

CABINETMINUTES OF MEETING HELD ON 19 NOVEMBER 2014I N D E X

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CAB MINS (1119) 2014(INDEX)AJD

CABINET

MINUTES OF MEETING HELD ON 19 NOVEMBER 2014

Present:

Councillor G Baxter MBE Leader (in the Chair)

Councillor N Barker

" N Foster
" M Gordon
" Mrs E A Hill

Councillor P R Kerry

" Mrs L Robinson
" P Williams

425 Apologies for Absence

There were no apologies for absence submitted as all Members of Cabinet were present.

426 Declarations of Interests

Members were requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

Councillors N Barker and Mrs E A Hill declared another interest which was not significant in Report No EAH/21/14/LS – Rykneld Homes Limited Regeneration Update – as they were both Council appointed representatives on the Rykneld Homes Board.

It was noted that as both the above Members had declared another interest which was not significant they could remain in the meeting and speak and vote on the matter.

427 Minutes of Last Meeting

RESOLVED – That the Minutes of the meeting of the Cabinet held on 22 October 2014 be approved as a correct record and signed by the Leader.

428 Purchase of Annual Leave

Cabinet considered Report No NB/11/14/AG of Councillor N Barker. The purpose of the report was to request that Cabinet recommend Council to approve the introduction of a facility for employees to purchase up to ten days annual leave during any one leave year.

Members were advised that Bolsover District Council operated a scheme where employees could apply to purchase additional annual leave, the scheme applied to all employees who had contractual hours and who had completed successfully their probationary period. The scheme had proved popular with employees and also had generated financial savings for the Council. The principles of the schemes were detailed in Appendix 1 of the report and if it were supported it would be included in the Employee Handbook, Appendix 1: Local Conditions chapter.

The Council's Joint Consultative Group at its meeting on 22 October 2014 recommended approval of the Purchase of Annual Leave Scheme. An application would only be accepted where service provision would not be affected adversely.

The options for Cabinet's consideration were detailed at paragraphs 1.1 to 5.3.1 of the report. There were no alternative options considered and rejected arising directly from the report.

RESOLVED – That Cabinet recommends that Council approves the introduction of a facility for employees to purchase up to 10 days additional annual leave during a leave year as detailed in **Appendix A** to these Minutes.

Reasons for Recommendation:-

If Council approve the Scheme it could benefit both the Council and employees.

(Assistant Director – HR and Payroll/
Senior HR Advisor)

429 Review of Disciplinary Policy

Cabinet considered Report No NB/12/14/TM of Councillor N Barker. The purpose of the report was to request Cabinet to recommend that Council approves the attached Disciplinary Policy.

The changes detailed to the Council's Disciplinary Policy were based on recent experience and good practice, the key changes for the District Council were to adopt the approach taken by Bolsover District Council to record disciplinary hearings.

Discussions on the draft Policy had taken place with senior managers and trade union representatives. The draft Policy had been considered and recommended for approval by the Council's Joint Consultative Committee at its meeting on 22 October 2014, subject to the clarification of the wording in respect of paragraphs 2.1 and 2.2 relating to the right to be accompanied.

The options for Cabinet's consideration were detailed at paragraphs 1.1 to 5.3.1 of the report, there were no alternative options considered and rejected arising directly from the report.

RESOLVED – That Cabinet recommends that Council approves the Disciplinary Policy attached as **Appendix B** to these Minutes.

Reason for Recommendation:-

The recommendation will enable the Disciplinary Policy to be considered by Council.

(Assistant Director – HR and Payroll/
Senior HR Advisor)

430 Review of Sickness Absence Management Policy

Cabinet considered Report No NB/13/14/SG of Councillor N Barker. The purpose of the report was to request that Cabinet recommend Council that it adopt the attached Sickness Absence Management Policy.

Bolsover and North East Derbyshire District Councils' each had their own Sickness Absence Management Policies and Procedures. Following the review of both Councils' Policies it was proposed to bring them together into one document to assist in the management of sickness absence and to facilitate a consistent approach across both Councils.

Discussion of the draft Policy had already taken place with senior managers and trade union representatives. The draft Policy had been supported by the Council's Joint Consultative Group at its meeting on 22 October 2014, subject to the following two amendments:-

- Paragraph 1.9, second paragraph, page 6 – deletion of the word “will” and its replacement with the word “may” in the first sentence.
- Part 2, Sickness Capability, paragraph 6.5, page 14, between items (d) and (e) – the existing wording to replace with the following “if an employee should fall under the provisions of the Equality Act 2010 in terms of disability, then the employee may be entitled to reasonable adjustments to enable them to return to, or remain at work”.

The options for Cabinet's consideration were detailed at paragraphs 1.1 to 5.3.1 of the report, there were no alternative options considered and rejected arising directly from this report.

RESOLVED – That Cabinet recommends that Council approves the Sickness Absence Management Policy attached as **Appendix C** to these Minutes.

Reason for Recommendation:-

The recommendation will enable Council to consider the draft Sickness Absence Management Policy.

(Assistant Director – HR and Payroll/
Senior HR Advisor)

431 Appraisal Policy and Procedure

Cabinet considered Report No NB/14/14/CA of Councillor N Barker. The purpose of the report was to request that Cabinet recommends that Council approves the Appraisal Policy attached as an appendix to the report submitted and notes the associated documentation.

Members were advised that Bolsover and North East Derbyshire District Councils' currently had separate Appraisal Schemes, Bolsover's being the Appraisal Scheme and North East Derbyshire's being the Employment Development and Performance Review Scheme (EDPR).

Cabinet was requested to recommend that Council adopt the Policy for use at North East Derbyshire. The same recommendation will be made to Bolsover District Council. .

The adoption of one joint Policy for all staff at both Councils would assist managers and staff in working to one policy and set of guidelines which would provide clarity. If the Appraisal Policy and Procedure was approved by Council briefing sessions for staff and managers would be undertaken.

The Strategic Alliance Management Team at its meeting in March 2014 had agreed in principle to a joint Policy for both Councils. Informal discussions had taken place with trade unions in April 2014 where a number of minor amendments had been suggested which had been incorporated into the document.

The Councils' Joint Consultative Group at its meeting on 22 October 2014 had recommended approval of the Policy.

There were no finance or risk implications arising from the report and there were no legal implications, including data protection, arising from the report. The options for Cabinet's consideration were detailed at paragraphs 1.1 to 5.3.1 of the report, the alternative options considered and rejected were detailed at paragraph 4.1 of the report.

RESOLVED – That Cabinet recommends that Council:-

- (1) Approves the Appraisal Scheme attached as **Appendix D** to these Minutes.
- (2) Requests that Human Resources progress the arrangements highlighted in the Policy for future appraisals.
- (3) Request that Human Resources arranges briefings with Council staff/managers on the Appraisal Scheme.

Reason for Recommendations:-

The recommendations will enable the Appraisal Scheme to be considered by Council.

(Assistant Director – HR and Payroll/
Senior HR Advisor)

432 Performance Management: Quarter Two – 2014/2015

Cabinet considered Report No GBXR/24/14/BP of Councillor G Baxter MBE. The purpose of the report was to provide a summary of the performance of the Council for the second quarter 2014/2015, July to September 2014. The report detailed progress on all key tasks and performance indicators that contributed directly to the priorities in the Council's Corporate Plan. This provided accurate and timely information, enabling decisions to be made where action needed to be taken, as well as acknowledging good performance.

The report submitted included information on the following:-

- Appendix 1 – Create Jobs, Build Skills, Attract Investment.
- Appendix 2 – Improve People's Health.
- Appendix 3 – Look after the Environment.
- Appendix 4 – Increase Housing Choice.
- Appendix 5 – High Performing Council.
- Appendix 6 – Sickness Absence and Accident Statistics.
- Appendix 7 – Complaints.

Key Actions and Performance Indicators

Overall for the period reviewed 100% of the key tasks were achieved or were on track to deliver their respective targets and 79% of the performance indications were on target.

Sickness Absence

The Council's sickness absence figure for the second quarter was 3.24 days, cumulatively this equated to an annual projected figure of 10.9 days, which was significantly above the target of 8.5 days. The proportion of long term sickness absence over the year was 67% of the total amount of absenteeism, this represented a considerable increase over the previous quarters.

Accidents

There were seven accidents reported during the second quarter 2014/15. A total of two days were lost that were attributable to one accident, which was not reported under the Reporting of Injuries, Disease and Dangerous Occurrences Regulations (RIDDOR).

Complaints

The Council received 48 complaints during the second quarter 2014/15, of these 40 (83%) were responded to within the target time of 10 days. The number of complaints received during the period was similar to the previous quarter, but it did highlight a considerable increase when compared with a number of complaints received during previous quarters.

Performance management contributed to the organisation's overall management arrangements that were focused to ensure the effective and efficient delivery of the Council's vision. The quarterly performance process provided an opportunity for Members, Officers, key partners and the public to scrutinise the Council's performance.

In terms of risk management and finance the Council's Strategic Risk Register identified the need for robust arrangements to manage effectively the organisation.

The options for Cabinet's consideration were set out at paragraphs 1.1 to 5.3.1 of the report. There were no other options considered and rejected.

RESOLVED – That Cabinet:-

- (1) Considers and notes the implications of the report and appendices.
- (2) Notes the current position and the high level of achievement for Key Tasks (100% achieved or on track) and good levels of achievement of Performance Indicators (79% achieved) as outlined on page 2 of the report.
- (3) Notes that a number of indicators as detailed in Appendix 1 to 5 of the report which support the following corporate priorities are not performing to the expected levels:-
 - Ensure streets are clear of litter, fly tipping, graffiti and dog fouling;
 - Help deal with the issues of climate change;
 - Ensure residents have confidence in the Council;
 - Provide good value, high performing services.
- (4) Notes the explanations for the lower than anticipated performance as detailed in Appendices 3 and 5 of the report.
- (5) Notes the circumstances and appropriate action outlined on pages 11 and 15 of the report to address under-performance.
- (6) Notes that resource issues and the implementation of key ICT systems are common contributory factors to the areas which are not performing to the expected levels, but that the underlying trend is showing an improvement that can be attributed to the action taken by senior officers and service managers.

Reasons for Decisions:-

- (1) Performance Management contributes to the organisations overall management arrangements that are focused to ensure the effective and efficient delivery of the Council's Vision.
- (2) The quarterly performance reports provide an opportunity for Members, officers, key partners and the public to scrutinise the Council's performance.

(Assistant Director – Customer Service and Improvement/
Improvement Manager)

433 Derbyshire Integrated Approach to Health and Wellbeing – Local Authority Contracts

Cabinet considered Report No GBXR/25/14/LH of Councillor G Baxter MBE. The purpose of the report was to enable Members to consider information on whether or not to accept the District Council's Leisure Services re-commissioning by Derbyshire County Council Public Health to deliver the new Health and Well Being contracts. These would include the Exercise Referral and Walking for Health Programmes currently operated by the District Council on the County Council's behalf.

The District Council delivers currently a successful Health Referral and Walking for Health Programme as part of its contract with Derbyshire County Council. The current contract with the County Council had been extended several times over the last 18 months. The latest extension expired at the end of November 2014.

The District Council receives the following funding from the County Council to deliver its health related programmes:-

- Health Referral - £78,000 pa
- Walking for Health - £6,500 pa

Derbyshire County Council advised that while there was no overall reduction in funding allocated to the District Council there were changes that would impact should the re-commissioning role be accepted. The details of the changes were as follows:-

- The current level of funding allocated to deliver the Health Referral Programme would reduce to £37,547 pa due to the introduction of the new "Inactivity Fund" element.
- The current level of funding for the Walking for Health Programme would increase from £6,500 to £9,618 pa, this would present opportunities to further extend the Programme.

When considering whether to sign up to the contract, the impact of choosing not to sign could have the potential to create a negative financial impact, this was detailed in paragraph 5.1 of the report. If the Council did not sign up to the contract it could lose a further £110,247 pa of health referral related income, almost double the negative impact of signing up to the contract.

The options for Cabinet's consideration were detailed at paragraphs 1.1 to 7.4 of the report, the alternative options considered and rejected were detailed at paragraphs 6.1 and 6.2 of the report.

RESOLVED – That Cabinet:-

- (1) Approves the signing of the new 'Integrated Wellbeing Approach' 3 year contract between Derbyshire County Council and the District Council with a start date of 1 December 2014.
- (2) Approves the following interventions as detailed below as part of the Council's Leisure provision:-
 - Increase the gym floor time for current Health Referral/Healthy Lifestyles Team to approximately 75% of their time, this additional capacity will be target driven to improve both sales and retention.
 - Additional gym floor capacity is used to support planned changes to opening hours at Sharley Park Leisure Centre and Eckington Swimming Pool resulting in greater income generating potential.

- Along with the retention work of the gym floor, staff introduce sales targets which they would also contribute towards.
 - In line with the new contract, charge clients/referrals beyond the 24 'free' sessions (2x sessions per week x 12 weeks).
 - Begin charging 'Waist Wise' activity – (room hire to the organisation) not currently charged for.
 - Undertake a review of the Council's outreach/external Health Referral provision which may result in reducing our staffing contribution previously funded to operate the Health Referral programme in other external settings.
 - Develop ideas/projects to enable the Council's Leisure Services to access the 'inactivity' funding (ring fenced for the district), including but not limited to, community health checks, community outreach sessions, targeted marketing programmes aimed at those most inactive in our communities to encourage participation at Council facilities.
- (3) Authorises that a review of the interventions detailed at resolution (2) above be undertaken at six month intervals throughout the term of the contract between the District Council and Derbyshire County Council referred to at resolution (1) above.

Reason for Decisions:-

The County Council commissioned health referral based contracts and the newly proposed "Intergrated Wellbeing Approach" are important areas of work in the District, particularly where consideration is given to the negative impact of physical inactivity.

(Executive Director – Transformation/
Assistant Director – Leisure)

434 Risk Management Update, Partnership Working and Strategic Risk Register

Cabinet considered Report No PRK/32/14/BM of Councillor P R Kerry. The purpose of the report was to advise Members of the current position regarding Risk Management and seek approval for a revised Strategic Risk Register as at 30 September 2014 as part of the suite of Finance, Performance and Risk reports. The report also detailed arrangements in place currently to manage partnership working and the risk associated with that work.

The Council had a well established framework and approach to Risk Management which featured a Risk Management Strategy. The Council's objectives in respect of Risk Management were detailed at paragraph 1.2 of the report.

The revised Strategic Risk Register as at 30 September 2014 was set out in Appendix 1 to the report. The intention of the quarterly review of the Register was to secure the following objectives:-

- To identify any newly emerging risks which needed to be added to the Register and remove any risks which had been resolved to maintain a focus on current risks.
- Revising the Risk Register to ensure that existing risks were reviewed, that appropriate mitigation remained in place and that where necessary the assessment was revisited.

In overall terms the key element which emerged from the review of the Strategic Risk Register was one of an ongoing requirement to maintain the Council's current performance in respect of service delivery, performance and governance. This was at a time when it was necessary to continue to manage the Council's finances in a pro-active manner to ensure that expenditure remained in the Council's level of resources, the level of the Council's financial balances was maintained.

The issues for Cabinet's consideration in respect of partnership arrangements were detailed at paragraphs 1.7 to 1.16 of the report. Cabinet was reminded that previously the Council had agreed that it would designate its strategic alliance with Bolsover District Council, its work with Rykneld Homes Limited, Sheffield City Region and the joint service arrangements with Bolsover, Chesterfield and Derbyshire Dales as its significant partnerships.

The issues for Cabinet's consideration were detailed at paragraphs 1.1 to 5.3.1 of the report. The alternative options considered and rejected were detailed in paragraph 4.1 of the report.

RESOLVED – That Cabinet:

- (1) Approves the Council's Strategic Risk Register as at 30 September 2014, attached as **Appendix E** to these Minutes.
- (2) Requests that a report on the Strategic Risk Register as at 30 December 2014 be submitted to a future meeting of Cabinet for its approval.

Reason for Decisions:-

The report enabled Cabinet to consider the risks identified within the Strategic Risk Register in order to assist in maintaining effective governance arrangements, service and financial performance.

(Executive Director – Operations)

435 Budget Monitoring: Quarter 2 – July to September 2014

Cabinet considered Report No PRK/33/14/BM of Councillor P R Kerry. The purpose of the report was to advise Cabinet of the financial position of the Council following the second quarter's budget monitoring exercise for the General Fund, Housing Revenue Account, Capital Programme and Treasury Management activity.

General Fund – Revenue Account

The Council's General Fund Revenue Account summary was detailed at Appendix 1 of the report. The appendix identified that the original saving target for the

financial year 2014/2015 was £0.371m. There have been minor changes to the figure during the first and second quarters of the year, taking it to £0.387m.

The quarterly monitoring meetings had not identified any significant budget issues to report at this stage, the summary showed that the Council was spending below its profiled budget at the end of the second quarter.

Housing Revenue Account (HRA)

The summary of the Housing Revenue Account for the second quarter 2014/2015 was set out in Appendix 2 of the report. In terms of income for the second quarter, this was lower than the approved budget by £0.066m, this was due to two factors, rental income was lower than the budget by £0.089m. The level of income from charges for services was also lower than expected by £0.033m.

In terms of HRA expenditure, this showed an underspend of £0.072m at the end of the second quarter, this trend was not expected to continue to the end of the financial year. There were no other significant expenditure variances within the HRA to report at the end of the second quarter.

Overall the position on the HRA showed an adverse variation of £0.028m, this was marginal given the overall levels of expenditure and income involved. Whilst it was anticipated that there would be adjustments to budgets as part of the revised process it was considered that these would be minimal.

Capital Investment Programme

The second quarter monitoring position in respect of the Capital Programme was detailed in Appendix 3 of the report. The Capital Programme profile budget for quarter two was £14.090m, actual spend and known commitments totalled £12.919m, which was £1.171m below budget. The main areas of underspend at this stage in the financial year related to the Decent Homes Programme.

There were no significant issues to report regarding capital expenditure at the end of the second quarter 2014/2015.

In terms of capital resources, Cabinet was advised that the Council had sufficient capital resources to finance the actual expenditure and commitments of the Capital Programme to enable it to be funded to the year end.

Treasury Management

The Council's Treasury Management function covered its borrowing and investment of monies, this included the management of the Council's day-to-day cash position and management of its long term debt. All treasury management transactions were conducted in accordance with the Council's approved Treasury Management Strategy and the Charter Institute of Public Finance and Accountancy (CIPFA) Code of Practice. Good treasury management played an important role in the sound financial management of the Council's resources. Appendix 4 of the report detailed the treasury management activity undertaken during the second quarter 2014/2015.

The options for Cabinet's consideration were detailed at paragraphs 1.1 to 5.3.1 of the report. The report was concerned with monitoring the financial position against the Council's previously approved budgets. Accordingly the report did not set out any options where a decision was required by Members.

RESOLVED – That Cabinet:

- (1) Notes the monitoring position of the General Fund at the end of the second quarter 2014/2015 as detailed in Appendix 1 of the report and requests that officers continue with work designed to deliver the target level of savings for 2014/2015.
- (2) Notes the position of the Council's Housing Revenue Account, the Capital Programme and Treasury Management at the end of the second quarter 2014/2015.

Reason for Decisions:-

The report enabled Cabinet to be advised of the Council's financial position in respect of the second quarter 2014/2015 monitoring exercise for the General Fund, Housing Revenue Account, Capital Programme and Treasury Management activity.

(Executive Director – Operations)

436 Medium Term Financial Plan 2014/2015 to 2016/2017

Cabinet considered Report No PRK/34/14/BM of Councillor P R Kerry. The purpose of the report was to advise Members of the outcome of the revised budget process undertaken during October/November 2014 and to seek approval for the revised budgets for the General Fund and Housing Revenue Account for 2014/2015.

Cabinet was also requested to note the revised position of the Capital Programme based on Council approvals during the course of the financial year and the re-profiling of some approved schemes.

General Fund Revenue Account

The proposed revised budget for the General Fund for 2014/2015 was detailed in Appendix 1 of the report. The revised budget showed that the net cost of services had increased to £12.276m, which was £1.563m above the original budget. When taking into account the transfers to and from earmarked reserves the underlying spend position for 2014/2015 was significantly below that detailed in Appendix 1.

Housing Revenue Account (HRA)

The Housing Revenue Account revised budget proposals were detailed in Appendix 3 to the report. In terms of income, the rental income on the Housing Revenue Account was £0.312m lower than the original budget, which was due mainly to the level of void properties being higher than anticipated. The charges for services income was lower than the original budget by £0.056m. In terms of expenditure monitoring had not identified any issues for Rykneld Homes Limited which could not

be managed within the agreed management fee of £9.708m for 2014/2015. The remainder of the retained HRA expenditure which was managed by the Council was within the overall budget. Current estimates indicated a reduction in expenditure of £0.075m.

After all the proposed budget changes were considered the HRA was anticipated to deliver a surplus in the current financial year of £0.010m which was £0.003m above the original budget for 2014/2015.

Capital Programme

The Council's Capital Programme was detailed in Appendix 4 of the report. The Capital Programme had been updated from the original budget to the revised budget to reflect approvals within the year and the profiling of individual schemes following approval by Cabinet.

The report also set out information in respect of the Council's Asset Refurbishment budget, this was detailed at paragraphs 1.17 to 1.21 of the report.

The options for Cabinet's consideration were detailed at paragraphs 1.1 to 5.3.1 of the report. The alternative options considered and rejected were detailed at paragraphs 4.1 and 4.2 for the General Fund and the Housing Revenue Account. There were no alternative options considered and rejected for the Capital Programme.

RESOLVED – That Cabinet:

- (1) Approves the revised General Fund Operational Budget 2014/2015 as detailed in **Appendix F** to these Minutes.
- (2) Approves the revised Housing Revenue Account Operational Budgets 2014/2015 as detailed in **Appendix G** to these Minutes.
- (3) Approves the revised Capital Programme 2014/2015 as set out in **Appendix H** to these Minutes.

Reasons for Decisions:-

- (1) The decisions enable revised budgets to be set as early as possible within the financial year for the General Fund and Housing Revenue Account to ensure that the identified budget savings are realised.
- (2) The decisions enable the Capital Programme 2014/2015 to be updated to reflect schemes already approved and to approve the detailed allocation from the Asset Refurbishment budget.

(Executive Director – Operations)

437 The Community Trigger

Cabinet considered Report No LR/02/14/PC of Councillor Mrs L Robinson. The purpose of the report was to advise Members of the introduction of the Anti-Social Behaviour, Crime and Policing Act 2014, which introduced a range of powers in

relation to anti-social behaviour. The Act received Royal Assent on 20 October 2014.

The 2014 Act included a right for victims of anti-social behaviour to request a review of the response to their complaints when they considered the problem had not been addressed effectively by agencies. This right was known as the Community Trigger. The aim of the Community Trigger was to encourage a cohesive, problem solving and victim centred approach to the resolution of problems experienced by victims of anti-social behaviour.

Upon receipt of statutory guidance from the Home Office, local guidance had been produced to support practitioners in the delivery of the process developed for Derbyshire in respect of anti-social behaviour.

The report detailed the following:-

- Who can use the Community Trigger?
- How do victims activate the Community Trigger?
- What happens when the Community Trigger is activated?
- What happens if the victim is not happy with the outcome of their Community Trigger application?
- What role do partners play in the Community Trigger process?
- Who do victims of anti-social behaviour contact for more information about the Community Trigger?
- Who do partners contact for more information about the Community Trigger?

RESOLVED – That Cabinet notes the report on the Anti-Social Behaviour, Crime and Policing Act 2014, with particular reference to the introduction of a new right for victims to request a review of the response to their complaints in respect of Anti-Social Behaviour.

Reason for Decision:-

The report enabled Cabinet to be advised of the enactment of the Anti-Social Behaviour, Crime and Policing Act 2014.

(Head of Housing)

438 Sale of Ridgeway Craft Centre

Cabinet considered Report No PW/11/14/BM of Councillor P Williams. The purpose of the report was to advise Cabinet of the position in respect of the Ridgeway Craft Centre.

At its meeting in May 2009 Cabinet resolved to dispose of its interest in the Ridgeway Craft Centre on the basis of securing best value. At its meeting in September 2011 Cabinet had agreed the terms of a proposed sale of the former craft centre to a consortium, including the leaseholder of the adjacent unused garden centre site. The offer made by the consortium was the highest received by the Council. The Council had engaged the services of Knight Frame, a residential property specialist, to ensure that it received full benefit from the increased value of the site which would arise from the extinguishment of the shared access rights.

In Spring 2014 the prospective purchaser had secured planning permission for the whole site which was the outstanding condition before the completion of sale. A deadline of the end of July 2014 had been set for the completion of the sale. This deadline was not met and the Council withdrew from the sale given the inability to conclude the transaction within a reasonable period.

Following work with the Council's agent, Knight Frank, preliminary discussions had commenced with the leaseholder of the adjacent site to seek to progress a joint disposal of the two properties, further reports on the matter would be submitted to Cabinet as appropriate concerning progress.

Cabinet was advised that a Community Group had requested that the former craft centre be listed as an asset of community value. The Chief Executive had considered the matter and agreed that listing was appropriate and accordingly the former craft centre had been placed on the Council's list of Assets of Community Value. The Council was required to allow interested community groups a period of six months within which to put together a bid to purchase the property. While the Council was required to allow this period of time for the community groups to raise money and make an offer the Council was not obliged to sell to the Community Interest Group and may not sell to anyone else during that six month period. The Council still had an obligation to sell for the best possible price. At the end of this six month period the Council was free to sell the asset to whoever made the best offer.

The options for Cabinet's consideration were detailed at paragraphs 1.1 to 5.3.1 of the report. There were no alternative options considered and rejected.

RESOLVED – That Cabinet:-

- (1) Notes the content of the report on the Ridgeway Craft Centre.
- (2) Requests that the Executive Director – Operations submit a further report to Cabinet detailing the progress on the sale of the Ridgeway Craft Centre.

Reason for Decisions:-

The report enabled Cabinet to be advised of the current position in respect of the Ridgeway Craft Centre.

(Executive Director – Operations)

439 Urgent Business (Public Session)

There was no urgent business to be considered in the public session at this meeting of Cabinet.

440 Exclusion of Public

RESOLVED - That the public be excluded from the meeting during the discussion of the following items of business to avoid the disclosure to them of exempt information as defined in Paragraphs 1 and 3, Part I of Schedule 12A to the Local Government Act 1972 (as amended by the Local Government (Access to

Information)(Variation) Order 2006). [The category of exempt information is stated after each Minute].

441 Rykneld Homes Limited Regeneration Update

Cabinet considered Report No EAH/21/14/LS of Councillor Mrs E A Hill, supported by Councillor M Gordon. The purpose of the report was to provide information on the current refurbishment projects in progress in the District and to request approval that Rykneld Homes Limited undertake detailed design and option appraisals for commercial and housing provision at the existing buildings at the former Area Housing Office, Manor Farm, Dronfield.

Cabinet was also requested to receive a further regeneration update report to its meeting in Spring 2015.

The report detailed progress in respect of the regeneration work of the five blocks of flats at Stonelow Green, Dronfield, together with details of the first phase of six new Council owned properties at Keats Way, Grassmoor and the construction of four new homes for Rykneld Homes Limited in Dronfield.

Phase 1 of the Tarran's project in Eckington and Killamarsh was now complete with 42 Council owned units occupied. Phase 2 of the project was well underway with further Council units scheduled for completion in December 2014.

Members were advised that there was an ongoing evaluation of the Council's non traditional housing stock, a number of schemes had been developed to establish viability and the technical options to resolve the problems associated with different stock housing types.

The issues for Cabinet's consideration were detailed at paragraphs 2.1 to 8.1 of the report. The alternative options considered and rejected were detailed at paragraphs 5.1 and 5.2 of the report.

RESOLVED – That Cabinet:

- (1) Notes the information in the report regarding the current regeneration projects being undertaken by Rykneld Homes Limited in Dronfield and Grassmoor.
- (2) Agrees that Rykneld Homes Limited undertake detailed design and options appraisals for commercial and housing provision for the existing buildings at the former Area Housing Office, Manor Farm, Dronfield.
- (3) Requests that it receive a further regeneration report to its meeting in Spring 2015.

Reasons for Decisions:-

The report was part of an ongoing process of advising Cabinet on progress on a range of projects agreed previously and included information on work on a number of long term solutions in respect of other Council owned stock.

(Managing Director – Rykneld Homes Limited)
(Paragraphs 1 & 3)

(Cabinet noted that Councillors Mrs E A Hill and N Barker had declared another interest which was not significant in this report and that they had remained in the meeting and spoken and voted on the matter)

442 Council House, Saltergate Offices – Disposal

Cabinet considered Report No PW/12/14/MB of Councillor P Williams, jointly with Councillor P R Kerry. The purpose of the report was to advise Members of the following:-

- Details of progress of the sale of the Council House, Saltergate Offices, Chesterfield.
- To request that delegated authority be granted to the Executive Director – Operations following consultation with the Chief Executive, the Leader of the Council and Cabinet Member for Economy, Finance and Regeneration, to enter into an agreement and/or incur expenditure incidental or ancillary to the disposal of the Council House, Saltergate.
- To request approval that the Assistant Director – Property Services and Estates, pays 1% of the sale price of the Council House, Saltergate to the Council's agent, this to be funded through the overall receipt for the sale of the site.

Cabinet was advised that Council at its meeting on 19 May 2014 had approved a decision to dispose of the Council House, Saltergate, Chesterfield. In July 2014 following a competitive process a company had been appointed to market the Council House and receive a fee of 1% of the sale value of the site.

The options for Cabinet's consideration were detailed at paragraphs 1.1 to 5.3.1 of the report. The alternative options considered and rejected were detailed at paragraph 4.1 of the report.

The Council House, Saltergate, had been marketed widely through online marketing, local press advertising, press releases, Estate Gazette, for sale boards had led to significant interest in the property, leading to 32 direct enquiries.

In terms of financial and risk implications achieving best value for the sale of the site was a key consideration. The bidding process undertaken had been widely promoted on the open market in an effort to attract all potential bidders, including any specialist bidders to avoid a speculator buying the property and selling it on to others at a higher price.

Additionally, in September 2013 the Council's Property and Estates section had undertaken an independent valuation of the value of the site.

RESOLVED – That Cabinet:

- (1) Grants delegated authority to the Executive Director – Operations following consultation with the Chief Executive, Leader of the Council and Portfolio Member for Economy, Finance and Regeneration to enter into any agreement

and incur expenditure incidental and ancillary to the disposal of the Council House, Saltergate, Chesterfield.

- (2) Notes that the Assistant Director of Property and Estates will pay a fee of 1% of the sale price to Savills UK Limited, this cost to be funded from the overall receipt of the sale of the Council House, Saltergate site.

Reason for Decisions:-

The decisions enable the Council to enter into a sale agreement with the preferred bidder for the purchase of the Council House, Saltergate, following professional advice received from Savills UK Limited.

(Chief Executive/
Executive Director – Operations/
Assistant Director – Property and Estates)
(Paragraph 3)

443 Urgent Business (Private Session)

There was no urgent business to be considered in the private session at this meeting of Cabinet.

Appendix A

Purchase of Additional Leave

This scheme applies to all employees who have contractual hours with the Council and have successfully completed their probationary period. Applications will only be accepted where service provision would not be affected adversely.

The maximum number of days which can be purchased in any one leave year is ten working days (pro rata for part time employees).

The purchase of annual leave would be made by deductions from pay in installments. The cost would be spread out over the remaining months within the leave year to which the additional leave applies. Amounts deducted from pay would be recalculated if the employee's salary increases or decreases.

Any adjustments to pay would be before income tax and national insurance contributions are deducted.

The leave purchased will be treated as approved leave and as such, in accordance with the Local Government Pension Scheme, pension contributions will have to be made on pay before the deduction is made.

If the employee leaves the Council's employment during a year in which purchase of annual leave is being made, an adjustment will be made to the final pay to reflect any outstanding entitlement.

Appendix B

DISCIPLINARY POLICY

This Disciplinary Policy sets the expected standards of conduct and performance at work, and the procedure helps to ensure that the standards are adhered to and also provide a fair and consistent method of dealing with alleged failures to observe them.

This policy and the disciplinary rules which accompany it apply to all the Council's employees except the following:

Those employees who are covered by JNC Negotiating Committee for Chief Executives and the JNC Negotiating Committee for Chief Officers of Local Authorities.

NB (1) The Chief Executive, Executive Directors and Assistant Directors as mentioned throughout this Policy document are all joint posts, but for drafting purposes the word 'Joint' has been omitted from the titles.

NB (2) No disciplinary action will be taken against a recognised Shop Steward, trade union representative or Branch Executive Officer until the circumstances of the case have been discussed with the Regional Organiser of the union concerned.

1. INTRODUCTION

The philosophy of the Authority is to invest in its employees a high degree of trust. Any employee who betrays that trust should expect to be dealt with firmly but fairly. However, the disciplinary procedures should not be viewed primarily as a means of imposing sanctions. It should be borne in mind that the prime aim of the disciplinary process is to improve conduct and/or performance where it has been established that the required standards are not being met. It will, however, be the responsibility of Directors, Assistant Directors and Service Managers to make full use of measures available after having fully considered each case on its individual merits and having consulted with the Assistant Director - Human Resources and Payroll on cases of serious or gross misconduct.

2. RIGHT TO BE ACCOMPANIED

- 2.1 The employee should be offered the facility of being accompanied at every stage of the disciplinary process, including the investigatory interview, but this is not always possible at the point of suspension. NB the chosen companion will usually be a Trade Union representative or colleague and cannot be any person who is in any way involved in the investigation. Consideration will be given to a request for alternative representation in some circumstances.
- 2.2 During the formal disciplinary process, the chosen companion will be allowed to participate as fully as possible in the hearing. In particular the companion has a right to address the hearing and will be permitted to ask questions. The companion should also be permitted reasonable time to confer privately with the employee.

- 2.3 Where a chosen companion is not available on the date proposed for the hearing, the parties can agree an alternative time and date so long as it is reasonable and ideally falls within ten working days of the original proposed hearing.

3. OUTSIDE OF THE FORMAL DISCIPLINARY PROCEDURE

- 3.1 Where an employee is not working to the required standard, the reason should be identified by the Manager/Supervisor and an assessment made of how the situation can be improved.
- 3.2 Timely and positive discussion with an employee to highlight problems and encourage/help the employee to improve might be appropriate in certain circumstances and could avoid formal disciplinary action at a later stage. This could include offering informal advice or coaching, or arranging counselling. Managers/Supervisors may, from time to time, take informal action in order to advise an employee of matters of concern.
- 3.3 The employee should be told of the level of improvement required, the time-scale over which such an improvement is required, and how progress will be monitored. This should be noted and confirmed in writing.
- 3.4 NB: It is important that all parties involved understand that such action is being taken outside of the formal disciplinary procedure, but that disciplinary action may follow if the required improvement is not made.

4. SUSPENSION

- 4.1 In certain circumstances, for example in cases involving gross misconduct where relationships have broken down, or where it is considered there are risks to the Council's property or risks or responsibilities to other parties, consideration needs to be given to a brief period of suspension with pay whilst an unhindered investigation is conducted. Such a suspension should only be imposed after careful consideration and in consultation with the Assistant Director - Human Resources and Payroll, and it should be made clear that the suspension is not considered as disciplinary action.
- 4.2 To ensure that the suspension is not unnecessarily protracted, a regular review should take place by the Assistant Director – Human Resources. It is understood that this can be a stressful period for the employee, and that the uncertainty surrounding an open-ended suspension can potentially exacerbate the position. For this reason the suspended employee should be contacted at appropriate intervals as part of the review process.
- 4.3 The Employer (see list of delegations at Appendix 2) has the authority to suspend an employee where this is considered appropriate. At this stage it may only be possible to give a brief outline of allegations made, pending investigation, and the employee

will be given the opportunity to make initial comments. Because of the circumstances giving rise to suspension, the meeting is likely to be called at short notice and there may not always be time to arrange for representation, although management will make every attempt to secure the presence of a representative. It should be noted, however, that as suspension is a neutral act to facilitate the disciplinary process there is no automatic right in law to representation.

Suspension should be for as short a time as possible, and should not normally take place before the employee has had an opportunity to explain matters (see above).

However, in exceptional circumstances, if the employee is not available to attend a brief suspension meeting, it may be appropriate to notify them of the suspension in writing. They should be given the same brief outline of the allegations as they would have received at a meeting, and they should be invited to submit an initial response or comments.

- 4.4 In all cases of suspension the employee will continue to receive full pay (NB see 4.5 below).
- 4.5 If an employee falls sick during suspension then they will transfer to the sickness payment scheme whilst they are submitting fit notes. However the conditions of the suspension will still apply, and the suspension will resume if this is considered appropriate when the employee is declared well again.
- 4.6 Access to the workplace will not be allowed during suspension without the prior approval of the Employer (see list of delegations at Appendix 2). If the employee or their representative wishes to contact other employees or gain access to documents for the purpose of preparing the employee's case, provision may be made for this by the Investigating Officer on request.

5. APPOINTMENT OF INVESTIGATING OFFICER

- 5.1 Usually the investigating officer will be the employee's manager (in accordance with the list at Appendix 2 of managers who are suitably trained and delegated to take disciplinary action). However in some circumstances, eg the nature of the offence, it may be appropriate to appoint an investigating officer from another service. This decision will be made in consultation with the Assistant Director – Human Resources and Payroll.

6. INVESTIGATION

- 6.1 Where an employee is alleged to have committed an act of misconduct, the nominated Investigating Officer will carry out an investigation. This should happen promptly before recollections fade, and may include the employee being asked to attend an investigatory interview as well as obtaining statements from available witnesses. If the employee is invited to attend an investigatory interview, the Investigating Officer will explain the reasons for the interview.

- 6.2 The employee has a right to refuse to attend the investigatory interview but in such cases management will decide on whether to call a disciplinary hearing on the information available, without any input from the employee.
- 6.3 It should be made clear that this is not a formal disciplinary hearing but a preliminary investigation as part of a neutral process to establish the facts surrounding an act of suspected or alleged misconduct, and to decide whether or not there is a case to answer.
- 6.4 In certain circumstances it may be felt necessary for a representative from HR (and/or legal if appropriate) to be present at that interview.
- 6.5 The employee should be offered the facility of being accompanied by a Trade Union or other representative/colleague. However, as the investigatory interview is designed to ascertain whether or not there is a case to answer and to allow the employee to provide an explanation of the circumstances, the role of the companion at this stage will be in an advisory and supportive capacity only.
- 6.6 Management side will be making written notes of the investigatory interview to facilitate the process, and the employee's side is free to do the same. However the notes are not formal and will not normally be shared with the employee's side except to the extent that they will form part of a statement of case / witness statement as appropriate, and they will be destroyed as soon as that statement of case / witness statement has been produced. Where it is subsequently found that there is no disciplinary case to answer, any written records of the investigation will also be destroyed.
- 6.7 Where financial irregularities are involved, Internal Audit will be notified immediately.
- 6.8 As a result of the investigation, the Investigating Officer should make a recommendation on the following options:
- no further action
 - arrange informal coaching
 - arrange counselling
 - issue a management recommendation
 - arrange for the matter to be dealt with under the capability procedure
 - arrange for the matter to be dealt with under the disciplinary procedure
 - a combination of the above
- 6.9 It should be noted that investigations undertaken as part of this Disciplinary Policy fall outside the scope of the Regulation of Investigatory Powers Act 2000. On occasion lawful business monitoring may be required, but in such circumstances RIPA standards will be adhered to.

7. WHISTLEBLOWING POLICY

The Council has a separate Whistleblowing Policy and employees are asked to refer to this in appropriate circumstances. However, a summary of relevant provisions is given below:

- 7.1 This Council is committed to the highest standards of openness, probity and accountability. In line with that commitment employees who have serious concerns about the conduct of another employee are encouraged to come forward and voice those concerns as a witness. It is important that they should be able to do so without fear of victimisation, subsequent discrimination or disadvantage.
- 7.2 Under the terms of the Whistleblowing Policy, in certain circumstances a witness may be given the right to remain anonymous throughout the disciplinary process.
- 7.3 If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the employee making the allegation. If however, an allegation is made that is frivolous, malicious or for personal gain, action may be taken against the employee in accordance with the Council's Disciplinary Procedure.

8 FORMAL DISCIPLINARY ACTION

- 8.1 If on the completion of the investigation, the Investigating Officer conducting it considers that, on the balance of probabilities, there is a case to answer, the Investigating Officer will make a recommendation to the Assistant Director - Human Resources and Payroll and to the initiating officer that a disciplinary hearing should be held (see 6.8 above).
- 8.2 There may follow a short time delay whilst the Investigating Officer conducts a more detailed investigation in order to put together the Statement of Case.
- 8.3 It is the employee's responsibility to notify the Council of their chosen representative if they require copies of correspondence to be sent to them.
- 8.4 During the course of the investigation, additional matters may come to light which may not have been amongst the initial allegations but which nonetheless have to be dealt with. Therefore it should be noted that the allegations which form the basis of the hearing may differ to varying degrees from those listed in the initial correspondence, dependent upon evidence uncovered during the investigation process. However if a completely new issue arises, whilst the issues will be dealt with as part of the same disciplinary process, the employee will be notified of the new allegation and an investigation will be carried out on this also.

9 THE HEARING

- 9.1 The disciplinary case will normally be heard by an Executive Director, an Assistant Director or relevant Service Manager, or their nominated representative (see table of delegations at Appendix 2). The Hearing Officer will be supported by a representative from Human Resources and a legal adviser may also be present. The hearing will normally be recorded to ensure that an accurate record is available. (If the recording equipment is not available then detailed notes will be taken). The notes will be circulated to the employee's side for signature.
- 9.2 The hearing will take place as soon as is practicable after the preparation of the necessary paperwork. Every attempt will be made to ensure that the hearing is scheduled no later than 15 working days after the conclusion of the investigation in order to minimise stress to the employee, although this may not always prove possible, for example in cases of annual leave or sickness. At all stages of the disciplinary process, the terms of the Single Equality Act will be adhered to. Wherever possible, the employer's side will attempt to agree a mutually convenient date within the stated timescale in order to avoid any delay.
- 9.3 The employee will be given at least five working days advance written notice of the hearing, told the purpose of it, with the statement of case, and invited to attend together with their Trade Union or other representative.
- 9.4 If, for good cause, the employee or their representative is unable to attend the hearing, it will be adjourned to a date which the employee and their representative (if any) will be informed of without delay. If the employee is unable to attend the rearranged hearing, it will normally proceed in their absence, but with their representative being provided with an opportunity to present the employee's case on their behalf. Any submission by the employee in writing, or by their representative, will be considered.
- 9.5 The Hearing Officer will use the opportunity of the Disciplinary Hearing to establish facts and to consider the response put by the employee. The main points of the investigation should be examined and a decision made as follows:
 - Allegations have not been proved, therefore the case is dismissed; OR
 - Case proved on the balance of probabilities.
- 9.6 If the latter decision is made, the Hearing Officer would consider mitigation and decide upon a penalty as follows:

9.6.1 No sanction

It might be that, having considered all of the evidence and mitigation, the hearing officer considers it appropriate that no sanction be applied at this time.

9.6.2 First warning

One of the following:

Oral For a minor infringement, an employee will be given a formal oral warning. This may include advice as to future conduct. The employee should be advised in writing of the reason for the warning, that it constitutes the first step of the disciplinary procedure, and of their right of appeal. A note of the oral warning will be kept for six months from the date of the letter confirming/giving the warning, and then expunged from the employee's personal file. **OR**

Written If the infringement is regarded as more serious an employee will be given a formal written warning giving details of the complaint, the improvement or change in behaviour required, the time-scale allowed for this and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. A note of the written warning will be kept for 12 months from the date of the letter confirming/giving the warning and then expunged from the employees personal file.

9.6.3 Final Written Warning

Where there is a failure to improve or change behaviour whilst a prior warning is still current, or where the infringement is sufficiently serious, the employee will normally be given a final written warning. This will give details of the complaint(s), warn the employee that failure to improve or modify behaviour will lead to further action under this procedure and could result in dismissal, and refer to the right of appeal. A note of the written warning will be kept for 12 months from the date of the letter confirming/giving the warning and then expunged from the employee's personal file.

9.6.4 Action short of Dismissal

If the employee has received a final written warning, further misconduct or unsatisfactory performance may warrant dismissal. However, in some circumstances it might be that, having considered all of the evidence and mitigation, the hearing officer considers that dismissal would be too severe a penalty. In such cases, consideration might be given to action short of dismissal, for example demotion or disciplinary transfer (ie transfer to a different position within the Council). In such circumstances there would be no salary protection or, in the case of a change of base, no excess travel allowances. Such action would only be taken following consultation with the Assistant Director – Human Resources to ensure consistency of approach.

9.6.5 Dismissal

If the employee's conduct or performance still fails to improve, the employee will normally be liable to dismissal. The decision to dismiss will only be taken by one of the Officers with delegated authority to do so (see Appendix 2) and the employee should be informed as soon as reasonably practicable of the reasons for dismissal, the date on which the contract will terminate, the appropriate period of notice (or pay in lieu of notice) and information on the right of appeal including how to make the appeal and to whom. The decision to dismiss will be confirmed in writing. Employees will be given written reasons for dismissal.

9.6.6 Gross Misconduct

In cases where gross misconduct is alleged and is established on the balance of probabilities, the employee will be liable to summary dismissal unless mitigating circumstances render a lesser penalty appropriate.

- 9.7 NB When deciding whether a disciplinary penalty is appropriate and what form it should take, it is important to bear in mind the need to act reasonably in all the circumstances. Factors which might be relevant include the extent to which standards have been breached, precedent, the employee's general record, position, length of service and special circumstances which might make it appropriate to adjust the severity of the penalty. Where two or more employees are involved, the penalty for each must be considered separately.
- 9.8 NB In normal circumstances, recordings, notes of disciplinary meetings and warnings will be expunged from the employee's personal file after a set period, as outlined above. However there may be occasions when it would be appropriate to extend this period, for example if there has been a significant period of absence.

10 APPEALS

- 10.1 The opportunity to appeal against a disciplinary decision is essential to natural justice. Employees may choose to raise appeals on a number of grounds, which could include the perceived unfairness of the judgement, the severity of the penalty, new evidence coming to light or procedural irregularities. These grounds need to be considered when deciding the extent of any new investigation or re-hearing in order to remedy previous defects in the disciplinary process.
- 10.2 In all cases of formal disciplinary action an employee has a right of appeal.
- 10.3 Employees wishing to exercise the right of appeal must do so in writing to the Hearing Officer, with a copy to the Assistant Director – HR and Payroll, either individually or through their Trade Union within 10 working days of the date of the written notification, giving full details of the grounds of the appeal.

- 10.4 Appeals will be heard in accordance with the principles contained within the Council's Appeals Procedure. Wherever possible, the Appeal will be heard by individuals who have not been involved in the case previously.
- 10.5 Appellants will have the right to be accompanied by an appropriate Trade Union representative or other representative of their choice.

11 RECORDS

- 11.1 Written records will be kept securely by HR and Payroll, detailing the breach of the disciplinary rules, the employee's defence or mitigation, the action taken and the reasons, the date the action was taken and details of whether an appeal was lodged and its outcome and any subsequent developments. These records will be kept confidential and retained in accordance with the disciplinary policy and the Data Protection Act 1998 which requires the release of certain data to individuals on their request. Copies of any formal meeting records will be available to the employee in accordance with the Data Protection Act 1998 although in certain circumstances some information may be withheld, for example to protect a witness.
- 11.2 Records of disciplinary decisions will be kept on file but will be expunged from the employee's personal file where required by this policy.
- 11.3 In order to monitor the corporate situation with regard to disciplinary matters, and to give advice as necessary, departments are required to inform the Assistant Director - Human Resources and Payroll in writing whenever formal disciplinary action is taken.

12 GRIEVANCES

- 12.1 In the course of a disciplinary case an employee might sometimes raise a related grievance.
- 12.2 Unless the grievance throws doubt on whether or not that process can be conducted fairly, the substance of the grievance will be discussed in the context of the disciplinary hearing.
- 12.3 However if there are any grievance issues outstanding after the disciplinary hearing, these will be dealt with under the Council's Grievance Procedure.
- 12.4 If the grievance is about the behaviour of the Investigating Officer handling the case, depending on the circumstances it may be appropriate to suspend the disciplinary procedure for a short period until the grievance can be considered. The Council may also consider, if appropriate, bringing in another Investigating Officer to deal with the disciplinary case.

13 CRIMINAL CHARGES OR CONVICTIONS

- 13.1 These should not be treated as automatic reasons for dismissal. The main consideration should be whether the offence is one that makes the employee unsuitable for their type of work. In all cases a decision will need to be made as to whether the conduct is sufficiently serious to warrant instituting the disciplinary procedure. For instance, an employee should not be dismissed solely because a charge against them is pending or because they are absent as a result of being remanded in custody.
- 13.2 Disciplinary procedures will not necessarily be postponed because other proceedings are contemplated or pending. The supervisor or manager will investigate the facts, as far as possible, and take action appropriate to the findings.

13 INVOLVEMENT OF POLICE

- 13.1 Where there is a reasonable belief that a criminal offence may be involved,, it may be appropriate to include the police in the investigation. In these circumstances the Chief Executive will need to consult with the Assistant Director – HR and Payroll and the Monitoring Officer.
- 13.2 In accordance with financial regulations where theft, fraud and/or corruption are considered likely to have happened or be occurring the police may be involved following consultation with the Executive Director (Operations) and the Assistant Director – HR and Payroll, who will make the decision following discussions with the Monitoring Officer.

14 DISCIPLINARY RULES

- 14.1 This list of disciplinary rules informs employees of the general standard of conduct expected from them. Conduct which undermines the satisfactory working of the establishment and is not in accordance with these principles will give rise to disciplinary action. The disciplinary procedure which accompanies this list of rules provides a fair method of dealing with alleged failures to meet them.
- 14.2 These rules apply to all the Council's employees.
- 14.3 The public is entitled to demand of a local government employee conduct of the highest standard, and public confidence in their integrity would be shaken were the least suspicion to arise that they could in any way be influenced by improper motives.
- 14.4 **All** employees of the Council are expected to meet this requirement. It is expected that every employee should:-

- Be honest and beyond the reach of suspicion of dishonesty; and
- Maintain at all times a high standard of integrity, conduct and professionalism; and
- Not put their private interests* or those of relatives or friends before their duty to the Council; and
- Not use their position to further private interests* or those of relatives and friends; and
- Perform faithfully the duties specified in their contract of employment;
- Treat others with respect and courtesy.

* NB 'Private Interests' includes any interests or activities that are not directly related to an employee's contracted position. Please note this can include work connected with trade union duties or activities.

Appendix 1

The basis upon which the Council operates is one of trust, high expectations and responsibility. Emphasis is placed upon positive outcomes and achievements.

Gross misconduct is misconduct of so serious a nature that an employer is justified in no longer tolerating the continued presence at the workplace of the employee who committed the offence. Dismissal can either be with notice or without notice (summary dismissal) and gross misconduct may also warrant dismissal for a first offence. The lists below show examples of the types of offences which constitute misconduct and gross misconduct. It should be noted that some offences appear in both lists, and this is because the seriousness of the breach might be minor or significant. The lists are **not** exhaustive and there may be other offences which result in disciplinary action being taken. Every offence will be carefully considered, and disciplinary action taken in accordance with the disciplinary procedure, depending on the seriousness of the case and in the light of all the circumstances.

EXAMPLES OF GROSS MISCONDUCT

Employees should be aware of the type of conduct, often referred to as gross misconduct, which may warrant summary dismissal (ie dismissal without notice). Summary is not synonymous with instant and incidents of gross misconduct will still need to be investigated as part of the formal procedure. Acts which constitute gross misconduct include those resulting in a serious breach of contractual terms. Examples of acts which this Council considers to constitute gross misconduct are as follows:

- Theft, fraud or deliberate falsification of records
- Physical violence
- Deliberate damage to property
- Fraudulent misuse of Council's name or property
- Serious incapability brought on by alcohol or drug abuse
- Serious negligence which causes or might cause unacceptable loss, damage or injury
- Serious acts of insubordination
- Serious infringement or health and safety rules
- Serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998)
- Unfair discrimination against an employee or member of the public on the grounds of colour, disability, sex, age, ethnic origin, religion, marital status, sexual orientation or political beliefs.
- Unfair discrimination against an employee undertaking/participating in Trade Union activities.

- Harassment
- Inappropriate use of ICT equipment and systems.
- Inappropriate use of work time
- Serious breach of one or more of the Council's Policies*
- Conflict of Interests
- Inappropriate access and/or disclosure of personal or confidential information obtained through employment with the authority without authorisation.
- Abuse of Position: All employees have a position of trust and responsibility in respect of the effective and efficient operation of the organisation. No person may use an official position for a private advantage for themselves or another, and such activity may be regarded as gross misconduct.
- Failure to disclose personal circumstances that may affect employment with the Council

EXAMPLES OF MISCONDUCT

(This list is not intended to be exhaustive but gives examples of the type of conduct which is considered to constitute misconduct. It should be noted that accumulation may result in dismissal).

- Unauthorised absence from duty
- Insubordination or failure to obey a reasonable instruction
- Disregard of safety practices, procedures and rules
- Misuse or unauthorised use of Council property or equipment, including private use of Council mobile telephones
- Being an accessory to a disciplinary offence by another employee
- Undertaking activities detrimental to recovery whilst on sick leave
- Failure to follow Council procedures
- Harassment
- Inappropriate use of ICT equipment and systems
- Smoking on Council property
- Inappropriate use of work time
- Breach of one or more of the Council's policies*
- Conflict of interests
- Inappropriate access and/or disclosure of personal or confidential information obtained through employment with the authority without authorisation.
- Failure to disclose secondary employment
- Failure to disclose personal circumstances that may affect employment with the Council

* All employees will observe the provisions of the Council's Standing Orders, Financial Regulations, Employee Code of Conduct, ICT Information Security Policy and other policies / rules applicable to employees. Copies of all these documents are available on the intranet or from Human Resources. A serious breach of these rules is likely to result in a breakdown in trust and confidence and will be treated as gross misconduct.

Appendix 2

Officers delegated to take Disciplinary Action or Suspend from Duty

Investigation & Suspension	Warnings and Dismissals
<p>Chief Executive</p> <p>Chief Executive Officer Assistant Director Economic Growth Assistant Director Planning & Environmental Health Assistant Director – Governance and Monitoring Senior Principal Solicitor (BDC) Chief Executive's and Partnership Manager (BDC) Economic Development and Investment Manager (BDC) Development Control Manager (BDC) Planning Policy Manager (BDC) Heritage Conservation Manager (BDC) Principal Solicitor (NE) Planning Services Manager (NE) Estates & Valuation Manager (NE) Partnership Co-ordinator (NE) Housing Strategy Manager (BDC and NE)</p>	<p>Chief Executive Officer Assistant Director Economic Growth Assistant Director Planning & Environmental Health Assistant Director - Governance</p>
<p>Transformation</p> <p>Executive Director Transformation Assistant Director Customer Service and Improvement Assistant Director Human Resources and Payroll Assistant Director Leisure Customer Services Operational Manager (NEDDC) Customer Contact Manager (BDC) Senior Duty Officers (Leisure) ICT Manager</p>	<p>Executive Director Transformation Assistant Director Customer Service and Improvement Assistant Director Human Resources and Payroll Assistant Director Leisure</p>

Investigation & Suspension	Warnings and Dismissals
<p>Operations</p> <p>Executive Director Operations Assistant Director Finance, Revenues & Benefits Assistant Director Streetscene Billing & Recovery Manager (BDC) Benefits Manager (BDC) Head of Housing (BDC) Housing Needs Manager (BDC) Housing Enforcement Manager (BDC) Operational Repairs Manager (BDC) Strategic Repairs Manager (BDC) Waste & Recycling Manager Grounds Maintenance and Cleansing Manager Chief Accountant Revenues & Benefits Manager Fleet Transport Manager</p>	<p>Executive Director Operations Assistant Director Finance and Revenues & Benefits Assistant Director Streetscene</p>

CAB (MINS 1119)2014/Appendix B/AJD

Appendix C

SICKNESS ABSENCE MANAGEMENT POLICY

INTRODUCTION

This policy outlines the steps to be followed if an employee is absent due to ill-health.

All employees feel the impact of ill health and sickness absence. It can significantly affect how teams and services perform. This in turn affects the level and quality of service provided to our customers.

The Council is concerned for the safety and welfare of its employees and seeks to ensure that absence is handled in a fair and positive way. The Council's policy is designed to achieve an improvement in overall employee attendance levels and to help employees overcome ill health difficulties by providing advice and support whenever necessary.

In return the Council expects its employees to respond in the following ways:

- a) To care for their health and to seek medical help whenever appropriate
- b) To attend for work whenever they are able to do so
- c) Not to be involved in activities whilst on sick leave which may inhibit recovery and return to work
- d) Co-operate fully with the application of this policy
- e) When absent, advise their Line Manager/Supervisor in accordance with this policy
- f) To use their own time (i.e. annual leave, flexi leave, TOIL etc) for elective surgery (i.e. surgery that is not considered to be medically necessary such as cosmetic surgery) except in cases where this is linked to a serious medical condition.

Throughout the formal stages of the policy, employees have the right to be accompanied by their Trade Union representative, colleague or friend. Throughout the informal stages (e.g. return to work meeting, Occupational Health referral etc) whilst there is no entitlement in law, sympathetic consideration will be given to requests to be accompanied, and each case will be considered on its merits.

Employees should note in the event of unreasonable failure to co-operate with the terms of this policy including attending occupational health appointments and sickness capability meetings, sick pay may be withheld in respect of the period of the employee has failed to co-operate with the Council's policy.

PART ONE – SICKNESS ABSENCE REPORTING

This is the process to be followed if an employee is unable to attend work due to ill health. It applies to all employees of the Council, including those on temporary contracts and casual workers.

1 Employee Notification Policy

1.1 First day of absence

When an employee is unable to attend work the employee (or, in the case of severe incapacity, the person acting on their behalf) must notify their immediate Line Manager/Supervisor/ or nominated officer before 9.00 am on the first day of absence. This notification must be via a telephone call.

Street Scene employees, should notify their **Supervisor or nominated officer** as soon as possible but no later than the start of their shift to enable alternative arrangements to be made.

Those employees who work fixed patterns or shifts should normally report to the **nominated officer** at least 30 minutes before the commencement of their shift – or in the case of early morning shifts as soon as possible and in any event no later than 15 minutes after the commencement of the shift.

It is important that contact is made with the employee's Line Manager/ Supervisor in the first instance. If the Line Manager/Supervisor is not available contact should be with another nominated officer.

Services should make employees aware of individual reporting lines.

1.2 The Line Manager/Supervisor/nominated officer should obtain the following information:

- a) Employee's name
- b) Section in which employee works
- c) Reason for absence.

(This should be the general nature of any illness, the first day of sickness and whether the absence is work related or due an industrial injury at work, or whether the absence is disability related).

- d) Expected date and time of return to work if known
- e) If any assistance or advice is required by the employee
- f) Any outstanding work commitments
- g) Who reported the absence
- h) Whether or not the GP has been contacted

In addition, the employee should be advised that a further call is necessary on the fourth calendar day.

- 1.3 Upon initial notification of absence the Line Manager/Supervisor or person receiving the call must complete a Sickness Absence Form SF1. (BDC ONLY, also complete the weekly absence return and ensure TMS is updated accordingly).

- 1.4 Fourth day of absence (calendar days)

If the absence continues after three calendar days and the employee has not provided further notification, then on the fourth day (if part-time the fourth calendar day) the employee, (or, in the case of severe incapacity, the person acting on their behalf), must telephone the Line Manager/Supervisor and give details of the general nature of illness and the expected date of return. The times by which notification must be made are as listed in 1.1 above.

- 1.5 Eighth day of absence (calendar days) and ongoing

If the absence continues beyond seven calendar days a Doctor's Statement of Fitness for Work (see Section 2) must be provided to the Council by not later than the eighth calendar day, or posted before the eighth calendar day. Employees are advised to make early contact with their Doctor if they have reason to believe their absence may go on for longer than seven calendar days to avoid problems booking appointments.

- 1.6 On receipt of the Statement of Fitness for Work note, if the Doctor has indicated that the employee may be fit for work subject to certain conditions, the Line Manager/Supervisor will arrange to see the employee at the earliest opportunity to discuss a way forward. Advice should be sought from the HR & Payroll Service where appropriate.

- 1.7 One of the most important aspects of managing sickness absence is to maintain communication with absent employees and this is by definition a two way process. Managers and employees should therefore be proactive in maintaining contact during any period of sickness absence. This will help to facilitate a successful return to work. The form, or forms, of contact such as telephone or personal visits should always be agreed with the employee and must be in line with this policy.

It will be very important the employee and line manager understand that the purpose of the contact is to keep in touch, exchange information and provide advice and support to facilitate an early return to work. Communication will be maintained using a sensitive approach to help employee's wellbeing and confidence while absent and maintain a link with work.

- 1.8 Subsequent Doctor's Statements must be submitted to cover absence if it extends beyond the period covered by the initial Statement. These should be provided to the Council by no later than the day after the expiry of the previous Statement and should be sent direct to the HR and Payroll Service, who will in turn notify line managers.

- 1.9 Employees should note that in the event of late notification of sickness, late submission of fit notes or failure to co-operate with the terms of the policy, sick pay may be withheld. Doctors' notes will be not accepted retrospectively where these are more than five working days overdue. Backdated statements will not be accepted, except in exceptional circumstances and with the authorisation of the relevant Assistant Director or Director in consultation with HR & Payroll.

Where an employee fails to follow the notification/certification requirements, sick pay may be deducted in respect of days where notification is late, or where Doctors' Statements of Fitness have not been received. In such circumstances, the Line Manager/Supervisor will have the discretion to reinstate sick pay for the day(s) in question only where there are exceptional reasons for doing so, in consultation with advice from the HR and Payroll Service.

- 1.10 An employee must return to work as soon as they are fit to do so, in particular if they consider themselves fit to do so before the expiry of their current Fitness for Work note. Arrangements should be agreed between the employee and their Line Manager/Supervisor, and may involve the Occupational Health Service and advice from the HR and Payroll Service as appropriate.**

Return to Work

- 1.11 As soon as possible on the return to work the employee must complete a Self-Certification Form/Return to Work (SF2) in the presence of their Line Manager/Supervisor, who will conduct a Return to Work meeting at this point (see Section 3).**

This information is to be kept confidential by management and HR and Payroll. A copy of a Self-Certification Form/Return to Work Form SF2 will be given to the employee at the time of completion if they wish. The completed SF2 Form must be returned to HR & Payroll.

Line Managers/Supervisors/nominated officers must send an email to the Payroll inbox to notify the date of the employee's return to work immediately upon their return. Managers are requested to send a copy of this email to the employee unless it is not possible to do so, eg because the employee does not have an email account

- 1.12 If an employee knowingly submits false information in relation to their incapacity it will be treated in accordance with the Council's Disciplinary Procedure.**

- 1.13 If an employee returns from certificated absence for less than seven working days then this will normally be treated as a continuation of the previous absence and a Doctor's Statement will be required to cover the absence.**

2 Statement of Fitness for Work

- 2.1 A Statement of Fitness for Work, or Fit note, will indicate whether the employee is unfit for work, or whether they may be fit subject to certain conditions.**
- 2.2 The information on the form is advice for the employee and is not binding on the employer. There is no longer a requirement to obtain a fit to return to work note once the current Statement expires, or if the Line Manager/Supervisor and employee, with or without the involvement of Occupational Health, agree that the employee can return sooner than the expiry of the Statement.**

- 2.3 The Line Manager/Supervisor and employee must keep in regular contact throughout any period of sickness absence, (See 1.7). The employee must inform their Line Manager/Supervisor immediately if they are issued with a Statement of Fitness for Work or Fit Note.
 - 2.4 If the Statement indicates that the employee is fit for work subject to certain conditions, then a meeting will be arranged between the Line Manager/Supervisor and the employee to discuss the position with a view to the employee returning to work as soon as possible. In cases where the Council cannot reasonably offer the required adjustments the Statement will be treated as though the employee was declared 'not fit for work'.

- 3 Return to Work

- 3.1 The line manager must conduct a return to work meeting with the employee following EVERY absence.
 - 3.2 During the meeting, the employee and line manager will complete a Self-Certification Form/Return to Work Form SF2 together. Both will sign the form and one copy will be retained by the employee if they wish. The other will be placed on the employees personal file.
 - 3.3 The purpose of the meeting is:
 - (i) to identify any emerging problems that the employee may be experiencing
 - (ii) to identify any support or assistance that the Council may be able to offer as an employer to facilitate attendance at work in the future.
 - (iii) to discuss the employee's absence and to consider it in the context of other absence and an update/briefing on the service.

- 4 Management Recording

- 4.1 Management is responsible for ensuring:
 - (i) that all employees are aware of the absence notification procedures.
 - (ii) all appropriate information and documentation is accurately completed and sent to the HR and Payroll Service in a timely manner.
 - 4.2 Copies of all the documentation, including any Doctor's Statements/Fit Notes, will be retained on the employee's medical/personal file. This information is treated in the strictest confidence and retained in line with legislation.
 - 4.3 Employees will have access to their own absence/medical records on written request, allowing three working days notice.

- 5 Sickness absence and annual leave

- 5.1 To obtain reinstatement of Annual Leave due to ill-health a Statement of Fitness for Work will be required and reinstatement will be given based on the dates in the Doctor's Statement.**
- 5.2 In the event that an employee is prevented from taking their annual leave owing to long term sickness and does not return to work before the end of their annual leave year, they may be entitled to carry forward some annual leave entitlement to the following year. The entitlement will be based on 20 days (including bank holidays) for the year, and any annual leave/bank holidays already taken will be deducted. Line Manager/Supervisors should seek guidance from HR & Payroll on cases where the above applies.**
- 5.3 If the employee does not return to work, the entitlement as calculated under the terms of 5.2 above will be paid and based on the 20 days (including bank holidays) for the year. Line Manager/Supervisors should seek guidance from HR & Payroll on cases where the above applies.**
- 5.4 Where it is felt an employee is using their annual leave to mask an underlying medical condition and this is preventing the Council from providing advice and support to facilitate attendance at work the Line Manager/Supervisor will discuss this with the employee.**

6 Management Monitoring

- 6.1 Senior and Services Managers are responsible for managing and monitoring employees' absence in accordance with this policy. HR & Payroll will provide advice and support to managers.**

SICKNESS ABSENCE MANAGEMENT POLICY

PART TWO - SICKNESS CAPABILITY

INTRODUCTION

This section of the policy details the Council's expectations of both managers and employees in the management of sickness absence. Its aim is to provide a framework within which managers can balance the needs of individual employees with the need to provide services.

The policy sets out how sickness levels of employees will be monitored by their managers and how medical advice should be sought where issues continue to occur. The measures contained in this policy are not intended to prohibit sickness absence or to punish staff who have time off sick. They are designed to achieve an improvement in overall employee attendance levels and to help employees overcome ill health issues by providing advice and support whenever necessary.

Wherever possible the objective will be to assist employees to return to normal attendance at work. However it is acknowledged that this will not be possible in all cases. Therefore, this capability policy sets out the processes whereby sickness issues are addressed.

Managers should always offer support, but employees must be aware that extended or recurrent short-term absence cannot be absorbed by the service and may result in dismissal on ill-health or attendance grounds.

The issue is the level of absence experienced and not whether it is genuine.

COUNCIL SICKNESS TRIGGERS

The sickness triggers implemented by the Council to identify individual levels of sickness absence and to notify managers when further action may be beneficial, are as follows:

- a) Where there is any pattern of regular short term absence; or
- b) Four or more separate periods of absence in any rolling 12 month period; or
- c) Where there have been six days (pro-rated to hours worked) absence in any 12 month rolling period.
- d) Any ongoing absence which has lasted, or can be expected to last for four weeks or more or for any recurrent periods (which could be less than 4 weeks) associated with a serious health problem. (NB In respect of employees who work on a part-time or job-share basis the four week period would remain the same, regardless of the amount of time the employee would normally have been in attendance during that time).

This is the process to be followed if an employee is absent due to ill-health. It applies to all employees with the sole exception of employees undergoing a probationary period.

(For probationary employees please refer to the Probationary Procedure)

Line Managers/Supervisors are responsible for managing and monitoring employees' absence in accordance with this policy. Advice should be sought from the HR & Payroll Service where appropriate.

1 REPORTING INSTRUCTIONS AND RETURN TO WORK MEETINGS

- 1.1 See Part One of the Sickness Absence Management Policy.

2 FREQUENT SHORT-TERM ABSENCES

- 2.1 Sickness absence will normally be addressed through Part One of the Council's Sickness Absence Management Policy, for example, monitoring sickness absence and carrying out return to work meetings.
- 2.2 However, a meeting will be arranged with the employee (see Section 3) by their line manager where there is concern about an employee's level of repeated short term absences or an unacceptable level of sickness absence is identified as outlined in the sickness triggers, below:
 - a) Where there is any pattern of regular short term absence; or
 - b) Four or more separate periods of absence in any rolling 12 month period; or
 - c) Where there have been six days (pro-rated to hours worked) absence in any 12 month rolling period.
- 2.3 It should be noted that an employee's absence record will be monitored to enable managers both to identify emerging difficulties (for example where an employee has had consistent full attendance and then begins to have regular or significant absence); and to identify a fair overview of the employee's attendance and any annual patterns of absence.
- 2.4 A meeting may also take place at the line manager's discretion in other circumstances where there are reasonable grounds for review. Line Manager/Supervisors must seek guidance from HR & Payroll on cases where the above applies.
- 2.5 Where a meeting is called to discuss the outcome of a referral to the Council's Occupational Health Service, this may take place as part of, or in addition to, the meetings detailed in the following sections, dependent upon the circumstances.

3 First Meeting

- 3.1 The purpose of the meeting is to encourage an open discussion between the manager and employee to facilitate attendance at work. This is in addition to any Return to Work meetings.
- 3.2 The employee will be given five working days notice of the meeting by the line manager or it can take place earlier by mutual agreement.
- 3.3 The meeting will focus on the employee's health and welfare to help facilitate attendance at work. It will identify the reasons for absence and whether or not the absences relate to a disability or any other underlying cause. Advice and support will be provided where appropriate. An outcome of the meeting may be a referral to Occupational Health.

- 3.4 It is also possible that absences relating to disability may reach the stage where it is considered that the service can no longer sustain those absences. Such a situation will also be dealt with in line with this Policy, but it will be necessary to consider carefully issues about how the individual's job is done, and whether or not reasonable adjustments would assist with attendance issues.
- 3.5 Employees should be advised that continuing absences may necessitate formal action which could include termination of employment.
- 3.6 An attendance target, based on the corporate sickness trigger levels as stated in this policy, should be set with a date for a review meeting after three months (see Section 4).
- 3.7 The content and outcome of the meeting should be confirmed in writing, normally within five working days, and a copy given to the employee with a copy for the personal file.
- 3.8 Advice should be sought from the HR and Payroll Service if necessary.

4 First Review Meeting

- 4.1 The first review meeting (see Section 3.6 above) can be brought forward at the manager's discretion. This would generally be where sickness absence had continued or other relevant changes had occurred. In this case the employee should be given five working days notice of the meeting or it can take place earlier by mutual agreement.
- 4.2 The meeting will focus on the employee's health and welfare, to review the attendance record against the target previously set and to help facilitate attendance at work. Advice and support will be provided where appropriate. An outcome of the meeting may be a referral to Occupational Health.
- 4.3 If the employee has attended an Occupational Health appointment, a meeting will take place with the employee, normally within ten working days of receipt of the report (see Section 6).
- 4.4 If the level of sickness absence has reduced, this should be positively acknowledged. It may be considered necessary to arrange a further review meeting (see Section 5) after a further three month period or sooner at the manager's discretion. This should be confirmed in writing normally within five working days.
- 4.5 If the level of sickness absence has not improved, the employee should be made aware of the effect on the service and on other colleagues of their continued high level of sickness absence. If the employee has attended an Occupational Health appointment, various options will be considered (see Section 6). In addition, the meeting may also result in an appropriate outcome (see Section 7). A date should be set for a second review meeting after three months or sooner at the manager's discretion.
- 4.6 The content and outcome of the meeting should be confirmed in writing, normally within five working days, and a copy given to the employee with a copy for the personal file.

5 Second Review Meeting

- 5.1 The second review meeting (see Section 4.5 above) can be brought forward at the manager's discretion from the original date proposed for the meeting. In this case the employee should be given five working days notice of the meeting or it can take place earlier by mutual agreement.
- 5.2 The meeting will focus on the employee's health and welfare, to review the attendance record against the target previously set at the first review and to help facilitate attendance at work. Advice and support will be provided where appropriate. An outcome of the meeting may be a referral to Occupational Health.
- 5.3 If the level of sickness absence has reduced, this should be positively acknowledged and confirmed in writing normally within five working days.
- 5.4 If the level of sickness absence has not improved, as much information as is available about the employee's attendance record and other relevant factors should be obtained. The employee should then be referred to the Council's Occupational Health Service (see Section 6), unless they have already attended such an appointment.
- 5.5 If the employee has attended an Occupational Health appointment, various options will be considered (see Section 6). In addition, the meeting may also result in an appropriate outcome such as the issuing of a first level warning, (see Section 7).
- 5.6 Further review meetings will take place where necessary to facilitate attendance at work.

6 REFERRAL TO COUNCIL'S OCCUPATIONAL HEALTH SERVICE

- 6.1 Dependent upon the circumstances of each individual case, the Council will have the facility to refer the employee to the Occupational Health Service for assessment. Examples of referral circumstances could be, for example:
 - a) When there are concerns about the health and safety of the individual or others
 - b) When trigger points are reached
 - c) If it is felt that early referral would benefit the employee and the organisation, e.g. in stress cases where it has been proven statistically that early referral facilitates a speedier return to work
 - d) If information is required about the likely length of absence
 - e) After an absence of four weeks, (unless the prognosis is clear e.g. broken leg etc)
 - f) Where there is no medical evidence to support frequent self certificated absences
- 6.2 The employee has a duty to undertake appointments with the Occupational Health Service, and to give immediate notice if he/she is unable to attend. Failure to do so would normally lead to withdrawal of pay under the Sickness Payments Scheme.
- 6.3 In certain circumstances, one of the options that will be considered during the Occupational Health assessment, in consultation with the employee, may be a referral under the Leisure GP Referral Scheme. The initial consultation may take place in work time, but the employee would need to pursue any subsequent programme in their own time.

- 6.4 Following receipt of the Occupational Health report, a meeting will take place with the employee, normally within ten working days of receipt of the report. This may be part of the scheduled meetings or an additional meeting, dependent upon the circumstances and timing.
- 6.5 The report will form the basis of discussion at the meeting. One of the following options should be agreed according to the circumstances which have been identified:
- a) Accept the position and keep it under review.
 - b) A return to work on a phased basis from a specified date.(See Section 9 below)
 - c) Consider introducing modified duties and/or reduced hours for a limited period of rehabilitation, with the aim that the employee will return to the full range of duties/hours in due course. If employees reduce their hours this will result in adjusted pay. Dependent upon individual circumstances, modified duties may result in adjusted pay.
 - d) Arrange alternative employment, using the Council's Redeployment Procedure, where such suitable alternative employment can be identified.

If an employee should fall under the provisions of the Equality Act 2010 in terms of disability, then the employee may be entitled to reasonable adjustments to enable them to return to, or remain at work.

- e) If termination of employment is being considered, a further meeting should be arranged with the employee and their representative to discuss this and allow the employee and their representative the opportunity to respond. (See Section 7.5)

The content and outcome of the meeting should be confirmed in writing, normally within five working days, and a copy given to the employee with a copy for the personal file.

7 MEETING OUTCOMES

Withdrawing Overtime

- 7.1 In the case of an employee normally required to undertake additional hours or non-contractual overtime, it may be appropriate to indicate that, as the commitment to additional hours may be affecting the employee's health, consideration will be given to withdrawing such overtime until the employee's attendance record indicates that the impact of ill health has been reduced or eliminated.

Formal Sickness Capability Warnings

7.2 First Level Sickness Capability Warning

A First Level Sickness Capability Warning will normally be issued where the employee has not achieved the target set at the first review meeting (See Section 4). The warning will be confirmed in writing, and it will be made clear that failure to improve attendance may lead to termination of employment. Once an employee has been placed on a warning, meetings will take place on a regular basis to set targets for, and review, attendance. Where there has been full attendance over a period of 12 months since the warning was issued, the warning will no longer be considered as 'live'. Line Managers/Supervisors should seek guidance from HR & Payroll on cases where the above applies.

7.3 Final Sickness Capability Warning

Where there is continued failure to improve attendance and achieve targets, the employee will normally be issued a Final Sickness Capability Warning. It should be made clear that the service can no longer tolerate the high level of sickness absence and that any further failure to achieve targets will lead to termination of employment. This warning will be confirmed in writing and placed on the employee's personal file. Meetings will continue to take place on a regular basis to set targets for, and review, attendance. Line Managers/Supervisors should seek guidance from HR & Payroll on cases where the above applies.

- 7.4 These warnings will remain on the individual's file to enable an overview of the employee's attendance. However, where it is considered that a reasonable period of full attendance has elapsed since the Final Sickness Capability Warning was issued, or there are significant mitigating circumstances to a recent period of absence, there will be the facility to reaffirm the Final Sickness Capability Warning as an alternative to termination of employment. In any event, where there has been full attendance over a period of 12 months since the warning was issued, the warning will no longer be considered as 'live', and the warning will be expunged.

7.5 **Termination of Employment**

If the employee's attendance still fails to reach the required targets, or if the outcome of discussions concerning Occupational Health Service reports results in termination of employment being one of the relevant options, then a meeting will be arranged as outlined below.

- The purpose of the meeting is to discuss the position and this will include a review of all the options available. The employee and their representative will be given the opportunity to respond. The employee will be made aware that a potential outcome of the meeting may be that the only course of action available is termination of employment on the grounds of sickness capability (as all other options have been considered.)
- The employee and their representative will be given five working days notice of the meeting and informed of the reason for the meeting.
- The meeting should be convened by the relevant Executive Director or Assistant Director and should be formal.
- The employee's Line Manager/Service Manager or Supervisor will be present.
- A Senior Officer from the HR and Payroll Service should always be present.
- A legal adviser may be present.

If the outcome is a decision to dismiss, the employee will receive:

- 1 The appropriate period of notice, or payment in lieu of notice (if appropriate).
- 2 Written notice of the reasons for their dismissal within five working days.

- 7.6 **Appeals** - The employee will have a right of appeal to the Council's Appeals Panel against a decision to dismiss. Please refer to the Council's Appeals Procedure.

8 LONG-TERM ABSENCE

- 8.1 Any ongoing absence which has lasted, or can be expected to last, for four weeks or more can generally be regarded as “long-term” or any recurrent periods (which could be less than 4 weeks) that are associated with a serious health problem. (NB In respect of employees who work on a part-time or job-share basis the four week period would remain the same, regardless of the amount of time the employee would normally have been in attendance during that time).
- 8.2 Where an employee has a physical or mental impairment which has a substantial, long-term (one year or more) adverse effect on their ability to carry out normal day-to-day activities, the provisions of the Equality Act 2010 may apply. In these circumstances the manager must consider the need for reasonable adjustments and should seek appropriate specialist advice from the HR and Payroll Service.
- 8.3 Where an employee returns to work for less than seven calendar days and then goes off sick again, the period of absence will normally be considered to be continuous for absence management purposes.
- 8.4 One of the most important aspects of managing sickness absence is to maintain communication with absent employees and this is by definition a two way process. Managers and employees should therefore be proactive in maintaining contact during any period of sickness absence. This will help to facilitate a successful return to work. The form, or forms, of contact such as telephone or personal visits should always be agreed with the employee and must be in line with this policy.

It will be very important the employee and line manager understand that the purpose of the contact is to keep in touch, exchange information and provide advice and support to facilitate an early return to work. Communication will be maintained using a sensitive approach to help employee's wellbeing and confidence while absent and maintain a link with work.

- 8.5 At the latest, after four weeks' absence the manager will invite the employee to attend a meeting to discuss progress. At the employee's request, this meeting might take place at their home or another agreed location. Five working days notice should be given of the visit or it can take place earlier by mutual agreement. A meeting may not be necessary if, for example, a return date is already in prospect.
- 8.6 The purpose of the visit is to review the employee's health and prospects for a return to work. If there is no date for a return to work, then the employee should be advised that it may be necessary to arrange a medical referral to the Council's Occupational Health Service, (see Section 6 above).
- 8.7 The outcome of the discussion should be confirmed in writing within five days of the meeting by the manager.
- 8.8 Where an employee has a physical or mental impairment which has a substantial, long-term (one year or more) adverse effect on their ability to carry out normal day-to-day activities, the provisions of the Equality Act 2010 may apply. In these circumstances the manager must consider the need for reasonable adjustments and should seek appropriate specialist advice from the HR and Payroll Service.

- 8.9 If the employee continues to remain absent due to sickness and/or within ten working days of the receipt of the Occupational Health report, the manager should arrange a meeting with the employee (or home visit at the employee's request) to advise him/her of the content of the report, if applicable.
- 8.10 At the meeting the following options should be explored according to the circumstances which have been identified:
- a) A return to work on a specified date.
 - b) A return to work on a phased basis from a specified date.(see section 9 below)
 - c) A return to work at a later unspecified date following convalescence.
 - d) A return to work on modified duties and/or reduced hours for a limited period of rehabilitation, with the aim that the employee will return to the full range of duties/hours in a given period. If employees reduce their hours this will result in adjusted pay. Dependent upon individual circumstances, modified duties may result in adjusted pay.
 - e) The possibility of a return to work to suitable alternative employment on a permanent basis (where such suitable alternative employment can be identified). Please refer to the Authority's Redeployment Procedure.
 - f) The possibility of ill-health retirement in accordance with the Local Government Pension Scheme. This option will only apply where the independent Medical Practitioner issues a Certificate of Permanent Incapacity and the employment is terminated on the grounds of permanent ill-health. (See below for policy to be followed for termination of employment on grounds of ill-health.)
- 8.11 In the event of the Occupational Health requesting the opportunity to review the employee's health after, for example, a meeting/ home visit should be arranged by the manager prior to elapse of the period to acquire up to date information for a second referral to Occupational Health. Within ten working days of receipt of the report, the manager should meet with the employee again to discuss its contents and consider the options (8.10 a-f).
- 8.12 If none of the above options available in 8.9 and 8.10 are viable, please see Section 10.

9. Phased Return to Work

- 9.1 In order to facilitate a return to work following long-term sickness absence, or in certain cases dependent on the nature of the illness, e.g. stress related absence, to facilitate an early return to work before the absence becomes long-term, the Occupational Health Adviser may recommend some form of phased return to full duties and responsibilities. This could involve a return to work on modified duties, on reduced hours, on a temporary basis or working from home, or such other reasonable measure which would reduce the need for a longer period of absence, as appropriate.
- 9.2 A meeting should take place with the employee, their line manager and a representative from the HR and Payroll Service at which agreement should be reached on the terms of a Return to Work Plan.
- 9.3 The Return to Work Plan will be produced by the line manager, and will outline the terms of the phased return. It is anticipated the employee will gradually build up to a return to full duties and responsibilities, and this should be for the shortest time possible and be achieved within a four week period. Depending upon the circumstances this may be extended for a further 2 weeks maximum.
- 9.4 For this limited phased return, the employee will need to supply a 'fit to return to work' note from their GP agreeing to the terms of the phased return. This period will therefore be classed as being at work for pay purposes and the employee will be paid their normal rate of pay.
- 9.5 If the employee has difficulty in increasing their hours/attendance/workload and it becomes unlikely that a full return will be possible as planned, then the employee will need to obtain a Statement of Fitness for Work from their GP and the phased return should be terminated as soon as practicable. In addition, a referral should be made to the Occupational Health Adviser for additional advice.

10. Termination of Employment

- 10.1 After considering all the options identified in 8.10 a) – f), it may be that the only course of action available is to consider the termination of employment on the grounds of sickness capability. This course of action may be considered where the Occupational Health Adviser is unable to certify the ill-health/incapacity as permanent and therefore ill-health retirement is inappropriate but also where the prognosis is difficult to determine. In reaching a decision on this course of action, the medical opinion given by the Occupational Health Adviser will be taken into account. However, managers must be aware that this is only one element and that there may be other relevant factors which should be taken into account in coming to a decision.
- 10.2 If termination of employment is being considered, a meeting will be held with the employee and their representative to discuss this and allow the employee and their representative the opportunity to respond.
- 10.3 The employee and their representative will be given five working days notice of the meeting and informed of the reason for the meeting. The employee should be made aware that a potential outcome of the meeting may be that the only course of action available is termination of their employment on the grounds of sickness capability.

10.4 The following process should always be followed:

- The purpose of the meeting is to discuss the position and this will include a review of all the options available. The employee and their representative will be given the opportunity to respond. The employee will be made aware that a potential outcome of the meeting may be that the only course of action available is termination of employment on the grounds of sickness capability (as all other options have been considered.)
- The meeting should be convened by the relevant Executive Director or Assistant Director and should be formal.
- The employee's Line Manager/Service Manager or Supervisor will be present.
- A Senior Officer from the HR and Payroll Service should always be present.
- A legal adviser may be present.

If the outcome is a decision to dismiss, the employee will receive:

- 1 The appropriate period of notice, or payment in lieu of notice (if appropriate).
 - 2 Written notice of the reasons for their dismissal within five working days.
- 11 **Appeals** - The employee will have a right of appeal against this decision under the Council's Appeals Procedure.
12. This policy applies to all the Council's employees except the following: those employees who are covered by JNC Negotiating Committee for Chief Executives and the JNC Negotiating Committee for Chief Officers of Local Authorities.

Appendix D

APPRAISAL SCHEME

Employees are the major resource for achieving objectives. Effective people management is directly related to improvements in service delivery and can affect both the employee in terms of motivation and commitment and the Council in delivering excellent services and achieving results.

INTRODUCTION

This document outlines the procedure of the Appraisal Scheme. It describes the action to be taken by line managers (appraiser) and their employees (appraisee) in preparing for, conducting and following up the review meeting.

SCOPE

This scheme applies to all employees, with variations as follows:

New Starters - all new starters must have had an appraisal within the first six months of their employment in line with the Probationary Procedure. Assistant Directors must then ensure that these employees are included into the fixed cycle of the appraisals and reviews from then on.

Casuals - where casuals work less than an average of **9 hours** per month they should be excluded from the scheme. Any queries on the determination of casuals can be obtained from the HR and Payroll Team.

Fixed term staff – on 9 month contracts or less. Training needs will have been identified at Induction or during the probationary period.

Long-Term Absences – the appraisals for employees who have been on long-term absence should be picked up as soon as reasonably practicable.

Group appraisals - These can be completed for groups of employees. There is a form designed specifically for this, which is available on the Intranet. Whilst it is permissible to have a Grouped Performance Appraisal Plan and Grouped Learning and Development Plan completed at the initial appraisal (April-June) all employees in the Group Appraisal must be assessed against competencies at the Appraisal Review on an **individual** basis and have an **individual** Learning and Development Plan completed. The Assistant Director's consent is required for carrying out grouped appraisals and this should be obtained in advance.

PERFORM – Managers should ensure that they use the appropriate long-term absence codes when entering appraisal details onto PERFORM. All appraisal and review dates will be maintained within the PERFORM system by managers.

FREQUENCY

A meeting will be carried out after the individual has been in post for six months. Following this there will be an annual meeting, with a review every six months of performance against the action plan and the continuing relevance of the plan itself. These are the minimum requirements. Additional reviews may be carried out where appropriate/necessary and many service areas conduct these supporting 1:1s.

RECORDS/CONFIDENTIALITY

Records of the interviews will be treated in the strictest confidence and be retained on the employee's personal file in accordance with the Data Protection Act 1998.

Appraisal Cycle (Annual review January - March)

Pre-Appraisal

Appraisal Preparation Form completed by Appraisee (optional).



Appraisal Meeting (January to March)

Review Performance Appraisal Plan for previous year noting outcomes. Discuss new objectives and how these link to Corporate/Service Plan Targets.

Review Learning and Development undertaken in previous year and complete relevant Post Learning and Development Evaluation Forms.

Review Competencies/ Job Description/Health & Safety Risk Assessment (where appropriate)/Check employee being treated appropriately.

Produce Individual Learning and Development Plan for next year.



Post Appraisal

Date of meeting to be entered onto PERFORM system by the manager.

Manager to provide a signed copy of documents to appraisee.

Appraisee to retain one copy.



Manager to compile Service Area Learning and Development Plan and send to Joint Assistant Director by end of March.



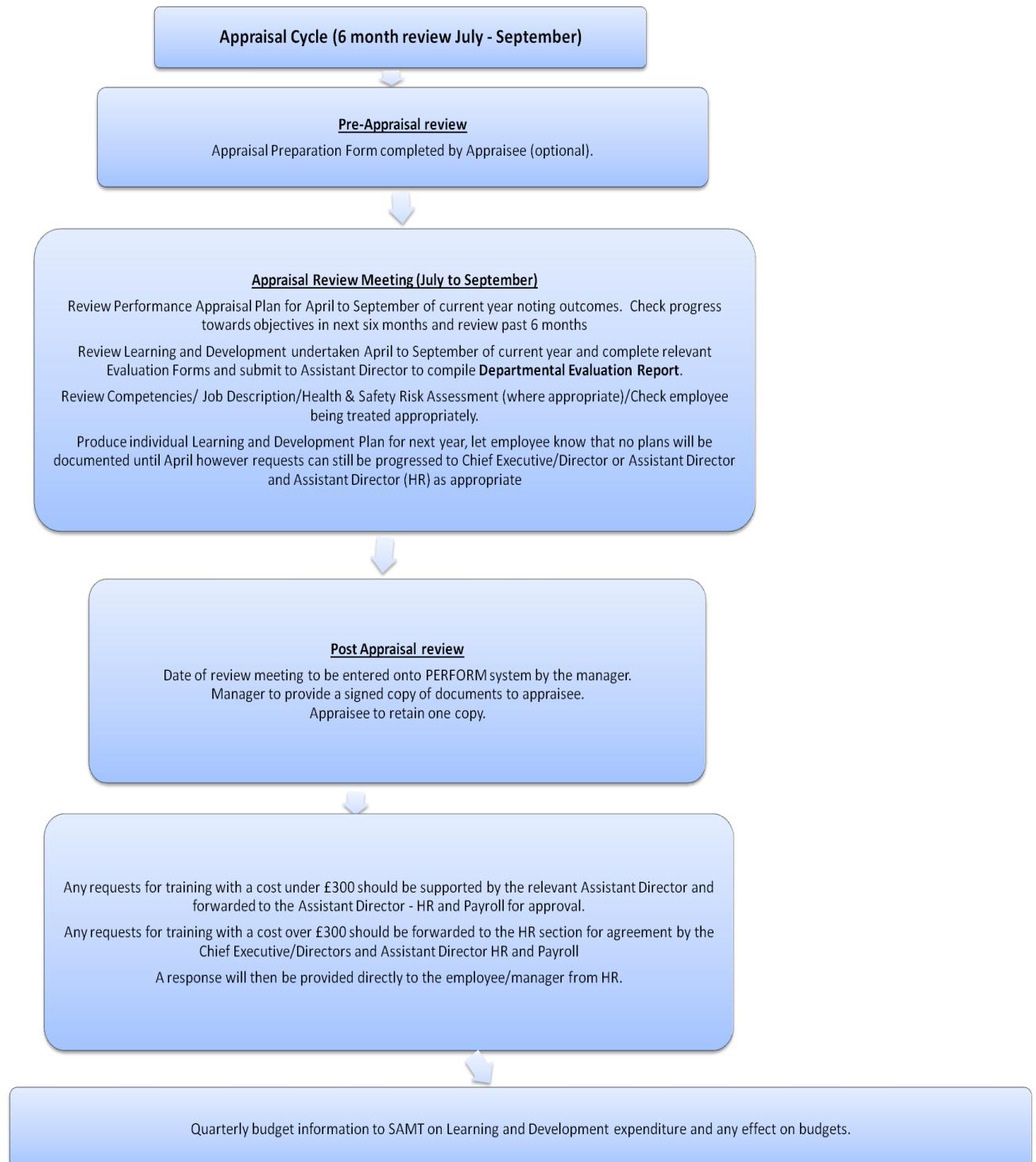
Any requests for training with a cost under £300 should be supported by the relevant Assistant Director and forwarded to the Assistant Director - HR and Payroll for approval.

Any requests for training with a cost over £300 should be forwarded to the HR section for agreement by the Chief Executive/Directors and Assistant Director HR and Payroll

A response will then be provided directly to the employee/manager from HR.



Quarterly budget information to SAMT on Learning and Development expenditure and any effect on budgets.



PURPOSE

The purpose of the scheme can be defined in terms of four main activities:

Plan

- reviewing role requirements and how performance will be measured
- identifying learning and development needs to improve contribution
- identifying an action plan to meet any needs which have been highlighted through the Appraisal process

Do

- encourage performance and provide support

Review

- past performance
- assess and reviewing competencies

Revise

- seek improvements where performance standards have not been achieved and make adjustments for next planning round as necessary

AIMS

It has two main aims which are:

1. To support each employee to achieve a high standard of performance in the work which is necessary to enable their service to meet its own and the Council's priorities and objectives.
2. To identify employees' learning and development needs.

KEY PRINCIPLES

1. Achievement of individual, team and corporate priorities.
2. Commitment to the process of performance improvement.
3. The system will not be linked to an employee's pay.
4. It will not be used as a tool for selecting employees for redundancy.
5. It will not be used to rate employees against one another.
6. It will be operated separately from any disciplinary process.

BENEFITS OF THE APPRAISAL AND PERFORMANCE REVIEW SCHEME

A properly conducted Appraisal scheme benefits:

- the employee
- the manager
- the Council

In the following paragraphs, the benefits to each are explored.

Employees will benefit from the Appraisal scheme by having the opportunity to:

- understand more clearly what is expected in the job;
- find out how their manager views their work, receiving praise for jobs well done and receiving support and guidance for any areas which require improvement;
- be given the chance to contribute ideas and views as to how the service should operate;
- discuss any learning and development support they are likely to need;
- discuss and agree a learning and development plan if appropriate.

Managers conducting the reviews will benefit from the Appraisal scheme by gaining an opportunity to:

- review in detail the performance of members of the team
- assess learning, development and support needs
- understand how individuals perceive their own performance, learning and development needs
- understand individual's ambitions
- gain an overview of the balance of workload across the team
- uncover areas of confusion or overlap between members of the team
- realise constraints which inhibit employee performance
- understand how their management style contributes to the performance of their employees
- direct the work of members of the team by agreeing key objectives and how these will be met
- agree realistic learning and development opportunities with individuals
- agree any necessary updating of work programmes
- ensure equality in the treatment of employees
- encourage self assessment

The Council will benefit from the Appraisal scheme by gaining:

- improved performance from employees;
- improved motivation and job satisfaction on the part of employees;
- more accurate identification of training needs;
- better use of development opportunities in the workplace;
- greater prominence being given by all to learning and continuous improvement;
- improved opportunities being offered to groups that before have been under-represented in access to resources for training and development;
- an increased awareness of where both employee, team and organisation are going, need to go and how best to get there;
- improved quality of service given to public;
- better use of resources;
- better understanding between employees and their line manager.

RESPONSIBILITIES

Overview

The Joint Chief Executive, Joint Directors and Joint Assistant Directors interview their Service Managers who, in turn, interview the staff that they line manage and so on. This gives managers experience of being reviewed before conducting meetings themselves and ensures that the objectives they set for their staff are in line with overall corporate objectives.

Across the Council there are a range of responsibilities for performance:

Members and Senior Managers are responsible for:

- endorsing the Appraisal scheme
- ensuring that resources are targeted
- cascading corporate visions, objectives and plans down to team and individual performance level
- linking the management of people's performance with service plans
- setting targets and monitoring performance
- regularly monitoring, reviewing and evaluating the Appraisal scheme
- auditing the management processes which underpin the scheme

Line Managers are responsible for:

- translating corporate, directorate and service objectives into personal targets
- agreeing job descriptions and targets with their teams
- conducting at least monthly one-to-one meetings with each employee
- undertaking regular discussion and formal appraisals with individuals on the achievement of objectives
- identifying learning, development and other support needs and determining priorities for meeting these
- encouraging staff discussion concerning career progression and personal progression and personal development
- ensuring that six-monthly reviews take place for all employees
- recognising and communicating achievements
- evaluating developmental activity and ensuring that training evaluation forms are completed

Employees are responsible for:

- checking that their individual objectives fit with Council, service and team objectives
- ensuring that their job meets service delivery needs and that any issues of concern are fed back to their manager
- regularly communicating with their manager
- identifying personal development needs and how to achieve them
- preparing for meetings
- participating in any training, learning, development and other support opportunities that are offered

- reflecting on how development opportunities have improved the way they work and that this learning is shared with others

EQUALITY IN EMPLOYEE DEVELOPMENT

It is essential that managers treat all employees fairly and equitably in the employee development process.

As a mechanism for measuring performance, the process of Appraisal helps to identify employee development and training needs and other specific requirements to enable continuous satisfactory performance.

The Council is committed to providing equality of opportunity for its workforce and it is essential that each job-holder's performance is considered in an impartial and objective manner.

Managers must be particularly alert to the possibility of unintentional discrimination. This can occur when assumptions are made about the abilities, expectations and ambitions of employees, or when judgements are based on stereotypes rather than an individual's performance. This can prevent employees from being allowed the opportunity to develop to their full potential and as a result may have an adverse impact on the way we conduct our business.

It is recognised that individual employees have different needs. The meeting should identify the barriers to performance and development which stem from disadvantage or discrimination.

The appraisal meetings are, and should be, regarded as part of the normal managerial/supervisory role in terms of continuous monitoring of performance and agreeing objectives.

COMPETENCIES

There are six competencies which are considered to be integral to the effective performance of all employees. There are also four competencies which are considered to be integral to the effective performance of those who have managerial or supervisory responsibilities. Appraisers and appraisees are asked to prepare for this section by identifying where the core skills have been effectively demonstrated and examples of where the core skill areas need improvement. Where areas for improvement are identified, agreement should be reached on how this improvement will be achieved. For example, this could be through a change in behaviour; formal training; coaching or further structured experience in the workplace (see 2.3). The competencies should be viewed in the context of the job requirements.

Employees will be assessed against the following 6 competencies

- Communication (non-managerial)
- Performance
- Team Working
- Customer Service
- Personal Effectiveness
- Knowledge and Skills

Managers will be assessed against the following 10 competencies

- Performance
- Team Working

- Customer Service
- Personal Effectiveness
- Knowledge and Skills
- Leadership and influence
- Strategic Planning
- Managerial
- Performance Management
- Communication

PROCEDURE

The procedure has three distinct stages: preparation, meeting and follow-up. The term 'manager' is used to indicate the person responsible for conducting the appraisal meeting. The term does not relate directly to any job title. The reviewing manager will usually be the employee's line manager or supervisor.

Preparation

Initially some training is needed to help the manager operate the scheme. The training takes place before an individual conducts an appraisal meeting.

For the meeting to be effective it is important that the manager and the employee take some time to prepare for the meeting.

For the Manager

Arrange the meeting well in advance, giving reasonable notice to the employee of the meeting.

At this stage employees should also be given access to useful documentation such as records of past appraisal meetings, a copy of their current job description, relevant extracts from service plans, performance standards, Council's Corporate Plan and any other useful information.

For the Individual

The employee should look back over the previous twelve months and consider achievements and any suggestions they might have for improving the way their work is done. The employee should also consider the future. The employee should complete Appendix A.

For Both

1. Fix a mutually convenient time, allowing sufficient time for a relaxed, constructive meeting.
2. The manager and employee should each complete a preparation sheet prior to the meeting.

Appraisal is not about discussing current operational issues, which should be discussed as part of the normal day-to-day management process of the service. It is a review of key tasks and a process to identify learning and development needs. Long-term barriers to effective performance and working relationships are suitable topics for discussion.

The Meeting

No manager will conduct an appraisal meeting without first undergoing appropriate training.

Anything that detracts from the main purpose of the meeting, or interrupts this, is to be avoided. It is, therefore, essential that sufficient time is set aside (usually a minimum of one hour), that a suitable venue is booked if necessary and that all telephone calls and callers are stopped.

The purpose of the meeting is to:-

- review the employee's current job description, identifying any variations between this and the actual work being carried out
- review the actual job being done - what is involved and how well it is being done, by looking at both strengths and areas for improvement
- identify any changes which could make the job more effective
- encourage the further development of the employee within their current job
- identify any training, development and support needs the employee may have
- draw up an action plan

An appraisal record form is to be completed after each meeting.

Action Plans

These need to be realistic with definite timescales so as to be clear on who is going to do what, by when and how. Any goals should be specific, measurable, achievable, realistic and timed. They also need individuals' commitment so it is worth spending time reaching agreed goals as opposed to the manager imposing these.

Setting achievable goals is not easy. Items need to be selected that will make a significant difference to performance. It is important to focus on behaviours or outcomes that can be measured, rather than personal qualities or approaches which are open to subjective interpretation. Both parties, when setting or reviewing performance, must be aware of the need to separate the influence of other people or external factors from individual effort.

Learning and development needs should relate to competencies. They should be categorised as:-

Essential - those which are necessary to improve performance or because of changes, such as a change in job, job content, technology, work systems or methods or any other circumstances which need to be addressed to ensure that performance and service delivery is acceptable.

Desirable - those which assist in career development or which would help with improved performance and personal development.

Disputes

It is anticipated that disputes will be minimal, considering that the scheme relies on mutual respect and commitment to work amicably to resolve disagreements. However, it is recognised that there may be occasions when an employee feels dissatisfied with their treatment under the scheme, and in this case the matter will be dealt with under the Council's Grievance Procedure.

The appraisal process provides an opportunity to consider future career developments or personal aspirations for the year(s) ahead. The range of

issues covered may vary; for some employees it might be their career aspirations for different roles within the Council, for others, who may be approaching a time when their pension becomes payable, it may cover where they see themselves working in the Council. The appraisee will not be held to anything which is said in this discussion; however, it does provide the opportunity to think about the longer term and succession planning. In summary:

If the Appraisee	The Appraiser should.....
Highlights specific career aspirations	Consider appraisee's learning and development needs and manage aspirations of Appraisee objectively
Highlights a wish to retire in the next 2 years	Inform HR of this intention.
Highlights a wish to retire at their Statutory Retirement Age, or at some point beyond their Statutory Retirement Age.	Inform Appraisee that they should give the relevant contractual notice as stated in their contract of employment.

Health and Safety

The appraisal process provides an opportunity to review and agree the employee's individual Health and Safety Risk Assessment. Risk Assessments should not be viewed as a one off activity but an evolving document which should be reviewed on a regular basis or when the assessment may no longer be considered to be suitable and sufficient. Examples of when this may be necessary are:

- A change in the nature of the work;
- Introduction of new plant/ work equipment
- An increased appreciation of hazards and risks;
- Following an Accident/ incident
- Due to changes in the occupational capabilities of the individual.

Service Learning and Development Plans

As well as agreeing individual Learning and Development Plans a Service Learning and Development Plan will be produced each year in April by the Assistant Director. This will form part of the Service Plan and should further prioritise identified needs within the whole service. This is important for the equitable allocation of resources across the Council. Once completed a copy of this plan must be sent to the HR and Payroll Team.

On completion of the Appraisal process, using PERFORM, a record should be made that Appraisals are complete along with the date they were carried out. If you require help with this please contact Customer Service and Improvement Department.

Monitoring and Review

The HR and Payroll Team are responsible for monitoring implementation of the Scheme and its effectiveness. The HR and Payroll Team, as part of the continuous monitoring of the Appraisal Scheme, will access a random sample of appraisal records for coverage, consistency and effective people management.

Appendix A**Appraisal Preparation Form – for use at annual and 6 monthly review**

1) What aspects of your job performance do you feel proud of and why?
2) In what ways have you met the requirements of your job?
3) What aspects of your job performance have made you feel disappointed and why?
4) What areas of your job performance do you feel you could improve?
5) What factors have influenced your achievement of your objectives? Mention here any obstacles/problems
6) Looking ahead, what objectives would you set for yourself?
7) What do you feel are your development needs?
8) How could your manager support you in developing your potential?
9) What are your future career development and personal aspirations for the year(s) ahead?
10) Any additional comments or points that you want to raise during your review meeting?

**If you require a copy of your job description please contact HR and
Payroll**

March 2014

Appraisal Scheme

Objectives of the appraisal process

The scheme is a two-way process where both Appraisee and Appraiser are able to talk through issues that relate to their work and plan for the coming year. Both parties will need to be clear on and agree individual and team priorities and targets accordingly.

Name of employee (Or employees if conducting a group appraisal)	
Job title	
Service	
Name of Manager	
Review date	

Should you have any queries please contact a member of HR for advice

Once the appraisal form is complete please ensure that any Learning and Development requirements are included on the Service Area training plan

Overall role requirements – complete only by exception if the job has changed since the last review.

-

Review of previous year

Corporate Plan objective/target	Service Plan objectives/targets	Action taken by employee to meet the key task	Proposed and actual completion date	How progress was discussed e.g. 1:1, special meeting arranged and key dates	Outcome and comment
			XX/XX/YYYY-proposed XX/XX/YYYY-actual		

Plan for current year

Corporate Plan objective/target	Service Plan objectives/targets	Action by employee to meet the key task	Proposed completion date	How will progress be discussed e.g. 1:1, special meeting arranged and dates	Comments

Learning and Development Plan

Priority Essential/ Desirable	Identified Learning/ Development need	Link to Corporate Plan/Service Plan/Individual development	What is the best way to meet this need	Action required, whom and date	Cost	Date training to be undertaken	Outcome/Not yet complete	Comments

Please note that any training requests should be added to the service area training plan and sent to HR ASAP to inform the Corporate Learning and Development Plan

Learning and Development Evaluation Form – complete for any learning and development activity undertaken since the last review

Name: _____ Service Area _____

Learning and Development Course	Date and Length of Course	Course Provider	Location / Venue	Reason for Attending / Objective	Did a discussion take place between yourself and your manager?	Have you fed back to colleagues where appropriate?	To what extent have your objectives been met? Full/Mainly/ Partially/ Not at all	Immediate benefits Individual/ Team/Council Impact of development	Concerns / Issues / Areas for Improvement	Would you recommend to a colleague? Why?

3 - 6 MONTH REVIEW

Reviewing the above, can you now identify any additional information e.g. benefits, improved job performance, areas for improvement, what you could do differently.

6 - 12 MONTH REVIEW

Reviewing the above, can you now identify any additional information e.g. benefits, improved job performance, areas for improvement, what you could do differently.

Competencies

The information below may be used to facilitate discussion against the assessment criteria

4	Excellent	The employee clearly demonstrates that they are performing at the highest level against their current roles and responsibilities
3	Good	There is clear indication that the employee performs well in this area. This may be an area for development if higher levels of achievement are required. However the employee is operating at a good level in this competency
2	Satisfactory/Average	There is clear indication that this competency would require strengthening for higher levels of achievement to be met. However the employee is operating at a level which is satisfactory. Strengthening this competency would enhance performance of the employee and team.
1	Improvement required	The employee is limited in this competency which will have a significant impact on the performance of the individual and the team. It will be crucial to develop this competency to allow the employee to perform.

Competencies

Leadership and Influence (Management)	
Examples include <ul style="list-style-type: none"> provide suitable and effective leadership to the employee group and within the management teams of the Council influence people internally and externally in appropriate ways to achieve the objectives of the Council use behaviours which empower and develop others motivate, encourage and engage others, especially those for whom they have line management responsibilities. 	Comments
Strategic Planning (Management)	
Examples include <ul style="list-style-type: none"> develop and articulate the vision for their area of responsibility make plans to involve the team in the communication of the priorities and objectives and to ensure these are actioned anticipate future requirements and plan to meet these make appropriate decisions about service delivery the ability to adapt to changes and to remain open to new developments. To be proactive, consider the benefits and risks involved in change and assessing these appropriately to arrive at a decision that benefits the team, service and Council. 	Comments
Managerial (Management)	
Examples include <ul style="list-style-type: none"> manage on an operational day to day basis the service(s) for which they are responsible, meeting legal requirements, in particular with regards to health and safety and equality legislation manage the financial resources available, preparing and monitoring budgets and taking action to avoid under/overspends manage the people in their team(s)/service, including performance, recruitment and selection, discipline, attendance management and learning and developing employees. to recognise the different needs of employees and to ensure equality of opportunity manage any physical resources for which they are responsible manage the Health and Wellbeing of employees by encouraging open communication between manager and employee to address issues around capacity, workload and work-life balance. Managers to discuss resource issues with staff and to consider re-allocation of work, re-prioritisation and welfare support for the employee where 	Comments

appropriate.	
Performance (Management)	
Examples include <ul style="list-style-type: none"> • establish realistic and challenging targets for their service, their employees and themselves • achieve targets through effective planning, monitoring and review • reviewing the performance of others and supporting them in achieving their targets. • identifying learning and development needs of employees in order to achieve and improve performance. 	Comments
Communication (Management)	
Examples include <ul style="list-style-type: none"> • communicate the overall Council vision, priorities and objectives and link these to the team and the individual objectives • express ideas clearly in writing, on a one to one basis, in meetings and in presentations in a formal context • give clear explanations, and instructions when necessary, to others, such as other employees and the public • use communication methods which are appropriate for each situation, for example: writing, e-mail, telephone, face-to-face and so on • communicate with colleagues across the Council to improve performance and share good practice. 	Comments
Customer Focus (Management)	
Examples include <ul style="list-style-type: none"> • Use customer insight to inform policy and strategy and to prioritise service improvement activity. • Demonstrate commitment to developing and delivering customer focused services through recruitment, training and development policies for staff. 	Comments
Customer Focus (Non management)	
Examples include <ul style="list-style-type: none"> • Protect customers' privacy both in discussions and in the transfer and storage of their information. • Actively promote and participate in delivering customer focused services. • Treat all customers and clients fairly and with courtesy • Understand the needs of customers and clients • Ensure their needs are met where possible • Communicate appropriately and clearly with customers and clients 	Comments

Communication (Non management)	
Examples include <ul style="list-style-type: none"> • be clear and gain understanding from the people you deal with, for example, other employees, your manager, supervisors and customers • communicate with immediate colleagues within the work group, sharing information to improve effectiveness and performance • use communication methods which are appropriate for each situation, for example: writing, telephone, face-to-face and so on • explain about problems faced with. 	Comments
Performance (Non management)	
Examples include <ul style="list-style-type: none"> • carry out work to an appropriate level of competence and quality • achieve appropriate levels of output • work at a pace to ensure output is satisfactory • ensure errors are minimised. 	Comments
Team working (Non management)	
Examples include <ul style="list-style-type: none"> • co-operate with team members to achieve tasks and targets • to support team members willingly when required • to undertake a range of tasks within the team context • contribute to improving team performance. 	Comments
Personal Effectiveness (Non management)	
Examples include <ul style="list-style-type: none"> • take responsibility and initiative where appropriate, in dealing with situations • be punctual • have a good attendance record • have appropriate standards of personal presentation and behaviour • be aware of conduct in dealing with others in terms of equality and diversity to promote a positive, non-discriminatory environment • be safety aware • deal with change in the working situation • be able to learn and continuously improve in the job role • work co-operatively and constructively with employees, managers and others • make a personal contribution and commitment to the priorities and objectives of NEDDC. 	Comments
Knowledge and Skills (Non management)	
Examples include <ul style="list-style-type: none"> • have the necessary technical knowledge to do the job • have the necessary qualifications to do the job • update qualifications as necessary 	Comments

<ul style="list-style-type: none"> • have the necessary skills to do the job • develop personal skills within the job • identify where additional training and learning is needed to deal with changes at work • undertake learning and other development activities to improve skills and knowledge (can include within learning and development personal achievement and learning which is not initiated by the Council). 	
---	--

Safeguarding training appropriate	Y	N
Safeguarding training undertaken	Date.....	

Data Protection training appropriate	Y	N
Data Protection training undertaken	Date.....	

Any other comments....

Signed by employee(s).....

.....

.....

Date

Once the appraisal form is complete please ensure that any Learning and Development requirements are included on the Service Area training plan

Appendix E

TABLE 1

STRATEGIC RISK REGISTER SUMMARY

STRATEGIC RISK REGISTER SUMMARY AS AT: 30th SEPTEMBER 2014

	Risk	Consequences	Gross Risk (Probability x Severity)	Net Risk (Probability x Severity) Taking into Account Current Controls	Risk Owner / Lead Officer
1	Failure to deliver a balanced budget in line with the MTFP, at a time when the Council's reserves are at an acceptable rather than a robust level.	<ul style="list-style-type: none"> • Impact upon ability to deliver current level of services • Unable to resource acceptable levels of service. • Significant adverse reputational Impact. 	4,4 16	3,4 12	SAMT / Chief Financial Officer
2	External financial / policy developments have an adverse impact on Council (poor financial settlement), or upon the local economy (employment losses / welfare reform), to which Council is unable to adopt an appropriate change of Strategic direction. It would be reasonable to anticipate an increase in the number of policy announcements / legislative changes	<ul style="list-style-type: none"> • Unable to deliver the package of services to meet changing local needs and aspirations. • Unable to effectively support local communities. <ul style="list-style-type: none"> • Increased demands on Council services at a time when the Council resource base is reducing. 	4,4, 16	4,3 12	SAMT / Political Leadership

	Risk	Consequences	Gross Risk (Probability x Severity)	Net Risk (Probability x Severity) Taking into Account Current Controls	Risk Owner / Lead Officer
	following on from the May 2015 General Election.				
3	Delivery of the Council's Agenda is dependent upon effective delivery of both a number of major initiatives inc the Growth Strategy, the Transformation Agenda, Welfare Reform, the localised HRA Regeneration Initiatives (including Mill Lane), securing major financial savings and implementing a range of new government reforms whilst maintaining service quality, which may overstretch our reduced organisational capacity.	<ul style="list-style-type: none"> • New initiatives are not delivered in a cost-effective manner. • Failure to maintain / improve services in line with local aspirations • Failure to generate the savings required to balance the budget • Financial efficiencies weaken Governance / Internal Control arrangements. • Service deterioration / failure arising from capacity issues. 	4,4 16	4,3 12	SAMT / Chief Executive / Political Leadership.
4	Increasing difficult in recruiting to key posts or to replace key staff who leave. Recent evidence has indicated that this may be an emerging trend with some concerns that in certain areas of work our pay and grading may be in appropriate.	<ul style="list-style-type: none"> • Deterioration in services to the public and loss of productivity • Weakening of Internal Control arrangements. • Ability to deliver Corporate Service Plan, service delivery / improvement falters. 	4,4 16	4,3 12	SAMT / Asst Director HR
5	A major operational (including data protection) risk materialises resulting in a significant impact upon the Council's ability to secure its corporate objectives. Given the	<ul style="list-style-type: none"> • Deterioration in services to the public, potentially a major initial impact upon a local resident or a group of local residents. • Severe reputational damage to the Council. 	4,4 16	4,3 12	SAMT / Assistant Directors

	Risk	Consequences	Gross Risk (Probability x Severity)	Net Risk (Probability x Severity) Taking into Account Current Controls	Risk Owner / Lead Officer
	efficiency measures that have been introduced to date this is considered to be an increasing issue for the Council.	<ul style="list-style-type: none"> • Significant staff and financial resources required to resolve position, impacting on other services. • A major service has its operating capacity significantly affected and is required to introduce major reform in its approach to service delivery. 			
6	Failure to resource and deliver acceptable service performance improvement/ reconfiguration to maintain good external reputation.	<ul style="list-style-type: none"> • Pace of external change results in underperforming services with adverse impact on local residents. • Financial viability of the Council potentially undermined. • Significant reputational damage to the Council. 	4,4 16	3,3 9	SAMT / Chief Executive
7	Need to effectively engage with local communities and a range of local partners (through the Strategic Alliance and other Joint services) to deliver cost effective joined up services.	<ul style="list-style-type: none"> • Failure to provide effective community leadership. • Inability to deliver good quality cost effective services targeted at local needs • Failure to achieve the required MTFP savings targets. • Poor outcomes for local residents, due to failure to engage other agencies. 	4,4 16	3,3 9	Political Leadership Team / SAMT

	Risk	Consequences	Gross Risk (Probability x Severity)	Net Risk (Probability x Severity) Taking into Account Current Controls	Risk Owner / Lead Officer
8	Emergency Planning and Business Continuity arrangements fail to meet required standards when tested by flu pandemic, natural disaster (flood), etc	<ul style="list-style-type: none"> • Inability of Council to provide services as a consequence of a severe catastrophic external event (eg flooding, major terrorist incident, flu pandemic, fire at Salter gate). • Failure of IT infrastructure, leading to inability to effectively operate services and to safeguard income streams. • Business Continuity Plans prove ineffective in practice. 	3,5 15	2,5 10	SAMT / Director of Health and Well Being
9	Governance Arrangements including Performance, Finance and Risk Management need to be maintained in order to continue to operate effectively in a rapidly changing environment.	<ul style="list-style-type: none"> • Adverse Impact upon Service Quality. • Failure to deliver high quality services which address national and local priorities. • Significant adverse reputational impact. 	3,4 12	3,3 9	Chief Financial Officer / Monitoring Officer
10	Staff morale / Sickness Levels adversely affected as a result of pace of change, tightening financial circumstances or external circumstances.	<ul style="list-style-type: none"> • Deterioration in services to the public and loss of productivity • Loss of key staff increased sickness levels • Increased pressure on other members of staff • Loss of 'goodwill'. 	3,4 12	3,3 9	SAMT / Assistant Director HR

Appendix F

GENERAL FUND SUMMARY 2014/15 - Revised Budgets

	Original Budget 2014/15	Current Budget 2014/15	Revised Budget 2014/15
	£	£	£
Growth	3,134,962	3,245,524	3,102,283
Transformation	2,263,550	2,410,316	3,092,754
Operations	6,054,462	6,115,006	6,303,232
Bad Debt Provisions	40,000	40,000	40,000
Recharges to Capital and HRA	(527,500)	(527,500)	(527,500)
Provision for pay award	117,667	117,667	117,667
2014/15 Savings Target	(370,561)	(386,631)	0
Net Cost of Services	10,712,580	11,014,382	12,128,436
Investment Properties	(355,821)	(355,821)	(395,863)
Interest Charges	86,379	86,379	132,530
Debt Repayment Minimum Revenue Provision	256,000	256,000	256,000
Parish Precepts	2,780,237	2,780,237	2,780,237
Parish Council Tax Support Grant	347,561	347,561	347,561
Transfer To Earmarked Reserves	45,000	82,000	331,657
Transfer From Earmarked Reserves	0	(338,802)	(1,408,622)
Total Spending Requirement	13,871,936	13,871,936	14,171,936
NNDR Growth	(76,000)	(76,000)	(76,000)
Business Rate Retention	(2,526,735)	(2,526,735)	(2,826,735)
Revenue Support Grant	(2,762,000)	(2,762,000)	(2,762,000)
Council Tax Freeze Grant	(50,495)	(50,495)	(50,495)
Use of New Homes Bonus	(584,725)	(584,725)	(584,725)
Collection Fund (Surplus)/Deficit	(31,500)	(31,500)	(31,500)
Parish Council Council Tax Requirement	(2,780,237)	(2,780,237)	(2,780,237)
NEDDC Council Tax Requirement	(5,060,244)	(5,060,244)	(5,060,244)
Council Tax Requirement	(13,871,936)	(13,871,936)	(14,171,936)

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Appendix G

HOUSING REVENUE ACCOUNT REVISED BUDGETS 2014/15

	Original Budget 2014/15	Revised Budget 2014/15
	£	£
INCOME		
Dwelling Rents	(32,076,015)	(31,764,450)
Non-Dwelling Rents	(379,500)	(356,690)
Charges for Services and Facilities	(296,000)	(240,000)
Contributions Towards Expenditure	(439,500)	(570,000)
INCOME TOTAL	(33,191,015)	(32,931,140)
EXPENDITURE		
Repairs & Maintenance	4,766,450	4,826,650
Supervision and Management	7,156,995	6,931,495
Rents, Rates & Taxes	40,000	130,000
Capital Charges - Depreciation	8,370,000	8,370,000
Housing Subsidy	0	0
Provision for Bad Debts	300,000	300,000
Debt Management Expenses	11,500	11,500
EXPENDITURE TOTAL	20,644,945	20,569,645
NET COST OF SERVICES	(12,546,070)	(12,361,495)
Corporate & Democratic Core	185,450	185,450
NET COST OF HRA SERVICES	(12,360,620)	(12,176,045)
Interest Payable	5,628,350	5,556,400
Interest Receivable	(125,190)	(30,450)
MRP	4,300,000	4,300,000
Transfer to HRA Insurance Reserve	50,000	50,000
Capital Expenditure Funded by HRA	0	0
Capital Works - New Build Reserve	2,500,000	2,290,000
(Surplus)/Deficit on HRA Services	(7,460)	(10,095)
Opening HRA Balance	-2,416,720	-2,416,720
Transfers (to)/from Balances	-7,460	-10,095
Closing HRA Balance	-2,424,180	-2,426,815

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Appendix H

CAPITAL PROGRAMME 2014/15

Capital Expenditure	Original Budget 2014/15 £	Current Budget 2014/15 £	Revised Budget 2014/15 £
Housing Revenue Account			
Decent Homes Programme - Grant Funded	16,200,000	16,200,000	16,781,000
Decent Homes Programme - MRA Funded	8,239,000	1,500,000	3,000,000
Decent Homes Programme - RCCO Funded	0	0	0
Tarrans Scheme - Dwellings Purchase	0	0	0
Tarrans Scheme - New Build Costs	5,920,000	6,413,000	6,413,000
Buyback of Leasehold Flats (Stonelow)	0	0	0
HRA Development Schemes	0	2,500,000	2,234,000
HRA - Capital Expenditure	30,359,000	26,613,000	28,428,000
General Fund			
Private Sector Housing Grants (DFG's)	300,000	300,000	300,000
Demolition Costs (Holmewood)	50,000	50,000	50,000
ICT Schemes	120,000	196,000	196,000
Clay Cross Football Pitch	0	12,000	12,000
Dronfield Play Lottery Fund	0	7,000	7,000
Asset Refurbishment - General	47,000	36,000	36,000
Asset Refurbishment - Council House Lift	0	14,000	14,000
Asset Refurbishment - Eckington Pool Boiler	0	30,000	56,000
Asset Refurbishment - Coney Green BIC	117,000	167,000	167,000
Asset Refurbishment - Eckington Depot	0	30,000	30,000
DSC Pool Remediation	0	0	530,000
Refurbishment of Mill Lane	0	887,000	887,000
Land Remediation at Mill Lane	0	972,000	972,000
Replacement of Vehicles	1,683,000	1,874,000	1,844,800
Contaminated Land	0	17,000	64,000
Sharley Park Leisure Centre Refurbishment	0	168,000	142,000
General Fund Capital Expenditure	2,317,000	4,760,000	5,307,800
Total Capital Expenditure	32,676,000	31,373,000	33,735,800
Capital Financing			
2014/15 2014/15 2014/15			
Housing Revenue Account			
Decent Homes Grant	-	16,200,000	-16,781,000
Major Repairs Allowance	-8,239,000	-1,500,000	-3,000,000
Prudential Borrowing - HRA	-5,920,000	-6,413,000	-6,413,000
HCA Grant	0	0	-330,000
Section 106 Contributions	0	0	-122,000
Development Reserve	0	-2,500,000	-1,782,000
HRA Capital Financing	-	30,359,000	26,613,000
HRA Capital Financing	-	30,359,000	-28,428,000

General Fund			
Disabled Facilities Grant	-271,000	-271,000	-284,300
External Grant - Lottery Funded Schemes	0	-18,604	-18,604
External Grant - Contaminated Land	0	-17,000	-64,000
Prudential Borrowing - Vehicles	-1,683,000	-1,874,000	-1,844,800
Prudential Borrowing - CPL	0	-1,224,000	-1,224,000
RCCO - SPLC	-22,600	-22,600	-22,600
RCCO - Coney Green	-117,000	-167,000	-167,000
RCCO - Vehicles	0	0	0
RCCO - DSC	0	0	-530,000
Useable Capital Receipts	-223,400	-715,796	-702,496
Invest to Save	0	-450,000	-450,000
General Fund Capital Financing	-2,317,000	-4,760,000	-5,307,800
Total Capital Financing	32,676,000	31,373,000	-33,735,800
Reserves			
HRA Development Reserve			
Opening Balance	0	0	0
Amount due in year	-2,500,000	-2,500,000	-2,290,000
Amount used in year	0	2,500,000	1,782,000
Closing Balance	-2,500,000	0	-508,000
MRA Reserves			
Opening Balance	-786,000	-786,000	-786,000
Amount due in year	-8,239,000	-8,239,000	-8,239,000
Amount used in year	8,239,000	1,500,000	3,000,000
Closing Balance	-786,000	-7,525,000	-6,025,000
Capital Receipts Reserves			
Opening Balance	-1,589,000	-1,475,000	-1,475,000
Income expected in year	-200,000	-500,000	-500,000
Amount used in year	194,400	987,400	702,496
Closing Balance	-1,594,600	-987,600	-1,272,504

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