



Please ask for Rachel Lenthall
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Email committee.services@chesterfield.gov.uk

The Chair and Members of
Employment and General Committee

15 January 2016

Dear Councillor,

Please attend a meeting of the EMPLOYMENT AND GENERAL COMMITTEE to be held on MONDAY, 25 JANUARY 2016 at 4.00 pm in Committee Room 2, Town Hall, Rose Hill, Chesterfield, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

1. Declarations of Members' and Officers' Interests relating to Items on the Agenda
2. Apologies for Absence
3. Minutes (Pages 3 - 4)
4. Calculation of Tax Base 2016/17 (Pages 5 - 16)
5. Approval of Business Rates Estimates 2016/17 (Pages 17 - 34)
6. Confidential Reporting Policy (Pages 35 - 50)
7. Drug and Alcohol Misuse Policy (Pages 51 - 68)
8. Managing Attendance Policy (Pages 69 - 138)

9. Capability Policy (Pages 139 - 164)
10. Stress Policy (Pages 165 - 190)
11. Minutes of Council Joint Consultative Committee (Pages 191 - 192)

To receive the Minutes of the Council Joint Consultative Committee on 17 June, 2015.

12. Minutes of Council Health and Safety Committee (Pages 193 - 214)

To receive the Minutes of the Council Health and Safety Committee meetings held on 29 July, 2015 and 29 October, 2015 and the Improvement Programme Report from the meeting held on 29 October, 2015.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Randy', written in a cursive style.

Local Government and Regulatory Law Manager and Monitoring Officer

EMPLOYMENT AND GENERAL COMMITTEE MEETING

Monday, 24th August, 2015

Present:-

Councillor Simmons (Vice Chair in the Chair)

Councillors	Simmons	J Innes
	Blank	Davenport
	Dickinson	

*Matters dealt with under the Delegation Scheme

8 **DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS
RELATING TO ITEMS ON THE AGENDA**

No declarations of interest were received.

9 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Elliott.

10 **MINUTES**

RESOLVED –

That the Minutes of the Meeting of the Committee held on 27 July, 2015 be approved as a correct record and signed by the Chair.

11 **ELECTION SERVICE STAFFING**

The Democratic Services and Elections Manager submitted a report seeking approval to increase the permanent establishment within the Democratic Services Electoral Services Team by an additional 15 hours in the post of Elections Assistant to make the post full time. The report examined the adequacy of current staffing arrangements to meet the demands and responsibilities of the service, having regard to significant statutory change in electoral services in recent years, and benchmarking with other similar sized authorities. The report concluded that a further half time resource in the post of Elections Assistant was necessary to

help build resilience and capacity in the service. It was noted that the increase in the establishment staffing could be met from within existing budgets.

The Access to Information Procedure Rules, contained in the Council's Constitution state that for Council Committee meetings notice of a meeting shorter than five clear days may be given. The Vice-Chair had agreed that due to the urgency of starting the recruitment process for filling the vacant post it had been necessary to call the meeting of the Committee giving less than five clear days' notice.

***RESOLVED -**

That the permanent establishment within the Democratic Services Electoral Services Team be increased by an additional 15 hours in the post of Elections Assistant.

FOR PUBLICATION

CALCULATION OF TAX BASE 2016/17

MEETING:	EMPLOYMENT & GENERAL COMMITTEE
DATE:	25 TH JANUARY 2016
REPORT BY:	CHIEF FINANCE OFFICER
WARD:	ALL
COMMUNITY FORUM:	ALL

FOR PUBLICATION BACKGROUND PAPERS FOR PUBLIC REPORTS:	None
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1.0 **PURPOSE OF REPORT**

1.1 To approve the Tax Base calculation for 2016/17.

2.0 **BACKGROUND**

2.1 The Local Authorities (Calculation of Tax Base) Regulations 1992 (as amended) require the Borough Council as Billing authority to calculate the Tax Base for the Borough and the Parishes and to notify the Major Precepting Authorities (Derbyshire County Council and Derbyshire Police Authority), and those Parishes which request it, by 31st January each year.

2.2 Section 84 of the Local Government Act 2003 amended the tax setting regulations so that the tax base calculation no longer has to be approved by the full council. The calculation of the tax base is a procedural matter which, should be delegated to a non-executive committee. The Council agreed (17th December 2003) to delegate the function to the Employment and General Committee.

2.3 The tax base represents the estimated full year equivalent number of chargeable dwellings in an area, expressed as the equivalent number of Band D dwellings. Or more simply, it is an estimate of how much income a Council Tax of £1 would raise.

3.0 **CALCULATION OF THE TAX BASE**

- 3.1 The regulations mentioned at paragraph 2.1 prescribe the method of calculating the Tax Base and the statements at Appendices A, B, C and D show the Council's Tax Base calculation for the Whole Area, Chesterfield's non-parished areas, Staveley Town Council and Brimington Parish Council respectively.
- 3.2 The estimated collection rate was reduced in 2013/14 to 98.1% to reflect the increased difficulty of collecting small amounts from people affected by the changes to the council tax scheme. A review of collection rates has shown that this difficulty has decreased over time and it is now considered appropriate to work on the basis of an increased collection rate of 98.5%.
- 3.3 The overall Tax Base for 2016/17 at **28,271.58** (Appendix A) shows an increase of 490.01 or 1.8% on the 2015/16 Tax Base of 27,781.57.
- 3.4 The Tax Base for each of the parished areas is as follows:
- ◆ Staveley **4,019.61** – an increase of 55.14 or 1.4% on last year's tax base of 3,964.47 (Appendix C); &
 - ◆ Brimington **2,243.44** – an increase of 12.05 or 0.5% on last year's tax base of 2,231.39 (Appendix D).

4.0 **LEGAL IMPLICATIONS**

- 4.1 The tax base must be set between the 1st December and 31st January.

5.0 **RECOMMENDATIONS**

- 5.1 That the report for the calculation of the Council's Tax Base for the whole and parts of the area for 2016/17 be approved.
- 5.2 That pursuant to the report and in accordance with Local Authorities (Calculation of Tax Base) Regulations 1992 (as amended), the amount calculated by Chesterfield Borough Council as its Tax Base for the year 2016/17 shall be:

Table – 2016/17 TAX BASE (Equivalent Number of Band ‘D’ Dwellings)

	2015/16	2016/17	Increase / (Decrease)	
			No.	%
Chesterfield (whole area)	27,781.57	28,271.58	490.01	1.8
Staveley Town Council	3,964.47	4,019.61	55.14	1.4
Brimington Parish Council	2,231.39	2,243.44	12.05	0.5

6.0 ALTERNATIVE OPTIONS TO BE CONSIDERED

6.1 None

7.0 REASONS FOR RECOMMENDATION

7.1 To fulfil a statutory requirement and to enable the Council Tax to be set later in the financial year.

**B. DAWSON
CHIEF FINANCE OFFICER**

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2016/2017 COUNCIL TAX BASE - WHOLE AREA (change in local discounts)

BAND	A (Disabled)	A	B	C	D	E	F	G	H	TOTAL
Number of Dwellings		26,596.00	10,117.00	6,165.00	3,682.00	1,770.00	520.00	215.00	24.00	49,089.00
Less Exempt/Demolished(classes B & D to W))		314.00	91.00	70.00	34.00	10.00	8.00	2.00	0.00	529.00
Less Council Tax Reduction scheme	8.57	6,274.01	867.41	296.68	93.38	24.77	5.14	0.00	0.00	7,569.96
Less Revised Exempt Class A & C discount (on 100% discount)		380.00	75.00	37.00	17.00	5.00	2.00	1.00	0.00	517.00
Less Disregards at 50% (including 50% for work related dwellings)		6.50	6.00	4.00	2.00	2.00	6.50	6.50	2.00	35.50
Less Single Person and Disregard Discounts at 25%	2.75	3,145.75	859.25	430.00	191.50	70.00	19.50	7.25	0.00	4,726.00
Plus Empty Homes Surcharge (50% addition)		63.00	15.50	6.50	1.00	1.50	1.00	0.00	0.50	89.00
Adjustment for Disabled Relief	42.00	2.00	-1.00	-23.00	-9.00	-7.00	13.00	-6.00	-11.00	0.00
Adjustments for New Properties and anticipated changes in reliefs	0.00	84.10	23.40	15.03	23.94	3.50	3.51	0.90	0.00	154.38
Total for Band	30.68	16,624.84	8,256.24	5,325.85	3,360.06	1,656.23	496.37	193.15	11.50	35,954.92
Multiplier	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	-
Band D Equivalent	17.04	11,083.23	6,421.52	4,734.09	3,360.06	2,024.28	716.98	321.92	23.00	28,702.12
Tax Base 2016/17 (on the basis of a 98.5% Collection Rate)	16.79	10,916.98	6,325.20	4,663.08	3,309.66	1,993.92	706.22	317.09	22.66	28,271.58

Prev Year 27,781.57
Change 490.01

Change

1.8%

2016/2017 COUNCIL TAX BASE - CHESTERFIELD (change in local discounts)

Appendix B

BAND	A (Disabled)	A	B	C	D	E	F	G	H	TOTAL
Number of Dwellings	0.00	18,380.00	8,302.00	4,884.00	3,135.00	1,645.00	496.00	198.00	17.00	37,057.00
Less Exempt/Demolished(classes B & D to W))	0.00	219.00	74.00	56.00	29.00	10.00	8.00	2.00	0.00	398.00
Less Council Tax Reduction scheme	4.54	4,311.97	738.14	207.51	85.82	22.04	3.51	0.00	0.00	5,373.53
Less Revised Exempt Class A & C discount (on 100% discount)	0.00	290.00	62.00	31.00	15.00	4.00	2.00	1.00	0.00	405.00
Less Disregards at 50% (including 50% for work related dwellings)	0.00	4.50	3.50	3.50	0.50	0.50	4.00	3.00	2.00	21.50
Less Single Person and Disregard Discounts at 25%	2.50	2,291.00	727.75	343.75	168.50	65.00	18.50	7.00	0.00	3,624.00
Plus Empty Homes Surcharge (50% addition)	0.00	49.50	12.00	5.00	1.00	1.00	1.00	0.00	0.50	70.00
Adjustment for Disabled Relief	27.00	11.00	-11.00	-12.00	-5.00	-7.00	9.00	-6.00	-6.00	0.00
Adjustments for New Properties and anticipated changes in reliefs	0.00	64.13	22.50	12.60	20.70	3.50	2.70	0.90	0.00	127.03
Total for Band	19.96	11,388.16	6,720.11	4,247.84	2,852.88	1,540.96	472.69	179.90	9.50	27,432.00
Multiplier	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	-
Band D Equivalent	11.09	7,592.11	5,226.75	3,775.86	2,852.88	1,883.40	682.77	299.83	19.00	22,343.69
Tax Base 2016/17 (on the basis of a 98.5% Collection Rate)	10.93	7,478.23	5,148.35	3,719.23	2,810.09	1,855.15	672.52	295.34	18.72	22,008.53

2016/2017 COUNCIL TAX BASE - STAVELEY TOWN COUNCIL (change in local discounts)

BAND	A (Disabled)	A	B	C	D	E	F	G	H	TOTAL
Number of Dwellings		5,717.00	1,065.00	776.00	309.00	66.00	20.00	11.00	4.00	7,968.00
Less Exempt/Demolished(classes B & D to W))		66.00	10.00	4.00	1.00	0.00	0.00	0.00	0.00	81.00
Less Council Tax Reduction scheme	3.64	1,450.53	73.11	62.59	6.54	1.52	1.63	0.00	0.00	1,599.56
Less Revised Exempt Class A & C discount (on 100% discount)		57.00	9.00	5.00	1.00	0.00	0.00	0.00	0.00	72.00
Less Disregards at 50% (including 50% for work related dwellings)		0.50	1.50	0.00	0.50	0.50	0.50	1.00	0.00	4.50
Less Single person and Disregard Discounts at 25%		583.25	73.00	49.75	10.50	3.25	0.50	0.25	0.00	720.50
Plus Empty Homes Surcharge (50% addition)		9.50	1.50	0.50	0.00	0.50	0.00	0.00	0.00	12.00
Adjustment for Disabled Relief	12.00	-8.00	4.00	-6.00	-1.00	0.00	0.00	1.00	-2.00	0.00
Adjustments for New Properties and anticipated changes in reliefs	0.00	8.90	0.90	2.43	1.71	0.00	0.81	0.00	0.00	14.75
Total for Band	8.36	3,570.12	904.79	651.59	290.17	61.23	18.18	10.75	2.00	5,517.19
Multiplier	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	-
Band D Equivalent	4.64	2,380.08	703.73	579.19	290.17	74.84	26.26	17.92	4.00	4,080.82
Tax Base 2016/17 (on the basis of a 98.5% Collection Rate)	4.57	2,344.38	693.17	570.50	285.82	73.71	25.87	17.65	3.94	4,019.61

Prev Year	3,964.47
Change	55.14

2016/2017 COUNCIL TAX BASE - BRIMINGTON PARISH COUNCIL (change in local discounts)

BAND	A (Disabled)	A	B	C	D	E	F	G	H	TOTAL
Number of Dwellings		2,499.00	750.00	505.00	238.00	59.00	4.00	6.00	3.00	4,064.00
Less Exempt/Demolished(classes B & D to W))		29.00	7.00	10.00	4.00	0.00	0.00	0.00	0.00	50.00
Less Council Tax Reduction Scheme	0.39	511.51	56.16	26.58	1.02	1.21	0.00	0.00	0.00	596.87
Less Revised Exempt Class A & C discount (on 100% discount)		33.00	4.00	1.00	1.00	1.00	0.00	0.00	0.00	40.00
Less Disregards at 50% (including 50% for work related dwellings)		1.50	1.00	0.50	1.00	1.00	2.00	2.50	0.00	9.50
Less Single person and Disregard Discounts at 25%	0.25	271.50	58.50	36.50	12.50	1.75	0.50	0.00	0.00	381.50
Plus Empty Homes Surcharge (50% addition)		4.00	2.00	1.00	0.00	0.00	0.00	0.00	0.00	7.00
Adjustment for Disabled Relief	3.00	-1.00	6.00	-5.00	-3.00	0.00	4.00	-1.00	-3.00	0.00
Adjustments for New Properties and anticipated changes in reliefs	0.00	11.07	0.00	0.00	1.53	0.00	0.00	0.00	0.00	12.60
Total for Band	2.36	1,666.56	631.34	426.42	217.01	54.04	5.50	2.50	0.00	3,005.73
Multiplier	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	-
Band D Equivalent	1.31	1,111.04	491.04	379.04	217.01	66.05	7.94	4.17	0.00	2,277.60
Tax Base 2016/17 (on the basis of a 98.5% Collection Rate)	1.29	1,094.37	483.68	373.35	213.75	65.06	7.83	4.10	0.00	2,243.44

Prev Year 2,231.39
Change 12.05

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FOR PUBLICATION

NON-DOMESTIC RATES ESTIMATES FOR 2016/17

MEETING:	EMPLOYMENT & GENERAL COMMITTEE
DATE:	25 TH JANUARY 2016
REPORT BY:	CHIEF FINANCE OFFICER
WARD:	ALL
COMMUNITY FORUM:	ALL

FOR PUBLICATION BACKGROUND PAPERS FOR PUBLIC REPORTS:	None
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1.0 PURPOSE OF REPORT

- 1.1 To approve the National Non-Domestic Rates (NNDR) estimates and NNDR1 Return for 2016/17.

2.0 RECOMMENDATIONS

- 2.1 That the estimated National Non Domestic Rates estimates as recorded on the NNDR1 Return (Appendix A) be approved.
- 2.2 That delegated authority be given to the Chief Finance Officer to make any subsequent changes to the NNDR1 return that are identified before the final submission date of the 30th January.

3.0 BACKGROUND

- 3.1 The Local Authorities (Calculation of Tax Base) Regulations 1992 (as amended) require the Borough Council as Billing authority to calculate the Tax Base for the Borough and the Parishes and to notify the Major Precepting Authorities (Derbyshire County Council and Derbyshire Fire Authority), and those Parishes which request it, by 31st January each year.

- 3.2 Section 84 of the Local Government Act 2003 amended the tax setting regulations so that the tax base calculation no longer has to be approved by the full Council. The calculation of the tax base is a procedural matter which, should be delegated to a non-executive committee. The Council agreed (17th December 2003) to delegate the function to the Employment and General Committee.
- 3.3 With the introduction of the Business Rates Retention Scheme from April 2013 there is a new requirement for the Council to formally approve the Business Rates Tax Base. The approval process must be the same as that used for the approval of the Council Tax Base. The estimate of the Business Rates base and yield is included in a return to the Government known as the NNDR1 return. The NNDR1 return shows have the estimated yield is to be distributed, including the amount to be retained by the Council.

4.0 NNDR INCOME ESTIMATES

- 4.1 The Local Government Finance Act introduced the part-retention of income from Business Rates from April 2013. The income generated is to be shared between the Government (50%), the County Council (9%), the Fire Authority (1%) and the Borough Council (40%). The Council will then have to pay a tariff from its share of the income into a national pool (£11,138,000 in 2016/17). If Council's share of the income is above a specified threshold (£3,087,390 in 2016/17) the excess amount is then subject to a Levy at the rate of 50%. The Council joined a Derbyshire Pool in 2015/16 which will have the benefit of retaining the Levy within the County rather than paying it to Central Government.
- 4.2 The Council must complete and approve a form, known as the NNDR1 Return, which shows how the estimated income has been calculated and how it is to be shared. The form must then be sent to those entitled to a share of the income by 31st January (i.e. the County Council and the Fire Authority).
- 4.3 The copy of the NNDR1 return for approval is included as **Appendix A**. Completing the form has again been difficult this year due to the ongoing uncertainties around estimating the likely impact of back dated rating appeals. Appendix A is, therefore, based on the best available information at this point in time and may have to be revised if further changes are identified after this meeting but prior to submission on 31st January 2016.

4.4 Parts of the NNDR1 form are based on factual data at a given point in time but officers have been required to make their own estimates about future events such as new buildings, demolitions and the outcome of appeals, both new and outstanding. The amount to be retained and paid over to other to those entitled to a share of the income will be fixed at the start of the year based on the estimate on the NNDR1 return, therefore, it is important that the income forecast is not over stated. It is anticipated that the forecasting of income will improve in future years as experience is gained, as the current back log of appeals is cleared and as a result of the change introduced in the 2014 Autumn Statement to limit refunds on appeals received after 31st March 2015 to the current year only i.e. no back dating.

4.5 The NNDR1 return (Appendix A) shows that the estimated net rate yield is £37m (Part 1A, Line 14) and that this will be shared as follows:

Table 1: 2016/17 Share of BR Income and Fund Deficit			
Paid to:	Income Part 1B Line 14 £'000	Fund Deficit Part 1B Line 22 £000	Share %
Central Government	18,520	2,314	50%
Retained by CBC	14,816	1,852	40%
Derbyshire County Council	3,334	417	9%
Derbyshire Fire Authority	370	46	1%
Total	37,040	4,629	100%

4.6 From the Council's retained share of £14,816k it will have to pay a Tariff of £11,138k to the Government and a Levy of £596k into the Derbyshire Pool. It will receive grant income of £815k (Part 1C Line 32) towards the cost of various reliefs to leave a retained amount of £3,897k. For budget purposes it has also been assumed that £412k of the Levy paid into the Derbyshire Pool will be returned to the Council.

4.7 Collection Fund Surplus/Deficit

Billing Authorities are required to calculate the estimated surplus or deficit on the NNDR element of the Collection Fund each year.

The estimated surplus or deficit must be allocated to the organisations in the same proportions and the major preceptors should then take this surplus/(deficit) into account when calculating their Council Taxes for the following financial year.

The NNDR element of the Collection Fund is estimated to be a deficit of £4,629k by the 31st March 2016. The table in para. 4.5 shows how the estimated deficit will be shared, with the Council being charged 40% of the total i.e £1,852k.

5.0 **LEGAL IMPLICATIONS**

5.1 Paragraph 43 Schedule B of the Local Government Finance Act 1988 requires the Council to formally approve details of the provisional contributions for NNDR each year using the statutory NNDR1 form by 31st January. The form has been completed in accordance with the relevant regulations.

6.0 **RISK MANAGEMENT**

6.1 The key risks associated with the setting of the tax bases are summarised in the table below:

Description of risk	Current Risk Rating Impact / Likelihood	Mitigating Actions	Target Risk Rating Impact / Likelihood
Business rate income under/over estimated	High / Likely (4 x 4 = 16) (Red)	Prudent assumptions are built into income forecast. The income will be monitored during the year. The Council's required Working Balance has been reviewed to take account of this risk.	Medium / Possible (3 x 3 = 9) (Amber)

7.0 RECOMMENDATIONS

- 7.1 That the estimated National Non Domestic Rates estimates as recorded on the NNDR1 Return (Appendix A) be approved.
- 7.2 That delegated authority be given to the Chief Finance Officer to make any subsequent changes to the NNDR1 return that are identified before the final submission date of the 29th January 2016.

8.0 ALTERNATIVE OPTIONS TO BE CONSIDERED

- 8.1 None

9.0 REASONS FOR RECOMMENDATION

- 9.1 To fulfil the statutory requirements to approve the estimated Business Rates income. The information is required by the Government and by the Council and the other precepting authorities to enable them to set their Council Taxes.

**B. DAWSON
CHIEF FINANCE OFFICER**

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NATIONAL NON-DOMESTIC RATES RETURN **NNDR1 2016-17**

Please e-mail to : nndr.statistics@communities.gsi.gov.uk

Please enter your details after checking that you have selected the correct authority name

Forms should be returned to the Department for Communities and Local Government by **Sunday 31 January 2016**

All figures should be entered in whole £


Please remember that a copy of this form, signed by your Chief Financial Officer / Section 151 officer should also be sent to your relevant Precepting Authorities, and Pool Leads (if applicable).


These instructions highlight the special features of the form and should be read in conjunction with the Guidance Notes and Validation notes.


Completing the form

1. The form can be set up for each individual local authority by selecting the appropriate authority name from the list. The example shows the local authority ZZZZ. Once a local authority name is selected the spreadsheet will automatically complete the data for the white cells with a blue border.

2. There are three different type of input cells:

 * White, Black Border - these are blank for new data - Please ensure all white cells are filled before submitting the form including entering zeroes where appropriate.

 * White background, green border - These cells are information cells and have the appropriate formula in them.

 * White background, blue border - actual data entered by the Department for Communities and Local Government into these cells.

The Total column is greened out - there is no need to enter data in any of these cells.

In addition areas of the form are greyed out - especially for those authorities that do not have designated areas. Please do not enter data in these areas as this will cause delay as we will have to ask you to complete a revised form.

Entering data

3. All values in the form should be entered in whole £. Except for part 1 of the form, **receipts** (eg sums due to the billing authority from ratepayers, or central government) should always be entered as **positive numbers**. **Payments from the authority, or amounts foregone** (eg reliefs given to ratepayers) should always be entered as **negative numbers**.

4. Where possible, you will be prevented from entering data with the wrong sign (+ve when it should be -ve or vice versa).

Updates

We will use this area to list any updates to the form in the future if required

Checking the Validation Sheet

5. Once the form has been completed go to the validation sheet and check if any of the data require any further explanation. The data are compared with the NNDR1 for 2015-16 and if the change in number or percentage terms is higher or lower than we would normally expect you are asked to provide a an explanation for the change in the box provided.

For further details on the types of checks we do see *Validation notes for NNDR1 2016-17*.

Signing the Form

6. When the data have been checked and verified please email the complete file to nndr.statistics@communities.gsi.gov.uk

7. Print a copy of the form for signing by your Chief Financial / Section 151 Officer. The form can be printed by using the defined print area.

The signed copy should be forwarded as a pdf document by email to Dennis Herbert at the Department for Communities and Local Government using the email address above. NB We require just one copy of a signed form.

8. A copy of the form should also be sent to your NNDR contact at all your major precepting authorities.

9. If you experience any problems using the form please email nndr.statistics@communities.gsi.gov.uk

NATIONAL NON-DOMESTIC RATES RETURN - NDR1

2016-17

Please e-mail to: ndr.statistics@communities.gsi.gov.uk by no later than **31 January 2016**.
In addition, a certified copy of the form should be returned by no later than **31 January 2016** to the same email address

All figures must be entered in whole £

Please check the validation tabs and supply answers to the validation queries that require a comment

Select your local authority's name from this list:



Authority Name
E-code
Local authority contact name
Local authority contact number
Local authority e-mail address

Authority Name	Chesterfield
E-code	E1033
Local authority contact name	Mrs Carolyn Szadura
Local authority contact number	01246 345495
Local authority e-mail address	carolyn.szadura@chesterfield.gov.uk

Ver 1.2

PART 1A: NON-DOMESTIC RATING INCOME

COLLECTIBLE RATES

1. Net amount receivable from rate payers after taking account of transitional adjustments, empty property rate, mandatory and discretionary reliefs and accounting adjustments £ **37,216,806**

TRANSITIONAL PROTECTION PAYMENTS

2. Sums due to the authority **0**

3. Sums due from the authority **0**

COST OF COLLECTION (See Note A)

4. Cost of collection formula **164,110**

5. Legal costs **0**

6. Allowance for cost of collection **164,110**

SPECIAL AUTHORITY DEDUCTIONS

7. City of London Offset : Not applicable for your authority **0**

DISREGARDED AMOUNTS

8. Amounts retained in respect of Designated Areas **0**

9. Amounts retained in respect of Renewable Energy Schemes (See Note B) **12,100**

of which:

10. sums retained by billing authority **12,100**

11. sums retained by major precepting authority **0**

NON-DOMESTIC RATING INCOME

12. Line 1 plus line 2, minus lines 3 and 6 - 9 **37,040,596**

NATIONAL NON-DOMESTIC RATES RETURN - NDR1

2016-17

Please e-mail to: ndr.statistics@communities.gsi.gov.uk by no later than **31 January 2016**.
In addition, a certified copy of the form should be returned by no later than **31 January 2016** to the same email address

All figures must be entered in whole £

Please check the validation tabs and supply answers to the validation queries that require a comment

Local Authority : Chesterfield

Ver 1

PART 1B: PAYMENTS

This page is for information only; please do not amend any of the figures

The payments to be made, during the course of **2016-17** to:

- i) the Secretary of State in accordance with Regulation 4 of the Non-Domestic Rating (Rates Retention) Regulations 2013;
- ii) major precepting authorities in accordance with Regulations 5, 6 and 7; and to be
- iii) transferred by the billing authority from its Collection Fund to its General Fund,

are set out below

	Column 1 Central Government	Column 2 Chesterfield	Column 3 Derbyshire County Council	Column 4 Derbyshire Fire Authority	Column 5 Total
Retained NDR shares	£	£	£	£	£
13. % of non-domestic rating income to be allocated to each authority	50%	40%	9%	1%	100%
Non-Domestic Rating Income for 2016-17					
14. Non-domestic rating income from rates retention scheme	18,520,298	14,816,238	3,333,654	370,406	37,040,596
15. (less) qualifying relief in Enterprise Zones	0	0	0	0	0
16. Not used this year					
17 TOTAL:	18,520,298	14,816,238	3,333,654	370,406	37,040,596
Other Income for 2016-17					
18. add: cost of collection allowance		164,110			164,110
19. add: amounts retained in respect of Designated Areas		0			0
20. add: amounts retained in respect of renewable energy schemes		12,100	0		12,100
21. add: qualifying relief in Enterprise Zones		0	0	0	0
22. add: City of London Offset		0			0
23. Not used this year					
Estimated Surplus/Deficit on Collection Fund					
24. Estimated Surplus/Deficit at end of 2015-16	-2,314,383	-1,851,506	-416,589	-46,288	-4,628,766
TOTAL FOR THE YEAR					
25. Total amount due to authorities	16,205,915	13,140,942	2,917,065	324,118	32,588,040

NATIONAL NON-DOMESTIC RATES RETURN - NDR1

2016-17

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Local Authority : **Chesterfield**

Ver 1

PART 1C: SECTION 31 GRANT (See Note C)

This page is for information only; please do not amend any of the figures

Estimated sums due from Government via Section 31 grant, to compensate authorities for the cost of changes to the business rates system announced in the 2013, 2014 & 2015 Autumn Statements

	Column 2 Chesterfield	Column 3 Derbyshire County Council	Column 4 Derbyshire Fire Authority	Column 5 Total
2015-16 Multiplier Cap	£	£	£	£
26. Cost of 2% cap on 2015-16 small business rates multiplier	214,459	48,214	5,357	268,030
Small Business Rate Relief				
27. Cost of temporary doubling SBRR for 2016-17	577,351	129,904	14,434	721,689
28. Cost to authorities of maintaining relief on "first" property	3,132	704	78	3,914
"New Empty" Property Relief				
29. Cost to authorities of giving relief to newly-built empty property	17,142	3,857	429	21,428
"Long Term Empty" Property Relief				
30. Relief on occupation of "long-term empty" property	0	0	0	0
In lieu of Transitional Relief				
31. Payments in lieu of Transitional Relief	2,597	584	65	3,246
TOTAL FOR THE YEAR	£	£	£	£
32. Amount of Section 31 grant due to authorities to compensate for reliefs	814,681	183,263	20,363	1,018,307

NB To determine the amount of S31 grant due to it, the authority will have to add / deduct from the amount shown in line 32, a sum to reflect the adjustment to tariffs / top-ups in respect of the multiplier cap (See notes for Line 32)

Certificate of Chief Financial Officer / Section 151 Officer

There are a number of validation questions that require an answer. Please complete the main validation sheet

I confirm that the entries in this form are the best I can make on the information available to me and amounts are calculated in accordance with regulations made under Schedule 7B to the Local Government Act 1988. I also confirm that the authority has acted diligently in relation to the collection of non-domestic rates.

Name of Chief Financial Officer
or Section 151 Officer :

Signature :

Date :

PROVISIONAL NATIONAL NON-DOMESTIC RATES RETURN - NNDR1
2016-17

All figures must be entered in whole £

Please check the Validation tab and answer the validation queries that need to be answered

Ver 1.2

Local Authority : Chesterfield

PART 2: NET RATES PAYABLE

You should complete columns 1 & 2 only

	Column 1 BA Area (exc. Designated areas) <i>Complete this column</i>	Column 2 Designated areas <i>Complete this column</i>	Column 3 TOTAL (All BA Area) <i>Do not complete this column</i>
	£	£	£
GROSS RATES PAYABLE (All data should be entered as +ve unless specified otherwise)			
1. Rateable Value at <input type="text" value="30.12.2015"/>	<input type="text" value="88,948,190"/>	<input type="text" value="0"/>	<input type="text" value="88,948,190"/>
2. Small business rating multiplier for 2016-17 (pence) <input type="text" value="48.4"/>			
3. Gross rates 2016-17 (RV x multiplier)	<input type="text" value="43,050,924"/>	<input type="text" value="0"/>	
4. Estimated growth/decline in gross rates (+ = increase, - = decrease)	<input type="text" value="705,193"/>	<input type="text" value="1,143,100"/>	
5. Forecast gross rates payable in 2016-17	<input type="text" value="43,756,117"/>	<input type="text" value="1,143,100"/>	<input type="text" value="44,899,217"/>
TRANSITIONAL ARRANGEMENTS (See Note E) - Not applicable in 2016-17			
6. Revenue foregone because increases in rates have been deferred (Show as -ve)	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>
7. Additional income received because reductions in rates have been deferred (Show as +ve)	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>
8. Net cost of transitional arrangements	<input type="text" value="0"/>	<input type="text" value="0"/>	
9. Changes as a result of estimated growth / decline in cost of transitional arrangements (+ = decline, - = increase)	<input type="text" value="0"/>	<input type="text" value="0"/>	
10. Forecast net cost of transitional arrangements	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>
TRANSITIONAL PROTECTION PAYMENTS (See Note F) - Not applicable in 2016-17			
11. Sum due to/(from) authority	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>
MANDATORY RELIEFS (See Note G) (All data should be entered as -ve unless specified otherwise)			
Small Business Rate Relief			
12. Forecast of relief to be provided in 2016-17	<input type="text" value="-2,853,317"/>	<input type="text" value="0"/>	<input type="text" value="-2,853,317"/>
13. of which: relief on existing properties where a 2nd property is occupied	<input type="text" value="-7,716"/>	<input type="text" value="0"/>	<input type="text" value="-7,716"/>
14. Additional yield from the small business supplement (Show as +ve)	<input type="text" value="945,500"/>	<input type="text" value="0"/>	<input type="text" value="945,500"/>
15. Net cost of small business rate relief (line 12 + line 14)	<input type="text" value="-1,907,817"/>	<input type="text" value="0"/>	<input type="text" value="-1,907,817"/>
Charitable occupation			
16. Forecast of relief to be provided in 2016-17	<input type="text" value="-1,651,891"/>	<input type="text" value="0"/>	<input type="text" value="-1,651,891"/>
Community Amateur Sports Clubs (CASCs)			
17. Forecast of relief to be provided in 2016-17	<input type="text" value="-31,202"/>	<input type="text" value="0"/>	<input type="text" value="-31,202"/>

PROVISIONAL NATIONAL NON-DOMESTIC RATES RETURN - NDR1
2016-17

All figures must be entered in whole £

Please check the Validation tab and answer the validation queries that need to be answered

Ver 1.2

Local Authority : Chesterfield

PART 2: NET RATES PAYABLE

You should complete columns 1 & 2 only

	Column 1 BA Area (exc. Designated areas)	Column 2 Designated areas	Column 3 TOTAL (All BA Area)
Rural rate relief			
18. Forecast of relief to be provided in 2016-17	-3,330	0	-3,330

PROVISIONAL NATIONAL NON-DOMESTIC RATES RETURN - NNDR1
2016-17

All figures must be entered in whole £

Please check the Validation tab and answer the validation queries that need to be answered

Ver 1.2

Local Authority : Chesterfield

PART 2: NET RATES PAYABLE

You should complete columns 1 & 2 only

	Column 1 BA Area (exc. Designated areas)	Column 2 Designated areas	Column 3 TOTAL (All BA Area)
19. Forecast of mandatory reliefs to be provided in 2016-17 (Sum of lines 15 to 18)	-3,594,240	0	
20. Changes as a result of estimated growth/decline in mandatory relief (+ = decline, - = increase)	-1,452	0	
21. Total forecast mandatory reliefs to be provided in 2016-17	-3,595,692	0	-3,595,692
UNOCCUPIED PROPERTY (See Note H) (All data should be entered as -ve unless specified otherwise)			
Partially occupied hereditaments			
22. Forecast of 'relief' to be provided in 2016-17	0	0	0
Empty premises			
23. Forecast of 'relief' to be provided in 2016-17	-1,579,707	0	-1,579,707
24. Forecast of unoccupied property 'relief' to be provided in 2016-17 (Line 22 + line 23)	-1,579,707	0	
25. Changes as a result of estimated growth/decline in unoccupied property 'relief' (+ = decline, - = increase)	0	0	
26. Total forecast unoccupied property 'relief' to be provided in 2016-17	-1,579,707	0	-1,579,707
DISCRETIONARY RELIEFS (See Note J) (All data should be entered as -ve unless specified otherwise)			
Charitable occupation			
27. Forecast of relief to be provided in 2016-17	-37,630	0	-37,630
Non-profit making bodies			
28. Forecast of relief to be provided in 2016-17	-36,681	0	-36,681
Community Amateur Sports Clubs (CASCs)			
29. Forecast of relief to be provided in 2016-17	-1,267	0	-1,267
Rural shops etc			
30. Forecast of relief to be provided in 2016-17	0	0	0
Small rural businesses			
31. Forecast of relief to be provided in 2016-17	0	0	0
Other ratepayers			
32. Forecast of relief to be provided in 2016-17	0	0	0
33. Relief given to Case A hereditaments	0	0	
34. Relief given to Case B hereditaments	0	0	

of which:

of which:

PROVISIONAL NATIONAL NON-DOMESTIC RATES RETURN - NNDR1
2016-17

All figures must be entered in whole £

Please check the Validation tab and answer the validation queries that need to be answered

Ver 1.2

Local Authority : Chesterfield

PART 2: NET RATES PAYABLE

You should complete columns 1 & 2 only

Column 1
**BA Area (exc.
Designated areas)**

Column 2
**Designated
areas**

Column 3
**TOTAL
(All BA Area)**

PROVISIONAL NATIONAL NON-DOMESTIC RATES RETURN - NNDR1
2016-17

All figures must be entered in whole £

Please check the Validation tab and answer the validation queries that need to be answered

Ver 1.2

Local Authority : Chesterfield

PART 2: NET RATES PAYABLE

You should complete columns 1 & 2 only

Column 1
**BA Area (exc.
Designated areas)**

Column 2
**Designated
areas**

Column 3
**TOTAL
(All BA Area)**

35. Forecast of discretionary relief to be provided in 2016-17 (Sum of lines 27 to 32)	-75,578	0	
36. Changes as a result of estimated growth/decline in discretionary relief (+ = decline, - = increase)	0	0	
37. Total forecast discretionary relief to be provided in 2016-17	-75,578	0	-75,578

DISCRETIONARY RELIEFS FUNDED THROUGH SECTION 31 GRANT
(See Note K) (All data should be entered as -ve unless specified otherwise)

"New Empty" properties

38. Forecast of relief to be provided in 2016-17	-42,245	0	-42,245
--	---------	---	---------

"Long term empty" properties

39. Forecast of relief to be provided in 2016-17		0	0
--	--	---	---

In lieu of Transitional Relief

40. Payments to ratepayers in lieu of Transitional Relief in 2016-17	-6,399	0	-6,399
--	--------	---	--------

41. Forecast of discretionary reliefs funded through S31 grant to be provided in 2016-17 (Sum of lines 38 to 39)	-48,644	0	
42. Changes as a result of estimated growth/decline in Section 31 discretionary relief (+ = decline, - = increase)	0	0	
43. Total forecast of discretionary reliefs funded through S31 grant to be provided in 2016-17	-48,644	0	-48,644

NET RATES PAYABLE

	£	£	£
44. Forecast of net rates payable by rate payers after taking account of transitional adjustments, unoccupied property relief, mandatory and discretionary reliefs	38,456,496	1,143,100	39,599,596

Checked by Chief Financial / Section 151 Officer :

**PROVISIONAL NATIONAL NON-DOMESTIC RATES RETURN - NND1
2016-17**

All figures must be entered in whole £

Please check the Validation tab and answer the validation queries that need to be answered

Ver 1.2

Local Authority : Chesterfield

PART 3: COLLECTABLE RATES AND DISREGARDED AMOUNTS

You should complete columns 1 & 2

	Column 1	Designated areas			Column 5
	BA Area (exc. Designated areas) Complete this column £	Sheffield City Region Complete this column £	Do not complete this column £	Do not complete this column	TOTAL (All BA Area) Do not complete this column £
NET RATES PAYABLE					
1. Sum payable by rate payers after taking account of transitional adjustments, empty property rate, mandatory and discretionary reliefs	38,456,496	0	0	0	39,599,596
(LESS) LOSSES					
2. Estimated bad debts in respect of 2016-17 rates payable	-384,565	0	0	0	-384,565
3. Estimated repayments in respect of 2016-17 rates payable	-855,125	0	0	0	-855,125
COLLECTABLE RATES					
4. Net Rates payable less losses	37,216,806	0	0	0	37,216,806
DISREGARDED AMOUNTS					
5. Renewable Energy	12,100	0	0	0	12,100
6. Transitional Protection Payment		0	0	0	
7. Baseline		0	0	0	
DISREGARDED AMOUNTS					
8. Total Disregarded Amounts		0	0	0	Total Designated Areas 0

There are errors in the calculations in this form. Have you over written some of the pre-filled calculations? Please check.

Checked by Chief Financial / Section 151 Officer :

PROVISIONAL NATIONAL NON-DOMESTIC RATES RETURN - NDR1
2016-17

All figures must be entered in whole £

Please check the Validation tab and answer the validation queries that need to be answered

Ver 1.2

Local Authority : Chesterfield

PART 4: ESTIMATED COLLECTION FUND BALANCE

OPENING BALANCE	£	£
1. Opening Balance (From Collection Fund Statement)		-4,789,248
BUSINESS RATES CREDITS AND CHARGES		
2. Business rates credited and charged to the Collection Fund in 2015-16	36,010,357	
3. Sums written off in excess of the allowance for non-collection	0	
4. Changes to the allowance for non-collection	-49,595	
5. Amounts charged against the provision for appeals following RV list changes	73,617	
6. Changes to the provision for appeals	-533,051	
7. Total business rates credits and charges (Total lines 2 to 6)		35,501,328
OTHER RATES RETENTION SCHEME CREDITS		
8. Transitional protection payments received, or to be received in 2015-16	0	
9. Transfers/payments to the Collection Fund for end-year reconciliations	0	
10. Transfers/payments into the Collection Fund in 2015-16 in respect of a previous year's deficit	1,872,931	
11. Total Other Credits (Total lines 8 to 10)		1,872,931
OTHER RATES RETENTION SCHEME CHARGES		
12. Transitional protection payments made, or to be made, in 2015-16	-375,908	
13. Payments made, or to be made, to the Secretary of State in respect of the central share in 2015-16	-18,315,755	
14. Payments made, or to be made to, major precepting authorities in respect of business rates income in 2015-16	-3,663,151	
15. Transfers made, or to be made, to the billing authority's General Fund in respect of business rates income in 2015-16	-14,652,604	
16. Transfers made, or to be made, to the billing authority's General Fund; and payments made, or to be made, to a precepting authority in respect of disregarded amounts in 2015-16	-206,359	
17. Transfers/payments from the Collection Fund for end-year reconciliations	0	
18. Transfers/payments made from the Collection Fund in 2015-16 in respect of a previous year's surplus	0	
19. Total Other Charges (Total lines 12 to 18)		-37,213,777
20. Adjustment for 5-Year Spread		0
ESTIMATED SURPLUS/(DEFICIT) ON COLLECTION FUND IN RESPECT OF FINANCIAL YEAR 2015-16		
21. Opening balance plus total credits, less total charges, plus adjustment for 5-year spread (Total lines 1, 7, 11, 19 & 20)		-4,628,766

Checked by Chief Financial / Section 151 Officer : _____

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FOR PUBLICATION

CONFIDENTIAL REPORTING POLICY

MEETING: EMPLOYMENT AND GENERAL COMMITTEE

DATE: 25 JANUARY 2016

REPORT BY: KATE HARLEY, HR MANAGER

1.0 PURPOSE OF REPORT

1.1 To provide information regarding the revised Confidential Reporting (whistleblowing) policy and to recommend for approval the Confidential Reporting Policy.

2.0 BACKGROUND

2.1 The Confidential Reporting Policy was due for revision in 2013 and has been revised in consultation with the council policy working group.

2.2 The changes are minor and relate to the changes in phone numbers of officers and insertion of details relating to the Counter Terrorism legislation.

3.0 PROPOSED PROCEDURE

3.1 The revised policy document can be found at appendix A.

3.2 An Equality Impact Assessment is attached at appendix B.

4.0 COUNCIL JOINT CONSULTATIVE COMMITTEE

4.1 The policy changes were submitted to the Council Joint Consultative Committee on 17 December 2015 and these were approved.

5.0 RECOMMENDATIONS

5.1 That the revised Confidential Reporting Policy be approved.

For further information on this report, contact Kate Harley 01246 345366.

CONFIDENTIAL REPORTING Policy

prepared by: human resources

date: July 2015

for review: July 2016

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POLICY STATEMENT ON CONFIDENTIAL REPORTING

Employees are often the first to realise that there may be something seriously wrong within an organisation. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the organisation. They may also fear harassment or victimization. In these circumstances it may be easier to ignore the concern rather than to report what may be a suspicion of malpractice.

Chesterfield Borough Council is committed to the highest possible standards of openness, probity and accountability. In line with this commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the council's work to come forward and voice those concerns. It is recognized that most cases will have to proceed on a confidential basis.

This policy makes it clear that all can raise concerns without fear of victimisation, subsequent discrimination or disadvantage. The confidential reporting policy is intended to encourage and enable employees to raise serious concerns within the council rather than overlooking a problem or "blowing the whistle" outside.

The policy applies to all employees and those contractors working for the council on council premises, for example, agency staff, builders, and drivers. It also covers suppliers and those providing services under a contract with the council in their own premises.

1.0 Introduction

- 1.1 This policy makes it clear that all can raise concerns without fear of victimisation, subsequent discrimination or disadvantage. The confidential reporting policy is intended to encourage and enable employees to raise serious concerns within the council rather than overlooking a problem or “blowing the whistle” outside.
- 1.2 The policy applies to all employees and those contractors working for the council on council premises, for example, agency staff, builders, and drivers. It also covers suppliers and those providing services under a contract with the council in their own premises. Therefore the global term worker will be used throughout the policy.
- 1.3 These procedures are in addition to the council’s complaints procedures and other statutory reporting procedures (e.g. The grievance procedure; the anti-fraud and corruption strategy; the Safeguarding policy and procedures and the anti-harassment / bullying policy and procedure).
- 1.4 This policy has been discussed with the relevant trade unions and has their support.

2.0 Aims and scope of this policy

- 2.1 The policy aims to:
 - encourage individuals to feel confident in raising serious concerns about activities, procedures or practices related to the Council.
 - provide avenues for individuals to raise those concerns and receive feedback on any action taken.
 - ensure that individuals receive a response to concerns raised and that they are aware of how to pursue them if they are not satisfied.
 - reassure individuals who raise a concern that they will be protected from possible reprisals or victimization if they have a reasonable belief that they have made any disclosure in good faith.
- 2.2 There are existing procedures in place to enable employees to lodge a grievance relating to employment and to report harassment and bullying. The confidential reporting policy is intended to cover major concerns that fall outside the scope of such procedures.

2.3 The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specific matters. These are called “qualifying disclosures”. A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that:

- a criminal offence
- a miscarriages of justice;
- an act creating a risk to health and safety, including risks to the public as well as other employees;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above;

is being, has been, or is likely to be, committed. It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The worker has no responsibility for investigating the matter – it is the council’s responsibility to ensure that an investigation takes place.

2.4 The Counter Terrorism and Security Act 2015 places a duty on all authorities to have due regard to prevent people from being drawn into terrorism. If you have concerns about a colleague please discuss your concerns confidentially with the Community Safety Officer who can then arrange referral to the Counter Terrorism Channel programme via Derbyshire County Council.

2.5 There are some disclosures that can’t be qualifying disclosures. You won’t be protected for ‘whistleblowing’ if:

- you break the law when making a disclosure (for example if you signed the Official Secrets Act as part of your employment contract)
- the information is protected under legal professional privilege (e.g. the information was disclosed to you when someone wanted legal advice).

2.6 The earlier the concern is raised the easier it is to take action.

2.7 This policy does not replace, but rather complements the corporate complaints procedure, the anti-fraud and corruption strategy, the Safeguarding policy and procedures and the anti-harassment / bullying policy and procedure.

3.0 Safeguards

- 3.1 Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the worker who raised the issue.
- 3.2 No worker will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because he/she has raised a legitimate concern.
- 3.3 Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence.
- 3.4 If misconduct is discovered as a result of any investigation under this procedure the council's disciplinary procedure will be used, in addition to any appropriate external measures. Maliciously making a false allegation is a disciplinary offence.
- 3.5 An instruction to cover up a wrongdoing is in itself a disciplinary offence. If an individual is told not to raise or pursue any concern, even by a manager, workers should not agree to remain silent and should report this matter to a senior manager.

4.0 Anonymous allegations

- 4.1 This policy encourages an informant to put their name to an allegation whenever possible as confidentiality and protection from victimisation are inherent in the process.
- 4.2 Concerns expressed anonymously are much less powerful but will be fully investigated.

5.0 Raising a concern

- 5.1 As a first step an employee should normally raise concerns with his/her immediate manager. This depends, however, on the seriousness of the issues involved and who is suspected of the malpractice. For example, if it is believed that management is involved, the employee should inform either his/her corporate manager, the chief executive, the monitoring officer (with the advice of the council's external HR specialist advisors if appropriate), the head of internal audit consortium or the council's external auditor (details on the council's web-site).
- 5.2 Concerns may be raised verbally or in writing. Workers who wish to make a written report are invited to use the following format:

- the background and history of the concern (giving relevant dates) and
 - the reason why he/she is particularly concerned about the situation.
- 5.3 To enable monitoring of this policy to take place, the worker should make it clear to the manager to whom the report is being made that the issue is being raised under the confidential reporting policy. The manager receiving the concern will submit a confidential summary to the monitoring officer (with the advice of the council's external HR specialist advisors if appropriate) to enable a central record of all issues raised to be maintained (see section 9.1).
- 5.4 Although an informant is not expected to prove beyond doubt the truth of an allegation, he/she will need to demonstrate to the person contacted that there are reasonable grounds for the concern.

To obtain further advice / guidance on how to pursue matters of concern the following internal or external sources can be contacted:

Internal

- The line manager
- The corporate manager
- The chief executive (345305)
- Monitoring Officer (345309)
- The head of internal audit consortium (345468)
- The Health and Safety Advisor (345297)
- An employee's local Trade Union Representative

External

- The Council's external auditor – contact details can be found on the Council's website
Telephone: 01246 504300
- Public Concern at Work – the independent charity Public Concern at Work on 020 7404 6609 or at www.pcaw.co.uk . Their lawyers can give free confidential advice at any stage about how to raise a concern about serious malpractice at work.

- 5.5 An employee may wish to consider discussing a concern with a colleague first and they may find it easier to raise the matter if there are two (or more) employees who have had the same experience or concerns.

5.6 The employee is entitled to be accompanied by a representative during any meetings or interviews in connection with the concerns they have raised.

6.0 How the council will respond

6.1 The Council will respond to all concerns raised. It should be noted that investigating concerns is not the same as either accepting or rejecting them.

6.2 Where appropriate, the matters raised may:

- be investigated by management, internal audit or through the disciplinary process;
- be referred to the Police;
- be referred to external auditors; or
- form the subject of an independent inquiry.

6.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, harassment, bullying or discrimination issues) will normally be referred for consideration under those procedures.

6.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

6.5 Within ten working days of a concern being raised, the manager to whom information has been provided will write to the informant:

- acknowledging that the concern has been received;
- indicating how the council proposes to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- advising whether initial enquiries have been made;
- supplying information on staff support mechanisms (where the complainant is an employee), and
- if it is possible at this stage, advising whether further investigations will take place and if not, why not.

6.6 The amount of contact between the manager(s) considering the issues and the informant will depend on the nature of the matters raised, the potential

difficulties involved and the clarity of the information provided. If necessary, the council will seek further information from the informant.

- 6.7 Where any meeting is arranged this can be off-site and / or out of normal working hours, if appropriate and the complainant so wishes and the complainant may be accompanied by a representative if they are an employee.
- 6.8 The council will take steps to minimise any difficulties which a worker may experience as a result of raising a concern. For instance, if he/she is required to give evidence in criminal or disciplinary proceedings, the council will arrange for them to receive advice about the procedure.
- 6.9 The council accepts that a worker needs to be assured that the matter has been properly addressed. Therefore, subject to legal constraints, we will inform them of the outcome of any investigation.

7.0 The responsible officer

- 7.1 Whilst the chief executive has overall responsibility for the maintenance and operation of this policy, the monitoring officer (or a nominated representative) will act as 'the responsible officer' and will undertake the following activities in relation to this policy:
- Receive a written confidential report from any manager who receives a report of a concern raised under this policy.
 - Monitor that the relevant manager sends an interim response within ten days of the issue being raised.
 - Monitor that the relevant manager sends a final report to the employee detailing the outcome of any investigation.
 - Maintain a record of any concerns raised and the outcome (in a form that does not endanger confidentiality) and report this at six monthly intervals to the corporate management team (CMT) and to the Leader/Deputy and to the council as necessary.

8.0 How the matter can be taken further

- 8.1 This policy is intended to provide individuals with an avenue within the council to raise concerns. The council hopes any individual raising a concern will be satisfied with any action taken. If they are not, and if they feel it is right to take the matter outside the council, the legislation provides that workers can report this matter to the following bodies:
- HM Revenue & Customs

- The Financial Conduct Authority (formerly the Financial Services Authority)
- The Competition and Markets Authority
- The Environment Agency
- The Independent Police Complaints Commission
- The Serious Fraud Office

8.2 If the matter is taken up outside the Council, an employee should ensure that they do not disclose confidential information.

Chesterfield Borough Council

Equality Impact Assessment - Preliminary Assessment Form

The preliminary impact assessment is a quick and easy screening process. It should identify those policies, projects, services, functions or strategies which require a full EIA by looking at negative, positive or no impact on any of the equality groups.

Service Area: HR
Section: HR
Lead Officer: Kate Harley

Title of the policy, project, service, function or strategy the preliminary EIA is being produced for:

Confidential Reporting Policy

Is the policy, project, service, function or strategy:

Existing
Changed x
New/Proposed

Q1 - What is the aim of your policy or new service?

The policy provides a framework for all workers within which they can report confidential matters of concern to them and have these investigated appropriately. The proposed changes to the policy incorporate reference to the new safeguarding policy and the legal duty imposed by the Counter Terrorism Act 2015. The updated policy also gives clarity to the issues of protection for individuals who raise an alert.

Q2 - Who is the policy or service going to benefit?

All workers in CBC

Q3 - Thinking about each group below, does, or could the policy, project, service, function or strategy have an impact on protected characteristics below? You may also need to think about sub groups within each characteristic e.g. older women, younger men, disabled women etc.

Please tick the appropriate columns for each group.

Group or Protected Characteristics	Potentially positive impact	Potentially negative impact	No impact
Age – including older people and younger people.			X
Disabled people – physical, mental and sensory including learning disabled people and people living with HIV/Aids and cancer.			X
Gender – men, women and transgender.			X
Marital status including civil partnership.			X
Pregnant women and people on maternity/paternity. Also consider breastfeeding mothers.			X
Sexual Orientation – Heterosexual, Lesbian, gay men and bi-sexual people.			X
Ethnic Groups			X
Religions and Beliefs including those with no religion and/or beliefs.			X
Other groups e.g. those experiencing deprivation and/or health inequalities.			X

If you have answered that the policy, project, service, function or strategy could potentially have a negative impact on any of the above characteristics then a full EIA will be required.

Q4 - Should a full EIA be completed for this policy, project, service, function or strategy?

Yes
 No

Q5 - Reasons for this decision:

This policy outlines a process for all workers to follow and should not have any negative impact on any groups of individuals.

Please e-mail this form to the Policy Service before moving this work forward so that we can confirm that either a full EIA is not needed or offer you further advice and support should a full EIA be necessary.

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FOR PUBLICATION

DRUG & ALCOHOL MISUSE POLICY

MEETING: EMPLOYMENT AND GENERAL COMMITTEE

DATE: 25 JANUARY 2016

REPORT BY: KATE HARLEY, HR MANAGER

1.0 PURPOSE OF REPORT

1.1 To provide information regarding the revised Drug & Alcohol Misuse Policy and to recommend for approval the Drug & Alcohol Misuse Policy.

2.0 BACKGROUND

2.1 The Drug & Alcohol Misuse Policy was due for revision in 2009 and has been revised in consultation with the council policy working group, health and safety advisor and union representation.

2.2 Concerns expressed by the Transport Working Group have led to the policy now including mandatory testing in certain exceptional circumstances as a mitigating factor to any litigation resulting from traffic accidents.

2.3 The policy has been significantly rewritten to provide a more prescriptive approach to managing situations where an employee is suspected of having misused drugs or alcohol and where this poses a cause for concern in the workplace.

2.4 To encourage an open dialogue and ensure that employees feel comfortable to declare issues they may have, the policy focuses on support and advice whilst ever the employee takes action to deal with their problem.

2.5 A full Equality Impact Assessment has been undertaken and at every step in the process adjustments have been made for those employees protected under the Equality Act 2010.

3.0 PROPOSED PROCEDURE

- 3.1 The revised policy document can be found at appendix A.
- 3.2 An Equality Impact Assessment is attached at appendix B.

4.0 COUNCIL JOINT CONSULTATIVE COMMITTEE

- 4.1 The proposed policy is being submitted to the Council Joint Consultative Committee on 21 January 2016. Any comments or suggested amendments to the guidelines from that Committee will be reported to Employment and General Committee in a supplemental report.

5.0 RECOMMENDATIONS

- 5.1 That the revised Drug and Alcohol Misuse Policy be approved.

For further information on this report, contact Kate Harley 01246 345366.

Drug and Alcohol Misuse Policy

Policy application

- 1.1 This policy applies to all Council employees up to and including members.
- 1.2 Drug misuse refers to the use of illegal drugs and the misuse, whether deliberate or unintentional, of prescribed drugs and substances such as solvents.
- 1.3 This policy aims to provide a balance between supporting employees with dependency issues and providing a safe and healthy environment for all staff and service users.

Principles

- 2.1 The use and misuse of alcohol, drugs and substances can adversely affect the attendance, performance and health and safety of employees. It may also affect the health and safety of the public where employees carry out certain duties and anyone else such as contractors and visitors who could be affected by the Council's activities.
- 2.2 It is essential that all employees are physically and mentally capable of undertaking their duties whilst at work. This is important in terms of their relationships with colleagues, service users and anyone else who could be affected by what they do.
- 2.3 Employees must not misuse drugs or consume alcohol while at work. The consumption of alcohol at civic events is covered separately in the Elected Members Policy.
- 2.4 Employees have a responsibility to ensure that the effects of any alcohol or substances they may have taken before they attend work have worn off. This includes periods when an employee is 'on-call' or 'on standby'.
- 2.5 Employees who are experiencing difficulty with the use of drugs or alcohol should inform their line manager and will be offered access to appropriate professional support and treatment. Employees will not be penalised for disclosing any difficulties they may be experiencing whilst they undertake treatment for those issues. There may inevitably be a point where action is taken under either the absence or disciplinary policy but this will always be as a last resort. The intention is to support employees as long as is practical for them to achieve recovery.
- 2.6 Employees have a duty to inform their line manager if they are taking any medication which interferes with the safe performance of their role. Employees should ensure they read the patient information leaflet supplied

with all prescribed medications to ensure they are aware of any potential side effects which may impact on their role.

- 2.7 Testing for alcohol and/or drugs may be carried out immediately following an accident, near miss, evidenced complaints or allegations where behaviour indicates this may have been as a direct result of consumption of alcohol or misuse of drugs.
- 2.8 Testing for drugs and/or alcohol will be carried out by an approved referral agency commissioned through the county council. Employees must sign a consent form/agreement to share test results and ongoing information with the council where a treatment programme is agreed but this will be limited to the time period of treatment and recovery and agreed between the employee and manager. Where an employee refuses to undertake testing, or sign a consent form to share information, the council's disciplinary procedures will be followed.
- 2.9 The use of any illegal drugs or any prescription medication that has not been prescribed for the user is prohibited. It is a criminal offence to be in possession of, produce, use or distribute an illicit substance. If such incidents take place on council premises, in council vehicles or at a council function, they will be regarded as serious, will be investigated by the council and may lead to disciplinary action leading to dismissal and will be reported to the Police.
- 2.10 An employee who drives on council business who loses their licence due to a conviction for driving whilst over the legal alcohol limit or for being under the influence of non-prescription drugs, outside of work, will have their individual circumstances assessed and a decision taken according to the requirements of their job. Where the employee's contract stipulates the need to maintain a driving licence as a fundamental part of their job, termination of employment may be considered if an individual has been banned from driving.
- 2.11 Driving any council vehicle or a personal vehicle on council business whilst under the influence of alcohol or drugs would be considered a disciplinary offence and potentially considered gross misconduct leading to dismissal.
- 2.12 It is the responsibility of all levels of management to implement this policy and adhere to relevant procedures.
- 2.13 Records will be kept confidentially following Data Protection Act requirements.

Aims and Objectives

- 3.1 The aims and objectives of these arrangements are to:

- Encourage and support self-referral or intervention at an early stage of dependency, ensuring this is undertaken confidentially between the individual's manager, HR and any other party that needs to be involved.
- Meet the legal obligation of the duty of care for employees, customers and others who may be affected
- Promote and understanding that being affected by alcohol, drugs or other substances whilst at work is unacceptable and puts at risk the employee, their colleagues and members of the public and could damage the reputation and credibility of the council.

Procedure for testing and support

4.1 Employees will only be referred for testing where there is serious cause for concern and this is anticipated to be in the minority of occasions. The investigation and decision sheet at Appendix 2 must be completed by the manager and HR in all cases where testing is being considered.

Causes for concern are as follows:

- an accident or near miss
- Changes in behaviour that may indicate alcohol or drug misuse. (See Appendix 1 for information.)
- An investigation following a complaint or allegation of drug or alcohol use. Where an allegation is made anonymously, to protect the employee concerned, action will only be taken after a thorough investigation.

4.2 Where a line manager observes unusual behaviour or unacceptable performance that they suspect is related to misuse of alcohol or drugs, they should make a record of it and must speak to the employee confidentially. The line manager must explain what behaviour or performance they have observed and ask if there is any explanation for it. The meeting must be recorded.

4.3 Where there is a valid explanation for the behaviour the employee should be signposted to their own doctor for support if needed. If the employee does not wish to consult their own doctor, the manager should consider whether a referral to Occupational Health Services would be appropriate.

4.4 Where behaviour or performance issues continue and there is no underlying health issue managers should follow either the Managing Individual Performance Policy or the Managing Individual Capability Policy.

4.5 Employees who admit to a drug or alcohol problem should be sent to the referral agency for help and support. If the employee is currently under the

influence of alcohol and or drugs, for safety, they should be taken to the referral agency.

- 4.6 Employees who have no reasonable explanation for their behaviour should be informed that they may be required to have an alcohol and/or drug test. A consent form should be signed and the employee taken to the referral agency.
- 4.7 Employees who test positive will be offered help and support through the centre, supported by the council's OH provision where appropriate. Employees who test negative should return to work, unless their behaviour is such that they are believed to be a health and safety risk to themselves or others, and they will be also be offered support where appropriate through the councils OH provision, as it may be that the unusual behaviour is a result of another medical condition.
- 4.8 Employees who are observed apparently using drugs or drinking alcohol at work may be suspended while an investigation takes place. As part of the investigation arrangements will be made for the employee to be referred to the referral agency for testing. Disciplinary action will be taken in the event of a positive test and where illegal drug use is confirmed the police will be informed.
- 4.9 If the employee consents to testing and undertakes a treatment programme this will be taken into account during the disciplinary process.
- 4.10 Employees who refuse to undertake an alcohol and/or drug test as detailed at 4.6 or 4.8 will be subject to disciplinary action.

Treatment

- 5.1 Employees undergoing a programme of treatment will be expected to fully engage with the process.
- 5.2 Appointments for treatment should be taken outside of work hours wherever possible.
- 5.3 Depending on what substance is being (mis)used it may not be possible for the employee to attend work while undertaking treatment. Employees who are not fit to attend work will be subject to the normal sickness absence rules. However, participation on a treatment programme will be taken into account as part of the absence management review process if absence triggers are hit.
- 5.4 Where an employee is not able to continue in their own role for safety reasons alternative employment will be considered where possible. Each situation will be assessed individually and the appropriate action taken in discussion with HR.

- 5.5 Employees who undertake a treatment programme but then cease to engage, or stop treatment before completion, will be subject to disciplinary action.
- 5.6 Employees who complete a treatment programme will be tested for compliance. Relapses will be treated sympathetically but the disciplinary process will be implemented with further support including a treatment programme.
- 5.7 Monthly meetings will be held between the line manager and the employee during treatment to discuss progress.
- 5.8 Case review meetings comprising the referral centre, line manager, and HR will be held on a three monthly basis. Occupational Health may also attend where required.
- 5.9 Where the employee is on alternative duties the case review will consider whether they are able to return to normal duties. Where this is not an option alternative action may be considered under the Council's procedures including the Capability Policy.

Support and guidance

- 6.0 Human Resources are available to provide support and guidance to managers and employees and it is advisable to seek advice at an early stage. Information given will be treated in strictest confidence unless criminal acts have taken place or that health and safety has been compromised. If it is decided that such information cannot remain in confidence then the person who disclosed the information will be advised this is the case.
- 6.1 A full description of the process including guidance, supportive information and documentation is on the intranet under Human Resources: [\(link\)](#) and organisations that provide advice and guidance are detailed at appendix 2.

Roles and responsibilities

- 7.0 It is the responsibility of the Chief Executive, the Senior Leadership Team, Corporate Management Team and all managers to ensure that:
- They read this policy and ensure they understand the procedures to deal with drug and alcohol misuse issues, and act reasonably and fairly in all situations.
 - They are aware of their responsibility to discourage alcohol, drug and substance misuse as unacceptable conduct
 - They fully understand the support mechanisms in place to help employees resolve problems at the earliest opportunity and provide a supportive environment for employees to discuss these issues

- They understand the procedure for testing and handle these issues with sensitivity, taking advice from HR, OH and any other relevant party.
- They recognise that admission of a drink, drug or substance dependency may be difficult for an individual to make and such a disclosure should be treated in the strictest confidence. However, if a manager has evidence that the law has been broken at work or that serious harm may result to the individual or another person or the reputation or credibility of the council, advice on action to be taken should be taken immediately from HR and the Corporate Health & Safety Unit.

7.1 Any employee who suspects that a colleague is working in a manner that could harm themselves or others due to the influence of alcohol, drugs or others must inform their senior manager at the earliest opportunity. Any disclosure will be a protected disclosure under the Whistleblowing Policy and Procedure and employees should refer to this policy for advice on who to contact. This is a sensitive issue but concealment may not be in the best interest of either the individual or the council and could lead to legal action being taken against the council.

Signs of drug misuse

Physical Signs of Possible Substance Abuse and Misuse

One or more of these signs may be an indicator of possible substance abuse and misuse, but managers must guard against making assumptions and consider the alternative potential causes of these signs.

They are also indicators to other medical conditions.

- Slurred or rambling, stumbling, incoherent speech
- Drowsiness or inability to stay awake
- Poor co-ordination, staggering, disorientation
- Unsure standing, turning, moving
- Irrational or inappropriate behaviour (belligerence, violence, etc)
- Nausea
- Inflamed, glassy or droopy eyes, dilated/constricted pupils
- Hallucinations
- Mood swings, unpredictability (hyperactivity, depression, euphoria)
- Frequent sniffing or touching of the nose
- Personality changes
- Heightened reflexes
- Exaggerated confidence or glibness
- Forgetfulness
- Lack of attention
- Agitation, restlessness, anxiety and paranoia
- Runny or bleeding nose
- Aroma of alcohol or drugs
- Limited attention span, difficulty concentrating
- Hand tremors
- Violent tendencies, loss of temper or irritability
- Time distortion
- Mental confusion, bizarre thoughts, ideas or statements
- Poor personal hygiene

Changes in Job Performance Patterns Indicating Possible Substance Abuse and Misuse

One or more of these patterns may be an indicator of possible substance abuse and misuse. They are also indicators to other medical conditions.

- Extended absences from the job
- High accident rate
- Inability to work with others, friction in relationships
- Chronic, excessive absenteeism pattern

- Poor performance on the job (e.g. error, wasted materials) not previously seen
- Failure to complete jobs/tasks etc. in a timely manner, or within timescales previously achieved
- Difficulty concentrating
- Confusion, inability to handle jobs of increasing complexity
- Spasmodic work patterns
- Irrational personal behaviour on the job (overreaction, unusual personality change, decline in personal hygiene, etc.)
- Four or more incidents of absences (sickness, tardiness, or being AWOL) in the preceding twelve months
- Suspicious absence pattern such as: Immediately preceding or following days off or coincident with weekends or always on the same shift
- Swings in activity level – hyperactivity to sluggishness
- Inability to perform two tasks at the same time (divided attention), such as handling a discussion while physically performing a task
- Sporadic or poor workmanship or job performance
- Change in attitude – moody, resentful of criticism, always casting blame on others, sudden inability to work with others
- Chronic forgetfulness or broken promises

Contributing Evidence:

- Physical evidence (drug paraphernalia, alcohol beverage bottles, etc)
- Smell of marijuana, alcohol
- Attempts to hide or destroy evidence
- Observance of use
- Suspicious employee reaction

Signs of Intoxication, by Specific Drug:

Marijuana: Glassy, red eyes; loud talking and inappropriate laughter followed by sleepiness; a sweet burnt scent; loss of interest, motivation; weight gain or loss.

Alcohol: Clumsiness; difficulty walking; slurred speech; sleepiness; poor judgment; dilated pupils.

Cocaine, Crack, Meth, and Other Stimulants: Hyperactivity; euphoria; irritability; anxiety; excessive talking followed by depression or excessive sleeping at odd times; go long periods of time without eating or sleeping; dilated pupils; weight loss; dry mouth and nose.

Heroin: Needle marks; sleeping at unusual times; sweating; vomiting; coughing and sniffing; twitching; loss of appetite; contracted pupils; no response of pupils to light.

Depressants: (including barbiturates and tranquilizers) Seems drunk as if from alcohol but without the associated odor of alcohol; difficulty concentrating; clumsiness; poor judgment; slurred speech; sleepiness; and contracted pupils.

Inhalants: (Glues, aerosols, and vapors) Watery eyes; impaired vision, memory and thought; secretions from the nose or rashes around the nose and mouth; headaches and nausea; appearance of intoxication; drowsiness; poor muscle control; anxiety; irritability

Hallucinogens: Dilated pupils; bizarre and irrational behavior including paranoia, aggression, hallucinations; mood swings; detachment from people; absorption with self or other objects, slurred speech, confusion.

Referral for Testing - Investigation and Decision Sheet	
<p>What is the nature of the cause for concern?</p> <ul style="list-style-type: none"> • <i>Accident or near miss? (give full details e.g. where, when, action taken (Police/Ambulance/TU informed/H & S informed)</i> • <i>Changes in behaviour that may indicate alcohol or drug misuse (Specify exactly what these are, when signs first noticed and what gives rise to the suspicion that drugs or alcohol are involved?)</i> • <i>Evidenced complaint or allegation (what evidence has been provided and what level of investigation has been undertaken?)</i> 	
Has the employee been offered immediate union or colleague representation?	
Has the employee admitted they have a problem with drugs or alcohol? (If yes then no need to refer for testing but should be referred to agency for support (see para 4.5))	
Have all the appropriate H &S and legal compliance issues been covered during the investigation?	
Has employee signed consent form for testing? (If not have the consequences of not signing been explained to the individual and are they able to fully comprehend the consequences?)	
Signed:- Investigating Manager	
Signed:- HR Officer/Manager	

Appendix 2

- NORTH DERBYSHIRE ALCOHOL ADVICE SERVICE – 01246 206514.
73 West Bars, Chesterfield, S40 1BA. nderbysalcoholadvice@ukonline.co.uk
- ALCOHOLICS ANONYMOUS (0845 7697555) Telephone the local branch and ask for times of meetings etc,
- ALCOHOL PROBLEMS ADVISORY SERVICE (APAS) Tel. 0845 7626316 for free confidential advice, counselling and information for anyone with an alcohol related problem.
- ALCOHOL CONCERN - National Agency for alcohol misuse in England and Wales and provides advice and information on Drinkline 0800 917 8282
- NORTH DERBYSHIRE COMMUNITY DRUG TEAM – 01246 277388
73, West Bars, Chesterfield, S40 1BA.
- OPEN DOORS – TEL.0115 9243506. - .agency for people up to the age of 25 using drugs solvents or alcohol.
- NARCOTICS ANONYMOUS Tel.0115 9691850
- TRANX RELEASE HELPLINE- Tranquilliser contact No. tel. 0115 969 1850
- NATIONAL DRUGS HELPLINE – Provides advice, information, counselling and referral to appropriate services for anyone concerned about their own or someone else's illegal drug use tel. 0800 776600
- DRUGSCOPE - The UK's leading independent centre of expertise on drugs. It aims to inform policy development and reduce drug-related risk.
Tel: 020 7940 7500 www.drugscope.org.uk

Chesterfield Borough Council

Equality Impact Assessment - Preliminary Assessment Form

The preliminary impact assessment is a quick and easy screening process. It should identify those policies, projects, services, functions or strategies which require a full EIA by looking at negative, positive or no impact on any of the equality groups.

Service Area: HR
Section: HR
Lead Officer: Kate Harley

Title of the policy, project, service, function or strategy the preliminary EIA is being produced for:

Drug and Alcohol Misuse Policy and Procedure

Is the policy, project, service, function or strategy:

Existing
Changed
New/Proposed

Q1 - What is the aim of your policy or new service?

The aim of this policy is to provide guidance for all employees and managers on how to handle situations where it is believed that an employee is facing issues relating to drug or alcohol misuse. The aim of the amended policy is primarily to provide sources of support and advice but, in extreme situations, the option to refer an individual for testing for drug or alcohol misuse where it is suspected in the workplace.

Q2 - Who is the policy or service going to benefit?

All managers and employees will benefit from the clarity this new policy provides.

Q3 - Thinking about each group below, does, or could the policy, project, service, function or strategy have an impact on protected characteristics below? You may also need to think about sub groups within each characteristic e.g. older women, younger men, disabled women etc.

Please tick the appropriate columns for each group.

Group or Protected Characteristics	Potentially positive impact	Potentially negative impact	No impact
Age – including older people and younger people.			X
Disabled people – physical, mental and sensory including learning disabled people and people living with HIV/Aids and cancer.			X
Gender – men, women and transgender.			X
Marital status including civil partnership.			X
Pregnant women and people on maternity/paternity. Also consider breastfeeding mothers.			X
Sexual Orientation – Heterosexual, Lesbian, gay men and bi-sexual people.			X
Ethnic Groups			X
Religions and Beliefs including those with no religion and/or beliefs.			X
Other groups e.g. those experiencing deprivation and/or health inequalities.			X

If you have answered that the policy, project, service, function or strategy could potentially have a negative impact on any of the above characteristics then a full EIA will be required.

Q4 - Should a full EIA be completed for this policy, project, service, function or strategy?

Yes

No X

Q5 - Reasons for this decision:

This policy is aimed at supporting individuals who are identified as potentially misusing drugs or alcohol at work and providing ongoing support to help them through agencies or OH. Therefore this policy is seen as having a positive impact on any individuals who fall within it's scope.

Please e-mail this form to the Policy Service before moving this work forward so that we can confirm that either a full EIA is not needed or offer you further advice and support should a full EIA be necessary.

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FOR PUBLICATION

MANAGING ATTENDANCE POLICY

MEETING: EMPLOYMENT AND GENERAL COMMITTEE

DATE: 25 JANUARY 2016

REPORT BY: KATE HARLEY, HR MANAGER

1.0 PURPOSE OF REPORT

1.1 To provide information regarding the revised Managing Attendance policy and to recommend for approval the Managing Attendance Policy.

2.0 BACKGROUND

2.1 The Managing Attendance Policy was due for revision in 2008 and has been revised in consultation with the council policy working group including union representation.

2.2 High levels of absence affect everyone in the organisation and cannot be seen as just a 'management' problem. Employer, employee and representatives must work together to monitor and control absence.

2.3 The policy has been significantly rewritten to provide a more prescriptive and proactive approach to managing employee absence and attempts to shift the culture from 'acceptance' of employee absence to 'management' of absence.

2.4 Research by CBI and ACAS highlights the importance of early intervention and good communication hence why the revised policy introduces strict guidance on contact with employees, e.g. daily contact for the first 7 days of absence.

2.5 The policy introduces more stringent triggers for action with the initial trigger point to consider action being 8 days absence in a 12 month period and a more formal and prescriptive process during long term absences.

2.6 Given the potential for claims of discrimination, a full Equality Impact Assessment has been undertaken and at every step in the process adjustments have been made for those employees protected under the Equality Act 2010.

3.0 PROPOSED PROCEDURE

3.1 The revised policy document can be found at appendix A.

3.2 An Equality Impact Assessment is attached at appendix B.

4.0 COUNCIL JOINT CONSULTATIVE COMMITTEE

4.1 The proposed policy is being submitted to the Council Joint Consultative Committee on 21 January 2016. Any comments or suggested amendments to the guidelines from that Committee will be reported to Employment and General Committee in a supplemental report.

5.0 RECOMMENDATIONS

5.1 That the revised Managing Attendance Policy be approved.

For further information on this report, contact Kate Harley 01246 345366.

Managing Attendance Policy and Procedure

Prepared by: Human Resources

Date: May 2015

Review: May 2018

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Policy statement on attendance

1. CBC aims to encourage all its employees to maximise their attendance at work while recognising that employees will from time to time be unable to come to work for periods of time due to sickness. This policy relates to short-term sickness absences from work (which are defined as those lasting up to 4 weeks), long-term sickness absence (which is defined as anything over 4 weeks) and disability related absence.
2. CBC recognises its responsibility to provide a safe and healthy workplace and to support employees as far as possible to maintain attendance at work. CBC provides medical advice through occupational health provision including access to physiotherapy, counselling, free eye sight screening and tests and undertakes regular risk assessments for stress, Hand Arm Vibration, hearing and night work to prevent work related sickness absence and support employees in the workplace. CBC also has other policies in place which relate to time off work for other reasons e.g. special leave, annual leave, compassionate leave.
3. Despite the support provided, CBC understands that there will inevitably be some short-term sickness absence among employees and it must also pay due regard to the needs of the organisation and the public services provided. If an employee is frequently and persistently absent from work, this can damage efficiency and productivity and place an additional burden of work on other colleagues. By implementing this policy, CBC aims to strike a reasonable balance between the provision of services and the genuine needs of employees to take occasional short periods of time off work because of sickness.
4. The approach taken by CBC to managing long-term absence will be proactive and supportive and focus on measures to support employees return to work. It is proven that a proactive approach from both employees and employer lead to successful management of long-term sickness absence. CBC utilises various measures to support employees in this approach and phased returns to work can enable an earlier return which is beneficial for the employee.
5. None of the provisions in the policy and procedure form terms of employees' contracts of employment. It is therefore subject to change, following a joint review process which will be undertaken between management and the trade unions.

Confidentiality

6. Employees have the right to absolute confidentiality and managers will respect this at all times. If an employee does not wish to disclose personal information to their line manager they may speak with a member of the HR team as an alternative.
7. Employees must be aware that despite their right to confidentiality, managers have a duty to implement the attendance policy and may on occasion be required to make decisions based on information known to them.

Medical appointments

8. Employees are allowed time off to attend regular hospital appointments or medical screening. Where the employee is on the flexi-scheme appointments will normally be managed within the scheme. Where the employee is not on the flexi-scheme appointments should be arranged outside working hours wherever possible. Where this is not possible managers will allow time to attend.
9. Managers may ask to see the appointment card/letter prior to agreeing the amount of time the employee needs to be absent from work.
10. Where the employee has a disability and is required to keep regular appointments in connection with their disability, this may be treated as disability leave as a “reasonable adjustment” under the Equality Act 2010. If managers have any doubt please refer to HR for advice.

Notification of absence

11. Employees are required to notify their immediate line manager/supervisor of any absence caused by sickness or disability and this must be in person by phone unless exceptional circumstances prevent the employee from making contact. Text, email or voicemail is not an acceptable form of contact. It is the manager’s responsibility to ensure a deputy is nominated in their absence.
12. Employees should notify their immediate line manager/supervisor of their absence and the nature of the illness by no later than 9.30am on the first day of absence if they are office based. Where alternative shift patterns are in force managers will have alternative “in-service” notification arrangements which employees must be aware of and abide by. In all circumstances, employees must notify their manager as early as possible and no later than one hour before their normal shift start time.

13. If an employee does not contact their manager to notify absence the manager should contact the employee to establish their whereabouts. If the manager cannot establish contact with the individual, they must contact HR for next of kin details and as a last resort undertake a home visit. On any other occasion a home visit must not be undertaken without prior agreement of the employee. Employee failure to follow this procedure may result in action being taken under the disciplinary procedure for being absent without leave.
14. It is the line managers responsibility to ensure the absence is reported to payroll and HR by ensuring that absence is reported to admin on the appropriate forms in a timely manner (see S1 in appendices)
15. Employees must maintain contact with their manager on a daily basis (unless otherwise agreed with the manager on the first day of absence) until either a return to work occurs or if the absence exceeds 7 days, a fit note is supplied by the GP.
16. Contact between the employee and the manager thereafter must be mutually agreed and continue at no less than a monthly basis and must focus on what support can be provided to enable the employee to return to work as quickly as possible.

Evidence of incapacity

17. For all absences not exceeding 7 days employees will be required to complete a self-certification form on return to work. Completion of the self-certification form applies to all periods of absence due to sickness or disability including single or part days/shifts. If employees are taken ill after reporting for work and subsequently leave work, if they have worked longer than half their normal day/shift, this will not be recorded as sickness and will not require completion of a self-certification form. If an employee leaves work through sickness having completed less than half of their normal day/shift, they will still need to complete a self-certification form and the absence will be recorded as sickness
18. For absences exceeding 7 days employees are required to obtain a fit note from their GP which must be sent to their manager immediately. The employee will be sent, by return, the self-certification form, section 2 of which must be completed and returned immediately.
19. Should an employee feel well enough to return to work during the period of the fit note they are entitled to do so and do not need to return to the GP to be declared fit for work. Should a manager have any concerns about an employee's fitness to work

they should consult with HR in the first instance and consider whether an OH referral is required.

20. An employee who falls sick during the course of annual leave shall be regarded as being on sick leave from the first date of sickness as long as the employee has followed the correct procedure outlined at paragraph 11 above for notification of sickness absence.

Role of employees

21. Individual employees have a contractual responsibility to attend work regularly unless there is a genuine reason for not doing so. When an employee is prevented from attending work owing to sickness absence or disability, they must follow the procedure for reporting absence, keep in touch with management and provide fit notes when necessary in accordance with the procedure.
22. If, following discussion, it is decided that a referral to OH or Fit for Work service for advice is appropriate an employee must co-operate with this request. If an employee is referred to OHS or Fit for Work and does not attend or refuses to attend without reasonable cause, this may constitute abuse of the sickness scheme resulting in suspension of pay and may result in a manager taking action under this policy based on the medical information available, which may be detrimental to the employee.
23. Employees have the right under the Access to Medical Reports Act 1988 not to cooperate in the gaining of information from their GP. However, the employee should be made aware that the OH Physician will still offer advice based on the available evidence and management are entitled to make decisions based on that evidence.

Role of line manager

24. Managers should have in place clear procedures for recording all absence for their employees and should not rely on HR or support services to prompt them when action is necessary.
25. Following the procedures outlined in this policy should ensure that all employees are treated fairly and consistently. Effective management of attendance requires a continuous and co-ordinated effort by all managers, with support from senior management.
26. Managers are expected to play a key role in influencing employee behaviour and performance as far as practically possible by creating a supportive environment that contributes to improving attendance.

27. Managers must keep employees informed of corporate standards of attendance (e.g. targets/trigger points) and arrangements for notification of absence in their service area.
28. CBC has a range of family friendly policies to help employees balance the demands of home and work-life. Managers should ensure employees are aware of these policies and they are used appropriately as abuse of the sick leave scheme may result in disciplinary action.
29. Managers will act at all times with sensitivity and within legal boundaries ensuring that all actions taken are fair and reasonable in the individual circumstances.

Role of Occupational Health

30. A referral to occupational health is made when specific medical opinion is needed in relation to the work role and an employee may be seen either by a physician or a nurse depending on the advice needed (see para 47) .
31. A manager must meet with an employee to discuss any referral to occupational health and the reasons for the referral. (referral form in appendices)

Role of Fit for Work

32. Fit for Work www.fitforwork.org is a national programme established to provide free OH advice and return to work plans for employees who have been absent from work for a period of four weeks.
33. Referral to the service is either by GP's who have discretion in whether they directly refer patients to the service, or by employers who are able to refer employees after four weeks sickness absence both in cases where a return to work is not imminent.
34. Once a referral is made a case manager is appointed and they will conduct a telephone appointment (usually 30 minutes long) with an individual within two days of referral. Face to face appointments will only be arranged in exceptional circumstances and if they are required they will be within five days of referral and within 90 minutes travelling time.
35. The telephone appointment cannot go ahead without the consent form having been signed and the case manager will check with the employee whether the service has been explained to them and if so whether they consented to the referral. If the employee did not consent the call would end and no further action be taken.

36. The aim of the appointment is for the case manager to review the employee's health against the bio, psycho and social aspects of their wellbeing and to work with the individual to establish not only health issues and concerns but also any other barriers they have to returning to work (e.g. home issues, caring responsibilities, financial worries etc). The case manager will signpost the employee to a range of support services and will prepare a return to work plan.
37. The employee has the option to consent to that plan being shared with either their GP or employer and the case manager works with the employee to gain their co-operation to the plan.
38. The return to work plan replaces the Fit Note and the case manager has the ability to state that an employee is either:
- i. Fit for work
 - ii. Fit for work with adjustments
 - iii. Not fit for work but likely to return within three months
 - iv. Not fit for work and not likely to return within three months
39. In addition to this service the Fit for Work service provides expert and impartial advice delivered by a team of occupational health professionals by a range of other channels e.g. live chat, email a question and a free advice line. www.fitforwork.org
40. The service is free to use and there is no limitation on how many employees are referred however an employee can only be referred once in a 12 month period.
41. Referral by employers is made via the website and is simple to use.
42. Manager's have the choice of whether to refer to the Fit for Work service or the councils current OH provider.

Role of the Policy Team

43. Provide information, advice and guidance on the equality implications of this policy and procedure, in particular on the disability equality aspects, to managers and to employees.
44. Advise managers and employees on the application of the Equality Act 2010 definition of disability, on reasonable adjustments to an existing job, or in relation to redeployment and on involving the Access to Work unit.
45. Evaluate the equality, and in particular disability equality, aspects of the policy and procedure.

Role of HR

46. HR maintain and report on an overview of absence across CBC. On a monthly basis HR will provide reports to managers detailing the absence levels in their department and those employees who have hit various trigger points for action.
47. HR will provide training, advice, guidance and support to employees and managers on all aspects of attendance management and act as the conduit to specialist OH advice.
48. HR will support at meetings and formal hearings where appropriate.
49. HR will evaluate employee policies e.g. EPD, exit interviews for their impact on sickness absence statistics.

Managing sickness absence

50. There are two types of sickness absence, short term and long term (continuous over 4 weeks) and the management of each requires a different approach.

Managing Short term sickness absence

51. CBC has a systematic approach to managing absence attributed to sickness or disability, which has the following features:
 - i. Council wide targets for average levels of absence due to sickness or disability
 - ii. Systematic consideration of whether an employee is capable of regular and efficient service
 - iii. Triggers for action – to prompt investigation of each case on its merits
 - iv. Comprehensive monitoring – to permit analysis, pick up problems and assist in meeting targets
 - v. A Policy Service to advise and support employees and managers
 - vi. An Occupational Health Service (OHS) to advise on medical aspects of any case
 - vii. Systematic appraisal of the effectiveness of managers in dealing with cases of absence attributed to sickness or disability
52. At all stages of the managing attendance procedure the aims are to:
 - i. Investigate the absence to understand the causes and effect it will have on the employees work and attendance levels.

- ii. Take all reasonable steps to collaborate with staff in tackling health, work or welfare problems (including work place stress)
- iii. To explore any options with the employee which may facilitate them in improving their attendance or returning to work
- iv. To keep the employee informed about their employment position particularly if their job is at risk.

Return to work meetings

53. Return to work interviews are an essential part of managing attendance and must be conducted after **every** sickness or disability related absence. The meeting should be held on the day the employee returns to work (unless prevented by shift patterns and then must be within 48 hours of return) and recorded on form S2 which should be sent to HR. The purpose of the interview is:

- i. To welcome the employee back to work
- ii. Check whether they are well enough to be at work
- iii. Update employees on any news while they were off and let them know how their work was covered
- iv. Identify the cause of the absence
- v. Establish if the employee has any disabilities and whether the provisions of the Equality Act 2010 apply such as making reasonable adjustments (a chair or different equipment for example)
- vi. Establish if there are any work related issues causing the absence

54. The benefit of the return to work meeting is that employees have the opportunity to discuss confidentially any issues that might not normally come to light e.g. they are being bullied or have personal issues. There is no right to be accompanied to these meetings.

55. The return to work should be documented and any actions agreed recorded e.g. referral to OHS.

56. Remind the employee of the need to attend work regularly and that CBC expects full and effective attendance.

57. Review the record of absences and If there are issues regarding the employees level of attendance or patterns of absence, the formal procedure will be initiated (the sickness absence meeting – see paragraph 56)

Referral to Occupational Health

58. The OHS service is available to employees on an appointments based system via HR.

The range of services include:

- i. Health/safety tests and advice
- ii. Workplace risk assessments
- iii. Noise/vibration testing
- iv. Eye and ear tests for council vehicle drivers
- v. Inoculations e.g. Hepatitis A and B
- vi. Counselling
- vii. In-service medical exams
- viii. Pre-employment medical screening

59. The managing attendance procedure covers both short term intermittent absences and long-term sickness and disability absence and provide in all cases for a referral of an employee to the OHS nurse or physician.

60. The following circumstances would normally require referral to the OHS:

- I. an accident at work resulting in ongoing difficulties
- II. a notifiable disease
- III. where an employee has been absent through illness for a period of two weeks or more and there is not a foreseeable return date.
- IV. All employees who have had more than four weeks consecutive absence are to be referred to the occupational health provision unless absence is a result of a self-limiting condition such as:
 - i. fractures which are healing normally with no complications
 - ii. operations or medical procedures where there are no complications
 - iii. employees receiving chemotherapy and/or radiotherapy
 - iv. imminent consultant referral
- V. where an employee has repeated spells of intermittent absence due to sickness or disability
- VI. where there are concerns about particular aspects of an employee's health in relation to their ability to do their job
- VII. Following a return to work (RTW) interview, if the manager feels that the reason for absence requires medical investigation, then immediate referral may be made.

61. Following the appointment the report will be sent to the individual and manager concerned via HR who will advise on next steps and any support that may be required.

Referral to Fit for Work

62. An employee can only be referred to Fit for Work when they have been absent over 4 weeks and there is no prospect of an imminent return to work.

63. Managers may choose to refer to the Fit for Work service if they feel that the employee would benefit from the multi-disciplinary approach taken by the service to developing return to work plans.

64. As the service provides a telephone appointment within two days of referral, this may be a preferred option to an OH appointment.

65. Referral is via the fit for work website and it is essential that the employee has consented to the referral so managers must have a face to face discussion with the employee to seek their agreement to the referral.

Formal action and trigger points

66. This procedure provides a framework to ensure that managers investigate the reasons for absence and any work or domestic problems that may underlie the absence and form a judgement as to what further action is appropriate.

67. Where an employee has failed to attend or improve their attendance levels despite support from management and where attendance levels reach trigger points, the manager will give the employee a series of formal warnings that their job may be at risk.

68. In short term absence cases, there are four stages to the procedure plus the right to appeal. These stages are:

- i. Stage 1 – could result in a Verbal warning (confirmed in writing)(normally 6 months duration)
- ii. Stage 2 – could result in a Written warning (normally 12 months duration)
- iii. Stage 3 – could result in a Final written warning (normally 12 months duration)
- iv. Stage 4 – could result in Dismissal

69. Once a stage in the process has been reached, any improvements in attendance will need to be maintained. If, following a review period, attendance levels return to

unacceptable levels (backsliding), action will re-commence at Stage 2 and longer warnings may be given at each stage.

70. Absence in a 12 month rolling period which meets any of the following criteria but does not exceed 4 weeks continuous absence will be dealt with under the short term sickness absence procedure. The 8 day trigger is pro-rated for part time/variable/annualised contract employees. The trigger points are:
- i. 3 periods of sickness in 6 months
 - ii. 8 working days in a rolling 12 months
 - iii. Any pattern of sickness absence e.g. Mondays, Fridays.

Sickness absence meetings

71. When an employee hits a trigger point for the first time there will be a **Stage 1** absence management meeting where the line manager will consider all the individual circumstances in accordance with the procedure set out below. As a formal warning for sickness may be issued as an outcome of the meeting, the procedures must be carefully adhered to.
72. The line manager will invite the employee to a meeting, in writing giving a minimum of 5 days working notice. The letter will remind the employee of their right to be accompanied by a trade union representative or work colleague.
73. The meeting will be led by the line manager, and will have the purpose of fact finding, where possible establishing the cause of any absence and to offer assistance based on individual circumstances. The line manager will cover the following matters as appropriate during the meeting:
- i. Identify the frequency and cause for the absences and ensure that the employee is aware that their absence record is giving cause for concern, and highlighting the impact on the rest of the team or authority.
 - ii. Advise the employee to seek medical attention to determine if there are grounds to consider that there might be an underlying medical problem, or refer to OHS as appropriate.
 - iii. Give consideration to personal problems which may be causing absences and offer possible ways of helping the employee resolve them.
 - iv. Consider if any temporary or permanent redeployment or reduction of duties or reasonable adjustment is required.

- v. Explore whether the absences may be due to a work related injury, a disability defined within the Equality Act, or pregnancy and take advice from HR as appropriate
- vi. The standard of attendance required and the period over which attendance will be monitored (period of warning)
- vii. The consequences of failure to improve attendance (eventual dismissal).
- viii. Confirm whether or not a formal warning for sickness absence will be issued on this occasion, providing reasons for the decision and indicate the next stage of the procedure if attendance does not improve.

74. The line manager must confirm in writing the outcome of the meeting within 7 working days and send a copy to HR for the employee file. The letter must include:

- i. Details of who attended the meeting and date held
- ii. What was discussed and the actions agreed for both employee and line manager with relevant timescales
- iii. Confirmation of whether or not the outcome is a formal warning for sickness absence providing reasons for the decision and clarification that further absence may result in the employee receiving subsequent formal warnings for sickness absence, clarifying that 3 formal warnings for sickness absence in a rolling 12 month period may result in a dismissal meeting. **NB. If a manager does not give a warning they will be expected to discuss this with HR to justify their use of discretion.**

75. Where attendance has not improved following the first meeting (for further sickness absence that is over and above the initial trigger), the manager will convene a **Stage 2** absence management meeting following the process as above but subsequent meetings will be accompanied by the relevant HR Officer. Should absence levels still fail to improve following a Stage 2 meeting it may be necessary to convene a Stage 3 meeting. At each stage the meeting will cover the points at paragraph 58 above and detailed in the manager guidance notes in the appendices. Meetings will be followed up in writing within 7 working days issuing a **Stage 1** (verbal), **Stage 2** (written) and **Stage 3** (final written) warning as appropriate.

Stage 4 sickness absence capability hearing

76. If there continues to be no improvement following the issue of the **Stage 3** (final written) warning the employee will be invited to a capability hearing, in writing:

- i. giving the right to be accompanied

- ii. informing the employee that as a result of the meeting their contract may be terminated.
- iii. Providing a copy of the line manager's report and evidence for consideration at the capability hearing.

77. The capability hearing will be chaired by a manager with delegated authority to dismiss and must be accompanied by a member of the HR team.

78. The purpose of the meeting is to consider all information in relation to the absences, including Occupational Health advice. If appropriate the hearing manager may ask for further medical advice.

79. The hearing manager should consider whether or not alternative employment, reasonable adjustments to the current role or ill-health retirement could and should have been considered prior to the decision to terminate employment.

80. If it is decided following the hearing that the contract of employment will be terminated by virtue of capability as a result of absence, then the employee must be given due notice/pay in lieu of notice and any other additional payments outstanding i.e. holiday pay. (but see paragraph 75)

Long term sickness absence

81. If absence continues past 4 weeks this is termed long-term sickness absence and the following process should be followed. The trigger points for action are different in long-term sickness cases and they are :-

- i. 1 month – verbal warning
- ii. 3 months – written warning
- iii. 6 months – final written warning
- iv. 12 months - dismissal

82. It is the managers responsibility to establish regular contact with the employee and as a minimum the manager should meet with the employee on a monthly basis to discuss:

- ix. How the employee is feeling and what steps they are taking to recover and return to work
- x. What support the employer can provide to enable to return to work e.g. phased return to work, reduced hours, specialist equipment
- xi. Whether a referral to occupational health would be beneficial
- xii. How long the employee expects to be absent from work

83. Once the continuous absence reaches the 4 week **trigger point** the **stage 1** absence review meeting must be held using the relevant invite letter and unless there are exceptional circumstances a stage 1 warning should be administered. If managers are considering not giving a warning they must contact HR for advice.
84. At the three month **trigger point** stage a **stage 2** invite letter is issued and a further absence review meeting arranged. A referral to OHS must be undertaken and a formal absence review held with the employee to advise them of the consequences of continued absence. This does involve a **stage 2** warning being administered unless exceptional circumstances prevent this. If managers are considering not giving a warning they must contact HR for advice.
85. The meeting should focus on what steps can be taken to ensure a speedy return to work and remind the employee of the potential consequences of continued absence i.e. dismissal.
86. Should a return to work not have been achieved at this point monthly meetings continue as in paragraph 58 above until the six month **trigger point** is reached at which point a further referral to occupational health will be made and be followed by a formal **Stage 3** meeting at which the employee has the right to be accompanied where the manager will consider all points at paragraph 58 and decide whether a further warning may be appropriate. The employee should be given every opportunity to provide solutions to the problem. This will be based on all the evidence presented and the likelihood of the employee returning to work within a three month period. Should the manager decide that dismissal may be appropriate at this stage, this will be referred to another manager with authority to make the decision to dismiss. If dismissal is not considered appropriate at this stage a **stage 3 final written warning** will be administered.
87. If a return to work has not been achieved by the 12 month stage a formal **stage 4** capability hearing will be arranged with a manager with authority to dismiss.
88. An employee may normally only be dismissed after a final written warning and if there is no reasonable alternative to dismissal. As an alternative to dismissal, in agreement with the employee, managers may decide on:
- I. making reasonable adaptations to the work, workplace or working arrangements (taking into account job evaluation)
 - II. compulsory transfer to another job – where the employee’s condition means that they cannot continue in their original work place or job
 - III. redeployment search for a reasonable period

IV. demotion

89. If an employee is no longer capable of performing in the role they were employed for they will be dismissed unless they can be redeployed into another role.
90. If an employee is redeployed they will accept the terms and conditions relevant to the new post and pay will not be protected if the new role is a lower salary.
91. It may not be practical to ask the employee to work through their notice period. An employee who is dismissed after absence related to sickness or a disability is entitled to:
- I. Notice or pay in lieu of notice even if they cannot work it in practice
 - II. Full pay for the notice period even if they are on half or nil pay
 - III. Full pay for any untaken leave accrued in the current year unless management require some or all of it to be taken in the notice period
 - IV. Full pay for leave accrued during the notice period unless management required some or all of it to be taken before the employee leaves.

Appeal

92. Employees have the right of appeal against a decision to dismiss. Any appeal must be made in writing to the dismissing manager who will liaise with HR to arrange an appeal hearing. The appeal will be heard by members supported by an HR officer
93. The grounds for appeal must be on one or more of the following grounds:-
- i. Procedure – a failure to follow procedure having a material effect on the decision
 - ii. The facts of the case – the appellant can bring evidence directly relevant to disputed facts as set out in the grounds of appeal. Otherwise the facts at the earlier stage will be accepted
 - iii. Sanction/caution/action – too severe given the circumstances of the case
 - iv. New evidence – only new evidence which had not come to light for the first hearing is to be considered. The appeal is not to be used to reargue the case with different evidence. Where there is genuine new evidence the original hearing officer should have the opportunity to hear the evidence and review their decision

Phased return to work

94. Where an employee has been absent from work due to illness/incapacity or disability a phased return to work may be appropriate to ensure a smooth and

supported return to work. This may include a temporary change to hours or times worked and/or any other reasonable adjustment. The GP fit note or advice from OHS may give an indication of whether this is likely but nonetheless this is always a consideration.

95. A phased return to work will only be considered where the employee intends to resume normal working within 4-6 weeks and where immediate resumption of full duties would clearly put additional strain on the employee and jeopardise their ability to continue normal working.
96. The period of the phased return should normally be 4 weeks duration with the employee returning to normal working by the 5th week. In exceptional circumstances and with the agreement of HR the period may be extended to 6 weeks.
97. Where a phased return or change to contractual working hours is being considered as part of rehabilitation back to work it is important that the manager discuss the basis of the return with HR and/or the Policy Team. Any agreement can then be administered and any contractual revisions noted and advised to payroll e.g. if an employee reduces their hours permanently and a change to contract is required.
98. The agreement should be put in writing, signed and forwarded to HR with copies being kept by the manager and employee.
99. For recording purposes absences during a phased return to work are '*authorised absences for the purposes of rehabilitation*'. The employee is not deemed as sick for the purposes of recording and they will resume their normal basic salary or weekly pay.
100. Where the employee does not resume normal working as agreed, the phased return to work agreement will be void and the occupational sick pay scheme will be resumed as entitlement allows.
101. If the employee subsequently becomes absent again, due to sickness or disability, managing attendance procedures will apply, including resumption of occupational sickness payments as appropriate.

Disability related absence

102. The Equalities Act 2010 places a legal requirement on employers to make reasonable adjustments for employees with disabilities where this would enable an

employee to continue working or to enable a return to work from sickness absence. The Act defines a disabled person as a person with:

‘a physical or mental impairment which has a substantial and long term [i.e. expected to last for more than 12 months or recur beyond 12 months] adverse effect on their ability to carry out normal day to day activities.’

103. There is a legal requirement placed on employers to ensure the employee is not disadvantaged because of their disability however an employee must make their manager aware of the disability.

104. It is recognised that a person may be perfectly healthy and also living with a disability. When an employee needs time off work related to the disability (Disability Leave) they are not necessarily ‘sick’. Such absences may include (this list is not exhaustive):

1. Hospital or doctors appointments connected with the disability/impairment or technical aids
2. Ongoing treatment
3. Recovery time from an aspect of disability/impairment e.g. an asthma attack or diabetes
4. Infection that is as a result of disability and/or an impairment

105. The disability may be physical or mental and mental disability can include the symptoms of stress (refer to separate stress policy).

106. Disability leave is managed under the terms of the managing attendance policy and procedure. This means that the manager will conduct return to work interviews and sickness absence reviews if a trigger is reached. Disability leave is recorded separately but aggregated into the sick absence figures and therefore counts towards trigger points. This means that the authority expresses its concern and exercises its responsibilities but does not imply that the employee is in the wrong and does not necessarily mean that formal action will be taken. **The line manager must however take into account the nature of the absence relating to a disability when considering action following a trigger being reached and must consult with HR or the Policy Team when considering action.**

107. Ultimately it may be considered that the levels of absence due to disability become unsustainable for financial and/or service provision/operational reasons. All other options outlined at paragraph 72 must have been exhausted and demonstrated to be ineffective before dismissal is considered appropriate. Dismissal

would be managed under the terms of the managing attendance policy and procedure.

Maternity absence

108. Sickness absences during pregnancy must be recorded in the same way with detailed records of the cause of absence to highlight pregnancy related illnesses. Absence for ante-natal clinics is not counted towards trigger points for action.
109. If an employee is absent from work due to a pregnancy-related illness after the beginning of the fourth week before the expected week of childbirth, her maternity leave will start automatically and she should notify her line manager in writing as soon as possible.

Sick pay scheme

110. The council's sick pay scheme is intended to supplement Statutory Sick Pay (SSP) and other welfare benefits so as to maintain normal pay during defined periods of absence on account of sickness or disability.
111. Employees are entitled to receive occupational sick pay as per NJC Green Book for the following periods:

During 1 st year of service	1 months full pay and (after completing 4 months service) 2 months half pay
During 2 nd year of service	2 months full pay and 2 months half pay
During 3 rd year of service	4 months full pay and 4 months half pay
During 4 th and 5 th years of service	5 months full pay and 5 months half pay
After 5 years service	6 months full pay and 6 months half pay

Suspension of sick pay

112. In appropriate cases managers may consider a period of suspension from the Council's sick pay scheme. The Council's sick pay scheme is distinct from the statutory sick pay scheme (SSP) and the conditions for payments under each scheme are different. An employee who fails to meet the conditions for payment of the Council's scheme may still qualify for SSP. Suspensions can only happen on two grounds:
- I. One – abuse of the conditions of the sick pay scheme such as a refusal to submit to a medical examination or failure to comply with procedures for reporting absence

- II. Two – sickness absence that can be attributed to either the employee’s own misconduct or neglect; deliberate conduct prejudicial to recovery; active participation in professional sport or injury whilst working in their own time for private gain or for another employer.

Withdrawal of self-certification

113. In certain circumstances where a manager has justifiable concerns that the right to self-certify is being abused, the right to self-certify may be withdrawn from individual employees (CBC would have to meet the cost of a private certificate). If the circumstances warrant the withdrawal of the right this would normally be accompanied by a warning and this would be put in writing. Managers should discuss with HR before taking any action.

Notification of Sickness Absence

S1

Completed by line manager on receiving call re: sickness absence from an employee

Employee name
Department:
Post Title/section

Call taken by:(manager name)
Post Title

Call received on (date/time) (Day 1)
Reason for absence
Expected return to work date
Call received day 2 (date/time)
Update on condition
.....
.....
Call received day 3(date/time)
Update on condition
.....
.....
Call received day 4(date/time)
Update on condition
.....
.....
Call received day 5 (date/time)
Update on condition
.....
.....
Call received day 6 (date/time)
Update on condition
.....
.....
Call received day 7(date/time)
Update on condition

.....
.....
Remind employee to obtain GP fit note from day 8

Agree contact with employee if absence continuing (weekly/bi-weekly/ monthly)

Administrative Officer - Ensure notification recorded on BT3 week end summary for payroll, the computerised system and S2 for line manager

Return to work interviews (RTW)

The purpose of the RTW is to:

- Welcome the employee back to work and let them know their absence has been noted and recorded– hence why they must be done after every absence no matter how brief.
- Check they are well enough to be back at work.
- Discuss the details of a previously agreed return to work based on advice on the GP fit note.
- Update the employee on any news whilst they were off i.e. what has changed?
- Identify the cause of the absence – this needs to be handled with sensitivity and by asking open questions. Very often sickness absence is a symptom of other things happening in someone’s life e.g. caring responsibilities, workplace bullying, lack of motivation and job satisfaction. The interview gives the employee the chance to open up about these issues.
- Establish whether the employee has an ongoing disability and whether the provisions of the Equality Act 2010 apply, requiring reasonable adjustments to be considered.
- Establish if the sickness is work related and whether there are any health and safety issues to address.

Preparing for the RTW:

- Find a quiet place with no distractions as the meeting is confidential – don’t sit on the edge of the employee desk for a quick chat as this is not likely to lead to a constructive conversation.
- Remind yourself about the individual employee and have their absence records to hand in case you need a reminder about their history or their absences are causing concern.
- Think about how you would respond to a request for flexible working or a change in pattern/hours of work.
- Think about the kind of questions you might ask – are there patterns of absence occurring? Does it appear there is an undisclosed medical condition demonstrated by repeat absences?
- Have the occupational health referral form to hand in case there is a need for a referral.
- If there are repeated absences for minor illnesses such as headaches, migraines, stomach upsets ask the employee if they have sought advice from their GP and whether they are receiving treatment for them. If they haven’t, ask them why not and what they can do to improve their health.

- Refresh yourself on the referral process for counselling or physiotherapy in case this is needed and if stress has been mentioned make sure you have the stress risk assessment handy.
- Remember that the focus of the discussion should be positive and focus on positive outcomes.

Following the RTW

- Make a note of the discussion (on form S2) and give a copy to the employee and send to HR.
- Make a list of any actions that are needed and note who will take them forward.
- If appropriate set a review date and diary it to make sure it happens.
- Let the employee know that you are available if they have any worries or concerns they need to discuss and that you are there to support them.

Managing Sickness and Disability Absence Return to Work Discussion

S2

Employee Name:		Department:	
Date of first day of absence:		Date of last day of absence:	
Total number of working days lost:		Total number of working hours lost:	

Please indicate normal working pattern in hours per day						
Mon	Tue	Wed	Thurs	Fri	Sat	Sun
If working pattern varies from week to week please provide further information						

Please refer to the full list of sickness reasons via the CBC intranet Please complete ALL 3 sections relating to cause of sickness absence.		
1	Top level sickness absence reason	
2	Sickness absence reason detail	
3	Sickness absence cause	

If disability related, please state any reasonable adjustments to be considered.					
Have you been to a doctor or medical professional?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Are you receiving any medication or treatment?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

If 'Yes', please state any implications for work, if 'No' state why not:		
Are there any work related factors contributing to your absence and return?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If 'Yes', please state:		

Is a risk assessment required?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Done <input type="checkbox"/>
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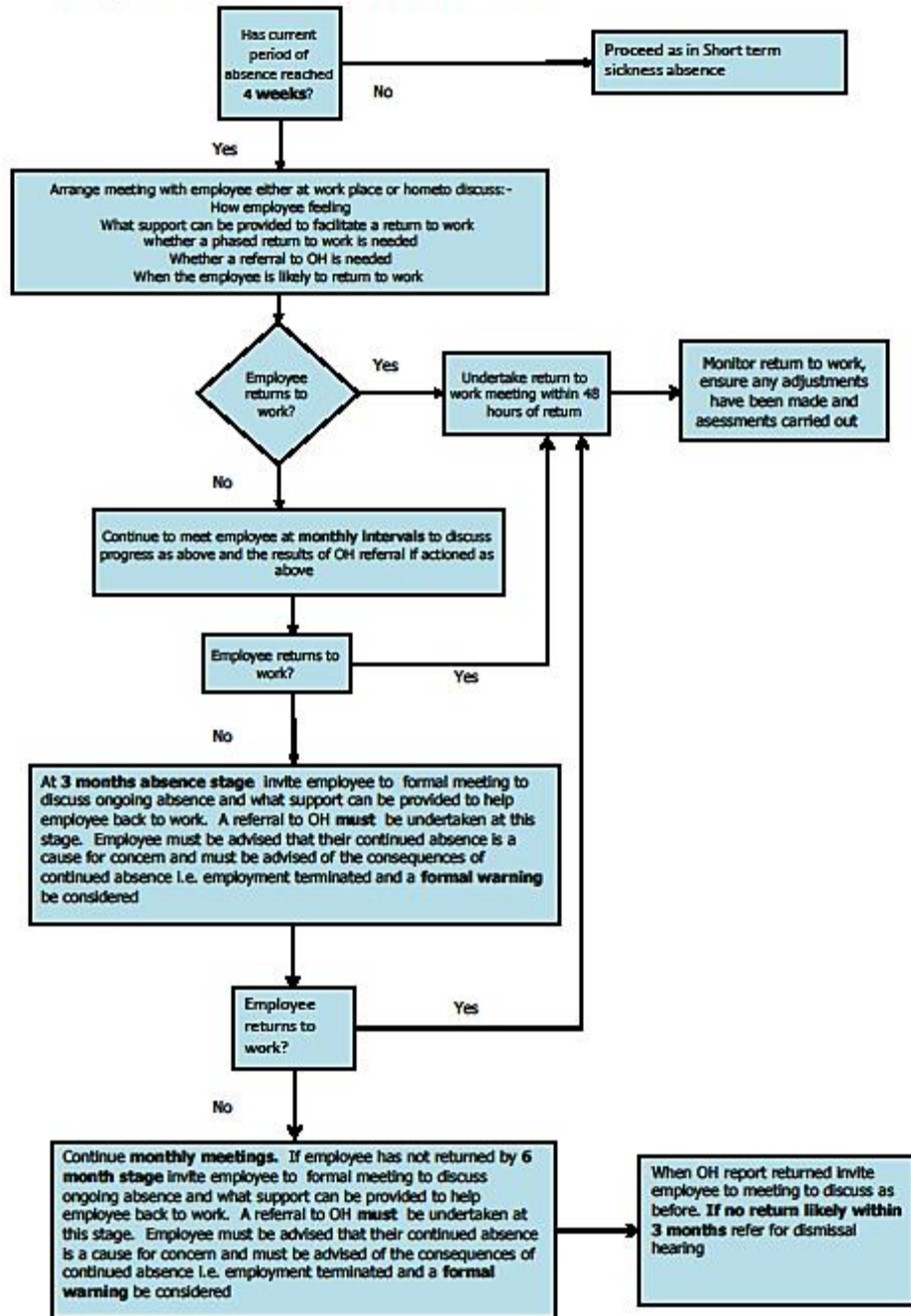
Is there anything else to take into consideration regarding your return to full attendance and performance?	
How many days has the employee been sick during the previous 12 months? (if a trigger has been reached instigate formal action as per policy)	
Remind employee of number of days lost in previous 12 months and advise them of the consequences of further absences (formal action)	

Employee: I certify that I was absent from work on the days and dates above for the reasons as stated. I confirm that the information given is the truth and that any false information may lead to disciplinary action.	
Signature:	Date:

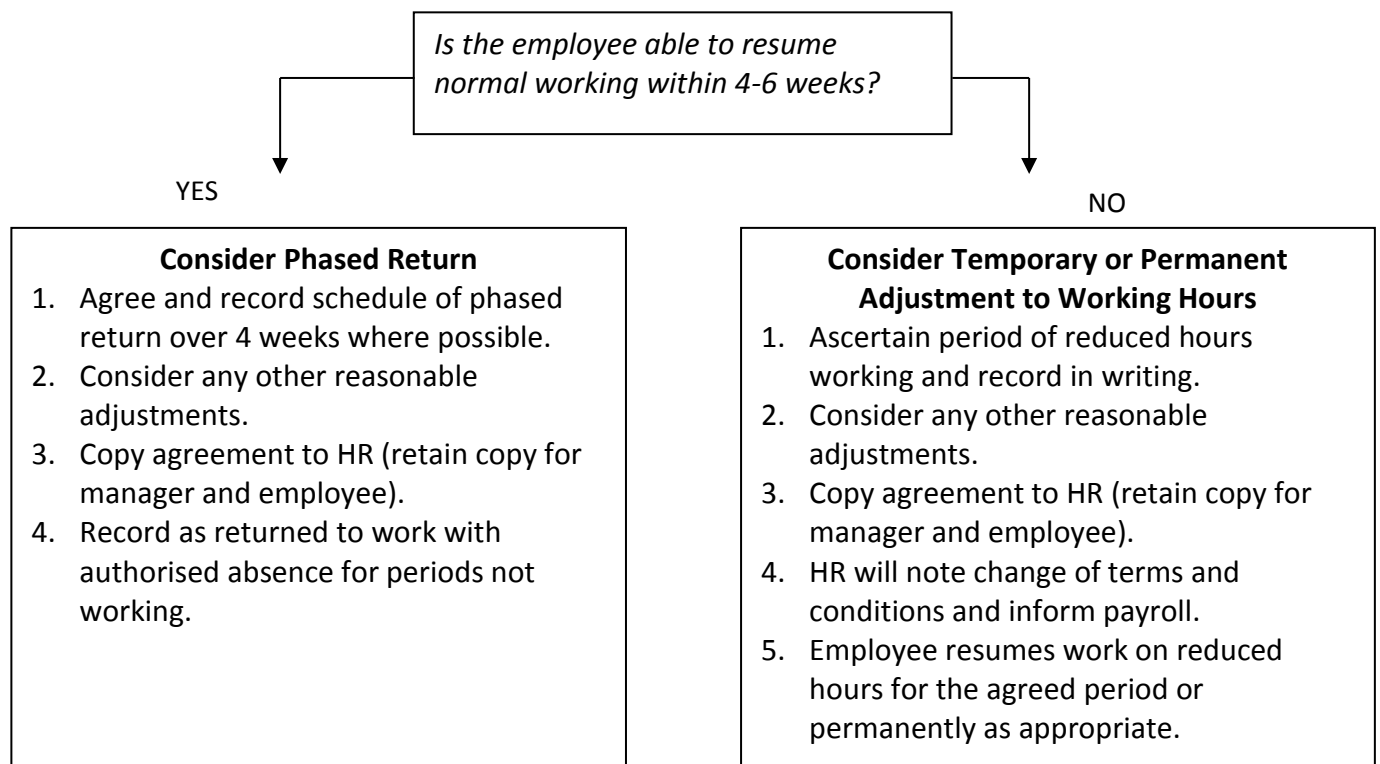
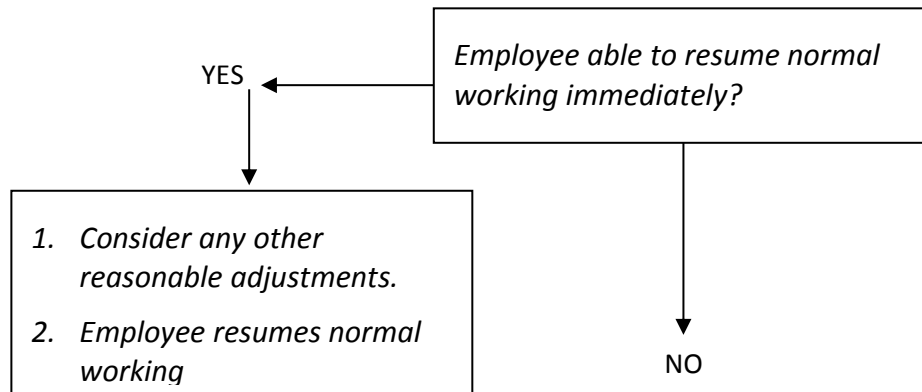
Manager: I confirm the record of the return to work discussion and authorise the absence as					
Self-certified sickness absence	<input type="checkbox"/>	Disability Leave	<input type="checkbox"/>	Work related	<input type="checkbox"/>

Certified sickness absence	<input type="checkbox"/>	Pregnancy related	<input type="checkbox"/>	Industrial Injury	<input type="checkbox"/>
<p>I undertake to facilitate the return to work by the following management actions:</p> <p>I have made the employee aware of their absence record and advised them of the current position and the consequences of not improving performance:</p>					
Signature:		Date:			

Long Term Sickness Absence Process



Managing a return to work following absence due to long term sickness



Example of a **phased return to work** for a full time employee:

- Week one: employee works 1 full day or a suitable equivalent combination of half days
- Week two: employee works 2 full days or a suitable equivalent combination of half days
- Week three: employee works 3 full days or a suitable equivalent combination of half days
- Week four: employee works 4 full days or a suitable equivalent combination of half days
- Week five: employee resumes full time working

Phased return to work agreement

Name:

Directorate:

Manager name:

Schedule of working

	Week commencing	Details of work pattern (full/part days, hours etc)
Week 1		
Week 2		
Week 3		
Week 4		
Week 5		
Week 6		

I have agreed with my medical practitioner that I am able to resume work on a phased return basis and that I will be able to resume normal working by w/c

I understand that the phased return schedule allows me authorised absence for '*rehabilitation purposes*', that my absences are therefore not recorded as '*sickness*' and that full contractual salary/wages will be paid.

I undertake to ensure, to the best of my abilities, that I fulfil this agreement to resume normal working. I understand that if I am unable to fulfil this agreement then normal rules with regard to sickness will apply.

If I am unable to resume normal working hours after the above date then I understand that the agreement lapses and that a new agreement with regard to temporary changes to my working hours, terms and conditions may be negotiated (e.g. part-time working).

Signed: employee Date:

Signed: manager Date:

Request for Advice from Occupational Health

1. **To the referrer:** please ensure this form is completed fully. Attach any information relevant to the referral to assist the Occupational Health Advisor in providing you with the appropriate report
2. It is very important that the employee understands the reasons why they are being referred and what advice the referring manager is requesting to optimise support and advice.

Referrer Details	
Name in Print:	
Tel. No:	
E-mail: This should be your dedicated e-mail address and not shared with anyone else	
Name in print of relevant HR contact:	
Tel. No:	
E-mail:	
Employee Details	
Name in Print:	Date of Birth:
Title: Mr/Mrs/Miss/Ms/Other	NI Number:
Gender: Male / Female	NI Number:
Address	Home telephone:
	Mobile:
	Work telephone:
Job Title	Department / Business Group:
Work Location:	Contractual Hours of Work:
Is this an absence following an accident at work: Yes / No	Is the employee currently off work: Yes / No
First date of this absence:	Absence / Sickness History Attached: Yes/No
Are there any specific requirements needed to assist in this assessment? (i.e. interpreter):	Please describe key duties of the position (or attach copy of job description)

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Request for Advice from Occupational Health

Reason for referral (Please tick)	Specific advice required (Please tick all that apply)
Prolonged sickness absence period > 2 weeks.	When is the employee likely to be fit enough to return to work?
Following frequent minor sickness absence (NB: please ensure sickness absence history print-out attached with this referral - please obtain this from HR Shared Services)	Are there any restrictions/reasonable adjustments that will be required?
Changing job requirements and/or pre-placement assessment	For how long might any restrictions be required?
Return to work following an accident/injury <i>*sustained / not sustained</i> at work (*delete as appropriate)	Is there likely to be a need to seek alternative work activity?
Assessment of fitness to continue in present work activity	Other specific advice required – please specify questions:
Concern over performance that may be health related	
Concern over performance/behaviour that may be related to substance misuse/abuse	
Other reason - please specify:	
Please provide details of current problem, such as how is this affecting their ability to work?	

What action has been taken to date?

I confirm that the reason for this referral has been fully explained to the employee

Signature of Referrer:

Date:

Declaration:

- The reasons for this referral and the contents of it have been discussed with me by the referrer and I consent to a confidential report being compiled by Occupational Health in answer to the questions detailed above.
- I am aware that the referrer may share the report with my manager/supervisor
- I understand that the information given will be retained in STRICT CONFIDENCE by the OH department and that no medical information will be released without my consent. Any advice given to the referrer will only be expressed in terms of my fitness to carry out the proposed duties both now and in the future.
- I understand that as part of this referral I will be contacted by Occupational Health and am in agreement for them to do so. I also understand that I may be required to attend for an assessment with an Occupational Health Professional.
- I have been informed that I can see any report before it is supplied to the referrer & I **DO / DO NOT** (please delete as appropriate) wish to see the report before it is sent to the referrer.
- I consent to any OH report being sent in electronic format

Employee Signature	Print Name	Date

STAGE 1 ABSENCE MANAGEMENT MEETING GUIDANCE NOTES FOR MANAGERS (a guide for both short and long term absence)

The aim of this guidance note is to provide managers with a step by step template to follow at the stage 1 meeting with the employee. Please amend the template to reflect the individual case.

Attendees:

Thanks for attending/Introductions

If the employee is unaccompanied, the line manager checks he/she is happy to proceed without representation and makes a note to that effect.

Reason for Meeting

- To discuss the employee's absences in the last 12 rolling months
- To review the employee's current health situation
- To identify if there are any further support mechanisms that could be put in place to help reduce the absences.
- To look at the options available in line with the Managing Attendance Policy and Procedure.

Absences from Work

- Discuss absences from work and how these absences have reached the trigger points. The absences that we were reviewing were: **Note to Managers – please include details of absences - dates / occasions, over the last 12 months.**

Date	Reason for absence

- Discussion to explore if there was any associated reason's linked to the absences e.g. absence caused by a disability or personal, family or work related problems.
- Discuss any return to work interviews, relevant one-to-one meeting notes and any previous OH advice or a referral to OH if appropriate.
- If the manager has identified a pattern of absences e.g. Mondays and Fridays, pre or post annual leave, school holidays, public holidays, pay day. It is legitimate to state this as a fact to the employee and ask them for their opinion on it (they may not have realised there was a pattern forming)
- Explain that you are concerned about the number of absences and that we want to ensure that we are supporting employee as much as possible to help them improve their attendance.

- Remind the employee they are contractually required to be at work and ask what steps they are taking to improve their attendance. Check whether they have been to the GP for any illnesses they have been off with and challenge if they haven't.

Current Health Situation:

- General discussion around how the employee is feeling.
- The nature of employee's ill health and any progress or improvements.
- If Long term absence is there a likely return to work date.
- Discuss any recent Occupational Health reports.
- Employee is asked to provide an explanation as to why attendance has hit trigger points.

Support Available

- Discuss any support we can offer in order to assist in returning to work or improving the level of attendance.
- (If Applicable) Reference to any OH reports that have already been received prior to the meeting and what they said.
- If still absent from work, could we accommodate employee returning to work in a different capacity until they are fully fit to resume normal duties.
- Discuss any reasonable adjustments for the employee if needed.
- Discuss referring to OH for advice on fitness to undertake duties, any reasonable adjustments or advice on ongoing health. Where applicable, arrange follow up meeting on receipt of OH advice.
- Discuss whether temporary or permanent redeployment should be considered (if appropriate due to an underlying medical condition and it has been recommended by OH).
- Pay status, i.e. when reduce to half/nil sick pay.
- If recommended by OH consideration for those in the Pension scheme to be reviewed for permanent ill health retirement.

Managing Attendance Procedure

- Explain the employee's absences have hit the council's trigger points and therefore must be monitored under the Managing Attendance Policy.
- Unless there are mitigating circumstances which must be discussed with HR, administer stage 1 warning and explain to employee that this will remain on their file for 6 months during which time their absence levels will be monitored.
- The employee absence(s) will continue to be reviewed and the manager will set an appropriate review period depending on the circumstances with the aim of them improving attendance or returning work within the review period. A review meeting will take place following the review period to discuss the absence(s). In addition a target of improvement will be set, if the employee is absent long term, then the target is for them to return to work, if you are managing the employee's short term absences then the amount of absences within this review period must be below the council's trigger points pro rata to the length of the review period, this could be no absences within a 6 month period.
- If they do not improve or return within this review period a Stage 2 Hearing will be arranged to discuss the absence.
- Explain that you hope to see an improvement in the employee's attendance. However, if further absences happen or if they fail to return to work, then a Stage 2 hearing will be arranged. Explain that we have a responsibility to make them aware of what the managing attendance

procedure is and also what the possible outcomes of the process could be, they need to be aware that at a Stage 2 Hearing an outcome could be a written warning for 12 months.

- If at the end of the Stage 1 review period the employee's attendance has improved to the expected level, then they will be advised to sustain this improvement. Should the employee have further absences within a 12 month period and the absences reach the council's trigger points, a decision could be made to escalate to a Stage 2 hearing within the Managing Attendance Procedure.
- Ensure the employee has a copy of the managing attendance policy and procedure.
- A letter will be sent to confirm the outcome of the meeting (please use the stage 1 outcome template letter from policy).
- Check whether the employee has any questions and thank all parties for attending the meeting.

STAGE 2/3 ABSENCE MANAGEMENT MEETING GUIDANCE NOTES FOR MANAGERS (a guide for both short and long term absence)

The aim of this guidance note is to provide managers with a step by step template to follow at the stage 2 and 3 meeting with the employee. Please amend the template to reflect the individual case.

Attendees:

Thanks for attending/Introductions

If the employee is unaccompanied, the line manager checks he/she is happy to proceed without representation and makes a note to that effect.

Reason for Meeting

- To discuss the employees absences since the Stage 1/2 meeting.
- To discuss the employee's absences in the last 12 rolling months
- To review the employee's current health situation
- To identify if there are any further support mechanisms that could be put in place to help reduce the absences.
- To look at the options available in line with the Managing Attendance Policy and Procedure.

Absences from Work

- Discuss absences from work and how these absences have reached the trigger points. The absences that we were reviewing were: **Note to Managers – please include details of absences - dates / occasions, over the last 12 months.**

Date	Reason for absence

- Discussion to explore if there was any associated reason's linked to the absences e.g. absence caused by a disability or personal, family or work related problems.
- Discuss any return to work interviews, relevant one-to-one notes and any previous OH advice or a referral to OH if appropriate.
- If the manager has identified a pattern of absences e.g. Mondays and Fridays, pre or post annual leave, school holidays, public holidays, pay day. It is legitimate to state this as a fact to the employee and ask them for their opinion on it (they may not have realised there was a pattern forming)
- Explain that you are concerned about the number of absences and that we want to ensure that we are supporting employee as much as possible to help them improve their attendance.

- Remind the employee they are contractually required to be at work and ask what steps they are taking to improve their attendance. Check whether they have been to the GP for any illnesses they have been off with and challenge if they haven't.

Current Health Situation:

- General discussion around how the employee is feeling.
- The nature of employee's ill health and any progress or improvements.
- If Long term absence is there a likely return to work date.
- Discuss any recent Occupational Health reports.
- Employee is asked to provide an explanation as to why attendance has not improved since Stage1(2) meeting.

Support Available

- Discuss any support we can offer in order to assist in returning to work or improve the level of attendance.
- (If Applicable) Refer to any OH reports that have already been received prior to the meeting and what they said.
- If still absent from work, could we accommodate employee returning to work in a different capacity until you are fully fit to resume normal duties.
- Discuss any reasonable adjustments for the employee if needed.
- Discuss referring to OH for advice on fitness to undertake duties, any reasonable adjustments or advice on ongoing health. Where applicable, arrange follow up meeting on receipt of OH advice.
- Discuss whether temporary or permanent redeployment should be considered (if appropriate due to an underlying medical condition and it has been recommended by OH).
- Pay status, i.e. when reduce to half/nil sick pay.
- If recommended by OH consideration for those in the Pension scheme to be reviewed for permanent ill health retirement.

Managing Attendance Procedure

- Explain the employee's absences have continued to hit the council's trigger points and therefore must be monitored under the managing attendance policy.
- Unless there are mitigating circumstances which must be discussed with HR, administer stage 2 written warning (stage 3 final written warning) and explain to employee that this will remain on their file for 12 months (or longer period if backsliding has occurred) during which time their absence levels will be monitored.
- The employee absence(s) will continue to be reviewed and the manager will set an appropriate review period depending on the circumstances with the aim of them improving attendance or returning work within the review period. A review meeting will take place following the review period to discuss the absence(s). In addition a target of improvement will be set, if the employee is absent long term, then the target is for them to return to work, if you are managing the employee's short term absences then the amount of absences within this review period must be below the council's trigger points pro rata to the length of the review period, this could be no absences within a specific period.
- If they do not improve or return within this review period a Stage 3 meeting / Stage 4 Hearing will be arranged to discuss the absences and the employee's fitness to undertake the role.

- Explain that you hope to see an improvement in the employee's attendance. However, if further absences happen or if they fail to return to work, then a Stage 3 meeting or Stage 4 Hearing will be arranged chaired by a manager with authority to dismiss. Explain that we have a responsibility to make them aware of what the absence management procedure is and also what the possible outcomes of the process could be, they need to be aware that at a Stage 4 Hearing an outcome could be dismissal.
- If at the end of the Stage 2 / 3 review period the employee's attendance has improved to the expected level, then they will be advised to sustain this improvement. Ensure the employee has a copy of the managing attendance procedure.
- A letter will be sent to confirm the outcome of the meeting (please use the stage 2 /3outcome template letter from policy).
- Check whether the employee has any questions and thank all parties for attending the meeting.

STAGE 4 SICKNESS ABSENCE CAPABILITY HEARING GUIDANCE NOTES FOR MANAGERS (a guide for both short and long term absence)

The aim of this guidance note is to provide managers with a step by step template to follow at the Stage 4 Hearing with the employee. Please amend the template to reflect the individual case.

Attendees:

Thanks for attending/Introductions

Reason for Meeting

- To review the employee's current health situation.
- To discuss the absences since the Stage 1, Stage 2 and Stage 3 meetings.
- To discuss the employee's name absences in the last 12 rolling months.
- To identify if there are any further support mechanisms that could be put in place to help reduce the absences.
- To look at the options available in line with the Managing Attendance Policy and Procedure.

Absences from Work

- Discuss absences from work and how these absences have reached the trigger points. The absences that we were reviewing were: **Note to Managers – please include details of absences - dates / occasions, over the last 12 months.**

Date	Reason for absence

- Discussion to explore if there was any associated reason linked to the absences e.g. absence caused by a disability or personal, family or work related problems.
- If the manager has identified a pattern of absences e.g. Mondays and Fridays, pre or post annual leave, school holidays, public holidays, pay day.
- Explain that you are concerned about the number of absences and that we want to ensure that we are supporting employee as much as possible to help them improve their attendance.

Current Health Situation:

- General discussion around how the employee's is feeling.
- The nature of employee's ill health and any progress or improvements.
- If Long term absence is there a likely return to work date.
- Employee is asked to provide an explanation as to why attendance has not improved since the last Stage 3 Meeting.
- Recent Occupational Health reports.

Support Available

- If applicable Dismissing Manager can suggest other options or reasonable adjustments to try and improve the employee's attendance.
- Discuss whether temporary or permanent redeployment has been considered (if appropriate due to an underlying medical condition and it has been recommended by OH).
- Pay status, i.e. when reduce to half/nil sick pay.
- If recommended by OH, consideration for those in the Pension scheme to be reviewed for permanent ill health retirement.

Adjournment

Adjourn the meeting to analyse all the information provided at the meeting in order to make decision on how to proceed.

The Dismissing Manager should consider the questions below:

- Has recent advice been sought from OH about the employee's condition/prognosis?
- Does the advice from OH indicate that the employee is likely to return to work in the near future?
- Are we satisfied that advice/reasonable adjustments have been considered / made and given an opportunity to have an impact on the employee's level of attendance, bearing in mind the length of absence, interests of the relevant management and the position the employee holds?
- Where there is an underlying medical condition and the OH report mentions suitability for alternative employment, have we considered/offered/discussed the option of alternative employment with the employee?

Managing Attendance Procedure

After considering all the evidence presented at the hearing, the Dismissing Manager has the following options available:

- **Dismissal** - manager decides to dismiss the employee on the grounds of 'Some Other Substantial Reason' or 'Capability' (if underlying medical condition), need to outline the reasons why, provide information on the employees notice period and if appropriate any information on redeployment that they can seek during their notice period.
- **Dismissal with permanent ill health Tier 1/2/3** - manager decides to dismiss the employee following the OH advice stating they are deemed permanently unfit to return to their substantive post, and redeployment to an alternative post is not possible, it is proposed to terminate their employment with the council on the grounds of capability due to your underlying medical condition. Explain they have been granted ill health retirement under the Local Government Pension Scheme at the following level - **Tier 1/2/3** – this means that they are deemed to be unfit for gainful employment for * years.

If it is decided to dismiss the employee advise them of their notice and outstanding annual leave

As advised you are entitled to *** weeks notice (on full pay) to terminate employment (based on your continuous service date of *****) and therefore the last day of

employment with the council will be *****. It is expected that they will be required to work your notice period. Any outstanding entitlement to annual leave should be taken during the notice period.

The employee must continue to submit GP fit notes during their notice period.

Appeal

- Inform the employee of their right to appeal against this decision, as specified at paragraph 76. If you wish to exercise this right, you should do so by writing to the Dismissing Manager, within ten working days of receiving the outcome letter, outlining the reasons for the appeal.
- **Extend Review Period** - If the employee is not dismissed the Dismissing manager can consider the following outcomes:
 - Reasonable adjustments are considered.
 - OH referral is carried out.
 - Redeployment is investigated (if appropriate due to an underlying medical condition and it has been recommended by OH).
- The Dismissing Manager to set a review period for 2 months, or in exceptional circumstances this can be extended to a maximum of 4 months. For employees who are absent from work when the meeting takes place, if they return to work prior to the end of the review period, the review period will end and the review discussion should take place at this time. For employees that are at work when the Stage 4 Sickness Absence Capability Hearing takes place a new trigger will be set for the length of the review period. This will be pro rota down to the length of the review period, e.g. this could be no absences for a 2 month review.
- If they do not improve or return within this review period another Stage 4 Hearing will be arranged to discuss the absence, and again dismissal could be considered.
- If at the end of the Stage 4 review period the employee's attendance has improved to the expected level, then they will be advised to sustain this improvement. Ensure the employee has a copy of the managing attendance policy and procedure.
- A letter will be sent to confirm the outcome of the meeting (please use the draft letter from policy).
- Any questions?
- Thank all parties for attending the meeting

NOTE TO MANAGERS: Please ensure that you speak to the employee prior to sending this letter to advise them of the process and that they will shortly receive a letter.

Name
Address

Date

Dear (Name)

INVITE - STAGE 1 Absence Management Meeting

Further to our conversation on **(insert date)** where we discussed and reviewed your absence(s) from work, I advised you that you had met the trigger points under the Managing Attendance Policy. I am therefore, writing to request your attendance at a Stage 1 Absence Management Meeting to discuss your ongoing sickness absence.

The meeting has been arranged for **(time am/pm on day, date at location)**.

At the meeting we will discuss your absence(s), your current health situation and any support that could be offered. I have enclosed details of your absences in this period, any return to work interview forms, any relevant one-to-one meeting notes, and the occupational health report received **(Note to Managers – please take reference of OH report out if not applicable at this stage or that the report has not been received)**.

Present at the meeting will be myself and **XXXX HR Officer (If applicable)**, you have the right to be accompanied at the meeting by a work colleague or recognised Trade Union Representative. Should you wish to arrange to be accompanied please contact me directly as soon as possible, or should any difficulties arise in making arrangements.

If for any reason you are unable to attend the meeting, I would be grateful if you could let me know as soon as you are able so that we can arrange an alternative time.

Please be aware that the meeting may proceed in your absence should you or your representative fail to attend without advance notification to me and without good reason.

Please do not hesitate to contact me if you have any questions in the meantime regarding the meeting. Also enclosed with this invite is a copy of the Managing Attendance Policy and Procedure for your information.

Yours sincerely

Line Manager

Name
Address

Date

Dear (Name)

OUTCOME - STAGE 1 Absence Management Meeting

Thank you for attending the Stage 1 Absence Management Meeting held on **(insert date)**, I am writing to confirm the details of our discussion. Present at the meeting were **(insert names)**. **Note to Managers - if the employee was unaccompanied, please state if he/she was happy to proceed without representation.**

I explained at the meeting that I was concerned about your absences and that I wanted to ensure that we were supporting you as much as possible to help you improve your attendance.

At our meeting we discussed your absence(s) from work, how these absences have reached the trigger points, and your current health situation. The absences that we were reviewing were: **Note to Managers – please include details of absences - dates / occasions / reasons, over the last rolling 12 months.**

Date	Reason for absence

During the meeting we discussed: **(Note to Managers – please customise this letter choosing from the options below to reflect what was discussed at the meeting).**

- *The nature of your ill health – please state what was discussed*
- *any associated reasons linked to the absences e.g. absence caused by a disability or personal, family or work related problems.*
- *If the manager has identified a pattern of absences e.g. Mondays and Fridays, pre or post annual leave, school holidays, public holidays, pay day.*
- *Your likely return to work date, if still absent from work.*
- *(If Applicable) Reference to any OH reports that have already been received prior to the meeting and what they said.*
- *If appropriate a referral to Occupational Health for advice on fitness to resume duties or advice on ongoing health.*
- *Any support we can offer in order to assist your return to work or improve your level of attendance.*
- *If still absent from work, could we accommodate your returning to work in a different capacity until you are fully fit to resume normal duties.*

- *Whether temporary or permanent redeployment should be considered if there is an underlying medical condition and it has been recommended by OH. (redeployment is not usually common during the stage 1 process, however, should it be applicable then please refer to standard wording in stage 2 outcome letter).*
- *Any reasonable adjustments agreed with a specific review date*
- *Pay status, i.e. when reduce to half/nil sick pay.*

I explained at the meeting that your absences will continue to be monitored and I administered a verbal warning and set a review period for **6 months**, this review period and the warning will end on **(insert date)**. Following the review period, I will discuss any absences with you and any supporting documentation before deciding on the next stage within the procedure.

During the review period I expect to see an improvement in your levels of attendance at work.

In accordance with the Managing Attendance Policy, should your absence levels exceed the expectations prior to the review period ending the review period will be brought forward.

I hope that we will see an improvement in your attendance and if there are any further adjustments/support that you feel would be of benefit to you please discuss this with me. However, if your absence(s) still remain at a level which is a concern please be aware of the next steps in the managing attendance procedure:

- If there has been no improvement in your absences after the 6 month review period, a Stage 2 Absence Management meeting will be arranged. At this meeting the relevant manager will review your absences and look at what other support can be provided to facilitate an improvement in your absences. They will again set a review period to monitor your absences.
- A Stage 3 Absence Management meeting will follow if there has been no improvement in your absences after the review period. At this meeting the relevant manager will review your absences and look at what other support can be provided to facilitate an improvement in your absences. They will again set a review period to monitor your absences.
- If there has been no improvement in the absences after a Stage 3 Absence Management meeting the stage 4 hearing will follow. The Stage 4 Sickness Absence Capability Hearing will be chaired by a Manager with authority to dismiss. They will be reviewing your absences and looking to see what support has been offered to improve your absences. They will also discuss your absences to see whether the organisation can sustain this level of absence away from the workplace and therefore a possible outcome of this meeting could be dismissal. **(Note to Managers – Do not remove this dismissal wording)**

I want to emphasise that the Stage 4 Sickness Absence Capability Hearing is at the later stages of the procedure, and although we are at the early stages we have a responsibility to make you aware of the absence management procedure including the possible outcomes of the process.

If at the end of the review period your attendance has improved to the expected level, you are then encouraged to sustain this improvement. Should you have further absences within a 12 month period and the absences reach the council's trigger points, a decision could be made to escalate to a Stage 2 Absence Meeting within the Absence Management Procedure.

We have previously provided you with a copy of the Managing Attendance Policy and Procedure. However, if you would like another copy, details can be found on the Intranet or if you do not have access to this please let me know and I will arrange for another copy to be sent to you.

If you have any queries with regard to the content of this letter, please do not hesitate to contact me.

Yours sincerely

Line Manager

NOTE TO MANAGERS: Please ensure that you speak to the employee prior to sending this letter to advise them of the process and that they will shortly receive a letter.

Name
Address

Date

Dear (Name)

INVITE - STAGE 2 (3) Absence Management Meeting

Following the Stage 1 (2) Absence Management meeting held on **(insert date)** where we discussed your absence(s) from work, a review period of 2 months was set. This review period expired on **(insert date)**, and therefore a further discussion took place on **(insert date)** where we reviewed your attendance.

I am now writing to request your attendance at a Stage 2(3) Absence Management Meeting to discuss your ongoing sickness absence. This meeting has been arranged for **(time am/pm on day, date at location)**.

At the meeting we will discuss your absence(s), your current health situation and any support that can be offered. I have enclosed details of your absences in this period, any return to work interview forms, any relevant one-to-one notes, Stage 1 (2) invite and outcomes letters and the occupational health report received **(Note to Managers – please take reference of OH report out if not applicable at this stage or a report has not been received)**. You previously received a copy of the Managing Attendance Policy and Procedure during the Stage 1 (2) process. However, if you require a further copy please do not hesitate to ask.

The meeting will be chaired by myself and **XXXX HR Officer** will be in attendance.**(If applicable)**. You have the right to be accompanied at the meeting by a work colleague or recognised Trade Union Representative. Should you wish to arrange to be accompanied please contact me directly as soon as possible, or if any difficulties arise in making arrangements.

If for any reason you are unable to attend the meeting, I would be grateful if you could contact [me] as soon as possible in order to arrange an alternative time.

Please be aware that the meeting may proceed in your absence should you or your representative fail to attend without advance notification to me and without good reason.

Please do not hesitate to contact me if you have any questions in the meantime regarding the meeting.

Yours sincerely

Line Manager

Name
Address

Date

Dear (Name)

OUTCOME - STAGE 2 (3) Absence Management Meeting

Thank you for attending the Stage 2 (3) Absence Management Meeting held on **(insert date)**, I am writing to confirm the details of our discussion. Present at the meeting were **(insert names)**. **Note to Managers - if the employee was unaccompanied, please state if he/she was happy to proceed without representation.**

Since the Stage 1 (2) Absence Management Meeting held on **(insert date)**, we set a 6 month (12 month) review period ending on **(insert date)**, unfortunately during this period your attendance has not met the target set, therefore I informed you that we have progressed to the Stage 2 (3) Absence Meeting.

I explained at the meeting that I am still concerned about your absences and that I wanted to ensure that we were continuing to support you as much as possible to help you improve your attendance.

At our meeting we discussed your absence(s) from work and your current health situation. The absences that we were reviewing were: **Note to Managers – please include details of absences - dates / occasions / reasons, over the last rolling 12 months.**

Date	Reason for absence

During the meeting we discussed: **(Note to Managers – please customise this letter choosing from the options below to reflect what was discussed at the meeting).**

- *The nature of your ill health and any progress or improvements – please state what was discussed your likely return to work date, if still absent from work.*
- *Any support we can offer in order to assist your return to work or improve your level of attendance.*
- *Any associated reasons linked to the absences e.g. absence caused by a disability or personal, family or work related problems.*
- *If the manager has identified a pattern of absences e.g. Mondays and Fridays, pre or post annual leave, school holidays, public holidays, pay day.*
- *(If Applicable) Reference to any OH reports that have already been received prior to the meeting and what they said.*
- *If still absent from work, could we accommodate your returning to work in a different capacity until you are fully fit to resume normal duties.*
- *Any reasonable adjustments agreed with a specific review date.*
- *Referral to Occupational Health for advice on fitness to resume duties or advice on ongoing health.*

- *Discuss whether temporary or permanent redeployment should be considered if there is an underlying medical condition and it has been recommended by OH.*
- *Pay status, i.e. when reduce to half/nil sick pay.*
- *Where applicable, arrange follow up meeting on receipt of OH advice.*
- *If recommended by OH and the employee is a member of the pension scheme consideration for permanent ill health retirement.*

I explained at the meeting that your absences will continue to be monitored and I administered a written warning (final written warning at Stage 3 meeting) and set a review period for 12 months, this review period will end on **(insert date)**. Following the review period, I will discuss any absences with you and any supporting documentation before deciding on the next stage within the procedure.

During the review period I expect to see an improvement in your levels of attendance at work.

In accordance with the Managing Attendance Policy and Procedure, should your absence levels exceed the expectations prior to the review period ending the review period will be brought forward.

I hope that we will see an improvement in your attendance and if there are any further adjustments/support that you feel would be of benefit to you please discuss this with me. However, if your absence(s) still remain at a level which is a concern please be aware of the next steps in the Managing Attendance Policy and Procedure:

- If there has been no improvement in your absences after a Stage 2 Absence Management Review Meeting a Stage 3 Absence Management meeting will be arranged.
- If there has been no improvement following the stage 3 Absence Management meeting a stage 4 Sickness Capability hearing will be held.
- The Stage 4 Sickness Absence Capability hearing will be chaired by a manager with authority to dismiss and they will be looking at your absences and looking to see what support has been offered to facilitate an improvement in your absences. They will also be reviewing your absences to see whether the organisation can sustain this level of absence away from the workplace and therefore a possible outcome of this meeting could be dismissal. **(Note to Managers – Do not remove this dismissal wording)**

I want to emphasise that the Stage 4 Sickness Absence Capability Hearing is at the later stages of the procedure, and although we are at the early stages we have a responsibility to make you aware of the absence management procedure including the possible outcomes of the process.

If at the end of the review period your attendance has improved to the expected level, then you are encouraged to sustain this level of attendance.

Note to Managers: for employee's who are offered redeployment please include the following: Due to your underlying medical condition it was recommended by OH that

redeployment should be investigated. We discussed this at our meeting and you agreed that redeployment would be something that you would like to pursue. We also agreed that we would support you with looking at redeployment opportunities.

We have already provided you with a copy of the Managing Attendance Policy and Procedure, when you were invited to the Stage 1 (2) Absence Management Meeting. However, if you would like another copy, details can be found on the CBC intranet or if you do not have access please let me know and I will arrange for another copy to be sent to you.

As you may already be aware we also have our occupational health provider who offers tailored support to identify reasonable adjustments, where appropriate, to help you to return and/or remain at work. If you have any queries about occupational health please speak to your line manager.

If you have any queries with regard to the content of this letter, please do not hesitate to contact me.

Yours sincerely

Line Manager

NOTE TO MANAGERS: Please ensure that you speak to the employee prior to sending this letter to advise them of the process and that they will shortly receive a letter.

Name

Address

Date

Dear (Name)

INVITE - STAGE 4 Sickness Absence Capability Hearing

Following the Stage 3 Absence Management meeting held on **(insert date)** where we discussed your absence(s) from work, a review period of 12 months was set. This review period expired on **(insert date)**, and therefore a further discussion took place on **(insert date)** where we reviewed your attendance.

I am now writing to request your attendance at a Stage 4 Sickness Absence Capability Hearing to discuss your ongoing sickness absence. The meeting has been arranged for **(time am/pm on day, date at location)**.

The meeting is to discuss your current health situation, your absence(s) from work, and the options that may be considered; at this point we need you to be aware that this could include termination of your contract with Chesterfield Borough Council, on either the grounds of some other substantial reason or capability (*if underlying medical condition*).

The meeting will be chaired by **XXX (Dismissing Manager)**, also present at the meeting will be myself and **XXX HR Officer**, you have the right to be accompanied at the meeting by a work colleague or recognised Trade Union Representative. Should you wish to arrange to be accompanied please contact me directly as soon as possible, or if any difficulties arise in making arrangements.

I have enclosed details of your absences in this period, any return to work interview forms, any relevant one-to-one notes, Stage 1, Stage 2 and Stage 3 invite and outcomes letters and the occupational health report received. If you wish to provide any additional documentation which is not included within this pack, it must be received by me no less than 5 days prior to the hearing in order to avoid unnecessary delays.

If for any reason you are unable to attend the meeting, I would be grateful if you could let me know as soon as you are able so that we can arrange an alternative time. You are reminded that the hearing may proceed in your absence should you or your representative fail to attend without advance notification to me and without good reason.

Please do not hesitate to contact me if you have any questions in the meantime regarding the meeting. A copy of the Managing Attendance Policy and Procedure is included within the enclosed pack.

Yours sincerely

Dismissing Manager

Name
Address

Date

Dear (Name)

OUTCOME - STAGE 4 SICKNESS ABSENCE CAPABILITY HEARING

I am writing to confirm the outcome of the Stage 4 Sickness Absence Capability Hearing held on **(insert date)**. The purpose of this meeting was to review your attendance at work following the Stage 1, Stage 2 and Stage 3 Absence Management Meetings held on the following dates **(insert dates)**

Present at the meeting was Dismissing manager and HR Officer **(include names)**, yourself and representative. **(Note to Managers if the employee did not invite a trade union representative then manager must confirm that the employee was happy to continue without a representative).**

Since the Stage 1, Stage 2 and Stage 3 Absence Management Meetings we have continued to review your attendance. At our meeting we discussed your absence(s) from work and your current health situation. We referred to all the documentation presented for the meeting, this included the Stage 1, Stage 2 and Stage 3 invite and outcome letters, any return to work forms, any relevant one-to-one notes and OH reports. The absences that we were reviewing were: **Note to Managers – please include details of absences - dates / occasions / reasons, over the last 12 months.**

Date	Reason for absence

During the meeting we discussed: **(Note to Managers – Please customise this letter choosing from the options below to reflect what was discussed at the meeting).**

- *The nature of your ill health and any progress or improvements*
- *Employee is asked to provide an explanation as to why attendance has not improved since the last Stage 3 Meeting.*
- *Recent Occupational Health reports.*
- *Any associated reasons linked to the absences e.g. absence caused by a disability or personal, family or work related problems.*
- *If still absent from work, could we accommodate your returning to work in a different capacity until you are fully fit to resume normal duties.*
- *If applicable Dismissing manager can suggest other options or reasonable adjustments to try and improve the employee’s attendance.*

- *Whether temporary or permanent redeployment has been considered if there is an underlying medical condition and it has been recommended by OH. Pay status, i.e. when reduce to half/nil sick pay.*
- *If recommended by OH and the employee is a member of the pension scheme consideration for permanent ill health retirement.*

The panel adjourned the meeting to consider all of the available information together with the evidence presented at the meeting regarding your absences. We then subsequently, reconvened to deliver the decision having taken into account all of the evidence presented at the meeting.

Managers – please choose option as appropriate:

Option 1

Note to Managers - Decision not to dismiss but set review period

*After considering all the evidence presented at the hearing I was not satisfied that the absences are attributable to sickness and/or that the line manager and senior manager have not taken satisfactory action. However, I explained that your absences are still a significant concern and that you will continue to be reviewed. **Note to Managers- please insert what actions are required during this extension period.** A further review period of 2 months or less was set in order to continue to monitor your absences. Following the review period, I will discuss any absences with you and any supporting documentation before deciding on the next stage within the procedure.*

During the review period we expect to see an improvement in your levels of attendance at work.

In accordance with the Managing Attendance Policy, should your absence levels exceed the expectations prior to the review period ending the review period will be brought forward.

I hope that we will see an improvement in your attendance and if there are any further adjustments/support that you feel would be of benefit to you please discuss this with me. However, if your absences still remain at a level which is a concern please be aware of the next steps in the managing attendance procedure:

- *If there has been no improvement in your absences after a Stage 4 Sickness Absence Capability Review a further Stage 4 Sickness Absence Capability Hearing will be arranged. The Stage 4 Sickness Absence Capability Hearing will be chaired by a manager with authority to dismiss and they will be looking at your absences and looking to see what support has been offered to improve your absences. They will also be reviewing your absences to see whether the organisation can sustain this level of absence away from the workplace and therefore a possible outcome of this meeting could be dismissal.*

If at the end of the review period your attendance has improved to the expected level, then you will be advised to sustain this level of attendance. Should you have further absences within a 12 month period and the absences reach the council's trigger points, a decision

could be made for a further Stage 4 Sickness Absence Capability Hearing to be arranged where dismissal could be the outcome.

We have already provided you with a copy of the Managing Attendance Policy and Procedure, when you were invited to the Stage 1, Stage 2 and Stage 3 Absence Management Meetings. However, if you would like another copy, details can be found on the CBC Intranet or if you do not have access please let me know and I will arrange for another copy to be sent to you.

As you may already be aware we also have our occupational health provider who offers tailored support to identify reasonable adjustments, where appropriate, to help you to return and/or remain at work. If you have any queries about occupational health please speak to your line manager.

Option 2

Note to Managers - Dismissal

Having taken all of the available information into account and all of the evidence presented at the meeting, I am satisfied that your managers have undertaken reasonable steps to try and help you to improve and sustain your attendance at work. There is therefore no other alternative but to dismiss you with notice on grounds of 'some other substantial reason' or 'capability (where a medical condition is identified) as the organisation cannot continue to sustain your high level of absence from work.

Option 3

Note to Managers - Dismissal with permanent ill health Tier 1/2/3

*Having taken all of the available information into account and all of the evidence presented at the meeting you were informed that as you are deemed permanently unfit to return to your substantive post, and redeployment to an alternative post is not possible it is proposed to terminate your employment with the council on the grounds of capability due to your underlying medical condition. It was explained that as you have been granted ill health retirement under the Local Government Pension Scheme at the following level - Tier 1/2/3 – this means that you are deemed to be unfit for gainful employment for * years.*

This is applicable for option 2 or 3

In accordance with your terms and conditions of service you are entitled to X weeks notice to terminate your employment. Arrangements will be made for you to receive payment for any outstanding leave you are due up to the date of your termination.

You were informed of your right to appeal against this decision as per paragraph 76 of the Managing Attendance Policy. If you wish to exercise this right, you should do so by writing to me, within ten working days of receiving this letter, outlining your reasons for your appeal.

Note to Managers if long term - As advised please continue to send in copies of your Fit Note in the normal way up to the last date of your employment, including your notice period, this will be **(insert last day of employment)**.

This is applicable for option 1 or 2

Note to Managers: for employee's who are offered redeployment please include the following:

Due to your underlying medical condition it was recommended by OH that redeployment should be investigated. We discussed this at our meeting and you agreed that redeployment would be something that you would like to pursue. We also agreed that we would support you with looking at redeployment opportunities.

Please find enclosed a copy of the Redeployment Policy which outlines your responsibilities, please read this carefully.

Details of current vacancies within CBC can be found on the CBC website. If you intend applying for any roles, could you please let HR know in advance so they are able to notify the appointing manager and ensure that your redeployment status is recognised. Likewise if you would like any assistance in completing an application form, or with preparation for an interview, please contact me and I will be happy to provide/organise support for you.

In the meantime, if you have any questions regarding the content of this letter, please do not hesitate to contact me on the above telephone number.

Yours sincerely

Dismissing Manager

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Chesterfield Borough Council

Equality Impact Assessment - Full Assessment Form

Service Area: HR
Section: HR
Lead Officer: Kate Harley

Title of the policy, project, service, function or strategy the preliminary EIA is being produced for:

Managing attendance policy

Is the policy, project, service, function or strategy:

Existing policy (re-written)
Changed
New/Proposed

STEP 1 – MAKE SURE YOU HAVE CLEAR AIMS AND OBJECTIVES

What is the aim of the policy, project, service, function or strategy?

The new policy aims to clarify the process for managing sickness absence in a more consistent and robust way across the council. The policy introduces revised trigger points for action and clearer stages throughout the process for supporting employees to return to work or remain in work, and take action where appropriate where consistent attendance at work cannot be maintained.

Who is the policy, project, service, function or strategy going to benefit and how?

The policy should benefit employees who will be supported to manage their attendance levels and customers who will receive a higher level of service through reduced absence levels. Improving levels of attendance should reduce the stress levels of staff covering for absences and ensure that staff feel poor attendance is addressed. Customers may benefit from increased staffing levels and therefore improved customer service. Managers will feel supported to take action where appropriate to support employees or take formal action where necessary.

What outcomes do you want to achieve?

Improved management of attendance levels and consistent application of policies across the council, and improved support for employees and fair action when needed to reduce stress levels for those who regularly attend work.

What barriers exist for both the Council and the groups/people with protected characteristics to enable these outcomes to be achieved?

Some managers are uncomfortable tackling high absence levels as they feel they are perceived as harassing employees and might be concerned they will fall foul of equality legislation. The revised policy places an emphasis on the support mechanisms in place for employees and gives managers clear consistent guidance to follow. Training will be provided for managers to address absence and enable managers to confidently tackle the varied issues that arise. Disability status and age may have an impact on attendance, and where this is the case, occupational health guidance will be sought and where necessary, reasonable adjustments will be made.

STEP 2 – COLLECTING YOUR INFORMATION

What existing data sources do you have to assess the impact of the policy, project, service, function or strategy?

- Historical absence data on Resourcelink
- Equality data on Resourcelink
- CIPD sickness absence research and guidance
- Equalities Commission guidance
- ACAS guidance

STEP 3 – FURTHER ENGAGEMENT ACTIVITIES

Please list any additional engagement activities undertaken to complete this EIA e.g. met with the Equalities Advisory Group, local BME groups, Employee representatives etc. Could you also please summarise the main findings.

Date	Engagement Activity	Main findings
Various through 2015	Policy working group	Practical, procedural and legislative points considered by managers, union representatives, HR and CBC Policy Unit.
Various through 2015	Trade Union	Negotiation over many of the details but agreement and compromise reached.
21.1.2016	CJCC	

STEP 4 – WHAT’S THE IMPACT?

Is there an impact (positive or negative) on some groups/people with protected characteristics in the community? (think about race, disability, age, gender, religion or belief, sexual orientation and other socially excluded communities or groups). You may also need to think about sub groups within each equalities group or protected characteristics e.g. older women, younger men, disabled women etc.

Please describe the potential impacts both positive and negative and any action we are able to take to reduce negative impacts or enhance the positive impacts.

Group or Protected Characteristic	Positive impacts	Negative impacts	Action
Age – including older people and younger people.	There are neither positive or negative impacts		Always refer to OH to get guidance on the impact of age on specific illnesses.
Disabled people – physical, mental and sensory including learning disabled people and people living with HIV/Aids and cancer.	There are neither positive or negative impacts		Refer to OH and follow their advice in all cases where disability exists. Make reasonable adjustments where necessary.
Gender – men, women and transgender.	There are neither positive or negative impacts		
Marital status including civil partnership.	None		
Pregnant women and people on maternity/paternity. Also consider breastfeeding mothers.	There are neither positive or negative impacts		The policy specifically protects pregnant women as no action can be taken on absence that is pregnancy

		related and a referral to OH would always be made if necessary
Sexual Orientation – Heterosexual, Lesbian, gay men and bi-sexual people.	There are neither positive or negative impacts	
Ethnic Groups	There are neither positive or negative impacts	
Religions and Beliefs including those with no religion and/or beliefs.	None	
Other groups e.g. those experiencing deprivation and/or health inequalities.	None	

From the information gathered above does the policy, project, service, function or strategy directly or indirectly discriminate against any particular group or protected characteristic?

Yes

No

If yes what action can be taken to stop the discrimination?

STEP 5 – RECOMMENDATIONS AND DECISION MAKING

How has the EIA helped to shape the policy, project, service, function or strategy or affected the recommendation or decision?

This EIA has highlighted issues around sickness absence relating to age, disability and pregnancy and actions have been put in place in the policy to mitigate these.

How are you going to monitor the policy, project, service, function or strategy, how often and who will be responsible?

The implementation of the policy will be carefully monitored by HR on an ongoing basis and will be reviewed after three years but the EIA will be reviewed annually.

STEP 6 – KNOWLEDGE MANAGEMENT AND PUBLICATION

Please note the draft EIA should be reviewed by the appropriate Head of Service/Service Manager and the Policy Service before WBR, Lead Member, Cabinet, Council reports are produced.

Reviewed by Head of Service/Service Manager

Name:

Date:

Reviewed by Policy Service

Name: Richard Gadsby

Date: 13 / 01 /16

Final version of the EIA sent to the Policy Service

Decision information sent to the Policy Service

AMENDMENTS TO
MANAGING ATTENDANCE – POLICY AND PROCEDURE

Amendments made to points 38 and 86 of the Managing Attendance policy requested by Council Joint Consultative Committee on 21 January, 2016.

38. The return to work plan replaces the Fit Note issued by the GP (i.e. the return to work plan takes priority over any previously issued Fit Note) and the case manager has the ability to state that an employee is either:

- a. Fit for work
- b. Fit for work with adjustments
- c. Not fit for work but likely to return within three months
- d. Not fit for work and not likely to return within three months

86. Should a return to work not have been achieved at this point monthly meetings continue as in paragraph 58 above until the six month **trigger** point is reached at which point a further referral to occupational health will be made and be followed by a formal **Stage 3** meeting. The manager will consider all points at paragraph 58 and decide whether a further warning may be appropriate. The employee should be given every opportunity to provide suggestions as to how a return to work can be supported and every effort should be made to achieve this. If despite considering any adjustments possible a return to work at this stage is still not possible a **stage 3 final written warning** will be administered. However, should it become apparent at any point in the process that an individual will never be able to return to work based on medical evidence, the manager may refer to another manager with authority to make the decision to dismiss.

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FOR PUBLICATION

CAPABILITY POLICY

MEETING: EMPLOYMENT AND GENERAL COMMITTEE

DATE: 25 January 2016

REPORT BY: KATE HARLEY, HR MANAGER.

1.0 PURPOSE OF REPORT

1.1 To provide information regarding the introduction of a separate Capability Policy in relation to employee performance at work and to recommend for approval the new Capability Policy.

2.0 BACKGROUND

2.1 Currently, guidance for managers in relation to employee work related performance issues is contained within the Disciplinary Policy and is unclear as the exact process to follow and what action managers may take.

2.2 The proposed new policy sets out a series of phases for managers to work through to support employees to deliver to the required standard and establishes a sequence of warnings to be administered should an employee fail to achieve as required.

2.3 The policy provides template letters and performance improvement plans for managers to use to ensure consistency across the council and will be published on the intranet for ease of access.

2.4 Training will be provided for managers on the management of performance related issues.

3.0 PROPOSED PROCEDURE

3.1 The new policy can be found at appendix A.

3.2 A full Equality Impact Assessment has been completed and is attached at appendix B.

4.0 COUNCIL JOINT CONSULTATIVE COMMITTEE

- 4.1 The proposed policy is being submitted to the Council Joint Consultative Committee on 21 January 2016. Any comments or suggested amendments to the guidelines from that Committee will be reported to Employment and General Committee in a supplemental report.

5.0 RECOMMENDATIONS

- 5.1 That the new Capability Policy be approved.

For further information on this report, contact Kate Harley on 01246 345366.

Capability (Performance) policy & procedures

prepared by: human resources (new policy)

date: July 2015

for review: July 2018

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POLICY STATEMENT ON CAPABILITY (POOR PERFORMANCE)

Chesterfield Borough Council's policy is to ensure fair and effective arrangements exist for dealing with issues of poor performance relating to capability and that, as far as possible, common standards are observed for all employees.

The procedure covers unsatisfactory conduct at work and unsatisfactory work performance where related to skill and/or aptitude. A separate disciplinary procedure applies to cases of misconduct.

This *Capability Policy and Procedure* aims to:

- promote efficient and safe performance of work;
- maintain good employee relations within the council;
- help and encourage staff to achieve and maintain the appropriate standards of conduct that the Council expects of all its employees.

Principles

- No sanctions will be made against an employee until the case has been fully investigated, and a formal review has taken place.
- At every stage in the procedure the employee will be advised in writing of the nature of the performance issues alleged, and will be given the opportunity to challenge the allegations and state his/her case before any action is taken. Written notice will be given of formal reviews and hearings.
- At all formal review stages in the procedure the employee will have the right to be accompanied by a work colleague or union representative of his/her choice.
- Where, after all reasonable measures to support an improvement in performance have been exhausted and the employee is still unable to meet the required standard of performance, alternatives to dismissal, for example demotion, or transfer, may be applied. Withholding of increments may be applied in cases involving performance issues at the final written warning stage.
- An employee will have the right to appeal against a decision to dismiss.

SECTION 1: GENERAL GUIDING PRINCIPLES

1.0 Introduction

- 1.1 The purpose of this policy and procedure is to provide a fair and consistent means of addressing poor performance relating to a lack of skill(s) and aptitudes and is in line with the ACAS Code of Practice 'Dealing with Disciplinary and Grievance Procedures', 2015.
- 1.2 The aim is to bring about a satisfactory level of performance by addressing the reasons behind the poor performance. However, if after appropriate and reasonable support, the required performance standard cannot be achieved by the employee, the council may decide to dismiss or redeploy the individual.
- 1.3 This policy runs parallel with, but is not part of, the disciplinary procedure.

2.0 Scope

- 2.1 This procedure will apply to all established, temporary employees, agency and casual workers employed by Chesterfield Borough Council with the exception of the Chief Executive. The provisions contained within the *Local Authorities (Standing Orders) Regulations 1993* will apply with regard to action in respect of the Head of Paid Service (Chief Executive) and any other officer to whom the regulations apply.

3.0 Officers authorised to take capability action

- 3.1 In respect of any action taken against an employee under Stages 1-3 of the *Capability Procedure*, this will normally be undertaken by the employee's direct line manager as they are best placed to monitor performance and provide support to the employee. Should it be necessary to escalate to a Stage 4 Capability Hearing this will be conducted by the relevant manager with authority to dismiss.

4.0 Definition of capability

- 4.1 The Employment Rights Act 1996 (ERA), defines capability as issues relating to - "skill, aptitude, health or any other physical or mental quality".
- 4.2 This procedure relates solely to poor performance related to skills and/or aptitude. Where an employee states that performance issues are related to an underlying health condition or disability, discuss with HR and consider a referral to OH for advice as reasonable adjustments under the Equality Act 2010 may be required.
- 4.3 Reasonable adjustments under the Equality Act 2010 may require adjustments to be made to the procedure itself and, if necessary, the requirements of a particular job where this may cause a particular

disadvantage to people with a specific disability. If a manager has any doubts, discuss with HR.

4.4 Performance issues related to misconduct are managed under the Disciplinary Policy and Procedure. In determining which procedure is to be followed, managers must establish whether poor performance is an issue of:

- deliberately '**will not**' perform – follow **disciplinary** procedures
- is '**not able**' to perform – follow **capability** procedures

4.5 Capability is a potentially fair reason for dismissal under s.98 (2) (a) of the Employment Rights Act 1996. To comply with the requirement of reasonableness under s.98(4) of ERA 1996, the employer must show that the employee's performance was sufficiently bad to justify dismissal and that it acted reasonably in dismissing the employee for this reason.

5.0 Capability action involving trade union officials

5.1 No capability action will be taken against an accredited trade union representative until the circumstances of the case have been discussed with a full-time regional, district or area official of the trade union concerned. When an accredited union representative may be liable to capability action, the HR Manager, or nominated representative should be informed immediately so as to make contact with the full-time trade union official before proceedings commence.

6.0 Manager's responsibilities

6.1 It is important that managers deal with unsatisfactory performance quickly and effectively, as any inaction may be seen as condoning the poor performance. The longer the issue persists then the harder it may be to resolve.

6.2 It is important that during both the induction process and the probationary period employees are made aware what standards of performance are expected.

6.3 Any performance issues which arise during the probationary period should be addressed during probationary interviews. [See the separate Probation Procedure for performance issues during probationary period.]

6.4 Ongoing feedback should be provided to employees through regular one to one meetings. Although this may be discussed during the biannual Employee Performance and Development (EPD) interviews, managers must not wait until this meeting to raise any issues.

7.0 Poor performance identified

- 7.1 When an issue about performance arises managers should evaluate the situation by assessing and collating evidence e.g.
- what are the indicators which point to the fact that the employee is not meeting the standards required for the job?
 - have there been valid complaints / criticisms from colleagues, customers or other service users?
 - is there factual evidence of inadequate performance, such as poor results/outcomes?
 - has the manager personally observed poor performance?
- 7.2 Before discussing with the employee the manager should consider the following:
- what is the standard expected?
 - what is the presenting problem?
 - what explanations might there be for the presenting problem?
 - what might the consequences be if the issue is not acted upon?
 - is there an obvious solution e.g. training need, job-shadowing, mentoring, reading policies or procedures?
 - what would be a reasonable period in which to expect an acceptable standard? (this may vary depending on the individual circumstances)

SECTION 2: CAPABILITY PROCEDURE

8.0 Stage 1: informal discussion confirmed in writing

- 8.1 When it has been identified that there are concerns about an employee's performance, the manager should arrange for an **informal** discussion.
- 8.2 As the meeting is part of the normal management function the employee is not entitled to be accompanied. However if the employee requests to be accompanied it is recommended that the request be granted.
- 8.3 The purpose of the meeting is for the manager to:
- constructively and objectively advise the employee where performance is not meeting the required standard and why;
 - give the employee an opportunity to respond;
 - jointly agree (if possible) what the underlying problem is (if this is health related refer to HR and OH for advice on the impact of the health condition on performance)

- identify reasonable and appropriate strategies for enabling the employee to meet the required standard;
- commit to provide appropriate support and agree an action plan for action with timescales (see Appendix1)
- confirm the period over which performance will be monitored allowing enough time for training and support to be delivered (which should be of a minimum of 4 weeks),
- confirm appropriate framework for review e.g. monthly review meetings, and
- warn that a failure to improve within the time may result in a formal meeting under Stage 2 of the Capability Procedure.

8.4 The manager should make notes of the meeting and the points discussed and confirm in writing to the employee, enclosing a copy of the signed action plan.

9.0 Monitoring and review

9.1 During the agreed monitoring period the steps in the action plan should be followed in full and the employee should receive regular written feedback.

9.2 The manager should keep under review the appropriateness of the capability procedure. Evidence may emerge that the problem is one of misconduct, in which case the manager must discuss with HR whether the disciplinary procedure should be invoked, or health related in which case OH referral may be appropriate.

9.3 Review meetings should be held as agreed. At the review meetings the employee should be given clear feedback on progress against the required standard. The manager should review the support provided to ensure its suitability and efficacy. Any additional and reasonable support and/or training identified should be considered where appropriate.

9.4 Where at the end of the monitoring period the employee meets the required standard of performance the employee should be informed that no further action will be taken.

9.5 Where the required standard has not been reached within the time period and there is no likelihood of the standard being met, the employee should be informed in writing that, as the required standard of performance has not been achieved; Stage 2 of the procedure is to be activated.

9.6 If, however, there are reasonable signs of improvement and it is clear that the improvement is such that the required standard is likely to be met during an extended period, the manager may decide to extend the monitoring and review period. HR are available to provide support if needed.

10.0 Stage 2: formal performance review meeting

- 10.1 The employee should be notified of the requirement to attend a formal performance review meeting and advised that they have the right to be accompanied by a representative (trade union or work colleague). The notice should be in writing and not less than five working days being the meeting.
- 10.2 The purpose of the meeting will be to:
- review performance during informal monitoring period
 - identify the continuing shortfall in performance
 - consider any extenuating circumstances
 - set formal targets for improvement – action plan (see appendix 1)
 - discuss what further training/ support can reasonably be provided
 - agree a further monitoring period
 - warn that failure to improve within the timescale may result in a formal meeting under Stage 3 of the Capability Procedure
- 10.3 After the meeting, the manager should confirm in writing the points discussed, the agreed action plan and the formal written warning which will remain on the employee's file for a period of 12 months.
- 10.4 There is no right of appeal against a formal warning. However, if the employee feels they are being treated unfavourably then they can raise a complaint under the grievance procedure.
- 10.5 Following the successful completion of a performance monitoring period, the employee's performance will continue to be monitored. If, at any stage during the following 12 months the employee's performance again starts to fall short of the acceptable standard, the manager may decide to initiate Stage 3 of this procedure.
- 10.6 Where the required standard has not been reached within the time period, the employee should be informed in writing that, as the required standard of performance has not been achieved a final formal review meeting at Stage 3 of the procedure is to be held.
- 11.0 Stage 3: final formal review meeting**
- 11.1 If there is still a failure to improve and performance is still unsatisfactory despite previous warnings, then a final formal review meeting will be held as in paragraph 10.2 and a final written warning will be issued by the line manager. This will provide details as with Stage 1 and Stage 2, but will also warn the employee that dismissal may result if there is no satisfactory improvement.

- 11.2 A copy of this final formal review decision will be kept and placed on the employee's personal file. It will remain on the employee's file for a period of twelve months.
- 11.3 If performance does not improve or deteriorates during the final warning period then action will proceed to Stage 4.

12.0 Stage 4: capability hearing

- 12.1 The employee must be notified in writing, not less than 5 working days before the date of the hearing. The notification must include:
- the location, time and date of the hearing and the names of the officers attending the hearing;
 - the facts for consideration at the hearing, detailing the performance standards not being met;
 - the requirement to attend and the entitlement to be accompanied (by a trade union representative or work colleague);
 - the employee can call on witnesses to attend the hearing;
 - confirmation that the hearing may result in dismissal on grounds of capability;
 - confirmation that there would be a right of appeal against any action taken;
 - copies of any documents to be referred to at the hearing.

13.0 Capability hearing – procedure

- 13.1 The capability hearing will proceed as follows:
- i) The presenting officer (normally line manager) will present the case and may call any witnesses
 - ii) The employee (or representative) will have an opportunity to ask questions of the presenting officer and any witnesses called
 - iii) The hearing officer will have an opportunity to ask questions of the presenting officer and witnesses
 - iv) The employee (or representative) will put his/her case to the presenting officer and may call any witnesses
 - v) The presenting officer will have an opportunity to ask questions of the employee and his/her witnesses
 - vi) The hearing officer will have the opportunity to ask questions of the employee and his/her witnesses
 - vii) The presenting officer and the employee will have the opportunity to sum up their case with the presenting officer's submission being received first
 - viii) The presenting officer and the employee will withdraw

- ix) Any advisors to the hearing officer (e.g. HR Manager or a nominated representative) will remain in the room whilst a decision is made
- x) The hearing officer can call either/both parties to return if clarification of certain points are required
- xi) Where it is not possible for the hearing officer to reach a decision that day, both parties will be informed that the decision is to be deferred and confirmed in writing within 5 working days.

14.0 Outcomes

14.1 The hearing officer will reach a decision based on the following:

- i) no capability issue established
- ii) further monitoring period, with continuation of warning (where reasonable progress demonstrated but the standard still not met)
- iii) redeployment
- iv) dismissal with contractual notice.

14.2 Where redeployment is to a lower graded post, depending on the merits of the case, the hearing officer may consider protection of earnings, but this will not be an automatic right.

14.3 Where notice is given, the opportunity for redeployment to an alternative post should be considered, subject to suitable opportunities arising during the notice period.

15.0 Officers authorised to take action

15.1 The employee's line manager may take action up to and including a decision to call a capability hearing.

15.2 Only those nominated officers with authority to dismiss under the Council's *Delegated Authority Protocol* can take the decision to dismiss.

15.3 The ability to dismiss, and therefore to sit as a hearing officer, will be restricted to nominated individuals. Where it is one of these who have issued a formal warning and ultimately decided to call a capability hearing, the role of hearing officer will be undertaken by the appropriate Executive Director or Chief Executive.

16.0 Appeals

16.1 Appeals against dismissal and redeployment may be made.

16.2 An employee may appeal against the decision of the hearing officer within ten working days of written notification of the capability decision. The grounds of any appeal will be based upon this decision, no unrelated matters may be considered. A trade union or work colleague (but not a paid legal

representative) may represent the employee at the appeal hearing. Having re-considered the decision, outcomes may be changed.

16.3 Where an employee appeals against a decision to dismiss, the appeal will be heard by the Appeals and Regulatory Committee. A meeting of the Appeals and Regulatory Committee will be convened within ten working days of the receipt of the notice of appeal, or such longer period as is mutually agreed, at which the appeal will be considered.

16.4 Conduct of the appeals hearing

16.6 The appeals hearing shall proceed as follows: -

- a) the presenting officer will put the case in the presence of the appellant and representative (if applicable) and may call witnesses;
- b) the appellant will have the opportunity to ask questions of the presenting officer regarding the evidence given and of any witnesses called;
- c) the appeals officer/committee will have the opportunity to ask questions of the presenting officer and witnesses;
- d) the appellant or their representative will put their case in the presence of the presenting officer and may call any witnesses in support of their case;
- e) the presenting officer will have the opportunity to ask questions and the appeals officer/committee will have the opportunity to ask questions of the appellant, their representative and their witnesses;
- f) the presenting officer will have the opportunity to sum up the case;
- g) the appellant or their representative will have the opportunity to sum up their case;
- h) the appellant, their representative and the presenting officer will withdraw;
- i) in the event that the appeals officer/committee wish to clarify any points of uncertainty will recall either/both parties;
- j) after careful deliberation, the appeals officer/committee will recall both parties to deliver a decision on whether to allow or dismiss the appeal. The decision will be confirmed in writing to the appellant within seven days.

16.5 The decision of the appeals officer/committee will be final and there shall be no further internal appeals procedure or action of the appellant, their representative and their witnesses.

Area for improvement – (description of where performance is not meeting expectations).	Expectations/targets to be achieved	Support, training or resources required to achieve targets	Dates to be achieved by	Review of targets

Signed.....Date.....
(manager)

Signed:.....Date:
(employee)

Worked example of improvement plan

Area for improvement – (description of where performance is not meeting expectations).	Expectations/targets to be achieved	Support, training or resources required to achieve targets	Dates to be achieved by	Review of targets
1. <i>(name)</i> has failed to follow the correct policies and procedures required of her to be able to undertake her role correctly.	<p><i>(name)</i> is to read and become familiar with:</p> <ul style="list-style-type: none"> • CBC Housing policies and procedures (to be set and monitored in 1:1 supervisions) • Health and Safety policies and procedures including risk assessment • CBC's Code of Conduct <p>These are to be tested by <i>(manager)</i> with <i>(name)</i> giving a summary of the main points for each procedure at her 1:1 supervision meetings.</p>	<i>(name)</i> to query with her line managers aspects of policy and procedure for which she feels are not clear or understandable to her.	<p>To start 20 Nov '07 and completed by March '08</p> <p>20 Nov '07 25 Sept '07</p> <p>21 August '07</p>	
2. <i>(name)</i> has failed to follow guidance from her line managers.	<i>(name)</i> to apply instruction given by line managers and to ask questions if she does not understand an issue. To be able to apply knowledge and understand your role.	When <i>(name)</i> asks questions/has queries, the manager will arrange time to explain thoroughly.	To start immediately and on going	
3. Motivation: <i>(name)</i> is regularly only attempting work that is set for her as targets in 1:1 supervisions. This work is considered to be routine housing work e.g. completing support plans, reviewing support plans, Carelink emergency contact detail	<i>(name)</i> to prioritise and achieve her routine/regular work without prompt or target setting from managers. To manage her time efficiently and effectively, finding a work pattern for herself that keeps her up to date with her workload. To produce work to	Manager to give advice and support when requested or when a need is identified.	To start immediately and achieved by 25 Sept '07	

forms, checking that pendants and pull cords are working, etc.	a high quality. To be able to complete routine duties without prompt or target setting.			
4.a) Motivation: It has been observed that when <i>(name)</i> identifies an issue, she can often ignore it, e.g. <i>(name)</i> had not arranged cover on the day she attended a meeting even though it was her responsibility to do so, <i>(name)</i> was unable to access a tenant during mornings to complete a support plan review, and this had to be identified by a manager who also had to suggest that she see the tenant during an afternoon.	That <i>(name)</i> is able to identify for herself what needs to be done and find solutions or seek advice. <i>(name)</i> needs to be flexible in her approach to different tenants needs. When <i>(name)</i> has identified a need or issue, she should act on it, completing the task and not give up or ignore it. <i>(name)</i> is to demonstrate that she is dealing with issues/addressing tenant needs.	Manager to give advice and support when requested or when a need is identified.	To start immediately and on going 25 Sept '07	
4.b <i>(name)</i> seems to put in the minimum effort with most tasks.	<i>(name)</i> to draft her own plans of two projects or tasks that will help motivate her and improve quality or service to customers i.e. chair based exercise classes, social club, etc.		25 Sept '07	
5. <i>(name)</i> appears not to know at times what has been discussed in team meetings, training, and other meetings that she has attended.	<i>(name)</i> to make herself familiar with issues raised in meetings and training. To re-read meeting minutes or training notes so she is able to apply knowledge and understanding within her role. <i>(name)</i> to actively participate in meetings to get the most out of them. To read minutes of meetings when she has been absent and checks her understanding.	To get clarification from her manager if in doubt about her understanding.	To start immediately and on going	

	<i>(name)</i> is to demonstrate that she has taken on board information discussed at meetings by explaining her understanding of agenda items during 1:1 meetings.		21 August '07 and at the following 1:1 meeting after each team meeting.	
6. Attitude: <i>(name)</i> has occasionally shown a carefree attitude towards her role, commenting to others when she has not done her work, in a manner that shows a disregard for standards or quality. <i>(name)</i> can appear to show little interest in her work at times.	To show a positive attitude in her role and in promoting Dales Housing, and that her work reflects a high quality customer care approach. <i>(name)</i> is to take ownership of issues raised with her, addressing them appropriately. <i>(name)</i> has already received extensive customer care training and demonstrated her understanding. <i>(name)</i> is to apply that knowledge and demonstrate by always showing a professional attitude when dealing with both internal and external customers. <i>(name)</i> has recognised for herself that she may occasionally need to be chased up on issues more than once – to demonstrate in 1:1 meetings.	Manager to give advice and support when requested or when a need is identified.	To start immediately and on going	
7. <i>(name)</i> has previously been subject to performance action plans and regular target setting in 1:1 supervision meetings.	<i>(name)</i> to be aware that if she does not meet her targets and sustain them, she will face further disciplinary action which could lead to dismissal.	Manager to give advice and support when requested or when a need is identified	To start immediately and on going	

Signed.....Date.....

Signed:..... Date:

(manager)

(employee)

Chesterfield Borough Council

Equality Impact Assessment - Full Assessment Form

Service Area: HR
Section: HR
Lead Officer: Kate Harley

Title of the policy, project, service, function or strategy the preliminary EIA is being produced for:

Capability Policy and Procedure

Is the policy, project, service, function or strategy:

Existing
Changed
New/Proposed

STEP 1 – MAKE SURE YOU HAVE CLEAR AIMS AND OBJECTIVES

What is the aim of the policy, project, service, function or strategy?

The aim of this policy is to provide guidance for all employees and managers on how to handle situations where performance of an individual is below the standard expected by the organisation. The new policy expands on and clarifies references to performance issues outlined in the current Disciplinary Policy which will be removed in due course.

Who is the policy, project, service, function or strategy going to benefit and how?

All managers and employees will benefit from the clarity this new policy provides. Managers will know what steps to take to support staff to improve their performance and staff will know what to expect at each stage of the process, removing any uncertainty.

What outcomes do you want to achieve?

The new policy aims to provide a clear framework for managers to improve performance of staff where concerns have been raised. The policy aims to support managers and staff to tackle the causes of underperformance and provide support for all involved.

What barriers exist for both the Council and the groups/people with protected characteristics to enable these outcomes to be achieved?

Certain barriers will exist for employees with protected characteristics as the underperformance may be related to either their health, age or ethnicity rather than a lack of ability. This restrains managers from being able to take the appropriate action and managers tend to accept poor performance rather than tackle it.

STEP 2 – COLLECTING YOUR INFORMATION

What existing data sources do you have to assess the impact of the policy, project, service, function or strategy?

- Data from Resourcelink on reasons for leaving
- Data on Resourcelink relating to equalities
- CIPD research and guidance
- ACAS guidance
- Equalities Office guidance
- Capability statistics/cases held on Resourcelink

STEP 3 – FURTHER ENGAGEMENT ACTIVITIES

Please list any additional engagement activities undertaken to complete this EIA e.g. met with the Equalities Advisory Group, local BME groups, Employee representatives etc. Could you also please summarise the main findings.

Date	Engagement Activity	Main findings
2015	Policy Working Group	Approved
2015	Union engagement	Comfortable with proposals to make adjustments in line with the equality legislation.
21.1.16	CJCC	

STEP 4 – WHAT’S THE IMPACT?

Is there an impact (positive or negative) on some groups/people with protected characteristics in the community? (think about race, disability, age, gender, religion or belief, sexual orientation and other socially excluded communities or groups). You may also need to think about sub groups within each equalities group or protected characteristics e.g. older women, younger men, disabled women etc.

Please describe the potential impacts both positive and negative and any action we are able to take to reduce negative impacts or enhance the positive impacts.

Group or Protected Characteristic	Positive impacts	Negative impacts	Action
Age – including older people and younger people.	There are neither positive or negative impacts		CBC has a range of policies to support employees including flexible and early retirement and ill health retirement if appropriate. Advice would be sought from OH to ensure no age-related conditions impacted on performance.
Disabled people – physical, mental and sensory including learning disabled people and people living with HIV/Aids and cancer.	There are neither positive or negative impacts		Take appropriate advice from OH on the impact of the disability on the work performance and make adjustments as necessary. Para 4.2, 4.3 gives informal process.
Gender – men, women and transgender.	There are neither positive or negative impacts		

Marital status including civil partnership.	There are neither positive or negative impacts	
Pregnant women and people on maternity/paternity. Also consider breastfeeding mothers.	There are neither positive or negative impacts	Any specific issues would be discussed during the process and advice taken from OH if appropriate
Sexual Orientation – Heterosexual, Lesbian, gay men and bi-sexual people.	None	
Ethnic Groups	There are neither positive or negative impacts	Any barriers in relation to capability would be covered by adherence to the recruitment policy .
Religions and Beliefs including those with no religion and/or beliefs.	None	
Other groups e.g. those experiencing deprivation and/or health inequalities.	There are neither positive or negative impacts	

From the information gathered above does the policy, project, service, function or strategy directly or indirectly discriminate against any particular group or protected characteristic?

Yes

No

If yes what action can be taken to stop the discrimination?

How has the EIA helped to shape the policy, project, service, function or strategy or affected the recommendation or decision?

The EIA has highlighted the issues surrounding health related performance and the need to ensure that OH/medical advice is sought and adhered to.

How are you going to monitor the policy, project, service, function or strategy, how often and who will be responsible?

HR will be responsible for the monitoring of this policy, in conjunction with feedback from managers. This policy will be renewed in 2019.

STEP 6 – KNOWLEDGE MANAGEMENT AND PUBLICATION

Please note the draft EIA should be reviewed by the appropriate Head of Service/Service Manager and the Policy Service before WBR, Lead Member, Cabinet, Council reports are produced.

Reviewed by Head of Service/Service Manager

Name:

Date:

Reviewed by Policy Service

Name: Richard Gadsby

Date: 13 / 01/ 16

Final version of the EIA sent to the Policy Service

Decision information sent to the Policy Service

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FOR PUBLICATION

STRESS POLICY

MEETING: EMPLOYMENT AND GENERAL COMMITTEE

DATE: 25 JANUARY 2016

REPORT BY: KATE HARLEY, HR MANAGER

1.0 PURPOSE OF REPORT

1.1 To provide information regarding the revised Stress Policy and to recommend for approval the Stress Policy.

2.0 BACKGROUND

2.1 The Stress Policy was due for revision in 2014 and has been revised in consultation with the council policy working group, health and safety advisor and union representation.

2.2 High levels of stress and absence affect everyone in the organisation and cannot be seen as just a 'management' problem. Employer, employee and representatives must work together to monitor and control stress.

2.3 The Health & Safety Committee has set targets in relation to Occupational Health related absences from work and work related stress is on the increase.

2.4 The policy has been significantly rewritten to provide a more prescriptive and proactive approach to managing employee stress with clear guidelines on the process of stress risk assessments and resulting action plans. The policy also retains the requirement for absences relating to work related stress to be investigated by the corporate health and safety advisor to ensure action is taken appropriately.

2.5 A full Equality Impact Assessment has been undertaken and at every step in the process adjustments have been made for those employees protected under the Equality Act 2010.

3.0 PROPOSED PROCEDURE

- 3.1 The revised policy document can be found at appendix A.
- 3.2 An Equality Impact Assessment is attached at appendix B.

4.0 COUNCIL JOINT CONSULTATIVE COMMITTEE

- 4.1 The proposed policy is being submitted to the Council Joint Consultative Committee on 21 January 2016. Any comments or suggested amendments to the guidelines from that Committee will be reported to Employment and General Committee in a supplemental report.

5.0 RECOMMENDATIONS

- 5.1 That the revised Stress Policy be approved.

For further information on this report, contact Kate Harley 01246 345366.



CHESTERFIELD
BOROUGH COUNCIL

Managing Workplace Stress

Policy Guiding Principles & Procedures

Prepared by: Human Resources

Date: October 2015

For Review: October 2018

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Policy Statement on Managing Workplace Stress

1.1 Introduction

Chesterfield Borough Council (CBC) is committed to protecting the health, safety and wellbeing of all employees. CBC recognises that workplace stress is a health and safety issue and acknowledges the importance of not only identifying workplace stressors but of tackling them at the earliest opportunity.

This policy document aims to provide relevant comprehensible information on how the council will deal with work-related stress and the procedures in place to protect staff from the effects of excessive pressure. The council aims to create an environment where, if workplace stress does occur, it can be dealt with openly and fairly by managers and staff.

The council has identified the following aims for the effective management of stress;

1. To take action to identify and so far is reasonable, eliminate or reduce workplace stressors;
2. To conduct risk assessments to obtain this information which will be reviewed regularly;
3. To develop working practices that reduce the factors which may lead to excessive pressure in the workplace;
4. To develop procedures to manage problems that do occur and to support individuals who are stressed;
5. To monitor procedures and outcomes, and to assess the effectiveness of the policy, to increase general awareness of stress and the methods available to combat its damaging effects;
6. To provide a safe working environment that is free from harassment and victimisation;
7. To provide sound management practices that are based on equality of treatment;
8. To ensure effective workload allocation and feedback on performance;
9. To provide information and training to enable staff to develop their skills and maximise their contribution to the success of business;
10. To enable adequate rehabilitation of staff returning to work after periods of absence due to stress;

Guidance on Work Place Stress

2.1 Definition of Stress

The Health & Safety Executive (HSE) define stress as “the adverse reaction people have to excessive pressure of other types of demand placed on them”. This makes an important distinction between pressure, which can be a positive state if managed correctly, and stress which can be detrimental to health.

The council recognises that dealing with work-related stress is an ongoing process that requires commitment from all levels of staff and that whilst a degree of stress can be a positive force at work, excessive pressures can have a negative effect on health and on performance of individuals and groups at work. All reasonable steps will be taken by the council to ensure factors such as those listed below are addressed;

- (a) job design and lack of control of workload
- (b) working environment
- (c) relationships with others at work

- (d) communication arrangements
- (e) employee's skills, experience and ability to carry out the work

2.2 Individual effects of stress

- Reduced morale / commitment to work
- Physical and / or mental ill-health
- Poor judgement; lack of concentration; poor memory
- Poor relationships with clients
- Tension and conflict between colleagues
- High job dissatisfaction
- Burn out, tiredness, exhaustion
- Escapist drinking, smoking

2.3 Organisational effects of stress

- Increased absenteeism and decreased productivity
- Reduced quality of work and customer care
- Increase in disciplinary cases
- High employee turnover
- Increase in industrial relations problems
- Increase in ill-health dismissals
- Negative impact on organisational culture
- Increased pressure on work colleagues
- Poor use of management time
- Higher costs associated with sick pay, providing cover for absent employees, recruitment costs, training costs etc.
- Loss of knowledge, skills and experience

2.4 Potential Causes of Stress

The list of potential causes of stress in employees is non exhaustive (see **Appendix 1**)

2.5 Mechanism for identifying and monitoring the incidence of stress

There is no one simple mechanism that can be used to identify the risk of stress but those listed in **Appendix 2** are indicators.

Situations at home can combine with pressures at work to make people more vulnerable to stress. Employers have no legal duty to prevent ill health due to stress that is not work related, but the ability to cope at work can be reduced by home pressures such as money worries or relationship problems. Therefore managers must ensure effective communication with their staff in not only identifying risks that are considered hidden factors such as the home situation, while addressing issues such as working irregular hours, the requirement to take work home on a regular basis to meet routine work loads.

Signs which managers or supervisors may notice include unusual irritability, resentment of advice, unsociable and withdrawn behaviour, absenteeism and poor time keeping, overworking, poor performance, changes in appearance and appetite, increased use of coffee, alcohol or drugs, and accident proneness.

3.0 Organisational Responsibilities

3.1 Chief Executive Officer

The Chief Executive Officer has overall responsibility for ensuring this policy extends to all those likely to be affected by the Council workplace activities.

3.2 Senior Managers & Supervisors responsibilities

It is important to recognise the causes of excessive stress so that they can be avoided or minimised. There are occasions when the source of a problem is unavoidable and in these circumstances, careful management and early intervention is necessary to avoid staff becoming unwell as a result.

Managers at all levels have a key role to play in considering the work load and health implications of decisions involving staff. It is recognised that the style of management adopted has an impact on stress levels amongst staff and tools are available for managers to assess their own style with a view to adjusting accordingly. <http://www.hse.gov.uk/stress/mcit.pdf>

3.3 Responsibilities of employees who feel they may be suffering from stress

Employees, who believe there is a factor in the workplace causing work-related stress, must bring this to the attention of their line manager, Health and Safety representative or HR team so that the appropriate measures can be taken.

It is essential that individuals work with their manager to resolve issues and co-operate in minimising, so far as is reasonably practicable, work-related stress. Individuals have a part to play in making reasonable adjustments, where working practices have to change due to circumstances beyond the council's control.

Any occupational health referrals will be dealt with confidentiality, however, it will only be possible for the council to take action to reduce, or eliminate the cause of any work-related stress, or to support someone experiencing stress from external sources, if the individual involved is prepared to discuss it with a manager.

4.0 Managing Workplace Stress

4.1 Assessing risk to employees

Managers/Supervisors are responsible for carrying out yearly team risk assessments and developing actions plans as a result of the assessment. They must also undertake assessments whenever an individual is identified as suffering with work-related stress. This must be done in consultation with union safety reps and staff.

The HSE have identified management standards which look at the six key areas of work that, if properly managed, can help to reduce work-related stress. The questions are based around the six risk factors:

Demands	Includes issues like workload, work patterns and the work environment.
Control	How much say the person has in the way they do their work.

Support	Includes the encouragement, sponsorship and resources provided by the organisation, line management and colleagues.
Relationships	Includes promoting positive working to avoid conflict and dealing with unacceptable behaviour.
Role	Whether people understand their role within the organisation and whether the organisation ensures that they do not have conflicting roles.
Change	How organisational change (large or small) is managed and communicated in the organisation.

4.2 Risk Assessment Process

For the yearly team assessment, Managers/Supervisors must arrange a team briefing including union safety reps and get employees to complete a questionnaire (**Appendix 3**). The line managers must collate the information and document potential stress risk and include them on the Action Plan (**Appendix 4**) giving current state information a risk rating and actions agreed to lower the risk.

Where an individual stress questionnaire highlights a personal stress issue, the manager should arrange a private meeting using the questionnaire as a starting point for meaningful discussion with the employee. Often an employee will not know what is causing their stress and this checklist helps to guide the conversation. A separate stress action plan must be developed in conjunction with the individual to address their personal issues, seeking advice from HR and H & S as necessary.

Supervisors / line managers must ensure that a copy of the team risk assessment and action plan is passed to the health & safety advisor and their senior manager (CMT).

This process will be followed by each level of management i.e. line management, senior management, executive director etc.

Employees are reminded that if the cause of work pressure is related to their managers/supervisors then they can go to a higher level of management, the HR Department, Health & Safety Advisor, Safety Representative or approach their Trade Union Representative.

The Risk Assessment/Action Plan should be reviewed if there is a significant change in the work activity, or if employee is known to be absent from work due to a pressure at work related condition (e.g. reactive illness).

Whilst undertaking the risk assessment/action plan, full consideration should be given to any other current risk assessments/action plans relating to this individual's role or workplace, for example workplace and display screen, manual handling, or disability assessments.

The principles of risk assessment for work related stress do not differ from other forms of risk assessment. The review of the documentation will consider the effectiveness of the measures in place to prevent and/or protect staff against the risk of work-related stress, and if necessary recommend appropriate action to be taken.

Appropriate training and guidance will be available for managers who are required to conduct stress risk assessments.

The Health & Safety Executive's (HSE) website holds a wealth of useful information and toolkits relating to workplace stress. Employees and managers are advised to visit

www.hse.gov.uk/stress/ for further information relating to risk assessments and the HSE's management standards for workplace stress.

4.3 Resources to support staff and managers

The council is concerned with preventing ill-health and promoting health and well-being in the workplace. Employees may have access to a range of support including occupational health services, counselling services, training and advice from HR and H & S and Union support.

It is recommended that managers consult HR at an early stage if they believe that formal procedures such as Sickness, Bullying and Harassment, or Grievance might be a consideration. Where this is the case, issues will be dealt with in conjunction with the relevant Council policy.

If the employee has been absent from work due to stress related sickness, a return to work interview should be convened in accordance with the Managing Attendance Policy. During this meeting both the line manager and the member of staff should discuss the measures, which are being put in place.

4.4 Record Keeping

Keeping of records relating to staff is required for competence and proof of compliance with legal requirements. Management will ensure that adequate records are kept to demonstrate that they have taken all reasonably practicable steps in respect of stress prevention.

4.5 Procedures for reporting cases of work-related stress absence

Managers will investigate all reports of work-related stress absence reported to them. This will allow an immediate investigation into the circumstances relating to the injury/illness to take place. This is essential if the employee is to be prevented from returning to the same situation which led to the initial bout of absence. Under no circumstances will a member of staff suffer victimisation as a result of reporting that they are suffering from stress.

4.6 Investigation of Cases of Work-Related Stress Absence

Where cases of work-related stress have been reported, the corporate health and safety advisor may carry out an investigation. With the employees agreement this may involve the union safety representatives to ensure the employee feels supported throughout the process.

The investigation will determine whether there are any work place factors likely to give rise to stressful situations. It will not determine whether the individual is stressed.

The investigation will seek to establish the following points:

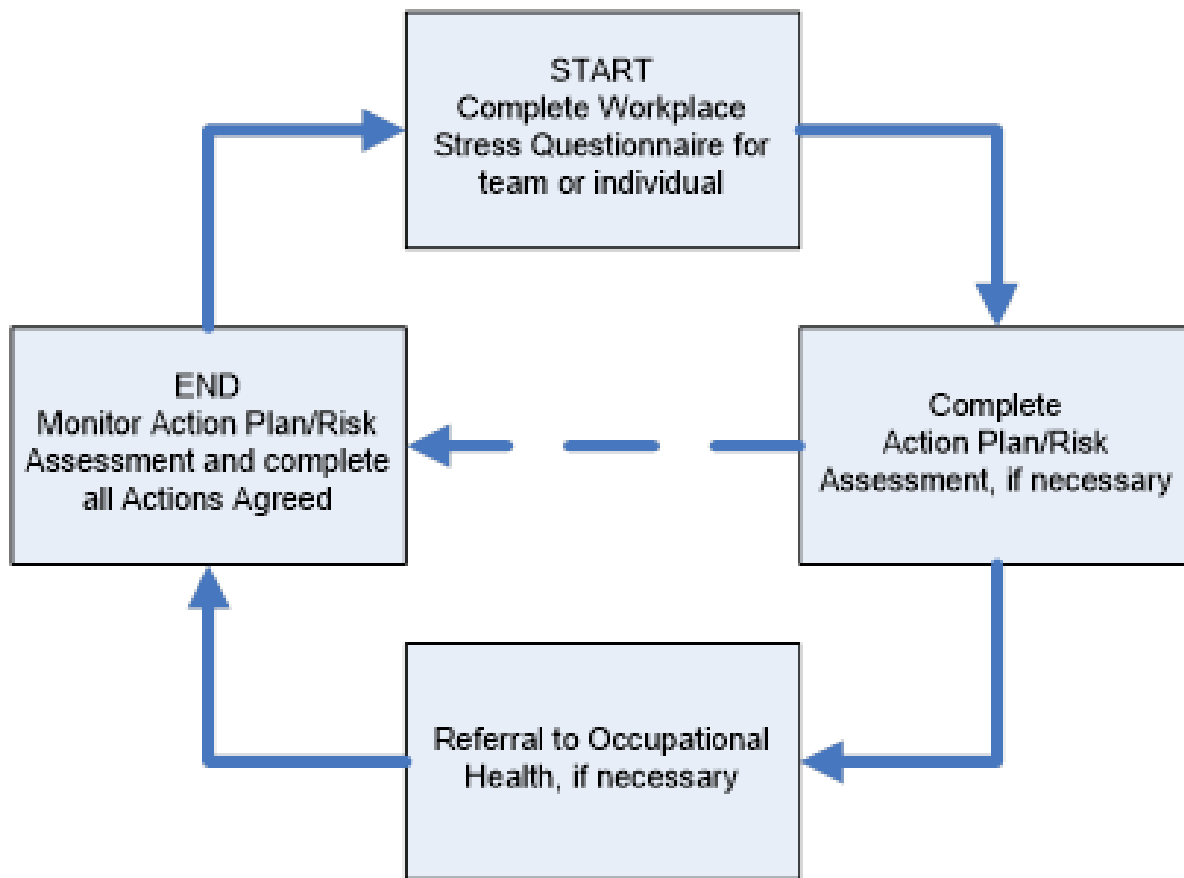
- Is the absence genuinely related to stress generated in the workplace?
- What is the nature of the 'stressors' involved? e.g. harassment, environmental, workloads, professional relationships, etc.
- Have existing CBC procedures (e.g. Grievance Procedures etc) been utilised where appropriate?
- Are other people affected or likely to be affected by the absence or the situation causing the absence?
- Are the 'stressors' still at a level where they are likely to cause further injury?

- Have steps been put in place to eliminate, or reduce the ‘stressors’, to an acceptable level?
- Where this is not practicable has the individual’s task been redesigned to remove them from the ‘stressors’?
- Alternatively, has the individual received training to enable them to deal with the ‘stressors’?

4.7 Policy Monitoring

This Policy will be regularly monitored to ensure that the work-related stress objectives are consistently achieved throughout the Council.

5.0 Process diagram



Possible sources of stress in the workplace

APPENDIX 1

The following can be sources of stress arising from work;

Work organisation and conditions

continual changes in work, organisations and structures	lack of participation in decision making	complexity and demands of new systems
lack of control over work	inadequate staffing	low pay or low status
job insecurity	lack of recognition or promotion prospects	lack of facilities for rest breaks
unclear reporting lines	over promotion	lone working
excessive working hours	shift working	excessive workload

Work relationships

inconsistent management	poor management communication	customer/client complaints
lack of support or assistance	Bullying	lack of appropriate training
social isolation	harassment	the threat of violence
inconsiderate management	Conflicting demands	tasks inappropriate to ability
boring, repetitive work	surveillance	uncertainty about responsibilities
under use of skills	time pressures	responsibility for others

Physical conditions

excessive noise	poor ventilation	exposure to fumes, chemicals, or other unpleasant substances
poor lighting	poor equipment	exposure to the elements
poor temperature control	poor workstation	

Indicators that there may be a stress problem

APPENDIX 2

Managers and supervisors may notice some of the following symptoms occurring within their area of responsibility. Where they feel this may be the case they should contact the Health and Safety Manager and or the Human Resources team to seek further advice. Where the manager, the Health and Safety Manager or Human Resources note an increase in any of the following indicators they should immediately open discussion on the matter with the line manager.

- High levels of sickness absence
- High staff turnover
- Increase in accident levels
- Increase in number of disputes/grievances/complaints
- Noticeable reduction in performance levels

a) For Individuals

Indicators of stress can be:

Emotional – anxiety, anger, resentment, frustration, moodiness, irritability, loss of pleasure and interest, despair, depression and losing sleep through worry, guilt, shame

Physical – could include raised blood pressure, panic attacks, tenseness, tiredness, appetite disturbance, nausea, headaches, light-headedness, disturbed sleep, reduced ability to resist infections and slow to recover from infections

Mental - impairment of perception, concentration, memory, judgement, decisiveness, accuracy, motivation and creativity, reduced belief in ability to cope

Relationships – relationships are likely to be more difficult at work and elsewhere, increased tension or argumentative and quarrelsome atmospheres between the individual, colleagues or other people, fall outs

Behavioural – changes in patterns of behaviour, seeking to avoid or escape from situations, particularly social events, increased alcohol consumption, increased smoking, over the counter drug taking, change in sexual appetite, eating disorders, accident proneness impairment of perception

b) For Managers

Individual members of staff may demonstrate any of the following:

Emotional – moodiness, high state of anxiety, anger, frustration, depression

Physical – Headaches, rise in blood pressure, aggravation of a heart condition, Irritable Bowel Syndrome, weight loss / gain, skin conditions, indigestion, ulcers, muscular tension, fatigue, insomnia, depletion of immune system, tiredness, disturbed sleep patterns, un-refreshed after sleep

Mental – anxiety, low self-esteem, mood swings, - irritability, memory loss, lack of motivation and creativity, concentration, memory, judgement, decisiveness, accuracy, motivation and creativity

Relationships – increased difficulty between colleagues, tense atmospheres between people

These could result in excessive absence from work or a pattern of absence, such as frequent odd days of absence, long periods of absence through anxiety or depression, poor timekeeping, impaired performance and/or frequent mistakes made, accidents or dangerous occurrences.

General indicators of a problem - high turnover of staff, complaints of harassment or bullying, complaints or grievances

Workplace Stress Questionnaire

APPENDIX 3

Name:

Team / Department:

Date Completed:

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		Yes	No	N/A	Comments
Demands					
1.	Do you have unachievable deadlines?				
2.	Do you have to work very intensively?				
3.	Do different groups at work demand things from you that are hard to combine?				
4.	Do you have to neglect some tasks because you have too much to do?				
5.	Do you take sufficient breaks?				
6.	Are you pressured to work long hours?				
7.	Do you frequently take work home?				
8.	Do you have unrealistic time pressures?				
9.	Do you feel guilty about taking your holiday entitlement?				
		Yes	No	N/A	Comments
Control					
10.	Do you have control over when you take breaks?				
11.	Does the job provide a variety of tasks?				
12.	Do you rotate work to minimise repetitive activities?				
13.	Do you have some say over the way you work?				

14.	Is your working time flexible?				
15.	Do you have control over your physical working environment?				
		Yes	No	N/A	Comments
Manager / Supervisors Support					
16.	Are you given supportive feedback on the work you do?				
17.	Can you rely on your manager to help you out with a work problem?				
18.	Can you raise issues for discussion at team meetings held by your manager / supervisor?				
		Yes	No	N/A	Comments
Peer Support					
19.	Do you get help and support from your colleagues?				
20.	Do you have insufficient administration, clerical support?				
		Yes	No	N/A	Comments
Relationships					
21.	Are you subject to personal harassment in the form of unkind words or behaviour?				
22.	Is there friction or anger between colleagues?				
23.	Are you subject to bullying at work?				
24.	Are relationships at work strained?				
25.	Are team building sessions carried out?				
26.	Are you able to hold confidential discussions with your manager if required?				
27.	Are you aware of the Council's policies on equal opportunities, personal harassment / bullying?				

		Yes	No	N/A	Comments
Role					
28.	Are you clear what is expected of you at work?				
29.	Are you clear about what your duties and responsibilities are?				
Role cont.					
30.	Do you feel a lack of job security?				
31.	Are you clear about the goals and objectives for your team / department?				
32.	Are you made aware of the reasons for setting particular deadlines?				
33.	Do you require additional training for your role?				
		Yes	No	N/A	Comments
Change					
34.	Are you consulted about changes within your department?				
35.	Do you have sufficient opportunities to question managers about change at work?				
36.	When changes are made at work, are you clear how they will work out in practice?				
Further Comments:					

Risk Assessment/Action Plan arising from Questionnaire Results

Team / Department:

Line Manager:

Date:

Risk Factor	Current State	Risk Rating	Actions Agreed	Responsible Person	How will staff receive feedback	Date Action completed
		H/M/L				
<i>Demands</i>						
<i>Control</i>						
<i>Support</i>						
<i>Role</i>						
<i>Change</i>						
<i>Environment</i>						

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Agreed Review Date: _____

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Chesterfield Borough Council

Equality Impact Assessment - Preliminary Assessment Form

The preliminary impact assessment is a quick and easy screening process. It should identify those policies, projects, services, functions or strategies which require a full EIA by looking at negative, positive or no impact on any of the equality groups.

Service Area: HR
Section: HR
Lead Officer: Kate Harley

Title of the policy, project, service, function or strategy the preliminary EIA is being produced for:

Stress Policy and Procedure

Is the policy, project, service, function or strategy:

Existing
Changed
New/Proposed

Q1 - What is the aim of your policy or new service?

The aim of this policy is to provide guidance for all employees and managers on how to handle situations where stress has been identified as a factor in the workplace and to support the individual to remain in work by providing a range of support mechanisms. This is an amendment to the previous policy and aims to simplify the guidance for managers and employees.

Q2 - Who is the policy or service going to benefit?

All managers and employees will benefit from the clarity this new policy provides.

The policy's emphasis is on prevention, early intervention, and recognising the signs and symptoms of stress, including new and practical guidance for managers.

Q3 - Thinking about each group below, does, or could the policy, project, service, function or strategy have an impact on protected characteristics below? You may also need to think about sub groups within each characteristic e.g. older women, younger men, disabled women etc.

Please tick the appropriate columns for each group.

Group or Protected Characteristics	Potentially positive impact	Potentially negative impact	No impact
Age – including older people and younger people.	x		
Disabled people – physical, mental and sensory including learning disabled people and people living with HIV/Aids and cancer.	x		
Gender – men, women and transgender.			x
Marital status including civil partnership.			x
Pregnant women and people on maternity/paternity. Also consider breastfeeding mothers.	x		
Sexual Orientation – Heterosexual, Lesbian, gay men and bi-sexual people.	x		
Ethnic Groups	x		
Religions and Beliefs including those with no religion and/or beliefs.			x
Other groups e.g. those experiencing deprivation and/or health inequalities.			x

If you have answered that the policy, project, service, function or strategy could potentially have a negative impact on any of the above characteristics then a full EIA will be required.

Q4 - Should a full EIA be completed for this policy, project, service, function or strategy?

Yes

No x

Q5 - Reasons for this decision:

This policy is aimed at supporting individuals who suffer from stress at work and has no punitive measures attached so could not be perceived to have a negative impact on any group of people.

Please e-mail this form to the Policy Service before moving this work forward so that we can confirm that either a full EIA is not needed or offer you further advice and support should a full EIA be necessary.

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COUNCIL JOINT CONSULTATIVE COMMITTEE

Wednesday, 17th June, 2015

Present:-

Representing the Council:

Councillors Caulfield
 A Diouf
 Elliott
 Huckle
 J Innes
 Niblock

K Harley HR
 B Offiler Democratic Services

Representing Employees:

A Fowler UNISON
 C Hayes UNISON
 P Longley UNISON
 P Mallender UCATT
 R Wilkes UNITE

1 APPOINTMENT OF CHAIR FOR 2015/16

RESOLVED –

That Councillor Huckle be appointed Chair for the 2015/16 Council year.

2 APPOINTMENT OF VICE-CHAIR FOR 2015/16

RESOLVED –

That Andy Fowler be appointed Vice-Chair for the 2015/16 Council year.

3 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Hill, Dean Clarke and Maria Slack.

4 MINUTES OF MEETING HELD ON 15 APRIL, 2015

RESOLVED –

That the minutes of the meeting held on 15 April, 2015 be approved as a true record.

5 CHRISTMAS / NEW YEAR DISCRETIONARY DAY

The Committee considered a report outlining the options for the discretionary day for Christmas / New Year 2015/16 as either Thursday 24 December or Thursday 31 December, 2015. A majority of UNISON members had voted in favour of 24 December.

It was suggested that options for an additional discretionary day in future years, such as through the building up of flexi-time, be explored and considered at a future meeting.

RESOLVED –

That the Christmas / New Year discretionary day for 2015/16 be set as Thursday 24 December, 2015.

COUNCIL HEALTH AND SAFETY COMMITTEE

Wednesday, 29th July, 2015

Present:-

James Drury (Executive Director) (Chair)

<p>Cllr S. Blank M. Blyth (Sport and Leisure Manager) K. Brown (Business Transformation Manager) Cllr R. Catt I. Clay (Health and Safety Officer, Housing Services) Cllr A. Diouf K. Harley (Human Resources Manager, arvato) C. Hayes (Unison) Cllr J. Innes</p>	<p>M. Jasinski (Corporate Health and Safety) N. Johnson (Development and Growth) A. Lawlor (arvato) R. Sinclair (Environmental Health Manager) Cllr A. Slack Cllr M. Wall B. Wainwright (Culture and Visitor Services) R. Wilkes (Unite)</p>
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Min. No.	<u>Item</u> Decision/Action	By Whom
1	<p><u>APPOINTMENT OF CHAIRS</u></p> <p>Agreed – that the Chair of the Committee would rotate between Executive Director, James Dury, the Cabinet Member for Governance, Cllr Sharon Blank and an Employee Safety Representative, Andrew Fowler.</p>	
2	<p><u>APOLOGIES FOR ABSENCE</u></p> <p>Cllr S. Niblock, A. Fowler, P. Longley, P. Mallender, D. Clarke, T. Deveraux, M. Bollands and J. McGrogan.</p>	
3	<p><u>WELCOME NEW ELECTED MEMBERS TO COUNCIL HEALTH AND SAFETY COMMITTEE</u></p> <p>The Chair welcomed new elected Members appointed to the Committee and expressed the hope that the committee would continue to work positively in co-operation between the Council's elected members, managers and staff representatives.</p>	

4	<p><u>MINUTES OF THE MEETING HELD ON 23 APRIL 2015</u></p> <p>Minutes of Council Health and Safety Committee held on 23 April, 2015 were agreed as a true record.</p>	
5	<p><u>OCCUPATIONAL HEALTH AND SAFETY IMPROVEMENT PROGRAMME</u></p> <p><u>Corporate Health and Safety Improvement Programme 2015-18</u></p> <p>The new Improvement Programme for 2015-18 was presented. The plan summarising the objectives and targets would be circulated.</p> <p>Performance considered against the 14 key targets in the Improvement Programme at the end of the first quarter of the 2015/16 year (to July 2015) as detailed in the report, with particular emphasis to be given to:</p> <ul style="list-style-type: none"> • Audit programme for all service areas • New contactor management procedures • Investigations into cause of manual handling accidental injuries • Review of contract and procedures for Occupational Health referrals • Training for Service Managers on recording incidents <p><u>Housing – Operational Services Division</u></p> <p>The Housing Services, Operational Services Division submitted a report on health and safety activity, highlighting:</p> <ul style="list-style-type: none"> • Training provided for managers and technical officers • Access to health and safety risk assessments and asbestos management plans to be provided on PDA/Tablets • New health and safety action plan to be brought to next meeting • Investigation of new ways of working at height, including demonstrations of new equipment (to invite Corporate Safety Advisor and other services who do similar work) • Engaging with staff to consider options for light duties or alternative working arrangements with GP when discussing injury or sickness affecting work <p>The responsibility for managing health and safety risks when OSD contracted for work by other Council Services was discussed. A response to this issue would be provided at the next meeting</p>	<p>ALL</p> <p>HR</p> <p>ALL</p> <p>M.BOLLANDS /IC</p>

	<p><u>Sport and Leisure</u></p> <p>The Sports and Leisure Manager submitted a report on health and safety activity, highlighting:</p> <ul style="list-style-type: none"> • Constant review of operation procedures in light of issues raised through best practice and new guidance • Officers working with community groups to promote health and safety in sports and leisure activities • Health and safety matters discussed with staff using different methods (face-to-face meetings, letters, etc) • Looking into automation for moving seating in new sports centre to reduce manual handling risks • Celebrating success in emergency situations to promote good practice • New workwear and appropriate PPE provided after consultation with staff and unions <p><u>Environmental Health</u></p> <p>The Environmental Health Manager submitted a report on health and safety activity, highlighting:</p> <ul style="list-style-type: none"> • Support for flexible workers including DSE training and the use of Skyguard lone worker monitoring fobs • Workplace inspections • Training for dealing with conflict • Reduction in paper files to lower fire risk and manual handling of large box files. <p><u>Regeneration – Development and Growth</u></p> <p>The Development and Growth Manager submitted a report on health and safety activity, highlighting:</p> <ul style="list-style-type: none"> • Health and Safety matters explicit in service planning and EPDs and reviews form part of regular team meetings • Contractor management • Proactive approach to managing potential issues and risks 	<p>KB/JD</p> <p>M.BLYTHE</p> <p>M.BLYTHE</p> <p>RS</p> <p>NJ</p>
6	<p><u>INTRODUCTION TO NEW EMPLOYEE SAFETY REPRESENTATIVES</u></p> <p>Union Safety Representatives submitted a paper to welcome new safety representatives and to outline the functions of the health and safety representatives, including the right to a reasonable amount of time for carrying out their functions.</p>	

7	<p><u>EUROPEAN HEALTH & SAFETY WEEK 2015</u></p> <p>The preparations for European Health and Safety Week were discussed. It was anticipated that this week would be held from 19 October 2015. Committee members were requested to submit ideas for activities that could be held to the Corporate Safety Advisor.</p> <p>The Unison representative stated that Unison could not agree to support this initiative; however he would meet with the Executive Director to discuss some outstanding matters of concern and would later review this position.</p>	ALL/MJ CH/JD
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COUNCIL HEALTH AND SAFETY COMMITTEE**Thursday, 29th October, 2015**

Present:-

Cllr S. Blank (Chair)

P. Bartle (Housing)	J. Drury (Executive Director)
M. Blyth (Sport and Leisure Manager)	A. Fowler (Unison)
K. Brown (Business Transformation Manager)	K. Harley (Human Resources Manager, Arvato)
M. Bollands (Housing OSD)	C. Hayes (Unison)
A. Bond (Cultural & Visitor Services)	M. Johnson (Unison)
T. Bryan (Unison)	M. Slack (Unison)
Cllr R. Catt	Cllr M. Wall
D. Clarke (GMB)	R. Wilkes (Unite)
T. Devereux (Unison)	

Min. No.	<u>Item</u> Decision/Action	By Whom
8	<u>APPOINTMENT OF CHAIR FOR MEETING</u> Agreed that Councillor M Wall, Assistant Cabinet Member for Governance, chair the meeting on behalf of Councillor S Blank.	
9	<u>APOLOGIES FOR ABSENCE</u> Councillors A Diouf, H Elliott, J Innes, S Niblock, A Slack, A Daley, P Mallender, A Craig, R Farrand, M Jasinski and B Wainwright.	
10	<u>MINUTES OF THE MEETING HELD ON 29 JULY, 2015</u> Minutes of the Meeting held on 29 July, 2015 approved as a correct record.	
11	<u>OCCUPATIONAL HEALTH AND SAFETY IMPROVEMENT PROGRAMME</u> <u>Corporate Health and Safety Improvement Programme 2015-18</u> Performance considered against the 14 key targets in the Improvement Programme at the end of the second quarter of the 2015/16 year (to October 2015) as detailed in the report, with particular emphasis to be given to:	

<ul style="list-style-type: none"> • Audit programme to be finalised for 2016/17 and 2017/18 once corporate management team restructure completed, based on a risk assessment approach • Importance of service managers sharing good practice through participation in Occupational Health & Safety Improvement Group (OHSIG) • OHSIG Working Group to review questions on employee health & safety opinion surveys • Review of policy on stress management (including involvement of Trade Unions) to include clear guidance and training for managers • Tender for new Occupational Health contract to include more positive action on health promotion • Importance of thorough investigation of accidents involving safety representatives to identify root causes, including corporate reporting and recording process • Clarification of health and safety responsibilities in respect of agency workers 	<p>K BROWN</p> <p>SERVICE MANAGERS</p> <p>OHSIG WORK GROUP</p> <p>K HARLEY</p> <p>K HARLEY</p> <p>ALL</p> <p>K BROWN / K HARLEY</p>
<p>Key messages to be reinforced at Service Managers meeting on 18 November.</p>	<p>J DRURY</p>
<p><u>Town Hall Services</u></p>	
<p>A progress report on health and safety management and performance for the Town Hall Services was submitted, highlighting:</p>	
<ul style="list-style-type: none"> • Involvement in development of contractor management procedures • Health and safety item regularly on team meeting agendas • Zero accidents in year to date 	
<p><u>Housing – Business Planning & Strategy</u></p>	
<p>A progress report on health and safety management and performance in Housing Services, Business Planning & Strategy was submitted, highlighting:</p>	
<ul style="list-style-type: none"> • Use of SHE system to record accidents and investigations • Clear procedure for checks and enforcement of contractor health and safety arrangements • Improving management of asbestos, including officer to obtain relevant qualification • Training provided for officers to ensure compliance with new Construction Design and Management Regulations, use of scaffolding and ladders • Ladder register and inspection regime set up 	

	<p><u>Cultural & Visitor Services</u></p> <p>A progress report on health and safety management and performance for Cultural & Visitor Services was submitted, highlighting:</p> <ul style="list-style-type: none"> • Evacuation exercises undertaken at Venues • Risk assessments and method statements in place for the installation of the Christmas lights • Comprehensive programme of joint safety inspections with safety representatives and resulting action plans • Review of security risk assessment at Visitor Information Centre • Training for working at height, IOSH level 3, accident investigation and counter terrorism • Stress risk assessments and action plans developed in respect of proposed changes to service • Security plans being developed for all premises <p>The Cultural & Visitor Services team was commended for its positive approach to health and safety management.</p>	<p>B WAINWRIGHT</p>
12	<p><u>EMPLOYEE SAFETY REPRESENTATIVES' ITEM</u></p> <p>Andy Fowler emphasised the important role and responsibilities of Safety Representatives under the Safety Representatives and Safety Committees Regulations 1977, particularly in respect of:</p> <ul style="list-style-type: none"> • Consulting with representatives on arrangements for health and safety • Representatives investigating potential hazards and causes of accidents • Consulting and providing information to representatives in respect of the introduction of any measures affecting health and safety and the planning and organising of any health and safety training <p>It was noted that training was provided by Trade Unions to Safety Representatives and they therefore had expertise to contribute. It was suggested that OHSIG provided a forum to promote the positive contribution of Safety Representatives across Council services and that this should be reinforced at the Service Managers meeting on 18 November.</p>	<p>ALL</p> <p>J DRURY</p>
13	<p><u>EUROPEAN HEALTH AND SAFETY WEEK</u></p> <p>Events had been organised within the Council during European Health and Safety Week (October 19 – 25), including to raise awareness of mental health issues as part of the ongoing 'Time to</p>	

	<p>Change' campaign to end mental health discrimination.</p> <p>Thanks were expressed to all those involved in organising and participating in the events.</p>	
14	<p><u>PLANNING FOR FUTURE MEETINGS</u></p> <p>James Drury suggested a revised format for future meetings of the Committee in order to enable a greater focus on the root causes of issues, based on part of the meeting including short reports from service areas focusing on key issues and another part to focus on a particular issue, which would be identified through an agreed 'forward plan' of priority issues. Further work required on such issues could then be undertaken by sub-groups which would then report back to the Committee.</p> <p>James Drury agreed to work with Safety Representatives to develop a 'forward plan' of priority issues for the Joint Chairs to consider before the next meeting, with the aim of continuing to progress health and safety management and arrangements in the Council.</p>	JOINT CHAIRS
15	<p><u>ASBESTOS MANAGEMENT COMPLIANCE REVIEW</u></p> <p>The Housing Services Manager, Business Planning and Strategy and the Business Transformation Manager submitted a report on the findings of the asbestos management compliance review.</p> <p>It was noted that Andy Fowler had not been consulted as a Joint Chair on the inclusion of this report on the agenda for the meeting as required by the Committee's constitution. Karen Brown apologised that this had not happened.</p> <p>The report included the Savills Compliance Review Report on the current status of asbestos compliance in the Council's domestic and non-domestic properties, identifying any shortcomings and recommending prioritised action plans.</p> <p>The report recommended that an Asbestos Management Compliance Sub Group be established to oversee the implementation of the action plans to report to the Council Health and Safety Committee. It was suggested that Andy Fowler be nominated from the Health and Safety Committee to the Sub Group, given his relevant skills and training, and that a further place be available for a representative from the Committee.</p> <p>The recommendations in the report were due to be considered by the Cabinet on 3 November, 2015.</p>	

	The Committee supported the report's recommendations and agreed that Andy Fowler should be nominated to the Sub Group.	K BROWN
16	<p><u>AGREED ACTION POINTS</u></p> <p>Importance of participation in OHSIG, compliance with statutory health and safety management requirements and involvement of safety representatives to be stressed at Service Managers breakfast meeting on 18 November.</p> <p>'Forward plan' of prioritised issues for particular consideration at future Health and Safety Committee meetings to be developed with Safety Representatives.</p> <p>Recommendations to Cabinet on the implementation of the actions arising from the Asbestos Management Compliance Review and the establishment of an Asbestos Management Compliance Sub Group supported.</p>	<p>J DRURY</p> <p>SERVICE MANAGERS</p> <p>J DRURY</p> <p>K BROWN</p>

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OCCUPATIONAL HEALTH & SAFETY IMPROVEMENT PROGRAMME

2015 - 2018

PERFORMANCE REPORT YEAR TO DATE – OCTOBER 2015

1.0 Background

1.1 The Occupational Health & Safety Improvement Programme 2015-2018 was launched in April 2015 and it focuses improvements around 4 key themes:-

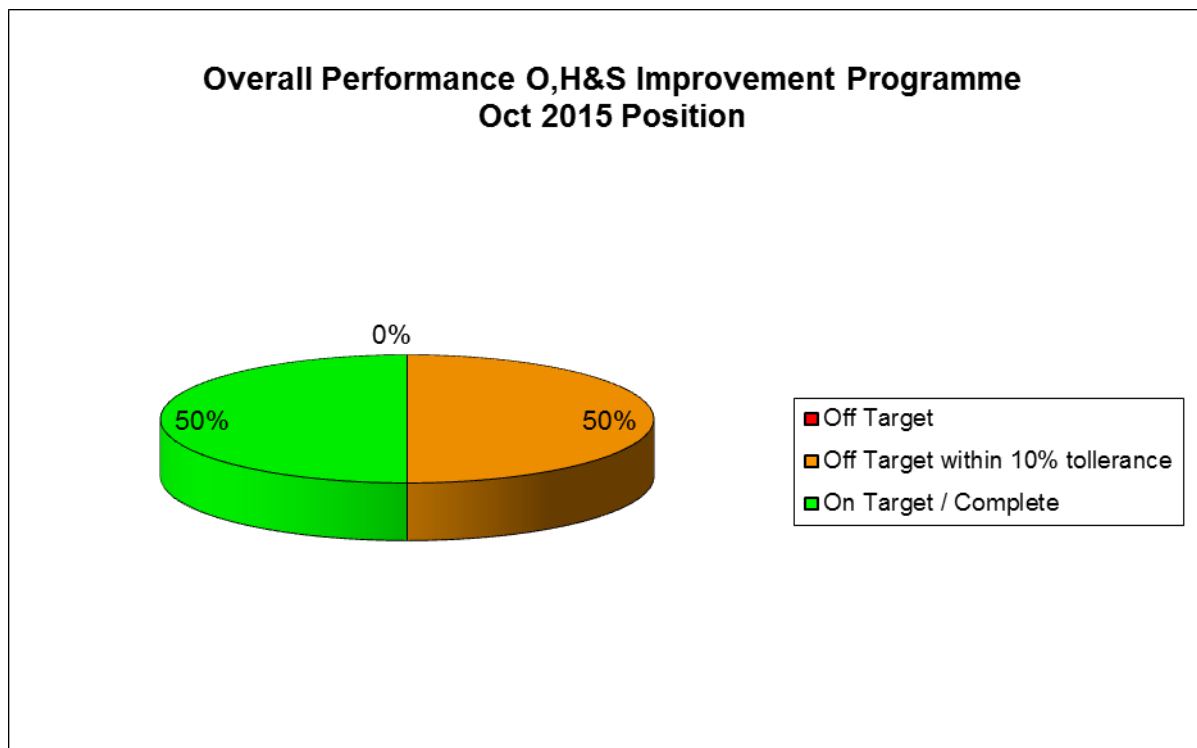
- Accident Performance
- H & S Management
- H & S Climate
- Occupational Health

1.2 A copy of the improvement programme, showing the latest objectives and targets for each of the 4 key themes is detailed in Item 5.0 of the H&S Committee Papers.

1.3 This report summarises the Councils performance against the programme at the end of the second quarter since its launch. For continuity and comparison, some of the data is presented in a year-to-date format.

2.0 Performance Outturn

2.1 The OH&S Improvement Programme 2015 - 2018 contains 14 key targets, the following chart summarises overall performance against those 14 targets using a RAG status. The percentage scores in the chart below reflect the current status at the end of the second quarter of 2015/16.



3.0 Performance Per Objective

3.1 The following sections summarise performance outturn against the four threads of the Improvement programme for the period October 2014 to September 2015.

H & S Management				
Objective: Over the period April 2015 to March 2018 the Council will demonstrate continuously improving performance in relation to specified areas of significant risk.				
Target 1: To embed the council's procedures relating to contractor management across the authority during 2015/16	Target 2: To train all relevant employees in the CBC contract management system and procedures in 2015/16	Target 3: To review the commissioning cycle to ensure all H&S risks are addressed at specification, tender, contract and contract management stages of the cycle	Target 4: Revise, Reissue and implement the 'Managing Workplace Stress Policy'	Target 5: To develop, and commence delivery of, a 3 year corporate H&S management auditing programme.

4.0 Target 1 – Embedding contractor management procedures

4.0.1 The new procedures and documentation to be employed when appointing contractors are currently available on the 'P' Drive. Arrangements are currently being made for them to be transferred onto the Council's Intranet pages by the end of November.

4.1 Target 2 – Training for employees on the new contractor management procedures

4.1.1 A training package has been developed by the Health & Safety Unit.

4.1.2 A training programme for Housing OSD managers and supervisors will commence in November and will be rolled out to all other Services during 2015/16.

4.2 Target 3 – Reviewing the commissioning cycle

4.2.1 The review will be undertaken by a project team, this will be due to take place during 2016/17.

4.3 Target 4 – Revision and re-issue of the stress management policy

4.3.1 The policy is currently in the process of being reviewed by HR and is scheduled for approval at cabinet in Dec 2015.

4.4 Target 5 – Develop a 3-year corporate H&S audit programme

- 4.4.1 A programme has been prepared to cover all Council Services over the next three years with a view to complete at least 3 audits every year.
- 4.4.2 The H&S audit system on the SHE system is currently being tailored to meet the requirements of the Council. Once the new audit package has been tested and the audit team has been trained in its use, the audit programme will commence.
- 4.4.3 It is envisaged that Housing OSD and Sport & Leisure will have undergone an H&S audit by the end of March 2016.
- 4.4.4 An audit has already been completed by Mel Henley for Environmental Services.

H & S Climate / Culture

Objective: Over the period April 2015 to March 2018 the Council will demonstrate a continuously improving health and safety climate, with senior management commitment and governance.

Target 6: To develop & maintain a targeted strategy / programme to tackle causes of injuries and ill health across the council, service managers and union representatives will proactively work within the framework of the strategy to ensure improved performance

Target 7: To conduct 2 corporate employee Health & Safety Opinion Surveys during 2015-18 and to draw comparisons against the baseline 2012 data, and the interim 2014/15 data

4.5 Target 6 – Develop & maintain a targeted strategy to reduce instances of injury or ill-health

- 4.5.1 An H&S strategy document to reduce instances of injury and ill has been prepared and approved.
- 4.5.2 The Councils OHSIG are now meeting on a quarterly basis and taking a lead role in working with services across the councils to implement this strategy and subsequently improve the climate and culture within the authority.
- 4.5.3 The results of the 2014/15 survey have revealed that, although a number of Service areas have improved their score, not all of them have managed to raise their score to a minimum of 50 in the three key areas of accident performance, barriers to safety and supervision. Service Managers will therefore continue to target these key areas for further improvement.

4.6 Target 7 - To conduct 2 corporate employee health & safety opinion surveys during 2015-18

- 4.6.1 A survey will be undertaken during 2016/17 to gauge if the required improvements have been made and a further survey will be undertaken during 2017/18 to measure progress.

Accident Injury Performance

Objective: Over the period April 2015 – March 2018 the Council will continuously reduce its employee accident/incident rate

Target 8: By 31 March 2018 the total non-fatal injury incidence rate will have been reduced by 10% year on year

Target 9: By 31 March 2018 the number of days lost due to accidents will have been reduced by 10% year on year.

Target 10: To reduce the average number of days lost due to accidents to 7 or fewer per accident.

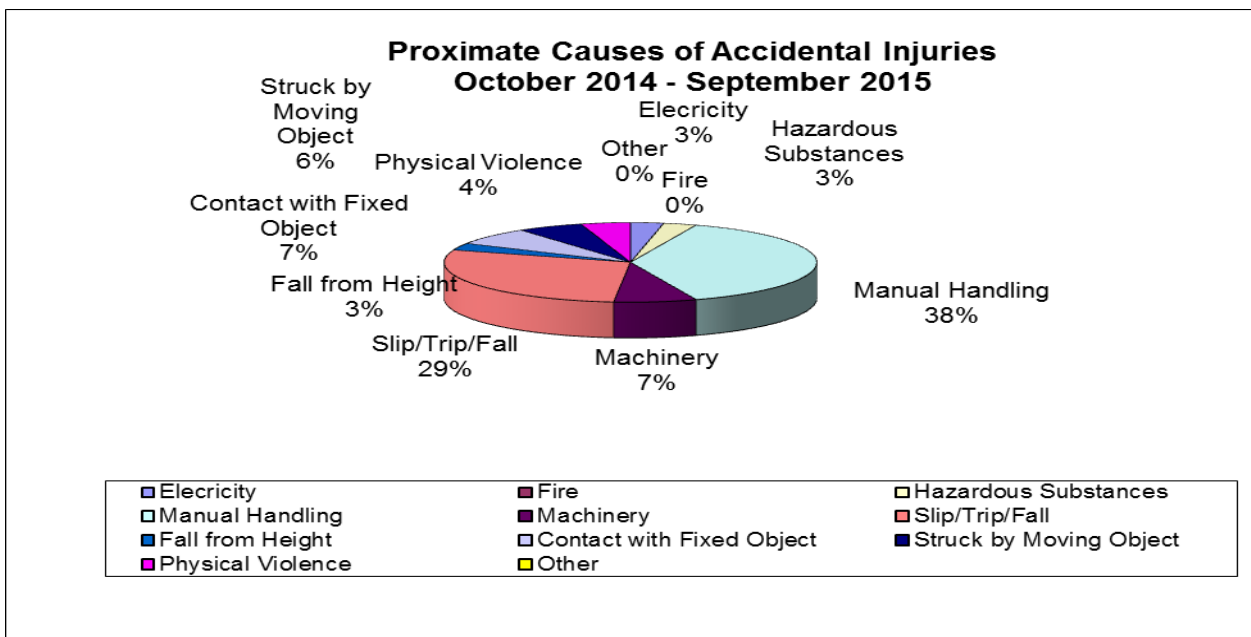
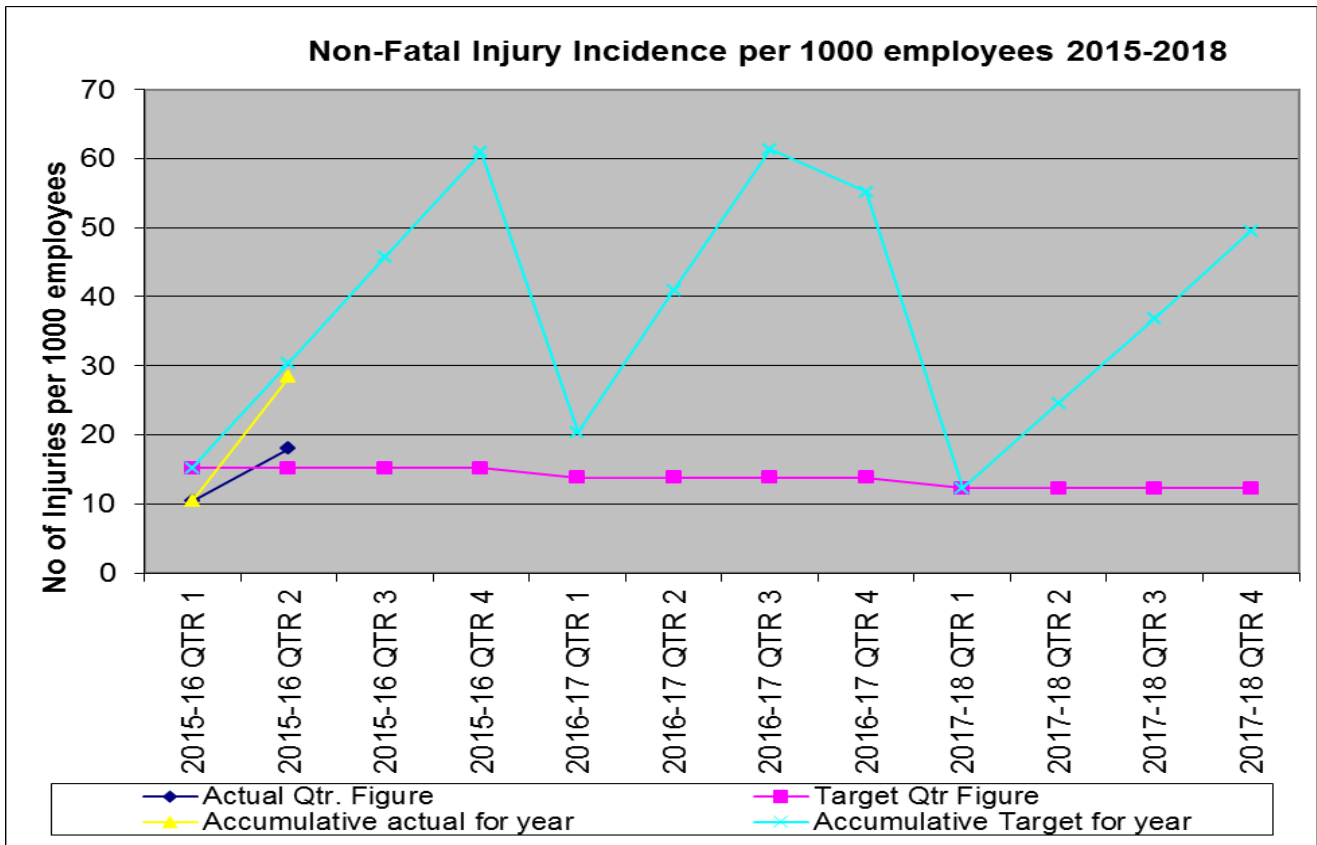
4.7 Target 8 – Non-Fatal Injury incidence (per 1000 employees)

4.7.1 At the end of the second quarter of 2015/16, the year to date figure is 66.4 per 1000 employees. This figure has risen when compared to the previous quarter year to date figure of 59 per 1000 employees. Therefore, the current year to date figure has risen to 9% above the 60.9 incidents per 100 employee's target that has been set for the end of March 2016.

4.7.2 The proximate causes of accidental injuries and near misses are shown in the PIE chart below. It continues to indicate that slip, trip and fall risks together with manual handling risks are by far the biggest cause of non-fatal injury accidents across the Council, highlighting the need for further action to reduce such incidents.

4.7.3 The administrative costs of dealing with these incidents, (not including the cost of time off work), for 2014/15 was estimated to be £7,100. The estimated cost for the October year-to-date is £7,000. This is based on HSE methodology (£100 per incident).

No of non-fatal injury Incidents	2015/16	2016/17	2017/18	YEAR TO DATE OCT. 2015
Target – No. of Accidents	64	58	52	
Target – Accidents Per 1000 employees	60.9	55.2	49.5	
Target % Decrease	-10%	-10%	-10%	
Actual – No. of Accidents				70
Actual – Accidents Per 1000 employees				66.4
% Increase / Decrease against target				+9%



4.8 Target 9 – Reducing days lost due to accidents

4.8.1 There has been a significant decrease in the year to date figure for this second quarter (116) compared to the previous quarter's year to date figure (140).

4.8.2 Using HSE methodology, (£2,600 per incident), it has been estimated that the cost of accidents leading to employees having time of work for 2014/15 was £33,800. The October year-to-date estimated cost is **£36,400**.

4.8.3 The cost to the council of accidents was estimated to be £40,900 for 2014/15. When adding the figures detailed at 4.7.3 (£7,000) and 4.8.2 (**£36,400**), the estimated October year-to-date cost is **£43,400**. This does not take into account the costs

incurred in rectifying damage to property, vehicles or the impact of any insurance claims made against the councils that directly relate to accidents.

QUARTERLY BREAKDOWN OF NUMBER OF LOST TIME ACCIDENTS
OCTOBER YEAR TO DATE

	OCT - DEC 2014		JAN - MAR 2015		APR - JUN 2015		JUL - SEP 2015	
	LOST DAY ACC.	DAYS LOST	LOST DAY ACC.	DAYS LOST	LOST DAY ACC.	DAYS LOST	LOST DAY ACC.	DAYS LOST
	1	10	1	10	1	31	1	3
	1	29	1	2	1	5	1	5
	1	1	1	5			1	5
			1	6			1	2
			1	2				
TOTAL	3	40	5	25	2	36	4	15
AVERAGE LOST DAYS PER ACCIDENT	13.3		5		18		3.7	
ACCUMULATIVE AVERAGE LOST DAYS PER ACCIDENT	15.5		11.1		11.6		8.2	

4.9 Target 10 – Average number of days lost due to accidents

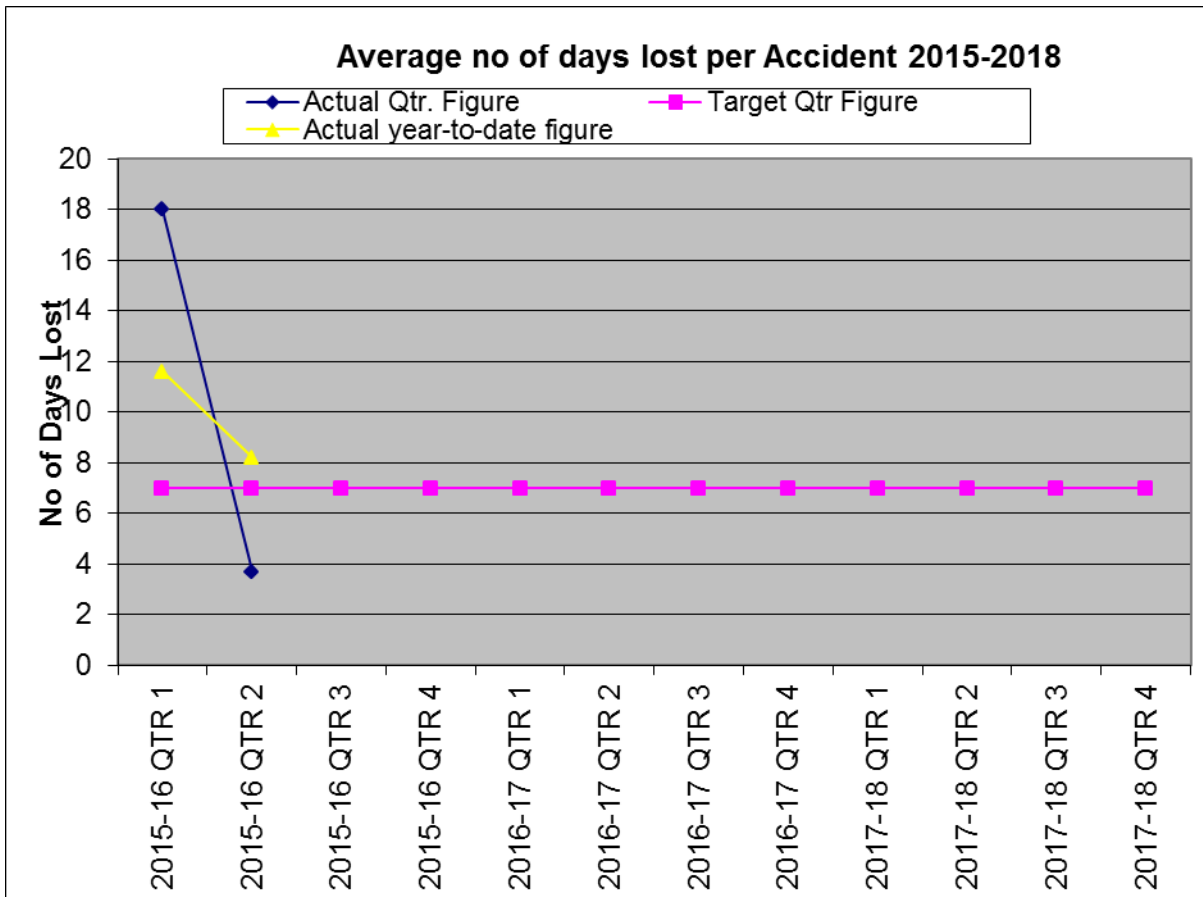
4.9.1 The performance target is set at reducing the average number of days lost per accident to 7 by the end of 2015/16 and at least maintaining that figure for the next two years. The 2014/15 figure for the average number of days lost was 11.1. The October year-to-date figure has fallen to 8.2. However, this is still 1.2 above the target.

4.9.2 The following accidents led to sickness absence during this reporting quarter:

- One of the legs of a pair of steps an employee was standing on went through rotten floor boards. This caused the employee to fall off the steps resulting in bruising and contusions to the side of his body.
- An employee turned to pick an item up off the floor and felt a pain in his left knee.
- An employee was cutting an end panel with a circular saw when it slipped, causing him to cut his leg with the saw.
- An employee strained his back whilst moving oil burners from the Crematorium.

AVERAGE NUMBER OF DAYS LOST PER ACCIDENT

	July year-to-date	October year-to-date	January year-to-date	April year-to-date
Target 2015/16	7	7	7	7
Actual	11.6	8.2		
% Increase / Decrease	4.5%	-29.3%		



Occupational Health

Objective: Over the period April 2015 to March 2018 the Council will continuously reduce its overall reported work related ill health.

Target 11: 8% year on year reduction in the number of cases of occupationally related anxiety, stress and depression

Target 12: 8% year on year reduction in the number of days lost due to occupationally related anxiety, stress and depression

Target 13: 8% year on year reduction in the number of cases of occupationally related musculoskeletal conditions

Target 14: 8% year on year reduction in the number of days lost due to occupationally related musculoskeletal conditions

A review of the sickness absence data in April 2015 has identified that due to a combination of factors, the accuracy of the information reported does not meet the required standards. The processes involved in recording and reporting the information have now

been reviewed and updated. With this in mind, it has been agreed that a new baseline will be established in 2015/16.

Target 12/14 – to reduce the level of work-related ill health based on the baseline level

PERFORMANCE TARGETS FOR DAYS LOST DUE TO OCCUPATIONALLY RELATED ILL HEALTH

8% YEAR ON YEAR DECREASE IN DAYS LOST DUE TO WORK RELATED STRESS & MUSCULOSKELETAL INJURY (TARGET)

	2013/14 (Actual)	2014/15	2015/16	2016/17
Stress	710	675	474	TO BE AGREED
Musculoskeletal	261	248	131	TO BE AGREED
% Increase - Decrease	-	-5%	-8%	TO BE AGREED

ACTUAL PERFORMANCE 2014/15

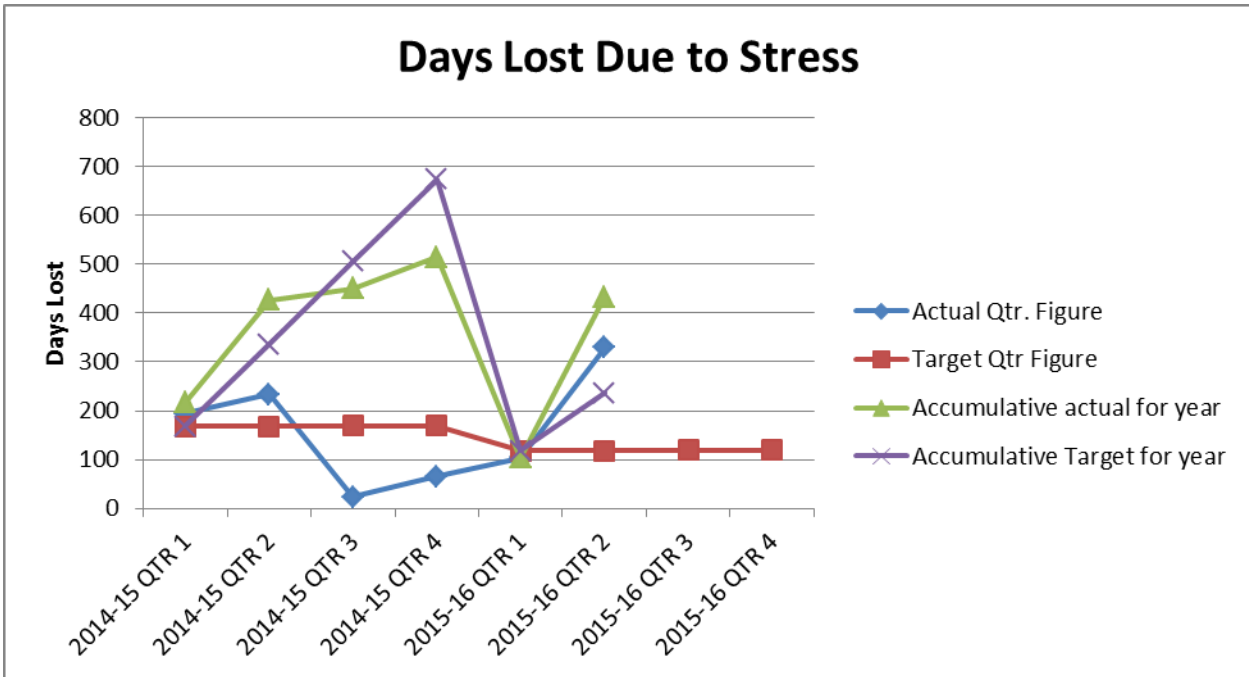
	APR/JUN 2014	JUL/SEP 2014	OCT/DEC 2014	JAN/MAR 2014	ACTUAL TOTAL FOR YEAR
Stress	194	233	23	65	515
Musculoskeletal	81	37	9	15	142

The target for reducing the number of days lost due to work related ill health has been set at 8% year on year using the period 2014 /15 as the baseline.

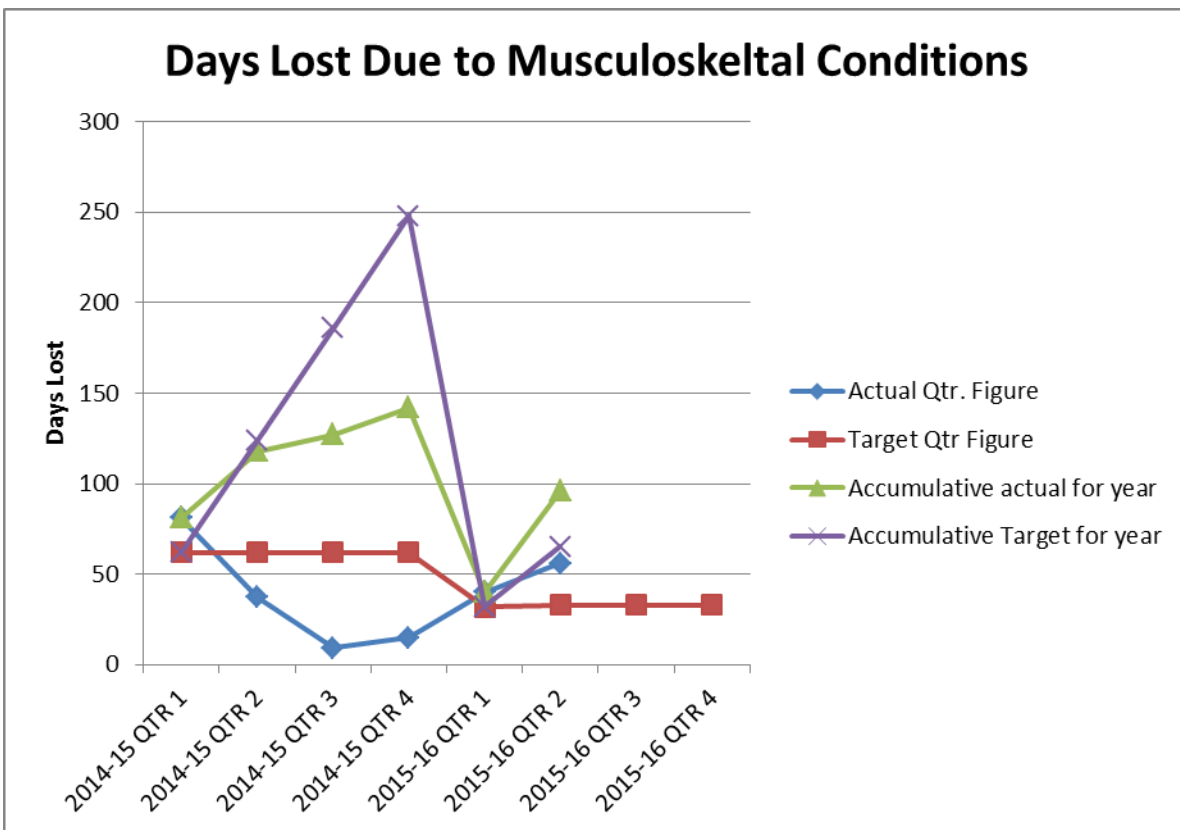
YEAR TO DATE PERFORMANCE – OCTOBER 2014 TO SEPTEMBER 2015

	OCT/DEC 2014	JAN/MAR 2015	APR/JUN 2015	JUL/SEP 2015	ACTUAL TOTAL FOR YEAR TO DATE
Stress	23	65	103	330	521
% Increase - Decrease	-90%	+183%	+159%		FROM 515 to 521 = 1% INCREASE
Musculoskeletal	9	15	40	56	120
% Increase - Decrease	-76%	+67%	+267%	+40%	FROM 142 to 120 = 15% DECREASE

The 2015/16 target for the number of days lost due to occupationally related ill health has been set at 474 days (Stress) and 131 (Musculoskeletal). The current year to date figure for stress related absence is 521, this is 10% above the target. The current year to date figure for musculoskeletal related absence is 120, this is 8% below the target.



The above graph illustrates the number of days lost due to work related stress.



The above graph illustrates the number of days lost due to musculoskeletal conditions.

HEALTH PERFORMANCE TARGETS FOR STRESS AND MUSCULOSKELETAL INCIDENTS

Target 11/13 - 8% YEAR ON YEAR DECREASE IN INCIDENTS OF WORK RELATED STRESS & MUSCULOSKELETAL INJURY (TARGET)

	2013/14 (Actual)	2014/15	2015/16	2016/17
Stress	40	38	12	TO BE AGREED
Musculoskeletal	22	21	19	TO BE AGREED
% Increase - Decrease	-	-5%	-8%	TO BE AGREED

ACTUAL PERFORMANCE 2014/15

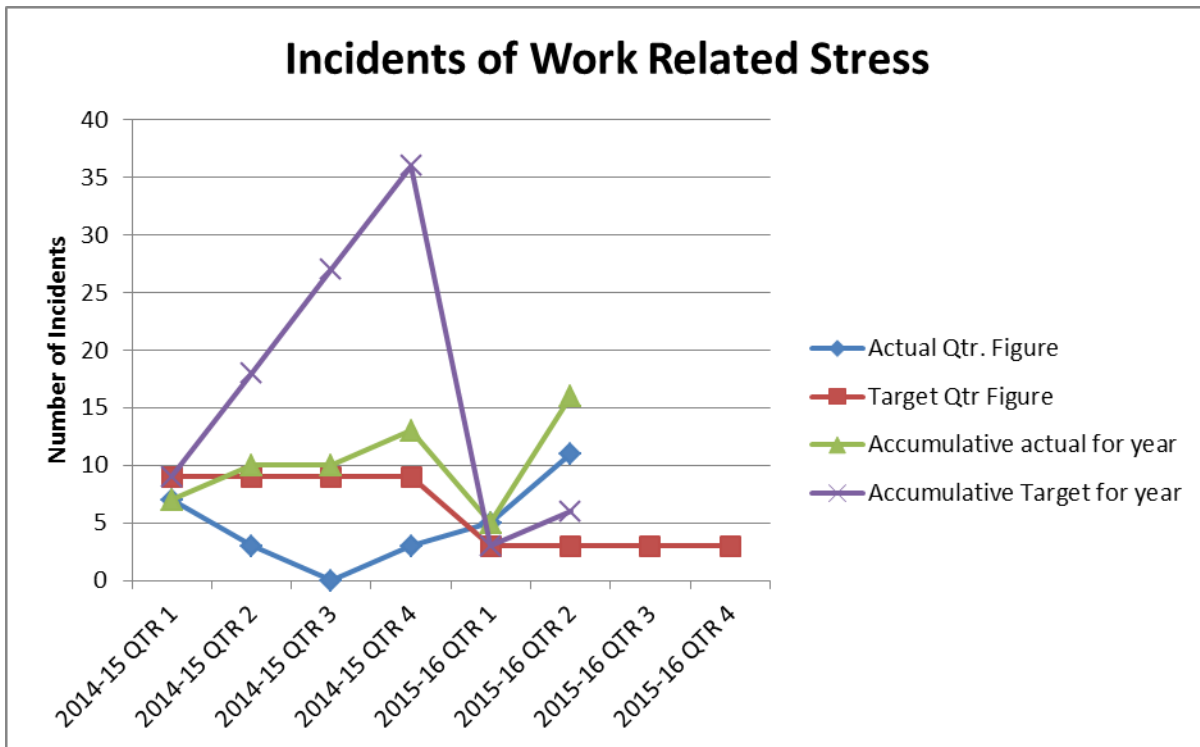
	APR/JUN 2014	JUL/SEP 2014	OCT/DEC 2014	JAN/MAR 2014	ACTUAL TOTAL FOR YEAR
Stress	7	3	0	3	13
Musculoskeletal	7	9	2	3	21

The target for reducing the number of incidents due to work related ill health has been set at 8% year on year using the period 2014 /15 as the baseline.

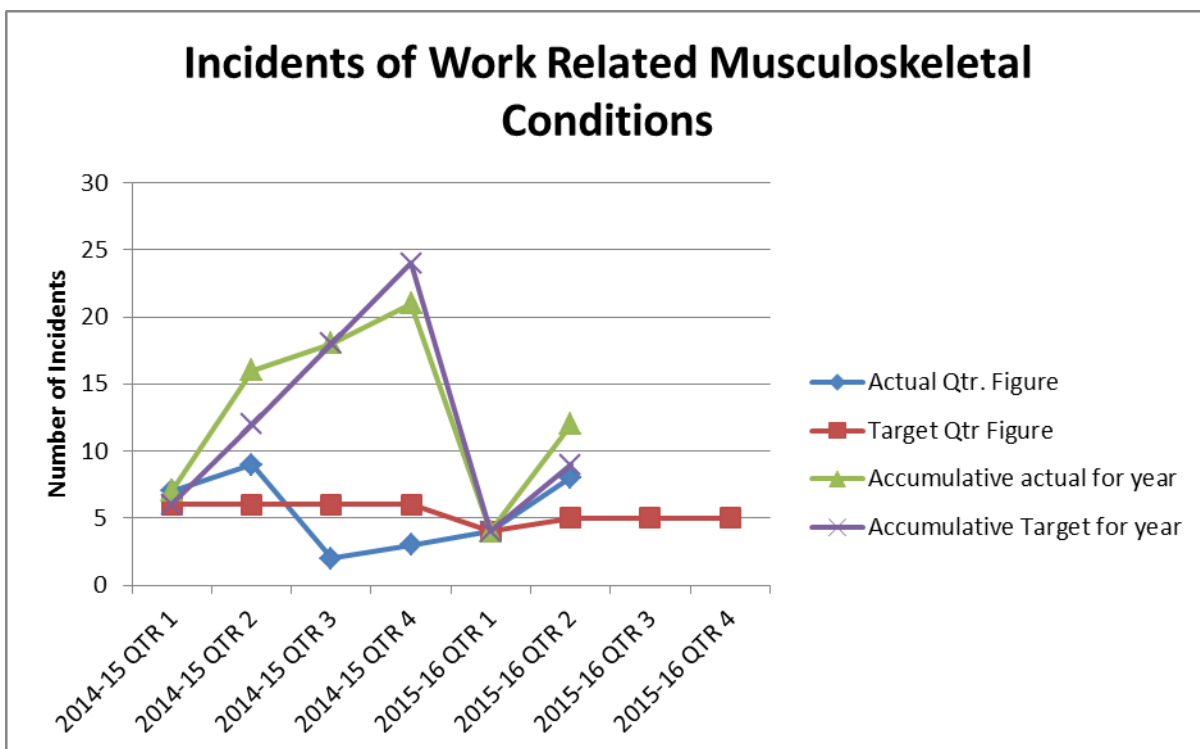
YEAR TO DATE PERFORMANCE – OCT 2014 TO SEPT 2015

	OCT/DEC 2014	JAN/MAR 2015	APR/JUN 2015	JUL/SEP 2015	ACTUAL TOTAL FOR YEAR TO DATE
Stress	0	3	5	11	19
% Increase - Decrease	-	-			FROM 38 to 19 = 50% DECREASE
Musculoskeletal	2	3	4	8	17
% Increase - Decrease	-78%	+50%	+33%	+100%	FROM 21 to 17 = 19% DECREASE

The 2015/16 target for the number of incidents of occupationally related ill health has been set at 12 (Stress) and 19 (Musculoskeletal). The current year to date figure for stress related incidents is 19, this is 58% above the target. The current year to date figure for musculoskeletal related incidents is 17, this is 11% below the target.



The above graph illustrates the number of incidents due to work related stress. The figures are based on new incidents per quarter to ensure that double counting does not occur.



The above graph illustrates the number of incidents due to musculoskeletal conditions. The figures are based on new incidents per quarter to ensure that double counting does not occur.

The charts below show all work related absences for the period 1st August 2014 to 30th September 2015 and confirm that the biggest causes of work related absences remain mental health and musculoskeletal issues. These two areas should remain as the immediate targets for action.

