

<b>Subject:</b>	Review of Policies and Procedures	<b>Status:</b>	For Publication
<b>Report to:</b>	Cabinet	<b>Date:</b>	15 <sup>th</sup> February 2017
<b>Report of:</b>	Chief Executive	<b>Portfolio Holder:</b>	Resources and Finance
<b>Key Decision:</b>	<input checked="" type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	<b>General Exception</b>	<input type="checkbox"/> <b>Special Urgency</b> <input type="checkbox"/>
<b>Equality Impact Assessment:</b>	Required:	Yes	Attached: Yes
<b>Biodiversity Impact Assessment</b>	Required:	No	Attached: No
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<b>1.</b>	<b>RECOMMENDATION(S)</b>
1.1	<p>Members agree the following policies, as attached, which have been revised as part of the Council's policy review cycle in line with best practice.</p> <p>Drug and Alcohol Policy  Training and Development Policy  Pay and Grading Policy  Whistleblowing Policy  Statement of Policy for Employer's Discretions  Absence Management Policy.  Disciplinary Policy  Grievance Policy.  Recruitment and Selection Policy and Managers Guidance  Domestic Violence Policy.  Safeguarding Adults Policy.  Safeguarding Children and Young People Policy</p>
1.2	Members agree that all future minor amendments be delegated to the Chief Executive in consultation with the Portfolio Holder.

**2. PURPOSE OF REPORT**

2.1 To seek Members agreement to make changes to policies and procedures set out in Section 1 (above) in line with the Council's policy review cycle details that it is best practice to review every three years or following changes to legislation and/or organisational changes.

**3. CORPORATE PRIORITIES**

3.1 The matters discussed in this report impact directly on the following corporate priorities:

- **Responsive Value for Money Services:** This priority is about the Council working collaboratively, being a provider, procurer and a commissioner of services that are efficient and that meet the needs of local people.

**4. RISK ASSESSMENT IMPLICATIONS**

4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

- Failure to have robust policies and procedures could leave the Council at risk to

employment liability claims, which could potentially lead to legal, financial and reputational risks to the Council.

## **5. BACKGROUND AND OPTIONS**

5.1 The Drug and Alcohol Policy has been refreshed and updated, to include:

- The Council's zero tolerance approach now includes all employees reporting to work under the influence of drugs and/or alcohol.
- The inclusion of a drugs and alcohol register of the tests undertaken.
- The re-calibration regime of the breathalyser.
- Random testing will be undertaken of 5% of the workforce on a monthly basis.
- Awareness training will be rolled out to all staff prior to the implementation of the revised random testing regime.
- The policy includes legislation changes from the introduction of the Psychoactive Substances Act 2016.

5.2 The Pay and Grading Policy was last reviewed in October 2007 has been consolidated from existing policies and local practices to form one policy, to include:

- A job family Competency Matrix and profiles to identify the essential competencies and qualifications requirements for the grading level of the post.
- The pay protection has been reviewed to six months (inclusive of contractual notice).

5.3 The Statement of Policy for Employer's Discretions is a new policy.

The Council is required to have a clear Employers Discretions Policy in place to safeguard the Council from inadvertently making inconsistent decisions in relation to its pension provision which can help protect the Council from potential future discrimination claims.

The Council as a statutory requirement to provide a Statement of Policy in relation to discretions under five areas for the Local Government Pension Scheme (LGPS) 2014 :

- Voluntary funding of additional pension via Shared Costs Additional Pension Contribution's.
- Awarding additional pension via Additional Pension Contribution's at whole-cost.
- Employer consent to retire before age 60.
- Flexible retirement
- Waving actuarial reductions.

5.4 The Training and Development Policy has been refreshed and updated and main changes include an update to; repayment of fees, skills for life, National Vocational Qualifications Employee Training Agreement and references to qualifications.

5.5 The Whistleblowing Policy has been refreshed and updated providing clarity to confidentiality and the constraints of the Data Protection Act on the Whistle blower.

A Raising a Concern Form and a Register to record any complaints with outcome section has been added.

Any whistle blowing complaints will be reported to the relevant committee and/or Portfolio Holder.

- 5.6 The Absence Management Policy was last reviewed in September 2014, the main updates to the policy include a section relating to stress related absence, clarity around reporting absence procedure, implications of not reporting absence correctly, clarity around annual leave relating to absence.
- 5.7 The Disciplinary Procedure was last reviewed in September 2014, the main changes include the inclusion of a confidentiality paragraph and advise to employees that the Council does not have to await the outcome of police/legal proceedings in disciplinary matters.
- 5.8 The Grievance Procedure was last reviewed in September 2014, the main update includes more focus on settling a grievance informally, amendments to the Grievance Form and an Appeal hearing Agenda has been added.
- 5.9 The Recruitment and Selection Policy and Managers Guidance was last reviewed in November 2008 and mainly reflects changes to employment legislation, for example, the Equalities Act 2010 which encompasses several pieces of legislation and saw the list of protected characteristics extended.
- 5.10 The Domestic Violence Policy was last updated 2013, the changes include more information to support employees in signposting any concerns of domestic violence and a flow chart with relevant telephone numbers and contact details.
- 5.11 The Safeguarding Adults Policy has been updated to include the introduction of key legislation, including The Care Act 2014 and the Counter Terrorism Act 2015.
- 5.12 The Safeguarding Children and Young People Policy has been updated to reflect initiatives introduced by Lancashire County Council and Working Together With Families (WTWF).
- 5.13 Formal consultation has been undertaken with Management Team, and with the Trade Union at JCC held on 22<sup>nd</sup> September 2016 to review the revised policies and procedures.
- 5.14 Formal consultation has been undertaken with the Resources and Finance Portfolio Holder and Overview and Scrutiny to review the revised policies and procedures on:

10<sup>th</sup> October 2016:

Drugs and Alcohol Policy  
 Training and Development Policy  
 Pay and Grading Policy  
 Whistleblowing Policy  
 Statement of Policy for Employers Discretion

7<sup>th</sup> November 2016:

Absence Management Policy  
 Disciplinary Policy  
 Grievance Policy  
 Recruitment and Selection Policy

5<sup>th</sup> December 2016:

Safeguarding Adults Policy  
 Safeguarding Children and Young People Policy

## Domestic Violence Policy

- 5.15 A summary of the key changes made to the policies and procedures can be found under the appropriate Overview and Scrutiny Committee Meetings: 10<sup>th</sup> October 2016, 7<sup>th</sup> November 2016 and 5<sup>th</sup> December 2016.
- 5.16 Any changes suggested at both JCC and Overview and Scrutiny have been made, and the policies can be found on the Council's website under the appropriate Overview and Scrutiny Committee Meetings: 10<sup>th</sup> October 2016, 7<sup>th</sup> November 2016 and 5<sup>th</sup> December 2016.

### **COMMENTS FROM STATUTORY OFFICERS:**

#### **6. SECTION 151 OFFICER**

- 6.1 Any financial matters arising will be contained within existing budget resource.

#### **7. MONITORING OFFICER**

- 7.1 It is important to have robust and up to date policies in place to ensure the Council is fully protected in the event of legal challenge.

#### **8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT**

- 8.1 Full consultation has been undertaken with the members of the Management Team, Trade Union, the Resources and Finance Portfolio Holder and, Overview and Scrutiny Committee as detailed within the body of the report.

#### **9. CONCLUSION**

- 9.1 There is a requirement to undertake a periodic review of Council policies to make necessary amendments to make them more robust and bring them in line with current legislation.

- 9.2 This will protect the Council from any employment litigation or financial claims.

#### Background Papers

Document	Place of Inspection
Drug and Alcohol Abuse Policy	Appendix 1
Training and Development Policy and summary of changes.	Appendix 2
Pay and Grading Policy and summary of changes.	Appendix 3
Whistleblowing Policy and summary of changes.	Appendix 4
Statement of Policy for Employers Discretions	Appendix 5
Absence Management Policy and summary of changes.	Appendix 6
Disciplinary Procedure and summary of changes.	Appendix 7
Grievance Procedure and summary of changes.	Appendix 8
Recruitment and Selection Policy and Managers Guidance	Appendix 9

and summary of changes.	
Domestic Abuse Policy	Appendix 10
Safeguarding Adults Policy and summary of changes.	Appendix 11
Safeguarding Children and Young People Policy and summary of changes.	Appendix 12
Equality Impact Assessments and summary of changes can be found on the Council website under the following meetings  Overview and Scrutiny 10 <sup>th</sup> October 2016 7 <sup>th</sup> November 2016 5 <sup>th</sup> December 2016	   <a href="http://tinyurl.com/huobmrk">http://tinyurl.com/huobmrk</a> <a href="http://tinyurl.com/go9crfg">http://tinyurl.com/go9crfg</a> <a href="http://tinyurl.com/zdeygts">http://tinyurl.com/zdeygts</a>

# Drug and Alcohol Policy

## Date of issue

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## Drugs and Alcohol Policy

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## 1.0 Introduction

- 1.1 The Council aims to promote the health and wellbeing of its employees and to minimise work performance and/or conduct issues at work arising from drug and/or alcohol abuse.
- 1.2 In the workplace drug and alcohol abuse can take two different forms:
- Occasional inappropriate drug and alcohol abuse.
  - Consistent inappropriate drug and alcohol abuse.
- 1.3 Occasional inappropriate drug and alcohol abuse is more likely to be a case of misconduct whilst consistently inappropriate drug and alcohol abuse will be more likely to involve long term health and performance issues.
- 1.4 Any reference in this Policy to drugs refers to non-prescribed, controlled drugs or illegal substances and does not refer to medicines, supplements and similar substances that are legally and commercially available in the United Kingdom.
- 1.5 This policy applies to all employees or other persons under the Council's control in connection with any Council related activity.
- 1.6 The day to day management of this Policy is the responsibility of Line Managers.

## 2.0 Aims of the Policy

- 2.1 This policy aims to:
- Ensure that the Council complies with its legal obligations imposed by law;
  - Provide a safe and healthy working environment for all employees;
  - Promote awareness of the dangers and penalties associated with the misuse of drugs and/or alcohol abuse;
  - Support Line Managers to identify a drug or alcohol problem or alternatively respond to employee who has asked for help.
  - Support employees with a drug and/or alcohol related problem;
  - Provide support to employees whose lives are or who have been affected by the misuse of drugs and/or alcohol abuse.

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### 3.0 Principles

3.1 The Council has a zero tolerance approach in relation to drugs and /or alcohol.

3.2 It is prohibited for an employee or other person under the Council's control in connection with any Council related activity, to:

- Report or endeavour to report, for duty having consumed drugs or alcohol likely to render them unfit and/or unsafe for work
- Take or be under the influence of drugs while on duty.
- Drink or be under the influence of alcohol while on duty.
- Store drugs and/or alcohol in personal areas such as lockers and desk drawers etc.
- Attempt to sell or give drugs and/or alcohol to any other employee or person on Council premises.

3.2 An employee must inform their Line Manager regarding any prescribed medication that may have an effect on their ability to carry out their work safely, and must follow any instructions subsequently given.

3.3 If an employee feels unable to raise the issue with their Line Manager, they may discuss the matter with People and Policy. However, the employee needs to be aware that where this may impact on the employee's ability to undertake their duties and this may lead to a requirement to inform their Line Manager.

### 4.0 Health and Safety

4.1 The Health and Safety at Work Act 1974 places a duty on employers to provide a safe and healthy working environment, and to ensure the health, safety and welfare at work of their employees as well as any visitors or contractors on the premises.

4.2 Employees should be aware that anyone under the influence of drugs and/or alcohol is a risk to everyone around them and should be alert to possible signs of drugs or alcohol abuse.

4.3 Symptoms of drugs and /or alcohol abuse may include:

- Unkempt appearance and/or lack of hygiene;
- Fluctuations in mood and energy and/or sudden changes in behaviour;
- Spasmodic work patterns and/or impairment of performance;
- Increase in short term sickness absence and/or high rates of absenteeism;

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- Poor or breakdown of relationships with colleagues.
- 4.4 Employees should report any concerns they may have about a colleague displaying any or all of these symptoms to either their Line Manager, Trade Union representative or People and Policy but should not, under any circumstances, approach the person displaying the symptoms or discuss their concerns with any other colleagues.
- 4.5 The Council will provide training to all staff to raise awareness and educate staff including informing them of the Council's obligations and their individual responsibilities concerning drugs and alcohol within the workplace.
- 4.6 An employee will be held to be contributorily negligent in the event whilst on Council business where they cause an accident or damages to anyone or anything.

## 5.0 Drugs and/or alcohol testing

- 5.1 The Council operates a policy of alcohol and drugs testing as follows:

**With-cause testing for all employees at all levels:** a drugs and/or alcohol test may be carried out where (1) management has grounds to believe or suspect that an employee is or may be under the influence of drugs and/or alcohol, (2) an employee has had any involvement in a workplace accident or in any incident that has caused or could have caused a danger to health and safety.

**Random testing:** Random drugs and/or alcohol testing will be carried out on all employees.

The Council recognises that gathering such information may fall under the Employment Rights Act 1996, Data Protection Act 1998 and Human Rights Act 1998, and will be treated in accordance with legislative requirements.

- 5.2 Any drug and/or alcohol testing will be carried out only by trained Officers; who will use accepted and reliable methods and ensure that tests are carried out with least possible intrusion into employee's privacy in accordance with the Council's Drugs and Alcohol Testing Procedure (see appendix 1).
- 5.3 The second test will be undertaken by either the Council's Health and Safety Advisor, HR Manager or a member of the Council's Management Team.
- 5.3 An employee is entitled to be represented at the second drugs and/or alcohol test if the first drugs and/or alcohol test proves positive and at any formal meeting held under this Policy by a Trade Union Representative or work colleague.

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- 5.3 Random testing of at least 5% of all staff including Management Team will be undertaken at least once during each calendar month. The staff will be selected by using a random number generator method.
- 5.4 A register will be maintained by the Council's Health and Safety Advisor detailing the time, date and reason for a drug/alcohol test.
- 5.5 An employee refusing to undertake the drug and/or alcohol test may be subject to disciplinary action.

**6.0 Suspension**

- 6.1 If a with-cause or random drug/alcohol test proves positive, the employee will be suspended from duty immediately in accordance with the Council's Disciplinary Procedure (see appendix 2 – Disciplinary Procedure suspension extract).

**7.0 Procedure**

- 7.1 Following (a) an employee's suspension, (b) a drug and/or alcohol related incident or (c) a positive drug and/or alcohol test, a meeting should be conducted by the employee's Line Manager (or nominated manager). The purpose of this interview is to ascertain whether there is a drug and/or alcohol dependency problem or a misconduct issue. Subsequently, a misconduct issue would be dealt with in accordance with the Council's Disciplinary Procedure.
- 7.2 If a drug and/or alcohol dependency is identified, the Council will provide reasonable assistance and manage any absences for treatment and/or rehabilitation as any other sickness absence. This does not, however, excuse the employee from any of the disciplinary matters that may fall within the scope of the Council's Disciplinary Policy. Where an employee agrees to follow a suitable course of action or treatment, any disciplinary action may be suspended.
- 7.3 A referral to the Council's Occupational Health Service may be considered to obtain a medical diagnosis and advice regarding treatment available. Any time off for treatment must be agreed with the employee's Line Manager in advance.
- 7.4 Any support for treatment must be on the clear understanding that the employee wishes to receive help and agrees to the Council monitoring attendance and progress of the treatment.

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- 7.5 Any employee who fails to accept or continue with agreed drug and/or alcohol treatment will be subject to the Council’s Disciplinary Procedure.
- 7.6 The Council reserves the right to give an affected employee alternative duties at the rate of pay for the job, or the employee to take paid leave if it is deemed appropriate for a specified time.
- 7.7 In the event that an employee after completing a course of treatment for a drug and/or alcohol related problem suffers a relapse, the Council is under no obligation to make provision for any further treatment and the employee may face disciplinary action.
- 7.8 Following effective treatment and in the absence of any disciplinary action the Council will endeavour to return an affected employee to the same role previously fulfilled by the employee and where this is not possible consider redeployment to a suitable alternative post. The circumstances of each case will be reviewed fully and a suitable course of action followed.

## **8.0 Confidentiality**

- 8.1 All requests for help will be treated in the strictest confidence and all information gathered as a result will be held in accordance with the Data Protection Act 1998.

## **9.0 Monitoring and review of the Policy**

- 9.1 This Policy will be reviewed every three years by People and Policy or sooner following changes in legislation in consultation with the Trade Union.
- 9.2 People and Policy will monitor the development and dissemination of good practice to ensure that this Policy is achieving the stated objectives.

## **10.0 Legislation relating to this Policy**

- 10.1 The Health and Safety at Work Act 1974  
 Management of Health and Safety at Work Regulations 1999  
 Misuse of Drugs Act 1971  
 The Road Traffic Act 1988  
 Transport and Works Act 1992  
 Psychoactive Substances Act 2

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## Appendix 1 Drug and Alcohol Testing Procedure

### Donor Information Sheet.

#### Introduction

Thank you for attending and we hope to have you through this simple, secure and confidential Drug and Alcohol screening process which normally will be completed in 20 minutes.

An employee refusing to undertake the drug and/or alcohol test may be subject to disciplinary action.

#### Education

Drug and Alcohol use does not mix well with the potential dangers of your safety critical workplace. The Council is not trying to control your personal life, however under your Terms of Employment and under Health and Safety legislation, you have a common duty of care to yourself, your fellow workers and to the public. You are expected to understand this and to arrive for work in a fit, proper and non-impaired state.

**The Council has a zero tolerance approach in relation to drugs and /or alcohol.**

#### Process

You will be asked to

- Produce your Council ID Badge
- Read, complete and sign a consent form
- Undertake the test(s), this will be performed by a competent trained Officer and witness.
- If the first test has a positive outcome a second test will be undertaken by either the Council's Health and Safety Advisor, HR Manager or member of Management Team, you will not be entitled to be represented at the initial test, however you will be offered the right of representation of either a Trade Union Representative or work colleague at the second test.
- Following the test(s), you will be requested to provide signed confirmation of the reading on the consent form.

#### **Drug Testing**

A trained Officer will perform a drug screen by taking a saliva wipe followed by a skin wipe. The result will be indicated after ten minutes. If the test is positive then a representative from the screening test provider will be contacted to undertake the second test. If a positive result is indicated at the second test, this will result in an employee being suspended from work on full pay in accordance with the Council's Disciplinary Procedure.

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## **Alcohol Testing**

A trained Officer will perform an alcohol screen using a Home Office approved police specification breathalyser which will show an immediate result. If this is above the Council policy alcohol threshold of Zero, a second test will be taken at least twenty minutes later but no more than one hour later.

The re-calibration of the breathalyser will be undertaken every 6 months in line with the manufacturer's guidelines.

Your signature will be required on the consent form acknowledging the results.

Any positive drugs and/or alcohol screening result will result in an employee being suspended from work on full pay in accordance with the Council's Disciplinary Procedure.

## **Opportunity for feedback**

If you think we can improve this screening process for the future, please help us by completing the feedback form and adding any constructive comments.

## **Thank you for participating**

We appreciate your compliance with this process and hope you understand the necessity to screen the innocent majority to find the not so innocent minority. This helps all of us have fewer accidents and have a safe day.

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## Drug and Alcohol Screening Consent Form

- This is a confidential process
- Please read and sign where asked

I hereby consent to the following screening test(s) and any possible subsequent confirmation test(s) for the detection of alcohol or drugs and/or their metabolites from a sample(s) of breath, sweat, saliva. I am fully aware of company policy should a positive result be detected. I accept the interpretation of my test results will be completed by the Screener and recorded below.

Complete list of medication, Doctor, Chemist or over the counter, in last week:

1

.....

2

.....

3

.....

4

.....

5

.....

Employee name:..... Signature:.....

Form of ID:.....

Trained Officer ..... Signature .....

Date: day month year Time: hr : min AM PM

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## TEST 1

<b><u>Drug Screen:</u></b>	
Screening device:	<b>Drug Wipe Dual</b>
Batch Number: .....	Expiry Date .....
Two Control Lines appear	<b>Yes No</b> Circle correct answer & cross out the incorrect answers
Any other Result Lines appear:	<b>NONE Ca Co Op Am</b>

<b><u>Alcohol Screen:</u></b>	
Time: hr : min	
Result in numbers:	Result in words:
<b><u>Alcohol Confirmation:</u></b>	
Time: hr : min	<b>20 minutes/less than 1 hour after initial test</b>
Result in numbers:	Result in words:

### Signatures to acknowledge the results:

Employee ..... Signature ..... Date .....

Trained Officer ..... Signature ..... Date .....

Witness ..... Signature ..... Date .....

## TEST 2

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**Drug Screen:**

Screening device: **Drug Wipe Dual**

Batch Number: ..... Expiry Date .....

Two Control Lines appear **Yes No** Circle correct answer & cross out the incorrect answers

Any other Result Lines appear: **NONE Ca Co Op Am**

**Alcohol Screen:**

Time: hr : min

Result in numbers: Result in words:

**Alcohol Confirmation:**

Time: hr : min **20 minutes/less than 1 hour after initial test**

Result in numbers: Result in words:

**Signatures to acknowledge the results:**

Employee ..... Signature ..... Date .....

Trained Officer ..... Signature ..... Date .....

Witness ..... Signature ..... Date .....

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# Training and Development Policy

## Date of issue

Other formats are available.  
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Futures Park, Bacup.

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## 1.0 Introduction

1.0 This policy has been developed in line with Rossendale Borough Council's (the Council) overall vision and reflects a belief in the need to develop all permanent and temporary employees, whether employed on a full-time or part-time basis. It is based on the Council's core values:

<b>Customers Matter</b>	Recognising the diversity of customers and developing services which recognise individual needs
<b>Listening and Communicating</b>	Listening and communicating in a number of different ways
<b>Loyalty</b>	Building trust and confidence
<b>Management of Performance</b>	Remaining focused and delivering identified and measured outcomes
<b>Celebration of Success</b>	Evaluating, learning and recognising what we have done well

## 2.0 Aims of the Policy:

2.1 The aim of the policy is:

- Provide a framework to support all training and development activities.
- To provide a procedure to inform decision making in relation to organisational development.
- To ensure consistency and equality across the Council.
- To ensure the personal development needs of the individual employee are met in line with organisational needs.
- To provide essential training in relation to legislation to protect the interests of the Council and its employees.

## 3.0 Training and Development Initiatives

3.1 For the purpose of this policy, training includes professional qualification training courses, short training course, conferences, seminars, continuous professional development training, free of charge training and externally funded training.

3.2 The Council provides a range of training and development opportunities to staff in following categories:

- **Work related personal development and specific service area training.** These include internal and external courses providing technical training, for example, on the use of software packages and specialist training relating to the skills, including those identified as being essential for the role with a commitment to work towards, that an employee requires for their job role.
- **Training leading to or maintaining a professional or academic qualification.** The Council encourages employees who wish to pursue Continuous Professional Development (CPD) and where appropriate to gain further qualifications.

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- **Training that has a specific management or supervisory focus.** These include internal and external courses on manager development, supervisory skills for line managers and leadership development programmes.
- There is an essential requirement for all line managers to attend training programmes in the following areas: Absence Management, Performance Management, Health and Safety Awareness; undertaking Equality Impact Assessments; Recruitment and Selection and Investigation Training.
- **Health and Safety training.** This includes courses in manual handling, risk assessment, fire safety, first aid, Control of Substances Hazardous to Health 2002 (COSHH) for staff using chemicals, Legionella for Property Services Officers, Institute of Occupational Safety and Health (IOSH) Managing Safely for designated management positions and any other role specific health and safety requirements.
- **Corporate Training Courses** which the Council has identified as an essential requirement for all staff to attend. These courses will be commissioned by the People and Policy Team.

#### 4.0 Roles and Responsibilities

- 4.1 Line managers should encourage their staff to undertake relevant training programmes.
- 4.2 Line managers have a responsibility to monitor and evaluate the effectiveness of learning for employees who have undergone training and development.
- 4.3 Line managers should ensure that employees implement the skills that they have gained through training.
- 4.4 Employees are required to take up the training opportunities provided.
- 4.5 Employees are required to share knowledge and skills acquired from attending training programmes.

#### 5.0 Training and Development Needs

- 5.1 Training and development needs will normally be identified and agreed within the Performance Management Process.
- 5.2 Following the completion of the service area business plans, the line manager will conduct an Annual Appraisal meeting with each employee which will include the completion of an individual Performance Development Plan to identify the training needs for the employee for the forthcoming year.
- 5.3 A copy of the completed Personal Development Record will be forwarded to the People and Policy Team and placed on the employee's personnel file.

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- 5.4 All Personal Development Records must be submitted to the People and Policy Team by the end of May.
- 5.5 The information from the Personal Development Records will be collated by the People and Policy Team by the end of June.
- 5.6 On the completion of the Personal Development Records analysis the appraising manager will be requested to provide supporting information (such as, need for the training, cost of the training (3 quotes) and training provider) to the People and Policy Team for the approval of the training needs request by the end of August.
- 5.7 Training funding will be agreed with the HR Manager and the Director or Head of the Service to formulate the Training and Development Plan for the forthcoming year.
- 5.8 Training funding will be given as a priority to; Health and Safety training, essential training to enable an employee to competently undertake their duties and Continuous Professional Development (CPD) training programmes.
- 5.9 The appraisal manager will receive confirmation of agreed training from the People and Policy Team by the end of September.
- 5.10 Additional training such as, training relating to changes in legislation, may be agreed throughout the year following the completion of a Training Bid Application Form and authorisation from the HR Manager.
- 511 All training and development programmes attended will be recorded by the People and Policy Team.

## **6.0 Paid Time for Training Courses**

- 6.1 All training and development courses will be reimbursed at a standard day rate, that is, 7.4 hours (full day) and 3.7 hours (half day).
- 6.2 Payment for non-scheduled work day will be at flat rate, that is, 7.4 hours (full day) and 3.7 hours (half day) for example, Operations staff attending training on a rest day will be paid at plain time.

## **7.0 Training Expenses**

- 7.1 The Employee Training Agreement (Appendix B) will need to include cost of the training, accommodation and travel expenses, where applicable.
- 7.2 All costs for training expenses will be paid via the employee's salary on completion of the Employee Training Agreement (Appendix B). Use of the Council credit card or payments in advance will only be authorised by the HR Manager in exceptional circumstances, no expenses should be claimed through petty cash or Finance.

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- 7.3 Travelling expenses (where agreed) will be paid at the rate of second class public transport rates, mileage rates will only be paid if more cost effective and where public transport is not practical, all normal home to work travel costs, should be initially deducted from the claim.
- 7.4 No subsistence allowance or expenses will be paid for lunch/evening meals.
- 7.5 Unless agreed in the Training Bid Application Form no costs will be reimbursed for the purchase of stationary, books and equipment for any training courses undertaken.
- 7.6 All expenses must be submitted within three months of attending of the training course.

**8.0 Training Bid Application Form for training under £1000 (including expenses) – Appendix A**

- 8.1 A Training Bid Application Form under £1000 (including expenses) can be authorised by the Director or Head of Service.

**9.0 Training Bid Application Form for training over £1000 (including expenses) or professional qualification based course – Appendix A**

- 9.1 Training Application Bid for over £1000 or professional qualification base course will be considered by the Management Team, the Chief Executive Officer will make the final decision.
- 9.2 The Training Bid Application must demonstrate how the training intervention will benefit the Council and the employee undertaking the course.
- 9.3 A maximum of one day paid time off per week can be approved as part of the Training Bid Application (excluding academic holidays).
- 9.4 Course work or marked assignments must be managed by the employee in their own time, although an extension to the flexitime scheme to support the employee may be agreed with People and Policy.
- 9.5 Only one Training Bid Application Form for training over £1000 or for a professional qualification based course can be submitted every three years, unless there are exceptional circumstances or specific service need.

**10.0 Exams**

- 10.1 The Council will pay for all exam costs and up to a maximum of one re-sit. Any expenses incurred in relation to further re-sits or costs relating to an exam must be paid by the employee.
- 10.2 Time off for exams up to the maximum of one re-sit is allowed on the basis of one day per exam plus one study day. Any time off must be agreed with the employee’s line manager at least one week prior to the examination.

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## 11.0 Repayments of Fees

11.1 If an employee resigns, or is dismissed from the Council, within a three year period after completing a training course or a professional qualification course, as agreed in the Employee Training Agreement - Appendix A, they will be required to pay back the following amounts:

Within 0 – 2 years of completing	-100% of costs
Between 2 – 3 years	- 50% of costs
Over 3 years	- 0% of costs

11.2 The employee remains responsible for the repayment of fees even if the course is not completed, with the exception of course cancellation, and must repay the full amount as paid by the Council.

11.3 In certain circumstances the organisation may wish to negotiate part funding with an employee, in which case the above mentioned conditions would remain for the percentage of financial commitment made by the Council.

11.4 There may be occasions in which course fees are waived due to unforeseen circumstances, for example, the employee's post is made redundant and redeployment was not possible, or an employee may retire from the Council due to ill health. Each case will be assessed on an individual basis in conjunction with the HR Manager and the relevant service manager.

11.5 Apprentices and fixed term training contracts are exempt from the repayment of fees.

11.6 In circumstances where external training is considered to be a significant benefit to the Council, as well as the employee, approval for the course fees to be paid in full by the Council may be sought from the Chief Executive. Requests must be made via the People and Policy Team prior to the commencement of a training course.

## 12.0 Payment of Fees for a Professional Body Membership

12.1 The Council will pay fees for a Professional Body Membership to an employee on completion of 12 months service with the Council and if the qualification is an essential requirement for them to be able to operate within the role as agreed under the terms of the Local Conventions of the Council's Job Evaluation Scheme:

Planning: Member of the Royal Town Planning Institute

Finance: Member of the Consultative Committee of Accountancy Bodies

Building Control: Member of the Chartered Institute of Building Control

Human Resources: Member of the Chartered Institute of Personnel and Development

Environmental Health: Chartered Institute of Environmental Health

Legal: Member of Law Society or member of ILEX

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12.2 The payment will be made via the employee's salary on the submission of proof of payment to the professional body.

12.3 The Chief Executive Officer will have the discretion to pay professional fees to an employee that does not meet the above criteria.

### **13.0 Skills for Life**

13.1 The Council is committed to supporting all employees to obtain a level 2 Qualification in Maths and English.

### **14.0 National Vocational Qualifications**

14.1 The Council is committed in supporting all employees to obtain a vocational qualification in the relevant field of the employee's job role.

### **15.0 Non Compliance**

15.1 An employee must make every effort to ensure that the training course criteria is fulfilled. Failure to do so may result in the instigation of the Council's Capability Procedure.

15.2 For any position where a qualification is an essential requirement of the post, failure to gain and/or maintain the qualification within a reasonable time frame may result in the Capability Procedure being invoked and could ultimately lead to dismissal.

15.3 Failure to attend the training course or follow the Council's absence reporting procedure may result in formal action being taken in accordance with the Council's Disciplinary Policy.

### **16.0 Review of the Policy**

16.1 This policy will be reviewed every three years or as legislation requires in consultation with the Council's recognised Trade Union.

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**APPENDIX A**

**TRAINING BID APPLICATION FORM**

<b>Name</b>	
<b>Job Title</b>	
<b>Service Area</b>	
<b>Contact Number</b>	
<b>Title of Course</b>	
<b>Provider (Code for Procurement)</b>	
<b>Date(s)</b>	
<b>Course Fee</b>	
<b>Travel</b>	

**JUSTIFICATION STATEMENT FROM MEMBER OF STAFF**

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Signed \_\_\_\_\_ Applicant

Date \_\_\_\_\_

Please complete with reference to the **Training & Development Policy**  
By signing this form, you acknowledge that you have read and understood this policy document

**JUSTIFICATION STATEMENT FROM SERVICE MANAGER**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed \_\_\_\_\_ Service Manager

Date \_\_\_\_\_

Please complete with reference to the **Training & Development Policy**  
By signing this form, you acknowledge that you have read and understood this policy document

People & Policy Team Admin

Agreed HoS & Date	Supplier on Procurement	Course on Procurement	GRN



**APPENDIX B**

**EMPLOYEE TRAINING AGREEMENT**

Rossendale Borough Council is committed to the development and training of all its employees. The organisation will support through negotiation, funding and or time for training. However, Rossendale Borough Council expects that employees will:-

- a. Complete the designated training;
- b. Use the training to benefit the organisation.

Rossendale Borough Council expects a certain commitment from its employees in return for the commitment to provide training for staff. The following outlines the agreement between Rossendale Borough Council and employees embarking on financially supported training:-

- If an employee does not complete funded training they will pay back 100% of the total cost of the course;

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- If the employee leaves the employment of the organisation within 0 - 2 years from completion of the training they will pay back 100% of the total cost of the course;
- If the employee leaves the employment of the organisation between 2 - 3 years of the completion of their training, they will pay back 50% of the total cost of the course;
- If the employee leaves the employment of the organisation following 3 years' service after the completion of their training, there will be no charge for training received;
- In certain circumstances the organisation may wish to negotiate part funding with an employee, in which case the above mentioned conditions would remain for the percentage of financial commitment made by Rossendale Borough Council.

**NB. Deductions from wages**

Rossendale Borough Council reserves the right to withhold salary or to make a deduction or deductions from your salary in respect of such matter as (without limitation) failure to adhere to the Employee Training Agreement - return property issued to you, money owed by you to Rossendale Borough Council in respect of services received by you, overpayment of remuneration or expenses, unauthorised absence from work or to satisfy an order by a court or tribunal or statute requiring the payment of any amount by you to Rossendale Borough Council.

When Rossendale Borough Council intends to make any such deduction, save in relation to a final salary payment, you will be notified in advance and invited to make any representations you may wish about this matter, including the frequency and amounts of the deductions.

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**APPENDIX B**

**Training Agreement**

This contract is between Rossendale Borough Council and \_\_\_\_\_ who has been accepted onto (*insert course name*) \_\_\_\_\_

**Commencement Date** \_\_\_\_\_

**Expected End Date** \_\_\_\_\_

Rossendale Borough Council agrees to cover the following costs:-

Course Fees £ \_\_\_\_\_

Professional Membership £ \_\_\_\_\_

Examination Fees £ \_\_\_\_\_

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Books and Materials £ \_\_\_\_\_  
 Travelling Expenses £ \_\_\_\_\_  
 Accommodation Fees £ \_\_\_\_\_  
**Total Cost** £ \_\_\_\_\_

*You will not be required to repay the cost of time allowed away from work.*

In acknowledgement of the above financial commitment by Rossendale Borough Council, I the undersigned agree to the following;

If my employment is terminated for whatever reason (excluding redundancy) or I fail to complete the course, this training contract will cease. I will reimburse Rossendale Borough Council for all of the above training costs subject to the following;

- If I do not complete the funded training course I agree to repay 100% of the total cost of the course
- If I leave the employment of the organisation within 0 - 2 years from completion of the training I will repay 100% of the total cost of the course
- If I leave the employment of the organisation between 2 - 3 years of the completion of the training, I will repay 50% of the total cost of the course
- If I leave the employment of the organisation following 3 years' service after the completion of the training, there will be no charge for training received

In the event of this clause being enforced, I authorise deduction of these monies from my final salary payment.

I have signed in acceptance of the above agreement.

Signed \_\_\_\_\_ Date \_\_\_\_\_

(Employee's name)

*(Please complete with reference to the **Training & Development Policy**. By signing this form, you are acknowledging that you have read and understood this policy document)*

Signed \_\_\_\_\_ Date \_\_\_\_\_

(Line Manager)

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Signed \_\_\_\_\_ Date \_\_\_\_\_

(HR Manager or Senior Manager)

*A copy of this agreement will be retained on your personnel file with the People and Policy team. You should also retain a copy for your own records.*

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# CLAIM FORM FOR TRAINING EXPENSES

Name:		
Employee No.		

1. Training expenses should be approved prior to spend
2. Appropriate receipts must be attached to this form
3. The claim form must be signed by both employee and Line Manager
4. Falsification of these details is a disciplinary offence and may constitute gross misconduct
5. If the form is incomplete or not correctly verified, then it will be returned to you and will not be processed
6. The terms and conditions are as specified in the Training and Development Policy on the intranet or is available from People and Policy
7. Claims must be made within three months of their being incurred or they will not be paid

DATE OF EXPENSE (dd/mm/yy)	DETAILS / PURPOSE  (Indicate - Type of transport, car parking, accomodation, subsistence etc)	EXPENSES SUBJECT TO VAT (EXCL VAT)	VAT	EXPENSES NOT SUBJECT TO VAT
		£0.00	0.00	0.00
			<b>TOTAL</b>	<b>0.00</b>
Signed by Employee			Date	
Certified by Head of Service			Date	

Certified as a true and correct record

The expenses claimed have been incurred in undertaking training whilst in the service of Rossendale Borough Council

Signed by Employee \_\_\_\_\_

Date \_\_\_\_\_

Certified by Line Manager \_\_\_\_\_

Date \_\_\_\_\_

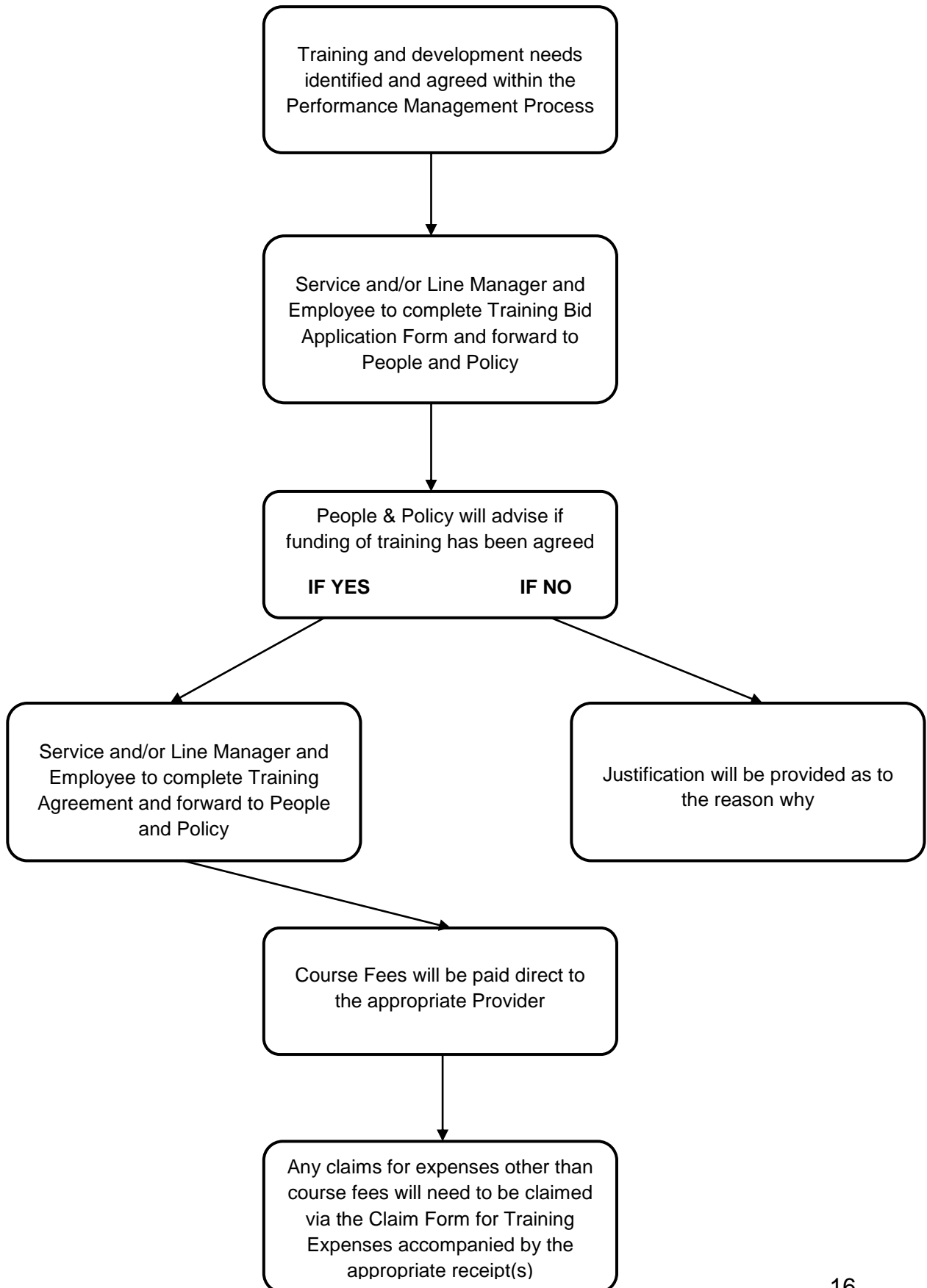
Accepted & Authorised by Payroll \_\_\_\_\_

Date \_\_\_\_\_



APPENDIX D

TRAINING & DEVELOPMENT



# Pay and Grading Policy

## Date of issue

Other formats are available.  
Please call 01706 217777 or  
visit our One Stop Shop at  
Futures Park, Bacup.

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## 1. Introduction

The Pay and Grading Review undertaken for Council employees previously paid on APT&C and Manual Worker Terms and Conditions, was in response to two National Agreements called the Single Status Agreement, and the NJC Agreement. The 1997 Single Status Agreement which was agreed between Trade Unions and Employers at national level, required local authorities to harmonise former APT&C and Manual Worker employee groups under a single set of terms and conditions. This became a firm commitment when Trade Unions and Employees agreed the 2004 National Pay Agreement.

This procedure enables Rossendale Borough Council (the Council) to have a fair and transparent process for assessing levels of grades of posts. Where it is considered that there has been a significant and permanent change to the duties and responsibilities of a particular post or where there is the need to establish a new post, this procedure enables Council posts to be considered and amended where it is appropriate to do so.

This procedure ensures that the Council has a clear grading and appeals procedure which is based on the Job Evaluation Scheme and will assist the Council to meet its obligations as set out in the Equalities Act 2010.

The Council, as part of the initial Pay and Grading Review, committed to further development of the Job Evaluation Process for dealing with new and existing posts following implementation of the review.

The process will still require approval for any changes to structures through the Scheme of Delegation process and will involve corporate consideration of financial, legal and human resource implications.

## 2. Background

The Job Evaluation process was established and agreed in partnerships with the Trade Unions as part of the Pay and Grading Review. The Council has selected the GLPC (Greater London Provincial Council) (GLEA) Job Evaluation Scheme as the mechanism to assess the relative value of jobs. The Scheme consists of 8 factors and the process resulted in a series of point scores for each of the jobs evaluated. The resulting scores were then used as the basis for assimilation to the grading structure.

Collecting accurate job description information is a crucial part of the job evaluation process. And as such there may a requirement to complete a Job Evaluation Information Sheet (JEIS) which has been developed to be used as an integral part of the data gathering. Job descriptions and person specifications will also provide relevant information for job evaluations.

The People and Policy team will provide advice and guidance to Managers and staff on job evaluation processes and completion of the Job Evaluation Information Sheet.

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### **3. Remuneration**

In line with the Council's Pay Policy and the National Joint Council for Local Government Services – Pay and Conditions of Service, the Council will pay a minimum spinal column point which will equate to the Living Wage.

All remuneration above the minimum point will be made in accordance with the Council's Grading Structure. Progression through the grade occurs through the payment of an additional annual increment on 1 April each year.

### **4. Applicable to**

This procedure applies to all Rossendale Borough Council employees except those on an Apprentice or Work Placement Scheme and Senior Managers paid on Grade 9, that is, spinal column point 45 and above.

Officers paid at Grade 10 and above, that is spinal column point ? and above will be subject to job evaluation via the HAY Scheme and independently assessed and quality assured by Korn Ferry (formerly the HAY Group).

### **5. Grading Assessments**

Grading Assessments may be undertaken through;

**a. The requirement to review a post at least every 5 years as detailed in the initial Pay and Grading Review.**

The Manager and/or People and Policy will identify posts which have not been reviewed since the initial job evaluation exercise in 2007 and arrange for them to be reassessed.

**b. A management initiated restructure or review of the Service which results in the creation of a new post(s) or for a revision to an existing post.**

A management initiated restructure or review could involve, creation of a new post where there is no existing evaluation which is the same or similar or revision to an existing post where there are significant changes to the duties and responsibilities. These responsibilities could be increased or reduced.

Where a new post is being created or an existing post revised, the Manager must provide the relevant documentation so that the post can be appropriately assessed in accordance with the agreed Job Evaluation methodology.

The documentation to be provided should include the signed Scheme of Delegation, job description and person specification and where a new post is being created the completion of a Job Evaluation Information Sheet.

Managers and Trade Unions, on behalf of their members, have the opportunity to comment on the proposed review during the Scheme of Delegation process.

**c. An employee initiated request for the post to be reassessed in accordance with evidence provided, where the employee feels there has been a substantial change in duties and responsibilities.**

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An employee initiated request may be considered in accordance with the process if they consider that their job has changed significantly and a regular and permanent basis since the original evaluation was undertaken.

In the first instance, the employee is encouraged to discuss this with their Manager. This may be during the annual personal development review or at any time the employee feels there has been a substantial change to the duties and responsibilities of their post.

When making an application to the People and Policy team, the employee should complete a Job Evaluation Information Sheet. They should consider and provide information regarding the reason and basis on which they are submitting their application. Demonstrable evidence will need to be provided to support this along with confirmation from their Manager that they agree that the post has changed significantly.

The Manager will also need to provide supporting evidence that any potential increase in grade can be supported financially by the Service.

An assessment will be undertaken from the information provided by both employee and Manager and the outcome will be communicated to both employee and Manager. The employee will be informed of their right of appeal.

Where there is a change in grade resulting from the reassessment, this will be effective from the date on which the application was made, unless there is agreed evidence that this should be backdated and supported by the appropriate Service Director.

Where an employee is dissatisfied with the grade of their post, it should be noted that there may be circumstances or situations where particular duties and responsibilities of a post may vary from time to time without necessarily changing the general duties or levels of responsibility. Such variations may be a general occurrence and will not be considered as a justification for consideration of a reassessment.

It should also be noted that although there may be an agreement that some of the duties and responsibilities of the post have increased, this may not necessarily, in itself, support a change to the grading of the post.

Employees undertaking additional duties as a result of the absence of the substantive postholder will not be assessed under this policy but will instead be remunerated in accordance with the Honoria, Secondment and Act-Up Procedures.

## **6. Job Evaluation Process**

### **Stage 1 - Newly Established and/or Changes to Existing Posts**

Approval to establish a new post is requested via the Scheme of Delegation.

A job description and person specification and details of the service structure to assess the hierarchical level must be attached to the Scheme of Delegation form.

Once approval has been given to establish the post, a trained Job Evaluator from the People and Policy team, will evaluate the post and determine the grade. The initial provisional assessment will incorporate a Job Evaluator reviewing the documenting evidence against the Council's Job Family Competency Matrix - see Appendix A. This will establish a preliminary grade.

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The evaluation will be based on the job description and person specification, and a discussion with the relevant Manager.

Where the Job Evaluator identifies that a similar post has already been through the job evaluation process, a comparison of the duties and responsibilities will be undertaken (see Stage 2).

### **Stage 2 - Existing Posts Comparisons**

A Job Evaluator will assess if a similar post has already been subject to job evaluation within the organisation and where an evaluation is identified, a comparison will be undertaken of the duties and responsibilities. Further information will be sought, where required, to identify the actual requirements of the job, where these are not clear, to ensure that an accurate comparable match has been identified.

Details of the comparable match will be communicated to the nominated Moderator (Quality Assurance check) who will agree or decline the Job Evaluator's recommendation.

If the recommendation is declined, the Moderator will provide justification for their decision and the Job Evaluator will undertake a new job evaluation assessment.

Where an appropriate comparable match cannot be identified, a Job Evaluator will undertake an initial provisional assessment, documenting evidence taken from the Job Description;

Person Specification and Job Evaluation Questionnaire – see Appendix B or Job Evaluation Information Sheet – see Appendix C.

The initial provisional assessment will incorporate a Job Evaluator reviewing the documenting evidence against the Council's Job Family Competency Matrix – see Appendix A. This will establish a preliminary grade.

The Job Evaluator will also consider the impact of the newly established post on the duties and responsibilities of other posts in the team and will discuss any recommendations with the relevant Manager.

### **Stage 3 – Quality Assurance Checks/Moderation**

An independent assessment will be undertaken which will include a comparison of the rank order with the evaluation of other jobs proximate either vertical or horizontal.

A nominated Moderator will ensure that all the duties and responsibilities of the post and the evidence provided has been 'captured' within the assessment. Where the consistency check identifies any discrepancies, i.e. identified by comparison with other similar jobs, these will be discussed with the Job Evaluator. Where there are no discrepancies identified, the outcome will be communicated to the appropriate Manager.

The results of any job evaluation will be shared with the Trade Union for information purposes only.

### **Stage 4 - Confirmation of Agreed Outcome**

The decision of the nominated Moderator will be actioned. The People and Policy team will communicate the finalised grade of the post, and where necessary, re-distribute any revised

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documentation. This will include any Scheme of Delegation items or amendments to the Council's Authorised Establishment.

The People and Policy team will be responsible for recording Job Evaluation outcomes on the HR system and communicate the outcome to the Manager. Management would then assume responsibility for communicating the decision to employees (where applicable), and will provide the new documentation relating to any changes.

Where the outcome of the Job Evaluation Assessment results in the increase of the grade/salary of the post, this will be applied with immediate effect and will be applied at the bottom spinal column point of the appropriate grade. Where there is an overlap of spinal column points between the grades, an additional increment of one spinal column point will apply.

## **7. Salary Protection**

Where the outcome of the Job Evaluation Assessment results in the reduction of the grade/salary of the post, salary protection will be applied for a period of 6 months, inclusive of contractual notice periods.

The revised protection arrangements apply to all staff and replace any previous protection arrangements that have been in place since the implementation of the Council's Pay and Grading Review.

The current arrangements in place for employees displaced through re-deployment will not be affected.

## **8. Market Factor Supplements**

Dependent upon the job role, specialism or function, the Council competes within the local, regional and national labour markets in relation to the recruitment and retention of employees. The relevant labour market may include another local authority or elsewhere in the public or private sectors.

All established posts are job evaluated to determine the grade and pay. Where it can be justified, payment of a market supplement is a way of increasing the salary of a post where it is not competitive and therefore causes recruitment and retention difficulties. Market supplements are not linked to an individual's actual or anticipated performance within the role.

The People and Policy team will, on receipt of a request from a Manager to enhance the pay of a particular job by payment of a market factor supplement, ensure that this is applied in line with the current policy. See Appendix E.

## **9. Grading Appeal Procedure/Process**

Employees have a right to submit an appeal against the outcome of the Job Evaluation Assessment.

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## Informal Stage

Staff will receive a letter advising them of the outcome of the Job Evaluation, confirming any change to grade/salary and the breakdown of the assessment of their post.

If an employee wishes to query the level for a specific factor(s), in the first instance they should speak to their Manager, a trained job evaluator in the People and Policy team or their local Trade Union Representative.

## Final Stage

Having followed the Informal Stage, an employee will have the right to appeal against the level for a specific factor(s) following the job evaluation of their post.

They must write to the HR Manager within 10 working days of being given written confirmation of their grade/salary, stating the grounds for their appeal. The grounds for any appeal must be against the level for a specific factor(s).

The People and Policy Team will consider the grounds and prepare a written management response in relation to the factor levels.

Arrangements will be made for an Appeals Panel, comprising of the Chief Executive (or their nominated representative who does not have responsibility for the service area of the employee), a Service Manager and an independent Trade Union Representative to hear the appeal within 20 working days after receipt of the written appeal. The Appeal Panel will be provided with the written grounds for appeal submitted by the employee and the written management response prepared by the People and Policy Team.

The Appeals Panel will be advised by an officer from the People and Policy or Legal team who will advise on procedural matters relating to the Appeal process.

The employee will be given not less than 7 working days' notice in writing of the date of the Appeal Hearing.

The People and Policy team will arrange the exchange of papers to all relevant parties, within 5 working days prior to the Hearing date.

The employee may be accompanied at an Appeal Hearing by a Trade Union Representative or work colleague and should make their own arrangements accordingly. The companion may address the Hearing and advise the employee but they cannot answer questions on their behalf.

The Council may at its discretion, permit a companion who is not an employee or a Trade Union Representative (for example, a family member) to attend a meeting.

If the employee or their Trade Union Representative or work colleague is unable to attend the Hearing date, the employee can propose an alternative time and date for the Appeal Hearing which must take place within 7 working days of the original Hearing.

The Appeals Panel will consider the appellants submission together with the management response.

The employee will present their grounds for appeal at the Hearing and state their justification for this.

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Members of the panel will have the opportunity to address the employee and any members of the Informal Stage of Appeal.

Members of the panel will adjourn the Hearing and will reconvene to either; clarify points in respect of the information provided or to provide the outcome of their decision.

The Appeals Panel shall have the right to provide one of the following outcomes;

- a. **Uphold the appeal** – where all the points made by the employee are evidenced and agreed, in which case the post will be re-assessed by the People and Policy team on the basis of the areas agreed and the outcome of the re-assessment will be applied. Where this results in a change to the grade of a post, any change in salary will be effective from the date of the claim
- b. **Partially uphold the appeal** - where some of the points made by the employee are evidenced and agreed, in which case only the relevant points will be re-assessed by the People and Policy team. Where this results in a change to the grade of a post, any change in salary will be effective from the date of the claim
- c. **Decline the appeal** – this would apply where the employee submission is not agreed. In this case no further action in respect of the evaluation process would be required

In the event of the Appeals Panel decision altering the grade, the People and Policy team will produce a Scheme of Delegation item to confirm the change and amend the authorised establishment.

The Panel will record its decision in writing and the People and Policy team will communicate this to the employee and the relevant Service Manager within 10 working days of the Hearing.

The decision of the Appeal Panel is final and there will be no further right of appeal. The Council will not accept further appeals from employees on grading matters where the procedure has been fully exhausted.

## 10. **Monitoring and Review**

The People and Policy team will be responsible for monitoring and administering the procedure.

The procedure will be reviewed on a 3 yearly basis and updated in light of any required changes which may be due to legislation or case law.

## 11. **Equality Considerations**

Service Managers are responsible for ensuring that they operate the policy in line with the Council's Equal Opportunities Policy to provide equality of opportunity for all employees.

The Council is committed to ensuring that no-one is discriminated against, disadvantaged or given preference, through membership of any group, particularly based on age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil

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partnership and pregnancy or maternity. The policy will be equally applied to all employees irrespective of their background.

In addition, in line with the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA) Part 3, the Council is committed to ensure that employees are not disadvantaged or discriminated against by virtue of their Trade Union membership in the application of this policy.

## Appendix A

### JOB FAMILY COMPETENCY MATRIX AND PROFILES

GRADE	ESSENTIAL REQUIREMENTS
<b>10+</b>	Strategic / Leadership / Statutory Officer / Risk / Financial / Professional / Professional Body
<b>9</b>	Professional / Professional Body / Statutory Officer / Supervision
<b>8</b>	Professional / Professional Body / Supervision
<b>7</b>	Professional / Para Professional / Professional Body / Supervision
<b>6</b>	Para Professional / Degree or willing to work towards / Proven experience
<b>5</b>	Technical / Professional / Degree or willing to work towards / Technical Admin / Supervision

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<b>4</b>	Technical Admin Officer
<b>3</b>	Admin Officer
<b>1 / 2</b>	Admin Assistant

<b>JOB FAMILY COMPETENCY PROFILES</b>				
<b>Grade</b>	<b>Spinal Column Point (SCP)</b>	<b>Essential Qualification Requirements</b>	<b>Office Based Competencies</b>	<b>Technical Competencies</b>
<b>1</b>	Living Wage	NVQ 2 or equivalent or equivalent level of experience required. Experience of routine clerical tasks. Experience of Microsoft Office	Job requires working to set procedures with clearly defined rules, instructions and advice involving a limited range of tasks. Exchange of well-established information on non-contentious matters	Job requires working to set procedures with clearly defined rules, instructions and advice involving a limited range of tasks. Exchange of well-established information on non-contentious matters
<b>2</b>	<b>12 – 17</b>	Educated to GCSE standard. NVQ 2 or equivalent or equivalent level of experience required. Experience of a range of clerical tasks.	Job requires working to set procedures with clearly defined rules, instructions and advice involving a range of tasks with some requirement for problem	Job requires working to set procedures with clearly defined rules, instructions and advice involving a range of tasks with some requirement for problem

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		Experience of Microsoft Office & ICT proficient in specific software packages as required	solving. Exchange of well-established information occasionally dealing with non-straightforward issues	solving. Exchange of well-established information occasionally dealing with non-straightforward issues
<b>3</b>	<b>17 – 21</b>	Educated to GCSE standard Grade C or above. NVQ 3 or equivalent or equivalent level of experience required or work specific appropriate level qualification e.g. AAT, Accounting. Experience of a wide range of administrative tasks. Experience of Microsoft Office & ICT proficient in specific software packages as required	Job requires working to set procedures with defined rules, instructions and advice involving a range of tasks with some requirement for problem solving. Exchange of well-established information dealing with non-straightforward issues occasionally requiring interpretation. Some responsibility for small items of equipment or financial resources	Job requires working to set procedures with defined rules, instructions and advice involving a range of tasks with some requirement for problem solving. Exchange of well-established information dealing with non-straightforward issues occasionally requiring interpretation. Some responsibility for equipment, vehicles or machinery and use of non-manual tools. There may be a need for moderate/substantial physical effort undertaken with exposure to all weather or disagreeable/unpleasant conditions
<b>Grade</b>	<b>SCP</b>	<b>Essential Qualification Requirements</b>	<b>Office Based Competencies</b>	<b>Technical Competencies</b>
<b>4</b>	<b>21 – 24</b>	GCSE standard Grade C or above. NVQ 3 or equivalent or equivalent level of experience required or work specific appropriate level qualification e.g. AAT, Accounting. Considerable experience of a wide range of administrative tasks. Experience of Microsoft Office & ICT proficient in specific software packages as required	Job requires working to set procedures with defined rules, instructions and advice involving a range of involved tasks with requirement for problem solving. Exchange of well-established information dealing with non-straightforward issues requiring interpretation and persuasion. Some responsibility for small items of equipment or	Job requires working to set procedures with defined rules, instructions and advice involving a range of involved tasks with requirement for problem solving. Exchange of well-established information dealing with non-straightforward issues requiring interpretation and persuasion. Some responsibility for equipment, vehicles or machinery and use of non-manual tools.

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			financial resources	There may be a need for moderate/substantial physical effort undertaken with exposure to all weather or disagreeable/unpleasant conditions
5	24 – 27	GCSE standard Grade B or above. Educated to 'A' level standard or equivalent in work specific qualification e.g. Business Studies, Computing. Considerable experience of a wide range of administrative tasks. Experience of Microsoft Office & ICT proficient in specific software packages as required. Managerial experience for staff/resources	Job requires working within recognised procedures, but with the ability to interpret and decide on required action. Ability to undertake involved tasks with responsibility for staff. Exchange of information requiring tact and persuasion resolving non-straightforward issues. Some responsibility for small items of equipment or financial resources	Job requires working within recognised procedures, but with the ability to interpret and decide on required action. Ability to undertake involved tasks with responsibility for staff. Exchange of information requiring tact and persuasion resolving non-straightforward issues. Responsibility for equipment, vehicles or machinery and use of non-manual tools. There may be a need for moderate/substantial physical effort undertaken with exposure to all weather or disagreeable/unpleasant conditions
<b>Grade</b>	<b>SCP</b>	<b>Essential Qualification Requirements</b>	<b>Office Based Competencies</b>	<b>Technical Competencies</b>
6	28 – 32	Degree in relevant subject area or equivalent or working towards. Experience of developing, implementing and managing appropriate systems and procedures to support the service area. Managerial experience for staff/resources	Job requires working within recognised procedures, but with the ability to be creative and interpret and decide on required action. Ability to undertake involved tasks with responsibility for staff. Exchange of contentious or complex information	Job requires working within recognised procedures, but with the ability to be creative and interpret and decide on required action. Ability to undertake involved tasks with responsibility for staff. Exchange of contentious or complex information requiring support, tact,

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			requiring support, tact, persuasion and sensitivity. Responsibility for items of equipment and/or security of financial resources	persuasion and sensitivity. Responsibility for items of equipment, vehicles or machinery and/or security of financial resources
7	32 – 38	Degree in relevant subject area or equivalent. Member of relevant Professional Body. Substantive experience of developing, implementing and managing appropriate systems, policies and procedures to support the service area and management of staff/resources	Job requires interpretation of guidelines, legislation, national and/or local policies and procedures with innovative problem solving skills. Exchange of contentious or complex information requiring support, tact, persuasion and sensitivity. Responsibility for items of equipment and/or security of financial resources. Ability to undertake a variety of advanced tasks requiring detailed knowledge and skills. Responsibility for staff	Job requires interpretation of guidelines, legislation, national and/or local policies and procedures with innovative problem solving skills. Exchange of contentious or complex information requiring support, tact, persuasion and sensitivity. Responsibility for items of equipment and/or security of financial resources. Ability to undertake a variety of advanced tasks requiring detailed knowledge and skills. Responsibility for staff
<b>Grade</b>	<b>SCP</b>	<b>Essential Qualification Requirements</b>	<b>Office Based Competencies</b>	<b>Technical Competencies</b>
8	39 – 44	Degree in relevant subject area or equivalent. Member of relevant Professional Body. Significant experience of a wide range of processes including planning, developing, implementing and managing	Job requires interpretation of guidelines, legislation, national and/or local policies and procedures with innovative problem solving skills. Exchange of contentious or complex information requiring support, tact, persuasion and sensitivity.	Job requires interpretation of guidelines, legislation, national and/or local policies and procedures with innovative problem solving skills. Exchange of contentious or complex information requiring support, tact, persuasion and sensitivity. Responsibility for

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		processes/systems	Responsibility for items of equipment and/or security of financial resources. Ability to undertake a variety of advanced tasks requiring high level knowledge and skills with management responsibility covering a wide range of activities	items of equipment and/or security of financial resources. Ability to undertake a variety of advanced tasks requiring high level knowledge and skills with management responsibility covering a wide range of activities
9	45 - 49	Degree in relevant subject area or equivalent. Member of relevant Professional Body. Leadership Officer with significant experience of a wide range of processes including planning, developing, implementing an managing processes/systems and shared responsibility for strategic decision making	Job requires creative and innovative skills requiring expertise in one or more of the Council's services. Regular exchange of contentious or complex information requiring a high degree of support, persuasion and advocacy. Responsibility for the safekeeping of items of equipment and/or security of high value financial resources. Ability to undertake a variety of advanced tasks requiring high level knowledge and skills with management responsibility covering a wide range of activities at a strategic level	Job requires creative and innovative skills requiring expertise in one or more of the Council's services. Regular exchange of contentious or complex information requiring a high degree of support, persuasion and advocacy. Responsibility for the safekeeping of items of equipment and/or security of high value financial resources. Ability to undertake a variety of advanced tasks requiring high level knowledge and skills with management responsibility covering a wide range of activities at a strategic level
<b>Grade</b>	<b>SCP</b>	<b>Essential Qualification Requirements</b>	<b>Office Based Competencies</b>	<b>Technical Competencies</b>
10+	49 - 53	Degree in relevant subject area or equivalent. Member of relevant Professional Body. Senior Leadership Officer with significant experience of a wide range of processes including planning,	Job requires planning, co-ordination and management of groups of employees carrying out work across a range of major functions. Work will involve challenging situations on diverse	Job requires planning, co-ordination and management of groups of employees carrying out work across a range of major functions. Work will involve challenging situations on diverse subjects which have extensive policy

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		developing, implementing an managing processes/systems and responsibility for strategic decision making	subjects which have extensive policy or service implications. The job will have a continued responsibility for decision making in relation to Council policies, service practice and provision. The job required an advanced/high level of knowledge and skill in a range of specialist disciplines	or service implications. The job will have a continued responsibility for decision making in relation to Council policies, service practice and provision. The job required an advanced/high level of knowledge and skill in a range of specialist disciplines
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**Appendix B**

**GREATER LONDON PROVINCIAL COUNCIL JOB EVALUATION SCHEME  
POST HOLDER JOB EVALUATION QUESTIONNAIRE**

<b>Name:</b>	<input type="text"/>
<b>Job Title:</b>	<input type="text"/>

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**Pre-evaluation Grade:**

**Department:**

**Section:**

**Post No:**

**Responsible To:**

**CONTENTS AGREED BY:**

**Name of Post Holder:**

**Name of Post Holder's Manager:**

**Signature:**

**Signature:**

**Date:**

**Date:**

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## INSTRUCTIONS

The purpose of this questionnaire is to record key information and job content to help in the evaluation of the post. The information should relate to the post and not to the person who occupies it at present.

The post holder should complete this form, ideally involving his/her Trade Union Representative and then agreed by the Manager.

**If available, an up to date job description and an organisational structure chart should also be attached**

### MAIN PURPOSE / REASON FOR THE JOB:

Please describe in one or two sentences the overall purpose of the job.

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**MAIN RESPONSIBILITIES, DUTIES & TASKS:** Please list main job areas showing average proportion of the time spent on each. (Unlikely to be more than six or so).

Please list your main duties:

Please identify how often each occur –  
Daily, weekly, monthly, quarterly, or annually

1.

2.

3.

4.

5.

6.

Other.

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## 1 Supervision / Management of People

This section records any direct responsibility the post has for the supervision or management of council employees or others.

### 1.1 Council Employees – Full time responsibility

Indicate the number of employees directly supervised by the post. Indicate the level of authority (e.g. allocate work, instruct, direct, organise, training, appraisal, discipline). Indicate also where the supervision is shared with others. Direct supervision includes all employees managed by others for whom the post holder has line management responsibilities

Title and nature of the work carried out	Number*	Nature of Authority

### 1.2 \*Numbers

If the numbers supervised vary throughout the year, please provide details of maximum and minimum numbers and timescales

### 1.3 Deputising

Does the post have any formal deputising responsibility for managing employees? If so please indicate the nature of the responsibility and how often it occurs. Indicate the number and type of staff affected.

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#### 1.4 Project Teams

Does the post lead any project teams? If so, indicate the type of project team, its composition and how long the post holder has this authority.

#### 1.5 Contract staff / Agency Workers

Specify any responsibility that the post has for contract or agency workers. Indicate the number involved and the nature of the responsibility.

#### 1.6 Location of Employees

Are the employees supervised / managed by the postholder based at the same place of work, or on different site(s) or are they mobile? How often would the manager be at the same location as the employees?

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## 2 Creativity and Innovation

The extent to which the work requires innovation and imaginative responses to issues and in the resolution of problems.

### 2.1 Examples of Creativity / Innovation

Give examples of areas where the post requires creativity and innovation in for example design, specifications and tendering, counselling and caring, application of IT, policy development, interpersonal skills, written or spoken word.

### 2.2 Examples of Problem Solving

Give examples of typical problems / situations a post holder will need to resolve during the course of their work. Indicate how frequently each type of problem / situation is likely to occur.

### 2.3 Guidelines, procedures and systems

To what extent is the work undertaken by the post determined or assisted by guidelines, procedures and systems? Indicate how:

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### 3 Contacts and Relationships

The degree of personal contact and the nature of relationships with others required to carry out the job.

#### 3.1 Nature of Contacts and Relationships

Describe contacts and relationships within the section or department, with other departments, the public, external groups and organisations, their purpose and frequency

<b>WHO</b> (e.g. work colleague, other department, client, suppliers etc)	<b>Purpose of Contact</b> (e.g. exchanging information, providing advice, providing care, formal training, negotiations etc)	<b>Frequency</b> (e.g. daily, weekly, etc)

#### 3.2 Complex / Contentious Issues

Does the post have to communicate with contacts on matters of a complex and/or contentious nature? Please give examples and indicate how often these occur.

#### 3.3 Representing the Council

Does the post represent or negotiate on behalf of the Council? Please identify the circumstances and how often this occurs.

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#### 4 Decisions – Discretion

This factor looks at the decisions or recommendations that the post takes to achieve its outcome.

##### 4.1 Decisions

Give examples of the most important decisions that your post requires. Record only those decisions which the post has authority to take.

Nature of Decision	Who it affects (e.g. your department/section, clients, other departments, service provision, Whole authority, corporate policy etc)	Guidelines / Limits (e.g. policies, procedures, working standards, regulations, guidelines, financial / operational limits)

##### 4.2 Recommendations

Give example of the most important recommendations that the post is required to make

Nature of Recommendation and who it is given to (e.g. recommend change in procedure to Manager)	Who it affects (e.g. your department/section, clients, other departments, service provision, Whole authority, corporate policy etc)	Guidelines / Limits (e.g. policies, procedures, working standards, regulations, guidelines, financial / operational limits)

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#### 4.3 Availability of Advice / Guidance

Describe how advice on what may be the limit to decision making is available from the post's Manager, or other sources (e.g. rules, guidelines). Is this advice available all the time?

### 5 Decisions – Consequences

The impact of the decisions / recommendations taken.

#### 5.1 Impact of Decisions / Recommendations

Identify the major consequences of any decisions or recommendations the post makes for clients, the public, other staff or the service

<b>Type of Decision / Recommendation</b>	<b>Who it affects</b> (e.g. your department/section, clients, other departments, service provision, Whole authority, corporate policy etc)	<b>Scale of Impact</b> (e.g. limited - short term, major – long term effect)

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5.2 Implications of a decision by the post holder

If the post holder made a legitimate, but incorrect, decision, what would be the likely impact? Give potential examples below but exclude events that are highly unlikely to occur. For each example indicate how quickly the error would be identified and rectified.

**6 Resources**

Personal and identifiable accountability for physical and financial resources including those of clients.

6.1 Cash / Financial Resources

Is the post personally and identifiably accountable for the accurate handling / security of cash and cheques? If yes specify the average amount controlled at any one time and the nature of the accountability.

Average amount controlled at any one time	Nature of accountability Indicate whether this is continuous or shared with others. How often are these resources handled: daily, weekly, monthly etc?

6.2 Plant / Equipment

Is the post personally accountable for the proper use / safekeeping of plant / equipment?

If yes please indicate the type(s) of plant/equipment and the nature of the accountability.

Type of plant / equipment	Nature of accountability Indicate whether this is continuous or shared with others

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### 6.3 Stocks / Materials

Is the post personally accountable for materials / items of stock? If yes please indicate the type and approximate value and the nature of accountability.

<b>Type and approximate average value of materials / stock</b>  (held at any one time)	<b>Nature of accountability</b>  Indicate whether this is continuous or shared with others

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#### 6.4 Data Systems

Is the post personally accountable for the use, manipulation and safekeeping of data systems whether manual or computerised? If yes please indicate the type of system(s) and the nature of the accountability.

Type of Data System	Nature of accountability Indicate whether this is continuous or shared with others

Please explain the importance of the data systems identified above to the Council's operations.

#### 6.5 Buildings

Is the post personally accountable for the proper use and safe keeping of buildings? If yes please indicate the type of building(s) concerned and the nature of the accountability

Type of Building	Nature of accountability Indicate whether this is continuous or shared with others

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## 7 Work Demands

The impact of deadlines, interruptions, changes in priorities and resource conflicts on the post.

### 7.1 Work Plan

How is the post's work planned?

### 7.2 Interruptions / Changes to the work plan

How often is the planned work of the post subject to interruptions and/or changes? Give examples, identifying the cause of the interruption and the frequency with which it occurs.

### 7.3 Deadlines

Is the work of the post subject to deadlines? If yes please give examples and the frequency with which they occur.

### 7.4 Conflicting Priorities / Resource Needs

Does the post have to RESOLVE situations where there are conflicting priorities / resource needs? If yes give examples of situations the post encounters and explain how the post resolves them. Indicate how frequently these situations occur.

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## 8 Physical Demands

The amount and continuity of physical effort required to do the job.

### 8.1 Type and Frequency of Physical Demand

Please indicate the type, frequency and duration of any physically demanding activity that is a requirement of the post.

<b>Type of Physically demanding activity</b> (e.g. standing, walking, lifting, cleaning)	<b>Frequency and duration</b> (e.g. 2 hours every day)

### 8.2 Use of IT Equipment

Does the post require the use of IT equipment? If yes please indicate the nature and level of usage.

<b>Nature of usage</b> (e.g. spreadsheets, data entry)	<b>Level of usage</b> (e.g. 2 hours every day)

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## 9 Working Conditions

### 9.1 Normal Place of Work

Indicate the post's normal place(s) of work (e.g. office, client's house, workshop etc). Where more than one place is specified please indicate the relative time spent in each.

### 9.2 Disagreeable Conditions

Is the post exposed to any disagreeable conditions (e.g. working outside, noise, dirt etc)?

If yes please indicate the type of condition below and the frequency and duration of exposure.

<b>Nature of condition</b> (e.g. noise, working outside)	<b>Level of exposure</b> (e.g. 2 hours every day)

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## 10 Work Context

### 10.1 Potential Risk to Personal Health or Safety

Is there any potential risk to personal safety, illness, health? If yes please give examples stating who or what poses the potential risk and the frequency of exposure.

Nature of risk	Frequency of Exposure

If the post involves contact with the public or clients can the post holder call on the immediate support of other members of staff? Please give examples.

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## 11 Knowledge and Skill

This factor measures knowledge and skills, in their broadest sense, in relation to the work or discipline required by any job covered by the Scheme, and which are necessary for the competent performance of the full duties and responsibilities of the job

### 11.1 Type of Knowledge and Skill

What type of knowledge and skill is required in order to perform the duties of the post? Indicate also the depth of knowledge/skill required in each.

These may include technical, professional, operational or specialist disciplines as well as caring, interpersonal, literacy and linguistic skills, diplomacy, sensitivity, tact, dexterity, numeracy, knowledge of equipment and machinery, operational techniques, concepts, theories, procedures, and communications and management skills.

Type of Knowledge / Skill	Depth of knowledge / skill (e.g. Basic knowledge, Working knowledge, council expert)

### 11.2 Most Important Areas of Knowledge

From the above list give the two/three most important. Please give specific work examples to explain what is delivered in the job by an effective application of these two or three types of knowledge/skill

### 11.3 Experience

Describe the type of experience required to do the job (e.g. domestic/non-work environment/voluntary work/academic work/other).

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**Job Evaluation Information Sheet**

<b>JOB TITLE</b>	
<b>Ref No</b>	
<b>Service</b>	
<b>Unit</b>	
<b>Team</b>	
<b>Responsible to</b>	
<b>Supervision/Management</b> Number of staff responsible for, location of staff (dispersed)	
<b>Creativity/Innovation</b> e.g. if working within set guidelines and legislation, reviewing and implementing new local working practices and procedures.	
<b>Contacts/ relationships</b> e.g. extent of external contact (occasional or regular), information exchange or advisory capacity, complex or contentious issues	
<b>Decisions-Discretion</b> e.g. role within clear instructions or clear parameters, level of flexibility to make decisions within role, setting precedent, decision long term strategic importance .	

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<p><b>Decisions – Consequences</b></p> <p>e.g. short term-decision noticeable within hours, noticeable and tangible change – specific case rather than whole service, long term impact on overall service.</p>	
<p><b>Resources</b></p> <p>e.g. petty cash, in receipt of cash or cheques, equipment (e.g. hand/power tools), RBC vehicle, corporate credit card, responsibility of building (specific if emergency call out), high value financial resources</p>	
<p><b>Work environment – Work Demands</b></p> <p>e.g. clear routine of tasks, programme of work changes (occasionally/regular/constant), Range of work programmes /tasks</p>	
<p><b>Work environment – Physical Demands</b></p> <p>e.g. physical demands</p>	
<p><b>Work environment – Working Conditions</b></p> <p>e.g. office based, site visits including nature and frequency of visit, etc</p>	
<p><b>Work environment – Context</b></p> <p>e.g. dealing with public with contentious issues, potential risk to personal health and</p>	

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safety, regular use of non-manual tools (specify)	
<b>Knowledge and Skills</b> e.g. low skilled, NVQ level 3 or 3 years training required, technical professional qualification	
<b>Other information to be considered</b>	

Please indicate on the attached structure chart where this post will sit and identify reporting lines.

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## JOB DESCRIPTION

Rossendale Borough Council is actively pursuing equality of opportunities.  
Applicants to job share are encouraged in respect of full-time posts.

Job Title	
Reference Number	
Directorate	
Service	
Team	
Grade	
Responsible To	
Responsible For	
Other	<b>Are in accordance for the National Joint Council for Local Government Services</b>

### *Job Purpose*

To support the Council to achieve its vision that by 2018, Rossendale will have strong communities with an enhanced environment and heritage. It will be an attractive place to live where tourists visit and employers invest.

### *Core Values*

This section of the job description sets out the specific responsibilities of the individual post holder and the services for which they are responsible. There is an expectation that those responsibilities are delivered in accordance with the Council's core values:

**Customers Matter** – Recognising the diversity of the council's customers and the importance of developing services that meet the needs of different customers. A willingness to go the extra mile.

**Listening and Communicating** – Consulting and listening to customers and staff, to improve understanding and decision-making. The ability to communicate in a number of different ways.

**Loyalty** – Building our reputation, trust and confidence. A positive attitude and pride in the Council.

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**Management of Performance** – Remaining focused and delivering identified and measured outcomes. An understanding of the bigger picture and a willingness to go above what is expected.

**Celebration of Success** – Evaluating, learning and recognising what we have done well and applying lessons learned.

***Main purpose of the job:***

***Main Duties and Responsibilities:***

### **General Statement**

The information contained in this job description is furnished to assist employees joining the council to understand and appreciate the work content of their post and the role they play in the organisation. However, the following points should be noted:

- Whilst every endeavour has been made to outline all the duties and responsibilities of the post, a document such as this does not permit every item to be specified in detail. Broad headings, therefore, may have been used, in which case all the usual associated routines are naturally included in the job description.

### **Health and Safety at Work**

The Health and Safety at Work Act 1974 stipulates that it is the responsibility of every employee to observe all rules governing health and safety and such safety equipment as provided must be used.

### **Equal Opportunities and Accessibility**

The Council is an Equal Opportunities Employer and has equal opportunities policies with which you are expected to comply at all times. The Council condemns all forms of harassment and is actively seeking to promote a workplace where employees are treated with dignity, respect and without bias.

Where appropriate the duties may be reviewed where an applicant is a disabled person, or an existing employee becomes unable to carry out the full range of duties due to a disability. This will be undertaken in line with the Council's equality duties set out in the Equality Act 2010.

### **Community Safety**

Section 17 of the Crime and Disorder Act requires local authorities to consider the community safety implications of all their activities. Officers of the Council should have an awareness of community safety and consider any community safety implications within their own area of responsibility.

### **Absence**

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Applicants are asked to note that Rossendale Borough Council has a Management of Absence Policy and there is an expectation that employees attend work on a regular basis or with reasonable adjustments where applicable.

### **Performance Management**

Where officers are responsible for the collection of performance information, including either national and local indicators, it is the officers responsibility to ensure that data is collected and calculated according to their statutory or local definition, and following the standards set out in the Council's Performance Management and Data Quality Strategy.

**NOTE:** This Job Description summarises the major responsibilities of the post. It is not intended to exclude other activities, nor future changes from the post holder's responsibilities.



### **PERSON SPECIFICATION**

Job Title		
Reference Number		
Directorate		
Service		
Unit		
Grade		
Responsible To		
Responsible For		
	<b>ESSENTIAL / DESIRABLE CRITERIA</b>	<b>TO BE IDENTIFIED BY: A/I/P/R/T*</b>
<b>QUALIFICATIONS</b>		
[Insert relevant qualification] OR Educated to degree level or equivalent in a relevant subject		
<b>EXPERIENCE</b>		

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Optional - Substantive experience of working in a customer focused role [insert specialism/area if necessary e.g. HR etc.]		
Experience of working in a public sector environment.		
Optional - Experience of leading, motivating and developing staff [insert specialist area].		
Optional - Experience of interpreting legislation, policy and guidance to contribute to the formulation of local policies and procedures that comply with national requirements.		
<b>KNOWLEDGE SKILLS / ABILITIES</b>		
Excellent written and verbal communication skills [expand if necessary e.g. report writing etc.]		
Excellent IT skills with a good working knowledge of Microsoft Office.		
Ability to input data using keyboard skills.		
Ability to use own initiative and organise and manage own workload to meet priorities with minimal supervision.		
Ability to work as part of a team.		
Commitment to developing and maintaining high levels of customer care.		
Ability to work under pressure to tight deadlines in an environment of conflicting priorities.		
Ability to work collaboratively with Senior Officers, Elected Members, Managers, staff, colleagues and partners.		
<b>SPECIAL REQUIREMENTS</b>		
Committed to a Principle and Practice of Equal Opportunities		

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Applicants are asked to note that Rossendale Borough Council has a Management of Absence Policy and there is an expectation that employees attend work on a regular basis or with reasonable adjustments where applicable

All New employees to Rossendale Borough Council are required to complete a 6 month probation

## THE COUNCIL HAS A NO SMOKING POLICY

### \*A – Application form

### I – Interview

### P – Presentation

### R – Written Report

### T – Test

## Appendix E

### 1 Policy Statement

It is essential that Rossendale Borough Council is able to attract and retain staff with the skills, knowledge and experience to meet its corporate objectives and priorities.

The Council is committed to single status in employment and seeks to ensure employees receive equal pay for work of equal value. However, the rates of pay for certain posts as determined by job evaluation may not be competitive in the relevant job market causing recruitment and retention difficulties. In these circumstances, it may be appropriate to consider payment of a market supplement, or to accelerate an individual through increments, where the appropriate documentary evidence can be provided.

### 2 Introduction

2.1 Employees are the Council's most valuable and important resource and the Council needs to maintain a workforce with the skills to deliver the priorities for the Borough. Specifically, there are improvement plans in place for a number of service areas and in order to deliver the improvement agenda the Council needs to:

2.1.1 build capacity to deliver and maintain high performance and customer satisfaction;

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- 2.1.2 deliver a culture of continuous improvement;
  - 2.1.3 ensure the skills and competency base of the workforce is highly developed to ensure the delivery of high performance services; and
  - 2.1.4 meet the changing needs in service delivery.
- 2.2 Dependent upon the job role or specialism or function, the Council competes within the local, regional and national labour markets in relation to the recruitment and retention of employees. The relevant labour market may include another local authority or elsewhere in the public or private sectors.
- 2.3 All established posts are job evaluated to determine the grade and pay. Where it can be justified, payment of a market supplement is a way of increasing the salary of a post where it is not competitive and therefore causes recruitment and retention difficulties. Market supplements are not linked to an individual's actual or anticipated performance within the role.

### 3 Scope of the Policy

This policy covers prospective employees of Rossendale Borough Council (RBC) and existing employees. It includes staff recruited to established posts on a temporary basis.

### 4 Aims of the Policy

- 4.1 To ensure that the Council is able to attract and retain suitably skilled employees by offering competitive salaries.
- 4.2 To provide a fair and transparent system for considering payment of a market supplement where a recruitment and/or retention problem has been identified, which relates to a lack of competitiveness between the remuneration levels within the Council and the relevant labour market for the particular job role.
- 4.3 To ensure that the Council meets the requirements of equal pay legislation and is not discriminatory in applying a market supplement to a post.

### 5 Legal Framework

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- 5.1 The Equal Opportunities Commission (EOC) recognises that an employer may wish to pay one group of workers more than another, even though their work is of equal value, because the 'going rate' for the job is higher. This may be due to geographical reasons or a skills shortage in one job as compared to another.

However, while the EOC accepts that in some circumstances market forces can provide a defence to an equal pay claim, the scope for using market forces as a basis for explaining the difference in pay between a man and a woman doing equal work is limited.

- 5.2 The appointing manager must be able to provide documentary evidence that there are objectively justified grounds to enhance the pay of a particular job by the payment of a market supplement. This includes:

5.2.1 demonstrating that there are recruitment and retention difficulties resulting in actual or foreseeable operational and/or organisational problems;

5.2.2 demonstrating that these problems will be removed or lessened by paying a market supplement and that it will be subject to review as circumstances change;

5.2.3 demonstrating that the external market rate for the job is higher than the internal rate; and

5.2.4 ensuring that there is a valid comparison between the post concerned and the posts identified in other organisations, ie are they the same in terms of duties and responsibilities, and are there any differences in conditions of employment/overall reward package.

## 6 Procedure

### 6.1 Proposal to pay a market supplement

- 6.1.1 The appointing manager, in consultation with the People and Policy team, must provide the following information:-

#### 6.1.1.1 Recruitment

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where available: the number of applications for a post; the number of candidates shortlisted; and the appropriateness of the media used;

- 6.1.1.2 Staff Turnover  
where available, the staff turnover rate for the post and reasons for leaving stated on exit interview forms;
- 6.1.1.3 Impact  
an outline of the operational problems caused by the recruitment and retention issues; how long the post has been vacant and the impact on the Service;
- 6.1.1.4 Options considered  
whether the post could be redesigned. Consideration must be given to training and development of existing staff and establishing trainee posts, to address any recruitment difficulties or skills shortages; and
- 6.1.1.5 Market data  
what appears to be the 'going rate' for the job. This can be obtained from job advertisements, survey data/pay databases and direct from other local authorities. Posts must be matched in terms of duties and responsibilities, and the terms and conditions and total reward package must be ascertained. Information should be provided for comparable posts in at least three relevant organisations.

The median remuneration level within the relevant labour market survey should be used as the indicator of the 'market rate' for the post.

- 6.1.2 Where it is an existing post, having obtained evidence, if the appointing manager wishes to pay a market supplement, they should complete a Scheme of Delegation form for approval by an Executive Director and the ~~Deputy~~ Chief Executive.
- 6.1.3 Where it is a new post, the above exercise can be conducted prior to the request for approval to establish a new post.
- 6.1.4 The payment should be set at a level to alleviate the recruitment/retention difficulties, but which is not excessive and can be justified in terms of the rates paid to the comparator jobs in the market place.

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- 6.1.5 The value of the supplement will be the difference between the internal comparison and the market rate, as detailed above. It will be a specific amount.
- 6.1.6 Records must be maintained to demonstrate the purpose, justification and extent of any proposed supplement. These should be held by the People and Policy team.

## 6.2 Making a payment

- 6.2.1 If a market supplement is applied to a particular post, it shall be applied to all current and new employees in that post.

For current employees, the increase would take effect the month after the review.

- 6.2.2 The People and Policy team will provide to employees in a post which attracts a market supplement written confirmation detailing the basis for paying a market supplement, the amount of the payment, the effective date, the duration of the payment, arrangements for review and how any subsequent changes would be implemented. The postholder must agree to and sign for an amendment to their contract. This will state that if upon review there is no longer justification to pay a market supplement, that it will be withdrawn. Contractual notice will be applied.
- 6.2.3 If the postholder is promoted or appointed to another position which is not subject to a market supplement, the market supplement will cease with effect from the date of their commencement in the new position.
- 6.2.4 The market supplement will be subject to the annual pay award.
- 6.2.5 The amount of any market supplement should be clearly identified as a separate payment and not incorporated in the basic grade/rate of pay for the post. It will not alter the grade of the post determined by the job evaluation process.
- 6.2.6 Payments will be made on a pro-rata basis to the hours worked for staff working part-time in the post, based on the amount for full-time staff.
- 6.2.7 The payment will be subject to tax and national insurance contributions.
- 6.2.8 A market supplement forms part of an employee's contractual pay and is therefore pensionable. Therefore, employees would be required to pay pension contributions on the value of the market supplement if they are a member of the Local Government Pension Scheme.

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- 6.2.9 The market supplement would be included in gross pay and will therefore be included in calculations for eg sick pay, maternity/paternity/adoption pay, holiday pay, overtime pay, redundancy pay, and when making any deductions.

### 6.3 Reviewing the payment of a market supplement

- 6.3.1 It is necessary to review the payment of a market supplement, in order to ensure that it continues to be justified and that the amount paid is still appropriate.
- 6.3.2 Market supplements are awarded to a post for a specified period of time. They will be reviewed annually and will be time-limited for a period of up to 2 years (or for the duration of the appointment if shorter than 2 years) and subject to re-assessment. The manager must? Would this be P&P on review? Complete a Scheme of Delegation to obtain approval from an Executive Director and the Chief Executive to cease the market supplement.
- 6.3.3 If, subsequent to approval to pay or to continue to pay a market supplement for a post, a postholder leaves or an additional post is established, a review should take place, dependent upon the time which has elapsed since the approval was received. This will assess the need to continue to pay a market supplement or to vary the amount to be paid.

Where such a review leads to a decision to withdraw the market supplement, this will apply with immediate effect to vacant posts. Existing employees still within the guaranteed period of payment will be given contractual notice that it will cease at the end of the guaranteed period.

- 6.3.4 If, subsequent to approval to pay or to continue to pay a market supplement for a post, a base grade changes as a result of job evaluation or appeal the market supplement will be assimilated into the pay adjustment. Depending on the outcome, the People and Policy team will write to the postholder(s) accordingly.

### 6.4 Responsibilities

- 6.4.1 It is the responsibility of the appointing manager to provide factual evidence to demonstrate the grounds to pay a market supplement.
- 6.4.2 The People and Policy team will assist the appointing manager in gathering factual evidence.
- 6.4.3 Payment of any market supplement, and subsequent withdrawal, will be subject to approval by an Executive Director and the Deputy Chief Executive.

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- 6.4.4 The People and Policy team will confirm in writing to the employee the details in relation to payment of a market supplement at the point it is applied to the post and upon review.
- 6.4.5 The People and Policy team will request that the appointing managers of posts which include a market supplement review the payment annually after the initial approval and at the time of future recruitment to the post.

## 6.5 General Points

- 6.5.1 The value of any agreed market supplement would be stated in any job advertisement.
- 6.5.2 Market supplements will be included as part of an employee's total salary when responding to e.g. mortgage application references. They will not be stated separately.
- 6.5.3 The cost of market supplements shall be met from the relevant Service area's budget.
- 6.5.4 Any member of staff wishing to appeal against a decision to withdraw a market supplement from their post will have the right to an Appeal hearing. They should write to the HR Manager within seven calendar days of receipt of the decision, stating the grounds for their appeal. Arrangements will be made for the Appeal to be heard by the Chief Executive their representative and a Trade Union representative. The decision of the Appeal Panel will be final and the member of staff will not have the right to raise a grievance. The member of staff may be accompanied at an appeal hearing by a trade union representative or work colleague.

## 7 Communication

This document will be held on the Council's intranet site and distributed to managers.

## 8 Monitoring and Review

The People and Policy team will be responsible for monitoring and administering the procedure.

The procedure will be reviewed on a 3 yearly basis and updated in light of any required changes which may be due to legislation or case law.

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## 9 Related Documents

Equalities Strategy

Recruitment and Selection Policy

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# Whistleblowing Policy

Date of issue

Other formats are available.  
Please call 01706 217777 or  
visit our One Stop Shop at  
Futures Park, Bacup.

اردو বাংলা



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# Speaking Up About Whistleblowing

## Policy Statement

- 1.1 Rossendale Borough Council is committed to the highest possible standards of openness, integrity and accountability. In line with that commitment, the Council expects employees and others that it deals with, who have genuine concerns about any aspect of the Council's work, to come forward and "SPEAK UP" under the auspices of this policy and the Public Interest Disclosure Act 1998.
- 1.2 The Council will endeavour to ensure that the highest standards of conduct and probity are maintained and will take appropriate action to prevent serious failure, irregularities, dishonesty and wrongdoing.
- 1.3 This Council wants a culture of accountability and openness not apathy and secrecy. This policy will help to achieve this aim.
- 1.4 This Whistleblowing Policy is intended to encourage and enable concerns to be raised **within** the Council rather than overlooking a problem or 'blowing the whistle' outside.
- 1.5 The Council will not tolerate any victimisation of individuals who raise concerns properly within these procedures.

## 2. Introduction

- 2.1 This Council encourages everyone who has serious concerns about malpractice to "SPEAK UP". Employees and other workers (for example, agency staff or consultants) are often the first to realise that there may be something seriously wrong. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it is often easier to ignore the concern rather than report what may just be a suspicion of malpractice, particularly if there are no formal mechanisms for raising a complaint.
- 2.2 Where employees fail to report their suspicions to the Council they abdicate their responsibilities and may become implicated in the whistleblowing. Such a situation would be treated seriously and may, depending on the merits of the case, lead to disciplinary or court action being taken. However in this policy the Council hopes to avoid such situations and to encourage employees to "SPEAK UP". We all have a vital role to play in implementing and supporting this policy and the Council expects that everyone will co-operate with this policy and any investigation.
- 2.3 This policy is to take account of the Public Interest Disclosure Act 1998 and forms part of the Council's Code of Corporate Governance.

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### 3. Serious Concerns

3.1 There are existing procedures in place to enable you to lodge a grievance about your own employment. This policy is intended to cover concerns outside the scope of those procedures.

This concern may be that something:

- Is unlawful;
- Is against the Council's Rules of Procedure, financial regulations or other policies;
- Does not meet established standards or working practices;
- Amounts to improper conduct.

(Theft, bribery and corruption, environmental misuse are all the types of things which would fall into these categories).

### 4. Protection

4.1 The Council recognises that the decision to report a concern can be a difficult one to make. Because of this, the Council wants to be supportive and will not tolerate any harassment or victimisation. It will take appropriate action to protect you if you raise a genuine concern in good faith.

#### 4.2 Confidentiality

The Council will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. It must, however, be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

4.3 It is essential for all concerned that disclosures of wrongdoing or irregularity are dealt with properly, quickly and discreetly. This is in the interests of the Council, its employees, any persons who are the subject of such allegations, as well as the person making the disclosure.

#### 4.4 Anonymous Allegations

This policy encourages you to put your name to your allegation whenever possible. Where an individual chooses to report their concerns anonymously, such anonymity will be respected.

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However, it should be noted that concerns expressed anonymously are much less powerful and will only be considered at the discretion of the Council. In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

#### 4.5 Untrue Allegations

If you make an allegation in good faith, but, they are found to be wrong by the investigation, no action will be taken against you. In such circumstances employees will be supported. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you, but the matter would be referred to the Chief Executive before any action is taken.

#### 4.6 Support

Throughout and after this difficult process you can expect to be given the full support of the Council. Your concerns will be taken seriously and the Council will do all it can to assist you throughout any investigation.

### 5. How to Raise a Concern

- 5.1 As a first step you should normally raise your concerns with your immediate Manager. This will depend, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the wrongdoing.

If you believe Management is involved, you should approach one of the persons named in the table below.

Name	Title	Contact Address	Telephone Number
Stuart Sugarman	Chief Executive	Futures Park, Bacup	01706 252447
Sam Plum	Director of Communities	Futures Park, Bacup	01706 242428
Clare Birtwistle	Monitoring Officer	Futures Park, Bacup	01706 252438
Clare Law	HR Manager	Futures Park, Bacup	01706 252457

- 5.2 If you wish to raise a Whistleblowing complaint this should be submitted in writing either by letter or e-mail using the Raising Concern Form (appendix 1):

- outlining the background and history of the concern (giving names, relevant dates, places and any witnesses wherever possible) and;
- the reason why you are concerned about the situation.

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- 5.3 As an alternative, you may invite your Trade Union representative to raise the matter on your behalf.
- 5.4 The earlier you express the concern the easier it is to take action. Although you are not expected to prove beyond reasonable doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

## 6. When raising a concern

- 6.1 The Council would encourage you not to:
- contact the suspected perpetrator in an effort to determine facts or demand restitution;
  - discuss the case facts, suspicions, or allegations with anyone within or outside the Council (including the Press), unless specifically asked to do so by the Investigating Office.
  - Remove any Council data or possessions from the Council's premises or disclose confidential information as this would potentially put you or the Council at risk of breach of the Data Protection Act 1998 and other relevant guidance.

## 7. How the Council will Respond

- 7.1 The Council will respond to your concerns and all allegations will be investigated thoroughly. Where appropriate, the matters raised may:-
- Be investigated by Management.
  - Be referred to the Police;
  - Be referred to the external auditor;
  - Form the subject of an independent inquiry;
  - In the case of an Elected Member, be referred to the Standards Board.
- 7.2 The Council will respond as soon as possible, although no later than ten working days following a concern being received. The person whom you have raised your concern with or the Investigating Officer will write to you to:
- Acknowledge that the concern has been received;
  - Advise you if more information is required or arrange a confidential meeting;
  - Indicate how they propose to deal with the matter;
  - Advise outcome when investigation (s) have been completed.
- 7.3 Where the complaint involves partnership organisations and their employees, the Council will seek full co-operation with the partner and will encourage partner organisations to deal with the matter in accordance with the general principles of

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this policy, as this complies with the spirit of the Public Interest Disclosure Act. However, where the partner does not co-operate, the investigation will be carried out and the partner will be advised of any action that the Council intends to take.

- 7.4 In order to protect all individuals (including those accused of possible malpractice), brief initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. However, if immediate or urgent action is required, this will be taken before any investigation is concluded. After initial enquiries, it may be possible to resolve some or all of your concerns with an explanation and/or agreed course of action.
- 7.5 The amount of contact between Investigating Officer and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Investigating Officer will seek further information from you.
- 7.6 The Council will take reasonable steps to minimise any issues, which may result from your concern. If it is necessary to give evidence in criminal or disciplinary proceedings, the Council, through their representative, will arrange for you to receive advice about the procedure.
- 7.7 The Council accepts that you need to be assured that the matter has been properly addressed. You will therefore be informed of the outcome of any investigations providing there are no legal or other concerns. You will then be in a position to decide whether to report your concerns to more senior officers within the Council – such as those referred to in paragraph 5.1, or outside of the Council as outlined in section 8.1 of this procedure.

## **8. Raising Concerns Outside the Authority**

8.1 In accordance with the Act, this policy is intended to provide you with an avenue within the Council to raise concerns and the Council hopes you will be satisfied with any action taken. If, however, you remain concerned, having exhausted all internal procedures, and believe it is right to take the matter outside the Council, the following are examples of external organisations you can contact:

- The Council’s external auditors
- The Police
- The Health and Safety Executive
- The Information Commissioner
- Your local Councillor (if you live in the area of the Council);
- relevant professional bodies or regulatory organisations;
- Your solicitor;
- Citizens Advice
- Public Concern at Work (The Whistleblowing Charity)

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8.2 It will be safe to raise a concern with any of the above so long as you do so in good faith, you reasonably believe your allegations to be true and you do not make the disclosure for personal gain.

8.3 If you do take the matter outside the Council, you need to ensure that you do not disclose confidential or legally restricted information or remove Council data from its premises in either electronic format or hard copy.

## **9.0 Monitoring and Review**

9.1 Members of Staff who have any comments on the operation of this policy are encouraged to raise them with their Monitoring Officer or their Trade Union Representative.

9.2 The People and Policy team will be responsible for monitoring and administering the procedure which will be reviewed every 3 years or in light of any legislative or case law changes.

9.3 A record of any Whistleblowing Complaint and its outcome will be securely maintained by the Council's Monitoring Officer.

9.4 Any Whistleblowing complaints will be reported to each of the Audit and Accounts Committee throughout the year.

## **10.0 Equality Considerations**

10.1 Service Managers are responsible for ensuring that they operate the policy in line with the Council's Equal Opportunities Policy to provide equality of opportunity for all employees.

The Council is committed to ensuring that no-one is discriminated against, disadvantaged or given preference, through membership of any group, particularly based on age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy or maternity. The policy will be equally applied to all employees irrespective of their background.

In addition, in line with the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA) Part 3, the Council is committed to ensure that employees are not disadvantaged or discriminated against by virtue of their trade union membership in the application of this policy.

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**STRICTLY CONFIDENTIAL**  
**RAISING A CONCERN**

This form is to be completed by individuals who want to raise a concern under the Public Interest Disclosure Act 1998.

We would encourage you to raise concerns internally with your Line Manager in the first instance so that they can be dealt with promptly and informally. If you are unable to do so, please send the completed form to one of the Responsible Persons highlighted at the end of the form in an envelope marked Private and Confidential.

**SECTION 1 – DETAILS OF THE PERSON RAISING THE CONCERN**

If you wish to remain anonymous, please go straight to section 2. However please note that whilst such concerns will be given due consideration, they are at the discretion of the Council.

Name:.....

Home Address: .....

.....

Home contact number/mobile:.....

Service Area:.....

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Extension number:.....

Date form submitted:.....

**SECTION 2 – DETAILS OF THE DISCLOSURE**

What is your concern about? Please give brief summary of reason for disclosure i.e. financial irregularities.

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Please describe what has happened, outlining the background and history of the concern (giving names, relevant dates, places and any witnesses wherever possible) and the reason why you are concerned about the situation. Please provide as much detail as you can (use additional sheets of paper as needed):

.....  
.....  
.....  
.....  
.....

**SECTION 3 – PERSONAL INVOLVEMENT/PERSONAL INTEREST**

Have you personally been involved in this matter previously? YES / NO

If yes, please outline your involvement:

.....  
.....  
.....

**SECTION 4 – EXPRESSED PREFERENCES**

Do you wish your identity to be kept confidential (bearing in mind that, depending on the nature of the investigation or disclosure, it may become necessary to disclose your identity)? YES/NO

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Responsible Persons

<b>Name</b>	<b>Title</b>	<b>Contact Address</b>	<b>Telephone Number</b>
Stuart Sugarman	Chief Executive	Futures Park, Bacup	01706 252447
Sam Plum	Director of Communities	Futures Park, Bacup	01706 242428
Clare Birtwistle	Monitoring Officer	Futures Park, Bacup	01706 252438
Clare Law	HR Manager	Futures Park, Bacup	01706 252457

**ADDITIONAL NOTES**

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# Employer Discretions

## Statement of Policy

Date of issue

Other formats are available.  
Please call 01706 217777 or  
visit our One Stop Shop at  
Futures Park, Bacup.

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**ROSSENDALE BOROUGH COUNCIL** has prepared this written statement of policy in relation to its exercise of certain discretionary functions available under the LGPS Regulations below:

**1.0 PART A - Mandatory policy statements - Formulation of policy in accordance with:**

- Regulation 60 of the Local Government Pension Scheme (LGPS) Regulations 2013
- Paragraph 2 (2) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014
- Regulation 66 of the Local Government Pension Scheme (Administration) Regulations 2008
- Regulation 106 of the Local Government Pension Scheme Regulations 1997

**2.0 PART A1 - Discretions from 1 April 2014 in relation to post 31 March 2014 active members and post 31 March 2014 leavers (excluding councillor members)**

**2.1 Power of Scheme employer to award additional pension (Regulation 31 of the LGPS Regulations 2013)**

- 2.11 An employer can grant extra annual pension of up to a maximum £6,500 (figure at 1 April 2014) to an active Scheme member or within 6 months of leaving to a member whose employment was terminated on the grounds of redundancy or business efficiency. This maximum figure that can be initially awarded will be index linked and the level increased on the 1st April each year.

**Employer's policy:**

Rosendale Borough Council does not intend to utilise the powers available under Regulation 31 (LGPS Regulations 2013) at this time. This policy decision will remain in place until or unless amended by a future review.

**2.2 Power of Scheme employer to contribute towards the cost of a member purchasing additional pension (Regulation 16 (2) (e) and 16 (4) (e) of the LGPS Regulations 2013)**

- 2.21 Where an active Scheme member wishes to purchase extra annual pension of up to £6,500 (figure at 1 April 2014) by making Additional Pension Contributions (APCs), the employer may voluntarily contribute towards the cost of purchasing that extra pension via a Shared Cost Additional Pension Contribution. This maximum figure that can be initially purchased will be index linked and the level increased on the 1st April each year.

**Employer's policy:**

Rosendale Borough Council does not intend to utilise the powers available under Regulations 16 (2)(e) and 16 (4) (e) (LGPS Regulations 2013 ) at this time. This policy decision will remain in place until or unless amended by a future review.

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### 2.3 Flexible Retirement

**(Regulation 30 (6) and (8) of the LGPS Regulations 2013, Regulations 3 (5), 11(2) and 11(3) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 and regulation 18(3) of the LGPS (Benefits, Membership and Contributions) Regulations 2007)**

2.31 The Local Government Pension Scheme allows scheme members who have attained the age of 55 to draw all or part of their retirement benefits under flexible retirement arrangements even though they have not retired providing that:

- The employer consents, and
- There has been a reduction in hours
- A reduction in grade.

2.32 Specifically where the employer consents to flexible retirement then, in addition to the benefits the member has accrued prior to 1 April 2008 (which the member must draw), the employer can also allow the member to choose to draw all, part or none of the pension benefits they accrued after 31 March 2008.

2.33 However, benefits taken on flexible retirement will be subject to a potential actuarial reduction if they are being drawn earlier than the member's normal retiring age (flexible retirement provisions may be operated for members potentially up to a member's 75th birthday). The reductions applied will be in accordance with guidance issued by the government actuary. Employers can if they choose waive, in whole or in part, any reductions that might apply.

#### **Employer's policy:**

It is appreciated that flexible retirements can involve a cost to the Council if an employee has not yet reached their normal retirement age under the above regulations. Where the Normal Retirement Date (NRD) has yet to be met and a cost to the Council may result, all such Flexible Retirement requests must be made via the Retirement Policy where the full potential costs to the council can be duly considered.

However where the Council agrees to such a request, it will be on the basis that all the member benefits (both pre and post 2008) will be released and any reductions involved waived.

### 2.4 Early retirement and waiving actuarial reductions

**(Schedule 2 paragraphs 1(2), 2(1), 2(2) and Regulation 3(1) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014, Regulation 30(8) of the LGPS Regulations 2013 and regulation 30(5) and 30A(5) of the LGPS (Benefits, Membership and Contributions) Regulations 2007).**

2.41 If a member leaves a local government employment before the member is entitled to the immediate payment of retirement benefits, then if the member is age 55 or more (or having attained age 55 and have previously been awarded deferred benefits after 01 April 2014) the member may choose to receive payment of them immediately.

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2.42 Any benefits payable may be reduced as appropriate in accordance with guidance issued by the Government Actuary. Employers can if they choose waive, in whole or in part, any reductions that might apply and the employer must pay to the Pension Fund a sum representing the capital cost of waiving those reductions.

2.43 Due to the complexity in the level of protected benefits that now apply to different members, establishing what level of benefits can be waived can be difficult. Appendix 1 lists the options available to employers in terms of the level of reductions that can be waived and the grounds under which they may be waived.

**Employer's policy:**

Request by ex-employees for the early release of deferred benefits involving the waiving of reductions at a cost to the Council will normally be refused. Where ill-health reasons are cited they will be referred to Occupational Health for a review and decision.

Requests viewed as “wholly exceptional” will be referred to the Councils S151 Finance Officer for a decision under the Council’s Scheme of Delegation on a case by case basis and all options outlined in appendix 1 (attached) will be duly considered.

**3.0 PART A2 - Discretions in relation to scheme members who ceased active membership on or after 1 April 2008 and before 1 April 2014 (excluding councillor members)**

**3.1 Power of Scheme employer to award additional membership (Regulation 3 (10) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 and regulation 12 of the LGPS (Benefits, Membership and Contributions) Regulations 2007)**

3.11 An employer can within 6 months of the date of termination grant extra membership in the pension scheme to a Scheme member whose employment was terminated before 1 April 2014 on the grounds of redundancy or business efficiency. Note that this is a time limited discretion which expires on 30 September 2014 for those whose employment is terminated on 31 March 2014.

**Employer's policy:**

The Council does not intend to utilise the powers to grant extra membership available under these regulations.

This policy will remain in place until or unless amended by a future review.

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**3.2 Early release of deferred benefits with employer consent (Regulations 30(2), (5), 30A(3) and (5) of the LGPS (Benefits, Membership and Contributions) Regulations 2007)**

- 3.21 A policy decision concerning early release of benefits needs to be made in relation to members who have left the scheme between 1 April 2008 and 31 March 2014 with deferred benefits (or suspended tier 3 benefits) who make an application to release benefits on or after age 55 and before age 60.
- 3.22 In addition a further policy decision is required to determine whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65.

**Employer's policy:**

In-line with the earlier decision on Deferred Benefits (above) – Requests by ex-employees for the early release of deferred benefits involving the waiving of reductions at a cost to the Council will be normally refused. Where ill-health reasons are cited they will be referred to Occupational Health for a review and decision.

Requests viewed as “wholly exceptional” will be referred to the Councils S151 Finance Officer for a decision under the Council’s Scheme of Delegation on a case by case basis and all options outlined in appendix 1 (attached) will be duly considered.

**4.0 PART A3 - Discretions in relation to scheme members who ceased active membership on or after 1 April 1998 and before 1 April 2008 and active councillor members and councillor members who ceased active membership on or after 1 April 1998.**

**4.1 Early release of deferred benefits with employer consent (Regulations 31(2) and (5) of the LGPS Regulations 1997)**

- 4.11 A policy decision concerning early release of benefits needs to be made in relation to active members who have left the scheme between 1 April 1998 and 31 March 2008 with deferred benefits and councillor members who left after 1 April 1998 who make an application to release benefits on or after age 50\* and before age 60.
- 4.12 In addition a further policy decision is required to determine whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65.

\*It should be noted that benefits paid on or after age 50 and before age 55 would be subject to an unauthorised payments charge under the Finance Act 2004 and, where applicable, an unauthorised payments surcharge under that Act, and a Scheme sanction charge on any benefits built up after 5 April 2006.

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**Employer's policy:**

As above and for regulations 30 (2) & (5) and 30A (3) & (5) requests by ex-employees for the early release of deferred benefits involving the waiving of reductions at a cost to the Council will normally be refused. Where ill-health reasons are cited they will be referred to Occupational Health for a review and decision.

Requests viewed as “wholly exceptional” will be referred to the Councils S151 Finance Officer for a decision under the Council’s Scheme of Delegation on a case by case basis and all options outlined in appendix 1 (attached) will be duly considered.

**5.0 PART A4 - Discretions in relation to scheme members who ceased active membership before 1 April 1998  
(Regulation D11(2) (c) of the LGPS Regulations 1995)**

5.01 A policy decision concerning early release of benefits needs to be made in relation to active members who have left the scheme before 1 April 1998 who make an application on compassionate grounds to release benefits on or after age 50\* and before age 60. Under these rules the sole discretion for an employing authority is that they may determine on compassionate grounds that benefits are to become payable on an unreduced basis.

\*It should be noted that benefits paid on or after age 50 and before age 55 would be subject to an unauthorised payments charge under the Finance Act 2004 and, where applicable, an unauthorised payments surcharge under that Act, a Scheme sanction charge will not be payable.

**Employer's policy:**

As above – normal Council policy is to refuse all such requests unless an ill-health reason is cited. Applications on compassionate grounds but viewed as “wholly exceptional” will be referred to the Councils S151 Finance Officer for a decision on a case by case basis under the Council’s Scheme of Delegation.

**6.0 PART B - Formulation of policy in accordance with further discretions under the Local Government Pension Scheme Regulations 2013**

6.01 As highlighted in the employer bulletin, there are a number of other discretions which Scheme employers may exercise under the LGPS Regulations 2013. There is, however, no requirement to have a written policy in respect of these. However the following areas of discretion would be useful for scheme members, in order for them to establish the clear policy intention that the employers hold in these particular areas.

**6.1 Shared Cost Additional Voluntary Contributions (SCAVCs)  
(Regulation 17 of the LGPS Regulations 2013, Regulations 15(1)(d) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014, Regulation 25(3) of the LGPS**

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**(Administration) Regulations 2008 and Regulation 15(3) of the LGPS (Benefits, Membership and Contributions) Regulations 2007).**

- 6.11 An active member may elect to pay AVCs into a scheme established under contract between his appropriate administering authority and a body approved for the purposes of the Finance Act 2004.
- 6.12 An employer can, at its discretion, contribute to the AVG scheme and where they do the AVG scheme is known as a shared cost additional voluntary contributions arrangement (SCAVC). An employer should establish whether, how much and in what circumstances to either continue with an existing SCAVC or enter into a new SCAVC.

**Employer's policy:**

Rossendale Borough Council does not intend to utilise the powers available under the various Regulations to contribute to a shared cost additional voluntary contribution arrangement (SCAVC) at this time. This policy decision will remain in place until or unless amended by a future review.

**6.2 Late transfer requests (Regulation 100(6) and 22(7) and (8) of the LGPS Regulations 2013)**

- 6.21 The Local Government Pension Scheme Regulations allow for the acceptance of transfer value payments into the fund (subject to the Pension Fund administering authorities approval) to enable members to transfer pension rights accrued prior to joining the scheme into the LGPS, and thereby count additional pension. This election should be made within 12 months of first joining the LGPS in the employment.
- 6.22 The discretion allowed under regulation 100(6) relates to the acceptance of transfers relating to non LGPS membership, where the member makes a request after the expiry of the first 12 months of joining the LGPS.
- 6.23 Previous LGPS rights are automatically aggregated unless an election to keep those accrued benefits separate is received. Regulations 22 (7) and (8) allow an employer to extend the 12 month time limit within which a Scheme member who has a deferred LGPS benefit in England or Wales following the cessation of employment (or cessation of a concurrent employment) to elect not to have the deferred benefits aggregated with their new LGPS employment (or on-going concurrent LGPS employment) if the member has not made an election to retain separate benefits within 12 months of Commencing membership of the LGPS in the new employment (or within 12 months of ceasing the concurrent membership).

**Employer's policy:**

The Council generally expects the 12-month limits to be adhered to, however in certain exceptional circumstances and/or where justifiable reasons are clearly evidenced, the Council will use its discretionary powers available under Regulation 100 (6) & 22 (7) and (8) to allow a reasonable extension of the 12-month time limits. Reasons for approving applications outside of the 12-month will include but not be limited to situations such as where administrative errors or delays occur. Powers to allow this are delegated to the S151 Finance Officer.

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### **6.3 Contributions payable by active members (Regulation 9 and 10 of the LGPS Regulations 2013)**

- 6.31 An active member shall make contributions to the Scheme at the relevant contribution rate, from his pensionable pay, in each employment in which he is an active member. The contribution rate to be applied to his pensionable pay in any financial year is the rate determined by the employer with reference to the tiered contribution pay bands stated in the regulations.
- 6.32 Where there is a material change to a member's pensionable pay in the course of a financial year, the employer may re-determine the contribution rate to be applied.

#### **Employer's policy:**

The Council has now determined that with effect from 1 January 2015 contribution rates will be re-determined in each pay period should there be a material change in salary. Where increases in pensionable pay are due to back-pay or pay arrears relating to early periods - every effort will be made to keep the rate at the appropriate level rather than the rate/band solely based on this pay period.

The Council's S151 Financial Officer has delegated powers to set and amend contribution rates subject to a minimum triangular actuarial pension valuation.

### **6.4 Assumed Pensionable Pay (Regulation 21(4) and (5) of the LGPS Regulations 2013)**

Whether or not, when calculating assumed pensionable pay when a member:

- Is on reduced contractual pay or no pay on due to sickness or injury, or
- Is absent during ordinary maternity, paternity or adoption leave or
- During paid additional maternity, paternity or adoption leave, or
- Is absent on reserve forces service leave, or
- Retires with a Tier 1 or Tier 2 ill health pension, or
- Dies in service

To include in the calculation the amount of any 'regular lump sum payment' received by the member in the 12 months preceding the date the absence began or the ill health retirement or death occurred. A 'regular lump sum payment' is a payment for which the member's employer determines there is a reasonable expectation that such a payment would be paid on a regular basis.

#### **Employer's policy:**

The Council will generally attempt to include all known factors and amounts when calculating assumed pensionable pay amounts to cover the above situations, including any regular lump sum payments received in the preceding 12-month period.

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## 7.0 PART C - Mandatory policy statement\* - Formulation of policy in accordance with:

- Regulation 7 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006
- Regulation 26 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000
- Regulation 14 of the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011

\*The mandatory requirements for a written policy under these regulations do not extend to employers whose employees are members of the LGPS by virtue of an admission agreement however as the provisions still apply it would be deemed appropriate for a policy statement to be in place.

## 8.0 PART C1 - Discretions in relation to the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 Redundancy and Compensation Payments (Regulation 5 and 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006)

- 8.1 These regulations provide a discretionary power to award a one-off lump sum payment of up to 2 years pay (104 weeks), inclusive of any redundancy payment made. This applies to any member who terminates their employment on the grounds of redundancy, efficiency or in the case of a joint appointment (not job shares) where termination arises because the other holder of the joint appointment has left it.
- 8.2 The provisions apply to all employees who are eligible for participation in the LG Pension Scheme, whether or not they are current members of the scheme.
- 8.3 There is also a discretionary power to waive the weekly pay ceiling placed on statutory redundancy payments and to calculate, instead, on pay up to the actual week's pay.

### Employer's policy:

The Council has a well-documented redundancy policy which currently applies the maximum 30 weeks to redundancy payments whilst allowing the employees actual pay to be applied and waiving the weekly pay ceiling that applies to statutory redundancy payments.

## 9.0 PART C2 - Discretions in relation to the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000

- 9.1 Redundancy and Compensatory Added Years payments (Regulation 17,19,21 and 25 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000)

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9.11 Prior to the 2006 discretionary regulations employers could award employees additional service following a redundancy or efficiency retirement where that employee was over age 50. Although this facility is no longer available to current active employees, there are still discretionary decisions to be made in respect of employees who are already in receipt of additional service. These include:

- How to apportion any surviving spouses or civil partners annual compensatory added years payment where the deceased person is survived by more than one spouse or civil partner.
- How the annual added years will be apportioned amongst any eligible children.
- Whether, in respect of the spouse of a person who ceased employment before 1 April 1998 and where the spouse or civil partner remarries, enters into a new civil partnership or cohabits after 1 April 1998, the normal pension suspension rules should be ignored i.e. whether the spouse's or civil partner's annual compensatory added years payments should continue to be paid or if the authority's policy is to apply the normal suspension rules, whether the spouse's or civil partner's annual compensatory added years payment should be reinstated after the end of the remarriage, new civil partnership or cohabitation.
- Whether and to what extent to reduce or suspend the member's annual compensatory added years payment during any period of re-employment in local government and how to reduce the member's annual compensatory added years payment following the cessation of a period of re-employment in local government.

**Employer's policy:**

The council will consider each case raised under the above regulations on its own merits and a decision will be made by the Council's S151 Finance Officer under the Council's Scheme of Delegation. .

**10.0 PART C3 - Discretions in relation to the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011**

**10.1 Injury Allowance payments (Regulations 3 to 7 of the Local Government (Discretionary Compensation) (Injury Allowances) Regulations 2011)**

10.11 Under the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011 Scheme employers must formulate, publish and keep under review a policy on:

a) whether or not to make an injury award to those who sustain an injury or contract a disease as a result of anything they were required to do in performing the duties of their job and in consequence of which they:

- Suffer a reduction remuneration, or
- Cease to be employed as a result of an incapacity which is likely to
- Be permanent and which was caused by the injury or disease, or
- Die leaving a surviving spouse, civil partner or dependant, and

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- b) If the Scheme employer has a policy to make such payments, how it will determine the amount of injury allowance to be paid.

#### **Employer's policy**

The Council recognises that instances occurring within the Borough where powers could be utilised under this Regulation would be very rare. The Council has therefore decided that it does not wish to use the discretionary powers currently available under the Injury Allowance Regulations 2011.

However this policy will be reviewed should a case involving "wholly exceptional circumstances" be presented to the Council. Any cases will be delegated and heard by S151 Finance Officer.

### **11.0 Ad-Hoc Decisions, Regulations & Appeals**

- 11.1 The council receives requests for temporary contract changes involving either a general reduction in hours or the taking of additional leave or where Managers authorise one-off reductions in pay where employees have taken authorised Leave without pay.

In line with the new LGPS 2013 Pension Regulations, this Council has adopted the following policies:-

- Pension rights will not be protected when a salary is reduced on a short term basis due to ad-hoc changes in working hours or unpaid absence, only the reduced salary amount will be pensionable.
- Additional Leave that is purchased through the Salary Sacrifice Scheme constitutes an amendment to the contract of employment and whilst this may have implications relating to state benefits the pension will be protected and the whole salary amount before the sacrifice will be pensionable.

### **12.0 Appeals**

- 12.1 Where a decision has been decided by the S151 Finance Officer an appeal against that decision may be made to the Chief Executive.
- 12.2 If anyone is still unhappy at decisions taken they are advised to contact the fund administrators at PO Box 100, County Hall, Preston PR1 0LD, who may appoint an independent adjudicator to look into the case.

### **13.0 Declaration**

- 13.1 It is understood that the above discretions are applicable to all eligible members of the Scheme. In respect of the mandatory policy requirements, a written statement should be published indicating the policy which is being applied by that employer in the exercise of its functions. A copy of the scheme employer's policy decisions should be sent to Your Pension Service within one month of the date the policy is revised.

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13.2 Any change to the discretions exercised under the LGPS Regulations can take immediate effect from the date the Scheme employer agrees the change.

13.3 Any change to the discretions exercised under the Discretionary Compensation Regulations 2000, the Discretionary Compensation Regulations 2006 or the Injury Allowances Regulations 2011 cannot take effect until one month after the date the Scheme employer publishes a statement of its amended policy.

**13.4 The policies made above:**

- Must have regard to the extent to which the exercise of the discretions could lead to a serious loss of confidence in the public service;
- Will not be used for any ulterior motive;
- Will be exercised reasonably;
- Will only be used when there is a real and substantial future benefit to the employer for incurring the extra costs that may arise;
- Will be duly recorded when applied.

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**APPENDIX 1****If voluntarily retiring**

**If there is an actuarial reduction regarding the particular tranche of membership, the employer has the rights to –**

	<b>Group 1</b>	<b>Group 2</b>	<b>Group 3</b>	<b>Group 4</b>
<b>Part A</b>	Waive all or none on compassionate grounds.	Waive all or none on compassionate grounds.	Waive all or none on compassionate grounds.	Waive all or none on compassionate grounds.
<b>Part B1</b>	Waive all or none on compassionate grounds	Waive all or none on compassionate grounds	Waive all or none on compassionate grounds	Waive all or none on this on compassionate grounds
<b>Part B2</b>	Waive all or none on compassionate grounds.	Waive all or none on compassionate grounds.	Waive all some or none on any grounds.	Waive all some or none on any grounds.
<b>Part C</b>	Waive all some or none on any grounds.	Waive all or none on compassionate grounds.	Waive all or none on compassionate grounds.	Waive all some or none on any grounds.
<b>Part D1</b>	Waive all some or none on any grounds.	Waive all some or none on any grounds.	Waive all some or none on any grounds.	Waive all some or none on any grounds.

Part A = membership to 31 March 2008

Part B1 = membership 1 April 2008 to 31 March 2014

Part B2 = membership 1 April 2014 to 31 March 2016

Part C2 = membership 1 April 2016 to 31 March 2020

Part D1 = membership 1 April 2020 onwards

Group 1 member = a member who was an active member prior to 1 October 2006 and who was born on 31<sup>st</sup> March 1956 or earlier.

Group 2 member = who was an active member prior to 1 October was born between 1 April 1956 and 31 March 1960 inclusive, and who would reach their CRA by 31 March 2020.

Group 3 member = who was an active member prior to 1 October 2006 and who is not a group 1 or group 2 member.

Group 4 member = a member who was not a member prior to 1 October 2006.

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If a member retires on flexible retirement, the employer may waive all, some or none of any reduction on any grounds.

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	<b>Discretionary Function</b>	
<b>1</b>	An employer can grant extra annual pension of up to a maximum of £6500 to an active scheme member or within 6 months of leaving to a member whose employment was terminated on the grounds of redundancy or business efficiency. The maximum figure will be index linked and the level increased on 1 April each year.	<b>Rossendale Borough Council does not intend to utilise this Discretionary Power at this time.</b>
<b>2</b>	Employers can voluntary contribute towards the cost of a member purchasing additional pension up to £6500 (maximum figure as at April 2014) by making Shared Cost Additional Pension Contributions.	<b>Rossendale Borough Council does not intend to utilise this Discretionary Power at this time.</b>
<b>3</b>	Where the employer consents to flexible retirement then, in addition to the benefits accrued prior 1 April 2008 (which must be drawn) the employer can also allow the member to choose to draw all, part or none of the pension benefits they have accrued after 31 March 2008.	<b>Where Flexible Retirements and associated costs are considered by Rossendale Borough Council it will be on the basis that the member will be able to draw all their accrued benefits.</b>
<b>4</b>	On early retirement from age 55, any benefits payable may be reduced and an employer can choose to waive, in whole or in part, any reductions that might apply by paying to the Pension Fund the cost of waiving those reductions.	<b>Similarly, where Early Retirement requests are considered by the Council it will be on the basis that the Council will waive any reductions and pick up the associated costs/pension strain.</b>
<b>5</b>	Early release of benefits for leavers of the scheme between 1 April 2008 and 31 March 2014 with deferred benefits (or suspended tier 3 benefits) can be agreed to release benefits on or after age 55 and before 60. In addition, on compassionate grounds actuarial reductions can be waived if they apply to deferred benefits which are paid before age 65.	<b>All such requests will normally be refused unless ill-health reasons are cited whereupon the case will be referred to Occupational Health. However cases viewed as “wholly exceptional” will be referred on a case by case basis to the Head of Finance</b>
<b>6</b>	Early release of benefits for active members who left the scheme between 1 April 1998 and 31 March 2008 with deferred benefits and councillor members who left after 1 April 1998 can be agreed to release benefits on or after age 50 and before 60. In addition, on compassionate grounds all benefits can become payable on an unreduced basis.	<b>All such requests will normally be refused unless ill-health reasons are cited whereupon the case will be referred to Occupational Health. However cases viewed as “wholly exceptional” will be referred on a case by case basis to the Head of Finance</b>
<b>7</b>	Discretions in relation to the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006 and 2000 include power to calculate redundancy pay on the actual weeks’ pay and to award a one off lump sum payment of up 2 years pay, inclusive of any redundancy payment, regardless of whether the employee participates in the Local Government Scheme or not.	<b>Rossendale Borough Council uses the statutory weeks maximum calculator of up to 30 weeks for Redundancy calculations, however it waives the statutory maximum weekly amount and allows the actual weekly pay in the calculation.</b>
<b>8</b>	Under the Injury Allowances Regulations 2011 whether or not to make an injury award to those who sustain an injury or contract a disease as a result of performing the duties of their job, resulting in a reduction in remuneration, termination due to incapacity or death.	<b>Cases are so rare that the Council will decide all such occurrences on a case by case basis.</b>

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**Non mandatory discretions**

	<b>Discretionary Function</b>	
<b>1</b>	Whether requests can be agreed for late transfers of non LGPS membership where a member makes the request after the expiry of the first 12 months of joining the LGPS.	<b>Normally such requests will be refused unless exceptional circumstances are outlined.</b>
<b>2</b>	Where there is a material change to a member's pensionable pay in the course of a financial year, the contribution rate applied may be re-determined.	<b>The band to be applied in the following year will be determined in March each year, rates will be re-determined should a material change in salary occur.</b>
<b>3</b>	Include in the calculation of Assumed Pensionable Pay the amount of any regular lump sum payment received by the member preceding the date the ill health absence began or death occurred. There will be a reasonable expectation that the regular lump sum would be paid on a regular basis.	<b>The Council will generally attempt to include all known factors and amounts when calculating assumed pensionable pay amounts to cover the above situations, including any regular lumps sum payments received in the preceding 12 month period.</b>

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# Absence Management Policy

## Date of Issue

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## **1.0 Policy statement**

- 1.1 Rossendale Borough Council (the Council) values the contribution of its staff and is committed to delivering quality services to the residents of Rossendale. Whilst recognising that employees may be prevented from attending work through ill health, the effective management of attendance at work is crucial to ensuring that levels of attendance are adequate to support the Council to deliver high quality and cost effective services. The costs of health related absence does have a significant impact on service delivery and on colleagues within the workplace and the number of days lost to health related absence should be kept to a minimum.
- 1.2 This Absence Management Policy sets out the Council's procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way.
- 1.3 Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence and have a number of different causes (for example, injuries, recurring conditions, or a serious illness requiring lengthy treatment).
- 1.4 The Council aims to ensure that the reasons for sickness absence are understood in each case and investigated where necessary. In addition, where needed and reasonably practicable, measures will be taken to assist those who have been absent by reason of sickness to return to work.

## **2.0 Who is covered by the policy?**

- 2.1 This procedure has been agreed in consultation with the Trade Union and applies to all employees of the Council including trainees and apprentices. It does not apply to agency workers.
- 2.2 Those covered by the policy will be referred to as the 'employee(s)'.

## **3.0 Principles**

- 3.1 The Council will:
  - Ensure fair, consistent and equitable treatment of all employees who are absent from work for health related reasons

- Seek medical advice from its Occupational Health provider in those cases where the Council considers it appropriate, and following advice from the People and Policy Team
- Consider whether reasonable adjustments can be made for an employee in accordance with the Equality Act 2010.

#### **4.0 Disability**

- 4.1 The Council is aware that sickness absence may result from a disability. At each stage of the Sickness Absence Meetings Procedure (set out in paragraph 14 of this policy), particular consideration will be given to whether there are reasonable adjustments that could be made in accordance with the Equality Act 2010.
- 4.2 If an employee considers themselves to be affected by a disability or any medical condition which affects their ability to undertake the duties of the role, they should inform the People and Policy team.

#### **5.0 Stress**

- 5.1 If an employee reports that the absence is stress related (whether personal or perceived work related stress or a combination of both), it is essential for contact to be established and maintained throughout the employee's absence. A meeting with the employee should take place at the earliest opportunity to look at ways to work together to support the employee and facilitate a return to work.

Managers should consider completing a Stress Risk Assessment with the employee when it is regarded as appropriate to do so, for discussions to take place regarding any work related issues.

#### **6.0 Sickness Absence Reporting Procedure**

- 6.1 In order for service delivery to be maintained, employees have a contractual obligation to inform their Manager of their inability to attend work and the reason for this on the first day of absence and no later than 30 minutes before the time when they are normally expected to start work.
- Employees must personally report their absence from work by telephone to their Manager. Telephone calls should not be made by family members or friends unless there are exceptional circumstances.

- Emails and text messages are not accepted unless this has been previously agreed and only in exceptional circumstances.
- It will not be acceptable to report an absence to a colleague.
- Employees who become unwell during the period of annual leave and would otherwise be reporting as unfit to work, should comply with the absence reporting procedures for notification of health related absences and report the absence on the first day that they become unwell and would have been unfit to attend work. The employee will also require a Fit Note from the first day of absence.

6.2 Failure to report absences with the Manager, may lead to the absence from work being considered as unauthorised, resulting in loss of pay and/or disciplinary action.

6.3 If the employee fails to report an absence in line with the Absence Reporting Procedure, the Manager will endeavour to make contact with the employee; this does not mitigate the need for the employee to follow procedure and could potentially lead to loss of pay and/or disciplinary action.

The following details should be provided:

- (a) The nature of the illness or injury.
- (b) The expected length of absence from work.
- (c) Employee contact details.
- (d) Any outstanding or urgent work that requires attention.

6.4 Managers should ensure that:

- (a) Any sickness absence that is notified to them is recorded and reported to the People and Policy team.
- (b) Arrangements are made, where necessary, to cover work and to inform colleagues and clients (while maintaining confidentiality).

6. Employees who become ill or injured during a period of pre-arranged annual leave and would otherwise be reporting as unfit for work, should comply with the absence reporting procedure and report their absence on the first day that they become unwell.

The usual requirements for self-certification and medical certificates in this policy will apply.

- 6.6 Employees taken ill or injured while at work should report or be taken to their Manager to be given permission to leave work. Managers should contact the People and Policy team to make arrangements for anyone who is unwell to be accompanied home and/or to receive medical treatment where necessary.

## **7.0 Keeping in contact during sickness absence**

- 7.1 Employees who are absent from work are expected to maintain regular contact with their Manager, on at least a weekly basis unless alternative arrangements are agreed between the employee and Manager.
- 7.3 If employees have any concerns while absent on sick leave, they can seek advice from the People and Policy team.
- 7.4 Failure to report and maintain regular contact with the Manager and submit Fit Notes as required, may lead to the absence from work being considered as unauthorised, resulting in loss of pay and/or disciplinary action.

## **8.0 Evidence of incapacity**

- 8.1 For sickness absence of up to seven calendar days employees must complete a self-certification form which is available from the People and Policy team.
- 8.2 For absence of more than a week employees must obtain a certificate from their doctor, (a "Statement of Fitness for Work"), stating that they are not fit for work and the reason(s) why. Employees should forward this to their Manager as soon as possible. Fit Notes must be provided to cover the whole period of absence. Failure to provide Fit Notes as required could result in deduction of sick pay and/or disciplinary action.
- 8.3 Employees provided with a Fit Note stating they "may be fit for work" should inform their Manager immediately. The Manager will discuss any additional measures that may be needed to facilitate the employees return to work, taking account of the doctor's advice. If appropriate measures cannot be taken, the employee will remain on sick leave and the Manager will set a date to review the situation.
- 8.4 Where there are concerns about the reason for an employee's absence, or frequent short-term absence, a Fit Note may be requested for each absence regardless of duration. In such circumstances, the Council will cover any costs incurred in obtaining

such Fit Note, for absences of a week or less, on production of a doctor's invoice or receipt.

## **9.0 Unauthorised absence**

- 9.1 Cases of unauthorised absence will be dealt with under the Council's Disciplinary Procedure.
- 9.2 Absence that has not been notified according to the Sickness Absence Reporting Procedure will be treated as unauthorised absence.
- 9.3 If an employee does not report for work and has not telephoned their Manager to explain the reason for their absence, the Manager or a member of the People and Policy team will try to contact the employee by telephone, and in writing if necessary. This should **not** be treated as a substitute for reporting sickness absence.

## **10.0 Sick pay**

- 10.1 Employees should refer to their terms and conditions of employment for details of their sick pay entitlements.
- 10.2 If a period of sickness absence is or appears to be occasioned by actionable negligence, nuisance or breach of any statutory duty on the part of a third party, in respect of which damages are or may be recoverable, employees must immediately notify the People and Policy team of that fact and of any claim, compromise, settlement or judgment made or awarded in connection with it and all relevant particulars that may be reasonably required. If the Council requires employees to do so, they must cooperate in any related legal proceedings and refund to the Council that part of any damages or compensation they recover that relates to loss of earnings for the period of sickness absence as the Council may reasonably determine, less any costs they incurred in connection with the recovery of such damages or compensation, provided that the amount to be refunded to the Council shall not exceed the total amount paid to them in respect of the period of sickness absence.

## **11.0 Medical examinations**

- 11.1 The Council may, at any time in operating this policy, ask an employee to consent to a medical examination by the Council's Occupational Health Provider and/or a doctor nominated and funded by the Council.

- 11.2 In the event that an employee is unable to attend an examination and they have not provided 48 hours' notice and/or a justifiable reason for their failure to attend, the Council may recover the cost of the cancelled examination from their salary by way of a deduction.
- 11.3 The cost of travel to such appointment will be reimbursed equivalent to public transport at standard rate. Consideration will be given to alternative travel methods in exceptional circumstances. All travel arrangements should be agreed with the People and Policy team prior to the travel.
- 11.4 Employees will be asked to agree that any report produced in connection with any such examination may be disclosed to the Council and that the Council may discuss the contents of the report with the Occupational Health advisers and/or the relevant doctor.

## **12.0 Return-to-work interviews**

- 12.1 The Manager will hold a return to work interview following every health related absence and this should be held as soon as possible.
- 12.2 The purpose of a return to work interview is:
- (a) To enable the Manager to an employee's absence,
  - (b) To enable the employee to confirm their fitness to return to work,
  - (c) To consider any reasonable adjustments that may be necessary to support the employee in the workplace,
  - (d) To update the employee on any developments in the workplace during their absence and,
  - (e) To allow the Manager to review the overall attendance, establish whether absence triggers have been met and consider what further steps/action may be taken.
  - (f) To allow the Manager to assess the employee's fitness for work.

It also gives the employee the opportunity to raise any concerns or questions they may have, and to bring any relevant matters to their Manager's attention.



### **13.0 Returning to work from long-term sickness absence**

13.1 The Council is committed to helping employees return to work from long-term sickness absence. As part of the Council's Sickness Absence Meetings Procedure (see paragraph 14), the employee's Manager will, where appropriate and possible, support a return to work by:

- (a) Obtaining medical advice;
- (b) Making reasonable adjustments to the workplace, working practices and working hours;
- (c) Considering redeployment; and/or
- (d) Agreeing a return to work programme with everyone affected.

13.2 If an employee is unable to return to work in the longer term, the Council will consider whether they are entitled to any benefits under the terms and conditions of employment including any entitlements under the Local Government Pension Scheme.

### **14.0 Sickness Absence Meetings Procedure**

14.1 The Council may apply this procedure whenever it is considered necessary, including, for example, if an employee:

- (a) Has been absent due to illness on up to 4 occasions in a rolling twelve month period;
- (b) Has discussed matters at a return to work interview that require investigation; and/or;
- (c) Has been absent for more than ten working days in a rolling twelve month period.
- (d) There is cause for concerns about an employee's levels and patterns of sickness absence, for example: periods of absence on a particular day of the week, frequent absence during school holidays or periods of absence prior to and/or following annual leave.

The basis for these concerns will be provided in writing explaining why a Sickness Absence Meeting is being arranged, and providing a reasonable opportunity for employees to consider this information prior to the meeting.

- 14.2 Unless it is impractical to do so, or by mutual agreement five working days written notice will be given of the date, time and place of a Sickness Absence Meeting.
- 14.3 The Sickness Absence Meeting will be conducted by the Manager (other nominated officer) and will normally be attended by a member of the People and Policy team. Employees have the right to be accompanied by a Trade Union Representative or work colleague.
- 14.4 Employees must take all reasonable steps to attend the Sickness Absence Meeting. Failure to do so without good reason may be treated as misconduct. If an employee and/or their representative is unable to attend at the time specified they should immediately inform their Manager or People and Policy who will seek to agree an alternative time within five working days.
- 14.5 The Sickness Absence Meeting may be adjourned if the Manager is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous meeting. Employees will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.
- 14.6 Confirmation of any decision made at the Sickness Absence Meeting, the reasons for it, and of the right of appeal will be provided to the employee in writing within ten working days of a Sickness Absence Meeting (unless this time scale is not practicable, in which case it will be provided as soon as is practicable).
- 14.7 If, at any time, the Manager or other relevant manager considers that an employee has or is taking sickness absence when they are not unwell, they may refer the matters to be dealt with under the Council's Disciplinary Procedure.

#### **15.0 Right to be accompanied**

- 15.1 Employees may bring a Trade Union Representative or work colleague to a Sickness Absence Meeting or Appeal Hearing under this procedure.
- 15.2 The identity of the companion must be confirmed to the Manager in advance of the Sickness Absence Meeting.

- 15.3 Work colleagues are allowed reasonable time off from duties without loss of pay to act as a companion. However, they are not obliged to act as a companion and may decline a request if they so wish.
- 15.4 The Council may at its discretion, permit a companion who is not an employee or a Trade Union Representative (for example, a family member) to attend a meeting.
- 15.5 A companion may make representations, ask questions, and sum up the employee's position, but will not be allowed to answer questions on the employee's behalf.

#### **16.0 Stage 1: Sickness Absence Meeting**

- 16.1 This will follow the procedure set out in paragraphs 14 and 15 on the arrangements for and right to be accompanied at Sickness Absence Meetings.
- 16.2 The purposes of a Stage 1 Sickness Absence Meeting may include:
- (a) Discussing the reasons for absence.
  - (b) Where the employee is on long-term sickness absence, determining how long the absence is likely to last.
  - (c) Where the employee has been absent on a number of occasions, determining the likelihood of further absences.
  - (d) Considering whether medical advice is required.
  - (e) Considering what, if any, measures might improve the employee's health and/or attendance.
  - (f) Agreeing a way forward, action that will be taken and a time-scale for review and/or a further meeting under the Sickness Absence Procedure.

#### **17.0 Stage 2: ~~further~~ Sickness Absence Meeting(s)**

- 17.1 Depending on the matters discussed at Stage 1 of the Sickness Absence Procedure, a further meeting or meetings may be necessary. Arrangements for meetings under Stage 2 of the Sickness Absence Procedure will follow the procedure set out in paragraphs 14 and 15 on the arrangements for and right to be accompanied at Sickness Absence Meetings.

17.2 The purposes of further meeting(s) may include:

- (a) Discussing the reasons for and impact of an employee's ongoing absence(s).
- (b) Where the employee is on long-term sickness absence, discussing how long the absence is likely to last.
- (c) Where the employee has been absent on a number of occasions, discussing the likelihood of further absences.
- (d) Considering any medical advice, or the need to obtain it.
- (e) Considering the employee's ability to return to/remain in their job.
- (f) Considering redeployment opportunities and/or whether any reasonable adjustments can be made to assist the employee to remain in work.
- (g) Agreeing a return to work programme where the employee is able to return from long-term sick leave, whether to their substantive role or an alternative role.
- (h) If it is considered that an employee is unlikely to be able to return to work from long-term absence, whether there are any benefits for which they should be considered.
- (i) Agreeing a way forward, action that will be taken and a time-scale for review and/or a further meeting(s). This may, depending on steps already taken, include warning the employee that they are at risk of dismissal.

### **18.0 Stage 3: Sickness Absence Meeting**

18.1 Where an employee has been warned that they are at risk of dismissal, the Council may invite them to a meeting under the third stage of the Sickness Absence Procedure. Arrangements for this Stage 3 Sickness Absence Meeting will follow the procedure set out in paragraphs 14 and 15 on the arrangements for and right to be accompanied at sickness absence meetings.

18.2 The purposes of the meeting will be:

- (a) To review the meetings that have taken place and matters discussed with the employee.

- (b) Where an employee remains on long-term sickness absence, to consider whether there has been any changes to the employees ill health since the last meeting under Stage 2 of the Sickness Absence Procedure.
- (c) To consider any further matters the employee may wish to raise.
- (d) To consider whether there is a reasonable likelihood of the employee returning to work or achieving the desired level of attendance in a reasonable time.
- (e) To consider the possible termination of the employee's contract of employment.

18.3 Termination will be with full notice or payment in lieu of notice.

## **19.0 Appeals**

19.1 Employees may appeal against the outcome of any stage of this procedure in writing, stating the full grounds of the appeal to the People and Policy team within 10 working days of the receipt of the letter advising of the dismissal or sanction.

19.2 An appeal against a sanction other than a dismissal, will be heard by a senior manager who has not been involved in the decision to impose the sanction.

19.3 For the purpose of hearing and determining any dismissal appeals, the Council shall establish a panel. The Appeal Panel shall consist of three Council Members (politically balanced) as detailed within the Council's Constitution.

19.4 At the appeal a representative from the People and Policy team, the Legal team or an external legal advisor may be present throughout to act as an advisor to the Appeal Panel.

19.5 The Chair of the Stage 3 meeting should be the Presenting Officer at the Appeal (unless another manager is nominated in exceptional circumstances) and the Presenting Officer at the Stage 3 Sickness Absence Meeting may be called as a witness for either party. In a Redundancy Appeal it will be the manager who made the decision for redundancy who will be the Presenting Officer (unless another manager is nominated in exceptional circumstances).

19.6 Where practical, the Appeals Panel shall hear the appeal no later than 20 working days after the receipt of the Notice of Appeal from the employee, although a later date for the Hearing may be mutually agreed.

- 19.7 The employee shall be given at least 7 working days' notice of the Hearing, in writing, stating the date, time and location of the Hearing.
- 19.8 Where either party intends to produce documentary evidence or call witnesses at the Appeal Hearing, details should be given to the other party at least 5 working days in advance of the Hearing. Any new matters raised may delay an appeal meeting if further investigation is required.
- 19.9 It will be at the Chair of the Appeal Panel's discretion whether or not to consider any late evidence or other notification of witnesses.
- 19.10 Witness(s) can only give evidence relating to the grounds of the appeal and not be used for character representations. Each witness will make themselves available throughout the duration of the Hearing and will be expected to leave the proceedings after questioning.
- 19.11 The employee shall be in attendance at the Hearing when the appeal is being heard and they may be represented by a work colleague, Trade Union representative, or an official employed by a Trade Union. The employee shall confirm to the People and Policy team who the representative will be (if any) at least 5 working days in advance of the Hearing. This will enable the representative to receive a copy of the agenda/reports in advance of the Hearing. Please note that it is the employee's responsibility to make arrangements in this respect.
- 19.12 If the employee fails to attend, the Appeals Panel may, dependent on the circumstances, dismiss the appeal, consider it in their absence, or defer the hearing to an alternative date. The employee may alternatively choose a representative to attend in their absence; however the representative can only present the case and ask questions on behalf of employee, but cannot answer questions on the employees' behalf.
- 19.13 The Chair will explain the purpose of the Hearing and the procedure to be followed. The appeal will be a review of the original decision. The procedure to be followed at the Appeal Hearing is documented in the Appeal Hearing Agenda.
- 19.14 When the Appeals Panel has reached a decision the parties will return to the Hearing and the Chair will convey the decision, which will be confirmed in writing within 10 working days.

## **20.0 Outcome of an appeal**

- 20.1 The Appeal Panel has the power to overturn or amend a decision.
- 20.2 Following an appeal the original decision may be confirmed, revoked or replaced with a different decision. There will be no further right of appeal.
- 20.3 In the event that the Appeal Panel upholds the employee's appeal, the Appeal Panel shall allow the appeal and will remove all records of any related sanctions from the employee's record.
- 20.4 Where an appeal against dismissal is not upheld by the Appeal Panel and the Dismissing Officer's decision was to dismiss the employee, the Council will be under no obligation to pay the employee for any period between the date of the original Dismissal Hearing and the date of the Appeal Hearing. The original date of termination will stand and the decision of the Appeal Panel is final, with no further right of appeal with the Council.

## **21.0 Leave Entitlement**

- 21.1 Employees absent due to sickness accrue annual leave and may request to take annual leave during a period of sickness absence. Employees are not expected to take a holiday when absent due to sickness unless this is supported by their GP.

Employees wishing to take leave during sickness absence must request this in writing via their Manager. The annual leave will be deducted from an employee's annual leave entitlement and the employee's absence will still be recorded on the payroll system as being absent due to sickness.

Employees returning to work in the current leave year, should be encouraged to take their accrued annual leave entitlement to assist with their rehabilitation back to work. Should they be unable to take all of the outstanding leave, they are allowed to carry maximum 5 days annual leave forward into the next leave year, unless alternative arrangements are agreed due to exceptional circumstances.

Employees returning to work in a new leave year, will be entitled to the statutory annual leave entitlement (25 days) less Bank Holidays they have accrued during their sickness absence in the previous leave year and should, therefore carry this into the new leave year. Such employees will be encouraged to take most or all of this leave in a block in the first month after their return to work date or to assist with extending a phased return to work.

Employees who fall sick prior to commencing pre-booked annual/flexi leave or during annual/flexi leave will be able to reclaim their annual/flexi leave, as long as they comply with sickness absence reporting procedures, are still available for contact and meetings when absent and supply a Fit Note to cover the period they wish to reclaim.

## **22.0 Monitoring and Review**

22.1 The People and Policy team will be responsible for monitoring and administering the procedure which will be reviewed every 3 years or in light of any legislative or case law changes.

22.2 The People and Policy team will monitor the development and dissemination of good practice to ensure that this policy and the sickness absence meetings procedure are achieving the stated objectives.

## **23.0 Equality Considerations**

23.1 Service Managers are responsible for ensuring that they operate the policy in line with the Council's Equal Opportunities Policy to provide equality of opportunity for all employees.

The Council is committed to ensuring that no-one is discriminated against, disadvantaged or given preference, through membership of any group, particularly based on age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy or maternity. The policy will be equally applied to all employees irrespective of their background.

In addition, in line with the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA) Part 3, the Council is committed to ensure that employees are not disadvantaged or discriminated against by virtue of their trade union membership in the application of this policy.



<p><b>1.</b></p>	<p><b>Introductions</b></p> <ul style="list-style-type: none"> <li>▪ All parties present are introduced, and their role in the hearing explained to all parties.</li> <li>▪ Employee asked to confirm that they are aware of their right to representation by a work colleague, Trade Union representative, or an official employed by a Trade Union</li> <li>▪ Confirm the role of the representative, that is, can present case/ask questions on behalf of employee, but shall not answer questions on behalf of employee.</li> <li>▪ Check if there are any other housekeeping matters before proceeding.</li> </ul>	<p><b>Chair</b></p>
<p><b>2.</b></p>	<p><b>Purpose of Meeting</b></p> <ul style="list-style-type: none"> <li>▪ Explanation given to all parties of the purpose of the meeting and confirm everyone is in agreement with the format.</li> <li>▪ Provide an outline of the agenda to all parties.</li> <li>▪ Confirm all parties have the relevant documents.</li> <li>▪ Confirm that a short adjournment may be requested at any time if required.</li> <li>▪ Any questions at this time? If no proceed.</li> </ul>	<p><b>Chair</b></p>
<p><b>3.</b></p>	<p><b>Employee to state their reasons for appeal</b></p> <ul style="list-style-type: none"> <li>▪ If appropriate selection matrix scores to be discussed.</li> </ul>	<p><b>Employee/ Representative</b></p>
<p><b>4.</b></p>	<p><b>Questions</b></p> <ul style="list-style-type: none"> <li>▪ Questions from Management to Employee.</li> <li>▪ Questions from Chair/HR to Employee.</li> </ul>	<p><b>Manager and Chair/HR</b></p>
<p><b>5.</b></p>	<p><b>Witness(s)</b></p> <ul style="list-style-type: none"> <li>▪ On behalf of the employee will add any supporting information to employee’s case.</li> </ul>	<p><b>Witness(s)</b></p>
<p><b>6.</b></p>	<p><b>Questions to Witness(s)</b></p> <ul style="list-style-type: none"> <li>▪ Questions from Management to Witness(s).</li> <li>▪ Questions from Chair/HR to Witness(s).</li> </ul>	<p><b>Manager and Employee/ Representative</b></p>
<p><b>7.</b></p>	<p><b>Manager will present the management case</b></p> <ul style="list-style-type: none"> <li>▪ Will confirm reasons for original decision.</li> </ul>	<p><b>Manager</b></p>

8.	<b>Questions</b> <ul style="list-style-type: none"> <li>▪ Questions from Employee to Management.</li> <li>▪ Questions from Chair/HR to Management.</li> </ul>	<b>Employee and Chair/HR</b>
9.	<b>Witness(s) (if applicable)</b> <ul style="list-style-type: none"> <li>▪ Will add any supporting information on behalf of the management case.</li> </ul>	<b>Witness(s)</b>
10.	<b>Questions to Witness(s)</b> <ul style="list-style-type: none"> <li>▪ Questions from Employee to Witness(s).</li> <li>▪ Questions from Chair/HR to Witness(s).</li> </ul>	<b>Employee and Chair/HR</b>
11.	<b>Summing up and any further matters – introducing no new evidence</b> <ul style="list-style-type: none"> <li>▪ Employee case summary.</li> <li>▪ Management case summary.</li> </ul>	<b>Manager and Employee/ Representative</b>
12.	<b>Adjournment – both parties will leave whilst the panel deliberates</b> <ul style="list-style-type: none"> <li>▪ Chair to consider all facts presented.</li> <li>▪ Chair can consider whether or not any further information needs to be clarified before making their decision.</li> <li>▪ Chair to confirm how long the adjournment will last and when all parties should return to hear the decision.</li> </ul>	<b>Chair</b>
13.	<b>Decision</b> <ul style="list-style-type: none"> <li>▪ Chair to convey the decision verbally to all parties.</li> <li>▪ In circumstances, the chair may convey the decision in writing.</li> <li>▪ Confirm to the employee that the decision will be confirmed in writing within 10 workings days.</li> </ul>	<b>Chair</b>
14.	<b>Close</b> <ul style="list-style-type: none"> <li>▪ Thank all parties for attending today.</li> </ul>	<b>Chair</b>

# Disciplinary Policy

## Date of issue

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### Appendix A Appeal Hearing Agenda

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## 1.0 Introduction

- 1.1 The Council has developed the following procedure to deal with disciplinary matters. In order to ensure that the procedure is fair and effective, it will be applied in all instances where disciplinary action is regarded as warranted, other than where an informal warning is given for some relatively minor act of misconduct.
- 1.2 It is recognised that the disciplinary procedure should not be viewed primarily as a means of imposing sanctions. It is also intended that improvement in individual conduct should be emphasised and encouraged.
- 1.3 This procedure sets out the action which will be taken when Council rules are breached. It is intended to encourage employees to conform to acceptable standards, and the taking of disciplinary action is to be regarded as a last resort.
- 1.4 The procedure does not apply to:
- resignation of the employee, or other termination by mutual consent;
  - termination of a fixed-term contract of employment where the term of that contract expires without being renewed;
  - termination of a temporary appointment where the reason for termination is that the need for the employee's service has expired, or is about to expire;
  - termination during or at the end of a probationary period of service (including any extended probationary period of employment) where the employee has less than two year's service at Rossendale Borough Council;
  - termination of employment by reason of redundancy;
- 1.5 The Council reserves the right to implement the procedure at any stage as set out below taking into account the alleged misconduct of an employee.
- 1.6 Employees will not ordinarily be dismissed for a first disciplinary offence unless the misconduct constitutes gross misconduct and is therefore sufficiently serious

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as to breach the contract of employment and render a further working relationship impossible.

- 1.7 Where time limits are referred to in the course of this procedure they may be varied by consent between the employee and the Council.
- 1.8 The Council is clear in relation to communicating its standards. Deviation from standards will require action. The level of action taken will depend upon the degree to which the standards have been deviated from.

## **2.0 Scope**

- 2.1 The Procedure will apply to all permanent, temporary and casual employees employed by the Council except Chief Executive and Chief Officers.

## **3.0 Informal Stage**

- 3.1 Where possible disciplinary problems should be resolved by informal discussions or counselling as part of the day to day responsibilities of a supervisor/line manager.
- 3.2 Informal instruction, reminders or reprimands regarding the standard of conduct expected should be given to the employee where minor acts of misconduct occur, and recorded where appropriate in writing to the employee, by the supervisor/line manager.
- 3.3 An employee's failure to learn from informal action, written instruction, reminders or reprimands will result in formal disciplinary action being taken.
- 3.4 Where minor acts of misconduct have been unchecked by management, the formal disciplinary procedure should not be invoked until the informal process described above has been carried out.

## **4.0 Investigation**

- 4.1 Where the informal route has been exhausted, or where the matter is serious enough to justify formal action, a thorough investigation must be undertaken by an Investigating Officer as soon as practicable. The Investigating Officer will usually be the employee's supervisor or line manager, but it could be a more senior officer or nominated officer depending on the circumstances.

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- 4.2 The Investigating Officer will promptly and thoroughly investigate any matter that is reasonably suspected or believed to contravene any of the Employer's policies or rules or may otherwise be a disciplinary matter.
- 4.3 The employee will be informed as soon as possible as to the fact of an investigation and when it has been concluded.

## 5.0 Suspension

- 5.1 Where it is believed that the matter to be investigated involves serious misconduct, the employee may be immediately suspended from work on full pay. If serious misconduct is not initially suspected or believed to have occurred, but during the course of an investigation the person conducting it reasonably forms the opinion that a serious breach of discipline may have occurred, the employee who is the subject of the investigation may then be suspended.
- 5.2 Suspension is a neutral act and does not presume guilt on the part of the employee. The reason for suspension may be to prevent any potential for interference with the investigation or witnesses, or as a precaution depending on the nature of the misconduct that has been alleged to have been committed.
- 5.3 Any decision to suspend will be confirmed in writing within five working days and such written confirmation will state that the nature of the suspension is a neutral act, not a disciplinary act, pending the outcome of the disciplinary proceedings.

## 6.0 Investigatory Interview

- 6.1 As part of the investigation process, the employee will be invited to attend an investigatory interview. The employee will be informed at the outset that the interview is an investigatory interview and held under the provision of the Disciplinary Procedure. The purpose of the interview is to obtain the employee's version of events.
- 6.2 All employees are contractually obliged to make themselves available to attend investigatory interviews and Disciplinary Hearings when required to by management. This includes when the employee is absent from work due to sickness or suspension. If an employee is unable to attend due to medical reasons then it may be necessary for the Investigating Officer to refer the

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employee to be assessed by the Council's Occupational Health practitioner to ascertain their ability to attend.

- 6.3 Failure to attend an appointment with the Occupational Health practitioner without good reason may result in occupational sick pay being withheld.
- 6.4 Failure to comply with the request to attend occupational health is a breach of the employee's contract and as such the formal disciplinary process may continue to proceed with the evidence available to it and this behaviour will be taken into account.

## **7.0 Right to be Accompanied**

- 7.1 Employees may bring a Trade Union Representative or work colleague to Disciplinary or Appeal Meeting under this procedure.
- 7.2 The identity of the companion must be confirmed to the Manager in advance of the Disciplinary Meeting.
- 7.3 Work colleagues are allowed reasonable time off from duties without loss of pay to act as a companion. However, they are not obliged to act as a companion and may decline a request if they so wish.
- 7.4 The Council may at its discretion, permit a companion who is not an employee or a Trade Union Representative (for example, a family member) to attend a meeting.
- 7.5 A companion may make representations, ask questions, and sum up the employee's position, but will not be allowed to answer questions on the employee's behalf.

## **8.0 Procedure**

- 8.1 Where, upon completion of an investigation, there are reasonable grounds to believe that an employee has committed an act of misconduct, the employee will be invited to attend a Disciplinary Hearing.
- 8.2 The purpose of the Disciplinary Hearing is for the Chair to establish the facts of the case and then decide whether or not disciplinary action is warranted and to take appropriate action. The Disciplinary Hearing will be chaired by an Officer

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other than the Investigating Officer. In cases of alleged gross misconduct, the Chair will be an Executive Director or their nominated representative.

8.3 In the event of a disciplinary hearing taking place the Council will:

- (a) give the employee a minimum of 5 working days' advance notice of the hearing, stating the date, time and location of the hearing;
- (b) tell the employee the purpose of the hearing and that it will be held under the Council's Disciplinary Procedure;
- (c) give the employee written details of the nature of his/her alleged misconduct; and
- (d) provide to the employee all relevant information (which should include statements taken from any fellow employees or other persons that the Council intends to rely upon against the employee) not less than 5 working days in advance of the hearing.

8.4 The employee and/or their representative must provide a copy of all documents, including any witness statements, which are to be submitted to the hearing as evidence at least 2 working days before the Hearing.

8.5 Where the employee is unable to attend a disciplinary hearing and provides a good reason for failing to attend, the hearing will be adjourned to another day. The Council will comply with (a) above in respect of giving notice of the rearranged hearing.

8.6 Unless there are special circumstances mitigating against it, if the employee is unable to attend the rearranged hearing, the rearranged hearing will take place in the employee's absence.

## 9.0 The Disciplinary Hearing

9.1 A disciplinary hearing will normally be conducted by the Chair together with a representative from the People and Policy Team (the Hearing Panel) or a legal representative.

9.2 The Investigating Officer will present the management case and any supporting facts and material to the disciplinary hearing. The employee will be entitled to be

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given a full explanation of the case and be informed of the content of any statements provided by witnesses.

- 9.3 The employee will be entitled to state their case in response to the management case and put forward an explanation of their conduct and mitigating factors.
- 9.4 The Council may adjourn the disciplinary proceedings if it appears necessary or desirable to do so (including for the purpose of gathering further information). The employee will be informed of the period of any adjournment. If further information is gathered, the employee will be allowed a reasonable period of time, together with their work colleague or trade union representative, to consider the new information prior to the reconvening of the disciplinary proceedings.
- 9.5 As soon as possible after the conclusion of the disciplinary proceedings, the Chair will convey the decision of the panel to the employee and will also inform the employee what disciplinary action, if any, is to be taken. The decision will be confirmed in writing. The employee will be notified of their right of appeal under this procedure.

## 10.0 Disciplinary Action

- 10.1 Where, following a disciplinary hearing, the Hearing Panel has reasonable belief based on the evidence submitted that, on the balance of probabilities, the employee has committed the alleged disciplinary offence(s) the following disciplinary action may be taken:
- (a) Where a minor offence or offences have been committed, a recorded formal verbal warning may be given. The warning will:
- (i) set out the nature of the offence committed;
  - (ii) state that any further misconduct will render the employee liable to further, more severe disciplinary action;
  - (iii) remain 'live' on the file for six months. During this period, the Council may rely on such a warning in the event of further misconduct on the part of the employee;
  - (iv) state that the employee may appeal against the warning.
- (b) Where either a more serious disciplinary offence has been committed or further minor offences have been committed by an employee following a

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formal recorded verbal warning that remains 'live', the employee will receive a first written warning. The warning will:

- (i) set out the nature of the offence committed;
- (ii) inform the employee that further misconduct is liable to result in further disciplinary action under this procedure;
- (iii) remain 'live', for a period of 12 months after the period the warning will automatically lapse;
- (iv) state that the employee may appeal against the warning.

(c) Where either further offences have been committed by an employee following a formal written warning that remains 'live'; or a serious disciplinary offence amounting to gross misconduct has been committed, (thereby justifying summary dismissal, but the Council decides, after taking into account all appropriate circumstances, that a lesser penalty is appropriate), a final written warning may be given. Such a warning will:

- (i) set out the nature of the offence committed;
- (ii) inform the employee that further misconduct is likely to result in his/her dismissal; and
- (iii) remain "live" for a period of 12 months after the period the warning will automatically lapse
- (iv) state that the employee may appeal against the warning.

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

(e) Where the Council establishes that an employee has committed an act of gross misconduct, the employee may be summarily dismissed without notice or pay in lieu of notice.

(f) Where a final written warning is given to an employee under (c) above, the Council may also impose on the employee:

- (i) Extension of time period that the warning will remain "live" up to a maximum of 24 months;
- (ii) disciplinary suspension;
- (iii) demotion;

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- (iv) stoppage of pay for such period as the Council thinks fit in the circumstances subject to a maximum of 12 weeks; or

The foregoing sanctions may be imposed in conjunction with other forms of disciplinary action, or as an alternative to dismissal.

- (g) In cases where the police are investigating a matter or a court case is pending, the application of the disciplinary procedure does not have to await the outcome of such external investigations or proceedings.

## 11.0 Appeal

- 11.1 An employee may appeal against any disciplinary sanction imposed against him/her.
- 11.2 When lodging an appeal, the employee should state:
  - (a) the grounds of appeal; and
  - (b) whether he/she is appealing against the finding that he/she has committed the alleged act or acts of misconduct, or against the level of disciplinary sanction imposed, or both.
- 11.3 An appeal shall be made in writing, stating the full grounds of the appeal to the People and Policy Team within 10 working days of the receipt of the letter advising of the dismissal or sanction.
- 11.4 An appeal against a sanction other than a dismissal, will be heard by a senior manager who has not been involved in the decision to impose the sanction.
- 11.5 For the purpose of hearing and determining any dismissal appeals, the Council shall establish a panel. The Appeal Panel shall consist of three Council Members (politically balanced).
- 11.6 At the appeal a representative from the People and Policy Team, the Legal Team or an external legal advisor may be present throughout to act as an advisor to the Appeal Panel.
- 10.7 The Chair of the original hearing should be the presenting manager (unless another manager is nominated in exceptional circumstances) and the presenting officer at the original hearing may be called as a witness for either party.

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- 11.8 Where practical, the Appeals Panel shall hear the appeal no later than 20 working days after the receipt of the notice of appeal from the employee, although a later date for the hearing may be mutually agreed.
- 11.9 The employee shall be given at least 7 working days' notice of the hearing, in writing, stating the date, time and location of the hearing.
- 11.10 Where either party intends to produce documentary evidence or call witnesses at the Appeal Hearing, details should be given to the other party at least 5 working days in advance of the hearing. Any new matters raised may delay an appeal meeting if further investigation is required.
- 11.11 It will be at the Chair of the Appeal Panel's discretion whether or not to consider any late evidence or other notification of witnesses.
- 11.12 Witness(s) can only give evidence relating to the grounds of the appeal and not be used for character representations. Each witness will make themselves available throughout the duration of the hearing and will be expected to leave the proceedings after questioning.
- 11.14 If the employee fails to attend, the Appeals Panel may, dependent on the circumstances, dismiss the appeal, consider it in their absence, or defer the hearing to an alternative date. The employee may alternatively choose a representative as detailed at 1.10 to attend in their absence, however the representative can only present the case and ask questions on behalf of employee, but cannot answer questions on the employees' behalf.
- 11.15 The Chair will explain the purpose of the hearing and the procedure to be followed. The appeal will be a review of the original decision. The procedure to be followed at the appeal hearing is documented in the Appeal Hearing Agenda.
- 11.16 When the Appeals Panel has reached a decision the parties will return to the hearing and the Chair will convey the decision, which will be confirmed in writing within 10 working days.

## 12.0 Outcome of an Appeal

- 12.1 The Appeal Panel has the power to overturn or reduce a decision.

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- 12.2 Following an appeal the original decision may be confirmed, revoked or replaced with a different decision. There will be no further right of appeal with the Council.
- 12.3 In the event that the Appeal Panel upholds the employee's appeal, the Appeal Panel shall allow the appeal and will remove all records of any related sanctions from the employee's record.
- 12.4 Where an appeal against dismissal is not upheld by the Appeal Panel, and the Dismissing Officer's decision was to dismiss the employee summarily without notice, the Council will be under no obligation to pay the employee for any period between the date of the original Dismissal Hearing and the date of the Appeal Hearing. The original date of termination will stand and the decision of the Appeal Panel is final, with no further right of appeal with the Council.

### 13.0 Gross Misconduct

- 13.1 Gross misconduct is regarded as misconduct of such a serious and fundamental nature that it breaches the contractual relationship between the employee and the Council. In the event that an employee commits an act of gross misconduct, following a thorough investigation and Disciplinary Hearing, the Council will be entitled to terminate summarily the employee's contract of employment without notice or pay in lieu of notice.
- 13.2 Matters that the Council views as amounting to gross misconduct include (but are not limited to):
- Stealing from the Council, members of staff or the public;
  - Other offences of dishonesty;
  - Falsification of a qualification that is a stated requirement of the employee's employment or results in financial gain to the employee;
  - Falsification of records, reports, accounts, expense claims or self-certification forms whether or not for personal gain;
  - Sexual misconduct at work;
  - Fighting with or physical assault on members of staff or the public;
  - Deliberate damage to or misuse of the Council's property;
  - Serious damage to the Council's property;
  - Drunkenness or being under the influence of illegal drugs or alcohol whilst at work;

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- Possession, custody or control of illegal drugs on the Council's premises;
- Serious breach of the Council's rules, including, but not restricted to, health and safety rules and rules on computer use;
- Serious breach of the Council's Code of Conduct for Employees;
- Gross negligence;
- Conviction of a criminal offence that is relevant to the employee's employment;
- Conduct that brings the Council's name into disrepute;
- Discrimination or harassment of a fellow worker or member of the public on the grounds of sex, sexual orientation, race, disability, age or religion or belief;
- Bullying or any other intimidating or malicious behaviour;
- Breach of the Council's Email and Internet Policy including making unauthorized financial transactions, accessing personal Email accounts, viewing and circulating pornographic or racist images;
- Fraud or deliberate financial irregularity involving the Council's money or resources including manipulation of flexitime records or timesheets and abuse of leave entitlements, the Council's sick pay scheme or similar procedure;
- Unauthorised use or misuse of Council information including issues involving confidentiality and the Data Protection Act 1998.
- Using a mobile phone whilst driving
- Smoking in a none designated smoking area;
- Deliberately disobeying a reasonable lawful contractual instruction from management, or serious act of insubordination;
- Failure to declare an interest when involved in Recruitment or similar activity where discretion can be applied;
- Absence from work without permission;
- Other conduct inside or outside work which could result in a loss of trust and confidence in an individual as an employee.

This list is not exhaustive.

## 14.0 Trade Union Representatives

- 14.1 If an employee who is an accredited representative of a trade union recognised by the Council for collective bargaining purposes is suspected of having committed a disciplinary offence, the Council will take no action under this procedure (with the exception of suspending the employee in a case of

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suspected or known gross misconduct) until the Council has had a chance to discuss the matter with a full-time official of that trade union.

## **15.0 Monitoring and Review**

- 15.1 The People and Policy team will be responsible for monitoring and administering the procedure which will be reviewed every 3 years or in light of any legislative or case law changes.

## **16.0 Equality Considerations**

- 16.1 Service Managers are responsible for ensuring that they operate the policy in line with the Council's Equal Opportunities Policy to provide equality of opportunity for all employees.

The Council is committed to ensuring that no-one is discriminated against, disadvantaged or given preference, through membership of any group, particularly based on age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy or maternity. The policy will be equally applied to all employees irrespective of their background.

In addition, in line with the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA) Part 3, the Council is committed to ensure that employees are not disadvantaged or discriminated against by virtue of their trade union membership in the application of this policy.

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<p><b>1.</b></p>	<p><b>Introductions</b></p> <ul style="list-style-type: none"> <li>▪ All parties present are introduced, and their role in the hearing explained to all parties</li> <li>▪ Employee asked to confirm that they are aware of their right to representation by a work colleague, Trade Union representative, or an official employed by a Trade Union</li> <li>▪ Confirm the role of the representative, that is, can present case/ask questions on behalf of employee, but shall not answer questions on behalf of employee</li> <li>▪ Check if there are any other housekeeping matters before proceeding</li> </ul>	<p><b>Chair</b></p>
<p><b>2.</b></p>	<p><b>Purpose of Meeting</b></p> <ul style="list-style-type: none"> <li>▪ Explanation given to all parties of the purpose of the meeting and confirm everyone is in agreement with the format</li> <li>▪ Provide an outline of the agenda to all parties</li> <li>▪ Confirm all parties have the relevant documents.</li> <li>▪ Confirm that a short adjournment may be requested at any time if required</li> <li>▪ Any questions at this time? If no proceed</li> </ul>	<p><b>Chair</b></p>
<p><b>3.</b></p>	<p><b>Employee to state their reasons for appeal</b></p> <ul style="list-style-type: none"> <li>▪ If appropriate selection matrix scores to be discussed</li> </ul>	<p><b>Employee/ Representative</b></p>
<p><b>4.</b></p>	<p><b>Questions</b></p> <ul style="list-style-type: none"> <li>▪ Questions from Management to Employee</li> <li>▪ Questions from Chair/HR to Employee</li> </ul>	<p><b>Manager and Chair/HR</b></p>
<p><b>5.</b></p>	<p><b>Witness(s)</b></p> <ul style="list-style-type: none"> <li>▪ On behalf of the employee will add any supporting information to employee's case.</li> </ul>	<p><b>Witness(s)</b></p>
<p><b>6.</b></p>	<p><b>Questions to Witness(s)</b></p> <ul style="list-style-type: none"> <li>▪ Questions from Management to Witness(s)</li> <li>▪ Questions from Chair/HR to Witness(s)</li> </ul>	<p><b>Manager and Employee/ Representative</b></p>
<p><b>7.</b></p>	<p><b>Manager will present the management case</b></p> <ul style="list-style-type: none"> <li>▪ Will confirm reasons for original decision</li> </ul>	<p><b>Manager</b></p>
<p><b>8.</b></p>	<p><b>Questions</b></p> <ul style="list-style-type: none"> <li>▪ Questions from Employee to Management</li> </ul>	<p><b>Employee and Chair/HR</b></p>

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	<ul style="list-style-type: none"> <li>▪ Questions from Chair/HR to Management</li> </ul>	
<b>9.</b>	<b>Witness(s) (if applicable)</b> <ul style="list-style-type: none"> <li>▪ Will add any supporting information on behalf of the management case</li> </ul>	<b>Witness(s)</b>
<b>10.</b>	<b>Questions to Witness(s)</b> <ul style="list-style-type: none"> <li>▪ Questions from Employee to Witness(s)</li> <li>▪ Questions from Chair/HR to Witness(s)</li> </ul>	<b>Employee and Chair/HR</b>
<b>11.</b>	<b>Summing up and any further matters – introducing no new evidence</b> <ul style="list-style-type: none"> <li>▪ Employee case summary</li> <li>▪ Management case summary</li> </ul>	<b>Manager and Employee/ Representative</b>
<b>12.</b>	<b>Adjournment – both parties will leave whilst the panel deliberates</b> <ul style="list-style-type: none"> <li>▪ Chair to consider all facts presented</li> <li>▪ Chair can consider whether or not any further information needs to be clarified before making their decision</li> <li>▪ Chair to confirm how long the adjournment will last and when all parties should return to hear the decision</li> </ul>	<b>Chair</b>
<b>13.</b>	<b>Decision</b> <ul style="list-style-type: none"> <li>▪ Chair to convey the decision verbally to all parties</li> <li>▪ In circumstances, the chair may convey the decision in writing</li> <li>▪ Confirm to the employee that the decision will be confirmed in writing within 10 working days</li> </ul>	<b>Chair</b>
<b>14.</b>	<b>Close</b> <ul style="list-style-type: none"> <li>▪ Thank all parties for attending today</li> </ul>	<b>Chair</b>

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# Grievance Procedure

Date of issue

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# Grievance Procedure

## 1.0 Introduction

- 1.1 The Grievance Procedure details the process to be followed to deal with concerns, problems or complaints raised by employees at Rossendale Borough Council.
- 1.2 The Council recognises that grievances may arise in a variety of forms. However, it is hoped that, wherever possible, grievances can be settled informally, without recourse to the formal stage of the procedure.

## 2.0 Scope

- 2.1 The Procedure applies to all Permanent, Temporary or Casual employees who are employed by the Council with the exception of the Chief Executive and Chief Officers.

## 3.0 Exclusions

- 3.1 The Procedure can be used to resolve any problem with the exception of the following:
  - Disciplinary matters
  - Probation
  - Job evaluation and grading matters
  - Selection for redundancy
  - Sickness absence management matters
  - Capability
  - National Conditions of Service and Local Agreements
  - Council policies
  - Recruitment and Selection
  - Redundancy
  - Matters relating to payroll such as income tax, national insurance and pension
  - Any other matter where there is already a procedure in place for resolving problems such as the bullying and harassment procedure.
- 3.2 The Procedure cannot be used to delay or used as an obstructive process to impede the process of change and decision making. However, where a grievance is lodged in relation to a matter, consideration must be given to postponing that decision pending the outcome of the grievance, particularly in instances of contractual change.

## 4.0 Definition

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- 4.1 Grievances are concerns, problems or complaints that employees raise with employers. Employers and employees should always try to resolve problems in the workplace at the earliest possible opportunity and with at least possible formality.

**5.0 Informal Stage**

- 5.1 If the employee has a grievance or complaint relating to their work, working conditions, working hours, or if they are concerned about their health and safety or a breach of their statutory employment rights or any other issue affecting their employment, they should first talk the matter over on an informal basis with their Line Manager (or People and Policy if the concern is relating to their Line Manager). The employee should discuss the employee’s concerns in confidence, make discreet investigations, and attempt to resolve the matter speedily and fairly.
- 5.2 For the purpose of this policy ‘Line Manager’ will be used for either the employee’s Line Manager or People and Policy if the concern is relating to their Line Manager).

**6.0 Formal Stages - Stage 1**

- 6.1 If the employee remains concerned following the informal meeting with their Line Manager, the employee must formally write to their Line Manager setting out their grievance and the basis for this and ask for a meeting.
- 6.4 At the meeting, employee should explain their grievance and how they think it should be resolved. Consideration should be given to adjourning the meeting for any investigation that may be necessary.
- 6.5 The Line Manager will provide the outcome to the grievance within ten working days of the meeting, and will give the employee their reasons in writing. This timescale may be extended depending on the issues raised and the length of time it takes to resolve them. The outcome should be provided within a reasonable timescale and the reasons for any delay should be communicated to the employee.
- 6.6 Should the employee remain dissatisfied with the outcome, they will have the right to pursue the matter further by submitting an appeal to the next tier of management. The appeal should be submitted to the Line Manager within five working days of receipt of the written outcome.
- 6.7 For the purpose of this policy ‘Manager’ will be used for the next tier of management and will normally be the Manager of the Line Manager (or nominated Officer if there is a conflict of interest).

**7.0 Stage 2**

- 7.1 The Manager will discuss the issue with the employee at a meeting convened for that purpose.
- 7.2 The Manager will also meet with the Line Manager to obtain information and the outcomes from the previous meetings held under this procedure.

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- 7.3 The Manager will consider the facts, make their decision and communicate to the employee and the supervisor their findings in writing within the next ten working days.
- 7.4 This timescale may be extended depending on the issues raised and the length of time it takes to resolve them. The outcome should be provided within a reasonable timescale and the reasons for any delay should be communicated to the employee.
- 7.5 Should the employee remain dissatisfied with the outcome, they will have the right to pursue the matter further by submitting an appeal to the Chief Executive or nominated representative. The appeal should be submitted to the HR Manager within five working days of receipt of the written outcome.

**8.0 Appeal**

- 8.1 The Chief Executive or nominated representative will discuss the issue with the employee at a meeting convened for that purpose. The meeting may be postponed, at the employee’s request, and for up to five working days, if their chosen companion is not available to attend on the date set for the meeting in question.
- 8.2 The Chief Executive or nominated representative will also meet with the Line Manager and Manager to obtain information and the outcomes from the previous meetings held under this procedure.
- 8.3 The Chief Executive or nominated representative will subsequently consider the facts, make their decision and communicate to the employee and the Line Manager and Manager their findings in writing within the next ten working days.
- 8.4 This timescale may be extended depending on the issues raised and the length of time it takes to resolve them. The outcome should be provided within a reasonable timescale and the reasons for any delay should be communicated to the employee.
- 8.5 The Chief Executive or nominated representative’s decision will be final.

**9.0 Right to Accompanied**

- 9.1 An employee may bring a Trade Union Representative or work colleague to a Disciplinary or Appeal Meeting under this procedure.
- 9.2 The identity of the companion must be confirmed to the Manager in advance of the Disciplinary Meeting,
- 9.3 Work colleagues are allowed reasonable time off from duties without loss of pay to act as a companion. However, they are not obliged to act as a companion and may decline a request if they so wish.

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- 9.4 The Council may at its discretion, permit a companion who is not an employee or a Trade Union Representative (for example, a family member) to attend a meeting.
- 9.5 A companion may make representations, ask questions, and sum up the employee's position, but will not be allowed to answer questions on the employee's behalf.
- 9.6 Any formal meeting may be postponed, at the employee's request, for up to five working days, if their chosen companion is not available to attend on the date set for the meeting.

**10.0 Mediation**

- 10.1 A mediator can sometimes help resolve grievance issues although a mediator may not always be appropriate where the issue is serious. The mediator may be someone who works for the Council or who is external to the Council.
- 10.2 Mediation is a voluntary process where an independent and impartial third party helps two or more people in a dispute to reach agreement. Mediation is only useful where both parties are willing to undertake the mediation.
- 10.3 Mediation can be used at any stage in the dispute to try and reach agreement.

**11.0 Collective Grievances**

- 11.1 Collective grievances (i.e. more than one employee has concerns) may be dealt with under this procedure. A collective grievance can be brought by the Trade Union or an elected spokesperson to be discussed and resolved as appropriate with the Line Manager in the first instance. Where the issue is not resolved, the matter will be considered by the Chief Executive or nominated officer. The Chief Executive's or nominated officer decision will be final.

**12.0 Supporting Notes**

- 12.1 Once the Grievance Procedure has been invoked, additional issues cannot be added as the grievance progresses through the stages. New grievance issues must commence at the informal stage.
- 12.2 Where a grievance is deemed to have been suitably resolved because the employee did not progress the grievance within the specified time period, the employee will not be able to re-submit the same grievance.
- 12.3 Once the Grievance Procedure has been completed in accordance with this Procedure, the employee will not be able to re-start the procedure in respect of the same grievance unless the action decided by Management to resolve the grievance has not been implemented.
- 12.4 Any employee who raises a vexatious grievance may be subject to disciplinary action.

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## 13.0 Monitoring and Review

- 13.1 Managers who deal with grievances should ensure that the People and Policy team is notified of the grievances, responses and the outcomes.
- 13.2 The People and Policy team will maintain a record of the grievances received noting the actions taken. This will allow an evaluation of any specific areas of occurrence or any specific action which may have implications for other areas of the Council, including training.
- 13.3 The People and Policy team will be responsible for monitoring and administering the policy and procedure which will be reviewed on a 3 yearly basis and updated in light of any legislative or case law changes.

## 14.0 Equality Considerations

- 14.1 Service Managers are responsible for ensuring that they operate the policy in line with the Council's Equal Opportunities Policy to provide equality of opportunity for all employees.

The Council is committed to ensuring that no-one is discriminated against, disadvantaged or given preference, through membership of any group, particularly based on age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy or maternity. The policy will be equally applied to all employees irrespective of their background.

In addition, in line with the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA) Part 3, the Council is committed to ensure that employees are not disadvantaged or discriminated against by virtue of their trade union membership in the application of this policy.

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**Grievance Form**

Name: \_\_\_\_\_

Department: \_\_\_\_\_

Line Manager: \_\_\_\_\_

Date of informal meeting: \_\_\_\_\_

This form is to be used throughout the formal stages of the Grievance Procedure

Background – What has happened? (Please give details of time(s) and date(s) if appropriate)	
Why are you aggrieved?	

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<p>What was the outcome, of the discussion with your Line Manager/ Manager</p>	
<p>What remedy/outcome do you feel will resolve the issue?</p> <p>What do you think Management should do to resolve the grievance to your satisfaction?</p>	

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Signed \_\_\_\_\_ Date \_\_\_\_\_

Please retain a copy of this document along with any written responses you receive for your records and future reference.

**Appendix 2**

**Appeal Hearing Agenda**

1.	<b>Introductions</b> <ul style="list-style-type: none"> <li>▪ All parties present are introduced, and their role in the hearing explained to all parties.</li> <li>▪ Employee asked to confirm that they are aware of their right to representation by a work colleague, Trade Union representative, or an official employed by a Trade Union</li> <li>▪ Confirm the role of the representative, that is, can present case/ask questions on behalf of employee, but shall not answer questions on behalf of employee.</li> <li>▪ Check if there are any other housekeeping matters before proceeding.</li> </ul>	Chair
2.	<b>Purpose of Meeting</b> <ul style="list-style-type: none"> <li>▪ Explanation given to all parties of the purpose of the meeting and confirm everyone is in agreement with the format.</li> <li>▪ Provide an outline of the agenda to all parties.</li> <li>▪ Confirm all parties have the relevant documents.</li> <li>▪ Confirm that a short adjournment may be requested at any time if required.</li> <li>▪ Any questions at this time? If no proceed.</li> </ul>	Chair
3.	<b>Employee to state their reasons for appeal</b> <ul style="list-style-type: none"> <li>▪ If appropriate selection matrix scores to be discussed.</li> </ul>	Employee/ Representative
4.	<b>Questions</b> <ul style="list-style-type: none"> <li>▪ Questions from Management to Employee.</li> <li>▪ Questions from Chair/HR to Employee.</li> </ul>	Manager and Chair/HR
5.	<b>Witness(s)</b> <ul style="list-style-type: none"> <li>▪ On behalf of the employee will add any supporting information to employee's case.</li> </ul>	Witness(s)
6.	<b>Questions to Witness(s)</b> <ul style="list-style-type: none"> <li>▪ Questions from Management to Witness(s).</li> <li>▪ Questions from Chair/HR to Witness(s).</li> </ul>	Manager and Employee/ Representative
7.	<b>Manager will present the management case</b> <ul style="list-style-type: none"> <li>▪ Will confirm reasons for original decision.</li> </ul>	Manager
8.	<b>Questions</b>	Employee and

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	<ul style="list-style-type: none"> <li>▪ Questions from Employee to Management.</li> <li>▪ Questions from Chair/HR to Management.</li> </ul>	<b>Chair/HR</b>
<b>9.</b>	<b>Witness(s) (if applicable)</b> <ul style="list-style-type: none"> <li>▪ Will add any supporting information on behalf of the management case.</li> <li>▪</li> </ul>	<b>Witness(s)</b>
<b>10.</b>	<b>Questions to Witness(s)</b> <ul style="list-style-type: none"> <li>▪ Questions from Employee to Witness(s).</li> <li>▪ Questions from Chair/HR to Witness(s).</li> </ul>	<b>Employee and Chair/HR</b>
<b>11.</b>	<b>Summing up and any further matters – introducing no new evidence</b> <ul style="list-style-type: none"> <li>▪ Employee case summary.</li> <li>▪ Management case summary.</li> </ul>	<b>Manager and Employee/ Representative</b>
<b>12.</b>	<b>Adjournment – both parties will leave whilst the panel deliberates</b> <ul style="list-style-type: none"> <li>▪ Chair to consider all facts presented.</li> <li>▪ Chair can consider whether or not any further information needs to be clarified before making their decision.</li> <li>▪ Chair to confirm how long the adjournment will last and when all parties should return to hear the decision.</li> </ul>	<b>Chair</b>
<b>13.</b>	<b>Decision</b> <ul style="list-style-type: none"> <li>▪ Chair to convey the decision verbally to all parties.</li> <li>▪ In circumstances, the chair may convey the decision in writing.</li> <li>▪ Confirm to the employee that the decision will be confirmed in writing within 10 working days.</li> </ul>	<b>Chair</b>
<b>14.</b>	<b>Close</b> <ul style="list-style-type: none"> <li>▪ Thank all parties for attending today.</li> </ul>	<b>Chair</b>

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# Recruitment and Selection Policy

Date of Issue

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## 1.0 Introduction

- 1.1 The Council is committed to attracting, selecting and retaining employees who will successfully and positively contribute to providing a valuable service. A motivated and committed workforce with appropriate knowledge, skills, experience and ability to do the job is critical to the Council's performance and fundamental to the delivery of a high quality service.
- 1.2 This policy aims to ensure that fair recruitment and selection is conducted at all times and is open and transparent and should be read in conjunction with the Recruitment and Selection Guidance for Managers.
- 1.3 The Council is committed to equality of opportunity and meeting the diverse needs of the Borough, both as an employer and as a deliverer of services.

## 2.0 Purpose

- 2.1 The purpose of this policy is to ensure the recruitment of both permanent and temporary staff is conducted in a fair, effective and economic manner.
- 2.2 To achieve this purpose, the recruitment and selection process will follow all legal, regulatory and compliance requirements and those that are responsible for each stage of the recruitment process will demonstrate a professional approach by dealing honestly, efficiently and fairly with all internal and external applicants.

## 3.0 Scope

- 3.1 This policy applies to the recruitment of both external and internal applicants up to Chief Officer and the Section 151 Officer and will cover permanent, temporary and casual appointments.
- 3.2 For Chief Officer appointments, the principles will apply but different arrangements may apply in accordance with the Council's constitution.
- 3.3 This policy does not cover redeployment or the appointment of consultants or agency staff.
- 3.4 This policy should be applied consistently across the Council. However, it is accepted that when applying the policy, some discretion and flexibility may need to be applied whilst still ensuring that this is within the overall framework of the policy. This is to ensure that the policy operates effectively and does not adversely affect aspects of recruitment and selection practices.
- 3.5 In instances where Managers identify a need to exercise discretion and flexibility in the interpretation of this policy, consultation should take place with the People and Policy Team initially and a written record should be made of the action taken and the reasons supporting this action.

## 4 Responsibilities

4.1 The HR Manager is responsible for ensuring that this policy and associated guidance document is reviewed regularly to reflect recruitment and selection best practice and compliance with legislative requirements.

4.2 The HR Manager is responsible for ensuring that all Managers are trained and equipped to adhere to the guidelines set out in this policy.

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4.3 Managers are responsible for implementing the policy with support and advice from the People and Policy Team.

4.4 Chief Officers have delegated responsibility to make appointments below the level of JNC Chief Officer and should do so in accordance with this policy. Where this responsibility is delegated to other officers, they must ensure that recruitment and selection continues to be compliant with this policy.

## 5.0 Aims and Objectives

3.3 To ensure a consistent and equitable approach to the appointment of all Council staff.

3.4 To ensure all relevant equal opportunities legislation is adhered to and that applicants are not discriminated against on the grounds of gender reassignment, marriage or civil partnership, pregnancy and maternity or disability.

3.5 The Council values a diverse workforce that is representative of the Borough it serves. This policy highlights that recruitment and selection is a key factor in promoting equal opportunities.

3.6 The Council will guarantee an interview for any disabled applicant who demonstrates that they meet the essential criteria as detailed in the relevant Person Specification or where it is possible to offer reasonable adjustments to the work environment.

## 6.0 Principles

6.1 The following principles are encompassed in this policy:

- The recruitment process will be objective and free from bias.
- Applicants will be recruited on the knowledge, experience and skills needed for the job.
- Applicants will be treated fairly
- Each step of the selection process will consist of at least **two** officers, one which is trained in the recruitment process.
- The job description and person specification are essential to the recruitment process and will be carefully drafted and referred to throughout.
- The recruitment process will comply with relevant legislation and appropriate codes of practice.
- Reasonable adjustments to the recruitment process will be applied, as necessary, if the applicant declares a disability.
- Training will be provided for managers in recruitment and selection processes and they will be made aware of their obligations in respect of equal opportunities.
- The effectiveness of the recruitment and selection process will be monitored and reviewed periodically.
- The process will enable any applicant/potential applicant to raise issues regarding the process if they wish to do so.

6.2 The Council will guarantee an interview for any disabled applicant who demonstrates that they meet the essential criteria as detailed in the relevant Person Specification or where it is possible to offer reasonable adjustments to the work environment.

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6.3 The Council will actively participate in positive action initiatives which will encourage people from under-represented groups to:

- Apply for jobs in which they have been under-represented; and
- Be given opportunities to apply for training programmes to help develop potential and so improve their chances of competing successfully for particular work.

## 7.0 Complaints

7.1 Applicants who feel that they have been treated unfairly or discriminated against are entitled to submit a complaint to the HR Manager who will investigate the complaint.

7.2 Where the applicant disagrees with the outcome of the investigation, they will have the opportunity to submit an appeal to the Chief Executive.

## 8.0 Monitoring and Review

8.1 The HR Manager is responsible for the monitoring of the effectiveness of this policy.

8.2 The policy will be reviewed every three years and thereafter as necessary to reflect changes in HR policy and practices, legislation, relevant Council decisions and any other developments which impact upon recruitment and selection.

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# Recruitment and Selection Guidance for Managers

## Date of Issue

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## 1.0 Introduction

- 1.1 The Recruitment and Selection Guidance is separate to, but should be read in conjunction with, the Recruitment and Selection Policy.
- 1.2 The guidance aims to ensure that managers and employees of Rossendale Borough Council maintain a consistent approach throughout the process of recruitment and selection and have a good understanding of good practice and an awareness of actions that may constitute discrimination.
- 1.3 The objective of recruitment and selection is to appoint the best person for the post based on merit. This should be done using a fair and equitable process which is based on the needs of the organisation and the candidate's ability to do the job, ability to contribute to the Council's effectiveness and potential for development.

## 2.0 Preparing to Recruit

### 2.1 Job Analysis

Job analysis is a process to determine whether a vacant post needs to be filled or whether you wish to restructure or delete the post from the establishment. The following areas should be considered as part of this process:

- The continuing requirement for the post;
- The function of the service and any changes;
- Any new technology or software that may alter the requirements of the existing duties of the post;
- Future changes anticipated which would require different or more flexible skills and knowledge;
- The skills, knowledge, experience and competencies required to undertake the post;
- The type of contract required to undertake the work i.e.
  - Permanent
  - Fixed term
  - Full time
  - Part time
  - Job share
  - Modern Apprenticeship
  - Secondment
  - Career Development Opportunity

### 2.2 Sources of Information

Useful sources of information to consider when undertaking job analysis could include the following:

- Exit interview with the current post holder;
- Employees doing the same or similar jobs;
- The existing job description and person specification;
- The views of your manager and other colleagues;
- The People and Policy Team.

## 2.3 Exit Interview

The aim of the exit interview is to ensure that the Council can gather information as to why employees leave employment and to ensure that potential areas for improvement are identified and changes made where appropriate.

This is particularly important in relation to the public duties of the Council to monitor the numbers of employees who cease employment and to use the information gathered from monitoring to investigate and resolve any potentially discriminatory treatment.

In relation to recruitment and selection, it provides the manager with the opportunity to ensure that the job description is reviewed and accurately reflects the duties and responsibilities of the role.

Similarly the Person Specification can be reviewed in line with any changes or developments made to the job description or changes to the requirements to fulfil the role.

### 2.3.1 Exit Interview Process

- When an employee tenders their resignation, the relevant manager should send the resignation letter to the People and Policy Team as soon as possible.
- The manager should arrange to meet with the employee soon after the resignation is received to conduct the exit interview.
- Where possible the exit interview should be conducted in a private area, free from disturbance and interruptions.
- The Exit Interview Form should be completed as part of the exit interview and sent to the People and Policy Team so that payroll and monitoring information can be gathered.

## 2.4 Career Development Opportunity

For some posts or areas of work managers may experience difficulty in recruiting suitable candidates. This could be due to market forces or a tight labour market. In these circumstances it may be decided that the newly vacant post could provide a development opportunity for current employees.

In these circumstances the post will need to be reviewed and the job description amended as appropriate.

These are exceptional circumstances and evidence will need to be provided by the recruiting manager to justify providing a development opportunity for current employees only.

An example of evidence could include recent recruitment campaigns which have failed to attract appointable candidates to the post.

## 2.5 Job Description

Service Managers must, as each vacancy arises or a new post is created, prepare a job description showing the duties, responsibilities and organisational setting for the post.

Corporate template job descriptions are available in **Appendix 1** at the end of this document.

The job description should be clear, reasonably concise and a fair representation of the post. It must provide sufficient information to enable a job applicant to understand what they will be doing and how it contributes to the Council's aims and objectives.

Jargon and abbreviations should be avoided as some terms may not be understood by applicants from other sectors of employment.

The job description must not contain anything that could be interpreted as discriminatory on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

It is important to consider carefully what is articulated in the job description as this forms part of the contract of employment for the recruited employee.

## 2.6 Person Specification

The qualifications, experience, knowledge, skills and abilities required must be separately identified in a Person Specification.

This document is sent to all candidates, and must be used as the basis for shortlisting and at all subsequent stages of the selection process. If the requirements are not reflective of the duties of the post, then the person subsequently appointed will not be suitable to undertake the requirements of the post.

The format of the Person Specification can be found in **Appendix 2**.

### Qualifications

Avoid requirements such as "minimum of 5 GCSE's" which may have no direct relevance to the post unless required in order to gain further training/qualifications.

Do not assume that overseas qualifications are the equivalent to those awarded in the UK, the standard of those qualifications should be checked, if necessary through:

Gov.UK <https://www.gov.uk/government/publications/overseas-degree-equivalency-table-and-methodology>

or UKNARIC <http://www.ecctis.co.uk/naric/Individuals/Compare%20Qualifications/Default.aspx>

Applicants should not be rejected because their qualifications are considered too great for the post on offer. Care should be taken that the employee specification provides a good basis for qualification demands in order to avoid a common misunderstanding where applicants may believe that they have been unfairly discriminated against in relation to qualifications.

### Experience

Avoid vague requirements which cannot be qualified, such as "good personality", "good standard of education" and "sense of humour". Instead, use direct requirements which can be measured such as "experience of working as part of a team", "ability to meet deadlines", "experience of dealing with the public" which can be assessed from the application form and at interview.

The use of length of time to quantify experience (e.g. 5 years' experience) should be avoided unless it is required by that particular occupation. An example of where it would be acceptable is if there is a statutory requirement that the post holder has a specific number of years post qualification experience such as a Solicitor or Planning Officer.

It is better practice to specify what experience you are looking for such as "experience of policy development in the following areas..." rather than "5 years' experience of policy development". The length of time does not necessarily reflect the individual's experience of undertaking that particular work and could be regarded as indirectly discriminatory. This could be because some applicants may not have had the opportunity to acquire the number of years' experience due to their age or due to having career breaks, for example, to undertake caring duties, but may have the actual experience required to undertake the work. See section 13.0 for further information regarding discrimination.

### Knowledge and Skills

As with experience, it is important to be clear about knowledge that is required for the post (and therefore an essential criterion) and knowledge that could be acquired through training or experience once in post (and may therefore be a desirable criterion).

Equally the same thinking should be applied when considering which skills are required for the post. Skills which take a considerable time and effort to acquire would normally be an essential criterion. Those which could be easily gained through training or experience once in post would normally be a desirable criterion. Care should be taken in considering how to assess the skills and knowledge during the selection process.

### Special Requirement

Commitment to the principles and practice of Equal Opportunities is a Council resolution, being an essential requirement for every post and should be determined through questioning at the interview stage. The degree of knowledge of Equal Opportunities issues required will vary from post to post which should be taken into account when preparing the question. A question leading to a single word answer "yes" or "no" should be avoided.

Under the Local Government Housing Act (1989) certain Local Authority appointments are classified as politically restricted posts. Local Authority employees holding politically restricted posts are disqualified from membership of any local authority, other than a parish or community council, from being a Member of Parliament or a Member of the European Parliament, and from membership of the Scottish Parliament or Welsh Assembly. They are subject to prescribed restrictions on their political activity through the Local Government Officers (political restrictions) Regulations 1990. This includes canvassing.

Where it is the case that a post is politically restricted, it should be stated as an essential criteria of the Person Specification that applicants should be prepared to satisfy the requirements of the Act in the event of being appointed. See section 13.0 for further information on which posts are politically restricted.

### Further Information



If you require further advice regarding drawing up a Job Description or Person Specification, please contact the People and Policy Team on 01706 252449.

The relevant Job Description and Person Specification are to be sent to all applicants for vacancies.

### **3.0 Job Evaluation**

All new posts, or posts which have changed duties and new job descriptions, will need to be evaluated using the agreed Job Evaluation Scheme. A separate Job Evaluation Sheet will need to be completed by the recruiting manager to provide additional information for the JE panel so that the grade of the post can be evaluated correctly.

The Job Evaluation Sheet can be found in **Appendix 8**.

New posts or posts where the duties and job descriptions have changed will not be able to be advertised or recruited to before the job evaluation process has been completed.

### **4.0 Vacancy Control**

The Manager has the authority to process a vacancy for recruitment in consultation with the relevant Head of Service. In some circumstances vacancies may be required to go through a vacancy clearance process i.e. where staff are at risk of redundancy.

#### Scheme of Delegation

For all new posts, or posts where the grade has changed following the job evaluation process detailed above, or where there has been a substantive change to a role/job title then a Scheme of Delegation should be drafted by the recruiting manager and approved prior to advertising the post. This is to ensure that the authorised establishments are up to date and accurate.

### **5.0 Casual and Temporary Workers**

Whilst the Council has workforce planning processes in place in line with the business planning process, there will be occasions when there will be a need to respond to unplanned vacancies, cover for sickness absence and maternity leave, or increased workloads for a specific period or task.

Where there is irregular or infrequent demand for particular staffing resources then a register of casual workers can be established. An example of where the use of casual staff would be appropriate would be the use of students during holiday periods to provide additional cover for basic administrative or customer service functions.

Where it is not appropriate or economical to recruit on a temporary basis then additional assistance may be provided using an employment agency.

#### **5.1 Employment Agencies**

There are, on occasions, exceptional circumstances where the use of casual or temporary workers is not appropriate or economical, and the Council will consider

recruiting via an employment agency. The use of agency workers should be kept to a minimum and the length of an assignment should not exceed 12 weeks.

Managers should contact the People and Policy Team for further information before considering employing an agency worker.

## **6.0 Advertising and Attracting Candidates**

### **6.1 How and where to advertise**

The aim of recruitment advertising is to attract the right person for the job. It also provides a valuable opportunity to promote Rossendale Borough Council as an employer of choice and an interesting and attractive place to work.

The People and Policy Team will draft the advert based upon the job description and person specification for the post. This will then be sent to the recruiting manager for their approval and amendment where necessary.

As a minimum, all vacancies will be advertised on the Rossendale Borough Council vacancies page and Job Centre Plus free of charge.

Where it is felt appropriate to supplement these options, there is a broad range of places to advertise which can help to ensure a diverse range of applicants. Vacancies could be advertised in various media such as newspapers, trade publications, various reputable websites, community centres, places of worship, and so forth.

Selection of media can be based upon information about readership sources and circulation, costs and previous monitoring of response rates. All advertising costs will be charged to the recruiting department. For advice about the most appropriate place to advertise contact the People and Policy Team.

### **6.2 What to include in recruitment adverts**

There are seven key pieces of information to include in recruitment adverts:

- The name of the organisation (i.e. Rossendale Borough Council);
- The job title;
- The salary and benefits;
- The main duties;
- The most important selection criteria;
- The application/response details; and
- Whether the post requires a DISCLOSURE AND BARRING SERVICE check.

### **6.3 Positive Action**

Selection for recruitment or promotion must be on merit, irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation. However, it is possible to take steps to redress effects of inequality in the workforce by holding, for example, pre employment training and holding taster days to give people from under represented groups the necessary skills to compete for jobs and offering reasonable adjustments for disabled people.

Positive action is sometimes confused with positive discrimination. Positive discrimination is selecting for recruitment or promotion an individual because they belong to a particular group. Positive discrimination is unlawful.

Positive action is permitted under discrimination legislation providing there are no persons from that particular group undertaking the work or where the proportion of persons doing the work from that particular group is small in comparison to the people from that group in the Council as a whole.

#### 6.4 Recruitment Packs

Recruitment packs should contain the following information:

- Covering letter
- Copy of the recruitment advert
- Job description **Appendix 1**
- Person specification **Appendix 2**
- Structure chart (where appropriate)
- Promotional material about Rossendale Borough Council (where appropriate)
- Information relating to DISCLOSURE AND BARRING SERVICE (where applicable)
- Application form
- Monitoring form

### 7.0 Selection

#### 7.1 Receipt of Applications

The People and Policy Team receive job applications and only Rossendale's Corporate application forms will be accepted. CVs will not be accepted unless this is a reasonable adjustment to enable a disabled candidate to submit an application or where there has been a decision to use CVs as the form of recruitment.

Applicants can complete an online application form up to midnight of the day before the closing date and email/hard copy application forms will be accepted until 9am on the closing date.

Late application forms will only be accepted in exceptional circumstances and at the discretion of the recruiting manager and where shortlisting has not taken place.

#### 7.2 Selection Panel

The selection panel has the responsibility for appointing the successful candidate based on the person specification and for ensuring that all relevant employment legislation and Council policies are followed and managed in an equitable and professional manner.

#### 7.3 Panel Composition

The team should be made up of three officers, of which one should be from the People and Policy Team. This team will draw up the Person Specification, shortlist and interview the candidates; make a decision and appoint the successful candidate in accordance with the required HR procedures and officer authority. Once the team is named, its membership (other than in exceptional circumstances) should

remain constant throughout the selection process. It is advisable that dates for both shortlist and interviews are arranged at this stage.

There are strict rules for declaring interests in appointments and the panel is obliged to observe them. If one or more of the applicants is a personal friend or relative of a panel member, the panel member should withdraw from the recruitment process.

#### 7.4 Recruitment and Selection Training

At least one member of the panel, preferably the Chair, involved in recruitment and selection process must have received the Council's recruitment and selection training including an element of Equal Opportunities. Those Officers who have not attended RBC Recruitment and Selection training must be briefed by a member of the People and Policy Team prior to taking in part in recruitment and selection. All officers should have refresher training every three years.

#### 7.5 External representatives on Selection Interview Panels

Representatives from external organisations or bodies may be invited to attend selection panels where appropriate – e.g. when a post has a significant working relationship with that particular organisation or body. External representatives should be advised by the Chair of the panel whether their role is advisory and whether they have decision making rights. Any contribution to the recruitment process will be discussed by the panel at a pre-interview briefing meeting which should also refer to the Borough Council's Equal Opportunities Policy.

#### 7.6 Elected Member Appointment Panel

An appointment panel will be established to appointment Chief Officers (including Head of Paid Services, Monitoring Officer, S151 Officer and Directors). The Elected members Appointment Panel will be politically balanced as per the Council's constitution.

#### 7.7 Composition of panel in relation to gender

Consideration should also be given to including both genders on panels where one gender is under-represented in that area of employment.

#### 7.8 Shortlisting

When shortlisting, the selection should be based upon the criteria identified in the person specification and must be:

- Objective and justifiable;
- Non-discriminatory;
- Relevant to the role

The Council is committed to Disability Confident. This commitment recognises the Council is working with the Department of Working Pensions (DWP) to ensure that disabled people and those with long term health conditions have the opportunities to fulfill their potential and realise their aspirations.

As a Disability Confident Committed Employer we have committed to:

- Ensure our recruitment process is inclusive and accessible;

- Communicate and promote vacancies;
- Offer an interview to disabled people;
- Anticipate and provide reasonable adjustments as require;
- Support any employee who acquires a disability or long term health condition, enabling them to stay in work;
- At least one activity that will make a difference for disabled people.

A shortlisting matrix is available to use and is contained in **Appendix 3**. The Chair will be responsible for ensuring that one shortlisting matrix is produced that is based on the essential criteria, and where appropriate, the desirable criteria on the Person Specification.

It is good practice for the panel members to decide collectively the scoring mechanism to be used and the benchmark to be reached and then to shortlist individually prior to discussing it with other members of the panel. Members of the panel should only consider information provided on the application form and assess applicants against the criteria contained in the Person Specification.

Those candidates who meet all the essential requirements of the person specification will form the initial shortlist. If there are too many candidates to form a reasonable shortlist then the desirable element of the Person Specification should be used. Any candidates who have declared themselves to be disabled who meet the essential criteria for the post must be guaranteed an interview as detailed above. Reasonable adjustments should be made to accommodate candidates at interview where applicable.

#### 7.9 Methods of Assessment

The method of assessment should establish the most effective way of identifying whether an applicant has the qualifications, experience, knowledge, skills and abilities to undertake the duties of the post. The most common form of assessment is the formal interview but there are a variety of methods that can be employed to test a candidate's suitability for the post.

All forms of assessment should be free of bias and consideration should be given to factors such as gender, ethnicity, age, disability and special needs, educational background and level of ability. The assessment should be reliable and valid.

The method of assessment should be communicated to the applicant in writing prior to the selection process and this should include an explanation of the methods of assessment and what they will measure. In addition, disabled candidates should be offered the option of reasonable adjustments to be made to facilitate the process.

#### 7.10 Interview

The formal interview is the most commonly used form of assessment. The panel should meet prior to the interview to agree a set of questions and the order in which these will be asked. All candidates should be asked the same questions, although supplementary questions are permitted in order to probe further where necessary, or to rephrase the question when it is not fully understood by the candidate.

#### 7.11 Preparation for the Interview.

In order to achieve the best results, preparation is essential when interviewing. This includes:

- Reading all relevant documents prior to the interview

- Obtain relevant information such as salary scale, holidays, flexi-time scheme details.
- Decide the structure of the interview i.e.:-
  - The seating arrangement
  - Who is going to ask which questions
  - Who is to probe the candidate
  - Who is going to “chair” the interview
  - Who is going to take notes of each interview
  - When and how you will be likely to inform the candidates of the outcome of the interview

#### 7.12 Creating an Informal Atmosphere

It is preferable that the candidate is put at their ease in order to achieve a more effective interview. Means of putting a candidate at their ease include:

- Consideration of the seating arrangement – try to avoid a “barrier” situation by not using a table.
- Try not to use a formal room, or if this is unavoidable, make it as informal as possible.

#### 7.13 Taking Notes

It is important that at least one panel member takes detailed notes of each interview. These notes may be required when panel members do not agree as to which candidate to appoint and are also very useful to refer to when providing feedback to unsuccessful candidates. It is advisable to explain to each candidate that notes will be taken and the reason for this.

#### 7.14 Interview Questions

It is essential that all questions asked at the interview are based on the requirements of the Person Specification. Interviewers must not ask questions which are not job related, especially regarding personal circumstances, or other questions which are potentially discriminatory relating to any grounds stated in the Equal Opportunities Policy Statement – unless a Genuine Occupational Requirement applies. Please refer to the Relevant Legislation section 13.0 for further guidance on Discrimination and Genuine Occupational Requirements.

Where it is necessary to assess whether personal circumstances will affect performance (for example where the job involves unsocial hours or extensive travel) this should be discussed objectively and without the use of questions based on assumptions about marital status, occupation of spouse, children, domestic obligations or cultural assumptions.

#### 7.15 Standardisation of Questions

Panel members should take care not to adopt different tones of voice or vary the type of question when interviewing different candidates.

#### 7.16 Proof of Qualifications

For appointments requiring specific qualifications, it is mandatory that proof of these qualifications is obtained at the interview stage. The successful candidate’s personal file must hold copies of these qualifications for ongoing reference.

#### 7.17 When all interviews cannot be held on the same day

It is advisable that wherever possible, all interviews for a vacancy should be held on the same day. Where this is not possible, no more than 2 or 3 days should be allowed to elapse between interviews. **In these circumstances the panel membership must remain the same.**

#### 7.18 Marking Procedure

Interviewers should be aware of their own personal prejudices which may distort their judgement regarding the suitability of a candidate. All officers involved in the interview should mark each candidate INDEPENDENTLY on the Interview Marking Form **Appendix 4** in order to eliminate the influence of individuals.

#### 7.19 Other Assessment Methods

##### 7.20 Presentation

Presentations are frequently used as a method to assess a candidate's ability to communicate information clearly to an audience on a given topic. They are used when recruiting to posts where they would be relevant to the job where communication to groups of people would be required as part of the role.

The presentation can be used to assess various skills: verbal communication skills, persuasiveness, delivery of information, structure of presentation, subject knowledge, and confidence when presenting.

The topic for the presentation is usually sent to the candidate with the interview letter. In some instances it may be appropriate to inform the candidate that they will be expected to prepare a presentation on the day and provide the topic upon their arrival.

##### 7.21 In Tray Exercise

The In Tray exercise would assess a candidate's ability to undertake day to day tasks that would be required as part of the role. These tasks are generally administration based and could include, for example, sorting through an in tray of paperwork and prioritising the order in which the tasks should be completed. It may also require the candidate to undertake some tasks, such as typing a memo or letter or responding to an email.

The In Tray exercise can assess a range of skills such as literacy, typing accuracy and speed, time management and prioritisation skills and written communication skills.

##### 7.22 IT Tests

Where the post requires the candidate to be IT literate, it is advisable to assess this skill using an IT test. The test should be devised in accordance with the level of IT knowledge and skill required to undertake the post. Consideration should also be given to what skills could be trained on the job.

It is important when devising IT tests that a test run is carried out to ensure that the instructions are clear and the test successfully assesses the skills it is supposed to.

##### 7.23 Advice

Advice should be sought from the People and Policy Team to ensure that all assessment methods are compliant with the Equality Act 2010 and not discriminatory in any way. Where the Equality Act 2010 does apply, reasonable adjustments may be required.

#### 7.24 Retention of Documents

All shortlisting and interview marking forms must be retained in the vacancy folder and returned to the Human Resources office as soon as possible. The documents will be retained for a period of 6 months in accordance with Data Protection legislation. This procedure is necessary in order to investigate complaints arising from unsuccessful applicants.

#### 7.25 Eligibility to Work in the UK

It is the responsibility of the Selection Panel to ensure that the selected candidate is eligible to work in the UK. Candidates are asked to bring proof of their eligibility to work in the UK to the interview. Only original documents should be accepted. Please see section 13.3 for further information.

### 8.0 **References**

#### 8.1 When to take up references

The People and Policy Team will take up references for the successful candidate(s) following interview.

One reference should be from the current or most recent employer. If the successful candidate will be coming into contact with children or vulnerable adults, a reference must be obtained from the employer who most recently recruited the candidate to a post working with children or vulnerable adults.

There may be further reference and employment checks for posts working with children or vulnerable adults. Please contact a member of the People and Policy Team for further guidance in this respect.

#### 8.2 Reference Form

Recruiters may seek verbal references once a suitable candidate has been identified. These must be followed up in writing. In all cases, the Council's Reference Form will be used as the document to obtain references **Appendix 6**.

#### 8.3 Consideration of references

References are only part of an assessment of the suitability of a candidate, and undue weight should not be attached to them. This is because a reference is based solely on one person's opinion of a colleague/subordinate. This opinion can be influenced by many things which are not work-related. If an adverse reference is received, then a member of the People and Policy Team is available to assist in assessment of relevance.

### 9.0 **Appointments**

9.1 Following interviews, the Manager may make a verbal offer providing references have been received and this will be followed up by a written offer. Where



references have not yet been received, the offer of employment should be delayed until such time as both references have been received and confirmed as satisfactory.

- 9.2 The candidate should be informed that the offer of employment is subject to certain clearances (medical/DISCLOSURE AND BARRING SERVICE/qualifications) and that the offer will be followed up in writing. An offer should never be made subject to satisfactory references.
- 9.3 All offers of employment should be followed up in writing by a member of the People and Policy Team. The establishment form is to be completed by the recruiting manager before any offer of employment is given in writing to any appointee. This form with part A completed by a member of the People and Policy Team will have been received with the list of applications. When the decision has been made on an appointee then the Manager is to complete Part B and return the form along with the relevant application form to the People and Policy Team.
- 9.4 If the post holds duties or circumstances giving substantial access to children or vulnerable adults then this Council requires as mandatory that the appropriate police check for criminal background disclosure is undertaken. This will be undertaken by a member of the People and Policy Team after the applicant has been selected but BEFORE the applicant is appointed to the post. Approximately 2 weeks must be allowed for this to be carried out. Such clearance should also be obtained for internal applicants entering the childcare/care or elderly field via promotion, transfer, or redeployment if the individual concerned has not received such clearance in the past. DISCLOSURE AND BARRING SERVICE checks should be undertaken every three years.
- 9.5 Feedback to unsuccessful candidates

The Chair of the recruitment panel preferably, or another member of the recruitment panel, should communicate to the candidates whether they are successful or unsuccessful and provide feedback. Feedback could be requested at shortlisting stage or interview stage and may require information relating to the candidate's application, interview, or presentation/other assessment. It is therefore important that comprehensive notes are kept at each of these stages to ensure that constructive feedback can be provided.

Objective, constructive feedback will assist the applicant when applying for future jobs and help them to identify their strengths and areas for development. Your feedback should be:

- Honest
- Objective
- Valid
- Positive
- Constructive
- Timely

Feedback should relate only to that individual and their performance against the specified criteria. It should not compare the individual against other candidates' performance.

#### Internal Applicants

Feedback should be provided to unsuccessful internal applicants and candidates by the Chair of the Recruitment Panel as a matter of course at both the shortlisting and interview stage, depending at which stage the applicant is unsuccessful.

## **10.0 Complaints**

Applicants who feel that they have been treated unfairly or discriminated against are entitled to submit a complaint to the HR Manager who will investigate the complaint.

Where the applicant disagrees with the outcome of the investigation, they will have the opportunity to submit an appeal to an Chief Executive.

The Council must have available the necessary documents properly completed by adhering to these principles and practices in order to respond to any complaint in an accurate, transparent and logical manner.

Where it appears on complaint that the Policy on Recruitment and Selection has not been adhered to, then the Council's Disciplinary Procedure will be invoked by the relevant Officer.

## **11.0 Monitoring and Review**

All Applicants will be requested to complete an Equal Opportunities monitoring form which will be detached on receipt of the application form and recorded by the People and Policy Team.

The information collated will be presented in the form of a report to the Members and Directors in order to assess the effectiveness of the Council's Equality policies.

The monitoring details in relation to successful candidates will be maintained within the electronic HR system.

## **12.0 Further Information**

If you require further information/assistance on any of the issues raised in this document, please contact the People and Policy Team.

## **13.0 Relevant Legislation**

### **13.1 Equality Legislation:**

- Equality Act 2010, which encompasses the following:
- Sex Discrimination Act 1975
- Sex Discrimination (Gender Reassignment) Regulations 1999
- Race Relations Act 1976 & Race Relations Amendment Act 2000
- Disability Discrimination Act 1995 (amended 2005)
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Age) Regulations 2006

All applicants are protected against discrimination on grounds of sex, marital and civil partnership, race, disability, age, sexual orientation, gender reassignment, pregnancy and maternity, and religion and belief throughout every stage of the recruitment process. Any candidate who is treated in a discriminatory way during

the selection process, or who is rejected for employment related to the above grounds may bring a complaint of discrimination to an employment tribunal.

### 13.2 There are two forms of discrimination:

#### 13.2.1 Direct Discrimination:

- Treating someone unfavourably because of their sex, marital and civil partnership, race, disability, age, sexual orientation, gender reassignment, pregnancy and maternity, and religion and belief regardless of their ability to do the job. An example would be where certain criteria applies to a particular group but not to everyone such as a requirement to hold certain UK qualifications and not allow equivalent qualifications from other countries.
- Deliberately setting out to exclude people because of their sex, marital and civil partnership, race, disability, age, sexual orientation, gender reassignment, pregnancy and maternity, and religion and belief. An example of direct discrimination would be advertising for men only to apply for a Refuse Collector post. Direct discrimination can only be justified where the post is one where a genuine occupational requirement exists.
- A genuine occupational requirement (GOR) is a requirement that is essential to be able to perform the functions of the job. It is not merely a factor, preference or a qualification for the job, it must be crucial to the post. GORs apply in very limited circumstances and are not likely to be applicable to any current posts at Rossendale Borough Council.
- An example of a GOR would be a requirement for male actors to perform a male character in a television production.

#### 13.2.2 Indirect Discrimination:

- Indirect discrimination can occur when an employer imposes a provision, criteria or practice which puts people of a particular sex, marital and civil partnership, race, disability, age, sexual orientation, gender reassignment, pregnancy and maternity, and religion and belief at a disadvantage compared to others.
- An example would be the use of an assessment centre to test skills in written English as part of the selection process for a post that does not require written English. This process may indirectly discriminate against those whose first language is not English or those who have learning difficulties.
- As a manager you must ensure that you do not set unnecessary selection criteria or standards, which might prevent people from applying because of their sex, marital and civil partnership, race, disability, age, sexual orientation, gender reassignment, pregnancy and maternity, and religion and belief

### 13.3 Asylum and Immigration Act 1996 and Immigration, Asylum and Nationality Act 2006

As an employer the Council has a responsibility to prevent illegal migrant working in the UK. In line with the Asylum and Immigration Act 1996, the Council may be liable to pay a civil penalty of up to £20,000 per illegal worker if it fails to undertake checks properly and employs someone who:

- Does not have permission to work in the UK.
- Their permission has expired.
- They were not allowed to do certain types of work.
- Their papers were incorrect or false.

The offence of knowingly employing an illegal migrant is a criminal offence and on summary conviction the employer may face an unlimited fine and/or imprisonment for up to 5 years.

### Document Checks

The most common form of identification is a passport showing that the holder is a British citizen or a citizen of the United Kingdom and Colonies having the right of abode in the United Kingdom. **Only** original documents can be accepted.

For those applicants who do not hold a British Passport there are other checks that should be made. The People and Policy team will be able to assist you to establish eligibility to work in the UK.

**Remember you should never recruit anyone who simply claims to be a British Citizen or a national from an EEA country.**

If you have any uncertainties you should contact the People and Policy Team before your proceed through the recruitment process.

## 13.4 Data Protection Act 1998

The Data Protection Act 1998 governs the use of personal information through the eight data protection principles:

Information is:

- Processed fairly and lawfully;
- Processed for one or more specified and lawful purposes, and not further processed in any way that is incompatible with the original purpose;
- Adequate, relevant and not excessive;
- Accurate and, where necessary, kept up to date;
- Kept for no longer than is necessary for the purpose for which it is being used;
- Processed in line with the rights of individuals;
- Kept secure with appropriate technical and organisational measures taken to protect the information;
- Not transferred outside the European Economic Area (the European Union member states plus Norway, Iceland and Liechtenstein) unless there is adequate protection of the personal information being transferred.

In relation to Recruitment and Selection, the Data Protection Act applies to information supplied by candidates on application forms, monitoring forms and any other supporting documentation submitted in relation to an application for a job, such as references, sickness records and disclosure of criminal convictions.

Applicants should be aware what information about them is being collected and what it will be used for. The Act applies to computerised information and to well-structured manual records.

In accordance with the Data Protection Act, the recruitment advert for all posts will identify Rossendale Borough Council as the organisation applicants will be applying to. Only information that is required for Recruitment and Selection purposes will be collected. All personal information will be handled securely and with respect.

### 13.5 Governance Transparency

As a public sector organisation the Council has a duty in accordance with the Localism Act 2011 to ensure transparency and accountability with regard to the Council's approach to setting pay. This includes the detail and level of remuneration of the Council's most senior managers, i.e. the Chief Executive and the Senior Leadership Team, which accords the requirements of the Localism Act 2011. Any queries or concerns regarding the disclosure of the personal information should be directed to either the HR Manager or the relevant Director.

**Post holders should be informed via the Job Description of any information to be disclosed.**

### 13.6 National Fraud Initiative

As a district Council the Audit Commission, under the statutory power in Part 2A of the Audit Commission Act 1998, requires the Council to provide electronic data for the National Fraud Initiative (NFI). The NFI is an exercise that matches electronic data within and between audited bodies to prevent and detect fraud (this includes police authorities, local probation boards, fire and rescue authorities and local councils).

Any queries or concerns regarding the disclosure of the personal information should be directed to either the HR Manager or the relevant Director.

**Post holders should be informed via the Job Description of any information to be disclosed.**

### 13.7 Local Government and Housing Act 1989

#### Politically Restricted Posts

The Local Government and Housing Act 1989, section 1 contains provisions to introduce the principle of politically restricted posts. Local authority employees holding politically restricted posts are disqualified from membership of any local authority, other than a parish or community council, from being a Member of Parliament or a Member of the European Parliament, and from membership of the Scottish Parliament or Welsh Assembly. They are subject to prescribed restrictions on their political activity through the Local Government Officers (political restrictions) Regulations 1990. This includes canvassing.

The politically restricted posts are as follow:

- Specified posts such as the Head of Paid Service (Chief Executive) and the Monitoring Officer; chief officers and their deputies; officers exercising delegated

powers and council managers. For these post-holders no rights of appeal or exemption apply.

- All posts that reach or exceed a prescribed remuneration ceiling (currently point 44 on the 'spinal column' of salaries points negotiated in the National Joint Council for Local Government Services).
- All posts that meet the duties-related criteria for determining a 'sensitive' post, irrespective of remuneration level. These posts are defined as those that give advice (excluding purely factual information) on a regular basis to Rossendale Borough Council, any committee or sub-committee of the Council or any joint committee on which the Council is represented, or speak on behalf of the Council on a regular basis to journalists and broadcasters.
- Political assistants.

**Post holders should be informed via the job description that the post is politically restricted.**

### 13.6 Rehabilitation of Offenders Act 1974

Under the Rehabilitation of Offenders Act 1974 (ROA) any conviction for a criminal offence can be regarded as spent provided:

- the conviction did not carry a sentence excluded from the Act, such as a custodial sentence of over two and a half years
- no further convictions occurred within the rehabilitation period.

A conviction is not 'spent' until the rehabilitation period is complete. Once it is 'spent', the rehabilitated person does not have to reveal its existence in most circumstances and does not have to disclose it when asked whether they have a criminal conviction.

Certain occupations are excepted - these are listed in Rehabilitation of Offenders (Exceptions) Orders. Custodial sentences of over two and a half years are never considered spent.

It is an offence under this law for anyone who has access to criminal records to disclose information about spent convictions unless officially authorised.

### 13.7 Police Act 1997 and CRB Disclosing and Barring Service (DISCLOSURE AND BARRING SERVICE) Code of Practice

The DISCLOSURE AND BARRING SERVICE Code of Practice is published under section 122 of the Police Act 1997 in connection with the use of disclosure information provided to registered persons. The Code of Practice is intended to ensure that information released in Standard and Enhanced Disclosures is used fairly and handled and stored appropriately and kept for only as long as is necessary.

Please refer to the Rossendale Borough Council DISCLOSURE AND BARRING SERVICE Guidance Notes for further information regarding DISCLOSURE AND BARRING SERVICE Disclosures.

## JOB DESCRIPTION

Rossendale Borough Council is actively pursuing equality of opportunities. Applicants to job share are encouraged in respect of full-time posts.

Job Title	
Reference Number	
Directorate	
Service	
Team	
Grade	
Responsible To	
Responsible For	
Other	<b>Are in accordance for the National Joint Council for Local Government Services</b>

### ***Job Purpose***

To support the Council to achieve it's vision that by 2018, Rossendale will have strong communities with an enhanced environment and heritage. It will be an attractive place to live where tourists visit and employers invest.

Manager to add specific duties identifying job purpose.

### ***Core Values***

This section of the job description sets out the specific responsibilities of the individual post holder and the services for which they are responsible. There is an expectation that those responsibilities are delivered in accordance with the Council's core values:

**Customers Matter** – Recognising the diversity of the council's customers and the importance of developing services that meet the needs of different customers. A willingness to go the extra mile.

**Listening and Communicating** – Consulting and listening to customers and staff, to improve understanding and decision-making. The ability to communicate in a number of different ways.

**Loyalty** – Building our reputation, trust and confidence. A positive attitude and pride in the Council.

**Management of Performance** – Remaining focused and delivering identified and measured outcomes. An understanding of the bigger picture and a willingness to go above what is expected.

**Celebration of Success** – Evaluating, learning and recognising what we have done well and applying lessons learned.

***Main purpose of the job:***

## ***Main Duties and Responsibilities***

### **General Statement**

The information contained in this job description is furnished to assist employees joining the council to understand and appreciate the work content of their post and the role they play in the organisation. However, the following points should be noted:

- Whilst every endeavour has been made to outline all the duties and responsibilities of the post, a document such as this does not permit every item to be specified in detail. Broad headings, therefore, may have been used, in which case all the usual associated routines are naturally included in the job description.
- Where officers are responsible for risk management they need to ensure they are aware of and understand their role in the process. All major Corporate and Operational Risk matters are incorporated into Annual Business Plans for ownership, management and reporting as required.
- *Heads of Service and Managers need to continually be aware of and understand their role in the risk management process and why they should be concerned with risk in order to achieve their objectives. They need to know how to evaluate risks and when to accept the right risks in order to pursue an opportunity.*

*All major Corporate and Operational Risk matters will be incorporated into annual business plans to ensure ownership and management. Each Head of Service or Manager will report on a regular basis to the Chief Executive and Leader and as deemed necessary by Members, Directors or the wider Management Team.*

### **Health and Safety at Work**

The Health and Safety at Work Act 1974 stipulates that it is the responsibility of every employee to observe all rules governing health and safety and such safety equipment as provided must be used.

### **Equal Opportunities and Accessibility**

The Council is an Equal Opportunities Employer and has equal opportunities policies with which you are expected to comply at all times. The Council condemns all forms of harassment and is actively seeking to promote a workplace where employees are treated with dignity, respect and without bias.



Where appropriate the duties may be reviewed where an applicant is a disabled person, or an existing employee becomes unable to carry out the full range of duties due to a disability. This will be undertaken in line with the Council's equality duties set out in the Equality Act 2010.

### **Community Safety**

Section 17 of the Crime and Disorder Act requires local authorities to consider the community safety implications of all their activities. Officers of the Council should have an awareness of community safety and consider any community safety implications within their own area of responsibility.

### **Absence**

Applicants are asked to note that Rossendale Borough Council has an Absence Management Policy and there is an expectation that employees attend work on a regular basis or with reasonable adjustments where applicable.

### **Performance Management**

Where officers are responsible for the collection of performance information, including either national and local indicators, it is the officers responsibility to ensure that data is collected and calculated according to their statutory or local definition, and following the standards set out in the Council's Performance Management and Data Quality Strategy.

**NOTE:** This Job Description summarises the major responsibilities of the post. It is not intended to exclude other activities, nor future changes from the post holder's responsibilities.

## PERSON SPECIFICATION

Job Title		
Reference Number		
Directorate		
Service		
Unit		
Grade		
Responsible To		
Responsible For		
	<b>ESSENTIAL/ DESIRABLE CRITERIA</b>	<b>TO BE IDENTIFIED BY: A/I/P/R/T*</b>
<b>QUALIFICATIONS</b>		
[Insert relevant qualification] OR Educated to degree level or equivalent in a relevant subject Should always include at least a minimum requirement of NVQ Level 2 in Maths & English (re new legislation in force 21.11.16)		
<b>EXPERIENCE</b>		
Optional - Substantive experience of working in a customer focused role [insert specialism/area if necessary e.g. HR etc.]		
Experience of working in a public sector environment.		
Optional - Experience of leading, motivating and developing staff [insert specialist area].		
Optional - Experience of interpreting legislation, policy and guidance to contribute to the formulation of local policies and procedures that comply with national requirements.		
<b>KNOWLEDGE SKILLS/ABILITIES</b>		

Excellent written and verbal communication skills [expand if necessary e.g. report writing etc.]		
Excellent IT skills with a good working knowledge of Microsoft Office.		
Ability to input data using keyboard skills.		
Ability to use own initiative and organise and manage own workload to meet priorities with minimal supervision.		
Ability to work as part of a team.		
Commitment to developing and maintaining high levels of customer care.		
Ability to work under pressure to tight deadlines in an environment of conflicting priorities.		
Ability to work collaboratively with Senior Officers, Elected Members, Managers, staff, colleagues and partners.		
<b>SPECIAL REQUIREMENTS</b>		
Committed to a Principle and Practice of Equal Opportunities		
Applicants are asked to note that Rossendale Borough Council has an Absence Management Policy and there is an expectation that employees attend work on a regular basis or with reasonable adjustments where applicable		
All New employees to Rossendale Borough Council are required to complete a 6 month probation		

**THE COUNCIL HAS A NO SMOKING POLICY**

**\*A – Application form**

**I – Interview**

**P – Presentation**

**R – Written Report**

**T – Test**

# Shortlisting Matrix



**Post Title:** \_\_\_\_\_

**Panel Member:** \_\_\_\_\_

**Date of Shortlisting:** \_\_\_\_\_

Applicant No Criteria	1	2	3	4	5	6	7	8	9	10	11	12	13	14
<b>TOTAL</b>														

## INTERVIEW RECORDING FORM

POST:

DATE:

NAME OF CANDIDATE:

NAME OF PANEL MEMBER:

Question number	MAIN POINTS OF ANSWER	MAX POINTS	POINTS ALLOCATED
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

**CHIEF EXECUTIVE**  
**People and Policy**

The Business Centre, Futures Park,  
Bacup, Rossendale, Lancashire,  
OL13 0BB

This matter is being dealt with by  
Telephone: (01706)  
E-mail:

Our Ref:

Date:

Dear

**REFERENCE FOR:**

**POST OF:**

The above person has made an application for this post and has stated that you would be willing to provide a reference on their behalf.

The information which you provide may be shared with the applicant.

When you have completed the enclosed form would you please return to the People and Policy Team in the envelope provided.

If you are giving a personal reference, please submit this in letter format.

Thank you for your assistance.

Yours sincerely

**Clare Law**  
**HR Manager**  
**Encs Reference Form; Job Description; Person Specification**

<b>Responsible Section/Team</b>	People and Policy	<b>Page</b>	Page 28 of 33
<b>Responsible Author</b>	HR Manager	<b>Date Agreed / Agreed At</b>	
<b>Date last Amended</b>	17.01.17 final version	<b>Due for Review</b>	August 2016

**Private & Confidential**

<b>REFERENCE FOR:</b>
<b>JOB TITLE:</b>

**PLEASE ✓ AS APPROPRIATE:-**

1 Are you supplying a reference in relation to:-

Employment

Character

2 How long have you known the applicant?

Years

3 Please would you comment on the following aspects of the applicant.

	COMMENTS
Communication skills	
Customer care skills	
Honest/trustworthiness	
Reliability/Sense of responsibility	
Time keeping	
Work quality/Diligence	
Teamwork/relationship to other employees	
Initiative	

Employment Details:-

Job Title

Dates of employment from  to

5 Absence record during last 2 years

Number of periods of absence

Total number of days of absence

6 Do you know of any reason why the applicant should not be employed by Rossendale Borough Council? If so, please provide details below:-

---

---

7 Are there any current disciplinary proceedings applicable to the applicant?  
(If yes please explain)

---

---

8 Would you re-employ the applicant Yes/No

9 Please comment on your experience of the applicant's competence in relation to the requirements identified in the attached Person Specification.

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10 Please comment on the applicant's experience in relation to the duties and tasks detailed in the attached Job Description.

---

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11 Any additional relevant information you may care to give would be greatly appreciated. Please use an additional sheet of paper.



12 Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Relationship to applicant (e.g. Manager/Neighbour)

\_\_\_\_\_

## Rehabilitation of Offenders Act 1974

This Act allows an offender to be rehabilitated and his or her conviction becomes 'spent' after the following periods of time:

Have you any convictions that are not spent under the Rehabilitation of Offenders Act?

YES  NO  If YES, please give details (see below for further information)

	Aged 17 years or over on conviction	Aged under 17 years on conviction
Prison (immediate or suspended sentence) or young offender institution: more than 6 months but less than 2½ years	10 years	5 years
Prison (immediate or suspended sentence) or young offender institution: 6 months or less	7 years	3½ years
Fine or Community Service Order.	5 years	2½ years
Absolute Discharge.	6 months	6 months
Probation, supervision, care order, conditional discharge or bind-over.	1 year or until Order expires (whichever is longer)	
Attendance Centre Order.	1 year after the Order expires	
Hospital Order (with or without Restriction Order).	5 years , or 2 years after the Order expires (whichever is longer)	

If you have been sentenced for any offence and the above periods of time have not passed you **must** declare the offence. In this case, you must give **full details** of the offence, on the reverse of this form. If the period of time has passed you do not need to mention it on your application form.

*If you are not sure, please contact the People and Policy Team, Business Centre, Futures Park, Bacup, Rossendale, Lancashire, OL13 0BB by ringing 01706 252457 for advice or information.*

**Job Evaluation Information Sheet**

JOB TITLE	
Ref No	
Service	
Unit	
Team	
Responsible to	
Responsible for (no of staff)	
Essential experience	
Essential qualifications	
Responsibility for resources (e.g. cash handling amount, equipment)	
External contacts	
Work environment – work demands (e.g. frequency of disruption, change to tasks, conflicting priorities etc.)	
Work environment – physical demands (e.g. bending, manual handling, use of IT equipment etc.)	
Work environment – working conditions (e.g. office based, site visits including nature and frequency of visit, etc.)	
Work environment – context (potential risk to personal health and safety)	
Other	

Please indicate on the attached structure chart where this post will sit and identify reporting lines.

# Domestic Abuse Policy

## Date of issue

Other formats are available.  
Please call 01706 217777 or  
visit our One Stop Shop at  
Futures Park, Bacup.

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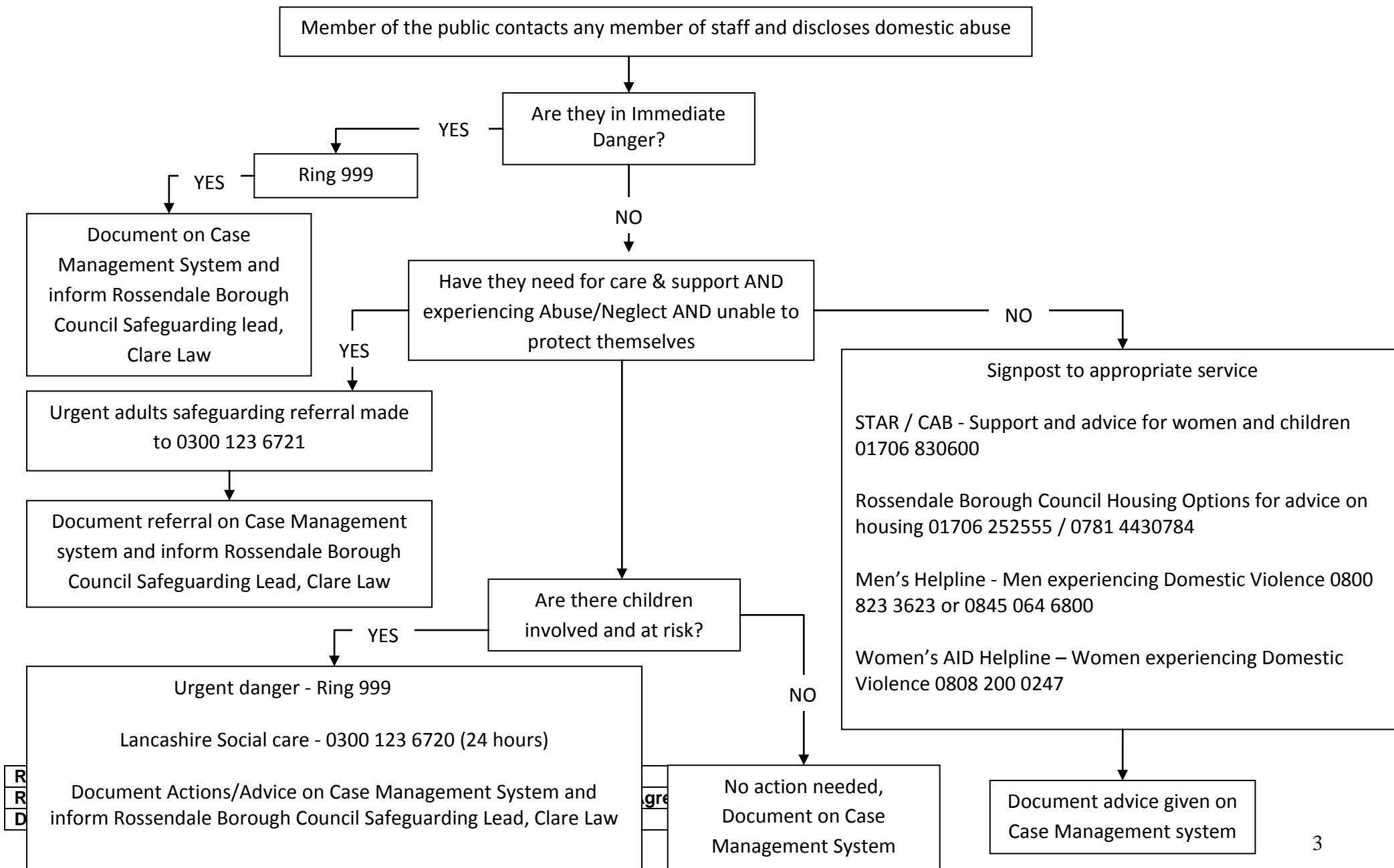
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## 1. Introduction

Rossendale Borough Council (the Council) is committed to a multi-agency approach to respond effectively to the issue of domestic abuse. Domestic Abuse is an issue which affects all sections of society and it is therefore important that we have clear and effective responses to help minimise the impact of domestic abuse on our employees.

## 2. Definition of Domestic Abuse

The Home Office (2013) define domestic violence and abuse as;

*“Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults those aged 16 or over who are, or have been, intimate partners or family members, regardless of gender or sexuality.”*

-

## 3. Aims of the Policy

- To demonstrate the Council’s commitment to and support for anyone employee experiencing domestic abuse
- To increase awareness of domestic abuse, what forms it can take and its likely effects on employees;
- To provide advice about appropriate action to take should an employee be experiencing domestic abuse, whether they approach the Council as a service user or employee;

To be clear and consistent in that advice;

- i) to publicise support for anyone experiencing domestic abuse;
- ii) to ensure that Council employees understand the important role they can play in tackling domestic abuse;
- iii) to set out what the Council may do if an employee is found to be a perpetrator of domestic abuse.

## 5. Confidentiality

For employees experiencing and receiving support for domestic abuse, it must remain confidential as far as is reasonably practicable within out duties as an employer. Once an employee has confided to their line manager that they are experiencing domestic abuse, the manager should reassure them that they will keep this information confidential, unless the employee gives express permission to disclose information or there are circumstances that warrant sharing information. This could include where there are child protection issues.

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If an employee give information that suggests that a child or vulnerable adult is at risk from abuse (whether physical, emotional, sexual or neglect), the manager should inform the employee that they will need to refer to Children’s or Adult’s Services in accordance with Safeguarding Policies and Procedures.

**7. Members of the public accessing Council Services experiencing domestic abuse**

The Council recognises that men, women and children experiencing domestic abuse will often access its services when in a crisis situation. It is therefore imperative that the services we offer are well co-ordinated and that the members of staff who deal with these situations are well informed and trained to respond appropriately.

We also recognise that the Council is not always the most appropriate source of support and that our role includes awareness of, and signposting individuals and families to, other relevant local agencies. In the event of a family in crisis contacting the Council, the Council would in most cases sign post to the STAR Centre (Services Targeted Around Abuse in Rossendale) to which the Council contributes financial support.

In general when an approach for assistance is made to the Council, we will:

- respond appropriately taking into account individual needs and circumstances, cultural diversity, disability, etc.
- provide appropriate private interview arrangements
- provide a member of staff of the same sex, if appropriate or requested
- provide an interpreter if necessary or requested
- listen to the service user in a safe, confidential environment, giving them time to explain their situation

We will not:

- expect individuals to prove their experience of domestic abuse
- contact the alleged perpetrator nor insist that legal action be taken against the alleged perpetrator
- pass on messages from perpetrator to victim or vice versa
- act as a go-between

In order to achieve the above aims we will ensure that our contractors and staff likely to come into contact with service users experiencing domestic abuse are offered the appropriate training and support.

**8. Employees experiencing domestic abuse**

Clear and effective responses are important to help minimise the impact of domestic abuse on council employees.

The Council believes that all employees have the right to raise the issue of domestic abuse with their employer in the knowledge that the issue will be treated with sympathy and confidentiality and that an effective support system will be available to them.

Employees experiencing domestic abuse will be expected to take a responsible attitude towards ensuring their own health and safety and that of their colleagues when the abuse impacts upon the workplace.

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## 9. Manager's Role

A manager may become aware or suspect that an employee is experiencing domestic abuse although the employee might not feel able to raise the issue with anyone.

Managers should be alert to signals such as frequent absence from work, poor performance or a partner frequently making contact.

In these cases offering appropriate support may mean that the employee is able to deal with her situation more effectively. The issues surrounding domestic abuse can be complex and sensitive. Advice should be sought from the People & Policy Team.

Managers should be mindful that a sensitive approach is required and ensure that employees are offered support if the issue of domestic abuse has been disclosed to them. Managers are advised:

- To ensure privacy and confidentiality as far as possible
- To ensure a non-judgemental approach, taking the employee seriously and above all, listening and believing what they tell you
- That an employee may wish to involve a third party i.e. a friend, ~~rather than~~ when speaking to their line manager
- That additional issues such as age, gender, sexuality, ethnicity, race and disability may also face the employee and managers should be aware of this
- To support the employee in whatever they decide to do by exploring the support and options available to them. Managers should be mindful that employees might not want to involve other agencies and their decision(s) should be respected even if the line manager disagrees with it
- Managers must maintain a secure environment for all employees. In cases of domestic abuse the Council's risk assessment procedure should be followed. To ensure a secure environment it may be necessary to consider, with the employee concerned, the possibility of informing colleagues of any potential risk
- Colleagues should always be reminded of the confidentiality of the issue and information should only be disclosed with the express permission of the employee concerned

Managers should work with employees to adjust their schedule or workload as necessary and offer the option of having time off (e.g. flex or leave) to resolve practicalities, for example attending solicitor meetings, making financial arrangements or arranging alternative accommodation. In emergency situations consider where such time could be granted under the Council's Special leave Policy.

Ensure safe communication is maintained with the employee during any absence, whilst remembering to maintain confidentiality of their whereabouts.

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Encourage the employee to record all incidents of abuse or threatening behaviour in the workplace, including persistent phone calls, e-mails or visits to an employee by the alleged perpetrator. The Council have a duty to maintain a safe place of work, which necessitates the need to monitor and record all such incidents. Witnesses to these incidents should also be recorded. The records could be used if an employee wants to press charges or apply for an injunction against the alleged perpetrator.

The employee may wish to obtain a restraining order that includes the workplace. If obtained, a copy should be kept at hand at all times. The employee should consider providing a copy to the police and their Manager.

Attendance at court may be necessary if criminal charges are brought. Leave should be granted in accordance with the Council's Special Leave Policy. The Manager should follow normal Council procedures for recording any absences or Special Leave.

Employees experiencing domestic abuse will be asked whether they agree to their report being recorded for monitoring purposes. All reports will remain anonymous.

## **10. The Council's Approach to Employees who are alleged or Actual Perpetrators of Domestic Abuse**

Employees should be aware that domestic abuse is a serious matter that can lead to criminal convictions.

## **11. Conduct at work**

Perpetrators of domestic abuse might use workplace resources such as telephone, fax or email to threaten, harass or abuse their current or former partners, and may involve other colleagues who may or may not be aware of their motives in assisting them.

Such abuse requires an effective employer response because it could be damaging and potentially dangerous for those being abused, as well as possibly bringing the Council into disrepute if the abuse is allowed to continue.

Similarly, proven harassment and intimidation of Council employees by their partner or ex-partner who also works for the Council will be viewed seriously and may lead to disciplinary action being taken. This can be deemed as Gross Misconduct and lead to dismissal.

## **12. Conduct outside of work**

Conduct outside of work (whether or not it leads to police action/a criminal conviction) can also lead to disciplinary action against an employee because of its employment implications and because it undermines the confidence the Council (as an employer) has in the employee. This can be deemed as Gross Misconduct and lead to dismissal.

### **Taking Action**

Prior to commencement of any disciplinary action please seek advice from the People and Policy Team.

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### 13. Information, support and training for employees

The Council recognises that all employees need to be made aware of domestic abuse issues and the impact on their work place.

To support the implementation of this policy the People and Policy Team will:

- iv) Publicise the Policy through the Team Brief;
- v) Place the full Domestic Abuse Policy on the Council's Intranet.
- vi) Arrange for relevant employees to receive specific training to ensure they have the necessary skills to support someone experiencing domestic abuse;
- vii) Assist employees experiencing domestic abuse and those supporting them e.g. managers/colleagues to be signposted to appropriate counselling services where necessary. This may include a referral, with the employee's consent, via the Council's Occupational Health Unit. In certain circumstances perpetrators of domestic abuse will also be offered access to counselling or another appropriate service.

### 14. Useful contacts

Clare Law, HR Manager  
Telephone 01706 252457 / 07866 747352  
[clarelaw@rossendalebc.gov.uk](mailto:clarelaw@rossendalebc.gov.uk)

Lancashire Social Care  
Telephone 0300 123 6720 / 0300 123 6721

The STAR (Services Targeted Around Abuse in Rossendale) Centre  
01706 830 600

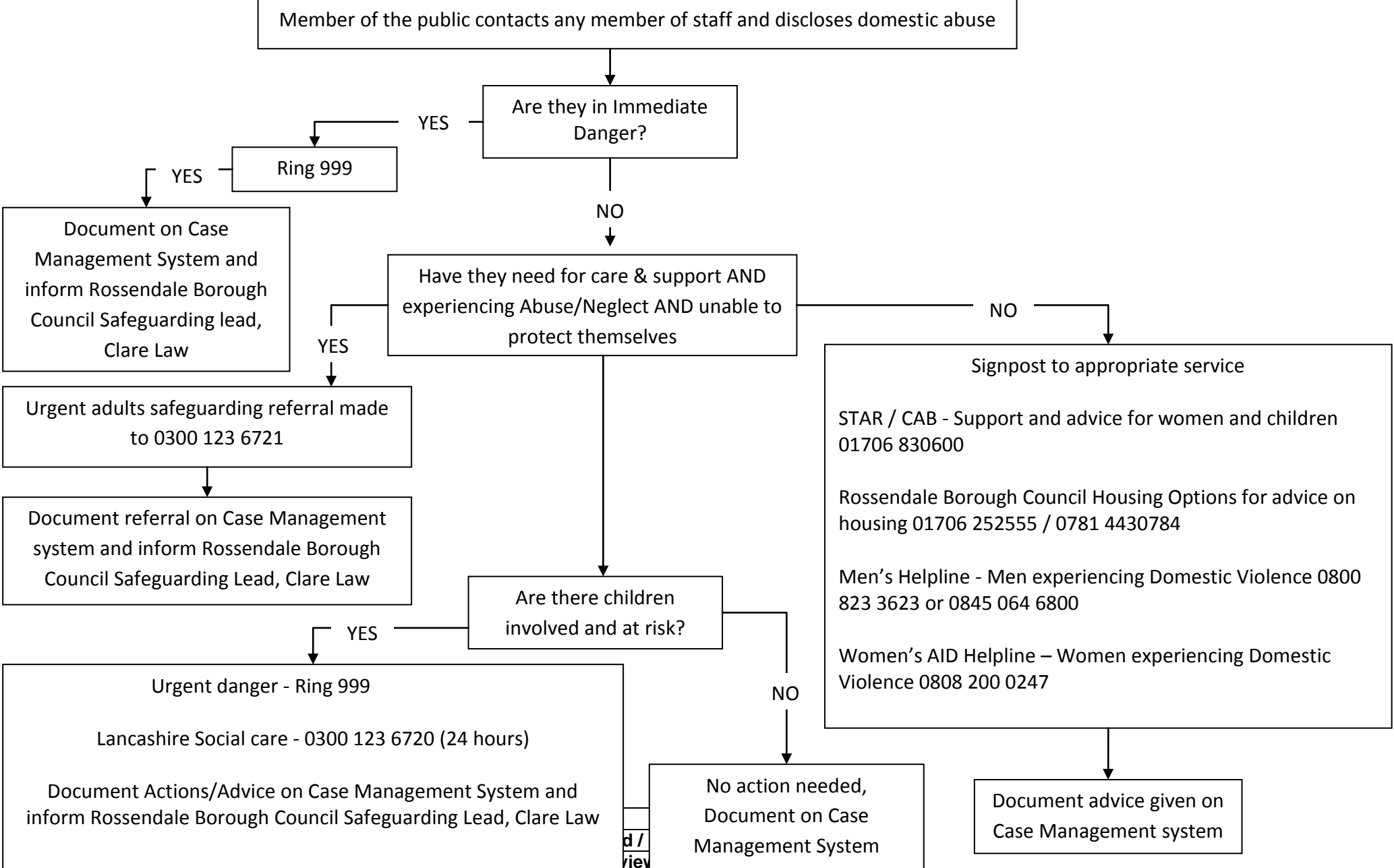
Womens Aid Help Line 0808 2000 247  
Mens Help Line 0800 8233623 / 0845 0646800

Rossendale Borough Council Housing Options for advice on housing  
Telephone 01706 252555 / 07814430784  
[housingoptions@rossendalebc.gov.uk](mailto:housingoptions@rossendalebc.gov.uk)

Domestic Violence and Abuse  
<https://www.gov.uk/guidance/domestic-violence-and-abuse>

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# Safeguarding Adults

## Date of issue

If you are worried about an adult please use the flowchart on page 3 to decide the correct course of action.

Where there is a serious and immediate threat call **999**

Other formats are available.  
Please call 01706 217777 or  
visit our One Stop Shop at  
Futures Park, Bacup.

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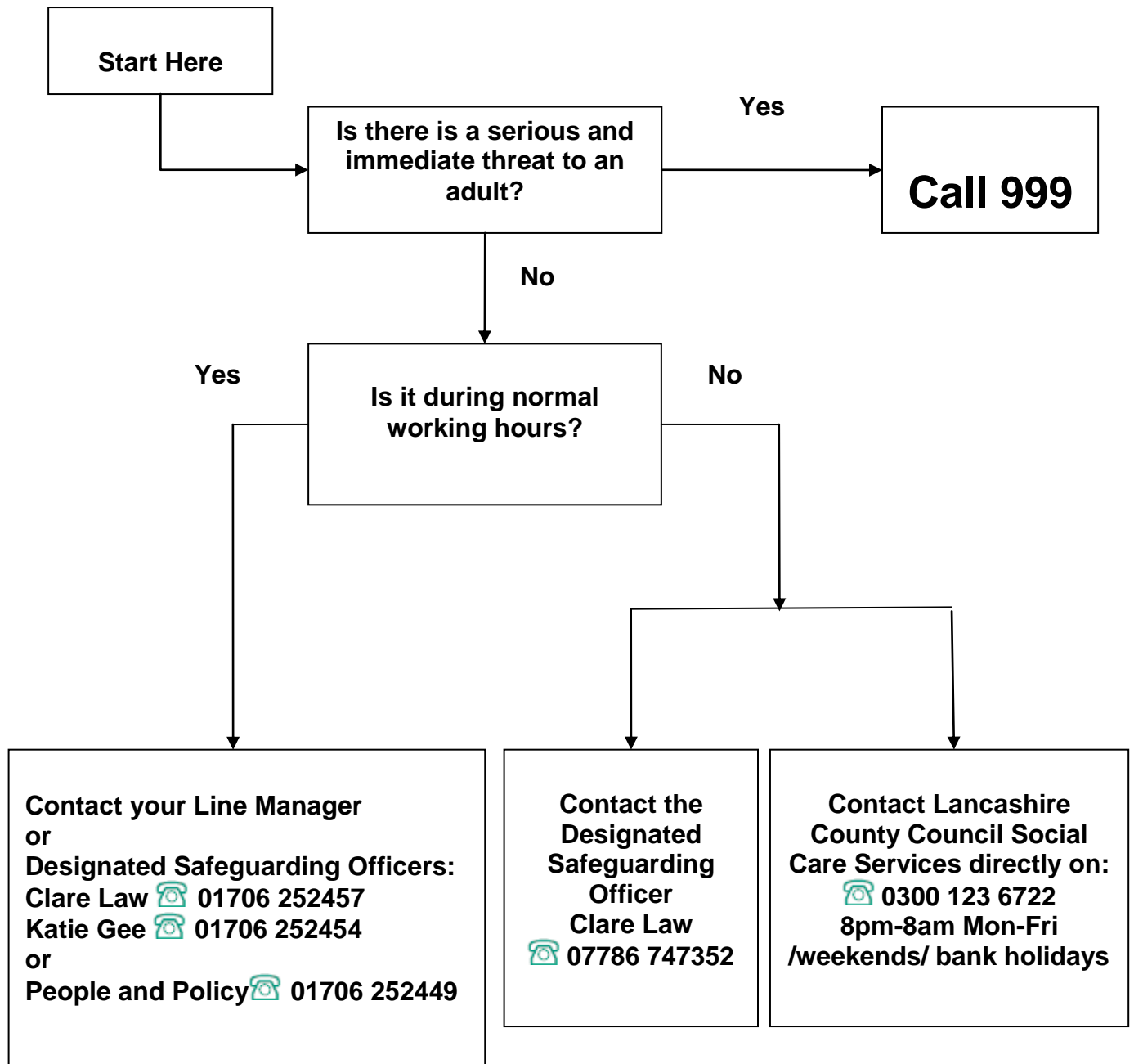
# Safeguarding Adults Policy

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# Taking Action

If an incident occurs or you have concerns please follow the flowchart below to understand what to:




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# 1. Policy Statement

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Rossendale Borough Council is committed to safeguarding and promoting the welfare of Adults at risk and to delivering services that promote good practice. The welfare of the Adult at risk is paramount and is always the primary concern of the Council who recognise the need to ensure the welfare of Adults whatever their age, gender, sexual orientation, race, religion or belief, gender reassignment, disability, culture or circumstance.

The Adult experiencing, or at risk of abuse or neglect, will hereafter be referred to as the Adult, replacing any previous terms such as Adult at Risk or Vulnerable Adult.

This policy and guidance will provide all staff, volunteers and Councillors with a clear understanding of the issues around safeguarding including their responsibilities, the Council's processes and procedures, and what to do to report a safeguarding concern.

The Council is committed to the following principles and actions:

- The Council will ensure that a protective safeguarding culture is in place and is actively promoted within the Council and will work together with other agencies to safeguard Adults.
- The Council will implement procedures to safeguard Adults and take all reasonable steps to protect them from harm, discrimination and to respect their rights, wishes and feelings.
- The Council will have a Designated Safeguarding Officer (DSO) and safeguarding contacts.
- The Council will have a safe recruitment and selection process, ensuring all relevant staff are Disclosure and Barring Service (DBS) checked at the appropriate level.
- The Council will provide safeguard training to all employees, volunteers and Councillors at the appropriate level.
- The Council will communicate relevant information to employees, volunteers and Councillors via the Shared Area and staff handbook.
- All Council employees, volunteers and Councillors have a responsibility to report concerns of suspected abuse or poor practice.
- The Council will have an easily understandable reporting and monitoring system.
- The Council will take all incidents of poor practice and allegations or suspicions of abuse seriously and these will be responded to swiftly and appropriately.

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- The Council will work collaboratively with partner organisations/services.
- Confidentiality shall be upheld in line with current Data Protection and Human Rights legislation.

## 2. Introduction

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The Care Act 2014 became law on the 14<sup>th</sup> May 2014. The Act creates a single law for Adult care and support, replacing more than a dozen different pieces of legislation.

The Act introduces new duties and requirements of Local Authorities in a number of areas, including safeguarding Adults.

All staff has the responsibility to follow the principles enshrined within the Care Act 2014. The Statutory Guidance of the Care Act 2014 enshrines the six principles of safeguarding as:

**Empowerment** - presumption of person led decisions and informed consent

**Prevention** --it is better to take action before harm occurs

**Proportionality** --proportionate and least intrusive response appropriate to the risk presented

**Protection** - support and representation for those in greatest need

**Partnerships** - local solutions through services working with their communities

**Accountability** - accountability and transparency in delivering safeguarding.

Adult Social Care and the most of the requirements of the Care Act 2014 is the responsibility of Lancashire County Council. Rossendale Borough Council, as a Borough Council has a duty to co-operate with Lancashire County Council and any other appropriate authority as well as providing appropriate information and assisting with any investigation that may be required.

The Safeguarding duties apply to an Adult who:

- Has needs for care and support (whether or not the local authority is meeting any of those needs); and
- Is experiencing, or at risk of, Abuse or Neglect; and
- As a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of Abuse or Neglect.

The Care Act 2014 identifies a number of different types and patterns of abuse and neglect and the circumstances in which they may take place.

It is important to note that professionals should not limit their view on what constitutes abuse or neglect, as they can take many forms and the circumstances of the individual must always be considered.

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### 3. Recruitment

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As a Council we need to ensure that our practices and standards are consistent across all services in recruitment and selection of staff/volunteers that will be working with/having access to Adults.

The following points express the actions we will take during the recruitment and selection process to ensure this. They take into account the changes to the national vetting and barring scheme as per the 2012 Protection of Freedoms Act.

- All posts will be assessed by the People and Policy Team to identify which posts will undertake regulated activity. Managers/service heads will be notified as appropriate.
- All advertising of regulated posts will be explicit in the need for Disclosure and Barring Service (DBS) clearance check.
- DBS clearance checks will be completed and refreshed as appropriate.

### 4. Training

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All staff will be required to complete safeguard training as a statutory requirement, at a minimum this will be Level 1 Safeguard Awareness Training.

It is the responsibility of each Manager and staff, in liaison with People and Policy, to make sure that all staff have received the appropriate level of training for them to be confident and competent when working with Adults and being able to recognise and respond to safeguarding concerns.

Refresher training will be completed every three years or following any changes to legislation.

Basic Safeguarding Training will be offered on the 'Member Training Programme' for all Elected Members.

The DSO will ensure relevant staff have access to relevant inter-agency and professional training opportunities to ensure they are able to effectively deal with a wide variety of queries and situations.

### 5. Abuse and Neglect

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The Council has a duty to ensure that Adults are protected from abuse and staff members are encouraged to report abuse should they suspect it is occurring.

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Incidents of abuse may be one-off or multiple, and affect one person or more.

Patterns of abuse and abusing vary and reflect very different dynamics. These include:

- **Serial Abuse** in which the perpetrator seeks out and ‘grooms’ individuals. Sexual abuse sometimes falls into this pattern as do some forms of financial abuse.
- **Long-term Abuse** in the context of an on-going family relationship such as domestic violence between spouses or generations or persistent psychological abuse.
- **Opportunistic Abuse** such as theft occurring because money or jewellery has been left lying around.

Anyone can abuse or neglect Adults including; spouses/partners, other family members, neighbours, friends, acquaintances, local residents, paid staff or professionals and volunteers or strangers.

Abuse can happen anywhere: for example, in someone’s own home, in a public place, in hospital, in a care home or in college. It can take place when an adult lives alone or lives with others.

While a lot of attention is paid, for example to targeted fraud or internet scams perpetrated by complete strangers, it is far more likely that the person responsible for abuse is known to the Adult and is in a position of trust and power.

### **Types and indicators of abuse and neglect include:**

#### **Disability Hate Crime**

The Criminal Justice System defines a disability hate crime as any criminal offence, which is perceived, by the victim or any other person, to be motivated by hostility or prejudice based on a person’s disability or perceived disability.

The Police monitor five strands of hate crime as: Disability; Race; Religion; Sexual orientation; Transgender.

#### **Discriminatory Abuse**

Discrimination on the grounds of race, faith or religion, age, disability, gender, sexual orientation and political views, along with racist, sexist, homophobic or ageist comments or jokes, or comments and jokes based on a person’s disability or any other form of harassment, slur or similar treatment or excluding a person from activities on the basis they are ‘not liked’ is also discriminatory abuse.

#### **Domestic Abuse**

The Home Office (March 2013) defines domestic abuse as: Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those

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aged 16 or over, who are or have been intimate partners or family members regardless of gender or sexuality.

This can encompass but is not limited to the following types of abuse: Psychological; Physical; Sexual; Financial; Emotional. Domestic Abuse may also include controlling and coercive.

### **Female Genital Mutilation (FGM)**

Female Genital Mutilation involves procedures that intentionally alter or injure female genital organs for non-medical reasons. The procedure has no health benefits for girls and women. The Female Genital Mutilation Act (2003) makes it illegal to practise FGM in the UK or to take girls who are British Nationals or permanent residents of the UK abroad for FGM whether or not it is lawful in another country.

### **Financial or Material Abuse**

Financial or material abuse includes theft, fraud, internet scamming, coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.

### **Forced Marriage**

Forced Marriage is a term used to describe a marriage in which one or both of the parties are married without their consent or against their will. A forced marriage differs from an arranged marriage, in which both parties consent to the assistance of a third party in identifying a spouse.

In a situation where there is concern that an Adult is being forced into a marriage they do not or cannot consent to, there will be an overlap between action taken under the forced marriage provisions and the Adult safeguarding process. In this case action will be co-ordinated with the Police and other relevant organisations. The Police must always be contacted in such cases as urgent action may need to be taken.

The Anti-social Behaviour, Crime and Policing Act 2014 make it a criminal offence to force someone to marry. In addition, Part 4A of the Family Law Act 1996 may be used to obtain a Forced Marriage Protection Order as a civil remedy.

### **Hate Crime**

The Police define Hate Crime as 'any incident that is perceived by the victim, or any other person, to be racist, homophobic, trans-phobic or due to a person's religion, belief, gender identity or disability'.

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It should be noted that this definition is based on the perception of the victim or anyone else and is not reliant on evidence. In addition it includes incidents that do not constitute a criminal offence.

## **Honour-based Violence**

Honour-based Violence will usually be a criminal offence, and referring to the Police must always

be considered. It has or may have been committed when families feel that dishonour has been brought to them. Women are predominantly (but not exclusively) the victims and the violence is often committed with a degree of collusion from family members and/or the community. Some of these victims will contact the Police or other organisations. However, many others are so isolated and controlled that they are unable to seek help.

Adult safeguarding concerns that may indicate honour-based violence include domestic violence, concerns about forced marriage, enforced house arrest and missing person's reports. If an Adult safeguarding concern is raised, and there is a suspicion that the Adult is the victim of honour-based violence, referring to the Police must always be considered as they have the necessary expertise to manage the risk.

## **Human Trafficking**

Human Trafficking is actively being used by Serious and Organised Crime Groups to make considerable amounts of money. This problem has a global reach covering a wide number of countries. It is run like a business with the supply of people and services to a customer, all for the purpose of making a profit.

Traffickers exploit the social, cultural or financial vulnerability of the victim and place huge financial and ethical obligations on them. They control almost every aspect of the victim's life, with little regard for the victim's welfare and health.

## **Mate Crime**

A 'Mate Crime' as defined by the Safety Net Project 'when vulnerable people are befriended by members of the community who go on to exploit and take advantage of them. It may not be an illegal act but still has a negative effect on the individual.' 'Mate Crime' is often difficult for Police to investigate, due to its sometimes ambiguous nature, but should be reported to the Police who will make a decision about whether or not a criminal offence has been committed. 'Mate Crime' is carried out by someone the Adult knows and often happens in private.

## **Modern Slavery**

Slavery, servitude and forced or compulsory labour. A person commits an offence if:

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- The person holds another person in slavery or servitude and the circumstances are such that the person knows or ought to know that the other person is held in slavery or servitude, or
- The person requires another person to perform forced or compulsory labour and the circumstances are such that the person knows or ought to know that the other person is being required to perform forced or compulsory labour.

There are many different characteristics that distinguish slavery from other human rights violations, however only one needs to be present for slavery to exist. Someone is in slavery if they are:

- Forced to work - through mental or physical threat;
- Owned or controlled by an 'employer', usually through mental or physical abuse or the threat of abuse;
- Dehumanised, treated as a commodity or bought and sold as 'property';
- Physically constrained or has restrictions placed on his/her freedom of movement.

Contemporary slavery takes various forms and affects people of all ages, gender and races. Adults who are enslaved are not always subject to human trafficking. Recent court cases have found homeless Adults, promised paid work opportunities enslaved and forced to work and live in dehumanised conditions, and Adults with a learning difficulty restricted in their movements and threatened to hand over their finances and work for no gains. From 1 November 2015, specified public authorities have a duty to notify the Secretary of State of any individual identified in England and Wales as a suspected victim of slavery or human trafficking, under Section 52 of the Modern Slavery Act 2015.

### **Neglect and Acts of Omission**

Ignoring medical, emotional or physical care needs, failure to provide access to appropriate health, social care or educational services, and the withholding of the necessities of life, such as, medication, adequate nutrition and heating. Neglect also includes a failure to intervene in situations that are dangerous to the person concerned or to others, particularly when the person lacks the mental capacity to assess risk for themselves.

### **Organisational Abuse**

Is the mistreatment, abuse or neglect of an Adult by a regime or individuals in a setting or service where the Adult lives or that they use. Such abuse violates the person's dignity and represents a lack of respect for their human rights.

### **Physical Abuse**

Physical Abuse includes assault, hitting, slapping, pushing, mis-use of medication, restraint or inappropriate physical sanctions.

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## Psychological Abuse

Psychological Abuse includes emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, cyber bullying, isolation or unreasonable and unjustified withdrawal of services or supportive networks.

## Restraint

Unlawful or inappropriate use of restraint or physical interventions. In extreme circumstances unlawful or inappropriate use of restraint may constitute a criminal offence. Someone is using restraint if they use force, or threaten to use force, to make someone do something they are resisting, or where an Adult's freedom of movement is restricted, whether they are resisting or not.

Restraint covers a wide range of actions. It includes the use of active or passive means to ensure that the person concerned does something, or does not do something they want to do, for example, the use of key pads to prevent people from going where they want from a closed environment.

## Sexual Abuse

Sexual Abuse includes rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography or witnessing sexual acts, indecent exposure and sexual assault or sexual acts to which the adult has not consented or was pressured into consenting.

## Sexual Exploitation

Sexual Exploitation involves exploitative situations, contexts and relationships where Adults receive 'something' (such as, food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities. It affects men as well as women. People who are sexually exploited do not always perceive that they are being exploited.

In all cases those exploiting the Adult have power over them by virtue of their age, gender, intellect, physical strength, and/or economic or other resources. There is a distinct inequality in the relationship. Signs to look out for are not being able to speak to the Adult alone, observation of the Adult seeking approval from the exploiter to respond and the person exploiting the Adult answering for them and making decisions without consulting them.

## 6. Radicalisation

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Radicalisation is comparable to other forms of exploitation, such as, grooming. The aim of radicalisation is to attract people to violent extremist's reasoning, inspire new recruits and

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embed their extreme views and persuade Adults of the legitimacy of their case. This may be direct through a relationship, or through social media.

There are a number of factors that may make the Adult susceptible to exploitation by violent extremists. None of these factors should be considered in isolation but in conjunction with the particular circumstances of the individual.

## Prevent

Prevent is part of the Government's counter-terrorism strategy CONTEST and aims to provide support and re-direction to Adults of being groomed into terrorist activity before any crimes are committed.

The Prevent Strategy is one of the four elements of CONTEST, the National Counter Terrorism Strategy, covers all forms of extremism and has three strategic objectives:

- Respond to the ideological challenge of terrorism and the threat from those who promote it.
- Prevent people from being drawn into terrorism and ensure that they are given appropriate support.
- Work with sectors and institutions where there are risks of radicalisation that need to be addressed.

All staff will be required to attend Prevent Training as a statutory requirement, via a home office approved, training package called "Workshop to Raise Awareness around Prevent" (WRAP).

## Reporting a Concern

If you have a concern you should follow the Council's safeguarding procedure, you should contact your line manager or the **Designated Safeguarding Officer (DSO) – Clare Law or the Police if there is an immediate risk** to refer into the Channel process.

Channel is a multi-agency safeguarding programme run in every local authority in England and Wales (Rossendale Borough Council's is chaired by Blackburn with Darwen Council). It works to support vulnerable people from being drawn into terrorism and provides a range of support such as mentoring, counselling, assistance with employment etc. Channel is about early intervention to protect Adults from being drawn into committing terrorist-related activity and addresses all types of extremism.

The purpose of Channel is to assess the nature and extent of the risk and develop the appropriate support plan for the Adults concerned.

Participation in Channel is voluntary. It is up to an Adult and under, to decide whether to take

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up the support it offers. Channel does not lead to a criminal record.

## 7. Spotting Signs of Abuse and Neglect

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Council employees, Elected Members need to be vigilant about Adult safeguarding concerns and identifying concerns.

Findings from Serious Case Reviews have sometimes stated that if professionals or other staff had acted upon their concerns or sought more information, then death or serious harm might have been prevented.

Anyone can witness or become aware of information suggesting that abuse and neglect is occurring. The matter may, for example, be raised by a worried neighbour, a GP, a Customer Services Officer, a Refuse Operative, Environmental Health Officer or any other Local Authority Officer.

Regardless of how the safeguarding concern is identified, everyone should understand what to do, and where to get help and advice. It is vital that professionals, other staff and members of the public are vigilant on behalf of those unable to protect themselves. This will include:

- Knowing about different types of abuse and neglect and their signs
- Supporting Adults to keep safe;
- Knowing who to tell about suspected abuse or neglect; and
- Supporting Adults to think and weigh up the risks and benefits of different options when exercising choice and control.

Awareness campaigns for the general public and multi-agency training for all staff will contribute to achieving these objectives.

## 8. Reporting and Responding to Abuse and Neglect

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It is important to understand the circumstances of abuse, including the wider context such as whether others may be at risk of abuse, whether there is any emerging pattern of abuse or neglect, whether others have witnessed abuse and the role of family members and paid staff or professionals.

The circumstances surrounding any actual or suspected case of abuse or neglect will inform the response.

The nature and timing of the intervention and who is best placed to lead will be, in part, determined by the circumstances.

Early sharing of information is the key to providing an effective response where there are

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emerging concerns. No professional should assume that someone else will pass on information which they think may be critical to the safety and wellbeing of the Adult. If a professional has concerns about the Adult's welfare and believes they are suffering or likely to suffer abuse or neglect, then they should share the information with the local authority and, or, the police if they believe or suspect that a crime has been committed.

## 9. What to do if you're worried about an Adult

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Follow the procedure on the flowchart which is on the back of this policy and the safeguarding concern form, to ensure the correct action takes place to deal with this disclosure.

### Where there is a serious and immediate threat: call 999

If you are made aware of any instance of abuse or neglect, or have any concerns about it, it is important to note down the details in writing as soon as possible. This will help you to maintain a clear recollection of what happened and what was said, and will allow you to complete your referral form fully.

If you are acting in a professional capacity as an employee of the Council then you must also complete a Safeguarding Referral Form once you have taken appropriate action (**Appendix A**).

Records will be kept for an appropriate amount of time to comply with legislation.

## 10. Allegations of abuse against Staff, Councillors or Volunteers

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If an allegation of abuse is made against an employee, the DSO (or Strategic Safeguarding Lead if the concern is relating to the DSO) must be informed immediately; consideration will be given to suspending the employee from work in accordance with the Council's Disciplinary Policy and Procedure.

Allegations of harm or inappropriate behaviour made against staff, either paid or unpaid, are serious and must be dealt with by Lancashire County Council Social Care Services, who will appoint a professional independent person who will be responsible for:

- The management and oversight of individual cases.
- Providing advice and guidance to employers and voluntary organisations.
- Liaising with the police and other agencies.
- Monitoring the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process.

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## Guidance for staff on dealing with allegations of harm or inappropriate behaviour

If someone (a child, parent, service user, fellow colleague, etc.) makes an allegation to you about another member of staff:

- Do NOT investigate yourself but speak to your line manager, your line manager will contact the DSO.
- The DSO will contact the Lancashire County Council Social Care directly at the earliest available opportunity.
- Lancashire County Council Social Care will advise the DSO on the correct course of action. Suspension of staff is not automatic and neither is an assumption of guilt. Each situation will need to be dealt with in a robust and sensitive manner.

If you have concerns about your Manager, the DSO, or anyone else that may make the above process inappropriate, please refer to the Council's Whistle Blowing Policy.

### The Welfare of Staff

The Council is committed to following the correct process for dealing with any allegation against a member of staff, but it is also mindful of the welfare of that staff member and will provide appropriate help and support to them. Managers, in liaison with People and Policy, will offer any staff members appropriate advice and support.

## 11. Duty to Refer

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Under the Safeguarding Vulnerable Groups Act 2006, Rossendale Borough Council has a duty to refer an employee to the Disclosure and Barring Service (DBS) if it is believed there has been or is a risk of harm to an Adult while conducting regulated activity while in the employ of the Council.

The Council will use the following criteria to determine if a referral should be made:

The first condition is that permission has been withdrawn to engage in regulated activity, by either dismissal, redeployed, retired/redundant or resigned.

The second condition is that the Council thinks that the person has either: harmed or poses a risk of harm to an Adult; satisfied the harm test; or received a caution or conviction for a relevant offence.

If a referral is made to DBS, it will include details of the person we are referring, reason for the referral, chronology of events and supporting information such as witness statements, any past disciplinary actions, application for employment etc.

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## 12. Data Protection Act 1998

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The Council ensures that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with the requirements of the Data Protection Act 1998.

## 13. Review of the Policy

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The policy will be reviewed every three years or as necessary to reflect changes in legislation, relevant Council decisions or any other developments which impact upon safeguarding.

## 14. Contacts and Communications



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### INTERNAL CONTACTS

#### Designated Safeguarding Officer

Clare Law, HR Manager  01706 252457 /07786 747352  
Room 209, The Business Centre, Futures Park, Bacup OL13 0BB  
 [clarelaw@rossendalebc.gov.uk](mailto:clarelaw@rossendalebc.gov.uk)

#### Deputy Designated Safeguarding Officer



Katie Gee, Media and Engagement Officer  01706 252454  
Room 209, The Business Centre, Futures Park, Bacup, Lancashire OL13 0BB  
 [katiegee@rossendalebc.gov.uk](mailto:katiegee@rossendalebc.gov.uk)

#### Strategic Safeguarding Lead

Stuart Sugarman, Chief Executive  01706 252447  
Room 218, The Business Centre, Futures Park, Bacup, Lancashire OL13 0BB  
 [stUARTSUGARMAN@rossendalebc.gov.uk](mailto:stUARTSUGARMAN@rossendalebc.gov.uk).



### EXTERNAL CONTACTS

#### Lancashire County Council Social Care Services – Safeguarding Adults

- 8am – 8pm Monday to Friday: local number  0300 123 6721
- 8pm – 8am Monday to Friday / weekends / bank holidays:  0300 123 6722

#### Lancashire Safeguarding Adults Board:

For info on the countywide approach and resources available

- Board Manager - Victoria Gibson –  01772 538352 /  [Victoria.gibson.gov.uk](mailto:Victoria.gibson.gov.uk)

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## Other Useful National Websites and Guidance

Lancashire County Council – Safeguarding Adults

[http://www3.lancashire.gov.uk/corporate/web/?Safeguarding\\_adults\\_website/13624](http://www3.lancashire.gov.uk/corporate/web/?Safeguarding_adults_website/13624)

Safeguarding Vulnerable Groups Act 2006

<http://www.legislation.gov.uk/ukpga/2006/47/contents>

<https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>

Safer Working Practices 2009 updated from earlier DCSF 2007

<http://www.childrenengland.org.uk/upload/Guidance%20.pdf>

Forced Marriage

<http://www.dcsf.gov.uk/everychildmatters/safeguardingandsocialcare/safeguardingchildren/forcedmarriage/forcedmarriage/>

The Disclosure and Barring Service

[www.homeoffice.gov.uk/dbs](http://www.homeoffice.gov.uk/dbs)

Barnardo's

[www.barnardos.org.uk](http://www.barnardos.org.uk)

ChildLine –

[www.childline.org.uk](http://www.childline.org.uk)

NSPCC

[www.nspcc.org.uk](http://www.nspcc.org.uk)

Cafcass

[www.cafcass.gov.uk](http://www.cafcass.gov.uk)

CEOP

<http://ceop.police.uk/>

Care Quality Commission

<http://www.cqc.org.uk>

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# APPENDIX A

## CHILD, YOUNG PERSON AND ADULT INCIDENT/REFERRAL FORM

Reference No: \_\_\_\_\_

<b>Name of Officer</b>
<b>Position</b>
<b>Date/Time</b>

<b><u>Child/Young Person/Vulnerable Adult Details</u></b>
<b>Name</b>
<b>Date of Birth</b>
<b>Address</b>
<b>Post Code</b>
<b>Telephone</b>

<b>Parents/guardians/carers (if different from above)</b>
<b>Address</b>
<b>Telephone</b>

<b>Date and Time of Incident</b>
----------------------------------

<b>Location</b>
-----------------

<b>Reasons for Concerns</b> (Give a clear and concise account of concerns, stating times and dates – attach additional sheets of paper if needed)
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**Has consideration been given to notifying parents/guardians/carers YES/NO**

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**Justification for above response**

**Print Parents/guardians/carers Name**

**Parents/guardians/carers Signature**

**Date**

**Print Your Name**

**Your Signature**

**Date**

**Action/Outcome of Initial Concern/Incident**

**Referral Made to**

**Support Offered**

**Your Signature**

**Print your name**

**Date**

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# Safeguarding Children and Young People

## Date of Issue

If you're worried about a child please  
use the flowchart on page 3 to decide  
the correct course of action

Where there is a serious and immediate  
threat call **999**

Other formats are available.  
Please call 01706 217777 or  
visit our One Stop Shop at  
Futures Park, Bacup.

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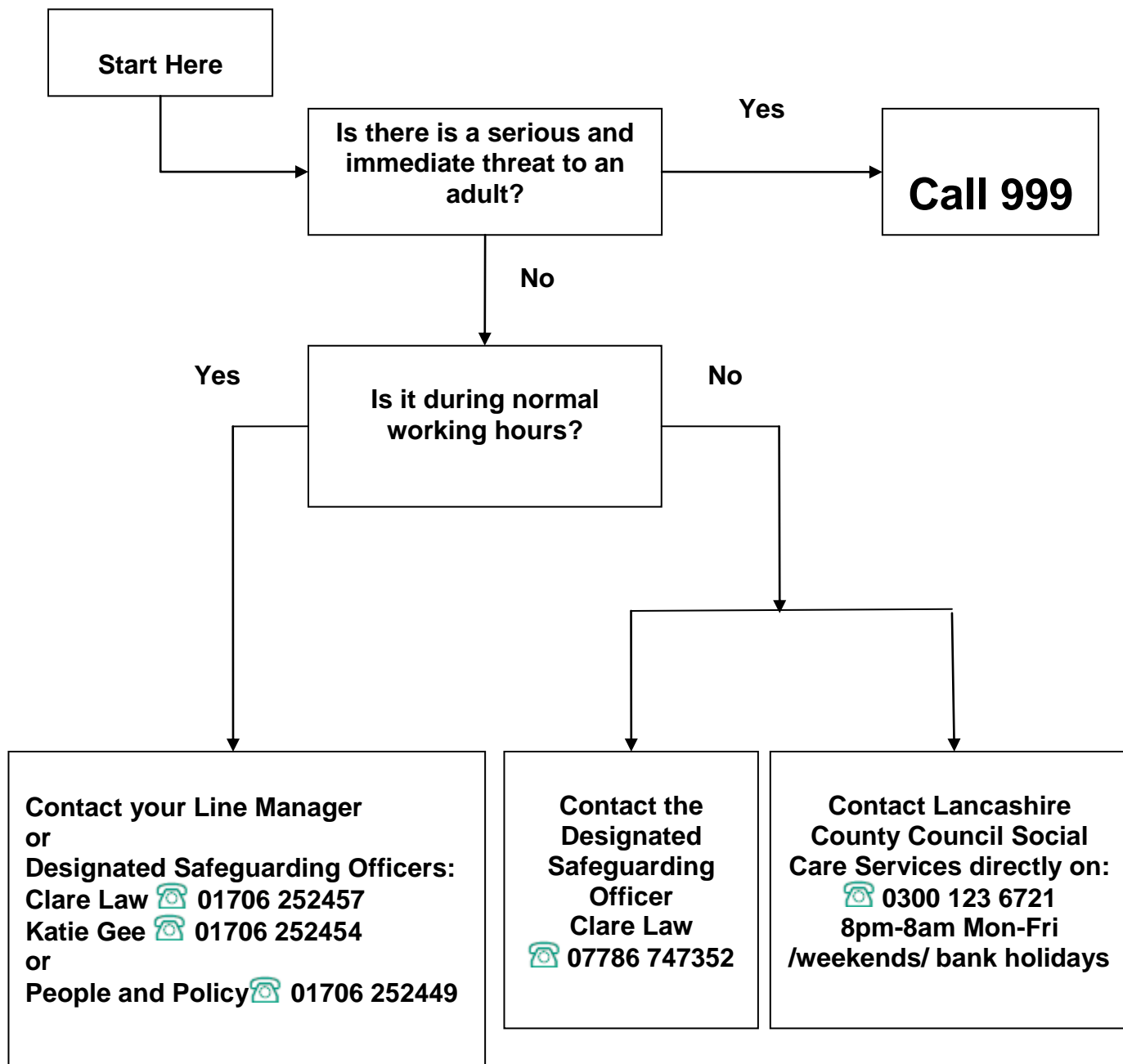
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# Taking Action

If an incident occurs or you have concerns please follow the flowchart below to understand what to do:



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# 1. Policy Statement

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Rossendale Borough Council is committed to safeguarding and promoting the welfare of children and young people. The welfare of children and young people is paramount and is always the primary concern of the Council who recognise the need to ensure that all children and young people have a safe, healthy and happy life and get encouragement to do their best.

This policy and guidance will provide all staff, volunteers and Councillors with a clear understanding of the issues around safeguarding including their responsibilities, the Council's processes and procedures, and what to do to report a safeguarding concern.

The Council is committed to the following principles and actions:

- The Council will ensure that a protective safeguarding culture is in place and is actively promoted within the Council and will work together with other agencies to safeguard children and young people.
- The Council will implement procedures to safeguard children and young people and take all reasonable steps to ensure that all children and young people have a safe, healthy and happy life and get encouragement to do their best.
- The Council will have a Designated Safeguarding Officer and safeguarding contacts.
- The Council will have a safe recruitment and selection process, ensuring all relevant staff are DBS checked at the appropriate level.
- The Council will provide training to all employees, volunteers and Councillors at the appropriate level.
- The Council will communicate relevant information to employees, volunteers and Councillors via the Shared Area and staff handbook.
- All Council employees, volunteers and Councillors have a responsibility to report concerns of suspected abuse or poor practice.
- The Council will have an easily understandable reporting and monitoring system.
- The Council will take all incidents of poor practice and allegations or suspicions of abuse seriously and these will be responded to swiftly and appropriately.
- The Council will respond promptly to suspicions or allegations involving employees and appropriate disciplinary and appeals procedures will be implemented.

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- The Council will work collaboratively with partner organisations/services.
- Confidentiality shall be upheld in line with current Data Protection and Human Rights legislation

## 2. Introduction

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All children and young people (defined as people under the age of 18) have the right to be safe from harm and to be able to live and grow with confidence in their communities.

As a District Council we have a duty and responsibility to ensure the safeguarding of, and promotion of the welfare of, children and young people (as per the Children Act 2004, Section 11). This has been further defined by statutory guidance (“*Working Together to Safeguard Children*” - 2010) to mean:

- Protecting children from maltreatment;
- Preventing impairment of their health and development;
- Ensuring they are growing up in circumstances consistent with the provision of safe and effective care, and undertaking that role, so as to enable those children to have optimum life chances and to enter adulthood successfully.

There are certain Council services that will regularly deal directly with children, families and vulnerable people. Some of the work they do will be classed as ‘regulated activity’ by the government, such as unsupervised coaching of young people. These services and staff must operate in a manner that ensures the safety of all service users, and staff must receive training as appropriate, especially if they undertake regulated activity.

Other services will have little or no direct contact with children or young people. However, safeguarding is everybody’s business and everyone has a duty to ensure children are safe and that abuse and neglect is reported. All staff at the Council must receive basic training on safeguarding to ensure they know what is meant by abuse and neglect and what to do if they have concerns. This includes knowing what to do outside of work as responsible citizens if they are concerned about the welfare of a child or young person.

The Council has an appointed **Strategic Safeguarding Lead – Stuart Sugarman, Chief Executive** responsible for the strategic lead and is supported by the appointed **Designated Safeguarding Officer (DSO) – Clare Law, HR Manager** who undertakes the operational lead on matters related to safeguarding children and young people within the Council.

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The duties of the DSO include ensuring this Safeguarding Policy and any other relevant policies and procedures are up to date on behalf of the Council, ensuring staff are DBS checked, well informed and appropriately trained regarding safeguarding.

As a Council we a need to ensure that robust safeguarding procedures are applied when entering into contracts and service level agreements. It is the responsibility of the officer managing the agreement to make sure that the organisation concerned has appropriate policies and procedures relating to safeguarding, and that their staff have relevant training and are Disclosure and Barring Service (DBS) checked where necessary.

### 3. Abuse and Neglect

---

The Council has a duty to ensure children and young people are protected from abuse and staff members are encouraged to report abuse should they suspect it is occurring.

There are four types of child abuse that we wish to safeguard against. They are defined in the UK Government guidance *Working Together to Safeguard Children 2010* (1.33 – 1.36) as follows:

**Physical abuse:** Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

**Emotional abuse:** Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child’s emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or ‘making fun’ of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child’s developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyberbullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone.

**Sexual abuse:** Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by

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adult males. Women can also commit acts of sexual abuse, as can other children. Sexual abuse covers penetrative sexual acts, sexual touching, masturbation and the misuse of sexual images – such as on the internet or by mobile phone.

**Neglect:** Neglect is the persistent failure to meet a child’s basic physical and/or psychological needs, likely to result in the serious impairment of the child’s health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to:

- provide adequate food, clothing and shelter (including exclusion from home or abandonment);
- protect a child from physical and emotional harm or danger;
- ensure adequate supervision (including the use of inadequate care-givers);
- ensure access to appropriate medical care or treatment.

It may also include neglect of, or unresponsiveness to, a child’s basic emotional needs

### **Female Genital Mutilation (FGM)**

Female Genital Mutilation involves procedures that intentionally alter or injure female genital organs for non-medical reasons. The procedure has no health benefits for girls and women. The Female Genital Mutilation Act (2003) makes it illegal to practise FGM in the UK or to take girls who are British Nationals or permanent residents of the UK abroad for FGM whether or not it is lawful in another country.

**Child Sexual Exploitation:** Child sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive 'something' (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities

People often think of child sexual exploitation in terms of serious organised crime, but it also covers abuse in relationships and may involve informal exchanges of sex for something a child wants or needs, such as accommodation, gifts, cigarettes or attention. Some children are "groomed" through "boyfriends" who then force the child or young person into having sex with friends or associates.

For more information please see:

**The full ‘Working Together to Safeguard Children’ document is available at <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>**

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The NSPCC website has some helpful information on signs and symptoms of abuse. <http://www.nspcc.org.uk/preventing-abuse/signs-symptoms-effects/>

## 4. Spotting Signs of Abuse and Neglect

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Workers across a wide range of organisations need to be vigilant about children and young people safeguarding concerns in all walks of life including, amongst others in health and social care, welfare, policing, banking, fire and rescue services and trading standards; leisure services, faith groups, and housing. GPs, in particular, are often well-placed to notice changes in an adult that may indicate they are being abused or neglected. The role of the public and the community should not be dismissed in that they also can play a part in identifying concerns.

Findings from Serious Case Reviews have sometimes stated that if professionals or other staff had acted upon their concerns or sought more information, then death or serious harm might have been prevented.

Anyone can witness or become aware of information suggesting that abuse and neglect is occurring. The matter may, for example, be raised by a worried neighbour, a concerned bank cashier, a GP, a welfare benefits officer, a housing support worker or a nurse on a ward.

Regardless of how the safeguarding concern is identified, everyone should understand what to do, and where to go locally to get help and advice. It is vital that professionals, other staff and members of the public are vigilant on behalf of those unable to protect themselves. This will include:

- Knowing about different types of abuse and neglect and their signs;
- Supporting adults to keep safe;
- Knowing who to tell about suspected abuse or neglect; and
- Supporting adults to think and weigh up the risks and benefits of different options when exercising choice and control.

Awareness campaigns for the general public and multi-agency training for all staff will contribute to achieving these objectives.

## 5. Reporting and Responding to Abuse and Neglect

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It is important to understand the circumstances of abuse, including the wider context such as whether others may be at risk of abuse, whether there is any emerging pattern of abuse,

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whether others have witnessed abuse and the role of family members and paid staff or professionals.

The circumstances surrounding any actual or suspected case of abuse or neglect will inform the response.

The nature and timing of the intervention and who is best placed to lead will be, in part, determined by the circumstances.

Early sharing of information is the key to providing an effective response where there are emerging concerns. No professional should assume that someone else will pass on information which they think may be critical to the safety and wellbeing of the child or young person. If a professional has concerns about the child or young person's welfare and believes they are suffering or likely to suffer abuse or neglect, then they should share the information with the local authority and, or, the police if they believe or suspect that a crime has been committed.

## 6. What to do if you're worried about a child or young person

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Follow the procedure on the flowchart which is on the back of this policy and the safeguarding concern form, to ensure the correct action takes place to deal with this disclosure.

**Where there is a serious and immediate threat:** call 999

If you are made aware of any instance of abuse, or have any concerns about it, it is important to note down the details in writing as soon as possible. This will help you to maintain a clear recollection of what happened and what was said, and will allow you to complete your referral form fully.

If you are acting in a professional capacity then you must also complete a Safeguarding Referral Form once you have taken appropriate action.

### What to do if a child or young person discloses abuse or other concerns directly to you

Children and young people often do not disclose abuse, and when they do it's rarely directly to professionals. Partly this is due to lack of awareness of services, and partly to do with trust and a fear of losing control of a situation. Therefore it is very important that if a child or young person does disclose something to you, you should:

- Listen carefully
- Respond sensitively and take the matter seriously

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- Make the child fully aware that you cannot ‘keep a secret’ and must disclose issues to the appropriate agency

Make a note of everything that was discussed as soon as possible after the disclosure. This can be done using the safeguarding referral form (**Appendix A**).



Alternative confidential support is available from the NSPCC Helpline Number – **0808 800 5000**.

## 7. Allegations of abuse against Staff, Councillors or Volunteers

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If an allegation of abuse is made against an employee, the DSO (or Strategic Safeguarding Lead if the concern is relating to the DSO) must be informed immediately, consideration will be given to suspending the employee from work or moving them to alternative duties not involving contact with adults at risk – in accordance with the Council’s Disciplinary Policy and Procedure.

Allegations of harm or inappropriate behaviour made against staff, either paid or unpaid, are serious and must be dealt with by the **Local Authority Designated Officer (LADO)**, a professional independent person who has been appointed by the Lancashire Safeguarding Adult Board.

The LADO is **Tim Booth**  01772 536694,  [tim.booth@lancashire.gov.uk](mailto:tim.booth@lancashire.gov.uk)).

The LADO role includes:

- The management and oversight of individual cases.
- Providing advice and guidance to employers and voluntary organisations.
- Liaising with the police and other agencies.
- Monitoring the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process.

### Guidance for staff on dealing with allegations of harm or inappropriate behaviour

If someone (a child, parent, service user, fellow colleague, etc.) makes an allegation to you about another member of staff:

- Do NOT investigate yourself but speak to your line manager, your line manager will contact the DSO.
- The DSO will contact the LADO directly at the earliest available opportunity.

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- The LADO will advise them on the correct course of action. Suspension of staff is not automatic and neither is an assumption of guilt. Each situation will need to be dealt with in a robust and sensitive manner.

If you have concerns about your line manager, the DSO, or anyone else that may make the above process inappropriate, please refer to the Council’s Whistle Blowing Policy.

## The Welfare of Staff

The Council is committed to following the correct process for dealing with any allegation against a member of staff, but it is also mindful of the welfare of that staff member and will provide appropriate help and support to them. Line managers, in liaison with People and Policy, will offer their staff members appropriate advice and support.

## 8. Recruitment

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As a Council we need to ensure that our practices and standards are consistent across all services in recruitment and selection of staff/volunteers that will be working with/having access to adults at risk.

The following points express the actions we will take during the recruitment and selection process to ensure this. They take into account the changes to the national vetting and barring scheme as per the 2012 Protection of Freedoms Act

- All posts will be assessed by the People and Policy Team to identify which posts will undertake regulated activity. Managers/service heads will be notified as appropriate.
- All advertising of regulated posts will be explicit in the need for Disclosure and Barring Service (DBS) clearance.
- DBS checks will be completed and refreshed as appropriate.
- Training needs will be identified and completed on the appropriate level of child protection, Common Assessment Framework (CAF) and other training sessions as relevant

### Work Experience for Young People

Individual services may offer work experience positions to young people as part of their ongoing education. People and Policy will advise whether any member of staff supervising young people needs to undertake a DBS check.

### Safe Working Practice for staff, volunteers and Councillors

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It is important for all staff, paid or unpaid, and Councillors to behave correctly and to be positive role models for the children and young people who they come into contact with and prioritise their needs. In particular, anyone in regular, unsupervised contact with children and young people, or any other 'regulated activity' (as defined by the Protection of Freedoms Act 2012) must adhere to appropriate guidelines.

Relevant training will be provided to any staff member having regular contact with children and young people.

Managers must develop local policies and systems to maximise staff safety including the need to carry out risk assessments as appropriate. The following are common sense points for anyone to take into account which will help to create a positive culture and also protect staff against false allegations:

- Act reasonably and treat all children and young people fairly and with respect.
- Maintain professional boundaries.
- Always work in an open environment, avoiding private or unobserved situations. For example, encourage the young person to bring in a friend, leave a door open, and inform colleagues where you are and how long you'll be.
- Do not give lifts to young people outside agreed activities. Where it is necessary to take a young person in your car ensure your manager is aware of this and how long you will be. Take a mobile phone to communicate reasons for any delays.
- Do not take young people to your home.
- If you have to visit a child or young person in their home always make sure that your manager is aware of this and you record the home visit.
- Do not develop social relationships with young people who are service users (including via social media).
- Do not accept or give money or gifts.
- Be aware of physical contact with a young person – any support or assistance should be provided openly and appropriately.
- If working with mixed gender groups of young people off site (on trips, at different venues) ensure there are always male and female staff with them unless previously agreed with the DSO.
- Do not smoke or drink alcohol in the presence of children and young people.

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## Photography and Video Footage

In order to protect children and young people consent may be required from a parent or guardian before photographs or video can be taken by council staff or on council property.

For guidance contact:

Katie Gee, Media and Communications Officer

01706 252454

[katiegee@rossendalebc.gov.uk](mailto:katiegee@rossendalebc.gov.uk)

People and Policy

01706 252449

[peopleandpolicy@rossendalebc.gov.uk](mailto:peopleandpolicy@rossendalebc.gov.uk)

For more information please see:

**NSPCC Advice and Guidance for organisations:**

<https://thecpsu.org.uk/help-advice/putting-safeguards-in-place>

**LSCB Safer Working Practices Guidance**

<http://www.lancshiresafeguarding.org.uk/resources/key-guidance-policy-documents.a>

## 9. Training

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All staff will be required to complete safeguard training as a statutory requirement, at a minimum this will be Level 1 Safeguard Awareness Training.

It is the responsibility of each service, in liaison with People and Policy, to make sure that all staff have received the appropriate level of training for them to be confident and competent when working with children and being able to recognise and respond to safeguarding concerns.

Refresher training will be completed every three years or following any changes to legislation.

### Elected Members

Basic Safeguarding Training will be offered on the 'Member Training Programme' for all Councillors

### Specialist Training

The Designated Safeguarding Officer will ensure relevant officers have access to relevant inter-agency and professional training opportunities to ensure they are able to effectively deal with a wide variety of queries and situations.

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For more information please see:

**LSCB Training Unit**

<http://www.lancshiresafeguarding.org.uk/learningdevelopment.aspx>

## 10. Working with Partners

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There is a need for organisations to work together when it comes to safeguarding. Joined up services, common processes and procedures reduce the risk of vulnerable children ‘falling through the net’. The following are key elements of partnership working around safeguarding:

**The Lancashire Safeguarding Children Board (LSCB)** ensures countywide priorities are achieved whilst at the same time taking account of local issues and priorities. The Children Act

2004 puts this Board on a statutory footing, giving it legal responsibilities. It must ensure that all statutory agencies are working together to effectively safeguard children, providing procedures, guidance and advice and holding agencies to account if they are not meeting their safeguarding responsibilities effectively.

<http://www.lancshiresafeguarding.org.uk/>

**Lancashire Children and Young People’s Trust** and the **Children’s Partnership Board** at locality level (Hyndburn, Rossendale and Ribble Valley) formalise the need for organisations to work together. Joined up services, common processes and procedures should reduce the risk of vulnerable children ‘falling through the net’.

<http://www.lancashirechildrenstrust.org.uk/>

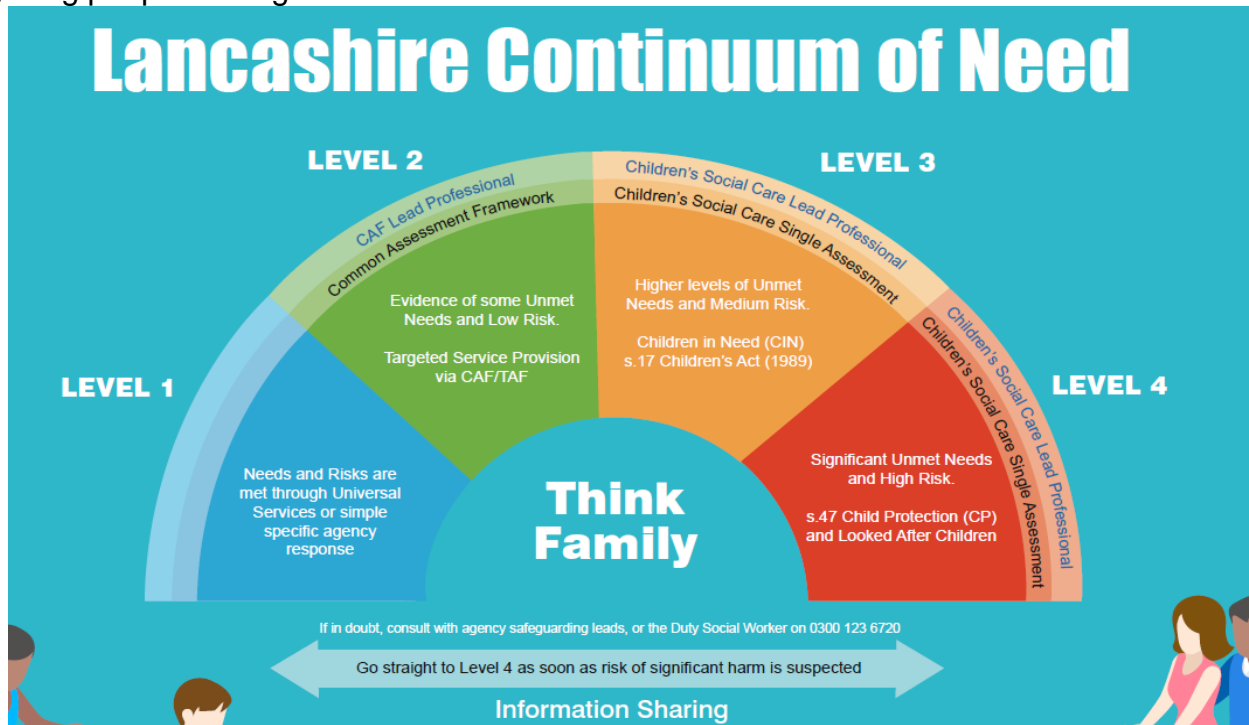
**The Lancashire Safeguarding Children Key Guidance & Policy Documents** provide multi-agency guidance for all organisations. This policy has been aligned with the key requirements of these procedures which are an excellent source of additional information, and should be accessed at the link below for further guidance about any safeguarding issue.

<http://www.lancshiresafeguarding.org.uk/resources/key-guidance-policy-documents.aspx>

**The Lancashire Continuum of Need:** the diagram below shows the ‘continuum of need’ that is used by partners to describe the level of need of intervention by statutory services that a child or a young person may have. Most will fall on the left of the diagram, with minor needs that can be met by standard services in health, education and so on. Should their situation worsen then they may need additional support (level 2) or perhaps assessment (level 3) by a statutory agency. Should they be in danger then they would immediately move to level 4 and require protection from the police or social care.

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Children and young people can move back and forth along the continuum and council staff, volunteers of councillors may be involved at different levels. Whilst we have no duty to provide child protection (level 4) we may need to report an issue at this level to the appropriate place. More commonly our staff may be involved in multi-agency teams to support children and young people at stages 2 and 3.



The Lancashire Continuum of Need and Threshold Guidance

<http://www.lancshiresafeguarding.org.uk/media/14679/4718-CON-A4-Booklet-single-pages.pdf>

### The Common Assessment Framework (CAF) and Lead Professionals.

Common Assessment Framework (CAF) and Lead Professionals are contributing elements for improved outcomes for children and young people and support the delivery of services that are integrated and focused around the needs of children and young people.

We have signed the 'declaration of acceptance' agreement to use the CAF.

CAF is a shared assessment tool for use across all children's services in England. It helps in the early identification of needs of children and young people and promotes a coordinated approach on how those needs should be met. Staff from any organisation in Lancashire can use the CAF process to decide whether action needs to be taken to support a child.

Contact the CAF Team at Lancashire County Council for further information at [caf@lancashire.gov.uk](mailto:caf@lancashire.gov.uk) or see the guidance in the links below.

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The **Lead Professional** is someone who takes the lead to coordinate provision and be a single point of contact for a child/young person and their family, when a range of services are involved and an integrated response is required. They would be responsible for calling a **‘team around the child (TAC) or team around the family (TAF)** meeting that would bring together all the relevant agencies working with a child or a family to reduce duplication and agree how best to provide the support required.

For more information please see: **Lancashire Children and Young People’s Trust**  
<http://www.lancashirechildrenstrust.org.uk/resources/?siteid=6274&pageid=45056>

The **‘Safe Network’ covers activities and good practice in the VCFS**  
<http://www.safenetwork.org.uk>

## 6. Radicalisation

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Radicalisation is comparable to other forms of exploitation, such as, grooming. The aim of radicalisation is to attract people to violent extremist’s reasoning, inspire new recruits and embed their extreme views and persuade of the legitimacy of their case. This may be direct through a relationship, or through social media.

There are a number of factors that may make the Child or Young Person susceptible to exploitation by violent extremists. None of these factors should be considered in isolation but in conjunction with the particular circumstances of the individual.

### Prevent

Prevent is part of the Government’s counter-terrorism strategy CONTEST and aims to provide support and re-direction to Child or Young Person of being groomed into terrorist activity before any crimes are committed.

The Prevent Strategy is one of the four elements of CONTEST, the National Counter Terrorism Strategy, covers all forms of extremism and has three strategic objectives:

- Respond to the ideological challenge of terrorism and the threat from those who promote it.
- Prevent people from being drawn into terrorism and ensure that they are given appropriate support.
- Work with sectors and institutions where there are risks of radicalisation that need to be addressed.

All staff will be required to attend Prevent Training as a statutory requirement, via a home office approved, training package called “Workshop to Raise Awareness around Prevent” (WRAP).

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## Reporting a Concern

If you have a concern you should follow the Council's safeguarding procedure, you should contact your line manager or the **Designated Safeguarding Officer (DSO) – Clare Law** or the **Police** if there is an immediate risk to refer into the Channel process.

Channel is a multi-agency safeguarding programme run in every local authority in England and Wales (Rossendale Borough Council's is chaired by Blackburn with Darwen Council). It works to support vulnerable people from being drawn into terrorism and provides a range of support such as mentoring, counselling, assistance with employment etc. Channel is about early intervention to protect Adults from being drawn into committing terrorist-related activity and addresses all types of extremism.

The purpose of Channel is to assess the nature and extent of the risk and develop the appropriate support plan for the child or young person concerned.

Participation in Channel is voluntary. It is up to the parents for young people aged 17 and under, to decide whether to take up the support it offers. Channel does not lead to a criminal record.

## 12. Duty to Refer

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Under the Safeguarding Vulnerable Groups Act 2006, Rossendale Borough Council has a duty to refer an employee to the Disclosure and Barring Service (DBS) if we believe there has been or is a risk of harm to child or young person while conducting regulated activity while in the employ of the Council.

We will use the following criteria to determine if a referral should be made:

The first condition is that permission has been withdrawn to engage in regulated activity, by either dismissal, redeployed, retired/redundant or resigned.

The second condition is that the local authority thinks that the person has either: harmed or poses a risk of harm to a child or vulnerable adult; satisfied the harm test; or received a caution or conviction for a relevant offence.

If a referral is made to DBS, it will include details of the person we are referring, reason for the referral, chronology of events and supporting information such as witness statements, any past disciplinary actions, application for employment etc.

For more information, please see: [Disclosure and Barring Service \(DBS\)](#)

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## 13. Data Protection Act 1998

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The Council ensures that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with the requirements of the Data Protection Act 1998.

## 14. Contacts

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### INTERNAL CONTACTS

#### Designated Safeguarding Officer –

Clare Law, HR Manager ☎ 01706 252457 /07786 747352  
Room 209, The Business Centre, Futures Park, Bacup OL13 0BB

✉ [clarelaw@rossendalebc.gov.uk](mailto:clarelaw@rossendalebc.gov.uk)

#### Deputy Designated Safeguarding Officer –

Katie Gee, Media and Engagement Officer ☎ 01706 252454  
Room 209, The Business Centre, Futures Park, Bacup, Lancashire OL13 0BB

✉ [katiegee@rossendalebc.gov.uk](mailto:katiegee@rossendalebc.gov.uk)

#### Strategic Safeguarding Lead -

Stuart Sugarman, Chief Executive ☎ 01706 252447  
Room 218, The Business Centre, Futures Park, Bacup, Lancashire OL13 0BB

✉ [stUARTSUGARMAN@rossendalebc.gov.uk](mailto:stUARTSUGARMAN@rossendalebc.gov.uk)

### EXTERNAL CONTACTS

#### Lancashire County Council Social Care Services – Safeguarding Adults

- 8am–8pm Monday to Friday: local number ☎ 0300 123 6721
- 8pm–8am Monday to Friday / weekends / bank holidays: ☎ 0300 123 6722

**Local Authority Designated Officer (LADO):** for allegations against adults working with children and young people:

Tim Booth - ☎ 01772 536694 / ✉ [tim.booth@lancashire.gov.uk](mailto:tim.booth@lancashire.gov.uk)

**Lancashire Safeguarding Children’s Board:** for info on the countywide approach and resources available:

Board Manager - Victoria Gibson – ☎ 01772 538352/Victoria.gibson.gov.uk  
[http://www3.lancashire.gov.uk/corporate/web/?Safeguarding\\_adults\\_website/13624](http://www3.lancashire.gov.uk/corporate/web/?Safeguarding_adults_website/13624)

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# APPENDIX A

## CHILD, YOUNG PERSON AND VULNERABLE ADULT

### INCIDENT/REFERRAL FORM

Reference No: \_\_\_\_\_

<b>Name of Officer</b>
<b>Position</b>
<b>Date/Time</b>

<b><u>Child/Young Person/Vulnerable Adult Details</u></b>
<b>Name</b>
<b>Date of Birth</b>
<b>Address</b>
<b>Post Code</b>
<b>Telephone</b>

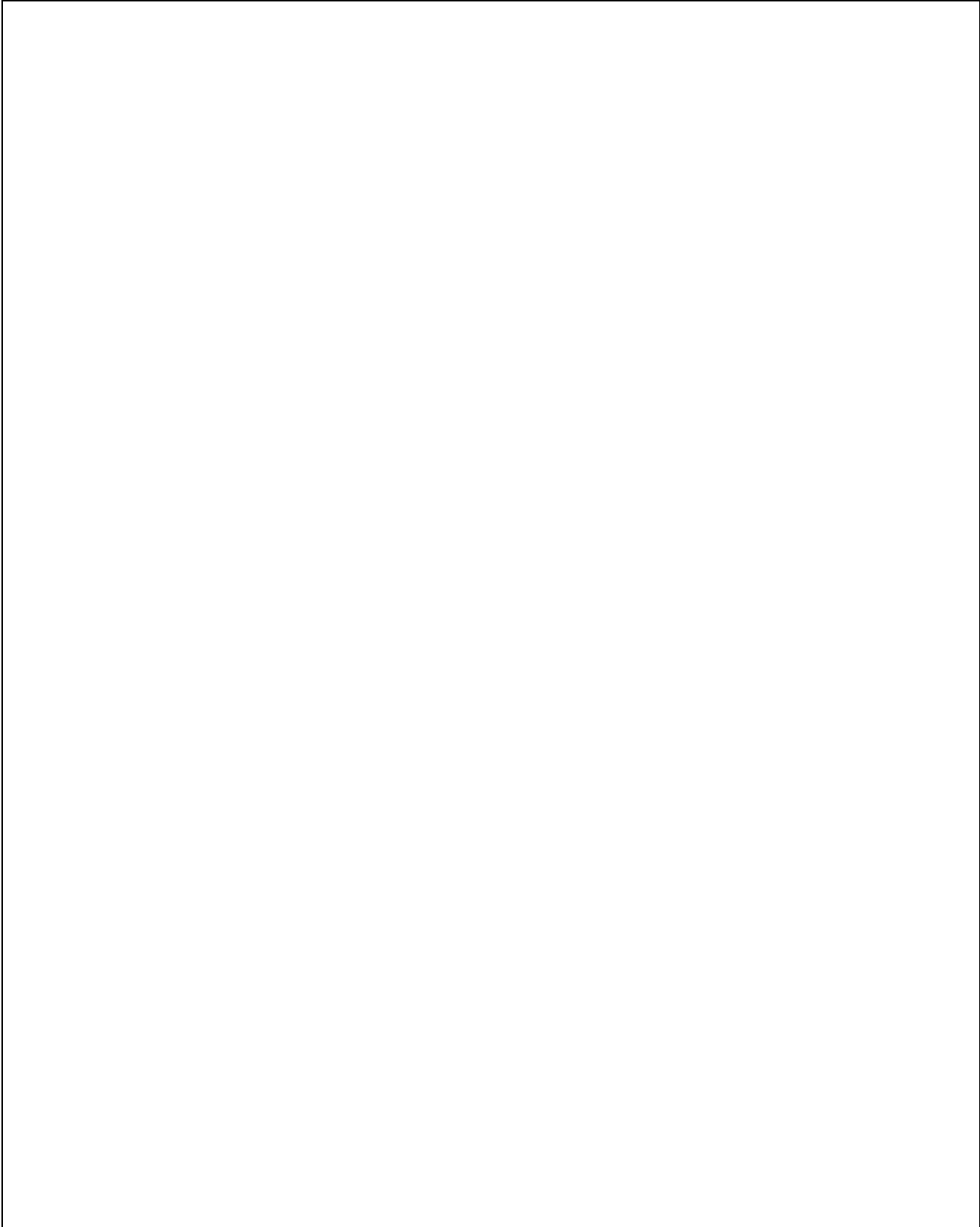
<b>Parents/guardians/carers (if different from above)</b>
<b>Address</b>
<b>Telephone</b>

<b>Date and Time of Incident</b>
----------------------------------

<b>Location</b>
-----------------

<b>Reasons for Concerns</b> (Give a clear and concise account of concerns, stating times and dates – attach additional sheets of paper if needed)
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Has consideration been given to notifying parents/guardians/carers YES/NO

Justification for above response

Print Parents/guardians/carers Name

Parents/guardians/carers Signature

Date

Print Your Name

Your Signature

Date

Action/Outcome of Initial Concern/Incident

Referral Made to

Support Offered

Signature of Responsible Officer (or Service Head) and date

Your Signature

Print your name

Date

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