1 with people.

<input type="checkbox"/>	<b>Developing Effective partnerships and community engagement</b>	Looking at how to facilitate closer working at a local level between organisations involved in the delivery of local services; facilitating effective partnerships. How to support effective community engagement.
<input type="checkbox"/>	<b>Licensing Appeals</b>	Train to be able to sit on licensing appeals and understand and apply legislation and procedure
<input type="checkbox"/>	<b>Public Speaking</b>	Preparing to speak to different audiences, getting your message across, improve your confidence and deal with challenges from others
<input type="checkbox"/>	<b>Commercialisation</b>	Understanding how Councils can become more commercial to generate income and become more financially sustainable.

### 3. National programmes through the Local Government Association

There are a range of programmes available via the national Local Government Association. Many of these are heavily subsidised.

For full details of content and next dates please click on the link below:

<http://www.local.gov.uk/councillors-guide-2015/16/development>

**Leadership Essentials** for a specific portfolio area or theme :

- Health & wellbeing
- Finance
- Digital Leadership
- Sport
- Scrutiny
- Planning
- Getting Your message across
- Young Councillor's weekend
- Effective Opposition
- Commissioning Academy
- Consultation and Engagement, Risk Management, Media Masterclasses

If any of these programmes are of interest please write in the course details in the box below

Click here to enter text.

### E-learning

The LGA are developing range of e-learning material to allow you to work through at your own pace, and return to when you have the time available. The current content includes:

- Effective Ward Councillor
- Facilitation and Conflict Resolution
- Handling Complaints for Service Improvement

If you would like to use the e-learning modules, please email Mandy Linthwaite for a password.

### Councillor workbooks

There are a large number of workbooks aimed at helping Councillors develop their skills, from the LGA:

- Supporting constituents with complex issues
- Neighbourhood Planning

- Neighbourhood and community engagement
- Media and communications
- Effective member and officer relations
- Scrutiny of finance
- Handling complaints for service improvement
- Chairing skills
- Community safety
- Creating a fit for the future organisation – the political dimension

These can be accessed via the Local Government Association website, for you to do at a time that suits you.

<http://www.local.gov.uk/councillor-workbooks>

#### 4. Information Technology

Many members are now using their own laptops and mobile devices to access council information and their email. Is there any support you need to enable you to communicate with the Council?

Is there any area of IT where you would like additional support /development?

Click here to enter text.

#### 5. Other topics.

We recognise there may be other learning and development needs that have not been covered, please give details below of any issues, subject areas or ideas for learning & development delivery below:

Click here to enter text.

Signed: .....Click here to enter text.....

Date:.....Click here to enter text.....

**Thank you for taking the time to complete this questionnaire. The results will be used to develop the programme of learning for 2017/18. All individual responses will be treated as confidential.**

**Please return this form to Mandy Linthwaite, Learning & Development Officer by xxxx**

# Employee Code of Conduct and HR Policies

Report of Director of Transformation and Resources

Date: 13 February 2017

Agenda Item: 5

Contact Officer: Neil Turner / Cathy Pepper

Tel Number: 01543 308761 / 308112

Email: [neil.turner@lichfielddc.gov.uk](mailto:neil.turner@lichfielddc.gov.uk);  
[cathy.pepper@lichfielddc.gov.uk](mailto:cathy.pepper@lichfielddc.gov.uk)

Key Decision? **NO**

Local Ward None

Members



## Employment Committee

### 1. Executive Summary

- 1.1 The council is undergoing a period of cultural and structural change. As part of that work a new Employee Code of Conduct has been drafted, four key HR policies have been reviewed and amended, and one new HR policy has been drafted. This work has been undertaken to demonstrate commitment to change, to encourage consistency across 'one council', to reflect our corporate values, and to align responsibilities with the new management structure.
- 1.2 The Code of Conduct and the policies are an important part of every employee's terms and conditions within the council so any change to them imposes a change on employee's contracts.
- 1.3 There has been a lengthy period of consultation with staff regarding the Code of Conduct and the policies. The union, in accordance with the collective bargaining agreement, has indicated that they support the proposed Code and revised policies.
- 1.4 The Code and revised policies can only be adopted formally when approved by Employment Committee and Full Council. Approving these policies may also require subsequent changes to the council's Constitution.
- 1.5 The local Code of Conduct is a new policy and replaces, in employment contracts, the national Code of Conduct. The 4 revised HR policies include Disciplinary; Grievance; Attendance and Sickness Management; and Performance Management. Managing Relationships at Work is a new policy.
- 1.6 This report seeks the approval of Employment Committee to the Code of Conduct and the 5 HR policies so that they can be adopted and implemented.

### 2. Recommendations

It is recommended that:

- 2.1 Employment Committee approves the Code of Conduct and the 5 HR policies as attached at **APPENDIX A**.
- 2.2 Employment Committee recommends the Code and the 5 HR policies to Full Council and asks that it approve any relevant changes to the Constitution, particularly relating to the new Disciplinary Policy.

### 3. Background

- 3.1 As part of the Council's 'Fit for the Future' Programme a review of senior management structures was carried out in 2016. The review formed part of the wider work being undertaken to create a 'corporate

council' which also includes the development of a new Strategic Plan and a review of employee terms and conditions.

3.2 The new management team needs to be supported by relevant and up to date policies to ensure that the policies and procedures are in place to enable them to perform their roles appropriately and help ensure the Council's management structure is fit for the future, and provide management capacity that is better able to:

- Facilitate, support, enable and promote transformation in how the council operates and delivers services to the community
- Support a 'one council' ethos across the organisation, and reinforce strong corporate governance and performance management
- Enable a more policy driven and evidence led approach to decision-making and service development
- Create and support a tier of empowered and confident heads of service and technical professionals that manage day-to-day operations and service delivery

3.3 The Council is committed to reviewing and developing key policies at appropriate times to reflect relevant legislative and organisational structure changes and also to incorporate best practice and latest guidance.

### **Code of Conduct**

3.4 The council relies on the professionalism, reliability and loyalty of its employees. The Code of Conduct sets out the Council's expectations of its employees to maintain the highest standards of integrity and personal conduct in the workplace. Anyone representing the Council in their work is required to promote and maintain these standards in order to uphold the good reputation of the Council and its services. The Code of Conduct is based on a set of core principles recommended by Government and have been adapted to take account of local rules, procedures and priorities at Lichfield District Council.

3.5 The new Code of Conduct replaces all references to the national Code of Conduct which has been previously observed by the council.

### **Disciplinary Policy**

3.6 Lichfield District Council aims to support all managers and employees to deliver excellent services to our residents and communities. As public servants, local government employees are expected to abide by the highest standards of conduct and behaviour. Normally this will be achieved through providing clear advice and training, managing fair and robust policies and procedures, and having clear and open communication with our employees. This policy reflects the new management structure and has been designed to enable matters to be dealt with in a timely, transparent and consistent manner.

3.7 Whilst the disciplinary policy covers all staff there are additional procedures to be followed if senior officers are the subject of investigations. This policy does not alter the way in which investigations and hearings into allegations against senior officers are undertaken.

3.8 One of the key changes to this policy is to streamline the process of dealing with allegations against other employees. The new policy grants Heads of Service and Service Managers more prominent responsibilities to undertake investigations and hearings. By devolving more responsibility to heads of service, it is intended that appeals against sanctions are now heard by Directors or Chief Executive rather than by Members. Adopting this procedure will require a change to the Constitution.

- 3.9 It is intended that these changes will improve people's understanding of the processes, make them more transparent and timely, and ensure that they are applied consistently across the council.

### **Grievance Policy**

- 3.10 Lichfield District Council seeks to ensure that our management policies provide fair treatment to all of our employees and promote a working environment where colleagues treat each other with dignity and respect. However, we recognise that in a large and complex organisation, like a council, problems may arise occasionally.
- 3.11 Most normal everyday issues of concern of employees can be resolved informally through open and honest communication with managers, colleagues or HR. This is normally the best way of dealing with things and wherever possible all employees are encouraged to attempt to resolve concerns in this way.
- 3.12 However sometimes where a problem reaches more serious proportions it may need a more structured approach to finding a resolution and the Grievance Policy and Procedure provides a process to deal with these matters.

### **Attendance Management and Sickness Policy**

- 3.13 Lichfield District Council values the contribution of its staff and recognises that good attendance is vital to the provision of high quality efficient services. The Council has a range of activities and practices to support our employees to have good levels of attendance and performance at work. However, the Council knows that there are sometimes genuine reasons why employees will need time off from work for sickness or other reasons.
- 3.14 The Policy provides managers with the tools to more effectively manage absences through sickness and other reasons so that employees can be supported back into work as soon as possible.
- 3.15 Each case will be managed on its facts and this Policy will ensure that the Council understands and responds to these absences promptly, consistently, sensitively and fairly to support the employee's well-being and manage the cost of absence to the Council.
- 3.15 Matters raised about an employee's attendance do not imply any distrust of staff or concerns about their behaviour.

### **Performance Management Policy**

- 3.16 Lichfield District Council is committed to providing decent services to our residents and customers. To do this the Council will ensure that all employees know what their job is and what is expected of them to make the best use of our resources. A comprehensive performance management framework will support our employees to understand and achieve the aims of the Council.
- 3.17 The Council's performance management procedures will therefore give every employee the opportunity to develop in their role and to promote their talent, knowledge and expertise to achieve the Council's objectives for our local communities.
- 3.18 The Council expects performance to form part of regular discussions between the manager and the employee in the course of their normal working relationship. But occasionally, an individual's performance needs to be more carefully managed in order to nurture improvement to an acceptable standard.



3.19 This Policy will ensure that managers understand and respond to any issues of under-performance and lack of capability promptly, sensitively and fairly to encourage improvement and manage the cost and impact of under-performance.

**Managing Relationships at Work**

3.20 Lichfield District Council recognises the importance of preserving the integrity of professional relationships between members of staff as well as with Members, consultants, contractors and/or suppliers. Whilst most social and personal relationships need not present a difficulty, and can be entirely beneficial in that they promote good working relationships, it is recognised that there will be particular circumstances where the staff member(s) concerned will need to withdraw from certain decisions or from undertaking certain roles, in order to protect themselves and the council from any possible criticism of bias.

3.21 The purpose of this policy is to provide guidance to all staff regarding personal relationships within the council, in order to avoid any actual or potential conflicts of interest or misuse of authority. This policy is relevant to all individuals employed by the council including those on full-time, part-time, fixed term or casual contracts. It also covers those who are working for the council on a contractual basis or are seconded to it.

3.22 The council values the diversity of its people and is committed to promoting equal opportunities and eliminating discrimination. Therefore staff will apply and operate this policy fairly and in doing so ensure that there is no discrimination on the grounds of gender, race, disability, age, religious or political belief, sexual orientation, trade union membership/activity or marital status.

Alternative Options	There are a myriad of ways of adopting and implementing policies such as this but these have been prepared in full consultation with union representatives and with staff.
Consultation	<p>At the outset the council retained professional advice /opinion and took best practice into account when drafting these policies.</p> <p>The council initially consulted employees on the Code of Conduct in early 2016. Some changes were incorporated by the Employee Liaison Group following a ballot of union members.</p> <p>In November and December 2016, the council held 6 workplace meetings to discuss these proposed policies with staff. There were 2 sessions at the council house, 1 at Burntwood Leisure Centre, and 3 at the depot and approximately 200 employees attended these sessions.</p> <p>The meetings were advertised prominently through team briefings, wage slips and on Brian and were held during the working day. Copies of the draft Code and the HR policies were published on Brian and hard copies were provided to those teams without access to the internet or email.</p> <p>The meetings were supported by union representatives and were designed to allow staff to question management and then, in private, the union representatives.</p>

	Endorsement to the proposed Code of Conduct and the 5 HR policies has been provided by the union.
Financial Implications	There will be a requirement to provide a training programme for managers to ensure that the policies are consistently applied across the council.  This cost will be met from existing revenue budgets.
Contribution to the Delivery of the Strategic Plan	The changes in new management structure and the adoption of these new policies will play a significant role in achieving our fourth strategic priority – to be ‘A council that is fit for the future’
Equality, Diversity and Human Rights Implications	The process that has been followed in the development, consultation and proposal for the changes to these policies has ensured all issues relating to equality, diversity and human rights have been appropriately considered.  The Policies have been individually Equality Impact Assessed, to ensure we have considered the contribution towards the Council’s equalities objectives, and to assess the impact on people with protected characteristics.  There are no implications for anyone with protected characteristics as these policies applies to all employees equally.  EIAs can be found at: <a href="http://brian/Departments/equality/SitePages/Equality%20impact%20assessments%20library.aspx">http://brian/Departments/equality/SitePages/Equality%20impact%20assessments%20library.aspx</a>
Crime & Safety Issues	There are no implications relating to crime and community safety

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Non - compliance with legislation Failure to have updated policies fit for purpose.	The consultation process has ensured that Managers are able to comply with the policy.	Green
B	Insufficient resources or capacity to support managers in applying new policies	The Council must , train and develop managers in the new policy areas, providing them with the necessary skills to ensure the application of these policies are applied consistently and in line with the Council ethos of one council approach.	Yellow - Material

Background documents

Relevant web links





## **Code of Conduct**

**February 2017**

## Document Location

This document is held by Lichfield District Council, and the document owner is the Head of Corporate Services

Printed documents may be obsolete. An electronic copy is available on Lichfield District Council's Intranet 'Brian'. Please check for current version before using.

## Revision History

Revision Date	Summary of changes
15/11/16	Final Draft
25/1/17	Draft for Committee

## Approvals

Name	Approved	Date
Leadership Team	Yes	9 November 2016
ELG	Yes	December 2016

## Document Review Plans

This document is subject to regular review. Updates shall be made in accordance with business requirements and changes will be with agreed in consultation with the Employee Liaison Group.

## Distribution

The document will be available on Brian.

# LICHFIELD DISTRICT COUNCIL

## CODE OF CONDUCT FOR EMPLOYEES

### 1. Introduction

Lichfield District Council relies on the professionalism, reliability and loyalty of its employees. This Code of Conduct sets out the Council's expectations of its employees to maintain the highest standards of integrity and personal conduct in the workplace. Anyone representing the Council in their work is required to promote and maintain these standards in order to uphold the good reputation of the Council and its services.

The Code of Conduct is based on a set of core principles recommended by Government and have been adapted to take account of local rules, procedures and priorities at Lichfield District Council.

### 2. Status of the Code

Failure to comply with the standards set out in this Code may be considered a disciplinary offence and managed, investigated and reported in accordance with the Disciplinary Policy. This could result in an employee's dismissal from the Council with or without notice, in line with that Policy.

The topics covered in this Code are intended to be comprehensive. However employees should assume that conduct or actions which are not directly specified but which are similar to those described, or relate to similar standards and principles to those set out in this Code are also covered by it.

### 3. Who the Code Covers

The Code of Conduct covers all categories of Council employees whether full-time or part-time, permanent or temporary or casual.

The principles set out in this Code will also serve as guidance for agency staff, consultants, contractors, partners, external secondees and volunteers who are engaged to carry out work or provide services on behalf of the Council. If the Code is breached by these people, the Council will consider terminating the contract or arrangement with that individual, company or organisation.

Inevitably some of the issues covered by the Code will affect senior, managerial and professional employees more than they will affect other employees.

Activities carried out by employees whilst acting as members, trustees or directors of companies or voluntary organisations on behalf of the Council are subject to the standards within this Code.

This Code also applies to functions that could be perceived as being work-related that are undertaken outside working hours. Such events could be on or off the Council's premises and could include, for instance, non-working time whilst away on business, office Christmas parties, leaving celebrations or a 'team night out', or other social events where the individual or group can clearly be identified as being associated with and/or linked to the Council. This is to ensure that individuals, whether employees or members of the public, are protected from unacceptable behaviour from employees outside the workplace, and to protect the council's reputation.

The Code covers employees discussing the Council or its business outside of work whether that be in public, in the media, on the internet, social media or networking sites.

This Code does not cover Members as there is a separate Code of Conduct for Councillors.

#### **4. Aims of the Code**

This Code will

- Support the effective operation of the Council's business and the wellbeing of its employees;
- Assist the Council's employees to perform effectively by ensuring the rules and standards of the organisation are clearly communicated, and
- Guide the Council's employees in their dealings with the public, elected Members and other members of staff.

#### **5. Roles and Responsibilities**

- Elected Members, the Chief Executive and senior managers will ensure the Code is maintained and set a positive example of good behaviour and appropriate ways of working for all staff.
- Managers will ensure that all individuals working for or on behalf of the Council are aware of their obligations under the Code and take appropriate action with the employee or worker to resolve any conflicts of interest or deal with any breaches of the Code.
- Employees will comply with the standards and requirements of the Code and seek advice from their manager or HR if they are unsure what is expected in particular circumstances. Employees are also responsible for promptly reporting any breaches of the Code that they become aware of.
- HR will ensure that appropriate advice and training on maintaining the standards set out in the Code is available as appropriate and advise managers on applying the Code fairly.

#### **6. Principles of the Code**

The Code has the Council's values at its core. Employees are expected to demonstrate behaviours that reflect these values while performing their duties, or whilst they are seen to be representative of the Council.

The values of Lichfield District Council are:

- Put our customers first
- Have respect for everyone
- Improve and innovate

In addition, employees performing duties on behalf of the Council will be expected to :

- Perform their duties to the highest possible standards, with honesty, integrity and impartiality and be accountable for their own actions;
- Have a duty of trust to the Council as their employer and to the local community and service users;
- Treat others with respect, fairness and dignity at all times; and

- Communicate any concerns about breaches of the Code to an appropriate Manager to ensure that service standards and organisational values are met or improved.

## **7. Working at the Council**

Employees are expected to maintain a good attendance record at work. They are also expected to attend work promptly and work within the scope of their contract, carrying out all reasonable and lawful management instructions to fulfil the requirements of their job.

Refer to the Council's Attendance Management Policy and Procedure for more information.

Employees are also expected to maintain a professional appearance at work. The Council does not operate a formal dress code for its employees, other than for those who are provided with a uniform and/or protective clothing. However, employees must ensure that their dress is appropriate for the situation in which they are working and that they present a professional image and one that reflects sensitivity to customer expectations and perceptions.

## **8. Policies, Procedures and Professional Codes of Practice**

Employees must comply with all reasonable management instructions and abide by legislation, the Council's constitution, policies and procedures, operational or departmental practices and health and safety rules. They must also follow the protocols of any relevant professional bodies and the standards required of their particular profession.

## **9. Political Neutrality**

Members are elected to determine the policies and activities of the Council. Employees serve the Council as a whole. Employees must serve all Councillors, not just those of a particular group or political party and will ensure that the individual rights of all Councillors are respected.

Employees must ensure that their own personal or political opinions do not interfere with any policy of the council. Employees who advise political groups must maintain strict political neutrality.

## **10. Politically restricted posts**

Some employees will be in jobs that are politically restricted. This means that they are prevented by law from taking part in certain political activities outside of their work. The political activities that are restricted for these employees include :

- Standing as a candidate for election to the House of Commons, European Parliament or a local authority (but not a Parish Council)
- Holding office in a political party at any level (except in limited roles concerned only with the internal membership of the party)
- Speaking in public or publishing any written or artistic work which appears to be intended to affect public support for a political party
- Canvassing at an election.



Employees in politically restricted posts will be notified of this in their contract of employment. Employees who are not clear about activities covered by this should contact HR for advice.

### **11. Equality issues**

The Council requires the highest standard of behaviour from all its employees and specific attention is drawn to the Council's policies covering equal opportunities and discrimination.

All employees must comply with the law and the Council's policies relating to equality of treatment in the workplace to promote a productive and harmonious work environment. Council employees must not be involved in harassment or bullying against colleagues, other employees, workers or job applicants. All colleagues, members of the local community and customers have a right to be treated with fairness and equality.

Please refer to the Equal Opportunities Policy for further information.

### **12. Working Relationships**

All internal and external relationships with colleagues, service users, contractors and Councillors will be conducted in a professional and respectful way.

Mutual respect between the Council's employees and its Councillors is essential to good local government. However close personal familiarity can damage the relationship and should therefore be avoided. Further details are available in the Council's Constitution with regards to Managing Officer and Member Relationships

### **13. Personal Relationships**

Council employees cannot be involved in an appointment, or be involved in any decision relating to discipline, promotion or any pay adjustments or conditions, or be in the line management hierarchy of another employee or prospective employee to whom they are related or have a close personal relationship. Employees must declare all such relationships to their manager and must ensure compliance with all of the Council's policies relating to the recruitment and management of staff.

Please refer to the Managing Personal Relationships at Work Policy and the Recruitment Policy for further information.

### **14. Dealing with Local Communities**

Employees should always remember their responsibilities to the community they serve. They should be courteous, efficient and ensure impartial service delivery to all groups, individuals, service users and other stakeholders.

In either an official capacity or in their private life, a Council employee will ensure that they will behave in a way that is not seen as bringing the Council into disrepute. Employees are entitled to a private life but must take care that the duties of public service are not breached by activities or inappropriate behaviour in their off-duty hours.

### **15. Declaring Personal Interests and Outside Commitments**

Employees must declare to their manager and, when appropriate, at meetings -

- Any non-financial or financial interests that might conflict with the Council's interests or services, including with suppliers or potential suppliers to the council;
- Membership of any organisation that is not open to the public without formal membership and commitment of allegiance and which has secrecy about rules, membership or conduct, or
- Membership of other groups, clubs and societies,

where it might be reasonably perceived that an employee has a potential conflict of interest and/or where an employee believes could be relevant to declare in particular circumstances.

Where any of the above circumstances apply:

Managers will ensure that the employee is not involved in any decision-making relating to these interests. However, if an employee fails to notify their manager and/or deliberately engages in activities that are clearly in conflict with their duties or role with the Council, this will be treated as a breach of trust and a disciplinary offence which may lead to dismissal from the Council.

Employees should immediately inform their manager of any other work or employment they have. Managers will ensure that the employee is made aware of any contractual restrictions on accepting any additional employment outside of the Council, especially in circumstances where this additional work may conflict with the Council's interests.

Employees who are in any doubt about whether any personal relationships, interests or outside commitments should be declared in particular circumstances, should either declare the information or seek further advice from their manager, HR Manager or the Monitoring Officer.

#### **16. Disclosure of Criminal Convictions**

Council employees must inform their manager of any criminal convictions or cautions received in a timely and appropriate way. Failure to disclose this information to the Council may be regarded as gross misconduct under the Disciplinary Policy.

#### **17. Fidelity Guarantee and additional checks**

Some employees may be subject to additional recruitment checks or security clearance requirements to comply with the law and to ensure good employment practices. This will normally be for posts that have financial responsibilities or require statutory professional qualifications for their role, or which require contact with children or vulnerable adults. Such checks will be carried out by relevant external organisations.

In each case the role would be advertised as requiring these specific checks or clearances and the recruitment applicant or employee will be notified of the need for a check and its results. The results of these checks must be satisfactory to the Council. Unsatisfactory findings of a check may require the Council to dismiss an employee or withdraw an offer of employment during recruitment.

#### **18. Confidential Reporting Procedure (Whistle Blowing)**

The Council is committed to the highest possible standards of openness, integrity and accountability. All employees who become aware of activities that they believe are illegal, improper, unethical, or in any way inconsistent with this Code of Conduct must report the matter in line with the Council's confidential reporting procedure: Confidential Reporting (Whistleblowing) Policy and have due regard to the Public Interest Disclosure Act 1998.

Council employees must ensure that public interest and assets are protected by reporting immediately any concerns about dishonesty or impropriety that they think has happened or are likely to happen. Concerns or allegations which fall within the scope of specific procedures (for example Protection of Vulnerable Adults or Protection of Vulnerable Children) will normally be referred to those procedures for consideration.

Employees should not make any public statements about their concerns until they have exhausted the correct and relevant internal procedures, unless such a disclosure is allowed for within the Council's Confidential Reporting (Whistleblowing) Policy. Employees must assist in any investigation or hearing into suspected misconduct in accordance with the Public Interest Disclosure Act 1998.

The Council will take all allegations seriously however if an employee or worker makes an allegation that is in bad faith, malicious or for personal gain, the Council will consider taking disciplinary action.

Please refer to the Confidential Reporting (Whistleblowing) Policy and Procedure for further information.

### **19. Contractors and Competitive Tendering**

Any orders or contracts must be awarded by fair and open competition against other tenders in line with the Council's Contract Procedure Rules and Financial Procedure Rules. No special favour should be shown to businesses with connections to employees.

In accordance with the Contract Procedure Rules employees must declare any personal or social relationship, or current and previous working relationship with a particular contractor, or any contractors seeking or likely to seek contracts, to the Head of Legal, Property and Democratic Services.

Contractors may include individuals who are temporarily working alongside Council employees, or employees of an external firm that has been awarded a contract to provide services on behalf of the Council. All contractors will be treated with courtesy and respect.

There must be a clear separation of client and contractor roles. Senior Council employees who have both a client/contractor responsibility must be aware of the need for accountability and openness.

Any Council employee or worker who has access to confidential information on tenders of costs relating to contractors must not disclose the information to any unauthorised party or organisation, and must ensure that no special favour is shown to current or former employees or associates in awarding contracts.

Employees should not be involved in any competitive tendering processes where they have declared a relationship/interest. If they are involved that may be deemed to be a disciplinary offence and may lead to dismissal in line with the Disciplinary Policy and Procedure.

Please refer to the Contract Procedure Rules and Financial Procedure Rules for further information.

### **20. Gifts, Hospitality, Sponsorship and Endorsements**

Council employees should not accept gifts or hospitality from external suppliers and contractors or elected members and should not have any involvement in the sponsorship of events or endorsement of a product or service where there may be a conflict of interest.

It is a criminal offence for Council employees to receive any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity.

The acceptance of gifts and hospitality (including sponsorship of a local government activity) must be treated with extreme caution. Trade gifts and rewards from companies or organisations are gifts to the Council and are not for personal use.

The receipt of minor articles, for example, diaries and calendars, will not be regarded as the acceptance of a gift, although employees should not accept significant personal gifts from contractors and outside suppliers. Offers of hospitality and invitations should be accepted only if they are proportional and justifiable and there is a genuine need to impart or receive information or to represent the Council.

All gifts and hospitality, received and offered, must be properly recorded on the Gifts and Hospitality Register which is maintained by the Head of Legal, Property and Democratic Services.

Council employees who provide services to vulnerable people must always act in a professional manner and treat service users with dignity and respect at all times. Council employees must never take advantage of the service user by forming inappropriate relationships or seeking/receiving personal favours, loans or gifts, including bequests. Employees should notify their manager if they become aware of a service user's intention to bequeath.

If the Council wishes to sponsor an event, no employee or worker can benefit in a direct way without giving full disclosure to their manager of any such interest. Where the Council gives support in the community through whatever means, employees must ensure that there is no conflict of interest.

Employees must exercise extreme caution before providing any statement that endorses the quality or operation of any product or service that might be used for publicity purposes. An endorsement may put the Council at risk of misrepresentation or legal challenge.

In no circumstances should a statement ever be made in return for personal gifts or money.

Employees should seek further advice from their manager, HR or the Head of Legal, Property and Democratic Services if in any doubt about their duties regarding gifts, hospitality, sponsorship or endorsement.

Further details can be obtained on gifts and hospitality from the Head of Legal, Property and Democratic Services.

## **21. Providing Information in the Course of your Duties**

Employees may be required to provide information relating to the Council in response to queries received as part of their job. The Council supports the principle of open government however employees should be aware of what information is available to Councillors, auditors, government departments, service users and the public and what information must remain confidential. Guidance is available in the Council's Freedom of Information Guidance to respond to Freedom of Information requests and Data Protection requirements.

Employees cannot use any information gained in the course of their employment for personal gain or pass it on to anyone else who might use it in this way.

Information held on customers or members of the public or personal information about other employees or Councillors should not be supplied to anyone inside or outside of the Council without the individual's consent, except where it is allowed in law or where it is necessary for official investigative bodies or employer confidential references.

Employees should not disclose to the public or media the contents of a confidential or exempt report made to a Committee or the Council. No proceedings of any Committee meeting taken in confidence including the content of any data, document, paper, report etc should be disclosed to members of the public unless required by law or expressly authorised.

Employees should not make statements on Council matters without reference to the Media Protocols.

## **22. Use of Council Facilities**

Council employees must use any equipment or facilities provided by the Council for carrying out their work in a proper and responsible manner. The Council may allow reasonable personal use of some resources and facilities at appropriate times.

All Council resources must be used with care to avoid wastage, loss or damage.

The Council's waste products must not be taken for personal use, or given to others, unless expressly authorised by managers and recorded.

Any inappropriate use of equipment, facilities or other Council property will be dealt with as a disciplinary matter. If employees are in doubt they should clarify this with their line manager.

## **23. Health and Safety**

The Health and Safety at Work Act 1974 places a duty on employees to take reasonable care for the health and safety of themselves and others in carrying out their duties. Therefore employees are legally bound to comply with all safety rules and instructions set by the Council. Employees should inform their manager and HR of any medical conditions that may impact on their ability to carry out duties and responsibilities in accordance with their contract of employment and this Code.

The Corporate Manslaughter and Corporate Homicide Act 2007 created additional duties for senior managers to ensure that there are safe premises and working practices. The Council will ensure that appropriate senior managers will understand how to manage these responsibilities within the law.

Refer to the Health, Safety and Welfare at Work Policy for further information.

The Health, Safety and Welfare at Work Policy is supported by a number of other health and safety policies, procedures and guidance notes to help safeguard the health of employees. All documents are available on the Council's intranet site, 'Brian' or from the Health and Safety team.

## **24. Alcohol and Drugs**

The Council has adopted Alcohol Management Guidance.

Employees are required to report for work, and remain throughout the working day, in a fit and safe condition to undertake their duties. Employees must not consume alcohol whilst at work, unless permitted to do so in accordance with the Alcohol Management Guidance. Permission is granted only in exceptional circumstances.

Employees must not be under the influence of, use, or be in possession of, illegal drugs whilst at work.

Employees must ensure that the use of alcohol and drugs outside of work does not adversely affect their performance or safety at work or the safety of others and must not bring the Council into disrepute.

Please refer to the Alcohol Management Guidance for further information.

## **25. Prescribed and Over the Counter Medicines**

Employees taking prescribed or over-the-counter medication (long-term or short-term) that may affect them or others at work must discuss this urgently with their manager, Health and Safety Manager or HR Manager. The manager will consider how to appropriately manage this and what support the employee or worker may need and any health and safety adjustments needed. Similarly, employees must inform their manager and/or HR of any new medical conditions that may impact on their ability to carry out duties and responsibilities in accordance with their contract of employment and this Code.

## **26. Copyright and Intellectual Property Rights**

All records, documents, designs and other papers that relate to or are conceived within the Council's business and which are made or obtained by employees in the course of their work are the property of the Council. The copyright on all such original records, documents, papers (including copies and summaries of these) belongs to the Council.

## **27. Patents and Inventions**

Any matter of things capable of being patented under the Patents Act 1972, made, developed or discovered by a Council employee or worker, either alone or with others during the performance of their duties should be disclosed to the Council through the line manager. Under the provisions of the Patents Act this will then be the property of the Council.

## **28. Further Information**

Employees can get more guidance and information on this Code from their manager or HR.



# **ATTENDANCE MANAGEMENT AND SICKNESS POLICY AND PROCEDURE**

**February 2017**

### Document Location

This document is held by Lichfield District Council, and the document owner is.....

Printed documents may be obsolete. An electronic copy is available on Lichfield District Council's Intranet 'Brian'. Please check for current version before using.

### Revision History

Revision Date	Summary of changes
15/11/16	Final Draft

### Approvals

Name	Approved	Date
Leadership Team	Yes	9 November 2016
ELG	Yes	December 2016

### Document Review Plans

This document is subject to regular review. Updates shall be made in accordance with business requirements and changes will be with agreed in consultation with the Employee Liaison Group.

### Distribution

The document will be available on Brian.



## **LICHFIELD DISTRICT COUNCIL ATTENDANCE MANAGEMENT AND SICKNESS POLICY AND PROCEDURE**

### **Introduction**

Lichfield District Council values the contribution of its staff and recognises that good attendance is vital to the provision of high quality efficient services. The Council has a range of activities and practices to support our employees to have good levels of attendance and performance at work. However, the Council knows that there are sometimes genuine reasons why employees will need time off from work for sickness or other reasons.

Each case will be managed on its facts and this Policy will ensure that the Council understands and responds to these absences promptly, consistently, sensitively and fairly to support the employee's well-being and manage the cost of absence to the Council. Matters raised about an employee's attendance do not imply any distrust of staff or concerns about their behaviour.

This policy and procedure should not be used for managing problems with an employee's performance. The Performance Capability Policy and Procedure will apply in these cases and also for cases relating to disability or health where the employee's work is affected but where they are not off sick.

Where absence from work is found to be unauthorised or use of this Policy has been abused this will be dealt with under the Council's Disciplinary Policy and Procedure and this may result in dismissal from the Council, with or without notice.

### **Aims of the Policy**

This policy will:

- Ensure that all Council employees are given every reasonable opportunity to maintain good attendance at work;
- Promote a positive and preventative approach to absence and support the Council's activities that are designed to provide an effective, efficient, healthy and safe workplace; and
- Provide managers with a framework to support employees who are experiencing problems that prevent them from being at or returning to work (for health or other reasons) and to take fair but firm action to resolve the issues.

### **Who the policy covers**

The Attendance Management and Sickness Policy and Procedure covers all categories of current Council employees whether full-time or part-time, permanent or temporary except chief officers including the Chief Executive, the Directors, the s151 Officer and the Monitoring Officer who have additional separate statutory arrangements in place. In these cases, this policy must be read in conjunction with the council's Constitution which details additional requirements.

### **Roles and responsibilities**

The Chief Executive is responsible for setting and promoting good management processes and behaviours to support employees to be at work.

Managers are responsible for taking an interest in their employees' well-being, for communicating and encouraging good attendance at work with their employees and for managing problems quickly and firmly while being sensitive and fair.

Employees are responsible for making all reasonable efforts to maintain good levels of attendance at work and alerting their manager to problems relating to this as soon as possible.

HR is responsible for providing guidance and advice to managers on dealing with attendance issues fairly, efficiently and lawfully and for offering direct support on complex issues.

### **Attendance management procedure**

Where possible employees should discuss and agree with their manager any time needed away from work, e.g. annual leave, doctors' appointments, etc. However there may be times when the employee will be absent from work unexpectedly and this can normally be easily managed by discussion between the employee and their manager.

However where an employee's level of attendance is causing concern the manager will raise this with the employee. Many attendance management issues can be resolved informally between a manager and an employee using feedback and structured review periods and the Council will offer reasonable support to remedy and improve issues of attendance. However, managers must be mindful of the requirements of the Council's services and not hesitate to take action where it is merited.

Persistent lateness or unauthorised absence, will be dealt with under the Disciplinary Policy.

Types of absence covered by this policy include:

- Short-term absence – this is normally sporadic absence attributable to minor ailments that may be unrelated or to family emergencies.
- Long-term absence – this is normally a period of continuous sickness absence of at least four weeks, although it may also include periods of short-term absence due to an on-going medical condition.

Sickness absence that does not have the required self- certification or doctor's fit note will be classed as unauthorised.

There are other reasons for an employee being absent from work that may be classified as sickness absence however in some instances these will not count towards absence triggers:

- Time off for voluntary medical procedures or elective surgery or treatment will normally be arranged under special leave however where this requires planned or unplanned recovery time this recovery time will count as normal sickness absence.
- Sickness absence related to a current or recent pregnancy will not count towards a trigger to ensure that these employees are not treated less favourable in employment decisions.
- Sickness related to a disability will not count towards a trigger where it may be a reasonable adjustment to discount some or all of this absence to ensure that these employees are not treated less favourably in employment decisions.
- Sickness absence as a result of an accident at work will count as normal sickness absence however where an investigation has established that the council is at fault, the absence will not count towards a trigger.
- Sickness absence that is a direct result of alcohol and/or substance misuse will count as normal sickness absence and should be managed in accordance with this policy and the Alcohol Management Guidance.

### **Reporting absence**

If an employee is unable to attend work or will be late for work they are required to inform their manager as soon as possible by telephone to minimise the disruption to service delivery and to ensure their work can be covered. The same conditions apply where an employee needs to stop or leave work unexpectedly before their normal finishing time.

If the manager is not available on the telephone the employee will try a reasonable alternative way of ensuring the manager receives a message about the absence as soon as possible.

Employees need to make sure that their manager understands the reason for the absence, how long it will last and any work that will need to be covered by colleagues in their absence.

Managers will ensure that any absence is recorded appropriately.

### **Sickness absence recording**

For sickness absence recording purposes, absence is broken down into two categories in line with the Statutory Sick Pay (SSP) requirements:

- **Self-certification absence:** periods of absence up to seven consecutive calendar days; and
- **Medically certified absence:** normally for periods of absence of eight or more calendar days (including weekends and non-working days). This will take the form of a medical statement of fitness to work (a Fit Note), signed by a registered doctor or suitable health professional and explaining the illness or injury. The Fit Note may explain that employee is not fit for work or that they may be fit for work but only to do certain parts of their job.

Employees who receive a Fit Note from a health professional that says they “may be fit for work” must inform their manager immediately. The manager and employee will discuss any additional temporary measures that may be needed to help the employee to return to work taking into account the professional advice. If there are no appropriate measures that can be taken the employee will remain on sick leave in line with this procedure.

If an employee fails to provide the appropriate certification for their absence this will affect the payment of statutory and/or occupational sick pay.

### **Sickness during annual leave**

If an employee falls ill or is injured during pre-booked annual leave this may be recorded as sick leave and the days of annual leave will be reimbursed provided that the illness or injury is one that in normal circumstances would have prevented the employee from working.

Employees must inform their manager as soon as possible about the illness or injury and how long it might last even if they are abroad. However to be able to receive sick pay during this time employees will have to provide a medical certificate or other evidence of incapacity at their own expense for the full period of the sickness.

### **Contact during absence from work**

If an employee does not attend work when they are expected, the manager can attempt to contact the employee to establish the reason for the absence.

During sick leave the HR services or the manager and the employee will maintain periodic contact. This is to ensure that the manager has the most up to date information about the employee’s health and anticipated absence and be able to plan temporary cover. This contact can also ensure that the employee does not feel isolated, vulnerable or out of touch during their sick leave, especially where

the absence is long-term. In these circumstances it may be appropriate for the manager to agree to visit the employee at home or some other appropriate location.

### **Sickness Absence Return to Work Discussions**

Managers will hold a Return to Work Discussion in private with the employee on their first day back at work, or as soon as possible after that, to support their smooth return to work. Ideally, this will be a face-to-face meeting but may be a telephone discussion if appropriate.

This will allow the manager to discuss the employee's absence, confirm the reason for the absence, ensure that the employee is fit and able to be at work, and to offer any reasonable support to help the employee to be fully effective at work as soon as possible.

Return to Work Discussions are not restricted solely for sickness absence but should be held whenever there is an unexpected or repeated absence from work.

### **Disability**

The Council is aware that some sickness absence can result from a disability. Employees should inform their manager if they are affected by a disability or any medical condition that affects their ability to do their job or impacts on their attendance at work.

At each stage of the absence procedure particular consideration will be given to whether the Council can offer support through making reasonable adjustments to an employee's job or other parts of the employee's working arrangements to lessen the impact of the disability at work or to enable the employee to return to work.

Managers will seek advice and support on issues of disability from HR services. Employees may be asked to attend an Occupational Health and /or health and safety assessment. Employees should make arrangements to attend Occupational Health appointments.

### **Occupational Health Advice**

At any stage of the Attendance Management and Sickness Procedure where there are known or suspected health issues a manager can ask HR services to arrange for an employee to attend an Occupational Health assessment with the consent of the employee advice or information from Occupational Health will help the manager to understand the nature of any health-related issues and to assess the effect of the illness or injury on the employee's ability to do their job or to return to work.

Employees will be asked to agree that any medical report from Occupational Health can be provided to their manager.

In the case where an employee refuses to agree to an Occupational Health assessment or refuses to allow the manager to have the Occupational Health report, the manager should discuss the options available with HR services.

### **Long-term sickness absence**

The Council is committed to helping employees to return to work from long-term sickness absence where possible. As part of the sickness absence meetings the manager will where appropriate and possible support the employee to return to work by:

- Obtaining medical advice
- Making reasonable adjustments to the workplace or working practices or working hours
- Considering redeployment
- Agreeing a return to work programme with all of the relevant parties

The Council will be sympathetic when an employee is ill but the employee should appreciate that if they are persistently absent through ongoing or long-term ill health or injury or incapacity it will not be possible for the situation to continue indefinitely and the absence may lead to dismissal from the Council.

However in certain cases of long-term sickness, such as terminal illness, depending on the circumstances of the case the Council may decide to suspend the policy and take no further action. However the Council will continue to offer whatever support possible to employees and their families in these circumstances.

### **Absence Triggers**

The Council has adopted triggers to prompt management action where it believes that an employee's absence – sickness or otherwise - has reached a level that is impacting on colleagues and services. Managers are expected to monitor and respond to sickness absences in their team.

The Council expects attendance issues to form part of regular discussions between the manager and the employee in the course of their normal working relationship. Where attendance has been an issue, managers should have discussed the reasons, pattern and nature of the absence with a view to finding ways to support the employee to be at work in advance of any triggers being reached. The employee should therefore be aware that further absence may trigger a formal review.

Absence triggers suggest when a manager will meet formally with the employee to discuss and attempt to resolve an unacceptable level of absence caused by sickness. Managers will deal with a period of sustained unauthorised absence through the Disciplinary Policy.

The triggers are:

- **6 occasions of absence in a rolling 12 month period, or;**
- **above average number of sickness days across the council in a rolling 12 month period, or;**
- **Long-term sickness absence of 15 working days, or;**
- **Where there is reasonable concern about an employee's attendance levels or where there is a pattern to absences. , .**

In certain circumstances it may be appropriate for the manager to take no formal action even though the employee has reached a trigger. Where it is self-evident that an employee has been incapacitated for example, when an employee has had a one-off but lengthy period in hospital and there are no other concerns about the employee's attendance it may be necessary to meet only to discuss the employee's return to work needs.

### **Absence Review Meetings**

Absence Review Meetings are formal meetings that will be arranged when an employee has reached a trigger within the Attendance Management and Sickness Policy and Procedure or where there is a reasonable concern about the employee's attendance levels of absence patterns. They will also be arranged at appropriate intervals during a period of long-term absence.

Managers will notify HR of the intention to have a formal meeting about an employee's absence and will show that all reasonable attempts have been made to manage attendance issues informally.

A manager will write to the employee to confirm the intention to hold a formal Absence Review Meeting. This notification will explain the concerns that the meeting will address and the possible consequences. It will also give details of the time and venue for the meeting and advise the employee of their right to be accompanied by a colleague or trade union representative at the meeting. Employees and their colleague/ trade union representative must make all reasonable attempts to attend these meetings.

A formal meeting can be adjourned if the manager wishes to seek additional information on any point and the employee will be given a reasonable opportunity to consider any new information before the meeting is reconvened.

### **Right to be accompanied**

Employees have a right to be accompanied by a colleague or union representative to formal Absence Review Meetings that could result in a formal warning being issued or some other management action being taken. Employees also have the right to be accompanied by a colleague or union representative to appeal meetings related to this procedure.

The employee must advise their manager if they intend to be accompanied, giving details of who that person is.

The colleague/union representative can address the meeting to put and sum up the employee's case, can respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the meeting. However the colleague/union representative should not answer questions on the employee's behalf, address the meeting if the employee does not wish it or prevent the employee from explaining their case.

### **First Absence Review Meeting (step 1)**

If the employee's absence reaches a trigger or gives other cause for concern, their manager will arrange a First Absence Review Meeting.

Employees have a statutory right to be accompanied at this meeting and the manager will be advised by HR during this meeting.

The meeting will provide a formal opportunity for the employee to offer any explanation for their absence and to discuss any mitigating factors and explore possible solutions to improve attendance. The manager and employee will also review previous informal discussions and assistance that has already been provided and consider whether any additional support would be appropriate, e.g. more flexible working arrangements (while still meeting the needs of the service) or reasonable adjustments to the employee's work or working environment, or seeking advice from Occupational Health.

The manager and employee will discuss a reasonable action plan to improve the level of attendance and a time-scale for review, normally three months. The action plan will be provided to the employee in writing shortly after the meeting.

If there is further concern about the level and/or pattern of absence at or before the end of the review period, the manager will proceed to a Further Absence Review Meeting (Step 2). However if

the employee's attendance improves to satisfactory levels no further formal action will be taken and the employee's attendance at work will be reviewed as part of the normal management meetings, e.g. one-to-one meetings.

In cases of long-term sickness absence, the main point for discussion should be the nature of the employee's illness or injury, the expected length of their absence and whether they are going to be able to return to their job. The manager should discuss with HR whether any special arrangements would be appropriate for this meeting depending on the nature of the illness or injury.

### **Further Absence Review Meeting (step 2)**

The manager will arrange another formal meeting if the employee's absence has not improved or another trigger has been reached. This meeting will be held with a view to resolving the difficulties caused by the absence and to establish the likelihood of any further absence. The action plan from Step 1 will be discussed.

Employees have a statutory right to be accompanied at this meeting and the manager will be advised by HR during the meeting.

At this meeting the manager can also consider the employee's ability to return to work or to remain in their job and whether any reasonable adjustments should or could be made. The manager and the employee may discuss whether possible redeployment would improve attendance levels.

As an outcome from this meeting the manager may consider:

- That the level and/or pattern of absence is close to being successfully managed and agree a reasonable action plan to improve and maintain the level of attendance and a time-scale for review, normally a further three months, or;
- That the level and/or pattern of absence is not being successfully managed and issue a Final Written Warning in writing to the employee. This Final Written Warning will set out details of a review period, normally three months and explain how absence will be regularly monitored and discussed with the employee. The Final Written Warning will also confirm to the employee that a Final Absence Review Meeting (step 3) will take place if the stated improvement is not achieved and sustained and at that point the Council may consider dismissing the employee; or;
- For employees on long-term sick leave where there is no prospect of a return to work, it may be appropriate to proceed to a Final Absence Review Meeting and consider dismissing the employee or exploring medical retirement if appropriate. In these cases occupational health and medical advice will be sought.

The manager will inform the employee of the outcome of the meeting as soon as possible and confirm this in writing, normally within 10 working days of the meeting. The letter will explain the employee's right of appeal and provide details of the manager nominated to hear the appeal (normally another manager of similar grade).

### **Appeal against the outcome of a Further Absence Review Meeting**

An employee can appeal against the outcome of the meeting by writing to the nominated manager explaining the grounds of their appeal in full.

The appeal hearing will be held within 10 working days of the receipt of the notice of appeal. The manager hearing the appeal will decide to uphold or reject it and will give their decision to the employee in writing no later than five working days after the meeting.

Employees have a statutory right to be accompanied at this meeting and the nominated manager will be advised by HR during the meeting.

If the appeal is upheld the Final Written Warning will be removed from the record and the employee notified of this. However improvement plans and timescales for the employee may remain in place and if the employee's attendance levels do not meet these targets then it may still be appropriate to proceed to the Final Absence Review Meeting (step 3).

The decision of the manager hearing this appeal will be final and there will be no further right of appeal.

### **Final Absence Review Meeting (step 3)**

If an employee has not been able to improve their level of attendance sufficiently or if arrangements to manage the level and/or pattern of absence have not been successful, the manager will notify the Head of Service that a Final Absence Review Meeting (step 3) must be arranged.

For employees who have been on long-term sickness absence, managers can arrange a Final Absence Review Meeting (step 3) to consider whether there have been any changes to the prospect of the employee being able to return to work or whether attempts to seek redeployment have been successful. It may be appropriate to make special arrangements for this meeting depending on the nature of the illness or incapacity e.g. holding it in a different location etc.

The Head of Service will make arrangements to hold this meeting and notify the employee in writing. This notification will explain the concerns that the meeting will address and the possible outcome of the meeting.

The Head of Service will review all previous attempts to improve attendance together with any medical advice received and consider why these have not been successful. The Head of Service will seek medical advice if this hasn't already been done or seek further medical advice if the circumstances of the case merit it.

The Head of Service will decide on one of the following outcomes:

- **A Final Review Period:** if the Head of Service believes that there is sufficient evidence to suggest that the employee's attendance can be improved with further support or adjustments a final review period will be put in place. The Head of Service will confirm the length of the Final Review Period, normally no longer than three months, and the issues that need to be addressed with the condition that a further failure to achieve the agreed improvement will mean a further Final Absence Review Meeting will be held to consider dismissing the employee from the Council. It is not normally expected that a Final Review Period would ever be given more than once at this stage.
- **Dismissal with contractual notice and pay:** this will be appropriate where the Head of Service has a reasonable belief that the employee cannot improve their attendance to an acceptable standard) or that no further review periods would change this.
- **For employees on long-term sick leave with no prospect of a return to work:** in some cases where there is no prospect of a return to work, dismissal or medical retirement may be appropriate, however in certain cases, e.g. terminal illness, the Council may decide to allow the employee to remain in employment with no further action.

The Head of Service will inform the employee of the outcome of the Final Absence Review Meeting as soon as possible and will confirm this in writing, normally within 10 working days of the meeting.



If the decision is to dismiss the employee then the reason for dismissal is incapability due to ill health.

The employee must be notified of their right to appeal against the decision to dismiss and provided with details of the manager nominated to hear the appeal (normally the Director) and this appeal must be considered before the end of the employee's notice period.

### **Appeal against dismissal**

If an employee feels that the decision to dismiss them is wrong or unfair they can appeal against the decision to the nominated Director.

Employees must set out in full their reasons for appeal in writing to the nominated Director within 10 working days of being notified of the outcome of the meeting.

The Director will arrange an appeal hearing without unreasonable delay, normally within one month of the outcome of the Final Absence Review Meeting, to ensure that the appeal is heard before the end of the employee's notice period.

Employees have a statutory right to be accompanied at appeal hearings and the Director will be advised by HR during the meeting.

Employees will be informed in writing of the outcome of the appeal hearing as soon as possible. There will be no further right of internal appeal.

### **Where improved attendance is not sustained**

If an employee's attendance has been subject to the formal stages of this Policy and Procedure but improvements in the employee's attendance have proved to be only temporary and not sustained for at least six months, the manager can return immediately to the last formal stage of the procedure used.

However, under normal circumstances, where a new issue of poor attendance, for a different reason, has been identified the manager should start a new attendance management process with the employee.

### **Grievances**

There is a separate procedure for employees who wish to raise a grievance about their employment. However if an employee raises a grievance about their employment that is related to the formal management of attendance issues it may be sensible to try to resolve the issue as part of the attendance management proceedings. However if the related grievance is raised after the outcome of the Final Absence Review Meeting has been decided then the grievance will be considered as an appeal.

Grievances that are not related to the attendance management and sickness procedure will be considered separately and without delay using the Council's Grievance Policy and Procedure and will have no bearing on the attendance management procedure or outcomes.



# **DISCIPLINARY POLICY AND PROCEDURE**

February 2017

## Document Location

This document is held by Lichfield District Council, and the document owner is.....

Printed documents may be obsolete. An electronic copy is available on Lichfield District Council's Intranet 'Brian'. Please check for current version before using.

## Revision History

Revision Date	Summary of changes
15/11/16	Final Draft

## Approvals

Name	Approved	Date
Leadership Team	Yes	9 November 2016
ELG	Yes	December 2016

## Document Review Plans

This document is subject to regular review. Updates shall be made in accordance with business requirements and changes will be with agreed in consultation with the Employee Liaison Group.

## Distribution

The document will be available on Brian.

## **LICHFIELD DISTRICT COUNCIL DISCIPLINARY POLICY AND PROCEDURE**

### **Introduction**

Lichfield District Council aims to support all managers and employees to deliver excellent services to our residents and communities. As public servants, local government employees are expected to abide by the highest standards of conduct and behaviour. Normally this will be achieved through providing clear advice and training, managing fair and robust policies and procedures, and having clear and open communication with our employees.

However occasionally situations arise where expectations are not met, and where possible the Council will work with employees to bring about improvement. It is clearly in the interests of everyone within the Council for formal disciplinary action to be avoided wherever possible, however where this is not possible the Disciplinary Policy and Procedure provides a fair and transparent way to deal promptly and respectfully with difficulties that may arise as part of the working relationship.

The Disciplinary Policy forms a key part of the contract of employment with the Council. Managing poor performance for reasons of health or capability are dealt with under different policies and procedures.

### **Aims of the policy**

This policy will:

- Promote high standards of conduct and efficient and safe performance throughout the Council
- Ensure that all employees can understand the standards of conduct and behaviour expected from them and the consequences of continued failure to meet these standards
- Enable managers and employees to agree suitable goals and timescales for improvement in an employee's Conduct. Support the improvement of standards of conduct and behaviour which fall short of Council's expectations.
- Ensure that disciplinary action is fair and reasonable in the circumstances of each case
- Ensure that disciplinary action is carried out in a manner that is equitable and consistent and timely under the circumstances and within the resources available to Council at the time.

### **Who the policy covers**

The Disciplinary Policy and Procedure covers all categories of Council employees whether full-time or part-time, permanent or temporary, except the Chief Executive, the Chief Financial Officer (Section 151 Officer) or the Monitoring Officer who are covered by different statutory procedures.

The Disciplinary Policy applies to employees who are Trade Union representatives. If disciplinary action is considered against a trade union manager the manager should immediately seek advice from HR to ensure that the council advises the union.

HR will not discuss details of the allegations with the trade union officials without the employee's agreement.

Employees whose service is terminated during or at the end of their probationary period are not covered by the Council's Disciplinary Policy and Procedure so long as the dismissal is within the timescales of the Probationary Policy and the reason for the dismissal is that the employee is not suitable to be confirmed in their post during the probationary period.

### **Roles and responsibilities**

The Chief Executive has overall responsibility for ensuring that the Disciplinary Policy and Procedure is managed appropriately.

Managers are responsible for communicating the required standards of conduct to the Council's employees and for managing the procedure appropriately.

Employees are responsible for complying with the standards set out in the Council's Code of Conduct and Disciplinary Policy and Procedure and for following any local rules and regulations required for carrying out their job safely and effectively on behalf of the Council.

HR is responsible for advising and supporting managers in the application of the Disciplinary Policy and Procedure. Further details can be found on the council's intranet.

### **Disciplinary procedure**

As part of their normal managerial responsibilities, the Council's managers should ensure that minor incidents of inappropriate conduct and/or behaviour are always brought to an employee's attention as soon as possible. Many potential disciplinary issues can be resolved between a manager and an employee using feedback and structured review periods. However, managers must be mindful of the requirements of the Council's services and not hesitate to take action where it is merited.

Potential disciplinary issues must always be given high priority by the manager with the employee concerned and any decision to take or not to take disciplinary action must be made with minimum delay and immediately communicated to all those involved.

### **Establish the facts of each case**

At the first indication of a breach of the Disciplinary Procedure, the Manager should, subject to the caveat below, raise this in a one to one discussion with the individual(s) believed to be involved to advise of the accusation and possible breach of the procedure and the potential for disciplinary action. If, after this discussion the Manager believes there is no case to answer no further action will be taken.

A one to one discussion will not take place if it is believed that in doing so it would jeopardise any further investigation. Where the manager believes that to do so would jeopardise investigations the manager should immediately seek advice from HR services.

Where the manager is confident that further action is required and to do so would not jeopardise subsequent investigations, the Manager should investigate potential disciplinary matters without unreasonable delay to establish the facts. This may require the manager to hold an investigation meeting with the employee before deciding whether to proceed to a formal disciplinary hearing.

If a case is to proceed, the employee's manager will normally be responsible for conducting the disciplinary investigation however in cases where that is not possible (e.g. because of the nature of the allegations) another appropriate manager will investigate. In very serious or complex cases the council may appoint an external investigator.

The Head of Service will appoint an appropriate manager to conduct the investigation in consultation with HR. The manager investigating the case will be known as the investigator. The investigator will conclude whether there is a case to answer.

An investigatory meeting should not itself result in any disciplinary action but if the case is straightforward, and a breach is freely admitted by the employee it is possible to seek an agreed outcome proposal in order to conclude the case.

**Inform the employee of the problem and invite them to an Investigatory Meeting.**

If there is reason to believe that there has been a breach, the employee must be advised as soon as reasonably possible. If the breach merits investigation then the employee must be notified as soon as reasonably possible.

This notification should contain enough information about the alleged misconduct and its possible consequences for the employee to help them to prepare to answer at an investigatory meeting.

An investigatory meeting is designed to collect evidence, to put the allegations to the employee, to allow the employee to provide an initial response to the allegations. Notes of the meeting will be taken, agreed by both parties and maybe submitted in evidence at any subsequent disciplinary hearing.

If during, or at the end of an investigation, the employee accepts the allegations against them there is no need to automatically proceed to the next stage. An agreed outcome may be an acceptable way forward (see appendix 2). By its very definition, an agreed outcomes can only be considered where both the employee and the council are in agreement and only in cases where should it have progressed to hearing then the sanction is unlikely to have been dismissal.

Because it is an agreed outcome there is no option to appeal.

If the investigator recommends that there is a case to answer, and the allegation, if proven, is unlikely to lead to a sanction of dismissal, the employee's manager will conduct the disciplinary hearing, test the evidence and decide the outcome and sanction.

However, if the allegations are serious enough that might mean dismissal might be a possible sanction then a Disciplinary Hearing must be held. In usual circumstances, the Hearing will be chaired by the employee's Head of Service.

The employee must be advised in writing of the allegations, whether these are considered as potentially misconduct, serious misconduct or gross misconduct, the possible sanctions if the case is proven, the date, time and location of the Hearing, the name of the Chairman of the Hearing and the employee's right to be represented. The letter must provide at least 5 working days' notice of the Hearing. Copies of any written evidence, including the Investigator's Report, and all witness statements, will normally be provided with the notification.

**Hold the disciplinary hearing with the employee**

The disciplinary hearing should be held without unreasonable delay but should allow reasonable time for the employee to prepare to answer the allegations against them. It is noted that the employee has a right to be represented at a Hearing and the council will seek the first mutually convenient date for a union representative to attend.

If the employee, or their representative is unable to attend the disciplinary hearing the manager or Head of Service should rearrange the hearing.

If the employee fails to attend the rearranged hearing the Chairman of the Hearing can make a decision on the evidence available and without the employee's input.

### **Allow the employee to be accompanied**

Employees have a statutory right to be accompanied by a colleague or union representative to a formal investigation meeting and any subsequent disciplinary hearing.

The chosen companion can be a fellow worker or a trade union representative. The employee must advise in advance to the Investigator or Chairman that they will be accompanied, giving details of who that person is.

Where the employee has special needs, a relative or support worker may accompany them, subject to formal notification prior to the hearing.

### **Decide on the appropriate action**

At the end of or as soon as possible after the disciplinary hearing the Chairman will decide whether the allegations are proven and whether any sanctions are to be applied and will inform the employee of this. This will be confirmed in writing to the employee, normally within 10 working days.

The Chairman will consider the appropriate outcome taking into account the outcome of similar cases within the Council, the employee's previous record and any mitigating circumstances.

Outcomes can be:

- Allegations not found on the balance of probabilities. No further action

Where the allegations have been proven on the balance of probabilities  
No further action or advice provided

- Verbal warning (retained on the employee's personal file for 12 months)
- Written warning (retained on the employee's personal file for 12 months)
- Final written warning (retained on the employee's personal file for 2 years)
- Final written warning plus action short of dismissal (e.g. a contractual penalty such as demotion, issued where mitigating circumstances mean dismissal is not appropriate)
- Dismissal (with or without notice)

The employee will be notified in writing of the nature of the outcome of the hearing, any sanction to be applied, any changes in behaviour required (with timescale), and any right to appeal within 10 working days of the hearing.

Any warning issued to an employee must clearly state that the consequences of any further misconduct within the timescale given will be to restart disciplinary proceedings

Examples of levels of misconduct and the disciplinary sanction most likely to be applied are provided in Appendix 1.

### **Dismissal**

Dismissal can be the outcome of a finding of gross misconduct or continued unsatisfactory behaviour while a final written warning is still in force. If an employee is dismissed for an act of gross

misconduct the penalty will normally be summary dismissal without notice or payment in lieu of notice.

The employee should be informed as soon as possible of the reasons for the dismissal, the date on which the employment contract will end, the appropriate period of notice and their right of appeal.

A decision to dismiss can only be taken by a Head of Service who has the delegated authority to do so.

### **Provide employees with an opportunity to appeal**

If an employee feels that the disciplinary action taken against them is wrong or unfair they can appeal against the decision.

Appeals against dismissals will be heard by a member of the Leadership Team (normally the employee's Director) and appeals against other disciplinary sanctions will be heard by the employee's Head of Service (or another nominated Head of Service previously uninvolved in the case).

Employees must set out in full the grounds of their appeal in writing to the Head of Service within 10 working days of the date of the letter advising of the outcome of the Disciplinary Hearing.

An Appeal Hearing is not an opportunity to re-run the Hearing. Normally, grounds for appeal will be based on the following: the conclusion of the Hearing drawn from the evidence presented was wrong; evidence was not presented to the Hearing; or the sanction was disproportionate.

The appeal hearing will be arranged without unreasonable delay and normally within one month of the outcome of the disciplinary meeting. .

The Investigator will work with HR Services to arrange the Appeal and provide it with evidence. The Chairman may be expected to attend the Hearing as a witness.

The Appeal Hearing may not impose a more serious penalty than the original sanction.

Employees have the statutory right to be accompanied to the appeal hearing and the Appeal Chairman will be advised by HR during this meeting.

Employees will be informed in writing of the results of the appeal hearing within 10 working days of the hearing. There will be no further right of internal appeal.

### **Grievances**

There is a separate procedure for employees who wish to raise a grievance about their employment. If an employee raises a grievance about their employment that is related to a disciplinary case against them it may be sensible to try to resolve the issue as part of the disciplinary proceedings. However if the related grievance is raised after the Disciplinary Hearing then treatment of the grievance will be considered as appropriate, i.e. either as part of any appeal, or as a separate grievance.

Grievances that are not related to the disciplinary procedure will be considered separately and without delay using the Council's Grievance Policy and Procedure and will have no bearing on the disciplinary process.



## **Confidentiality**

Managers must ensure that any information relating to concerns about an employee's conduct are disclosed only to those who have a direct involvement in dealing with these concerns and must emphasise the need for confidentiality. However, there may be times when information will need to be shared e.g. for health and safety reasons or to comply with statutory reporting requirements for safeguarding.

## **Suspension or temporary redeployment**

An employee can be suspended from work on normal contractual pay or temporarily redeployed while an investigation is conducted if the manager, following advice from HR, believes that:

- The investigation could be compromised, or
- The allegations could be construed as gross misconduct with the potential sanction of summary dismissal;
- There is a serious risk to service users, other employees, council resources or property by the employee, or
- There is risk of harm to the employee; or
- The allegations refer to safeguarding issues, or
- There is intolerable risk of reputational damage to the Council by keeping the employee at work

Suspension and temporary redeployment will only be used in exceptional circumstances and are not a form of disciplinary action or an indication that the allegations made are assumed to be true. In normal circumstances, suspension or temporary redeployment will not be unnecessarily protracted. Managers must meet the employee to explain the circumstances and conditions of their suspension or temporary redeployment as soon as possible. This information will then be sent to the employee in writing within 10 working days.

While suspended, the employee can only contact named employees of the council and must make themselves available for meetings on request. The employee cannot enter Council premises unless specifically instructed to do so. [Link to template letters](#)

The suspension will be reviewed by the Manager and HR at regular intervals to ensure that the reasons for suspension remain valid.

## **Allegations of harm to vulnerable adults or children?**

In cases where the alleged misconduct involves harm or risk of harm to a child or vulnerable adult, the manager must immediately seek advice from the council's Safeguarding Officer in accordance with the council's Safeguarding Policy. The relevant officers of the Council will meet to decide on the appropriate notification and involvement of other relevant bodies, e.g. the Police, professional or regulatory bodies etc.

## **Criminal offences / Police involvement**

If an employee is alleged to have committed a criminal offence whilst at work, the council may seek advice from the Police prior to any disciplinary action being taken. However a police investigation should not unnecessarily prevent or delay the manager from commencing disciplinary proceedings. HR will consult with the Police before deciding with the manager on an appropriate course of action.

If the employee is charged with, or convicted of, a criminal offence outside of work this is not normally in itself reason for disciplinary action, however, they are obliged to notify their line manager in accordance with the Code of Conduct.

The manager and HR will consider what effect the charge or conviction and sentence has on the employee's suitability to do their job and their relationship with their employer, work colleagues and customers. Normal disciplinary investigation and meeting procedures must apply and dismissal will only happen if there is a genuine belief that the subject matter of the criminal investigations means that the employee is no longer able to effectively carry out the duties of their role or brings the Council into disrepute.

## Appendix 1

### Levels of misconduct

The following examples of levels of misconduct and the disciplinary sanction most likely to be applied are for illustration purposes only. Each and every incidence of misconduct will be dealt with on its merits and reflect the particular circumstances of the case. It is possible for an incident to be regarded as minor in one service and more serious in another, where its impact is more far reaching. Examples of the acts that may constitute the different levels of misconduct include, but are not limited to:

General Misconduct – normally a verbal or written warning for:

- Failure to comply with sickness reporting procedures (but deliberate or repeated failure may attract a more serious sanction)
- Poor timekeeping or punctuality (but persistent poor time keeping or punctuality may attract a more serious sanction)
- Use of inappropriate language or behaviour, including via email
- Refusal or failure to comply with minor operating or work procedures
- Smoking in a designated smoke free area

Serious Misconduct – normally a final written warning for:

- Refusal or deliberate failure to comply with a legitimate managerial instruction or Council policy or procedure
- Unauthorised disclosure of a computer password, unauthorised use of internal or external email facilities or unauthorised use of computer software, including changing security software
- Repeated unauthorised absence or lateness
- Negligence in the performance of duties, or in maintaining the security of any Council property or resources, including data
- Any act of attempted or actual harassment or discrimination of any kind, including discriminatory comments or behaviour
- Use of abusive language or behaviour
- Incapability through alcohol or being under the influence of drugs at work contrary to the Alcohol Management Guidance
- Any act of falsehood, e.g. knowingly or through neglect making any false, misleading or inaccurate oral or written statement or entry in any record or document that is made, kept or required for the purposes of the Council
- Misconduct in relation to official documents e.g. destroying or mutilating any record made, kept or required for the purposes of the Council, or altering, erasing or adding to any entry without legitimate reason.

Gross Misconduct

Gross Misconduct is misconduct of such a serious nature that it fundamentally breaches the contractual relationship between the employer and employee, destroying the trust that is integral to the relationship. A finding of gross misconduct will normally result in dismissal without notice and without payment in lieu of notice. A dismissal for gross conduct will only take place after the normal investigation to establish the fact and appropriate procedures have been completed. Examples of gross misconduct include:

- Theft, unauthorised use, removal or damage to the Council's, a service user's, client's or fellow employee's property,

- The deliberate introduction of computer viruses
- Any incidence of fraud or falsification of any Council records
- Disorderly or indecent conduct, fighting or threatening serious physical or verbal abuse
- Deliberate or targeted bullying or unlawful discrimination or harassment
- Submission of false references/information or failure to disclose relevant information when requested in connection with an application for appointment with the council
- Inappropriate use of email or the internet e.g. viewing and/or downloading indecent images of children and/or adults; inciting or procuring an illegal act or action
- Failure by an employee to report actual or suspected physical or sexual abuse or other inappropriate behaviour of a child or other vulnerable person by another employee or person
- Mistreatment of children or vulnerable adults or other serious safeguarding issues
- Serious incapability through alcohol or being under the influence of drugs at work
- Serious breach of the Council's Equal Opportunities Policy
- Serious breach of the Council's Health and Safety Policy
- Bringing the council into serious disrepute in a professional or personal capacity
- Misuse of an official position for private advantage or personal gain
- Serious breach of Professional Codes of Practice

Acts of gross misconduct, including incidents of inappropriate behaviour towards children or vulnerable adults, will usually result in an employee's dismissal, even for a first offence.

**Sample of Agreed Outcome Procedure.**

***If, at the end of an investigation into a potential disciplinary issue, the employee accepts the allegations made against them then there is no need to proceed to a Disciplinary Hearing.***

***The facts of the allegation are not in dispute and the employee has accepted their fault. What needs to be determined therefore is the level of sanction to be applied.***

*Agreed outcomes are only appropriate where both parties are agreeable to the process and to the outcome.*

***If either the employee or their representative is unhappy with a proposal of an agreed outcome, then the normal disciplinary process must be followed.***

*Where there is agreement to an agreed outcome as being the acceptable way forward for both parties, the following principles should be followed:*

*Both parties must be in agreement to proceed in this way. This decision is final and there should not be a later referral to a disciplinary hearing or appeal on this issue.*

*The relevant Head of Service must be aware of and agree to the proposal for an agreed outcome. The Head of Service must satisfy him or herself that agreeing an outcome does not fetter future Disciplinary Hearings in similar cases.*

*Agreed outcomes can only be considered for cases where dismissal is not a likely outcome*

*An Agreed Outcome must not interfere with, or compromise 'due processes, e.g. audit*

*A meeting should be held at which both parties (i.e. employee and their representative and the Investigating Manager) will be present, together with a HR Representative. The line manager, and Head of Service, may or may not be present but must be aware of the fact that the meeting is taking place.*

*At the meeting, all information relevant to the allegation(s) or complaint(s) must be available and both parties must have a full opportunity to discuss all the issues, in accordance with the normal principles of natural justice*

*The meeting can be adjourned and reconvened at any time if, for example, there is a need to obtain further information*

*The employee will be required to sign a letter of acceptance within 7 calendar days; referred to as 'the cooling off' period. If the individual wishes to withdraw from the agreed outcome process the Investigating Officer will make the decision to recommend whether or not the case progresses to a full Disciplinary Hearing.*

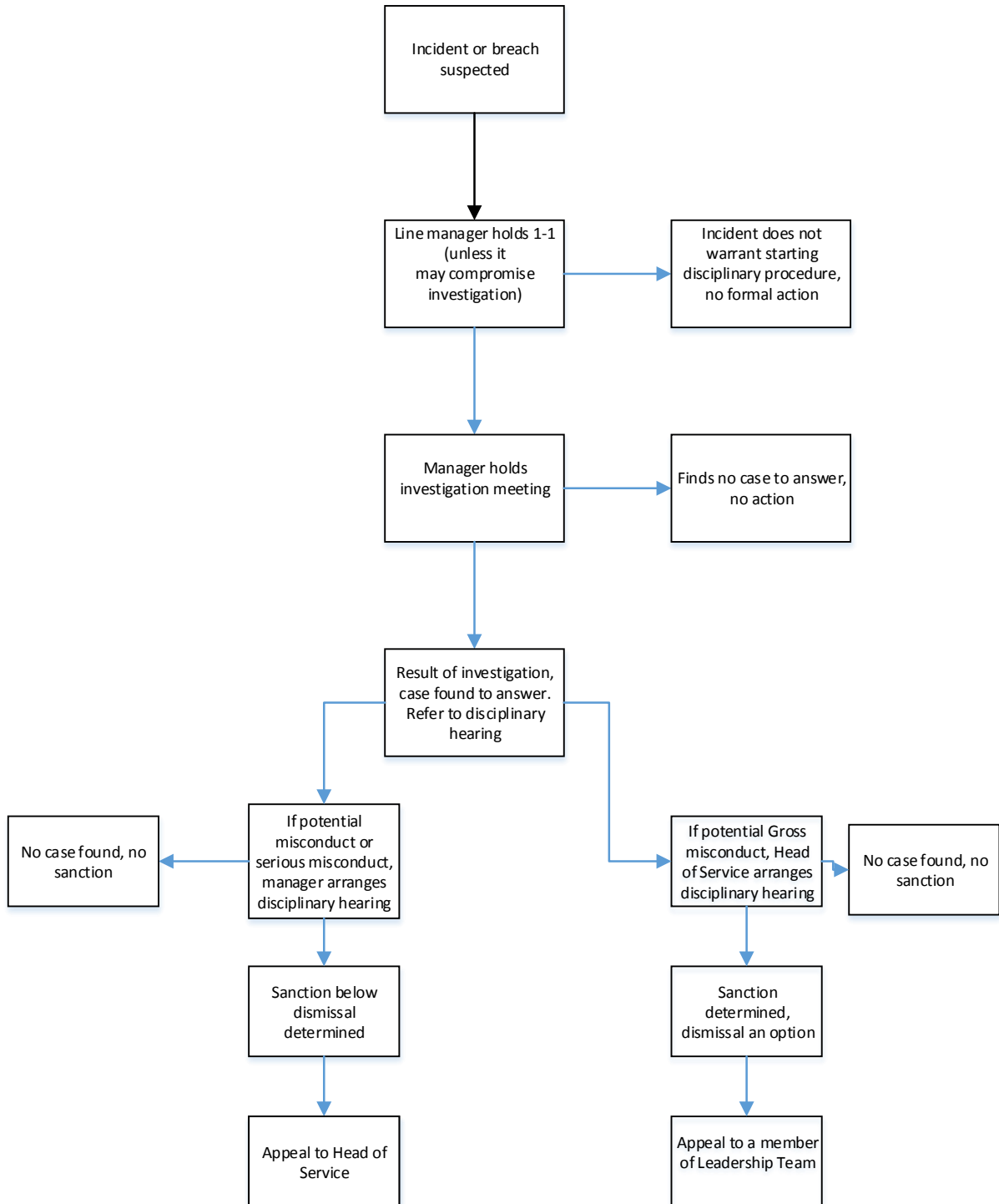
*In the event that the employee does change their mind, then the normal disciplinary process will be followed.*

*Following the meeting and 'cooling off' period the Disciplining Officer will write to the employee to confirm the disciplinary sanction and get their written agreement to the outcome.*

***The disciplinary sanction issued, and accepted by the employee, will have the same status as those obtained via a hearing, except that there will be no possibility for an appeal.***

*All relevant documentation, including a record of the meeting, must be retained on the personal file in HR.*

Appendix 3





# **GRIEVANCE POLICY AND PROCEDURE**

**February 2017**



## Document Location

This document is held by Lichfield District Council, and the document owner is

Printed documents may be obsolete. An electronic copy is available on Lichfield District Council's Intranet 'Brian'. Please check for current version before using.

## Revision History

Revision Date	Summary of changes
15/11/16	Final Draft

## Approvals

Name	Approved	Date
Leadership Team	Yes	9 November 2016
ELG	Yes	December 2016

## Document Review Plans

This document is subject to regular review. Updates shall be made in accordance with business requirements and changes will be with agreed in consultation with the Employee Liaison Group.

## Distribution

The document will be available on Brian.

## **LICHFIELD DISTRICT COUNCIL GRIEVANCE POLICY AND PROCEDURE**

### **Introduction**

Lichfield District Council seeks to ensure that our management policies provide fair treatment to all of our employees and promote a working environment where colleagues treat each other with respect. However, we recognise that in a large and complex organisation like a council, problems may still arise. Most of the normal everyday issues of concern for employees can be resolved informally in most cases through open and honest communication with managers, colleagues or HR. This is normally the best way of dealing with things and wherever possible all employees are encouraged to attempt to resolve concerns in this way.

However sometimes where a problem reaches more serious proportions it may need a more structured approach to finding a resolution and this Grievance Policy and Procedure provides a process to deal with these matters.

### **Aims of the policy**

All employees have the right to raise and have addressed any genuine grievance relating to their employment and respect for their rights without fear of victimisation. The Council wishes grievances to be addressed at the appropriate management level and, if possible, to be resolved in a way that enables all parties involved to be satisfied that the concern or problem raised has been dealt with.

The Council expects that all parties involved in a grievance will honour and act in accordance with the spirit and intentions of the policy and procedure to enter into a genuine attempt to find a mutually acceptable conclusion in an open, fair and prompt way while maintaining high levels of professional conduct and service.

### **What is a grievance?**

A grievance is a complaint made by an employee about a problem or concern they have about their work, working environment or working relationships, including bullying and harassment. Therefore a grievance may relate to:

- How terms and conditions of employment are applied to you
- Health and safety
- Difficult working relationships
- Bullying and harassment at work
- New working practices
- Working environment
- Discrimination or unfair treatment
- The interpretation or the implementation of the council's policies or procedures.

### **Bullying and Harassment**

Complaints relating to bullying and harassment will be considered under the council's Bullying and Harassment Policy.

Harassment is unwanted conduct about a 'protected characteristic', that is an area covered by discrimination legislation and violates an individual's dignity or creates an intimidating, hostile, degrading, humiliating or offensive working environment for them.

Bullying is defined as behaviour that leaves people feeling helpless, frightened, anxious, depressed or humiliated. Bullying behaviours may include name calling, teasing, putting people down, ignoring people or sending abusive messages. It can occur for no apparent reason or it can be based on prejudices and can be subtle or overt. Nevertheless, the Council will judge such behaviours on the distress that they cause to the individual. It is the perception of the recipient of these behaviours that will determine whether any action or statement can be viewed as bullying.

Lichfield District Council recognises the sensitive nature of harassment and bullying. Employees who believe they are being harassed or bullied may wish to discuss their situation before deciding what action to take. Your manager will normally be the person to discuss these issues with or you may wish to have an initial discussion with HR, or with a union representative, to help you decide how to proceed.

Lichfield District Council will not tolerate harassment or bullying of employees or other workers. Where this unacceptable behaviour is found to have happened it will be dealt with under the Disciplinary Policy and Procedure and classed as gross misconduct and employees may be summarily dismissed.

Issues concerning the following matters are outside the scope of this Policy and separate procedures will apply:

- Grievances against the formulation of the Council's policies must be raised by the recognised trade unions through the Employee Liaison Group.
- Job evaluation disputes and queries must be raised under the job evaluation procedure for seeking a review
- Income tax, National Insurance and pension matters should be raised with HR payroll administration
- Public interest concerns relating to council ethics, finances etc. should be raised under the Whistleblowing Policy and Procedure
- Health and Safety issues should be raised with the Health and Safety Manager in accordance with the Health, Safety and Welfare at Work Policy?

A grievance may be raised relating to these matters should these concerns not be addressed in accordance with the policies.

### **Who the policy covers**

The Grievance Policy and Procedure covers all categories of current Council employees whether full-time or part-time, permanent or temporary.

People working in or with the Council who are not direct employees of the Council cannot use the Grievance Policy and Procedure to raise a complaint. They should use the Council's complaints procedure or raise the matter with the person responsible for managing their company's contract with the Council.

## **Roles and responsibilities**

The Chief Executive has overall responsibility for ensuring that the Grievance Policy and Procedure is managed appropriately.

Managers are responsible for encouraging good communication with their employees and for responding to complaints openly and promptly, and for attempting to fully understand and resolve the grievance where possible within the framework of the Council's policies.

Employees are expected to respect the dignity of their colleagues and are responsible for working with managers to genuinely seek resolution to a grievance and will comply with all reasonable management instructions and continue to work normally while their grievance is being dealt with.

HR is responsible for advising and supporting managers in the application of the Grievance Policy and Procedure.

## **Grievance Procedure**

Grievance complaints should normally be made without unreasonable delay and in any event should be raised within 3 months of the decision or act that you want to complain about. If you want to complain outside of this period, you will need to give a satisfactory explanation why you did not meet that timescale.

### **Stage 1 - Informal resolution**

In the first instance you should discuss your concerns with your manager or a colleague or HR or a union representative, who may offer advice or solutions to the problem.

Many grievances can be simple matters to fix either through discussion with your manager or through mutually-agreed facilitated mediation, avoiding the need to make a formal complaint.

During informal discussions, managers or HR will:

- Help employees to consider what their grievance is
- Discuss what outcome the employee would wish to see
- Draw attention to available procedures and options within the Council
- Help to weigh up the different ways of resolving the problem

If your grievance relates directly to your manager, you should contact the next appropriate level of management to discuss and attempt to resolve your grievance.

### **Mediation**

In some cases it may be helpful to use a neutral, professionally trained, third party to help to facilitate discussion and resolution of a grievance and maintain working relationships. Mediation is often most effective if used early on. The Council encourages the use of mediation where it is appropriate and where it may facilitate early resolution of a particular employee complaint. More information about mediation is available from HR.

## **Stage 2 - Tell your manager what your grievance is**

If it is not possible to resolve a grievance informally you should raise the matter formally and without unreasonable delay with your manager (provided they are not involved in your grievance, in which case you should contact your manager's manager). This must be done in writing and should set out the nature of your grievance and any suggestions you have that might resolve the issue.

### **Meet with your manager to attempt to resolve the grievance**

Your manager will arrange for a formal meeting which will normally be held within 10 working days wherever possible after the written grievance is received. You may wish to be accompanied by a colleague or a union representative. You (and your colleague/representative) should make every effort to attend the meeting and to provide any information your manager requests that relates to your complaint.

At the meeting you will be allowed to explain your grievance in more detail and how you think it could be resolved. The manager will ask questions to attempt to fully understand your complaint and may adjourn the meeting to look into or take advice on any matters arising during the meeting. The adjournment should normally take no longer than a week if there is a need for a longer time period you will be advised at the meeting.

If you are unable or unwilling to attend this grievance meeting your manager will rearrange the meeting. If you fail to attend the rearranged meeting or fail to provide necessary information relating to your complaint, your manager is not obliged to consider your grievance any further (although there may be issues in your complaint that the Council would wish to consider separately and without your input).

### **You can be accompanied to the meeting**

You have a right to be accompanied to the grievance meeting by a colleague or union representative.

You should advise your manager in advance if you intend to be accompanied, giving full details of who that person is.

Your colleague/representative can address the meeting to put and sum up your complaint, respond on your behalf to any views expressed at the meeting and confer with you during the meeting. However your colleague/representative should not answer questions on your behalf, address the hearing if you don't wish it or prevent you from explaining your complaint.

### **Appropriate action to resolve the grievance**

Following the meeting the manager will decide on what action, if any, can be taken to resolve your complaint. In attempting to resolve your grievance, the manager will explore all of the options available given the constraints of budgetary considerations, limits of management authority, precedents in similar complaints etc. and will take account of your suggested resolutions or a reasonable alternative compromise.

Decisions will be communicated to you in writing, normally within 10 working days of the meeting, and where appropriate will explain what action the Council intends to take to resolve the grievance. In this letter you will be given details of your right of appeal if you are not happy with the action taken.

### **Stage 3 - Appealing against the grievance outcome**

If you feel that your grievance has not been satisfactorily resolved you can submit an appeal. The letter telling you about the outcome of the grievance meeting will tell you which manager will hear your appeal and this will be a more senior manager who has not been previously involved in your grievance.

You must write to the nominated manager within 10 working days of being notified of the outcome of the grievance meeting, setting out in full your grounds for appeal.

The more senior manager will arrange an appeal meeting with you normally within 10 working days and notify you in writing of the time and place of the meeting.

You have the right to be accompanied to the appeal meeting and the manager will be advised by HR during this meeting.

The outcome of the appeal meeting will be communicated to the employee in writing normally within 10 working days. This is the end of the procedure and there is no further internal appeal.

### **Related grievance and disciplinary cases**

If you raise a grievance about your employment that is related to a disciplinary or other case against you, the complaint will normally be considered as part of the that case using the procedure related to that policy.

### **Collective grievances**

This Grievance Policy and Procedure does not apply to grievances raised on behalf of two or more employees by a representative of a recognised trade union or other appropriate workplace representative. These grievances should be handled in accordance with the Council's collective grievance or collective bargaining processes. In the first instance the HR manager will respond to this this type of collective Grievance.

### **Sickness**

The Council's aim is to resolve all grievance matters with the minimum of delay. The grievance procedure may therefore continue if you are absent on sick leave, including collecting relevant information or conducting interviews or meetings. The manager in consultation with HR will decide how or when to continue to attempt to resolve your complaint (or a grievance complaint against you) taking into account the nature of your illness and the likely length of your absence.

### **A grievance against a colleague**

If your grievance is about the behaviour of another employee, the manager who is responding to your grievance, following discussion with you, may notify them about your complaint and, if appropriate, involve them in attempting to resolve the grievance.

### **A grievance against your manager**

If your grievance relates to your manager the Council will expect you to continue to work together while your grievance is being considered. However if you believe that the nature of your grievance means that you cannot continue to work with your manager, you must submit a written request to HR for a temporary redeployment to another department, setting out your reasons in full.

Agreement for offering temporary redeployment will depend on the circumstances of your grievance and the availability of other work whilst your grievance is being investigated.

Allegations of bullying and harassment by a manager will be dealt with under the Bullying and Harassment Policy.

**A grievance from an ex-employee**

A former employee has no right to have a complaint considered by the Council if they have already left employment. However, depending on the nature of the complaint the Council may decide to investigate and attempt to resolve it. The former employee should submit details of the grievance in writing to their former manager as soon as possible after employment ends. The Council will write to advise whether it will consider the complaint or not.

**Confidentiality**

The Council expects that all parties involved in attempting to find a satisfactory resolution to a problem will maintain strict confidentiality throughout all of the stages of the grievance process by ensuring that only the people who need to know have access to the details of the complaint (normally the only exception to this will be where there are legal obligations requiring action from the Council, e.g. health and safety matters).

**No status quo position during a grievance procedure**

If your grievance relates to a decision, action or proposed action by managers, the raising of the complaint will not necessarily stop the decision or action being implemented.



# **Managing Relationships at Work**

## **Policy**

**February 2017**



## Document Location

This document is held by Lichfield District Council, and the document owner is.....

Printed documents may be obsolete. An electronic copy is available on Lichfield District Council's Intranet 'Brian'. Please check for current version before using.

## Revision History

Revision Date	Summary of changes
15/11/16	Final Draft

## Approvals

Name	Approved	Date
Leadership Team	Yes	9 November 2016
ELG	Yes	December 2016

## Document Review Plans

This document is subject to regular review. Updates shall be made in accordance with business requirements and changes will be with agreed in consultation with the Employee Liaison Group.

## Distribution

The document will be available on Brian.

## **Managing Relationships At Work**

### **1. Purpose of the Policy**

- 1.1 The purpose of this policy is to provide guidance to all council staff regarding personal relationships within the council, in order to avoid any actual or potential conflicts of interest or misuse of authority. This policy is relevant to all individuals employed by the council including those on full-time, part-time, fixed term or casual contracts. It also covers those who are working for the council on a contractual basis or are seconded to it.
- 1.2 The council values the diversity of its people and is committed to promoting equal opportunities and eliminating discrimination. Therefore staff will apply and operate this policy fairly and in doing so ensure that there is no discrimination on the grounds of gender, race, disability, age, religious or political belief, sexual orientation, trade union membership/activity or marital status.

### **2 Introduction**

- 2.1 Lichfield District Council recognises the importance of preserving the integrity of professional relationships between members of staff as well as with Members, consultants, contractors and/or suppliers. Whilst most social and personal relationships need not present a difficulty, and can be entirely beneficial in that they promote good working relationships, it is recognised that there will be particular circumstances where the staff member(s) concerned will need to withdraw from certain decisions or from undertaking certain roles, in order to protect themselves and the council from any possible criticism of unfair bias.
- 2.2 Family and close personal relationships in the working environment can, if not managed appropriately and effectively, undermine corporate governance, lead to poor performance of individuals and teams and reduce staff morale. They can also lead to a perception, or suspicion, of a lack of objectivity, fairness and equity in the way that staff are being treated. The council expects that close personal and family relationships in the workplace will be avoided by using appropriate recruitment practices and by developing an organisational culture which promotes mutual respect and professionalism between employees.
- 2.3 The council does not condone the development of close personal relationships between employees and discourages the appointment of people to posts who are related to other people in the post's team or management hierarchy.
- 2.4 However, the council recognises that occasionally employees find themselves in situations where they are required to deal with operational and managerial matters affecting people to whom they are related or with whom they have a close personal relationship.
- 2.5 Such circumstances can emerge during recruitment processes, or management changes, or as close personal relationships develop.

- 2.6 This policy has been prepared and adopted in order to set out the Council's expectations about how family or close personal relationships between employees will be minimised and where they cannot be avoided, are managed in a transparent and equitable manner.

### 3. Definitions

A **family relationship** is defined as the following related persons: husband, wife, civil partner, partner, girlfriend/boyfriend, child, grandchild, brother or sister, nephew or niece, grandparents or cousin. The definition includes common-law, same sex relationships, "in-laws", foster-family relationships and step-relationships.

A **close personal relationship** is defined where there is a reasonable perception that employees (or an employee and a third party including an elected Member, service user, contractor or other third party with whom the employee is in contact because of their work) are romantically or sexually involved with each other.

### 4. Headlines

- 4.1 This policy is relevant to all individuals employed by the council including those on full-time, part-time, fixed term or casual contracts. It also covers those who are working for the council on a contractual basis or are seconded to it.
- 4.2 The council discourages the development of close personal relationships where an employee has management responsibility over the other, or between members of the same team.
- 4.3 During any recruitment process, applicants for employment will be expected to declare whether they are related to, or are in a close personal relationship with, any officers or Members of the council.
- 4.4 If an officer involved in the shortlisting of candidates is or becomes aware that they are related to, or are in a close personal relationship, with any candidate, they must withdraw from the selection process until the candidate is no longer considered for the post.
- 4.5 The council discourages the appointment to posts of people related, or in a close personal relationship to other people in the post's team or management hierarchy. The council will only agree to accept such appointments where there are exceptional circumstances. (see 5.5 below).
- 4.6 Employees are expected to declare immediately to their director when a close personal relationship develops within the workplace. If in the case of a director, to the Chief Executive; if in the case of the Chief Executive to the Leader.
- 4.7 Where family relationships or close personal relationships exist between a manager and someone who reports to them, the council will seek to remove the management responsibility that one employee has for the other.
- 4.8 This might mean moving at least one of the parties to the relationship into a different team or section or, in the case where an alternative role cannot be found for at least one of the parties, this might mean employment with the council being terminated in accordance with existing council policies and legal processes.

- 4.9 In the interests of fairness, employees will not be disadvantaged by this Policy during the current management restructure and subsequent re-organisation of teams, or in future changes to staffing structures, where a family or close personal relationship currently exists and is currently recognised and is being managed by the council.
- 4.10 Where a family or close personal relationship exists between team members, the council will make management arrangements to ensure that such a relationship does not impact on the delivery of service or impact adversely on other members of the team.
- 4.11 Where a family or close personal relationship exists between an employee and a third party with whom the employee has contact as part of their job, the council will make arrangements to remove this responsibility from the employee.
- 4.12 Employees must have regard to how other relationships that they may have with applicants, colleagues etc may be perceived by others. Where there is a reasonable prospect that there could be a perception that a personal relationship is close, say because of friendship, business associate, friend/partner of a family member etc, then the employee should seek guidance from HR Services as to how to deal with managing such a relationship in the work place.

## **5. Appointment of Staff**

### **Responsibilities of appointing officers / officers involved in recruitment**

- 5.1 Employees involved in appointing staff should ensure that recruitment decisions are always made on the basis of merit. It is unlawful to make an appointment which is based on anything other than the ability of the candidate to undertake the duties of the post. More information is available in the council's Recruitment Policy which is available on the council's intranet.
- 5.2 Officers with specific responsibilities for the employment of staff must adhere to the council's Equal Opportunities Policy and Guidance at all times which is available on the intranet.
- 5.3 Every officer of the council, involved in a recruitment process, must disclose any family or close personal relationship known to exist with a person who is a candidate for an appointment with the Council. In these circumstances the officer should take no further part in the recruitment process and should inform their line manager of the situation. If in any doubt the officer should seek advice from HR Services with a presumption that the relationship will be declared. Other officers will be identified by the line manager to carry on with the recruitment process. The original officer may be permitted to re-join the recruitment process if and when the person with whom they have a relationship has ceased to be a candidate.
- 5.4 If the best candidate for the job has a family or close personal relationship with their prospective line manager or supervisor, alternative management arrangements must be identified, considered and implemented by the service manager or director to avoid any future potential governance issues.
- 5.5 Only if the Director considers it is not practicable to make all the necessary alternative management arrangements and exceptional circumstances exist will a line management responsibility over someone with a family or close personal relationship be permitted. Exceptional circumstances may be based on a number of factors including the seniority of the position sought; the employment contract (i.e permanent, full time; fixed term, casual

etc); the urgency of recruitment; the extent of the relationship with the manager; the recruitment process undertaken, and the availability of alternative choices for employment.

For instance: an exceptional circumstance may be justified where it can be shown that an extensive recruitment exercise has been undertaken and perhaps where there is a requirement for large numbers of casual staff over a short period of time, e.g. for elections or major events; or where there is a very specific part time job where required skills or qualifications are in very short supply, e.g. a qualified sports coach appointed to a 2 hour per week contract.

- 5.6 If such an arrangement is made in accordance with section 4.5 above, then the Chief Executive should be informed in writing and any alternative arrangements should be documented and put onto the individuals' HR Records.

### **Responsibilities of Applicants for Employment**

- 5.7 A candidate for any appointment with the Council must declare any family or close personal relationship that they have with any Councillor or any employee of the council upon making an application for employment. This declaration should be made on the application form.
- 5.8 Any candidate who fails to disclose such a relationship, without good reason, will be disqualified from the recruitment process, and if already appointed will be liable to instant dismissal without compensation.
- 5.9 Persons invited for interview for employment by the council will be asked to reiterate their declaration as to whether they related to, or are a partner of, any officer or elected member of the council.

## **6. Management of Staff**

- 6.1 The council discourages arrangements whereby an individual is managed by, or manages, someone to whom they are related or with whom they have a close personal relationship. A 'manager' in this guidance includes an immediate supervisor, direct line manager and those in the management hierarchy up to and including Chief Executive.

### **Managing Existing Family and Close Personal Relationships**

- 6.2 Employees should not be involved in decisions and actions relating to the management, discipline, promotion, recruitment or pay adjustments for any other employee who is in a family or close personal relationship with them; e.g. they should make no updates to TMS records, should not sign claim forms for travel, expenses, overtime, leave etc, should not carry out PDR reviews, or determine working patterns, etc. In these instances, alternative arrangements must be made by the appropriate manager. If in any doubt, advice should be sought from the council's HR manager or solicitor.

- 6.3 Alternative arrangements should be made, where it would be reasonable for others to perceive that there is a conflict of interest when the employee is being asked to deal with a matter that involves another employee with whom they are in a family or close working relationship.

### **Relationships which Develop During the Course of Employment**

- 6.4 Any employee who becomes involved in a close personal relationship with a colleague, contractor, client, customer or supplier must not allow that relationship to influence his/her conduct while at work. Intimate behaviour during work time, for example kissing, touching or holding hands, is expressly prohibited. This rule applies during all working time, whether at the normal workplace, on clients' premises or elsewhere. Any breach of this rule will be regarded as a serious disciplinary offence leading to disciplinary action up to and including dismissal.
- 6.5 Any employee who embarks on a close personal relationship with a colleague working in the same department/section must declare the relationship to his/her manager. If the relationship is between a manager/supervisor and an employee whom he/she supervises, the relationship should be declared to the director. The information declared will be recorded on the personal files of both employees and treated in strict confidence.
- 6.6 In order to avoid a situation in which an employee has managerial authority over another with whom he/she is having a close personal relationship, the organisation reserves the right to elect to transfer one or both of the employees involved in the relationship to a job in another department/section. In these circumstances, the organisation will consult both of the employees and seek to reach a satisfactory agreement regarding the transfer of one or both of them. In the first instance, the council would look to move the manager.
- 6.7 In such a situation, if it is not possible to transfer at least one of the employees (for example if no suitable vacancies exist, or if an employee refuses to transfer), the organisation reserves the right to dismiss one or both employees (with notice in accordance with the employee's contract, or pay in lieu of notice). Dismissal would, however, be undertaken only as a last resort in circumstances where no other course of action was reasonably open to the organisation, subject to due legal processes.
- 6.8 Similar principles apply to an employee who begins a close personal relationship with a client, customer, contractor or supplier. If the employee's job allows him/her authority over the client, customer, contractor or supplier (for example if the employee has the authority to decide to whom to award contracts), the relationship must be declared to the employee's manager. In these circumstances, the organisation reserves the right to transfer, or as a last resort to dismiss, the employee following consultation with him/her.
- 6.9 The information declared will be recorded on the personal files of the employees and treated in strict confidence.
- 6.10 Failure to follow the above may result in disciplinary action where the relationship comes within the definition of a 'family' or a 'close personal relationship', if it is reasonable to consider that the employee(s) concerned should have recognised that the relationship warranted declaration.

## **7. Raising Concerns**

- 7.1 Employees who wish to discuss a relationship that exists within their team should be able to do so with their manager.
- 7.2 In cases where the relationship involves the manager, it is appropriate for the employee to discuss matters with a more senior manager.