

Personnel Committee

Wednesday, 29 November 2017 at 10:30

County Hall, County Hall, West Bridgford, Nottingham, NG2 7QP

AGENDA

1	Minutes of the last meeting held on 27 September 2017	3 - 6
2	Apologies for Absence	
3	Declarations of Interests by Members and Officers:- (see note below) (a) Disclosable Pecuniary Interests (b) Private Interests (pecuniary and non-pecuniary)	
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Notes

- (1) Councillors are advised to contact their Research Officer for details of any Group Meetings which are planned for this meeting.
- (2) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

- (3) Persons making a declaration of interest should have regard to the Code of Conduct and the Council's Procedure Rules. Those declaring must indicate the nature of their interest and the reasons for the declaration.

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact Sarah Ashton (Tel. 0115 977 3962) or a colleague in Democratic Services prior to the meeting.

- (4) Councillors are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information, may be recycled.
- (5) This agenda and its associated reports are available to view online via an online calendar - <http://www.nottinghamshire.gov.uk/dms/Meetings.aspx>



Minutes

Meeting **PERSONNEL COMMITTEE**

Date Monday 27th September (commencing at 10.30am)

Membership

Persons absent are marked with an 'A'

COUNCILLORS

Neil Clarke MBE (Chairman)
Keith Walker (Vice Chairman)

Chris Barnfather
Richard Butler
Maureen Dobson
John Handley
Errol Henry JP

A Helen-Ann Smith
Liz Plant
Jonathan Wheeler
Yvonne Woodhead

OFFICERS IN ATTENDANCE

Sarah Ashton	Assistant Democratic Services Officer
Julie Brailsford	Assistant Democratic Services Officer
Marjorie Toward	Service Director - Customers and HR
Gill Elder	Group Manager – HR
Claire Gollin	Group Manager – HR
Marie Rowney	Group Manager - Customer Services
Helen Richardson	Senior Business Partner - HR
Charlotte Taylor	Business Partner - HR

ALSO IN ATTENDANCE

Brian Fitzpatrick	Trade Union
James Minto	Trade Union

MINUTES OF THE LAST MEETING

The minutes of the meeting held on 3rd July 2017, having been circulated to all Members, were taken as read and confirmed and signed by the Chairman.

APOLOGIES FOR ABSENCE

No apologies

Councillor Richard Butler replaced Councillor Boyd Elliott for this meeting only, Councillor Chris Barnfather replaced Councillor John Ogle for this meeting only and Councillor Liz Plant replaced Councillor Sheila Place for this meeting only.

DECLARATIONS OF INTEREST

None.

NOTTINGHAMSHIRE COUNTY COUNCIL WORKFORCE PROFILE INFORMATION 2017

RESOLVED 2017/09

1. To agree the actions set out in paragraph 27 of the report, no further actions required at this time.
2. To agree that the actions of improvement be monitored in an annual update report to Committee as at April 2018 and that this be included in the Work Programme.
3. To approve the publication of the annual Workforce Information Report 2017 on the Council's public website in compliance with the Council's statutory public sector duty.

NOTTINGHAMSHIRE COUNTY COUNCIL'S RESPONSE TO THE APPRENTICESHIP LEVY AND PUBLIC SECTOR DUTY

RESOLVED 2017/10

1. To agreed and welcome the Council's Employer Apprenticeship Programme and associated Action Plan.
2. To receive a progress report in six months and that this be included in the work programme for March 2018.

EMPLOYEE HEALTH AND WELLBEING AND SICKNESS ABSENCE PERFORMANCE AND ACTION FOR IMPROVEMENT

RESOLVED 2017/11

1. To continue to receive regular quarterly update reports in the form of an Executive Summary with a more detailed Annual Report
2. To agree the future actions as set out in paragraph 19 of the report.
3. That no further actions were currently required to achieve the Council's target of 7.00 days absence per full time equivalent (FTE).

CUSTOMER SERVICE CENTRE

RESOLVED 2017/12

1. That the Customer Services Centre be congratulated on the high level of customer satisfaction achieved and requested that a letter be sent out to the employees to this effect on behalf of the Committee.
2. That the programme of activities and associated communications as set out in paragraph 9 of the report to celebrate the ten year anniversary of operations at the Customer Service Centre be agreed.

WORK PROGRAMME

RESOLVED 2017/13

Members agreed the following to be added to the work programme:

- Health and Safety Risk Awareness Campaign. (November 2017)
- Gender pay gap analysis. (March 2018)
- Learning at Work Week programme of activity. (April 2018)

The meeting closed at 11.45am.

CHAIRMAN

**REPORT OF SERVICE DIRECTOR - CUSTOMERS AND HUMAN
RESOURCES****EMPLOYEE HEALTH AND WELLBEING****Purpose of the Report**

1. To seek approval for a refreshed approach to employee wellbeing which aims to support employees to optimise their own health and wellbeing by developing new initiatives and creating a single intranet site for health and wellbeing information and resources.

Information and Advice

2. The new Council Plan, "Your Nottinghamshire, Your Future", has a specific commitment to ensuring people are healthier and highlights that "the lifestyle choices we make and the environment in which we live and work both have a big effect on our health and independence later in life".
3. On 26 October 2017, the Government published "Thriving at Work", the Stevenson/Farmer independent review of mental health and employers. The review was tasked at looking at how employers can better support the mental health of all employees including those with mental health problems or poor wellbeing and made recommendations about the practical steps employers can make to achieve this.
4. Improving health and wellbeing can provide a range of benefits at an individual and organisational level. This includes supporting a reduction in absence levels and increased productivity and employee engagement. Sustainable improvement can occur when individuals take personal ownership and responsibility for their own wellbeing and take advantage of the support and initiatives available to them.
5. Nottinghamshire County Council has a good track record in supporting employee health and wellbeing activities and has recently achieved the Platinum level of the Wellbeing@Work Scheme which will be presented at Committee today. The award scheme recognises forward thinking employers across Nottinghamshire who promote health and wellbeing in their workplaces. Nottinghamshire County Council is the largest employer to achieve the Platinum award. Through the scheme, the Council has recruited a network of 16 trained Workplace Champions who are committed to signposting colleagues to healthy lifestyle choices. The scheme has also provided the opportunity for the HR service to work in partnership with Public Health colleagues in publicising the activities of their commissioned services such as weight management, smoking cessation and mindfulness courses.

6. There are a significant number of existing initiatives in place which directly or indirectly support employee health and wellbeing. These include:
 - The opportunity for flexible working which aligns to the smarter working strategy
 - A revised Smokefree Policy which signifies the Council's commitment to the Declaration on Tobacco Control
 - Substance mis-use guidance
 - Domestic violence guidance
 - A range of learning opportunities including improving personal resilience, mental health awareness and pre-retirement support
 - Health and Safety policies
 - The cycle to work scheme
 - The self-managed staff support groups
 - Trade union welfare support
 - Guidance on supporting dyslexic employees
 - Guidance on supporting employees with a terminal illness which is also evidenced by the Council's signing of the Dying to Work Charter
 - Guidance on supporting employees with mental health issues developed jointly with the recognised trades unions.
7. In addition to these frameworks, the Council also provides specific wellbeing interventions through the Occupational Health Service including:
 - Access to physiotherapy
 - Eye care vouchers for display screen equipment users
 - Work station ergonomic assessments
 - Immunisation programmes for employees at risk from Hepatitis A or B
 - Flu vaccination vouchers for targeted frontline workers to protect the most vulnerable service users from contracting flu type illnesses
 - Employee counselling.

Employee counselling

8. Counselling is currently offered to Council employees where it has been assessed by managers, taking advice as necessary from their HR Business Partner, that it could be beneficial where an issue is impacting on an individual's ability to attend, remain in and/or be productive at work.
9. Prior to 2011 the Council provided an in-house self-referral service with one directly employed counsellor and sessional workers. Under this model no assessment was made of the work related impact of the referral, and the issues presented by individuals included counselling on personal issues which could be more appropriately responded to by other providers in the local community. In addition excessive waiting times occurred, often exceeding 12 weeks.
10. In June 2011 as part of service review and budget savings, the counselling service was externalised and Care First, a national leader of employee assistance programmes, was procured as a partner provider. The focus of the redesigned counselling offer was to ensure referrals were management led and concentrated on preventing work related

absence and effecting early returns to work. The most recent re-tendering process undertaken earlier in 2017 again demonstrated that Care First continue to be the most appropriate external partner in terms of cost and quality, and the Council's contract with that provider has been renewed for a further 3 years.

11. Although Care First predominantly provide individual employee counselling to this Council, they have also been utilised to provide critical incident debriefing to groups of staff affected by traumatic events, such as the tragic sudden death of a work colleague. On occasion this has been supported by access to a 24 hour counselling help line for employees and managers. These facilities are used to supplement the mainstream counselling service where appropriate.
12. The Council's service agreement with Care First ensures the employee is contacted within 24 hours of the referral for an initial telephone assessment. Provision of up to 5 further confidential face to face sessions is then arranged through their extensive network of locally based professionally qualified counsellors with direct access to suitable external venues. Alternatively, and subject to the initial clinical assessment, an employee could be referred to an online CBT (Cognitive Behavioural Therapy) course.
13. Between the period 1 November 2016 and 31 October 2017, 207 direct NCC employees and 53 school based employees received counselling from Care First. The most frequent reason for referral was work related emotional health.
14. Since the current employee counselling offer was implemented there has been positive engagement by employees, managers and external customers. Regularly provided management information from Care First, continues to be used by the Council to inform an overall analysis of the outcomes of counselling inputs and their impact on:
 - preventing work related absence
 - effecting an early return to work where absence has occurred
 - improving the employee's performance at work
 - improving the employee's productivity at work.

Recent feedback from employees has included the following comments:

"After my first sessions of face to face counselling my life improved by using a thought process strategy given to me by my counsellor"

"The Care First Counsellor provided me with a high level of support and counselling which was solution focused".

Future wellbeing developments

Workplace buddying scheme

15. As part of the Council's commitment to supporting wellbeing, a number of employees have suggested that a "Buddying Scheme" could be introduced to provide support with a return to work for those employees who have had a significant period of long term absence. This would help to smooth their re-integration back into the workplace and sustain their ongoing attendance at work. It has also been suggested that this approach be developed as a mechanism to support employees to remain at work.
16. Through the scheme employees could assist and support other colleagues, on a peer basis, outside of the normal management and employment policy processes. Any scheme

put in place would be optional and as a supplement to line management, support from existing team members, family and friends and other corporate support measures such as counselling and coaching that are already in place.

17. It is envisaged that the buddying contact could be as flexible and informal as a phone call; having a cup of coffee together; helping someone make the arrangements for their return to work or greeting and supporting a colleague on their first day back or helping someone discuss issues at work or possibly take the form of focus groups with staff. Clearly individual employees will have differing needs and circumstances and may wish to access the support available in different ways.
18. Trades union colleagues have suggested that this approach could be supported by referrals to the counselling service where appropriate.
19. In order to assess the merits of a scheme and most effective way to support people, an employee survey was undertaken between 12 October and 27 October which elicited 99 responses. 35% of the respondents stated they had personally experienced a period of significant long term absence and 23% had managed a member of staff who had experienced a significant period of absence. Of the 99 respondents, 13% thought it would help an employee to return to work earlier. More than half (65.66%) thought this kind of support would help staff to get up to speed and be more effective sooner on return to work after a long term absence. 15% thought it would assist them in remaining effective at work for longer.
20. A number of respondents also volunteered to take part in focus groups to help design how a Buddying Scheme could be implemented. These focus groups will occur during November with the aim of establishing the scheme early in the new year.

Workplace chaplaincy service

21. It is also proposed to establish a workplace chaplaincy service on a pilot basis on the West Bridgford campus. The Nottingham workplace chaplaincy service visits people in their place of work to offer friendship and to listen to any personal issues an employee may not wish to share with their manager or colleagues. Their support is non-judgemental, independent and confidential. The service will be for all employees whatever their beliefs and circumstances and does not promote any particular faith. Feedback from other organisations who have implemented similar schemes is that some employees prefer to speak to “a person of faith” regardless of the particular faith.
22. This provision will be advertised on the intranet and employees will be able to choose whether to take up this up or not.

Refreshed employee wellbeing intranet site

23. In order to brigade the initiatives and resources detailed above into a “one-stop shop” a new employee wellbeing intranet site has been developed to encourage and support our employees to develop and maintain a healthy lifestyle. In addition to grouping together the resources the Council can offer, the new site will also signpost employees to the latest advice from the NHS and other specialist organisations such as MIND and MacMillan on all aspects of keeping physically and mentally healthy. The site will host details about learning

opportunities, national health campaigns and activities co-ordinated by the Workplace Champions. The site will also feature a link to the “Nottinghamshire Help Yourself” site which will enable employees to search for wellbeing activities in their local home areas.

24. It is recognised that the development of the employee wellbeing site will be an iterative process and will be informed by employee feedback. To this end, it is intended to undertake a survey 3 months after the site has been launched which will also seek to capture further cost-effective ideas to expand the Council’s employee wellbeing offer. The revised action plan and any new initiatives will be the subject of a future report to Personnel Committee.

“Thriving at Work”, the Stevenson/Farmer independent review into workplace mental health

25. As mentioned earlier, this recent review has looked at how employers can better support all employees including those with poor mental health or wellbeing remain in and thrive at work. The review draws on the accounts of over 200 employers of people with mental health problems and leading experts in mental health and work, and recommends all employers commit to its stated principles and standards. These cover mental health at work plans, mental health awareness for employees, line management responsibilities and routine monitoring of mental health and wellbeing.
26. It is proposed that the Council considers the detail of the recommendations and the corporate employee health and wellbeing action plan is updated in light of any additional actions required. A further report will be brought back to Personnel Committee with proposals about how these will be implemented.

Other Options Considered

27. It is considered important to ensure the Council’s wellbeing provision is easily accessible and promoted on one recognised site, and that further opportunities to improve the provision are explored. No other options were considered.

Reason for Recommendations

28. The Council is committed to improving the health and wellbeing of its employees at work and recognises that the focus should be on the provision of resources for employees to take personal responsibility to achieve this. By creating a new employee wellbeing site, the Council will provide a recognised hub to house these resources.

Statutory and Policy Implications

29. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Data Protection and Information Governance

30. There is no specific data contained in the report which identifies any individual or group of individuals.

Human Resources Implications

31. The human resource implications are implicit within the body of the report and highlight the Council's commitment to employee health and wellbeing. The Trade Unions have been consulted and are supportive of work in this area.

Public Sector Equality Duty implications

32. Consideration is being given to ensuring the revised intranet wellbeing content is accessible to the Council's workforce.

Smarter Working Implications

33. Presenting employee information on the revised intranet platform is in keeping with the drive for smarter working.

RECOMMENDATIONS

It is recommended that Members:

- 1) Agree the implementation of the new employee health and wellbeing initiatives detailed in the report and the intranet site presented to Personnel Committee.
- 2) Receive the Platinum Wellbeing@Work Award.
- 3) Receive a further report on the implementation of the Stevenson/Farmer report recommendations.

Marjorie Toward
Service Director – Customers and Human Resources

For any enquiries about this report please contact: Beverley Cordon, Senior HR Business Partner, 0115 9773461 beverley.cordon@nottsc.gov.uk

Constitutional Comments (KK 14/11/17)

34. The proposals in this report are within the remit of the Personnel Committee.

Financial Comments (RWK 08/11/17)

35. There are no specific financial implications arising from the report.

HR Comments (GE 16/11/17)

36. The HR implications are contained in the body of the report and demonstrate the Council's commitment to the health and wellbeing of its workforce.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- All

**REPORT OF THE SERVICE DIRECTOR – CUSTOMERS AND HUMAN
RESOURCES****SICKNESS ABSENCE PERFORMANCE TRENDS AND ACTION FOR
IMPROVEMENT****Purpose of the Report**

1. This report sets out information, **as at 30th September 2017**, in relation to current levels of sickness absence across the directly employed Nottinghamshire County Council workforce and highlights the actions being taken by the Council to improve the health and wellbeing of its employees to further reduce these.

Background

2. The County Council wants to provide a safe and healthy working environment which maximises workforce productivity and performance, motivates and engages all employees and actively promotes a culture of positive mental and physical wellbeing at work.
3. Absence levels and related trend data provides an indicator of how well the Council is performing in this respect and is used to highlight areas of focus for both service specific and strategic actions to promote employee wellbeing and further develop the employee support package.
4. This approach has resulted in an overall trend of incremental improvement with a significant reduction in reported sickness absence levels over recent years.
5. The quality and breadth of the Council's support for the improvement of the health and wellbeing of its workforce to date has been demonstrated by it being the first local authority employer to achieve the highest, Platinum level, award under the Wellbeing@Work, workplace health scheme which celebrates forward thinking employers who promote health and wellbeing.

Performance Monitoring and Trend Analysis

6. It was agreed at Personnel Committee on 27th September 2017 that moving forward Members would receive an updated Executive Summary, in the form of the Infographic presented at that Committee, on a quarterly basis.

7. The Infographic in the **Appendix** to this report illustrates in executive summary the situation as at 30th September 2017, when the headcount of direct NCC employees was 7,563, in relation to:
 - The current level of performance against the NCC target and CIPFA benchmark
 - The most significant causes of reported absence across the Council and the main reason by department
 - The relative distribution of short and long term absence.
8. The average sickness per employee per annum at the end of quarter 2 remains at **8.01 days** overall which is the same as at the previous quarter, that is as at 30th June 2017.
9. This level of overall performance continues to compare well against the most recently available benchmarking data for the local government sector;
 - The current Chartered Institute of Public Finance Accountancy (CIPFA), benchmark average for comparable County Councils in the national benchmark cohort is **8.50 days**
 - The March 2017 annual Local Government Association (LGA), Workforce Survey reports an average of **8.80 days** across all local authority respondents and **9.40 days** for comparable County Councils
 - Regionally the current reported average for local authorities is **9.90 days**.
10. The most recent (2016) annual benchmarking report on absence management from the Chartered Institute for Personnel and Development (CIPD), reports the average days absence reported by respondents across the wider public sector, including Health and Central Government, as **9.80 days**.
11. The CIPD survey also highlights the level of absence for the same period across respondent private sector services (excluding manufacturing and production), as **6.50 days**.
12. The Council's in-year target is **7.00 days average per employee per annum by 1st April 2018**. In order to make progress towards the achievement of this target by further reducing absence levels and ensuring sustainability, a range of strategic HR, Learning and Development and wellbeing interventions and guidance have been developed. These are set out in the Council's Employee Health and Wellbeing Action Plan as reported to the previous meetings of this Committee.
13. The **appendix** to this report also illustrates that, overall, stress and related conditions remain the most prevalent reason for absence across the Council currently standing at **17.85%**. Broadly the same as the previous quarter.
14. Stress, depression, anxiety, mental health and fatigue are also the most common overall cause of all absence across the local government sector, the most recent LGA data, reports that stress now comprises of **22.30%** of all absence across the sector nationally.

15. Absence reporting for Quarter 3 (31st December) each year is influenced by the relative impact of “seasonal flu” when, depending on the prevalent strains of the virus, employee absence reported as being due to flu/colds/sore throats might be expected to temporarily increase.
16. Funded through Public Health, the County Council has made a free flu jab voucher available to frontline workers who directly provide social care services with a stretch target of 75% uptake by the qualifying group. In addition to protecting vulnerable service users from risk of infection it is anticipated that this will have a positive impact on this employee group.
17. Prior to 2010 various pilots took place in areas of highest absence levels attributed to colds/flu/sore throats to encourage staff to access a flu jab at work. Without exception these were resource intensive and costly, resulted in low uptake and had no tangible impact on reducing absence attributable to flu.
18. In 2012/13 the offer of flu vaccination was extended to all staff as a trial using one-off public health funding. Despite the fact that this was delivered at NCC workplaces this resulted in a very low return on investment with only 12 % uptake overall and a very minimal impact on the overall level of absence attributable to colds/flu/sore throat.
19. In subsequent years the Council has returned its focus to offering targeted flu vaccinations to staff directly working with highest risk groups including vulnerable adults and children. Other staff will be encouraged to have flu jabs but efforts will continue to be focussed on achieving improved take up amongst these priority staff groups. However, in the event of a pandemic occurring or being predicted the Council can reconsider providing access to vaccinations to all staff as part of its overall risk management response.

Action for Improvement

20. Whilst the Council's performance in respect of preventing and managing stress and related conditions compares favourably with other Council's it is not complacent about the need to further improve. The ongoing challenge of preventing and significantly reducing stress and stress related absence and continuing to improve the mental wellbeing of the workforce, has been a particular focus of the Council's employee health and wellbeing action planning to date.
21. Further actions to improve on progress made to promote good mental health, prevent, manage and further reduce stress in the workplace and support all employees to develop individual resilience will continue to be a priority, informing the new initiatives and actions planned and under development as previously reported.

22. A range of new Employee Wellbeing support initiatives and associated actions to improve on existing progress and reduce absence further were agreed at Personnel Committee on 27th September 2017 and are now under active development. This next phase of activity will involve significant engagement with employees and managers to ensure the actions taken meet their needs. The progress which has been made is the subject of a separate report to this Committee.
23. It is further proposed that the timing of this annual update will reflect the position at the year end, that is the 31st March for the year concerned, in order to enable Members to monitor progress against the in-year target and consider whether this needs adjusting.

Other Options Considered

24. In addition to its overall strategic approach, the Council continues to benefit from the ongoing commitment of the recognised trade unions to improving employee health and wellbeing and their active engagement and involvement in task focussed, time limited, joint working groups which operate as sub groups of the Central Joint Consultative and Negotiating Panel.

Reasons for Recommendations

25. The recommendations in this report will enable Elected Members to continually regularly review the current levels of performance, consider the impact of identified actions on further improving the level of performance and identify additional actions in order to meet the Council's identified target.

Statutory and Policy Implications

26. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Data Protection and Information Governance Implications

27. The data in this report and the associated appendices cannot be attributed to individual employees and therefore protects their privacy.

Financial Implications

28. There is no specific budget allocation to fund the development and delivery of employee wellbeing interventions and initiatives.

Human Resources Implications

29. These are set out in the body of this report. The trades unions continue to be engaged in joint working with managers and HR colleagues to further develop employee health and wellbeing initiatives including joint training and guidance and have commented very positively on joint working with management and the impact of this on staff absence levels.
30. Trade union colleagues remain supportive of the positive steps made by the authority to support and help staff; particularly in target areas where absences are higher than other departments. Trades union colleagues view the Council's lower than average absence levels when compared to other local authorities as positive but have commented that the target of 7 days absence per fte may prove to be too stretching.

Public Sector Equality Duty Implications

31. The Council's Attendance Management policy and procedure applies equally to all directly employed staff. There is a separate policy which is applicable to all maintained schools and is recommended to all schools with different governance arrangements. These procedures contain guidance which ensures that appropriate management of the sickness absence of employees with a disability complies with the requirements of the Equality Act 2010.

RECOMMENDATIONS

It is recommended that Members:

- 1) Identify whether there are any additional actions immediately required to achieve the Council's in year target of 7.00 days absence per fte.
- 2) Agree to receive the more detailed Annual Report following each financial year end as part of the Personnel Committee work programme.

Marjorie Toward

Service Director – Customers and Human Resources

For any enquiries about this report please contact:

Claire Gollin, Group Manager HR, on 0115 9773837 or
claire.gollin@nottsc.gov.uk

Constitutional Comments (KK 14/11/17)

32. The proposals in this report are within the remit of the Personnel Committee.

Financial Comments (RWK 08/11/17)

33. There are no specific financial implications arising directly from the report.

Human Resources Comments (CLG 23/10/17)

34. The human resources implications are implicit in the body of the report.
35. The Trades Unions have highlighted that the Council's new initiatives should achieve improvements to employee health and wellbeing which should result in a reduction of absence levels. However, they remain concerned about how well equipped line managers are to deal with Stress, Anxiety and Depression.

Background Papers and Published Documents

- None

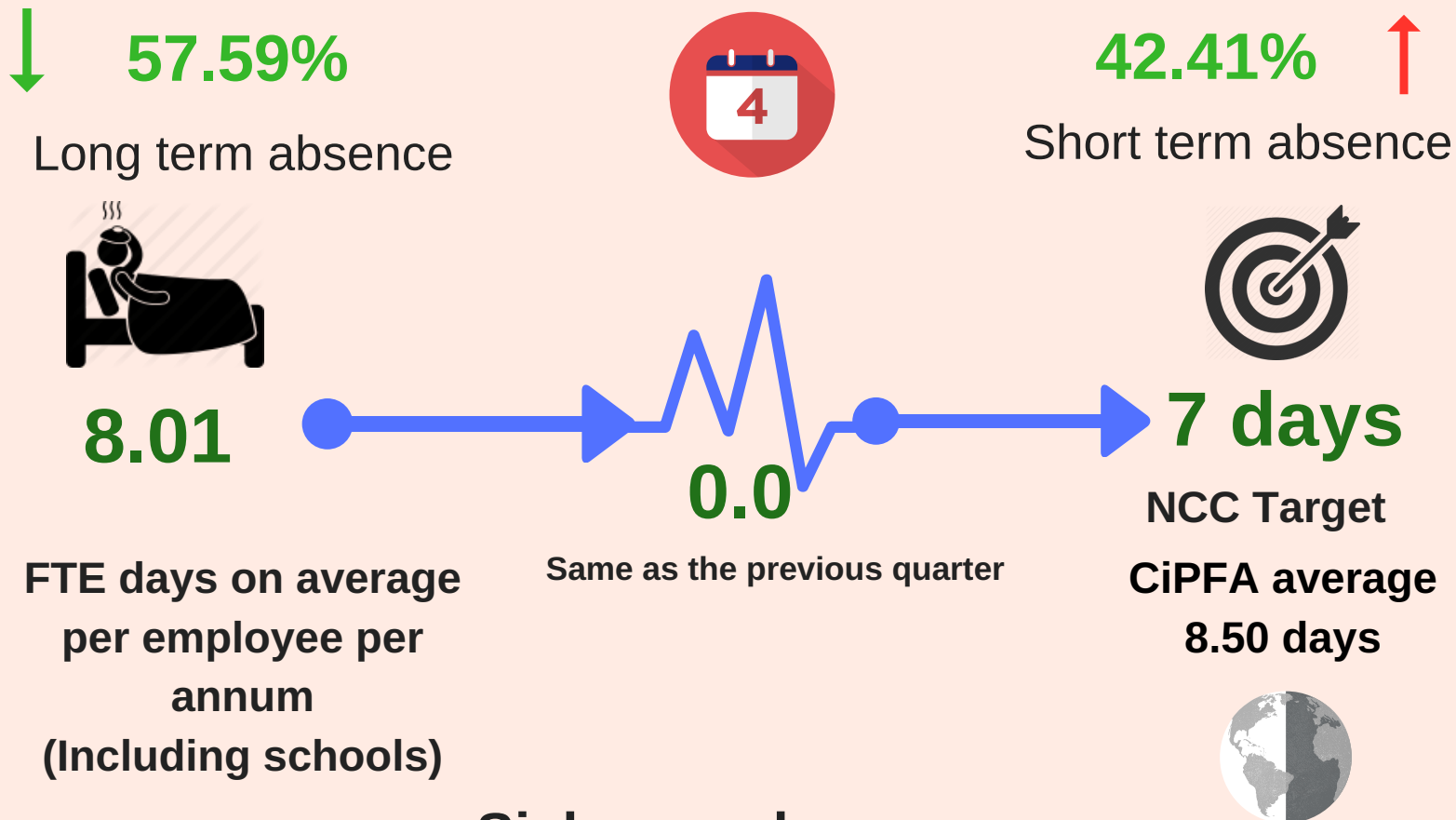
Electoral Division(s) and Member(s) Affected

- All



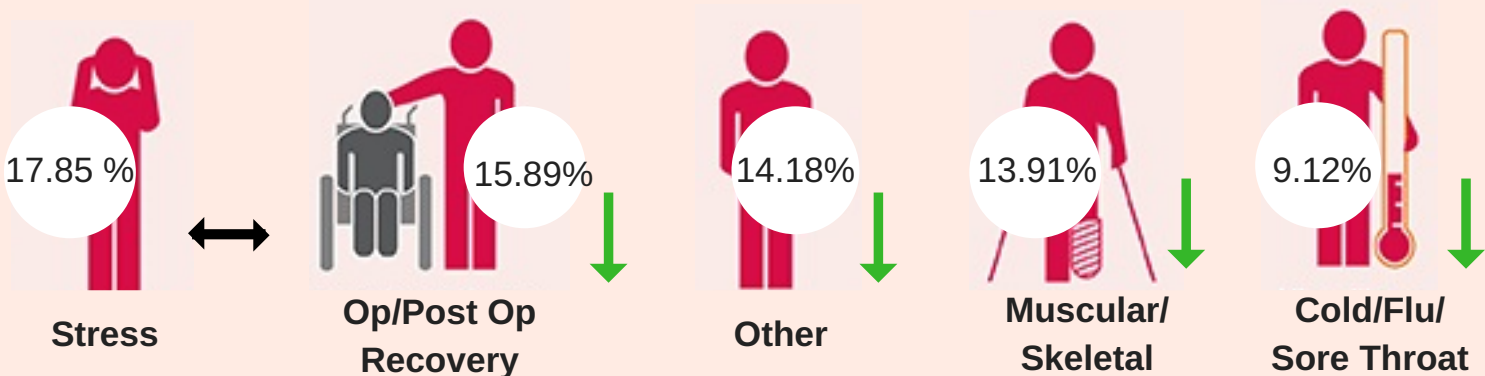
Employee wellbeing and sickness absence performance Q2 2017 - 2018

Corporate performance August 2016 to September 2017



Sickness absence

Most common top five reasons and trend indicators



Main cause for absence by dept.

STRESS:



Resources



CFCS



ASCH

MUSCULAR/
SKELETAL :



Place

**REPORT OF SERVICE DIRECTOR - CUSTOMERS AND HUMAN
RESOURCES****REVISED EMPLOYMENT PROCEDURES****Purpose of the Report**

1. To seek approval for a revised suite of employment procedures which modernise the existing documents to ensure they are current, legally compliant and user friendly. This will allow managers to apply them with greater consistency and enable them to effectively manage and maintain employee performance, conduct and attendance across the Council's workforce.

Information and Advice

2. The Council Plan "Your Nottinghamshire, Your Future" sets out the strategic ambition for the future of Nottinghamshire and the Council for the next four years. The plan is focused on Nottinghamshire as a prosperous place where people want to live, work, visit and invest. To assist with the delivery of the departmental strategies, there requires a strong partnership element to our plans and activities and their success relies on all employees contributing, whatever role they fulfil.
3. The revised employment procedures attached to this report and refreshed associated guidance for managers have been developed to ensure managers are able to effectively deploy and utilise the Council's most valuable resource, its people.
4. A review of the existing "policies" suggested that over time there has been a lack of distinction between policy, procedure and guidance with the result that not all documents within the existing Personnel Handbook are actual employment policies and the documents that are policies contain superfluous guidance or process matters. In addition, different document formats have been used.
5. As the Managers Resource Centre (MRC) developed it became the repository for guidance, flowcharts and template forms. The Digital First programme has been reviewing the content of the Council's intranet and this has provided an opportunity to look at the design and layout of the MRC to enhance the manager/employee understanding of employment matters.
6. A revised suite of easier to use and accessible employment procedures will be essential to underpin the revised HR Service Offer to the organisation. This will include a more integrated strategic focus for the service with managers self-serving with more basic and routine HR information from the MRC. Specialist HR staff will still be available to support managers with more complex issues and enquiries. This will be the subject of a further report to Personnel Committee in January 2018.

7. In order to ensure that the Council's employment procedures are modern, fit for purpose and support the organisation as it continues to transform, a programme of review has been undertaken applying the following principles:

- All procedures and employment rules will be legally compliant and meet ACAS best practice standards
- The revised procedures will enable managers to exercise appropriate discretion and flexibility to allow them to effectively manage their teams
- A consistent template/format and plain language will be used
- Procedures will be succinct wherever possible
- There will be a minimum number of stages, (including appeal) to reduce timescales and attendant stress
- Where synergies exist, procedures have been combined
- Guidance and procedural matters will be separated from the statement of intent, and with appropriate template forms and flowcharts, sited on the redesigned MRC
- All documents will include a document history in line with the current model developed in the Health and Safety Manual.

8. The review has been undertaken through a series of joint workshops with managers and trade unions colleagues. The joint working model has been developed to ensure future buy-in and to address issues fed back as part of the Leadership Development programme around ease of usage and consistency of approach.

9. The procedures will in future be brigaded under revised headings of:

- Employing People
- Managing People
- Developing People
- Supporting People
- Rewarding People

Work is ongoing to develop the idea of an employee lifecycle which will start with attraction, recruitment and induction (on-boarding process); moving on to retention, management and development including supporting people; and concluding with employment cessation (off-boarding). Refreshed intranet pages are being developed along similar lines as those for employee wellbeing to ensure ease of access and consistency of approach.

10. The major procedures have now been reviewed and re-drafted following the principles outlined above and include:

- Recruitment
- Employee Resolution (formerly Grievance and Harassment)
- Disciplinary and Investigations
- Attendance Management
- Employee Development

- Performance Management
 - Remote Working (formerly Home Working)
11. The joint work undertaken to date has been reported and updated through Central Joint Consultative and Negotiating Panel. It has been cited by trades union colleagues as a successful example of positive employment relations and an effective mechanism for improving and developing relationships between managers and trade union representatives. Further work is required to review the remaining employment procedures; which is currently ongoing.
12. Joint work to review and update the outstanding procedures will continue using the same approach. The revised procedures will be reviewed and updated as necessary to reflect local and legislative changes. These will include:
- Nepotism
 - Politically Restricted Posts
 - Employment Relations Agreement
 - Flexible Working
 - Substance Misuse
 - Redundancy
 - Job Grading and Re-grading

Other Options Considered

13. It is considered imperative for the effective management of the Council's workforce for the current procedures to be modernised to reflect the requirements of a modern twenty first century public service organisation. Extensive engagement with key stakeholders took place in developing the revised suite of procedures to ensure that they are fit for purpose and meet the needs of all relevant parties.

Reasons for Recommendation

14. It is necessary for a large, diverse organisation which continues to deliver and commission over 750 different services, to have a framework of policies and procedures agreed which are legally compliant and enable managers to effectively manage their teams fairly and consistently whilst maintaining the flexibility to exercise their judgement and discretion.

Statutory and Policy Implications

15. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Data Protection and Information Governance

16. There is no specific data contained in this report which identifies any individual. The revised procedures have been developed with the current and future requirements for data protection and information governance as underpinning information.

Human Resources Implications

17. The human resource implications are implicit within the body of the report. The ongoing joint work to modernise and shorten the employment procedures has been welcomed by those managers involved and trade union colleagues. Progress on the work has been regularly reported to Central Joint Consultative Panel, with work continuing to complete the current review and to respond to new requirements as they emerge around new technologies and employment practices to reflect the requirements of a modern, effective, flexible workforce.

Public Sector Equality Duty Implications

18. The revised procedures will be underpinned by management guidance and training to ensure fair and consistent application across the Council's workforce.

Smarter Working Implications

19. The smarter working implications are implicit in the newly developed procedures and reflect a more flexible way of working for many services. Increasingly staff are working remotely from their teams and managers and this revised suite of procedures has been produced to reflect this changed approach.

RECOMMENDATION

It is recommended that:

- 1) Members agree to the adoption and implementation of the attached revised employment procedures effective from 1st January 2018 and the supporting development work on the Managers Resources Centre.

For any enquiries about this report please contact: Gill Elder, HR Group Manager on 01159773867 or gill.elder@nottsc.gov.uk

Constitutional Comments (KK 14/11/17)

20. The proposal in this report is within the remit of Personnel Committee.

Financial Comments (RWK 08/11/17)

21. There are no specific financial implications arising from the report.

HR Comments (GME 24/10/17)

22. The HR implications are contained within the body of the report. It is essential for the Council to have a suite of employment procedures which enable managers to flexibly and effectively monitor and manage their teams' performance, development, conduct and attendance.

23. The trade union side have jointly worked with Nottinghamshire County Council on revising Employment Procedures. They support this initiative and ask that Personnel Committee support this too.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- All



NOTTINGHAMSHIRE COUNTY COUNCIL

ATTENDANCE MANAGEMENT PROCEDURE

Title: Attendance Management Procedure			
Aim/Summary: To improve the health, wellbeing and attendance of Nottinghamshire County Council employees			
Document type (please choose one)			
Procedure	*	Guidance	
Strategy			
Approved by: Marjorie Toward, Service Director Customers and HR		Version number: Final	
Date approved:		Proposed review date:	
Subject Areas (choose all relevant)			
About the Council		Older people	
Births, Deaths, Marriages		Parking	
Business		Recycling and Waste	
Children and Families		Roads	
Countryside & Environment		Schools	
History and Heritage		Social Care	
Jobs		Employees	*
Leisure		Travel and Transport	
Libraries			

Author: Joseph Parker, Senior Business Partner	Responsible team: HR
Contact number: 01159773801	Contact email: joseph.parker@nottscc.gov.uk

Please include any supporting documents	
Review date	Amendments

1. Introduction

1.1 The County Council is committed to improving the health and wellbeing of its employees. It is recognised that employees may have occasions where their health impacts on their attendance at work. Employees are encouraged to take care of their health and wellbeing ([insert link to wellbeing page](#)), and it is recognised that effective health, safety and employee support initiatives play a part in this. Additionally the provision of [Counselling Services \(insert link\)](#) and the [Occupational Health Service \(insert link\)](#) should contribute to the wellbeing of employees.

2. Principles

2.1 The procedure aims to ensure that a fair, agreed and equitable process is adopted where an employee's health is affecting their attendance or performance at work, and that there is early monitoring and management of sickness absence so that wellbeing and medical support mechanisms can be initiated.

2.2 Managers and employees are reminded of the separate arrangements for special leave, compassionate leave, disability leave and parental leave which should be considered as appropriate for leave requirements not sickness related.

2.3 There may be occasions where the health or disability of an employee affects their ability to carry out the duties of the job, even though sickness absence levels are low or non-existent. In such cases, it will be appropriate to refer to the guidance outlined in paragraph 7.6.

2.4 At any stage of the procedure, managers and individual employees can seek the advice of their HR Business Partner and/or trade union representative.

3. The Procedure

3.1 Short term absence

3.1.1 Trigger Meeting

3.1.2 Initial discussions to consider the reasons for, consequences of and likely re-occurrence of levels of sickness absence should take place between a manager and employee when the employee has had **3 separate instances of absence in any 6 month period or 10 working days of absence in a 12 month period** or equivalent to two working weeks for part time workers.

3.1.3 In exceptional circumstances, where reasonable grounds for an individual's welfare are identified, or where a pattern of absence is identified, a discussion may need to occur at an earlier stage. These trigger levels should be applied consistently and sensitively by managers in the context of the authority's commitment to the health and wellbeing of all its employees.

3.1.4 When an individual's sickness absence causes concern, managers need to arrange an initial meeting. Managers should inform the employee of the reason for the meeting and explain that they may be accompanied by a trade union representative, official employed by a trade union or a fellow worker. The purpose of the discussion is to address the following:

- for a manager to explain their genuine concern about the employee's health and wellbeing and the effect this is having on their attendance
- to provide an opportunity for the employee to offer their views and comments and identify any possible causes, and to indicate whether an improvement can be anticipated
- to establish if there are other non-medical reasons, such as personal/domestic issues, or reasons relating to the job or working conditions/relationships which are causing the absence
- to try and gain some acknowledgement from the employee that their sickness absence is a cause for concern
- to explore and offer appropriate support
- for employees with a disability, the interview will present a further opportunity to explore whether 'reasonable adjustments' can be made to prevent the employee being placed at substantial disadvantage as outlined in the Equality Act 2010
- to agree a way forward to improve attendance where this is feasible
- to agree whether further action needs to be taken and, if so, what is necessary and appropriate, including whether a referral to occupational health is required
- to set a date for a further review if appropriate
- to let the employee know that their sickness absence will continue to be monitored as part of the process.

3.1.5 Possible courses of action as a result of this meeting can include any number of the following:

- No further action
- A referral to Occupational Health Service
- Implementation of adjustments to the role, hours, duties, work location etc. Reasonable adjustments to be considered and implemented where an employee has a disability as defined under the Equality Act 2010
- A period of monitoring can be agreed on the basis that the employee understands an improvement is required, and the required level of improvement should be clearly defined. The length of the monitoring period will depend on individual circumstances, such as the nature of the work, the reasons for the sickness absence, and any identified potential impacts upon an employees attendance due to their health in the future. Where such a period of monitoring is agreed the employee must be cautioned that their employment may be at risk if attendance levels do not improve satisfactorily within the agreed review period.

3.1.6 Managers should confirm in a letter to the employee the discussion which has taken place, indicating any action and support offered and review dates and targets that have been agreed and retained on personal file.

3.1.7 Review Meeting

3.1.8 If a monitoring period has been implemented, the review meeting should take place on the agreed date (or alternative date as agreed with the employee) to discuss the progress during the monitoring period in light of the discussion and agreed actions at 3.1.4 and any new information during the monitoring period e.g. medical advice or changes in health.

3.1.9 If during the monitoring period, there has been sufficient improvement to a satisfactory level, the employee should be informed that their attendance is now at a satisfactory level and that there is an expectation that the improvement is maintained. The employee should be informed that, if their attendance should deteriorate in future, their attendance may again

be considered in line with the procedure. This should be confirmed in writing and held on the employees' personal file.

3.1.10 If during the monitoring period there has been no improvement or some small improvement but not to a satisfactory level, a further period of monitoring should be agreed and a review date set. The employee should be issued with a further caution that their continued employment still remains at risk and this should be recorded in writing.

3.1.11 Where after a second period of monitoring absence levels have not improved to a satisfactory level, a formal hearing should be considered in line with section 5.

4.1 Long term absence

4.1.1 Long term sickness absence tends to be continuous. The underlying principle when managing long term absence cases is to balance the organisation's needs against the circumstances of the employee concerned. Managers should maintain contact with employees by telephone or written correspondence at regular intervals, or through a pre-arranged visit which should take place after four weeks absence, or before if appropriate. Employees should be reminded of their right to have a trade union representative, official employed by a trade union or other person of their choice at any 'welfare/home visits'.

4.1.2 An employee should be referred to Occupational Health normally after a period of 4 weeks absence, or within a 3 month period, dependent on the circumstances and where appropriate. The purpose of the referral is to enable managers to receive up to date medical advice about a likely return to work and any adjustments that can be made to facilitate a return to work.

4.1.3 The initiation of processes to dismiss an employee only be taken after all reasonable management steps have been considered in terms of managing an employee's long term absence. These include consulting with the employee, seeking medical advice, possible consideration of redeployment and consideration of the effects of prolonged absence on the service, colleagues and workloads, there is no requirement for a manager to wait indefinitely for an employee to return to work on long term sick leave. At a certain point, managers can determine it is not reasonable to wait a return to employment any longer or continue sustained periods of absence and there should be a consideration of the formal procedures to determine the next appropriate course of action on a case by case basis.

5. Formal Action

Stage 1

5.1 Where stages identified in either 3.1.11 (following two periods of monitoring which have not brought about the required improvement in attendance) or 4.1.3 (where an employee remains absent and it is no longer reasonable to sustain the long term absence) have been reached, a formal hearing should be convened. This hearing will be chaired by the Group Manager for the relevant service not previously involved in the case, supported by a HR Business Partner.

5.2 The employee will receive 10 working days' notice of any formal attendance management hearing along with the management statement of case and any written evidence to be relied upon. The employee must submit their statement of case and any response to the management case no later than 5 working days prior to the hearing.

5.3 Employees are entitled to be accompanied by a trade union representative, official employed by a trade union or a fellow worker in any formal meeting.

5.4 The following courses of action are open to the designated officer conducting the hearing:

(a) to dismiss the case and take no further action on the basis that the level of sickness absence is not unreasonable in the circumstances

(b) to issue a further caution and refer the matter back to the line manager to continue with the process of monitoring and review

(c) to issue a final written warning that, if the level of sickness absence does not improve and then maintained at a specified level during a specified period, a further formal hearing will be held to consider the dismissal of the employee. The process of monitoring and review and associated timescales should be clearly set out in the written warning

Note: it is open to the designated officer to adjourn the hearing to seek medical advice if he or she deems it appropriate. In the event of contemplated dismissal on the grounds of ill health medical advice must be sought.

Stage 2

5.5 If attendance does not improve during the review period determined at the first hearing, a second hearing should be convened.

5.6 Arrangements will follow those prescribed at the first formal hearing under 5.2 and 5.3. In addition, the employee must be notified in the invite letter that their employment could be at risk.

5.7 If dismissal is an option for the assigned Officer / Manager at this stage, the hearing should be convened with a panel of three, consisting of an Officer with delegated powers to dismiss, a Tier three or above Manager, and a HR Business Partner.

5.8 The potential hearing outcomes are as per 5.4 above, with the addition of:

(d) where, as in 5.4 (c), a final written warning has been issued and a second formal hearing held, to dismiss the employee with notice.:

6. Outcome in Writing and Right of Appeal

The outcome of a formal hearing will be confirmed in writing within 5 working days of the conclusion of the hearing. In the case of a final written warning, the employee will have a right of appeal to their Service Director. The dismissal appeal will be heard in accordance with the principles and timescales set out in the Employment Appeals Process (insert link to document in Disciplinary Procedure).

7. General Information

7.1 Annual leave: In cases where employees have been absent due to long term sickness please (follow this link for further advice).

7.2 Terminal Illness

In the case of a terminally ill employee, any action needs to be considered in the light of discussions with the employee and with the benefit of medical and relevant financial advice. Advice on the pension benefits should be sought from the Pension Section. Positive consideration should be given to an extension of sick pay to alleviate any worries about finance [\(insert link\)](#). Please also see separate guidance document entitled 'Guidance for Line Managers in Supporting Employees Diagnosed with a Terminal Illness' [\(insert link\)](#).

7.3 Ill-Health Retirement

In the event of an employee being issued with a Certificate of Permanent Incapacity, that they are permanently incapable of carrying out the duties of their role, by an independent Occupational Health Physician, the manager should follow the ill-health retirement process.

7.4 Employees with a Disability

There may be occasions where the health or disability of an employee affects their ability to carry out the duties of the job, even though sickness absence levels are low or even non-existent. In such cases it will be appropriate to consider reasonable adjustments.

7.5 Employee Resolution Procedure

An employee who feels they are being treated unfairly or unreasonably under this process, has the right to raise a complaint through the Employee Resolution Procedure, except if formal action is taken in accordance with the Appeals Procedure.

7.6 Health Problems not Causing Absence but Affecting Performance at Work

Where lack of capability is due to an underlying medical condition which is likely to continue to affect an employee's ability to perform adequately the duties of the job, reasonable support mechanisms, such as seeking medical advice, possible transfer to alternative duties, physical aids, adaptations need to be considered to improve the situation. Where these have been considered and adjustments are either not facilitating satisfactory performance of the duties of the role, or where adjustments are not reasonable, discussions will need to take place with the employee with regard to their wellness to attend work. Any absence as a result will need to be considered in line with the Attendance Management Procedure. Where an employee who is a member of the relevant pension scheme is medically assessed to be permanently unfit for their existing job and any other redeployment opportunities, the ill-health retirement process should be followed.

Where lack of capability is not due to an underlying medical condition it would be appropriate to manage such cases through the Council's separate [Performance Management Procedure](#) [\(insert link\)](#)

7.7 Extension of Sick Pay

In certain cases, specific County Council criteria exist, under which an extension of sick pay for an employee absent due to long term sickness can be considered. This advice can be obtained from the HR Business Partner and cases should be treated sympathetically and consistently.

Guidance for Line Managers on Supporting Employees Diagnosed with a Terminal Illness

October 2016

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1.0 Introduction

- 1.1 Nottinghamshire County Council ('the council') is committed to equality and diversity for all its employees and service users and has 'treating people fairly' as one of its core values. The council is also committed to treating its employees with dignity and respect, managing staffing and employment matters with sensitivity and compassion.
- 1.2 This commitment is recognised within the Workforce Strategy of the council where one of the four key themes which reflects the Council's aspiration to be 'A Healthy Organisation' by 'maximising our people capacity by treating all our employees fairly and promoting health and wellbeing by creating safe and healthy working environments'. A key area for action as part of this theme is to 'work with trades union colleagues to develop our approach to supporting employees with terminal illness' which the production of this guidance aims to embed.
- 1.3 The council also has a duty to comply with the Equality Act 2010 which seeks to protect individuals from discrimination on the basis of a number of protected characteristics including disability. Disability, as defined within the Equality Act 2010, is "a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal activities".
- 1.4 "Terminal Illness" is not identified as a protected characteristic under the Equality Act 2010, however it is recognised that a medical condition which is given a terminal diagnosis may be considered under the Equality Act 2010 due to any 'substantial' and / or 'long-term' effect on the individual's ability to do normal activities. In any case, the council seeks to support all employees with a terminal diagnosis considering all possible support and reasonable adjustments. Some conditions are automatically considered to meet the disability definition under the Equality Act 2010 from the date of diagnosis, and this includes HIV infection, cancer and multiple sclerosis.
- 1.5 Terminal illness, for the purposes of this guidance document, is normally considered to be a prognosis of 12 months' life expectancy or less.
- 1.6 Nottinghamshire County Council has recently re-affirmed its commitment to supporting terminally ill employees with dignity, respect and compassion by signing up to the Trade Union Congress' "Dying to Work" voluntary charter, setting out the agreed way in which council employees will be supported, protected and guided throughout their employment following a terminal diagnosis. The council was the first large county council nationally to sign up to the voluntary charter, which can be found at appendix 1.
- 1.7 This guidance is designed as a resource for managers to assist them in supporting an employee who has been given a terminal diagnosis, and can also be used as a support framework for those employees themselves.

2.0 Key Parties

- 2.1 It is important to be aware at an early stage of all the relevant parties who may need to be involved and who may be able to offer support to the employee and / or to you as a manager. The individual will always remain at the centre of all communications. The following parties may all have a role in ensuring appropriate next steps are taken and support is offered:

- You as the **Line Manager** have a key role in liaising with the individual and ensuring that you maintain timely and appropriate welfare communication with the employee either during any period of absence or if the individual is able and chooses to remain in work. Your role as a Line Manager is also to ensure that appropriate action and advice is taken which can include the seeking of medical advice from Occupational Health and HR advice. This can also include offering counselling support to the employee if they are not in receipt of such support through their GP / Consultant.
- The **GP / Consultant** will also be playing a key role privately with the employee. It is likely that as a Line Manager you will not have any direct contact with a GP or Consultant, however it is possible that medical advice will be provided from either party in the form of a GP 'Fit Note' or specific Consultant advice, which is likely to come indirectly through the employee or Occupational Health. It is important that all medical advice is taken into consideration, which may include that an employee is unfit to attend work, or that the employee is fit to attend work with support and / or adjustments. Line Managers are advised to contact HR and consider making an appropriate referral to Occupational Health in either circumstance.
- The **HR Service** are there to support you as a Line Manager in undertaking your role, including consideration of making a referral to occupational health and of any support you can offer to the employee. The HR Service are also able to discuss with you as a Line Manager the options available to an employee who has been given a terminal diagnosis, and to support you to share such information with the employee.
- The **Occupational Health Service** is also able to provide medical advice to managers with regard to the prognosis and any support or adjustments which can be provided to the employee. A referral to occupational health is usually made where an employee has been absent for 4 weeks or more, or where specific medical advice is required. A decision with regard to a referral being made to occupational health is best made in conjunction with the employee taking into account the medical advice they have already received, their ability due to their health to attend an occupational health appointment and their thoughts and wishes with regard to their employment. Line Managers are advised to contact the HR Service for advice on the appropriateness of a referral to Occupational Health.
- The **Counselling (Care First) Service** are able to offer confidential one-to-one support to an employee upon receipt of a referral from the Line Manager. Counselling support should be offered to an employee at the earliest opportunity to provide the employee with a confidential source of support, unless the employee is accessing specialist counselling support through their GP or Consultant.
- Employees may also benefit from seeking the advice and support of their **Trade Union Representatives** who will be able to support employees to consider the options available to them and to obtain further relevant information.

3.0 Immediate action following a diagnosis

- 3.1 In most cases, a line manager will be aware that an employee is suffering with ill-health, and that the employee may have incurred absence as a result, although this isn't always the case. The employee may be currently absent from work or have continued to attend work. A line manager may be aware that an employee is receiving support from a medical practitioner, and / or undergoing medical tests or treatment, but some employees may not be aware of any medical condition until such a diagnosis is

made. The important thing to remember is that each individual and each case is different, and individuals will manage such a diagnosis in a range of ways. Line managers will be keen to ensure that they support employees with sensitivity, compassion and flexibility.

3.2 When an employee first informs a manager of serious ill-health or terminal illness, it may be a difficult and distressing conversation for both parties to have. All employees will deal with such a conversation differently, and it is important to handle the conversation as the employee wishes. The employee may not know at that stage what their wishes are, so it is important to give the employee the space and time they need to take in the news they have received, but also ensure that appropriate support and opportunity to discuss the matter with you as a line manager or another suitable party is offered. This could be a colleague or alternative manager, an HR Business Partner, or Occupational Health.

3.3 All discussions with the employee should be handled sensitively and empathetically, and any immediate or early discussions are likely to cover the following areas:

- How the employee feels and their immediate reactions to their diagnosis. Be sensitive to the needs of your employee and understand that each individuals' case is different.
- Any treatment they are due to undergo and the likely impact of this treatment, including any impact on their ability to attend work, whether in the immediate term the condition or treatment is likely to lead to sickness absence, any support or adjustment which can allow the employee to remain in work, and whether flexibility is required with regard to working time and / or time off to attend appointments / treatment.
- What colleagues within the team know and what the employee would like colleagues to be told – this includes who they would like to be told, who will tell colleagues and what information they wish to be shared. The employee's privacy must be respected; if they don't wish for colleagues to be informed this has to be honoured.
- Any financial impact upon the employee and sources of support we can provide as an employer. This can include reference to sick pay entitlement and the possibility to apply for an extension to normal sick pay entitlements. It can also include at an appropriate time discussion with regard to options with regard to their pension through Local Government Pension Scheme (LGPS) or Teachers Pension (TP).
- Reference to appropriate information within the council including services such as occupational health, counselling and the HR Service, relevant policies and procedures including the Attendance Management Policy, sick pay entitlements and time off to attend appointments, and relevant information such as pensions and any further contacts for support. Please see 'key contacts' section for further information.

3.4 Managers should ensure that they:

- Are sensitive to the needs of the employee and allow the employee the time they need to discuss the matter with you in a private place.
- Listen and show the employee that they are listening, giving time for the employee to share whatever information they feel comfortable sharing, at their pace. Don't be afraid to ask questions to seek to identify the right information to help you to support the employee.
- Check guidelines, policies and procedures in advance of any planned meeting to ensure the correct support can be offered.
- Are willing to explore whether any adjustments or support can be made, including flexibility to permit an employee to attend medical appointments and / or recuperate from any procedures if they are able to remain in work.

- Only inform colleagues with the express agreement of the employee, having agreed with the employee what information will be shared, who by, and what involvement the employee wishes to have in such discussions. In discussing matters with colleagues, managers are encouraged to avoid personal or excessive detail, speak factually, and outline to staff whether the employee wishes for colleagues to discuss the matter with them or not.
- 3.5 It is acknowledged that discussions of this nature may be difficult for managers. MacMillan offer specific advice and guidance for managers on discussing a cancer diagnosis with staff, and managers are encouraged to access this guidance to prepare for detailed supportive discussions with staff in these particular cases. MacMillan also offer e-learning entitled 'Cancer in the Workplace' which managers are able to access via the following link: www.be.macmillan.org.uk/learnzone
- 3.6 Line managers are also encouraged to attend the free training available through the Learning Portal on BMS entitled 'Having Difficult Conversations' which will support managers in preparing to have difficult conversations with employees as part of their normal managerial role. Advice is also always available from your usual HR Business Partner, and you are encouraged to seek their advice early on in your discussions with the employee.

4.0 Supporting an employee with a terminal illness in work

- 4.1 An employee may be well enough and may wish to remain in work despite their diagnosis. Additionally, it has to be acknowledged that individuals have different views about work and also different priorities with regard to their personal and family life. Therefore some individuals will wish to remain in work as long as possible – indeed, it can be therapeutic to an employee to remain in a safe and supportive working environment for as long as possible; for others their priority may be to spend time with loved ones. In such a situation it is important that line managers engage in regular supportive welfare discussions with the employee with regard to their health and ability to remain in work.
- 4.2 It is understandable for line managers to be concerned for the health and safety of an employee remaining in work with such a diagnosis, however in some cases the diagnosis may not in the immediate future prevent an employee from attending work and may in the medium term only require small adjustments to the role or work environment. Again, any support or adjustments required should be explored with the employee and further with HR and / or Occupational Health as appropriate. It would be useful in such a situation to risk assess the role alongside the employee to consider which aspects may present any difficulty and how this difficulty can be removed to allow the employee to remain in work.
- 4.3 As a terminal diagnosis may be covered by the Equality Act (refer to earlier definition), there is a duty on an employer to consider and implement reasonable adjustments. The likely scope of a reasonable adjustment would depend on the employee's health and their particular job role, however these can be adjustments to the role itself, adjustment or removal of particular duties, adjustment to the work premises or work environment, working from home, flexibility in hours, or even redeployment to an alternative role if this is available. Specific advice on adjustments would need to be obtained from Occupational Health in most cases, or may be a recommendation from a GP 'Fit Note' or Consultant Report.

- 4.4 It is important to note that the medical and psychological impact of their diagnosis can change over time, so line managers need to ensure that they make arrangements to regularly review the situation alongside employees to consider their current ability to remain in work, current treatment and time-off needs, and any support and / or adjustments which are in place. The employee's wishes with regard to communication both with the line manager and within the team may change over time, so line managers are encouraged to continue to seek the employees' views with regard to communication.
- 4.5 An employee who is able to remain in work may require time off to attend appointments in relation to their condition. Time off to attend appointments can be considered in line with the policy (link to policy). Line managers are also reminded that, in such circumstances, consideration should be given to whether further flexibility can be afforded to the employee to allow them time off to attend appointments and / or treatment and / or rest following such appointments.
- 4.6 Employees who are able or want to remain in work may incur short to medium-term absences covered by a GP 'Fit Note'. Line Managers should be aware that advice contained within a GP Fit Note is considered medical advice and should be taken into account should any recommendation be made for adjustments to the role or supportive measures for an employee.
- 4.7 Employees can seek further information via the [Flexible Working Policy](#) on the options available to them to consider in supporting them to remain in work. This could allow an employee to have a reduction in hours, a change in working days or work pattern, or increased ability to work from home, subject to approval from the service.
- 4.8 A confidential counselling service is available to employees of the council through Care First upon receipt of a referral from the manager. Further information and the referral form can be accessed via the following link: <http://intranet.nottssc.gov.uk/managersresourcecentre/managingandsupportingemployees/mrccounseling/>
- 4.9 Employees are also encouraged to access further information on wellbeing support available through the council via the following link: <http://intranet.nottssc.gov.uk/workingfornc/wellbeing/>
- 4.10 Line Managers are encouraged to seek HR advice to determine if and when a referral to Occupational Health should be made in individual cases.

- 5.1 Further detailed advice for managers in supporting a member of staff who is absent from work on a long term basis due to sickness is contained within the Managers Resource Centre via the following link: <http://intranet.nottscg.gov.uk/managersresourcecentre/managing-attendance/attendance-management-long-term/>
- 5.2 Managers are encouraged to establish directly with the employee the method and amount of contact is agreeable to both parties to have, bearing in mind that this may change over time and to therefore keep this under review.

- 5.3 Managers are also encouraged to discuss with employees whether they wish to receive contact from colleagues during their period of absence and if they wish to receive other updates with regard to work, and how they wish to receive these.
- 5.4 Again, it is important to recognise that all individuals are different; some would wish to maintain regular contact and keep up to date with all of the latest information with regard to work, whereas some would wish to have minimal contact.
- 5.5 If you are needing to cover an employees' absence from work with another member of staff, consider whether it is appropriate to share this information with the staff member and how and when you will share this information.
- 5.6 Line Managers are encouraged to seek HR advice to determine if and when a referral to Occupational Health should be made in individual cases.
- 5.7 Consideration will need to be given to making a referral to Occupational Health for medical advice, taking into account the information the employee has shared with you about their diagnosis and prognosis, and the employees' ability to attend occupational health given their medical condition.
- 5.8 Line Managers should ensure that they are familiar with the relevant policies and procedures applicable in these circumstances, including the Attendance Management Procedure, sick pay entitlements and pensions' information to ensure appropriate support is offered to the employee.
- 5.9 A confidential counselling service is available to employees of the council through Care First upon receipt of a referral from the manager. Further information and the referral form can be accessed via the following link:
<http://intranet.nottsgov.uk/managersresourcecentre/managingandsupportingemployees/mrccounselling/>
- 5.10 Employees are also encouraged to access further information on wellbeing support available through the council via the following link: <http://intranet.nottsgov.uk/workingforncc/wellbeing/>

6.0 Attendance Management Procedures

- 6.1 As broadly outlined in the introduction of the [Attendance Management Policy](#), the Council is committed to supporting employees, with the intention of the policy is to be as supportive as possible to employees depending on their circumstances balanced against service need. As such, the broad principles of the policy will continue to apply in cases of terminal illness.
- 6.2 Absence triggers do not always therefore lead to formal action where there are compassionate circumstances, and instead should be used to prompt positive interventions such as Occupational Health referrals and reasonable adjustments.
- 6.3 As referenced under point 8 of the Attendance Management Policy, in the case of a terminally ill employee, there is a need to consider the individuals circumstances and their continued employment with sensitivity and compassion, and as such, managers are expected to exercise maximum discretion before taking any action under the formal steps of the procedure, including any extensions to sick pay (as discussed below).

7.0 Finances

Sick Pay

- 7.1 It is recognised that not all employees diagnosed with a terminal illness will be absent due to sickness, however it is important for employees to be aware of their entitlements to sick pay and knowledge of the benefits they would be eligible for should they incur absence can be a reassurance financially.
- 7.2 Employees who earn at least £112 per week (before tax) are entitled to statutory sick pay (SSP) for up to 28 weeks.
- 7.3 Employees of the council are entitled to Occupational Sick Pay (OSP) in line with their terms and conditions of employment. For centrally employed staff, the majority will be entitled to the terms and conditions as outlined in the Green Book, or the Burgundy Book (for teaching staff only),
- 7.4 Under these schemes, entitlement to occupational sick pay is based on your length of service; the longer the service, the greater entitlement to sick pay, up to a maximum of 6 month's full pay, 6 month's half pay.
- 7.5 For centrally employed staff, the council has discretion to grant an extension to the above entitlements in exceptional circumstances, and terminal illness is identified as such a circumstance. Further information can be obtained via the following link:
<http://intranet.nottscg.gov.uk/managersresourcecentre/managing-attendance/attendancemanagementlongterm/attendancemanagementlongtermosp/>

Benefits

- 7.6 Employees should be encouraged to seek independent advice about the benefits they could be entitled to, including those which are payable whilst in work or those payable if someone has ceased to work.
- 7.7 Further information on the range of financial benefits available can be found on www.gov.uk/browse/benefits Please also see the useful contacts section for other sources of such advice and information. Such benefits could include:
- Personal Independence Payments (PIP's) may be payable upon application to the Department for Work and Pensions if an individual has 'a long term health condition or disability and face difficulties with daily living or getting around'. The individual 'must have had these difficulties for 3 months and expect them to last for at least 9 months, unless ... terminally ill' and if the individual's life expectancy is no more than six months.
 - Employment and Support Allowance (ESA) may be payable to an individual who is unable to work, even if the individual is in employment at the time.

III Health Retirement

- 7.8 Some employees may choose to give up work when they receive a diagnosis of a terminal illness, as this may allow them time to focus on treatment and on personal and family matters. The council affirms its commitment through the voluntary charter to allow employees the time to consider the options available to them and wherever possible, manage the situation as the employee wishes. Some employees may therefore wish to be considered for ill health retirement, which will allow release of their pension benefits early on health grounds.
- 7.9 Employees are encouraged to seek independent financial advice in considering the options available to them, and are encouraged to seek pension's estimates with regard to the benefits they may expect to receive if they take this option. The employee is able to seek support from their line manager, HR and / or their Trade Union Representative to liaise with the Local Government Pension Scheme (LGPS) to obtain such estimates.
- 7.10 Employees are also encouraged to take time to carefully consider the options available to them and to not make any irrevocable decisions with regard to their finances.
- 7.11 To qualify for ill health benefits under LGPS, the employee has to have met the 2 years vesting period in the scheme, and the council as the employer would need to have received independent medical authorisation through occupational health that the employee meets the criteria for early release of their pension. If an employee is diagnosed with a terminal illness and the independent medical advisor acting on behalf of Occupational Health indicates the life expectancy of the employee is less than 12 months, the employee will be provided with the option to commute their pension to a one-off lump-sum.
- 7.12 Ill Health benefits can be paid at any age and are not reduced due to early payment, and could be increased dependent on the tier awarded.
- 7.13 For members of the LGPS, further information can be obtained at:
<https://www.lgpsmember.org/tol/thinking-leaving-illhealth.php>
- 7.14 To qualify for ill health benefits under the TP scheme, the employee has to have met the 2 years vesting period in the scheme, however if a member hasn't been in service long enough to qualify, a short service ill health grant may be payable provided the employee has at least one year of pensionable employment.
- 7.15 If an employee wishes to apply for ill health retirement, the employee needs to apply using the ill health retirement form and the medical information form available via the following link:
<https://www.teacherspensions.co.uk/members/forms/applying-for-retirement.aspx>. The employee must enclose all medical evidence to support their application which may include relevant occupational health advice. There is a section on the form which the employer will need to complete prior to the form being submitted to Teachers Pensions.
- 7.16 If an employee is diagnosed as having a life expectancy of less than 1 year, the employee can request their pension to be converted to a one-off final tax free lump sum payment, which should be detailed in the relevant section of the application form.
- 7.17 For members of the TP Scheme, further information can be obtained at:
<https://www.teacherspensions.co.uk/members/resources/terminal-illness.aspx>

Death in Service

- 7.18 Some employees may identify that in a financial sense, benefits payable through Death in Service is the most appropriate option for them. Again, the council, through its commitment to the voluntary charter, seeks to allow employees to take the decision which is right for them and where possible will support an employee who wishes to choose this option.
- 7.19 Again, employees are encouraged to seek independent financial advice in considering the options available to them and if possible to seek pension's estimates with regard to the benefits they may expect to receive if they take this option. The employee is able to seek support from their line manager, HR and / or their Trade Union Representative to liaise with the Local Government Pension Scheme (LGPS) or Teachers Pensions (TP) to obtain such estimates.
- 7.20 For employees who are members of LGPS, a lump sum death grant of three times the employees final pay is payable, no matter how long the employee has been a member of the LGPS. Employees must ensure that they have completed a Death Grant Nomination Form to name one or more individuals or organisations they wish to receive payment from the Death Grant.
- 7.21 For members of the LGPS, if an employee dies in service, survivor benefits are payable for life to the spouse, civil partner or eligible cohabiting partner, increased to the amount of service the employee would have had up to age 65.
- 7.22 Further information can be found at: <https://www.lgpsmember.org/arm/already-member-prot.php>
- 7.23 For employees who are members of TP, a lump sum death grant of three times the employees' final full-time equivalent salary, or three times the employees' final average salary is payable, dependent on the pension arrangement of the scheme the employee is in, no matter how long the employee has been a member of TP. Employees must ensure that they have completed a Death Grant Nomination Form to name one or more individuals or organisations they wish to receive payment from the Death Grant.
- 7.24 Further information on the scheme, including the pensions payable to a spouse, civil partner and / or children can be found via the following link: <https://www.teacherspensions.co.uk/members/your-scheme/your-working-years/pensions-for-a-spouse-or-civil-partner.aspx>

Termination of employment on the grounds of ill health

- 7.23 The council has, on 17 August 2016, signed up to the TUC "Dying to Work" Voluntary Charter, signalling its' commitment to support employees who are diagnosed with a terminal illness in accordance with their wishes wherever possible. What this means in practice for employees who have been diagnosed with a terminal illness is different in each case, however it is clear that financial matters can be a worry for individuals. Where some employees may be members of an occupational pension scheme and have options available to them in respect of their pensions in such circumstances, it is acknowledged that some employees may not be members of the pension scheme.
- 7.24 The council, in signing up to the Voluntary Charter, has indicated that it supports the TUC's Dying to Work campaign so that all employees battling terminal illness have adequate employment protection

and have their death in service benefits protected for the loved ones they leave behind'. In practice, in some individual situations, a termination of employment on the grounds of ill health, managed in the most sensitive and dignified way, may be of financial benefit to an employee who is diagnosed with a terminal illness, particularly where an employee has exhausted sick pay entitlements.

- 7.25 In considering all options available to an employee who is diagnosed with a terminal illness and considering their options in respect of their employment, managers are encouraged to seek HR advice in gathering relevant information to share with an employee.

Other financial matters

- 7.26 Employees of the council are also eligible for discounts with specific law firms who offer services in making a will and other similar legal matters. These firms are not commissioned by the council. Further information can be found at: <http://intranet.nottsc.gov.uk/workingforncc/employee-benefits/employee-offers-and-discounts/>

- 7.27 Trade Unions also offer the following specific support to trade union members:

Unison

UNISON There for You - charity supporting members with: welfare breaks, debtline support and financial assistance:

<https://www.unison.org.uk/get-help/services-support/there-for-you/>

Free Will Service:

<https://wills.bbhlegal.co.uk/kbxhtml/KBXWEB.aspx?ST=THWS&SC=host&ID=1110610317819&KBXP1=PB&KBXP2=US>

UNISON direct: 0800 0857 857

GMB

GMB offers its members a range of support including a free will writing service, hardship funds if the member is in financial difficulties and contributions to funeral costs of members upon application by their families. For further information, please see GMB website: <http://www.gmbmidandec.org.uk/membership-benefits/> or contact GMB on 0115 9607171 or via their 'Contact Us' form: <http://www.gmbmidandec.org.uk/contact-us/>

8.0 Sources of Support and Information

For Managers:

CIPD – offer advice to employers in supporting employees suffering from cancer: <http://www.cipd.co.uk/NR/rdonlyres/62EACA31-115A-4060-83B6-AA4199459DF2/0/3906cancerguideweb.pdf>

HR Duty Desk – hrrdutydesk@nottsc.gov.uk or 01159774433

NHS – provide information and advice to line managers on supporting employees with chronic health conditions:

https://www.nhs.uk/Livewell/workplacehealth/Documents/ChronicConds_LineManagers_Factsheet_A4.pdf

Macmillan – offer information, advice and support to managers of employees suffering with cancer:
<http://www.macmillan.org.uk/documents/getinvolved/campaigns/workingthroughcancer/workingthroughcancer2010/workingthroughcancer2010.pdf>

For Employees:

ACAS – provide information and advice to employers and employees: <http://www.acas.org.uk>

Citizens Advice Bureau – provide free, confidential and impartial advice to individuals:
<http://nottinghamcab.org.uk> or 08448487997 or 03003305457

Department for Work and Pensions and Gov.uk – information on a number of matters including employment, benefits, money and tax: <https://www.gov.uk/>

Hospice Services – information in relation to hospice care, including services offered and how to get a referral: <https://www.hospiceuk.org/about-hospice-care/>

HR Duty Desk – hrdutydesk@nottscg.gov.uk or 01159774433

LGPS – for general information regarding the scheme: <https://www.lgpsmember.org/> or for NCC specific information: <http://www.nottspf.org.uk/> or 0115 9772727

Macmillan – offer information, advice and support to individuals suffering with cancer:
<http://www.macmillan.org.uk/> or 08008080000

Maggies Nottingham – practical, emotional and social support from professional staff trained to support individuals suffering with cancer: <https://www.maggiescentres.org/our-centres/maggies-nottingham/> or 01159246210 or nottingham@maggiescentres.org

Money Advice Service – for free information around money matters – <http://moneyadvice.service.org.uk> or 03005005000

NHS – provide information and advice to individuals on coping with a terminal illness:
<http://www.nhs.uk/Planners/end-of-life-care/Pages/coping-with-a-terminal-illness.aspx>

Nottinghamshire Hospice – ‘a community-based palliative care centre’ providing services to adults who have a life limiting or terminal illness and their families and carers. Further information is available via their website: www.nottshospice.org or telephone: 0115 9701008

Pensions Advisory Service – free and impartial guidance to people in respect of workplace and personal pensions: <http://www.pensionsadvisoryservice.org.uk/> or 03001231047

Teachers Pensions – for general information regarding the scheme: <https://www.teacherspensions.co.uk/> or 03456066166

Trades Unions – contact details for the relevant Trades Unions can be found via the following link:
<http://bigissues.nottinghamshire.gov.uk/bigissues/bigissues-linkstotradeunions/>

Unbiased.co.uk for qualified financial advisors: <http://www.unbiased.co.uk>

This charter sets out an agreed way in which Nottinghamshire County Council employees will be supported, protected and guided throughout their employment, following a terminal diagnosis.

Our commitment to our employees

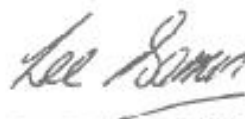
- We recognise that terminal illness requires support and understanding and not additional and avoidable stress and worry.
- Terminally ill workers will be secure in the knowledge that we will support them following their diagnosis and we recognise that, safe and reasonable work can help maintain dignity, offer a valuable distraction and can be therapeutic in itself.
- We will provide our employees with the security of work, peace of mind and the right to choose the best course of action for themselves and their families which helps them through this challenging period with dignity and without undue financial loss.

Our commitment to the TUC's campaign

- We support the TUC's Dying to Work campaign so that all employees battling terminal illness have adequate employment protection and have their death in service benefits protected for the loved ones they leave behind.



Alan Rhodes Leader of NCC



Lee Barron TUC Regional Secretary



NOTTINGHAMSHIRE COUNTY COUNCIL

DISCIPLINARY PROCEDURE

Title: Disciplinary Procedure			
Aim/Summary: To provide a framework for managing the investigation and consideration of any alleged misconduct by Nottinghamshire County Council employees			
Document type (please choose one)			
Procedure	*	Guidance	
Strategy			
Approved by: Marjorie Toward, Service Director Customers and HR		Version number: Final	
Date approved:		Proposed review date:	
Subject Areas (choose all relevant)			
About the Council		Older people	
Births, Deaths, Marriages		Parking	
Business		Recycling and Waste	
Children and Families		Roads	
Countryside & Environment		Schools	
History and Heritage		Social Care	
Jobs		Employees	*
Leisure		Travel and Transport	
Libraries			

Author: Sue Jeffery, Senior Business Partner	Responsible team: HR
Contact number: 01159774303	Contact email: sue.jeffery@nottsgov.uk

Please include any supporting documents	
Review date	Amendments

Disciplinary Procedure

1. Introduction

It is the council's intention that the disciplinary procedure is consistently followed and that all employees are treated in a fair and equitable manner.

2. Purpose/Scope

2.1. In any organisation there are required standards of conduct, behaviour, attendance and performance. This Disciplinary Procedure is designed to help and encourage employees to achieve and maintain the standards of conduct, behaviour and attendance that apply within Nottinghamshire County Council. Separate procedures exist for dealing with absence due to ill health and to issues relating to performance.

2.2. This procedure applies to all employees of the County Council except teachers and all school staff.

2.3 Disciplinary action against the Chief Executive and employees on Chief Officer's conditions of service will use the principles and model procedure in their national conditions of service. Where issues arise which are not covered by the national conditions of service or guidance on statutory officer roles, it is expected that the Council's Disciplinary Procedure should be followed unless this would contradict anything explicit or implicit in national procedures or guidance.

2.4 The maintenance of the required standards and of general conduct is the responsibility of managers who must ensure that their employees are fully aware of these standards. Acceptable standards of behaviour and code of conduct expected of NCC employees will be covered in employee induction. Employees have a responsibility to familiarise themselves with the Code of Conduct and expected standards of behaviour for their role within the organisation.

3. Procedure

3.1 The responsibility for the application of the Disciplinary Procedure rests with the managers of the employee concerned, supported by other colleagues as appropriate.

3.2 No disciplinary action will be taken against any employee until the case has been carefully investigated.

3.3 Although the usual disciplinary standards must apply to trade union representatives, no disciplinary action will be taken against an employee who is an accredited trade union representative, nor will suspension normally be applied until the circumstances of the case have been notified to a full time or other nominated official of the union concerned.

3.4 At the earliest opportunity, where a breach of employment rules has been identified, the manager should meet with the employee to discuss the allegations and to determine the appropriate action.

3.5 In some circumstances minor breaches of conduct can be best dealt with by managers talking to the employees concerned as soon as possible, to give the employee the

opportunity to explain the minor breaches in conduct. Managers can then establish if there are any underlying reasons for the problem, and support them to identify where improvements need to be made. At this stage it may be appropriate for the manager to issue the employee with a caution recorded on their personal file. Please refer to the Disciplinary Flowchart at Appendix 1. This caution should be reviewed within a reasonable timeframe i.e. 6 months – 18months accordingly. There is no right of appeal.

Where a manager suspects there has been a serious breach of conduct, the manager should progress to the formal process.

3.6 Formal process

3.6.1 Depending on the nature of the alleged misconduct, an employee may be suspended from work with full pay pending investigations and a hearing into alleged misconduct. Suspension is not a disciplinary act. Suspension is a neutral act, undertaken to allow full and timely investigations to be concluded. There can be no right of appeal against the neutral act of suspension. Alternatively, if appropriate managers may consider temporary redeployment whilst the investigation takes place.

3.6.2 At this stage an appropriate investigating officer will be identified to conduct a thorough investigation into the allegations. Normally this will involve holding an investigatory meeting with the employee before proceeding to any disciplinary hearing. In this case, the employee should be given a minimum of 5 working days' notice of the meeting. The employee may be accompanied at the meeting by a trade union representative or fellow worker. Refer to the [Investigation guidelines \(insert link\)](#).

3.6.3 Where there is clear evidence and an employee fully admits to the alleged misconduct, it may be deemed appropriate by the commissioning manager that the matter could be concluded without the need for a full disciplinary hearing. In these circumstances an employee will be invited to attend a formal meeting, where the highest sanction that may be issued is a written warning. An employee is required to understand that a full hearing would give them an opportunity to present their response to the alleged misconduct and their right to appeal against the outcome. Through acceptance of responsibility an employee relinquishes their right of appeal and an employee is informed that any further misconduct is liable to result in further disciplinary action.

4.0 Other External Agencies' Investigations

4.1 There will be occasions when employees may be subject to investigation by other outside agencies e.g. Police, Protection Agencies, Registration Bodies. Such investigations may be connected to alleged criminal activity with the right in such circumstances, wherever it deems appropriate, to suspend the employees concerned and to conduct further investigation. Such further investigation shall be undertaken either in NCC's own right or in conjunction with the outside investigating agency concerned. NCC also reserves the right to hold a formal disciplinary hearing, prior to any criminal investigation or criminal charges being brought, or heard and to deal with the resultant consequences on an employee's contract of employment arising from events described above.

4.2 The operation of these procedures will need to have due regard to other procedures negotiated locally e.g. those procedures relating to the protection of vulnerable adults/children.

5.0 Hearing

5.1 Where, upon completion of an investigation there are reasonable grounds to believe an employee has committed an act of misconduct, the commissioning manager should notify the employee in writing, including the nature of the alleged misconduct, at least 10 working days before the proposed date of the hearing.

5.2 The notification or written statement of case, including specific allegations and any documents to be relied upon, will detail a time and venue for the hearing should be sent out 10 working days prior to the date of the hearing. It should also advise the employee of their right to be accompanied at the meeting by a trade union representative or a fellow worker. If the proposed date is not convenient for the employee or their representative, the re-scheduled hearing should take place within 5 working days of the original date. The employee should submit their written Statement of Case in response to the allegations no later than 5 working days before the hearing date.

5.3 The commissioning manager will arrange for a panel to hear the case. The panel will normally be chaired by a senior manager with the delegated authority to take disciplinary action in respect of employees, including the powers to dismiss. Furthermore the panel will include another manager who has not been involved in the investigation and an independent HR Business Partner.

5.4 If the conclusion of the hearing is that misconduct or gross misconduct has occurred, the panel will decide on a course of action commensurate with the severity of the offence.

5.5 A formal written warning will be issued in the case of a first, but more serious breach of conduct or if there has been a repeated minor breach in conduct. The written warning will give details of the offence plus the improvement required and timescale for review which will normally be 12 months.

5.6 A final written warning will be issued if there has been insufficient response to previous warnings and conduct or behaviour is still unsatisfactory. Alternatively a final written warning may be issued in the case of a first, but sufficiently serious, breach of discipline.

5.7 Where the employee has committed further acts of misconduct (these being acts of misconduct other than gross misconduct) following a final written warning given under 5.6 above, the employee may be dismissed with notice or with pay in lieu of notice.

6.0 Gross Misconduct

6.1 An employee will be subject to Summary Dismissal where it has been established that gross misconduct has taken place. Gross misconduct is action that goes to the root of the employment contract, with the result that the employer's trust and confidence in an employee's ability to fulfil the terms of their contract of employment is damaged beyond repair. Examples of gross misconduct are listed in Appendix 2.

6.2 Summary dismissal will not attract any pay in lieu of notice of termination of the contract.

7.0 Appeal

7.1 Appeals may be lodged on the following grounds:

- The decision was unreasonable. This can relate to the severity of the penalty or the rationale for the decision.
- There is new evidence available which wasn't reasonably practicable to present at the previous hearing.

- There was a significant failure to follow relevant policy and/or procedure.

7.2 Appeals should be lodged as instructed on the Appeals proforma within 10 working days of confirmation of formal disciplinary action.

7.3 All appellants will have confirmation of whether their appeal will be allowed within 5 working days of it being lodged.

7.4 Appellants should be notified with the detail of the appeal hearing at least 10 working days before, including the time and venue, management documents to be relied upon at the hearing and should include written details of any witnesses to be called, and how their evidence supports the case.

7.5 Appellants need to make clear the basis of the appeal and the outcome sought. This statement should be submitted at least 5 working days before the hearing and should include written details of any witnesses to be called, and how their evidence supports the case.

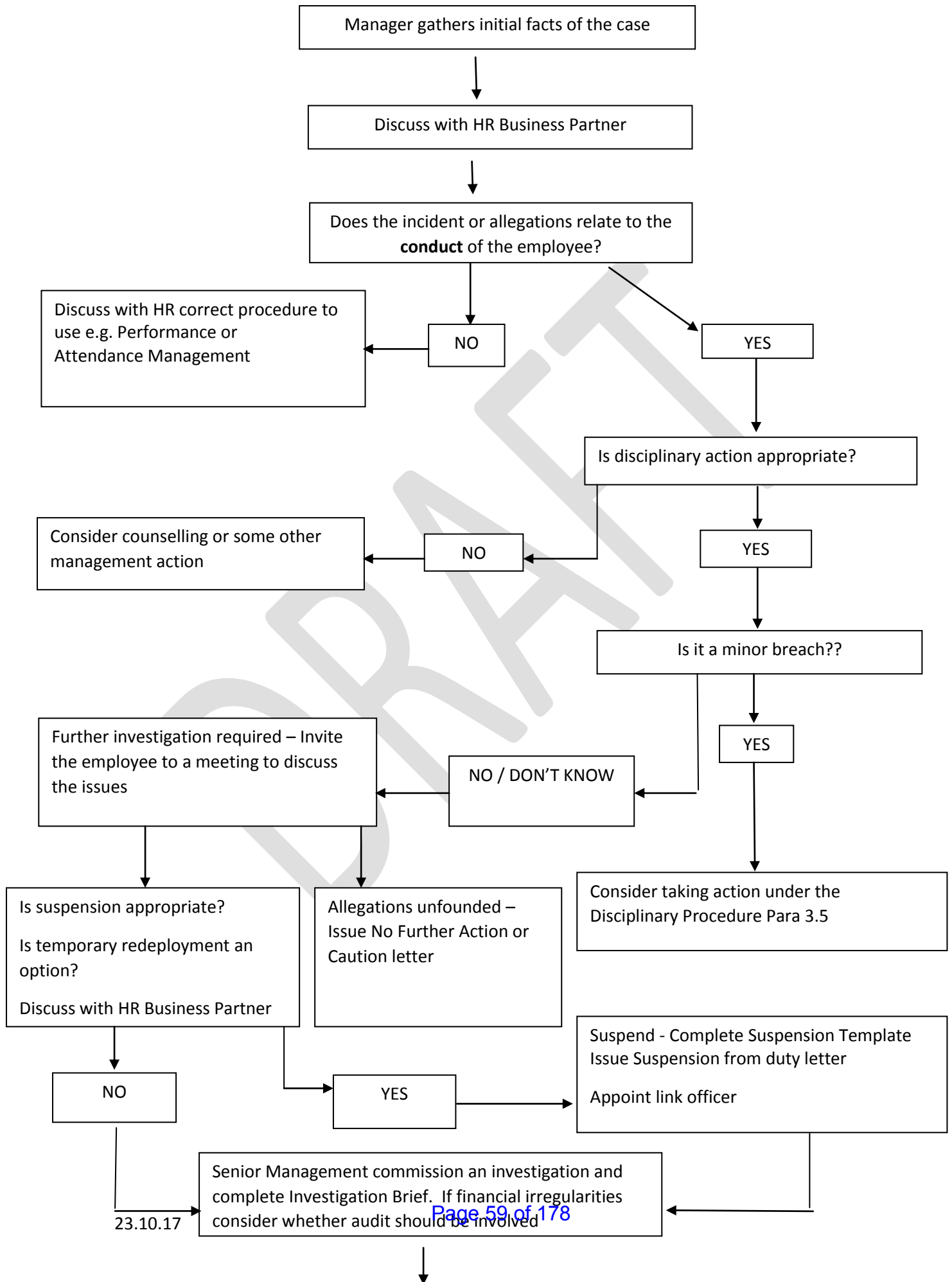
7.6 Appellants will have the right to be accompanied at the hearing by a trade union representative or a fellow worker.

7.7 All appeals shall be heard by an appeals panel chaired by an Independent Senior Manager and another manager not previously involved advised by an HR Business Partner.

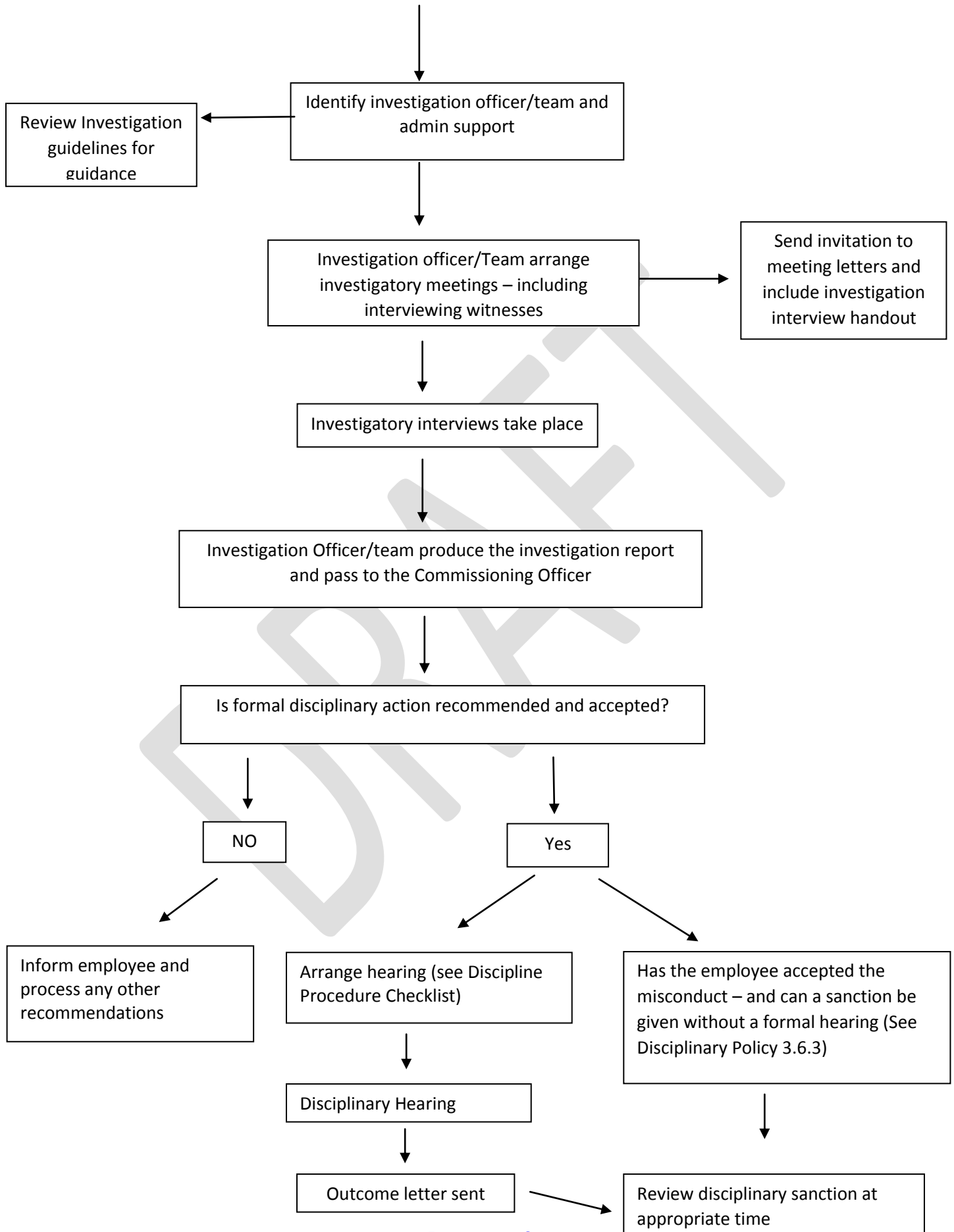
7.8 The decision of the appeals panel will be notified in writing to the employee and the respondents within 5 days of the hearing.

7.9 The appeal is the last stage of NCC's internal procedures and there will be no further right to internal appeal.

Disciplinary Procedure (1/10/2017) - Flowchart - Appendix 1



Disciplinary Procedure Flowchart Sheet 2



Disciplinary Procedure – Examples of Potential Acts of Gross Misconduct

Acts that constitute gross misconduct are those resulting in a serious breach of contractual terms. It would be impossible to itemise all possible or potential acts of gross misconduct.

The following list is not exhaustive but acts of gross misconduct may include;

1. theft, fraud and deliberate falsification of records
2. physical violence
3. serious bullying or harassment
4. deliberate damage to property
5. refusal of a reasonable instruction
6. misuse of the organisation's property or name
7. bringing the employer into serious disrepute
8. serious or persistent incapability whilst on duty brought on by the use of alcohol or illegal drugs
9. serious negligence which causes or might cause unacceptable loss, damage or injury
10. serious or persistent infringement of health and safety rules
11. serious or persistent breach of confidence [subject to the Public Interest [Disclosure] Act 1998]

This list is not intended to be exhaustive in its content in illustrating potential acts of gross misconduct. There will be many others which may be specific to service areas.

Nottinghamshire County Council Investigation Guidelines

DRAFT

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Section 1

1.1 Principles of investigation – key points

- The aim of any investigation under the County Council's procedures (discipline, harassment and grievance) should be to conduct a thorough and impartial inquiry which covers all matters of relevance to the matter under investigation. It is a fact finding exercise and enables the employer to make an informed decision.
- An investigation should be conducted in an objective open minded way without any pre-judgement and completed in a timely manner
- An investigation should be kept confidential and this should be explained to all staff involved in the process.
- HR advice should be sought prior to commencing any formal investigation.
- **Appendix 1** provides a summary of the investigation process.

1.2 Commissioning an investigation

- The manager who is commissioning the investigation (Commissioning Officer) should not be implicated in the case.
- The Commissioning Officer comprehensively completes the Investigation Brief proforma by outlining the nature of the allegations and the scope of the investigation, list of persons to be interviewed and timescale for completion.
- The Commissioning Officer will appoint the investigator(s) depending on the seriousness and/or the complexity of the matter. The Commissioning Officer should consider the following when appointing an investigator(s):
 - They should not be personally involved in the matter being investigated
 - Would the appointment raise any conflict of interest concerns
 - Are they likely to be influenced by people involved in the matter
 - Is there any likelihood that they may be involved in any subsequent decision making on the matter
 - Do they have good knowledge of the organisation/service area and how it operates
 - What is their availability/capacity during the investigation's provisional timeframe
 - Are they trained and/or experienced in how to conduct investigations
 - Are they able to communicate in writing and/or orally in a confident manner
 - What training or support may they require
- Certain cases may require more than one investigator (maximum three) to be involved. In such cases, a lead officer should be identified who would present findings at any subsequent hearing.
- Normally managers within the particular service area where the case arises will conduct investigations under the Council's discipline, harassment complaints and grievance procedures, unless there is a requirement for an independent investigation officer/panel*. (An independent investigation officer/team may be appointed in exceptional circumstances (after discussion with HR) in cases where there is a need for particular specialist knowledge, lack of available resource, or to ensure complete impartiality etc.)
- The key role of an investigator(s) is to conduct a fair, objective and impartial investigation.
- The Commissioning Officer should meet with the investigator(s) to ensure that they fully understand the nature of the allegations, scope of the brief, reason for recommending the witnesses, timescales and any other relevant points.
- Once the investigation has been commissioned then this should commence without undue delay

- If new information arises during the investigation, the investigator(s) may need to consider expanding the scope of the investigation, along with a review of the witnesses. In such cases, this will need to be discussed and agreed with the Commissioning Officer, along with any revision to timescales.
- A decision will need to be made as to whether suspension of the employee is necessary while the investigation is carried out or alternatively a temporary transfer to a different area of work may be an option.
- The Commissioning Officer will be responsible for oversight of the investigation and reviewing on a monthly basis, this includes considering whether suspension should remain in place (if applicable) or whether suspension needs to be initiated in light of new issues/evidence.
- In certain cases the employee may not be made aware of the allegations initially due to the nature of the allegations (eg safeguarding issues). HR advice should be sought regarding this.

1.3 Types of Investigations

a) Grievance, harassment and disciplinary matters

In cases where the investigation relates to a complaint (e.g. grievance and harassment cases) the Commissioning Officer should receive the following from the complainant in writing:

- The specific nature of the complaint and any individual allegations against any named person(s)
- A factual description of events or behaviour with details of dates, times and witnesses
- The effects on the complainant (where appropriate)
- Why the complainant is aggrieved or feels harassment has occurred (if appropriate to the case)
- Any documentary evidence or supporting witness statements
- The remedy the complainant is seeking (grievance cases only)

b) Financially related disciplinary matters

- Where concerns relate to alleged financial irregularities (e.g.: loss of stock or petty cash), the relevant department should contact the Internal Audit section immediately. The Commissioning Officer should ensure this action has been taken.
- Once notification of alleged financial irregularities has been received, together with the Commissioning Officers brief, the Internal Auditor will liaise with the relevant managers to determine whether the allegations are part of a larger investigation which might include non-financial items.
- The Internal Auditor will then inform the Commissioning Officer and investigator(s) of the areas that they will investigate which will then be incorporated into the investigation as an appendix. A manager within the particular service area where the case arises will normally conduct an investigation under the Council's discipline, harassment complaints and grievance procedures unless there is a requirement for an independent investigation officer/panel* (see above).
- The Internal Auditor may attend the hearing as a witness if necessary.
- If the matter solely relates to financial irregularities the Internal Auditor will conduct the investigation.

- c) Harassment and disciplinary matters relating to Police/professional body/safeguarding
- Concerns regarding safeguarding should be referred to the LADO for cases concerning children and the MASH for adult safeguarding without delay and advice should be sought from HR.
 - Certain matters under internal investigation may also be under investigation by the police and/or other professional body. In such cases close liaison and discussion between all parties involved will be required. Internal investigations may have to be suspended until police enquiries are completed.
 - In cases of professional conduct the professional body should be notified as appropriate.
- d) The Council's Whistle Blowing policy
- The Council's Whistle Blowing policy allows matters to be raised and investigated by a range of appropriate mechanisms including management, internal/external audit and the police using internal procedures such as grievance, disciplinary, safeguarding and/or through an independent inquiry. Internal investigations relating to employees that arise from a whistle blowing complaint should have regard to these guidelines unless there are exceptional and specific circumstances which make this impracticable.

Section 2

2.1 Conducting an investigation

The purpose of the investigation is to:

- Establish the facts in a timely manner
- Gather evidence relating to the allegations and within the scope of the brief
- Consider options for collecting the evidence (ie local agreements, policies, Code of conduct, CCTV, timekeeping/mileage sheets, personal file, witnesses)
- Consider and analyse the evidence, identifying areas of mitigation & contradiction and establish, on the balance of probability, whether there is a case to answer
- Provide a report of the findings to the Commissioning Officer and recommend whether there is a case to answer at a disciplinary hearing. The Commissioning Officer makes the final decision

2.2 Timescales

- The investigation brief includes an initial timescale for completion.
- The timescale should be appropriate to the complexity of the case and is subject to review.
- The aim should be to complete the investigation, including the report, within 3 months, however timescales set are targets and the investigator should inform relevant parties of the reasons for any delay and revised timescales.

2.3 Interview Arrangements

- It is recommended that the Investigation Officer meets firstly with the employee in order that the allegations can be put to them and their responses obtained. (Unless full details were obtained from any pre investigation meeting). Following that meeting, then the witnesses should be interviewed and finally a further interview with the employee should

take place in order that any final questions can be asked and responses recorded to any points raised by the witnesses.

- Identify who will be interviewed and send out invite letters. Template letters are located on the MRC and should be accompanied by the Investigation Interview handout.
- Allow sufficient time for each interview and plan the questions
- A room should be booked at a suitable venue
- A note taker should be arranged. Accurate notes should be taken at the interviews as this is a key part of the investigation and the notes will usually form part of the witness statement and support the management statement of case. The notes should record:
 - The date and place of interview including start/finish times and any adjournments
 - Names of all those present
 - Record of the questions asked and the responses

2.4 Rights of interviewees (employee or witnesses)

- Anyone attending a formal investigation meeting has a right to be accompanied
- The employee has the right to have the process explained to them and be clear on what the allegations are against them. The investigation brief should be shared with them and this will provide all the relevant information and assist in reducing any stress and anxiety. During the course of the investigation, if further information and witnesses are identified, and these have been agreed with the Commissioning Officer, then the employee should be informed of this, along with the reasons.
- The employee has the right to express their view in an equal and fair way and respond accordingly to any questions asked.
- The employee can refuse to answer questions in matters which are the subject of legal action.
- The employee can refuse to answer a question put to them and a record of this will be recorded in the notes of the meeting
- The employee should receive copies of any personal statements submitted as part of the process.
- Any witnesses should have the process explained to them and be informed that their statement/notes from any meetings could be shared with the employee(s) under investigation if it progresses to a hearing and they may be asked to attend in their capacity as a witness. (see Appendix 2)
- Any young person (18 and under) identified as a witness must be interviewed in the presence of their parent, carer or appropriate adult and in exceptional circumstances may be asked to present evidence at hearings with prior parental consent and will be accompanied.
- Service users may asked to participate with their prior agreement.

2.5 Conducting the investigation Interview

At the start of the meeting an investigator should explain:

- Offer right of representation and adjournment
- Who is present and why
- The role of the investigator
- The purpose of the meeting
- The need for confidentiality during the investigation

- If the case progresses to a hearing then witnesses statements will be included as part of the disciplinary pack

Investigators should:

- Present themselves in a calm relaxed way in order to put the interviewee at ease
- Do not be confrontational and talk in a raised tone
- Do not present an image that indicates you already feel the employee is guilty of the allegations
- Be aware of your body language during the interview, (i.e. raised eyebrows/nodding)
- Do not promise witness confidentiality, as the disclosure of witness statements may be required if the case progresses to a hearing
- Focus on the interview questions and bring back on track when needed
- Ask the question and allow time for the interviewee to respond
- Listening is a vital part of conducting an effective interview – summarising what the witness has said shows you have been listening and allows the interviewee to correct any inaccuracies and fill in any gaps
- When you have asked the question allow the interviewees time to think and respond
- Do not be afraid to use silence (it may prompt a reaction)
- Do not discuss your own thoughts, opinions, experiences, conclusions, conversations etc.
- Do not tell witnesses what other witnesses have said
- Ask if there is anything else they wish to add which they think is relevant to the case – this gives the witness an opportunity to disclose anything else they think might help
- Do not be afraid of asking probing/interrogative questions that challenge and test the credibility of the information, but always ask these in a professional and non intimidatory manner
- Ensure an accurate record of the interview is being taken

The following questions may assist in preparing for the investigation interview:

Open questions to help develop the facts and encourages the interviewee to open up:

- Explain exactly what occurred?
- When did it happen?
- Where did it happen?
- Who was present?
- How did it happen?
- Who else may know relevant information?
- Who did or said what?
- In what order?
- Could it have been avoided?

Closed / specific questions: *For example - What time did you leave your workplace*

Usually leads to a Yes, No or definite short answer and generally does not allow the interviewee to expand on the response. They can be helpful to gather specific facts and can help focus an overly talkative interviewee.

Probing questions: *For example - When you say she was aggressive what exactly do you mean by aggressive*

Can test the strength of an interviewee's account and challenge any inconsistencies. However, it is important to phrase these questions so they are inquisitive rather than interrogative.

Personal feelings questions: *For example – How did that make you feel?*

Can help to focus an interviewee on what is important to them and reveal their beliefs. However, they should be used sparingly as the purpose of the meeting is to establish the actual facts of a matter.

Interrogative questions:

The aim of the investigation is to establish the facts rather than interrogate someone. Although sometimes necessary, "Why" questions can make people defensive and close up, so care should be taken in the way these questions are asked.

Leading questions: *For example: "So would you say you felt ridiculed?"*

These can lead the interviewee to provide the answer the investigator hopes or expects to hear, so should always be avoided

Multiple questions: *For example: So what did you do then and why did you do it?*

This is when two questions are asked at the same time. This always leads to confusion and the interviewee may answer what they heard first, last or the part they are most comfortable answering. This type of question should be avoided.

At the end of the meeting an investigator should:

- Explain that they may need to be interviewed again and may be called as a witness should the case progress to a hearing
- Explain that the notes of the meeting will be sent out to them for their agreement and signing

After the meeting an investigator should:

- Provide the employee/witness with a copy of the notes from the meeting and seek agreement that it is accurate. (Notes should be returned within 10 days. In cases where notes have not been returned – without any explanation then the originals will be used)
- Consider the facts provided from the meetings and whether the evidence supports or contradicts the allegations
- Consider whether the meeting identified any other evidence or witnesses to be interviewed

2.6 Collection of evidence

- An employee or witness should not obstruct the investigation by refusing to attend an investigation meeting or supply relevant information whether written or verbal. The investigator(s) has a right of access to materials and individuals are required to supply this on request. HR can advise on how the Data Protection Act applies in these situations.
- The employee is required to attend the interview unless unavailable due to sick leave or pre-booked leave. Failure to attend without a legitimate reason could be viewed as failing to obey a reasonable instruction and could result in disciplinary action.
- An employee or witness who is unavailable for interview due to long term absence should be referred to the Occupational Health Unit for advice. It may be necessary to complete the investigation without having received information from those interviewed, this should be recorded in the report of the findings.
- Anyone found to be giving false evidence, wilfully preventing or delaying an investigation or colluding with others to prevent a full and fair investigation, will be in breach of their implicit contractual terms relating to trust and confidence. This could be deemed as a disciplinary matter.
- The investigator(s) may decide not to interview all of those included in the Investigation Brief and therefore should advise the Commissioning Officer outlining the reasons. Likewise, the investigator(s) may consider interviewing others not included in the brief and should obtain Commissioning Officers approval.
- The investigator(s) will need to obtain a full picture of events which may include witnesses who provide evidence in support of the subject. Once collected the investigator should objectively analyse each piece of evidence and consider:
 - Is there any admittance of guilt (it is unlikely that further investigation would be required on that point)
 - What does the evidence reveal
 - Has the employee changed their story
 - Is there any evidence of lies
 - Are there any doubts over the credibility and reliability of the evidence
 - Is any evidence supported or contradicted by evidence already collected
 - Is there corroboration from the witness statements
 - Does it suggest any further evidence should be collected
 - Has there been any collusion between the parties involved
 - Is there any mitigation
 - A conclusion based on the balance of probability

2.7 The investigation report

- The report will summarise the information and evidence gathered and consider the relative severity and weighting of this if an employee is being investigated on a number of issues (eg a safeguarding issue would most likely be more heavily weighted than lateness).

- The report will make a recommendation where appropriate as to whether there is a case to answer and this should be considered at a disciplinary hearing. In grievance cases there may be a recommendation relating to seeking to resolve the grievance.
- Should any matters arise during the course of the investigation which are not directly relevant to the case may be the subject of an addendum report to the Commissioning Officer who will decide on the appropriate course of action.
- The report should be written with the expectation that it will be seen by the employee, (if progressing to a hearing).
- The report should be able to be separated if the allegations involve more than one person.
- The report should:
 - be written in an objective style
 - avoid nicknames and jargon
 - use the same form of address for all people referenced
 - use appropriate plain language and be kept simple wherever possible
 - stick to the facts of the matter
 - be kept clear and concise
 - explain any acronyms used
 - include all evidence that was collected
 - Provide an analysis of the information obtained against the allegations
 - Include reference to any contrary evidence and mitigating circumstances
 - Include a copy of the relevant policy, local agreements, appendices and all signed witness statements
 - Include any current live warnings and provide historical details (ie spent warnings/cautions) along with the employee's current job title, grade and date of joining. A copy of the employee's job description should also be include.
 - Include an index of pages and appendices
 - Include a list of abbreviations (if applicable)
- A template report is available on the MRC and the following structure should assist in writing the report:

Introduction:

- name and job title of the person who authorised the investigation
- name and job title of the person who conducted the investigation
- a brief overview of the circumstances that led to the investigation
- the scope of the investigation and any agreed amendments (include a copy of the Investigation Brief)

Process of the investigation:

- how the investigation was conducted
- what evidence was collected
- whether any pieces of evidence could not be collected and why
- names and job titles of all witnesses and why each witness was relevant
- whether any witness could not be interviewed and why
- where a witness statement has been anonymised explain why and provide any details of enquiry into their character and background
- outline reasons for any delays in the process

The investigation findings

- summarise the findings from all relevant documents
- summarise the key evidence from each witness statement
- identify allegations which have been admitted
- include and reference corroborating evidence
- identify contrary evidence
- what facts have/have not been established
- whether there are any mitigating factors to consider
- whether there is any other relevant information to consider

Conclusion of report

- recommendation based on all evidence collected
- any other recommendations related to the matter

Supporting documents

- copies of all documents and witness statements collected and referred to in the report should be included and clearly referenced. Pages should be numbered, a copy of the relevant policy and any local agreements, or documents (ie timesheets) which have been referred to should be included.

2.8 The next stage

- The Commissioning Officer will decide whether to accept the report in full or part and may seek advice from HR.
- The Commissioning Officer may need to ask the investigator to undertake further work if necessary.
- The Commissioning Officer will determine whether the case will proceed to a formal disciplinary hearing.
- **If the case is not to proceed to a formal hearing the commissioning Officer will consider “any other recommendations made” and how these may best be communicated /actioned**
- In grievance cases the Commissioning Officer will forward the report and relevant documents to the panel considering the grievance.
- Under the harassment procedure it is necessary for the manager to meet separately with the complainant and the respondent and notify them of any recommendations. They will not receive a copy of the investigation report but a summary of the findings
- Both parties will have the opportunity to comment on the investigation (harassment).
- The manager must consider whether any further investigatory action is appropriate before proceeding as this is an opportunity to address any potential defects.
- If the case does not proceed to a formal hearing, the Commissioning Officer will arrange for the complainant and subject of the investigation to receive feedback as to the outcome. Employees should receive confirmation of this in writing.

Appendix 1 – Summary of the investigation process

STEP 1: Organisational preparation

- Decide if a formal investigation is necessary
- Establish the nature of the allegations and the scope of the investigation, witnesses and timescale for completion
- Comprehensively complete the Investigation Brief
- Choose an appropriate investigator

STEP 2: Investigator's preparation

- Familiarises themselves with the policy applicable to the case
- Meet with Commissioning Officer to discuss the case
- Identify what evidence might need to be gathered – and how to obtain this
- Make arrangements to meet with employee/witnesses
- Arrange a note taker and suitable venue

STEP 3: Handling an investigation meeting

- Plan what questions need to be asked
- Interview the employee involved at the start of the investigation (if applicable)
- Interview the witnesses
- Interview the employee again to clarify any outstanding and final points
- Advise witnesses that statements may be disclosed if the case proceeds to hearing
- Handle reluctant witnesses or refusals to meet appropriately

STEP 4: Gathering evidence

- Arrange and agree witness statements
- Collect and review any relevant written records and documents e.g. timesheets
- Collect and review any relevant and appropriate physical evidence e.g. CCTV

STEP 5: Writing the investigation report

- Plan the structure of the report (template on MRC)
- Report what is likely to have happened – the balance of probabilities
- Make a recommendation where requested

STEP 6: After an investigation is completed

- Submit the report and conclude the investigator role
- Retain the report for any appropriate period of time
- Ensure any recommendation/s unrelated to the matter are considered

- Preparation if progressing to a hearing

Appendix 2 – Handout for employee and witnesses explaining the process

Nottinghamshire County Council - Interview Under ~~xxxx~~ Procedure

The aim of any investigation commissioned by the County Council is to conduct a thorough and impartial enquiry which covers all matters of relevance to the matter under investigation.

The rights of those participating include:

1. Having the process explained to them
2. Being given the opportunity to express their own view in an equal and fair way.
3. Being appropriately accompanied and supported.
4. Refuse to answer questions on matters which are the subject of legal action.
5. Choosing not to answer any question put to them. (A record of this will be recorded in the notes of the meeting)

The interview will:

1. Be confidential
2. Allow the Investigation Officer/team to ask relevant questions
3. Responses will be recorded as a summary statement (not verbatim).

At the conclusion of the interview, the notes will be sent to the interviewee requesting them to return them within 10 days, signed and dated in agreement. If the person feels they are inaccurate, or incomplete, they may send amendments/ additions. It is the decision of the Investigation Officer/ team whether to accept these changes - if not this will be recorded as part of the process. However, it is important that the statement is accurate as it may be presented at future hearings and the interviewee may be called to give evidence on the basis of their statement.

Any interviewee should be aware that if the matter were to proceed to a formal hearing, the subject of the investigation will be given a copy of their statement and notes of the interview. At all times interviewees should have due regard to the law of slander and libel and ensure that details of any meeting are kept strictly confidential and the notes not shared with anyone except their representative.

Following the investigation a report will be written by the Investigation Officer/ team, which will be presented to the manager who has commissioned the investigation. This manager will decide what action should then be taken.

Appendix 3 - Further Guidance to Investigation Officers/team

Q1 What if an investigation reveals that a criminal offence may have been committed?

If the investigation reveals that a criminal offence may have been committed the Investigation Officer/team should inform the Commissioning Officer. Either the Investigation Officer/team or the Commissioning Officer should then contact the police and keep a written note of the outcome of such contact.

In any cases of uncertainty the Investigation Officer/team should seek the advice of the police and, there may be occasions, where the advice of the Legal Services Section would be appropriate.

Q2 What if an investigation reveals that there are safeguarding issues?

In the event of any concerns arising during the course of the investigation, child protection or child welfare issues should be referred to the LADO and concerns relating to adults safeguarding should be referred to the MASH. In addition, please also ensure that discussions take place with your HR representative without delay.

Q3 What if an employee refuses to co-operate with an investigation?

The basic principles in these guidelines make it clear that the Council expects employees to supply relevant information in relation to their investigation. Failure to do so, or willfully obstructing or colluding with others to prevent an investigation will be a serious breach of their employment contract and may result in subsequent disciplinary action. At the same time individuals have a right to be advised by their representatives and have regard to any legal implications arising from answering specific questions put to them.

Q4 What if an employee fails to turn up to meet an Investigation Officer/team?

The Council expects that its employees will co-operate with investigations which are formally established under these Guidelines. There will be occasions where someone is unable to make an appointment through ill-health, family emergencies etc. In such circumstances the Investigation Officer/team will seek to make a new appointment.

Where the Investigation Officer/team feels that an individual is **deliberately** avoiding a meeting then the answer to Q3 will apply.

Q5 What if an employee states they cannot meet the Investigation Officer/ team through ill-health/stress etc?

Where ill-health/stress prevents an employee meeting an Investigation Officer/team, then the Investigation Officer/team will consider one or more of the following:

- a) rearranging the appointment after the employee's return to work if the likely timescale is short.
- b) with employee's agreement, see them at a work or other location, whilst absent from work.
- c) seeking advice from the employee's medical adviser and/or the Council's Occupational Health Service regarding the likely period of absence.
- d) sending the employee (and their representative) a list of questions and seeking written answers.
- e) meeting with their representative in order to obtain the information required.

Q6 What if a witness wishes to give their evidence anonymously?

Wherever practicable the Investigation Officer/team should encourage witnesses not to give their evidence anonymously. Should the matter proceed to disciplinary action then the value of the witness' evidence may be reduced where it cannot be tested through cross examination.

However there will be occasions where witnesses are fearful of victimisation, especially where they are giving evidence against their manager or supervisor. In such cases the Investigation Officer/Team:

- a) may be able to protect the witness by writing their report in such a way that their evidence is presented anonymously.
- b) can have regard to the guidance given in the case of *Linfood Cash and Carry v Thomson*. The Appeal Tribunal advised:
 - (i) that a careful balance must be maintained between the protection of informants who are in genuine fear and providing a fair hearing for the employee.
 - (ii) The information given by the witness can be reduced into writing in one or more statements and initially these should be taken without regard to the fact that, in cases where anonymity is to be preserved, it may subsequently prove necessary in order to preserve anonymity, to omit or erase certain parts before submission of others.
 - (iii) In taking statements it may be important to include – date, time and place of each observation or incident; the opportunity and ability to observe clearly and with accuracy; the circumstantial evidence such as knowledge of the system or arrangement, or the reason for the presence of the informer and why certain small details are memorable; whether the witness has suffered at the hands of the accused or has any other reason to fabricate, whether from personal grudge or any other reason or principle.
 - (iv) Further investigation can then take place to either confirm or undermine the information given – corroboration is clearly desirable.
 - (v) Tactful inquiries may be advisable into the character and background of the witness and any other information which may add or detract from the value of the statement.

Even if the investigator is satisfied that the fear is genuine the advice from *Linfood Cash and Carry v Thomson* would indicate that it is highly desirable that the Investigator should interview the witness and be satisfied about the weight to be given to the statement. If this is not done at the investigation stage it may need to be done in any subsequent disciplinary hearing, by the person conducting the hearing, to ensure that a fair process has been followed.

If any witness statements are being given to the accused during the investigation, it may be appropriate to give the employee, and his/her representative, a copy of this witness statement with omissions to avoid identification.

It may be necessary for the Investigator to follow up with the witness points being made by the employee and/or their representative on their evidence.



Nottinghamshire County Council

Employment Appeals Process

Title: Employment Appeal Process			
Aim/Summary: To outline the employment appeals process for outcomes of the attendance management, performance management and disciplinary procedures			
Document type (please choose one)			
Procedure	*	Guidance	
Strategy			
Approved by: Central Joint Consultative and Negotiating Panel		Version number: Final	
Date approved: 13 July 2017		Proposed review date:	
Subject Areas (choose all relevant)			
About the Council		Older people	
Births, Deaths, Marriages		Parking	
Business		Recycling and Waste	
Children and Families		Roads	
Countryside & Environment		Schools	
History and Heritage		Social Care	
Jobs		Employees	*
Leisure		Travel and Transport	
Libraries			

Author: Gill Elder, Group Manager	Responsible team: HR
Contact number: 01159773867	Contact email: gill.elder@nottsc.gov.uk

Please include any supporting documents	
Review date	Amendments

Employment Appeals

1. Appeals should be lodged with the Service Director – Customers and Human Resources within 10 days of the outcome of the employment procedure being confirmed.
2. Anyone seeking to appeal the decision to apply a sanction must complete the standard pro-forma (appendix 1). The form will specify the grounds for appeal and provide information to enable the appeal meeting to be convened, for example, the name of the appellant's trade union representative
3. The council fully accepts the fundamental principle of fairness in allowing an appeal to be considered. It will be insufficient for the appellant to simply state disagreement with an outcome and the process requires some detail to be provided on the grounds for appeal. The grounds for appeal are:
 - The decision was unreasonable
 - New relevant evidence that it was not available to present at the original hearing is now known
 - There was a significant failure to follow the relevant policy and/or procedure.
4. If there is any doubt about the content of the pro-forma, either in relation to the administrative arrangements for the appeal and/or the grounds for appeal, the Service Director, Customers and Human Resources (or a nominated deputy) will discuss the concerns with the appellant or their trade union representative.
5. Appellants will receive email confirmation of whether their appeal will be progressed within 5 working days of it being lodged with the Service Director Customers and Human Resources. The ground(s) for the appeal (as set in paragraph 3 above) should be confirmed to the employing service as part of the formal notification of appeal.
6. All appeals will be considered by officers rather than elected members. The Decision Officer for appeals against 1st, 2nd and final warnings will be a minimum of Group Manager Level and at least 2 grades more senior than the appellant.
7. Any dismissal on the grounds of conduct, unacceptable attendance, performance or redundancy will be heard by a chief officer from a different department to that where the dismissed employee is based and who has had no previous involvement in the decision making regarding the case
8. A list of officers designated to consider appeals has been identified by departments and these individuals will be fully trained in the various employment policies and procedures from which a termination of the contract of employment could arise.
9. It will be normal practice for the decision officer in the earlier hearing to present the management response to the appeal unless unable to do so.
10. To ensure consistency of approach and legal compliance, a suitable HR adviser will be available to support and advise the nominated Chief Officer who will be the Decision Officer in appeals regarding dismissal. HR advice to appeal bodies is 'neutral' in the sense that the HR adviser should not have been previously involved with the case and does not contribute to the decision other than to provide professional, technical advice in terms of employment policy and process and to identify or confirm the existence of relevant precedents.
11. The appeal process is not an opportunity for a full re-hearing of the case by the Appeal Decision Officer and appeals should be confined to the specific grounds listed above in paragraph 3. However, if the Appeals Decision Officer believes that the circumstances of the case have not been properly investigated or the process has been so flawed as to make any decision potentially unfair, it remains open to them to send the case back to the original panel for reconsideration.

12. Appeals (and proceedings generally) should be progressed in a timely manner. In order to standardise timescales and minimise delay all appeals should:
 - a) Provide a minimum of 15 working days' notice of a hearing unless a shorter time period is agreed with the appellant or their representative.
 - b) Requests for the release of witnesses from work, where they are employees of the County Council, should ideally be done at least 10 days before the hearing.
 - c) Ensure that case papers are exchanged between the appellant and presenting manager 10 days before the appeal hearing.
13. In cases where it is known that delay may be a factor, the Decision officer must be informed to determine whether the appeal hearing can be progressed by an alternative route, giving due consideration to any compassionate circumstances and the availability of appropriate advice to the appellant.. Appellant are expected to make all reasonable efforts to attend an appeal hearing and there will be a maximum of one further opportunity to have their case considered as the final stage of the internal appeals procedure
14. Out of time issues will be considered at the start of the appeal hearing and the Decision Officer will determine whether to allow an appeal to proceed. .
15. Information about the conduct of the appeal should be exchanged between the management representative and the appellant (or his/her representative) and copied to those hearing the appeal.
16. The Appellant's statement of case should cover the basis for the appeal and the outcome desired for example reinstatement or redeployment. .
17. The papers to be relied on in the appeal must be submitted by both parties at least 10 days before the appeal hearing and should include written details of any witnesses to be called, The appellant will not be allowed to introduce new information at the appeal hearing that has not previously been submitted unless there are extenuating circumstances which prevented this from happening earlier.
18. The Decision Officer has the power to dismiss the appeal or to uphold it. Other potential outcomes of the appeal process are:
 - a) The case is referred back to the original panel for a new hearing.
 - b) Where there is an indication of bias or poor management of the original hearing, the case is referred back to a new panel for fresh consideration
 - c) The appellant is re-instated, potentially redeployed or some other appropriate action

Please note there is no scope for the Appeal Decision Officer to award compensation or other financial settlement as part of the appeals process

19. The Decision Officer should apply the same test as that applied by the employment tribunal, that is, did the decision fall within the band of reasonable responses as it is not the role of the Appeal Decision Officer to substitute their opinion for that of the original decision maker
20. The Decision Officer can alter the severity of the penalty imposed by disciplinary sanctions in circumstances where:
 - a) The grounds for the appeal are the unreasonable nature of the decision. This includes the severity of penalty imposed or the perverse nature of the decision, or
 - b) Severe procedural irregularities have a significant impact on the original decision and this has warranted a full re-hearing by the original panel.
21. The decision will be notified to the parties involved no later than 5 working days after the hearing.
22. In any case where reinstatement following dismissal is granted the resultant break in service will be considered as continuous service for purposes of statutory entitlements. Normal pay will be backdated to the date of termination.
23. This appeal is the last stage of the County Council's internal procedures and no further right to internal appeal exists.

Appendix 1 Appeal pro-forma

Date completed by applicant:	Date received by Service Director Customers and HR	Date appeal acknowledged and eligibility confirmed

NOTICE OF APPEAL

To be submitted **within 10 days** of confirmation of formal action arising from a disciplinary, performance or attendance management procedure or the outcome of a grievance hearing or meeting at which a decision was made to dismiss on the grounds of redundancy.

Pro-forma to be sent to the Service Director Customers and Human Resources

1. DETAILS

APPELLANT'S NAME: _____

EMAIL ADDRESS: _____

ADDRESS: _____

TEL NO: _____

DEPARTMENT: _____

SECTION: _____

NAME OF TU REPRESENTATIVE: _____

EMAIL ADDRESS: _____

ADDRESS: _____

REPRESENTATIVE'S TEL NO: _____

NAME AND WORKPLACE CONTACT OF ANY WITNESSES TO BE CONTACTED:

- 1.
- 2.
- 3.

THE HR OFFICER RESPONSIBLE FOR MAKING THE ARRANGEMENTS TO HAVE YOUR APPEAL CONSIDERED WILL MAKE CONTACT WITH THE WITNESSES YOU LIST.

THERE IS NO NEED TO PROVIDE CHARACTER WITNESSES FOR THE APPEAL HEARING AS ONLY THOSE WHO HAVE DIRECT INFORMATION ABOUT THE MATTERS UNER CONSIDERATION WILL BE CALLED

PLEASE INCLUDE DETAILS OF ANY ADJUSTMENTS, ADAPTATIONS OR NEEDS YOU HAVE TO ENABLE YOU TO PARTICIPATE IN THE APPEAL HEARING e.g. hearing loop, braille documents, more frequent breaks etc.

DETAILS OF DECISION BEING APPEALED:

TYPE OF HEARING (disciplinary, grievance, capability/performance, attendance management, redundancy, recruitment):

DATE(S) OF PREVIOUS HEARING(S): _____

OUTCOME OF PREVIOUS HEARING (e.g. final warning, dismissal, or grievance not upheld):

WHEN FIRST INFORMED OF DECISION (if at the hearing state the date, if by letter the date it was received):

APPEAL

Please tick one or more of the following boxes to indicate the grounds on which you wish to appeal the previous decision. Please note that a failure to provide the grounds of the appeal may result in your appeal being dismissed without a hearing:

GROUND IN DISCIPLINARY, PERFORMANCE OR ATTENDANCE MANAGEMENT APPEALS

The decision was unreasonable. This can relate to the severity of the penalty or the rationale for the decision.

There is new evidence available which wasn't reasonably practicable to present at the previous hearing.

There was a significant failure to follow relevant policy and/or procedure.

In cases of a compulsory redundancy dismissal, you cannot use the appeal process to challenge the decision taken by politicians to cease or reduce an area of work. The sole reason to challenge a decision in these circumstances is that the selection criteria were applied unfairly

GROUNDING IN GRIEVANCE APPEALS

[illegible]

Please identify any dates in the next 2 months when you are unavailable to attend an appeal hearing

4. Signed _____ Date _____

Please return completed pro-forma to Personal Assistant to the Service Director, Customers and Human Resources, Resources, 2nd Floor, County Hall, West Bridgford, NG2 7QP.

Appendix 2

Appeal hearing procedure

1. Written statements relating to the grounds for appeal and the cases to be put by the two sides should be exchanged and submitted in advance of the appeal hearing in accordance with XXX of the disciplinary procedure.
2. The Authority's representative will state the case against the Appeal in the presence of the Appellant (and representative). Witnesses may be called by the Authority's representative in support of the Authority's case.
3. The Authority's representative and each witness called by the Authority, having given evidence against the appeal, may then be the subject of examination by the Appellant (or representative).
4. Each witness may then be re-examined by the Authority's representative upon the evidence provided through their examination by the Appellant (or representative).
5. The Appeal Decision Officer may ask questions of each witness and of the Authority's representative on the submitted evidence.

NB After giving evidence each witness will be:

- (a) Instructed not to discuss the case in any way until after the Appeal has been determined and
- (b) Asked to retire.

Unless otherwise determined by the parties to the Appeal, witnesses may be the subject of recall.

6. The Appellant (or representative) will state the case in support of the Appeal in the presence of the Authority's representative. Witnesses may be called by the Appellant (or representative) in support of their case.
7. The Appellant and each witness called by the Appellant (or representative), having given evidence in support of the appeal may then be the subject of examination by the Authority's representative.
8. Each witness may then be re-examined by the Appellant (or representative) upon the evidence provided through their examination by the Authority's representative.
9. The Appeal Decision Officer may ask questions of each witness and the Appellant on the submitted evidence.

NB After giving evidence each witness will be:

- (a) Instructed not to discuss the case in any way until after the Appeal has been determined and
- (b) Asked to retire.

Unless otherwise determined by the parties to the Appeal, witnesses may be the subject of recall.

Please note the appellant's representative cannot answer questions on their member's behalf

10. The Authority's representative shall have the opportunity to sum up the case against the Appeal.
11. The Appellant (or representative) shall have the opportunity to sum up the case in support of the Appeal.
12. The Appellant (and representative) and the Authority's representative shall withdraw.
13. The Appeal Decision Officer together with the HR adviser will deliberate in private only recalling the Appellant (and their representative) and the Authority's representative to clear points of uncertainty on evidence already given. If recall is necessary both parties will return, notwithstanding that only one of them is concerned with the point giving rise to doubt. The Decision Officer may seek the advice of the Council's legal representative or other technical specialist if necessary, for example to understand a safeguarding impact.

14. The Appeal Decision Officer will normally give their outcome to the Appellant (and their representative) and the Authority's representative(s) personally, which will be confirmed in writing to the parties concerned within 5 working days.

Discipline Procedure Checklist Following Investigation

Action Required	Responsible Officer	Date action completed	Further comments
Undertake investigation	Investigating officer		Investigations to be undertaken in a timely way in accordance with the commissioning brief
Complete Recommendations	Investigating officer		This is the opinion of the investigating officer whether the matter warrants further consideration under the discipline procedure – it cannot be the decision of the HR support
Obtain Commissioning Officer agreement to the recommendations	Investigating officer/commissioning officer		
Inform the subject of this decision and copy in their representative	Commissioning officer		
Arrange Hearing Date	Commissioning officer		The commissioning officer is responsible for the hearing arrangements but this may be delegated as appropriate. Ensure all parties agree to the date and include the representative in this discussion to facilitate the process
Arrange Hearing Panel	As above		Advice on the constitution of the panel can be given by the supporting HR business partner
Chair Of Panel	As above		Departments now have hearing rotas and chairs are selected from the group manager cohort. It will sometimes be necessary to look outside the department for panel chairs and members
Panel Member	As above		Panel members should have undertaken the relevant training and have some management experience
HR Representative	As above in consultation with the HR senior business partner		The HR adviser to the panel will not have been involved in the investigation process
Minute Taker	As above		It is important to have an accurate but not a verbatim record of the hearing. It can be difficult to concentrate and take notes therefore having a minute taker is helpful

Book Rooms for Hearing	Delegated organiser		It is import for the hearing venue to be free from distractions and convenient for the employee to attend. You may wish to consider whether hearings take place in normal places of work or whether a neutral venue is used. You will need a room for the hearing plus one for the employee and other rooms depending on the number of witnesses both parties may wish to call
Provide written confirmation of the hearing date giving as much notice as possible but as a minimum using the timescale set out in the discipline procedure	Commissioning Officer or presenting officer where this is different		Information is available in section E3 of the Personnel Handbook and on the relevant section of the Managers' Resource Centre along with document templates
Ensure all witnesses are available and notified well in advance of the hearing date	Presenting officer/employee subject to the allegations		It is the relevant party's responsibility to ensure that any witness they want to appear is aware and available to do so. If there is any dispute, this must be discussed with the panel chair to determine how this can be resolved
Prepare management statement of case	Presenting manager		This should outline the nature of the allegations, the scope of the investigation and guide the panel through the rationale for considering the matter at a hearing. No new information should be presented to which the employee has not had an opportunity to respond to in the course of the investigation – unless there are significant mitigating factors
Prepare response to management statement of case	Employee or their representative		This is a matter for the employee to determine in discussion with their representative but agreed timescales to be met are contained in section E3 personnel Handbook
Prepare for hearing	Presenting officer/employee		Familiarise yourself with all documents presented; ensure witness statements are signed and dated and that pages are numbered and appendices listed for ease of reference; prepare opening and closing statements and questions for witnesses for both parties
Attend the hearing	All parties		If there is any reason someone considers that they should not be involved or cannot attend this must be discussed with the panel chair who will seek the advice of the HR business partner identified for the panel before reaching a decision. Ideally this should be done well in advance of the hearing date

Please see the Managers' Resource Centre for additional information and revised guidance on other aspects of the discipline procedure. This document is provided to assist with the smooth operation of the process but its completion is not mandatory.

TO FACILITATE A DECISION RE SUSPENSION OF EMPLOYEES

To be completed and forwarded to the HR Section within normally 24 hours of an incident/allegation.

Managers should complete the following to establish the facts:

Details of Employee:**Name:****DOB:****Post:****Unit:****Form completed by:**

.....

Date:

.....

List of the allegations/concerns:**How did these come to light?****Established information/evidence including witnesses:**

(This is a cursory fact and information gathering stage in order to facilitate a decision re suspension from duty e.g. Checking out with employees, or service users who may have witnessed or been involved in incidents and a brief outline of their observations. Other evidence - for example, patterns of behaviour, practice, records etc.)

Action already taken: (Tick as appropriate)Adult abuse procedures invoked. ☐Child abuse procedures invoked. ☐Police involved. ☐Employee informed of allegations/concerns. ☐Other people spoken to and reports received. ☐

If suspended contact IT on ict_security_group@nottsccl.gov.uk to place a block on the employees IT account

Other - please list.

Decision re suspension:

Consideration of alternatives, for example, redeployment of alleged offender and/or complainant(s).

Decision:**Reasons:****Signed:** _____ **Post Title:** _____

Completed forms should be forwarded to the HR Section, marked Personal and Confidential

HR Advice:

To be completed and a response given to the Manager submitting the proforma within 24 hours of receipt.

Actions to be taken next:

Commissioning Officer to identify who will undertake investigation – e.g. named Manager, Audit Section, Investigation Officer etc. Draw up brief for investigation.

Review of suspension decision**By Name:****Post Title:****Date:****Outcome:**



NOTTINGHAMSHIRE COUNTY COUNCIL

EMPLOYEE RESOLUTION PROCEDURE

Title: Employee Resolution Procedure			
Aim/Summary: To provide a management framework to consider employee complaints in a timely, consistent manner			
Document type (please choose one)			
Procedure	*	Guidance	
Strategy			
Approved by: Marjorie Toward, Service Director Customers and HR		Version number: Final	
Date approved:		Proposed review date:	
Subject Areas (choose all relevant)			
About the Council		Older people	
Births, Deaths, Marriages		Parking	
Business		Recycling and Waste	
Children and Families		Roads	
Countryside & Environment		Schools	
History and Heritage		Social Care	
Jobs		Employees	*
Leisure		Travel and Transport	
Libraries			

Author: Beverley Cordon, Senior Business Partner	Responsible team: HR
Contact number: 01159773461	Contact email: beverley.cordon@nottsc.gov.uk

Please include any supporting documents	
Review date	Amendments

Employee Resolution Procedure

1. Introduction

1.1 Nottinghamshire County Council recognises that employees may from time to time have complaints and grievances they wish to raise, this may include complaints of harassment or bullying. The purpose of the Employee Resolution Procedure is to provide a mechanism by which employees can raise complaints and have them resolved as quickly as possible. The procedure should only be used when all efforts to resolve a complaint informally, at the lowest possible level and as close to the source as possible, have been exhausted.

Guidance for managers on informal resolution of employee concerns is attached as Appendix 1.

2. Scope

2.1 This procedure applies to all employees of Nottinghamshire County Council with the exception of teachers and staff based in schools, where schools have their own procedures.

2.2 The procedure deals with complaints that employees, on an individual or group basis, have on matters relating to their work including their management, colleagues, working practices, bullying and harassment and the working environment.

2.3 There are separate procedures which deal with:

- Discipline
- Whistleblowing
- Collective Dispute
- Complaints against Members
- Grading of Posts

3. Principles

3.1 The first step, when handling an employee complaint, is always to seek an informal resolution outside of this formal procedure. Only when all efforts to resolve the matter informally have been exhausted should the Employee Resolution Procedure be considered.

3.2 A complaint should be raised by an employee immediately an issue occurs and no later than within 3 months, to enable current issues to be considered within a reasonable timescale.

3.3 Advice should be sought from the HR service throughout the process.

3.4 The employee may wish to be accompanied by a Trade Union representative or official employed by a trade union or a fellow worker at all meetings concerning their complaint.

- 3.5 If required, the employee may request a support person to be in attendance at formal meetings. The support person is not permitted to address or intervene in the meeting in any way.
- 3.6 In raising a complaint there should be no fear of victimisation.
- 3.7 The Employee Resolution Procedure should not be used to frustrate action already being taken under other procedures, e.g. disciplinary, attendance or performance. In exceptional circumstances where an employee raises a complaint during another process, the process may be temporarily suspended in order to deal with this. However, where the complaint and other cases are related, it may be appropriate to deal with both issues concurrently. HR advice should always be sought in these circumstances.
- 3.8 In appropriate circumstances managers may consider temporary redeployment or suspension. HR advice should always be sought in these circumstances.
- 3.9 There may be circumstances where an employee leaving the Council may raise an issue that would need further investigation and time may not allow for an appropriate investigation of the issue to take place before they leave. The former employee should send in the written complaint to their former manager normally within 2 weeks of leaving employment. It may be appropriate to arrange to meet with the former employee to discuss the issue. Advice should be sought from the HR service.

4. Formal Meeting

- 4.1 Once attempts to resolve a complaint informally have been exhausted, the employee can put their complaint and desired outcome in writing within 5 working days of the outcome of the informal resolution process being communicated to them. The complaint should be submitted to the line manager, unless it directly involves them, in which case it should be submitted to a manager at the level above. The employee should clearly state the outcome/resolution they are seeking, using the pro forma provided in Appendix 2.
- 4.2 The manager with whom the complaint is now raised should convene a meeting with all parties, within 10 working days of receipt of the written notification, where possible. Either party may ask relevant witnesses to attend and give evidence. It is the responsibility of the manager convening the meeting to ensure arrangements are made for the meeting to be recorded.
- 4.3 The employee may wish to be accompanied by a Trade Union representative or official employed by the trade union or a fellow worker at all meetings concerning their complaint. If required, the employee may request a support person to be in attendance at formal meetings. The support person is not permitted to address or intervene in the meeting in any way.
- 4.4 Following the meeting, the manager should decide on the appropriate action, if any, to take. A decision will be given to the employee, in writing, within 5 working days.

HR advice can be sought regarding the decision making process. If the employee is not satisfied with the outcome, they have the right to raise an appeal. They will be advised of how to exercise their right of appeal within the outcome letter.

5. Appeal

- 5.1 Where an employee believes their complaint has not been satisfactorily resolved, they may submit an appeal. The employee should inform their Service Director of their grounds for appeal, in writing, within 5 working days of receipt of written outcome of the formal meeting, using the Appeal pro forma (insert link).
- 5.2 The appeal should be convened within 20 working days of receipt of notification and should be chaired by an independent manager nominated by the Service Director. Advice may be provided to the manager hearing the appeal by a HR Business Partner.
- 5.3 All written submissions which parties wish to rely on at the appeal, should be submitted no later than 10 working days prior to the date of the appeal to the independent chair. Submissions should then be issued to both parties 5 working days prior to the meeting.
- 5.4 The officer presenting the appeal for management, should be the manager who chaired the formal meeting under the Employee Resolution Procedure. It is their responsibility to ensure arrangements are also made for the appeal meeting to be recorded.
- 5.5 The procedure for the Appeal meeting will be as outlined in Appendix 3.
- 5.6 The outcome of the appeal will be communicated to the employee in writing within 5 working days.
- 5.7 The appeal is the final stage of the Employee Resolution Procedure. The independent manager can uphold the appeal fully or in part, dismiss the appeal or take any other appropriate action.

Guidance for Managers Informal resolution of employee concerns

Aim

When handling a concern or problem raised by an employee, the aim is always to seek a resolution at the lowest possible level and as quickly as possible without recourse to the formal Employee Resolution Procedure. In the majority of cases complaints can be dealt with locally by the line manager at the time the concern is first raised and normally within a 4 week timeframe.

Only when all efforts to resolve the matter informally have been exhausted should the complaint be considered under the formal Employee Resolution Procedure.

Informal resolution – good practice steps for managers

- Ensure you understand the nature of the concern and the desired outcome/resolution.
- Consider if the complaint is sufficiently serious (e.g. bullying or harassment) to be immediately considered under the formal policy.
- Refer to your line manager if the employee does not feel able to discuss the matter directly with yourself.
- The appropriate manager should arrange to meet with the employee as soon as possible to discuss the matter with the aim of resolving the issue.
- The employee may wish to be accompanied by a Trade Union representative or official employed by a trade union or a fellow worker at all meetings concerning the issue raised.
- Depending on the nature of the concern and If required, the employee may request a support person to be in attendance at formal meetings. The support person is not permitted to address or intervene in the meeting in any way, and should only play a pastoral role.
- If the complaint is against a fellow worker, ensure they are appraised of the issue and arrange to meet with them either jointly with the complainant or separately.
- Consider whether any learning and development activity would help resolve the issue. (Link to BMS Learning Solutions)
- Coaching
- Keep records of the issues raised, discussions held and actions taken. Confirm your decision and any actions to all parties in writing. Keep these records on the employee's supervision file.
- Advice can be sought from the HR service throughout the process.

FORMAL EMPLOYEE RESOLUTION PROCEDURE PROFORMA

Note to Employees: It is expected that all efforts have been made to resolve the issue informally, before the FORMAL Employee Resolution Procedure is utilised.

Name:	Post: Service: Department:
Summary of complaint:	
Please outline what actions you have taken to informally resolve the matter with the appropriate manager. (Please state manager's name and job title*).	
Please state why you are not satisfied with the outcome of the informal resolution process.	
Name(s) of employee(s) against whom the complaint has been raised, if applicable:	
Details of grievance - include dates, times, events, witnesses etc. (continue on separate sheet if necessary)	
Names of any witnesses:	
Desired Resolution/Outcome:	
Signed:	Date:

The form should be sent to the manager named above*. A copy should also be sent to the HR service at hrdutydesk@nottsccl.gov.uk

The process for the Employee Resolution Procedure Meeting/Appeal is as follows:

1. The Chair introduces all parties and explains their roles.
2. The Chair explains the purpose of the meeting/appeal i.e. it is being held in accordance with Nottinghamshire County Council's Employee Resolution Procedure and is a confidential matter, which should be treated as such by all parties.
3. The Chair asks whether any adjustments are required and offers breaks where required.
4. The Employee/Representative presents their case, calling witnesses as required (witnesses should be told not to discuss the case with any other parties and that they may be subject to recall should clarification be needed on any point of their evidence).
5. The Manager asks questions of the employee and their witnesses.
6. The Chair/HR Business Partner asks questions of the employee and their witnesses.
7. The Manager presents their case, calling witnesses as required (witnesses should be told not to discuss the case with any other parties and that they may be subject to recall should clarification be needed on any point of their evidence).
8. The Employee/Representative asks questions of Management and their witnesses.
9. The Chair/HR Business Partner asks questions of the Manager and their witnesses.
10. The Manager sums up the management case.
11. The Employee/Representative sums up their case.
12. The Chair thanks all parties and calls for an adjournment to consider the evidence and reach a decision. All parties should be reminded not to discuss the proceedings with any other parties.
13. Unless further time is required for decision-making, the meeting reconvenes and the Chair informs the Employee/Representative of their decision and that this will be confirmed in writing within 5 working days, and placed on their personal file. Where further time is required, the Chair will confirm how the decision will be communicated within the 5 day timeframe.
14. The Employee is informed of their right to appeal, (except where it is an appeal meeting).

N.B. If new evidence or additional documents are produced during the meeting, the other party has the right to request an adjournment in order to consider the information. Witnesses may be re-called if the Chair makes the decision to allow new evidence.



NOTTINGHAMSHIRE COUNTY COUNCIL

PERFORMANCE MANAGEMENT PROCEDURE

Title: Performance Management Procedure			
Aim/Summary: To provide a management framework to support and enable employees to meet the performance requirements of their respective roles			
Document type (please choose one)			
Procedure	*	Guidance	
Strategy			
Approved by: Marjorie Toward, Service Director Customers and HR		Version number: Final	
Date approved:		Proposed review date:	
Subject Areas (choose all relevant)			
About the Council		Older people	
Births, Deaths, Marriages		Parking	
Business		Recycling and Waste	
Children and Families		Roads	
Countryside & Environment		Schools	
History and Heritage		Social Care	
Jobs		Employees	*
Leisure		Travel and Transport	
Libraries			

Author: Beverley Cordon, Senior Business Partner	Responsible team: HR
Contact number: 01159773461	Contact email: beverley.cordon@nottsc.gov.uk

Please include any supporting documents	
Review date	Amendments

Performance Management Procedure

1. Aim

1.1. This procedure reflects Nottinghamshire County Council's commitment to effective performance management and provides a framework for managers to work with employees to establish standards; to maintain satisfactory performance; and to encourage improvement where necessary.

1.2. Managers will encourage and support employees using a range of tools, including regular support and supervision, clear objective setting as part of the ongoing EPDR process and using coaching and counselling as appropriate to provide every assistance to employees to maximise their performance.

2. Scope

2.1. This procedure applies to all employees of the County Council except for staff on probationary periods. See Appendix 1 – guidance on Conducting Probationary Reviews.

2.2. The procedure does not apply to workers supplied through an employment agency and those covered by the School Teachers Pay and Conditions (STPC) document.

2.3. Any performance issues relating to an agency worker should be addressed through the supplying agency/Managed Service Provider.

2.4. As this procedure is intended to address poor performance it will not apply to cases involving sickness absence, proposed redundancies or misconduct.

3. Introduction

3.1. This procedure should be read in conjunction with the following documents and guidance:

- The [Competency Framework and guidance \(insert link\)](#) for each tier
- [Employee Performance and Development Review \(insert link\)](#) (EPDR) Process
- The [Performance Management Good Practice Guide for Managers \(insert link\)](#)
- [Supporting Employees with Disabilities \(insert link\)](#)
- Any relevant Professional and Technical Competencies

3.2. The procedure supports and enables every employee to contribute towards the goals of their teams and the organisation as a whole. Employees will know the priorities, aims and objectives of the County Council; understand how their role contributes to achieving these goals; ensures they possess the necessary skills and competencies to fulfil their role; are aware of the expected standard of performance; can expect to receive positive, constructive feedback; and be supported and enabled to identify and address any performance gaps.

3.3. Performance management will be applied fairly and consistently. Employees will not be discriminated against because of a protected characteristic in accordance with the Equality Act 2010. It is the manager's responsibility to ensure employees have a clear understanding of their job purpose and the job and behavioural

standards expected of them. Managers will support and enable employees to reach the required level of performance through the following means:

- effective induction into a new role and the standards expected of them in terms of behaviours and practice
- access to relevant learning and development opportunities, including coaching and mentoring where appropriate
- clearly understood objectives which are SMART (specific, measurable, achievable, relevant and timely)
- regular support and supervision which includes constructive feedback on performance and a reminder of required standards
- completion of the EPDR process including assessment and regular reviews completed within the published timescales
- effective use of the [competency framework](#) as outlined in the related guidance
- a commitment to address any performance issues at the earliest opportunity to ensure the employee has the ability to improve to the required standard.

3.4. Performance management will happen as part of the normal day to day management arrangements and individual performance will regularly be discussed in supervision sessions and as part of the EPDR process. Team performance will be discussed in regular team meetings.

4. Early intervention

4.1. Managers are required to reasonably consider the performance issues and the action taken to address them before formal action is instigated. Employees will be given every opportunity and all appropriate support to improve. However, where the required improvement is not made and sustained or the case is of more serious poor performance, the procedure outlined below should be used. Details of the steps taken to try to achieve the required improvement will form part of the evidence presented at any future formal hearing. Early intervention by managers will include:

- clarifying the job purpose and required standards
- identifying areas of concern
- establishing the likely causes of poor performance and identify any training needs
- setting targets for improvement and a timescale for review.

4.2. Managers must maintain written records to support the action taken to address performance issues. Any written evidence should include supervision minutes; minutes of ad hoc meetings called to address performance issues; and letters highlighting concerns about an employee's performance. It should also contain a record of the steps taken to address the performance issues, for example, training records, learning logs, action plans. The employee should be aware of all the written records regarding their performance but they do not necessarily have to be in agreement with the content. Where a disagreement cannot be resolved, the employee or their representative can provide a note outlining the points of disagreement which will be attached to form part of the official record.

4.3. Managers must consider whether poor performance could be related to a disability and, if so, whether there are reasonable adjustments that could be made to an employee's working arrangements, including changing duties or providing additional equipment or training. If an employee wishes to discuss any adjustments/adaptations they require or if they want to inform their employer of any medical condition(s) considered relevant to their performance, this should be done through their line manager or a member of the [HR team](#).

4.4. Support for employees with a disability can be accessed by contacting the Disability Support Network [\(insert link\)](#).

5. The procedure

5.1. Formal action will not be taken against an employee until the case has been reasonably considered by the line manager and appropriate support and training put in place to help the employee improve their performance. This means that the issues have been identified and where practicable, the employee has been given every opportunity to improve their performance.

5.2. The procedure is a staged process where the employee receives a warning(s) about the need to improve their performance to the required standard before any further consideration is given to their future employment and the potential for their contract of employment to be terminated under the terms of this procedure. Employees will not normally be dismissed for performance reasons outside of their probation period without a previous warning being issued.

5.3. In some exceptional cases, it may be advisable to temporarily redeploy, adjust existing duties or suspend an employee because of the risk their poor performance poses to service users, the public or their colleagues. Suspension is on contractual pay and is a neutral act [Disciplinary Procedure \(insert link\)](#). However once an employee is suspended they are unable to demonstrate improvement in their performance and consideration will need to be given as to whether they can return to their substantive role with an appropriate risk assessment in place or whether redeployment to a different, equivalent or more junior role is more appropriate. Some cases of performance shortfall may be so significant as to constitute gross negligence and these circumstances may be better considered under the Disciplinary Procedure. Managers are strongly advised to discuss any such cases with the [HR team](#).

5.4. The line manager will organise the hearing which will review the performance of the employee and any action taken to date to enable the necessary improvement to be made. The hearing will be chaired by an independent manager who will have no previous direct involvement in the case, advised by an HR Business Partner.

5.5 The notification or written statement of case will detail a time and venue for the hearing and should be sent out 10 working days prior to the date of the hearing. The statement should include any documents to be relied upon including written evidence, professional codes and/or relevant witness statements. The manager must be able to provide information regarding job purpose; standard setting; induction; support and supervision and any previous warnings about the implications for continued employment if improvement has not been made and maintained.

5.6 The notification should also advise the employee of their right to be accompanied at the hearing by a trade union representative or official employed by the trade union or a fellow worker. The employee should be asked to submit their written Statement of Case no later than 5 working days before the hearing date.

5.7 If there are reasonable grounds for the employee or their representative being unable to attend the proposed date, the re-scheduled hearing should take place within 5 working days of the original date.

6. Stage 1 – outcomes

6.1. The Chair in the Stage 1 performance management hearing may determine that one or more of the following outcomes are appropriate:

- application of a monitoring period for a specified time
- undertake a risk assessment
- assess whether there are further reasonable adjustments required under the Equality Act 2010
- issue a **written warning** for unsatisfactory performance where acceptable standards have not been met. The written confirmation of the warning will set out the performance issue(s); identify the improvement that is required and the timescale in which to make the necessary improvement. The warning confirmation will also identify any additional support and training to help close the performance gap and provide advice on the right of appeal. The individual will be advised that this constitutes the first stage of the performance management procedure.

A record of the warning will be kept on file and will be subject to regular review for the first 12 months to ascertain whether the required improvement has been made and sustained. The warning will remain on file and can be referred to within any 2 year period to ensure that satisfactory performance is maintained. This period may be extended up to 3 years where there has been a significant period of absence which has not allowed the employee to demonstrate their ability to sustain their improved performance.

- Issue a **final written warning** if the performance issue is sufficiently serious; or if unsatisfactory performance is longstanding with no or insufficient improvement towards meeting the required standards. This will give details of the improvement required and of the timescale to make this in. It will also warn that failure to improve may lead to dismissal or some other action short of dismissal. A copy of the final written warning will be kept by the line manager and again can be referenced within a 2 year period to ensure improved performance is maintained.

6.2. If either a written warning or a final written warning is issued the employee should be advised that they have a right of appeal against these outcomes – please refer to section 8. Appeals below.

6.3. Should the panel determine that the failure to meet the required standard in performance constitutes gross negligence then this should be considered under the Council's Disciplinary Procedure.

6.4. In the event of a further deterioration in performance or failure to achieve the required standard within the required timescale, the manager can move to the second stage of the formal process.

7. Stage 2 – outcomes

7.1. The Chair in the Stage 2 performance management hearing may determine that the following outcomes apply:

- extend the monitoring period for a specified time
- determine that redeployment search be undertaken

(Please note that if the confirmed outcome is redeployment to a lower graded post where the employee agrees to take up such an appointment and a suitable post is available, pay protection will not be paid in these circumstances)

- To dismiss the employee if there is evidence of a continued failure to improve performance.

7.2. The decision to dismiss with contractual notice will only be taken after a full examination of the case to date; the steps taken to assist the employee meet the required standard and any other mitigating factors.

7.3. The hearing will be chaired by an independent manager with the relevant power to dismiss, advised by an HR Business Partner. The employee will receive confirmation of the panel's decision in writing, giving the reasons for dismissal, within 5 working days of the hearing. The letter will also advise the date on which employment will terminate and outline the right of appeal.

8. Appeals

All appeals against the issue of a warning or dismissal under the Performance Management Procedure will be considered under the County Council's Appeals Procedure – see Disciplinary Procedure.

Guidance on conducting Probationary Reviews

1. Probationary review

1.1. New entrants to the authority will be subject to a six month probation period which should be properly managed, to ensure that any performance issues are picked up and addressed prior to the employee being transferred onto the permanent establishment. Expectations should also be reinforced on an ongoing basis within the supervision and EPDR process.

1.2. The probationary period has two review periods. The first review period should be after approximately two months service and the second no later than five months after commencement.

2. First review - 2 months

2.1. Employees should be invited to the review and given notice of it so that they can prepare. This meeting consolidates what has happened so far within an open and frank discussion about their performance so far against the required standards, covering good and bad points, utilising the [probationary review form \[WORD\]](#).

2.2. If the employees' performance has not yet reached a satisfactory level, this meeting provides an opportunity to discuss what additional support you can provide e.g. guidance, training course, on-the-job training etc. Improvements need to be identified as well as the timescale for improvement.

2.3. The employee should be made aware verbally and followed up in writing, that if their performance does not reach a satisfactory level by the end of their probationary period, their continued employment is at risk. Guidance on written confirmation can be obtained from the [HR Team](#).

3. Second review - 5 months

3.1. A second formal review should take place irrespective of how well things were going at the time of the first review.

3.2. Employees should be invited to the review and given notice of it so that they can prepare. This meeting consolidates what has happened so far within an open and frank discussion about their performance so far against the required standards, covering good and bad points.

3.3. If performance has reached a satisfactory level and is maintained over the next few weeks, the employee will be confirmed in post at the end of their probationary period and you will record that using the [probationary review form \(insert link\)](#)

3.4. If their performance had been below the desired level at the first review and progress has been made in the interim but it still falls below standard, you should contact the [HR Team](#) about extending the probationary period by up to 6 months. You need to go via HR as there are certain steps that need to be covered.

3.5. If their performance had been below the desired level at the first review and no progress has been made in the interim you need to consider whether they will reach the required standard or whether the employee needs to be dismissed. You need to seek advice from the [HR Team](#) to help make this decision.

4. Appeals

4.1. Employees can appeal against the decision to extend a probationary period and against dismissals carried out under the probationary procedure.

4.2. Appeals will be set up by HR and support will be given to assist the chair to produce a letter to the employee confirming the outcome of the appeal. Guidance is available for managers regarding the format for [conduction probationary extension appeals \(insert link\)](#) and dismissal appeals. Please talk through any appeals with your [HR Team](#).

Performance Management Good Practice Guide for Managers

All line managers should read and familiarise themselves with this guidance and section E11 Performance Management Policy and Procedure

The application of the Performance Management policy and procedure will be underpinned by the principles of fairness and consistency

All employees will be expected to give the highest possible standard of service to the public and perform their duties to the best of their ability.

Performance Management Good Practice Guide for Managers

Subject: Employee Performance Management	
Policy Commitment	Action Required
Principles of Performance Management Policy and Procedure	<p>Managers must consider the following as they address performance issues:</p> <ul style="list-style-type: none"> - any action taken is fair, consistent and proportionate - undertake an evaluation of the impact on any health issues or disabilities - need to outline expectations of the post holder's job performance – is it realistic, reasonable and fair? - assess the impact of any personal circumstances that could affect employees' performance at work - to retain employees in employment wherever possible and to give them every opportunity to improve with encouragement and support within set timescales - to consider re-training or further training where this is reasonable and practicable - to record and keep details of all discussions/interviews with the employee as well as evidence relating to the monitoring work targets. These will be needed if the employee is taken into the hearing process - to ensure that the employee is aware that such records are being kept and has had the opportunity to comment on them, although this does not require their agreement. The process of monitoring should be open and supportive - to develop standards of performance which are specific, measurable, achievable, relevant and timely (SMART) in respect of quality, quantity, time and cost. - to ensure that shortfalls in performance cannot be attributed to lack of clarity of purpose or explanation, training and support on behalf of management and/or that expectations of management are not unreasonable. <p>In addition to these principles, managers will have to consider any professional elements of the role that form part of a statutory requirement and which place a responsibility on the employer to refer to an external body where performance has fallen below the required level.</p> <p>While ever effort will be made to help an employee improve their performance and retain them in post, the County Council cannot guarantee to maintain employment indefinitely if satisfactory performance is not achieved and maintained.</p>
Subject: Employee Performance Management	

Performance Management Good Practice Guide for Managers

Policy Commitment	Action Required
<p>A structured and proactive approach to performance management to support and enable employees to perform their duties to the required standard</p>	<p>Managers - All managers required to take active steps to identify and manage poor performance in a fair and consistent way</p> <p>Must provide positive, constructive feedback to encourage good performance and address issues at the earliest opportunity to provide employees with the time, training and support to make the required improvement.</p> <p>Determine whether performance shortfall is a temporary dip or whether there are longer term capability issues which require a different management approach.</p> <p>Use the competency framework to identify core skills and behaviours; job purpose; aims and objectives of individual, team and the County Council and the EPDR process to make an informed assessment on an individual employee's performance. Key elements to support effective performance management:</p> <ul style="list-style-type: none"> - having a clear job description and employee specification which describes the role purpose and the tasks to be undertaken - ensure recruitment tools match the level of job on offer and test the required skills and knowledge - undertake an effective induction programme to ensure new recruits understand the role, the operating context and expectations placed on them - provide regular and effective supervision and in addition, for those new into post, manage the probation period rigorously - provide the opportunity for regular discussion about overall job performance in supervision and team meetings to develop a circular feedback culture involving job holder; supervisors and peer colleagues - use the competency framework and EPDR process to highlight positive aspects of performance as well as areas requiring development - provide access to relevant L&D opportunities to enable employees to close any gaps in their performance - develop an ability to tackle issues as and when they arise to prevent them escalating into more significant problems - maintain clear, concise records of conversations and actions taken to address a performance shortfall, to measure progress or as evidence if the procedure has to be invoked.

Subject: Employee Performance Management

Page 115 of 178

Performance Management Good Practice Guide for Managers

Policy Commitment	Action Required
Understand what is effective performance management	<p>Managers understand the importance of and are able to set and communicate fair and consistent standards</p> <ul style="list-style-type: none"> – employee capability includes skills, ability, aptitude, behaviours, and the application of required knowledge in relation to the job they are employed to do – lack of capability can lead to unsatisfactory job performance – requires the manager to provide appropriate support and encouragement to enable improvement to be made to the required standard – issues addressed early prevent matters from escalating to the point where formal action may be required – managers are required to exercise judgement and discretion to determine what is and is not acceptable performance.
What to look at when considering applying the performance management policy and procedure	<p>This guide cannot cover every eventuality but managers will need to consider the following:</p> <ul style="list-style-type: none"> – the role of the job holder – the level of performance – the cause and nature of any performance difficulties – the steps required to close the performance gap – the degree of risk to service users; colleagues; the reputation of the County Council posed by the continued performance shortfall – any relevant individual circumstances of the employee – the previous employment history
How will concerns be raised?	Performance shortcomings may become apparent to the line manager; be raised by the employee themselves; result from customer/service user complaints; peer review or management observation
Performance Management Tools	<p>For new entrants – closely managed induction and probationary period</p> <p>For existing employees – regular discussion about performance in supervision; the EPDR process; day to day management observation and feedback both positive and developmental, frequent reference to the competency framework. If any of these are to be used, they must be properly recorded and communicated to the employee.</p>
Subject: Employee Performance Management Page 115 of 178	

Performance Management Good Practice Guide for Managers

Policy Commitment	Action Required
<p>Health Issues will be sensitively managed (See Supporting Employees with Disabilities)</p>	<p>In cases where performance may be related to the health of the employee, the manager will seek medical advice through a referral to the Occupational Health Team about any support which may be necessary or advisable to enable the employee to undertake their role successfully.</p> <p>Separate guidance is available on managing employees who may fall within the protection of the Equality Act 2010 on the grounds of their disability. Please see Supporting Employees with Disabilities.</p> <p>Employees may become ill whilst their performance is being monitored – this will not remove the need for monitoring but managers will need to consider the needs of the individual with those of the business and on service delivery. The employee is less likely to become stressed about the process if they are clear about the level of concern about their performance and what the specific concerns are; understand what development requirements have been identified and how they will be supported with a clear timescale in which to achieve the required improvement</p> <p>If an employee under performance monitoring becomes unwell and the absence extends beyond 2 weeks, consideration will need to be given to the timescales given in which to make the required improvement. If the absence extends, consideration will need to be given as to whether action should be taken under the County Council's Attendance Management policy.</p>

Performance Management Good Practice Guide for Managers

Subject: Employee Performance Management	
Policy Commitment	Action Required
The grievance process cannot be used to frustrate the performance management process	<p>Managers will address the performance shortfall and focus on the development area, not the individual employee.</p> <p>Commenting on individual performance and addressing issues around performance can be difficult to manage sensitively and this can feel uncomfortable for the employee and the manager. The employee may feel personally attacked and aggrieved at the level of challenge. In some cases, entirely appropriate management intervention can be viewed as bullying or harassment by the employee. This is why it is important to have open dialogue about performance standards at regular intervals and to record such discussions as and when they take place as a means of evidencing the issues previously raised and the steps taken to address them.</p> <p>The grievance and harassment procedure cannot be used to frustrate the performance management process and where a grievance is raised as a result of the performance management process being applied, it will normally be considered as part of the process but the employee will receive a separate adjudication on the points of their grievance as well as the written outcome to the performance management hearing.</p> <p>There will be some occasions where it is not appropriate to hear the grievance as part of the performance management hearing and this should be discussed by the nominated panel chair with the HR adviser.</p>

Performance Management Good Practice Guide for Managers

Subject: Employee Performance Management	
Policy Commitment	Action Required
Employees capability to do their jobs will be considered under the performance management policy. Conduct matters will be considered under E3 Disciplinary Procedure	A key decision for the manager is whether action over and above the normal day to day intervention is required, and if so, whether the issue falls within the performance management or disciplinary procedure. Where an employee's performance does not meet the required standards, apparently out of choice, this will normally be regarded as potential misconduct and should be addressed under the Disciplinary Procedure. In circumstances where the employee has been given every support and assistance to enable them to perform their duties to the required level but they remain unable to do so, this will fall within the Performance Management Procedure outlined in E11 of the Personnel Handbook. In cases requiring remedial performance management action, the manager will ensure that they are measuring performance against the agreed standards rather than substituting personal opinion for clear evidence of the standard of performance. Managers will also have to demonstrate that they are applying performance standards fairly and consistently across their teams. It is in the area of service risk that the blurring of boundaries between applying the discipline or performance management procedures becomes less clear. Where a risk to service users, colleagues or the employee themselves is created, whether through action or inaction, it is more likely to fall within the discipline spectrum as negligence rather than as an issue to be addressed under the performance management procedure. Ultimately this is a judgement for the manager but HR colleagues will be able to assist by providing advice and service precedents from previous casework which will enable the manager to reach their decision.
Managers will ensure that employees are aware of the standard of work expected of them and the range of duties to be undertaken	Performance standards will be discussed at the highest level and filter through the organisation through divisional leadership teams, team meetings and at the EPDR discussion. These duties and standards are drawn from a range of sources including job descriptions, employee specifications, the Competency Framework, departmental/sectional business or service plans and the EPDR process. Managers may also refer to any national or professional standards of competence where they are available and relevant. The aim of effective performance management is to encourage the employee to achieve the standard of required performance within a reasonable timeframe. The timeframe for improvement will be determined by the level of responsibility attached to the post, the complexity of the tasks to be undertaken and the level of support available to newly appointed staff.

Performance Management Good Practice Guide for Managers

Subject: Employee Performance Management	
Policy Commitment	Action Required
The Performance Management Policy assumes that staff come to work to perform their duties to the best of their ability and all management action should be to support and encourage employees to do so	Managers should investigate possible causes of poor performance. The following list of possible causes is not exhaustive: Poor recruitment process and induction; inadequate, irrelevant or insufficient training; inadequate explanation of the standards laid down in the Competency Framework; inability to cope with new technology or new systems of work; ill health; personal issues including bereavement, caring responsibilities, domestic violence; poor systems of work, out of date policies or inadequate procedures; poor tools or equipment; poor quality or inadequate support/supervision; lack of clearly defined role; being the subject of bullying/harassing behaviour; wilful negligence.
If a manager has exhausted the supportive mechanisms for assisting an employee to raise their performance, they are obliged to proceed to the hearing process	The hearing process is in a minimum of 2 stages and these are outlined in section E11 Performance Management Policy and Procedure of the Personnel Handbook. Managers will be expected to demonstrate the following: <ul style="list-style-type: none"> – that the employee has received information clearly and fairly which describes how their performance is failing to meet the required standard – the manager must have reinforced the standards required for the job – evidence will be required of how the possible causes for poor performance have been explored and what support and monitoring has been put in place to enable the employee to reach the required standard – the employee must have had the opportunity to put forward any facts or evidence they consider relevant – the support methods should have considered the following: extra support/supervision/coaching from the line manager; buddying with a more experienced colleague or more formal mentoring arrangement; setting or reviewing work targets; further training or re-training where this is practical and reasonable; having an agreed review period so that the employee is clear about timescales – the manager must have advised the employee of the possible consequences of continued poor performance on their continued employment.

Having Difficult Conversations

Introduction

Challenging poor performance is one of the most sensitive issues a manager will have to address. The prospect of upsetting a colleague, being subjected to an angry outburst or becoming the subject of a harassment complaint or a grievance can deter managers from beginning the process of performance management. However, avoiding these difficult discussions may have much worse consequences in the longer term. Failure to raise concerns about performance at the earliest opportunity denies the employee the opportunity to improve. They will continue to perform at the same unacceptable level, believing that their work is satisfactory.

This can cause additional problems including resentment among teams and the possibility that the issue becomes so serious that it cannot be allowed to continue. Ultimately, the gap in performance which could easily have been closed by early management intervention may become too big for the employee to close. If managers fail to act, the standard of performance may be considered the service norm and others may dip to that level. In high performing teams, it is recognised that praise is given when deserved and issues are tackled straight away. This helps develop a positive attitude and one where colleagues are willing to assist a team member who may be struggling.

The manager who encourages open dialogue within the team will find it easier to have the more difficult conversations and may even find the employee relieved to have the issue addressed. It is possible that they may have been finding the work difficult to manage but were not confident to raise it as an issue for fear of being punished.

Preparation

Before raising the performance issues with the employee, the manager should prepare properly. This requires that the manager to be absolutely clear about the requirements for the role and the ways in which the employee is underperforming. A vague sense of them “not being good enough”, particularly when compared to colleagues, will not suffice. By having a complete grasp of the issues, linked to the competency framework, will allow the manager to be confident in clearly communicating the performance shortfall. The manager will focus on the issue and not the person and ensure that the discussion stays on track.

As well as understanding the issues the manager should have all relevant documents to hand to share with the employee. The manager should also give consideration to the options for actions to improve the performance and reasonable timescales in which to make the required improvement.

The manager should also consider how the employee may react. The employee may be upset, silent, accepting, angry or defensive. It is possible they will become too upset for the discussion to continue immediately. The manager may offer a brief break for the employee to compose themselves but it must be made clear that the conversation will resume as the points at issue are too important to ignore. In having a clear purpose for the discussion, that is, to gain an acceptance that there is a performance issue, it will enable the manager and employee to move to a position where they agree what needs to be done to address this.

On occasion, the employee will refuse to accept any responsibility for the issues under discussion. They may blame colleagues or challenge the manager's view that their performance is below the required standard. In these situations, it is vital that the manager goes through the relevant pieces of information which they have considered in forming the view that there is a problem.

Step guide to the discussion

1. Start by explaining the purpose of the discussion, that is, to share concerns about a performance issue; to gain the employee's view; and to agree actions to assist the employee meet the required standards.
2. Explain the situation from the manager's perspective. If it is serious, then make sure the employee understands this. It will not be helpful in the longer term if the manager underestimates the size of the performance gap when in reality there are very serious concerns about the work being undertaken.
3. Ask for response, ascertain whether the employee considers the manager's view is justified
4. Monitor the employee's responses – progress will be difficult if they are too upset / angry
5. If there is acceptance of the poor performance then the conversation can move on to explore reasons why this might have occurred and seek to agree how this can be addressed
6. If there is no acceptance, listen to what the employee says and the basis for belief that their performance is acceptable. If you feel confident after hearing this that you are correct to be concerned about their performance, then you will need to explain why you do not agree. You will also need to state that as you have identified a performance issue, you still need to identify actions and targets for improvement. If the employee will not co-operate, the manager may suggest that they write to the employee and give them additional opportunity to consider the manager's comments. However there may be information from the employee that the manager would wish to consider further, such as evidence of inconsistent standards, disagreements about what the duties

of the post actually are or there are more accepted standards of performance than the manager is applying. In these circumstances, the manager may wish to end the meeting to enable them to seek advice or to give further thought to the issues.

7. Discuss the options for raising improvement and agree an improvement plan with defined actions and also defined and timetabled improvement milestones.
8. Ask if there is anything else that the employee would wish to say.
9. Explain that the discussion and actions will be confirmed in writing within a defined period following the meeting.

Ensure that the employee understands the necessity for improvement and the consequences of not doing so and finally confirm that the purpose of this process is to assist the employee to reach the required standard of performance.

NOTTINGHAMSHIRE COUNTY COUNCIL RECRUITMENT STATEMENT

Title: Recruitment Policy Statement			
Aim/Summary: To identify the principles to govern how the Council will undertake its recruitment activity			
Document type (please choose one)			
Policy	*	Guidance	
Strategy		Procedure	
Approved by: Marjorie Toward, Service Director Customers and HR		Version number: Final	
Date approved:		Proposed review date:	
Subject Areas (choose all relevant)			
About the Council		Older people	
Births, Deaths, Marriages		Parking	
Business		Recycling and Waste	
Children and Families		Roads	
Countryside & Environment		Schools	
History and Heritage		Social Care	
Jobs		Employees	*
Leisure		Travel and Transport	
Libraries			

Author: Gill Elder, Group Manager	Responsible team: HR
Contact number: 01159773867	Contact email: gill.elder@nottsc.gov.uk

Please include any supporting documents	
Review date	Amendments

1. Aim

Nottinghamshire County Council recognises that its most valuable assets are its people. This statement sets out our commitment to finding and keeping the right number of employees with the necessary skills, abilities and attitudes to ensure the future success of the organisation. Our commitment is underpinned by the principles of fairness and equality of opportunity.

This recruitment statement is part of a wider workforce strategy which enables the Council to identify current and future needs of its directly employed workforce and to ensure we are equipped to attract and retain suitably qualified candidates. A strategic approach to recruitment is essential to organisational performance and vital for the County Council to meet its aims and objectives. There are separate arrangements in place to secure contingent labour through the agency managed service or using the Financial Regulations' pro-forma to hire consultants.

As part of any recruitment process, the Council will undertake a range of checks including the following:

- validated references;
- proof of qualifications/professional registrations and/or membership;
- relevant Disclosure and Barring Service checks in line with published eligibility criteria
- proof of eligibility to work in the United Kingdom
- any other defined criteria relevant to the advertised role
- confidential Occupational Health review of any health disclosure, giving due consideration to requirements of the Equality Act 2010.

New recruits will not be set up on the Council's payroll if any one of these requirements has not been met to a satisfactory standard.

These steps are considered necessary to ensure the Council has taken all reasonable steps to attract candidates with the right knowledge, skills and experience and prevent unsuitable people joining the workforce as part of our safeguarding arrangements for adults and children.

Nottinghamshire County Council, is committed to the development of positive policies to promote equal opportunities in employment, regardless of race, disability, gender or gender reassignment, religion or belief, sexual orientation, age, pregnancy or maternity, marriage or civil partnership or trade union membership status.

2. Principles

- All appointing officers will have undertaken relevant training to ensure fairness and consistency
- It is recognised that selection processes may vary in order to respond to the needs of the business, the nature of the skills and labour markets and differing job requirements
- The aim of the recruitment process is to recruit the person who is the most suited to a specific role. Prior to recruitment, managers are expected to have reviewed the job description and employee specification to ensure they accurately reflect the main purpose

of the role, the main tasks to undertake and to describe the scope of the role and how it fits into the overall structure

- Priority consideration for redeployment will be given to people whose employment is “at risk” for reasons of redundancy or defined health reasons
- Particular attention will be placed on recruiting apprentices to meet new legal requirements from April 2017 onwards. An assumption will be made that all roles will be considered as suitable to be filled by apprentices unless there is a clear reason not to. This principle is reflected in the revised Vacancy Control Decision Process and any exception requires sign off by the relevant service director
- Any applicant with the protected characteristic of disability as defined under the Equality Act 2010 and in accordance with the our commitment to equal opportunities, should be shortlisted for interview where:
 - they satisfactorily meet all the essential shortlisting criteria
 - they satisfactorily meet all the essential shortlisting criteria taking into account any reasonable adjustments which can be made.

Candidates for any role with the Council will have their attention drawn to a range of commitments made by the Council which seek to build our reputation as an employer of choice. These include:

- Our safeguarding statement in respect of adults and children’s
- Armed Forces Covenant
- Dying to Work CharterCurrent listing on Stonewall Index

(insert link to recruitment landing page – under development)

Nottinghamshire County Council operates an electronic recruitment system which defines the process for all applicants.

Advice is available on job design, job evaluation, recruitment tools and linked procedures from your HR Business Partner **(insert link)**



NOTTINGHAMSHIRE COUNTY COUNCIL

REMOTE WORKING STATEMENT

(INCLUDING HOME WORKING AND SMARTER WORKING)

Title: Remote Working Statement			
Aim/Summary: To draw together guidance which supports and enables employees to work away from their normal office environment when it is appropriate for them to do so			
Document type (please choose one)			
Procedure		Guidance	
Strategy		Statement	*
Approved by: Marjorie Toward, Service Director Customers and HR		Version number: Final	
Date approved:		Proposed review date:	
Subject Areas (choose all relevant)			
About the Council		Older people	
Births, Deaths, Marriages		Parking	
Business		Recycling and Waste	
Children and Families		Roads	
Countryside & Environment		Schools	
History and Heritage		Social Care	
Jobs		Employees	*
Leisure		Travel and Transport	
Libraries			

Author: Gill Elder, Group Manager	Responsible team: HR
Contact number: 01159773867	Contact email: gill.elder@nottscc.gov.uk

Please include any supporting documents	
Review date	Amendments

1. Aim

- 1.1 This statement draws together guidance and information which supports and enables employees to work away from their normal office (including home) base safely, flexibly and effectively.

2 Introduction

- 2.1 Increasingly employees are encouraged to work remotely, where appropriate, to minimise travel and to maximise the capacity of our property estate. Remote working includes occasional homeworking, working from an alternative Council base or utilising other suitable venues including partners' buildings, libraries and public places where it is suitable to do so.
- 2.2 This statement should be read alongside the Council's various published information relating to Health and Safety, Lone Working, Data Protection, ICT Security, Supervision and any other relevant service specific or employment procedure.
- 2.3 The Council aims to create and provide modern efficient ways of working which maximise the use of assistive technology and enables certain groups of employees to work in an increasingly flexible way, ensuring that customer and service user needs are central to any consideration given to flexible working practices.
- 2.4 Providing that requests align with service needs, flexible working is intended to provide flexibility around:
- contracted working hours and working patterns
 - working from home, remotely or at an alternative recognised work base
 - using a range of fixed and flexible desks, work settings and buildings.

It is important to remember that employees working remotely are expected to give work their full attention and to use the various technologies available to ensure they are as accessible/contactable as if they are in their normal work base. Attendance at face to face meetings is still required although increasingly efforts will be made to manage certain relevant discussions digitally.

3. Principles

- 3.1. The Council trusts its workforce to perform their duties in a timely, cost effective and efficient manner wherever and whenever they are being undertaken. Changes to working styles and locations for some employees requires a review of how managers assess performance and requires this to become more outcome driven thus removing the principle of achievement through "presence in the office". Consideration will need to be given to how performance targets will be reviewed and workload levels monitored.
- 3.2. It should be noted that employees cannot be required to work from home. However, if this is something they wish to undertake, it will be with the agreement of their line manager and in accordance with service/business requirements. It is also recognised and acknowledged that not all work is suitable to be undertaken from home or remotely and therefore whatever the employee's preference, a request cannot be agreed in these circumstances. There will be some instances where employees work on a mobile/peripatetic basis where their home is their recognised work base. There is specific guidance available for home workers attached to this

statement [\(insert link\)](#)

- 3.3. Any agreement to work from home must be underpinned by the provision of relevant technology and defined arrangements for health and safety, secure storage of official information, maintaining confidentiality, communication, management and effective supervision, access to development opportunities and maintaining team cover. Such agreements will be based on mutual trust and will be subject to regular monitoring and review to guard against individuals becoming isolated or circumstances where communication with the line manager or other team members could breakdown.
- 3.4. A trial period of up to 3 months may be considered to identify whether the arrangements work both in terms of service need and the individual employee's preference.

4. Confidentiality

- 4.1 The ability to maintain confidentiality both of telephone conversations, written documents and computer records is a key requirement for any new working arrangement and careful joint consideration needs to be given to all potential risks. Any employee wishing to work from home will need to satisfy their manager that documents and equipment will be securely stored, never left in vehicles unattended and kept separate from any other members of the household or visitors gaining unauthorised access to confidential information. Any breach of confidentiality arising from this statement may be investigated and considered under the Council's Disciplinary Procedure.

5. Financial Considerations

- 5.1 The decision to work from home is mutually beneficial and it is considered that savings made by the individual by not travelling to work will cancel out any additional cost from working at home.
- 5.2 Travel arrangements will be in accordance with national and locally agreed conditions of service [\(insert link to guidance\)](#).

6. Insurance Implications

- 6.1 The insurance implications will be determined upon the clear definition of the remote working arrangements. Advice should be taken from the Risk and Insurance Team around any special requirements for home/remote working including motoring, personal injury and property insurance to ensure appropriate cover is in place. The Personal Injury Plan Voluntary Scheme and the related No Claims Bonus Scheme where employees have joined the scheme, are not affected by working from home.
- 6.2 Employees' own insurance policies are unlikely to be affected by working from home. However they are advised to consider whether there is a need to inform their insurers or inform other interested parties such as the landlord, mortgage provider or loan company of the home working arrangements. Employees are reminded to check the terms of any such agreements and if in any doubt, to contact these providers as non-disclosure can on occasion invalidate any such agreements or policies.

7. Tax and other implications

- 7.1 Individual tax arrangements can be complex and employees are advised to seek advice from their independent adviser to ensure they are complying with the requirements of the HMRC. However tax relief may be applied where employees can set expenses incurred "wholly, exclusively and

necessarily” in undertaking their employment, which are not reimbursed by their employer, against their tax liability.

7.2 Employees wishing to work from home permanently will need to consider whether there are any planning issues: liability for business rates; or other potential legal restrictions to the proposed arrangement. Managers considering such requests should record the discussion of these issues in writing and place a copy of this note on the personal file. Employees may be asked for documentary proof of relevant permissions in the case of any dispute arising.

7.3 Further advice should be sought from your designated HR Business Partner [\(insert link\)](#)

Insert Appendix 1

Guidance for Working from Home where home is the designated work base
Develop further guidance and checklists for remote working for employees and managers to link with e-learning package

Insert Appendix 2

Working from Home – Health and Safety and Well-being Assessment Checklist (SR48)

References to other policies

ICT Security Policy

EPDR/Supervision

Data Protection Policy

Guidance on protecting Confidential Information

Travel



NOTTINGHAMSHIRE COUNTY COUNCIL

EMPLOYEE DEVELOPMENT STATEMENT OF INTENT

Title: Employee Development Statement			
Aim/Summary: To identify the principles and a framework of guidance to support the continuous learning and development of all of the Council's employees			
Document type (please choose one)			
Procedure		Guidance	*
Strategy		Statement	*
Approved by: Marjorie Toward, Service Director Customers and HR		Version number: Final	
Date approved:		Proposed review date:	
Subject Areas (choose all relevant)			
About the Council		Older people	
Births, Deaths, Marriages		Parking	
Business		Recycling and Waste	
Children and Families		Roads	
Countryside & Environment		Schools	
History and Heritage		Social Care	
Jobs		Employees	*
Leisure		Travel and Transport	
libraries			

Author: Claire Gollin, Group Manager HR	Responsible team: Workforce and Organisational Development
Contact number: 01159773837	Contact email: claire.gollin@nottsc.gov.uk

Please include any supporting documents	
Review date – 12 months from implementation then annually thereafter	Amendments

1. Aim:

1.1 This Statement of Intent draws together information and guidance which supports managers to enable all employees to continuously learn and to maximise their potential at work, improving both individual and organisational performance.

2. Purpose

2.1 The purpose of the Statement is to provide a consistent set of principles and guidance to ensure that learning and development opportunities are accessible on a fair and equitable basis to all employees in a way which meets individual and organisational need

3. Scope

3.1 This Statement is applicable to all centrally employed County Council employees.

3.2 Volunteers and agency workers are required to complete such training activities as required by their role, health, safety or wellbeing as required.

3.3 The length of contract of fixed-term employees will be taken into account as appropriate.

3.4 The Council's learning and development offer will be made available to our partner and other external organisations as appropriate.

4. Introduction

4.1 Nottinghamshire County Council is committed to investing for the future by being a "Learning Organisation" with a learning culture which supports the delivery of transformational change by maximising the skills and talent available.

4.2 This approach will focus on enabling individual employees, including our leadership cohort, to develop by continuously updating and improving their skills and competencies and to share their learning to improve individual and organisational performance.

4.3 This Statement should be read alongside the appended Guidance and the various published information, guidance and Procedure relating to:

- [Competency Framework \(insert link\)](#) and guidance for each tier, including any relevant Professional and Technical Competencies
- [Employee Performance and Development Review \(insert link\)](#) (EPDR) Process
- [Performance Management Procedure and Guidance \(insert link\)](#)
- [Coaching \(insert link\)](#)
- [Leadership and Management development \(insert link\)](#)
- [Apprenticeships \(insert link\)](#)

5. Principles

5.1 The Council is committed to fairness and equality of opportunity, this includes ensuring that the development needs of all its employees are considered and, wherever possible, met in the most appropriate way.

5.2 The Council will provide, or commission, learning opportunities through a blend of virtual and direct provision. A range of learning media will be offered which maximise the use of modern, digital, technologies to achieve the best value for money learning outcomes for the organisation and for individuals.

5.3 Continuous learning and personal development is a shared responsibility between employees and their managers:

- Building a Learning Organisation which has the future skills base to support transformation and future business needs is an organisational responsibility
- Departmental Leadership Teams are responsible for the overall development of their workforce, through their individual managers, to meet specific service need.
- Continuous learning is an individual as well as an organisational responsibility.

5.4 The Council will provide the Employee Performance and Development Review (EPDR) and Competency Framework and the learning and development systems, programmes and resources to support employee development. In practice this is a shared responsibility for:

- Managers to fairly and consistently manage their employees' performance and support and encourage their development.
- Employees to actively engage with the Council's approach to learning and the development opportunities provided, complete all mandatory learning activity and take ownership of their personal and career development.

5.5 All managers and employees must fully engage and comply with the Council's Employee Performance and Development Review (EPDR) process, identify learning and development solutions and access the Council's internal learning provision to meet identified skill gap needs accordingly.

5.6 All employees are required to complete any learning and development activity identified by the organisation as mandatory or core for their role, including where there is a statutory requirement to enable them to practice professionally.

5.7 Managers and employees should also consider the training and development options available through an in-job Apprenticeship as a resource to develop employee skills, knowledge and qualifications.

5.8 In addition to training interventions, managers should identify with the employee how their individual development needs might may be met through a range of responses including secondments (**Appendix 3**), within and external to the Council, job swaps, job rotation and **coaching (insert link)**.

Appendix 1

Framework of Guidance for Managers on the Council's Learning Offer:

1. Pre-Induction and Induction

Learning and development begins at the point of recruitment, the Council's Employee pre-induction information is sent electronically to all new joins prior to their first day and offers general information about services provided by the County Council, the Council Pan, departmental functions, key procedures, learning and development opportunities, and much more.

On joining, all new employees should complete the Corporate on-line induction programme alongside any departmental and job specific induction activities. The [Induction Checklist \(insert link\)](#) helps individuals and managers monitor progress through the induction period.

Note: if the HR Recruitment Team at the BSC have not been involved in the recruitment process, managers will need to send the link to [NCC employee pre-induction guide](#) new staff directly.

2. Accessing Learning Opportunities

Learning and development takes place throughout all stages of an employee's career with the Council and needs should be identified and mutually agreed between the manager and employee through one to one supervision and the annual [EPDR process \(insert link\)](#).

The Council offers a comprehensive and blended package of learning provision which is regularly updated and reviewed. Some elements of this are Mandatory for all staff some are Core, some are for aspiring, new and established managers and others are optional.

The appropriateness of the activity to the individual will depend on identified learning need, job role and/or the employee's stage in the employment "lifecycle". Other activities support employees to respond positively and with resilience to change at work including exiting the Council's employment.

Further details of the range and type of corporate learning activity available can be accessed through the [Learning portal \(insert link\)](#) on the NCC Business Management System (BMS) and a range of other systems according to type and the following activity:

- [NCC ELearning Programmes: Learning Pool \(insert link\)](#)
- [NCC events for external partners: Eventbrite \(insert link\)](#)
- NCC External Learning and Development events: Application via the Workforce Planning and Organisational Development (WPOD) team
- Departmental learning and development activity
- Departmental External Activity: Application via nominated Departmental Workforce Lead
- Secondments (see **Appendix 3**)
- Job related qualification training through Apprenticeships

- External Qualification Courses (see **Appendix 2**)

Partner and external organisations can access NCC learning activity via the NCC Internet or by contacting the responsible person within WPOD.

Other learning and development opportunities should also be considered by and provided through managers via one or more of the internal channels as required:

- On-the-job training
- Shadowing
- Supervision and coaching by the line manager
- **Coaching (insert link)**
- Guided reading and research
- Internal and external secondment
- Other temporary deployment e.g. Acting Up, sideways moves
- Other online learning activities – internet, video, webinar etc.
- External provider if and when appropriate (see **Appendix 2**).

3. Roles:

The Council has an integrated model for the development and delivery of learning and development activity, within this there are specific roles and responsibilities:

Departments:

Departmental Leadership teams and Workforce Development leads will:

- Identify through their Workforce Development Plan and any associated action plans, the specific development needs of their employees in order to deliver service transformation and objectives, with particular reference to any professional, statutory and, technical standards.
- Ensure that these are aligned to corporate workforce development objectives
- Identify through EPDR and supervision process employees who would benefit from additional training and development to progress along their career pathway
- Ensure that identified training needs are met in the most cost effective way within budget and to the required standard by either:
 - Using expert staff within their own, or another, NCC department
 - Identifying suitable apprenticeship standards and frameworks for employees, with support from the corporate Workforce Planning and Organisational Development Team
 - Commissioning activity through the corporate Workforce Planning and Organisational Development Team
 - Procuring an agreed external provider.
- Ensure that their managers provide adequate and appropriate on-the-job training and adopt a coaching style of management to encourage potential
- Consider, and wherever possible support, secondment opportunities either within or external to the organisation where these are relevant to an employee's identified development needs (see **Appendix 3**)
- Ensure that their managers regularly evaluate the effectiveness of learning and development activity through EPDR and supervision processes and monitor subsequent performance

- Monitor, evaluate and report on the uptake and outcomes of departmental learning interventions and use this information to review and improve the Learning Offer.

Corporate Workforce and Organisational Development

Through its Business Partners, the HR team will:

- Design and deliver learning intervention which support the Council's overall strategic organisational development and workforce planning priorities,
- Support the workforce planning activity and learning and development priorities identified and planned for by its departmental customer base
- Commission a range of learning and development solutions to support the application of the NCC Competency framework
- Liaise with, monitor and quality assure relevant external bodies, such as colleges, 3rd party training providers or consultants to provide appropriate learning to support corporate and service specific needs where relevant
- Assist, guide and advise departmental management with regard to analysing training needs and identifying learning and development solutions for employees including the commissioning of external training and apprenticeships.
- Continuously evaluate the effectiveness and value for money of all learning and development activities, identifying economies of scale wherever possible
- Encourage managers to monitor the impact of learning interventions on the subsequent performance of their employees linked to EPDR and supervision processes
- Monitor, evaluate and report on the uptake and outcomes of corporate learning interventions and use this information to review and improve the Council's Learning Offer.

4. Leadership and Management Development

The Council recognises that building effective leadership and management now and for the future makes the best use of both political and managerial roles and improves decision making which is key to organisational effectiveness.

The Council's Management Development Programme has been developed to support the ongoing development of employees aspiring to management, those recently appointed to management positions and longstanding managers wishing to continue to develop.

This dovetails into the Council's Leadership Development Programme which enables senior managers to create and sustain a climate that engages the entire workforce to align individual efforts with the Council's vision and strategic priorities.

This programme is underpinned by the Council's commitment to being a "Coaching Culture", supported by ongoing in-house coaching provision.

5. Externally provided training:

Under normal circumstances managers should not support employees to undertake any training activity organised by an external organisation if suitable internal provision is available.

The provision of any external training intervention is subject to application and approval according to type:

- **Professional/Technical Training** – Decision made by relevant Service Director/Department Management Team and their Workforce Planning and Organisational Development (WPOD) Business partner
- **Service specific management or leadership development** , – Decision by Service Director in consultation with the Senior Business Partner WPOD

Attendance at external conferences or meetings of professional bodies/institutes may be authorised by a Service Director or their delegated deputy where the employee is representing the County Council, otherwise attendance is in their own time and expense.

The procurement of external training requires appropriate Service Director approval and must be completed using correct procurement procedures. All procurement is subject to monitoring to ensure any/all training is sourced and provided correctly.

6. Lifelong Learning

Underpinning its commitment to being a Learning Organisation the Council has a [Lifelong Learning Agreement \(insert link\)](#) with the trade unions representing council employees to promote workplace learning. It recognises the role of Trade Union Learning Representatives, and the role they have in providing information and advice to their members about learning.

The Council has made a public commitment to being a Learning Organisation by signing the " Skills Pledge" to promote lifelong learning and ensure that all employees have access to learning activity which sets out that the Council will:

- Actively encourage and support employees to gain the skills and relevant qualifications that will deliver the priorities of the Council.
- Provide the tools to support employees' continuous development
- Raise employees' competence and skill levels to improve our organisational performance
- Support employees to acquire literacy, numeracy and digital skills
- Continue to support all employees to develop the capacity to respond positively to organisational change.

Trade Union Learning Representatives can provide information and advice about learning; arrange learning or training in partnership with the Council and consult with trade union members about learning activities.

7. Expenses

Allowable expenses with respect to attending an NCC training event are covered by the following provisions:

- [Travelling Allowances \(insert link\)](#) associated with training activity.
- [Subsistence Allowances \(insert link\)](#): associated with training activity.

Where attendance at an external training course or access to external on-line learning

programmes has been approved and incurs additional costs to the employee the following guide-notes apply:

- The cost of travel over and above what would normally be incurred by the employee travelling to work, and subsistence and tuition fees, but will exclude salary can be claimed.
- No payment will be made for any extra travelling time over and above normal time taken to travel between home and work-base.

Where an external course or on-line learning programme includes additional costs/fees for examination or assessment, the Council reserves the right to fund the course but require the individual to fund the assessment/certification where the course is not a legal requirement of the job. This should be agreed before the start of any course.

For Apprenticeships, registration and examination (including certification) costs associated with mandatory qualifications are included in the apprenticeship training costs (excluding any license to practice).

8. Time off

Employees whose weekly contracted hours are:

- **Part-time, less than 37 hours per week** and are required to attend a learning event which involves their attendance beyond their normal contracted hours, shall normally use flexi time provisions or take time off in lieu. Where this is not feasible they will be paid plain time rate for any time spent on the course over and above their normal working week, up to a maximum of 37 hours.
- **Full Time, 37 hours per week:** every effort will be made to contain the total of course time and travel time within the normal contracted hours. However, should the duration of a course extend beyond the normal 37 hour week, the employee should normally use flexi time provision or be given time off in lieu. Where this is not possible they will be, where appropriate, be paid the usual overtime rates in accordance with the relevant conditions of service.
- The Council supports and encourages its employees to undertake recognised eLearning modules appropriate to their role during their working hours with due regard to service priorities.
- Apprentices will generally work at least 30 hours per week, with 20% of their time allocated to off the job training.

For further advice please contact – corporate.learning@nottsccl.gov.uk

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Appendix 2

Career Development Qualification Training and Qualification for Existing Employees – Guidance for Managers and Applicants:

1. Approach

Career development aspirations and needs can be met through a number of means: “on the job” experiential learning, through the corporate and/or departmental learning offer, through secondments, management and leadership development, in-house Coaching provision, etc.

There may however be instances where the Authority may seek to support individuals to progress through their career pathway through external qualification training where this is identified as part of the EPDR/supervision process.

In all cases where professional qualification training is identified as an appropriate response to a development need, the priority option to be considered must be a higher level Apprenticeship.

***Note:** Managers considering supporting a training qualification request should ensure that in the first instance, this is discussed with an Apprenticeship Business Partner in the corporate Workforce Planning and Organisational Development team in order to establish whether there is a suitable Apprentice Standard or Framework available to support the required learning need.*

Only in those circumstances where it is established that the core cost of professional or technical qualification training cannot currently be drawn down from the Apprenticeship Levy, as an applicable apprenticeship standard or framework is not yet available, should consideration be given to covering the cost to the individual employees at departmental level, this might include:

- Departmental sponsorship of the full cost of the course/qualification
- Departmental sponsorship for a percentage of the course / qualification
- Alternative sources of available funding e.g. Government grants
- Travelling expenses to complete the course.

2. Process

Individuals must have written line manager and Group Manager support BEFORE applying for financial support and managers must confirm that they have considered whether or not the learning need can be met by an apprenticeship and have taken the necessary advice from the corporate Workforce Planning and Organisational Development team to establish this.

A **Sponsorship and Support Application Form (insert link)** must be completed annually for all externally provided qualification training, and prior to the commencement of an apprenticeship.

Once approved, dependent on whether the activity is centrally funded or is a departmentally funded activity, the relevant service business administrator will raise the necessary purchase orders with the course provider/college/university where they are already an approved supplier or following the necessary procurement procedures to set them up as an approved supplier.

The corporate Workforce Planning and Organisational Development team will procure, and organise the payment of, apprenticeship training following receipt of an approved Sponsorship and Support Application Form.

On no occasion should employees pay their own fees/costs before applying for financial support as it will not be possible to consider such requests retrospectively.

For college/University based training (that is not an Apprenticeship) – any examination/registration and exemption fees can be reclaimed in full by the employee subject to satisfactory completion of the course of study.

3. Key Considerations

The following criteria are applied when making decisions on which employees should receive financial support and at what level:

- Eligible employees must be a permanent substantive employee of the County Council.
- The training requested must be relevant to and recognised by their current or substantive service area.

In giving consideration to all applications for support to undertake qualification training in any one year the priority should be determined taking into fair and consistent account the following considerations:

- Is there an identified workforce planning, succession planning and talent management need?
- Is there an applicable Apprenticeship Standard or Framework which can be utilised to draw down funding from the Apprenticeship Levy?
- Could the identified development need be addressed differently through internal provision? For example moving into management
- What is the likelihood of the individual being moved to another role as part of restructuring or leaving the Authority during the duration of the qualification training?
- Is there an identified skills gaps: are the skills/qualifications essential, important or useful to the Service and/or are not present in enough other colleagues?
Does the course identified offer an approved qualification, and is it from a legitimate institution?
- Is the course identified the best value for money available and are there any procurement processes that need to be undertaken?
- What is the available service budget?
- Is there a statutory requirement to update professional qualification (s) to enable individuals to continue to practice professionally in the specialist area concerned?
- The impact on service delivery and the employee's colleagues of supporting the minimum 20% off the job training requirement for apprentices.

For longer academic programmes:

- Will the position need to be back-filled while attending the course? (If yes, any such costs would need to be paid for from within service budgets)
- Is the course a continuation of a previous commitment? (e.g. year 2 of a 2/3 year course)
- Did the individual successfully complete the previous year with the required levels of **attendance** and **attainment**? (if applicable)
- Are both the qualification applied for and the mode of study and the most cost effective method of training.

4. Conditions:

Funding and/or support provided is intended to cover either:

- Short Course fees
- College/University tuition fees, examination fees and institution fees (where applicable)
- Apprenticeship training costs
- Time off work will be granted for time to attend the course or equivalent distance learning time, and to prepare for and sit examinations where applicable. For apprenticeships a minimum of 20% off the job training time will be granted.
- Any additional time off required will need to be regained through flextime provisions
- Providing supervised or assessed work experience required as part of the course
- All other costs relating to training e.g. books, sundries etc. will be borne by the employee.

Normally, lower priority will be given to applicants who have previously received financial support from NCC to undertake any professional qualification.

Support will not be given to requests from any employee currently subject to disciplinary, performance or absence procedures at the point of application.

Where, exceptionally, the demands of the service dictate, Chief Officers shall have, or shall delegate, the discretion to require an employee to attend at the normal place of work.

Funding for a second or succeeding stage of study, or for a second attempt at an examination, will be granted only if either the employee has passed the appropriate examination, maintained course attendance and work submission as required and has made satisfactory progress in the studies or merits further assistance to enable them to sit the examination again.

The cost of apprenticeship training includes the costs of re-takes of mandatory qualifications or the end-point assessment providing additional learning takes place.

Employees who are absent from the course on any day must notify their immediate supervisor. All absences must be accounted for, and where no valid or satisfactory reasons are given, daytime study leave may be withdrawn.

5. Repayment of Fees

Where the individual does not satisfactorily complete their qualification training, or leaves the Council's employment within the specified time period, either on a voluntary basis or as the result of dismissal on any grounds, they will be liable to repay some or all of the associated fees and expenses as set out in the Sponsorship and Support Application Form.

The repayment of fees does not apply for Apprenticeship training costs, but does apply to any other costs related to the Apprenticeship.

February 2017 (updated October 2017)

Appendix 3:

SECONDMENT PRINCIPLES AND GOOD PRACTICE GUIDELINES:

1. Principles:

Nottinghamshire County Council is committed to having a Learning Culture, a key part of this is developing career pathways to provide both horizontal and vertical opportunities for the growth and development of all staff. This will necessitate effective cross skills training and greater use of appropriate development tools, including secondments.

Along with same grade job exchange and job rotation, secondments are one way of enabling the County Council to build a suitably skilled and well-motivated workforce by equipping its employees to be more flexible and to work both across the organisation and with partners.

A secondment is an opportunity for individual NCC employees to gain new experience, knowledge and skills to progress their career through being temporally deployed into an alternative role or post for a defined period.

Secondment will be appropriate where an individual is identified as having an existing skill set which matches the requirements of the role or have an identified development need which could be met through learning and applying new skills during the course of their secondment .

Secondments can be:

- Internal – within the authority, used to cover a temporary vacancy, for example. maternity or other long term leave
- Project based - a temporary project role
- External - to work with a partner organisation or other public sector/ voluntary body.

2. Good Practice:

Other than in exceptional circumstances the period of secondment should not exceed 2 continuous years.

Secondments of 12 months or more where qualification training might be incorporated may be eligible for an Apprenticeship, please check in advance with the corporate Workforce Planning and Organisational Development team:

nottinghamshireapprenticeships@nottsc.gov.uk .

It may be possible to facilitate an employee exchange across service areas , otherwise when considering how a fixed term post should be filled once it has been agreed through the [Council's Vacancy Control \(insert link\)](#) process, Managers should consider whether it would be a suitable opportunity/ for secondment.

Access to secondment opportunities should be considered on a fair, equitable and inclusive basis with due regard to the flexibility required to ensure that the wider skills need to the whole organisation are being met to support effective transformation.

For secondments into service specific/professional roles managers should use the [Employee Performance and Development Review \(EPDR\) \(insert link\)](#), process to identify from individual's learning competency assessment and learning plans existing skills and / or development needs across the target group which fit with the secondment requirements:

Where more than one employee is identified through this process, or in circumstances where the evaluated grade for the secondment role would represent a promotion for the identified candidate(s), the opportunity should be advertised across the Council and any appropriate external partner organisations. Selection processes should take place in line with the Council's [Recruitment procedures \(insert link\)](#).

For more generic roles the secondment opportunity should be advertised internally.

For external secondment it may be possible to facilitate an employee exchange with Nottinghamshire County Council or some other form of reciprocal arrangement. External secondments to another employer should be on the basis of unpaid leave and will be regarded as continuous service with the County Council.

Due managerial consideration should be given where secondments might mitigate or reduce the effects of proposed redundancies and priority of opportunity given to any employees formally identified as being at risk of redundancy.

The individual's Line Manager will need to confirm their support of the applicant with due regard to:

- Existing competency and/or development needs as identified through EPDR
- The skill need and /or overall interest of the whole Council or service area.

In exceptional circumstances where it can be demonstrated that the exigencies of the employee's substantive service do not enable departmental management to support their secondment this must be confirmed by the relevant Group Manager to the employee in writing prior to the closing date for expression of interest.

It is good practice for the substantive and host managers to meet in advance to agree criteria for monitoring and evaluating the secondment throughout its duration. The substantive manager should ensure that seconded employees are kept informed of service and team developments during their secondment and included in any consultation about service restructuring and potential redundancies on the same basis as other affected employees.

Probationary periods will not normally apply dependent on the existing contractual status of the seconded employee.

Where the secondees salary is paid or funded by an organisation other than NCC during the duration of their secondment, membership of the Local Government Pension Scheme will be retained but there will be a period of "non-pensionable" service for

which the individual employee may choose to “buy in” contribution. Further advice is available through the Pensions team at the BSC.

Where ever possible the employee’s substantive role, or an alternative post on an equivalent grade, will be held open for them without detriment to their substantive pay (including incremental progression), or terms and conditions. The vacated post can be filled on a temporary basis as necessary, subject to the [Council’s Vacancy Control process \(insert link\)](#).

The contractual arrangement can be terminated early by the employee, substantive employer or host employer should circumstances change. This might relate to a fall out of funding or issues relating to conduct or performance. Normal contractual notice periods will usually apply. There may be circumstances in which the secondment is terminated early due to a fall out of external grant or funding.

Should the host manager wish to terminate the secondment arrangement early due to performance or conduct issues they should take the decision only after all reasonable opportunities for support and improvement have been offered and, where appropriate, clearly measurable targets have been put in place and monitored in line with the Council’s [Performance Management Procedure \(insert link\)](#).

A direct benefit for the employee’s substantive service area is that the new skills acquired during a secondment should lead to an improvement in the service provided in the employee’s substantive role on their return. The secondee should be made aware in advance of the expectations and scope for using their extended skills and experience on their return to the substantive post.

To ensure legal compliance and fairness, in the event of restructuring or reduction of staffing establishments, the transmitting department should seek an appropriate equivalent alternative substantive post and seconded employees will be given the same consideration for re-deployment as other affected employees.

Managers should seek advice from their HR Business Partner as necessary.

February 2017 (Updated October 2017)



**REPORT OF THE SERVICE DIRECTOR CUSTOMERS AND HUMAN
RESOURCES**

HEALTH AND SAFETY WEEK – RISK AWARENESS CAMPAIGN

Purpose of the Report

1. To seek Members approval for the running of an internal health and safety awareness campaign during the week 4th to 8th December 2017 focussing on risk assessment.

Information and Advice

2. Risk assessment is perhaps the most talked about topic in safety and the least well understood.
Risk assessments are often viewed as stand-alone items and not part of a broader system of communication, review and safe system of work. The British Standards Institute (BSI) evidences that this is a general workplace trend but also an area across the Council where there are opportunities for improvement; based on audit findings.
3. Recent accidents investigated by the Health and Safety Executive, in particular the Rufford incident in 2015 and subsequent prosecution, have focussed on material breaches relating to risk assessment. The Corporate Health and Safety Action Plan 2017-2018, as agreed by Personnel Committee, made a commitment to address non-compliance by running a campaign with a range of activity focussing on risk assessment.
4. It is proposed that the campaign will be run jointly in conjunction with trades union colleagues who have a statutory role to play in relation to Health and Safety Stewards; the identification and mitigation of risks and ensuring a safe place of work. The campaign will be a combination of intranet based articles, risk assessment workshops at key locations across the County and an event at County Hall on the 6th December. In addition to information, activities and training provided by the Health and Safety Team and trades union colleagues, the event at County Hall will also include input by other stakeholders and key partners. Dedicated material to support the campaign will also be displayed and distributed across the County.
5. Workshop style sessions will highlight risk assessment good practice and pitfalls and signpost to further training and resources with the aim of greater understanding and compliance. Employees and managers will also have the opportunity to learn from good practice case studies and information provided by contractors working with the Council on key projects such as the Clasp Block demolition and building of the new Sherwood Forest Visitors Centre.
6. The campaign will also be an opportunity to raise awareness across the Council on the specific topic of premises based emergencies, including familiarisation on the use of external

automated defibrillators (AEDs) and to provide updates on first aid and evacuation aids. This is particularly significant as the Smarter Working Programme is rolled out across Council premises.

7. A related campaign aimed at schools will be communicated via the schools portal and backed up by on-site visits.

8. The table below provides an outline of events as part of Health and Safety Week:

Date	Location	Time	Activity
Monday 4 th December	Sir John Robinson way Mercury House	10:00-12:00 14:00-16:00	Risk assessment workshop / AED familiarisation, first aid and evacuation update NCC H&S & TU's Intranet - Risk assessment step 1 Schools portal- topic 1 & visit
Tuesday 5 th December	Meadow House Lawn View House	10:00-12:00 14:00-16:00	Risk assessment workshop / AED familiarisation, first aid and evacuation update NCC H&S & TU's Intranet - Risk assessment step 2 Schools portal- topic 2 & visit
Wednesday 6 th December	County Hall (To include TBH)	11:00-14:00 14:45-15:30	Assembly Hall - stands and displays Risk assessment workshop Intranet - Risk assessment step 3 Schools portal - topic 3 & visit
Thursday 7 th December	Chancery Lane Sherwood Energy Village	10:00-12:00 14:00-16:00	Risk assessment workshop / AED familiarisation, first aid and evacuation update NCC H&S & TU's Intranet - Risk assessment step 4 Schools portal - topic 4 & visit
Friday 8 th December			Intranet - Risk assessment step 5 & summary of week Schools portal - topic 5, summary & visit

Other Options Considered

9. A range of options have been considered to raise the profile of health and safety issues; ensure compliance and support the development of a health and safety culture. These were set out in a previous report to Personnel Committee. This week long programme of activities is part of the overall action plan. Feedback from employees in relation to previous events of a similar nature was that broader inclusion of county offices will promote a stronger safety

message to a wider audience across the Council. This has therefore been reflected in the proposed approach.

Reasons for Recommendation

10. The campaign will raise the profile of health and safety and promote greater understanding and compliance with the risk assessment process. By joint working with trade unions and key partners and stakeholders, good practice and learning can be shared. This will strengthen the application of the risk assessment process, encourage greater engagement by employees and managers and closer working with key stakeholders and partners. This will hopefully support the development and embedding of a health and safety culture across the Council and its partners.

Statutory and Policy Implications

11. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Data Protection and Information Governance

12. There are no implications arising directly from the contents of the report.

Financial Implications

13. There are no financial implications arising directly from the contents of the report.

Human Resources Implications

14. The programme of activities as part of health and safety week will also include the promotion of training opportunities as well as information and advice more widely to employees to embed good Health and Safety standards and practice across the whole Council.

Public Sector Equality Duty implications

15. The Health and Safety team promotes safe working arrangements that account for the needs of service users and the wider public and ensure safe access to services by disadvantaged groups. This includes personal evacuation arrangements for people with disabilities that are part of the content of the events and refresher training provided as part of the campaign.

Implications for Service Users

16. The awareness raising campaign and programme of events are designed to support the effective identification and management of risks to provide a safer environment and working practices for employees and service users.

RECOMMENDATION

1) That members approve the proposed health and safety campaign 4th - 8th December 2017.

Marjorie Toward
Service Director – Customers and Human Resources

For any enquiries about this report please contact:

John Nilan, Team Manager, Health and Safety, 0115 8040380, john.nilan@nottsccl.gov.uk

Constitutional Comments (KK14/11/17)

17. The proposal in this report is within the remit of Personnel Committee.

Financial Comments (RWK 08/11/17)

18. The financial implications are set out in paragraph 13 of the report.

HR Comments

19. These are set out in the body of the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- All

**REPORT OF THE SERVICE DIRECTOR - CUSTOMERS AND HUMAN
RESOURCES****CAREERS OUTREACH EVENTS****Purpose of the Report**

1. To seek members' approval for the plan of career outreach events to promote Nottinghamshire County Council as an employer of choice and to support the associated commitments which are outlined in the Council Plan, "Your Nottinghamshire, Your Future".

Background

2. Undertaking a range of careers outreach activity enables the Council to promote Apprenticeships and other employment opportunities both within the Council and with businesses across the County; including the recruitment and retention of graduates into the Nottinghamshire economy.
3. To undertake this external activity, the Workforce Planning and Organisational Development team attend a variety of jobs fairs, career events and community roadshows across the County throughout the year. If an event is targeted at a particular professional group then subject experts of those professional groups would also be invited to attend. On some occasions colleagues from the Economic development Team are also in attendance to support employment activities and skills development across the wider economy of Nottinghamshire.
4. At Personnel Committee on 27 September 2017, Members approved the plan on Employer Apprenticeships at the Council which included reference to the Apprentice Programme being promoted externally with the wider community of Nottinghamshire. This includes taking part in a Community Roadshow event in early December.
5. A planned schedule of known events is outlined below. These events support the delivery of a number of the commitments set out in the current Council Plan, including Nottinghamshire being "a great place to fulfil your ambition", as they provide an opportunity to promote employment and work based experience programmes with the Council.

Reviewing the Council's Participation in Careers Outreach Events

6. A planned schedule of known events has been pulled together identifying those that occur on a regular basis:

Name of the Event	Cycle	District
Nottingham Jobs Health and Social Care Job Fair	annually	Countywide
Newark Job Fair	annually	Newark and Sherwood
Local Government Association Information Day for Graduates	annually	Nationwide
Gedling Jobs & Opportunity Fair "Fulfilling Futures"	annually	Gedling
Stapleford Community Group Job Fair	annually	Broxtowe
Futures Training Agency What's Next Careers Fair	annually	Countywide
NTU Graduate Recruitment Fair	2 x yearly	Countywide
University of Nottingham Employer Drop in Sessions	2 x yearly	Countywide
Community Roadshow - shopping centre events	2 x yearly	Mansfield, Nottingham City and Countywide
Armed Forces Covenant Job Shop	annually	Countywide

7. Work is underway to identify specific events taking place in other parts of the County to ensure that there is focus on areas of greater deprivation and that the Council has a workforce drawn from across and representative of the whole County.
8. Requests to attend additional events received on an ad-hoc basis will be assessed in relation to their contribution towards the Council's strategic and service priorities and included in the events plan accordingly. The plan will be regularly reviewed and updated to reflect these new opportunities and an update reported back to Personnel Committee.

Other Options Considered

9. The Workforce Development and HR Teams have a Programme of activity to support the Council in recruiting, developing and retaining employees with the knowledge, skills and experience required to develop and sustain the workforce it requires now and for the future. Attendance at these events is one way of supporting this activity.

Reasons for Recommendations

10. This report seeks the approval from Members to continue work to promote the Council as an employer of choice in support of its wider workforce planning priorities through participation in attendance at the career outreach events detailed in the planned schedule and to include in the plan any ad-hoc requests in addition to the known activity.

Statutory and Policy Implications

11. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Data Protection and Information Governance

12. There are no implications arising directly from this report.

Financial Implications

13. There are no implications arising directly from this report.

Human Resources Implications

14. Attendance at these events supports the Council in developing the workforce it requires now and for the future to ensure effective front line service delivery and that the commitments and priorities set out within the Council Plan are delivered.

Public Sector Equality Duty implications

15. Attendance at careers outreach events will help the Council ensure that its workforce is more representative of the communities it serves. Council materials used at publicity events are designed to be accessible to all attendees in order to support this.

RECOMMENDATIONS

It is recommended that Members:

- 1) Agree attendance at and promotion of the schedule of career outreach events detailed in paragraph 6.
- 2) Agree to the inclusion of further ad hoc events in the schedule as appropriate and to receive a further update report as set out in the work programme.

Marjorie Toward

Service Director - Customers and Human Resources

For any enquiries about this report please contact: Helen Richardson, Senior Business Partner 0115 9772070, helen.richardson@nottsc.gov.uk

Constitutional Comments (KK 14/11/17)

16. The proposals in this report are within the remit of Personnel Committee.

Financial Comments (RWK 08/11/17)

17. The financial implications are set out in paragraph 13 of the report.

HR Comments (CG/24/10/17)

18. These are covered within the body of the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- All

REPORT OF SERVICE DIRECTOR CUSTOMERS AND HUMAN RESOURCES**PROMOTION OF WORKFORCE DEVELOPMENT EVENTS TO
INDEPENDENT SECTOR CARE PROVIDERS AND STAKEHOLDER
PARTNERS****Purpose of the Report**

1. To seek Members approval for the promotion of the programme of events being organised by the Optimum Workforce Leadership (OWL) Project Team, through to the end of March 2019, which will engage with independent sector adult care providers and encourage workforce development activity, in order to improve the quality of care across Nottinghamshire.

Information and Advice**Background**

2. The work of OWL is primarily to support an extended customer base of care providers to improve the quality of their services through effective workforce planning and development. This is for all levels of the workforce including business and leadership development for Managers, Continuous Professional Development (CPD) and career development for nurses, care workers, kitchen and housekeeping teams employed in nursing homes, residential homes, homecare providers, supported living and micro providers.
3. Originally the Nottinghamshire Partnership for Social Care Workforce Development was hosted within the Workforce Planning and Development Team in the Adult Social Care and Health Department. The team was funded through the Department of Health's Workforce Development Grant, allocated to local authorities to disseminate to the independent sector for workforce planning and development.
4. The grant monies ceased in 2011 and the OWL Project Team was integrated within the Corporate Workforce Planning and Organisational Development Team as part of its support to the wider workforce, supporting the people of Nottinghamshire, and given a remit to generate income. Additional funding was also allocated to meet key workforce development priorities of leadership, management and dementia training.
5. Since 2012 the OWL Project Team has consulted with independent social care employers each year to set out its priorities and reported on successes and achievements at year end. The focus has changed from providing learning and development at no cost to the workforce, to targeting the needs of owners and managers and charging for events on a full cost recovery basis.

6. Funds are also generated through bidding for resources from organisations such as Skills for Care and Health Education England. Business cases are submitted for projects designed to improve the quality of services in care settings through the workforce.
7. In April 2013 the service was rebranded as Optimum Workforce Leadership (OWL) and launched as a membership organisation with Premium members who pay a fee for benefits and services, and Open Membership who have access to services, resources and events at full cost. This approach was approved by Personnel Committee.
8. Successful service outcomes have included:
 - the development of competence frameworks in both moving and handling and medicines management that income generate and evaluate as excellent and cost effective in-house learning and competence assessment for employers
 - a dementia programme that raised standards in over 40 care providers settings
 - The Gold Standards Framework for end of life care was embedded in over 30 care settings, several achieving 'Beacon Status'
 - A £130k funding bid from Health Education England was used to commission a Delphi Study to focus on the development of competences for nurses in nursing homes and a CPD programme for nurses, including 6 CPD toolkits
 - 8 care workers from nursing homes secured places on the national pilot for the new Nursing Associate role, which will be regulated by the Nursing and Midwifery Council.
9. In September 2016 it was agreed that OWL should be retained to support the work on the Sustainability and Transformation Plan (STP) and continue working to support care provider quality improvement. The money was allocated from the Better Care Fund to support the work of OWL for a further 2 year period. At its meeting on 30th November 2016, Personnel Committee noted the new funding provisions and approved the extension of the OWL Project Team staffing resource up to the end of March 2019.
10. Other external funds that have been bid for successfully this year are:
 - £20,700 from Skills for Care to identify and deliver the competences to support the Trusted Assessor role in Nottinghamshire to reduce unnecessary admissions and promote prompt and successful discharges to free up hospital beds.
 - £35,000 has been awarded by Health Education England to identify and deliver, in partnership with the Urgent and Emergency Care Partnership a sustainable programme of nursing and healthcare competences to care settings that will reduce admissions.
 - £96,000 to disseminate to employers in the social care market in Nottinghamshire who support their employees to achieve health and social care qualifications.

Programme of events and workshops

11. The remit of the OWL Project Team is to support the external adult social care workforce, in line with the wider workforce, referred to in the Council's Workforce Strategy and Adult Social Care priorities. The support offered to owners and managers as employers is access to resources, website, templates and toolkits as well as learning events, conferences and workshops. The nature of this work means that all activities require external communication with owners and managers in independent sector care providers. The attached events

schedule **Appendix 1**, outlines the events and initiatives that OWL plan to organise and deliver through until the end of March 2019.

12. As the remit of OWL is to respond to national and local priorities and support the needs of social care employers, there is a need to be both pro-active in promoting and identifying learning and development needs and responsive in providing support and guidance to care providers. For this reason additional events will be identified on an ad-hoc basis going forward and will be included in the programme as they are initiated. The programme will be updated and members informed as necessary.

Other Options Considered

13. A range of options has been considered in developing the programme of activity to best deliver the Council's strategic and service specific objectives. This programme of activity meets these needs and the requirements of the various funding bodies where appropriate.

Reasons for Recommendations

14. To continue to promote and deliver the learning events programme to support the wider workforce strategy and Adult Social Care priorities.

Statutory and Policy Implications

15. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Data Protection and Information Governance

16. The data in this report and the associated appendix cannot be attributed to individual employees, service providers or service users and therefore protects their privacy.

Financial Implications

17. The project team are funded through the Better Care Fund. All work is funded through bids to deliver on specific outcomes, or income generated from delegates participating in learning events. Costings are calculated on a net-nil basis. There is no net cost to the County Council.

Human Resources Implications

18. The OWL Project Team are funded up to the end of March 2019 and will continue to deliver learning and development opportunities to the Nottinghamshire County Council's wider workforce, in line with the Workforce Strategy and Adult Social Care Priorities.

Public Sector Equality Duty Implications

19. All communications are directed to the managers, owners or senior people within the care setting for them to use the information for their business and workforce development. Consideration is given in the planning of all events to provide accessibility for people who have a particular disability or dietary requirements.

Implications for Service Users

20. In working closely with the Quality and Market Management Team and Workforce Planning Team the ongoing promotion of the work of the OWL Project Team is critical to the improvement of quality service provision across Nottinghamshire.

RECOMMENDATIONS

It is recommended that Members:

- 1) Approve the attached programme of events detailed in Appendix 1.
- 2) Agree that the OWL Project Team continue to develop and promote other initiatives that are in line with the remit of the team, which is to develop the workforce and improve the quality of care provided in the independent sector, and provide an update report to Personnel Committee.

Marjorie Toward
Service Director - Customers and Human Resources
Resources Department

For any enquiries about this report please contact:

Claire Poole, Project Manager, Optimum Workforce Leadership on 0115 9772923
claire.poole@nottscc.gov.uk

Constitutional Comments (KK 14/11/17)

21. The proposals in this report are within the remit of Personnel Committee.

Financial Comments (RWK 08/11/17)

22. The financial implications are set out in paragraph 17 of the report.

Human Resources Comments (CG 26/10/17)

23. These are contained within the body of the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- All

APPENDIX 1

OPTIMUM WORKFORCE LEADERSHIP EVENTS AND ACTIVITIES SCHEDULE FROM NOVEMBER 2017 - MARCH 2019

Regular Learning and Development Events and Initiatives - NOVEMBER 2017 - MARCH 2019	Frequency	Purpose	Funded by	In Partnership with	Method of Advertising
Email me - Monthly Newsletter	Monthly	To raise awareness of workforce development initiatives available to the sector	Membership	Notts Comms Team	NCC Communications Team Email me
Care 2 Change - Workshops	Monthly	Making use of investment in the Care to Change project to promote use of toolkits to improve services	Care provider delegates	Delivered by OWL	OWL Email me. Emails, flyer and booking through Eventbrite
Membership Workshops - Using Optimum tools and resources	Monthly	To support managers to develop their business practices and their workforce. For homecare and residential	Membership funds and Open Member delegates	Interested stakeholder partners	OWL Email me. Emails, flyer and booking through Eventbrite
Medicines Management Trainer Assessor Workshops	Twice yearly	To train trainer assessors to operate a best practice medicines management competence framework for workforce development	Care provider delegates	Contracted training provider	Email me, flyer, events and Clinical Commissioning Group colleagues
Medicines Management Peer Reviews	Quarterly	To support registered trainer assessors retain their Medicines Management registration	Care provider delegates	Contracted training provider	Email me, flyer, events and Clinical Commissioning Group colleagues
Medicines Management Reaccreditation workshops	Quarterly	Necessary for registered medicines management trainer assessors to be able to maintain their registration	Care provider delegates	Contracted training provider	Email me, flyer, events and Clinical Commissioning Group colleagues
Moving and Handling Trainer Assessor Competence Frameworks	Twice yearly	The register of Optimum Trainer Assessors is maintained by Optimum and organisations training to this standard are promoted to partners as having the standard in place	Care provider delegates	Contracted training provider	OWL Email me, stakeholder partners, emails flyers and OWL booking system
Moving and Handling Peer Reviews	Quarterly	To support registered trainer assessors retain their Moving and Handling registration	Care provider delegates	Contracted training provider	Email me, flyer, events and Clinical Commissioning Group colleagues
Moving and Handling Management Reaccreditation workshops	Quarterly	Necessary for registered moving and handling trainer assessors to be able to maintain their registration	Care provider delegates	Contracted training provider	Email me, flyer, events and Clinical Commissioning Group colleagues
Homecare Managers Meetings	Quarterly	To bring homecare workers together to inform and encourage discussion and joint working for the benefit of their services	Homecare providers	Homecare providers	Email me, flyer, events and Clinical Commissioning Group colleagues
Grey Matters Workshops	Ad hoc	To promote the benefit of identifying learning needs and evidencing competence to reduce care provider expenditure	Care provider delegates	Grey Matters	Email me, flyer, events and Clinical Commissioning Group colleagues
Autumn Conference	Annually	A learning and development workshop to provide topics of interest for owners, managers, senior workers and trainers in care provider settings	To be identified	Skills for Care and Stakeholder Board Partners	Email me, flyer, events, Clinical Commissioning Group colleagues, meetings with Health and Nursing Associate contacts
Annual Business Conference and consultation to present end of year report and provide information on support available for the future	Annually	To feedback on progress against priorities and consult on priorities for the new year	Sponsorship and project funds	Stakeholder Partners and Quality Management Team	Email me, flyer, events, Clinical Commissioning Group colleagues, meetings with Health and Nursing Associate contacts

Other events that aim to develop the social care workforce at all levels	Ad hoc	To raise the standards of care in Nottinghamshire	As appropriate	As appropriate	Email me, flyer, events and Clinical Commissioning Group colleagues
PROMOTION TO SUPPORT FUNDED PROJECT WORK FOR 2017 - 2019	Frequency	Purpose	Funded by	In Partnership With	Method of Advertising
Regular emails promoting learning and development opportunities being offered by partners and stakeholders that benefit the care sector	Weekly	These support the OWL priority of seeking to reduce duplication of resources	No cost	Stakeholder Board partners	Email me and OWL emails
Development of care provider competences to support the work of the Trusted Assessor in preventing unnecessary hospital admissions and speeding up successful discharges	Workshops to be delivered in Jan 2018	These workshops will link in to the Trusted Assessor project being initiated by ASCHPP, in partnership with the Notts Care Association and OWL	£20,700 from Skills for Care WDIF	Urgent and Emergency Care Partnership	OWL Autumn Conference 2017, Clinical Commissioning Group Partners, Email me and OWL Stakeholder Board
Development of sustainable programme for Nursing and Senior Care provider competences in healthcare related skills that will reduce admissions to hospital	Ongoing programme being developed	This will look into funding opportunities through the Apprenticeship route in order to make these learning events affordable and sustainable	£35k from Health Education England	Urgent and Emergency Care Partnership	OWL Autumn Conference 2017, Clinical Commissioning Group Partners, Email me and OWL Stakeholder Board
Other projects that aim to develop the social care workforce at all levels	Ad hoc	To raise the standards of care in Nottinghamshire	As appropriate	As appropriate	Email me, flyer, events Clinical Commissioning Group colleagues

**REPORT OF THE SERVICE DIRECTOR - CUSTOMERS AND HUMAN
RESOURCES****CUSTOMER SERVICES CENTRE****Purpose of the Report**

1. To seek Members' agreement to:
 - Changes to the Customer Service Centre opening times in line with those of the MASH and other Council services and other Councils across Nottinghamshire and more widely.
 - Moving the main switchboard line (01159 823823) to a non-geographic number with calls diverted to, and answered by, staff at the Customer Service Centre.

Background Information

2. The Customer Service Centre (CSC) is based in Mercury House at Annesley and deals with between 650,000 to 700,000 enquiries a year via the telephone, on line (web chat etc), email and SMS text messaging.
3. The Customer Service Centre's current opening times are from 8am to 8pm Monday to Friday and Saturday mornings from 8.00am to 12.00pm. The team work on a shift pattern, one of which is 'lates' and another includes "weekends". There are 4 staff members covering the late shift and 5 at weekends which includes a Senior Advisor who manages the team during this time, ensures the building is locked and secure and is on hand to manage questions, customer issues or escalated calls.
4. Through its Customer Access Strategy and Digital First Programme the Council is trying to enable channel shift and encourage more customers to choose to self-serve using the Council's website to contact and transact with the Council. This means that customers can interact with the Council when they want (24 hours a day, 7 days a week, 365 days a year) using the tools they want to use.

Opening Times

5. Feedback from customers is that they are not expecting the telephone service to be available after 'normal office hours' or at weekends and, as such, there is little demand after 5.30pm or at weekends. Each night, on average, the centre receives 15 calls across a two and a half hour period (less than 0.5% of the total calls received each day) and on Saturday mornings approximately 100 non urgent calls.
6. However, demand continues to increase during office hours as more services are delivered through the Customer Service Centre acting as the Council's front door and as increasingly complex activities are undertaken which take longer to resolve. For example, adult social care

telephone assessments.

7. Reductions in staffing over a number of years to deliver savings and reduce costs has resulted in resource pressures during peak times and to cover lunch and break times during the day. Over the last year this has begun to impact on call waiting times during peak periods. Changing the operating hours of the Centre would result in more efficient and effective use of staffing resources during these peak periods and more generally.
8. Recruitment of staff continues to be a challenge experienced in many call centre environments with the need for shift working resulting in fewer quality applications for roles, both internally and externally. Late shifts and weekend working also has a negative impact on applications from people with children, as child care is often harder to find or more expensive during the evening and at weekends.
9. The Customer Service Centre acts as a 'training pool' for staff and continues to lose staff members to internally advertised posts within areas of interest, particularly those that offer more flexible working conditions or a 9am - 5pm working day. Whilst this is beneficial for front line services such as Adult Social Care and potentially the Council more widely it does compound the resourcing issues at the Customer Service Centre. Changing the opening hours may help improve retention of trained and experienced staff for longer at the Customer Service Centre and reduce staff attrition. Staff have been canvassed and would very much welcome a change to opening hours of 8am to 6.00pm Monday to Friday.
10. The proposed change will have no negative affect to the support provided to departments as most operate from 8am-5pm, 4.30pm on Fridays, so enquiries cannot be transferred or escalated to departments outside normal "office hours" anyway. Emergency and out of hours situations will continue to be covered by the Emergency Duty Team (for social care) and the Highways Emergency line (for traffic and highways emergencies).
11. Management time in maintaining rotas and ensuring shifts are covered would be reduced if shift working were removed freeing up more time for staff training and development and continuous improvement.

Benchmarking Information

12. Analysis has been completed to benchmark this Council's opening times alongside Nottinghamshire District Councils; County and other UK District Councils.
13. Some key findings are:
 - 81% of all Councils' Customer Service Centres are open from 8am to 6pm or less.
 - 89% of the Councils in Nottinghamshire are open 8am to 6pm or less.
 - Almost 70% of Councils contacted across the country are not available on Saturdays.
 - Only 6 Councils (including Nottinghamshire County Council) out of 59 surveyed opened from 8am to 8pm.
14. Councils were also asked to provide information about the response from customers when reducing opening hours. Feedback from other Councils included:

"We changed our hours and it has had no impact at all, no complaints, not even a ripple from customers."

“New hours were presented and signed off by members. All went very smoothly and no complaints from customers. To be honest most customers were surprised we were open after 5pm anyway so there was no impact.”

“Changed hours some time ago, no complaints and no requests or challenges from customers to open longer than we do now.”

“Our original opening hours were 8am to 8pm Monday to Friday and 9.00am to 4.30pm Saturday. However, it soon became apparent that demand for the service was low outside the core hours of 9 am to 5pm. The longer opening hours also impacted on the performance in core hours as we had to stretch our staffing across a longer working day. We changed to 9am to 5.30 pm within 4 years of opening and there was virtually no resistance from members of customers.”

Switchboard changes

15. Work has been underway for the last three years to review telephony infrastructures across the Council, part of this has included the introduction and roll-out of Voice over Internet Protocol (VoIP) solutions. In the Council’s case this is Microsoft Lync. The roll-out in County Hall, Trent Bridge House, Lawn View House, Meadow House, Sherwood Energy Village and Sir John Robertson Way has reduced calls to the main switchboard number considerably. This programme of work is still ongoing.
16. Switchboard calls have been reducing year on year with current numbers at around 100 per day (down 452 per day since 2011/12).

Year	Switchboard calls / year	Call volumes	
		Per month	Per day
2011/12	132402	11034	552
2012/13	107242	8937	432
2013/14	80830	6736	337
2014/15	52461	4372	219
2015/16	40475	3373	167
2016/17	26141	2178	103
2017/18	Estimated 24500	2041	100

17. The current switchboard is old technology which often breaks down and is no longer fit for purpose. The switchboard has to be decommissioned by the end of March 2018 when it reaches its ‘end of life’ and is no longer able to be covered by a support contract. The infrastructure which supports the switchboard is not compatible with the move to the Cloud Programme and is being removed before March. An alternative therefore needs to be implemented as soon as possible.
18. Currently outside office hours or when switchboard staff are not available (for example during a fire alarm) switchboard calls are diverted to the Customer Services Centre. Staff at the CSC taking these calls use a “switchboard script” to deal with them so that the service delivered to the customer is seamless. It is proposed to move this activity permanently to the Customer Service Centre.

19. The move to the Customer Service Centre will improve resilience should there be an increase or spike in call volumes as any overflow of calls could be passed to a wider group of staff rather than the current pool of four switchboard staff who also undertake some reception duties. Spreading these calls amongst a wider staff group will enable the additional impact to be spread more evenly and make it easier to have resources available to cover annual leave, sickness etc. If volumes remained at current levels it would result in an increase of an average of 3 very short calls per person per day. But numbers of pure switchboard calls are expected to continue to reduce as customers migrate to the website for transactional activity and new technology is rolled out to staff internally.
20. In order for this to be a permanent solution a new number will be required for the switchboard as currently County Hall and Mercury House are on different telephony exchanges (0115 and 01623). If calls are to be routed to the Customer Service Centre permanently the number used needs to be one that can be ported to any part of the County. 0115 numbers cannot do this and as such there is a real risk in terms of business continuity should there be any system failure. The proposed new number for the switchboard will be 0300 500 0823. The Council's main customer service number will remain unchanged.
21. The implementation of a 0300 number will result in cost savings for customers calling from non-local numbers (Mansfield, Ashfield, Newark, Bassetlaw and some parts of Rushcliffe and Broxtowe). 0300 numbers are charged at a local rate for both land line and mobiles (free if local calls are included in any phone packages in place), so customers will benefit by reduced call costs.
22. Removal of a legacy system which is at its 'end of life' and being closed down as part of the Cloud Programme will result in a reduction of support requests to ICT colleagues freeing up resource to support the Cloud and other programmes of work.
23. The small number of additional calls to the Customer Service Centre will be absorbed within existing resources. Savings will be realised overall through the non-recruitment to and removal of current vacant switchboard posts at County Hall. No staff will be made redundant or adversely impacted. There will still be a requirement to provide reception services in both County Hall and Trent Bridge House and these arrangements will not be negatively impacted by the move of the Switchboard and will benefit from more resilience and focus on reception activity.
24. A detailed communications plan is being finalised, for implementation if the recommendations are agreed, to ensure that information about the change to switchboard arrangements is appropriately communicated to customers, key partners, members and staff.

Other Options Considered

25. A number of options have been considered in relation to opening hours as set out below.
26. Reducing staffing levels on the Late Shift has been trialled. However this left the service exposed and vulnerable particularly when the team had absences or annual leave. Service resilience and business continuity could potentially be compromised in this situation

and short notice cover may be difficult to find as many staff have family commitments.

27. Leaving the hours as they are currently is a potential option but it does not ensure the most Effective use of resources and improved resourcing at peak times and therefore poses a serious reputational risk if demand is maintained or grows at the current levels and insufficient resources are available.
28. From 5.30pm-8pm each day and at weekends call volumes drop as there is minimal customer demand for the service during these times. Experience from other Councils who have reduced opening hours was that there was little or no impact in terms of customer satisfaction. All who responded said that they had no complaints from customers following the changes in hours. Therefore reducing opening hours is the recommended approach.
29. In relation to the proposed changes to Switchboard consideration has been given to no change but this poses too great a risk as the Council would be unable to support the system technology going forward. This is in line with the Council's agreed move to Cloud based solutions which are more cost effective, more agile and adaptable to the change.
30. Consideration has been given to retaining separate switchboard functionality. New infrastructure to support a new switchboard would be very costly and not 'fit' with the Council's Cloud Strategy or direction of travel in relation to migrating customer access or smarter ways of working for staff. The volume of calls does not warrant the level of investment required.
31. Consideration has been given to retaining the 0115 (Nottingham exchange) number but this can only be ported within 0115 exchanges so there would be little or no business continuity in place. 0300 numbers can be connected anywhere in the County, including to mobile numbers, so the cost will be the same for all customers regardless of where they are ringing from in the County.

Reasons for Recommendations

32. Change to opening times will ensure staffing resources are used most effectively and can provide additional cover and resilience during peak call times. This will impact positively on the customer experience and the achievement of service levels during the day and increase the potential number of more complex enquiries dealt with by the Customer Services Centre, thus contributing to the delivery of savings across the Council.
33. Councils consulted that have already reduced their opening times, have stated that they have had no negative feedback and not seen any increase in customer complaints as a result of the change to hours within their contact centres. Only a very small number of customers are impacted by the changes due to the low call volumes at the times in question.
34. The recommendation also supports the Council's 'Digital First' approach encouraging customers to access services whenever and wherever they want by self-serving on-line.
35. The change to the switchboard will reduce costs, contribute to savings and enable improved services to be delivered to customers at reduced cost. It also supports the Council's strategy of migration to Cloud based services.

Statutory and Policy Implications

36. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Data Protection and Information Governance

37. The recommendations in the report do not directly impact on how customer data is held or processed.

Financial Implications

38. The changes to opening times and the switchboard detailed in the report will result in a net reduction in the operating cost of the Customer Services Centre. This net reduction in the operating cost will contribute to the approved savings target which has already been included in the 2017/18 revenue budget for the Customer Services Centre.

Human Resources Implications

39. Staff at the Customer Services Centre are supportive of the reduction in opening hours. This will contribute to improved staff recruitment and retention and encourage more people with child care responsibilities to work at the Customer Service Centre which can be difficult and costly to access for shift work.
40. No staff are detrimentally impacted by the proposals to move the Switchboard operation to the Customer Service Centre. Reception services at County Hall and Trent Bridge House will continue unaffected. Vacant posts will be deleted to reflect the transfer of work to the Customer Services Centre which will be shared amongst existing staffing resources with a minimum impact.
41. Discussions have taken place with the recognised trades unions and staff in relation to the proposals.

Implications for Service Users

42. There is minimal impact for customers calling out of hours as it only affects very few customers overall (less than 0.5% of telephone enquiries). 99.9% of customers call between 8am-5.30pm. The proposals will improve the service provided to the majority of users.
43. Information gathered from other councils that have completed this exercise has stated that there was little or no impact to service users and customers and the changes resulted in no customer complaints.

RECOMMENDATIONS

It is recommended that Members:

- 1) Agree that Customer Service Centre opening times are changed to 8am-6pm Monday to Friday with effect from January 2018.
- 2) Agree the switchboard number is changed to 0300 500 0823 and calls directed to staff at the Customer Service Centre with effect from January 2018.

Marjorie Toward

Service Director – Customers and Human Resources
Resources

For any enquiries about this report please contact: Marie Rowney, Group Manager, 0115 9772054, marie.rowney@nottsc.gov.uk

Constitutional Comments (KK 14/11/17)

44. The proposals in this report are within the remit of the Personnel Committee.

Financial Comments (RWK 08/11/17)

45. The financial implications are set out in paragraph 38 of the report.

HR Comments (CLG 17/11/17)

46. These are set out in the body of the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- All

REPORT OF CORPORATE DIRECTOR, RESOURCES**WORK PROGRAMME****Purpose of the Report**

1. To consider the Committee's work programme for 2017/18.

Information and Advice

2. The County Council requires each committee to maintain a work programme. The work programme will assist the management of the committee's agenda, the scheduling of the committee's business and forward planning. The work programme will be updated and reviewed at each pre-agenda meeting and committee meeting. Any member of the committee is able to suggest items for possible inclusion.
3. The attached work programme has been drafted in consultation with the Chairman and Vice-Chairman, and includes items which can be anticipated at the present time. Other items will be added to the programme as they are identified.
4. As part of the transparency introduced by the new committee arrangements, committees are expected to review day to day operational decisions made by officers using their delegated powers. It is anticipated that the committee will wish to commission periodic reports on such decisions. The committee is therefore requested to identify activities on which it would like to receive reports for inclusion in the work programme.

Other Options Considered

5. None.

Reason/s for Recommendation/s

6. To assist the committee in preparing its work programme.

Statutory and Policy Implications

7. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

- 1) That the Committee considers whether any amendments are required to the Work Programme.

Jayne Francis-Ward
Corporate Director Resources

For any enquiries about this report please contact: Sarah Ashton, Democratic Services Officer, Tel: 0115 977 3962

Constitutional Comments (HD)

8. The Committee has authority to consider the matters set out in this report by virtue of its terms of reference.

Financial Comments (NS)

9. There are no financial implications arising directly from this report.

Background Papers

- None

Electoral Division(s) and Member(s) Affected

- All

Personnel Committee Work Programme

Title	Summary	Lead Officer	Report Author
31 January 2018			
Human Resources – Revised Service Offer and structure	Decision	Marje Toward	Gill Elder
Business Support – Revised structure	Decision	Marje Toward	Julie Foster
Review of Leonard Cheshire Internship Programme	Decision	Marje Toward	Helen Richardson
14 March 2018			
Employee Health and Wellbeing and Sickness Absence Performance quarterly update and approval of actions (Quarter 3 - 2017/18)	Decision	Marje Toward	Claire Gollin
Nottinghamshire County Council Workforce Planning Information quarterly update at 31.12.17 (Quarter 3 - 2017/18)	Update report	Marje Toward	Claire Gollin
Apprenticeships – Update Report and approval of future actions	Decision	Marje Toward	Helen Richardson
Gender Pay Gap Analysis and approval of actions	Decision	Marje Toward	Claire Gollin
18 April 2018			
Health and Safety - Progress on actions and approval of next steps	Decision	Marje Toward	John Nilan
Learning at Work Week – approval of programme of activity	Decision	Marje Toward	Helen Richardson

23 May 2018			
Employee Health and Wellbeing and Sickness Absence Performance quarterly update and approval of actions (Quarter 4 - 2017/18)	Decision	Marje Toward	Claire Gollin
Nottinghamshire County Council Workforce Planning Information quarterly update at 31.3.18 (Quarter 4 - 2017/18)	Update report	Marje Toward	Claire Gollin
Update on careers outreach events and next steps	Decision	Marje Toward	Helen Richardson
25 July 2018			
To be confirmed			