

Employment Committee

Wednesday 13 June 2018

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Wednesday 13 June 2018 at **6.00pm**.

Membership:

Councillor Barrott	Councillor Gallagher
Councillor Mrs Bunker	Councillor Mobbs
Councillor Day	Councillor Noone
Councillor Doody	Councillor Parkins
Councillor Mrs Evetts	Liberal Democrat Vacancy
Councillor Mrs Falp	

Emergency Procedure

At the commencement of the meeting, the Chairman will announce the emergency procedure for the Town Hall.

Agenda

1. Apologies and Substitutes

- (a) to receive apologies for absence from any Councillor who is unable to attend; and
- (b) to receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

2. Appointment of Chair

To appoint the Chair of the Committee for the ensuing municipal year.

3. Declarations of Interest

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be entered on the form to be circulated with the attendance sheet and declared during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.



If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

4. **Minutes**

To confirm the minutes of the meeting held on 21 March 2018.

(Pages 1 – 15)

5. **Minutes - Members/Trades Unions Joint Consultation & Safety Panel**

To approve the minutes of the meeting held on 7 March 2018.

(Pages 1 - 3)

6. **Site Delivery Officer – Permanent Post**

To consider a report from Development Services.

(Pages 1 – 4)

7. **Administration Officer Visiting Team**

To consider a report from Finance.

(Pages 1 - 4)

8. **Staffing Proposals for the Rough Sleepers Initiative 2018-2020**

To consider a report from Housing Services.

(Pages 1 - 8)

9. **Disciplinary Procedure for Statutory Officers**

To consider a report from the Democratic Services Manager & Deputy Monitoring Officer.

(Pages 1 - 15)

10. **People Strategy Update**

To consider a report from Human Resources.

(Pages 1 - 31)

11. **Public and Press**

To consider resolving that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following items by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Item Nos.	Para Nos.	Reason
12	1	Information relating to an Individual
12	2	Information which is likely to reveal the identity of an individual

12. **Cultural Services Admin Support Officer**

To consider a report from Cultural Resources.

(Pages 1 - 5)
(Not for Publication)

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Enquiries about specific reports: Please contact the officers named in the reports.

You can e-mail the members of the this Committee at
employmentcommittee@warwickdc.gov.uk

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**The agenda is also available in large print, on request, prior to the meeting by calling
01926 456114.**

Employment Committee

Minutes of the meeting held on Wednesday 21 March 2018 at the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Mrs Bunker (Chairman); Councillors Barrott, Day, Doody, Mrs Evetts, Mrs Falp, Noone and Parkins.

55. **Apologies and Substitutes**

- (a) No apologies for absence were received.
- (b) No substitutes were appointed.

56. **Declarations of Interest**

Minute 58 – Cultural Services – Programme Team

Councillor Mrs Falp declared an interest because part of the role would be to support the Whitnash Community Hub project.

57. **Minutes**

The minutes of the meetings held on 13 December 2017 at 2.00pm, 13 December 2017 at 6.00pm and 31 January 2018 were taken as read and signed by the Chairman as a correct record.

58. **Cultural Services – Programme Team**

The Committee considered a report from Cultural Services that requested approval to expand the Programme Team within Cultural Services by making the current fixed term posts of Programme Manager and Programme Officer permanent posts on the establishment, and establishing a fixed term Community Stadium Project Officer within this team. The report also recommended the creation of a new fixed term Project Officer within Cultural Services to coordinate the Council's work on the Commonwealth Games project.

The Leisure Development Programme (LDP) was established in 2015 when work commenced on Phase I of the Programme focussing on the leisure centre improvements at Newbold Comyn Leisure Centre and St Nicholas Park Leisure Centre, and the appointment of an external operator to manage the Council's leisure centres. The external operator was appointed in May 2017, and the Phase I leisure centre improvements would be completed in the first half of 2018. The delays experienced in the leisure centre construction projects, and the complexity of elements of these projects, led to the extension of the temporary Programme Manager position to September 2018 from February 2018, and the creation of a Project Officer post to support the work of the Programme Manager, which was due to end at the end of September 2018.

At the outset of the LDP it was agreed that Phase I would focus on provision in Warwick and Leamington, and once complete, attention would turn to Kenilworth and the north of the district and the implementation of

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LDP Phase II. A report was considered by the Executive in February 2018 to outline the constituent parts of Phase II and approval given on the approach to be taken in delivering the various and complex projects that it comprised.

The proposal to add these two posts to the permanent establishment was based on a number of factors.

It was recognised that Phase II comprised of significant established projects and a number of proposed projects or projects which were directly related to the work of Cultural Services and were currently being scoped. Phase II involved close partnership with a number of external organisations which added a further level of complexity. Learning from the experiences of Phase I, it was clear that each project had its own challenges and would need careful management if the wider Phase II was to be delivered effectively. Phase I of the LDP (construction works and appointment of an external management partners) was managed effectively by the Programme Manager supported more recently by the Project Officer.

Looking ahead for the next four to five years, there needed to be appropriate resources, with the appropriate level of programme management skills, to enable the projects, listed at Appendix B to the report, to be delivered.

Looking beyond Phase II of the LDP, there were other strategic projects that were directly related to the work of the Cultural Services team.

It was proposed that the role of the Community Stadium Project Manager was established and became part of the Sports Programme team, reporting to the Programme Manager. Funding for this post was approved by the Executive in April 2017 in the Europa Way – Strategic Opportunity report. This would allow the team to benefit from a degree of skill and knowledge sharing, and would build in an element of resilience. In addition to potentially overseeing the construction phase of the stadium project, the Project Manager would hold a key role in influencing decisions around the facility mix that was incorporated in to the project and bringing sports organisations together to ensure that the final design was correct and that usage of this facility was maximised within the community. These latter elements of the project would be enhanced if the role was managed from within Cultural Services where experienced “sports and leisure officers” were on hand to advise and support as required.

A local Project Board had been established, for the Commonwealth Games in 2022, and the strategic objectives agreed, as outlined at Appendix C to the report. The Executive considered a report on this project at its March meeting, which referred to the resources required to ensure that the Council could deliver on its contributions to the Games in 2022. Confirmation from the Birmingham Commonwealth Games Organising Committee on the details of how it would work with other local authorities, including WDC, was awaited. However it was considered that this high profile “one off” project required a dedicated resource to bring the many and various strands together in the coming four years. It was proposed

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that this post would be best placed within Cultural Services, reporting to the Programme Manager and working closely with officers on the Project Board and across the wider Council.

Other potential projects that were anticipated that would be led by the Programme team included: Future refurbishment or relocation of the athletics track; and future investment in and management of sports pavilions.

Resolved that the

(1) following posts be added to the Council's permanent staffing establishment with effect from September 2018

- a) Sports Programme Manager; and
- b) Sports Programme Officer;

(2) following fixed term posts are added to the Cultural Services establishment:

- a) Community Stadium Project Officer (until 2023 of final completion whichever is the later); and
- b) Commonwealth Games Project Officer (until the completion of the project in 2022).

59. People Strategy Update & Social Media Policy

The Committee considered a report from Human Resources that provided an update on progress made on the People Strategy Action Plan as discussed at the People Strategy Steering group (PSSG).

The purpose of the People Strategy was to support the Council's Fit for the Future programme of work. Its aim was to ensure that the approaches to resourcing, learning and development, cultural change and organisational development were designed to deliver the workforce that the Council required. The People Strategy Action Plan underpinned the People Strategy and reported progress to Senior Management Team, Corporate Management Team, People Strategy Steering Group and Employment Committee.

The report also brought forward an update Social Media Policy for the Council, that was set out at Appendix 1 to the report.

The HR Manager informed the Committee that the Council's apprenticeships scheme had been launched for 14 roles across the Council. In addition the HR Manager provided an update with regard to those members of staff who were off on long term sick relating to stress. There were currently 10 officers off; three related to mental health issues, four for personal reasons and three work related. Each of these individuals would receive a

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tailored response to respect their individual needs but all with a consistent aim of returning them to work as soon as possible.

Resolved that

- (1) the report be noted; and
- (2) the Social Media Policy as set out at Appendix 2 to the report be approved.

(Councillor Noone arrived at the meeting during this item.)

60. Pay Policy Statement & Gender Pay Gap Reporting

The Committee considered a report from HR that presented the Council's Pay Policy Statement for 2018-19, for the seventh year, as required under the Localism Act 2011, Chapter 20, Part 1 Local Government, Chapter 8 Pay Accountability.

It set out the Authority's policies for the financial year relating to the remuneration of chief officers, the remuneration of the lowest paid employees and the relationship between the remuneration of its chief officers and its employees that were not chief officers.

The report provided a definition of chief officers and lowest paid employees. It covered different elements of remuneration and outlined the guidelines and policies that governed remuneration.

In accordance with the Equality Act 2010 with effect from 30 March 2018 it was a requirement to report and publish specific gender pay gap information. It included mandatory gender pay gap information that must be reported to central government and published on the Warwick District Council website.

In response to questions from the Committee it was confirmed that a further more detailed report on the gender pay gap would be brought to the Committee in September. This report would look at the reasons behind the gender pay gap at the Council.

Following a question from the Committee, the HR Manager agreed to report back to all Councillors, ahead of Council, on if the final paragraph of the Termination Payments Section was required.

Recommended that subject to clarification, regarding the information regarding termination payments, Council approves the Pay Policy Statement, as set out at Appendix 1 to the minutes, as presented and agree for its publication for the 2018-19 financial year.

Resolved that the the Gender Pay Gap reporting as presented in Appendix 2, to the report, be approved and published.

61. Creation of new Posts in Development Services and Health & Community Protection

The Committee considered a report from Development Services & Health & Community Protection that sought approval for additional posts to be added to the Council's establishment within the respective service areas.

In January 2018, the Government introduced new regulations to increase Planning Fees by 20%. The guidance suggested that the additional funds arising from the fees increase should be spent "to support the delivery of an effective planning system". To reflect this the Executive agreed, on 1 June 2017 to increase income accordingly with a commensurate increase in expenditure. It was also agreed that budget apportionments from the planning fees increase should be determined by the Section 151 officer in consultation with the Senior Management Team.

In light of this decision and following consultation with the Senior Management Team on 14 February 2018, the Section 151 officer agreed that the following posts should be funded from the increase in planning fees, discharge of Conditions Officer (1FTE); Enforcement Officer (0.5 FTE); Development Monitoring Officer (1FTE); and a Senior Environmental Health Officer (1FTE from May 2018).

It should be noted that the increase in Planning Fees would support other changes to the establishment including a third Site Delivery Officer, a CIL Officer and a Green Spaces Officer. All these posts had previously been established through Employment Committee

In February 2018 the Executive and Council considered a report on the General Fund and Budget for 2018/19. This report included proposals to make the existing Projects Manager post (1FTE)(responsible for the Office Relocation Project) permanent. It proposed a new Project Officer (1FTE) post be created to provide additional capacity for a number of key corporate projects.

At present Warwick Building Control had a vacant post. The service was amending its approach to recruitment, whereby more emphasis was placed on growing talent within the service rather than recruiting direct in to senior roles. It was therefore proposed to use funding that was currently available for a Building Control Consultant to establish a new Trainee Building Consultant post.

Resolved that the following posts be established within:

- (1) Development Services:
 - Enforcement Officer, 0.5 FTE
 - Development Monitoring Officer, 1FTE
 - Discharge of Conditions Officer, 1FTE (existing temporary post to become permanent from 1st April 2018)
 - Project Officer, 1FTE

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- Project Manager, 1FTE (existing temporary post to become permanent from 1st April 2018)
- Trainee Building Consultant, 1FTE; and

(2) Health and Community Protection: - Senior Environmental Health , 1FTE, Temporary for 2 years from May 2018

62. Information Security & Conduct Policy

The Committee considered a report from Democratic Services that updated the the current Information Security & Conduct Policy for Warwick District Council to ensure it complied with General Data Protection Regulation that would come into force in May 2018.

From 25 May 2018 the UK would be subject to the General Data Protection Regulations from the EU. These would replace the current Data Protection Act 1998 and would be supplemented (and in due course) replaced by the Data Protection Act 2018.

The Council would be required to abide by the regulations because of its need to handle personal data in order to carry out its functions as a local authority.

Under the regulations the Council had appointed a Data Protection Officer as part of an agreement with Stratford District Council in a two year agreement.

A revised Information Governance Framework would be brought to the Executive, along with relevant polices for consideration at its meeting in April. However the Information Security & Conduct Policy was the responsibility of Employment Committee.

The Policy had only had minor amendments to reflect the new regulations and forthcoming Data Protection Act within the UK, and included further details. The amendments were summarised at Appendix 1 with the revised Policy set out at Appendix 2.

Resolved that the revised Warwick District Council Information & Security Conduct Policy, as set out at Appendix 2 to the report, be approved.

63. Additional Resources in Democratic Services

The Committee considered a report from Democratic Services that brought forward proposals for an additional post within Electoral Services and revised posts within the Corporate Support Team to enable an improved delivery of service.

The introduction of Individual Electoral Registration in 2014 changed the requirements on individuals to undertake electoral registration themselves. This presented a challenge with two specific areas Residential

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Care Homes and student accommodation, which had been nationally recognised.

Since 2014 Electoral Services had undertaken the canvass of residential care homes within the its current resources, however this had been intermittent and with varying levels of resource as the work needed to be undertaken based on other demands within the team.

The team had encountered difficulties in working with the care homes to ensure that the Electoral Register was updated and elector's democratic rights were maintained. The challenges were many, from getting care home managers to engage with the process, to recognising that some residents would not be able to easily provide the identification required to submit an application to register.

The Electoral Commission guidance advice was to separate Residential and Care establishments from Electoral Services other canvassing activity and engage with the Residential and Care establishments on an individual basis. This was because of the specific support that was required.

At present there were over 40 residential care homes within Warwick District with currently 900 residents registered to vote.

In addition the Electoral Services Team had an agreement in place working with Warwick University to enable students to share their details for electoral registration purposes before they started at the university. This had seen a significant number of students being registered to vote but this data needed to be processed correctly and the relationship with other universities and colleges needed to be expanded in a similar approach.

Therefore, it was proposed that the Electoral Services Support & IER Canvasser would provide this dedicated support and be the recognised point of contact to enable relationships to be built upon. The post would equate to 0.23fte, however when in operation it would see the individual working full time for a limited period of time quarterly to enable them to work with each care home. In addition it was envisaged that the post holder would support the team during elections through working longer hours. However this would be charged back to the relevant election(s). This would then help provide greater resilience within Electoral Services which had been identified by the Electoral Commission within all Electoral Services Teams.

The Corporate Support Team covered a number of core administrative functions across the Council. The Corporate Support Manager had reduced their working hours and it was proposed that the team should be taking over the management of a greater number of core contracts across the Council, including office supplies, all pay and capita along with migration of the PCSN compliance action plan.

The revisions proposed within the Corporate Support Team sought to introduce a new post at a more senior level within the team to support this work. While a post was deleted this post had not been advertised

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since it became vacant in abeyance of this proposal coming forward. This had resulted in the above contracts not being transferred to the teams and slowing the restructure of other teams within the Council.

The new post, which was supported by the officers within the team, would also enable a greater career development opportunity within the team. It was an intended outcome that from the revisions in the establishment there would be sufficient funding for an apprentice to be recruited within the team.

Resolved that

- (1) the additional post of Electoral Services Support & IER Canvasser, as illustrated at Appendix 1 to the report, be approved;
- (2) the Corporate Support Assistance Post WD00008 be deleted from the establishment; and
- (3) a new post of Corporate Support Officer be added to the establishment.

64. Public & Press

Resolved that under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following items, by reason of the likely disclosure of exempt information within paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Minute No.	Para Nos.	Reason
65	1	Information relating to an individual
65	2	Information which is likely to reveal the identity of an individual.

65. Confidential Minutes

The confidential minutes of the meetings held on 13 December 2018 at 6.00pm and 31 January 2018 were taken as read and signed by the Chairman as a correct record.

(The meeting ended at 7.16 pm)

PAY POLICY STATEMENT 2018/19

Introduction and Purpose

Warwick District Council aims to have a comprehensive remuneration package that is appropriate and fair for all levels of role and responsibility; ensuring that transparency and equality underpins any rewards.

Under section 112 of the Local Government Act 1972, the Council has the "power to appoint officers on such reasonable terms and conditions as authority thinks fit".

This Pay Policy Statement sets out the Council's approach to pay policy in accordance with the requirements of Section 38 of the Localism Act 2011. The purpose of the statement is to provide transparency with regard to the setting of pay for its employees by identifying:

- the detail and level of remuneration of its most senior staff i.e. 'chief officers', as defined by the relevant legislation
- the methods by which salaries of all employees are determined
- the Committee responsible for ensuring the provisions set out in this statement are applied consistently throughout the Council

Once approved by Full Council, this policy statement will come into immediate effect and will be subject to review on a minimum of an annual basis in accordance with the relevant legislation prevailing at that time. This is the seventh Pay Policy Statement published; the first was for 2012/13.

REMUNERATION PROVISIONS

Definition of Chief Officers

The definitions of Chief Officer are taken from the Localism Act 2011 and set out in Article 12 of the Council's Constitution as:

Chief Executive
Deputy Chief Executive
Heads of Service
Section 151 Officer
Monitoring Officer

Definition of Lowest Paid Employees

These are employees in Grades J and I of the NJC grading structure which are the bottom two bands in the scheme. The grading and banding is underpinned by Hay job evaluation scheme. Currently those employees in Grade J account for a very small proportion of the workforce, therefore Grade I is also included.

In October 2014 the Living Wage Foundation rate (£8.45 wef 1.4.17) was introduced as a discretionary supplement to ensure that all staff paid below the Living Wage Foundation rate were uplifted to that rate.

A review of the Council's grading structure will be undertaken in conjunction with the NJC's National Review of the Local Government Salary Scales. In anticipation of the potential changes and impacts, the National Living Wage Foundation discretionary supplement has been frozen at the April 2017 rate of £8.45. A 2% pay increase will be applied to this rate subject to the NJC Pay Award agreement.

Apprentices are employed on a lower wage as they are considered to be on a training agreement with the Council, rather than a full employment contract.

The recommended pay rates should not be lower than the National Minimum Wage and the District Council has adopted a pay range for apprentices with accords with National Rates for apprentices.

Section 1- POLICY ON REMUNERATION OF CHIEF OFFICERS

1. Levels of Pay for Each Chief Officer

The Chief Executive as head of the paid service is employed on the JNC terms and conditions of service and paid a salary that is a spot payment, commensurate with the role.

The Deputy Chief Executives, Heads of Service (which include the Monitoring Officer and the Section 151 Officer) are paid within the Warwick Senior Management Grades (WSMG) on a salary which is considered a market rate within the local government sector. There are 3 salary scale incremental levels; the current levels of pay for each Chief Officer are set out in Appendix A.

Employer contributions for LGPS for 2018/19 is 19.6% and Employee contributions can be found at www.warwickshire.gov.uk/pensions

These elements of remuneration for 2017/18 are set out below. With effect from 1st April 2018 these rates are subject to the JNC 2018/19 pay award. This has not yet been agreed at a National Level.

2. Elements of Remuneration for Each Chief Officer

In addition to the basic salary outlined above, Chief Officers may claim business mileage as a Casual Car User; none of the Chief Officers are in receipt of an Essential Car User Allowance payment.

The Chief Executive is the Council's Returning Officer and receives an Election Allowance. This allowance is set by central government and it varies each year depending on the number and type of elections held in each year.

The Council's Monitoring Officer role is carried out by one of the Deputy Chief Executives as part of the current role; a separate payment for Monitoring Officer is not made.

For an exceptional piece of work or an exceptional achievement, a Chief Officer may be awarded an honorarium. The Chief Executive can approve this for any employee and this is either paid as a one off payment or can be a monthly allowance for a temporary period.

3. Pay Levels on Recruitment

The pay level offered on recruitment is typically the bottom point of the salary grade for all roles including Chief Officers. In situations, however, where the individual recruited has a high level of knowledge or skills, and/or previous relevant experience, a higher salary up to the maximum salary for that post, may be authorised by the Chief Executive.

The majority of Chief Officers are appointed by the Employment Committee (which reflects all political parties) exercising their delegated powers as outlined in the officer employment procedures.

This excludes the appointment to the role of Head of Paid Service (Chief Executive) and any other posts where the salary is greater than £100,000 where the Employment Committee recommends the appointment to Full Council for approval.

4. Increases to Pay

Any cost of living increases agreed through JNC are applied to Chief Officers pay. This is typically on 1st April each year and incremental increase to their pay will be applied as follows:

- Chief Officers appointed between 1st October and 31st March will receive an increment on 1st October the following year and thereafter
- Chief Officers appointed between 1st April and 30th September will receive an increment on 1st April the following year and thereafter.

There are 3 levels of increment; the first is the recruiting salary, the second level is automatic but the final level is subject to a satisfactory performance as signed off by their line manager. It may be withheld if the Chief Officer is deemed to not have a satisfactory performance appraisal or has a live formal written warning for conduct or performance issues.

Where a Chief Officer has given exceptional performance then they may be awarded additional increments outside of the normal incremental timescale as detailed above - subject to their pay not exceeding the maximum salary for their post. This would be authorised by the Chief Executive.

Chief Officers' pay will be benchmarked regularly against the market to ensure consistency is maintained both in the peer local authorities and nationally if relevant. Where there are significant changes in market rates then a pay benchmarking assessment will be carried out for Chief Officers.

Where a Chief Officer is temporarily working in a higher level role, (duration of 3 months or more) this may be recognised by payment of an honorarium or the higher salary relevant to that role on a temporary basis.

5. Performance Related Pay or Bonuses

Exceptional performance of Chief Officers is recognised by either accelerated increments or an honorarium as detailed previously. Poor performance may result in an increment being withheld.

6. Termination Payments

In the case of redundancy, a severance payment would be made to a Chief Officer in line with the current the Redeployment and Stability of Employment policies and as per the Redundancy Calculator, subject to Statutory Maximum (which takes account of all the costs of the termination).

Leavers who wish to apply for Early Retirement or Flexible Retirement may do so in accordance with the associated policies for early retirement and flexible retirement, subject to Statutory Maximum.

In the case of termination due to Ill-health, a termination payment would not be applicable but a higher pension benefit may be awarded by the pension scheme. The pension benefit may include a lump sum in addition to an on-going pension payment.

On termination of employment, if it is not possible or desirable for the Chief Officer to serve their contractual or statutory notice period, then a payment may be made in lieu of the notice period.

Any contractual payments such as outstanding annual leave are usually included in payments on termination of employment. Similarly any monies owing to the Council would be deducted from payments made on termination.

The Council may choose to make a payment under a Settlement Agreement to protect against compensation claims that could be expensive or bring the Council into disrepute. Typically such payments are less than a year's salary, and will be subject to Statutory Maximum. The approval for payments of this nature need to have the support of the Chief Executive who will then seek approval at Executive Committee.

Section 2 - POLICY ON REMUNERATION OF ALL EMPLOYEES AND IDENTIFICATION OF OUR LOWEST PAID EMPLOYEES

Our definition of the lowest paid employees within the Council is determined by the grade for their post, which is underpinned by Hay job evaluation scheme. Market supplements may be given to some posts where there are recruitment and retention difficulties. Currently none of our lowest paid employees receive a market supplement on their salary.

The Council implemented a discretionary supplement in October 2014 for staff paid spinal column point 12 and below to bring their hourly rate in line with National Living Wage Foundation (NLWF). The NLWF rate was increased to £8.45 in October 2016 and it was agreed within the February 2017 Budget Report to implement with effect from 1st April 2017. In light of the implementation of the new statutory National Living Wage and the 2018/19 NJC National Pay negotiations it was agreed in September 2017 to freeze the NLWF rate at £8.45 with effect from 1st April 2018, and review a pay increase with a view to applying the nationally agreed pay award, potentially 2%.

Using the Hay Job Evaluation process, the Councils uses the nationally negotiated pay spine (further details can be found at www.LGE.gov.uk) as the basis for its local grading structure. This determines the salaries of the large

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majority of the workforce – apart from Chief Officers - together with the use of other nationally defined rates where relevant. The last increase to the national pay scheme was April 2017 and negotiations are currently underway in respect of a two year pay deal for 2018/19 and 19/20.

All other pay related allowances are the subject of either nationally or locally negotiated rates, having been determined from time to time in accordance with collective bargaining machinery and/or as determined by the Council. In determining its grading structure and setting remuneration levels for all posts, the Council takes account of the need to ensure value for money in respect of the use of public expenditure, balanced against the need to recruit and retain employees who are able to meet the requirements of providing high quality services to the community, delivered effectively and efficiently and at times at which those services are required.

New appointments will normally be made at the minimum of the relevant grade, although this can be varied where necessary to secure the best candidate. From time to time it may be necessary to take account of the external pay market in order to attract and retain employees with particular experience, skills and capacity. Where necessary, the Council will ensure the requirement for such is objectively justified by reference to clear and transparent evidence of relevant market comparators, using appropriate data sources available from within and outside the local government sector.

During 2012/13, the Council fulfilled its commitment to employ Apprentices and had two young people engaged under this scheme. Both apprentices secured employment within the Council. In 2014/15 two more Apprentices were recruited. There are currently three apprentices within the authority and funding has been agreed to support the recruitment of up to 8 more apprentices in supernumerary posts.

Section 3 - THE RELATIONSHIP BETWEEN REMUNERATION OF CHIEF OFFICERS AND OTHER EMPLOYEES

The statutory guidance under the Localism Act recommends the use of pay multiples as a means of measuring the relationship between pay rates across the workforce and that of senior managers (as included within the Hutton 'Review of Fair Pay in the Public Sector' 2010). The Hutton report was asked by Government to explore the case for a fixed limit on dispersion of pay – in that a public sector manager cannot earn more than 20 times the lowest paid person in the organisation. The report concluded that the relationship to median earnings was a more relevant measure and the Government's 'Code of Recommended Practice on Data Transparency' recommends the publication of the ratio between highest paid salary and the median average salary of the whole of the Council's workforce.

Currently the average (mean) of the Chief Officers' pay is 2.9 times that of the rest of the employees. The highest earning Chief Officer earns 4.2 times the mean of the rest of the employees. The highest earning Chief Officer earns 12.1 times the lowest paid employees.

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Currently the median Chief Officers' pay is 2.7 times that of the rest of the employees. The highest earning Chief Officer earns 4.6 times the median salary of the rest of the employees.

These figures are accurate as of January 2018 and exclude any other payments or allowances.

As part of its overall and ongoing monitoring of alignment with external pay markets, both within and outside the sector, the Council will use available benchmark information as appropriate.

Section 4 - PUBLICITY AND ACCESS TO INFORMATION

This policy including Appendices will be available on our web site www.Warwickdc.gov.uk.

Section 5 - RELATED DOCUMENTS

Early Retirement	Flexible Retirement
Redeployment and Stability of Employment	Ill-Health Retirement Policy
Recruitment Policy	Honoraria Policy
Final Increment Scheme for Chief Officers	Capability Policy
Disciplinary Policy	Car Users guidelines
Hay Job Evaluation Scheme Outline	

Date of first issue:	March 2012
Date of Version 2:	March 2013
Date of Version 3:	March 2014
Date of Version 4:	January 2015
Date of Version 5:	March 2016
Date of Version 6:	March 2017
Date of Version 7:	March 2018
Date of next review:	January 2019

APPENDIX A

WARWICK SENIOR MANAGERS GRADES 2017/18
(WSMG Scheme for Chief Officers excluding the Chief Executive)

Basic Pay

Grade	Post	Starting Point	Mid Point	Max Point
	Chief Executive	£98,652	-	£108,015
WSMG1	Deputy Chief Executive	£81,158	£84,540	£87,921
WSMG2	Head of Finance	£71,793	£74,655	£77,516
WSMG3	Head of Housing Services	£57,549	£59,949	£62,349
WSMG3	Head of Neighbourhood Services	£57,549	£59,949	£62,349
WSMG3	Head of Cultural Services	£57,549	£59,949	£62,349
WSMG3	Head of Development Services	£57,549	£59,949	£62,349
WSMG3	Head of Health and Community Protection	£57,549	£59,949	£62,349

Chief Officers and Chief Executive will receive a pay award with effect from 1.4.18 which has not yet been agreed.

ELEMENTS OF REMUNERATION FOR CHIEF OFFICERS

Car Mileage Payments

The accumulative mileage claim for the Chief Officer population for 2017/18 is approximately £1,783. It is estimated that the figure would be in the same region for 2018/19.

Election Allowance for 2017/18 (Chief Executive only)

The fee paid to the Returning Officer is determined by legislation and the recovery of the costs for the Returning Officer duties at a UK or European Election is met from Central Government funds and as such does not constitute a cost the Council.

Honorarium Payments

None expected for Chief Officers in 2017/18

Relocation Scheme

None anticipated for 2017/18

Mortgage Subsidy Scheme

None currently

Members/Trades Unions Joint Consultation & Safety Panel

Minutes of the meeting held on Wednesday 7 March 2018, at the Town Hall, Royal Leamington Spa at 4.30pm.

Present:

Employers' representatives: Councillors Coker, Heath and Parkins.

Trades Unions' representatives: Mr Crump and Mr Lynch.

Also Present: Mrs Dury (Committee Services Officer), Mr Carden (Building Manager & H&S Co-ordinator), Mrs Dolphin (HR Manager), and Mrs Rolfe (Head of Health & Community Protection).

It was the Unions' representative's turn to Chair the meeting so Mr Crump took the Chair.

The Chair informed everyone that Mr Daniel Mulryan had taken over the position of Mr Tony Foster as Unison Representative, following Mr Foster's retirement.

21. **Apologies and Substitutes**

- (a) An apology for absence was received from Mr Mulryan.
- (b) There were no substitutes.

22. **Declarations of Interest**

Councillor Parkins declared an interest to cover the whole of the meeting because she was a member of Unison and a Unison workplace representative.

23. **Minutes**

The minutes of the meeting held on 29 November 2017 were taken as read and signed by the Chairman as a correct record.

Part One **Health & Safety Matters**

24. **Lone Working Policy Update / Corporate Health & Safety - Update**

The Panel considered a report from Health & Community Protection which summarised the Council's current position in relation to Corporate Health & Safety.

The Panel asked for clarification on what constituted "competent persons" stipulated at paragraph 3.14 of the report, and was informed that in the case of the Council, the people nominated as "competent persons" were the

Head of Health & Community Protection and also the Corporate Health & Safety Co-ordinator.

The Panel discussed lone working and was informed that the Council was in the process of writing a new policy for lone workers and sourcing appropriate software, body cameras and making more use of radios to help keep lone workers safe.

Recommended that Employment Committee amends the terms of reference for MTU to ensure that we are compliant with The Safety Representatives and Safety Committees Regulations 1977 the following statement has to be added to the Members Trade Union Terms and Conditions:

“To assess and make recommendations to the body corporate on issues of health and safety. In particular on:

- Reports regarding the health safety and welfare of employees.
- Health and safety developments, plans, projects and policies.
- The introduction of any measure which sustainably affects the health and safety of employees.
- The provision of health and safety training.
- Arrangements for appointing ‘competent persons’ in accordance with the management of health and safety at work regulations.
- Adequacy of health and safety communications.”

Resolved that the report be noted.

Part Two **Joint Consultative Matters**

25. **People Strategy Update**

The Human Resources Manager gave a verbal briefing to the Panel on the work being undertaken by the People Strategy Steering Group. Of note was:

- The Corporate Apprenticeship Scheme had been implemented with huge enthusiasm from Heads of Service to provide opportunities for apprenticeships.
- The Council had increased the apprenticeship opportunities to 14 positions on the premise that not all these might be achieved.
- The Gender Pay Gap work had been completed and a report would be presented to the Employment Committee later in the month. The

work on this had revealed that, at this Council, there was not a significant gap in pay rates between men and women.

- Social Media Discrimination training for Councillors had been completed. Council staff would now be offered the training.

(The meeting ended at 5.08 pm)

CHAIR
30 May 2018

	Employment Committee – 13th June 2018	Agenda Item No. 6
Title	Site Delivery Officer – Permanent Post	
For further information about this report please contact	David Barber Dave.barber@warwickdc.gov.uk 01926 456065	
Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	N/A	
Background Papers	Report – Executive 1 st June 2017 Report – Executive 7 th February 2018	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	30/5/18	Bill Hunt
Head of Service	29/5/18	Dave Barber
CMT	30/5/18	Chris Elliott/Bill Hunt/Andy Jones
Section 151 Officer	30/5/18	Mike Snow
HR	29/5/18	Tracy Dolphin
Finance	30/5/18	Mike Snow
Portfolio Holder(s)	31/5/18	CLlr Alan Rhead
Consultation & Community Engagement		
N/A		
Final Decision?	Yes	
Suggested next steps (if not final decision please set out below)		

1. **Summary**

- 1.1 This report sets out the proposals to make the existing temporary Site Delivery Officer into a permanent post.

2. **Recommendations**

- 2.1 That the existing temporary Site Delivery Officer (2.5 years) within Development Services is established as a permanent post

3. **Reasons for the Recommendation**

- 3.1 At its meeting in January 2018 the Employment Committee agreed to replace a vacant Senior Planner post with a new permanent Site Delivery Officer. This increased the number of Site Delivery Officers in the Policy and Projects Section to two permanent posts and one temporary post (initially for three years from September 2017, but now with 2.5 years to run). The two permanent posts (focusing on South of Warwick and East of Kenilworth) are currently filled. The third temporary post (which is expected to focus on the development areas south of Coventry) is vacant and a recruitment exercise in March failed to identify any suitable candidates.

- 3.2 For a number of reasons it is now proposed to make this temporary post permanent. These reasons are:

- a) Site delivery work for the area south of Coventry is expected to require full time resources for many years to come. Initially this work will focus on planning and supporting high quality development proposals and infrastructure (including across the border with Coventry City Council). Once planning proposals are approved, the work will require a focus on ensuring funding and delivery of infrastructure, work to ensure developments across the area are coordinated and ongoing negotiations with developers, local communities and other agencies to ensure high quality development are delivered in a timely way.
- b) The adopted Local Plan commits to a partial review for the area to the south of Coventry, potentially in advance of a more comprehensive Local Plan review. This seeks to enable the potential and impacts of a new link road and HS2 to be taken in to account. The Site Delivery Officer is expected to play a key role in this partial review. Work on the review will take at least two years and will of course require ongoing resources to plan for its implementation. This work therefore has resource implications beyond the end of the current temporary arrangement.
- c) It is hoped that by making the post permanent, it will be more attractive to high quality candidates thereby increasing the likelihood of a successful recruitment.

4. **Policy Framework**

4.1 **Fit for the Future:**

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several key projects.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council’s FFF Strategy.

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Improved cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and Anti-Social Behaviour (ASB)	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/productivity of local economy Increased employment and income levels
Impacts of Proposal		
The post will have an important role in supporting the delivery of high quality, safe development and infrastructure whilst taking account of health impacts.	The post will have an important role in supporting good quality design that delivers an environment that people are proud of and supports community safety.	The post will play a central role in ensuring S106 and CIL contributions are collected from developments and are spent on delivering infrastructure priorities
Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers’ needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
Impacts of Proposal		
The proposals will ensure the right resources are available to address current priorities for Development Services	The new posts will ensure a focus on customer priorities and will work closely with services across the Council to ensure a responsive service.	The new posts will support S106 and CIL, providing an important and reliable source of funding for infrastructure.

4.2 **Supporting Strategies:** Each strand of the FFF Strategy has several supporting strategies. The Local Plan is one of the key strategies, cutting across many of the FFF strands. The post will play an important role in delivering the Local Plan and Infrastructure Delivery Plan.

4.3 **Impact Assessment:** There are no equalities or environmental impacts associated with the proposal in this report.

5. **Budgetary Framework**

5.1 The post is expected to cost £48,000 to £51,000 per annum including on-costs. The post will be funded from monitoring contributions in Section 106 agreements. The existing temporary post is funded from Section 106 monitoring contributions that have already been paid. As of 1st April 2018, the balance of this amounts to £122,000. In addition to those funds, monitoring contributions amounting to approximately £80,000 have been agreed in Section 106s. With further agreements for Local Plan sites either in train or anticipated, it is expected that future Section 106 agreements are likely to deliver in the region of £200,000 over the next 5 to 8 years as Local Plan sites come on stream. In total therefore monitoring contributions from Section 106 agreements are expected to provide in excess of £400,000 over the next 5 to 8 years, enough to fund a post for around 8 years.


5.2 Section 106 contributions will continue to be closely monitored and in the event that a shortfall arises, a further report will be brought to Executive proposing the shortfall is funded from potential CIL administration income or through adjustments to the Medium Term Financial Strategy.

6. **Risks**

6.1 There is a risk that Section 106 contributions will not come forward as anticipated. In this event, alternative funding options for the post will be considered by Executive including the potential to use CIL administration income or adjustments to the Medium Term Financial Strategy.

7. **Alternative Option(s) considered**

7.1 An alternative is to retain this as a temporary post. However for the reasons set out in para 3.2 above, this is not recommended.

 Employment Committee 13 June 2018		Agenda Item No. 7
Title	Administration Officer Visiting Team	
For further information about this report please contact	Mike Snow 01926 456800 David Leech 01926 456052	
Wards of the District directly affected	N/A	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	N/A	
Background Papers	N/A	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	N/A
Equality Impact Assessment Undertaken	N/A

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	30/05/18	Andy Jones
Head of Service	30/05/18	Mike Snow
CMT	30/05/18	
Section 151 Officer	30/05/18	Mike Snow
Monitoring Officer	30/05/18	Andy Jones
Finance	30/05/18	Mike Snow
Portfolio Holder(s)	30/05/18	Peter Whiting
Consultation & Community Engagement		
N/A		
Final Decision?		Yes/No
Suggested next steps (if not final decision please set out below)		

1. **Summary**

1.1 In view of the huge increase in new domestic and commercial property within the District (both currently and as set out in the Local Plan) and the associated responsibilities in ensuring we have these properties accounted for, banded/rated and billed, it is proposed to increase the establishment by ½ a post (Band G) in order to create a Full Time Administration Officer for the Revenues Visiting Team.

2. **Recommendation**

2.1 That the Employment Committee agree to increase the Finance establishment by ½ a permanent post to create a Full Time Administration Officer for the Revenues Visiting Team with immediate effect.

3. **Reasons for the Recommendation**

3.1 In recent years there has been a substantial increase in the volume of new property being built within the District and this is only going to continue with the Local Plan outlining a further 17,000 domestic properties to be built over the next 11 years. Each new property will require:-

- The new property being set up on the Revenues billing system.
- Visits or calls/correspondence with the builders to establish when the property build has been completed.
- Production of the Billing Authority Report to the VOA, complying with their new stringent submission standards.
- Banding to be applied once received from VOA
- Liability information to be obtained and added to account in order for Council Tax demand to be issued.

This large increase in workload through the increased property build will place greater demand and pressure on the visiting team and therefore generates the need for greater administrative support

3.2 The increase in banded domestic properties is shown by the following statistics:-

Date	Domestic Properties	Increase
01/04/2012	60,369	
01/04/2013	60,573	204
01/04/2014	60,798	225
01/04/2015	61,119	321
01/04/2016	61,742	623
01/04/2017	62,523	781
01/04/2018	63,666	1,143

3.3 Unreported new properties can have a huge negative financial impact on the Council with potential losses of New Homes Bonus, Council Tax income,

Business Rates income and opportunities that arise from Business Rates retention. Delayed billing presents payment issues for customers and can lead to an adverse effect on the collection rate

- 3.4 There is currently a 0.5FTE vacant post with appropriate funding however for the reasons stated we require to make this a full time post.

4. Policy Framework

4.1 Fit for the Future (FFF)

The Council’s FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council’s FFF Strategy.

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/productivity of local economy Increased employment and income levels
Impacts of Proposal		
No impact	No impact	No impact
Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers’ needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
Impacts of Proposal		

<p><i>The proposals help to deliver the intended outcomes as described above.</i></p>	<p><i>The proposals will ensure that sufficient resource is in place to continue to deliver ongoing services and implement changes required as a result of both external and internal influences.</i></p>	<p><i>Business Rates, Council Tax and Benefits subsidy are important income streams for the Council. The proposals will help in ensuring these income streams are maximised and reduce the potential financial risks to the Council.</i></p>
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4.2 Supporting Strategies

There are no relevant supporting strategies for the proposals within the report however the redesign is part of the Service Area Plan for Finance.

4.3 Changes to Existing Policies

4.4 There are no changes to existing policy

4.3 Impact Assessments – There is no requirement to carry out an impact assessment for these proposals.

5. Budgetary Framework

5.1 Funding exists for 0.5 FTE Administration Officer for the Revenues Visiting Team of £12,650. Within the Revenues salary budget, there is £9,350 available towards the additional 0.5 FTE. This leaves a balance of £3,300 for which Executive approval will be required for this cost to be included in the Budget and Medium Term Financial Strategy.


6. Risks

6.1 The delay in setting up and reporting new properties to the VOA has the following risk implications:-

- Reputational risk – the service provided to customers is not at a suitable standard. A delay in getting a bill to a customer is likely to cause complaints which need to be investigated.
- Financial risk – processing delays will result in delayed bills and collection of sums due. In addition to delays in collection, it is also likely to lead to more difficulty in terms of recovery and potentially increased write-offs. There are also implications of missed New Homes Bonus.
- Staff facing a constant, often growing backlog, staff will invariably feel demoralised. This in turn may have implications for sickness, staff turnover and recruitment.

7. Alternative Option(s) considered

7.1 If the new post is not agreed, it is likely that the backlog in setting up new properties will get worse as the number of properties in the District increase, leading to a number of the risks mentioned above.

	Employment Committee 13th June 2018	Agenda Item No. 8
Title	Staffing Proposals for the Rough Sleepers Initiative 2018-2020	
For further information about this report please contact	Lisa Barker Head of Housing Services Email: lisa.barker@warwickdc.gov.uk Ken Bruno Housing Strategy and Development Manager Email: ken.bruno@warwickdc.gov.uk	
Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	MHCLG Rough Sleepers Initiative 2018-2020: 31 st May 2018 Executive minute TBC	
Background Papers	Executive report – 31 st May 2018	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality Impact Assessment Undertaken	No
The initiatives are designed to support people who sleep rough, enabling them to receive targeted support and to access accommodation suitable for their needs. Rough sleepers have complex issues and are amongst the most marginalised and disadvantaged groups in our society.	

Officer/Councillor Approval		
Officer Approval	Date	Name
Deputy Chief Executive	23.05.2018	Bill Hunt
Head of Service	22.05.2018	Lisa Barker
CMT	25.05.2018	Chris Elliott
Section 151 Officer	24.05.2018	Mike Snow
Monitoring Officer	23.05.2018	Andrew Jones
Finance	23.05.2018	Andrew Rollins
Head of Human Resources	23.05.2018	Tracy Dolphin
Portfolio Holder(s)	29.05.2018	Councillor Peter Phillips
Consultation & Community Engagement		

General discussion has taken place in respect of the proposals with MHCLG advisors; Local statutory partners including Warwickshire County Council, Warwickshire Police, Stratford District Council, and; Voluntary sector partners including Helping Hands, Salvation Army, Home Group, both night shelters, Coventry Cyrenians and P3.

Final Decision?

Yes

Suggested next steps (if not final decision please set out below)

1. Summary

- 1.1 On 31st May 2018 Executive considered a report which advised them of the government's new Rough Sleepers Initiative 2018-2020. Executive agreed for five initiatives to be included within a funding bid to the Ministry of Housing, Communities and Local Government (MHCLG). These were:
- A fixed term Rough Sleepers Co-Ordinator post to run to 31/3/20
 - A fixed term Housing First Support Officer post to run to 31/3/20
 - Two fixed term Outreach Worker posts (one for Warwick district and one for Stratford district) to run to 31/3/20. These posts will be commissioned by Warwickshire County Council
 - The costs of operating a shared supported housing
 - A contribution towards the costs of operating a direct access hostel in Leamington

As it is understood that the government will announce in June, only the successful bids for the year 18/19, the Executive has underwritten the 2019/20 costs of each component supported by government in 2018/19. This is to enable the initiatives to be viable and to assist in making the posts more attractive to applicants during the recruitment process.

- 1.2 Executive approved, subject to a successful outcome to the bid, 17 fixed-term posts starting in August and September 2018 through to March 31 2020.

2. Recommendations

That Employment Committee:

- 2.1 Approves the creation in the Housing Strategy Team, for a fixed term from 1st August 2018 to 31st March 2020, of:
- Rough Sleepers' Co-ordinator x 1.0 FTE (full-time equivalent)
- 2.2 Approves the creation in the Sustaining Tenancies Team, for a fixed term from 1st September 2018 to 31st March 2020, of:
- Homeless Services Manager x 1.0 FTE
 - Assistant Homeless Services Manager x 2.0 FTE
 - Homeless Support Workers x 12.0 FTE
 - Housing First Support Officer x 1.0 FTE

3. Reasons for the Recommendations

- 3.1 On March 30th 2018, government announced a new £30m fund to tackle rough sleeping across the 80 councils with the most significant numbers of people sleeping rough. Rough sleeping nationally has increased by 160% since 2010 although locally a 75% rise has been experienced. With a rough sleeping figure of 21 last autumn (the government's annual official figures), Warwick District Council were contacted by MHCLG on 11th April 2018 and invited to participate.
- 3.2 Whilst there are many clear gaps in the provision of services to rough sleepers across healthcare, housing related support and accommodation provision, advisors from CLG together with statutory and voluntary sector partners confirmed five elements which together are considered to be key to tackle rough sleeping in Warwick District. The five key areas are:

a) Rough sleepers co-ordinator: A senior manager to co-ordinate the work of statutory and voluntary sector partners across the district in taking forward work and plans to tackle rough sleeping.

b) Housing First officer: An intensive support worker to assist rough sleepers with complex needs to maintain accommodation whilst accessing and receiving treatment to combat addiction problems.

c) Additional outreach worker: An additional worker to provide dedicated time across Warwick District, making contact with people sleeping rough and forming bespoke person plans with a view to enabling the transition to accommodation, treatment and engagement with services.

d) Shared Supported Housing: The council will provide five 3 bedrooled properties to a voluntary sector partner for the provision of medium term shared housing with support for people transitioning from the streets to residential settings.

e) Direct access hostel: Provision of accommodation for up to 22 rough sleepers, where residents can stay all day and with the provision of some health and pastoral care on an in-reach basis. Open 24 hours a day, the project demands that a minimum of two members of staff are on duty at any one time over the entire 24 hour period. It is proposed to use William Walsgrove House on Lillington Road for the hostel, with current residents and Home Group staff (who rent office space at the address) moving to the newly acquired Beauchamp House in Warwick. Beauchamp House was deemed to be too far from Leamington for rough sleepers to use.

3.2 This new approach and the opportunity to develop new services to tackle rough sleeping is welcome. It provides the council, with its partners, the opportunity to assist rough sleepers to transition from the streets into accommodation and support. The development of new services and co-ordination activities require additional staff to operate the new services that are to be delivered by the council.

3.3 The Rough Sleepers' Co-ordinator will report directly to the Housing Strategy and Development Manager whilst the Hostel Services Manager will report directly to the Housing Advice and Allocations Manager. A proposed structure for the hostel staff is at Appendix 1.

4. Policy Framework

4.1 Fit for the Future (FFF)

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several key projects. The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

FFF Strands		
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External		
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<u>Intended outcomes:</u> Improved health for all. Housing needs for all met. Impressive cultural and sports activities. Cohesive and active communities.	<u>Intended outcomes:</u> Area has well looked after public spaces. All communities have access to decent open space. Improved air quality. Low levels of crime and ASB.	<u>Intended outcomes:</u> Dynamic and diverse local economy. Vibrant town centres. Improved performance/productivity of local economy. Increased employment and income levels.
Impacts of Proposal		
Supporting the delivery of new initiatives to improve the health of rough sleepers through the provision of housing with support and associated services	If rough sleeping is reduced, public perceptions of public spaces can be improved and crime and ASB reduced.	The support services will assist rough sleepers to become ready for training or work
Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained. All staff have the appropriate tools. All staff are engaged, empowered and supported. The right people are in the right job with the right skills and right behaviours.	<u>Intended outcomes:</u> Focusing on our customers' needs. Continuously improve our processes. Increase the digital provision of services.	<u>Intended outcomes:</u> Better return/use of our assets. Full Cost accounting. Continued cost management. Maximise income earning opportunities. Seek best value for money.
Impacts of Proposal		
The project could give rise to significant opportunities for Council staff to develop skills around partnership working with the private sector, community bodies and other public-sector bodies.	Opportunities to improve the delivery of services to rough sleepers and to develop a robust strategy to tackle rough sleeping across the district	The initiatives are designed with clear exit strategies and taking into account the current review of housing related support being undertaken by WCC

4.2 **Supporting Strategies**

Each strand of the FFF Strategy has several supporting strategies. The Council adopted the current Housing and Homelessness Strategy in April 2017. This includes:

- An objective of providing suitable accommodation, information and advice for the homeless in an effort to prevent and reduce homelessness
- The need to: review and improve our system for tackling rough sleeping; to explore and pursue opportunities for government funding for initiatives on homelessness; and improve provision of adequate accommodation for the homeless. The proposed initiatives will directly contribute towards these objectives.

4.3 **Changes to Existing Policies**

This report does not change existing policies but sets out how existing actions within the Housing & Homelessness Strategy are to be built upon and taken forward.

4.4 **Impact Assessments**

An impact assessment has not been completed because the new regimes provide for a greater level of service and support for the homeless and potentially homeless and should therefore have positive impacts upon recipients of the service.

5. **Budgetary Framework**

5.1 The Executive approved funding for the posts at its meeting on 31st May 2018. The costs of the posts will be met from central government funding provided to local authorities who bid under its Rough Sleepers Initiative 2018-20, from Warwick District Council rental income to a value of £100,000 and from match funding from Warwickshire County Council.

5.2

Post	Grade	Top of grade scale	Full on costs at 28%	No Posts FTE	Full year Total Costs 2018 prices
Rough Sleepers Coordinator	D	£35,229	£9,864	1	£45,093
Homeless Services Manager	E2	£31,401	£8,792	1	£40,193
Asst. Homeless Services Manager	E1	£28,221	£7,902	2	£72,246
Homeless Support Worker	F	£23,866	£6,682 Plus 2% shift allnce=£31,159	12	£373,908
Housing First Officer	F	£23,866	£6,682	1	£30,548
					£561,988

5.3 The gradings are subject to Hay evaluation which is due to take place on 12th June 2018. Any changes to the grades identified above will be reported verbally.

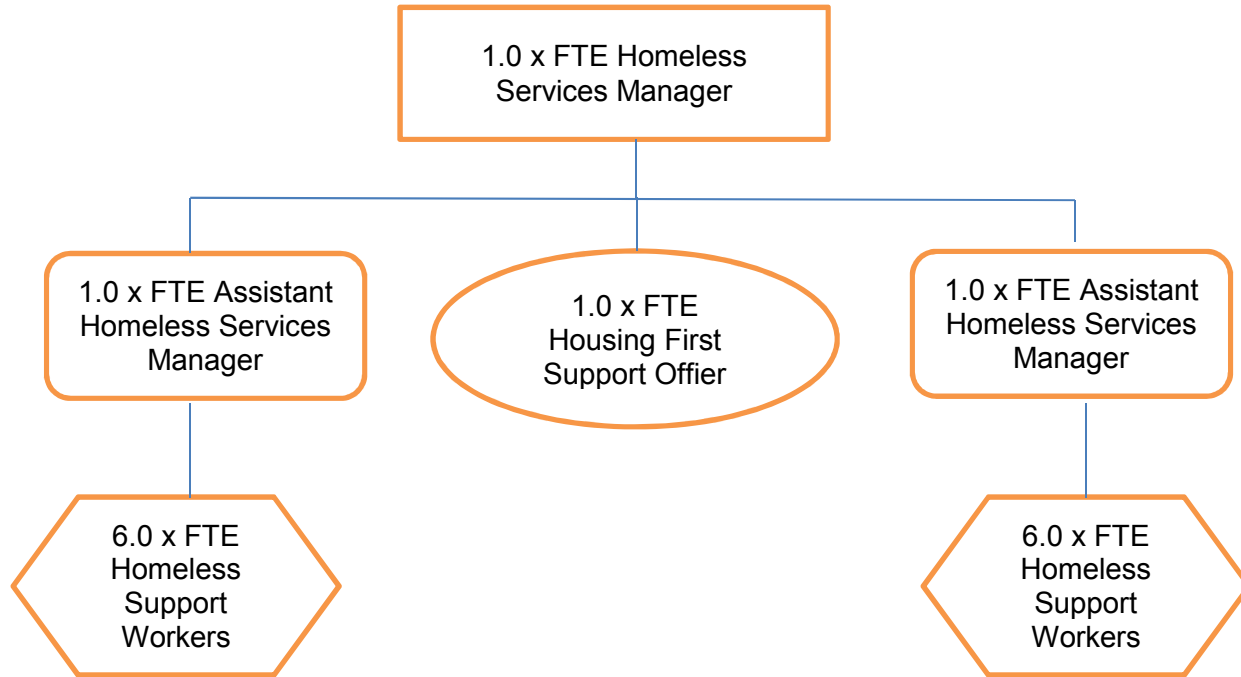
6. Risks


- 6.1 The risks associated with this report relate to specific individual risks associated with each separate component scheme, with recruiting sufficient staff and with delivering the proposals effectively to execute a reduction in the numbers of people sleeping rough on our streets.
- 6.2 Taking each in turn, the risks relating to the operation of specific schemes have been considered and include risks associated with lone working and working with individuals who are actively drug users and/or have a history of violence or pose a risk to themselves. Officers are ensuring that appropriate risk assessments are in place alongside sufficient mechanisms to mitigate those risks.
- 6.3 The outcome of the bid to MHCLG will not be known until the end of June and it is not yet clear what timescales are required for WCC to determine our request for match funding of the direct access hostel. There is a possibility that MHCLG will not fund the proposals in their entirety and thereby put at risk the plans for achieving a reduction in street homelessness. Furthermore, MHCLG have stated that they are likely to only disclose the outcome of the bidding for 2018/19 funding. This presents risks to the recruitment of staff who are unlikely to apply for a post lasting 6 months as they are for a post with a minimum of 18 months. Executive have agreed to underwrite the components receiving MHCLG funding in 2018/19 for the following year (2019/20) to enable the initiatives to be viable.
- 6.4 There is a risk that the council will not have the capacity to deliver the proposals and to sufficiently co-ordinate and plan work which moves rough sleepers into accommodation. In order to mitigate this risk, it is proposed to fund a rough sleeping co-ordinator to be employed by the council to take forward this work.

7. Alternative Option(s) considered

- 7.1 The Council could have decided not to bid for funding from the government's Rough Sleepers Initiative however this would do nothing to reduce the numbers of rough sleepers on the streets of our towns.
- 7.2 Careful consideration has been made of the need for a direct access hostel as this is the most expensive of the proposals. It was found that without the hostel, outreach workers would have no accommodation to offer to rough sleepers who are not ready to live independently when they transition from street living.
- 7.3 There are reputational risks for the council in not proceeding with the proposals given the levels of public sympathy towards rough sleepers that has grown considerably in recent months. Furthermore, the council's reputation with government departments and particularly MHCLG would be tarnished and could lead to any future bids being dealt with unfavourably.

Appendix One – Hostel Services establishment structure



 Employment Committee 13 June 2018		Agenda Item No. 9
Title	Disciplinary Procedure for Statutory Officers	
For further information about this report please contact	Graham Leach, Democratic Services Manager, graham.leach@warwickdc.gov.uk 01926 456114	
Wards of the District directly affected	None	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number		
Background Papers		

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	14/5/2018	Chris Elliott
Head of Service		
CMT	14/5/2018	
Section 151 Officer	14/5/2018	Mike Snow
Monitoring Officer	14/5/2018	Andrew Jones
Finance		Jenny Clayton
Portfolio Holder(s)	18/5/2018	Councillors Coker

Consultation & Community Engagement
Sarah Cowen - WCC - Senior Solicitor & Team Leader – Employment – 18/5/2018 Warwick District Council recognised Trade/Unions – 30/5/2018 Chairman of Employment Committee 2017/18 Councillor Mrs Bunker – 18/5/2018 WDC HR Manager – Tracy Dolphin – 10/5/2018

Final Decision?	No
Suggested next steps (if not final decision please set out below)	
These form changes to the Constitution which would be considered by Council on 20 June 2018.	

1. **Summary**

- 1.1 The report brings forward proposals for amendments to the Constitution in respect of
- (i) the disciplinary procedures for statutory officers at Warwick District Council following revisions to the procedures by legislative changes; and
 - (ii) consideration of the need to appoint a Sub-Committee for specific matters.

2. **Recommendation**

- 2.1 The Committee recommends to Council that it amends the Constitution as set out at Appendix 1 to the report.
- 2.2 That the Employment Committee adopts the disciplinary procedure for statutory officers as set out at Appendix 2 to the report.

3. **Reasons for the Recommendation**

- 3.1 This report follows the discussions by this Committee on 13 September 2017 when it considered the appointment of a Sub-Committee, as currently set out within its Constitutional remit *"that contains at least one member of each of the registered political groups to deal with employment related matters that fall within the jurisdiction of elected members."*
- 3.2 During consideration of the item, members were concerned because one of the registered political groups, namely the Whitnash Residents' Association (WRA), only had one Member on the Committee and Liberal Democrat Group had no members on the Committee. This would mean that in the event that WRA Member could not attend a sub-committee meeting, there was no alternative Member of that political group to act as a substitute. Therefore the Committee deferred a decision until the next meeting, pending a written report to provide clarification on the duties the sub-committee would perform and on the situation regarding membership. This report provides that detail that was requested by the Committee.
- 3.3 The role of the required Sub-Committee is understood to relate to three specific areas of work set out within Officer Employment Procedure Rules:
- (1) the recruitment of Chief Officers (defined within Article 12 of the Constitution as Heads of Service, Deputy Chief Executives and Chief Executive);
 - (2) disciplinary and potential dismissal of Chief Officers; and
 - (3) to consider right of appeal to members in respect of disciplinary action and dismissal
- 3.4 In respect of the recruitment of Chief Officers; at present the interviews are undertaken by the Employment Committee as a whole. Attendance at these meetings tends to be by a maximum of 5 Councillors from the Committee. This is to ensure the number of people present is not disproportionately large. Technically all members of the Committee are entitled to attend and non-attendance is recorded as part of the annual report to Council.

It should be noted that the final decision to appoint to the role of Chief Executive (as Head of Paid Service), Deputy Chief Executive & Monitoring Officer (As the Monitoring Officer) or Head of Finance as (Chief Finance Officer)

(who are statutory officers) has to be made by Council on recommendation of Employment Committee (or a Sub-Committee of Employment Committee).

- 3.5 The same principles apply for the disciplinary and potential dismissal of Chief Officers. However following legislative updates, regarding statutory officers there is a need for a further stage of consideration within the Council's Constitution; dismissal of a Statutory Officer may not be given by the Council until the recommendation of the Employment Committee (or a Sub-Committee of it) has been considered by an Independent Panel of at least two Independent Persons. Independent Persons are persons appointed under section 28(7) Localism Act 2011 for the purposes of the Code of Conduct for Members. The details of this required amendment are set out in paragraphs 3.9 to 3.12 of this report).
- 3.6 Considering these points it is recommended that the recruitment, disciplinary and potential dismissal of any Chief Officers should be undertaken by a Sub-Committee of Employment Committee of no less than four and no more than six Councillors. This is to enable the effective management of arranging such a hearing, ensuring the process does not become onerous for the parties involved. This is particularly important for consistency in approach and questioning during each process, and also to digest and consider potentially complicated matters in relation to disciplinary and potential dismissal of Chief Officers.
- 3.7 Any Sub-Committee it wishes to appoint would need to be politically proportionate to the size of each political group on the Council. As an example the allocation of members for a Sub-Committee of 4, 5 and 6 Councillors is set out below:

Sub-Committee size	Councillors allocated by Group
4	3 Conservative and 1 Labour
5	3 Conservative, 1 Labour and 1 Whitnash Resident Association
6	4 Conservative, 1 Labour and 1 Whitnash Resident Association

- 3.8 This does not specifically need to be set out within the terms of reference for the Committee because any Committee is entitled by law to appoint a sub-Committee (made up of members of the Committee) and delegate work to it that it feels appropriate. However due to the nature of the matters being considered and to ensure clarity it is felt that the Constitution (nee Council) should direct the Committee to appointment a Sub-Committee for such matters and also detail what those specific matters would be.
- 3.9 As set out in paragraphs 3.4 and 3.5, statutory officers have certain protections in law against dismissal due to the nature of their roles within the local authority. These statutory protections were changed due to the by regulations in 2015 and minor modifications were made at the time to the Council's Constitution to reflect this. The Joint National Council for Local Authority Chief Executives have since updated the Chief Executives' Handbook to reflect changes to the statutory provisions for dealing with matters of discipline. The handbook includes a model disciplinary procedure to be followed when an allegation is made relating to the conduct or capability of a Head of Paid service

or there is some other substantial issue that requires investigation, except where parties locally have agreed to vary it.

3.10 The main changes are

- a) the period for which a Statutory Officer may be suspended is not limited but that it shall be reviewed every two months;
- b) the Head of Paid Service or the Monitoring Officer may suspend another Statutory Officer in an emergency;
- c) provisions relating to the dismissal of the Head of Paid Service apply equally to the Monitoring Officer and Chief Finance Officer;
- d) no notice of dismissal of a Statutory Officer may be given by the Council before the recommendation of the Disciplinary Sub-Committee to dismiss has been considered by an Independent Panel of at least two Independent Persons*; and
- e) where a Disciplinary Sub-Committee is considering the proposed dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer it must include at least one member of the Executive.

*Independent Persons are persons appointed under section 28(7) Localism Act 2011 for the purposes of the Code of Conduct for Members.

3.11 The requirement for the involvement of the Independent Persons, appointed under section 28(7) Localism Act 2011 for the purposes of the Code of Conduct for Members, was included following the initial regulation publication. However following a further review it is considered appropriate that further changes are made, in the light of the model procedure suggested in the Chief Executives' handbook.

3.12 As part of considering the Sub-Committee issue, officers have taken the opportunity to reflect on the current remit of Employment Committee. This has highlighted a number of small administrative functions that are, discussed in paragraphs 3.13 and 3.14 below, within the remit of the Committee which should be amended or removed

3.13 Currently the Committee is required "To make arrangements for Councillors to determine appeals of employees where the relevant policy allows an appeal to elected Members". It is considered that this should be removed as the normal practice is for officers to make these arrangements to enable the appropriate meetings to take place. This has been custom and practice of the Council for at least six years.

3.14 The Committee is also required "To organise a disciplinary hearing to receive the evidence of such a person and to decide the outcome of such a hearing in accordance with the Officer Employment Procedure Rules". Again it is felt the organisation of such hearings was the role of officers and this has been custom and practice for within the Council for at least six years. A small revision is therefore proposed as set out at Appendix 1.

4. **Policy Framework**

4.1 **Fit for the Future (FFF)**

The Council's FFF Strategy is designed to deliver the Vision for the District; making it a Great Place to Live, Work and Visit.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council’s FFF Strategy.”

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/ productivity of local economy Increased employment and income levels
Impacts of Proposal		
None	None	None
Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers’ needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
Impacts of Proposal		
The proposal comes forward to ensure the Council has appropriate and proportionate procedures in place.	None	None

4.2 Supporting Strategies - Each strand of the FFF Strategy has several supporting strategies and this report contributes to the work of the Supporting People Strategy which ensures the Council has appropriate procedures in place for investigating and resolving such matters.

4.3 Changes to Existing Policies - The report brings forward proposed amendments to the Council's Constitution to ensure that it meets legislative requirements. It also proposes other changes to the Constitution to enable them to reflect current practice as well as providing clarification.

4.3 Impact Assessments – Have not been undertaken because the proposals do not impact on the protected characteristics of the Equality Act and mainly bring into effect legislative requirements.

5. Budgetary Framework

5.1 The report does not directly impact on the budgetary framework or budget of the Council.

6. Risks

6.1 The main risk associated with the report is in relation to not implementing the recommendations as a result of legislative change. If these are not implemented and a matter of this nature arose it would leave the decision open to successful challenge of any decision and costs associated with this.

6.2 Not amending the Constitution would not reflect on the adopted working practices and could lead to challenge of decisions taken by the Council.

7. Alternative Option(s) considered

7.1 There are no alternatives that can be proposed in relation to the legislative changes.

7.2 In respect of the proposals for the Sub-Committee the current arrangement could continue where the Employment Committee as a whole undertake the interview. This is not considered appropriate for the reasons set out in paragraphs 3.1 to 3.8 of the report.

7.3 In respect of the proposals for the Sub-Committee, the Committee could consider an alternative process for recruitment, for example, delegating Head of Service appointments to the Chief Executive/CMT.

7.4 In respect of the proposals for the Sub-Committee proposal, the Committee could alternatively decide to appoint a group of councillors (who have undertaken the appropriate training) for each specific case. However this Group would have no delegated powers to take the decision so any decision would need to be ratified by the Committee. This therefore is not considered an appropriate option.

7.5 In respect of the minor changes to the remit of the Committee, no alternatives have been considered because these proposals reflect the custom and practice of the Council for the last six years and it is not considered appropriate for a Committee to undertake administrative functions.

Warwick District Constitution Part 3 Responsibility for Functions Section 2 Council Functions

- F. **EMPLOYMENT COMMITTEE** (11 Members One of whom will be the Leader as a representative of their political group)

To exercise delegated powers as follows (note i to iii, v and vi not included as not relevant to this matter):

- iv. ~~To make arrangements for Councillors to determine appeals of employees where the relevant policy allows an appeal to elected Members~~
- vii. To appoint an *Independent Investigator* ~~person~~ in relation to disciplinary investigations (including capability) involving the Head of Paid Service and Statutory Officers.
- viii To appoint a sub-committee, at an appropriate time that will
 - (a) ~~viii organise a~~ *undertake* disciplinary hearings to receive the evidence of ~~such a person~~ *Independent Investigator* and to decide the outcome of such a hearing in accordance with the Officer Employment Procedure Rules;
 - (b) ~~ix~~ appoint or dismiss chief officers (*excluding statutory officers*) in accordance with the Officer Employment Procedure Rules;
 - (c) ~~xii The Committee (or sub-committee if acting on behalf of the Committee) To~~ recommend to Council the appointment or dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer in line with the Officer Employment Procedure Rules;
 - (d) *determine the suspension of a statutory officer and if the suspension continues, to review this decision (or the urgent decision to suspend by the Head of Paid Service or Monitoring Officer) at least every two months.*
- xi ~~to appoint a sub-committee that contains at least one member of each of the registered political groups to deal with employment related matters that fall within the jurisdiction of elected members.~~

NB1: Where the committee (or a sub-committee of it) is involved in the appointment, discipline or dismissal of Statutory Officers, it must include a member of the Executive, *that will normally be the Leader.*

NB2: Where it is proposed that a statutory officer is dismissed prior to Council determining the decision it must be considered by a Panel of at least two Independent Persons as defined under the Localism Act 2011.

Section 4 Scheme of Delegation

An additional delegation to the Chief Executive and Monitoring Officer (individually) to enable them to suspend the statutory officers within the Council, where they consider it is an emergency to do.

Part 4 Rules of Procedure Officer Employment Procedure Rules

6. Disciplinary Action

(a) Head of Paid Service, Chief Finance Officer and Monitoring Officer

Statutory Officers can be suspended on full pay whilst an investigation into alleged misconduct takes place, such suspension to be reviewed after two months and every month thereafter.

In an emergency, the Head of Paid Service or the Monitoring Officer may suspend a Statutory Officer. In other cases, only the Employment Committee may suspend a Statutory Officer, or extend the suspension. No disciplinary action may be taken in respect of a Statutory Officer except in accordance with a recommendation in a report made by a designated independent investigator.

~~A politically balanced Sub-Committee group of no fewer than three four members and no greater than six (along with two Independent Persons) will be appointed by the Employment Committee to consider any allegations of discipline. The Head of Paid Service may be suspended on full pay by the Employment Committee whilst an investigation takes place. The Statutory Officers may be suspended by the Head of Paid Service. In all cases the suspension will last no longer than two months.~~

(b) Chief Officers

Preliminary investigations into any disciplinary matters will be conducted by the Head of Paid Service. Where the preliminary investigation determines there is a potential case to answer, a Sub Committee of no fewer than *four* ~~three~~ elected members will be established by the Employment Committee, as set out in the JNC Constitution conditions of service and salaries for Chief Officers.

(c) Other Officers

Councillors will not be involved in disciplinary action against any Officer below a Chief Officer.

7. Dismissal

(a) Head of Paid Service, Monitoring Officer & Chief Finance Officer

The dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer must be recommended by Employment Committee and ratified by Council.

Where a Sub-Committee is considering the proposed dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer it must include at least a member of the Executive.

When a recommendation to dismiss the Head of Paid Service, Monitoring Officer or Chief Finance Officer is made by a Sub-Committee, the Head of Paid Service or the Monitoring Officer will convene a panel of at least two independent persons appointed under section 28(7) Localism Act 2011 to consider the proposed recommendation of the Sub-Committee prior to any recommendation for dismissal being made to Council. Where a committee or sub-committee of the council is to consider the possible dismissal of the head of paid service, the monitoring officer or the chief finance officer it must include

- ~~• At least two independent members appointed in accordance with section 28(7) Localism Act 2011 and~~
- ~~• The Leader.~~

The committee or sub-committee must be appointed at least 20 working days in advance of the scheduled hearing.

~~If the committee or sub-committee is of the view that dismissal is appropriate the committee or sub-committee may only make a report to Council with its recommendation for dismissal. The committee or sub-committee is not empowered to give any notice of dismissal.~~

In cases where dismissal is recommended the final decision will be taken by council, who must consider any advice, views or recommendations from the committee or sub-committee, the conclusions of any investigation into the proposed dismissal, and any representations from the officer concerned.

~~Notice of dismissal of the head of paid service, the monitoring officer, or chief finance officer shall only be given where the Leader of the Executive advises the proper officer appointed for the purpose that the Executive have a well founded and material objection to the appointment of that person.~~

Notice of dismissal of a Statutory Officer shall only be given where no well-founded objection has been received from any member of the Executive. This shall be provided by the Leader to the officer appointed for the purpose of this procedure.

No notice of dismissal of a Statutory Officer may be given by the council before the proposal has been considered by an Independent Panel of at least two members appointed under section 28(7) Localism Act 2011.

No notice of dismissal may be given without the prior approval of the council.

(b) Chief Officers

The dismissal of Chief Officers will be made by a Sub Committee of the Employment Committee, as set out in the JNC Constitution conditions of service and salaries for Chief Officers.

- NB. Where a meeting of the Employment Committee is required under these terms the meeting will take place under Council Procedure rules with the press and public excluded as per the Access to Information procedure rules of the Constitution.

8. Appeals

The Council's disciplinary capability and related procedures, as adopted allow the right of appeal to a sub-committee in respect of disciplinary matters.

If the Sub-Committee takes action short of dismissal, the Statutory Officer may appeal to a Sub-Committee of the Employment Committee. The Sub-Committee (or no less than four Councillors who have not previously considered the case) will consider the report of the Independent Investigator and any other relevant information considered by the Disciplinary Sub-Committee, e.g. new information, executive objections (if relevant), outcome of any further investigation, etc. The Statutory Officer will have the opportunity to appear at the Sub-Committee and make representations, although the appeal hearing will usually take the form of a review of the disciplinary decision rather than a re-hearing.

The Sub-Committee will give careful consideration to these matters and conduct any further investigation it considers necessary to reach a decision.

The decision of this Sub-Committee will be final.

DISCIPLINARY PROCEDURE FOR STATUTORY OFFICERS

In this procedure, 'Statutory Officer' means the Head of Paid Service (Chief Executive), the Monitoring Officer (Deputy Chief Executive & Monitoring Officer) and/or the Chief Finance Officer (Head of Finance & Section 151 Officer).

1. Issues requiring investigation

Where an allegation is made relating to the conduct or capability of a Statutory Officer or there is some other substantial issue that requires investigation, the matter will be considered by the Disciplinary Sub-Committee (DSC).

Other structures are necessary to manage the whole process, including an Independent Panel should there be a proposal for the dismissal of a Statutory Officer. This will be comprised of independent persons, appointed in accordance with The Local Authorities (Standing Orders) (England) Regulations 2001 as amended.

2. Timescales

It is in the interests of all parties that proceedings be conducted expeditiously. It is recognised that it would be inappropriate to impose timescales that could in practical terms be difficult to achieve.

3. Suspension

Suspension will not always be appropriate as there may be alternative ways of managing the investigation.

However, the DSC will need to consider whether it is appropriate to suspend the Statutory Officer. This may be necessary if an allegation is such that if proven it would amount to gross misconduct. It may also be necessary in other cases if the continuing presence at work of the Statutory Officer might compromise the investigation or impair the efficient exercise of the Council's functions.

In any case, the Statutory Officer shall be informed of the reason for the proposed suspension and have the right to present information before such a decision is taken.

The Head of Paid Service or the Monitoring Officer has the delegated power to suspend another Statutory Officer immediately in an emergency if an exceptional situation arises whereby allegations of misconduct by that Statutory Officer are such that their remaining presence at work poses a serious risk to the health and safety of others or the resources, information or reputation of the authority.

The continuance of a suspension should be reviewed after it has been in place for two months and every month thereafter.

4. Right to be accompanied

Other than in circumstances where there is an urgent requirement to suspend a Statutory Officer, they will be entitled to be accompanied at all stages.

5. Considering the allegations or other issues under investigation

The DSC will, as soon as is practicable inform the Statutory Officer in writing of the allegations or other issues under investigation and provide them with any evidence that the DSC is to consider, and of their right to present oral evidence.

The Statutory Officer will be invited to put forward written representations and any evidence including written evidence from witnesses they wish the DSC to consider. The DSC will also provide the opportunity for the Statutory Officer to make oral representations. At this initial consideration of the need to investigate further, it is not anticipated that witnesses will be called. The discretion to call witnesses lies solely with the DSC.

The DSC will give careful consideration to the allegations or other issues, supporting evidence and the case put forward by the Statutory Officer before taking further action.

The DSC shall decide whether:

- the issue requires no further formal action under this procedure; or
- the issue should be referred to an Independent Investigator

The DSC shall inform the Statutory Officer of its decision without delay.

6. Appointment of an Independent Investigator

The DSC will be responsible for appointing an Independent Investigator, providing the necessary facilities, paying the remuneration and providing all available information about the allegations.

The Independent Investigator should be selected from the list maintained by the National Joint Secretaries.

7. The Independent investigation

The ACAS Code of Practice on Discipline and Grievance requires there to be an investigation to establish the facts of the case before proceeding to the disciplinary hearing. For Statutory Officers, this should be carried out by an Independent Investigator operating on the basis of an independent investigation using their powers to access information and witnesses.

Once appointed it will be the responsibility of the Independent Investigator to investigate the issue / allegation and to prepare a report stating in their opinion whether (and, if so, the extent to which) the evidence they have obtained suggests that there is evidence to support further action under this procedure. While it is not the role of the Independent Investigator to decide what action may be taken under this procedure, they may, in cases concerning potential misconduct, give a view as to the seriousness of the matter and in any case, set out a range of actions which they consider to be available to the DSC.

8. Receipt and consideration of the Independent Investigator's report by the DSC

The DSC will consider the report of the Independent Investigator, and also give the Statutory Officer the opportunity to state their case and, to question witnesses, where relevant, before making a decision.

Having considered any other associated factors the DSC may:

- Take no further action
- Recommend informal resolution or other appropriate procedures
- Refer back to the Independent Investigator for further investigation and report
- Take disciplinary action against the Statutory Officer short of dismissal
- Propose dismissal of the Statutory Officer to the Council

9. Action short of dismissal

The DSC may agree to impose no sanction, or to take action short of dismissal, in which case the DSC will impose an appropriate penalty / take other appropriate action.

10. Where dismissal is proposed

Proposal to dismiss on the grounds of misconduct and for other reasons such as capability or some other substantial reason

The DSC will inform the Head of Paid Service that it is proposing to the council that the Statutory Officer be dismissed (unless it is the Head of Paid Service that the DSC is proposing to dismiss, in which case the DSC will inform the Monitoring Officer) and that the executive objections procedure should commence.

Executive objections procedure

The Head of Paid Service (or Monitoring Officer as the case may be) will notify all members of the executive of:

- The fact that the DSC is proposing to the council that it dismisses the Statutory Officer
- Any other particulars relevant to the dismissal
- The period by which any objection to the dismissal is to be made by the leader on behalf of the executive, to the Head of Paid Service (or Monitoring Officer as the case may be)

At the end of this period the Head of Paid Service (or Monitoring Officer as the case may be) will inform the DSC either:

- that the leader has notified their that neither they nor any member of the executive has any objection to the dismissal
- that no objections have been received from the leader in the period or
- that an objection or objections have been received and provide details of the objections

The DSC will consider any objections and satisfy itself as to whether any of the objections are both material and well founded. If they are, then the Committee will act accordingly, i.e. it will consider the impact of the executive objections

on its proposal for dismissal, commission further investigation by the Independent Investigator and report if required, etc.

Having satisfied itself that there is no material and well-founded objections to the proposal to dismiss, the DSC will inform the Statutory Officer of the decision and put that proposal to the Independent Panel along with the Independent Investigator's report and any other necessary material.

The role of the Independent Panel

Where the DSC is proposing dismissal, the proposal needs to go before the Independent Panel. The Independent Panel must be appointed at least 20 days before the Council meeting which would consider the proposal to dismiss.

Both parties should be present or represented at the Panel meeting (the DSC might be represented by its Chair or other nominated person at the meeting). The Panel should receive any oral representations from the Statutory Officer, and should invite any response on behalf of the DSC to the points made, and may ask questions of either party.

The role of the Independent Panel is to offer any advice, views or recommendations it may have to the Council on the proposal to dismiss. The Independent Panel should review the decision and prepare a report for Council. This report should contain a clear rationale if the Panel disagrees with the recommendation to dismiss.

The role of the Council

The consideration by the Council will take the form of a review of the proposal that the Statutory Officer should be dismissed, and must take into account:

- Any advice, views or recommendations of the Independent Panel
- The conclusions of the investigations into the proposed dismissal
- Any representations from the Statutory Officer

The Statutory Officer will have the opportunity to appear before the Council and make representations to the Council before a decision is taken.

Redundancy, Permanent Ill-Health and the expiry of Fixed Term Contracts

Proposed dismissals on the grounds of redundancy, permanent ill-health and the expiry of a fixed term contract where there has been no commitment to renew it, do not require the involvement of an Independent Investigator or Independent Panel.

However, the authority should follow appropriate and fair procedures in these cases and have mechanisms in place, including appropriate delegated authorities, to manage such eventualities. In addition, dismissals for all reasons including those set out in this paragraph must be approved by the Council itself.

11. Appeals against dismissal

Where the DSC has made a proposal to dismiss; the review by the Council will also fulfil the appeal function.

12. Appeals against action short of dismissal

If the DSC takes action short of dismissal, the Statutory Officer may appeal to the Appeals Sub-Committee. The Appeals Sub-Committee will consider the report of the Independent Investigator and any other relevant information considered by the DSC, e.g. new information, executive objections (if relevant), outcome of any further investigation, etc. The Statutory Officer will have the opportunity to appear at the Appeals Sub-Committee and make representations, although the appeal hearing will usually take the form of a review of the disciplinary decision rather than a re-hearing.

The Appeals Sub-Committee will give careful consideration to these matters and conduct any further investigation it considers necessary to reach a decision.

The decision of the Appeals Sub-Committee will be final.

 Employment Committee 13th June 2018		Agenda Item No. 10
Title	People Strategy Update	
For further information about this report please contact	Tracy Dolphin - HR Manager Tracy.dolphin@warwickdc.gov.uk Tel: 01926456350	
Wards of the District directly affected	None	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	March 2018	
Background Papers	None	

Contrary to the policy framework:	Yes/No
Contrary to the budgetary framework:	Yes/No
Key Decision?	Yes/No
Included within the Forward Plan? (If yes include reference number)	Yes/No
Equality & Sustainability Impact Assessment Undertaken	Yes/No (If No state why below)

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	23.5.18	Chris Elliott/Andrew Jones/Bill Hunt
Head of Service	30.5.18	Chris Elliott
CMT	23.5.18	As above
Section 151 Officer	23.5.18	Mike Snow
Monitoring Officer	23.5.18	Andy Jones
Finance	23.5.18	Mike Snow
Portfolio Holder(s)	30.5.18	Andrew Mobbs
Consultation & Community Engagement		
This is the People Strategy Update for the last quarter and describes highlights discussed at SMT and People Strategy Steering Group prior to Employment Committee. Unions are also consulted to provide feedback.		
Final Decision?	Yes	
Suggested next steps (if not final decision please set out below)		

1. **SUMMARY**

- 1.1 This report is an update on progress made on the People Strategy Action Plan as discussed at the People Strategy Steering group (PSSG).

2. **RECOMMENDATION**

- 2.1 That Employment Committee note the report and feedback any comments.
- 2.2 To confirm amendments to Grievance, Disciplinary and Capability Policies (Appendix 1 and 1a)
- 2.4 To approve 'Long Term Sickness and Ill Health Capability Policy and Procedure' (Appendix 2)

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 The purpose of the People Strategy is to support the Council's Fit for the Future programme of work. Its aim is to ensure that the approaches to resourcing, learning and development, cultural change and organisational development are designed to deliver the workforce that the Council requires. The People Strategy Action Plan underpins the People Strategy and reports progress to SMT, CMT, People Strategy Steering Group and Employment Committee.
- 3.2 The proposed changes to the Grievance, Disciplinary and Capability Policy have been consulted with Unison, Joint communication Forum and Members Trades Union Panel. They correlate with the existing ACAS guidelines and will affect all staff excluding Chief Officers as defined within Article 12 of the Constitution:

To amend the appeal process to one internal appeal only, there will be no second appeal. Members will therefore no longer be involved in situations highlighted below:

- Grievance: omit second appeal for bullying/harassment only
- Disciplinary: omit second appeal for dismissals only

An appeal may be made on various grounds, including new evidence, challenging evidence, undue severity or inconsistency of the penalty or if they feel a grievance has not been satisfactorily resolved. The one appeal process is more in-line with other Councils and aims to support staff and managers through a difficult time to ensure the outcome is less drawn-out. This will also support the Employment Committee and their commitment by not having to train Councillors whenever an appeal goes forward.

Full support for managers and staff proceeding through any kind of formal procedure will be provided, for example Occupational Health referral, Counselling, Mediation, 1-1 support (ESO's or Line/other managers), HR and Unions.

- 3.3 The introduction of the new Long Term Sickness and Ill Health Capability Policy and Procedure has been consulted with Unison, Joint Communication Forum and Members/Trades Union Joint Consultation Panel.

This policy is to support staff and managers with a defined policy independent to our 'Managing Attendance' and 'Capability' policies. Long term sickness is defined as at least 4 weeks continuous absence or intermittent absence that

amounts to 20 working days in a 12 month period (pro rata for part time staff) will also be managed under this policy. The policy outlines ongoing support and processes to manage long term absence: regular review meetings; occupational health referrals; counselling; reasonable adjustments that may facilitate a return to work and phased return.

The policy addresses the issues around unused annual leave where employees are unable to take their annual leave within the current leave year due to long term sickness. If there is not enough time remaining within the leave year for the leave entitlement to be taken, or the absence spans for more than one leave year, then the employee will be able to carry over statutory entitlement of up to 20 days from the remaining accrued leave (pro-rata for part time employees); 20 days is the European statutory minimum leave entitlement. This is a change to our existing policy where employees carry over full contractual entitlement (23 - 31 days dependant on continuous service). The aim of this amendment is to manage the impact of accrued leave due to long term sickness on the individual, team and organisation.

Full consultation has taken place with the unions and training/briefing sessions will be planned including case studies to work through examples and highlight how this policy can support individuals.

4. **POLICY FRAMEWORK**

4.1 **Policy Framework**

Fit for the Future (FFF)

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects. The actions from the People Strategy are one of those key projects.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/productivity of local economy Increased employment and income levels
Impacts of Proposal		
The proposal considers	Link to our customers	The proposal considers

areas to support health and well-being together with engagement and communications	and the recognition of how we impact on our communities through our people.	areas to support employment e.g. apprenticeships
Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
Impacts of Proposal		
The themes from the strategy support training engagement and skills. Policies are updated to reflect ongoing legislation and the changes in the organisation.	Constant improvement in our through digital provision. Monitoring of MI information to review data trends	Value for money in how we attract procure training and deliver through different channels.

4.2 Supporting Strategies

Each strand of the FFF Strategy has several supporting strategies and the relevant ones for this proposal are explained here.

4.2.1 People Strategy

The People Strategy outlines the future needs of our workforce to enable us to attract, recruit and retain the right people; provide the development they need to allow them to grow and progress; manage potential and plan for the future. The way in which we lead and support our people is key to the successful delivery of quality services.

5. **BUDGETARY FRAMEWORK**

5.1 Should there be initiatives identified beyond the existing budgets then a case can be made for further funding to support.

6. **ALTERNATIVE OPTION(S) CONSIDERED**

6.1 None considered

7. **RISKS**

- 7.1 There is significant risk to the delivery of the Council's FFF programme by not reviewing the areas highlighted in the People Strategy.

8. **BACKGROUND**

- 8.1 The People Strategy Steering Group comprises of Cllr Mobbs, Cllr Mrs Bunker, Cllr Naimo and Cllr Falp and supported by the Chief Executive, Heads of Service from Culture, Neighbourhood Services, Housing, the HR Manager and HR Senior Officers.

- 8.2 The Steering Group meets quarterly prior to the Employment Committee and reviews successful work completion, plans in progress and areas to highlight for discussion.

- 8.3 Areas of Success/Highlights within the agreed People Strategy themes for the last quarter are:

8.3.1 **Leadership and Organisational Development**

HR continues to support organisational redesigns across the Council

8.3.2 **Workforce Planning and Performance**

Update of the priorities of the Workforce Steering Group: to continue to review our policies and guidelines; supporting Investors in People process; update of our DBS process; review of gender pay gap report; quarterly training budget review; support for 11 apprenticeship roles advertised end March/April; review of pilot of new reward and recognition scheme 'Workstars'.

8.3.3 **Equality & Diversity**

Working in partnership, Learning and Development, the Media Team and WCC are rolling out 15 Social Media/Discrimination and the Law sessions to all staff to help them set up on social media and learn the benefits of using it appropriately. The pros and cons of social media will be highlighted, with examples of bad practice. The second part of the session relates to 'Discrimination and the Law' with highlights of the Equality Act, protected characteristics and practice scenarios.

8.3.4 **Learning & Development**

The new Learning & Development Guide has been well received and now comprises of a new Management framework including sessions on: 'Political Awareness', 'Introduction to Project Management', 'HR for non HR Managers', 'Managing change'. Training update for 2017/18 to date: A total of 71 in-house corporate training sessions have been delivered with 690 delegates attending.

8.3.5 **Communications , Involvement and Engagement**

The team worked with the Chief Executive to deliver his Annual Talk across 4 sessions at the Spa Centre on 9 and 10 May. This was combined with co-ordinating the stands for the Staff Expo which was attended by 336 staff and 2 councillors. The team produced videos, quiz sheets and evaluation sheets for

the event. The Expo included a referendum, bowling, fitness assessments, crafts and a quiz. Feedback has been extremely positive and staff have enjoyed this way of finding out what is happening across the council and hearing from the Chief Executive about the council's current projects and plans.

The Staff Voice group has been involved in supporting and researching a number of projects this quarter including: Chief's annual talk, reward and recognition software, reviewing the lone worker policy as well as providing feedback on products sold in the Space. They also attended the Expo handing out publicity postcards to promote their presence across the council. Following the Chief Executive's bid for a promotional budget at Executive; a Wrap was produced for the Courier to promote the work achieved so far as part of the St Mary's Lands masterplan. It will also be set in a newsletter to distribute to members of the Working party.

A corporate Facebook account launched successfully on 8 May with over 120 likes to date, this will feature in the social media training (see 8.3.3).

The Media team has produced publicity to promote the Cycle Tour on 15 June which comes through Warwick and Kenilworth and finishes in Leamington Spa. This includes a web page, designing leaflets, posters and a cardboard cut-out, preparing press releases, press advertising and a social media campaign. The media team will also support on the day with live social media updates from the media Centre.

The Designers worked alongside a local artist at the Pump Rooms, to design a fresh new and inviting entrance to the Pump Rooms. It was officially opened by the Chair of the Council on 26 April.

8.3.6 Employee Well-being, Reward and Recognition

As part of our Health & Wellbeing programme we have joined up with Bupa to offer a health plan membership scheme for employees who wish to enrol. This membership entitles staff to 'claim back' some (or all) of the costs incurred on everyday health costs through existing NHS services e.g. dental work, or other therapies such as physiotherapy. The membership offers benefits such as: dental and optical treatments and services; hospital stays, NHS or private; cashback on prescriptions; cover for WDC employee plus 4 dependants (up to the age of 24); partners or upgrades to the next level of the membership can be accessed directly with Bupa; confidential counselling for areas such as managing change, bereavement, stress, anxiety and depression. Whilst the scheme uses NHS services, treatments not provided on the NHS can be sought which are local and immediate e.g. physiotherapy without the need for GP referral; elderly support hotline provider for those caring for and/or living with the elderly; access to organised workplace challenges, health blogs, finance management/debt and legal advice.

A 'new' Reward & Recognition scheme has been piloted 'Workstars' with mixed feedback from teams. This has enabled us to review further what staff/managers aspire from a scheme for us to research and present back to the organisation.

Appendix 1 (Extract from Disciplinary Policy)

THE PROCEDURE

STAGE 1 – DISCIPLINARY INVESTIGATION

Before taking formal action, it is imperative that an investigation takes place into any suspected breach of discipline. This should be undertaken in a timely manner and not delayed for undue reason. The employee's line manager will conduct the investigation and may be accompanied by a colleague or member of the HR department.

NB: HR reserves the right to appoint an independent investigator / manager at this stage if deemed necessary.

NB: HR reserves the right to appoint an independent investigator / manager at this stage if deemed necessary.

The purpose of an investigation is to establish the facts surrounding the alleged misconduct and establish whether formal action should be taken. It should include the following:

- Interviewing the people involved; employee, witnesses etc
- Looking at relevant information such as personnel files, appraisal records

Where employees are required to attend an interview as part of any investigation, due regard will be given to the employee's rights and confidentiality.

Right to be accompanied

Employees have the right to be represented/accompanied by either a Trade Union representative or work colleague at all stages of the investigatory and disciplinary procedure. The person accompanying will be allowed to confer with the employee and address the hearing meeting but not answer questions on the employee's behalf.

The employee should be informed of the reason for the investigation and their right to be accompanied at the start of the meeting. Where an employee is experiencing difficulties arranging representation, they may request that the meeting is rescheduled to a mutually convenient alternative time. This time must be as soon as possible and no later than 5 working days after the original date. Any delay beyond this point is at the manager's discretion.

Disciplinary Investigation Report

Following the completion of a disciplinary investigation, the Investigating manager should submit a disciplinary investigation report to the manager hearing the potential disciplinary. The purpose of which is to provide a

recommendation that either:

No disciplinary hearing required as a disciplinary sanction is not warranted

Or

A disciplinary sanction may be warranted and a disciplinary hearing conducted

The investigating manager will then notify the employee in writing of the outcome of the investigation where possible within 5 working days.

STAGE 2 - DISCIPLINARY HEARING

If the outcome of the investigation recommends that a disciplinary sanction may be warranted a disciplinary hearing should be convened, where possible within 7 working days of the investigatory report being submitted. The meeting can be rescheduled and held at a later date if both parties are in agreement to the delay but must not be any later than 7 working days after the original scheduled date. The hearing will be conducted by the line managers peer (or line manager's manager, not previously involved in the case).

The notification of the requirement to attend a disciplinary hearing will be confirmed in writing to the employee at least 5 working days in advance of the hearing and will contain details of:

- Who will be conducting the hearing
- A copy of WDC's disciplinary policy and procedure
- Time, date and location of the meeting
- Reason for the hearing
- Employee's right to be accompanied by a Trade Union representative or work colleague
- Arrangements in relation to any documents to be forwarded prior to the hearing (if not already enclosed) e.g. witness statement
- Copy of the investigation report

Any documentary evidence to be used at the time of the disciplinary hearing by the employee in their defence should be submitted at least three days before the hearing. (This condition may be waived in exceptional circumstances)

The manager who conducted the investigation will present their case at the disciplinary hearing, but will not adjudicate or be part of the decision making process.

The manager conducting the Hearing should be accompanied by a colleague or member of HR department.

During the hearing, the employee should be:

- Reminded of their rights under the Disciplinary Procedure and how the hearing will be conducted
- Advised of their companion's rights
- Told the extent of the allegations
- Allowed to hear the evidence including any details from reports and statements previously supplied
- Given the opportunity to state their case to respond to allegations or concerns and to draw attention to any circumstances relevant to their situation before any decision is made.
- Allowed to ask questions relating to the investigation
- Allowed to call any witnesses
- Able to confer with their companion at any point and where appropriate seek a short adjournment

Should the employee refuse to discuss the allegations they should be advised that due regard will be taken of their silence and a decision reached on the evidence available.

The Disciplinary Hearing **must** be adjourned before a decision is made.

NB: There may be occasions where an employee is repeatedly unable or unwilling to attend a meeting. This may be for various reasons, including genuine illness or a refusal to face up to the issue. All the facts will need to be considered and a reasonable decision taken on how to proceed

Where an employee continues to be unavailable to attend a meeting a decision will be made on the evidence available to them at the time of the hearing by the line manager

Outcome of Disciplinary Hearing

Once a decision has been made regarding the outcome of the disciplinary hearing, the hearing will be either reconvened or a letter written to inform the employee of the outcome. This will include:-

- whether disciplinary action is warranted or whether no action will be take
- The perceived nature of the misconduct
- The disciplinary penalty issued and how long it will last

The nature and timescale of the improvement expected
The likely consequences of further misconduct
Their right of appeal in accordance with the Council's
Disciplinary Appeals procedure.

Details of the disciplinary outcome will be confirmed in writing to the employee within 7 working days after the hearing.

Disciplinary Sanctions

The level of sanction applied will take account of all relevant factors; in particular the seriousness of the employee's alleged misconduct. The period during which any warning remains applicable will be exclusive of any absence from work or unpaid leave greater than four consecutive weeks

If, following the disciplinary hearing, it is decided that disciplinary action will be taken; one of the following sanctions will be applied:

1. Verbal Warning (in writing)
2. First Written Warning
3. Final Written Warning
4. Dismissal/Demotion/Re-deployment

VERBAL WARNING (CONFIRMED IN WRITING)

A verbal warning will be appropriate when conduct or performance does not meet acceptable standards.

It will be live on file for 6 months but disregarded for disciplinary purpose after this period of time.

This warning will be taken into account if any further acts of misconduct or failure to satisfactorily improve occur during this period.

FIRST WRITTEN WARNING

A first written warning will be appropriate when:

issues previously addressed have not been resolved
more serious breaches of rules or standards of conduct or
performance have arisen whether or not they have been
addressed previously

It will be live on file for 1 year but disregarded for disciplinary purpose after this period of time.

This warning will be taken into account if any further acts of misconduct or failure to satisfactorily improve occur during this period.

FINAL WRITTEN WARNING

A final written warning will be appropriate where:

misconduct of a more serious nature arises but on the merits of the case it is decided that dismissal is not appropriate.
more serious breaches of rules or standards of conduct or performance have arisen whether or not they have been addressed previously

It will be live on file for 1 year but disregarded for disciplinary purpose after this period of time.

In exceptional circumstances, it may remain live on file for a longer period or indefinitely.

DISMISSAL/DEMOTION/RE-EMPLOYMENT

It is essential that HR and the Chief Executive are informed prior to a dismissal taking place. The employee should receive the decision to dismiss in writing. Other options such as demotion or redeployment will be explored beforehand if deemed appropriate.

Dismissal will be appropriate where:

There has been an instance of misconduct of any kind in situations where a Final Written Warning has already been issued.

An employee dismissed in this way is entitled to be paid in lieu of the appropriate period of notice as set out in their conditions of employment.

Gross Misconduct/ Summary Dismissal

An employee dismissed in this way will be dismissed without notice or payment in lieu of notice.

DISCIPLINARY APPEALS PROCEDURE

APPEAL (To next level of Manager or Manager's peer – not previously involved with the case)

If the employee wishes to appeal against the outcome of the hearing, the employee should do so in **writing** to the manager's manager stating the reasons for their dissatisfaction and grounds for appeal no later than 7 working days after the outcome letter is received.

Appeal Hearing

The employee will be sent a letter inviting them to attend an appeal hearing giving them no less than 7 working days notice.

The notification of the requirement to attend an appeal hearing will be confirmed in writing to the employee at least 5 working days in advance of the hearing and will contain details of:

- Who will be conducting the hearing
- A copy of WDC's disciplinary policy and procedure
- Time, date and location of the meeting
- Reason for the hearing
- Employee's right to be accompanied by a Trade Union representative or work colleague
- Arrangements in relation to any documents to be forwarded prior to the hearing (if not already enclosed) e.g. witness statement
- Copy of the investigation report

If the employee or their representative cannot attend, the hearing may be rescheduled by mutual agreement

The hearing will be conducted by the manager. The employee will give their reasons for appealing, providing any relevant evidence. There will be the opportunity to ask questions for further clarification. The Manager hearing the appeal must adjourn and carefully consider the best course of action.

The outcome from the meeting might be the following:

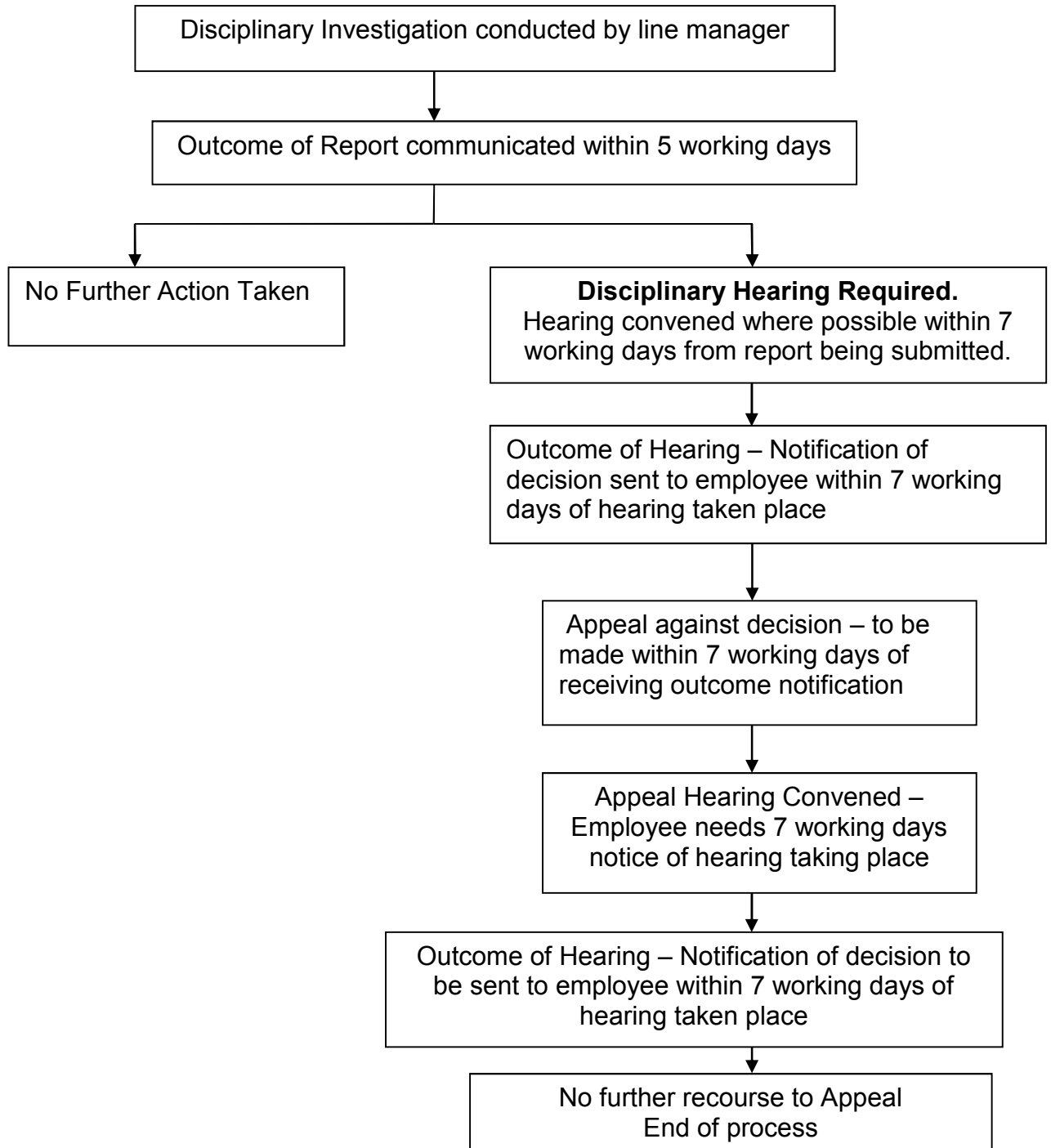
1. Disciplinary appeal is upheld or disciplinary appeal is not upheld
2. Request additional information/clarification

Outcome of Appeal Hearing

The outcome of the appeal hearing will be confirmed in writing where possible within 7 working days of the hearing taking place unless additional information/clarification is requested then the manager will keep the employee fully informed as to their progress")

The decision of this appeal hearing is final and constitutes the completion of the disciplinary appeal.

DISCIPLINARY POLICY FLOW CHART



GRIEVANCE PROCEDURE

THE INFORMAL GRIEVANCE STAGE

The council will endeavour to address matters informally with the member of staff raising the grievance. HR, or the line manager or manager appointed to review the grievance will aim to give the employee the opportunity to address matters informally and look for early resolution, prior to invoking stage 1 of the grievance procedure.

STAGE 1 - RAISING A FORMAL GRIEVANCE

Where informal approaches have been unsuccessful, the employee can raise a formal grievance by writing to their Line Manager (or to the next level of management where the grievance relates to their immediate Line Manager). The employee should provide all details e.g. people involved, description, dates, times and events. Where appropriate the employee should make suggestions regarding their desired outcome.

N.B. Any issues/concerns must be raised within 3 months of an event occurring (subject to extenuating circumstances)

NB: HR reserve the right to appoint an independent investigating officer at this stage if deemed necessary.

NB: HR reserve the right to appoint an independent investigating officer at this stage if deemed necessary.

Acknowledgement

Normally and where possible, within 2 working days of receiving the **written grievance**, the Line Manager must acknowledge receipt of the grievance and explain the procedure to be followed.

The manager, after consultation with HR, will arrange a meeting to hear the grievance normally and where possible within 5 working days.

Grievance Hearing

The employee will be sent a letter inviting them to attend a grievance hearing giving them no less than 7 working days notice. The letter will inform the employee of their right to be accompanied / represented by a Trade Union official or colleague of their choice, during the hearing. If the employee or their representative cannot attend, the hearing may be rescheduled by mutual agreement

The employee's line manager (or the next level of line management if the grievance relates to the immediate line manager) will hear the grievance and may be accompanied by a colleague or member of the HR department with a view to resolution. The employee will re-iterate their grievance, providing any relevant evidence and suggested resolutions. There will be the opportunity to ask questions for further clarification. The Line Manager hearing the grievance must adjourn and carefully consider the best course of action.

NB; If the outcome of the grievance hearing is further investigation the following steps must be followed:

NB; If the outcome of the grievance hearing is further investigation the following steps must be followed: -

- Conduct an investigation – (this may be the starting point of a grievance complaint prior to the grievance hearing taking place.)
- This may include appointing an independent investigating officer who will produce an investigation report
- Reconvene grievance meeting, putting in writing to all parties to consider the findings of the investigation report
- Follow stage 1 above.

Outcome of Grievance Hearing

The outcome of the grievance hearing will be confirmed in writing where possible within 7 working days of the hearing taking place unless further investigation needs to take place then the manager will keep the employee fully informed as to their progress.

NB: HR reserve the right to appoint an independent investigating officer at this stage if deemed necessary.

NB: HR reserve the right to appoint an independent investigating officer at this stage if deemed necessary.

NB – complex cases may fall outside these timescales, however in such cases, all parties should endeavour to communicate any reason for delay in writing.

The outcome from the meeting might be the following:

The outcome from the meeting might be the following:

1. Grievance is upheld and a solution is put forward
2. Grievance is not upheld
3. Investigate the grievance further
4. Request additional information/clarification

STAGE 2 – APPEAL (to next level of Manager or Manager’s peer)

If the employee wishes to appeal against the outcome of the hearing, the employee should do so in **writing** to the manager’s manager stating the reasons for their dissatisfaction and grounds for appeal no later than 7 working days after the receipt of outcome letter is received.

Then follow the appeal process outlined below:-

Acknowledgement

Where possible and within 2 working days of receiving the **written appeal**, the Line Manager must acknowledge receipt of the appeal and explain the procedure to be followed.

The manager, after consultation with HR, will arrange a meeting to hear the appeal where possible within 5 working days.

Appeal Hearing

The employee will be sent a letter inviting them to attend an appeal hearing giving them no less than 7 working days notice. The letter will inform the employee of their right to be accompanied / represented by a Trade Union official or colleague of their choice, during the hearing. If the employee or their representative cannot attend, the hearing may be rescheduled by mutual agreement

The hearing will be conducted by the Manager with a view to resolution. The employee will explain their grounds of appeal, providing any relevant evidence and suggested resolutions. There will be the opportunity to ask questions for further clarification. The Manager hearing the appeal must adjourn and carefully consider the best course of action.

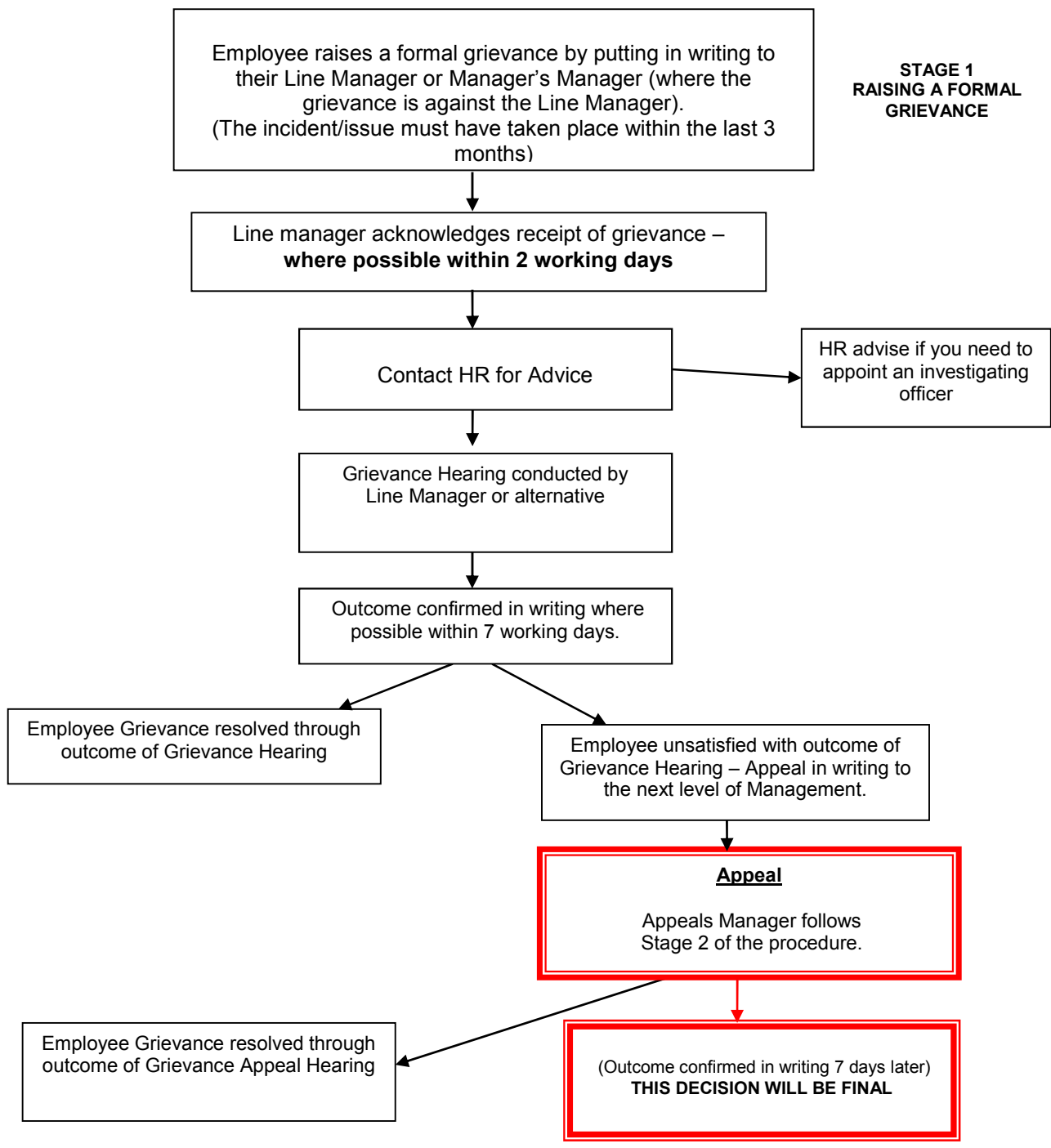
The outcome from the meeting might be the following:

1. Grievance appeal is upheld or grievance appeal not upheld
2. Propose a solution
3. Further investigation of points raised at appeal
4. Request additional information/clarification

Outcome of Appeal Hearing

The outcome of the appeal hearing will be confirmed in writing within 7 working days of the hearing taking place unless further investigation needs to take place when the manager will keep the employee fully informed as to their progress

The decision of this appeal hearing is final and constitutes the completion of the grievance procedure.





Long Term Sickness and Ill Health Capability Policy and Procedure

LONG TERM SICKNESS AND ILL HEALTH CAPABILITY POLICY

1. INTRODUCTION

This document sets out our procedures for the management of long term sickness absence in a fair and consistent way.

Long term sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence of four weeks or more, and have a number of different causes (for example, injuries, recurring conditions, or a serious illness requiring lengthy treatment).

We wish to ensure that the reasons for sickness absence are understood in each case and investigated where necessary. In addition, where needed and reasonably practicable, measures will be taken to assist those who have been absent by reason of sickness to return to work.

Any information you provide to us about your health will be processed lawfully. We recognise that such data is sensitive and will handle it in a confidential manner.

2. APPLICATION OF THIS POLICY AND PROCEDURE

This policy and procedure should be used where the following triggers are reached:

- The employee has been off sick for more than 20 working days (pro rata) and where there is no imminent prospect of a return to work, or
- Where frequent short-term sickness absence (20 days within a 12 month period (pro rata)) may be attributable to an underlying, long-term medical condition.

Due regard will be given to the Equality Act 2010 and ACAS guidance concerning disability discrimination in the workplace, where the reasons for absence may be related to a disability.

Whilst all situations are different, it is expected that most cases of long term absence will normally be resolved within 12 months. Most situations will, of course, take less time than that.

Managers will need to demonstrate that they are managing long term sickness absence by making positive decisions in line with this guidance. Managers should make a decision on the most appropriate action following discussion with the employee and taking advice from HR as necessary. Action will normally be decided on and communicated at an Absence Review Meeting. However, it may not always be necessary to hold a meeting first. For example, it may be more appropriate to inform the employee of the need to make a referral to Occupational Health via HR in order that the professional medical opinion can be

discussed to reach an informed decision at an Absence Review Meeting. This action may be communicated in a variety of ways, i.e. letter, telephone conversation or email.

Long term absence is handled most effectively through early interventions and actions. This enables the manager to identify what practical support can be provided to facilitate a return to work.

Managers have the right to initiate and maintain reasonable contact with the employee in order to inform their decisions. Employees are expected to co-operate with such contact and failure to do so may result in decisions being made based on the limited information available at that time.

3. ROLES AND RESPONSIBILITIES

EMPLOYEES

Employees are responsible for their health and wellbeing and for minimising their own absence from work where possible. Employees are responsible for adhering to the requirements stated within this policy and the Attendance Management Policy, particularly in terms of sickness notification, providing doctors notes/Fit Notes and keeping in regular contact with their manager.

MANAGERS

Managers have a duty of care for the health, safety and welfare of their staff and should:

- Work supportively in conjunction with HR and the Council's nominated occupational health provider to support staff with sickness absence.
- Be responsible for managing sickness effectively and ensuring absence is monitored and recorded for their team.
- Carry out return to work discussions and other review meetings, promoting a positive working environment, motivating and managing their team to maximise attendance.
- Monitor triggers and absence patterns and to identify where irregularities have occurred.

Senior managers are responsible for ensuring that managers who are managing sickness absence issues attend the appropriate training. Senior managers should also ensure that absence issues are treated equitably and consistently within their area of responsibility.

HUMAN RESOURCES

HR will provide specialist advice and support to managers and staff in dealing with absence issues. HR may attend any meetings held under the informal or formal stages of this procedure and will also:

- Provide statistical information to support the management of absence.

- Actively support managers when trigger points are reached. Any information held will be in line with the requirements of the Data Protection Act and GDPR and confidentiality maintained.
- Work with managers and staff to facilitate a return to work, including provision of advice, support and referrals to Occupational Health.
- Provide appropriate training to support managers who are managing sickness absence issues
- Provide information updates to managers and staff on sickness issues, for example, to advise of changes in legislation and best practice.

4. PROCEDURE

Managing sickness under this policy involves holding regular sickness review meetings with the member of staff. The following methods may also be followed:

- Holding keeping in touch meetings;
- Discussing and reviewing the length and reasons for absence;
- Establishing the need for occupational health appointment
- Meeting to review occupational health report
- Reviewing any reasonable adjustments
- Establishing a return to work date
- Facilitating a return to work/improve attendance levels.
- Implementing a phased return to work
- Redeployment

More details regarding the above methods are given below.

KEEPING IN TOUCH

During long term sickness absence, it is important that managers keep in touch with their member of staff and provide appropriate support and interventions to facilitate a return to work.

It is also important that employees keep in touch with their manager at agreed regular intervals and ensure any changes in health or expected date of return are discussed.

Regular review meetings (e.g. monthly) will normally be held with the manager (HR may also attend these meetings) and may be arranged at work, at the employee's home or another agreed location. An employee has the right to be accompanied to these meetings by a recognised trade union official or a work colleague – if this is not possible, there may be an

option to be accompanied by an HR approved individual for support (for example a family member).

In some situations, (e.g. where there is a known date of return to work), meetings may be held at longer intervals by agreement. Further contact can also be maintained by telephone and/or email.

The purpose of the meeting may include:

- Enquire after the health of the absent employee; discuss the nature and likely prognosis and duration of the absence.
- Consider referral of the individual to Occupational Health. The purpose and process of this and the potential outcomes should be explained.
- Discuss the outcome of a referral to Occupational Health that has already been made.
- Agree future contact arrangements; contact should be maintained regularly via phone calls, or meetings, or visits.
- Discuss whether any assistance can be provided and give details of any useful contacts such as the trade unions and the confidential counselling service.

The details discussed and any actions agreed should be recorded and acted upon. Managers should send any documentation to the employee.

If the employee is expected to return to work within a short, specified time, then a meeting may not be necessary. Such situations may include an employee who has undergone an operation where the condition and recovery is straightforward. Managers should, however, monitor the situation in case the sickness absence becomes more prolonged or complicated than expected and a meeting arranged whenever appropriate.

FACILITATING A RETURN TO WORK

In order to provide appropriate support and facilitate a return to work, the manager in conjunction with HR may need to:

- Seek medical advice through the nominated Occupational Health provider (which could be a nurse or physician) and / or from the individual's G.P. or medical consultant about the employee's health to establish when / whether a return to work is likely and how the manager can reasonably help to facilitate this.
- Discuss and make reasonable adjustments that may facilitate a return to work or to retain an individual at work.
- Consider whether alternative duties / or a phased return to work is beneficial.
- Consider redeployment as a potential alternative to ending employment where appropriate.

If an employee is not considered fit to undertake their normal duties for a short period of time, but it is recommended via a Fit Note or Occupational Health that they could do other

work; they may be requested to undertake other appropriate work. Such requests will only be made in consultation with independent medical advice and where appropriate following a risk assessment.

PHASED RETURNS

If an employee is recovering from illness and it is recommended by Occupational Health or their GP that a phased return to work would be beneficial, the manager will discuss this with the employee and HR. A phased return allows an employee to resume work, starting on reduced hours for a short period, building up hours gradually to normal full time hours. The employee will receive their usual basic pay during this phased return which would normally be for up to a maximum of four weeks. There may be exceptions when a longer phased return is recommended and this will be with agreement from the manager and HR. (NB – usual basic pay will only be paid in accordance to the four week phased return period. Should a phased return go beyond four weeks, employees may be asked to use alternative methods to accommodate this, e.g. annual leave to be taken for normal hours not worked).

If the employee is not able to return to full time work at the end of a phased return period, flexible working arrangements may be considered upon request. For example, if the employee wanted to reduce their normal working hours either permanently or for a temporary period, an application could be made through the flexible working procedure or through the Council's VRT policy and, if approved, this request could result in a permanent or temporary contractual change.

A return to work following an extended period of sick leave can be facilitated by a graduated build up to normal contracted hours. Where either a doctor's Fit Note or an OH report includes the option of a phased return to work; managers should meet with the employee to establish a pattern of return to work and anticipated timescales, subject to agreed reviews.

Each case must be considered in the light of the individual circumstances but it would be unusual for a phased return to extend beyond 4 weeks. HR will support managers in establishing a reasonable approach to phased hours to be worked, taking into account any advice or guidance given by the GP or Occupational Health and operational needs.

REFERRAL TO OCCUPATIONAL HEALTH

Occupational Health can assist Managers and employees by:

- Providing a specialist occupational health assessment and advice to both parties about the effect of any health condition or other relevant problem on current and future fitness for their work or attendance.
- Providing advice about how job modification, alternative work or workplace rehabilitation may help the employee return safely to work and so cut short avoidable continuing sickness.

- Obtaining reports or advice from the employee's GP (with appropriate consent) and/or specialist to help facilitate safe rehabilitation at work
- Providing specialist medical assessment to facilitate health & safety risk assessments where this becomes necessary in the management of individual cases.

Following a discussion of the purpose, process and the potential outcomes of a referral with the employee, managers should consider referring the employee to Occupational Health via HR to ascertain the employee's medical condition, including fitness for work, timescale for return, and any limits on the ability of the employee to perform their job.

Occupational Health may liaise with the employee's GP and/or Consultant, and if so will arrange this direct with the employee. Employees must, where possible attend the Occupational Health appointment arranged for them. Failure to attend may result in a recharge of the appointment to the employee. It is in the best interest of all concerned to try and resolve sickness absence matters early and co-operatively, as early intervention is usually more effective in achieving a successful return to work.

Managers do not have to wait until the end of a Fit Note or a formal attendance warning in order to make a referral to occupational health, as often an early referral may be more beneficial to the employee in assisting their return to work.

Managers must liaise with HR to arrange the referral to be made to Occupational Health.

Following receipt of the report from Occupational Health, managers should discuss the report and the implications arising from the report with the employee. HR may also be involved in this discussion. Please note that any advice given and suggested adjustments contained within a report are recommendations and the opinion of the Occupational Health Advisor / Physician. It is a management decision as to whether or not these can be accommodated.

The potential outcomes arising from an Occupational Health appointment(s) will normally fall into the following categories:

Outcome	Action required
Fit for work: no adjustments likely to be required	Managers should confirm with the employee the arrangements for a return to work.
Fit for work: temporary / Permanent adjustments recommended	Managers should discuss with the employee the adjustments outlined and whether or not they can be accommodated. If the adjustments cannot be accommodated managers should endeavour to facilitate the continuation of the employee's employment through the alternative actions outlined below such as redeployment.

<p>Temporarily unfit for work:-</p> <ul style="list-style-type: none"> • Report from GP/Specialist • OHA/OHP review to be arranged 	<p>Managers should maintain regular contact with the employee and monitor the situation. Once a GP/Specialist report is received a further outcome report should be received from Occupational Health and managers will need to consider the advice given at that stage. If the employee fails to give their consent to a GP/Specialist report, OH will need to give their advice and managers will need to consider their actions stemming from that advice without the benefit of a GP/Specialist report.</p> <p>If the situation does not become clear within a foreseeable period of time the situation will be reviewed in conjunction with HR and the line manager to ascertain whether the absence can be sustained.</p>
<p>Not fit for work in the foreseeable future (OH Physician decision only).</p>	<p>Where the medical advice is that the employee cannot continue to carry out their current duties due to their physical or mental health, managers should endeavour to facilitate the continuation of their employment through the alternative actions outlined below such as redeployment before taking action to end the employment on the grounds of incapability due to ill health.</p> <p>If the employee is a member of the Local Government Pension Scheme and has at least two years pensionable service, they may be eligible for retirement on the grounds of ill health. If this is the case their employment may be terminated with a pension.</p>

REASONABLE ADJUSTMENTS / ADAPTATIONS

Consideration should be given to any reasonable adjustments to the duties, hours of work, shift pattern, work environment etc. that might enable the employee to return to work or attend regularly. Advice should be sought from HR regarding any adjustments affecting the employee's contract of employment. Any changes made to the contract of employment must suit the business needs of the service. If there are any health and safety issues / risks for which advice is needed, managers should contact HR in the first instance for further advice and guidance.

REDEPLOYMENT

Where the employee is unable to return to their substantive post, either permanently or for the foreseeable future, attempts should be made over a reasonable period of time to

find suitable alternative employment. Details of this process are available in the redeployment agreement. HR will provide guidance regarding the redeployment process.

If after a reasonable period, of up to 12 weeks, no suitable employment can be identified, it may be appropriate to consider the appropriateness of continuing employment. Redeployment will still be actively explored during the notice period.

LONG TERM SICKNESS AND ANNUAL LEAVE

Employees on long term sick leave will still accrue their annual leave. If they return to work before the end of the leave year they can request to take their remaining accrued contractual leave within the leave year.

If there is not enough time remaining within the leave year for the leave entitlement to be taken, or the absence spans more than one leave year, then the employee will be able to carry over up to 20 days (148 hours) from the remaining accrued leave. 20 days is the minimum leave entitlement stipulated under the European Working Time Directive. This should be pro rata for part time employees. Any annual leave days that have already been taken in that leave year should be deducted from the 20 days.

If an employee has had a period of long term sickness absence that spans more than one holiday leave year, a maximum of 20 days may be carried over from each leave year in which the employee is absent (pro rata for part time employees) although this holiday may not be carried over indefinitely and will usually be lost after 18 months from the end of the holiday year in which the days were accrued.

During a period of long term sickness, should an employee wish to take annual leave, this should be agreed and signed off with the line manager and HR should be informed.

ILL HEALTH EARLY RETIREMENT UNDER THE LGPS

If medical advice indicates that the employee is medically unfit to undertake the duties of their current post and there are no suitable redeployment opportunities and the employee is a member of the LGPS, early retirement on the grounds of ill health may be considered. Under the Local Government Pension Scheme (LGPS), an employee eligible for early pension benefits due to ill health must:

- Have at least two years pensionable service, or have equivalent transferred rights from another pension scheme; *and*
- Be certified as medically 'unfit' for work by an independent occupational health physician.

Further advice and guidance on this process can be obtained from the HR.

5. ENDING THE CONTRACT OF EMPLOYMENT

Having due regard to all the circumstances of the case consideration may be given to terminating the contract of employment of an employee on long term sickness absence on the following grounds:

- The employee does not meet the criteria for early retirement on grounds of ill-health
- Redeployment is not appropriate or it has not been possible to redeploy the employee
- The employee has exhausted the alternatives offered for rehabilitation.
- Medical opinion has established that it is unlikely that the employee will return to work and maintain an appropriate attendance record within a reasonable period of time.
- Keeping a role vacant for a further period would be detrimental to the service.

6. FORMAL STAGES / ILL HEALTH CAPABILITY STAGES

This process should be undertaken in conjunction with HR.

Managers will need to commence formal reviews of absence under this procedure when the employee's absence:

- Has met or exceeded a sickness absence indicator, or
- Is otherwise of concern e.g. the impact of the absence is causing ongoing service delivery difficulties or there is a trend of absences occurring on particular days of the week, etc.

Even though sickness triggers may have been met, it may not always be appropriate to immediately proceed to a First Stage Meeting. There may also be cases where medical advice is indicating there is no prospect of the employee being able to return to work within the foreseeable future or a reasonable timeframe. In such instances it may be appropriate to progress straight to the Final Stage Meeting. All cases can differ greatly and therefore advice should be sought from HR.

THE FIRST STAGE MEETING

A First Stage Meeting is the first formal step in addressing sickness absence under this procedure. The manager should normally contact the employee to explain the need for this meeting before liaising with HR to write to them formally under this Procedure. HR will support the progression of this process as follows:

WRITE TO THE EMPLOYEE AND INVITE THEM TO THE FIRST STAGE

- Provide seven calendar days' notice of the meeting and a copy of the Procedure;
- Advise of the entitlement to be accompanied by a **trade union representative or work colleague;
- Provide the relevant background information prior to the meeting including (where appropriate) a copy of Occupational Health advice, and sickness absence record.

***If the employee's chosen trade union representative or work colleague is unable to attend the scheduled meeting, the employee may propose an alternative date provided it is reasonable and no more than 7 calendar days after the original date and another meeting will be arranged. If the employee fails to attend the re-arranged meeting, a decision may be taken in their absence.*

THE FIRST STAGE MEETING AND DISCUSSION:

This will include:

- The absence record and the impact that this is having on the team/service delivery

- The implications of further/continued absence
- Likely date of a return to work, and, where the absence relates to an underlying medical condition or serious/recurring illness, the latest medical advice and prognosis
- Any support and agreed objectives that may be required to improve attendance e.g. reasonable adjustments where the absence is disability related
- Any representations made by the employee.

DECISION / OUTCOME OF MEETING

Following the **First Stage Meeting** the manager may:

- Issue a notice to improve, with a monitoring period/programme agreed which requires **a sustained, acceptable attendance pattern that meets the needs of the business**, with a specific target which must be maintained for a period of 12 months for either long term or intermittent absence. Within the period the employee should be advised that if their attendance does not meet the required standard, then the matter may be referred to a **Final Stage Meeting** and their employment may be at risk.
- Not issue a notice to improve, as it is believed there are extenuating circumstances as to why the warning should not be issued. This should be discussed with HR in the first instance.

In considering the above, managers should accommodate any reasonable adjustments required for disability related conditions, please seek advice from HR.

THE OUTCOME - RECORDING THE DECISION

- Confirm the outcome and any actions to be taken in writing to the employee. Agree actions and ensure that the implications of further absence/unsatisfactory improvement are made very clear, including the possibility of escalation to a **Final Stage Meeting**;
- The outcome letter must advise the employee of the right of appeal where a formal notice to improve has been issued. An appeal, usually to the manager's manager, must be lodged within 14 calendar days of being informed of the decision. There is no right of appeal against the implementation of a monitoring programme/period.

MONITOR, IMPROVEMENT SATISFACTORY OR ESCALATE

During a monitoring period after the First Stage Meeting, managers should discuss this as part of routine 1:1 meetings or arrange to meet regularly with the employee to review progress and how any subsequent absence should be considered.

Depending upon the circumstances, either during or at the end of the notice to improve period, a decision should be taken as to what further action is necessary. Where there has been satisfactory improvement, this should be confirmed and the employee informed that the current notice to improve has finished/been completed. Where improvement has **not** been satisfactory –

EITHER

1. Consider what is expected/acceptable and whether to extend the timescales for reviewing the notice to improve (e.g. there has been encouraging improvement and continuing signs of further improvement);

2. OR

The case should be escalated to a **Final Stage Meeting**. This will be appropriate where one or more of the following might apply:

- A notice to improve has already been issued but targets have not been met and/or absence continues to be of concern;
- The absence relates to an underlying medical condition or serious illness and the likely return to work date has been delayed and the absence can no longer be sustained;
- Occupational Health has provided evidence that supports a recommendation that the employee can no longer carry out a substantial part of their current duties and/or should not return to their existing post, or that they will not be able to return to work in the foreseeable future or sustain regular attendance within a period of time that the manager considers to be reasonable. Redeployment will be considered, if appropriate and available, taking into account advice from Occupational Health (**Note: Occupational Health advice may be sought at any time and therefore redeployment may occur at any part of the formal stage**). This may be either on a permanent or temporary basis. Where permanent redeployment is appropriate but is not available, or the employee unreasonably refuses an offer of redeployment, a **Final Stage Meeting** will be held.

THE FINAL STAGE MEETING

A **notice to improve** does not need to expire before matters can be escalated to a Final Stage Meeting under this procedure however, advice should be sought from HR in cases where it is proposed to shorten the review period under the notice. Managers will need to **obtain up-to-date occupational health advice** as previously scripted above in the First Stage process. Thereafter:

WRITE TO THE EMPLOYEE AND INVITE THEM TO THE MEETING:

The meeting will normally be chaired by a manager more senior than the manager who issued the notice to improve and who holds the authority to terminate employment.

- Provide 14 calendar days' notice of the meeting
- Advise of the entitlement to be accompanied by a trade union representative or work colleague
- Provide the relevant background information prior to the meeting including a copy of Occupational Health advice and sickness absence record
- Note ****above re: reorganising meetings where trade union representatives cannot attend.**

THE FINAL STAGE MEETING AND DISCUSSION:

This will include:

- The absence record and the measures, targets and criteria that were used to assess improvement
- Review of the up to date Occupational Health report

- Review of the actions that have been taken to date (including any reasonable adjustments required) and any further adjustments that may have been recommended
- The impact that the absence has had on the team/service delivery; and
- any representations made by the employee.

THE DECISION / OUTCOME OF MEETING

Following the **Final Stage Meeting** the manager may EITHER:

1. Re-affirm the notice to improve – where:

- A notice to improve has previously been issued and, in exceptional circumstances, a further period of recovery or further consideration of redeployment and/or reasonable adjustment can be agreed. If this is agreed, the notice to improve must be reaffirmed (and extended with a specific target which must be maintained for a period of up to 12 months) and the employee advised that the Final Stage Meeting will be reconvened if an improvement is not achieved or sustained. Regular monitoring should be put in place and, once issued, an employee will remain under review for the duration of the further notice to improve, regardless of whether or not they have returned to work or had any further periods of absence.

OR

2. Terminate employment – where:

- Evidence suggests that an improvement is unlikely to be achieved or sustained within a reasonable period
- Redeployment and/or adjustments are either not appropriate or available
- Consideration has been given to all the advice available, including up to date medical advice and management decide that the employee is likely to be permanently incapable of carrying out their current duties or a significant/material part of their duties (or incapable of carrying out duties within a reasonable period)
- Medical evidence indicates that the employee is unlikely to be able to return to work in the foreseeable future.

The relevance of each of the factors above will depend on the reason and pattern of absence.

THE OUTCOME - RECORDING THE DECISION

- Confirm the outcome in writing;
- Where the outcome is termination of employment, appropriate notice and appeal rights must be given.
- The employee may be entitled to pension benefits, subject to the relevant pension scheme rules (early consideration of an application for 'Ill Health Early Retirement' - IHER should be considered wherever possible)

RIGHT OF APPEAL AND NOTICE ON TERMINATION OF EMPLOYMENT

The employee will be advised of their period of notice on the termination of their employment (which may be paid in lieu but subject to tax and national insurance

deductions) together with their right of appeal against the decision to dismiss. The employee will receive full pay during their notice period.

An employee may appeal the decision to terminate their employment which must be submitted **(along with the grounds for the appeal)** to HR in writing within 14 calendar days of the receiving the decision. The Appeal will usually be heard by a manager more senior than the manager who made the decision to dismiss or Head of Service or, in exceptional circumstances, by another Head of Service. The decision reached will be final.