



Meeting: **Employment Committee**

Date/Time: **Thursday, 12 June 2014 at 10.00 am**

Location: **Goscote Committee Room, County Hall, Glenfield**

Contact: **Mr. S. J. Weston (tel: 0116 305 6226)**

Email: **sam.weston@leics.gov.uk**

Membership

Mrs. J. Fox CC Mr. R. J. Shepherd CC
Mr. D. Jennings CC Mr. E. D. Snartt CC
Mrs. H. E. Loydall CC Mr. G. Welsh CC
Mr. J. B. Rhodes CC

AGENDA

<u>Item</u>	<u>Report by</u>
1. Appointment of Chairman. Mr J. B. Rhodes CC was nominated Chairman Elect at the Annual Meeting of the County Council held on 21 May 2014.	
2. Election of Deputy Chairman.	
3. Minutes of the meeting held on 12 March.	(Pages 3 - 8)
4. Question Time.	
5. Questions asked by members under Standing Order 7(3) and 7(5).	
6. To advise of any other items which the Chairman has decided to take as urgent elsewhere on the agenda.	
7. Declarations of interest in respect of items on the agenda.	
8. Employee Code of Conduct.	County Solicitor and Director of (Pages 9 - 40)



	Corporate Resources	
9. Use of County Council Vehicles Policy	Director of Corporate Resources	(Pages 41 - 44)
10. Flexible Working Policy	Director of Corporate Resources	(Pages 45 - 70)
11. National Pay Position	Director of Corporate Resources	(Pages 71 - 72)
12. Discretionary elements of the Pension Scheme	Director of Corporate Resources	(Pages 73 - 80)
13. Managing Sickness.	Director of Corporate Resources	(Pages 81 - 84)
14. Organisational Change Policy: Summary of Action Plans.	Chief Executive	(Pages 85 - 90)
15. Any other items which the Chairman has decided to take as urgent.		
16. Date of Next Meeting.		

The next meeting of the Committee is scheduled to be held on 21 October at 10.00am.



Minutes of a meeting of the Employment Committee held at County Hall, Glenfield on Wednesday, 12 March 2014.

PRESENT

Mr. J. B. Rhodes CC (in the Chair)

Mr. G. A. Boulter CC
Mr. Max Hunt CC
Mr. D. Jennings CC

Mrs. H. E. Loydall CC
Mr. R. J. Shepherd CC
Mr. E. D. Snartt CC

In Attendance:

Mr. L. Spence CC (for Minute 37)

30. Announcement.

Head of Democratic Services and Administration

The Chairman reported that this would be the last meeting of the Committee to be attended by David Pitt, Head of Democratic Services and Administration who would be retiring from the County Council at the end of the month. Members joined the Chairman in paying tribute to David's service to the Authority and in wishing him a long and happy retirement.

31. Minutes.

The minutes of the meeting held on 23 October 2013 were taken as read, confirmed and signed.

32. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 35.

33. Questions asked by Members.

The Chief Executive reported that no questions had been received under Standing Order 7(3) and 7(5).

34. Urgent Items.

There were no urgent items for consideration.

35. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

No declarations were made.

36. Change to the Order of Business.

The Chairman sought and obtained the consent of the Committee to vary the order of business from that set out in the agenda.

37. Veterans' Interview Programme.

The Committee considered a report of the Director of Corporate Resources concerning the implications of either the full adoption of a Veterans' Interview Programme or some elements of the Programme. A copy of the report, marked "Agenda Item 10", is filed with these minutes.

The Chairman welcomed to the meeting Mr. L. Spence CC, who was present to make representations about the adoption of the Programme. In support of the Programme, Mr. Spence made the following points:

- It was important that the contribution made by ex-servicemen and women was recognised. It was felt that assisting veterans back into employment was one important way of doing this;
- The Veterans' Interview Programme had widespread national support;
- Whilst he hoped that the Programme could be fully adopted by the County Council at some point in the future, some of the legal and financial issues presented by the Programme (and as outlined in the report) were recognised. The Committee was urged to consider agreeing to take steps towards adoption of the Programme, as outlined in paragraphs 16-20 of the report.

Whilst the aspirations of the Programme were fully supported by the Committee, full commitment to it was complicated by the Public Sector Equality Duty, which required the Council to give due regard to the elimination of unlawful discrimination and advanced equality of opportunity for those groups that fell within the list of protected characteristics in the Equality Act 2010. Veterans presently did not feature on that list.

It was moved by Mr. Shepherd CC, seconded by Mr. Jennings CC and carried:

- " (a) That, in recognition of the contribution made by ex-servicemen and women, officers be asked to pursue the actions set out in paragraph 20 of the report with the aim of supporting veterans into work;
- (b) That officers be asked to explore with Rochdale Metropolitan Borough Council how its scheme has operated and in particular the effect the eligibility criteria it has put in place as part of its operation of the Veterans' Interview Programme (as highlighted in bullets 1-4 of paragraph 14 of the report) has had on the number of veterans applying for posts;
- (c) That an approach be made to the Department for Work and Pensions and the Equality and Human Rights Commission seeking views about the operation of a Veteran's Interview Programme in the context of the provisions of the Equalities Act 2010."

38. Pay Policy Statement 2014/15.

The Committee considered a report of the Director of Corporate Resources seeking the Committee's approval to the Pay Policy Statement for 2014/15 for submission to the County Council. A copy of the report, marked "Agenda Item 6", is filed with these minutes.

RESOLVED:

That the County Council be recommended to approve the Pay Policy Statement 2014/15.

39. Employee Code of Conduct.

The Committee considered a report of the Director of Corporate Resources presenting a draft revised version of the Employee Code of Conduct. A copy of the report, marked "Agenda Item 7", is filed with these minutes.

The County Solicitor explained that a revised Employee Code of Conduct had been developed as a result of a lack of awareness amongst staff for the previous version of the document. It was stressed that a guidance document was being developed in order to make the latest version of the Code more accessible for staff in order that they understood how it applied to their role at the Council.

Whilst the introduction of a revised version of the Code was welcomed, it was felt that it would be necessary to see the guidance document that it sat alongside before it was possible to approve the Code for submission to Council. In addition, some members felt that the Code was lacking in detail, particularly in respect of paragraph 6.2.1 and the rules around relationships between staff and elected members. It was subsequently explained that it was intended that the Code be a stand-alone document with cross-references to a number of other protocols in the County Council's Constitution, such as the Protocol on Member/Officer Relations. This avoided the need to have repeated content.

It was noted that, were the Code of Conduct not to be approved for submission to the County Council meeting in May, it would be necessary to bring forward the next meeting of the Committee (currently scheduled for 26 June) in order for it tie in with the timescales for submission to the following County Council meeting in July.

RESOLVED:

- (a) That an amended draft of the Employee Code of Conduct be submitted to the next meeting of the Committee;
- (b) That a copy of the latest draft of the proposed supporting guidance document be circulated to Committee members as soon as it becomes available.

40. Smoke Free Workplace.

The Committee considered a report of the Director of Corporate Resources and Director of Public Health concerning proposals to extend the County Council's Smoke Free Policy. A copy of the report, marked "Agenda Item 8", is filed with these minutes.

In support of the proposals to make the County Council a Smoke Free Workplace, the following points were made:

- Under the current arrangements, staff were provided with designated on-site areas in which to smoke and were required to take unpaid smoking breaks, for instance during lunch breaks. However, it was known that managers found it difficult to enforce these arrangements;
- Under the new proposals, the designated smoking areas would be removed and staff would be required to move off-site if they wished to smoke;
- It was felt important that the County Council, as a Public Health Authority, took a lead role in committing to a smoke free workplace and it was hoped that this would inspire others to adopt a similar approach;
- The Council would continue to operate smoking cessation programmes to support staff to stop smoking.

In response to the proposals, members questioned whether a Policy for a Smoke Free Workplace would be enforceable on the public access roads that surrounded County Hall. The reputational damage of staff gathering to smoke along the A50 at the front of the County Hall building was also felt to be a concern. Similar concerns were raised in regard to other County Council sites.

It was further felt by some members that, whilst the Council should continue to encourage people to stop smoking, a Policy for a Smoke Free Workplace would go too far and that there had been no evidence presented to support the fact that the present arrangements were not working effectively.

It was proposed by Mr. Jennings and seconded by Mr. Hunt:-

“That the proposed action towards achieving a Smoke Free Workplace, as outlined in the report, be supported.”

The motion was put and not carried, 2 members having voted for the motion and 5 against.

RESOLVED:

That details of the extent to which employees have been helped to quit smoking by the smoking cessation programmes run by the Council be circulated to members of the Committee.

41. Home Working Policy and Guidance.

The Committee considered a report of the Director of Corporate Resources concerning a new Home Working Policy and associated guidance. A copy of the report, marked “Agenda Item 9”, is filed with these minutes.

Arising from the discussion, the following points were made:

- Though the Policy and Guidance were new, the Council already had a number of staff who had been working from home on an ad-hoc basis as part of the previous

Flexible Working and Occasional Home Working Policies. The new Policy provided a means through which a member of staff and a manager could make a more permanent arrangement, so long as it fit within the business needs of the Authority;

- Whilst some viewed home working as being less conducive to good communication within a team, the point was made that it often had the effect of placing an increased onus on effective communication. It was noted that productivity had generally risen amongst those staff that had worked from home under the previous policies;
- The Policy placed increased responsibility on the line manager and the member of staff to put in place a robust Home Working arrangement, taking into account business need, health and safety and other issues, such as effects on budget. There was a requirement to agree a timescale for one-to-one meetings between both parties to ensure the arrangement was working effectively;
- Paragraph 4 of Page 5 of the Policy and Guidance titled “Employee Instigated Home Working” required an amendment to remove the work “especially”;
- It was felt that the Policy would benefit from a firmer stance in relation to staff being contactable from home during working hours.

RESOLVED:

That the Home Working Policy and Guidance be approved for implementation, subject to amendment in light of the comments now made.

42. 2013 Pay Award.

The Committee considered a report of the Director of Corporate Resources concerning action taken by the Chief Executive to implement a 1% pay award for all employees on grades 2-17 with effect from 1 April 2013. A copy of the report, marked “Agenda Item 11”, is filed with these minutes.

RESOLVED:

That the report be noted.

43. Managing Attendance.

The Committee considered a report of the Director of Corporate Resources concerning an update on the overall County Council and Departmental performance in relation to sickness absence for the period 1 April to 31 December. A copy of the report, marked “Agenda Item 12”, is filed with these minutes.

The Committee expressed concern that the current target figure of 7.5 days per full-time employee (FTE) was not being achieved and the justification behind being asked to approve an increased target of 8.0 days per FTE was therefore questioned. Particular attention was drawn to the projected outturn figure of 10.92 days per FTE for the Adults and Communities Department, which it was felt merited an explanation from a representative of the Department.

Despite the concern expressed, it was felt that more data was required, particularly in relation to the absence figures for sedentary and manual workers, in order to understand the reasons behind its targets not being met and how best it could begin taking steps to effect a positive change in this regard.

It was moved by the Chairman, seconded by Mr. Shepherd CC and carried:-

- “(a) That the performance of sickness absence levels across the County Council be noted with concern;
- (b) That the Director of Corporate Resources be asked to submit a report to the next meeting of the Committee setting out a comprehensive breakdown of absence levels for sedentary and manual workers and further details about what action can be taken to improve the Council’s absence figure in the future;
- (c) That a representative of the Director of Adults and Communities be asked to attend the next meeting of the Committee to advise on levels and management of sickness absence in that Department.”

44. Organisational Change Policy and Procedure: Summary of Action Plans.

The Committee considered a report of the Chief Executive concerning a summary of current action plans with provision for compulsory redundancy and details of progress on their implementation. A copy of the report, marked “Agenda Item 13”, is filed with these minutes.

It was noted that the covering report contained an error in the date referred to in paragraph 2, which should have stated that the Committee approved a new Organisational Change Policy and Procedure at its meeting on 26 July, 2007.

RESOLVED:

That the report be noted.

45. Date of Next Meeting.

It was noted that the next meeting of the Committee had been scheduled for Wednesday 26 June at 10.00am, though as noted under Minute 36, it would be necessary to bring this meeting forward to deal with the Employee Code of Conduct.

10.00 am - 12.00 pm
12 March 2014

CHAIRMAN



EMPLOYMENT COMMITTEE – 12 JUNE 2014

EMPLOYEE CODE OF CONDUCT

JOINT REPORT OF THE COUNTY SOLICITOR AND THE DIRECTOR OF CORPORATE RESOURCES

Purpose of Report

1. The purpose of this report is to seek Employment Committee's approval for the submission of the revised Employee Code of Conduct to the next meeting of the County Council.

Background

2. On 12th March 2014, Employment Committee considered a joint report from the County Solicitor and the Director of Corporate Resources which presented a draft revised Employee Code of Conduct for consideration. A copy of the Code is attached as Appendix A.
3. The Committee was advised of the importance of the new Code of Conduct and welcomed its introduction, but asked that prior to submission to the Council for approval, guidance documents issued to staff should be presented to the Committee. Concern was also expressed about the difficulties of establishing clear rules concerning personal relationships which might have an impact on the employment relationship.

Supporting Documentation

4. A number of documents have been produced to support the Employee Code of Conduct which are of particular relevance to the concerns expressed by the Committee. These include:
 - An employee guide to the Code, attached as Appendix B, which incorporates web links to other relevant policies, procedures and guidance;
 - A policy on the receipt of gifts and hospitality. This document sets out the restrictions placed on employees when offered a gift or hospitality in the course of their duties whilst working for, or on behalf of, Leicestershire County Council. A copy of this guidance is attached as Appendix C;
 - A policy on the declaration of personal interests. This document is designed to help managers and employees to identify and manage any personal interests or relationships which could be perceived as conflicting with the individual's work or that of the Council. The policy also sets out the procedure that should be followed when an employee is interested in taking on an additional job, either within or outside of the Council. A copy of this policy is attached as Appendix D.

5. These supporting documents have been discussed with and agreed by the Trade Unions.

Implementation

6. If endorsed by Employment Committee, the Employee Code of Conduct will be considered at the meeting of the County Council on 2nd July 2014.
7. Subject to County Council approval, the revised Employee Code of Conduct and related policies and guidance will be launched during September 2014.

Recommendation

8. Employment Committee is requested to
 - (a) Approve the revised Employee Code of Conduct for inclusion in the County Council's Constitution;
 - (b) Comment on the policies on receipt of gifts and hospitality and declaration of personal interests.

Background Papers

None.

Circulation under the Local Issues Alert Procedure

None.

Officers to Contact:

David Morgan, County Solicitor
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List of Appendices

Appendix A - Employee Code of Conduct
Appendix B - Employee Guide to the Employee Code of Conduct
Appendix C - Guidance on the Registration of Gifts and Hospitality
Appendix D - Policy on the Declaration of Personal Interests

Equal Opportunities and Human Rights Implications

None.

PART 5B - EMPLOYEE CODE OF CONDUCT

Part 1 General Provisions

Purpose

- 1.1 This Code of Conduct defines the responsibilities, standards and behaviour required of you as a Leicestershire County Council employee. It reflects the fact that members of the public expect you, as a public servant, to demonstrate the highest levels of integrity and professionalism at all times. This is necessary to enable the County Council to deliver services of high quality which are value for money and reflect the Councils organisational values.
- 1.2 It is your responsibility to read this Code and to make sure your conduct meets its provisions at all times.
- 1.3 Breaches of this Code will be investigated and may result in disciplinary action being taken which could lead to dismissal. You must engage in any investigations about actual or potential breaches of this Code.

Scope

- 1.4 This Code of Conduct applies to all County Council employees, apprentices and casual workers. Volunteers, agency workers and others who work, whether paid or unpaid, for and on behalf of Leicestershire County Council are expected to comply with this Code.
- 1.5 You are required to comply with this Code when carrying out your duties as an employee or representative of Leicestershire County Council.
- 1.6 This Code of Conduct is not an exhaustive account of all the expectations upon you and should be read in conjunction with the Council's Disciplinary Policy and Procedure.
- 1.7 This Code does not apply to employees, workers or others based in schools and colleges with delegated budgets.

Part 2 Principles

The Code of Conduct reflects the key principles of public life recommended by the Committee on Standards in Public Life (The Nolan Committee). You must act in accordance with these principles, as set out below, and observe the following rules of behaviour:-

Principle 1 - Selflessness

You should act solely in terms of the public interest.

Principle 2 - Integrity

You must avoid placing yourself under any obligation to people or organisations that might try inappropriately to influence you in their work. You

should not act or take decisions in order to gain financial or other material benefits for yourself, your family, or your friends. You must declare and resolve any interests and relationships.

Principle 3 - Objectivity

You must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Principle 4 - Accountability

You are accountable to the public for your decisions and actions and must submit yourself to the scrutiny necessary to ensure this.

Principle 5 - Openness

You should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Principle 6 - Honesty

You should be truthful.

Principle 7 - Leadership

You should exhibit these principles in your own behaviour. You should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Part 3 Standards

3.1 You are required to:-

- 3.1.1 Always act in the interests of Leicestershire County Council;
- 3.1.2 Behave at work in line with this Code of Conduct and the Council's Organisational Values;
- 3.1.3 Attend work in accordance with your contractual requirements, carry out all of the requirements of your job and any reasonable instructions given by your manager or supervisor effectively and to the standard that is needed;
- 3.1.4 Conduct yourself, in your official or private capacity, in a way which could not reasonably be regarded as bringing the Council into disrepute or engage in any conduct that is harmful to the Council or its interests.
- 3.1.5 Be aware that actions in your off-duty hours can impact on your employment with the Council as it may result in disciplinary action being taken against you. Examples include, but are not limited to, involvement in racist incidents, criminal actions and acts of violence.

3.1.6 Whilst at work and/or on official Council business, dress appropriately for the role you are undertaking and wear your official Leicestershire County Council identity card;

3.2 Health and Safety

3.2.1 You have a responsibility to present yourself fit for work and be capable of carrying out your duties fully in a competent and safe manner. In addition you have a duty to take care of your own health and safety and that of others who may be affected by your actions and to co-operate with the Council and co-workers to help everyone meet their legal requirements;

3.2.2 If you have a specific query or concerns about health and safety in your workplace you should in the first instance talk to your line manager.

Part 4 Adherence to Council Constitution, Policies, Procedures, Operating Guidelines and Service Standards

4.1 You have an individual responsibility to work within Leicestershire County Council's Constitution, service requirements, policies, procedures, operational guidelines and standards, legislation and other professional standards which may apply to your role from time to time and to be aware of and keep up to date with those requirements and standards. Adherence to these ensures that:

- The Council meets its statutory requirements;
- Service standards are maintained;
- Proper monitoring and auditing processes can be applied.

4.2 If you do not follow these (whether intentionally or inadvertently) it will be regarded as a disciplinary matter. Whilst managers will assist you, you have a personal responsibility to make sure that you are familiar with your responsibilities under the Council's Constitution and other policies, procedures and guidelines, in particular:-

- HR Policies;
- Equalities Policies;
- Financial Procedure Rules;
- Contract Procedure Rules;
- Departmental operational policies, procedures and codes.

4.3 When using facilities and equipment, provided as part of your work, belonging to the Council you must;

- Take care of County Council property or equipment, keeping it secure and reporting any breakages or breaches in security;
- Use equipment and facilities for authorised purposes only.

4.4 You must act in accordance with the Council's Smoke Free policy.

Part 5 Public and Social Media

5.1 Unless you are acting as a spokesperson for the Council as part of your duties, or you are authorised to act as a spokesperson about a particular situation, or are acting as spokesperson for one of the Council's recognised trade unions in pursuit of legitimate industrial relations activities, you must not:-

- Speak, write or give interviews about the business of the Council to the media;
- Make a public statement which concerns the business of the Council.

To do so may result in reputational damage to the Council.

5.2 You should be aware of the risks you could potentially face when sharing information about your working and personal life through Social Media and the potential for disciplinary action being taken against you..

Part 6 Relationships

6.1 The County Council expects that you:-

6.1.1 Treat all co-workers (whether paid or unpaid) equally, fairly and with dignity and respect regardless of their circumstances or personal characteristics;

6.1.2 Are supportive, co-operative and maintain good working relationships;

6.1.3 Assist the Council achieve its aim of making the work environment free of harassment and/or bullying, discrimination or other unacceptable behaviours.

6.1.4 Always remember your responsibilities to the community the County Council serves and make sure you are polite, efficient and provide impartial service delivery to all groups and individuals within that community, regardless of their circumstances or personal characteristics and as defined by the policies of the Council.

6.1.5 Develop effective co-operative and professional working relationships with organisations (including in a voluntary capacity with the local community), agencies, contractors, suppliers, and service partners, without offering or inferring any advantage to any external suppliers or contractors;

6.2 Elected Members

6.2.1 Mutual confidence and trust between employees and elected members is essential to the effective operation of the County Council. Any close personal relationships which develop between you and an elected member should be declared in the same way as a relationship with another employee.

More information is contained within the [Protocol on Member/Officer Relations](#), Part 5C of this Constitution.

Part 7 Personal, Business, Financial or Other Interests

- 7.1 For the most part, your off-duty hours are your personal concern; however you should not subordinate your employment relationship with the Council to your private interest or put yourself in a position where there is a conflict of interests.
- 7.2 The County Council and the public must be confident that decisions of whatever nature you make are made for good and proper reasons and are not influenced by your interests or the interests of your family, relatives or friends.
- 7.3 You are required to declare and register any potential or actual personal, financial, business, other employment or interest which may impact on your work, conflict with the impartial performance of your duties, put you under suspicion of improper behaviour or that would cause damage to the Council's reputation or services.
- 7.4 Appointment and other employment matters
- 7.4.1 Applicants for any County Council post are asked to declare any relationship with a member or employee of the Council. In order to avoid any possible accusation of bias, you should not be involved in an appointment where you are related to an applicant, or have a close personal relationship outside work with them;
- 7.4.2 In the same way, you must not be involved in decisions about discipline, promotion or pay for any employee you have a close personal relationship with.
- 7.5 Relationships which develop during the course of Employment
- 7.5.1 You are responsible for declaring, in writing to your line manager, any personal relationships that develop with another Council employee, which may conflict with the impartial performance of your duties.

Part 8 Bribery, Fraud and Corruption

- 8.1 Bribery
- 8.1.1 Bribery is defined as "an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage".
- 8.1.2 Under the Bribery Act 2010, both individuals and organisations are liable for conviction in court, imprisonment and/or fines if found guilty of an offence.
- 8.1.3 It is useful for all employees to remember that it is unacceptable to:
- Give, promise to give, or offer a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given;
 - Give, promise to give, or offer a payment, gift or hospitality to a government official, agent or representative to 'facilitate' a routine procedure;

- Accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them;
- Accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by us in return;
- Take any action against or threaten a person who has refused to commit a bribery offence or who raises any concerns.

8.1.4 The responsibility to control the risk of bribery occurring should reside at all levels. If you have a concern regarding a suspected instance of bribery please speak up.

8.2 Fraud and Corruption

8.2.1 Fraud is defined as “deliberate deception intended to provide a direct or indirect personal gain”.

8.2.2 Corruption is defined as the “deliberate use of one’s position for direct or indirect illegitimate personal gain”.

8.2.3 The Council’s general belief and expectation is that all those associated with it will act with honesty and integrity. In particular, officers will lead by example and be accountable for their actions.

8.2.4 As an employee of the County Council you are expected to:

- Take the risk of fraud seriously;
- Secure all passwords, information, documents, money and equipment in your control which can be stolen or used to perpetrate fraud;
- Make yourself aware of corporate and departmental documented procedures, regulations or other instructions and ensure, where possible, that they are adhered to;
- Strive to achieve value for money in your use of the Council’s financial resources;
- Only incur costs to the Council in accordance with your authorised limits;
- Declare any conflicts of interest that arise;
- Only accept gifts and hospitality in accordance with the County Council’s Policy;
- Bring any concern you have on the adequacy of control measures to the attention of your line manager;

8.2.5 Concerns raised will be treated in accordance with the Council’s Whistleblowing policy.

Part 9 Protecting the Council's Business Interests

9.1 The Council retains the intellectual property rights for work created in the course of your normal duties e.g. research, reports, designs, drawings, software developments or similar work. No property of the Council should be removed from Council premises or passed on by you or another person acting on your behalf to a third party, without the express consent of the Council.

- 9.2 Similarly, you are not permitted to use any work which you or others have created, whilst in the employment of County Council, for personal or financial gain without the express consent of the Council.

Part 10 Whistleblowing

- 10.1 The County Council is committed to achieving high standards of integrity and accountability and expects the same commitment from those working for the Council. Experience shows that employees are often the first to realise that there may be something seriously wrong within the Council or often have worries or suspicions and could, by reporting their concerns at an early stage, help put things right and stop potential wrongdoing.
- 10.2 The Council's Whistleblowing Policy provides a framework for you to raise concerns which you believe are in the public interest and may relate to illegal, improper or unethical conduct. You are encouraged to bring to the attention of management, knowledge of any such activity. You should be able to do so without fear of victimisation.

Part 11 Disclosure of Information

- 11.1 You have a contractual responsibility to maintain confidentiality and to comply with the Council's [guidance on Data Protection and Information Security and Acceptable Use Policy](#).
- 11.2 Confidential information includes, but is not limited to, any information regarding staff, service users, financial information, information regarding business plans or other commercially sensitive information and any information or matter which relates to the affairs and/or services of the County Council that should not be in the public domain and information about County Council Service Users and Customers.
- 11.3 You must:
- 11.3.1 Not disclose information (oral, written or electronic) given to you in confidence by anyone, or information acquired which you believe is of a confidential nature, without the consent of a person authorised to give it, or unless you are needed to do so by law, or until it becomes public in the course of the Council's business;
 - 11.3.2 Not prevent another person from gaining access to information to which that person is entitled by law;
 - 11.3.3 Not use any information received during your employment for personal gain or benefit, or pass it on to others who might use it in a way other than might reasonably be expected in the normal course of their duties;
 - 11.3.4 Where applicable, be aware of the guidance on when you make confidential information available to Elected Members. [Part 4B - Access to Information Procedure Rules](#)
 - 11.3.5 Respect political confidences as provided for in the protocol on Member/Officer Relations, Part 5C of this Constitution.
- 11.4 If you are unsure if an individual has the right to receive the information they have asked for, you must seek advice from your line manager.

Part 12 Political Neutrality

- 12.1 Employees serve the whole County Council as a single, statutory corporate body and not simply the political administration in power. It follows, therefore, that you must provide support to all members of the Council, regardless of the political party they represent. This is particularly important in relation to their local or representational role.

This is explained in more detail in the Protocol on Member/Officer Relations, [Part 5C of this Constitution](#).

12.2 Politically Restricted Posts

12.2.1 Some employees hold posts that have been designated as politically restricted. If you hold this type of post you are prevented from taking an active political role either in or outside work. You must not stand as a candidate, or hold, elected office (other than to a Parish Council), canvass at elections, speak, or write publicly demonstrating support for a political party.

12.2.2 The restrictions which apply to Political Assistants are slightly different.

Employee Code of Conduct

Purpose

This Code of Conduct defines the responsibilities, standards and behaviour required of you as a Leicestershire County Council employee. It reflects the fact that members of the public expect you, as a public servant, to demonstrate the highest levels of integrity and professionalism at all times. This is necessary to enable the County Council to deliver services of high quality which are value for money and reflect the Council's organisational values.

It is your responsibility to read this Code and to make sure your conduct meets its provisions at all times.

Breaches of this Code will be investigated and may result in disciplinary action being taken which could lead to dismissal. You must engage in any investigations about actual or potential breaches of this Code.

Scope

This Code of Conduct applies to all County Council employees, apprentices and casual workers. Volunteers, agency workers and others who work, whether paid or unpaid, for and on behalf of Leicestershire County Council are expected to comply with this Code.

You are required to comply with this Code when carrying out your duties as an employee or representative of Leicestershire County Council.

This Code of Conduct is not an exhaustive account of all the expectations upon you and should be read in conjunction with the Council's [Disciplinary Policy and Procedure](#).

This Code does not apply to employees, workers or others based in schools and colleges with delegated budgets.

Principles

The Code of Conduct reflects the key principles of public life recommended by the Committee on Standards in Public Life (The Nolan Committee). You must act in accordance with these principles, as set out below, and observe the following rules of behaviour:

- **Principle 1 - Selflessness**
You should act solely in terms of the public interest.
- **Principle 2 - Integrity**
You must avoid placing yourself under any obligation to people or organisations that might try inappropriately to influence you in their work. You should not act or take decisions in order to gain financial or other material benefits for yourself,

your family, or your friends. You must declare and resolve any interests and relationships.

- **Principle 3 - Objectivity**
You must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- **Principle 4 - Accountability**
You are accountable to the public for your decisions and actions and must submit yourself to the scrutiny necessary to ensure this.
- **Principle 5 - Openness**
You should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- **Principle 6 - Honesty**
You should be truthful.
- **Principle 7 - Leadership**
You should exhibit these principles in your own behaviour. You should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Standards

You are required to:

- Always act in the interests of Leicestershire County Council;
- Behave at work in line with this Code of Conduct and the Council's [Organisational Values](#);
- Attend work in accordance with your contractual requirements, carry out all of the requirements of your job and any reasonable instructions given by your manager or supervisor effectively and to the standard that is needed;
- Conduct yourself, in your official or private capacity, in a way which could not reasonably be regarded as bringing the Council into disrepute or engage in any conduct that is harmful to the Council or its interests;
- Be aware that actions in your off-duty hours can impact on your employment with the Council as it may result in disciplinary action being taken against you. Examples include, but are not limited to, involvement in racist incidents, criminal actions and acts of violence;
- Whilst at work and/or on official Council business, dress appropriately for the role you are undertaking and wear your official Leicestershire County Council identity card.

Health and Safety

- You have a responsibility to present yourself fit for work and be capable of carrying out your duties fully in a competent and safe manner. In addition you have a duty to take care of your own health and safety and that of others who

may be affected by your actions and to co-operate with the Council and co-workers to help everyone meet their legal requirements;

- If you have a specific query or concerns about health and safety in your workplace you should in the first instance talk to your line manager.

Adherence to Council Constitution, Policies, Procedures, Operating Guidelines and Service Standards

You have an individual responsibility to work within Leicestershire County Council's [Constitution](#), service requirements, policies, procedures, operational guidelines and standards, legislation and other professional standards which may apply to your role from time to time and to be aware of and keep up to date with those requirements and standards. Adherence to these ensures that:

- The Council meets its statutory requirements;
- Service standards are maintained;
- Proper monitoring and auditing processes can be applied.

If you do not follow these (whether intentionally or inadvertently) it will be regarded as a disciplinary matter. Whilst managers will assist you, you have a personal responsibility to make sure that you are familiar with your responsibilities under the Council's [Constitution](#) and other policies, procedures and guidelines, in particular:

- [HR Policies](#);
- [Equalities Policies](#);
- [Financial Procedure Rules](#);
- [Contract Procedure Rules](#);
- Departmental operational policies, procedures and codes.

When using facilities and equipment, provided as part of your work, belonging to the Council you must:

- Take care of County Council property or equipment, keeping it secure and reporting any breakages or breaches in security;
- Use equipment and facilities for authorised purposes only.

You must act in accordance with the Council's [Smoke Free Policy](#).

Public and Social Media

Unless you are acting as a spokesperson for the Council as part of your duties, or you are authorised to act as a spokesperson about a particular situation, or are acting as spokesperson for one of the Council's recognised trade unions in pursuit of legitimate industrial relations activities, you must not:

- Speak, write or give interviews about the business of the Council to the media;
- Make a public statement which concerns the business of the Council.

To do so may result in reputational damage to the Council.

You should be aware of the risks you could potentially face when sharing information about your working and personal life through Social Media and the potential for disciplinary action being taken against you.

Further information is available within the [Personal Use of Social Media Sites Policy](#).

Relationships

The County Council expects that you:

- Treat all co-workers (whether paid or unpaid) equally, fairly and with dignity and respect regardless of their circumstances or personal characteristics;
- Are supportive, co-operative and maintain good working relationships;
- Assist the Council achieve its aim of making the work environment free of harassment and/or bullying, discrimination or other unacceptable behaviours;
- Always remember your responsibilities to the community the County Council serves and make sure you are polite, efficient and provide impartial service delivery to all groups and individuals within that community, regardless of their circumstances or personal characteristics and as defined by the policies of the Council;
- Develop effective co-operative and professional working relationships with organisations (including in a voluntary capacity with the local community), agencies, contractors, suppliers, and service partners, without offering or inferring any advantage to any external suppliers or contractors.

Elected Members

- Mutual confidence and trust between employees and elected members is essential to the effective operation of the County Council. Any close personal relationships which develop between you and an elected member should be declared in the same way as a relationship with another employee.

Further information is available within the [Policy on the Declaration of Personal Interests](#) and the Protocol on Member/Officer Relations, [Part 5C of the Constitution](#).

Personal, Business, Financial or Other Interests

For the most part, your off-duty hours are your personal concern; however you should not subordinate your employment relationship with the Council to your private interest or put yourself in a position where there is a conflict of interests.

The County Council and the public must be confident that decisions of whatever nature you make are made for good and proper reasons and are not influenced by your interests or the interests of your family, relatives or friends.

You are required to declare and register any potential or actual personal, financial, business, other employment or interest which may impact on your work, conflict with the impartial performance of your duties, put you under suspicion of improper behaviour or that would cause damage to the Council's reputation or services.

Further information is available within the [Policy on the Declaration of Personal Interests](#).

Appointment and other employment matters

Applicants for any County Council post are asked to declare any relationship with a member or employee of the Council. In order to avoid any possible accusation of bias, you should not be involved in an appointment where you are related to an applicant, or have a close personal relationship outside work with them;

In the same way, you must not be involved in decisions about discipline, promotion or pay for any employee you have a close personal relationship with.

Relationships which develop during the course of Employment

You are responsible for declaring, in writing to your line manager, any personal relationships that develop with another Council employee, which may conflict with the impartial performance of your duties.

Further information is available within the [Policy on the Declaration of Personal Interests](#).

Bribery, Fraud and Corruption

Bribery

Bribery is defined as “an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage”. Under the Bribery Act 2010, both individuals and organisations are liable for conviction in court, imprisonment and/or fines if found guilty of an offence.

It is useful for all employees to remember that it is unacceptable to:

- Give, promise to give, or offer a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given;
- Give, promise to give, or offer a payment, gift or hospitality to a government official, agent or representative to ‘facilitate’ a routine procedure;
- Accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them;
- Accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by us in return;
- Take any action against or threaten a person who has refused to commit a bribery offence or who raises any concerns.

The responsibility to control the risk of bribery occurring should reside at all levels. If you have a concern regarding a suspected instance of bribery please speak up.

Further information is available within the [Policy on the Receipt of Gifts and Hospitality](#).

Fraud and Corruption

Fraud is defined as “deliberate deception intended to provide a direct or indirect personal gain”. Corruption is defined as the “deliberate use of one’s position for direct or indirect illegitimate personal gain”.

The Council's general belief and expectation is that all those associated with it will act with honesty and integrity. In particular, officers will lead by example and be accountable for their actions.

As an employee of the County Council you are expected to:

- Take the risk of fraud seriously;
- Secure all passwords, information, documents, money and equipment in your control which can be stolen or used to perpetrate fraud;
- Make yourself aware of corporate and departmental documented procedures, regulations or other instructions and ensure, where possible, that they are adhered to;
- Strive to achieve value for money in your use of the Council's financial resources;
- Only incur costs to the Council in accordance with your authorised limits;
- Declare any conflicts of interest that arise;
- Only accept gifts and hospitality in accordance with the County Council's Policy;
- Bring any concern you have on the adequacy of control measures to the attention of your line manager.

Concerns raised will be treated in accordance with the Council's [Whistleblowing Policy](#).

Protecting the Council's Business Interests

The Council retains the intellectual property rights for work created in the course of your normal duties e.g. research, reports, designs, drawings, software developments or similar work. No property of the Council should be removed from Council premises or passed on by you or another person acting on your behalf to a third party, without the express consent of the Council.

Similarly, you are not permitted to use any work which you or others have created, whilst in the employment of County Council, for personal or financial gain without the express consent of the Council.

Whistleblowing

The County Council is committed to achieving high standards of integrity and accountability and expects the same commitment from those working for the Council. Experience shows that employees are often the first to realise that there may be something seriously wrong within the Council or often have worries or suspicions and could, by reporting their concerns at an early stage, help put things right and stop potential wrongdoing.

The Council's [Whistleblowing Policy](#) provides a framework for you to raise concerns which you believe are in the public interest and may relate to illegal, improper or unethical conduct. You are encouraged to bring to the attention of management, knowledge of any such activity. You should be able to do so without fear of victimisation.

Disclosure of Information

You have a contractual responsibility to maintain confidentiality and to comply with the Council's [guidance on Data Protection](#) and [Information Security and Acceptable Use Policy](#).

Confidential information includes, but is not limited to, any information regarding staff, service users, financial information, information regarding business plans or other commercially sensitive information and any information or matter which relates to the affairs and/or services of the County Council that should not be in the public domain and information about County Council Service Users and Customers.

You must:

- Not disclose information (oral, written or electronic) given to you in confidence by anyone, or information acquired which you believe is of a confidential nature, without the consent of a person authorised to give it, or unless you are needed to do so by law, or until it becomes public in the course of the Council's business;
- Not prevent another person from gaining access to information to which that person is entitled by law;
- Not use any information received during your employment for personal gain or benefit, or pass it on to others who might use it in a way other than might reasonably be expected in the normal course of their duties;
- Where applicable, be aware of the guidance on when you make confidential information available to Elected Members. [Part 4B - Access to Information Procedure Rules](#);
- Respect political confidences as provided for in the protocol on Member/Officer Relations, [Part 5C of the Constitution](#).

If you are unsure if an individual has the right to receive the information they have asked for, you must seek advice from your line manager.

Political Neutrality

Employees serve the whole County Council as a single, statutory corporate body and not simply the political administration in power. It follows, therefore, that you must provide support to all members of the Council, regardless of the political party they represent. This is particularly important in relation to their local or representational role.

This is explained in more detail in the Protocol on Member/Officer Relations, [Part 5C of the Constitution](#).

Politically Restricted Posts

Some employees hold posts that have been designated as politically restricted. If you hold this type of post you are prevented from taking an active political role either in or outside work. You must not stand as a candidate, or hold, elected office (other than to a Parish Council), canvass at elections, speak, or write publicly demonstrating support for a political party.

The restrictions which apply to Political Assistants are slightly different.

Further information is available within the [Guidance on the Condition of Service for Politically Restricted Posts](#).

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Policy on the Receipt of Gifts and Hospitality

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Purpose

The purpose of this policy is to set out the restrictions placed on employees when offered a gift or hospitality in the course of their duties whilst working for, or on behalf of, Leicestershire County Council.

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Scope

This policy applies to all employees of Leicestershire County Council employed under the conditions of service of the following bodies:

- National Joint Council for Local Government Service Employees;
- Joint Negotiating Committee for Chief Officers;
- Centrally Employed Teachers (School Teachers Pay & Conditions).

This policy does not apply to employees of Schools and Colleges.

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Equalities

The Council's commitment to equality of opportunity will be observed at all times during the operation of this policy. This will ensure that employees are treated fairly and without discrimination on the grounds of race, nationality, ethnic or national origins, sex, marital status or civil partnership, disability, age, sexual orientation, trade union membership or activity, political or religious belief, maternity or pregnancy, gender re-assignment and unrelated criminal conviction.

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Introduction

The County Council is funded almost entirely from public funds, either through grants from Central Government or through Council Tax and it is essential that the Council can demonstrate the highest standards of probity in general and specifically in relation to its dealings with third parties. These relationships are a source of considerable interest and are subject to close scrutiny, both through formal and regular audit and scrutiny, and also through more ad hoc channels such as Freedom of Information requests.

It is essential that the public can be confident that decisions of whatever nature are made for good and proper reasons and are not influenced inappropriately by the interests of individual employees, their relatives or friends.

If it is likely that a typical member of the public would think that a specific gift or incidence of hospitality is inappropriate, then it probably is and should therefore be declined. It is always better to be cautious and decline any offer of payment, a gift or hospitality.

The overriding principle is that employees should not compromise their position as public service workers by accepting gifts or hospitality and allowing themselves to reach the position where they might be, or might be thought by others to have been, influenced in making an important decision as a consequence. Therefore employees are required to ensure that all offers of gifts or hospitality are registered within 5 working days of the being made, whether or not the offer has been accepted.

Failure to register a gift or any hospitality offered, whether or not they are accepted, may result in disciplinary action which could lead to dismissal.

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Payments and Gifts

Employees need to identify situations where their personal interests may conflict with their public duty or the interests of the County Council.

In general terms an employee must:

- Treat any offer of a gift or hospitality if it is made to them personally with extreme caution;
- Not receive any reward or fee other than their salary;
- Never accept monetary gifts of any kind;
- Always refuse offers of gifts or services to them (or their family members) from organisations or persons who do, or might, provide work, goods or services, to the County Council or who require a decision from the County Council;
- Always report any such offer to their line manager.

When deciding whether or not to accept an offer of a gift, the context is very important. An offer from an organisation seeking to do business with or provide services to the County Council or in the process of applying for permission or some other decision from the Council is unlikely ever to be acceptable, regardless of the value of the gift. By contrast, a gift given at Christmas by a service user as a gesture of appreciation to an employee will generally be acceptable and could cause offence if returned.

Whilst an employee must never accept monetary gifts of any kind, whether in the form of cash or cheques, vouchers from service users may be acceptable depending on the circumstances, but should be treated with great care.

Employees must always record, in the register of interests maintained by their Department, the reason for accepting any gift. For a gift valued at under £25, the reason recorded may be no more than "token value".

Generally, all other gifts should be refused and the offer of the gift recorded in the register of interests maintained by the employee's Department.

If as a result of their employment an employee becomes a beneficiary in a service user's Will, this must always be reported to their line manager and recorded in the Departments register of interests. The employee must not accept the bequest, regardless of its size or value unless granted explicit permission by their Line manager. Permission will only be granted where the legacy is of little financial value, such as a sentimental item.

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Sponsorship

Where an external organisation wishes to sponsor, or is seeking to sponsor, a County Council activity, whether by invitation, tender, negotiation or voluntarily, this policy will apply. Particular care must be taken when dealing with contractors or potential contractors.

From time to time the County Council sponsors, or gives grants for, sporting and cultural events such as exhibitions, plays or performances, or games. No employee or any member of the employee's family should receive any benefit from such sponsorship or grant in a direct or indirect way without there being full disclosure to their line manager of any such interest which must be declared in the register of interests maintained by the employee's Department.

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Hospitality

It is recognised that, on occasions, the business of the County Council can be progressed through, for example, working lunches or dinners with external individuals or groups. As a general rule, an employee should only accept offers of such hospitality if there is a genuine need to impart information or there is a benefit to the County Council in representing it to the community or within a professional association e.g. society or institute dinner.

If the hospitality offered is primarily a social function, at which business matters are of a secondary concern (for example sporting events, film premiers or concert performances) then such invitations should be refused. When hospitality is declined, those making the offer should be informed of the procedures and standards operating within the County Council.

It is of vital importance that the possibility of an employee being deemed by others to have been influenced in making a business decision, as a result of accepting such hospitality, should be avoided both for the employee's own protection and for the protection of the County Council.

If an offer of hospitality is accepted, it must be declared in the register of interests maintained by the employee's Department.

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Other Information

Employees should be aware that:

- Under the Bribery Act 2010, both individuals and organisations are liable for conviction in court, imprisonment and/or fines if found guilty of an offence;
- Fraud is defined as “deliberate deception intended to provide a direct or indirect personal gain”;
- Corruption is defined as the “deliberate use of one’s position for direct or indirect illegitimate personal gain”.

Any queries or concerns about whether the offer of, or the receipt of a gift or hospitality is appropriate, or if any clarification is required about this policy employees should approach their line manager in the first instance.

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Operation of the Register

It is the Departmental Directors responsibility to ensure that an up to date departmental register of Gifts, Hospitality, Personal, Business, Financial or Other Interests is maintained in the standard format.

The employee must complete Part A of the Registration Form on CIS ([link](#)) and the Departmental Director will complete Part B. The form will then be forwarded to the Monitoring Officer.

Part B of the form will identify any action taken in respect of the declaration made.

The Register will be reviewed by the Monitoring Officer as required. The Monitoring Officer will report annually to the Corporate Governance Committee on the operation of the policy.

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Policy on the Declaration of Personal Interests

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Purpose

This policy supports the expectations and standards of behaviour set out in the Council's Employee Code of Conduct. It is designed to help managers and employees to identify and manage any personal interests or relationships which could be perceived as conflicting with the individual's work or that of the Council. The policy also sets out the procedure that should be followed when an employee is interested in taking on another job, either within or outside of the Council.

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Scope

This policy applies to employees of Leicestershire County Council employed under the conditions of service of the following bodies:

- National Joint Council for Local Government Services;
- Joint Negotiating Committee for Chief Officers of Local Authorities;
- School Teachers' Pay and Conditions (for Centrally Employed Teachers only).

It does not apply to employees based in schools and colleges.

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Equalities

The Council's commitment to equality of opportunity will be observed at all times during the operation of this policy. This will ensure that employees are treated fairly and without discrimination on the grounds of race, nationality, ethnic or national origins, sex, marital

status or civil partnership, disability, age, sexual orientation, trade union membership or activity, political or religious belief, maternity or pregnancy, gender re-assignment and unrelated criminal conviction.

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Introduction

The Council is responsible for ensuring that its services are delivered to the highest standard and that, when performing their duties, employees act with integrity and professionalism at all times.

Employees must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment for personal gain or to benefit their family or friends.

In order to avoid any accusations of impropriety, all employees are required to identify and disclose any actual or potential personal, financial, business, or other interest or close personal relationship which might reasonably be perceived as a conflict of interest. Where an employee is unsure whether an interest or personal relationship should be declared, they should speak to their manager in the first instance. If the employee is advised not to declare their interest or relationship, a record of the discussion should be kept by both parties. Failure to disclose such an interest or relationship may result in disciplinary action being taken which could lead to dismissal.

Employees are also required to disclose **any** employment that they wish to undertake in addition to their primary post with the Council.

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Definitions

For the purposes of this policy the following definitions will apply:

Other Employment and Interests:

- Additional paid employment with the Council, including casual work;
- Additional paid employment outside of the Council;
- Self-employment;
- Working with or for, or having an interest in, a business, organisation or charity outside of the Council;
- Volunteering or working, whether in a paid or unpaid capacity, for a business, organisation or charity;
- Substantial shareholding in a company;
- Membership of a professional or voluntary body.

Close Personal Relationship:

- Employees or applicants who are married, in a civil partnership, co-habiting or dating. This also applies to previous relationships of this nature (e.g. former spouse) as there could be a degree of bias either for or against an applicant or employee;

- Immediate family members of the applicant or employee (e.g. parent, step-parent, son, daughter, step-child, child of a partner, brother, sister, grandparent, grandchild);
- Extended family members of the applicant or employee (e.g. uncle, aunt, nephew, niece, cousin, in-laws);
- Close friends of the applicant or employee. This means someone well known to the employee who is regarded with liking, affection or loyalty, not merely an acquaintance;
- Any person living at the same address as the applicant or employee.

The above are not exhaustive lists and employees should use their judgement to determine whether other interests, activities or personal relationships could reasonably be perceived as a conflict of interest.

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Other Employment and Interests

The Council does not wish to attempt to preclude any of its employees from undertaking other employment and/or other interests (paid or unpaid). However, it must ensure that any such commitment does not conflict with or have a detrimental impact on the employee's ability to carry out their role effectively or the business of the Council.

Commitments arising from other employment or other interests must not impact on an employee's attendance, work performance or duties in their post with the Council. Therefore, any permission granted will be on the basis that the Council reserves the right to withdraw permission at any time where a negative impact occurs. The right to withdraw permission will be at the discretion of the Council. Managers who are considering withdrawing this permission should seek advice from Strategic Human Resources before advising the employee.

If at any time, the Council feels that the other employment or other interest conflicts with the individual's employment in any way or the business of the Council, permission will be withdrawn and the employee will be given notice to withdraw from these activities. Where an employee fails to comply with such a notice it may lead to their dismissal.

Employees should not use the Council's premises, facilities or other resources in connection with their outside commitments. They should also not undertake outside commitments during their working hours at the Council.

Where an employee fails to obtain consent for undertaking other employment or other interests, this may lead to disciplinary proceedings and could result in dismissal.

Other Employment

New employees to the Council should disclose, when appointed, any existing jobs or roles which they intend to continue and complete the [Registration Form](#) as soon as possible.

Any existing employee who wishes to undertake **any** other employment (either within or outside of the Council) should complete the [Registration Form](#) and forward this to their manager in the first instance.

On the form, the employee will need to provide details relating to the other employer, the nature of the role (including duties and responsibilities) and the times/days that the employee is proposing to work. This information will enable the manager to assess whether the request is likely to be in conflict with or have a detrimental impact on the employee's or the Council's work.

When reviewing a declaration, the following are examples of what the manager will need to consider:

- Who the other employer will be. Are they a competitor organisation, an organisation engaged in the same type of business, a customer of the Council, an organisation that provides goods or services to or receives goods or services from the Council or has any other contractual arrangement with the Council? If so, this could result in an actual or perceived conflict of interest;
- Whether the proposed hours of work are likely to interfere with the employee's performance, attendance and/or timekeeping in their primary post with the Council;
- Whether the hours involved in the other job might have an adverse impact on the employee's ability to work flexibly in their primary post with the Council (where this is a contractual requirement of the post);
- Whether the total hours worked in both jobs are likely to impact on health and safety or contravene any of the provisions of the Working Time Regulations. Managers are advised to refer to the [Working Time Regulations Guidance](#) to ensure that the employee would be receiving the required rest breaks and not exceeding the maximum weekly working hours. If the employee's combined working hours for both posts are likely to exceed 48 hours per week on average, the employee must be asked to sign an [opt-out form](#);
- Whether the other employment may enhance the skills or abilities of the employee to discharge the responsibilities of employment with the Council.

If no conflict of interest exists, the manager will need to determine whether the request is acceptable and advise the employee accordingly. Details should be retained on the employee's personal file.

Where a potential or actual conflict of interest is identified, the manager should forward the [Registration Form](#) to the Head of Service for consideration. There are three potential outcomes which are detailed later in this policy (click [here](#)). Where the declaration relates to a Head of Service or Assistant Director, approval should be sought from the relevant Director. For declarations involving a Director, approval should be sought from the Monitoring Officer (i.e. the County Solicitor).

If the approving manager is satisfied that no conflict of interest exists or it can be reconciled, they should complete the relevant section of the form. The details will then need to be recorded on the Departmental Register of Gifts, Hospitality, Personal, Business, Financial or Other Interests. A copy of the completed form should be provided

to the employee and one sent to the Employee Service Centre for inclusion on the individual's personal file.

If the approving manager believes a conflict of interest exists which cannot be reconciled, they should complete the relevant section of the form. The employee should be advised of the reasons why their request cannot be approved and offered the opportunity to appeal the decision. The details will need to be recorded on the Departmental Register of Gifts, Hospitality, Personal, Business, Financial or Other Interests. A copy of the completed form should be provided to the employee and one sent to the Employee Service Centre for inclusion on the individual's personal file.

Interests

New employees to the Council should disclose, when appointed, any other interests that they intend to continue and complete the [Registration Form](#) as soon as possible.

Any existing employee who wishes to undertake any other personal interests, which could reasonably be perceived as a conflict of interest, should complete the [Registration Form](#) and forward this, via their manager, to the Head of Service for consideration. Where the declaration relates to a Head of Service or Assistant Director, approval should be sought from the relevant Director. For declarations involving a Director, approval should be sought from the Monitoring Officer (i.e. the County Solicitor). There are three potential outcomes which are detailed later in this policy (click [here](#)).

When reviewing a declaration, the approving manager may wish to consider the following, depending on the interest that has been disclosed:

- What are the duties of the employee's role?
- Is the individual employed in a [politically restricted post](#) (applicable in cases where the declared interest is of a political nature)?
- Does the employee have access to information which could influence commissioning, purchasing or contracting?
- Could the employee's declared interest influence their role or that of other employees (including decision making)?
- How might the employee's declared interest be perceived by others (internally or externally)?
- Could there be perceived preferential treatment?
- Could the declared interest damage the reputation, impartiality or integrity of the Council and/or the employee?
- Can the risk of a potential conflict of interest be mitigated sufficiently? If so, how?
- If the risk of a potential conflict of interest cannot be mitigated what changes or actions would the employee need to make?

If the approving manager is satisfied that no conflict of interest exists or it can be reconciled, they should complete the relevant section of the form. The details will then need to be recorded on the Departmental Register of Gifts, Hospitality, Personal, Business, Financial or Other Interests. A copy of the completed form should be provided to the employee and one sent to the Employee Service Centre for inclusion on the individual's personal file.

Any agreements relating to working arrangements or responsibilities will be reviewed by the employee's manager on an annual basis. It is recommended that this discussion takes place as part of the Personal Development Review process.

If the approving manager believes a conflict of interest exists which cannot be reconciled, the employee should be advised that they must withdraw from their other interest. The employee has the right to appeal this decision. The details will then need to be recorded on the Departmental Register of Gifts, Hospitality, Personal, Business, Financial or Other Interests. A copy of the completed form should be provided to the employee and one sent to the Employee Service Centre for inclusion on the individual's personal file.

Interests of Relatives and Friends

An employee must follow the procedures set out above if an immediate family member works for, or has an interest in, a company or body which has or may enter into a contractual relationship with the Council, may provide goods or services to, or receive them from the Council or is involved in lobbying in respect of Council activity.

Employees may not always be aware of such interests and are not obliged to make enquiries of family members about the interests they hold.

If, in the course of undertaking duties at work, an employee becomes aware that these duties involve a company or body in which an immediate family member, a relative or close friend has an interest, this must then be declared to the appropriate officer in accordance with the procedures above.

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Close Personal Relationships

The Council recognises that there will be situations where an employee will have, or develop, a close personal relationship with another employee. Whilst not all personal relationships raise issues of an actual or perceived conflict of interest, this is not always the case.

In order to avoid any accusations of bias or favouritism, employees are required to disclose any close personal relationship which could reasonably be perceived as a conflict of interest. Examples of when it may be appropriate to declare a relationship include, but are not limited to, situations where:

- An employee will manage or be managed by the other employee;
- The employees work closely together on a day to day basis;
- The employees are within the same team; one in a senior position and one in a junior position.

New Appointments

When applying for a post with the Council, all applicants are required to declare, on their application form, if they have a close personal relationship with a member or employee of the Council. Failure to disclose such a relationship may disqualify the applicant from the selection process or if the omission is discovered post appointment may result in disciplinary action being taken.

To avoid any accusation of bias, an employee must not participate in a selection process where they have a close personal relationship with one of the applicants. Failure to declare this relationship to their manager and withdraw from the process may result in disciplinary action being taken. The employee should also not act as a referee for that person.

There is no general bar on the appointment of an individual to a post where they would manage, or be managed by, someone with whom they have a close personal relationship. However, during the selection process, the implications of the appointment should be discussed and considered. Prior to making any offer of appointment, the interview panel should obtain agreement from the relevant Head of Service. Where the relationship involves a Head of Service or Assistant Director, approval should be sought from the relevant Director. For relationships involving a Director, approval should be sought from the Monitoring Officer (i.e. the County Solicitor).

If the approving manager considers that it would not be possible to sufficiently mitigate any conflict of interest resulting from the appointment, advice should be sought from Strategic Human Resources.

Where such an appointment is made, alternative management arrangements should be agreed, as part of the appointment process, to ensure compliance with the Council's Code of Conduct and to address other potential problems. These arrangements should be confirmed in writing to the employee and reviewed on a regular basis. A copy should be retained on the employee's personal file.

In order for details of the relationship to be formally recorded, both employees should complete the [Registration Form](#) ensuring that details of any agreed alternative management arrangements are included. The completed form should be forwarded, via the employee's manager, to the Head of Service (who will have already approved the appointment). Where the declaration relates to a Head of Service or Assistant Director, approval should be sought from the relevant Director. For declarations involving a Director, approval should be sought from the Monitoring Officer (i.e. the County Solicitor). The details will then need to be recorded on the Departmental Register of Gifts, Hospitality, Personal, Business, Financial or Other Interests. A copy of the Registration Form should be retained on the employees' personal files.

Relationships which Develop During the Course of Employment

Employees are required to declare any close personal relationship which develops with another Council employee where this could potentially impact on either individual's ability to impartially perform the duties of their role.

If a potential conflict of interest is identified, each employee is required to complete the [Registration Form](#) and forward this, via the employee's manager, to the Head of Service for consideration as soon as possible. There are three potential outcomes which are detailed later in this policy (click [here](#)). Where the declaration relates to a Head of Service or Assistant Director, approval should be sought from the relevant Director. For declarations involving a Director, approval should be sought from the Monitoring Officer (i.e. the County Solicitor).

In cases where a potential conflict of interest cannot be avoided, discussions will take place with all parties to put in place arrangements to mitigate the impact. As with new appointments, where one employee has management responsibility for the other employee, consideration should be given to implementing alternative management arrangements.

In situations where both employees work in the same team, consideration should be given as to other potential issues such as how the situation may affect team dynamics. In some circumstances it may not be possible for both employees to remain in their posts and alternative options will need to be discussed.

Where either or both employees disagree with the proposed working arrangements to mitigate the impact of their relationship, they have the opportunity to appeal.

The details of any declared personal relationships will need to be recorded on the Departmental Register of Gifts, Hospitality, Personal, Business, Financial or Other Interests. A copy of the Registration Form should be retained on the employees' personal files.

Failure to disclose a relationship may result in disciplinary action being taken if it is reasonable to consider that the employees concerned should have recognised that the relationship warranted declaration.

Where a relationship ends during the course of employment this should also be declared using the [Registration Form](#). If it is envisaged that the breakdown of the relationship could have an ongoing negative impact in the workplace, it may be necessary to discuss alternative options (e.g. mediation, redeployment).

Employees who wish to discuss a relationship that exists within their team are able to do so with an independent and/or more senior manager where the relationship involves the manager.

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Potential Outcomes of a Declared Personal Interest

The approving manager is responsible for considering the contents of the [Registration Form](#). They may find it useful to meet with the employee to discuss the details further. The outcome will be one of the following and should be recorded on the form:

- The declared personal interest is acceptable within the employee's role and no further action is required;

- The declared personal interest is acceptable within the employee's role providing the specified changes and/or actions are completed. The details of these changes and/or actions should be included on the form; or
- The declared personal interest is not acceptable within the employee's role. The reasons for this should be included on the form. In these circumstances the employee may be advised to withdraw from that interest or the responsibilities of the employee may be changed.

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Appeal

Where an employee wishes to appeal the outcome of their declaration, this should be submitted to the person who made the original decision within 5 working days of receiving the outcome.

The appeal will be heard by a panel of three officers, chaired by a senior manager and accompanied by two other panel members; another independent manager and a representative from Strategic Human Resources. Panel members will have had no prior involvement in the decision-making process.

A meeting will be arranged to consider the appeal during which the employee will be asked to provide the reasons for their appeal (i.e. why they consider their personal interest or relationship does not constitute a conflict of interest or demonstrate that the conflict of interest can be sufficiently mitigated).

The panel may decide to:

- Uphold the original decision. The letter confirming the outcome of the appeal should include the rationale for this decision; or
- Overturn the original decision. The letter confirming the outcome of the appeal should include the rationale for this decision and if appropriate, include any specific changes or actions that are required to mitigate any risk of an actual or perceived conflict of interest.

Employees have the right to be accompanied at the appeal by a work colleague or Trade Union representative.

The outcome of the appeal will need to be recorded on the Departmental Register of Gifts, Hospitality, Personal, Business, Financial or Other Interests. A copy of the appeal outcome letter should be retained on the employee's personal file.

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Operation and Monitoring of the Register

It is the Departmental Director's responsibility to ensure that an up-to-date Departmental Register of Gifts, Hospitality, Personal, Business, Financial or Other Interests is

maintained. The Monitoring Officer will review the register as required and provide an annual report to the Corporate Governance Committee on the operation of the policy.

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EMPLOYMENT COMMITTEE- 12 JUNE 2014

POLICY ON THE USE OF LEICESTERSHIRE COUNTY COUNCIL VEHICLES

REPORT OF THE DIRECTOR OF CORPORATE RESOURCES

Purpose of Report

1. The purpose of this report is to seek the Committee's approval for the introduction of a Policy on the use of Leicestershire County Council vehicles.

Background

2. In September 2013, the Environment and Transport Department implemented a Policy to make their employees aware that vehicle tracking devices may be installed in any vehicle (e.g. vans, lorries, cars, minibuses) provided by that department, what data would be gathered by these devices and how this data would be used.
3. As this information may be relevant to other departments, it was agreed with the Trade Unions that a Policy would be introduced to cover all Council departments. It was also agreed to extend the remit of the Policy to ensure that employees are aware of the restrictions that are in place in relation to the personal use of Council vehicles.

Key Points

4. A copy of the proposed Policy is attached as Appendix A.
5. The Policy aims to ensure that employees are aware of the restrictions that are in place in relation to the personal use of Council vehicles and to highlight the possibility that vehicle tracking devices may be installed into any vehicle provided by the Council, that data could be gathered by these devices and how it is intended to use this data.
6. To comply with the Council's vehicle insurance cover, employees must only use a vehicle provided to them by the Council for business purposes. If approval is given for the employee to take the vehicle home overnight, it must only be used for travelling between the employee's home and their work location. It must not be used to undertake personal commitments (e.g. shopping, transporting children to/from school etc) and/or to transport passengers (e.g. friends or family).
7. Vehicle tracking devices will not be installed in any Council vehicle without the driver's knowledge, unless there is reasonable suspicion of misconduct.
8. The tracking devices will record information in relation to the vehicle's location, speed, fuel consumption, acceleration, braking and idle time. This data will assist the Council in a number of ways including improving work planning, reducing carbon emissions,

and recovering stolen vehicles. It will not be used to monitor employee working hours or individual driver's behaviour, except where there is a suspicion of misconduct.

Implementation

9. The proposed Policy has been agreed by the Trade Unions.
10. If endorsed by the Committee, the Policy will become effective immediately. A copy will be published on the Council's intranet for managers and employees to view.
11. Subject to the Committee's approval, and to promote the introduction of the Policy, an article will be published in Managers' Digest and a news item posted on the Council's intranet.
12. The Policy's application will be monitored through ongoing discussions with Trade Unions, HR Advisers and managers.

Recommendation

13. The Committee is asked to approve the introduction of the Policy on the Use of Leicestershire County Council Vehicles for immediate implementation.

Background Papers

None.

Circulation under the Local Issues Alert Procedure

None.

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List of Appendices

Appendix - Policy on the Use of Leicestershire County Council Vehicles

Equal Opportunities Implications

14. An Equality and Human Rights Impact Assessment has been undertaken.



Policy on the Use of Leicestershire County Council Vehicles

Scope

This policy applies to all employees who are required as part of their employment to drive, or be a passenger in, vehicles provided by Leicestershire County Council. This does not include lease cars.

Purpose

The policy aims to ensure that employees are aware of the restrictions that are in place in relation to the personal use of Council vehicles and to highlight the possibility that vehicle tracking devices may be installed into any vehicle provided by the Council, the data gathered by these devices and how this data will be used.

Acceptable Use of Council Vehicles

To comply with the Council's vehicle insurance cover, employees must only use a vehicle provided to them by the Council for business purposes. Employees may be permitted to take a vehicle home overnight where there is a valid business case (e.g. if it makes business sense for the employee to travel to/from a site to their home rather than going into their normal workplace first to collect/return the vehicle). Such instances should be kept to a minimum and each occurrence must be authorised in advance by the employee's manager. If approval is given, the employee must only use the vehicle to travel between their home and the work location. It must not be used to undertake personal commitments (e.g. shopping, transporting children to/from school) and/or to transport passengers (e.g. friends or family).

Installation of Vehicle Tracking Devices in Council Vehicles

Vehicle tracking devices ("trackers") will not be installed in any Council vehicle without the driver's knowledge (unless there is reasonable suspicion of misconduct in which case advice should be sought from Strategic Human Resources) and will be used for the following reasons:

- To assist in work planning (e.g. planning routes and schedules, reducing 'dead' mileage, knowing which vehicle is closest to an emergency, making best use of vehicles, etc.);
- To assist in recovering stolen vehicles;
- To reduce carbon emissions and costs by monitoring and improving fuel use;
- To demonstrate that vehicles are parked in accordance with the Council's Goods Vehicle Operator's Licence;
- To provide information on who is responsible for a vehicle at all times so as to help meet the requirements of the Goods Vehicle Operator's Licence;
- To help defend insurance claims;
- To ensure that traffic infringements are correctly assigned;
- To provide information on driver behaviour to improve safety.

Trackers will **not** be used to monitor employee working hours or individual driver's behaviour, except where there is a suspicion of misconduct.

Vehicles fitted with trackers will also be fitted with a driver identification unit which will identify who is responsible for the vehicle at all times.

Data Recorded By Vehicle Tracking Devices

Trackers vary, but those used by the Council will be linked to the vehicle's onboard systems and so will routinely capture the following information:

- Location;
- Speed;
- Fuel consumption;
- Acceleration;
- Braking;
- Idle time.

This information is not stored within the tracker unit itself but will be transmitted to the equipment supplier and made available to relevant Council managers and supervisors via the supplier's website. Information will be deleted after 5 years.

The information obtained will remain the property of the Council and will be subject to the provisions of the Freedom of Information Act. Any data collected may be disclosed where a request is received under that act however any personal information which is subject to the Data Protection Act will usually be excluded from disclosure.

Links to the Disciplinary Policy and Procedure

Where there is a suspicion of misconduct the provisions of the Council's Disciplinary Policy and Procedure will apply. In such instances evidence may be gathered from the tracking device as part of a disciplinary investigation and may be used for the purposes of a disciplinary hearing. Managers wishing to access data for these purposes must follow the [electronic surveillance requirements](#) detailed in the Disciplinary Policy **before** requesting any information.

Employees should note that suspicions of misconduct may arise out of a review of the information gathered for the reasons set out above in the [Installation of Vehicle Tracking Devices](#) section.



EMPLOYMENT COMMITTEE- 12 JUNE 2014

FLEXIBLE WORKING POLICY AND PROCEDURE

REPORT OF THE DIRECTOR OF CORPORATE RESOURCES

Purpose of Report

1. The purpose of this report is to seek the Committee's approval for the introduction of a revised Flexible Working Policy and Procedure.

Background

2. The Council recognises that flexible working is essential to the successful transformation of the Organisation's culture. It can help to increase employee motivation, reduce sickness absence, promote employee wellbeing, and attract and retain a skilled and motivated workforce.
3. The Council's aim is to move away from traditional working practices and to introduce flexible and innovative working arrangements which support the delivery of effective customer-focussed services that meet the needs of the people of Leicestershire. It is also committed to supporting employees to achieve a positive work/life balance that allows greater flexibility around when and how they work their contracted hours.
4. There are currently three documents (the "Flexible Working Policy and Procedure", Managers' Guidance on Changing the Working Arrangements of Employees and Guidance on an Employee's Right to Request Flexible Working) on the Council's intranet which provide advice and guidance to managers and employees in relation to the principles of flexible working and how to request or implement a change in working arrangements.
5. To improve the accessibility of this information, it is proposed to amalgamate the three existing documents into one comprehensive Flexible Working Policy and Procedure. This will ensure that managers and employees can view, in one place, all of the relevant Procedures that must be followed when considering a change to their own or their employees' working arrangements.
6. In addition, on 30 June 2014, the Flexible Working Regulations will be amended to extend the statutory right to request flexible working to all employees after 26 weeks' service. Currently, the right to request this only applies to those with children under the age of 17 (or 18 if the child is disabled) and certain carers. The process for dealing with such requests has also been simplified with employers now expected to consider these requests in a reasonable manner rather than to a prescriptive timetable as is currently the case. The strict business reasons on which a request can be refused will remain.

Implementation

7. The proposed Policy, attached as Appendix A, has been agreed by the Trade Unions.
8. If endorsed by the Committee, the Policy will become effective from 30 June 2014 when the new Flexible Working Regulations come into effect. A copy will be published on the Council's intranet for managers and employees to view.
9. Subject to the Committee's approval, and in order to promote the introduction of the revised Policy, an article will be published in Managers' Digest and a news item posted on the front page of the Council's intranet.
10. The Policy's application will be monitored through ongoing discussions with Trade Unions, HR Advisers and managers.

Recommendation

11. The Committee is asked to approve the introduction of the revised Flexible Working Policy and Procedure for implementation from 30 June.

Background Papers

None.

Circulation under the Local Issues Alert Procedure

None.

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List of Appendices

Appendix - Flexible Working Policy and Procedure

Equal Opportunities Implications

12. An Equality and Human Rights Impact Assessment has been undertaken in relation to the extension of the statutory right to request flexible working to all employees with 26 weeks' service. The remainder of the Policy consists of information from existing documents which have previously been assessed.

A

Flexible Working - Policy and Procedure

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Purpose

The Council recognises that flexible working is essential to the successful transformation of the organisation's culture. It can help to increase employee motivation, reduce sickness absence, promote employee wellbeing, and attract and retain a skilled and motivated workforce.

The Council's aim is to move away from traditional working practices and to introduce flexible and innovative working arrangements which support the delivery of effective customer-focussed services that meet the needs of the people of Leicestershire. At the same time it is committed to supporting employees to achieve a positive work/life balance that allows greater flexibility around when and how they work their contracted hours.

This policy is designed to provide managers with a framework to use when considering the flexible working arrangements that could be accommodated within their team/service. It also sets out the processes that must be followed when an employee wishes to request a change to their working arrangements or when a manager wishes to change the working arrangements of employees.

Departmental Management Teams are responsible for driving the aims of this policy and promoting the required cultural change. This includes encouraging managers to embrace change and challenge the necessity for traditional full-time office-based working (across all grades).

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Scope

This policy applies to all employees of Leicestershire County Council employed on permanent and fixed term contracts. It is not applicable to employees based in schools and colleges with delegated budgets.

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Types of Flexible Working Arrangements

The following are examples of flexible working arrangements that employees and/or managers may wish to consider. It is not an exhaustive list and managers are encouraged to be creative when determining what working arrangements could be accommodated within their team/service.

- **Part-time** - where an employee's contracted hours are less than 37 hours per week;
- **Annualised Hours** - where an employee's hours are defined over a year, where there may be significant, usually seasonal, fluctuations in the amount of hours needing to be worked during particular periods. Term-time only working is also classed as annualised hours and may be used to accommodate an employee who wishes for child care reasons, not to work during school closure periods. Further guidance is available in Appendix A by clicking [here](#);
- **Compressed Hours** - where the employee's normal weekly working hours are re-organised and worked in fewer days (e.g. a full-time working week of 37 hours worked over 4 or 4.5 days, or 9 days instead of 10 days). Further guidance is available in Appendix B by clicking [here](#);
- **Job Sharing** - a form of part-time working where two (or occasionally more) people share the responsibility for one job. Further information is available on CIS by clicking [here](#);
- **Remote and Occasional Home Working.** Further information is available on CIS by clicking [here](#).

Whilst it is accepted that some service delivery commitments may not easily allow for flexible working, managers should **not** put unnecessary constraints on working hours.

Ad Hoc Commitments

As far as practicable managers should allow employees to meet personal commitments that fall within their working hours (e.g. attending a school play, sports day, boiler breakdown). In most cases the commitment will mean that an employee is only away from work for a short period. It is therefore expected that any time lost will be made up within the following 12 week period on a date agreed with the manager. Where an employee is rostered to work, or due to the nature of their role they are subject to less flexible working arrangements, the employee may be able to arrange a "duty swap" with a colleague and agree the arrangement with the manager. In circumstances where the employee is unable to make up the time or arrange a duty swap, they should book annual leave, TOIL or unpaid leave to cover the time lost.

For further information please refer to the Planned and Unplanned Leave Sections of the Leave Arrangements Policy which is available on CIS by clicking [here](#).

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Establishing Working Patterns

When determining the patterns of work which may be appropriate for the team/service, managers are encouraged to think creatively. As a starting point they may wish to consider:

- The times at which service cover must be provided;
- Any periods of high or lower demand;
- Minimum service cover requirements;
- The opening times of an establishment;
- The availability of support services and facilities such as ICT, catering, etc. (as applicable) and access to a manager/supervisor; and
- The requirements of employees to start work earlier or later and flexible finishing times.

Managers should consult with employees when setting working patterns and ensure that the patterns are clearly communicated to all.

Monitoring and Review

All working arrangements are subject to on-going monitoring and periodic review as part of the Council's commitment to continuous improvement. Where working arrangements are found to no longer meet service requirements, it may become necessary for the manager to consult and negotiate changes with the employee(s) concerned. Further information on the process that should be followed in these circumstances can be found by clicking [here](#).

Health and Safety

Managers are responsible for monitoring working arrangements to ensure that they comply with the [Corporate Health Safety and Wellbeing Policy](#).

In addition, managers are reminded that under the Working Time Regulations, employees aged 18 and over working more than 6 hours are entitled to receive a minimum 20 minute unpaid break. Employees under the age of 18 should not work more than 4.5 hours without a 30 minute unpaid break, other than in certain exceptional circumstances as set out in the regulations. The regulations state that this break can be taken at any time during the employee's working day but should not be taken at the beginning or end.

When determining breaks for employees, managers are encouraged to think creatively in order to meet the needs of the service and to facilitate requests from employees. Managers should not feel constrained by the traditional break times: an employee may, for example, prefer to take 3 x 20 minute breaks through the day instead of a one hour break at lunchtime. Further information on the Working Time Regulations is available on CIS by clicking [here](#).

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Working Additional Hours/Overtime

The Council anticipates that employees will usually be expected to complete their role within their contracted hours. However, there will be circumstances where this is not possible or managers will require additional work to be undertaken.

With the exception of employees on annualised hours contracts, additional hours should only be worked if agreed in advance by the manager. In such circumstances, the TOIL provisions set out below will usually apply. However, if agreed by the manager, eligible employees may be paid for any additional hours worked. Further information in relation to recompensing employees for additional hours worked is available on CIS by clicking [here](#).

If an employee chooses to work additional hours without the agreement of their manager the time will be deemed to have been worked on a voluntary basis, unless a formal arrangement is in place to cover emergency situations, standby or call-outs.

The arrangements applicable to employees on annualised hours contracts can be found in Appendix A by clicking [here](#).

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TOIL (Time Off In Lieu) Arrangements

In circumstances where an employee has agreed to work additional hours and take TOIL in recompense for the hours worked the following arrangements will apply:

1. The additional hours must have been previously agreed between the employee and the manager.
2. The TOIL must be taken as soon as possible after the additional hours have been worked, or within 12 weeks of the additional hours being worked, unless there has been prior agreement between the manager and employee to take the TOIL at a specified time.
3. It is the responsibility of both the manager and the employee to ensure that TOIL does not accumulate to excessive levels e.g. more than 3 working days. A record of requests for TOIL should be kept by both the employee and their manager.
4. It is acknowledged that in exceptional circumstances due to service delivery needs the request for TOIL may not be able to be accommodated within the 12 week period. In these circumstances the employee has the right to request payment for the hours. The request should be made in writing to their manager.
5. Where the employee can demonstrate that TOIL has been requested and no action has been taken to accommodate the request, or requests have been refused on grounds that the employee feels are unreasonable, the employee has the right to request payment for the hours worked or request when the TOIL/additional hours can be taken. This request should be made in writing to the line manager's manager immediately following the 12 week period of the

TOIL/additional hours being worked. Payment should usually be made within 6 weeks of the request being made.

6. Where the manager can demonstrate that an employee has not pursued a request for TOIL within 12 weeks of the additional hours being worked, the TOIL will be lost.

Annualised Hours Employees

Other than for working on a public holiday, employees on annualised hours contracts should not accumulate TOIL. Information on their TOIL entitlements when working on a public holiday can be found in Appendix A by clicking [here](#).

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Employee Initiated Request to Change Working Arrangements

There may be occasions when employees require either a temporary or permanent alteration to their working arrangements (e.g. to provide care to a child or adult, to undertake personal development or study). All Council employees are able to request such a change however the Council reserves the right to give precedence to those employees who have the statutory right to request flexible working.

In order to qualify under the statutory scheme the employee must have a minimum of 26 weeks' continuous service with the Council at the time of their request. An employee can only make one statutory request in any 12 month period. In exceptional circumstances, the Council may consider additional requests which are received within the 12 month period.

Employees who are interested in changing their working arrangements may wish to discuss this informally with their manager in the first instance. Where such a change can be agreed, the process detailed below does not need to be followed. However, details of the agreed change will need to be confirmed in writing to the employee and the ESC advised in cases where the change will require a variation to the employee's contract (e.g. changing to term time only, a reduction in working hours, new work location). Advice is available from Strategic Human Resources on the types of change that will require a contract variation.

An employee wishing to formally request a change to their working arrangements should provide the following information using the [Flexible Working Application Form](#):

- The change in working arrangements they are seeking (including whether the change is requested on a permanent or temporary basis);
- The date on which the employee would like the proposed change to become effective;
- What effect the employee thinks the new working arrangements might have on the service/team and how in their opinion this might be dealt with;
- Whether it is an application under the statutory right to request flexible working;
- Whether the request is in relation to the Equality Act 2010 (e.g. as a reasonable adjustment for a disability);

- Whether a previous flexible working application has been made by the employee and, if so, when.

The employee should submit their completed application form to their manager for consideration. On receipt of the request, the manager should arrange to discuss it with the employee **as soon as possible**, but usually within 28 days. This discussion does not need to be face-to-face and can take place by telephone if the employee is in agreement.

The consideration process, including the outcome of any appeal, **must be completed within 3 months of the request being received** by the manager. This time limit can be extended providing the employee is in agreement.

Where a meeting is arranged to discuss the flexible working request, the employee can be accompanied by a work colleague or Trade Union representative. If the employee is unable to attend on the date proposed, an alternative should be arranged.

When determining whether or not a request can be accommodated, the manager will need to carefully consider what the benefits will be to the employee and/or the Council and weigh these against any potential adverse impacts. Any concerns the manager may have should be explored with the employee and their response to these issues obtained. It may also be appropriate to discuss alternative arrangements which could be accommodated or the possibility of either trialling or agreeing to the request on a temporary basis.

There may be occasions where a manager receives a number of flexible working requests close together. The manager is not required to make a value judgement as to which request is most deserving and should consider each case on its merits looking at the business case for granting the request and the possible impact of refusing it. Where it is not possible to agree all of the requests, the manager may wish to ask each employee whether any compromise could be made before coming to a decision. Advice is available from Strategic Human Resources.

If a number of employees already work flexibly and agreeing to a further request would have a negative impact, the manager may wish to ask if anyone would be willing to change their working arrangements so that a new request could be accommodated.

A request can only be declined for one or more of the following business reasons:

- **The burden of additional costs** (e.g. two employees wish to undertake a post on a job share basis but both wish to work 3 days per week. The combined hours would therefore exceed the available post hours resulting in an additional cost);
- **An inability to reorganise work amongst existing staff** (e.g. an employee wishes to reduce their working hours in order to pursue their hobby. Their role requires specialist skills which colleagues do not possess so it would not be possible to redistribute the work amongst existing team members);
- **An inability to recruit additional staff** (e.g. an employee wishes to work shifts that don't include sleep-ins in order to improve their family life. Other colleagues are not

willing to cover the sleep-ins and it has not been possible to recruit to cover these shifts);

- **A detrimental impact on quality** (e.g. an experienced Social Worker wishes to reduce their working hours. As they work in a small team and the other Social Workers are all significantly less experienced, this would result in more complex cases not receiving the required level of support. However, this could be reviewed if the composition of the team were to change);
- **A detrimental impact on performance** (e.g. an employee wishes to work from home on 2 or 3 days per week. The individual has recently moved into a new role which involves managing a team of office-based employees. This team is currently recording high levels of poor performance and sickness absence. These issues need to be addressed and it would not be possible for the manager to do this effectively if working from home);
- **Detrimental effect on ability to meet customer demand** (e.g. an employee wishes to work compressed hours in order to attend a course every Friday. The service receives a substantial number of phone calls from customers on this day and already operates reduced cover in order to enable employees to book annual leave. Any further reduction would effect the team's ability to respond to customer enquiries);
- **Insufficient work for the periods the employee proposes to work** (e.g. an employee in a customer service role wishes to change their start time to 7.30am. An analysis of customer contact levels shows there is insufficient demand for cover at this time of day and if agreed would reduce cover at peak times);
- **A planned structural change to the business** (e.g. an employee wishes to change their working hours from 8am-5pm to 9.30am-6.30pm as the service operates between 8am and 6.30pm. The service is soon to change its operating hours to 8am-5pm so no employees will be required to work outside of these hours).

When considering whether to decline a request it is important that managers remember that this should only be done where there is evidence available to support this decision. This evidence will need to be provided as part of any appeal process. Advice is available from Strategic Human Resources on the potential risks of declining a request.

The employee should be advised of the outcome of their request in writing as soon as possible and a copy retained on their personal file. A template letter is available by clicking [here](#). If the change requires a variation to the employee's contract, the manager should complete the [Amendment/Variation to Contract E-Form](#). The ESC will then arrange for a contract variation letter to be sent to the employee. The employee will not be eligible to make another flexible working application under the statutory scheme for at least 12 months.

If a request is declined, the letter must state the business reason(s) (set out above) on which the application is being declined and a detailed explanation as to how these apply to

the employee's request. The employee should also be offered the right to appeal the decision. Any appeal should be submitted to the manager, in writing, within 5 days of receiving the decision letter and should include the grounds for the appeal (e.g. the request has been refused for a reason outside of the eight detailed above, the decision was based on incorrect information). The appeal must be heard and concluded within three months of the date on which the employee submitted their flexible working application, unless an extension has been agreed with the employee and confirmed in writing, giving the reasons for the delay. A template letter inviting an employee to an appeal meeting is available by clicking [here](#).

Appeals will be heard by a panel of three officers, chaired by a senior manager and accompanied by two other panel members; another independent manager and a representative from Strategic Human Resources. Panel members will have had no prior involvement in the decision-making process. The panel may decide to:

- Uphold the original decision to decline the request. The letter confirming the outcome of the appeal should include the grounds on which this decision was reached. A template letter is available by clicking [here](#);
- Overturn the original decision to decline the request. This may result in the implementation of the employee's original request or an alternative which can be accommodated by both parties. The letter confirming the outcome of the appeal should include details of the new working arrangements. A template letter is available by clicking [here](#).

Employees have the right to be accompanied at the appeal by a work colleague or Trade Union representative. If the employee is unable to attend on the arranged date, an alternative should be proposed.

If the employee fails to attend a meeting (or appeal) to discuss the request without reasonable cause on two occasions then the application can be treated as withdrawn. In this circumstance, the employee should be advised in writing. A template letter is available of clicking [here](#). A copy should be retained on the employee's personal file. The employee will not be eligible to make another application under the statutory scheme for at least 12 months from the date this request was submitted.

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Manager Initiated Change to Working Arrangements

All working arrangements are subject to on-going monitoring and periodic review as part of the Council's commitment to continuous improvement. Where working arrangements are found to no longer meet service requirements, it may become necessary for the manager to consult and negotiate changes with the employee(s) concerned. Managers should **not** seek to change working arrangements which have been put in place as a 'reasonable adjustment' for an employee, unless the employee requests that a change is made.

Prior to commencing any discussions with employees, managers should seek advice from Strategic Human Resources so that the most appropriate course of

action can be determined, including whether this is the most appropriate policy under which to consider the change.

As working arrangements may form part of an employee's contractual terms and conditions of employment, before any changes are made managers must demonstrate that all affected employees have been consulted. The following consultation process is a mechanism for managers to use to seek a **voluntary agreement with all employees affected** by the proposals. In the event that a voluntary agreement is unlikely to be reached through informal discussion, or the proposal means a reduction of contractual hours, the [Organisational Change Policy and Procedure](#) should be used to implement the proposed changes.

Managers should engage with employees and the Trade Unions as early as possible. This will ensure that they have sufficient time to give thorough consideration to any proposals, suggest possible alternatives and raise any issues or concerns. **It is important that employees who are absent from work for any reason are fully involved in the consultation process.**

Managers should:

- Advise the affected employee(s) of their wish to reach an agreement without recourse to the formal procedure;
- Outline the proposals and explain the drivers for changing working arrangements (e.g. changing needs of customers) and the timescales involved in reaching an agreement;
- Encourage the affected employee(s) to put forward their ideas on how the aims of the proposals can be met;
- Listen to the concerns of individual employees, especially issues related to childcare or other caring responsibilities, travel arrangements and as far as possible seek to accommodate any specific requests.

Listening to and acting upon the ideas and concerns of the affected employee(s) may prove invaluable in reaching an agreement without recourse to the formal organisational change procedure.

Managers are advised to keep notes during the consultation process of any discussions they have with the affected employee(s). This includes any ideas, comments and/or concerns raised.

It may be appropriate to seek agreement from the affected employee(s) to introduce the changes on a trial basis in order to establish what impact they will have. During the trial period managers will need to continue to engage with the affected employee(s) to establish whether the proposals are practicable and/or whether further adjustments are required. If at the end of the trial period, **all** parties agree to the proposals being made the revised working arrangements can be introduced.

The manager must provide written confirmation of the new working arrangements including the date on which they will become effective. A copy of this letter should be retained on the employee's personal file.

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Appendix A: Guidance on Annualised Hours (including term-time only working)

What is an Annualised Hours Contract?

An annualised hours contract can be issued on a permanent or fixed-term basis for part-time hours, also full time hours when an employee is needed to work flexibly to meet service demand.

An annualised hours contract shows the total number of hours that an employee is contracted to come to work in a contractual year (1st April and 31st March). This type of contract is normally given to an employee where they may:

- Be required to work an irregular pattern of hours each week; or
- Not be needed to work each week of the working year e.g. term-time only, 30 weeks per year, or no fixed number of weeks per year.

The employee's hours of work could be a set amount per week for a period of weeks (e.g. 20 hours per week for 38 weeks) or as and when needed.

Whatever the working pattern, it **must** be made clear, in writing, at the outset what the working arrangements are. Managers must ensure that a copy of the working arrangements document is given to an employee on an annualised hours contract. Managers must record and monitor the hours worked and establish a regular pattern of review.

There are 3 key aspects, as follows:

1. The number of hours stipulated in the contract is the hours the employee will be needed to come to work (referred to in this guidance as working time). The hours can range up to the maximum grade related working hours of an employee with over 5 years' service. See Table below ([click here](#)) shows the maximum working hours per Grade.

N.B If the employee is moving from a standard contract to an annualised hours contract and working the same amount of annual hours, see section on Changing from a standard (52 week) contract to an annualised hours contract ([click here](#)).

2. The way in which the salary is worked out includes an additional payment for annual leave and public holidays. The amount is pro-rata to a full-time employee. The table below ([click here](#)) shows the working hours of a full-time employee and their leave entitlement. Payment of public holidays is included in the employee's annual salary. If an employee is required to work on public holiday recompense must be made as explained in Working on a Public Holiday section of this appendix ([click here](#)).
3. The working arrangements document should identify working and non-working arrangements and explain how an employee requests extended periods of non-

working time to accommodate family holidays etc. (See section Booking Annual Leave below - [click here](#)).

How the Salary is Worked Out?

The salary is worked out as a percentage of a full-time employees working hours.

The contracted hours of a full-time employee are 1931 hours per year (52.179 weeks x 37 hours per week). The contracted hours are made up of 2 parts, working time and non-working time (annual and public holiday leave). The non-working time varies depending upon the grade of the post and length of service, this allows for leave an employee would be entitled to if they were not on annualised hours. The following tables show how the working hours of a full time employee are calculated.

Grades 1 to 9	52.179 weeks per year
Under 5 Years' Service	
37 hrs. x weeks per year (Contracted Year in Hours)	1931
Holiday Entitlement (in Hours) 24 days annual leave plus 8 Public Holidays	237
Total FT Working Hours	1694
Over 5 Years' Service	
37 hrs. x weeks per year (Contracted Year in Hours)	1931
Holiday Entitlement (in Hours) 29 days annual leave plus 8 Public Holidays	274
Total FT Working Hours	1657

Grades 10 & 11	52.179 weeks per year
Under 5 Years' Service	
37 hrs. x weeks per year (Contracted Year in Hours)	1931
Holiday Entitlement (in Hours) 26 days annual leave plus 8 Public Holidays	252
Total FT Working Hours	1679
Over 5 Years' Service	
37 hrs. x weeks per year (Contracted Year in Hours)	1931
Holiday Entitlement (in Hours) 31 days annual leave plus 8 Public Holidays	289
Total FT Working Hours	1642

Grades 12 to 18	52.179 weeks per year
Under 5 Years' Service	
37 hrs. x weeks per year (Contracted Year in Hours)	1931
Holiday Entitlement (in Hours) 27 days annual leave plus 8 Public Holidays	259
Total FT Working Hours	1672
Over 5 Years' Service	
37 hrs. x weeks per year (Contracted Year in Hours)	1931
Holiday Entitlement (in Hours) 32 days annual leave plus 8 Public Holidays	296
Total FT Working Hours	1635

The salary of an employee on an annualised hours contract is worked out by dividing the employees contracted working hours by the full-time contracted working hours for their grade and length of service. This calculation ensures that the employee receives the right proportion of annual and public holiday entitlement to that of a full-time employee.

Example

For a full time employee on Grade 5 with less than 5 years' service, contracted working hours are 1679.

Percentage of 1 FTE = $1679/1679 = 100\%$

Multiply this percentage by the full time salary, e.g. if the employee is on pay point 11, $100\% \times \text{£}15,600$ per year = $\text{£}15,600$.

Similarly if the same employee was contracted to work 840 hours per year.

Percentage of 1 FTE = $840/1679 = 50\%$

This percentage is multiplied by the full time salary, $50\% \times \text{£}15,600$ per year = $\text{£}7,800$ per year.

The following explanation demonstrates how this method of calculation includes payment for annual and public holiday entitlement in the annual salary.

In the example above the annual salary for an employee contracted to work 840 hours per year (50% contract) is $\text{£}7,800$ per year.

If the annual salary was based on the 840 working hours only multiplied by the hourly rate ($\text{£}8.08$), the annual salary would be $\text{£}6,787.20$ per year.

The difference between $\text{£}7,800$ and $\text{£}6,787.20$ is the extra payment for annual and public holiday pay.

Booking Annual Leave

Employee's working term-time only - there is no need for an employee to book annual leave as holidays will normally be taken during non-working periods. In exceptional circumstances an employee may make a request in writing to their line manager for a period of time-off during a working period. The manager should notify the employee in writing, whether the request is granted or not, and if not, the reason why, also, if agreed, whether the employee can work the time taken or whether it is unpaid leave.

Employees working other types of working patterns - if an employee wishes to take leave during a period where they are scheduled to work, they should make a written request to their manager asking to adjust their working pattern to include a period of non-working time. As far as reasonably practicable, managers should seek to accommodate such requests, taking account of the service delivery requirements. The manager should notify the employee in writing, whether the request is granted or not, and if not, the reason why.

Employees should not make holiday arrangements until agreement has been reached with their manager.

If a period of non-working time has been agreed but an employee is unable to take the agreed time-off because of ill-health, the manager should consider favourably any request to rearrange the period of leave.

Contractual Year

The Councils contractual year is from the 1st April to 31st March inclusive. When making a new appointment part way into the contractual year managers should seek advice from the ESC Payroll Services as to the best way of ensuring that the employee is contracted to work the required hours up to 31st March, and the full years working hours for the following contractual year, 1st April onwards.

Working Patterns

The contractual arrangements ask that employees are notified in writing of their working arrangements. The working year must be given in the working arrangements document (e.g. 'Your contracted hours must be worked from 1st April to 31st March inclusive').

There may or may not be any fixed working pattern or arrangement. The working pattern is decided by taking account of service requirements for example:

- In Adult Learning, a Learning Support Assistant could be contracted to work 30 weeks per year to match the pattern of both day and evening classes. The working arrangements document would show the period(s) of the 30 working weeks.
- A museum opens only between early February to mid-December, not all year round, operating different opening hours in the summer and autumn. The working arrangements document would show that employees are required to work 7 hours per day in the summer period (to/from dates) and 5 hours per day in the autumn (to/from dates) and not at all during the closure period (to/from dates).

Fixed Term Annualised Hours Contract

As an employee's salary is calculated based on 12 equal payments where an employee is appointed to work on a fixed term basis for only part of a year their salary will still be

calculated in the same ways as if they were working a full year. In addition their contract will show the hours they would work as if they were contracted for a full year.

Managers must advise the employee of the total number of hours the employee is required to work for the period of the fixed term contract, and ensure that the hours are worked before the contract ends.

At the end of the contract, if an employee has worked more hours an extra payment should be made in the employee's final salary.

Working Extra Hours

Normally payment for working extra hours is not made until all of the contracted hours have been worked. However, there may be occasions where managers need employees to work outside of their agreed working pattern can agree not to take off the hours worked from the contracted hours but agree that an extra payment is made.

If the employee is required to work regular extra hours i.e. to cover long-term sickness, or increased work load, their contract should be reviewed to reflect the extra hours either on a permanent or temporary basis.

Working on Public Holidays

Where an employee is required to work on a public holiday they will be paid in accordance with the Pay Arrangements Policy which is available on CIS by [clicking here](#). The Time off in Lieu identified in the Pay Arrangements Policy should be deducted from the employees annual total hours.

Any additional payment that the employee is entitled to for working on a public holiday should be paid as an addition to their monthly salary.

Example

	An employee on annualised hours works 7 hours on Christmas Day is entitled to Normal contractual pay for the day = 7 hours must be deducted from annual contracted hours
Plus	Payment at plain time for the contractual hours worked = an additional payment of 7 hours pay included with their monthly salary.
Plus	For all hours worked in addition to the normal contracted hours, double time will be paid full recompense = if the employee has a regular working pattern, for example of working 5 hours per day but works 7 hours on this day an additional payment of 4 hours pay must be included with their monthly salary.
Plus	Time off in lieu at a later date for the actual hours worked = an additional 7 hours must be deducted from annual contracted hours.

Entitlement to sick pay

Where an employee is scheduled to work and is unable to due to ill health and has self-certified their sickness for the first 7 days and provided a fit note for an absence of 7 days,

the employee will be entitled, in line with the provisions of the LCC sick pay scheme available on CIS by [clicking here](#), to occupational sick pay.

Manager should be aware that for the purpose of attendance management only those days on which the employee is scheduled to work should be recorded. However, for pay purposes the whole period of ill-health absence should be recorded.

Annual leave will continue to accrue during sickness absence. Employees on long term sickness absence (i.e. over 4 weeks) will also accrue their public holiday entitlements. Further information is available on CIS by [clicking here](#). Upon their return to work an employee working term-time only or on a planned working arrangement should take any accrued annual leave during their working time. An employee's working an ad hoc working arrangement should have their accrued leave deducted from their annual contracted hours.

Term-time only

Where an employee is unable to work because of ill-health during term-time all of the hours for the period are recorded for attendance management and pay purposes. If the period of absence contains a school closure period, only the hours on which the employee was contracted to work either before and/or after, the closure period should be recorded for attendance management purposes, but the whole period of absence would need recording for pay purposes.

Example

Sickness Absence from/to	1 st June to 11 th July	School Closure Period		28 th August to 30 th September
		July 12 th to 31 st July	1 st August to 27 th August	
1 st June to 31 st July	Contracted hours recorded for attendance management and pay purposes	Absence recorded for pay purposes only		
20 th July to 24 th August		Absence recorded for pay purposes only		
10 th June to 30 th September	Contracted hours recorded for attendance management and pay purposes	Absence recorded for pay purposes only		Contracted hours recorded for attendance management and pay purposes

Scheduled/Planned/Rostered Working

Where the line manager and the employee have a regular review meeting in order to schedule working arrangements to meet service demand, or the working pattern is set for the whole of the year, when an employee is unable to work due to ill-health and they are scheduled to work, all of the hours for the period of absence are recorded for attendance management and pay purposes. If the period of absence contains a period where the employee is not scheduled to work this time should be recorded for pay purposes only; not attendance management.

In circumstances when the period of planned working ends and the employee, because of ill-health is unable to meet with their line manager, the schedule of work the line manager had pre-planned would be put in place and the absence recorded against the new schedule.

Managers must always ensure that a schedule of work is in place when an employee is not able to work due to ill-health as there is no expectation that when an employee returns to work following a period of ill-health absence that they make up any time lost due to their absence at a later date. The schedule of work must be the same as it would have been had the employee been at work.

Ad Hoc Working Arrangements

There is no expectation that when an employee is not at work due to ill-health that any time lost is made up at a later date when the employee returns to work.

As an employee must not suffer any detriment when they are not able to work due to ill-health, but the nature of the work they are contracted to do is not easily planned in advance, their manager must deduct from the employee's running total of working hours an 'average day/ for each day/week of the employees sickness absence,

If the running total of working hours, including the sickness absence period, reaches the total of the employee's contracted hours, the recording of the 'average day/week' should cease.

The 'average day/week' is calculated by using the average of the hours worked in a week by the employee on the last 12 occasions (weeks) when they were scheduled to work.

Example

Weeks	1	2	3	4	5	6	7	8	9	10	11	12	Total
Days worked	1	2	3	2	1	2	2	1	2	2	3	1	23
Hours worked	4.	6	10	6	7	5	6	4	6	6	10	4	74

The average day = 74 divided by 23 = 3.22 hrs. (3hrs 24 mins.) Or average week 3.22 hrs. x 5 days = 16.10 hrs. (16 hrs. 12 mins.)

In this case the manager would deduct from the running total of hours 3 hrs. 24 mins. for each day or 16 hrs. 12 mins. for each week of absence.

Changing from a standard (52 week) contract to an annualised hours contract

Where an employee is changing from a traditional standard contract to an annualised hours contract a clear explanation is needed on the nature of the new contractual

arrangements to make sure that the wrong assumptions are not being made. The explanation should include an explanation of the:

- Requirements of an annualised hours contract and how the salary is calculated to include additional payment for public holidays and annual leave;
- Need to work all of the annualised contracted hours.
- Number of weeks over which the contracted hours are to be worked;
- Working arrangements, which should be a separate document that the employee receives and includes the working and non-working arrangements, review periods and the procedure to request extended non-working periods to accommodate family holidays etc.,
- Necessity to record and monitor hours worked to make sure that the contracted hours are worked, including the frequency of review periods;
- Arrangements when extra hours are worked.
- Process for booking annual leave (see section on [Booking Annual Leave](#)):
- And
- How the annual leave taken under the standard contract will be reconciled, if the contract has changed part way through the year,

Annual Leave

Annual leave is accrued on a daily basis within the leave year (1st April to 31st March) it is taken. An employee on a standard contract can be given leave at any time during the year. This means that at any point within the leave year an employee can be in a position where they have taken more or less leave than they have accrued. Therefore when an employee changes from a standard week contract to an annualised hours contract part way through the year there may be implications as an employee may have taken more or less holiday than they have accrued. At the point when the contract changes managers should make sure that where the employee has, for the period before the contract is changed;

- Accrued more leave than they have taken; the hours of untaken leave are taken away from the annual working hours for the first year.
- Accrued less leave than they have taken; the extra hours of the leave are added to the annual working hours for the first year.

Example

An employee on a standard contract at Grade 5, with less than 5 years' service, working 18.5 hours per week throughout the year, changes to an annualised hour's contract on 1st September.

Holiday entitlement on this contract is 88.8 hours per year.

Accrued holiday for the period 1st April to 31st August = 37 hours (5/12^{ths} of full entitlement).

If the employee had taken 29.6 hours leave before 1st September, they would have an entitlement to an extra 7.4 hours leave (37 – 29.6).

To make sure that this entitlement is met the 7.4 hours must be deducted from the new working hours.

Or

If the employee had taken 39 hours leave they would have taken 2 hours more than their entitlement.

To make sure that the overtaken leave is recovered the hours must be added to their

annual hours.

Over 5 years' service

When an employee on an annualised hour's contract working less than full time working hours achieves over 5 years' service their annual salary increase to compensate for the extra annual leave.

Example

Grade 5 (pay point 11) employee contracted to work 840 hours per year.
 Calculation of annual salary under 5 years' service
 $840 \text{ divided by } 1694 \text{ (grade related working time under 5 years' service)} = 0.4959 \text{ fte}$
 $\text{Salary pay point 11} = \text{£}15,500 \times 0.4959 = \text{£}7735.54$
 Calculation of annual salary over 5 years' service
 $840 \text{ divided by } 1657 \text{ (grade related working time under 5 years' service)} = 0.5069 \text{ fte}$
 $\text{Salary pay point 11} = \text{£}15,600 \times 0.5069 = \text{£}7,908.27$

This is not the case for an employee contracted to work full time. The working hours must be cut to accommodate the extra leave, see tables above ([click here](#)). The date on which 5 years' service is achieved is the anniversary date of the employee's continuous service start date. Managers will have to make sure they reduce the working hours and the working hours changed.

Termination of employment

On termination of employment, the manager should notify the ESC of the number of hours worked from the beginning of the contractual year up to the date of leaving.

Example

Employee contracted to work 840 hours per year between 1st April and the 31st March, leaves on the 30th November having worked 620 hours by the leaving date. The number of month's salary received is 8. The manager advises the ESC that the employee has worked 620 hours. Over/under payments are calculated as follows:
 $\text{Hours paid for the 8 months up to the leaving date are } 840 \times (8/12) = 560$
 $\text{Balance of hours} = \text{Hours worked} - \text{Hours paid} = 620 - 560 = 60 \text{ hrs. owed to employee}$
 $\text{Salary owed to employee} = 60 \text{ hours} \times \text{hourly rate of pay.}$

Payment for any hours worked over the salary received will be added to the employee's final salary payment. If the employee has received salary payments for more than the hours they have worked, a deduction will be made from the final salary payment. If the amount owed is more than the final salary payment, the employee will need to pay the balance.

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Appendix B: Guidance on Working Compressed Hours

Patterns of Work

The pattern of working can either be:

- Fixed - the non-working day is fixed within the working pattern and does not change; or
- Flexible - the non-working day is not fixed within the working pattern and is taken by prior agreement.

Certain types of posts may not be suitable for consideration of compressed hours (e.g. where the service needs standard hours or front line staff working on a rota basis).

It is common practice to ask for the non-working day/hours to be attached to a weekend; it is not practical to do this in all cases. Managers should encourage employees to choose a Tuesday, Wednesday or Thursday instead of refusing the request.

Criteria for Considering Compressed Hours Working

The non-working day/hours should be negotiated between the employee and their manager.

Any request for compressed working should be restricted to reducing an employee's working week by no more than 1 day (e.g. 4 working days instead of 5 or 2 working days instead of 3).

Before agreeing to the request the manager must:

- Be satisfied that there will be no detrimental effect to service delivery;
- Be satisfied that there is adequate staffing cover so that no undue pressure is put on the employee's work colleagues to meet the needs of the business;
- Be mindful of the length of the working day the employee will work to allow their working week to be compressed;
- Be satisfied that the employee has enough work to cover the extended working day;
- Consider any health and safety or any regulatory/legal implications (e.g. fatigue, requirements of the Working Time Regulations, driving hours, etc.);
- Consider access to and security of the building for those working longer hours and whether lone working or other personal safety issues are likely to occur.

Impact on Annual Leave and Public Holidays

Annual Leave

Working compressed hours changes the way annual leave is booked. If the employee normally books their annual leave in days the manager must notify the ESC to have this changed to hours. (See '[When a request is agreed](#)' below).

The employee must book all of the hours they have agreed to work on the day as leave, see examples in Appendix C [click here](#).

Public Holidays

Even if an employee's working pattern requires them to work on a public holiday or not, the employee is entitled to time-off for that day.

To ensure fairness and equity the Council have adopted the principle of the Calculated Day. The Council's standard working week is 5 days; meaning that a day's public holiday is 1/5th of the working week. An employee's calculated day is 1/5th of their contracted weekly working hours e.g. an employee contracted to work 37 hours per week, their calculated day is 7.4 hours or 7 hours and 24 minutes. A calculator for working out an employee's calculated day is available on CIS by [clicking here](#).

In the week when a public holiday falls the employee should substitute their calculated day (1/5th of their contracted weekly working hours) for either;

- The hours they would normally work on that day

Or

- Instead of a non-working day, see examples in Appendix D [click here](#).

Doing this will mean that the employee will either owe time, or will have time owed to them. It is up to the manager and the employee to agree;

- If time is owed by the employee – when the additional hours required will be worked, taken as annual or unpaid leave.
- If the employee is owed time – when this time will be taken. Time owed to the employee can be accumulated so that the employee could take off a full working day.

Compressed Hours - Examples of Annual Leave

Example 1 - Full-time employee, working 37 hours per week, 10 in 9				
		Normal working pattern	Compressed working pattern	Annual Leave booked
Week 1	Monday	7hrs.24mins	8hrs.15mins	8hrs.15mins
	Tuesday	7hrs.24mins	8hrs.15mins	8hrs.15mins
	Wednesday	7hrs.24mins	8hrs.15mins	8hrs.15mins
	Thursday	7hrs.24mins	8hrs.15mins	8hrs.15mins
	Friday	7hrs.24mins	8hrs.15mins	8hrs.15mins
Week 2	Monday	7hrs.24mins	Non-working day	Nil
	Tuesday	7hrs.24mins	8hrs.15mins	8hrs.15mins
	Wednesday	7hrs.24mins	8hrs.15mins	8hrs.15mins
	Thursday	7hrs.24mins	8hrs.15mins	8hrs.15mins
	Friday	7hrs.24mins	8hrs.00mins	8hrs.00mins
	Total	74 hours	74 hours	74 hours
Example 2 - Full-time employee, working 37 hours per week, 5 days in 4				
		Normal working pattern	Compressed working pattern	Annual Leave booked

Week 1	Monday	7hrs.24mins	9hrs.15mins	9hrs.15mins
	Tuesday	7hrs.24mins	9hrs.15mins	9hrs.15mins
	Wednesday	7hrs.24mins	Non-working day	Nil
	Thursday	7hrs.24mins	9hrs.15mins	9hrs.15mins
	Friday	7hrs.24mins	9hrs.15mins	9hrs.15mins
Total		37 hours	37 hours	37 hours

Example 3 - Part-time employee, working 16 hours per week, 8 days in 7				
		Normal working pattern	Compressed working pattern	Annual Leave booked
Week 1	Monday	4hrs.	4hrs.35mins	4hrs.35mins
	Tuesday	4hrs.	4hrs.35mins	4hrs.35mins
	Wednesday	Non-working day	Non-working day	Nil
	Thursday	4hrs.	4hrs.35mins	4hrs.35mins
	Friday	4hrs.	4hrs.35mins	4hrs.35mins
Week 2	Monday	4hrs.	Non-working day	Nil
	Tuesday	4hrs.	Non-working day	Nil
	Wednesday	Non-working day	4hrs.35mins	4hrs.35mins
	Thursday	4hrs.	4hrs.35mins	4hrs.35mins
	Friday	4hrs.	4hrs.30mins	4hrs.35mins
Total		32 hours	32 hours	32 hours

Example 4 - Part-time employee, working 16 hours per week, 4 days in 3				
		Normal working pattern	Compressed working pattern	Annual Leave booked
Week 1	Monday	4hrs.	5hrs.20mins	5hrs.20mins
	Tuesday	4hrs.	Non-working day	Nil
	Wednesday	Non-working day	Non-working day	Nil
	Thursday	4hrs.	5hrs.20mins	5hrs.20mins
	Friday	4hrs.	5hrs.20mins	5hrs.20mins
Total		16 hours	16 hours	16 hours

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Appendix C: Public Holidays Examples

Example 1 - Full-time employee, working 37 hours per week. Calculated day is 37 hours divided by 5 = 7.4 hours or 7hrs and 24mins.

		Compressed working pattern	Revised working pattern
Week 1	Monday	8hrs.15mins	8hrs.15mins
	Tuesday	8hrs.15mins	8hrs.15mins
	Wednesday	8hrs.15mins	8hrs.15mins
	Thursday	8hrs.15mins	8hrs.15mins
	Friday (Public Holiday)	8hrs.15mins	7hrs.24mins Calculated day allowance
Week 2	Monday(Public Holiday)	Non-working day	7hrs.24mins Calculated day allowance
	Tuesday	8hrs.15mins	8hrs.15mins
	Wednesday	8hrs.15mins	8hrs.15mins
	Thursday	8hrs.15mins	8hrs.15mins
	Friday	8hrs.00mins	8hrs.00mins
	Total	74 hours	80 hrs.33mins (6hrs.33mins owed to employee)

Example 2 - Full-time employee, working 37 hours per week. Calculated day is 37 hours divided by 5 = 7.4 hours or 7hrs and 24mins.

		Compressed working pattern	Revised working pattern
Week 1	Monday(Public Holiday)	9hrs.15mins	7hrs.24mins Calculated day allowance
	Tuesday	9hrs.15mins	9hrs.15mins
	Wednesday	Non-working day	Non-working day
	Thursday	9hrs.15mins	9hrs.15mins
	Friday	9hrs.15mins	9hrs.15mins
	Total	37 hours	35hrs.09mins (Employee owes 1hrs.51mins)

Example 3 - Part-time employee, working 16 hours per week. Calculated day is 16 hours divided by 5 = 3.2 hours or 3hrs and 12mins.

		Compressed working pattern	Revised working pattern
Week 1	Monday	4hrs.35mins	4hrs.35mins
	Tuesday	4hrs.35mins	4hrs.35mins
	Wednesday	Non-working day	Non-working day
	Thursday	4hrs.35mins	4hrs.35mins
	Friday (Public Holiday)	4hrs.35mins	Calculated day allowance 3hr.12mins
Week 2	Monday (Public Holiday)	Non-working day	Calculated day allowance 3hr.12mins
	Tuesday	Non-working day	Non-working day
	Wednesday	4hrs.35mins	4hrs.35mins
	Thursday	4hrs.35mins	4hrs.35mins
	Friday	4hrs.30mins	4hrs.30mins
	Total	32 hours	33hrs.49mins (1hrs.49mins owed to employee)

Example 4 - Full-time employee, working 16 hours per week. Calculated day is 16 hours

divided by 5 = 3.2 hours or 3hrs and 12mins.			
		Compressed working pattern	Revised working pattern
Week 1	Monday (Public Holiday)	5hrs.20mins	Calculated day allowance 3hr.12mins
	Tuesday	Non-working day	Non-working day
	Wednesday	Non-working day	Non-working day
	Thursday	5hrs.20mins	5hrs.20mins
	Friday	5hrs.20mins	5hrs.20mins
	Total	16 hours	13hrs.52mins (Employee owes 2hr.08mins)

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EMPLOYMENT COMMITTEE - 12 JUNE 2014

UPDATE ON NATIONAL PAY NEGOTIATIONS FOR 2014

REPORT OF THE DIRECTOR OF CORPORATE RESOURCES

Purpose of Report

1. The purpose of this report is to update the Committee on the current position regarding the national negotiations for the 2014 pay awards for local government employees, chief officers and chief executives.

Background

2. Whilst the Council has its own pay and grading structure, annual pay awards are agreed by Employment Committee having regard to agreements reached by national negotiating bodies.
3. For all grades up to and including Grade 17, the negotiating body is the National Joint Council (NJC) for Local Government Employees. For grades 18 – 21, the national negotiating body is the Joint National Council (JNC) for Chief Officers and for Grade 22, the JNC for Chief Executives.

Key Points

4. The Trade Union pay claim for local government employees for 2014 was submitted to the NJC on 5 November 2013. It comprised a minimum increase of £1 an hour on the lowest pay point to achieve the Living Wage (currently £7.45) and the same flat rate increase (£1) on all other pay points.
5. The Employers' Side of the NJC formally responded with a final pay offer on 20 March 2014. This included an element of increasing the lowest 6 pay points to maintain a discernable gap between the National Minimum Wage (£6.50 with effect from 1 October 2014) and the lowest pay point (currently £6.45). All other pay points would be increased by 1%.
6. Unison, GMB and Unite rejected this pay offer after balloting their members and announced that industrial action ballots would take place in May and June 2014. In the event of the ballots returning a 'yes' vote, the unions have advised that they will hold a one-day strike on Thursday 10 July 2014.
7. With regard to chief officers and chief executives, a pay claim was submitted by the Association of Local Authority Chief Executives on 19 March 2014. This requested that chief executives and chief officers '**receive exactly the same cost of living pay award that is offered to the staff body as a whole**', that is to say, the same award made to local government employees.

8. To date, no response has been made by the Employers' Side in relation to the JNC for Chief Officers and the JNC for Chief Executives.

Recommendations

9. The Committee is asked to note the contents of this report.

Background Papers

None.

Circulation under the Local Issues Alert Procedure

None.

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Equal Opportunities Implications

None.



EMPLOYMENT COMMITTEE - 12 JUNE 2014

LOCAL GOVERNMENT PENSION SCHEME

REPORT OF THE DIRECTOR OF CORPORATE RESOURCES

Purpose of Report

1. To request the Committee to agree to the policy decisions afforded to the County Council as a scheme employer under the provisions of the Local Government Pension Scheme.

Background

2. The pension regulations require the County Council to formulate, publish and keep under review its policies in respect of certain areas of the Scheme where it may exercise its discretion. There are five such discretions which are set out below under the heading "Discretionary Policies Required to be Published".
3. Following the introduction of the new LGPS on 1 April 2014, some of the previous discretions have been removed whilst new ones have been implemented or are similar to previous discretions.
4. Whilst there is no requirement to have a written policy on all discretions it is felt that a further five written policies would be beneficial to ensure clarity for LGPS members.

Discretionary Policies Required to be Published

5. The discretionary policies below are required to be published by the pension regulations.
 - i) LGPS Regulations - Regulation 31: Power of employer to award additional pension

Explanation	Employer's Policy
<p>An employer may resolve to award a member additional pension of not more than £6,500 (figure as at 1 April 2014) a year within 6 months of leaving to a member whose employment was terminated on the grounds of redundancy or business efficiency.</p>	<p>The Council will not normally agree to award an additional pension under this regulation.</p>

ii) LGPS Regulations 2013 - Regulation 16(2)(e) and 16(4)(d) : Funding of additional pension contributions (shared cost):

Explanation	Employer's Policy
<p>An active member in the main section of the scheme who is paying contributions may enter into arrangements to pay additional pension contributions (APCs) by regular contributions or a lump sum.</p> <p>Such costs may be funded in whole or in part by the member's Scheme employer.</p> <p>The employer will need to determine a policy on whether it will make a contribution towards the purchase of extra pension.</p> <p>This does not relate to cases where a member has a period of authorised unpaid leave of absence and elects within 30 days of return to work to pay a shared cost APC to cover the amount of pension "lost" during that period of absence. In these cases the employer MUST contribute 2/3rds of the cost (Regulation 15(5) of the LGPS Regulations 2013.</p>	<p>The Council has not adopted this discretion.</p>

iii) LGPS Regulations 2013 - Regulation 30 (6): Flexible Retirement

Explanation	Employer's Policy
<p>An active member who has attained the age of 55 or over who reduces working hours or grade of an employment may, with the Scheme employer's consent, elect to receive immediate payment of all or part of the retirement pension to which that member would be entitled in respect of that employment if that member were not an employee in local government service on the date of the reduction in hours or grade, adjusted by the amount shown as appropriate in actuarial guidance issued by the Secretary of State.</p> <p>As an employer you need to determine the conditions under which you would approve a flexible retirement taking place.</p>	<p>The Council has agreed to release pension where there is no cost and not to waive any reduction.</p> <p>Members must reduce their hours by a minimum of 40% and/or reduce their grade</p> <p>The Council may however allow the release of pension where there is a cost or waive reduction in a potential redundancy situation, where a reduction may occur through redeployment, or in other exceptional circumstances.</p> <p>In all circumstances, there must be an agreed business case.</p>

iv) LGPS Regulations 2013 - Regulation (paragraph 1(1)(c) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014): Switching on rule of 85

Explanation	Employer's Policy
<p>A member who has not attained normal pension age but who has attained the age of 55 or over, may elect to receive immediate payment of a retirement pension in relation to an employment if that member is not an employee in local government service in that employment, reduced by the amount shown as appropriate in actuarial guidance issued by the Secretary of State.</p> <p>In these circumstances (other than flexible retirement) the 85 year rule does not automatically apply to members who would otherwise be subject to it who choose to voluntarily draw their benefits on or after age 55 and before 60.</p>	<p>The Council will not apply either discretion, unless there is a business case to support this as an alternative to a redundancy situation</p>

<p>The employer has the discretion to “switch on” the 85 year rule for such member (paragraph 1(1)(c) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014.</p> <p>If the employer does agree to switch back on the rule of 85, the cost of any strain on the fund resulting from the payment of benefits before age 60 would have to be met by the employer.</p>	
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v) LGPS Regulations 2013 - Regulation (paragraph 2(1) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014): Waiving of actuarial reduction

Explanation	Employer’s Policy
<p>An employer has the discretion, under a number of retirement scenarios, to waive actuarial reductions on compassionate grounds.</p> <p>The cost of which would fall upon the employer.</p> <p>n.b. “Compassionate grounds” is not defined in the regulations</p>	<p>The Council will not apply this discretion, unless there are exceptional circumstances</p> <p>The Employment Committee and the Director involved will consider any cases and will decide whether the actuarial reductions should be waived. In all cases the financial position of the County Council must be considered.</p>

Additional Discretionary Policies

6. There are a number of other discretions which Scheme employers may exercise under the LGPS Regulations 2013. In order to provide clarity for members it is recommended that the County Council has a written policy in place for an additional five discretionary policies. These are set out below.

i) LGPS Regulations 2013 – Regulation 17 - Shared Cost Additional Voluntary Contribution Facility

Explanation	Employer's Policy
This discretion allows the Employer to maintain and contribute to an employee's Additional Voluntary Contribution Scheme.	<p>The Council has not adopted this discretion.</p> <p>This will not have any effect on the existing AVC facility available where the employee only is able to make such contributions.</p>

ii) LGPS Regulations 2013 - Regulation 100 (6) – election to transfer within 12 months

Explanation	Employer's Policy
This discretion allows the Employer extend the 12 month limit a member has in which to elect to transfer other pension rights into the LGPS. This has to be with the agreement of the Administering Authority	<p>The Council as the Administering Authority will not normally allow an extension of the 12 month limit</p> <p>Extenuating circumstances may apply and this would include</p> <ul style="list-style-type: none"> • Where evidence exists that an election was made within 12 months but his was not received by the administering authority • Where evidence exists that the member was not aware of the 12 month limit due to maladministration

iii) LGPS Regulations 2013 - Regulation 22 (7) and (8) – election to aggregate within 12 months of commencement

Explanation	Employer's Policy
This discretion allows the Employer to extend the 12 month time limit a member has within which they must elect not to have deferred benefits aggregated with their new LGPS employment	<p>The Council will not normally extend this 12 month time limit</p> <p>Extenuating circumstances may apply and this would include</p> <ul style="list-style-type: none"> • Where evidence exists that an election was made within 12 months but his was not received by the administering

	<p>authority</p> <ul style="list-style-type: none"> • Where evidence exists that the member was not aware of the 12 month limit due to maladministration
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iv) LGPS Regulations 2013 - Regulation 9 – allocation of contribution band

Explanation	Employer's Policy
<p>This discretion allows the Employer to determine which contribution band is allocated on joining the scheme and at each April. It also determines the circumstances when an employee's band may be reviewed.</p>	<ul style="list-style-type: none"> • Base pay on actual pay in April plus previous years overtime • Run an exercise half yearly as a check and re-band up or down where necessary • Re-band on all <u>contractual</u> changes, but not ad hoc hours changes and re-band upon a pay award.

v) LGPS Regulations 2013 - Regulation 21 – assumed pensionable pay

Explanation	Employer's Policy
<p>This discretion allows the Employer to determine whether to include in the calculation of assumed pensionable pay the amount of any "regular lump sum payment".</p> <p>This is in cases where an employee's pay needs to be calculated where their pay has been reduced due to certain absences in order that they are not unduly advantaged or disadvantaged.</p>	<ul style="list-style-type: none"> • To determine in individual cases where necessary to establish in a fair, equitable and justifiable way what the members likely pay would have been but for the absence, and in cases where this pay is to be used for future enhancements whether that level of pay would have been received every year to normal retirement age.

Recommendation

7. That the Committee be asked to approve the Policy decisions set out in paragraphs 5 and 6 above.

Background Papers

8. None

Circulation under Local Issues Alert Procedures

9. None.

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Equal Opportunities Implications

None.

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EMPLOYMENT COMMITTEE: 12 JUNE 2014

REPORT ON SICKNESS ABSENCE

REPORT OF THE DIRECTOR OF CORPORATE RESOURCES

Purpose

1. The purpose of this report is to provide Employment Committee with an update on the overall County Council and departmental performance in relation to sickness absence for the financial year 2013/14 (1st April 2013 to 31st March 2014)

Background

2. The absence target for 2013/14 was 7.5 days per fte. The overall absence figure (number of days of absence per fte) for the County Council in 2013/14 was 9.47 days per fte. The absence target for 2013/14 has therefore not been achieved.

Absence data

3. The table below shows the out turn figures for 2011/12, 2012/13, 2013/14 and for Q3 of 2012/13.

4.

Department	2011/12 Out turn	2012/13 Out turn	Q3 2013/14 (1 st Oct – 31 st Dec 2013)	2013/14 Out turn
Chief Executive's	5.09	6.47	6.70	7.51
E&T	7.37	8.29	9.73	10.06
CYPS	7.20	8.30	8.97	9.84
Corporate Resources	6.24	8.35	7.34	7.11
Adults and Communities	10.61	11.36	10.92	11.16
Public Health	-	-	8.47	5.29
Total	7.46	9.22	9.15	9.47
ESPO	10.41	9.14	8.46	8.58

Key Issues

5. The outturn position for 2013/14 of 9.47 days per fte is an increase of 0.25 days per fte since the 2012/13 out turn position and is 1.97 days above the target of 7.5 days per fte. A number of urgent actions are required to address this and these are detailed later in the report.
6. Absence levels increased from 7.46 days per fte at the out turn position in 2011/12 to 9.22 days in 2012/13 (an increase of 1.76 days per fte). The increase of 0.25 days between 2012/13 and 2013/14 demonstrates that whilst absence has increased during the last financial year it is not increasing at the same rate as the previous year.
7. Other than ESPO and Corporate Resources, departmental absence levels have increased since the 2012/13 out turn position. Absence levels for Public Health were not previously reported.

Reasons for Absence

8. The table below shows the reasons recorded for absence for the 2011/12, 12/13, 13/14 out turn position and Q3 of 2013/14. The percentage of absences recorded as Stress/depression, mental health and fatigue has reduced by 2.82% since the 2011/12 out turn position.
9. The impact of Mental Health First Aid (MHFA), as reported to CMT in October 2013, may account for some of this reduction with managers reporting how they are using the MHFA approach to support staff to remain at work rather than using sickness absence, as well as supporting staff to return to work from sick leave. Managers also report using MHFA to support the health, well-being and welfare of their staff.
10. Other musculo-skeletal problems have decreased by 1.85% since the 2011/12 outturn position. A large number of absences can also be attributed to viral infections and Stomach, Liver, Kidney, Digestion. However the percentage of absences for which the reason is 'not known' has decreased significantly.
11. Viral infections have decreased since the 2012/13 outturn position but remain high.

Reason for Absence	2011/12 Out turn %	2012/13 Out turn %	2013/14 Q3 %	2013/14 Out turn %
Back and Neck Problems	4.89	5.12	4.95	4.82
Other Musculo-Skeletal Problems	8.27	6.14	6.62	6.42

Stress/depression, Mental Health and Fatigue	8.73	5.52	5.33	5.91
Viral Infection	21.38	26.87	23.99	24.79
Neurological	4.48	5.03	6.17	6.23
GenitoUrinary/Gynaecological	2.74	2.22	2.93	2.79
Pregnancy Related	1.57	1.32	1.03	0.99
Stomach, Liver, Kidney, Digestion	15.65	17.61	19.10	18.31
Heart, Blood Pressure, Circulation	1.26	0.79	1.00	1.00
Chest, Respiratory	2.75	3.53	4.14	4.31
Eye, Ear, Nose & Mouth/Dental	3.86	3.73	4.89	5.32
Other	8.32	7.33	10.43	10.21
Not Known	16.10	14.80	9.45	8.90

Current and Future Action

12. There are a range of actions which are being undertaken to reduce levels of sickness absence:

- Due to the diverse nature of the workforce, establish departmental / service / team absence targets; set these as key performance indicators and monitor at a departmental level on a quarterly basis.
- Detailed HR monthly monitoring of absence data to be introduced in line with the attendance management policy, highlighting where individual, team and service levels of absence are above the targets.
- Examine data to identify trends, patterns of absence and their possible causes across the Authority, targeting sickness absence hot spots.
- Remind managers about the support available to deal with absence issues,
- Reinforce best practice for managing absence across the Council e.g:
 - Reinforce sickness reporting requirements
 - Line managers must keep in touch on a regular basis with those on long term absence.
 - Return to work interviews conducted following every period of sickness
 - Implementing flexible and creative approaches which enable members of staff who have suffered more serious illness or injury to return to work earlier than otherwise possible
 - Continued use of our retained Occupational Health Service to support suitable return to work arrangements.
 - Appropriate use of the Health, Safety and Wellbeing service to access the Employee counselling service, stress risk assessments, workplace adjustments, ergonomics advice etc

- Ensure our managers are aware of the Council's policies in support of caring responsibilities, domestic crises and bereavement.
- Consider how wider issues may impact on sickness absence, for example, job design, employee relations, communication, quality of working relationships and flexible working arrangements.
- Culture: Continue to develop our managers to operate on the basis of trust, being innovative and accessible to members of staff as this can reduce absence rates. Staff who enjoy their job, feel motivated and are productive take less time off sick.
- Promote healthier lifestyles: continue to develop the Council's Well-Being service to promote good practice and innovations to maintain health and wellbeing.
- Dedicated resources will be used to ensure the above actions are undertaken.

Conclusion

13. Absence levels have increased during 2013/14. Whilst there has been an increase generally across departments, there has been a reduction in sickness absence levels in Corporate Resources and ESPO. Corporate Resources and Public Health have also achieved the corporate target.
14. Absences related to stress stress/depression, mental health and fatigue have decreased quite significantly from the 2011/12 outturn position but will need to be monitored carefully in view of the number of expected service reviews which will impact on staff.
15. There has been an improvement in the recording of reasons for absence since the 2012/13 out turn position. However the percentage of absences 'not known' needs to be reduced further to ensure that accurate data is available on reasons for absence.

Recommendations

17. Employment Committee is requested to:

- (a) Note the contents of the report.
- (b) Note that the Council will ensure that managers maintain a focus on managing attendance and that they proactively tackle and address poor attendance.

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EMPLOYMENT COMMITTEE – 12 JUNE 2014
ORGANISATIONAL CHANGE POLICY AND PROCEDURE
SUMMARY OF ACTION PLANS
REPORT OF THE CHIEF EXECUTIVE

Introduction

1. The purpose of this report is to present a summary of current Action Plans which contain provision for compulsory redundancy and details of progress in their implementation.

Background

2. At its meeting on 12th June 2014 the Committee approved a new Organisational Change Policy and Procedure (replacing the Policy in the Event of Redeployment and Redundancy) together with revised arrangements through which the Committee would exercise its oversight of the implementation of that procedure.
3. In accordance with that decision, summaries of current Action Plans are attached as follows:
 - Appendix A1 – Implementation Completed
 - Appendix A2 – Implementation Underway
4. The arrangements also involve presenting a summary of any outstanding comments/concerns raised by members of the Committee. There are no outstanding comments/concerns on this occasion.
5. Members are asked to indicate where they wish a representative of the Department concerned to be present to answer any questions in any particular case, if they have not already done so.

Equality and Diversity Implications

6. The Organisational Change Policy and Procedure is designed to ensure that changes which impact on employees are implemented in a fair and non-discriminatory manner.

Recommendation

7. That the report be noted.

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EMPLOYMENT COMMITTEE –12th June 2014

SUMMARY OF CURRENT ACTION PLANS - IMPLEMENTATION COMPLETED

Action Plan	Date Approved	Outcome
Adults & Communities - Deaf & Hard of Hearing Service	21/11/2013	0 redundancies
Chief Executives- Public Health	29/11/2013	0 redundancies
Children and Young People's Service – Children & Emergency Duty Teams	21/11/2013	0 redundancies
Children and Young People's Service – Oakfield PRU	21/01/2014	6 redundancies
Corporate Resources – Information & Data Management Team	06/12/2013	0 redundancies
TUPE Transfer of East Midlands Council Employees		1 redundancy

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EMPLOYMENT COMMITTEE – 12Th June 2014

SUMMARY OF CURRENT ACTION PLANS - IMPLEMENTATION UNDERWAY

Action Plan	Date Approved	Current Position	Next Steps	Max Compulsory Redundancies
Adults & Communities - Decommissioning of Locality Support and Development Service	28/02/2014	Due to launch consultation 11 March 2014		4 redundancies
Adults & Communities – Occupational Therapy Services	26/02/2014	Final Action plan was approved.	Implementation of the new structure to be aimed for 19.5.14.	0 redundancies
Chief Executives - Democratic Services -International links	01/04/2014	Live with Action Plan		1 redundancy
Children and Young People's Service – Hind Leys CC	24/02/2014	Planning and drafting of Action Plan	Awaiting final documents	1 redundancy
Corporate Resources – Implementation of Transform Unit	25/04/2014	Consultation to be launched	Waiting for any comparability challenges.	0 redundancies
Corporate Resources – Financial Service Centre	15/11/2013	Extended consultation period.	Issue redrafted action plan	0 redundancies
Corporate Resources – Insurance Team – Financial Services	06/03/2014	Meetings to be arranged	Interviews to be concluded	1 redundancy
Communities and Wellbeing Phase 1	28/04/2014	Midpoint meeting held.	End of consultation meeting 4 June	10 redundancies

Action Plan	Date Approved	Current Position	Next Steps	Max Compulsory Redundancies
Waterlees Supported Living & Carlton Drive Short Breaks Review	09/05/2014	Under consultation	Consultation extended for up to three weeks	5 redundancies