

# Employment Committee

25 March 2019



**Time and venue:**

**10.00 am in the Telscombe Room - Southover House, Lewes**

**Membership:**

**Councillor Elayne Merry (Chair); Councillors Mike Chartier, Paul Franklin, Stephen Gauntlett and Robbie Robertson**

**Quorum: 3**

*Published: Friday, 15 March 2019*

## Agenda

- 1 Minutes of the meeting held on 3 December 2018 (Pages 1 - 4)**  
To confirm and sign the minutes of the previous meeting.
- 2 Apologies for absence/declaration of substitute members**
- 3 Declarations of interest**  
Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct.
- 4 Urgent items**  
Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972.
- 5 Written questions from Councillors**  
To deal with written questions from councillors pursuant to Council Procedure Rule 12.3 (page D8 of the Constitution).
- 6 Update on Joint Transformation Programme**  
Verbal update by Assistant Director of Human Resources and Transformation.
- 7 Code of Conduct for Employees (Pages 5 - 18)**  
Report of the Head of Human Resources

- 8 Facilities Agreement** (Pages 19 - 30)  
Report of the Head of Human Resources
- 9 Update on Health and Safety matters**  
Verbal update by Functional Lead for Quality Environment.
- 10 Exclusion of the public and press**  
To consider, under Section 100(A) of the Local Government Act 1972 (as amended), excluding the public and press from the meeting during the discussion of Items 11, 12, and 13 on this agenda as there are likely to be disclosures of exempt information as defined in paragraphs 1, 2 and 4 of Part 1 of Schedule 12A of the Act.
- 11 Sickness Report - Quarter 3** (Pages 31 - 40)  
Report of the Head of Human Resources
- 12 Consideration of matters raised by the employees' side**  
To consider any matters raised by the employees' side in respect of the items on this agenda.
- 13 Consideration of health and safety matters raised by the employees' side**  
To consider any matters raised by the employees' side in respect of health and safety.
- 14 Date of next meeting**  
To note that the next meeting of the Employment Committee is scheduled to be held on 17 June 2019 in the Ditchling Room, Southover House, Southover Road, Lewes, BN7 1AB, commencing at 10.00 am.

## Information for the public

**Accessibility:** Please note that the venue for this meeting is wheelchair accessible and has an induction loop to help people who are hearing impaired. This agenda and accompanying reports are published on the Council's website in PDF format which means you can use the "read out loud" facility of Adobe Acrobat Reader.

**Filming/Recording:** This meeting may be filmed, recorded or broadcast by any person or organisation. Anyone wishing to film or record must notify the Chair prior to the start of the meeting. Members of the public attending the meeting are deemed to have consented to be filmed or recorded, as liability for this is not within the Council's control.

**Public participation:** Please contact Democratic Services (see end of agenda) for the relevant deadlines for registering to speak on a matter which is listed on the agenda if applicable.

## Information for councillors

**Disclosure of interests:** Members should declare their interest in a matter at the beginning of the meeting.

In the case of a disclosable pecuniary interest (DPI), if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

**Councillor right of address:** A member of the Council may ask the Leader, a Cabinet Member or the Chair of a committee or sub-committee any question without notice upon an item of the report of the Cabinet or a committee or subcommittee when that item is being received or under consideration by the Council.

A member of the Council may ask the Chair of a committee or sub-committee a question on any matter in relation to which the Council has powers or duties or which affect the District and which falls within the terms of reference of that committee or subcommittee.

A member must give notice of the question to the Head of Democratic Services in writing or by electronic mail no later than close of business on the fourth working day before the meeting at which the question is to be asked.

## Democratic Services

For any further queries regarding this agenda or notification of apologies please contact Democratic Services.

**Email:** [committees@lewes-eastbourne.gov.uk](mailto:committees@lewes-eastbourne.gov.uk)

**Telephone:** 01273 471600

**Website:** <http://www.lewes-eastbourne.gov.uk/>



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## Employment Committee

**Minutes of meeting held in Ditchling Room - Southover House, Lewes on 3 December 2018 at 10.00 am**

### **Present:**

Councillor Elayne Merry (Chair)

Councillors Mike Chartier, Paul Franklin and Stephen Gauntlett

### **Officers in attendance:**

Ed Hele (Functional Lead Quality Environment), Helen Knight (Head of Human Resources) and Jennifer Norman (Committee Officer)

### **Employees' Side Representative:**

Graham Purdye

### **24 Minutes**

The minutes of the meeting held on 10 September 2018 were submitted and approved, and the Chair was authorised to sign them as a correct record.

### **25 Apologies for absence/declaration of substitute members**

An apology for absence had been received from the Assistant Director for Human Resources and Transformation.

### **26 Declarations of interest**

There were none.

### **27 Urgent items**

There were none.

### **28 Written questions from councillors**

There were none.

**29 Update on Health and Safety matters**

The Functional Lead for Quality Environment (FLQE) provided a verbal update in relation to health and safety matters across Lewes District Council (LDC) and Eastbourne Borough Council (EBC).

The FLQE explained that the Specialist Advisor (Health and Safety) was currently in the process of working on a comprehensive work plan in relation to Health and Safety matters across both authorities, which included a review of the health policy statement. The Specialist Advisor (Health and Safety) had completed audits for various departments across both authorities and was intending to review fire evacuation procedures at Southover House (LDC) and 1 Grove Road (EBC), respectively. Once updated safe systems of work had been put in place, documentation would be distributed which aligned policies and procedures across both authorities in relation to health and safety matters.

The FLQE highlighted that the form for reporting accidents and a singular email address had been put in place for employees across both authorities in an effort to streamline procedures and to make it as easy and straightforward as possible when accidents and near-misses were reported. He further highlighted that in January 2019 he was meeting with a software company which provided online resolution recording in relation to accidents and near-misses across both authorities. This would make the process of reporting accidents and near-misses even more straightforward for employees and it would help put further measures in place to prevent accidents and near-misses, as both authorities would be able to retain all relevant information in a centralised database.

**Resolved:**

That the verbal update on health and safety matters be noted.

**30 Update on the Joint Transformation Programme**

The Head of Human Resources provided a verbal update on the progress of the Joint Transformation Programme (JTP); a restructuring programme (currently in phase 3) which aimed to deliver the majority of Lewes District Council (LDC) and Eastbourne Borough Council's (EBC) services via shared teams and by adopting new ways of working.

Members were informed that despite some IT issues which had been present during phase 2 of the JTP, the staff element of phase 2 was complete with the exception of Housing. Housing was the most complex transition and had been long awaited, with staff working hard on the Civica transition which was specific to Homes First.

Members were further informed that 6 service areas – Legal, Human Resources, IT, Finance, Audit and Corporate Property – were involved in phase 3. Independent reviews for Legal, Human Resources, IT and Audit

began the transition on 9 November 2018, with Finance beginning on 11 December 2018 and Corporate Property in mid-January 2019.

The Head of Human Resources added that great comments had been received from staff thus far and that many ideas for income generation had come from the service areas involved in phase 3.

Resolved:

That the verbal update on the Joint Transformation Programme be noted.

### **31 Sickiness report**

The Committee received the report which provided an update regarding the Council's sickness figures for the period quarter 2 2018/19 (1 July to 30 September 2018), together with the reasons for staff absences as set out in the appendices to the report.

The Head of Human Resources highlighted a decrease in the average number of days absence for each employee from 2.85 during quarter 2 2017 to 2.11 during quarter 2 2018. She further highlighted a reduction of absences due to stress from quarter 1, with 8 absences reported during quarter 2. Three of the absences resulted in a long term absence (more than 4 weeks).

The Head of Human Resources informed the Committee that the total days lost for quarters 1 and 2 were 3.7, which put the Council on track for its target of 8 total days per employee for the year. She reminded Members that quarters 2 and 3 historically had an increased absence rate due to the winter months and that Human Resources had offered all staff members a free influenza vaccination to help mitigate the number of absences.

The Committee queried the number of absences in Case Management and whether or not the number was a reflection of the level of stress within the role. The Head of Human Resources explained that the number of absences were largely centred around Homes First due to a change in the law made by central government. She further explained that there were increased levels of homelessness, which lead to an increased work load. In response the Councils had recently recruited 7 graduates from Brighton University to assist with the increased workload.

Resolved:

That the report be noted.

**32 Exclusion of the public and press**

Resolved:

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the public and press be excluded from the meeting during the discussion of items 10 and 11 on the agenda as there was likely to be disclosures of exempt information as defined in paragraphs 1, 2 and 4 of Part 1 of Schedule 12A of the Act.

**33 Consideration of matters raised by the employees' side**

There were no additional matters raised by the employees' side over and above those which had been recorded in the minutes of the meeting.

**34 Consideration of health and safety matters raised by the employees' side**

The employees' side commented that it was pleased with the FLQE's verbal update in relation to health and safety matters and that it was seen as a positive way forward.

There were no additional health and safety matters raised by the employees' side over and above those which had been recorded in the minutes of the meeting.

**35 Date of next meeting**

*(Note: Prior to the close of the meeting, the Committee wished to thank all staff members for their tireless effort during the rollout of the JTP, with special recognition given to the Waste and Recycling team for its seamless rollout of the new recycling service across Lewes District. The Committee further recognised the Waste and Recycling team for its commitment to working over the Christmas and New Year holidays to ensure residents would not encounter a delay in their waste and recycling services.)*

Resolved:

That the next meeting of the Employment Committee that is scheduled to be held on Monday, 25 March 2019 in the Telscombe Room, Southover House, Southover Road, Lewes, commencing at 10:00am, be noted.

The meeting ended at 10.30 am.

Councillor Elayne Merry (Chair)

<b>Report to:</b>	<b>Employment Committee</b>
<b>Date:</b>	<b>25 March 2019</b>
<b>Title:</b>	<b>Code of Conduct for employees</b>
<b>Report of:</b>	<b>Assistant Director of HR and Transformation</b>
<b>Ward(s):</b>	<b>N/A</b>
<b>Purpose of report:</b>	<b>To update Employment Committee regarding the review of the Code of Conduct Policy for all employees and workers.</b>
<b>Officer recommendation(s):</b>	<b>To note that the Councils' previously separate Code of Conduct policies have now been aligned and updated.</b>
<b>Reasons for recommendations:</b>	<b>Lewes District and Eastbourne Borough Councils have jointly committed to bringing policies and procedures together as part of the Joint Transformation Programme (JTP) which is an important step towards aligning people and business practices.</b>
<b>Contact Officer(s):</b>	<b>Name: Helen Knight Post title: Head of HR E-mail: <a href="mailto:Helen.knight@lewes-eastbourne.gov.uk">Helen.knight@lewes-eastbourne.gov.uk</a> Telephone number: 07966 645102</b>

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## **1 Introduction**

- 1.1 A review of the existing policies regarding agile working across Lewes and Eastbourne has been undertaken and an aligned policy developed. A copy is attached at Appendix 1.
- 1.2 There are no significant changes to the policy; both previously separate policies had been recently updated and were very similar but this is now an aligned policy for both Councils.
- 1.3 Unison was sent a copy of this aligned policy on 2 January 2019 asking for its comments. At the time of this report being submitted none have been received.
- 1.4 It is the intention that this revised policy will be implemented on 26 March 2019 by publication on the council intranet known as 'The Hub' following this meeting. It has been approved by the Joint Staff meeting at Eastbourne in February.
- 1.5 Legal and Democratic Services officers have been involved in the drafting of this policy and support the content.

## **2 Financial appraisal**

2.1 The implementation of this revised policy should have no financial impact.

## **3 Legal implications**

3.1 The way in which the review has been carried out complies with the Councils' public sector equality duty under section 149 of the Equality Act 2010.

## **4 Risk management implications**

4.1 The Risk Management Implications questionnaire has been completed and this report is exempt from the requirement because it is a progress report.

## **5 Equality analysis**

5.1 An equality analysis has been carried out for this aligned report and is a background paper to this report, which is available on request.

## **6 Appendices**

- Appendix 1 - Eastbourne Borough and Lewes District Code of Conduct for Employees

## **7 Background papers**

- Equality and Fairness Analysis for Code of Conduct for employees

# STRONGER together



Lewes District Council



Working in partnership with **Eastbourne Homes**

<b>Document name:</b>	<b>Code of Conduct</b>
<b>Document type:</b>	Policy

<b>Authority(ies) covered:</b>	Aligned
<b>Responsible (Executive Lead):</b>	Becky Cooke Assistant Director for Human Resources and Transformation
<b>Accountable (Operational Lead):</b>	Sam Jenner HR Business Partner
<b>Version (e.g. first draft, final report):</b>	Draft
<b>Approved by:</b>	
<b>Date of publication:</b>	December 2018
<b>Revision due:</b>	Date
<b>Final Equality and Fairness Analysis (EaFA) report approved by:</b>	e.g. Director/Assistant Director
<b>Date final EaFA report approved:</b>	Date

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Draft

## **1. Introduction**

- 1.1. This Code is designed to ensure that the integrity of the council, its employees and its workers (casuals, agency and consultants) is maintained and that there is clear guidance on the conduct required of them while working for the council.
- 1.2. The Code describes the conduct required in a range of circumstances which you may come across as part of your duties. These are detailed below, but they are neither exhaustive nor exclusive and other circumstances will arise where you will have to consider what conduct the council would expect.
- 1.3. In such circumstances, you should realise that the council's (and your) principal aim is to serve the public, who expect a high standard of integrity and service. You should therefore, avoid doing anything that could reflect adversely on the council. If any doubt exists as to the proper course of action, seek advice from your manager or Head of Service.
- 1.4. This Code sets out the minimum standards of conduct that employees and workers are expected to observe when carrying out their duties. You should take time to read this and make sure you understand it. If you require clarification you should speak to your manager.

## **2. Scope**

- 2.1 The Code applies to all employees and workers. Failure to adhere to the Code may result in disciplinary action and in some cases criminal prosecution, or termination of a contract for services.

## **3. Standards**

- 3.1 You are expected to give the highest possible standard of service to the public, and where it is part of your duties, to provide appropriate advice to councillors and colleagues with impartiality.
- 3.2 In performing your duties, you must act with integrity, honesty, objectivity and without bias.
- 3.3 You are expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any impropriety or breach of procedure which would impact on the provision of the service.
- 3.4 You must comply with the council's Vision and Values and Competency Frameworks and any council policies which may have a bearing on how

to conduct yourself, e.g. Equality and Fairness Policy, Dignity at Work Policy.

#### **4. Disclosure of Information and Confidentiality**

- 4.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public.
- 4.2 You must be aware of which information the council is and is not open about, and act accordingly.
- 4.3 No confidential information, politically or commercially sensitive information should be released to anyone without authorisation from your manager. No personal information, which is protected by the General Data Protection Regulation and Data Protection Act, should be released to anyone without authorisation from either your manager, the council's Data Protection Officer, or Information Governance Manager.
- 4.4 You should not use any information obtained in the course of your work for personal gain or benefit, nor should you pass it on to others who might use it in such a way.
- 4.5 You must not deal direct with the press or the media in relation to anything related to council business unless required to do so as part of your duties, or you have been expressly authorised by the council's Press Office (Cobb PR).

#### **5. Political Neutrality**

- 5.1 You serve the council as a whole. It follows you must serve all the councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.
- 5.2 As part of your work you may be required to provide advice to councillors or other employees. You must do so impartially and must not allow your own personal and political opinions to interfere with your work.
- 5.3 Certain posts are designated politically restricted by specific regulations. If you hold one of these posts, you will be required by law to observe certain restrictions regarding your out of work activities. For example, you may not:
  - Stand for election to local authorities (except Town or Parish councils), the House of Commons or the European Parliament
  - Hold office in a political party

- Canvass at elections, or
- Speak or write publically on matters on party political lines

## **6. Relationships**

### **6.1 Personal Relationships**

You must declare to your manager in writing, using the Register of Interests – Declaration Form, any close personal relationship with someone at work to ensure that your impartiality, objectivity and honesty is not compromised.

### **6.2 Councillors**

Mutual respect between employees and councillors is essential to good local government and working relationships should be kept on a professional basis. Close personal familiarity between yourself and the individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

### **6.3 The Local Community and Service Users**

You should always remember your responsibilities to the community you serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the councils.

### **6.4 Contractors**

All relationships of a business or private nature with external contractors, or potential contractors, must be made known to the appropriate manager. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process.

If you engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors you should declare that relationship to the appropriate manager.

## **7. Appointment and Other Employment Matters**

- 7.1 If you are involved in the appointment of employees or workers, you should be aware that it is unlawful for you to make an appointment based on anything other than the ability of the candidate to undertake

the duties of the post. To avoid any possible accusation of bias, you should not be involved in an appointment where you are related to an applicant or have a close personal relationship with the applicant.

- 7.2 You should not be involved in decisions relating to discipline, promotion or pay and conditions adjustments for another employee or worker who is a relative or with whom you have a close personal relationship.
- 7.3 The canvassing of any member of the councils', directly or indirectly, for any appointment under the councils' will automatically disqualify the candidate concerned for that appointment.

## **8. Conduct Outside of Work and Criminal Offences**

- 8.1 You are expected to conduct yourself at all times (inside and outside of work) in a manner which will maintain public confidence in both your integrity and the services provided by the council. In general what you do outside of work is your personal concern, unless those actions would cause a breakdown in your relationship with the council.
- 8.2 This also extends to the use of social networking. Owing to the open nature of social media, control over this content is generally considered to have been lost once it hits the public domain regardless of the privacy settings of an account. Making derogatory personal comments or offensive remarks about the council and/or other employees or workers could fall within the council's Dignity at Work policy, for which disciplinary action could result.
- 8.3 You must inform your manager if you are arrested/convicted/cautioned of a crime and if arrested must notify the manager of the development and outcome of the case as soon as it happens.
- 8.4 Disclosing all convictions does not necessarily mean disciplinary action will be taken against you. The extent to which a criminal offence may affect employment depends on whether the conduct:
  - makes the employee unsuitable for their work; and/or
  - may reflect adversely on the council's reputation or ability to perform its function
- 8.5 Employees sentenced to immediate imprisonment may be dismissed without notice or compensation in lieu of notice.
- 8.6 Where it is deemed that there is an adverse impact on your employment, the council's Disciplinary Procedure will apply.

## **9. Additional Employment and Private Professional Work**

9.1 You should not undertake additional employment (paid or unpaid), if your proposed additional work either will or has the potential to:

- breach employment legislation
- conflict with or detrimentally affect the council's interests
- weaken public confidence in the council
- affect your ability to undertake your council work

If in any doubt you should seek advice from your line manager.

9.2 You should not carry out private professional work within the Eastbourne Borough or Lewes District which involves making an application as a statutory authority for any form of permission or approval; or handle any matter in a private capacity in which you could find yourself in a professional relationship with the council, including your own colleagues.

## **10. Personal Interests**

10.1 Personal interest must not conflict with your public duty. An official position or information acquired in the course of your work for the council must not be used to further personal interests or the interests of others.

10.2 You must declare in writing, using the Register of Interests – Declaration Form, any:

- Financial or non-financial interest which could conflict with the council's interests
- Interest in an existing or proposed contract with the council
- Membership of any organisation or club which could result in a conflict with the council's interests, or of any organisation or club which is not open to the public and which has secrecy about its rules

10.3 You may have dealings with the council on a personal level, for instance as a council Tax payer, as a tenant, or as an applicant for a grant or a planning permission. You should never seek or accept preferential treatment in these dealings because of your position as an employee or worker of the council. You should also avoid placing yourself in a position that could lead the public to think that preferential treatment is being given: for instance, by being in substantial arrears to the council, or by discussing a planning application personally with officers when other members of the public would not have the

opportunity to do so. Likewise, you should never use your position as an employee or worker of the council to seek preferential treatment for friends or relatives, or any firm or body with which you are personally connected.

- 10.4 The council views failure to pay any money due to itself as likely to bring the council's own reputation into disrepute. It is for the council to demonstrate an individual's liability for any payment, and to institute recovery procedures. But any persistent failure to pay a legitimate demand presented in this connection will be dealt with within the framework of our agreed Disciplinary Procedure.
- 10.5 No officer or servant of the council shall become security for or engage in any loan transaction with any other officer or servant of the council.

## **11. Equality Issues**

- 11.1 You are expected to work to eliminate discrimination, promote equality and good relations.
- 11.2 You should ensure that policies relating to equality issues in addition to the requirements of the law are complied with.
- 11.3 All members of the local community, customers and other colleagues have a right to be treated with fairness and equity.

## **12. Separation of Roles during Tendering**

- 12.1 If you are involved in the tendering process and dealing with contractors you should be clear on the separation of client and contractor roles within the councils.
- 12.2 Senior employees and workers who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 12.3 If you are a contractor or client service area you must exercise fairness and impartiality when dealing with all customers', suppliers, other contractors and subcontractors.
- 12.4 If you are privy to confidential information on tenders or costs for either internal or external contractors you should not disclose that information to any unauthorised party or organisation.
- 12.5 If you are contemplating a management buyout you should, as soon as you have formed a definite intent, inform the appropriate manager to withdraw from the contract awarding process.

- 12.6 You should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

### **13. Safeguarding of Children and Vulnerable Adults**

- 13.1 The Children's Act 2004 includes a specific duty on councils to have regard to the need to safeguard and promote the welfare of children and to co-operate with other agencies to improve the wellbeing of children and young people, therefore all employees and workers are expected to work to promote safeguarding within the councils and with members of the public.
- 13.2 You should ensure that all policies relating to Safeguarding of Children and Vulnerable Adults as agreed by the councils are complied with in addition to the requirements of the law.
- 13.3 You have a responsibility to report any safeguarding concerns over the welfare of children, young people or vulnerable adults. This extends to the identification of signs of abuse; poor practice by employees and workers, councillors and others acting for or on behalf of the councils, and allegations brought to our attention by a member of the public in line with the Safeguarding Policy.

### **14. Use of Finance and Other Resources**

- 14.1 You must ensure that public funds entrusted to you are used in a responsible and lawful manner. You should strive to ensure value for money to the local community and to avoid legal challenge to the councils.
- 14.2 You must not utilise property, vehicles, equipment, materials or other facilities of the councils for personal use unless authorised in advance to do so. You must comply with the councils' Financial Procedures.
- 14.3 Intellectual property is property which enjoys legal protection and is a result of intellectual effort, including patents, copyright, trademarks, design and software. Where developed in the course of your duties, such intellectual property is the property of the councils. You should not make use of the council's intellectual property to conduct private work.

## **15. Corruption**

15.1 You must be aware that it is a serious criminal offence for you to solicit or receive or give any gift, loan, fee, reward or advantage for doing, or neglecting to do something or showing favour, or disfavour, to any person in your official capacity. If an allegation is made it is for you to demonstrate that any such rewards have not been corruptly obtained.

## **16. Acceptance of Hospitality and Gifts**

16.1 You should exercise discretion in offering or accepting hospitality. It is essential that any suggestion or improper influence should be avoided. If you are in any doubt about the right course of action to take you should always seek the advice of your manager.

16.2 You should only accept hospitality if there is a genuine need to impart information or represent the council in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the council should be seen as represented. They should be properly authorised and recorded.

16.3 You should also ensure that accepting the hospitality does not create a conflict of interest and is not likely to cause embarrassment to the councils.

16.4 Your acceptance of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the council gives consent in advance and where the council is satisfied that any purchasing decisions are not compromised.

16.5 You must not, either directly or indirectly, accept any gift, reward or benefit from any member of the public or any organisation with whom you are brought into contact by reason of your duties. The only exceptions to this rule are:

- small gifts under the value of £10 given by way of trade advertisements to a wide range of people, e.g. calendars, diaries, pens, mugs and similar articles for use in the office
- small gifts under the value of £10 offered during official authorised hospitality e.g. gifts on the conclusion of any courtesy visit of a type normally given by that organisation
- small gifts or tokens of appreciation under the value of £10 where the donor is a service user or client and where refusal would cause offence

16.6 You should handle the refusal of gifts and hospitality with tact – courteously and firmly informing the donor of the procedures and standards operating within the council.

16.7 In the event of you receiving a gift without warning, which does not fall in any of the exceptions mentioned above including inducements such as air miles, trading discounts, vouchers or offers of hospitality must be reported to your Head of Service and a Gifts & Hospitality Declaration Form completed.

16.9 The use of personal loyalty cards whilst making purchases on behalf of the council is unacceptable. It may bring into question the impartiality of the use of that supplier.

## **17. Sponsorship – Giving and Receiving**

17.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

17.2 Where the councils wish to sponsor an event or service neither you nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the councils through sponsorship, grant aid, financial or other means, gives support in the community, you should ensure that impartial advice is given and that there is no conflict of interest involved.

## **18. Health and Safety**

18.1 You have a duty of care as prescribed in the corporate health and safety policy, and you must not act wilfully or intentionally in a manner liable to place the public, your colleagues or yourself at risk.

## **19. Personal Appearance**

19.1 The appearance of our employees and workers can affect the way customers view the councils. You should be mindful of your overall appearance and wear appropriate clothing for your role ensuring that you look professional whilst carrying out your duties and responsibilities. If you are unsure what is appropriate for your role guidance can be sought from your manager.

19.2 Consideration must be given to health and safety and any personal protective equipment must be worn as required at all times.

- 19.3 If you are provided with a uniform you have responsibility to keep it clean and smart.
- 19.4 Good standards of personal hygiene are required and you are required to wear identity badges at all times whilst at work whilst carrying out work related duties.

## **20. Related Documents and Policies**

Your attention is drawn to the following documents which should be read in conjunction with the Code of Conduct.

- Register of Interests – Declaration Form Gifts and Hospitality Declaration Form
- Close Personal Relationships in Employment Guidance
- Anti Fraud and Corruption Policy
- Data Protection Policy
- Safeguarding Policy
- Social Media Policy
- Equality and Fairness Policy
- Dignity at Work Policy
- IT Acceptable Use Policy
- Drug and Alcohol Policy

<b>Report to:</b>	<b>Employment Committee</b>
<b>Date:</b>	<b>25 March 2019</b>
<b>Title:</b>	<b>Facilities Agreement</b>
<b>Report of:</b>	<b>Assistant Director of HR and Transformation</b>
<b>Ward(s):</b>	<b>N/A</b>
<b>Purpose of report:</b>	To update the Committee regarding the review of the Facilities Policy.
<b>Officer recommendation(s):</b>	To note that the Councils' previously separate facilities policies have now been aligned and updated.
<b>Reasons for recommendations:</b>	Lewes District and Eastbourne Borough Councils have jointly committed to bringing policies and procedures together as part of the Joint Transformation Programme (JTP) which is an important step towards aligning people and business practices.
<b>Contact Officer(s):</b>	<b>Name: Helen Knight</b> <b>Post title: Head of HR</b> <b>E-mail: Helen.knight@lewes-eastbourne.gov.uk</b> <b>Telephone number: 07966 645102</b>

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## **1 Introduction**

- 1.1 A review of the existing policies regarding union facilities time across Lewes and Eastbourne has been undertaken and an aligned policy developed, which is attached at Appendix 1.
- 1.2 There are no significant changes to the policy; both previously separate policies had been recently updated and were very similar but this is now an aligned policy for both Councils.
- 1.3 Unison was sent a copy of this aligned policy on 7 January 2019 asking for its comments. At the time of this report being submitted none have been received.
- 1.4 It is the intention that this revised policy will be implemented following this meeting by publication on the Council intranet known as 'The Hub'. It has been approved by Joint Staff in Eastbourne in February 2019.
- 1.5 The Councils have a legal duty to declare time spent on union duties and this is acknowledged in this policy.

## **2 Financial appraisal**

- 2.1 The implementation of this revised policy should have no financial impact.

### **3 Legal implications**

3.1 There are no legal issues arising directly from this report.

### **4 Risk management implications**

4.1 The Risk Management Implications questionnaire has been completed and this report is exempt from the requirement because it is a progress report.

### **5 Equality analysis**

5.1 An equality analysis has been carried out for this aligned report and is a background paper to this report, which is available on request.

### **6 Appendices**

Appendix 1 - Eastbourne Borough and Lewes District Facilities Policy

### **7 Background papers**

- Equality and Fairness Analysis for Facilities Policy

# STRONGER together



Lewes District Council



Working in partnership with **Eastbourne Homes**

<b>Document name:</b>	<b>Facilities Agreement</b>
<b>Document type:</b>	Policy

<b>Authority(ies) covered:</b>	Aligned
<b>Responsible (Executive Lead):</b>	Becky Cooke Assistant Director for Human Resources and Transformation
<b>Accountable (Operational Lead):</b>	Marie-Anne Jackson HR Business Partner
<b>Version (e.g. first draft, final report):</b>	First draft
<b>Approved by:</b>	Employment Committee
<b>Date of publication:</b>	
<b>Revision due:</b>	
<b>Final Equality and Fairness Analysis (EaFA) report approved by:</b>	e.g. Director/Assistant Director
<b>Date final EaFA report approved:</b>	

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Draft

## **1. Introduction**

- 1.1. Lewes District and Eastbourne Borough Council and the UNISON Branch recognise that without the active support and commitment of its staff, the councils cannot deliver the services they seek to provide.
- 1.2. In recognition of the role of the staff in the delivery of the service, the Councils wish to foster the active involvement of the staff in the development of its activities.
- 1.3. As an employer, with staff covering a variety of services, the councils support the system of collective bargaining and believe in the principle of solving employee relations issues by discussion and agreement.
- 1.4. This agreement, therefore, reflects commitment to ensuring that the UNISON representatives have adequate facilities and reasonable time off with which to undertake their duties efficiently and effectively on behalf of their members.

## **2. Relations at local level**

- 2.1 The councils believe it is important for local managers and UNISON representatives to establish effective lines of communication. It is expected that employee relations activities will be carried out between local representatives and managers in the first instance. In more complex cases, the Union may nominate a full time UNISON Officer to lead/ support local stewards.

## **3. Who is a Union Officer/Representative**

- 3.1 The use of the terms 'representative' and 'branch officer' throughout this document, refer to those employees of the councils who have been elected by UNISON to carry out specific roles within the Branch. Some representatives will be accredited by UNISON to act on behalf of members in formal procedures such as grievance and disciplinary cases. Following its AGM, the Branch will provide the Head of Human Resources with a list of the official UNISON branch posts and the names of those elected to those posts. Any changes made during the year will be notified to the Head of Human Resources.

## **4. Paid Time Off**

- 4.1 The Branch will endeavour to ensure all workplaces are covered by at least one representative. Certain branch officer roles will be more actively involved in partnership working than others. The Branch will, wherever practical and reasonable, ensure this work is shared appropriately amongst relevant officers.

4.2 Employees who are Branch Officers and workplace representatives (Stewards) have the right to reasonable paid time off during working hours as required by the Trade Union and Labour Relations (Consolidation) Act 1992, for the purposes of carrying out duties that are concerned with any aspect of collective bargaining and representation of individual members, including:

- Terms and conditions of employment including physical working conditions
- Engagement, termination or suspension of employment and the duties of employment
- Allocation of work or the duties of employment as between employees or groups of employees
- Discipline and grievance
- Activities associated with trade union membership
- Facilities for officials of the union.
- Trade Union/TUC training and learning activity
- Machinery for negotiation or consultation and other procedures: procedures for collective bargaining
- Disputes, joint consultation, communication with members and other trade union branch officers.

4.3 Branch officers and stewards are also entitled to reasonable time off for training relevant to their roles(s), provided that the training is approved by UNISON.

4.4 The Branch will aim to get newly elected workplace/health and safety representatives ERA trained within the first 12 months. Branch officers/representatives will normally be afforded a minimum of up to 10 days in the first twelve months to complete their basic training. However, if it is not possible to attend training in the first 12 months this time will be carried over until the requisite basic training is completed. Days required for training will not normally exceed 6 in twelve months during following years. This will apply to no more than 5 new stewards in any 12 month period.

4.5 Established stewards will receive training based on an analysis of their needs and subject to agreement by the Branch Secretary. This will not normally exceed three days per annum.

In addition, exceptionally and by agreement, Staff Side representatives may attend other training based on need that has been approved by the Branch.

4.6 The Branch holds an annual Branch Development Day which includes all Branch Officers and Stewards. This is usually held locally shortly

after the AGM and includes the Regional Office updating the Branch on Policy and other matters.

- 4.7 Requests for training should be agreed in advance with the relevant line manager. The Branch will aim to give at least 3 weeks' notice of training requests. In cases where the training is refused, the Branch will refer the request to the Head of Human Resources (or nominated representative) and the relevant Head of Service.
- 4.8 The Branch will endeavour to get Health and Safety representatives trained in workplace health and safety as soon as possible after their appointment.
- 4.9 The councils will, wherever reasonably practicable, ensure that work cover and/or workload reductions are provided when time off is required. This can include the temporary allocation of duties to other employees, rearrangement of work to a different time or a temporary reduction in workload.

## **5 Agreed Areas of Activity**

- 5.1 The usual areas of activity where time off is required are shown in paragraph 4 above and Table A, together with how they are normally regarded by the councils. In some instances the councils grant paid time off to UNISON members. None of the circumstances listed will qualify for paid time off if the union is taking industrial action at the time.
- 5.2 Paid time off is only granted for those times when the individual employee would normally be at work i.e. hours spent on UNISON matters outside normal working hours or across lunch periods do not qualify.

## **6 Time Off and Facilities for Health and Safety Representatives**

- 6.1 The recognised Health and Safety and Welfare Representatives of the Union will be afforded appropriate paid time off, facilities (including enabling private discussions with employees), assistance and access to buildings as is necessary to allow them to carry out their recognised functions. The Councils shall recognise that paid time off for undertaking trade union Health and Safety responsibilities shall not include time allocated for the councils to undertake their own obligations under Health and Safety legislation and is in addition to facility time required for carrying out other approved union work.

**Table A**

<b>Activity</b>	<b>Branch Officers</b>	<b>Union Members</b>
Joint Consultative Committee	Paid Time Off	Not Normally applicable
Joint Consultative Committee (Waste)	Paid Time Off	Not normally applicable
Joint Health and Safety Forum	Paid Time Off	Not Normally applicable
Side meetings in preparation for JCC and H&S meetings	Paid Time Off	Paid Time Off
Employment Committee	Paid Time Off	Not normally applicable
Ad hoc meetings with HR/management	Paid Time Off	Not normally applicable
Reporting back to members on Issues arising from JCC Meetings/committees	Paid Time Off	Not normally applicable
Meetings with full time Union Officers	Paid Time Off	Paid Time Off
Grievance, Disciplinary and Capability Issues plus preparation time	Paid Time Off	Paid Time Off
Accident and Hazard Investigations	Paid Time Off	Paid Time Off
Safety Inspections and Audits	Paid Time Off	Not normally applicable
Attending approved training courses	Paid Time Off	Paid Time Off, in certain circumstances, as approved by head of HR
Attending Regional or National Joint Councils as branch delegate (2 per annum)	Paid Time Off	Not normally applicable
Voting or elections conducted at the Workplace	Paid Time Off	Paid Time Off
Branch Executive Meetings	Paid Time Off	Time Off without pay
Delegates to UNISON annual conferences (not more than 2 delegates at any one event)	Paid Time Off	Paid Time Off
Branch Annual General Meetings (although These are expected to be held at the end of the day or over the lunchtime period to minimise disruption)	Paid Time Off	Paid Time Off
Specific Emergency conferences e.g. on a pay offer	Paid Time Off	Not normally applicable
Union regional meetings:	Paid Time Off	Not normally applicable
Regional Council x 3	To be agreed locally	Not normally applicable
Regional Committee x 3		
Local Government x 4		
Lecturing on external union matters or training	Time Off without pay	Not normally applicable
Courses (not more than one p.a.)		

## **7     Requesting Time Off**

- 7.1     The amount of time off will be reasonable and in accordance with the ACAS Code of Practice. A union representative will make a request for time off to their Line Manager, providing as much notice as possible and, in the case of training, giving details of the training course if requested. The line manager will consider the request for time off alongside operational issues and business needs. Wherever possible the time off will be granted but the manager may not always be able to agree to it. The Employer and the Union agree to make every effort to accommodate the reasonable requirements of both the Union and the operational requirements of the Service.
- 7.2     It is proposed that this agreement be reviewed on a regular basis. Scheduled meetings or events will be notified to the relevant line manager at the earliest opportunity to allow time for adjustments to be made where necessary.
- 7.3     The Employer and the Union agree to make every effort to avoid disputes in relation to time off for trade union duties and activities. Where permission to take time off is withheld, an explanation for the reason(s) will be given by the appropriate Head of Service.
- 7.4     If the Branch is dissatisfied with the decision, the matter may be referred to the Head of Human Resources. In cases where a disagreement cannot be resolved a complaint can be lodged under the council's grievance procedure.
- 7.5     The councils understands that union representatives have a right in law to take a claim to an Employment Tribunal if internal procedures fail to resolve a dispute related to time off for trade union duties.
- 7.6     Time off for trade union duties will be reviewed as part of normal management arrangements as necessary and appropriate.

## **8. Recording and Monitoring Time Off**

- 8.1 The Branch will provide a programme of all scheduled Branch Executive Committee Meetings and its nominated representatives on any formal consultation/collective bargaining machinery.
- 8.2 Branch officers and reps agree to record time spent on Union activities on a Record of UNISON Facilities Time form - attached at Appendix A. The form will be returned to the Branch at the end of each quarter.
- 8.3 In order that the councils can meet their data transparency obligations (as part of the Local Government Transparency Code 2014), UNISON will provide the following information to the Head of Human Resources on an annual basis:
- Total number (absolute number and FTE) of staff who are union reps (including general, learning and health and safety representatives)
  - Total number (absolute number and FTE) of union reps who devote at least 50 per cent of their time to union duties.
  - Total number of hours spent by union reps on union activities (so that we can calculate a basic estimate of spending on unions and as a percentage of the councils total pay bill)
- 8.4 The Branch takes it responsibility for the welfare of officers and reps seriously and will monitor their workloads to ensure they remain manageable and do not adversely affect their health and wellbeing.

## **9. Access to Information**

- 9.1 Access to relevant and reasonable information will be provided to enable the union representatives to carry out their duties. Such information will be provided in a timely manner, subject to there being no issues of confidentiality or data protection.

The councils will provide the UNISON branch with the following:

- (i) a monthly list of UNISON members paying subscriptions from their salary.
- (ii) access to new recruits at corporate induction days to promote trade union membership.
- (iii) means to provide all new recruits with written details of the trade union and membership application forms, to be provided by UNISON.

- 9.2 Workplace representatives have specific rights to information for collective bargaining and the right to be consulted over issues of redundancy.

## **10. Facilities**

- 10.1 The councils will provide UNISON with the use of office space in as secure an environment as possible, and where discussions in private may take place. The councils will provide reasonable access to other facilities including use of telephones, email, intranet and internet to enable officers and reps to carry out their duties. The suitability of the office space will be reviewed as necessary.

## **11. Confidentiality and Freedom of Information**

- 11.1 The councils and Unison recognises the importance of data protection and confidentiality. Both respect the confidential and sensitive nature of communications between union reps, their members, regional officers and management and will not disclose or discuss any such matters which are considered confidential. The councils will not carry out any monitoring of union emails, other than in exceptional circumstances as defined by the Information Commissioner.
- 11.2 The councils will notify Unison of any FOI requests received which relate to normal trade union activity and, where appropriate, will consult the Branch before any disclosure is made.

## **12. Travel Arrangements**

- 12.1 Carrying out the duties required to fully support members will, on occasion, require the representative to travel between locations or to and from training venues. Any travel expenses incurred whilst performing these duties will be met by UNISON. The time taken whilst travelling during the working day will form part of agreed time off.

## **13. Review of Facilities Agreement**

- 13.1 This agreement will be reviewed annually and all parties will monitor and evaluate its success.

**Appendix A**

**Record of Unison Facility Time 2015**

Please refer to the Model Facilities Agreement and complete this form with record of any hours you undertake on Unison duties whilst you are contracted to work for LDC/EBC.

Name.....

Position .....

Unison role .....

Date	Time (to)	Time (from)	Description of work undertaken e.g. disciplinary preparation

This record of facilities time may be reviewed as part of normal management arrangements if deemed necessary.

Signature.....

Date.....

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of the Local Government Act 1972.

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