



Lewes District Council

To all Members of the Employment Committee

A meeting of the **Employment Committee** will be held in the **Telscombe Room, Southover House, Southover Road, Lewes** on **Monday, 14 September 2015** at **10:00** which you are requested to attend.

Please note the venue for this meeting which is wheelchair accessible and has an induction loop to help people who are hearing impaired.

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.

27/08/2015

Catherine Knight
Assistant Director - Corporate Services

Agenda

- 1 Minutes**
To confirm and sign the Minutes of the Meeting of the Employment Committee dated 1 June 2015 (copy previously circulated).
- 2 Apologies for Absence**
- 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 Close Personal Relationships Policy (page 4)**

- To consider the Report of the HR Manager (Report No. 105/15)
- 6 Immunisations (page 10)**
To receive the Report of the HR Manager (Report No. 106/15)
- 7 Revised HR Policies (page 21)**
To consider the Report of the HR Manager (Report No. 107/15)
- 8 Shared Parental Leave Policy (page 36)**
To consider the Report of the HR Manager (Report No. 108/15)
- 9 Sickness Report (page 43)**
To receive the Report of the HR Manager (Report No. 109/15)
- 10 Accidents to Staff from April to August 2015 (page 51)**
To receive the Report of the Health and Safety Officer (Report No. 113/15)
- 11 Exclusion of the Public and Press**
To consider, under Section 100(A)(4) of the Local Government Act 1972 (as amended), excluding the public and press from the meeting during the discussion of Item 12 and 13 on this Agenda, as there are likely to be a disclosure of exempt information as defined in paragraph 1,2,4 of Part 1 of Schedule 12A of the Act. It is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 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 Monday 7 December 2015, at 10:00am in the Telscombe Room, Southover House, Southover Road, Lewes

For further information about items appearing on this Agenda, please contact Ruby Brittle at Southover House, Southover Road, Lewes, East Sussex BN7 1AB. Telephone 01273 471600

Distribution:

Councillors: T Nicholson, E Merry, S Gauntlett, P Franklin, A Lambert

Employees' Side: Mr M Connolly, Mrs S Harvey, Mrs L Plant and Mr G Purdye

Agenda Item No: 5 **Report No:** 105/15

Report Title: Close Personal Relationships Policy

Report To: Employment Committee **Date:**
14
September
2015

Cabinet Member: Councillor Elayne Merry

Ward(s) Affected: All

Report By: Helen Knight

Contact Officer(s)- Helen Knight

Name(s): Helen Knight
Post Title(s): HR Manager, Shared Service
E-mail(s): Helen.knight@lewes.gov.uk
Tel No(s): 01273 661365

Purpose of Report:

To update the Councils' HR policy on Personal Relationships at Work.

Officers Recommendation(s):

- 1 To note the report and agree the implementation of this revised policy within the organisation.

Reasons for Recommendations

- 2 The Council have always had guidance on its intranet for managers and staff regarding Personal Relationships in the Workplace.

This revised policy and associated form is intended to eliminate any possible perceptions or accusation of bias, favouritism or prejudice towards those who may have a close personal relationship. It is to protect the employee from potential allegations and also for the organisation to put in place any appropriate safeguards depending on the situation.

Information

- 3 This policy has been written following consultation with the HR provision in our neighbouring authorities, with consideration to ACAS guidance regarding best practice and has been approved by Corporate Management Team. Unison were approached for their comments on this new policy on 5 August 2015 and

as of the date on which this report was submitted (17 August 2015) none have been received.

Financial Appraisal

4 There are no financial implications of this report.

Legal Implications

5 The Legal Services Department have not been asked for comments,

Sustainability Implications

6 I have not completed the Sustainability Implications Questionnaire as this Report is exempt from the requirement because it is a progress report/budget monitoring report/development control report

Equality Screening

7 These policy has been subject to an Equality Impact Initial Assessment undertaken by one of the HR Officers.

Background Papers

Close Personal Relationships at Work Policy and Declaration Form.



**CLOSE PERSONAL RELATIONSHIP –
DECLARATION FORM**

Lewes District Council

This form is to be completed on appointment and thereafter annually either to confirm there is no change or to register any new interest that has arisen. Please note employees should not await the annual review to update their record and discuss with their line manager any new declaration.

For guidance in the completion of the form reference should be made to Lewes District Council’s Code of Conduct.

Name	
Job Title	
Department	
Manager	

**Part 1 (to be completed by Employee)
The Declaration**

Please outline your declaration. It is then your responsibility to pass this form to your line manager for his or her comments.

Employee’s Signature:

.....

Date:

.....
.....

Part 2 (To be completed by line manager)

Please detail any supporting information with regard to your member of staff’s declaration. This should include your views and comments, what involvement you anticipate having and detailing any safeguards that could be installed. Please also include the views of your manager. If you are uncertain please see the advice of your HR Advisor.

Manager's Signature:

.....

Date:

.....
.....

Part 3 (authorisation by member of CMT)

This form will be given to the appropriate member of CMT who will need to be satisfied, in giving his or her consent that the declaration would neither interfere with the employee's performance or duties nor lead to any suspicion of improper influence. Each set of circumstances will be considered on an individual basis, taking into account the mitigation and safeguards detailed in part 2.

Approved / Not Approved

CMT Member signature:

.....

Date:

.....
.....

Additional Comments:

Please forward the completed form to Human Resources.



Close Personal Relationships at Work

1. Introduction

This policy covers all staff employed by the Council and it is intended:

- to provide guidance in areas where family and other types of personal relationships overlap with working relationships.
- to help avoid difficulties that may arise from these relationships at work.
- to help ensure that individual members of staff do not commit or lay themselves open to allegations of impropriety, abuse of authority, conflict of interest, nepotism or bias / inequality in dealing with colleagues / applicants.
- to reach a balance between meeting the needs of the Council and respecting the rights of staff to a private life.

2. Close Personal Relationships

2.1 The Council values and relies upon the professional integrity of working relations between members of staff. In order that the Council business is conducted in a transparent, professional and proper manner it is necessary to take account of personal relationships which overlap with professional ones.

In the context of this document, a personal relationship is defined as:

- employees or applicants who are married, in a civil partnership, cohabiting arrangement or intimate relationship.
- Relative means parent, parent in law, step parent, son, daughter, step-child, child of partner, brother, sister, grandparent, grandchild, uncle, aunt, niece, nephew, cousin or the spouse or partner of any of the preceding persons.
- Close personal relationship includes a close friendship outside of work or a previous relationship where there could be a degree of bias either for or against an applicant or another employee.

3. Recruitment & Selection

3.1 There is an existing requirement for applicants to any Lewes District Council post to declare relationship i.e. a relative, partner or friend with any employee of the Council. Failure to do so could result in disciplinary action if the omission comes to light.

3.2 Where an employee involved in shortlisting for a post identifies that they are related to or could be perceived as having a close personal relationship with an applicant they should take no further part in the recruitment process and inform their line manager of the situation.

3.3 There is no general bar on the appointment of anyone to a post where they would manage, or be managed by, someone with whom they have a close personal relationship. Each case will be considered individually.

4. Managing Close Relationships

- 4.1 Wherever possible alternative management arrangements will be put in place and documented to ensure compliance with the Code of Conduct and address other potential issues, enabling both employees to remain in their posts. Where this is not practicable the resolution of the situation will be discussed with the employees concerned. The Council reserves the right to reallocate responsibility for certain procedures (for example, appraisals, disciplinary or grievance issues).
- 4.2 Employees involved in a personal relationship are reminded of the rules regarding confidentiality of information as set out in the Council's Code of Conduct.

5. Disclosure of Close Relationships

- 5.1 Any relationship that either exists at the start or develops during the course of employment, between employees must be declared by both parties in writing, using the Close Personal Relationships Declaration Form, to the respective line managers and recorded on their personnel file. Failure to do so may result in disciplinary action.
- 5.2 Where a relationship, as defined, is formed between members of the same team, service or department whilst in post, this should be disclosed to their line manager. This disclosure should be recorded on the employee's personnel file.
- 5.3 Employees who are uncertain about whether they should make a declaration regarding a personal relationship are invited to seek guidance in confidence, from a Human Resources Advisor.
- 5.4 Staff who are no longer in a personal relationship covered by this policy may request that any disclosure made be removed from the personal file and handed back to them.

Agenda Item No: 6 **Report No:** 106/15
Report Title: Immunisations
Report To: Employment Committee **Date:** 14 September 2015
Cabinet Member: Councillor Paul Franklin
Ward(s) Affected: All
Report By: Helen Knight
Contact Officer(s)- Helen Knight
Name(s): Helen Knight
Post Title(s): HR Manager, Shared Service
E-mail(s): Helen.knight@lewes.gov.uk
Tel No(s): 01273 661365

Purpose of Report:

- 1 At the Employment Committee held on 1 June 2015 the Employees' side asked why immunisations were not offered across the Council rather than exclusively to the Waste and Recycling Teams. The Chair asked for a report to be produced for the next meeting looking into this.

Officers Recommendation(s):

- 2 To note the content of the report, this has been written following professional specialist advice from the Council's Health and Safety Officer and appointed Occupational Health Advisor.

Reasons for Recommendations

- 3 The professional medical advice from Occupational Health regarding Sharps Injuries is as follows:

“The three Blood Borne Viruses (BBV) are Hepatitis B, Hepatitis C and HIV.

Only Hepatitis B can be prevented by vaccination, however post exposure prophylaxis can be given for HIV.

For Hepatitis C in the unlikely event of an individual seroconverting then they can be treated with antiviral drugs. Given the fact that a risk, although small, has been identified then it will be important for the Council to make sure that

they have robust policy and procedure in place for dealing with needlestick injuries.

The Hepatitis B vaccine can be given as post exposure prophylaxis however primary prevention is better as the risk of seroconversion following a Hepatitis B needlestick exposure is 30%. The risk for HIV is 0.1% and the risk for Hepatitis C is 1.8%. Staff should be wearing protective latex gloves although this will not eliminate the risk.

WEIL'S DISEASE - The carrying of a Weil's Disease card is not a legal requirement however carrying a card with some basic information about potential contact is wise and helpful in the case of any accidental contact or emergency. Staff can then be diagnosed quickly and treated early to limit the severity of the illness. Employers also have a duty of care to inform/educate employees about potential risks.

The employees should make sure that they are up-to date with tetanus. You also need to have a needlestick injury policy as you have clearly identified a risk."

Information

- 4 Lewes District Council has a Procedure for Recovering Discarded Sharps which is attached as Appendix 1.
- 4.1 The Council provides latex gloves to staff in all departments where considered necessary or appropriate, for staff in the Mobile and Parks Teams these are in the Grange Store and all staff have access to this.
- 4.2 Currently Lewes District Council offers Hep B, Tetanus and Weil's disease vaccinations to all staff in Waste and Recycling. For these staff the risk has been identified as high so this precaution is taken alongside personal protective equipment, procedures and training.
- 4.3 With regard to staff in the rest of the organisation including the Mobile Team and Parks staff this depends on the risk that has been identified in the Safe Systems of work and Risk Assessment. For example, for the Mobile and Parks Team there is an up to date Risk Assessment (carried out in July 2014) and Safe System of work (dated August 2014) which are attached as Appendix 2 and 3. These state that "*There are vaccinations available for many of the common diseases carried on sharps, although not for HIV. Some vaccinations such as tetanus and for some forms of hepatitis can be given after the incident. Although there is no legal requirement any employees who are at risk and feel they would like to receive vaccinations should contact their manager who make the arrangements.*"
- 4.4 The Risk Assessment has identified the hazards related to the work of the Mobile and Parks Team and these have been addressed with controls in

place. Risk Assessments for other Service Areas within the Council are also up to date and none have been deemed as high risk in relation to these Blood Bourne Viruses.

- 4.5** The Council's Health and Safety Officer and the Manger of the Mobile and Parks Team are confident that the measures in place address the risks identified and follow the advice given by the Occupational Health Advisor. The documents referred to in this report are published on the Council's intranet and are made available to staff by their manager.
- 4.6** In conclusion, the offer of immunisations has always been open to other staff in the Council including those in the Mobile and Parks Team where a risk has been identified, for the Mobile and Parks Team this was confirmed most recently in the risk assessment conducted last year. It has been concluded that the risk to staff other than those in Waste and Recycling is lower but the same precautions are in place such as the Safe Systems of Work, the provision of PPE, Risk Assessments, appropriate policies (for example the Recovering Discarded Sharps Policy) and the offer of immunisations if required.

Financial Appraisal

- 5** There are no financial implications to this report

Legal Implications

- 6** The Legal Services Department have not been consulted for comments on this report.

Risk Management Implications

- 7** There is no need to complete a risk assessment on this report.

Equality Screening

- 8** There is no need for an Equality Analysis on this report.

Background Papers

- 9** There are no background papers other than the appendices

Appendices

Appendix 1 – Corporate Procedure for Recovering Discarded Sharps

Appendix 2 – Risk Assessment for Parks and Cemeteries dated July 2014 including Risk Assessment for the Burleys staff who were TUPE transferred into the Council this year.

Appendix 3 – Safe System of work 46 – Hypodermic Needles and Syringes

CORPORATE PROCEDURE FOR RECOVERING DISCARDED SHARPS:

Departments Procedure Applicable to:	Waste and Recycling Services Environment and Health Services Community Services Housing Services
Definition of Discarded Sharps:	Needles refer to syringes used for illegal drugs or for medical reasons, which are incorrectly disposed of.
Reported by:	By members of the public and or staff
Report format:	Mayrise
Service:	DISCARDED SHARPS
Record Type:	INVESTIGATION
STD Description Code:	SELECT AS APPROPRIATE BASED ON LOCATION AND TYPE
Issue Report Type:	TYPE 50 REPORT "DISCARDED SHARPS"
Responsible Officers	
Public Places:	Steve Pook
Playing Fields and Parks:	Andy Frost
Public Toilet:	Clive Ridley
AVs:	Ian Stratton and Mel Linscer
Council Housing	Sue Horne
Authorised Collectors of Discarded Sharps	Those appointed and trained by the above appropriate officers
PPE Requirements:	Picks Sharps boxes Protective gloves Anti-bacterial disposable hand wipes

ProcedureHandling of Sharps

The vehicle that is used for collecting discarded sharps must have the above PPE requirements available at all times.

The sharps boxes that contain sharps must not be left in the vehicle or stored anywhere at the end of the trading day due to the stringent Waste Management Licensing Regulations 1994 (as amended).

The sharps boxes must be disposed of at the Roseland HWRS in Eastbourne on the same day.

You must make NO physical contact with the discarded sharps – use the picks and wear protective gloves as a safety precaution.

Needle Stick Injuries

If you do receive an injury from such a needle, report immediately to your Manager immediately and retain the needle if it is safe to do so. The Management will then arrange for appropriate tests with local medical facilities. This must be reported in accordance with the Council's accident report procedure.

Reporting of Incident

The report issued from Mayrise must be handed to the responsible staff who will be recovering the discarded sharps. The responsible staff must add to the report on completion:

Date work completed and where disposed of to (Roseland HWRS). The label on the sharps box must have the following information (labels available from Robinson Road):

Important Notice

The Management at the Roseland HWRS will not accept the sharps box with the label incomplete.

Originator's Name: **Lewes District Council**

Address: **Sharps found discarded in**

Signature: **Joe Bloggs**

Date: **XX/XX/XX**

The Mayrise Administrator receiving the completed report will be required to add to Mayrise the above hand written report and sign off as completed.

LEWES DISTRICT COUNCIL - RISK ASSESSMENT FORM – Hazard identification, risk evaluation, risk evaluation, action plan

SERVICE: Parks and Cemeteries **ACTIVITY / TASK / LOCATION:** Dealing with sharps and bodily fluids

ASSESSED BY: Corporate and Public Safety **DATE:** July 2014 **REVIEW DATE:** November 2015

See the guidance on Infolink on how to complete this form. The following risk 'heat map' will help you to score your risks:

Severity → Likelihood ↓	1 Trivial/ None	2 Minor	3 Lost time (<7 days)	4 Lost time (>7 days)	5 Major/Fatal
1 Remote	1	2	3	4	5
2 Unlikely	2	4	6	8	10
3 Possible	3	6	9	12	15
4 Likely	4	8	12	16	20
5 Certain/ Almost Certain	5	10	15	20	25

Green = Low Risk
Yellow = Medium Risk
Red = High Risk

For some examples, see <http://www.hse.gov.uk/risk/casestudies>

APPENDIX 2

List significant hazard and harm	List persons at risk	Controls currently in place	Risk Rating after controls (L,M,H)	Action – what, by whom, By when	Date completed and initials
Cuts or needle-stick (puncture) injuries Injection of (unknown) toxic or otherwise harmful material into the body from hypodermic needles or other contaminated sharps Psychological trauma due to fear of poisoning or infection.	This procedure applies to all the employees carrying out work on behalf of the Council	Protective gloves can offer some protection but care still needs to be taken or tongs should be used. The sharp must be placed in the specifically designed sealed box provided.		Hypodermic needles carry particular emotional connotations which must not be underestimated PPE Hands Whenever sharps are dealt with details should be provided and if any injury is received this should be entered in the accident book	

July 2014

LEWES DISTRICT COUNCIL - RISK ASSESSMENT FORM – Hazard identification, risk evaluation, action plan

<p>Needle stick injuries Vaccinations</p>	<p>This procedure applies to all the employees carrying out work on behalf of the Council</p>	<p>There are vaccinations available for many of the common diseases carried on sharps, although not for HIV. Some vaccinations such as tetanus and for some forms of hepatitis can be given after the incident. Although there is no legal requirement any employees who are at risk and feel they would like to receive vaccinations should contact their manager who will make the arrangements.</p>	<p>Employees should also remember that booster vaccinations may be required.</p>	
<p>Dealing with bodily fluids Hepatitis B virus (HBV), human immunodeficiency virus (HIV), and cytomegalovirus (CMV)</p>		<p>Blood, urine, and saliva should be treated with caution. They can harbour important viruses. Hepatitis B virus (HBV), human immunodeficiency virus (HIV), and cytomegalovirus (CMV) can live in blood, urine, and/or saliva. All of them can be transmitted by blood—blood from an infected individual entering the bloodstream of another. HBV and HIV would be extremely difficult to pass in saliva or urine (because the amount of virus there is so small), but CMV is known to spread both ways</p>	<p>Blood should be cleaned up using disposable towels that are then placed in a plastic bag. Gloves are preferable. Avoid any contact with blood to breaks in the skin or to mucous membranes (mouth, nose, or eyes). Hands should be cleaned thoroughly after handling blood, and surfaces should be disinfected.</p> <p>PPE Hands</p>	

I confirm that I have reviewed and agreed the above risk assessment and action plan. Signed (Manager):..... Date:.....

July 2014

EVALUATION

IDENTIFICATION OF HAZARD	HAZARDOUS EVENT	EXISTING CONTROLS TO REDUCE RISK (MINIMUM CONTROLS ALWAYS IN PLACE)	EXISTING RISK RATING			ADDITIONAL CONTROLS TO FURTHER REDUCE RISK TO AN ACCEPTABLE LEVEL			RESIDUAL RISK RATING		
			Probability	Severity	Rating	Probability	Severity	Rating	Probability	Severity	Rating
Sharps	Cuts or needle stick (puncture) injuries	Work gloves Observation Use of litter pickers and hand tools	2	2	4	Do not compress refuse sacks with hands Hold refuse sacks away from the body Use a brush and dustpan for broken glass Securely wrap or place sharps in appropriate container	1	2	3		
Toxic or harmful substances on sharps	Substance enters body through injection or cuts	Work gloves Observation Use of litter pickers and hand tools	2	3	6	Do not compress refuse sacks with hands Hold refuse sacks away from the body Use a brush and dustpan for broken glass Securely wrap or place sharps in appropriate container	1	3	3		
Fear of poisoning or infection	Psychological trauma due to fear of poisoning or infection	Work gloves Observation Use of litter pickers and hand tools	2	3	6	Training and information about the likelihood of poisoning or infection Option to receive vaccinations Wash hands before eating	1	3	3		
Bodily fluids	Becoming contaminated or infected following contact	Work gloves Observation Use of litter pickers and hand tools Cleaning materials bagged	2	3	6	Training and information about the likelihood of poisoning or infection Option to receive vaccinations Wash hands before eating	1	3	3		

SHARPS & BODILY FLUIDS

IHRA 62 03/13.4

In all cases the hierarchy of control is applied to eliminate the hazard, substitute the hazard with a lesser risk and implement the safest working practice. The Contract Manager or Supervisor will identify the best possible choices of equipment and implement safe working methods for each particular scope of work.

SITE: ALL SITES WITHIN LDC072 **REVIEWED BY:** MARK TAVENER **DATE:** 31.03.2015 **REVIEW DATE:** MARCH 2016

DESCRIPTION OF ACTIVITY	<ul style="list-style-type: none"> Staff encountering sharps (hypodermic needles, syringes with needles, scalpels, razor blades and broken glass) and bodily fluids in the course of their work.
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WHO IS AT RISK?	EXPLANATION OF RISK RATING: Risk Rating = Probability X Severity	PROBABILITY		
		Unlikely 1	Likely 2	Certain 3
The employee				
AREAS IN WHICH ACTIVITY TAKES PLACE	1 Minor injury or damage	1	2	3
	2 Major injury or damage	2	4	6
	3 Severe injury or serious illness or death. Severe damage	3	6	9

ACTIONS RESULTING FROM RISK RATING:

RATING	ACTIONS
1-3	Low Risk: Carry on with activity, ensuring controls are in place. No further controls required.
4-6	MEDIUM Risk: Implement further controls if practical to reduce risk to an acceptable level. Monitor risk level to ensure no increase.
9	High Risk: Stop activity immediately. Implement further controls to reduce risk if possible. Find alternative method.

PERSONAL PROTECTIVE EQUIPMENT REQUIRED

Item	Symbol	Required (Y/N)	Notes
SAFETY BOOTS			
HI-VISIBILITY CLOTHING			
EYE PROTECTION		√	Where splash risk present
EAR PROTECTION			
GLOVES		√	Avoid handling if possible
HARD HAT			
FACE MASK		√	Where splash risk present

RELATED RISK ASSESSMENTS

- Litter collection & bin rounds

REFERENCE & GUIDANCE

- Health & Safety at Works Act
- Management of Health & Safety at Work Regulations
- Personal Protective Equipment at Work Regulations
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations

Notes:

- Burleys Health & Safety Advisor will monitor and review the controls to reduce risk in accordance with the company's Health & Safety Policy.
- Risk Assessments will be reviewed annually or more often if required.
- The information contained within this Risk Assessment should be taken as the minimum requirement and is not to be considered exhaustive.

Risk Assessment Completed By:	Mark Tavener, Contract Manager
Last Review Date:	March 2015
Next Review Date:	March 2016

LEWES DISTRICT COUNCIL

SAFE SYSTEM OF WORK 46

RISK ASSESSMENT (LOW)	Hypodermic Needles and Syringes
RISKS IDENTIFIED	Transmission Risk, Infection
DATE OF ASSESSMENTS	24 th August 2014 – Link to RA 34
ASSESSOR	Corporate & Public Safety
LEGISLATION	Health and Safety at Work Act 1974 Manual Handling Operations Regulations 1992 Control of Substances Hazardous to Health Regulations 2002

The Council recognises the risks associated with the handling of hypodermic syringes and needles in all work areas.

1. It is necessary for all employees to understand the dangers associated with needles and syringes and to recognise and protect against the transmission risks associated with normal work conditions.
2. **Employees must appreciate:**
 - 2.1 The importance of covering open wounds and cuts.
 - 2.2 How to deal with syringes and needles.
 - 2.3 Precautions to take when administering First Aid.
 - 2.4 How to dispose of needles and syringes in a safe manner.

Needle Disposal Bins

Disposal bins are provided on all Waste Disposal vehicles and at Leisure Centres for use by Council employees.

Extreme care must be exercised when handling needles and syringes.

Always wear gloves

Always use tweezers or pliers to pick up needles

Never overfill the disposal bin

Never put your hand inside the bin

Agenda Item No: 7 **Report No:** 107/15
Report Title: Revised HR Policies
Report To: Employment Committee **Date:** 14 September 2015
Cabinet Member: Councillor Elayne Merry
Ward(s) Affected: All
Report By: Helen Knight
Contact Officer(s)- Helen Knight
Name(s): Helen Knight
Post Title(s): HR Manager, Shared Service
E-mail(s): Helen.knight@lewes.gov.uk
Tel No(s): 01273 661365

Purpose of Report:

To update the Councils' HR policies – specifically:

- Whistleblowing
- Anti-Fraud and Corruption

Officers Recommendation(s):

- 1 To note the report and agree the implementation of these revised policies within the organisation.

Reasons for Recommendations

- 2 The Council seeks to review its existing HR policies regularly to ensure they are up to date, in line with Employment Law and fit for purpose. These revisions have been undertaken in consultation with the Council's Head of Audit, Fraud and Procurement and with consideration to ACAS Best practice guidance and the needs of the business.

Information

- 3 Some legislative changes have occurred which have been incorporated into these revised policies under the guidance of the Council's Head of Audit, Fraud and Procurement.

Unison were approached for their comments on these revised policies on 2 July 2015 and as of the date that this report was submitted for Employment Committee (14 August 2015) none had been received.

Financial Appraisal

4 There are no financial implications of this report.

Legal Implications

5 The Legal Services Department have been asked for comments but none had been received at the date this report was submitted.

Sustainability Implications

6 I have not completed the Sustainability Implications Questionnaire as this Report is exempt from the requirement because it is a progress report/budget monitoring report/development control report

Equality Screening

7 This policy has been subject to an Equality Impact Initial Assessment undertaken by one of the HR Officers.

Background Papers

Whistleblowing Policy

Anti Fraud and Corruption Policy



Anti-Fraud and Corruption

1. Introduction

- 1.1 Lewes District Council is committed to the highest standards of corporate governance including honesty, openness, and accountability in the delivery of services to the people who live and work in the District. It is also committed to the prevention, detection and investigation of all forms of fraud, corruption and malpractice.
- 1.2 The Council must remain alert to the risk of fraud and corruption, and to ensure that there are adequate means to prevent, detect and investigate irregularity of this kind. This strategy sets out the ways in which the Council will act against fraud and corruption to protect public funds.

2. What are fraud and corruption?

- 2.1 In simple terms, fraud is obtaining a financial or other gain by means of deception, dishonesty, or theft.
- 2.2 Similarly, corruption is the dishonest exercise of official duties or position in order to achieve financial or other gain, for example receiving gifts, rewards or favours, from the misuse of information or influence, or abuse of office.

3. What are the Council's expectations?

- 3.1 The Council takes these issues seriously and has a zero tolerance of fraud and corruption. Accordingly, the Council expects that Councillors and staff will act with honesty and integrity in all aspects of their official duties, and will lead by example in ensuring observance of legal requirements, rules, regulations and procedures.
- 3.2 The Council expects that individuals and organisations with which it comes into contact will act with the same honesty and integrity when dealing with the Council. The Council expects that Councillors and staff will raise any concerns they have on these issues, and that these concerns will be treated in confidence, investigated properly and dealt with fairly.

4. How does this affect staff?

- 4.1 Recruitment policy is a key component in the Anti-Fraud and Corruption Strategy, and it is Council policy to establish the previous record of staff in terms of their character and integrity by taking up references from previous employers.
- 4.2 Council staff are expected to follow the **Council's Code of Conduct** for employees. The Council's code covers issues such as Hospitality, Gifts, Other Work and Conflicts of Interest. The Council also has an **Anti Bribery Policy**.
- 4.3 Staff are reminded that they must:

- Operate within Section 117 of the Local Government Act 1972 regarding the disclosure of pecuniary interests in contracts relating to the Council, and
- Disclose the non-acceptance of any fees or rewards whatsoever other than their proper remuneration.

4.4 The Council believes that fraud and corruption represent an abuse of trust. The Council has in place a Disciplinary Procedure for tackling cases of misconduct.

5. How does this affect Councillors?

5.1 Section 51 of the Local Government Act 2000 requires the Council to adopt a code as regards the conduct that is expected of Councillors and co-opted Councillors. Lewes District Council adopted a revised Code of Conduct in July 2012 and every Councillor and co-opted Councillor has given an undertaking that in performing their functions they will observe that Code of Conduct. The details of the Code of Conduct and further guidance on the code and its interpretation are set out in the **Constitution** of Lewes District Council.

6. How does this affect residents and customers?

6.1 All people that use Council services are expected to act honestly in their dealings with the Council and its staff – for example, when making applications, signing agreements, using services and making payments. In practice, that is not always what happens. As a result the Council has put in place measures to protect public money. These include an Investigations Team that has a planned programme of work to prevent, detect and investigate fraud across a range of Council services.

7. What control systems exist to help staff?

7.1 The Council's Constitution contains the Rules of Procedure that give guidance in dealing with the Council's affairs, including the key areas of Financial Administration, Contracts and Officer Employment. In addition the Director of Finance has a duty under Section 151 of the Local Government Act 1972 to ensure that proper arrangements exist to manage and safeguard the Council's finances.

7.2 The Council is committed to operating systems and procedures that incorporate effective internal controls. Internal controls are the means by which managers ensure that systems and procedures work properly. Controls can include policies, plans, instructions, supervision, checking, review, reconciliations, performance monitoring, budgets and a sound organisational structure in which systems can operate as they should.

7.3 The effectiveness of these controls is independently monitored by Internal Audit on continual basis.

8. How does the Council detect irregularities?

8.1 Many of the controls are in place specifically to prevent loss or fraud. They have been designed to give warning of possible fraudulent activity and may be sufficient in themselves to deter fraud. However, the duty remains for Council staff to remain alert to the risk of fraud, and it is often this alertness that enables detection. That said, frauds are often discovered by chance or as a result of a 'tip off.'

9. How should concerns about possible irregularities be reported to the Council?

9.1 Experience shows that staff or others who work on behalf of an organisation are often the first to have worries or concerns that there may be something wrong. By reporting these concerns at an early stage you can help put things right or help stop wrongdoing. Staff with concerns about possible frauds or irregularities within the Council should report them to their line manager, who should pass the concern to the Head of Service or Departmental Director.

9.2 If you believe that fraud and corruption is taking place within the Council we want you to feel that it is safe and acceptable to tell us about your concerns so that we can take the necessary action as soon as possible. If you feel that would be inappropriate to raise the concern with your line manager or Head of Service, we suggest that you contact the Departmental Director or one of the other designated officers. The designated officers are:

- Director of Service Delivery
- Director of Business Strategy and Development
- Director of Corporate Services
- Assistant Director of Corporate Services (Monitoring Officer)
- Head of Audit, Fraud and Procurement

9.3 Councillors with concerns about any suspected irregularity should contact the appropriate Departmental Director or the Chief Executive.

9.4 The Investigations Team (who are part of the Audit Team) operate a 24 hour dedicated confidential hot line number on 01273 484067. If you call this number you can leave a message on the answer phone, and a member of the Team will make contact.

9.5 Concerns are better submitted in writing, so that the full facts are set out as you want, and you can include any supporting evidence that you think is appropriate. We need the background and history of your concern, the names of individuals involved, dates and places (where possible). We would like you to explain why you are concerned about the issue being raised – we do not

expect you to prove the truth of the allegation but you will need to show that there are reasonable grounds for your concern.

- 9.6 You can write directly to your line manager or Director. Alternatively you can send letters to the confidential mail address or email address shown below, and anything sent to these addresses goes directly to the Investigations Team. Concerns raised in writing should be contained in an envelope addressed to one of the officers named above or the Investigations Team, and marked PERSONAL, PRIVATE AND CONFIDENTIAL. If a concern is a serious nature, the envelope should be hand delivered to the person to whom the matter is being reported.

Internal Audit
Southover House
Lewes
BN7 1AB
Email address: fraud.section@lewes.gov.uk

- 9.7 All concerns received by the Investigations Team via telephone or post will be referred to an appropriate Departmental Director or one of the other designated offices for action, depending on the nature of the concern.

10. How do these arrangements fit with the Council's policy on Whistleblowing?

- 10.1 The Council is keen to ensure that staff can raise concerns about their work or the activities of the Council generally. The Council has a **Whistleblowing Policy** that is set out elsewhere in the Staff Guide. The policy allows staff to raise serious concerns within the Council instead of overlooking them or raising them outside.
- 10.2 The Whistleblowing policy covers far more than simply fraud and corruption, but the Council will investigate all reported concerns in the same way and with the same thoroughness. The Council encourages individuals with concerns about a fraud and corruption at the Council to voice those concerns. We want to assure you that there is no reason to remain silent. Your decision to talk to us may be difficult but, if you believe that what you are saying is true, you have no nothing to fear.
- 10.3 We want you raise your concerns about fraud and corruption without fear of victimization or discrimination. If you are in any way worried about what will happen if you raise these concerns we advise that you make it clear that you are raising your concerns under the Council's Whistleblowing Policy – this will help managers respond in line with the policy.

11. Can the public report concerns about fraud and corruption?

- 11.1 The public is also encouraged to report concerns through the Council's Complaints Procedure to the appropriate Head of Service. The Complaints

Procedure outlines the ways in which the majority of complaints can be handled, but Heads of Service should follow the guidance in this strategy if there is any indication that the complaint involves allegations of fraud or corruption. It is not appropriate for operational staff and managers to carry out interviews or investigations in such cases.

12. What are the responsibilities of Managers or Directors in dealing with reported concerns about fraud and corruption?

12.1 Managers or Directors are responsible for ensuring that concerns are reported correctly to enable appropriate action to be taken. Managers or Directors will:

- Notify the Assistant Director of Corporate Services (Monitoring Officer) of any allegation or complaint against a Councillor.
- Notify the Director of Corporate Services of any irregularity concerning the financial functions of the Council.
- Record the detail and origins of the concern, allegation or complaint.
- Retain and safeguard all evidence received.
- Deal with the matter promptly - – specifically, within 10 working days we will acknowledge your contact, you will be told if initial enquiries have been made, if further investigation is required and, if not, why not.

13. How will the Council investigate reported concerns?

13.1 The Director of Corporate Services will take any necessary steps to investigate the concern, and normally the first step in the investigation will be handing the matter to Internal Audit. Internal Audit will examine the existing evidence, and may search for additional evidence and information. This search may involve fact finding interviews with staff and a meeting with the person raising the concern. The investigation is carried out in accordance with a standard approach that provides appropriate safeguards for staff and the Council, and compliance with legislation.

13.2 This method of investigation ensures:

- Consistent approach and treatment of information.
- Proper investigation by an independent audit team.
- Proper liaison with HR on any issue related to staffing matters
- Protection of the Council's assets and interests.

13.3 The Assistant Director of Corporate Services, in her capacity as Monitoring Officer, will handle any allegation or complaint against a Councillor. Complaints against Councillors will be referred to the Audit and Standards Committee for initial assessment. Any necessary investigation may be undertaken in house either by the Monitoring Officer or some other officer at her direction or the investigation may be outsourced.

14. What happens next?

14.1 In keeping with the Council's general approach to investigating concerns, the person reporting the concern or irregularity will be told the outcome, or advised of progress, in writing within ten working days.

15. What will be the outcome of any investigation?

15.1 Internal Audit will work with managers and others to ensure that allegations are investigated properly. The Council's Disciplinary Procedure will be used if the outcome of the investigation indicates impropriety. In such circumstances, it must be presumed that Sussex Police will be notified although referral is a matter for the Chief Executive, appropriate Department Director, and the Head of Audit, Fraud and Procurement. Referral will not bar action under the Council's Disciplinary Procedure.

15.2 The Council will deal swiftly and firmly with those who defraud the Council or who are corrupt. Whilst a robust approach must be taken, there is the need to ensure that any investigation process is not misused and any willful and malicious allegation will be dealt with as a disciplinary matter. However, concerns or allegations raised in good faith, even if later found to be unfounded, will be treated with respect and no action will be taken against the person reporting the concern.

16. Which other bodies may be involved?

16.1 When investigating frauds against the Council there is often a need to liaise with:

- Different Police forces.
- The Council's external auditors, BDO.
- Government agencies.
- Other Local Authorities.

16.2 External auditors have powers to investigate fraud and corruption, and the Council can refer such matters to them at its discretion.

17. How are staff kept informed of matters involving the Anti-Fraud and Corruption Strategy?

17.1 The Council recognises that the success of the strategy will depend largely on the involvement and vigilance of the staff throughout the organisation. The Council therefore supports adequate training, particularly for those staff involved in internal control systems to ensure that their responsibilities in this respect are understood and acted upon.

18. And finally.....

18.1 The Council has in place a network of systems and procedures to protect its assets and services against fraud and corruption. The Council will maintain a regular review of these arrangements to ensure their continued effectiveness, in particular the Rules of Procedure, Codes of Conduct, Accounting Instructions and Internal Audit practices.

Whistleblowing Policy - Raising concerns about issues at work

1. Introduction

- 1.1 Lewes District Council is committed to the highest standards of corporate governance including honesty, openness, and accountability in the delivery of services to the people who live and work in the District. It is also committed to the prevention, detection and investigation of all forms of abuse, fraud, corruption and malpractice.
- 1.2 Our staff, Councillors, partners and contractors have an important role to play in achieving these aims, and we expect everyone who is associated in whatever way with the Council will act with integrity at all times.
- 1.3 We know that we face the risk that something may go wrong or that someone may not meet the Council's standards of conduct. Experience shows that staff or others who work on behalf of an organisation are often the first to have worries or concerns that there may be something wrong. By reporting these concerns at an early stage you can help put things right or help stop wrongdoing.
- 1.4 We want you to feel that it is safe and acceptable to tell us about your concerns so that we can take the necessary action as soon as possible. This policy is in place to enable you to raise your concerns without fear of victimisation or discrimination. We welcome all genuine concerns and will treat your issues seriously. This policy explains how to raise a concern, the types of activity that you should report, the protection we can provide and how you can take matters further if necessary.
- 1.5 The Council encourages individuals with concerns about an activity in the Council to voice those concerns. We want to assure you that there is no reason to remain silent. Your decision to talk to us may be difficult but, if you believe that what you are saying is true, you have nothing to fear. You will be helping to protect the service users and residents of Lewes District.

2. Scope

- 2.1 The Public Interest Disclosure Act 1998 places a legal responsibility on employers to ensure that matters of serious public concern can be addressed. This law protects employees from dismissal, harassment or victimisation as a result of their raising concerns that they believe to be in the public interest.
- 2.2 This Policy applies to all employees, elected Councillors, agency workers, consultants, partners, contractors, and volunteers. Typical concerns could include the following, but this list is not exhaustive:
 - Any unlawful act, whether criminal (e.g. theft, fraud or bribery) or a breach of civil law (e.g. breach of contract).
 - Breach of the Member Code of Conduct or Conditions of Service/Conduct.

- Health and safety risks, including risks to the public as well as other employees.
 - Damage to the environment (e.g. pollution).
 - Maladministration (e.g. unjustified delay, incompetence, neglectful advice).
 - The unauthorised use of public funds (e.g. expenditure for an improper purpose).
 - Abuse of power (e.g. instructing another to commit malpractice).
 - Improper or unethical conduct.
- 2.3 This policy does not cover employees wishing to raise grievances about their employment. There are separate Council procedures in place for dealing with such situations, for example the Grievance Policy, Dignity at Work Policy and the Disciplinary Procedure. There is also a separate Safeguarding Policy that deals with how to report concerns about the treatment of children and vulnerable adults.
- 2.4 This Whistleblowing Policy does not cover members of the public complaining about the services that they have received or other concerns that they may have - these matters should be raised via the Council's Complaints Procedures.
- 2.5 The Council also has an Anti – Fraud and Corruption Strategy that gives more detail on the measures that are in place to counter fraud and corruption, and how you can report concerns of this nature. The Strategy and the Whistleblowing Policy are linked because you may wish to raise a concern about fraud and corruption within the Council, and feel that you need the protection of the Whistleblowing policy to do so safely.
- 2.6 This Whistleblowing policy is designed to allow you to raise serious concerns within the Council instead of overlooking them or feeling that you have to raise them outside.

3. Confidentiality and Assurance

- 3.1 The Council recognises that the decision to report a concern is difficult to make. If you raise a genuine concern under this Policy you will not be at risk of losing your job or suffering any form of retribution as a result.
- 3.2 We will not tolerate any harassment or victimisation (including informal pressure) and will take action to protect you when you raise a concern. We will take corrective or disciplinary action should anyone attempt to victimise you or prevent your concerns being raised.
- 3.3 You may feel that the only way you can raise your concerns is if we protect your identity. We will respect your confidentiality as far as we reasonably can but there are times that we cannot guarantee this, for example where the concern involves a criminal offence that requires action by the police, who may require a statement from you.
- 3.4 If we proceed to a formal investigation we may require you to give evidence along with other employees and witnesses. In some circumstances this can

be done without disclosing your identity, but we may ask you for a witness statement if the investigation results in disciplinary proceedings against another employee.

- 3.5 An employee subject to the disciplinary process can ask to see personal information held about them under the subject access provisions of the Data Protection Act – this may include information within your statement. If it is appropriate to provide access to the personal information without revealing the identity of the provider we will do so.
- 3.6 If you find yourself the subject of a whistleblowing disclosure made by someone else and a decision is made to investigate, the Council will follow the appropriate employment procedure. This means that you will have all the rights contained in that procedure (e.g. the Grievance Policy, Dignity at Work Policy or the Disciplinary Procedure) such as the opportunity to respond to the allegation and be represented by a colleague or recognised trade union official at the investigatory interview.

4. Anonymous or untrue allegations

- 4.1 We do not encourage anonymous reporting of concerns as the concerns are more difficult to investigate and are generally less powerful. We would like you to put your name to the allegation whenever possible.
- 4.2 Anonymous referrals of concerns will be considered at the discretion of the officers handling your concern. The discretion will be based on the seriousness of the issue raised, the credibility of the concern, and the available evidence. Anonymous disclosures are preferable to you remaining silent about serious wrongdoing.
- 4.3 It may be that our investigations do not confirm your concern. We can assure you that all concerns or allegations raised in good faith, even if later shown to be unfounded, will be treated with respect and no action will be taken against you.
- 4.4 However, the Council will not tolerate wilful and malicious allegations. If you make allegations or provide information that you know to be untrue the Council will consider that to be serious misconduct. You may be subject to disciplinary proceedings if that is felt to be the case.

5. How to raise a concern

- 5.1 The earlier concerns are expressed by individuals, the easier it is to take action.
- 5.2 If you are a member of staff, agency worker, self-employed worker or contractor we encourage you to report any concern initially to your line manager. We recognise that your first actions will depend on the seriousness and sensitivity of the issues and who you believe to be involved. We advise that you make it clear that you are raising your concerns under

the Council's Whistleblowing Policy – this will help managers respond in line with this policy.

5.3 If you feel that it would be inappropriate to raise the concern with your line manager, we suggest that you contact the Departmental Director or one of the other designated officers. If you are a Councillor we suggest that your first contact be with the Departmental Director or other designated officers.

The designated officers are:

- Director of Service Delivery
- Director of Business Strategy and Development
- Director of Corporate Services
- Assistant Director of Corporate Services (Monitoring Officer)
- Head of Audit, Fraud and Procurement

5.4 The Chief Executive is not included in the list of officers above as s/he may be required to deal with any further escalation or complaint about the conduct of an investigation.

5.5 The Investigations Team (who work as part of the Audit Team) operate a 24 hour dedicated confidential hot line number on 01273 484067. If you call this number you can leave a message on the answer phone, and a member of the Investigations Team will make contact.

5.6 Concerns are better submitted in writing, so that the full facts are set out as you want, and you can include any supporting evidence that you think is appropriate. We need the background and history of your concern, the names of individuals involved, dates and places (where possible). We would like you to explain why you are concerned about the issue being raised – we do not expect you to prove the truth of the allegation but you will need to show that there are reasonable grounds for your concern.

5.7 You can write directly to your line manager or Director. Alternatively you can send letters to the confidential mail address or email address shown below, and anything sent to these addresses goes directly to the Investigations Team. Concerns raised in writing should be contained in an envelope addressed to either your line manager, Director or the Audit Team marked PERSONAL, PRIVATE AND CONFIDENTIAL. If a concern is of a serious nature, the envelope should be hand delivered to the person to whom the matter is being reported.

Internal Audit/Investigations Team
Southover House
Lewes
BN7 1AB

Email address: fraud.section@lewes.gov.uk

- 5.8 All concerns received by the Investigations Team via telephone or post will be referred to an appropriate Departmental Director or one of the other designated offices for action, depending on the nature of the concern.
- 5.9 If you feel unable to raise the matter yourself you can ask your trade union representative or work colleague to raise it on your behalf.

6. How we will respond

- 6.1 Our response will depend on the nature of the concern and may be:
- Advice only.
 - Resolved without the need for investigation.
 - Investigated internally by management, the Investigations Team, or Internal Audit.
 - Referred to the Council's external auditor.
 - Referred to the Police.
- 6.2 We may carry out initial enquiries to decide whether an investigation is needed and, if so, what form it may take. If urgent action to protect the Council or an individual is required, this will be taken before we start any investigation.
- 6.3 Departmental Directors and the other designated officers who may receive whistleblowing allegations will:
- Record the detail and origins of the concern, allegation or complaint.
 - Retain and safeguard all evidence received.
 - Deal with the matter promptly – specifically, within 10 working days we will acknowledge your contact, you will be told if initial enquiries have been made, if further investigation is required and, if not, why not.
 - Notify the Assistant Director Corporate Services of any allegation or complaint against a Councillor.
 - Notify the Director of Corporate Services of any irregularity concerning the financial functions of the Council.
 - Investigate as appropriate all other concerns. The investigation may be referred to the Head of Audit, Fraud and Procurement or may be handled by another senior officer depending on the issue involved.
 - Liaise fully with Human Resources on any issue related to staffing matters.
- 6.4 The extent of the contact between you and the officer considering your allegation will depend on the nature of the concerns raised. For example, if an investigation is required, it may be necessary to seek additional information from you. If a meeting is necessary, this can be held off site if you prefer, and you have a right to be accompanied – by a union representative or a work colleague.
- 6.5 We will retain records of all work carried out and actions taken to address the concerns raised, including the investigation case file, where relevant. At the end of the investigation we will provide feedback to the person raising the concerns (where known) on the actions taken and limited detail on the outcome of the investigations. Feedback will be subject to legal constraints

but we recognise the importance of your knowing that the matter has been dealt with properly.

7. Taking the matter further

7.1 This policy is intended to provide you with a means to raise concerns within the authority. If you are not satisfied with the outcome of an investigation you can raise this with the investigating officer and/or the Monitoring Officer. We hope that you reach a suitable conclusion to the matter but if you remain dissatisfied you should raise it with your Departmental Director or the Chief Executive as appropriate. That is the last stage in the Council's internal procedure.

7.2 If, when told the outcome, you are not satisfied with our conclusion or action you can contact prescribed organisations as determined by the government. These include the Council's external auditors BDO, the Health and Safety Executive, Environment Agency, HM Revenue and Customs, HM Treasury and recognised trade unions.

7.3 You may also refer your concern to the Local Government Ombudsman - who will not generally take action unless it has been dealt with internally first. The Ombudsman can be contacted at:

The Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH

7.4 If you raise matters outside the Council you must be sure not to disclose confidential information, unless relevant to your concern. We need to remind you that employees are not to report any Council related issues to the media – to do so may be considered a breach of the Council's Disciplinary Procedure and Code of Conduct.

8. Independent advice

8.1 We recognise that employees may wish to seek advice and be represented by their trade union when using this policy. The Council acknowledges and endorses the supporting role of the recognised trade union.

8.2 Other organisations that may be able to provide advice include the Citizens Advice Bureau (CAB) and Public Interest at Work (PCaW). PCaW is an independent charity that was set up in 1993 to offer free advice to people concerned about malpractice at work who wish to raise concerns. The contact details for local CAB offices and PCaW are as follows:

Lewes CAB
The Barn, 3 North Court, Lewes, East Sussex
BN7 2AR
01273 473082
Website: www.lewescab.org.uk

Seaford CAB
37 Church Street, Seaford, East Sussex
BN25 1HD
01323 896209
Website: www.lewescab.org.uk

Public Concern at Work
3rd Floor, Bank Chambers 6 - 10 Borough High Street, London SE1 9QQ
Whistleblowing Advice Line: 0207 4046609
Email: whistle@pcaw.org.uk
Website: www.pcaw.org.uk

9. Training

- 9.1 Managers will be briefed on the contents of this policy and how to handle approaches made to them under it.

Agenda Item No: 8 **Report No:** 108/15
Report Title: Shared Parental Leave Policy
Report To: Employment Committee **Date:** 14 September 2015
Cabinet Member: Councillor Elayne Merry
Ward(s) Affected: All
Report By: Helen Knight
Contact Officer(s)- Helen Knight
Name(s): Helen Knight
Post Title(s): HR Manager, Shared Service
E-mail(s): Helen.knight@lewes.gov.uk
Tel No(s): 01273 661365

Purpose of Report:

To implement a new policy written by HR regarding Shared Parental Leave.

Officers Recommendation(s):

- 1 To note the report and agree the implementation of this policy within the organisation.

Reasons for Recommendations

- 2 On 5 April 2015 the Government introduced new legislation regarding Shared Parental Leave.

Since that date HR have provided support and published information regarding this on the Council's intranet for staff but this formal policy aims to provide detailed clarification to staff and guidance to managers regarding this new legislation.

Information

- 3 The recent legislative changes which occurred have been incorporated into this new policy and reference made to our existing policies for ease of those using it.

This policy has been written with consideration to ACAS guidance regarding best practice on this matter and has been approved by Corporate Management Team. Unison were approached for their comments on this new

policy on 2 July 2015 and as of the date on which this report was submitted (14 August 2015) none have been received.

Financial Appraisal

4 There are no financial implications of this report.

Legal Implications

5 The Legal Services Department have not been asked for comments, this new policy complies with national legislation.

Sustainability Implications

6 I have not completed the Sustainability Implications Questionnaire as this Report is exempt from the requirement because it is a progress report/budget monitoring report/development control report

Equality Screening

7 These policy has been subject to an Equality Impact Initial Assessment undertaken by one of the HR Officers.

Background Papers

Shared Parental Leave Policy

Shared Parental Leave Policy

1. Introduction

- 1.1 This policy sets out information and arrangements for shared parental leave (SPL). Shared parental leave also applies where a child is placed for adoption. The arrangements in relation to adoption are very similar to those that apply in relation to the birth of a child.
- 1.2 Shared parental leave rights are complicated. Any queries about this, either in relation to yourself or someone you manage, should be directed to HR. Staff may find the flowchart at Appendix A useful for understanding the steps involved in requesting SPL.

2. Definitions

- 2.1 For the purposes of this policy the following definitions will apply:
- 2.2 Expected week of childbirth (EWC): the week, beginning on a Sunday in which the doctor or midwife expects your child to be born.
- 2.3 Parent: one of two people who will share the main responsibility for the child's upbringing (And who may be either the mother, the father, or the mother's partner if not the father)
- 2.4 Partner: Spouse, civil partner or someone living with another person in an enduring family relationship but not a sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew
- 2.5 Qualifying Week: the fifteenth week before the EWC

3. What is Shared Parental Leave?

- 3.1 It allows working parents to share periods of leave or pay entitlement following the birth of a child and during the first year of their birth or adoption. It can be taken if you are the mother of a child, the father of a child or the partner of a mother.
- 3.2 Up to 50 weeks statutory maternity leave (SML) and up to 37 weeks statutory maternity pay (SMP) may be available to be shared. The leave can be shared so that it is taken at the same time as your partner or at different times.
- 3.3 How much leave or pay can be shared will depend on how much maternity leave and maternity pay has been used by the child's mother. It is only the untaken balance that can be shared. For example, if the child's mother is entitled to 52 weeks maternity leave and 39 weeks maternity pay and has taken 16 weeks leave and pay, the balance of 36 weeks leave and 23 weeks' pay can be shared.

- 3.4 In order for SPL to be taken the child's mother must bring her entitlement to maternity leave or maternity pay to an end.
- 3.5 If you are the child's mother you must take the compulsory 2 weeks maternity leave following the birth.
- 3.6 If you are the child's father, any entitlement to SPL is on top of any entitlement to statutory paternity leave and pay. The right to take additional paternity leave no longer exists.

4. Eligibility Requirements

- 4.1 You must have at least 26 weeks continuous employment with us by the end of the qualifying week and must still be employed by Lewes District Council (LDC) in the week before the leave is to be taken.
- 4.2 The other parent of the child must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the EWC and had average weekly earnings of at least £30 during 13 of those weeks.
- 4.3 You and the other parent must give the statutory notices and declarations required by LDC.
- 4.4 You may be required to give us a copy of the birth certificate and the name and address of the other parent's employer as evidence of your entitlement.

5. Shared Parental Leave entitlement

- 5.1 If you are eligible you may have up to 50 weeks SPL during the child's first year in your family. It can be taken at any time until 12 months after the baby is born, it cannot start until 2 weeks after the birth.
- 5.2 SPL cannot be taken in odd days, it can only be taken in complete weeks.
- 5.3 The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.
- 5.4 Staff can choose to take SPL at the same time as their child's other parent or at different times to their child's other parent. Staff can also choose to take a continuous block of time as SPL or can ask to take it as discontinuous periods. If discontinuous periods are requested we may refuse your request and ask that you take it as a continuous block instead if it is considered that there is an adverse impact on service delivery.
- 5.5 A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.

- 5.6 If the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of SPL. This is calculated by deducting the number of weeks of SMP, SAP or MA taken by the mother/adopter from the 52 week entitlement.
- 5.7 Where a mother/adopter gives notice to curtail their maternity/adoption entitlement then the mother/adopter's partner can take leave while the mother/adopter is still using their maternity/adoption entitlements.
- 5.8 SPL will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice.
- 5.9 If the employee is eligible to receive it, Shared Parental Pay (SHPP) may be paid for some, or all, of the SPL period.

6. Notification

- 6.1 Staff will be required to notify their manager in writing detailing their intentions to take SPL and (if applicable) shared parental pay (SHPP). This must be at least eight weeks before any period of SPL.
- 6.2 Documentary evidence will need to be submitted with this notification, including birth/matching certificate and/or partner's employer.
- 6.3 It is possible to submit three notifications specifying leave periods you are intending to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where you intend to return to work between periods of leave.
- 6.4 SPL can only be taken in complete weeks but may begin on any day of the week. For example if a week of SPL began on a Tuesday it would finish on a Monday. Where you return to work between periods of SPL, the next period of SPL can start on any day of the week.

7. Variations to Arrangements

- 7.1 Once a period of SPL has been booked and agreed it is permitted to vary or cancel it provided that you advise your line manager in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.
- 7.2 Any variation or cancellation notification made, including notice to return to work early, will usually count as a new notification reducing the employee's right to book/vary leave by one. However, a change as a result of a child being born early, or as a result of the organisation requesting it be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the organisation.

8. Statutory Shared Parental Pay (SHPP)

8.1 Shared Parental pay of up to 39 weeks (less any weeks of statutory maternity pay claimed by the child's other parent) may be available provided you have at least 26 weeks' continuous employment within LDC at the end of the qualifying week and your average earnings are not less than the lower earnings limit set by the government each tax year. SHPP is paid at a rate set by the government each year.

9. Terms and conditions during Shared Parental Leave

9.1 During the period of SPL, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. Annual leave will continue to accrue at the rate provided under your contract.

9.2 Pension contributions will continue to be made during any period when the employee is receiving SHPP but not during any period of unpaid SPL. Employee contributions will be based on actual pay, while the organisation's contributions will be based on the salary that the employee would have received had they not been taking SPL.

10. Keeping in touch during Shared Parental Leave

10.1 Before an employee's SPL begins, their line manager will discuss the arrangements for them to keep in touch during their leave. The organisation reserves the right in any event to maintain reasonable contact with the employee from time to time during their SPL. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

11. Shared Parental Leave in Touch days

11.1 An employee can agree to work (or attend training) for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim SHPP for that week. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

12. Returning to Work

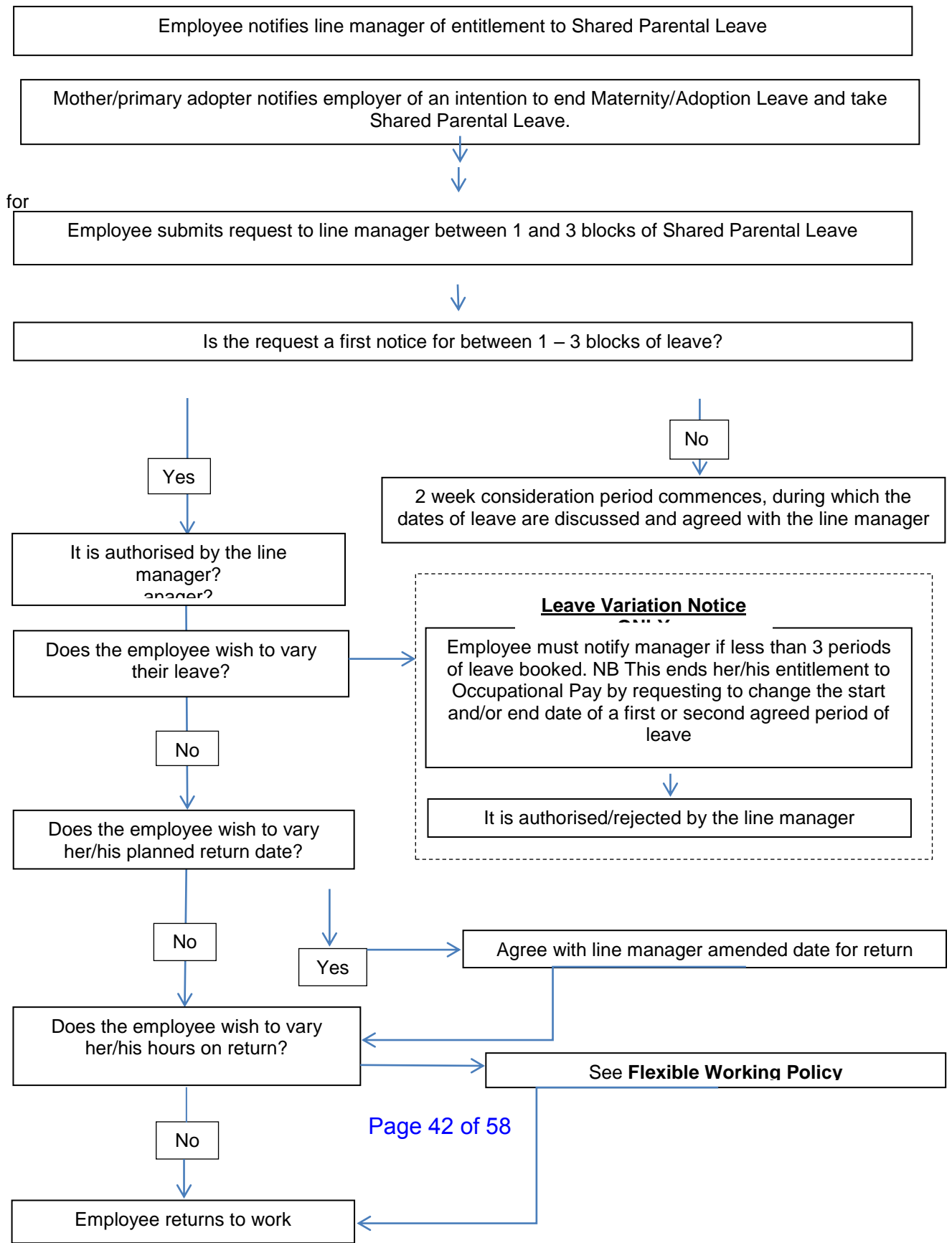
12.1 Before you go on SPL we will agree the date on which we expect you to return. Upon your return you will have the right to return to the same job or a comparable one on terms and conditions no less favourable than those on which you were employed before you went on leave.

12.2 If you want to return earlier than the agreed date, you must give at least 8 weeks' notice (preferably in writing).

APPENDIX A

Shared Parental Leave Flowchart

The process of applying for Shared Parental Leave can commence before or after a child is born or adopted. If it commences before, the process can be revoked within 6 weeks of the birth/adoption.. All notices issued by an employee in connection with Shared Parental Leave, need to be received by the line manager at least 8 weeks in advance.



Agenda Item No: 9 **Report No:** 109/15
Report Title: Sickness Report
Report To: Employment Committee **Date:** 14 September 2014
Cabinet Member:
Ward(s) Affected: All
Report By: Helen Knight & Becky Cooke
Contact Officer(s)- Helen Knight & Becky Cooke
Name(s): Helen Knight/Becky Cooke
Post Title(s): HR Manager, Shared Service/Head of Organisational Development
E-mail(s): Helen.knight@lewes.gov.uk
Tel No(s): 01273 661365

Purpose of Report:

To update the Employment Committee regarding the Council's sickness figures.

Officers Recommendation(s):

- 1 To note the report.
-

Reasons for Recommendations

- 1 The Committee have asked for a regular item to be presented regarding the absence statistics within the Council.

Information

- 2 The figures for Quarter 1 of 2015/16 (1 April to 30 June 2015) are presented as background papers to this report.
 - 2.1 Unison has previously requested that the departments named in this report be updated to reflect the restructure of the organisation. This will take effect on the computerised HR and Payroll System on 1 October 2015 and thereafter these figures will be reported in the service areas of the current structure of the organisation.

2.2 The average days lost per employee due to absence over the last few years has been as follows:

2011/12 - 12.24 (target was 11.5)
2012/13 – 12.52 (target was 10.5)
2013/14 – 11.5 (target was 10)
2014/15 – 11.31 (target was 9)

2.3 A recent survey with HR colleagues in the Sussex Strategic HR Group (SSHRG) regarding their 2014/15 absence figures are as follows:

Authority	Figure (days)
Arun	9.15
Eastbourne	5.10
Hastings	6.41
Horsham	8.13
Mid Sussex	9.24
Rother	8.08
Wealden	8.9

2.4 The Chartered Institute of Personnel and Development (CIPD) undertake an annual absence management survey each year, and results from their October 2014 survey show that the national average absence figure was 6.6 days per employee per year. In the public services sector the figure increases to 7.9 days with private sector at 5.5 days.

2.5 During 2014/15 there were 47 separate instance of long term absence (over 3 weeks) and the reasons were varied:

- 12 – musculoskeletal (not back)
- 9 – stress (6 were personal, 1 work related stress and 2 cited both)
- 5 – depression
- 4 – operation
- 4 – industrial injury
- 3 – back/spinal
- Remaining – cancer, chest pain, cold, other etc.

The most common causes of short term absence included Back or Spinal Problem, Musculoskeletal (not back), operation recovery, stomach or bowel disorder and cold/flu

2.6 Following a reduction in sickness absence in quarters 1 and 2 of 2014/15, we then saw an increase in the last 2 quarters (October 2014 to March 2015) which meant that we missed our target of 9 days for the year and only saw a very minimal decrease from the previous year. The Quarter 1 statistics for this year (as attached) do show a decrease from the last quarter (quarter 4 of 2014/15).

- 2.7 Corporate Management Team have advised all managers that they need to have a sense of responsibility as well as an increased and sustained focus on managing absence within their service, supported with advice from HR.

3 Financial Appraisal

- 3.1 The financial implications of this report are the number of working days lost to sickness.

4 Legal Implications

- 4.1 The Legal Services Department have not been asked for comments.

5 Sustainability Implications

- 5.1 I have not completed the Sustainability Implications Questionnaire as this Report is exempt from the requirement because it is a progress report/budget monitoring report/development control report

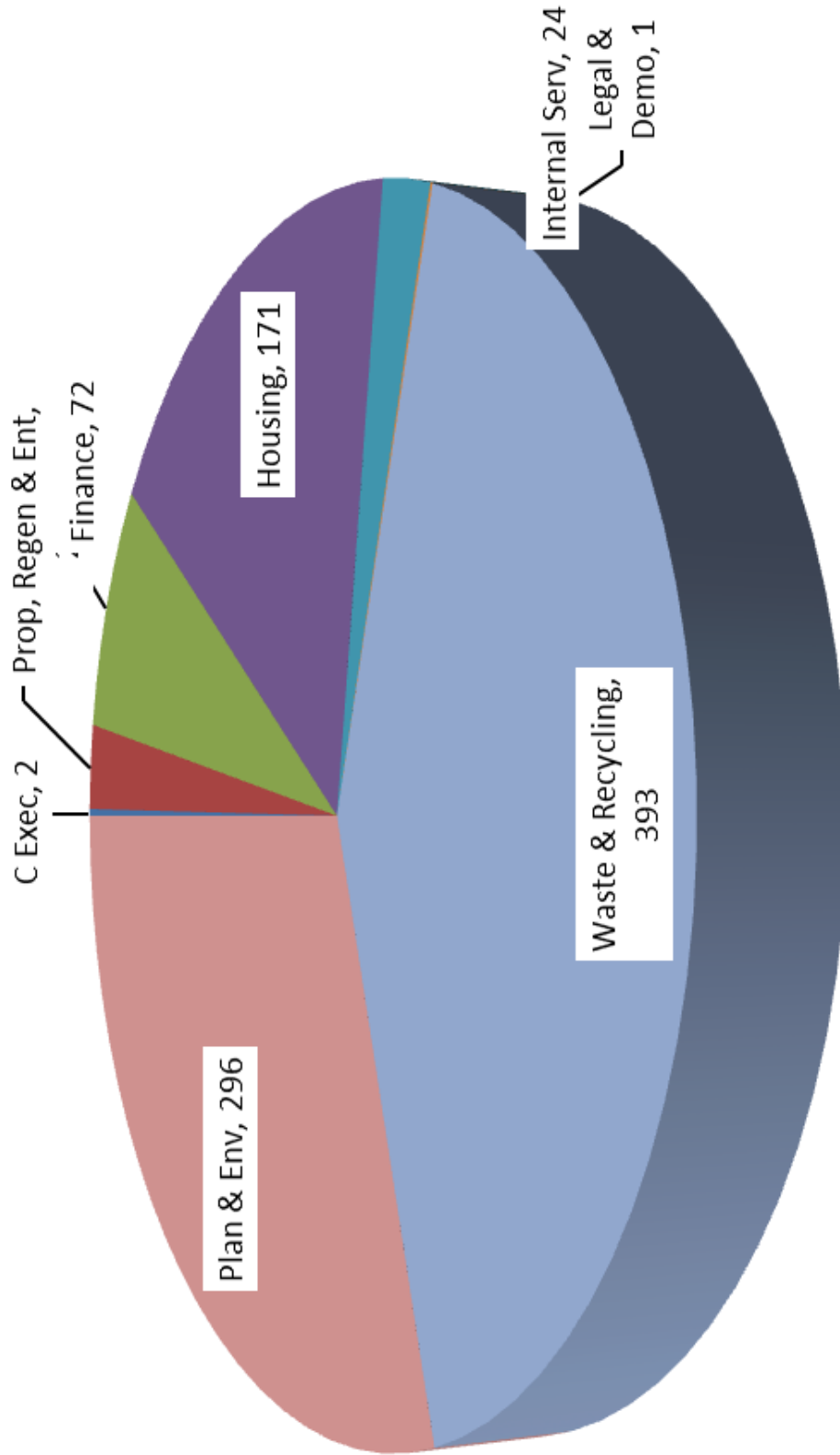
6 Equality Screening

- 6.1 Equality analysis is not required as this is an information only report with no key decisions attached.

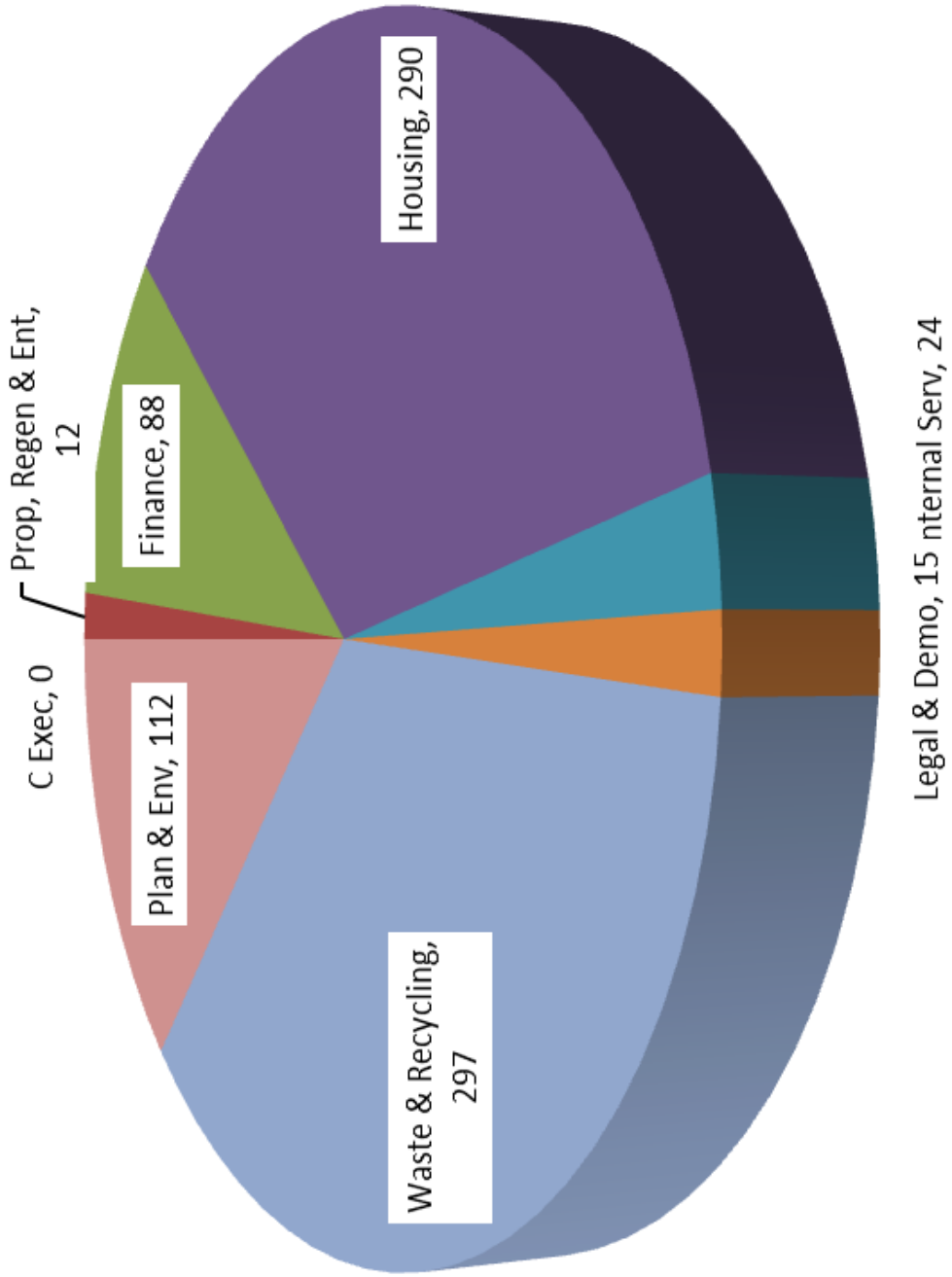
7 Background Papers

- 7.1 Excel spreadsheet showing the Council's sickness figures for Quarter 1 (1 April to 30 June 2015)

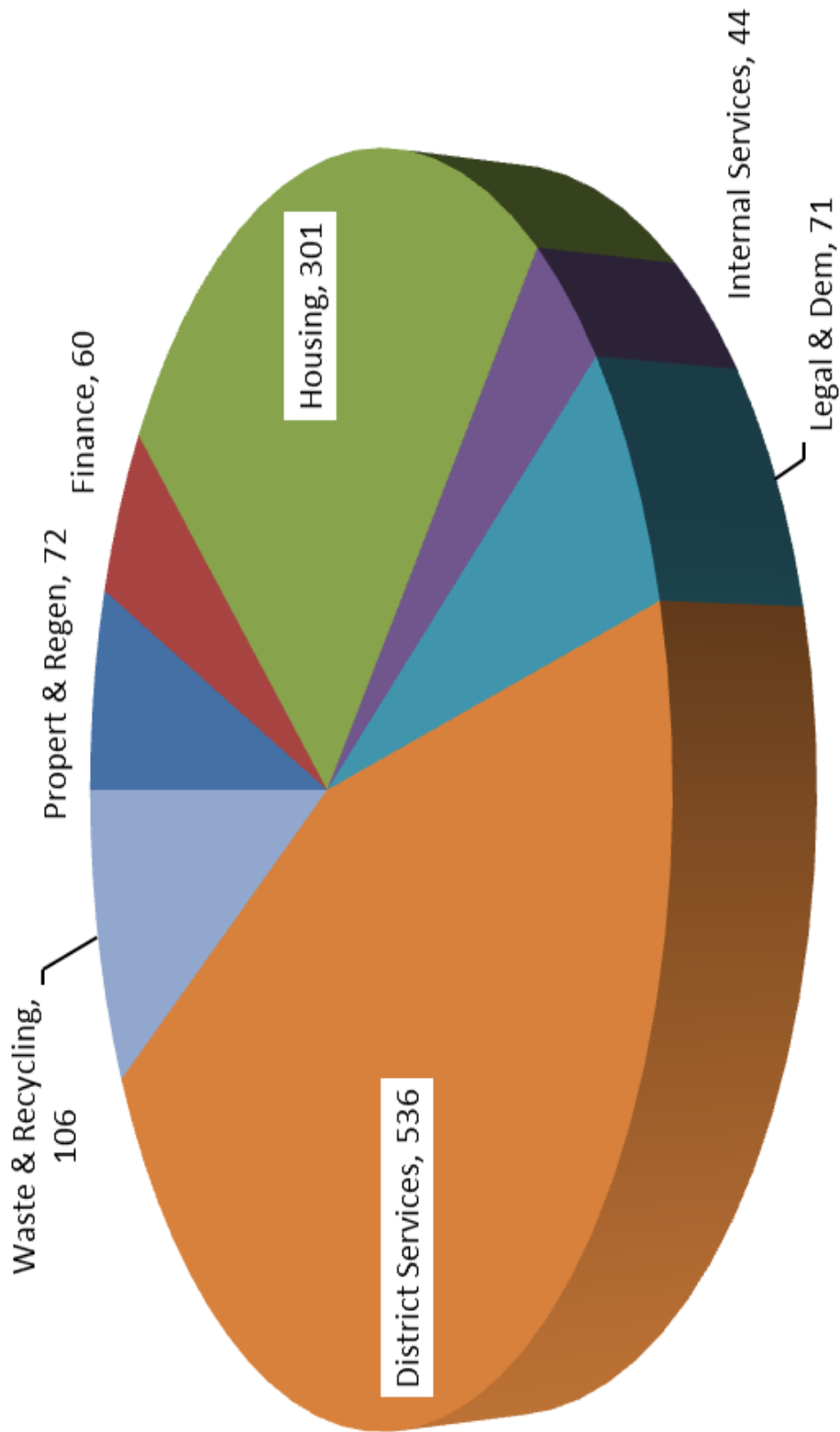
Days Lost Q1 2015/16



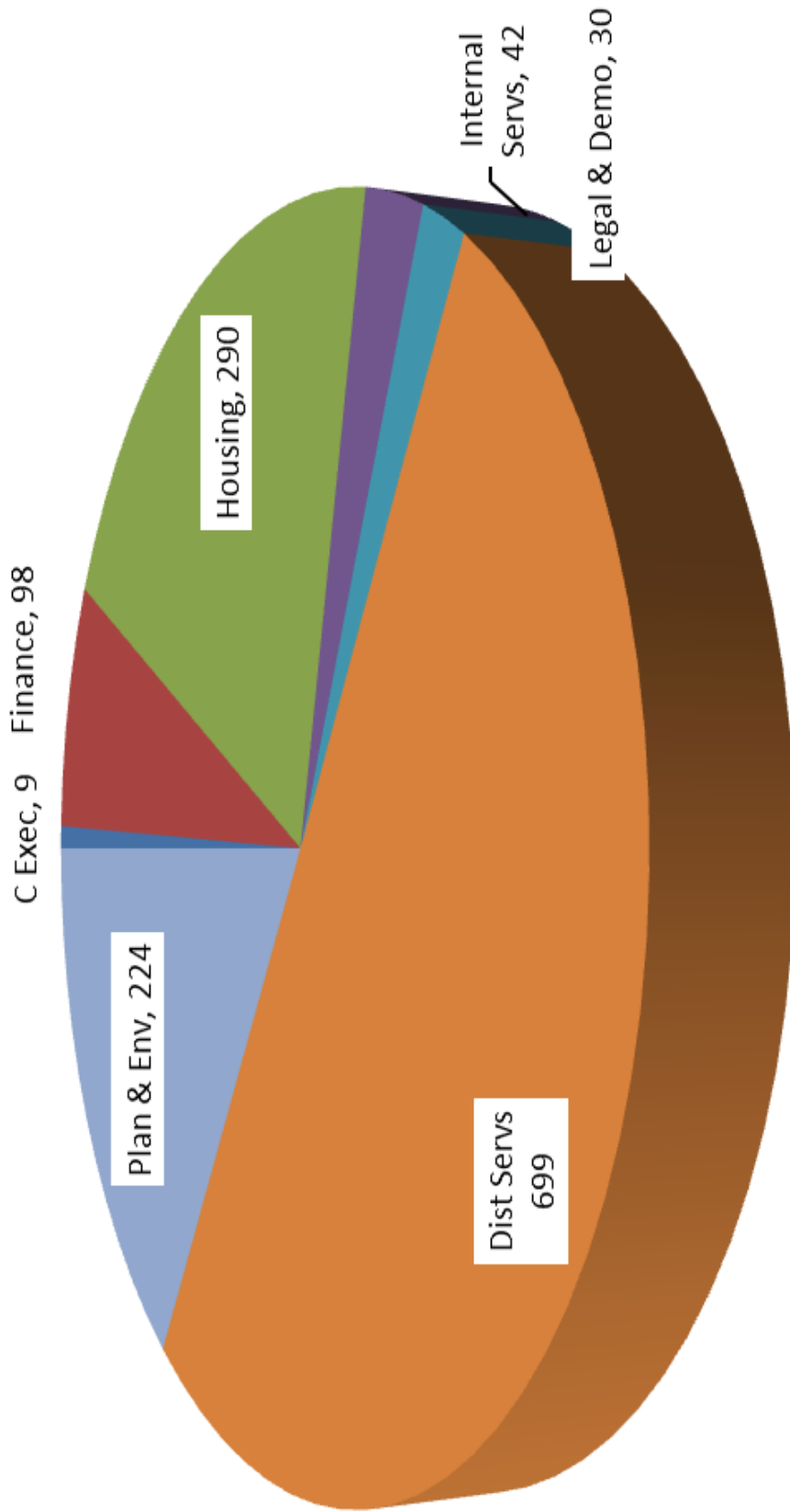
Days Lost Q2 14/15



Days Lost Q3 14/15



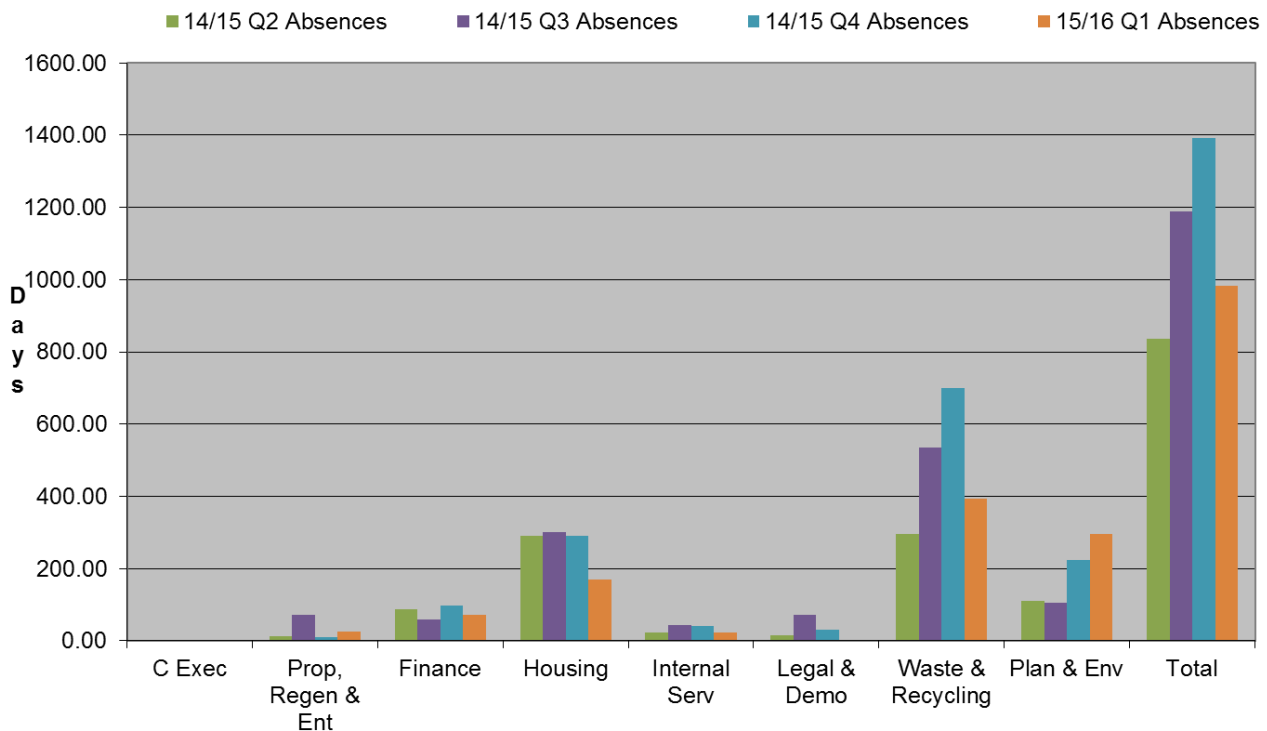
Days Lost Q4 14/15



Dept	FTE 30/6/14	FTE 30/9/14	FTE 31/12/14	FTE 31/3/15	Q1 FTE	Q2 FTE	Q3 FTE	Q4 FTE
C Exec	10.00	13.00	13.00	11.00	7.00	13.00	13.00	11.00
Prop & Regen & Ent	26.88	25.28	20.85	23.74	19.64	25.28	20.85	23.74
Finance	53.81	51.73	52.00	46.31	52.00	51.73	52.00	46.31
Housing	71.52	72.21	69.25	52.08	76.63	72.21	69.25	52.08
Internal Serv	29.58	29.18	28.57	21.86	27.77	29.18	28.57	21.86
Legal & Demo	22.86	22.59	22.61	16.64	30.18	22.59	22.61	16.64
Waste & Recycling	102.24	112.86	112.00	114.00	111.74	112.86	112.00	114.00
Plan & Env	69.06	66.98	61.00	69.00	67.76	66.98	61.00	69.00
Total	385.95	393.83	379.28	354.63	392.72	393.83	279.28	354.63

Dept	14/15 Q2 Absences	14/15 Q3 Absences	14/15 Q4 Absences	15/16 Q1 Absences	Q1 Days per FTE	Q2 Days per FTE	Q3 Days per FTE	Q4 Days per FTE
C Exec	0.00	0.00	0.00	2.00	0.29	0.00	0.00	0.00
Prop, Regen & Ent	11.80	71.84	9.00	25.00	1.27	1.07	3.45	0.38
Finance	88.07	60.20	98.00	72.00	1.38	2.47	1.16	2.12
Housing	289.54	300.99	290.00	171.00	2.23	2.65	4.35	5.57
Internal Serv	24.11	43.93	42.00	24.00	0.86	1.03	1.54	1.92
Legal & Demo	15.36	71.00	30.00	1.00	0.03	0.35	3.14	1.80
Waste & Recycling	296.83	536.00	699.00	393.00	3.52	3.29	4.79	6.13
Plan & Env	111.75	106.00	223.50	296.00	4.37	1.78	1.74	3.24
Total	837.46	1189.96	1391.50	984.00	2.51	2.13	4.26	3.92

FTE Sickness Days Past Four Quarters



Agenda Item No: 10 **Report No:** 113/15
Report Title: Accidents to staff from April to August 2015
Report To: Employment Committee **Date:** 14 September 2015
Cabinet Member:
Ward(s) Affected: All
Report By: Jill Yeates
Contact Officer(s)- Jill Yeates
Name(s): Jill Yeates
Post Title(s): Health and Safety Officer
E-mail(s): jill.yeates@lewes.gov.uk
Tel No(s): 01273 7106276

Purpose of Report:

To report the statistics on accidents reported between 1 April 2015 and 25 August 2015.

Officer's Recommendation:

- 1 To note the report
-

Reasons for Recommendations

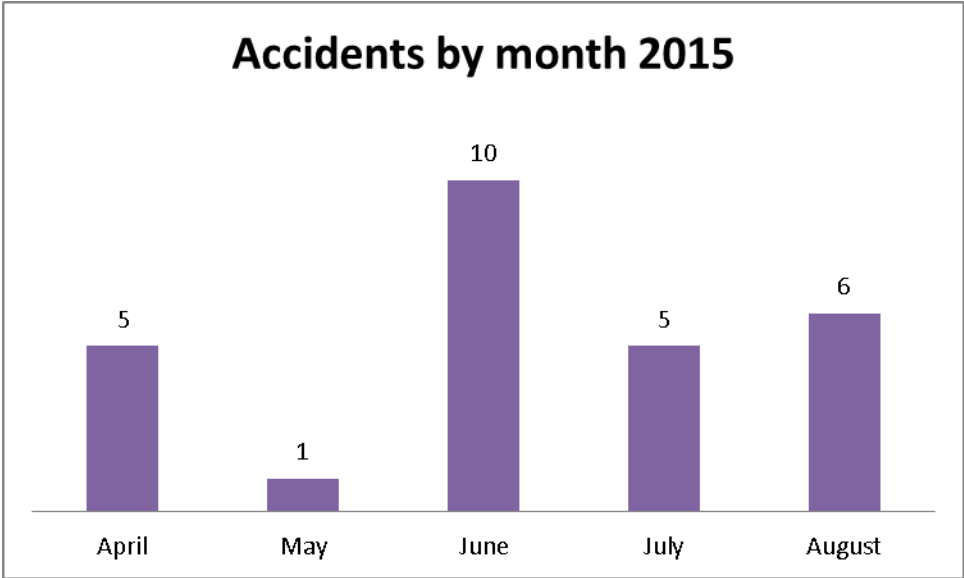
- 1 The Employment Committee has previously requested that this standing item be reinstated to the Employment Committee Agenda.

2 Information

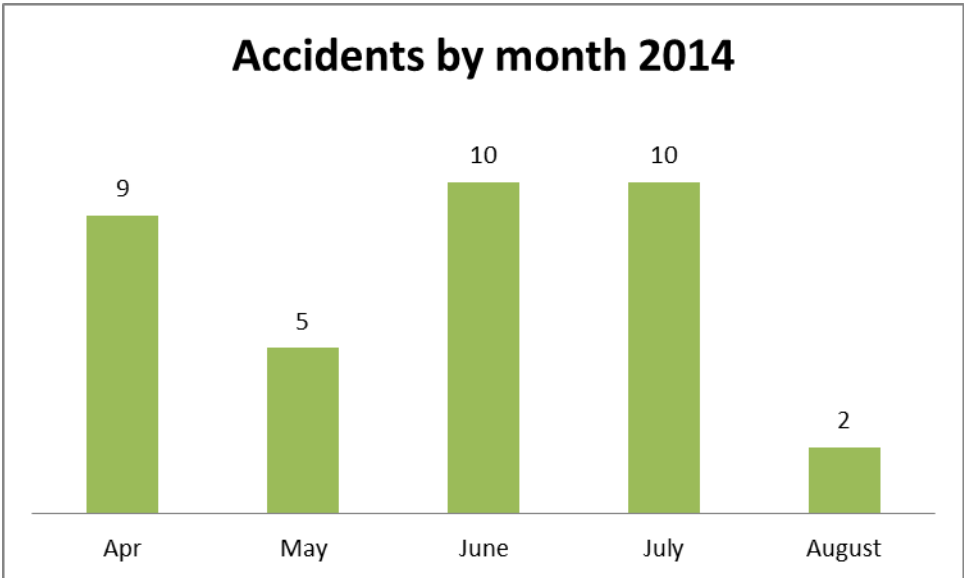
2.1 The statistics are presented as previously requested – with numbers and percentages, comparisons with the previous year (same period). The purple pie charts are this financial year's statistics; the green ones are last year's.

2.2 Number

There were 27 accidents from April to August 2015. April, June, and August had the highest accidents for a month.



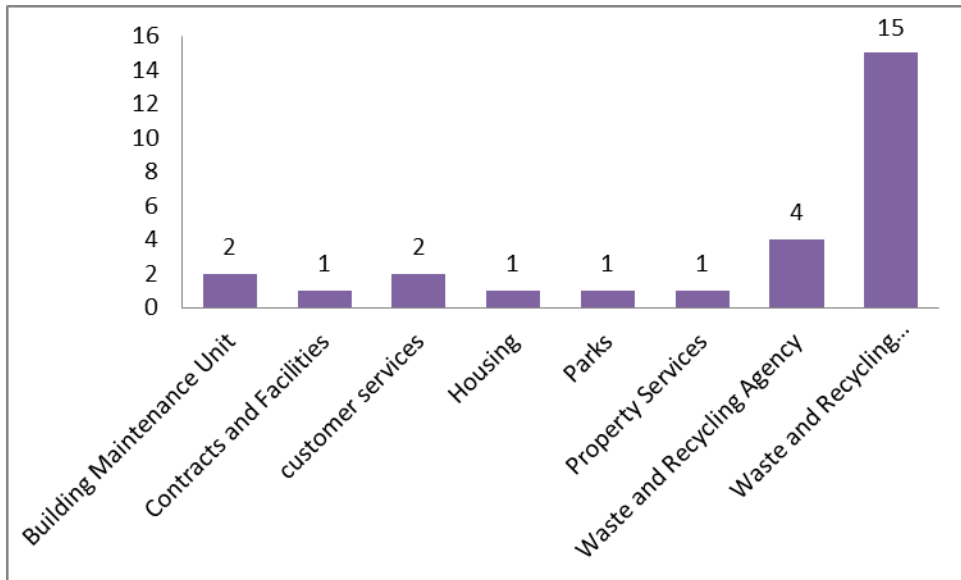
Compared to last year, June seems an accident-prone month, May less so (although there were only 1 or 2 out accidents in the previous 3 Junes, so this may just be coincidence).



2.3 Teams

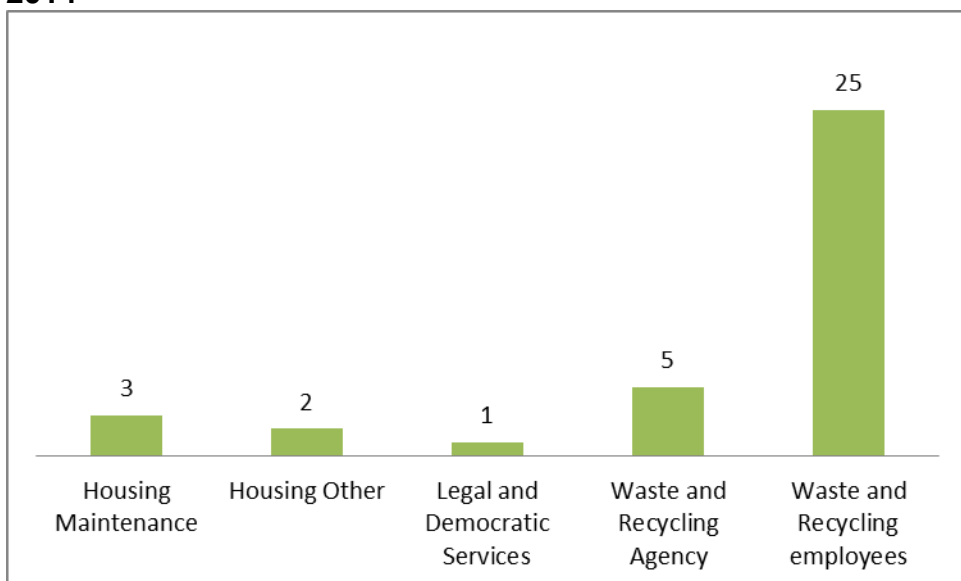
19 of the accidents were in Waste and Recycling (4 Agency staff), 2 in Housing Maintenance and 2 in Customer Services and 1 each in Contracts and Facilities, Housing, Parks and Property Services.

2015



Last year over the same period, the accidents were spread over fewer teams, with Waste and Recycling having 83% of the accidents instead of 70%.

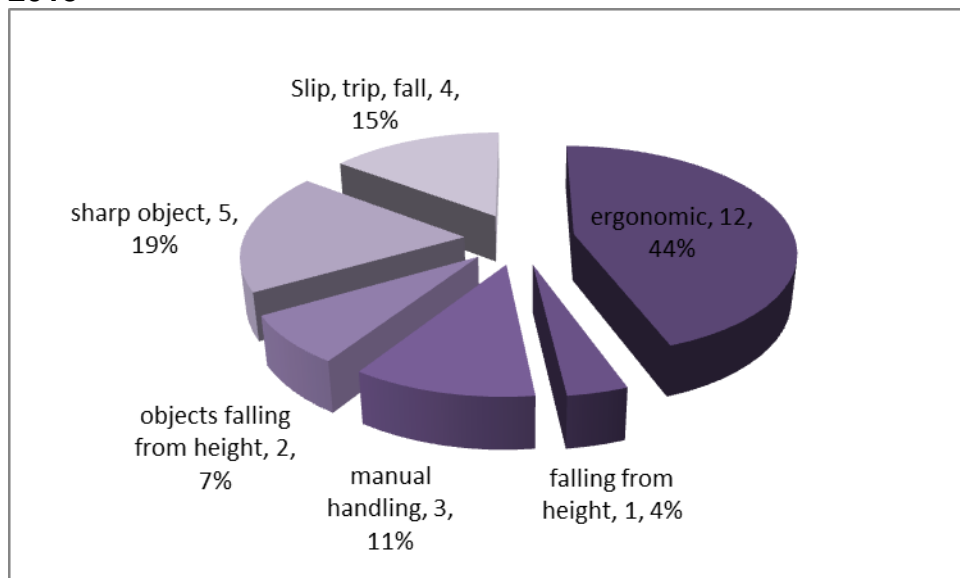
2014



2.4 Cause

Of the 27 accidents so far this year, 12 (44%) were ergonomic (dust in eye, pain in knee, falling off a chair, stood up and knocked head, 4 pulling bins and hit or jarred self, 3 scalding on boiling water urns, and 'overbalancing' when moving cardboard wrongly), 5 were sharp objects (3 broken glass in bin bags, 1 cutting self with saw and 1 a cut as a result of pulling a sharp object from the work bag), 4 were slips, trips and falls (a fall on the pavement, slipping down a bank, tripping upstairs and slipping off a kerb), 3 were manual handling (pulling or pushing too much at once, or bin catching on something causing a fall), 2 objects falling from height (things fell out of locker onto foot and metal door on bin store fell onto leg), and 1 was falling from height (off a ladder).

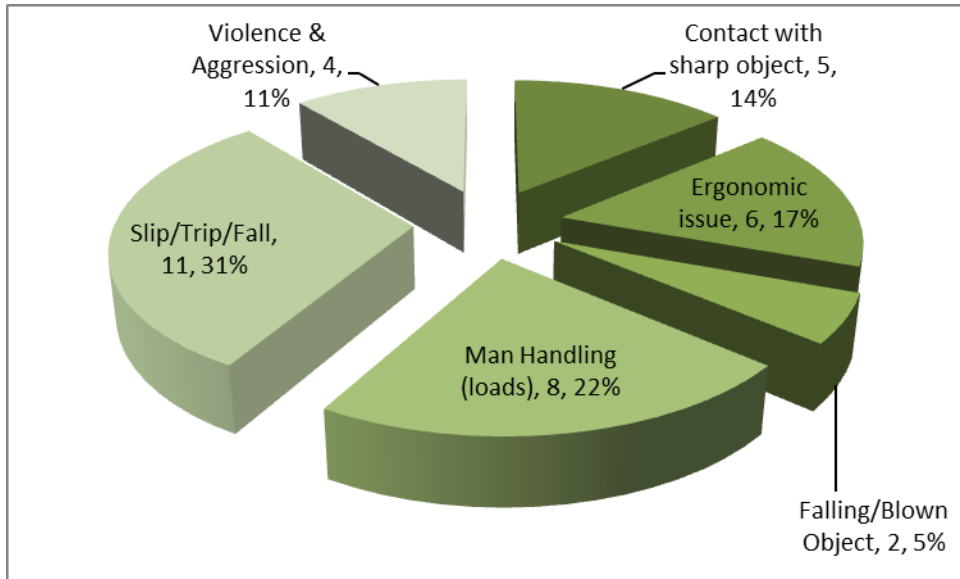
2015



2.5 As a result of these accidents, action to sort out broken glass in bin bags is being considered, the boiling water urns have been serviced and a small shelf is being considered, new workbags and covers for sharp objects in work bags have been supplied, parts of bins which were causing problems have been removed, and working on a ladder in the situation of the accident has been banned and steps are being provided.

2.6 Last year over the same period only 17% were ergonomic, 31% were slips, trips and falls, and 22% were manual handling problems. Cuts were a similar percentage.

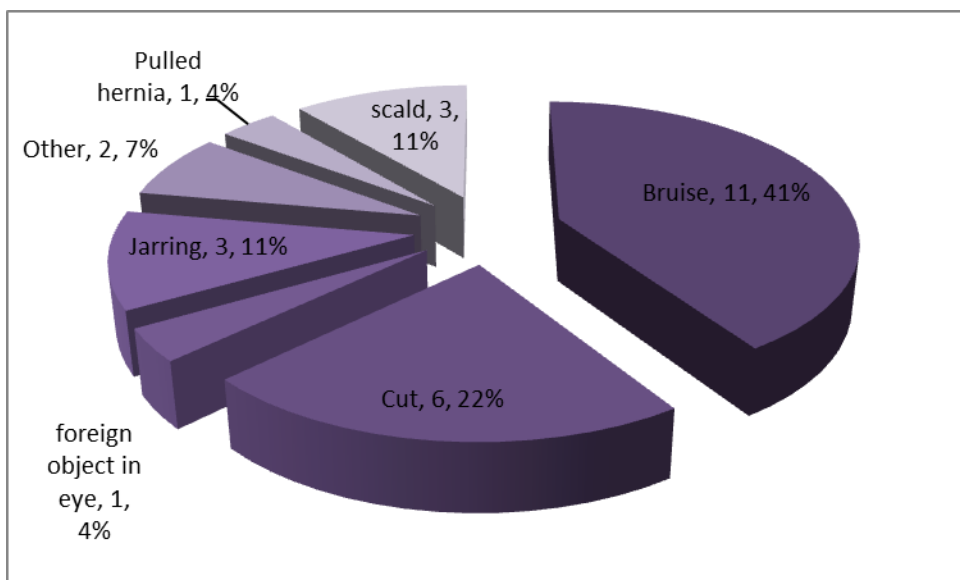
2014



2.7 Injuries

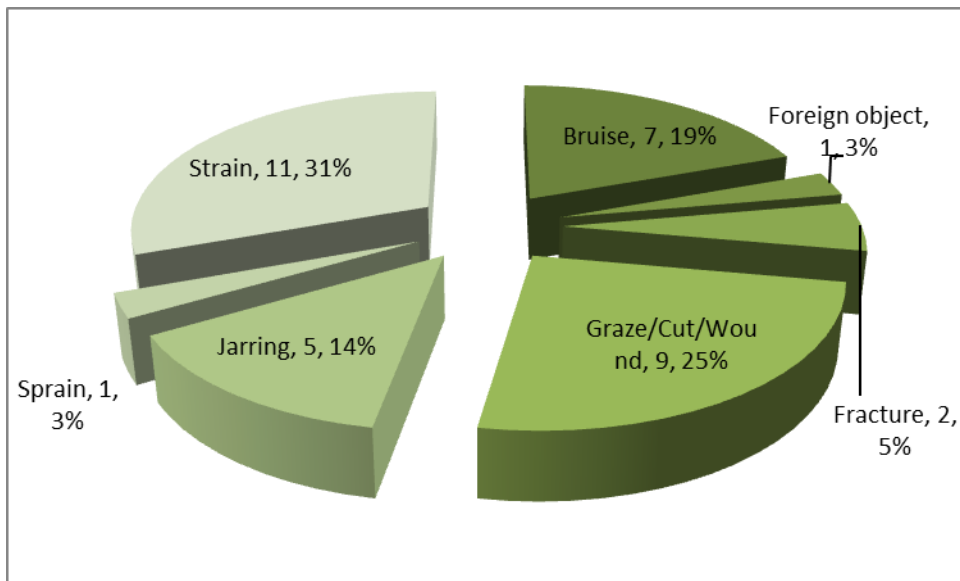
Of the 27 accidents, 11 resulted in bruises, 6 resulted in cuts, 3 resulted in scalds, 3 in 'Jarring' (usually 'pulling' a muscle or joint), 1 in pulling a hernia, 1 in a bit of dust in the eye, 1 in pain in the knee and 1 in a general jolting to the body. 1 'trip' was reported to the Health and Safety Executive under RIDDOR because the person was off work for more than 7 days.

2015



2.8 Last year over the same period, strains accounted for 31% of the injuries, cuts 25%, bruises 19% and jarring 14%.

2014



2.9 Multiple accidents

1 Waste and Recycling employee has had three accidents and an individual risk assessment will be carried out for this individual. Another Waste and Recycling employee has had the same accident two weeks running, and the cause of this has now been dealt with. A Waste and Recycling Agency person has also had two accidents and will have an individual risk assessment carried out.

2.10 Time off work caused by accidents

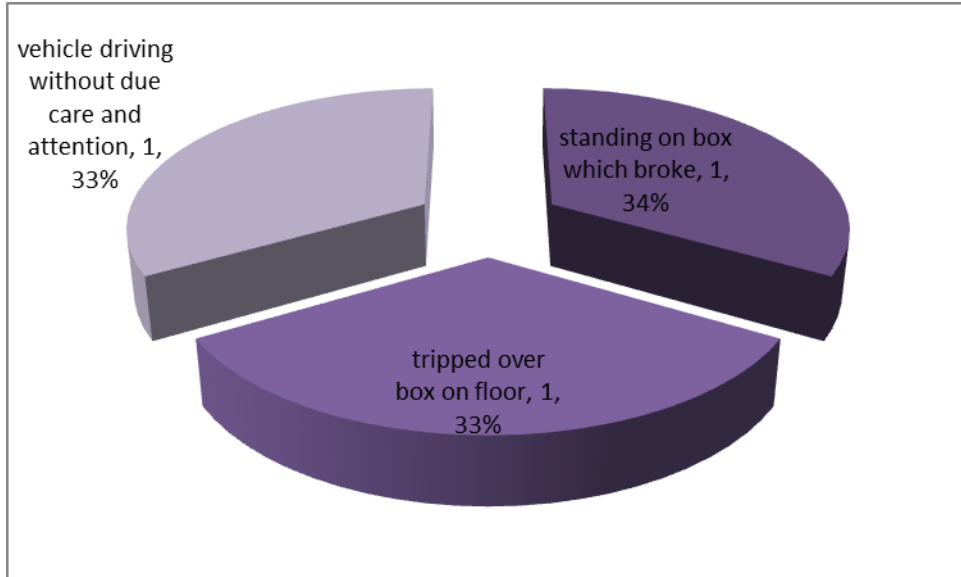
The person who slipped down a bank was off for 2 days, and the person who fell off a ladder was off for 2 days. The person with pain in the knee – which just came on rather than having an immediate cause, has had some time off work. One of the trips by the kerb, falling against a wheelie bin has caused 11 days off work and therefore a RIDDOR report, and the person with the hurt ankle after hitting the wheelie bin was sent home and has had some time off work.

2.11 Near Misses

This year so far we have had three near misses: one trip hazard of having a box by a desk (box then cleared), one standing on a tool box to do a repair and the box breaking (box replaced, and stool now provided) and a car narrowly missing a waste collector.

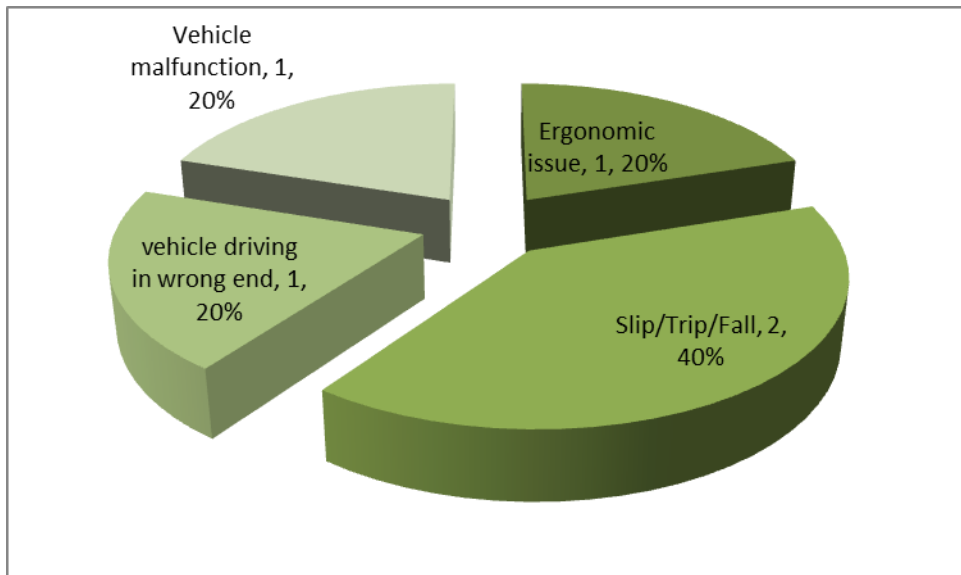
One was in Waste and Recycling, one in Parks and one in Facilities.

2015



Last year, there were five near misses April to early September. Two were risks of harm from slips, trips and falls, one was risk of harm from an ergonomic issue, one from a vehicle malfunction and one from an external driver ignoring our one way signs.

2014



Four were in Waste and Recycling – three staff and one agency person; one was in Facilities reporting a vehicle travelling the wrong way through the rear thoroughfare of Southover House.

3 Financial Appraisal

Currently we know that 15 employee working days have been lost, all of them in Waste and Recycling (3 accidents) which means that 15 days' Agency staff would have to be paid for as a result of the accidents. [This will increase when we know how long some people have had away from work.] 21 accidents resulted in no time off work.

4 Legal Implications

The Legal Services Department does not need to comment specifically on the accident statistics.

5 Sustainability Implications

I have not completed the Sustainability Implications Questionnaire as this Report is exempt from the requirement because it is a progress report.

6 Risk Management Implications

I have not completed the Risk Management Implications Questionnaire as this Report is exempt from the requirement because it is a progress report. **LDC3826**

7 Equality Screening

I have not completed the Equality Questionnaire as this Report is exempt from the requirement because it is a progress report.

8 Background Papers

There are no background papers.

9 Appendices

There are no appendices.