

Guildhall Gainsborough
Lincolnshire DN21 2NA
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AGENDA

This meeting will be webcast live and the video archive published on our website

Corporate Policy and Resources Committee
Thursday, 7th September, 2023 at 6.30 pm
Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA

Members:

- Councillor Trevor Young (Chairman)
- Councillor Mrs Lesley Rollings (Vice-Chairman)
- Councillor Owen Bierley
- Councillor Matthew Boles
- Councillor Frazer Brown
- Councillor Stephen Bunney
- Councillor Ian Fleetwood
- Councillor Roger Patterson
- Councillor Tom Smith
- Councillor Mrs Mandy Snee
- Councillor Paul Swift

1. Apologies for Absence

2. Public Participation Period

Up to 15 minutes are allowed for public participation.
Participants are restricted to 3 minutes each.

3. Minutes of Previous Meeting/s

- i) For Approval - Corporate Policy and Resources Committee

To confirm and sign as a correct record the Minutes of the (PAGES 4 - 11)
Corporate Policy and Resources Committee held on 20 July
2023.

- ii) For Noting
To note the minutes arising from the Joint Staff Consultative Committee meeting on 6 July 2023. (PAGES 12 - 19)

- 4. **Declarations of Interest**
Members may make declarations of Interest at this point or may make them at any point in the meeting.

- 5. **Matters Arising Schedule** (PAGES 20 - 22)
Setting out current position of previously agreed actions as at 30 August 2023.

- 6. **Public Reports for Approval:**
 - i) Recommendation from the Joint Staff Consultative Committee - Amendments to JSCC Terms of Reference (PAGES 23 - 29)

 - ii) Recommendation from the Joint Staff Consultative Committee - Review of the Disciplinary Procedure (PAGES 30 - 59)

 - iii) Recommendation from the Joint Staff Consultative Committee - Review Lone Working Policy (PAGES 60 - 97)

 - iv) Recommendation from Joint staff Consultative Committee -Retirement Policy (PAGES 98 - 115)

 - v) Committee Work Plan (PAGES 116 - 119)

- 7. **Exclusion of Public and Press**
To resolve that under Section 100 (A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

- 8. **Exempt Report(s)**
 - i) Cinema and Leisure Scheme funding update (PAGES 120 - 128)

 - ii) Market Street Renewal - Share Purchase Agreement (PAGES 129 - 176)

 - iii) RAF Scampton- Mechanism for Funding Distribution (PAGES 177 - 184)

Ian Knowles

Head of Paid Service
The Guildhall
Gainsborough

Wednesday, 30 August 2023

Agenda Item 3a Public Document Pack

Corporate Policy and Resources Committee- 20 July 2023

Subject to Call-in. Call-in will expire at 5pm on 29 August 2023

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Corporate Policy and Resources Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 20 July 2023 commencing at 6.30 pm.

Present: Councillor Trevor Young (Chairman)

Councillor Owen Bierley
Councillor Matthew Boles
Councillor Frazer Brown
Councillor Trevor Bridgwood
Councillor Stephen Bunney
Councillor Karen Carless
Councillor Ian Fleetwood
Councillor Tom Smith
Councillor Mrs Mandy Snee
Councillor Paul Swift

In Attendance:

Emma Foy	Director of Corporate Services and Section 151
Ady Selby	Director - Operational & Commercial Services
Sue Leversedge	Business Support Team Leader
Katy Allen	Corporate Governance Officer
Michelle Thompson	Human Resources Manager (Temporary)
Katie Storr	Democratic Services & Elections Team Manager

Apologies: Councillor Roger Patterson
Councillor Mrs Lesley Rollings

Membership: Councillor Karen Careless substituting for Councillor Lesley Rollings
Councillor Tom Smith substituting for Councillor Roger Patterson

11 PUBLIC PARTICIPATION PERIOD

There was no public participation.

12 MINUTES OF PREVIOUS MEETING

Councillor Bierley clarified that his non-pecuniary interest should have referred to Age UK Lindsey.

The minutes were proposed and seconded subject to the amendment and on being put to the vote were carried.

RESOLVED that the Minutes of the Meeting of the Corporate Policy and Resources Committee held on 7 June 2023, subject to the above amendment, be confirmed and signed as a correct record.

13 DECLARATIONS OF INTEREST

There were no declarations of interest at this point in the meeting.

14 MATTERS ARISING SCHEDULE

The Democratic Services Team Manager introduced the report and explained the format of the report and updates in respect of each item.

A Councillor referred to the item relating to the Better Care Fund and highlighted discussions at previous policy committee meetings about fulfilling disabled facilities grants. It was considered that a case had been made and there was to be a meeting of the Housing, Health and Care Delivery Group, workshops and further negotiations so that was on the way to being completed. It was noted that updates would be provided to committee.

A member highlighted the item on the UK Shared Prosperity Fund and asked when there would be an update on the issue. The Director of Corporate Services undertook to provide information to members by email.

With no further comments or questions from Members, the Matters Arising Schedule was **DULY NOTED**.

15 ANNUAL EQUALITY REPORT AND REVISED EQUALITY POLICY

The Corporate Governance Officer (People and Organisation Development) presented the report and explained that the annual equality diversity inclusion report provided information on how work around equalities was progressing. It was advised that the next steps to be taken included a new equality, diversity and inclusion policy, the scope for the equalities audit which was being currently undertaken by internal audit and the action plan for the Council going forward. The committee noted that the report had been taken through Joint Staff Consultative Committee and no amendments were proposed.

A councillor expressed support for the paper and recommendations and other members concurred.

The recommendations were proposed and seconded and on being put to the vote were carried.

RESOLVED that:-

- (a) the Annual Equality, Diversity and Inclusion Report be noted;
- (b) the new Equality, Diversity and Inclusion policy be approved; and
- (c) the actions to progress the agenda be agreed.

16 CLOSE PERSONAL RELATIONSHIPS POLICY

The Human Resources Manager presented the report and advised it was new policy for all employees and the main purpose of the policy was to safeguard the organisation and to provide clear guidance for employees. The policy had been through Joint Staff Consultative Committee who had made one recommendation around adding step-families to section 2.1.

Councillors indicated support for the report and recommendations. Having been duly proposed and seconded the recommendations were put to the vote and were carried.

RESOLVED that: -

- (a) the recommendation from the Joint Staff Consultative Committee, including the amendment to Section 2.1, be agreed and the policy be approved for immediate adoption; and
- (b) delegated authority be granted to the Director Corporate Services in consultation with the Chairs of Joint Staff Consultative Committee and Corporate Policy and Resources Committee to make any future minor housekeeping amendments to the Policy.

17 BUDGET AND TREASURY MONITORING - QUARTER 1 2023/2024

The Business Support Team Leader presented the report and explained it was the first budget monitoring report for 2023-2024 based on the forecast outturn, as at the 31st of May 2023. It was advised that whilst it was early in the financial year the report highlighted known pressures, savings and potential budget risk.

A councillor in welcoming the report sought clarification regarding costs associated with RAF Scampton as a result of ongoing legal issues. The concern was acknowledged and it was clarified that discussions were ongoing with the Home Office around the funding allocation for Scampton should it be used as an asylum centre. It was noted that any funding would be £7 million and whilst this seemed a large amount there were a lot of additional services that might need to be provided by the council and partners. The grant would also be dependent on occupancy rate at the site. The timescale for payments, which were retrospective was outlined.

Members discussed the financial implications for the council and potential risks associated with funding. The committee thanked officers for their hard work in regard to this matter and for keeping councillors updated on progress.

A councillor sought clarification regarding the Chief Officer pay agreement. In response it was confirmed that there were in effect three agreements to be made, one agreement for the vast majority of staff, one for those staff that are directors at the organisation, that's the one which has happened at the 3.5% and there is a further agreement for the Chief Executive.

A member referred to the revised capital budget to reinstate funding for the Riverside Walk and asked if the final invoice related to the initial works or remedial works that had to be undertaken and whether the costs would be put back on the contractor. The committee was advised that it was a the retention payment on the original piece of work.

A councillor referred to a drawback request for vehicle replacement of two electric vans that had been procured earlier than anticipated. Clarification was given that it related to supervisors vans, there was currently a fleet of five supervisors vans due to changing working practices that was being reduced to three.

The recommendations were duly proposed and seconded and on being put to the vote were carried.

RESOLVED

REVENUE

- a) That the forecast out-turn position of a £0.057m net contribution to reserves as of 31st May 2023 (see Section 2) relating to revenue activity be agreed
- b) That the use of Earmarked Reserves - £0.057m (2.4.1) be approved
- c) That the use of Earmarked Reserves during the quarter approved by the Chief Finance Officer using Delegated powers (2.4.2) be accepted

CAPITAL

- d) That the current projected Capital Outturn as detailed in 3.1.1 be accepted
- e) That the adjustments to the Capital Budget as detailed in 3.2 be approved
- f) That the revised Capital Budget of £23.853m (3.1) be approved

TREASURY

- g) That the report, the treasury activity and the prudential indicators be accepted.

18 OPERATIONAL SERVICES FLEET UPDATE AND VEHICLE PROCUREMENT REQUEST

The Director for Operational & Commercial Service introduced the report providing an

update on the current position regarding operational services fleet and seeking a capital investment in two new vehicles. It was explained that there had been a significant increase in the amount of waste collected over the last few years for a number of reasons including Covid, popularity of the garden waste service and the rapid growth within the district.

To date there had not been an uplift in the number of new vehicles to collect this additional waste and therefore there had been an increased reliance on using old spare vehicles and this has brought about a sharp rise in maintenance costs as the spare vehicles require more maintenance when in regular use. The costs of maintenance and increases in staffing costs were outlined.

The current vehicle replacement strategy did not account for the need for increased demands so a further capital investment was proposed. The financial, operational and environmental implications were clarified.

A councillor referred to the challenges in terms of the government requirements on local authorities fulfilling their obligation around collection of waste. It was emphasised there were financial challenges and a lot of unknowns in terms of future requirements around food waste collections. The excellent services provided across the district were outlined but it was about having assurance moving forward, that the right decisions are being made.

In response officers acknowledged the ongoing discussions around the uncertainty in the waste industry and the lack of clarity coming from the government on what would be required particularly with regard to environmental issues. The supply of food waste vehicles and lack of disposal facilities were highlighted. In regard to financial implications it was suggested that the government might be suggesting extended producer responsibility would fund new waste collections but others indicated that producers would find different ways to do packaging and reduce their need to pay.

The potential introduction of free garden waste collections for all would also have a massive impact on a lot of authorities. These matters were on the agenda for the Lincolnshire Waste Partnership and other forums and they would continue to press government around the urgency of these decisions.

A member in welcoming the report suggested there needed to be a balance struck between the provision of electric vehicles and more traditional fuels and expressed support for the phased approach proposed in the report as, particularly in rural areas charging points could be difficult to access.

A councillor referred to the new vehicles and food waste collections and asked if they would need to be retro fitted for such collections. In response it was clarified that these vehicles would be for residual waste, recycling and garden waste. Food waste vehicles would need to be commissioned separately. It was acknowledged that some authorities did have vehicles pods for food but this would not work in the district as the pods were small. Discussion ensued regarding potential financial implications if proposed changes were introduced by government.

A member highlighted that the waste was a flagship service and one of the most high-profile. It was suggested that affordability was key and the fact it was an in-house service meant

that given the uncertainty of what policy will be in the future it was important to take decisions now, based on the information available.

A councillor highlighted the good work of the service and that it was appreciated by residents and that the latest technology should be provided within financial limits. The importance of reducing the carbon footprint was emphasised. It was asked about the replacement of other vehicles in the future. In response it was greed that there was a gradually ageing fleet so there was never the burden of having to buy a whole fleet at one time. The maintenance requirements for vehicles was outlined and it was confirmed that there was a vehicle replacement programme and budget.

It was asked what happened to vehicles at the end of their time with the council. In response it was confirmed they were broken up and dispersed or exported abroad.

A member referred to street cleansing and fly-tipping services and the important work being undertaken in that regard. Clarification was sought regarding any clawback costs involved with the vehicles and solar panel fitted to them. The officer clarified that that this wasn't included in this report because it was specifically about the purchase of two new vehicles rather than solar panels. The cost of solar panels was around £5k pounds per vehicle and with current performance based on just over the first month of them being fitted to the vehicles that will get paid back in just over five years. In the future it was likely they would come already fitted with solar panels and be included in the purchase price of the vehicle.

Members asked that their thanks to all staff involved in the waste service be conveyed.

The recommendations were proposed and seconded and on being put to the vote were carried.

RESOLVED to approve a capital investment of £440k be added to the Vehicle Replacement Reserve, to fund two new vehicles from 2024 and this capital investment be funded from the estimated balance in the vehicle replacement reserve at the end of 2024/25 of £270k, along with internal borrowing of £170k.

19 COMMITTEE WORK PLAN

With no comments or questions, the work plan was **DULY NOTED**.

20 EXCLUSION OF PUBLIC AND PRESS

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

21 LEISURE CONTRACT: DEED OF VARIATION

Members considered a report which proposed and sought agreement to a deed of variation

to the existing Leisure Contract with Sports and Leisure Management (SLM) the Council's contracted leisure provider.

The Section 151 Officer, in presenting the report, outlined the reasons the deed of variation was sought and the circumstances which had arisen both during and post Covid, swiftly followed by significant inflation in utility costs, noting the Government's guidance and advice in such situations, and as contained in the legal implications of the report.

Members were advised of how the deed of variation would impact budgets and how it was proposed these impacts would be funded, referring Members to the financial implications section of the report.

The negotiations which had taken place were outlined to the Committee and the final negotiated position being proposed was set out at Section 2.7. It was stressed that the negotiated position was based on a number of key principles again these were detailed in the report at Section 2.7 and were highlighted to Members. Furthermore, these principles would be set out within the "variation to contract" document once finalised.

Debate ensued during which Members expressed concerns about historic contract management issues. It was also questioned as to whether the provider was doing all it could to encourage people to return to the centres. The Committee understood that given the circumstances, a variation to contract would need to be agreed but given the historic issues that had been raised and continuing concerns regarding the offer and its attractiveness, it was with reluctance.

Members were clear that they expected the provider to be doing more to encourage use, making sure the offer was attractive and what the local community wanted. There were a number of examples cited of activities, that through local knowledge, the Committee knew had proved popular – even oversubscribed yet had been discontinued. It was suggested more needed to be done by the provider to look after and enhance those activities which did engage users.

The principles to be included in the "variation to contract" document were welcomed, and allowed for greater oversight, but given the comments from Committee Members and statements made by the provider during negotiations regarding the longevity of one site it was proposed and seconded that: -

- (i) the Provider be asked to submit to the Committee further details of their financial and management recovery plans, setting out how they intend to bring about change to the current sports centres; and
- (ii) the Provider be asked to outline how they would like to see the sites developed in the future from environmental, sustainability and profitability aspects.

On being put to the vote the amendment was accepted. Members confirmed the deed of variation would be accepted and signed but that the Committee wished to have sight of the requested information before the variation to contract was signed.

Members also indicated they expected greater and more effective contract management moving forward. Members again requested a workshop in order that they may understand

which elements of the current service they may affect under the current contract and which matters would fall outside of scope.

Officer undertook to arrange such a workshop in due course, noting the pressures and Members diaries at present.

Members also requested that Officers liaise with the providers regarding roller discos, and the indoor cricket referred to seeking to understand why the activities had ceased.

On that basis it was **RESOLVED** that:

- (a) the Section 151 Officer, following consultation with the Chairman of Corporate Policy and Resources Committee, be authorised to enter into a funding agreement under a Contract Deed of Variation, with Sports and Leisure Management Ltd, of up to £277,824 for the period 1 April 2022 to 31 March 2024, (exact funding representing the actual deficit to be agreed separately for each month under open book accounting from 1 April 2022 to 31 March 2024);
- (b) the amount agreed under (a) above be funded from the Covid Earmarked Reserve; and
- (c) the funding agreement under the Contract Deed of Variation, referred to above at (a), only be entered into once the Committee are in receipt of the information requested through the debate, namely: -
 - (i) the Provider submit to the Committee further details of their financial and management recovery plans, setting out how they intend to bring about change to the current sports centres; and
 - (ii) the Provider outline how they would like to see the sites developed in the future from environmental, sustainability and profitability aspects.

The meeting concluded at 7.52pm.

Chairman

Agenda Item 3b

JOINT STAFF CONSULTATIVE COMMITTEE – Thursday, 6 July 2023

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Joint Staff Consultative Committee held in the MS Teams on Thursday, 6 July 2023 commencing at 4.00 pm.

Members: Councillor Mrs Jackie Brockway (Chairman, from Minute 2)
Councillor John Barrett
Councillor Matthew Boles
Councillor Moira Westley

Representatives of Union members: James Deacon (Vice Chairman, from Minute 3)

Representatives of Non-union staff: Amy Potts
Jenna Comins

In attendance: Jeanette McGarry, Assistant Director People & Democratic Services
Michelle Thompson, Human Resources Manager (Temporary)
Katy Allen, Corporate Governance Officer
Ele Snow, Senior Democratic and Civic Officer
Andrew Warnes, Democratic and Civic Officer

Apologies: No apologies were received.

1 TO ELECT A CHAIRMAN FOR THE CIVIC YEAR

The Democratic and Civic Officer opened the meeting and sought nominations for the position of Chairman.

Members then deliberated on two candidates who put themselves forward. On receiving nominations and having been proposed and second, upon taking the vote, it was

RESOLVED that Councillor Jackie Brockway be elected as Chairman for the 2023/24 Civic Year.

Councillor Brockway thanked the Committee for electing her as Chairman and took the chair for the remainder of the meeting.

2 TO APPOINT A VICE-CHAIRMAN FOR THE CIVIC YEAR

The Chairman asked for nominations for the position of Vice Chairman. On being nominated and voted upon unanimously, it was

RESOLVED that James Deacon be appointed as Vice-Chairman for the 2023/24 Civic Year.

3 MEMBERS' DECLARATION OF INTEREST

There were no declarations of interest.

4 MINUTES

RESOLVED that the minutes of the meeting of the Joint Staff Consultative Committee held on Thursday, 30 March 2023 be approved as a correct record.

5 MATTERS ARISING SCHEDULE

The Assistant Director of People and Democratic Services explained that the new Members of the Committee matters arising was part of the discussion for item 7f. The Officer updated Members on the new working group of non-union staff representatives, and that attendance of this group would be on a rotating basis. It was additionally raised that there were further outside discussions on the quorate aspects in the item, and the slight tweaks from previous discussions.

With no further comment, the Matters Arising schedule was **NOTED**.

6 REVIEW OF THE LONE WORKING POLICY

The Chairman invited the Human Resources Manager to present the first report, which was a review of the lone working policy. These were primarily housekeeping changes to the current policy, which included updates to the officer positions, a new template on risk assessments with guidance on dynamic risk assessments, and additional clarity into the policy.

Debate ensued, and Members drew out multiple aspects of the current policy, standard practices at West Lindsey District Council, and other related policies to lone working such as home working. In response to queries on the interaction with home working, the Officer clarified that employees contacts still require attendance at Guildhall for business related aspects and was guided separately to lone working. This guidance included flexible working, with regular one to one meetings between employees and their managers, as set by the service managers. It was also emphasised that teams should be meeting regularly.

With regard to known lone workers, these were primarily office-based workers, which included planners and environmental health officers going out on site, with nobody lone working full time. In a later exchange, the

Assistant Director of People and Democratic Services explained that for those making regular visits that they were provided with information such as mental health and violence, alongside information shared from Lincolnshire County Council. Members also heard that conversations were ongoing with the depot staff with waste management to ensure their safety and audit check-ins with other staff whilst out in the District.

In a related exchange about the raising of issues by employees, the Assistant Director of People and Democratic Services explained that there was separate guidance for 1-2-1s that allowed for discussion over safety issues. It was referenced that a discussion with the Director responsible for the depot in regard to staff safety whilst working in the District would be of use to the Committee.

There was a discussion on the usage of tracking tags and panic alarms as a way of protecting staff and safeguarding in case of issues, with case studies raised and examples of where it could be used by staff. These included litter pickers, officers making home visits, and those making visits to other places. In a later comment, it was raised that there might be concerns of the rare cases of employees making home visits getting trapped in a customer's home, and how staff can assess those risks.

Officers suggested the tracking of waste service vehicles, team members and reviewing this policy with further staff input could be considered and implemented as future working practices.

At the end of the discussion, the Chairman requested that the Committee's concerns about the lack of tracker tags, dynamic risk assessment knowledge, and the request for any additional protection for lone workers be raised with the Corporate Policy and Resources Committee when it considered this report.

Having been proposed and seconded, it was

RESOLVED that:

1. the amended Lone Working Policy be supported and **RECOMMENDED** to the Corporate Policy and Resources Committee for formal adoption; and
2. any future minor housekeeping amendments be delegated to the Director of Corporate Services in consultation with the Chairs of the Joint Staff Consultative and Corporate Policy and Resources Committees.

7 **REVIEW OF THE RETIREMENT POLICY**

The Chairman invited the Human Resources Manager to present the next report, which was a review of the retirement policy. The amendments

proposed were for all employees and were mainly for housekeeping.

Debate ensued, and Members were appreciative of the policy in place. In response to a topic raised on those above retirement age to continue working, the Assistant Director of People and Democratic Services explained that the Equalities Act did not have a set age for a person to retire. This was further elucidated that this is if they were fit enough, and if they wanted to continue to work.

In a separate question, it was confirmed that the death in service benefit was part of the employment contract signed by all employees.

Having been proposed and seconded, it was

RESOLVED that:

1. the amended Retirement Policy be supported and **RECOMMENDED** to the Corporate Policy and Resources Committee for formal adoption; and
2. any future minor housekeeping amendments be delegated to the Director of Corporate Services in consultation with the Chairs of Joint Staff Consultative Committee and Corporate Policy and Resources Committee.

8 **REVIEW OF THE CLOSE PERSONAL RELATIONSHIPS POLICY**

The Chairman invited the Human Resources Manager to present the third item, which was a review of the close personal relationships policy. It was explained that this was a new policy for employees, with Members having their own policy within the code of conduct. The policy was expected to provide guidance to managers for those employees at the beginning of a personal relationship that could affect the recruitment and any related processes.

Debate ensued, and Members were appreciative of a clear and set guidance for everyone. In response to a set of queries on the scope of the policy, and a hypothetical scenario of an affair, Members learned that the policy covered the need for declaring contracts and consultants, and that each case would be handled on an individual basis. The reasoning for the policy included a push to have open declarations that can be safely processed, with the objective of a reduction in the risk within the organisation of any issues.

In a separate query, the Assistant Director of People and Democratic Services explained that the crux of the policy was to avoid situations of making unclear decisions without proper governance.

Having been proposed and seconded, it was

RESOLVED that:

1. the Close Personal Relationships Policy be supported and **RECOMMENDED** to the Corporate Policy and Resources Committee for formal adoption; and
2. That any future minor housekeeping amendments be delegated to the Director of Corporate Services in consultation with the Chairs of Joint Staff Consultative and Corporate Policy and Resources Committee

9 **REVIEW OF THE DISCIPLINARY PROCEDURE**

The Chairman invited the Human Resources Manager to present the fourth item, which was a review of the disciplinary procedure. This was primarily a housekeeping report.

The Officer brought to members attention to the sanction levels, with first warnings amended to last for 6 months, with final warnings being in place for 12 months. This followed the ACAS code of practice to have consistent sanctions.

Debate ensued, and Members questioned about the processes that follow within the policy. In response, the Human Resources Manager explained that that there was some capability of leeway within the process. It was further explained that the warning only formally sits in the employee's record for that mandated time, with the main intention to ensure that the lesson is learned.

If another disciplinary occurred after that period, the previous disciplinary would be taken into consideration. Dependent on the severity of the act, such as gross misconduct, the process can go all the way to a final warning. In a separate query, the Officer confirmed that the disciplinary record of officer do not get disclosed to future employers.

Having been proposed and seconded, it was

RESOLVED that:

1. the amended Disciplinary Procedure and Rules be supported and **RECOMMENDED** to the Corporate Policy and Resources Committee for formal adoption; and
2. any future minor housekeeping amendments be delegated to the Director of Corporate Services in consultation with the Chairs of the Joint Staff Consultative Committee and Corporate Policy and Resources Committee.

10 **ANNUAL EQUALITY REPORT AND REVISED EQUALITY POLICY**

The Chairman invited the Corporate Governance Officer to present the fifth item, which was the Annual Equality Report and revised Equality Policy. This was a new report and was scheduled to be considered on an annual basis. It also included a new policy, which included broader actions related to equality. It also included an action plan for the next 12 months. Members were also made aware of an internal audit ongoing at the time of the meeting.

Debate ensued, and Members asked multiple queries related to domestic abuse as mentioned in the report. The Committee learned that for any raised issues that a safeguarding process is put in place for anyone with concerns, with an appointed Safeguarding Officer responsible. The process was available on Minerva, with any staff able to make a safeguarding referral. Regarding informing outside agencies, it would be in agreement with the individual, and that the Authority had relationships with organisations that it could refer individuals to in arranging their safety. The process allowed for referrals for employees.

The Assistant Director of People and Democratic Services explained that it could happen to anyone, and that it was critical to ensure services were available, and that advice was available to everyone. In related question, there was also the availability of the Employee Assistance Programme, where staff could raise specific issues, and request counselling through the programme should they wish.

In response to a specific query about the difference of the levels between men and women full time and part time partly came from more flexible working requests from women within the Authority.

In a final query about related to purported discrimination based on speech, there had been recent instituted training for staff which covered related to this concern.

Having been proposed and seconded, it was

RESOLVED that:

1. the Annual Equality, Diversity and Inclusion Report be noted;
2. the new Equality, Diversity and Inclusion policy be supported and **RECOMMENDED** to the Corporate Policy & Resources Committee for approval;
3. the actions to take the agenda forward be supported and **RECOMMENDED** to the Corporate Policy & Resources Committee for approval.

11 **AMENDMENTS TO JSCC TERMS OF REFERENCE**

Members gave consideration to an Amendment to the JSCC Terms of Reference. The Senior Democratic and Civic Officer presented the report. Members heard that the Committee had run without formal staff representation since the leaving of Rachel Parkin, and that with the new recruitment The change would amend the terms of reference to allow both union and non-union staff members to equally split the representation.

Discussion ensued, and Members were supportive of the changes. It was noted that union representation in the organisation was low, but Members gave personal experiences on union membership.

Having been proposed and seconded, upon taking the vote, it was

RESOLVED that the Committee recommended to the Corporate Policy and Resources Committee that approval be given for staff representation on the Joint Staff Consultative Committee (section 1.2 paragraph (b) of the Constitution, Rules of Procedure and Terms of Reference) to be amended as followed:

“(b) not more than four employee representatives and six reserve employee representatives (to be made up of equal representation of union appointed and staff elected employee representatives where possible; should an equal balance not be possible, vacancies may be filled by staff members whether union or non-union)

12 **UPDATE ON THE NATIONAL PAY AWARD**

The Chairman invited the Assistant Director of People and Democratic Services to present the last item, which was an update to the National Pay Award negotiations for 2023/24.

The Officer explained that there had been no further update since the information in the report had been provided, with ongoing discussions on the pay award.

With no questions and no need to take a vote, the report was **NOTED**.

13 **WORK PLAN**

The Assistant Director of People and Democratic Services informed the Committee that the workplan for the 2023/24 Council year would be populated as and when, and noted the return to a normal level of items.

In response to a query from the Vice Chairman, Members learned a staff survey was planned to be held in the next few months, following

considerable change since the previous staff survey, in aim to monitor staff resilience.

With no further comments from Members of the Committee, the Work Plan was **NOTED**.

14 **TO NOTE THE DATE OF THE NEXT MEETING**

The date and time of the next meeting of the Joint Staff Consultative Committee to be held at 4pm on Thursday, 7 September 2023, was **NOTED**.

The meeting closed at 5.11 pm.

Chairman

Corporate Policy & Resources Committee Matters Arising Schedule

Purpose: To consider progress on the matters arising from previous Corporate Policy & Resources Committee meetings.

Recommendation: That Members note progress on the matters arising and request corrective action if necessary.

Meeting	Policy and Resources Committee				
Status	Title	Action Required	Comments	Due Date	Allocated To
Green	Lobbying of LCC re further funding from the Better Care Fund	extract from mins of mtg 10/11/22 further lobbying take place with Lincolnshire County Council to obtain both further funding from the Better Care Fund for the current year and a larger allocation in future years due to the demographic pressures West Lindsey faced;	this has been allocated a matters arising as Members wanted assurance lobbying was happening . We continue to work with the County Council on this matter and will update the committee as responses are received.	31/08/23	Sally Grindrod-Smith
Green	UKSPF Reporting to Members	CP&R 9 Feb '23: resolved that approval be given to quarterly and annual reporting arrangements as identified in the report, these being quarterly updates on expenditure and an annual report on progress of the programme being given to the Prosperous Communities Committee: to be programmed into forward plan	Logged here to ensure future items are included in the work plan, responsible Officer may need updating depending on workstream. - financial info reported to CPR July 23 LONGER TERM ACTION	31/07/23	Sally Grindrod-Smith
Green	Exit Poll of TAC Users	CP&R 07.06.23: Members enquired whether users of the Trinity Arts Centre could be surveyed as to their other interactions in Gainsborough whilst visiting the TAC. Suggested a form of 'exit poll'.	Staff at Trinity Arts Centre are devising an exit poll to roll out as part of the Autumn/ Winter programme.	30/9/23	Ady Selby

Green	Additional Financial Information Requested	CP&R 07.06.23: Members requested further cost breakdown regarding RAF Scampton as well as a benefit vs cost assessment of the depot.	<p>Please share info with Members of the Committee / request same of Ady S and update matter arising.</p> <p>RAF Scampton breakdown costs are included in the Q1 budget report on July's agenda.</p> <p>Benefit/Cost assessment carried out as part of Project implementation to be shared with Members of Committee in advance of meeting 21/9/23</p>	21/09/23	Emma Foy / Ady Selby
Green	Promotion of Household Support Fund / Distribution of ...	CP&R 07.06.23: Resolved that ... "the Communications Team promote West Lindsey District Council's involvement with the distribution of the HSF thru the open application process and via food banks and voluntary organisations; that we ensure the public are aware of how they can access the funds and what they are entitled to."	Please see details of resolution above and action accordingly.	20/07/23	Julie Heath
Green	Additional Information from Leisure Provider prior to signing of Deed of Variation	<p>CPR 20/7 EXTRACT</p> <p>(i) the Provider be asked to submit to the Committee further details of their financial and management recovery plans, setting out how they intend to bring about change to the current sports centres; and</p> <p>(ii) the Provider be asked to outline how they would like to see the sites developed in the future from environmental, sustainability and profitability aspects.</p> <p>And this information be submitted to the committee before the deed is signed.</p>	<p>Information has been requested</p> <p>Item has been provisionally added to 21/9 agenda</p>	21/09/23	Emma Foy

	Scope of Leisure Contract – Workshop for Members	<p>Extract from CPR 20/7 - Members again requested a workshop in order that they may understand which elements of the current service they may affect under the current contract and which matters would fall outside of scope.</p> <p>Officers undertook to arrange such a workshop in due course, noting the pressures and Members diaries at p</p>	<p>Please arrange appropriate workshop in consultation with Lead Members/ Officers Democratic Services</p> <p>Date and format to be agreed with Members as part of training programme.</p>	30/09/2023	Emma Foy

Draft - To be Reviewed



Corporate Policy and
Resources Committee

7 September 2023

**Subject: Recommendation from the Joint Staff Consultative Committee -
Amendments to JSCC Constitution, Rules of Procedure and
Terms of Reference**

Report by:

Monitoring Officer

Contact Officer:

Ele Snow
Senior Democratic and Civic Officer

Ele.Snow@west-lindsey.gov.uk

Purpose / Summary:

To approve the amendments to the Rules of
Procedure and Terms of Reference for the Joint
Staff Consultative Committee

RECOMMENDATION(S):

1. That, following the recommendation from JSCC, the Corporate Policy and Resources Committee **approve** for staff representation on the Joint Staff Consultative Committee (section 1.2 paragraph (b) of the Constitution, Rules of Procedure and Terms of Reference) to be amended as follows:

“(b) not more than four employee representatives and six reserve employee representatives (to be made up of equal representation of union appointed and staff elected employee representatives where possible; should an equal balance not be possible, vacancies may be filled by staff members whether union or non-union)

IMPLICATIONS

Legal: N/A

Financial: There are no financial implications arising from this report.

Staffing: There are no staffing implications arising from this report. JSCC Staff Representatives are volunteer Committee Members.

Equality and Diversity including Human Rights: West Lindsey District Council has a commitment to equal opportunities. It seeks to ensure that no potential or current employee receives less favourable treatment than another on the grounds of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Data Protection Implications: N/A

Climate Related Risks and Opportunities: Meetings of the JSC Committee are held virtually via MS Teams. This means the impact of carbon emissions from motor vehicles is reduced.

Section 17 Crime and Disorder Considerations: N/A

Health Implications: N/A

Title and Location of any Background Papers used in the preparation of this report :

Review of Terms of Reference – JSCC October 2018 / CP&R November 2018

Risk Assessment:

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

1 Background

- 1.1 For several years, the Joint Staff Consultative Committee (JSCC) has run with staff member vacancies. This has, on occasion, led to meetings being cancelled due to not meeting the quorum.
- 1.2 In 2018, the JSCC Constitution, Rules of Procedure and Terms of Reference were reviewed and subsequently approved by the Corporate Policy and Resources Committee to amend the quorum from two staff members, to one (either Union or Non-Union Representative).
- 1.3 The current version of this document is attached at Appendix 1 and will be referred to throughout this report.
- 1.4 Since the amendments in 2018, there have been reduced instances of cancellations, however, with only two members of staff on the Committee, there was a concerted effort to seek more staff representatives. This has proven successful.
- 1.5 The suggested amendments to the JSCC Constitution, Rules of Procedure and Terms of Reference at this time are to reflect the increased pool of staff representatives, whilst recognising there is no delineation between Union or Non-Union representatives.

2 Committee Membership

- 2.1 There is now a pool of eight staff members. Whilst this is not in excess of the sum total of staff representatives permitted (that being 10), the current Constitution and Functions do differentiate between Union and Non-Union representatives.

- 2.2 Section 1.2 of the Constitution and Functions states:

“1.2 Representation

The Committee shall comprise:-

- (a) not more than four members of the West Lindsey District Council appointed by the Council, and four reserve members;
 - (b) not more than four employee representatives (made up of two union appointed and two staff elected employee representatives) and six reserve employee representatives (made up of three union appointed and three staff elected employee representatives);”
- 2.3 It is suggested that paragraph (b) be amended to read:
 - (b) not more than four employee representatives and six reserve employee representatives (to be made up of equal representation of union appointed and staff elected employee representatives

where possible; should an equal balance not be possible, vacancies may be filled by staff members whether union or non-union)

- 2.4 Staff Representatives may choose to align themselves as Union or Non-Union, however, it is recognised that Union Membership is protected information and as such, unless specified by the member of staff, there shall be no differentiation.

3 Conclusion and Recommendation

- 3.1 The suggested amendments to the JSCC Constitution, Rules of Procedure and Terms of Reference will ensure the Committee can continue to discharge its functions as required.

- 3.2 The Joint Staff Consultative Committee, at their meeting on Thursday, 6 July 2023, received and agreed with the suggested amendments, resolving to recommend to the Corporate Policy and Resources Committee for final approval and adoption of the amended document.

- 3.3 Therefore it is recommended that:

- 3.3.1 The Corporate Policy and Resources Committee approve for staff representation on the Joint Staff Consultative Committee (section 1.2 paragraph (b) of the Constitution, Rules of Procedure and Terms of Reference) to be amended as follows:

“(b) not more than four employee representatives and six reserve employee representatives (to be made up of equal representation of union appointed and staff elected employee representatives where possible; should an equal balance not be possible, vacancies may be filled by staff members whether union or non-union)”

Appendix 1

WEST LINDSEY DISTRICT COUNCIL

JOINT STAFF CONSULTATIVE COMMITTEE

CONSTITUTION, RULES OF PROCEDURE AND TERMS OF REFERENCE

1. CONSTITUTION AND FUNCTIONS

1.1 Title

The Committee shall be called the “Joint Staff Consultative Committee” hereinafter called the “Committee”.

1.2 Representation

The Committee shall comprise:-

(a) not more than four members of the West Lindsey District Council appointed by the Council, and four reserve members;

(b) not more than four employee representatives (made up of two union appointed and two staff elected employee representatives) and six reserve employee representatives (made up of three union appointed and three staff elected employee representatives);

TO BE REPLACED WITH:

(b) not more than four employee representatives and six reserve employee representatives (to be made up of equal representation of union appointed and staff elected employee representatives where possible; should an equal balance not be possible, vacancies may be filled by staff members whether union or non-union)

Note: Advisers as agreed by both sides may be permitted to attend.

1.3 Chairman and Vice-Chairman

The Chairman shall be a member representative of the West Lindsey District Council and the Vice-Chairman shall be appointed from the employee representatives.

Note: The person presiding at any meeting shall not have a casting vote.

1.4 Quorum

The quorum for a meeting of the Committee shall be **three**, comprising at least two members of the West Lindsey District Council and either at least one union appointed representative or at least one staff elected representative.

2. RULES OF PROCEDURE

- 2.1 The Head of the Paid Service of the West Lindsey District Council, or his/her representative, will summons, attend and service meetings of the Committee.
- 2.2 The Committee should meet with the same regularity as the Council's Standing Committees. If there is insufficient business, the meeting will be cancelled by the Head of Paid Service or his/her representative following consultation with the Chairman and Vice-Chairman of the Committee.
- 2.3 No business shall be transacted at any meeting of the Committee which does not appear on the agenda for that meeting, except by reason of special circumstances which shall be recorded in the Minutes of the meeting and which in the opinion of the person presiding at the meeting should be considered as a matter of urgency.
- 2.4 The proceedings of any meeting of the Committee shall be reported to the Corporate Policy and Resources Committee.
- 2.5 The Committee shall not arrive at any agreement which conflicts with the policy or recommendations of the appropriate National or Provincial Negotiating Bodies.
- 2.6 The representatives of each employee group represented on the Committee shall have the right, if desired, to meet the appropriate Committee of the West Lindsey District Council and negotiate on any decision upon which the Committee has been unable to agree, or where the Corporate Policy and Resources Committee has not accepted a recommendation from the Committee.

3. TERMS OF REFERENCE

- (a) To establish regular methods of communication and negotiation between the Council and employees of the Council, in order to prevent differences and to adjust them should they arise, always provided that no question of individual discipline, promotion or efficiency shall be within the scope of the Committee;
- (b) To consider and advise on any relevant matter referred to it by any committee of the Council, or by any of the employee groups represented on the Consultative Committee;
- (c) To make recommendations to the Corporate Policy and Resources Committee as to the adoption of policies affecting employee interests (except those relating to the terms and conditions on which they are employed) or on any other matter referred to it; and
- (d) The Consultative Committee may submit for consideration by, and the advice of, the appropriate national or provincial negotiating body established to deal with the National Scheme of Conditions of Service affecting employees.

Personnel Sub-Committee 24 May 1966
Policy and Resources Committee 13 June 1996
Joint Staff Consultative Committee 27 June 2002
Council Meeting 18 July 2011
Joint Staff Consultative Committee 4 October 2018
Corporate Policy and Resources Committee 8 November 2018

Agenda Item 6b



CPR Chairs Brief

29 August 2023

**Subject: Recommendation from the Joint Staff Consultative Committee -
Review of the Disciplinary Procedure**

Report by:

Director of Corporate Services

Contact Officer:

Michelle Thompson
Human Resources Manager (Temporary)
michelle.thompson@west-lindsey.gov.uk

Purpose / Summary:

To approve the Disciplinary Procedure and agree the recommend changes.

RECOMMENDATION(S):

- 1) That members support the recommendation from the Joint Staff Consultative Committee and approve the policy for immediate adoption; and
2. That any future minor housekeeping amendments be delegated to the Director Corporate Services in consultation with the Chairs of Joint Staff Consultative Committee and Corporate Policy and Resources Committee

IMPLICATIONS

Legal:

(N.B.) Where there are legal implications the report **MUST** be seen by the MO

Financial: There are no changes to the policy which impact the finances of the council.

(N.B.) All committee reports **MUST** have a Fin Ref

Staffing : None

(N.B.) Where there are staffing implications the report **MUST** have a HR Ref

Equality and Diversity including Human Rights :

NB: Please explain how you have considered the policy's impact on different groups (for example: young people, elderly, ethnic minorities, LGBT community, rural residents, disabled, others).

West Lindsey District Council has a commitment to equal opportunities. It seeks to ensure that no potential or current employee receives less favourable treatment than another on the grounds of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Equality Impact Assessment completed.

Data Protection Implications:

Climate Related Risks and Opportunities:

Section 17 Crime and Disorder Considerations:

Health Implications:

Title and Location of any Background Papers used in the preparation of this report :

Risk Assessment :

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

x

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

x

Executive Summary

Introduction: The council has a Disciplinary Procedure and a set of Disciplinary Rules that needed reviewing. This review has taken place and an amended policy and set of rules is brought to committee for support. A list of proposed changes is set out on the following page.

Purpose: To ensure the council has a clear, consistent, and fair procedure in place.

Scope: This policy applies to all employees within the council with exceptions for statutory officers.

Engagement: The policy has been reviewed by the HR team and sent to Unison, GMB and staff representatives for comment.

Training and Awareness: This policy will be made available to view on the Minerva site and hard copies available at the depots once formally agreed. A clear communication will be sent to Managers to make them aware that the policy has been reviewed and to update them on their responsibilities. Training and support will also be offered by HR in the implementation and application of this policy.

The Joint Staff Consultative Committee considered this Policy at its 6 July meeting and recommended that the Policy as presented to them be approved by the Corporate Policy and Resources Committee .

WLDC DISCIPLINARY POLICY SUGGESTED CHANGES

page / para	Change made	Rationale
2/ 1.1	<p>Reworded introduction</p> <p>Removed reference to bullying and harassment</p>	<p>Clarity</p> <p>Already clear that this procedure does not give examples of misconduct / gross misconduct as these are detailed separately in disciplinary rules and officer code of conduct so no need to highlight this particular example of misconduct/gross misconduct</p>
2/ 1.2	<p>Reworded scope</p>	<p>Clarity</p>
2/ 1.3	<p>Reworded existing principles</p> <p>Moved existing principle re exceptional circumstances to scope</p> <p>Added principles – complying with ACAS code, fairness and respect to all parties including reasonable adjustments,</p>	<p>Clarity</p> <p>Good practice</p>
	<p>Added para 1.4 re preliminary fact finding investigation by line manager with HR</p>	<p>To make clear roles and responsibilities and decision making consistency To address issue of how decision to move forward with full investigation is made</p>

	<p>Added para 1.5 re disciplinary action against a TU rep</p> <p>Added para 1.6 Remote investigations / hearings</p> <p>Para 1.7 Reworded absence during procedure due to sickness / or other reasons</p> <p>Para 1.8 Principle on grievances raised during investigations now a separate section</p> <p>Included para 1.8 – manager independent to the disciplinary and service will review the grievance with support from HR</p>	<p>Compliance with ACAS code of practice</p> <p>Modernisation</p> <p>Clarity</p> <p>Clarity and to ensure WLDC deals correctly with grievances received during disciplinary matters as if unrelated should be dealt with concurrently so they are not subject to unreasonable delay (ACAS code) and if about the disciplinary policy should be dealt with under the disciplinary policy i.e. at hearing or appeal</p> <p>Good practice</p>
4/ 1.9	<p>Added para 1.9 re record of meetings electronic recording of meetings, covert recording of meeting and dealt with covert recordings whilst retaining the option for WLDC to record</p>	<p>No current mention of note taking during process and Modernisation</p>
4/ 1.10	<p>Added table 1.10 Limits of authority for suspension</p> <p>Reworded first sentence to include restricted duties</p> <p>Updated Table 1</p>	<p>Clarity</p> <p>Clarity</p> <p>Added Team Manager to minimum level of Authority</p>
4/ 1.10	<p>Moved and reworded section on suspension prior to investigation</p>	<p>Reworded for clarity , Suspension first needs to be considered prior to formal investigation</p>

	<p>Removed “safeguarding” reason for suspension</p> <p>Removed investigating manager as decision maker on suspension</p> <p>Tightened role of HR in suspension – if cannot be consulted before suspension must be told asap</p> <p>Included that suspension will be last resort with alternatives such as moving the employee explored, kept as short as possible and employee kept up to date and supported.</p>	<p>Safeguarding employees / public etc would fall under gross misconduct and so not need to be called out specifically</p> <p>The investigating manager should not determine suspension, instead the line manager / more senior line manager in consultation with HR should determine this</p> <p>To protect the organisation</p> <p>Keeping suspension as short as possible and update/support to employee in line with ACAS 2022 advice on suspension</p>
5 / 2.1	<p>Reworded section on investigation, to say it will follow an initial fact finding by the line manager / other more senior manager / HR to determine if a formal investigation needs to happen in which case an investigation officer will be appointed who will conduct the investigation without unreasonable delay included more detail on what the investigating officer will do</p>	<p>Clarity, compliance with acas code, no current details on workplace witnesses</p>
5 / 2.1	<p>Covert surveillance- I have not seen this in any other LG disciplinary policies and have left this in for now as you may have a particular reason why you want to ensure it is included, I have added appendix 1 to this document to explain these issues around this but note that the existing policy says appropriate senior officers will make the decision</p>	
6 / 2.2	<p>How to proceed reworded and made clear that investigating officer does not decide the sanction but will make a make a recommendation about whether</p>	<p>Clarity and in line with ACAS guidance and wording</p>

	there is a case to answer – amended to Formal action recommendation, Informal action recommendation, No further action recommendation	
6/3.1	Moved table showing level of authority to take disciplinary action to start of hearing procedure. Updated Assistant Director / Director for gross misconduct	Clarity and ease of following process
7/3.3	I have removed Investigating manager as the person that sends the invitation to hearing – this could be either the line manager / next level of manager or HR team I would suggest that HR hold a standard letter for this if they don't already	Investigating manager should not invite employee to hearing they should be separate from the process
7/ 3.3	Reworded section on re-arranging hearings as to say each case considered individually with advice from HR	Clarity and good practice
8 / 3.4	Added clarity on role of HR to provide procedural advice to Hearing Officer	To be clear HR are not decision makers and only advise the Hearing officer on process
9 / 3.5	Reworded Changed how long warnings are left on file to 6 months for Written warning (current policy says 12-24 months_ and final written warnings for 12 months (current policy says 12-24 months)	Clarity in line with ACAS guidance
11/ 4.1	3.1 Inserted table - updated dismissal level authority to Manager/Assistant Director / Director	Clarity
11 / 4.1	Reworded appeal	Clarity

	Removed option that a penalty may be increased on appeal	See attached appendix 2 – all the LG policies (and private sector) I have seen have removed this option - see attached explanation as it goes against ACAS code – whilst the case outlined might seem to suggest it can be increased if it is explicit in policy it goes on to say that the correct way to deal with it is with a new disciplinary process
11/4.1	Removed reference to claim to ET	Not seen this in any other disciplinary policy and factually incorrect as may not be able to make a claim if for example less than 2 years' service

Appendix 1 - Covert Surveillance

In considering whether or not to arrange covert surveillance to investigate employee misconduct, an employer must have regard both to art.8 of the European Convention on Human Rights, the right to respect for private and family life, and to its duties under the UK General Data Protection Regulation (retained from EU Regulation 2016/679 EU) (UK GDPR) to process information about the employee lawfully and fairly.

Covert surveillance will be justified only in exceptional circumstances. In [López Ribalda and others v Spain \[2020\] IRLR 60 ECHR](#), the European Court of Human Rights (ECHR) held that Spanish shop workers' art.8 right was not violated when a supermarket installed hidden cameras without their knowledge to monitor suspected employee thefts. The ECHR concluded that the employer's "reasonable suspicion" that serious misconduct was being committed and the extent of the losses identified constituted a "weighty justification" for undertaking covert surveillance until the thieves were identified.

In [City and County of Swansea v Gayle \[2013\] IRLR 768 EAT](#), the Employment Appeal Tribunal (EAT) held that there had been no breach of art.8 when the employer arranged covert video surveillance of an employee whom it believed was regularly leaving work early (without permission) to go and play squash. It held that the employee could not have had a reasonable expectation of privacy because he had been filmed in a public space. It was also relevant that he had been filmed during working time and the employer was entitled to know where he was and what he was doing during working hours. The employer's use of covert video surveillance did not affect the reasonableness of its investigation and did not make the subsequent dismissal unfair.

The Information Commissioner's [Employment practices data protection code](#), says that, before considering arranging for covert surveillance to be carried out on an employee, the employer's senior management should carry out an impact assessment to decide if and how to carry out the surveillance. The impact assessment should clearly identify the purpose behind the covert surveillance and consider alternative ways in which the surveillance might be carried out. The employer must have reasonable grounds for its belief in the employee's misconduct

and must be satisfied that notifying the employee about the surveillance would prejudice detection of the malpractice. While the code relates to the Data Protection Act 1998, rather than the GDPR regime, it remains useful for employers, pending updated guidance from the Information Commissioner.

The code states that covert surveillance should be used only in exceptional circumstances where there is suspected criminal activity or equivalent malpractice. An evidence-based suspicion that an employee is claiming company sick pay when they are not really sick and is working elsewhere could be an example of this, but this would depend on the circumstances. For example, if the outside work is not incompatible with the reason for sickness absence and takes place outside the employee's normal working hours, it is unlikely to justify surveillance.

To show that the use of covert monitoring is justified and a reasonable part of the investigation, the employer must ensure that the surveillance does not go beyond that which is reasonably necessary to protect the business, i.e. it must be a proportionate response to the problem that it is seeking to address. Monitoring should be strictly restricted to the specific investigation being conducted and kept within a fixed time frame. The employer should set out clear rules limiting disclosure of and access to the information obtained. If information that is not relevant to the investigation is revealed in the course of surveillance it should be deleted. If the employer engages a private investigator, this should be under a contract that requires the investigator to collect information only in accordance with the employer's instructions and in a way that satisfies its obligations under the code.

Appendix 2 Can a disciplinary sanction be increased as a result of an appeal hearing?

The opportunity to appeal against a disciplinary decision is essential to natural justice and appeals may be raised by employees on various grounds, including new evidence having come to light, or the undue severity or inconsistency of the penalty imposed. The non-statutory [Acas guide on discipline and grievances at work](#), which provides good practice advice for dealing with discipline and grievances in the workplace, makes clear that an appeal must not be used as an opportunity to punish the employee for appealing the original decision, and that it should not result in any increase in penalty, as this may deter individuals from appealing.

In [McMillan v Airedale NHS Foundation Trust \[2014\] IRLR 803 CA](#), the Court of Appeal held that an employer does not have the right to increase a disciplinary sanction on appeal unless it expressly provides for this in its disciplinary procedure. The Court noted that the general understanding is that the right of appeal is conferred for employees' protection and that its exercise will not leave them worse off.

Where new evidence that results in new or more serious allegations being levelled against the employee comes to light during the appeal process, the new allegations should not be dealt with at the appeal hearing simply by increasing the disciplinary sanction. The correct way to deal with the issue is to adjourn the appeal hearing and then commence a disciplinary investigation into the new allegations. If there is a case to answer, this should result in a new disciplinary hearing being convened.

Disciplinary Procedure

DISCIPLINARY PROCEDURE

1.1 Introduction

West Lindsey District Council (WLDC) expects employees to maintain high standards of professional behaviour at all times. Should this not happen, this Disciplinary procedure aims to achieve, a fair, consistent and systematic approach to maintaining standards of behaviour, wherever possible encouraging improvement in conduct. Where managers are considering acting under this procedure, they should in the first instance contact Human Resources.

NOTE: This document does not set out specific examples of misconduct, or gross misconduct, these are detailed in separate Disciplinary Rules. This document should also be read in conjunction with the Officer Code of Conduct

1.2 Scope

This procedure applies to all employees of WLDC, **excluding the posts of Head of Paid Service, Monitoring Officer and Section 151 Officer** who are covered by other procedures. It does not apply to contractors or consultants external to the Council.

This procedure deals solely with misconduct or gross misconduct and should not be used to deal with matters of capability or attendance or be applied to employees in their probationary period. Separate provisions exist for each of these situations.

In exceptional circumstances it may not be possible to comply with the disciplinary procedure (for example, where there is a threat of violence). Further advice must be sought from Human Resources in any such potential case.

1.3 Key Principles

- WLDC is committed to ensuring that this procedure complies with all relevant legislation and guidance, including any relevant ACAS Code of Practice.
- WLDC recognises that a disciplinary procedure can be stressful and upsetting. Everyone involved in the process is entitled to be treated calmly and with respect.
- We will make reasonable adjustments to the procedure where a disability impacts an employee's ability to participate fully in this procedure, equally additional language support will be arranged if necessary.
- Minor instances of unsatisfactory conduct and/or behaviour are usually best dealt, informally by the manager by bringing the matter to the attention of the employee
- No formal disciplinary action will be taken against any employee until the case has been fully investigated.
- Support for an employee from a trade union representative or work colleague during the

disciplinary process is recognised and encouraged.

- No employee will be dismissed for a first breach of discipline, except in the case of gross misconduct when the response will normally be dismissal without notice or payment in lieu of notice.

1.4 Initial fact-finding investigation of the matter

If an informal discussion between the line manager and the employee has been unsuccessful or the nature of alleged misconduct mean that an informal approach may not appropriate, the line manager and/or other more senior managers, in consultation with the HR team will conduct an initial fact-finding investigation to determine whether a formal investigation under the disciplinary procedure is necessary.

1.5 Disciplinary action against Trade Union representatives

If an employee is an accredited representative of a recognised trade union, WLDC will endeavour to take no action under this procedure (except for suspension in a case of alleged gross misconduct) until the Manager / HR team have had an opportunity (with the employees' agreement) to discuss the matter with a full-time official of the union.

1.6 Remote proceedings

Where it is not possible to hold a face-to-face meeting under any part of this procedure, WLDC will explore the possibility of conducting the process remotely using meeting software.

1.7 Disciplinary Procedure and Absence

Employees subject to the disciplinary procedure, who are absent from work due to sickness, may be referred to occupational health for advice on assisting their return to work and/or their participation in the investigation and/or disciplinary process.

If sickness or other absence prevents an employee attending (either physically or remotely) an investigation meeting or disciplinary hearing it may be postponed and re-arranged within 5 days or as soon as is practicable.

The procedure will not be put on hold indefinitely awaiting an employee's full fitness to participate, and if necessary the investigations may continue. Where the case is heard in the absence of the employee they will be given the opportunity to submit a written response.

1.8 Grievances raised during the Disciplinary Procedure

If an employee raises a grievance that relates to ongoing disciplinary proceedings a manager independent to the disciplinary will review the grievance with support from Human Resources. It is then their decision as to whether the grievance is dealt with as part of the disciplinary process e.g. at disciplinary hearing or appeal stage, or separately using the grievance policy.

If an employee raises a grievance during disciplinary proceedings that is unrelated to those proceedings, the disciplinary procedure and grievance procedure will normally run independently in parallel.

1.9 Records of meetings during the Disciplinary Procedure

A written record of all meetings conducted under this procedure will be made, either by the person holding the meeting or by an additional notetaker. Employees or their representatives, are not normally permitted to record any meeting electronically.

In certain circumstances, we may arrange for a meeting to be recorded electronically, for example where it is a reasonable adjustment for an employee with a disability. Where we intend to record meetings electronically, we will comply with data protection obligations and obtain prior consent from all attendees.

1.10 Suspension

Table 1 Limits of authority for suspension

Action	Minimum Level of Authority
Suspension	Manager / Assistant Director / Director

In some cases, it may be appropriate to suspend or restrict duties of an employee from work or duties for a temporary period while the disciplinary matter is dealt with. This is a **precautionary action** and does not imply guilt and is it not in itself any form of disciplinary action against the employee. Ideally Human Resources advice should be sought before taking such action and if not, Human Resources must be informed of any suspension at the earliest opportunity.

Suspension will normally occur in cases of potential gross misconduct and/or where further investigation is necessary and the employee remaining in the workplace may affect the investigation. Alternatives to suspension such as moving the employee to a different work area will be considered before making any final decision.

Suspension can be carried out at any stage in the investigation and there is no requirement to give advanced notice. Employees facing suspension can be accompanied by their trade union representative or work colleague (if this causes undue delay then it can be carried out without representation). Any suspension will be confirmed to the employee in writing and the employee will receive full pay throughout the suspension period.

The need for the employee to continue to remain suspended must be kept as short as possible and reviewed throughout the investigation, with the employee supported and kept up to date.

An employee who is suspended should not discuss the case with witnesses or work colleagues without permission to do so nor should they enter council premises or systems without prior approval. The employee will be afforded all reasonable access to materials pertinent to the investigation where appropriate. While a suspended employee is not required to attend work, other contractual obligations remain in place and a suspended employee should remain available to assist in the disciplinary investigation. Contravention of this instruction without reasonable excuse will be a potential disciplinary matter.

2. INVESTIGATION

2.1 Investigation process

Where it is considered that an employee's conduct cannot be resolved informally and may justify disciplinary action, after an initial investigation by the employee's line manager and/or other more senior managers, in consultation with the HR team, an Investigating Officer who is independent of the service area will be appointed to carry out a formal investigation without unreasonable delay. They will:

- Plan the investigation to ensure the matter is dealt with promptly and thoroughly.
- Ensure sufficient time is set aside for a thorough investigation.
- Keep the HR team up to date with progress of the investigation.
- Investigate, collect evidence, including if necessary, interviewing the employee concerned and any witnesses as promptly as possible.
- Keep evidence securely and confidentially.
- Maintain confidentiality, this includes any discussions with employees and witnesses.
- Upon completion of a full and proper documented investigation, make a recommendation on next steps.

If there is a need to question the employee(s) concerned at any stage during the investigation, this should be done by holding an investigation interview. The employee, must be given at least 3 working days' notice of the time and date of the investigation interview, the allegations to be discussed and their right to be accompanied (by a trade union representative or work colleague), which should be confirmed in writing. If the employee's trade union representative or work colleague is not available on the date given, a reasonable alternative date should be sought within a period of 5 days of the original date.

In exceptional cases it may be necessary to undertake covert surveillance of an employee as part of an investigation. Under statutory provisions, covert surveillance may be conducted though this will require the approval of designated senior officers in accordance with the Council's policy.

Should other matters/allegations come to light during the investigation but prior to any initial investigation meeting with the employee concerned. Then these matters should be put to the employee at the investigation with prior notice given of any amended or additional allegations.

2.2 Outcome from the Investigation

The Investigating Officer will not make recommendations on any disciplinary sanction or pre-judge what the outcome of a disciplinary hearing might be. Instead the Investigating Officer as part of their documented investigation will make a recommendation on next steps. This will be one of the following:

- a) No further action
- b) Informal action - the matter should be dealt with informally as soon as possible
- c) Formal action - the findings of the investigation indicate that the allegations warrant a disciplinary hearing

NOTE: If further information relevant to the case comes to light following completion of the investigation, advice should be sought immediately from Human Resources to agree how to proceed.

3. THE DISCIPLINARY HEARING

3.1 The Hearing Procedure

The disciplinary hearing should be chaired by a manager with the appropriate level of authority to take disciplinary action (see table 2).

Table 2 Limits of authority to take disciplinary action

Action	Minimum Level of Authority
First Written Warning	Manager (misconduct)
Final Written Warning	Manager (misconduct/gross misconduct)
Dismissal	Manager / Assistant Director / Director (gross misconduct)

3.2 Arranging the Hearing

The employee will be given at least 5 working days' written notice of the arrangements for a disciplinary hearing. Guidance **MUST** be sought from Human Resources.

It must include the following:

- sufficient detail of the allegation(s)
- a copy of this procedure and the disciplinary rules
- any documents to be produced by management as evidence at the hearing
- the right to be represented by a trade union representative or work colleague,
- pointing out the employee's responsibility to make the arrangements. If the representative/work colleague will not be available and an alternative time is proposed, the hearing will be rearranged providing the proposal is reasonable and no later than 5 working days from the original date
- a statement explaining that the employee needs to provide to the hearing manager,
any documents which they wish to be presented, together with the names of any
witnesses to be called, as far in advance as reasonably possible.

Templates of letters can be obtained from Human Resources

3.3 Re arranging Hearings

After the hearing date has been set, should the employee or their representative/work colleague be unable to reasonably attend due to unforeseen circumstances they should inform the hearing manager as soon as possible so that another hearing can be arranged. The new hearing date should be within a period of 5 working days of the original date, where possible. There is only an obligation to rearrange once. However, each case will be considered on an individual basis and advice should be sought from Human Resources.

A decision may be taken in the employee's absence if they fail to attend the re arranged hearing. This will be made clear to the employee when any revised arrangements are made.

3.4 The Conduct of the Hearing

The meeting should be conducted in a formal and polite manner by all parties concerned. Any arguments or personal remarks should be avoided and any abusive or aggressive language or behaviour on the part of any parties will not be tolerated. If an employee becomes upset or distressed during the process, the Hearing Manager may offer a short adjournment.

The hearing should take place as follows:

- introduction by the Hearing Manager
- presentation of the facts regarding the alleged misconduct by the Investigating Officer or nominated Officer, calling witnesses if necessary
- questioning of the Investigating Officer and witnesses by the employee or their representative and as appropriate by the Hearing Manager and/or their adviser
- response to the allegation by the employee and/or their representative, calling witnesses if necessary
- questioning of the employee and/or their representative and witnesses by the Investigating Officer and as appropriate by the Hearing Manager and/or their adviser
- final questioning by those conducting the hearing followed by the opportunity for the investigating officer and the employee or their representative (in this order) to summarise in the form of a final statement

All parties will then withdraw, with the exception of the Human Resources Representative who will advise on process, to allow the Hearing Manager to come to a decision. Before reaching a decision, the Hearing Manager may need to re-examine witnesses and/or gather further information. This must be done by re-calling both parties and re-examine the witnesses in their presence.

However, if the Hearing Manager considers appropriate further investigation of evidence or witnesses are not available at the hearing, an adjournment may be called at this stage.

The Hearing Manager will reach a decision, based on the information available and on the balance of probabilities. Any sanction imposed will also consider any previous disciplinary warnings on file, the sanction imposed on similar cases within the organisation and any mitigating factors presented.

3.5 The Decision

The employee will be informed of the decision verbally and of their right of appeal (where appropriate). This will be confirmed in writing no later than 5 working days after the hearing.

The decision options available are as follows:

a) **No Action.** In cases where it is decided that there has been no misconduct or there is insufficient evidence that misconduct has occurred, or there are sufficient mitigating circumstances.

b) **Improvement Note.** In cases where it is decided that misconduct has occurred but it is not felt

serious enough to be dealt with by a formal warning. The improvement note will include:

- Details of the issue
- What improvement is required
- Timescales for improvement (maximum of 12 months)
- A review date
- Any additional support that will be provided by the council

The Improvement note may indicate that disciplinary action may be considered if there is no satisfactory improvement

c) **Formal Action:**

First Written Warning: In cases where the misconduct is considered to be serious enough to warrant a written warning, the employee may be issued a written warning. The employee will be notified of the reason for the warning, the improvement required, the timescale for the warning and the right to appeal. It will warn that further disciplinary action will be considered if there is no satisfactory improvement. Details of the written warning will be entered on the employee's personal record. It will be disregarded after 6 months (depending on the sanction) from the date of the disciplinary hearing subject to no further misconduct during this period.

Final Written Warning: In cases where there is a substantial breach of conduct which warrants only one warning before dismissal is considered, or where further misconduct has occurred whilst a written warning is in place, the employee may be issued a Final written warning. This employee will be notified of the reason for the warning, the improvement required, the timescale for the warning and the right to appeal. It will warn that dismissal will result if there is a further breach of discipline within the period of the warning. Details of the final written warning will be entered on the employee's personal record. It will be disregarded after 12 months (depending on the sanction) from the date of the disciplinary hearing, subject to no further misconduct during this period.

Dismissal: In cases where the offence constitutes gross misconduct or where the employee commits a further act of misconduct whilst a final written warning is in place, then dismissal may result.

Dismissal will be without notice in cases of gross misconduct. The date of the hearing managers decision will be the effective date of dismissal.

Dismissal will be with contractual notice in cases of further misconduct whilst in receipt of a final written warning and the effective date of termination will be the day notice expires.

The employee will be provided with reasons for dismissal, the date on which employment will terminate and the right of appeal.

4. APPEALS

4.1 Right of Appeal and General Requirements

Appeals should be put in writing within 5 working days of receiving notification of the disciplinary decision. Appeals should be sent to the Human Resources Department.

The appeal letter should contain the following:

- disciplinary action being appealed against
- clear reason for the appeal e.g. unfairness of judgement by the officer, severity of sanction, or disregard of key information
- the name and address of their representative (where applicable)

Following the appeal hearing the employee should be informed of the decision, in writing, and that this is the final stage of the procedure.

The outcome of the appeal may be that:

- The decision in the original disciplinary hearing is upheld and the sanction issued remains in place
- The decision in the original hearing is dismissed and the sanction issued is removed
- The original sanction is altered, and the sanction is reduced but not removed

Table 3 Levels of authority for Hearing Appeals

Appeal against	Minimum Level of Authority
First Written Warning	Manager not previously involved
Final Written Warning	Manager not previously involved
Dismissal	Manager (not previously involved) /Assistant Director (Independent of the service area) / Director (Independent of the service area) /Chief Executive
Dismissal of Director (not a statutory officer)	A Panel of Members

5. MONITORING ARRANGEMENTS

Responsibility for the implementation, monitoring and development of this procedure lies with the People & OD Manager. Day to day operation of the procedure is the responsibility of nominated officers who will ensure that this procedure is adhered to.

Policy Statement

West Lindsey District Council has a commitment to equal opportunities. It seeks to ensure that no potential or current employee receives less favourable treatment than another on the grounds of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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West Lindsey District Council
Guildhall, Marshall's Yard
Gainsborough
Lincolnshire, DN21 2NA

Disciplinary Rules

Version Control

Version number	Purpose /change	Amends	Author	Date

Introduction

This document sets out examples of misconduct and gross misconduct. It is not an exclusive or exhaustive list. It also sets out the way in which employees who are arrested, charged or convicted of criminal offences outside of the workplace will be considered.

Misconduct

The following list indicates the type of offence normally regarded as misconduct.

Such breaches of discipline will not normally result in dismissal for a first offence, but may result in dismissal if the employee has previously committed an act or acts of misconduct for which a warning or warnings have been issued.

- Unauthorised absence from duty
- Unjustified and repeated lateness for work
- Unjustified failure to comply with absence reporting procedures
- Failure to comply with prescribed working hours (e.g. lunch breaks and flexitime regulations)
- Undertaking activities detrimental to your recovery whilst on sick leave (e.g. playing rugby when on sick leave)
- Refusal / failure to carry out a reasonable and lawful instruction
- Smoking (or Vaping) in a prohibited area
- Knowingly encouraging/assisting others to commit a disciplinary offence
- Failure to maintain appropriate standards of dress or hygiene
- Failing to divulge relationships, including those of a private and domestic nature with contractors or potential contractors. Depending on the circumstances this could be construed as gross misconduct
- Failure to make use of protective equipment and clothing
- Disregard of safety practices, procedures and rules.
- Failure to comply with and observe operational policies and procedures which you would reasonably be expected to be aware of
- Unauthorised personal use of Council facilities or equipment (e.g. photocopiers or fax machines)
- Excessive personal use of the telephone as stated in the telecommunications policy
- Wilful failure to produce work of an acceptable standard both in terms of quality and levels of output.

Gross Misconduct

The following is a guide to conduct that is likely to be regarded as gross misconduct and lead to summary dismissal (without notice) for a first offence, unless there are clear and mitigating circumstances and as such each case will be decided upon its own merits.

Examples include:

- Behaviour /action capable of bringing the Council into serious disrepute whether during work or outside work
- Refusal to carry out a reasonable management instruction following a warning (which could be verbally given) that to continue to do so may lead to dismissal
- Sleeping on duty
- Misuse of confidential information (including reports to members), unauthorised disclosure, destruction, alteration, addition to or erasure of official documents/records
- Failure to disclose a driving offence/disqualification when a driving licence is required for employment
- Serious breaches of the council's Safeguarding procedures
- Deliberately accessing internet sites containing pornographic, racist or other offensive or obscene material (whilst on duty)
- Failure to divulge information regarding your health which could compromise your ability to carry out substantive duties e.g. continuing to drive with a condition which could impair ability
- Unauthorised acceptance of or request for gifts, entertainment, hospitality or benefits of any kind, in contravention of the Council's Officer Code of Conduct
- Misuse of your official position with the Council for personal gain, or the gain of some other party
- Failure to declare a personal interest in contravention with Council Procedures (e.g. beneficial interest in a client's will or a council contract)
- Engaging in activities or outside work which is seriously prejudicial or in conflict with your own or the Councils function (e.g. privately working on planning applications to be submitted to the Council).
- Criminal conduct outside the workplace, which reflects adversely upon the Council, or on the employee's suitability for the job
- Deliberately providing false information or being party to concealing information which leads to dishonest or fraudulent behaviour (e.g. deliberate falsification of expense claims, timesheets, flexi-time recording, overtime, bonus claims, information on application forms, claims for benefits, grants, allowances, aids, adaptations or other services provided or paid for by the Council).
- Reporting sick (verbally or in writing) or remaining on sick leave when fit to undertake your duties and responsibilities at work
- Undertaking paid employment elsewhere whilst certified unfit to perform your substantive duties or during hours when contracted to work
- Drinking alcohol at work or during working hours, unless appropriately authorised to do so (e.g. a toast at an official retirement/Christmas party)
- Incapacity at work (or whilst on standby duty) due to the effects of alcohol, prohibited drugs, misuse of non prohibited drugs or other substances
- Use of Council equipment or premises to access, use, store or distribute explicit sexual or offensive material.

- Loss or damage to Council property or equipment through negligent or deliberate behaviour, whether during or outside of the working day.
- Any act or omission which is grossly negligent and which seriously endangers the health and safety of yourself or others
- Serious and deliberate violation of Health and Safety rules and standards which cause or could cause risk to the individual, other employees or the public
- Gross negligence which causes unacceptable loss, damage or injury
- Violent behaviour, including physical violence such as assault at work
- Serious verbal abuse, threatening or intimidating behaviour.
- Bullying, harassment, discrimination and / or victimisation of others
- Serious misuse of social networking sites and/or a disregard for the Social Media Policy
- Wilful and deliberate failure to adhere to the policies, procedures and code of conduct for the council
- Serious breach of trust and confidence, for example, deliberately telling untruths or misleading fellow officers or elected members
- Stealing from the Council, its employees or service users or the unauthorised removal of monies or property belonging to them.

Offences committed outside the workplace

Any member of staff who is, arrested, charged with an offence or who is convicted by a Court of **any** criminal offence (except a traffic offence for which the penalty has not included imprisonment or disqualification from driving) must report the facts immediately to their manager or Human Resources.

The discovery of a conviction which is not spent under the Rehabilitation of Offenders Act 1974, and which was not disclosed at the time of engagement will normally be regarded as gross misconduct on the basis of a breach of trust and confidence. (This does not include driving offences, unless driving is relevant to the employee's duties).

Where an employee is charged with a criminal offence, the fact that the criminal offence has not yet been tried in the Courts will not prevent disciplinary action being taken, arising from the same events. The council will normally liaise with the police

prior to commencing investigation, although a failure to liaise will not invalidate any investigation conducted.

A decision will be made as to whether any criminal conduct inside or outside of the council reflects adversely upon the council, or on the employee's suitability for the job. **If so, the employee may be subject to the disciplinary procedure.**

In cases where an employee is banned or legally prevented from driving the following factors should be taken into consideration (every case should be considered on its individual merits):

- length of ban
- proportion of driving duties
- ill health re-deployment / reasonable adjustments
- temporary re-deployment for the duration of the ban (this will depend on suitable
 - alternative employment being available)

This document should be read in conjunction with the **Disciplinary Procedure** and

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Agenda Item 6c



**Corporate Policy and
Resources Committee**

7 September 2023

**Subject: Recommendation from the Joint staff Consultative Committee -
Review of the Lone Working Policy**

Report by:

Director of Corporate Services

Contact Officer:

Michelle Thompson
Human Resources Manager (Temporary)
michelle.thompson@west-lindsey.gov.uk

Purpose / Summary:

To approve the Lone Working Policy.

RECOMMENDATION(S):

That members support the recommendation from the Joint Staff Consultative Committee and approve the policy for immediate adoption; and

2. That any future minor housekeeping amendments be delegated to the Director Corporate Services in consultation with the Chairs of Joint Staff Consultative Committee and Corporate Policy and Resources Committee

IMPLICATIONS

Legal:

(N.B.) Where there are legal implications the report **MUST** be seen by the MO

Financial :

(N.B.) All committee reports **MUST** have a Fin Ref

Staffing :

(N.B.) Where there are staffing implications the report **MUST** have a HR Ref

Equality and Diversity including Human Rights :

NB: Please explain how you have considered the policy's impact on different groups (for example: young people, elderly, ethnic minorities, LGBT community, rural residents, disabled, others).

West Lindsey District Council has a commitment to equal opportunities. It seeks to ensure that no potential or current employee receives less favourable treatment than another on the grounds of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Please note: This policy has had an Equality Impact Assessment completed on it.

Data Protection Implications :

Climate Related Risks and Opportunities:

Section 17 Crime and Disorder Considerations:

Health Implications:

Title and Location of any Background Papers used in the preparation of this report :

Wherever possible please provide a hyperlink to the background paper/s
If a document is confidential and not for public viewing it should not be listed.

Risk Assessment :

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

x

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

x

Executive Summary

Introduction: The council has a Lone Working Policy which has needed reviewing. This review has taken place and an amended policy is brought to committee for support.

Purpose: To ensure the council has a clear, consistent, and fair procedure in place.

Scope: This policy applies to all employees within the council.

Engagement: The policy has been reviewed by the HR team and sent to Unison, GMB and staff representatives for comment.

Training and Awareness: This policy will be made available to view on the Minerva site and hard copies available at the depots once formally agreed. A clear communication will be sent to Managers to make them aware that the policy has been reviewed and to update them on their responsibilities. Training and support will also be offered by HR in the implementation and application of this policy.

Joint Staff Consultative Committee considered this report at its meeting on 6 July and whilst recommending it for approval made the following comment.

Extract from minutes of meeting 6/7/23: -

At the end of the discussion, the Chairman requested that the Committee's concerns about the lack of tracker tags, dynamic risk assessment knowledge, and the request for any additional protection for lone workers be raised with the Corporate Policy and Resources Committee when it considered this report.

Lone Working Policy

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Lone Working Policy

1. Introduction

West Lindsey District Council are committed to protecting the health, safety and welfare of employees and members and recognises that lone working is a health and safety issue and acknowledges the importance of identifying and reducing risks to lone workers. We acknowledge that we should act to prevent or reduce risks that are reasonably foreseeable.

The policy will apply to everyone in the Authority. Managers are responsible for implementation, and the Authority is responsible for providing the necessary resources. The council recognises that it's most important resource is its employees. This policy shows our determination to identify risks from lone working and eliminate or control these risks where possible.

Definition of a lone worker

The Health and Safety Executive (HSE), defines a lone worker as someone who works by themselves without close or direct supervision *they don't need to be a lone worker 100% of the time*. They are found in a wide range of situations, such as:-

People in fixed establishments where:

- Only one person works on the premises, for example, in small workshops/buildings and people working from home.
- People work separately from others, for example, in large buildings such as leisure or entertainment centers.
- People work outside normal hours, for example, cleaners, security, and maintenance or repair staff.

Mobile workers working away from their fixed base:

- Street cleansing operatives, housing, technicians, planning and environmental health officers, community officers and enforcement officers.

2. Policy Statement

To ensure that all employees and members working in this way are not under any greater risk than any other form of working.

To achieve a safe system of work it is the duty of team managers and/or supervisors to ensure that potentially high-risk lone working situations are identified and risk assessments carried out. These will be regularly reviewed to ensure that appropriate control measures and/or contingencies are put in place and acted upon.

3. Equal Opportunities/Generic Equalities

West Lindsey is committed to equal opportunities. We will promote the equality of current employees and will ensure no one receives less favourable treatment than another on the grounds of race, gender, colour, nationality, ethnic or national origins, sex or sexual orientation, religion, marital status, age or disability or any grounds not relevant to the performance of the job or the service delivery.

4. Scope

All Council employees, volunteers, agency employees and anyone working on behalf of the council.

The policy is to provide advice and support to all employees who may be lone working. The policy shall be adhered to by all employees.

The policy should also be read in conjunction with other relevant policies, procedures, guidance and risk assessments.

Adhering to the policy will ensure safety of employees whilst at work and on council business.

To ensure that a safe system of work is employed whenever individuals are working alone, for and on behalf of the council, and comply with legislation as detailed in the Health and Safety at Work etc., Act 1974, and other associated legislation.

Any member of staff who disregards the policy may be subject to disciplinary action.

Whilst members are not in the scope of the policy there is guidance in **Appendix E** and training can be provided.

5. Legal Obligation

Under the Health and Safety at Work etc., Act 1974, (HASAWA) employers have duties to ensure, as far as is reasonably practicable, the health, safety and welfare of employees and the health and safety of others that maybe affected by the employers undertaking.

Employees shall also cooperate with the employer by taking reasonable care for their own health and safety, and of other people who may be affected by their acts or omissions at work.

The Management of Health and Safety at Work Regulations (MHSW) requires employers and self- employed people to make a suitable and sufficient assessment of the risk to the health and safety of employees to which they are exposed whilst they are at work and make appropriate arrangements for protecting these people's health and safety.

6. Roles and Responsibilities

6.1 Chief Executive, Directors, and Assistant Directors

Chief Executive will ensure that there is provision for adequate resources and support to enable:

- The services to comply with their duties and specific responsibilities.
- The implementation of the policy.
- The policy to be fully understood by all.

Assistant Directors and Directors will;

- Fully understand the policy.
- Make employees aware of the policy.
- Adequately monitor the lone working.

6.2 Team Managers and Supervisors

Will ensure:

- Information between services is shared in accordance with Data Protection Act and the Information Sharing Agreement.
- Lone working is not permitted where there is a known history of violence.
- Lone working is not carried out outside of normal hours unless it is essential and control measures are in place.
- Suitable and sufficient risk assessments are undertaken prior to lone working activities being carried out, making sure adequate controls are in place and are they are regularly reviewed.
- Sufficient monitoring and supervision is carried out of lone working.
- Information to the lone worker is provided on the findings of the risk assessment.
- Employees who require training are identified and make provision for appropriate training available.
- Employees are encouraged to report all incidents/accidents and near misses, including acts of verbal or physical violence towards them.
- All incidents/accidents and near misses are investigated with the assistance of the Managers and the Health and Safety coordinator.
- Resources are available, with suitable and sufficient equipment, according to the level of risk identified in the risk assessment (personal alarms, mobile phones, radios, lone worker devices etc.).
- Lone workers have no medical conditions which make them unsuitable for working alone (any information provided to the manager must be treated in the strictest confidence).
- Check the Complex, Difficult and Dangerous Customers register before visiting and ensure employees know where to find this information.

6.3 Health and Safety coordinator

Will:

- Review the policy annually or if there are any significant changes in legislation.
- Consult with the Joint Staff Consultative Committee.
- Horizon scan for future changes to legislation, assess and advise on the impact to the organisation.

6.4 Lone Workers

Will:

- Follow the appropriate team systems of work laid down for their safety.
- Use all equipment and systems provided for their safety properly.
- Co-operate with their managers on all health and safety matters.
- Inform their managers if they identify any shortfalls within the safety arrangements.
- Report all incidents/accidents and near misses, including acts of verbal or physical violence towards them.
- Inform their manager if they have any medical conditions which make them unsuitable for working alone.
- Check electronic systems before visiting.
- Communicate with manager or colleague if there are changes in their work pattern.
- Follow (**Appendix A**) General Preventative Guidance for Lone Working Employees

6.5 Safety Champions Group

Will:

- Support managers and peers in the implementation of adherence to this policy.
- Assist managers in investigation of work-related incidents.

7. Provision of Information, Instruction and Training

Employees and others on behalf of the council are to be given all necessary information, instruction, training and supervision to enable them to recognise the hazards and appreciate the risks involved with working alone.

Employees are required to follow any safe working practices, procedures or emergency measures put in place by the manager. Where new or altered hazards are encountered the employee should make their own dynamic assessment of the risk. Should they feel that their health and safety is compromised they should report back to their team manager before continuing. The team manager must update risk assessments/procedures in light of the new information. All training and briefing records must be recorded.

8. Planning

All work activities involving lone working must be suitably planned to ensure the proposed work can be carried out in reasonable safety. This includes assessing the risks applicable to the task and implementing suitable controls. Ad-hoc or unauthorised lone working should be avoided.

Line managers are responsible to agreeing and facilitating lone working arrangements and, importantly, organising and setting the limits of the work in accordance with the known operating conditions and risks.

Those involved in lone working must be fully briefed of the task, the related risks, the agreed control measures and the limitations to that work.

Lines of communication need to be established i.e. checking in/out, fall back and the emergency arrangements. Staff movements and their expected starting, finishing or return times should be known and suitable methods of contact to be agreed.

9. Risk Assessment

Managers are legally required to identify the hazards arising from working tasks and activities, assess the foreseeable risks involved, and implement measures to avoid, eliminate or control those risks. In some cases, a dynamic risk assessment may be necessary, see section 9.1.

A risk assessment is simply a careful examination of what work, activity, premise, workplace, groups or individuals could cause harm. It is a process that helps managers make decisions that are informed, rational and structured to manage the risks, and take action that is proportionate to the risks identified.

For a risk assessment process to be successful, managers need to consult with staff to find out what they consider to be the hazards and risks of working alone. It is important to talk to staff as they are a valuable source of information. Their input will help to ensure that all relevant hazards are identified and appropriate controls chosen.

(Appendix B) *The existing WLDC risk assessment template should be amended to ensure it is fit for purpose for the service area and work being carried out. It can be used as a useful reference to formally record the risk assessments.*

The risk assessment process should consider the following as a minimum:

- The context – nature of the task, any special circumstances
- The environment – location, security, access, weather conditions
- Equipment to be used
- The individual(s) concerned – indicators of potential or actual risk,
- Person carrying out the task, including any medical conditions, young, old, new or pregnant
- History – any previous incidents in similar situations

- Lack of, or no, training and instruction
- Emergencies (ill health, accident, incident, violence, equipment failure etc.)
- Any other special circumstances
- Supervision and Monitoring
- Review.

9.1 Dynamic Risk Assessment

Most risks can be pre-empted. However, in some cases a dynamic risk assessment may be necessary. A dynamic risk assessment is a process where employees themselves have to make operational decisions based on risks which cannot necessarily be foreseen. It covers risks which may arise such as if there is a hostile dog or a person in a client's home who is under the influence of drink or drugs and abusive. Dynamic risk assessments are not a substitute for a comprehensive risk assessment but in some cases, it is not always possible to identify all hazards relating to a role where the working environment is outside the managers/supervisor's control.

Where a risk assessment identifies circumstances where a lone worker may have to undertake a dynamic risk assessment they must receive proper training on what to do. They must also get support for their decisions. Employees can use the Dynamic Risk Assessment form (**Appendix C**) as a quick guide in the field, to help decide if to proceed with the current job. It does not replace the full risk assessments/safe working procedures which should be referred to for further guidance. Working outside in rugged, demanding locations means the job intrinsically carries higher risks due to the very nature of the work and the location.

Employees should contribute to the risk assessment process and ensure they implement the control measures which have been put in place for their safety. Visits should be planned and, continual dynamic risk assessment should be applied during a visit.

10. Safe Working Arrangements

Service Managers should use the 'Security Protocols for Lone Workers' information.

10.1 Managers should ensure that risk assessments have been undertaken, recorded and where necessary remedial action implemented for all employees who are required to work alone. The control measures put in place will depend on the results of the risk assessment.

10.2 Standard Lone Working Reporting Process (normal office hours)

A local procedure should be put in place to ensure the health, safety and welfare of lone working employees during normal office hours (defined as between 8.30 - 17.00 Monday – Thursday and 8.30 – 16.30 Fridays) (**Appendix D**, Security Protocols for Lone Workers). This should also include arrangements for contacting and monitoring the whereabouts of employees when carrying out lone working outside of Council premises.

10.3 Out of Hours Lone Working Process

A local procedure should be put in place to ensure the health, safety and welfare of lone working employees whilst working outside of normal working hours, including evenings and at weekends. This should also include arrangements for contacting and monitoring the whereabouts of employees when carrying out lone working outside of Council premises.

10.4 Failed Contact Process

A Failed Contact Process should be put in place when an employee working alone fails to report in, or cannot be contacted. This should include an escalation process, which may include using emergency contact details for example contacting next of kin and may culminate in the missing employee being reported to the Police.

11. Monitoring and Supervision

Although lone workers cannot be subject to constant supervision, managers still have a duty to ensure their health and safety at work. Supervision can help staff to understand the risks associated with their work and the necessary safety precautions that must be followed. Managers can provide guidance in situations of uncertainty and act as a point of contact.

The extent of supervision required is a managerial decision based on the findings of the risk assessment process, and the ability of the lone worker to identify and handle health & safety issues. The higher the risk, the greater the level of supervision required. Those new to a job, undergoing training, doing a job that presents special risks, or dealing with new situations, may need to be accompanied in the initial stages.

12. Report all accidents, incidents and near misses.

Reporting accidents/incidents/near misses provides valuable information about individuals, unsafe environments and other important information on the risks faced.

Managers with the assistance of the Health and Safety coordinator must investigate all incidents to establish if there are potential problems which had not previously been identified and if additional prevention measures are required. Any changes necessary should be recorded in the risk assessments and Implemented.

Where there has been a near miss or an incident involving a team member, it is essential that information is shared with other team members and colleagues who may be visiting the individual concerned, or going into an otherwise risky environment.

The support managers/supervisors provide to employees is essential. If employees feel in serious or imminent danger when working alone, managers/supervisors should support any decision they make to withdraw to a place of safety. Support

should be provided following an incident and time allowed for employees to attend counselling if required.

Employees should report all incidents even where they consider it to be a minor incident, including 'near misses' to enable appropriate follow up action to be taken.

All incidents should be reported in Minerva – Communities – Health and Safety – [Report an incident](#)

General Preventative Guidance for Lone Working Employees

Safety is a shared responsibility; the council has a duty, as your employer to protect you from foreseeable risk. However, for your part you can help to make sure that systems in place are followed and report all incidents. When visiting people at home or other non office based environment, employees must not compromise personal safety at any time; employees are advised to: -

1. Check Difficult and Dangerous Customer register before the visit to ensure you have prior knowledge of the client.
2. Obtain information on the area to be visited and make sure you know and others within the team know where you are going.
3. Park as close as possible to the address you are visiting, if that is the most appropriate area. In some cases, it may be better that your vehicle is not identifiable, for example, when investigating ASB or related issues.
4. Always leave the car facing the exit route, for example in dead end streets. Don't park the car in the driveway of household or anywhere it could become blocked in.
5. If visiting whilst it is dark, park in a lighted area (it is anticipated that employees will not home visit whilst it is dark and this should be agreed on a case by case basis with your line manager).
6. Avoid (as far as possible) waste ground, isolated pathways and subways, particularly at night.
7. Visit known problem areas where possible, at times of the day where, for example, drunkenness and drug activity is likely to be minimised.
8. Risk assess the situation as you approach the property.
9. Stand clear of the doorway after ringing or knocking.
10. Do not enter the house if the person answering the door gives any cause for alarm. (Use a simple excuse to rearrange)
11. Always follow the occupants into a building.
12. Maintain an escape route and ensure door is not locked.
13. Always treat occupants courteously.
14. Do not enter the property if, at the time, it is occupied, solely, by someone aged under 16 years old.
15. Carry out a dynamic risk assessment for the duration of visits and lone working situations.

Rearrange visit if there is any risk to your safety.

In the event of an incident occurring, employees must –

1. Put your own safety first and leave the situation.
2. Not be confrontational.
3. Use panic alarms only where there is a clear escape route and for surprise only to avoid escalating risk.
4. Call for assistance from the emergency services, manager, or colleague as appropriate.
5. Return to office base as soon as possible, meet with team manager for debriefing of the incident.
6. Allow time to recover and seek support from colleagues.
7. Share information with others who may visit and pass information on to the customer strategy services team manager or health and safety coordinator who will make a decision to complete the Difficult and Dangerous Customer Register.
8. Report the incident using the corporate incident reporting forms with the guidance of your team manager and/or safety champion.
9. Lone workers should not be more at risk than other employees.

Appendix B

Risk Assessment



Date:	17-08-2022	Assessment Reference No:	RA -001
Assessors Name:		Review Date:	17-08-2023
Managers Name:			
Department:			
Activity:	Lone Working – Site Visits		
Location:	Various		

NOTE: See guidance notes on final page before completing this Risk Assessment

Identified Hazards	Who may be affected	Risk Level before control measures S x P = R				Detail existing controls Provide details of control measures already in place. If measures are detailed in other documents, state where.	Detail further action required to reduce risk Note the action required, responsible person and target date where appropriate.	Final Risk level S x P = R			
		S	P	R	RR			S	P	R	RR
Working in remote locations No or poor back-up or emergency support available Out of hours work, late evenings, dark nights etc.	Officer	3	2	6	M	Officer to conduct a visible assessment of site on arrival. Where the site is more complex, officer to complete the paper based Dynamic risk assessment form. Work should not be undertaken if officer has concerns over safety. Manager to be informed. Ensure lone worker has full charged work mobile phone. MS Teams App and What3Words are downloaded to phone. The whereabouts of each lone working member of staff is to be monitored in accordance with the individual service departments monitoring procedure. Check Complex, Difficult and Dangerous Situations Register before leaving for site.	Update MS Teams/ Outlook calendar to inform colleagues (advising of anticipated times) Avoid out of hours working where possible. Where working out of hours can't be avoided consider two people for the task. A lone worker information sheet is held within the department for each worker with personal contact details.	3	1	3	L

Identified Hazards	Who may be affected	Risk Level before control measures S x P = R				Detail existing controls Provide details of control measures already in place. If measures are detailed in other documents, state where	Detail further action required to reduce risk Note the action required, responsible person and target date where appropriate.	Final Risk level S x P = R			
		S	P	R	RR			S	P	R	RR
<p>Travelling to and from sites, appointments and meetings etc.</p> <p>Poor weather, visibility, extreme cold/heat, heavy rainfall, snow/ice, high winds.</p>	Officer	2	3	6	M	<p>Review weather conditions if visiting isolated communities for suitability to travel.</p> <p>Ensure your car is winter safe and has adequate fuel.</p> <p>Carry winter driving essentials (coats, warm drinks, snacks etc.)</p> <p>Take extra time to plan your route using all available information sources.</p> <p>Undertake a risk assessment of weather conditions running up to and on the day of any site visits.</p> <p>Take note of Local Weather Warnings and corporate stance on Travel during adverse weather conditions.</p>	<p>The whereabouts of each lone working member of staff is to be monitored in accordance with the individual service departments monitoring procedure.</p> <p>Postpone any car journeys that are at risk of being undertaken in unduly adverse weather conditions.</p>	2	1	2	L
<p>Risks at point of initial visit</p> <p>Uneven surfaces: Slips, Trips & Falls</p> <p>Sprains, muscle damage & broken bones.</p>	Officer	2	3	6	M	<p>Additional care will be taken on uneven ground personnel will be extra vigilant with regards to kerbs.</p> <p>Work in well-lit areas.</p> <p>Good awareness at all times.</p> <p>A dynamic risk assessment carried out at inspection.</p> <p>Appropriate work attire and footwear for general visits</p> <p>PPE should be worn where necessary (hi vis safety shoes where necessary)</p> <p>Do not enter any areas where you may put yourself at risk.</p> <p>Report any incidents</p>	<p>Report any areas that are to unsafe to manager, and stop work.</p>	2	1	2	L

Identified Hazards	Who may be affected	Risk Level before control measures S x P = R				Detail existing controls Provide details of control measures already in place. If measures are detailed in other documents, state where	Detail further action required to reduce risk Note the action required, responsible person and target date where appropriate.	Final Risk level S x P = R			
		S	P	R	RR			S	P	R	RR
Risks at point of initial visit Work at Height	Officer	2	3	6	M	Avoid if at all possible, if unavoidable ensure onsite Risk Assessment by competent officer Ensure any ladder is used as per instructions. Instructions to be kept with ladder at all times. Checks made to ladder prior to using.	Officers will not work at height if they have not had the relevant training	2	1	2	L
Risks at point of initial visit Unstable / unsafe building / trees Page 78	Officer	3	2	6	M	PPE – hard hat, safety boots, hi viz tabard to be sought by employee/provided by manager in advance of visit and worn appropriately Follow any site safety procedures if in place Each officer to carry out their own risk assessment of the site/hazards in line with Lone workers protocol.	Do not enter the site if in any doubt of any potential hazard.	3	1	3	L
Building works at property / site / business premises	Officer	3	2	6	M	PPE – hard hat, safety boots, hi viz tabard Follow site safety procedures if in place Speak to applicant about access/safety concerns. Each officer to carry out their own risk assessment of the site/hazards in line with Lone workers protocol. Where properties are deemed very unsafe or hazardous visits must be discontinued or scope limited	Follow safety instructions from site manager	3	1	3	L

Identified Hazards	Who may be affected	Risk Level before control measures S x P = R				Detail existing controls Provide details of control measures already in place. If measures are detailed in other documents, state where	Detail further action required to reduce risk Note the action required, responsible person and target date where appropriate.	Final Risk level S x P = R			
		S	P	R	RR			S	P	R	RR
<p>Restricted Access/egress problems</p> <p>Awkward or difficult access or egress to and from the work Area.</p>	Officer	2	3	6	M	<p>Identify and assess access routes prior to works commencing and ensure all trip/fall/climb hazards Identified.</p> <p>Attend site induction and ensure all officers aware of building emergency procedures at all times.</p> <p>Ensure all officers are signed in with site security or reception and receive instruction, I.e. designated work area emergency signals/alarms.</p>	<p>Take care where access to work area requires you to climb any gates or fences etc.</p>	2	1	2	L
Confined space	Officer	3	3	9	H	<p>No-one to enter chambers / confined spaces without confined spaces training and safe system of work in place including escape equipment.</p>	None	3	1	3	L
<p>Officers being struck by moving vehicles (on site along highway verges/footpaths)</p> <p>Parking vehicle</p>	Officer	3	3	9	H	<p>All personnel involved in this operation will have been made fully aware of the hazards associated with the task and will have received suitable training.</p> <p>The use of headphone Bluetooth earpiece or other devises of this nature are not permitted with the expectation of a hearing aid.</p> <p>Avoid close proximity to traffic if possible.</p> <p>Stay off the highway.</p> <p>Be aware of the vehicles around you at all times.</p> <p>Planned routes and times</p> <p>All officers must wear the appropriate PPE, Hi-vis vest or jacket.</p>	<p>Walk on the right-hand side of the road so that you are facing the oncoming traffic</p> <p>Where possible avoid parking in deserted, poorly lit locations or in a confined space that you may get blocked into</p> <p>Secure the vehicle when you leave it, do not leave belongings on show in the vehicle</p>	3	2	6	M

Identified Hazards	Who may be affected	Risk Level before control measures S x P = R				Detail existing controls Provide details of control measures already in place. If measures are detailed in other documents, state where	Detail further action required to reduce risk Note the action required, responsible person and target date where appropriate.	Final Risk level S x P = R			
		S	P	R	RR			S	P	R	RR
Substances (storage/exposure to domestic, commercial, agricultural/animal)	Officer	3	2	6	M	<p>Each officer to carry out their own risk assessment of the site/hazards in line with Lone workers protocol.</p> <p>Correct PPE available and worn at time of site visit. If not postpone the site to another day.</p> <p>Do not approach or touch any potentially hazardous waste.</p> <p>Seek medical attention if exposed to pesticides, insecticides or other chemicals – record any label details.</p> <p>Avoid touching eyes or mouth.</p> <p>Wash hands and arms thoroughly on completion of any site visits.</p>	Do not enter the site if in any doubt of any potential hazard.	3	1	3	L
Violence/ Aggression	Officer	3	2	6	M	<p>Check the difficult and Dangerous Situations register</p> <p>Follow lone worker policy</p> <p>Dynamic risk assessment and to continue evaluating changing conditions.</p> <p>Leave property / site calmly without alerting / aggravating resident if situation demands</p> <p>Staff to have a pre-planned exit strategy to utilise in such circumstances</p> <p>Staff have completed or will complete personal safety and/or difficult customer training.</p>	<p>Manager Ensure all staff are made aware of the procedures.</p> <p>Manager to assess staff training needs and pass on details through appraisal process</p> <p>Do not visit if there is any doubt and follow the lone workers procedures.</p> <p>Report any incidents to manager.</p>	3	1	3	L
Working near deep or fast flowing water the risk of falling into water and drowning	Officer	3	2	6	M	<p>Any worksite near or on water is assessed each time before work commences.</p> <p>Work in deep or fast-flowing water is avoided.</p>	<p>Account is taken of weather forecasts and the likelihood of changing conditions.</p> <p>Safe access and egress routes are identified</p>	3	1	3	L

Identified Hazards	Who may be affected	Risk Level before control measures S x P = R				Detail existing controls Provide details of control measures already in place. If measures are detailed in other documents, state where	Detail further action required to reduce risk Note the action required, responsible person and target date where appropriate.	Final Risk level S x P = R			
		S	P	R	RR			S	P	R	RR
<p>Extreme weather conditions: (while working)</p> <p>Sunstroke, gales, ice etc.</p>	Officer	2	3	6	M	<p>All officers will be made aware of the hazards associated with working in extremes of weather.</p> <p>Don't carry out visits in adverse weather conditions</p> <p>All necessary protective clothing will be available.</p> <p>Undertake a risk assessment of weather conditions running up to and on the day of any site visits.</p> <p>If the weather is extreme non-urgent visits should be rearranged</p> <p>Advance preparations for travel should be made (e.g. warm clothing, water bottle)</p> <p>Breaks should be taken in shade if working outside in hot weather.</p>	<p>On site assessment</p> <p>Take note of local weather warnings and corporate stance on travel during adverse weather conditions.</p> <p>Carry and wear appropriate clothing and PPE.</p>	2	1	2	L
<p>Animal encounters, (dogs, cats, insects)</p>	Officer	2	3	6	M	<p>Dynamic risk assessment during visit</p> <p>Wash hands following visit, prior to eating, drinking, smoking or contact lens application.</p> <p>Good personal hygiene</p> <p>Carry antibacterial hand wipes/ gels.</p> <p>Clean /change footwear if likely to be contaminated</p> <p>Avoid contact with animals.</p> <p>Ask for relevant pets to be put in garden or another room during inspection</p>	<p>Seek medical attention as soon as possible after being bitten or scratched.</p>	2	1	2	L

Identified Hazards	Who may be affected	Risk Level before control measures S x P = R				Detail existing controls Provide details of control measures already in place. If measures are detailed in other documents, state where	Detail further action required to reduce risk Note the action required, responsible person and target date where appropriate.	Final Risk level S x P = R			
		S	P	R	RR			S	P	R	RR
Injury/illness reporting Lone workers with medical conditions - Some medical conditions may increase the risks of the job	Officer	2	2	4	M	Fully charged mobile phone to be carried at all times for contact to colleagues and emergency services. Lone workers to inform manager of any medical conditions before commencing work. First aid kits available.	Managers to check with staff regarding any health issues	2	1	2	L
Stress	Officer	2	2	4	M	Staff to be have regular 121's with line manager to discuss workload and any other issues related to demands, control, support, change, relationships, role Staff all have access to Employee Assist programme for advice and guidance	None	2	1	2	L

GUIDANCE NOTES

S = SEVERITY

P= PROBABILITY

R = RISK

SEVERITY x PROBABILITY = RISK

RR = RISK RATING, High, Medium or Low

(Risk Matrix) SEVERITY

Degree of Risk	1	2	3
1	1	2	3
2	2	4	6
3	3	6	9

PROBABILITY

SEVERITY	PROBABILITY
1 = Low (L) Possibility of minor injury only	1 = Low – (L) Remote possibility – harm will seldom occur
2 = Medium (M) Possibility of significant injury or over 3 day absence occurring	2 = Medium – (M) Might Happen to Probable – harm will often occur
3 = High (H) Possibility of fatality/serious injury occurring	3 = High – (H) Almost certain to happen, <u>Highly</u> probable – certain or near certain that harm will occur

RISK SCORE	RISK RATING	ACTIONS REQUIRED
1-3	LOW	No further action required. Continue to review working practices on a regular basis and implement any additional control measures required within the time scale given in the Risk Assessment.
4-6	MEDIUM	If it is not possible to lower risk further, you will need to consider the risk against the benefit. Monitor risk assessments at this rating more regularly and closely. Implement control measures within time scale shown in risk assessment and review working practices on a regular basis. Review tooling and working practices used to reduce the probability of an accident to the lowest level possible (employee consultation should be included in the review)
7-9	HIGH	Do not allow work to start and review working practices immediately. Implement all the additional control measures identified in the Risk Assessment within the given times scales. Continue to review and implement additional control measures until the probability of an accident is reduced to the lowest level possible. (employee consultation should be included in the review)

Additional Assessments Required	Time Scale	Date Actioned	Reviewed	Person Responsible

Appendix C

Dynamic Risk Assessment for Lone Working

This Dynamic Risk Assessment is to be used as a quick guide in the field. It does not replace the full risk assessments/safe working procedures which should be referred to for further guidance. Working outside in rugged, demanding locations means the job intrinsically carries higher risks due to the very nature of the work and the location. The location itself could be hazardous with inhospitable terrain, these environmental risks increasing the chances of slips, trips and falls for instance.

Ask the question. If the answer is **GREEN – GO**. If the answer is **RED – STOP**.



GENERAL			
1	Have I seen a copy of the Lone Working Risk assessment?	YES	NO
2	Have I applied all the control measures?	YES	NO
3	Have I checked the need for any additional measures and applied if necessary?	YES	NO
PERSONNEL			
4	Am I trained for this activity?	YES	NO
5	If I am lone working does someone know where I am?	YES	NO
6	Do I feel safe working at this site?	YES	NO
7	Am I fit to do the job?	YES	NO
EQUIPMENT			
8	Am I trained and competent to use the equipment?	YES	NO
9	Do I have the correct equipment?	YES	NO
10	Is the equipment free from defects?	YES	NO
11	Have I got the correct safety equipment (PPE)?	YES	NO
12	Is the safety equipment free from defects?	YES	NO
SITE			
13	Are adverse weather conditions going to increase the risks to an unacceptable level?	YES	NO
14	Are there any other activities taking place which may increase the risk to an unacceptable level?	YES	NO
15	Am I working near deep or fast flowing water?	YES	NO
16	Does the site present a specific risk to the lone worker, where it is not possible for the work to be conducted safely by a lone worker, for example occupied derelict buildings, unsafe access to site or work at height?	YES	NO
OTHER			
17	Do I have any other concerns about the work I am about to undertake?	YES	NO
18	Is it safe to continue?	YES	NO



Appendix D



Security Protocols for Lone Workers

Review Date: August 2022

Next Review Date: August 2024

This document is the operational security protocols for:

- **All staff attend sites alone in the course of their duties**

Any concerns or high-risk activities should not be carried out alone.

The protocols stated are applicable for all Officers who may visit a site alone, unless specifically stated.

Security Information held within each team

A security (lone workers) sheet is held within the department, on each lone worker and updated by Team Manager on a need basis.

The sheet is to be saved on the Department/Team drive, in a Health and Safety Folder: Information retained consists of:

- Name of Officer (photo held with the coms team)
- Car Make, Colour and registration number
- Mobile number used for work purposes
- Home Address and telephone number
- Next of kin contact details

Managers should ensure the following;

- Set up a MS Teams '**Site Visits and Office Attendance Channel**' with everyone in the team added.
- That all officers have channel notifications switched on for all activities.
- That one person in the team is assigned either daily / weekly to check when officers have logged out of the office, and that they have returned at the completion of the visit.
- All team members understand the procedure and follow at all times.

Each lone working officer should have and before leaving the office/home ensure the following;

- Work Mobile phone that is fully charged and switched on (with MS Teams App and What3Words downloaded)
- First Aid Kit
- Relevant identification (i.e. staff ID card)
- Required Personal Protective Equipment (PPE)
- Check complex, difficult & dangerous situations register (<https://itshared.sharepoint.com/sites/Minerva/SitePages/Complex,-Difficult-and-Dangerous-Situations-Register.aspx>)
- Check weather forecast
- Should an officer be using a different vehicle/phone number than the one held on the lone working information then it is the responsibility of the officer to identify the alternative vehicle number within their calendar on the day of the visit(s).
- A list of visits posted on MS Outlook
- Posted on MS Teams – Site Visits and Office Attendance Channel (see below)
- When expected to return after 5pm, have in place arrangements with a colleague

Record of Planned route – MS Outlook / MS Teams

A daily planned route must be noted on the officer's MS Outlook calendar and / or MS Teams, and shall include any relevant information and site address.

They should be listed in order of the intended route. If the officer deviates from the planned route, they must update MS Teams via the phone app; or call and update a colleague in order to do so on their behalf.

All pre-arranged appointments within a person's home must be specifically noted in the officer's calendar with any relevant information, name of the customer and their contact telephone number.

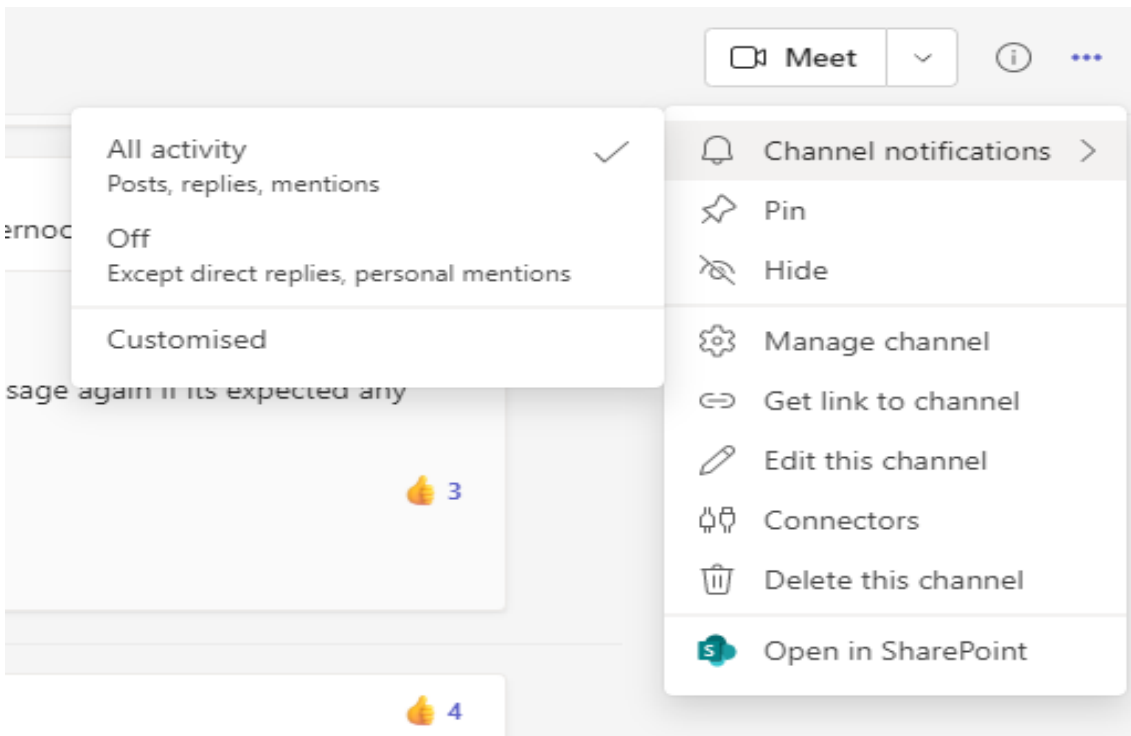
Officer Log Ins / Out

To monitor an officer's safety whilst out in the district the following procedures are to be adopted.

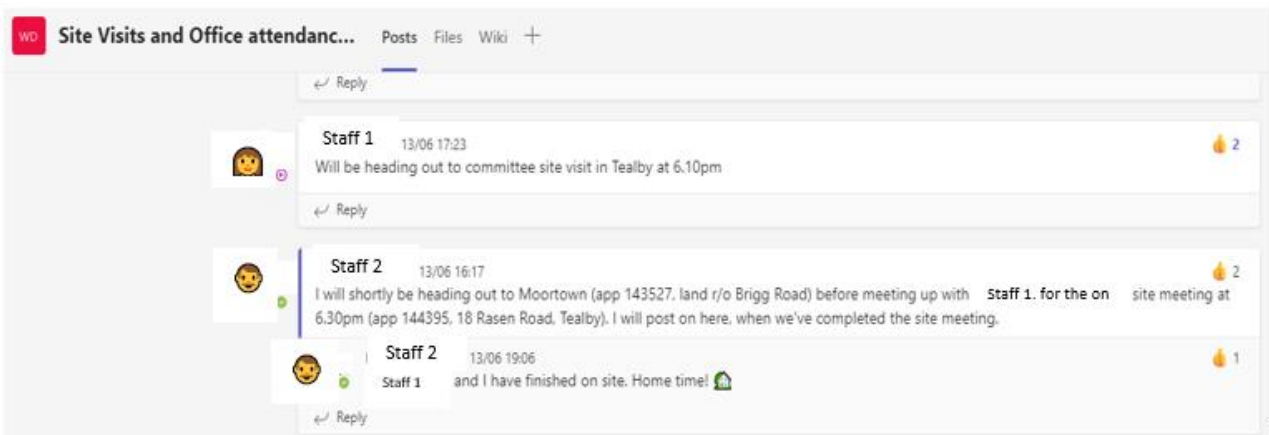
Prior to leaving, the officer must post on the **MS Teams - Site Visits and Office Attendance Channel**, providing the following information –

- Destination(s), in order of visit – or give reference to list on MS Outlook. (Provide application numbers where applicable; or site address)
- Expected time of return.

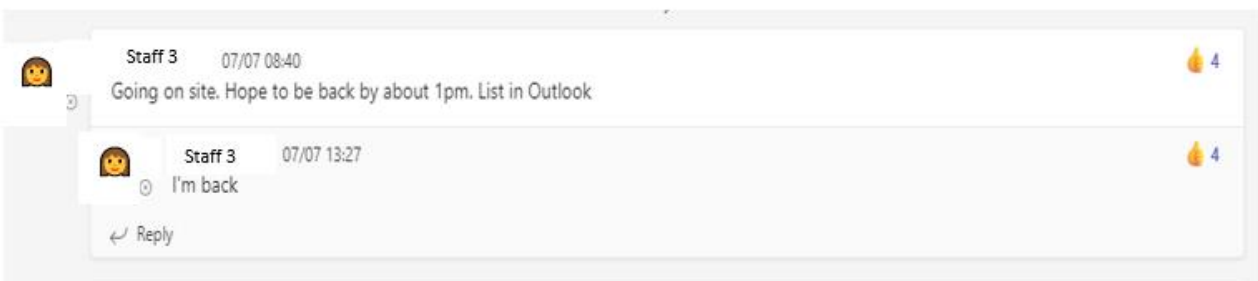
It is important that all officers have channel notifications switched on for all activities, in order they can see when officers have logged in / out of the office.



Example 1:



Example 2:



When an officer has logged “out” of the office, remaining desk-based officers are required to acknowledge this (a thumbs up emoji is sufficient – see examples).

Upon returning to the office, the officer is required to update the Site Visits channel. All other officers should acknowledge this (again, 'thumbs up' emoji will suffice).

The person in the team that is assigned to do the end of day checks, for when officers have logged out of the office, and that they have returned at the completion of the visit, must check that everyone 'out' has returned and has left a message in the chat.

If you unexpectedly find you are unable to return before 5pm – you should update MS Teams via your phone app; and/or contact a colleague in order to advise of this (who should update the channel on your behalf).

If you expect to return after 5pm, you should directly advise a colleague of this and ask that they monitor (and acknowledge) your return – see "Out of Hours" section below.

Officers protocol during site Visit

- Officers are responsible for assessing their personal safety and the safety of a site and its surroundings when undertaking a site visit. The site risk assessment sets out what to consider. Usually a visible assessment will be sufficient. However, for more complex sites, officers may need to complete a paper-based assessment prior to going to/accessing the site. For operational building sites the site foreman is responsible for site safety and advising what PPE is needed. Do not enter the site without their consent.
- Carry out a risk assessment of each site you visit and its surroundings, including any other areas where it is relevant for you to access to carry out your site visit.
- Wear any necessary PPE identified through the risk assessment. If you are ever in doubt of the risk or do not have the necessary PPE do not enter the site or surrounding area/neighbouring properties.
- Do not work at height, unless suitable training has been undertaken.
- Never enter a property alone where you feel threatened/vulnerable or where there is not a clear means of access or exit/escape.
- Have excuse ready if you start to feel uncomfortable and leave at the earliest time possible.
- Should the feeling of being threatened or insecure occur after entering a property the officer is to 'pull out' from the situation/site visit.
- In the event that during the visit you feel 'uncomfortable' and not confident to immediately leave then:
 - Ring the police on 999 and/or
 - Ring the office and ask the office-based officer to: 'confirm my next appointment and state your current location'. This will alert the office that something is not quite right and allow them to ring the police.

A record of any such instances should immediately be reported to the Manager and the Health and safety coordinator. Incidents of threatening behaviour should be reported through Minerva Communities, Corporate Health and Safety, report an accident on line, the associated procedures followed.

[Report an Incident](#)

No officer call-in at required time(s):

- If the lone working officer has not logged their return on MS Teams within two hours of when was stated; or by the lunch period (if expected morning return); or by 5pm (if expected afternoon return), a first call to the lone working officer (work/home/next of kin) is to be made by the officer's line manager or any more senior officer available.
- If no contact is made/managed within 1 hour then the missing persons protocol should be implemented in the relevant stages:

Missing Persons Protocol.

Stage 1:

Service Manager to be notified and the following actions to be taken

- Line Manager/Service Manager continues to try and contact officer using details off the lone working spreadsheet.
- Line Manager/ Service Manager to contact the last site/address noted in officers' calendar. If the officer has visited this site, try and establish the time of their visit; if there is no evidence that the officer has reached this address then telephone the prior site addresses consecutively.
- If still no contact can be made after more than 1 hours following the agreed call in time then the officer's next of kin should be contacted to establish if contact has been made with them and current whereabouts known.
- If no contact has been established after more than 2 hours or the above steps have not located the officer concerned within Stage 1, implement Stage 2 but continue to implement points 1 – 3 of stage 1.

Stage 2:

- Line Manager/ Service Manager to escalate missing person's protocol to the Health and Safety Coordinator and HR Manager.
- Lincolnshire Police should be informed of missing person
- The Health and Safety Officer, HR Manager, any Director involved and Police to manage situation
- On-going contact with officer's next of kin

Out of Hours Work (post 5pm) –

Prior to 8.00am is covered in Officer Call Ins noted above:

Out of hours lone working is not principally necessary or essential; however, some late appointments can occur with officer's work.

Specifically, in relation to out of hour's meetings/site visits the following will apply.

1. Details of the name and address of person being met/location of the meeting/site visit(s) is to be given to an agreeable and available buddy (unless agreed otherwise).
 - The expected finish time is to be established /shared.
2. On the meeting completion the lone worker shall contact the agreeable work buddy.
3. If any unexpected delay occurs, the lone working officer must contact the agreeable work buddy to revise expected finish time.
4. If no contact is received from the lone working officer by the expected finish time, the work buddy is to contact the lone working officer (work/private/home available on the lone working database).
5. If the lone working officer cannot be contacted within 1 hour of agreed finish time, the work buddy should contact the line manager to continue to contact the lone working officer and their next of kin (on the lone working spreadsheet).
6. If the lone working officer is still not contactable after 2-3 hours, the line manager shall inform Lincolnshire Police.

Appendix E

Personal Safety: A Guide for WLDC. Members

The relationship between members and the communities they serve has always been at the heart of what being a West Lindsey District Council member is all about. Face to face contact, when members of the public can share problems and concerns, is vital to making that relationship work. In recognition of this vital role, we feel that it is essential that members are helped to carry out this role safely and effectively. This leaflet contains advice aimed at members but it should also be read and acted on by council officers.

Introduction

An important role for members is to keep in touch with their communities. This includes helping individuals with any problems they might have. Often this extends beyond just the delivery of council services. These contacts are usually rewarding and friendly. Members become experienced in calming down and treating with respect and sympathy angry and frustrated residents who often resort to their elected representative when they feel that they are getting nowhere in resolving their problems through other channels.

Circumstances will vary and members will take their own decisions about how to conduct their duties as members while remaining easily accessible to their residents.

The purpose of this guide is not to make members nervous but to set out what personal safety measures can be taken to prevent, and to deal with, those rare circumstances when they might find themselves in situations where they become anxious for their safety. In general terms, the guidance follows advice given to others who, by virtue of public duties or employment, meet many people that they do not know.

Ward Surgeries

The arrangements each member makes will vary accordingly to local circumstances. You will be fortunate to find premises for a surgery which meet every aspect of good practice and are also accessible to the community. These are suggestions about how to make a surgery safe and effective. Some apply wherever the surgery is held, while others are good practice to be followed if the opportunity arises. Most members will go through their entire service on the council without experiencing any serious problems, but a little time given to preparation and planning can reduce the already small risk further.

The basics:

- If possible do not hold surgeries alone in an otherwise empty building. Try to get someone to act as 'receptionist'. This not only makes you safer but makes it much easier to manage a busy surgery. If you are currently doing surgeries alone, arrange to discuss how this can be overcome with fellow members, council officers or members of the local party.
- If you cannot avoid doing surgeries on your own, make sure you remember a few simple guidelines. The layout of the room should suit you - you should sit nearest to the door with the residents seated on the other side of the table. Seating is best set out at an angle of 45 degrees (seating directly opposite can be confrontational).
- If there is no separate waiting room, try to make sure that the waiting people are as far as possible away from those that you are talking to.

- Make sure there are no heavy items in the room that could be used as weapons.

If you are at the stage of looking for suitable premises in which to hold a surgery, try to get a space with as many as possible of the following features:

- public premises (for example libraries) during opening hours or other premises where there are many other people about
- premises where the names of any visitors for members are recorded
- premises where there is a comfortable waiting area
- the surgery room:
 - is in view of the reception or public area
 - is connected to the reception by an alarm and there is a procedure for dealing with a call for assistance
 - has a vision panel in the door
 - is decorated in calming (pastel) color's
 - has a swift means of escape and any visitors are not able to lock the door from the inside

Dealing with Emotional Constituents

It is inevitable that some of the people you will meet will be angry or upset - if everything in the garden was rosy, they probably wouldn't be coming to see you. You need to be prepared to handle all types of emotion. For example, it is worth having some tissues on hand for the person that it is just too much for and who bursts into tears.

Members have to develop the quiet skill of being concerned about people's problems without being so involved that they become too emotional to be a help. Calmness in the face of whatever comes up will help you and the residents.

You may find that racist or other offensive remarks are made. If they are directed at you - do not respond - this will only make the situation worse. Instead bring the interview to an end as quickly as possible. If they are more general remarks, you should indicate that this is not acceptable and that you cannot continue the interview. Often this will elicit an apology. Otherwise ask the person to leave. However, you must use your own judgment and **if you are alone and in a vulnerable situation do not put yourself at risk** no matter how angry the remarks make you.

Comprehensive training is available to help those who have to deal with aggressive and difficult people. A wide range of advice is included in such training (for example Dressing sensibly-not wearing anything around your neck, (scarves and so on) that a person could get hold of). If you feel you would benefit ask the council to provide you with suitable training?

Home Visits

Members do sometimes visit residents in their homes especially those who are elderly or disabled or where they simply want to see for themselves conditions that are the subject of complaints.

It is for you to decide whether a particular visit should be made, especially if the person to be visited is unknown to you. Most of you will trust your own instincts as to whether to meet someone alone. Sometimes you might prefer to be accompanied by a ward colleague or get an initial report from Council officers or invite the person to a more public place. It is always advisable for you to keep a record of your whereabouts. If necessary, you can let the person that you are visiting know there is such a record or that you are expected at another place by a certain time or make a call on your mobile phone during the visit.

Personal Callers

Most members try to maintain a balance between their personal and public lives and do not want to encourage any callers at their private homes. Good publicity by the council on how to contact members and details of ward surgeries reduces the chances of unwanted callers.

Malicious and nuisance telephone calls

As members you occasionally get the odd nuisance or abusive call. Although infrequently, you can become the target of a persistent, anonymous caller who may have a grudge against the council. These calls need to be dealt with in accordance with police advice:

- keep the caller talking
- note any clues the caller may provide as to sex, age, accent and so on
- listen for any clues as to the motive and intention of the caller
- write down the details immediately to assist police at a later stage
- listen for background noise which may provide valuable information (for example railway sounds, industrial noises, machinery, music, animals)
- inform the police

Mail

As with telephone calls, on rare occasions you can become the target of a malicious letter/ email. Any such correspondence should be given immediately to the police.

Car Safety and Parking

You need to take the same precautions as most car owners do:

- consider whether an area will be dark and isolated when you return to your car
- park, where possible, under street lighting
- lock car doors as soon as you get into the car
- take boxes/bags to the car when other people are around

Reporting Incidents

Any incidents of concern, even if fairly minor or 'nearly happened' should complete the electronic form on the Extranet report an accident/incident. This helps us to carry out the proper monitoring and decide if any action needs to be taken to prevent a similar incident reoccurring. You may also consider it advisable to warn your ward colleagues.

Training

We have responsibilities for the safety of members whilst on council business as we do for our officers.

As mentioned earlier training is available. Training may help members do their jobs with a minimum of personal risk. If you think you would benefit from this type of training please talk to member services and ask them to look at arranging training for members

Other Guidance Available

- General Preventative and Safety Guidance for Lone working staff (**Appendix A**)
- Loan Work Risk Assessment (**Appendix B**)
- Complex, Difficult and Dangerous Customer Procedure

This policy will be reviewed annually by the Human Resources Team.

Policy Statement

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Lincolnshire, DN21 2NA

Lone Working Changes

<u>Section</u>	<u>Change made</u>
6.1	taken out the role of the Chief Executive as this will be done by the Directors and assistant Directors.
6.2	Directors, Strategic Leads and Managers changed to just Team Managers and Supervisors
8	Planning section added to the new policy
8.0	Emergency Arrangements removed from old policy
9	Risk Assessment section added to new policy
9.1	Dynamic Risk Assessment added to new policy
10.	Safe Working Arrangements added to new policy, this replaces the old 8.0 Emergency Arrangements
11.	Monitoring and Supervision added replacing the old 9.0 Monitoring
12.	Report all accidents, incidents and near misses. New section added
<u>New appendices added</u>	Appendix B new risk assessment added old one removed Appendix C Dynamic Risk assessment form added Practical tools to enable safe and effective lone working include – from old policy removed Appendix D Security Protocols for Lone Workers section added to new policy which includes Officer Log Ins / Out, Officers protocol during site Visit, No officer call-in at required time, Missing Persons Protocol, Out of Hours Work (post 5pm
Section 1 Definition of a Lone Worker - Clarity	Reworded home working to people working from home
Scope – wording added	Added in - working on behalf of the council
Section 6.1 – Roles and Responsibilities	Added in Chief Executive ,defined the AD's and Directions R&R's
Section 6.2 last bullet point	Clarity on the electronic system. Added in Complex, Difficult and Dangerous Customers register
Section 9 added additional wording to first paragraph to link to the dynamic risk assessment	Wording added - In some cases, a dynamic risk assessment may be necessary, see section 9.1.

Section 9 – Appendix B reworded	Added - The existing WLDC risk assessment template should be amended to ensure it is fit for purpose for the service area and work being carried out. It can be used as a useful reference to formally record the risk assessments.
Comment Nova – Lone working app	This is not in use at the moment but can be picked up at a later stage when in use.
Reworded –	Pg 3 homeworkers to people working from home

Agenda Item 6d



**Corporate Policy and
Resources Committee**

7 September 2023

**Subject: Recommendation from the Joint Staff Consultative Committee -
Review of the Retirement Policy**

Report by:

Director of Corporate Services

Contact Officer:

Michelle Thompson
Human Resources Manager (Temporary)
michelle.thompson@west-lindsey.gov.uk

Purpose / Summary:

To approve the Retirement Policy and Procedure

RECOMMENDATION(S):

- 1) That members support the recommendation from the Joint Staff Consultative Committee and approve the policy for immediate adoption; and 2.
- 2) That any future minor housekeeping amendments be delegated to the Director Corporate Services in consultation with the Chairs of Joint Staff Consultative Committee and Corporate Policy and Resources Committee

IMPLICATIONS

Legal:

(N.B.) Where there are legal implications the report **MUST** be seen by the MO

Financial : There are no changes to the policy which impact the finances of the council

(N.B.) All committee reports **MUST** have a Fin Ref

Staffing :

(N.B.) Where there are staffing implications the report **MUST** have a HR Ref

Equality and Diversity including Human Rights:

West Lindsey District Council has a commitment to equal opportunities. It seeks to ensure that no potential or current employee receives less favourable treatment than another on the grounds of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Please Note: This policy has had an Equality Impact Assessment completed.

NB: Please explain how you have considered the policy's impact on different groups (for example: young people, elderly, ethnic minorities, LGBT community, rural residents, disabled, others).

Data Protection Implications :

Climate Related Risks and Opportunities:

Section 17 Crime and Disorder Considerations:

Health Implications:

Title and Location of any Background Papers used in the preparation of this report :

Wherever possible please provide a hyperlink to the background paper/s
If a document is confidential and not for public viewing it should not be listed.

Risk Assessment :

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

x

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

x

Executive Summary

1. Introduction

The council has a Retirement Policy and Procedure which has needed reviewing. This review has taken place and an amended policy is brought to committee for support.

2. Purpose

To ensure the council has a clear, consistent, and fair procedure in place.

3. Scope

This policy applies to all employees within the council.

4. Engagement

The policy has been reviewed by the HR team and sent to Unison, GMB and staff representatives for comment.

5. Training and Awareness

This policy will be made available to view on the Minerva site and hard copies available at the depots once formally agreed.
A clear communication will be sent to Managers to make them aware that the policy has been reviewed and to update them on their responsibilities. Training and support will also be offered by HR if required.

The Joint Staff Consultative Committee considered this Policy at its 6 July meeting and recommended that the Policy as presented to them be approved by the Corporate Policy and Resources Committee

Retirement Policy and Procedure

Retirement

This policy sets out the procedure for Retirement at West Lindsey District Council (WLDC). This policy does not form part of your contract of employment.

The policy applies to employees of WLDC. It does not apply to contractors or consultants external to the council.

WLDC recognises the contribution of a diverse workforce, including the skills and experience of older employees and does not operate a compulsory retirement age for employees.

Types of Retirement

Retirement at Normal Pension age – retirement at the age at which the council occupational pension scheme is payable or if an employee is not a member of LGPS, the age at which state pension is payable. To note that under current legislation employees may choose to continue to work and draw state pension.

Early Retirement – retirement over the age of 55 and before Normal Pension age. This is likely to lead to be to a reduction in pension benefits. Employees who are considering this option should contact the pension department for further information.

Flexible Retirement – a reduction or change in working pattern or responsibilities. If hours are reduced this will result in a reduction in salary and pension contributions. Employees who are considering this option should contact the pension department if they are a member of LGPS for further information. West Lindsey District Council will fairly consider all requests by those employees for changes to their working patterns. Employees are under no obligation to participate in the flexible retirement. However, in certain circumstances this may be beneficial for both the employee and employer. The council will not make any changes to an employee's working pattern without their express written consent. The employer must give consent for an employee to flexibly retire as there may be a cost to the council depending on their age and length of service.

WLDC does not have discretion to permit employees to take Flexible retirement, where an employee who is a member of the LGPS continues to work and takes all or some of their pension.

WLDC cannot provide employees with advice or guidance on pension entitlements, and employees should contact the pension department (if they are a member of the LGPS) and/or seek other advice.

Retirement Procedure

Employees are encouraged to discuss potential retirement plans as early as possible with their line manager. This allows both the employee and the manager to plan, it also allows an early discussion about the potential for phased retirement.

Once an employee has decided that they wish to retire, they should inform their line manager in writing as far in advance as possible and, in any event, in accordance with their notice period as set out in their contract of employment.

The line manager will acknowledge the employee's notice to retire and arrange a meeting with the employee to discuss arrangements for retirement, including the intended retirement date, handover plans, pension details and phased retirement if applicable.

Employees should consider their pension provision and if necessary, take independent financial advice before making any decision to retire.

Employees who are members of the LGPS and who have decided to retire on a specific date may request details of their pension entitlement from the pension department.

Gifts and rewards on Retirement

West Lindsey District Council values the contribution of all its employees and wishes to reward them for their commitment and loyalty by issuing them with a gift, the value of the gift to be the equivalent to the awarding of £8.08 for each completed year of service at West Lindsey District Council.

Who is Eligible

Staff members must have a minimum qualifying period of 12 months (except for ill-health retirement). Staff members that have completed 12 months service with the Council will be eligible if they:-

- retire and have applied to draw their LGPS pension or if not in LGPS have reached state pension age
- 55 or over, reason for leaving retirement
- leave on the ground of permanent ill-health at any age

The scheme applies to all permanent employees. Part time employees will be paid at the same rate as full time employees.

Process and Administration of the Gift

Once an employee has given notice of retirement, they will receive a retirement gift letter and form from the Human Resources team, which should be completed and returned to Human Resources who will raise an order requisition and send to procurement along with the completed gift form.

Human Resources will arrange with Procurement for the gift to be ordered and will produce a certificate to recognise the employee's retirement. This will be sent with a letter of recognition from the Chief Executive and Chairman of the Council, to be presented to the employee by their line manager.

In addition, retiring employees will be invited to attend the Chairman's Christmas lunch as a special thank you from the Chairman and Chief Executive.

The gift amount will come out of the employee's departmental budget. For any other information on the retirement gift, please contact Human Resources.

Monitoring

This policy will be reviewed annually by the Human Resources Team.

Policy Statement

West Lindsey District Council has a commitment to equal opportunities. It seeks to ensure that no potential or current employee receives less favourable treatment than another on the grounds of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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Part 1: Equality Impact Screening/Pre-Assessment*

Name of Policy/Function/Strategy to be assessed: Retirement Policy	Section/Directorate: HR
Name of person responsible for assessment: Michelle Thompson	Date of Screening: 6/6/23
Policy Aims	
<p>What is the purpose of the policy/function/strategy? What are its intended outcomes?</p> <p>This policy sets out the procedure for Retirement at West Lindsey District Council (WLDC). This policy does not form part of your contract of employment.</p> <p>The policy applies to employees of WLDC. It does not apply to contractors or consultants external to the council.</p> <p>WLDC recognises the contribution of a diverse workforce, including the skills and experience of older employees and does not operate a compulsory retirement age for employees. WLDC believes that employees should, wherever possible, be permitted to continue working for as long as they wish to do so.</p>	
<p>Who are the main stakeholders in relation to the policy/function/strategy?</p> <p>HR, Management Team, Officers, Cllrs, Unions</p>	
<p>Do the identified stakeholders stand to be positively or negatively affected by the policy/function/strategy?</p> <p>Positively as it sets out guidance and standards</p>	
<p>Does this policy/function/strategy support the Council's stated equality objectives? (see overleaf.) Does it serve to impede them? Please explain.</p> <p>Yes transparent in how the policy is used in regard to potential/flexible retirement</p>	
Preliminary Impact Assessment	
	Yes No Unsure
1. Will this policy or function have an impact on:	
a. How services are delivered to the public?	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
b. Human Resources Policies?	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
2. Have any aspects of your policy/strategy already been covered by other EIAs?	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

* Part 1 should be completed by the Lead Officer and signed by the Service Manager. Refer to the [Internal EIA Guidance](#) for more information on what EIAs are, why they are important, when they should be completed, who should be involved, and how they should be done.

a. If yes, please indicate which ones and the dates. Also indicate which new/additional aspects would be covered under this EIA.

Retirement Policy EIA June 2010

If you answered Yes or Unsure for question1 please proceed to Part 2 of the EIA, which is to be completed with a small team of people.

Otherwise, if you are satisfied that there would be no additional benefit to completing a full impact assessment (noting that many issues with no apparent relevance may have hidden impacts) then please have your Service Manager sign and date this sheet to indicate that the EIA has been fully completed at this stage.

Manager's Signature:



This document may be published on the website

Equality Objectives

1. Review Corporate Plan and Equality objectives to ensure links are clear and objectives are evidence based
2. Ensure that all our staff, elected members and volunteers are aware of our responsibilities under the Equality Act 2010 and the Public Sector Equality Duty
3. Engage our communities to participate in the determination of our priorities and decision making
4. Ensure we are transparent in decision making

Part 2: Equality Impact Assessment*

Identifying Potential Equality Issues

Use the information in Part 1, any other supporting documents, and the questions below to aid the group's discussion on the presence of potential equality issues.

- What do you know already about equality impact or need?
- Is there any indication that particular features of this policy/function will create problems for specific groups?
- Is there any indication that particular features of this policy/function will benefit specific groups or advance equality between different groups of people?

Evidence†

It is difficult to achieve an effective EIA without good evidence. Answer the questions below about the evidence relating to the project/policy/function.

What are the existing sources of evidence and mechanisms for gathering data?

Payroll system
External benchmarking
Legislation

Is there any evidence that different groups have different needs, experiences, issues and priorities in relation to the particular policy or function?

We have no evidence to suggest there is or there isn't as we have not monitored anything other than age. More work is needed to gather this data.

Is there any evidence, or other reason to believe, that there is a higher or lower level of participation or uptake among different groups?

65+ have the higher take up

* Part 2 should be completed by the Policy/Project Lead with the help of a team of people invited to assist.

† See the "Evidence Collection and Data Use" section of the [Internal EIA Guidance](#).

Does this policy/project impact a particular area of the District? Have there been any demographic changes or trends locally?
 No this is for all staff

Is there any informal feedback from managers, staff or voluntary organisations?
 Feedback from Management Team, Unions (Unison, GMB), JSCC and CP&R.

Are there gaps in the data or our knowledge? What further evidence is needed to understand the impact upon equality?
 Gaps could show the disabled for example might use the policy differently. Data to be gathered on those who use the policy and any associated protected characteristics.

Impact			
Based on the identification of potential equality issues and the supporting evidence, the team can try to determine the impact of the policy/project/service/function on different groups.			
Does the data show different impact upon different groups?			
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
If yes, which groups are affected?			
Group	May particularly benefit	May adversely impact	No impact anticipated
People from different ethnic groups	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Women	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Men	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Maternity/pregnancy impact	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disabled people or carers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People from different faith groups	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lesbian, gay or bisexual people	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older or younger people	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People in rural locations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Married people or people in civil partnerships	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Group cont'd	May particularly benefit	May adversely impact	No impact anticipated
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please explain the potential benefits or adverse impacts listed above.

Recommendations

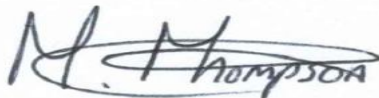
Please select a recommended course of action and, where appropriate, explain your choice.

- No major change needed
- Adjust the policy
- Adverse impact but continue
- Stop and remove the policy

Future actions:

How the data can be updated and used to identify any particular groups the policy may impact.

Lead Signature:



Date‡:08.06.23

‡ What happens next? – See the “Understanding the EIA process” section of the [Internal EIA Guidance](#).

WEST LINDSEY DC RETIREMENT POLICY AND PROCEDURE SUGGESTED CHANGES

page / para	Change made	Rationale
2/0	Added policy purpose and scope	Good practice
2/1&2	Reworded original introduction to read in a more positive and supportive way	WLDC recognises the contribution of a diverse workforce, including the skills and experience of older employees and does not operate a compulsory retirement age for employees.
	<p>Stated types of retirement and a definition of each upfront. Made reference to LGPS as the council's occupational pension scheme</p> <p>Clarified that employees may draw state pension under current legislation and continue working</p> <p>Clarity that early retirement is before age of 65/67 and after 55</p> <p>Added wording for clarity</p> <p>Referred employees to pension administrators for individual queries</p>	<p>Clarity and ease of reading and corrections on retirement ages For clarity – although if WLDC has any TUPE'd employees who are not eligible for LGPS this should be amended back to occupational pension scheme</p> <p>For clarity</p> <p>These are the LGPS potential ages dependent on how long and which LGPS scheme employees may be in</p> <p>The employer must give consent for an employee to flexibly retire as there may be a cost to the council depending on their age and length of service.</p> <p>To future proof policy and ensure matters of pension entitlement are kept separate from this retirement policy</p>
3 / 3-9	<p>Simplified procedure</p> <p>Added early no obligation discussion with line manager about retirement plans and option for phased retirement</p> <p>Added "if necessary " before taking independent financial advice</p>	<p>Current document has duplication i.e. completion of the form / meeting with employee</p> <p>Future planning for both employee and manager allows exploration of potential for phased retirement at an early stage before formal notice of retirement</p> <p>Current policy reads as a independent financial advice is a "must" when it is simply advisory</p>
3	Gifts and rewards	

3/1-4	Amended to say it is when someone is retiring and drawing pension	<p>Consideration - I wonder if you might want to reconsider this policy and perhaps replace it with a long service gift policy as its unclear what criteria a person has to fulfil to get the £8.08 for each year of service other than "retiring" I would assume it is when someone leaves WLDC and draws their LGPS pension or if not in LGPS is eligible for state pension (so I have clarified this) for clarity and to future proof you may have people moving forward who choose not to be in LGPS.</p> <p>Equally with changing working patterns you may employee people who are already drawing state or other occupational pension from another employer who are joining WLDC as "final" career move and who decide to retire</p>
	Simplified procedure for gift	
3/5-7	Death in service payment removed from retirement policy	<p>Not appropriate to include as not part of retirement as it could apply to any employee at any age – if this is a contractual term it is hopefully already in contracts – if not you may have a death in service procedure which is not published and held by the HR team which could include this such procedure typically cover:</p> <p>Informing team members / wider organisation / any support for team members / time off to attend funeral</p> <p>Arrangement for letter of condolence from WLDC</p> <p>Contacting pension scheme so they can let the next of kin know what arrangements are in place</p> <p>If not a written procedure you may have a standard letter of condolence from the organisation to the next of kin which could include this provision</p>

CP&R Committee workplan (as at 30 August 2023)

Purpose:

This report provides a summary of reports due at upcoming meetings.

Recommendation:

1. That Members note the contents of this report.

Date	Title	Lead Officer	Purpose of the report	Date First Published
CORPORATE POLICY & RESOURCES				
7 SEPTEMBER 2023				
7 Sep 2023	Amendments to JSCC Terms of Reference	Ele Snow Senior Democratic and Civic Officer	To consider amendments to the JSCC Terms of Reference	
7 Sep 2023	Retirement Policy	Michelle Thompson, Human Resources Manager (Temporary)	This policy has been reviewed and requires sign off for the suggested changes.	
7 Sep 2023	Review Lone Working Policy	Michelle Thompson, Human Resources Manager (Temporary)	To review and agree the updated changes to the Lone Working Policy.	
7 Sep 2023	Review of the Disciplinary Procedure	Michelle Thompson, Human Resources Manager (Temporary)	To review the current Disciplinary procedure.	
7 Sep 2023	Market Street Renewal - Share Purchase Agreement	Emma Foy	Proposed options for future ownership of the properties currently held by the Council's Joint Venture Company Market Street Renewal Limited.	

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7 Sep 2023	Cinema and leisure scheme funding update	Emma Foy	To provide an update on the tendered costs of the proposed cinema and leisure scheme as part of 'Thriving Gainsborough 2024' and recommend a revised funding schedule as a result of inflation and other cost pressures.
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21 SEPTEMBER 2023

21 Sep 2023	Private Rented Sector Housing - Proposals	Andy Gray, Housing & Environmental Enforcement Manager	To present initial proposals for delivering the preferred options for improving standards in the PRS.
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21 Sep 2023	<p>Levelling Up Fund Public Realm Options –</p> <p>It is proposed this move to a additional meeting on 12 October – as per SGS email. – response awaited</p>	<p>Sally Grindrod-Smith, Director Planning, Regeneration & Communities, Amy Potts, Programme Manager, Matthew Snee, Project Officer</p>	<p>A report detailing the business case and options for Public Realm interventions (Market, Park and Pocket Park) for member approval following on from recommendation in report from 1st June 2022.</p>	26 September 2022
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21 Sep 2023	Bid for Waste and Cleansing Contract – Lincoln City	Ady Selby, Director - Operational & Commercial Service
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21 Sep 2023	Review of RIPA Policy	Jeanette McGarry, Assistant Director People & Democratic Services	To seek approval of the updated RIPA Policy
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21 Sep 2023	LEAD	Veronica Edwards, Senior Homes, Health & Wellbeing Officer
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21 Sep 2023	Additional Information requested from Leisure Provider prior to signing of Deed of variation – information only item	Emma Foy		
12 OCTOBER TBC				
9 NOVEMBER 2023				
9 Nov 2023	Mid-Year Treasury Update 2023/24	Peter Davy, Financial Services Manager (Deputy Section 151 Officer)	This report provides the Mid-Year update for Treasury Management Indicators in accordance with the Local Government Act 2003	
9 Nov 2023	Progress and Delivery Quarter Two (2023/24)	Claire Bailey, Change, Projects and Performance Officer	Progress and Delivery Quarter Two (2023/24)	
9 Nov 2023	Body Worn Video Policy	Grant White, Enterprising Communities Manager	To approve updated Body Worn Video Policy.	11 January 2023
9 Nov 2023	Budget and Treasury Monitoring - Quarter 2 2023/204	Sue Leversedge, Business Support Team Leader		
9 Nov 2023	Digital ICT Vision	Nova Roberts, Director of Change Management, ICT & Regulatory Services		
9 Nov 2023	Launch of Customer Experience Strategy	Lyn Marlow, Customer Strategy and Service		
9 Nov 2023	Proposed Fees and Charges 2024/2025 (will include any recommendations for PC re Garden waste on 11/12)	Sue Leversedge, Business Support Team Leader		
	Replacement of the Contact centre	Lyn Marlow, Customer Strategy and Services Manager	The report discuss the need to replace the current contact centre with one that provides customer with a choice about how they wish to contact the council,	

using supporting technology to enable us to deal with more enquiries and the ability to using chat and social media as a way of receiving and dealing with customer enquiries

19 DECEMBER 2023

19 Dec 2023	Annual Review of Reserves 2023	Peter Davy, Financial Services Manager
19 Dec 2023	Council Debt Write Offs 2023/24	Alison McCulloch, Revenues Manager
19 Dec 2023	Council Tax Empty Homes Premiums 2024/25	Alison McCulloch, Revenues Manager
19 Dec 2023	Local Council Tax Support Scheme 2024/25	Alison McCulloch, Revenues Manager

Agenda Item 8a

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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