



**Worcester**  
CITY COUNCIL



# Policy Handbook



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# **INTRODUCTION**

This Policy Handbook should be read in conjunction with the Employee Handbook.

This is your personal copy and it provides you with the Council's employment policies which you should read over the coming months.

Replacement pages will be issued from time to time to enable you to keep your handbook up to date.

If there is anything you wish to discuss further you can contact the Personnel Section on extension 2043 or 2041.

## **Worcester City Council Equal Opportunities Policy - General Statement**



Worcester City Council is an Equal Opportunities Organisation. It is committed to equality of opportunity for both its customers and its employees. This means that Council services and employment opportunities are equally available and accessible to all. The Council has overall responsibility for the implementation of this policy.

The aim of our policy is to ensure that no job applicant, employee or customer is discriminated against on the grounds of sex, sexual orientation, gender reassignment, disability, race, colour, age, nationality, marital status, parental status, caring responsibilities, hours of work, political or religious belief, trade union activities, ethnic or national origins or is disadvantaged by conditions or requirements which cannot be shown to be justified.

Employment selection criteria and procedures are frequently reviewed to ensure that individuals are selected, promoted and treated on the basis of their relevant merits and abilities. Equality of Opportunity, embedded within our procedures, is intended to ensure that all employees can compete on the same basis for promotion; and take advantage of personal development and training.

The Council has adopted the Disability Awareness Symbol and commits itself to taking positive steps in the employment of disabled people. It has an Access Officer, and Disability Discrimination Act Working Party to improve customer access through consultation.

The Council further recognises that the variety of cultures represented in Worcester serves to strengthen and enrich the life of the area. In 2002 it adopted its Race Equality Scheme as required by the Race Relations Amendment Act 2000. This will now form an active part of the Equality Standard for Local Government to which the Council committed in 2003. The Council buys in a local interpretation service to support its customer service to non-English speaking citizens and employees.

In order to further develop its Equal Opportunities Policy, the Council will monitor and review annually its progress both in employment and service delivery. It will consult its stake-holders and change its practices to improve performance impact on groups indicated as disadvantaged. It is the responsibility of every employee to seek to ensure the practical application of this policy.

## **Procedure for Duty to Consider a Request to Work Beyond 65**

### **1. Introduction**

- 1.1 The Council's normal retirement age is 65. However, under the 'Employment Equality (Age) Regulations 2006' an employee can request to work beyond 65. Under Schedule 6 of the Regulations the Council has a legal duty to consider this request.
- 1.2 Retirement will not constitute unfair dismissal if it is at or after age 65 and the employer has followed this 'duty to-consider' procedure.

### **2. Intended Retirement Process**

The Council has to follow a statutory process for notifying employees of their forthcoming retirement. This must happen when any employee is nearing age 65 or any previously agreed extension to the retirement date.

- 2.1 Personnel will notify the employee in writing at least six months (but no more than 12 months) in advance of the date on which it intends the employee to retire. (This is necessary even if contracts or policies already state the retirement date.)
- 2.2 It will inform the employee in the letter that they will have the 'right to request' to work beyond the retirement date.
- 2.3 An employee who wishes to continue with their intended date of retirement should notify their manager by completing and returning the attached form (see Appendix 1).

### **3. Working beyond 65**

Any employee who wishes to continue working beyond age 65 may request that their employment continue indefinitely, for a stated period or until a stated date:

- 3.1 The employee's request to continue working must be made in writing using the form in Appendix 1 no less than three months but not more than six months before the intended date of retirement.
- 3.2 The manager must arrange to meet with the employee to discuss the request. The meeting must be held within a reasonable period of the request being received. Both should make every effort to attend the meeting. It is advised that the manager makes notes of the meeting and issues the employee with a copy.
- 3.3 A colleague, who can put the employee's case and confer with the employee during the meeting, may accompany the employee to the meeting. However, they should not answer questions that are put to the employee.

- 3.4 Although the employee can seek to continue to work beyond the age of 65 for an 'indefinite' period, it is up to service managers to agree to this or whether they would prefer the employee to continue working for an agreed period of time, for example one year. The employee is entitled to appeal this decision, as per paragraph 3.9 below.
- 3.5 Following the meeting, the manager will inform the employee verbally of the decision.
- 3.6 If the manager agrees to the employee continuing to work beyond age 65, they should inform the Personnel Section in writing of the new intended retirement date. Personnel will write to the employee confirming the date and amend their contract of employment accordingly.
- 3.7 If the manager does not wish the employee to continue working beyond 65, they should inform the Personnel Section in writing then the employee should be notified by Personnel in writing that the retirement would take effect on the intended retirement date.
- 3.8 The employee must be told that they have a right of appeal against the decision as per paragraph 3.9 and that a colleague may accompany them to the meeting to consider their appeal.
- 3.8 If the employee decides to appeal they must inform the Personnel Officer, in writing, setting out the grounds for the appeal, as soon as is reasonably practicable.
- 3.10 The Appeal will be held by a Members Panel in accordance with the normal appeals procedure. Following the appeal it will inform the employee of the final decision, in writing.
- 3.11 The age regulations do not require the Council to give a reason for refusing the employee's request to work on. But practically, it may wish to discuss the circumstances around the decision.
- 3.12 An employee can make only one request to carry on working beyond an intended retirement date. However, if the request is granted and a new intended retirement date is established, it becomes possible to make a further request to carry on working beyond that revised date.
4. Further extensions

The 'duty to consider' procedure will have to be followed every time the employee is nearing their intended date of retirement. Therefore, if the manager has agreed that they can continue to work and they have been given a new intended date for retirement, the procedures set out above must be followed for each intended date of retirement. (See flowchart attached at [Appendix 2](#), for ease of reference.)

5. Pension arrangements

Employees contributing to the Local Government Pension Scheme will qualify under the pension scheme regulations for a pension once they reach retirement age. The normal retirement age under the LGPS is 65 and if the employee retires at that age an unreduced pension can be taken based on years of scheme membership.

View the legislation on <http://www.opsi.gov.uk/si/si2006/draft/20064266.htm>

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**Appendix 1**

**REQUEST TO WORK BEYOND 65**

Name:	
Division/section:	
Date of Birth:	

**PLEASE TICK ONE BOX, BELOW:**

1. I do not wish to continue working beyond the age of 65 and I will be retiring on \_\_\_\_\_, the day before my birthday.

2. Under Paragraph 5 of Schedule 6 of the Employment Equality (Age) Regulations 2006 I am applying to continue working beyond the age of 65 and I would like to continue to work on my current working arrangements: -

 Indefinitely Until \_\_\_\_\_ (please specify a date) or For a period of \_\_\_\_\_ months (please specify)

2. I am applying to continue working beyond age 65 and I would like to change my working arrangements (you will also need to complete form (FWA)):-

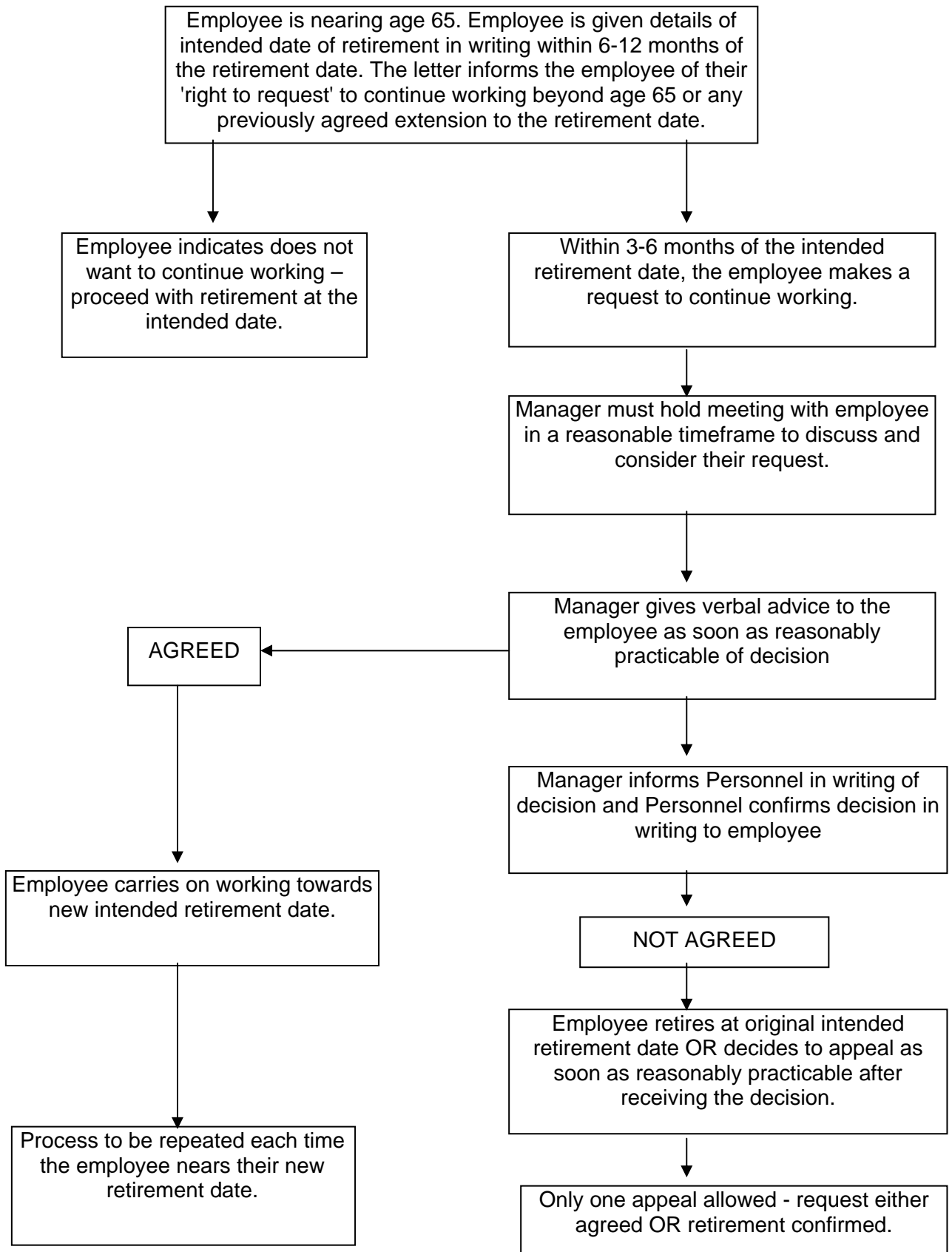
 Indefinitely Until \_\_\_\_\_ (please specify a date) or For a period of \_\_\_\_\_ months (please specify)

Signed:	
Dated:	

**PLEASE RETURN THIS FORM TO PERSONNEL NO LATER THAN 3 MONTHS BEFORE YOUR 65<sup>TH</sup> BIRTHDAY/RETIREMENT DATE**

**Appendix 2**

**FLOWCHART FOR THE PROCESS OF INTENDED RETIREMENT AND EXTENDED WORKING**



## WORCESTER CITY COUNCIL

### CODE OF CONDUCT

#### INTRODUCTION

The public is entitled to expect the highest standards of conduct from all employees who work for local government. This Code outlines existing laws, regulations and conditions of service and provides further guidance to assist the City Council and its employees in their day-to-day work. The Code is produced in the light of the challenges that employees face in the new and more commercially orientated environment. This includes the introduction and extension of compulsory competitive tendering (CCT), market testing and Best Value.

#### STATUS OF THE CODE

The aim of the Code is to lay down guidelines for local government employees which will help maintain and improve standards and protect employees from misunderstanding or criticism.

#### WHO THE CODE IS AIMED AT

The Code applies to all Worcester City Council's workforce. Employees must ensure that they are aware of its contents.

#### 1. STANDARDS

1.1 Local government employees are expected to display the highest possible standard of service, and where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality.

#### 2. DISCLOSURE

2.1 It is generally accepted that open government is best. The law requires that some information is, by its nature, available to members, auditors, government departments, service users and the public, e.g. tourist information. All other information is normally confidential and must not be disclosed without the consent of senior management.

2.2 Employees should not use any information obtained in the course of their employment for financial gain, nor should they pass it on to others who might use it in such a way.

#### 3. POLITICAL NEUTRALITY

3.1 Employees serve the authority as a whole. It follows they should serve all councillors and not just those of the controlling group, and ensure that the individual rights of all councillors are respected.

3.2 Heads of Service may, if requested, attend meetings of any political group provided that a similar facility is afforded to all political groups. Other employees should not be required to advise political groups, or be required to attend meetings of any political group, but may if requested accompany their Head of Service or another Head of Service attending the meeting.

- 3.3 Employees must follow every lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.

#### 4. RELATIONSHIPS

Employees are responsible to the authority through its senior managers. For some, their role is to give advice to councillors and senior managers and all are there to carry out the authority's work. Mutual respect between employees and councillors is essential to good local government.

##### 4.2 The Local Community and Service Users

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community in accordance with the policies of the authority.

##### 4.3 Contractors and Suppliers

- 4.3.1 All known relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager.

- 4.3.2 Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

#### 5. APPOINTMENT AND OTHER EMPLOYMENT MATTERS

- 5.1 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a personal relationship outside work with him or her.

- 5.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.

#### 6. OUTSIDE COMMITMENTS

- 6.1 No employee may do any private work or engage in other employment which might conflict with the Council's interests. Employees above Scale 6 must obtain formal approval from their Head of Service to undertake any outside employment.

#### 7. PERSONAL INTERESTS

- 7.1 Employees should declare to their appropriate manager any financial or non-financial interests that they consider could bring about conflict with the authority's interests.

- 7.2 Employees should declare to their appropriate manager membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

Any declaration should be recorded on the personal file.

## 8. EQUALITY ISSUES

- 8.1 All employees should be aware of the Council's Equal Opportunities Policy and ensure that policies relating to equality issues as agreed by the authority are complied with in addition to the requirements of the law. The local community, customers and employees have a right to be treated with fairness and equity.

## 9. SEPARATION OF ROLES DURING TENDERING

- 9.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 9.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 9.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 9.4 Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.
- 9.5 Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

## 10. CORRUPTION

- 10.1 Employees must be aware that it is a serious criminal offence for them corruptly to receive any gift or inducement (in this section these terms include loans, fees, rewards, any advantage whatsoever) for doing or not doing any thing or showing favour or disfavour to any persons in their official capacity.
- 10.2 Where any gift or inducement is offered, employees of the Council should, if possible, refuse it. If it is not possible to refuse the gift, e.g. where such an item is left for the employee without being offered or posted, it should be returned to the person who sent it. In either case the Head of Service should be informed.

10.3 However, an employee may accept insignificant gifts.

- (a) which are unrelated to the award of a contract or order or any decision by the Council or its employees or never likely to be so related, and
- (b) which a reasonable person would not regard as having been given as an inducement or reward.

If the employee is in any doubt they should consult the appropriate Manager.

## 11. USE OF FINANCIAL RESOURCES

11.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the authority.

## 12. HOSPITALITY

12.1 When accepting hospitality employees should be particularly sensitive as to its timing in relation to decisions which the authority may be taking affecting those providing the hospitality.

12.2 Acceptance by employees of hospitality through attendance at social or sporting functions or relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the authority gives consent in advance and where the authority is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, employees should ensure that the Council meet the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions, unless otherwise agreed in advance.

## 13. SPONSORSHIP - GIVING AND RECEIVING

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

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

## 14. BREACHES OF THE CODE

Any breach of this Code of Conduct may be dealt with under the Council's Disciplinary Procedure.

Contacts: - Carol Brown  
Head of Performance, Innovation and Efficiency telephone 722040

April 1996

## WORCESTER CITY COUNCIL

### DISCIPLINARY RULES

#### GENERAL

1. The disciplinary rules applicable to employees are set out below. Any breach of these rules will render an employee liable to disciplinary action and will be dealt with according to the disciplinary procedure.
2. The list of rules has been drawn up in consultation with Trade Union/employee representatives. It is neither exhaustive nor exclusive but is intended to ensure that all employees are aware of the standards of conduct etc. expected of them and of the consequences of failure to meet these standards.

Each case will be treated on its merits and the seriousness of any offence will depend on such considerations as the position held by the employee, the way in which the offence affects the employee's ability to carry out the duties of the post and whether or not the offence took place at work. (In addition, there may be mitigating or extenuating circumstances which need to be taken into account).

3. A distinction is drawn between gross misconduct and misconduct of a less serious nature. Gross misconduct implies an offence which is so serious that the authority is unable to tolerate the continued presence at work of the employee responsible. Therefore, gross misconduct will normally result in instant dismissal or suspension followed by dismissal. Misconduct of a less serious nature would not result in dismissal for a first offence.
4. These rules cover breaches of discipline. However, where an employee's capability or performance fail to reach the standard expected, it would be appropriate to use the disciplinary procedure to deal with the matter.

#### RULES

##### ALL EMPLOYEES MUST:

1. Comply with the provisions of the appropriate Scheme of Conditions of Service as supplemented by local agreements.

Particular note should be taken of the following provisions:

Para 10, part 2 and para 4, part 3	Sickness payments, with particular reference to notification and certification of absence due to sickness and conditions relating to payment of benefit.
Para 12 and 13, part 2 and para 6, part 3	Travelling and subsistence, particularly conditions under which motor car allowances are granted.
Para 2, part 2	Official Conduct and the locally agreed Code of Conduct.

2. Apply themselves diligently to their work and meet a satisfactory standard of performance.
3. Deal with other employees and members of the Council and the public in a polite and helpful manner.
4. Wear any protective clothing etc. in accordance with the Health and Safety at Work etc. Act 1974 specifically provided by the Council.
5. In the case of any sickness or injury absence, authorise the Council on request to obtain further information through the Health Authority and to submit to any medical examination required by the Council.
6. Not commit, or be directly involved in any type of misconduct. Some examples of misconduct are as follows:
  - a) Endangering Health and Safety (e.g. when employees jeopardise the health and/or safety of themselves, other employees or the public).
  - b) Insubordination (e.g. when an employee is insubordinate by work, act or demeanour).
  - c) Abuse of authority (i.e. when an employee's conduct towards a fellow employee or a member of the public is oppressive or abusive).
  - d) Absence from duty (i.e. when an employee:
    - (i) without sufficient cause, is absent from duty or is late for duty or other attendance; or
    - (ii) has an excessive amount of sickness absence, particularly without doctor's statements; or
    - (iii) without permission or sufficient cause leaves the place of work).
  - e) Neglect of duty (e.g. when employees:
    - (i) without sufficient cause fail to discharge satisfactorily the obligations which statute or their contract place upon them; or
    - (ii) by carelessness or neglect suffer any loss, damage or injury to occur to any person or property; or
    - (iii) fail to report any matter which is their duty to report; or
    - (iv) fail to make an entry which it is their duty to make, in any book or document; or
    - (v) fail properly to account for, or to make a prompt and true return of, any money or property which comes into their possession in the course of their duties.

- f) Unauthorised employment (e.g. engaging in other employment during hours when contracted to work for the authority or during sickness absence or engaging in employment during off-duty hours which is detrimental to the interests of the authority).
- g) Falsehood (e.g. when an employee:
  - (i) knowingly or through wilful neglect makes any false, misleading or inaccurate oral or written statement or entry in any record or document made, kept or required for the purposes of the authority; or
  - (ii) has knowingly or through wilful neglect falsified any information used in support of an application for any post in the employment of the authority).
- h) Misconduct in relation to official documents (e.g. when an employee without sufficient cause destroys or mutilates any record or document made, kept or required for the purposes of the authority, or alters or erases or adds to any entry in such a record or document).
- i) Improper disclosure of information (e.g. when employees without proper authority communicate to any person information which was given to them in confidence as employees of the authority).
- j) Corrupt or improper practice (e.g. when employees improperly use, or attempt so to use, their official position for their own private advantage or for the private advantage of some other person; private use of Council vehicles and the conveyance of unofficial passengers therein).
- k) Damage to authority property (e.g. when employees:
  - (i) wilfully or without due care cause any waste, loss or damage to any property of the authority, or fail to take proper care thereof; or
  - (ii) fail to report any loss of or damage to any such property issued to, or used by them or entrusted to their care).
- l) Conduct at work likely to offend decency.
- m) Sleeping on duty (except when expressly permitted).
- n) Criminal conduct (i.e. when an employee has been found guilty by a Court of Law of a criminal offence, having regard to the nature of the offence and the employment).
- o) Discrimination against any employee or the public on grounds of sex, sexual orientation, disability, colour, race, age, nationality, marital status, political or religious belief, Trade Union activities, or ethnic or national origins or any other reason which cannot be shown to be justified.
- p) Being an accessory to a disciplinary offence (i.e. when an employee connives at or is knowingly an accessory to any offence against discipline).

- q) Neglect of health (e.g. when an employee, without sufficient cause, neglects to carry out any instructions of a medical officer appointed by the authority or, while absent from duty on account of sickness, commits any act or adopts any conduct calculated to retard return to duty).
- r) Unfitness to carry out the duties of the post due to being under the influence of drink or drugs (other than those which have been medically prescribed).
- s) Breaching the ICT Security Policy and User Guidance and its appendices, including Corporate Policy regarding the use of Personal Software and the Council's Internet Access Policy.

7. Not commit any act of gross misconduct. Some examples of gross misconduct are as follows:

- a) Theft or malicious behaviour resulting in damage, loss or destruction of property or money belonging to the authority or a third party.
- b) Assault or attempted assault or fighting.
- c) Fraudulent returns on bonus or time sheets, expense claims, accident reports or other documents.
- d) Disobedience to orders (i.e. when an employee without sufficient cause, disobeys or omits or neglects to carry out a lawful order (whether in writing or not), including failure to observe the operational regulations and standing orders of the employing Service Area), or Standing Orders relating to Contracts and Financial Regulations.
- e) Actions which seriously endanger health and safety.
- f) Sexual misconduct affecting employment.
- g) Acceptance of any illegal reward for the performance of official duties.
- h) Aiding and/or abetting the commission of an act of gross misconduct.

NOTE: The lists contained in Rules 6 and 7 are neither exclusive nor exhaustive, and in addition there may be other offences of a similar gravity which would constitute either misconduct or gross misconduct.

It should be noted that in certain circumstances, items under "misconduct" could be interpreted as "gross misconduct" and vice-versa.

8. In the case of any occupant of a politically restricted post under the Local Government and Housing Act 1989, the postholder must not:-

- a) announce or cause, authorise or permit anyone else to announce that they (the postholder) intend to be a candidate for election as a member of the House of Commons, the European Parliament or a Local Authority.
- b) act as an Election Agent or Sub-Agent for a candidate for election as a member of any of the bodies mentioned in a) above.

c) be an officer of a political party or of any branch of such a party or a member of any Committee or Sub-Committee of such a party or branch if the duties as such an officer or member would be likely to require the postholder: -

(i) to participate in the general management of the party or branch;

or

(ii) to act on behalf of the party or branch in dealing with persons other than members of the party or members of another political party associated with the party.

d) canvass on behalf of a political party or on behalf of a person who is or proposes to be a candidate for election to any of the bodies mentioned in a) above.

e) speak to the public at large or to a section of the public with the apparent intention of effecting public support for a political party.

f) (i) publish any written or artistic work of which the postholder is the author (or one of the authors) or any written work or collection of artistic works in relation to which the postholder has acted in an editorial capacity; or

(ii) cause, authorise or permit any other person to publish such a work or collection

if the work appears to be intended to effect public support for a political party.

For the purposes of this rule unless exemption is obtained a politically restricted post is a post nominated as such in accordance with the above mentioned Act or a post in which the occupant is in receipt of a salary at a rate equal to or in excess of Spinal Column Point 44 of the salary scales applicable to Local Authorities employees.

## **WORCESTER CITY COUNCIL**

### **DISCIPLINARY PROCEDURE**

#### **INTRODUCTION**

The Procedure has been agreed by the Council and Employees Representatives to provide speedy, fair and effective arrangement for dealing with cases of failure by individual employees of the Council to meet standards of conduct or behaviour appropriate to their employment.

Both parties accept that the Procedure cannot precisely cover all circumstances that might arise, the key consideration in dealing with questions of discipline is that the procedure followed should satisfy the tests of reasonableness and equity.

#### **EMPLOYEES COVERED BY THE PROCEDURE**

This Procedure shall apply to all employees of the Council including those in temporary or part-time service, except:

- (a) Employees subject to the Conditions of Service agreed by the Joint Negotiating Committee for Head of Services of Local Authorities.
- (b) Probationary employees - in such cases the Head of Service is responsible for taking any disciplinary action and there is no right of appeal.

#### **TRADE UNION OFFICIALS**

No disciplinary action shall be taken against an employee who is a trade union officer or representative until the circumstances of the case have been discussed with a full time union official.

#### **ESSENTIAL FEATURES OF THE PROCEDURE**

1. Before any disciplinary sanction is decided upon, the employee must be informed of the nature of the complaint involved and given the opportunity of stating a case.
2. In applying this Procedure, the employee has the right at all times to be accompanied by, or represented by, a Trade Union or any other representative.
3. The employee shall be informed in writing of the disciplinary sanction imposed, together with the reasons for the imposition and informed also of how the right of appeal may be exercised.

#### **MANAGERS RESPONSIBLE FOR DECIDING ON DISCIPLINARY MATTERS**

Heads of Service are responsible for the maintenance of discipline within their own individual Service Area. Unless possible dismissal or relegation is involved a Head of Service may delegate authority for operating the Code to specific managers nominated within the Service Area. Authority must not be delegated below the level of Section Head.

## **PROCEDURE**

It may be necessary for a Head of Service to give an explicit verbal warning to an employee because the employee's conduct or behaviour fails to meet the appropriate standard. Where a verbal warning is given it shall be recorded and confirmed to the employee in writing.

A verbal warning is removed from an employee's record after one year.

## **SUSPENSION TO ENABLE INVESTIGATIONS TO BE MADE**

In cases where it is necessary to enable investigations to be made or where allegations have been made which throw doubt on the suitability of an employee to continue duties, the Head of Service may suspend the employee whilst the case is being investigated. Such suspension shall normally be at full basic pay but may be reduced after consultation with the appropriate Trade Union according to the nature of the misconduct or behaviour.

The Head of Service shall, as soon as practicable, and in any case within seven days, write to the employee concerned confirming the suspension and stating the reasons therefore. There is no right of appeal against suspension in these circumstances.

## **ARRANGEMENTS FOR EMPLOYEE TO STATE CASE**

Where, following investigation, the Head of Service of the employing Service Area considers that an employee may have fallen below the appropriate standard of conduct or behaviour, the employee concerned shall be informed of the charge involved and be given an opportunity to respond.

The employee has the right to be accompanied or represented by a Trade Union or any other representative.

If, during the course of an interview, information comes to light which requires other investigations to be carried out, the Head of Service shall have the right to adjourn the meeting to another day which may be agreed with the employee.

## **DECISION ON DISCIPLINARY ACTION**

After reaching a decision which is considered appropriate in the circumstances of the case following the investigation and hearing of the employee's representations, the Head of Service shall notify the employee of the decision in writing together with the reason for the decision. Such letter shall inform the employee of the right of appeal and how the appeal procedure may be followed.

In the event of it being adjudged that the employee is not blameworthy, all reference to any action taken will be expunged from the record and any pay withheld will be paid including any allowance or bonus etc.

## **DISCIPLINARY SANCTIONS**

Where the facts of the case call for formal disciplinary action, the Head of Service will consult the Personnel Officer and take one or more of the following forms of action depending on the seriousness or nature of the case (the employee will be notified in writing of whatever form of disciplinary action is taken and informed of the appeal arrangements).

- (a) A disciplinary written warning which will,
  - (i) set out the nature of the complaint.
  - (ii) state that the letter is intended as a warning within the Council's Disciplinary Procedure.
  - (iii) state the implications of the warning.

This may, according to the circumstances of the case, be a first, final, or first and final written warning.

A written warning is to be removed from an employees record after two years and a final written warning after two and a half years.

- (b) Withholding of annual increment in accordance with the Scheme of Conditions of Service, if applicable.
- (c) Suspension with or without pay for a specific period.
- (d) Relegation.
- (e) Dismissal.

Note: Normally, except in the case of gross misconduct (see below), first and/or final written warnings will have been issued before an employee is dismissed.

## **DISMISSAL**

Dismissal from the service of the Council can arise as a result of either of the following situations: -

- (a) Dismissal with notice

Where an employee's conduct, performance or attendance, at work or in circumstances which have a bearing on the employment with the Council, has been unsatisfactory over a period of time and has shown no substantial improvement despite written warnings setting out further implications for the employee if the prescribed standards are not met.

Wages or salary may be paid in lieu of notice.

- (b) Dismissal without notice

For an offence of gross misconduct of such a nature that the continued presence at work of the employee can no longer be tolerated by the Head of Service.

## **APPEAL**

An employee who wishes to appeal against any disciplinary sanction taken on behalf of the Authority may do so by letter addressed to the Chief Executive, Worcester City Council, Guildhall, High Street, Worcester to arrive within 10 working days of the date of the written advice of the disciplinary sanction.

Where the appellant wishes to call witnesses who are in the employ of the Council the appellant or the representative will notify the Personnel Officer who will inform the witnesses of the appellant's request and if they wish to attend make the necessary arrangements for them to do so. Such attendance shall be without loss of pay. In any appeal, the Appeals Committee may confirm, amend, or reject the disciplinary sanction.

If any disciplinary sanction is absolutely withdrawn, any written reference thereto shall be expunged from the employee's file and the employee shall be so notified. The decision of the Appeals Committee shall be final.

The procedure leading up to and at the hearing of the appeal will be as follows: -

- (a) The employee shall be given notice in writing at least ten working days in advance of the time and place of the hearing, and shall be allowed to be represented by a Trade Union representative or any other person and shall be enabled to call witnesses and produce documents relevant to the defence at the hearing.
- (b) The local authority's representative(s) shall put the case in the presence of the appellant and the representative and may call witnesses.
- (c) The appellant (or the representative) to have the opportunity to ask questions of the local authority's representative(s) on the evidence given, including that given by any witnesses called.
- (d) The Committee may ask questions of the local authority's representative and witnesses.
- (e) The appellant (or the representative) to put the appellant's case in the presence of the local authority's representative and to call any witnesses.
- (f) The local authority's representative to have the opportunity to ask questions of the appellant and the witnesses.
- (g) The Committee may ask questions of the appellant and the witnesses.
- (h) The local authority's representative and the appellant (or the representative) to have an opportunity to sum up their case if they so wish.
- (i) The local authority's representative and the appellant and the representative to withdraw.
- (j) The Committee (including Committee Clerk) to deliberate in private only recalling the local authority's representative and the appellant to clear points of uncertainty on evidence already given. If recall is necessary both parties are to return notwithstanding only one is concerned with the point giving rise to doubt.
- (k) The Committee to announce the decision to the parties personally and in writing.

## **Bullying & Harassment Policy** **1<sup>st</sup> January 2006**

The parties to this agreement fully support the right of all people to be treated with dignity and respect at work. They are committed to promoting a working environment free from all forms of harassment and bullying and agree that appropriate steps should be taken to achieve this.

Worcester City Council is aware that workplace bullying and harassment has a detrimental and negative effect on individuals and therefore operational efficiency. Workers can suffer fear, stress and anxiety which in turn can lead to illness, increased absenteeism, poor performance and even resignation. It has therefore resolved to create a working environment that supports the dignity of all workers and is free from bullying and any forms of harassment.

The workforce will be made aware of the Council's policy against the bullying and/or harassment of any worker by another worker and they must comply with this policy. Appropriate disciplinary action, including warnings and dismissal for serious offences will be taken against any worker who breaches this policy.

The Council also recognises that it has a responsibility to protect workers from bullying and harassment at work by members of the public. All workers have the right to be treated with respect by the public. Bullying and harassment of the workforce by members of the public will be dealt with in a separate policy.

### **WORKERS' AND MANAGEMENT RESPONSIBILITIES**

#### **Workers' Responsibilities**

All workers have a clear role to play in helping to create a climate at work in which bullying and harassing behaviour is unacceptable. In particular, workers should be aware of their own conduct, avoid colluding with and discourage inappropriate behaviour, comply with the policy and co-operate fully in any complaint procedure.

#### **Management Responsibilities**

It is the responsibility of Heads of Service, line managers and supervisors to comply with and implement the policy. They have a duty to:-

- (i) be aware of the various forms and effects of bullying and harassment and challenge, stop and prevent unacceptable behaviour in the workplace.
- (ii) draw the policy to the attention of workers and ensure understanding of their rights and responsibilities under the policy
- (iii) respond positively swiftly and appropriately within an agreed time limit to complaints that may arise in accordance with policy guidelines.

This policy is supported by, and has been developed with, the trade unions. It will be communicated to workers using a variety of methods including handbooks, posters, leaflets and training.

## **What is bullying at work?**

**Bullying** can be defined in many ways but it is generally behaviour that is identified as a misuse of power. It is usually persistent (ie more than a one-off incident), is offensive, abusive, intimidating, malicious or insulting behaviour, or unfair use of sanctions. It can make the recipient feel upset, threatened, humiliated or vulnerable and undermine self-confidence.

Bullying behaviour is largely identified not so much by what has actually been done but rather by the effect that it has on the target and others who witness bullying.

At its most extreme, bullying can be physical eg hitting, pushing, damaging or stealing personal possessions. This may, in some cases, constitute gross misconduct and must be dealt with under the disciplinary procedure. Examples of bullying covered by this Policy should include:

- persistently criticising an individual unnecessarily;
- shouting at colleagues in public or private;
- deliberate isolation by ignoring or excluding a person;
- withholding information or removing areas of responsibility or opportunities without justification;
- spreading malicious rumours, eg gossip, slander, letters etc;
- making inappropriate personal comments or derogatory remarks;
- blocking leave or training applications without reason;
- setting objectives with impossible deadlines with the deliberate intention of undermining an individual;
- deliberate misrepresentation of the views of senior management;
- undermining a person's self respect by condescending, patronising or threatening treatment that humiliates, intimidates or demeans;
- making 'jokes', using offensive language and displaying offensive material, eg pictures, posters, graffiti, flags etc;
- physical contact ranging from touching to serious assault;
- pestering, spying or following;
- coercion ranging from pressure for sexual favours to pressure to participate in political/religious groups, Trade Unions.

This list of examples is not an exhaustive list but included for illustrative purposes.

Legitimate and constructive fair criticism of a worker's performance or behaviour at work is not bullying or harassment. It is also recognised that an occasional raised voice or argument does not constitute bullying or harassment.

It is unacceptable to condone bullying behaviour under the guise of a particular management style. Effective management obtains results whilst ensuring that workers are treated with dignity and respect.

## **What is Harassment at work?**

Harassment can be defined as conduct which is unwanted and offensive and affects the dignity of an individual or group of individuals. Whether the harassment is intentional or not is irrelevant; the key point is that it is offensive.

As both bullying and harassment are linked to an abuse of power there are clear similarities between the two types of behaviour. Workers can be subject to harassment for a wide variety of reasons including: -

- (i) race, ethnic origin, nationality or skin colour
- (ii) gender or sexual orientation
- (iii) religious or political convictions
- (iv) willingness to challenge harassment, leading to victimisation
- (v) membership or non-membership of a trade union or other body
- (vi) disabilities, sensory impairments or learning difficulties
- (vii) status as an ex-offender
- (viii) age
- (ix) real or suspected infection with HIV/AIDS or any other disease or condition

This list of examples is not an exhaustive list but included for illustrative purposes.

However, there is an important difference between bullying and harassment in that harassment springs from discrimination. While harassment is often aimed at individuals on the above grounds it can also be a form of bullying. As many forms of discrimination are outlawed by specific legislation, it is important that cases of harassment are identified as such.

### **The Legal Position**

The Council has duties to ensure the physical and psychological health, safety and welfare of its workers under health and safety legislation. This includes assessing the causes of stress at work and introducing measures to reduce or prevent stress.

Harassment based on race, gender, sexuality or disability are serious employment issues and may be in breach of the Race Relations Act 1976, the Sex Discrimination Act 1975, the Disability Discrimination Act 1995, the Public Order and Criminal Justice Act 1994, the Protection from Harassment Act 1997 and/or Equal Opportunities Code of Practice.

Employers may be liable for the actions of their workers, whether or not they are carried out with the employer's knowledge or approval. This is in addition to the employee's individual liability for his/her own actions. Liability for harassment amounting to unlawful discrimination can only be avoided if it can be proven that appropriate preventative measures were taken to ensure that the offending acts were not committed.

Individuals complaining of racial or sexual harassment, or harassment on the grounds of disability may have direct recourse to the law through an Employment Tribunal. Whilst other forms of harassment may not be in breach of the law, they may contravene the employer's policy and as such are unacceptable and will be dealt with in accordance with this policy.

Any legal claims for bullying would be concerned with breach of contract and unfair dismissal. That is, that the failure by an employer to deal with bullying related issues may result in a fundamental breach of one of the following implied terms: -

- To keep workers safe from harm;
- To support and assist;
- Trust and confidence.

In addition, the Human Rights Act 1998 may also provide legal redress for complainants of harassment or bullying.

### **Contact Officers**

Worcester City Council recognises that there can be difficulties in raising the issue of bullying. The following are examples, but not an exhaustive list:

- If the immediate manager is doing the bullying.
- If the worker is reluctant or too embarrassed to raise the matter with their manager, or feel the manager may lack the skills, knowledge or sensitivity to deal with complaints of bullying.
- If the worker finds the prospect of using the formal complaints procedures intimidating

The Council is concerned to ensure that such potential difficulties are overcome and that allegations of bullying and harassment are raised so that they can be acted upon.

To help ensure this, specially trained officers – the Contact Officer – have been designated to deal with complaints of bullying and harassment and to offer advice to workers who believe that they or their colleagues have been bullied. They will be jointly selected by management and unions following volunteers from the workforce.

The main role of the Contact Officer(s) is to:

- Provide sympathetic assistance to workers with complaints of bullying and harassment.
- Explain to them how the procedures for making a complaint operate.
- Establish the main details of any complaint.
- Channel the complaint to the appropriate manager for action if the worker decides to take the matter further.

Contact Officers will discuss cases with the complainant in complete confidence and will not divulge information to any other person without the agreement and authorisation of the worker.

A worker who talks to a Contact Officer about bullying and/or harassment is under no obligation to take further action. The Contact Officer is there to help the worker decide what they want to do. Workers who have been bullied or harassed are not obliged to refer their complaints to Contact Officers; it is entirely up to them whether they do so. However, the nomination of Contact Officers is an additional means of ensuring that such workers are not discouraged from raising complaints.

A list of Contact Officers can be found in the Employee Handbook, on Notice Boards; the Intranet; Worcester Source.

### **Trade Union Representatives**

Trade union representatives are able to assist their members who have been bullied and/or harassed, including supporting them in taking complaints. Worcester City Council encourages all members who are concerned about bullying and/or harassment to speak to their trade union representatives.

The City Council will allow trade union representatives reasonable paid time off to attend union provided training courses on bullying and/or harassment.

The Council will support the union's activities on raising awareness and tackling the issue of bullying and/or harassment amongst their members.

The Council also recognises that stress at work, in general, contributes to the response to workplace bullying. In addition a stressed person may become a bully. The Council is committed to jointly agreeing with the trade unions ways of tackling work-related stress.

It will consult with the trade unions in good time over any proposals, for example on changes to staffing, job descriptions, tasks, workloads, hours, procedures on sickness and so on – that could increase the potential for stress or bullying at work.

The Council is committed to preventing any bullying, harassment or victimisation of trade union activists or members because of their trade union activities.

### **Complaints Procedure**

A worker can deal with bullying in various ways, ranging from asking the person to stop their bullying and/or harassing behaviour, to informal discussions with the Contact Officer, or to making a formal complaint. It is advisable for individuals to keep a diary (including dates and details of witnesses).

Some people are unaware that their behaviour in some circumstances is bullying or harassing. If it is clearly pointed out to them that their behaviour is unacceptable, the problem can sometimes be resolved. With this in mind, this policy includes informal as well as formal action to deal with complaints of bullying and/or harassment.

### **Informal Complaints Procedure**

1. If possible, a worker who believes that he or she has been the subject of bullying and/or harassment should, in the first instance, ask the person to stop the unacceptable behaviour and make it clear what aspect of their behaviour is offensive and unacceptable and the effect it is having. This can be done either verbally or in writing. If the bullied or harassed person feels unable to approach the person responsible directly, a trusted friend, colleague or trade union representative can make this initial approach on a strictly confidential basis.
2. If a worker is unable to adopt the above approach or the unacceptable behaviour continues, or the bullying and/or harassment is of a very serious nature, they can approach a Contact Officer who will provide informal advice in confidence. No further action will be taken without the consent of the worker making the complaint.

Confidential advice is also available from the Contact Officers to other workers who themselves may not be the subject of bullying and/or harassment but are concerned about the bullying/harassment of others.

## **Formal Complaints Procedure**

If informal action does not stop the bullying and/or harassing behaviour, or a formal complaint is made, the complaints procedure will be initiated and a formal report will be made to those listed in 1. below. Throughout this procedure, the complainant and the person against whom the complaint is made has the right to trade union representation or to be represented by a friend or colleague, and to seek informal advice from the Contact Officer. If the complainant does not wish to make a formal complaint they cannot be compelled to do so.

1. A worker who believes that he or she has been the subject of bullying should formally report, in writing, the alleged act to their line manager, the Contact Officer or Section Head. If the worker has difficulty writing support will be provided by the Contact Officer. In some cases the complainant may prefer to discuss the complaint, in the first instance, with a supervisor of the same sex, especially in cases of sexual harassment and this must be accommodated where possible.
2. All complaints will be handled and investigated in a timely and confidential manner within 5 working days. Confidentiality will be maintained at all times. Workers shall be guaranteed a fair and impartial hearing whether they are the alleged bully or the bullied/the alleged harasser or harassed. The Contact Officer and Section Head will be jointly responsible for ensuring a thorough investigation of the complaint.
3. As a first stage in the investigation, the Contact Officer (and Section Head) will arrange to interview separately both the complainant, and the person against whom the complaint has been made, with a representative if requested at a jointly agreed time.
4. The Contact Officer and Section Head will give a detailed response in writing to the complainant and the alleged harasser/bully.
5. If the investigation reveals that the complaint is upheld, prompt action designed to stop the bullying and/or harassment immediately and prevent its recurrence will be taken. The Personnel Officer should be consulted before any action is taken to help ensure consistency and fairness across the Council. In such circumstances, if relocation proves necessary, the alleged bully and/or harasser and not the complainant may be relocated unless the person complaining requests otherwise.
6. Where disciplinary action is considered necessary such action will be considered strictly in accordance with the Council's disciplinary procedure whilst recognising any potential conflicts of interests.
7. Workers shall be protected from intimidation, victimisation or discrimination for filing a complaint or assisting in an investigation. Retaliating against a colleague for complaining about or assisting in an investigation of bullying and/or harassment is a disciplinary offence.
8. Any decisions taken under this procedure do not preclude any worker from pursuing a grievance in the usual way under the grievance procedure.

9. The complainant and the alleged bully and/or harasser have the right to appeal to the Head of Service against the processing of a complaint, not the outcome, within 10 working days of the outcome of an investigation. The Head of Service must respond in writing to the complaint within 21 working days.
10. If a complaint is not proven the Council will be expected to provide support (including counselling) to all parties concerned to maintain the working relationship.

### **Information and Training**

Information and training about bullying and/or harassment and about this policy will be given to all workers, including supervisors, managers and new starters. This will include information on what constitutes bullying and harassment and, for managers, on what their responsibilities are and if complaints arise, how to deal with them effectively. Trade unions will be invited to speak at training sessions on bullying and harassment.

Contact Officers and the managers responsible for investigating complaints will be given initial training for this role and ongoing refresher training on a two year basis.

This policy on bullying and harassment will be published via training, leaflets, notice boards and the Policy Handbook.

The policy will also be brought to the attention of contractors, consultants and agency workers, who will be required to comply with the policy as part of their contract.

### **Support for Bullied and Harassed Workers**

The Council recognises that bullying and harassment can affect job performance and cause stress. Where bullying causes a deterioration in job performance, this will be treated as a health problem and the worker will be encouraged to seek help under the terms of this policy. There will be no discrimination against individuals suffering from bullying or from stress caused by bullying.

Access to independent and trained counsellors via Occupational Health will be available to all workers. This service will be strictly confidential between the counsellor and employee. No details or records will be disclosed without the written permission of those concerned.

Workers who have been bullied will be offered paid time off to attend counselling sessions. Contact details of counsellors will be posted on noticeboards, so that workers can make arrangements for counselling outside their working hours if they wish (this is for workers who do not want to ask for paid time off which would draw attention to their need for counselling).

### **Review and Monitoring**

This policy will be reviewed jointly by unions and management, on a regular basis. The initial review of effectiveness will take place six months after this policy comes into effect. Thereafter, reviews will be carried out at intervals of not more than 12 months.

**UNION CONTACT NAMES**

UNISON	Chris Luckham (extension 2569) and Bev Kittle (07734995616)
GMB	David Thorpe (extension 2089)
JCC	16 June 2005
P&GP	23 June 2005

## **WORCESTER CITY COUNCIL**

### **GRIEVANCE PROCEDURE**

#### **1. Introduction**

- 1.1 This procedure shall apply to all employees of the Council.
- 1.2 Every employee covered under the scope of this procedure has a right to raise any grievance related to their employment. The purpose of this procedure is to ensure that the complaints or concerns of employees are properly considered and resolved and that settlement of the grievance is achieved as near as possible to its point of origin. Therefore conciliation/mediation is a vital aim of this procedure. It is expected that both parties should follow the spirit of this aim.
- 1.3 In order to facilitate this it is accepted by both the Council and unions that until such time as the procedure is exhausted the status quo shall prevail and that the unions and their members shall refrain from industrial action of any kind in support of any matter being dealt with in accordance with this procedure until the procedure is exhausted.

#### **2. Grievances covered by the Procedure**

This procedure shall apply to:-

- 2.1 individual grievances i.e. a grievance of a current employee of the Council arising from an act or omission of the Council or its employees in relation to the individual's employment with the Council other than a grievance relating to:-
  - 2.1.1 any matters coming within the Disciplinary Procedure
  - 2.1.2 Income tax or social security matters
  - 2.1.3 the rules of a Pension scheme
  - 2.1.4 any matter relating to an employee's grade, rate of remuneration or other term or condition of service regulated by a collective agreement except where the grievance relates to the interpretation or application of a particular provision to an individual employee
  - 2.1.5 any matters relating to discrimination or any other form of harassment/victimisation which should be dealt with in accordance with the Council's Harassment Policy and Procedure.
- 2.2 Collective grievances i.e. grievances shared by particular groups of employees within a Service Area, which would otherwise constitute a number of individual grievances within paragraph 2.1 and where the matter under consideration is contained solely within that Service Area.

#### **3. Procedure**

The procedure for dealing with grievances shall be as follows:-

## **Stage 1**

The employee should discuss the grievance directly with his or her immediate supervisor. The supervisor shall reply orally as soon as possible and in any case within seven days.

## **Stage 2**

If the employee is not satisfied with the supervisor's response, then the employee shall either via his or her union representative or directly (if he or she is not a member of a union) set out the grievance in writing to the Head of Service. The Head of Service shall arrange for a meeting to take place to consider the grievance within ten working days of its receipt. The meeting shall involve the employee(s), his or her union representative (if appropriate), the supervisor and the Head of Service. Within three working days of the meeting, the Head of Service will write to the employee(s) giving the decision of the grievance and the reasons for it.

## **Stage 3**

Should the employee continue to be aggrieved in respect of the original complaint, he or she shall within ten working days, either via his or her union representative or directly (if he or she is not a member of a union) write to the Chief Executive setting out the reasons why he or she continues to be aggrieved. The Chief Executive shall arrange for a meeting to take place to consider the grievance within ten working days of receipt by him of the written grievance. The meeting shall involve the employee(s), the Union Branch Secretary and/or full time officer, the Chief Executive, the Head of Performance, Innovation & Efficiency and the Chair (or Vice-Chair) of the Employing Committee. The purpose of the meeting will be to explore via a round table discussion whether an agreed settlement of the grievance can be negotiated. In cases where the Chief Executive or Head of Performance, Innovation & Efficiency is also the aggrieved employee's Head of Service, the Chief Executive's or Head of Performance, Innovation & Efficiency's role in the meeting shall instead be undertaken by the Head of Governance & Corporate Support. Where the meeting reaches an agreed settlement, the Chief Executive will confirm details of this in writing to the employee(s) and his/her union within three working days of the meeting.

## **Stage 4**

If on completion of Stage 3, the employee or his/her union remain dissatisfied, he or she should so indicate in writing to the Chief Executive within 10 working days of the meeting referred to in Stage 3. The grievance will then be referred to be determined either by the Appeals Committee or a special panel comprising 3 members of it. The Appeals Committee shall have full power to determine any grievance and authorise any action which it considers necessary. The Panel shall announce its decision to both parties to the grievance upon completion of the hearing and shall confirm that decision in writing through the Head of Governance & Corporate Support.

4. **Conciliation/Arbitration**

The matter will end at employing authority level except where an important issue of principle arises and either party refers the matter for consideration through the existing Provincial Council conciliation machinery.

5. **Timescales**

The timescales set out in this document may be varied by mutual agreement for operational or availability reasons. Where no such agreement has been reached and the prescribed time limit has not been adhered to the employee(s) or their representative shall be entitled to proceed to the next stage in the procedure. The point at which the procedure is entered may also be varied as appropriate by mutual agreement of the union(s) and the Council.

Policy & Resources Committee 23.10.00  
Council 31.7.01

## **WORCESTER CITY COUNCIL**

### **HEALTH AT WORK STRATEGY**

#### **1. AIM**

The aim of this strategy is to promote the general health and well-being of the Council's workforce and to provide a working environment that is both safe and healthy.

#### **2. KEY PRINCIPLES**

**The principles underlying the strategy are:**

- that managers and the workforce work together to improve the way in which work is done and continue to develop a safe and healthy environment;
- to empower individuals by providing opportunities and information for them to review their lifestyles thereby enabling them to determine what actions to take to improve their health;
- the development, implementation and monitoring of policies to support the above.

**This will be achieved by the Council ensuring that:**

1. the health and well-being of the Council's workforce are priorities.
2. the health needs of the workforce are identified and priorities tackled.
3. workplace health is a co-ordinated and integrated part of strategic planning.
4. employment and management policies and practices protect and promote the health and well-being of the workforce.
5. by using fair and consistent management techniques/methods the workforce is physically and mentally able to work.
6. individuals have access to confidential support services.
7. the policies and practices of the Council support the aims of the Government's health strategies.
8. its health and safety policies and practices meet the requirements of current legislation.
9. opportunities for individual health initiatives are promoted.

**Policies to support the achievement of the Strategy will include:**

- clear statements on the scope of the policy;
- training and education to support the implementation, (where possible this should be integrated into the Council's development opportunities e.g. management training);
- where appropriate, practical procedural guidelines and training for managers to enable them to implement the policies;
- information for employees;
- the monitoring and evaluation of the policy outcomes.

**3. OBJECTIVES**

3.1 To promote the positive health and well being of all the workforce through the development and implementation of positive action on:

- Green/Environmental issues
- Lifestyle friendly policies
- Occupational Health Services/Counselling
- Management and Personnel Policies
- Organisational Change
- Substance Misuse
- Mental Health
- Smoking
- Healthier Eating
- Screening Services
- Regular Physical Activities

**This will be achieved by:**

- raising awareness of the initiative and providing information on "Health at Work" to all the workforce. This should include all new members of the workforce via Induction Courses;
- ensuring a comprehensive 'Smoke Free Environment' policy is in place;
- promoting sensible drinking and providing assistance for those reliant on alcohol
- providing advice and support on the prevention of substance misuse;
- introducing where possible access to physical activity programmes, and encouraging the workforce to be more active during leisure time;
- promoting positive mental health. Identifying and reducing sources of stress within the Council. Developing a system for early identification and support for those experiencing problems;
- providing opportunities for all the workforce to have time off for health checks and attend screenings and appropriate follow-ups;

- exploring the changes that can be made within the work situation, so that products and practices are environmentally sound, lifestyle friendly and, where possible, beneficial to employee's health;
- reviewing health, safety and welfare practices in light of current health and safety legislation and directives;
- developing management practices and monitoring systems across the organisation to support positive health practices;
- designing a training strategy to support healthy initiatives and reinforce health promoting behaviour.

3.2 To encourage managers to be proactive by providing them with information, support and opportunities to develop their skills thus enabling them to maintain a safe and healthy working environment.

**This will enable managers to:**

- review and monitor both working and health, safety and welfare practices;
- carry out regular workplace checks;
- ensure the provision of induction for employees new to the Service Area or to the job;
- handle sensitive issues at work eg alcohol-related problems.

**Providing managers with:**

- training and education to support the implementation of the strategy and policy
- the support of a "First-Line Listeners" Scheme.
- information on where to refer the workforce for help.

**4. POLICIES AND PROCEDURES**

This 'Health at Work Strategy' is supported by:

- Worcester City Council
- the Council's Performance Plan
- the Council's 'Health and Safety Policy';
- service areas' safety policies;
- corporate and service area procedures;
- Personnel Policies;
- Joint Consultative and Joint Safety Committees;
- Training and Development Strategy.

**Managers are responsible for:**

- ensuring that the workforce know what standards of work performance are expected of them: this includes safety standards and procedures;
- fostering an environment that encourages mutual support and team working;
- ensuring that the workforce know the risks associated with their jobs; are updated to ensure that associated risks are eliminated as much as possible, or at least minimised and that training is carried out to ensure they carry out their jobs safely.
- monitoring training outcomes;
- maintaining records of health and safety training;
- supporting Council wide initiatives that provide information on health at work issues/healthy lifestyles;
- working with the workforce to continuously improve the way in which work is done and continue to develop a safe and healthy work environment.

**Employees are responsible for:-**

- reflecting on their own performance and determining how they can continue to improve;
- maintaining health and safety standards by working within procedures, participating in training, and identifying and reporting potential risks and hazards.
- reflecting on their own lifestyles and making full use of information and services available to help promote their own well-being.

**4.1 Monitoring and Review**

A major part of this initiative will be to monitor and review the progress of the strategies, objectives, their impact and outcomes.

## WORCESTER CITY COUNCIL

### POSITIVE MENTAL HEALTH POLICY

#### 1. **GENERAL STATEMENT**

1.1 The Council is committed to promoting and maintaining good health and recognises the importance of positive mental health amongst its employees.

1.2 The Council recognises the stigma experienced by persons experiencing a mental health problem and will not tolerate any form of discrimination, inappropriate comments, jokes, name calling etc regarding mental health issues.

The Council acknowledges:

1.3 The effects of factors within the workplace that may cause unacceptable levels of occupational or organisational related ill health.

1.4 Its responsibility to identify both the causes and factors which may cause occupational or organisational mental ill health and to assess the level of risk involved.

1.5 Its responsibilities to take all reasonable and practicable steps to remove or minimise, identified risks.

#### 2. **PURPOSE**

2.1 The purpose of this Policy Statement is to identify suitable arrangements for ensuring that the Council fulfils its responsibilities to reduce and or minimise the risks and promote positive mental health within its workforce.

#### 3. **TRAINING**

In line with the Council's policy on training and development suitable arrangements will be put in place

3.1 Training for Managers (Those with responsibility for supervising employees) The Council recognises the importance of training its managers in order to encourage them to promote positive mental health within the workforce. The Council will provide training for managers aimed at ensuring:

3.2 That all managers are aware of their responsibilities for the promotion of positive mental health through their effective management of employees.

3.3 That all managers are able, to work towards reducing any stigma which may, be attached to any person with a mental illness.

3.4 Managers fully understand that employees who may already be experiencing a mental health issue will require reasonable and sufficient adjustments, in order to meet their work requirements.

3.5 Managers recognise the factors within the workplace which may give rise to occupational or organisational ill health, understand the need for suitable risk assessments and take relevant remedial action to remove and or reduce to a more acceptable level the adverse effect of these factors.

3.6 That managers are able to recognise factors at work affecting their own mental health and are aware of the techniques and skills required in effective control and management of such conditions.

#### 4. **TRAINING/ INFORMATION FOR EMPLOYEES**

4.1 The Council recognises the importance of providing employees with suitable and sufficient information and training in relation to coping with the potential adverse effects of mental ill health problems. The information given will target specific issues and potential causes of mental health problems and will aim at: -

4.2 Enhancing employee knowledge of the factors which may cause mental ill health and raise their awareness of the techniques and skills involved in effective health management.

4.3 Promoting and maintain positive mental health, promoting awareness of its policies and the need to actively work towards reducing the effects of any stigma which could be attached to any person with a mental health illness.

4.4 Informing employees how it can access individual support and how to make the most effective use of existing channels of communication.

4.5 Assuring employees that any disclosures in respect of any issue will not be disclosed to others.

#### 5. **COUNSELLING AND SUPPORT**

5.1 The Council is aware and fully recognises the importance and value of providing appropriate counselling and support to individuals and will promote and encourage employees to make full use of existing support arrangements.

5.2 All referrals will be dealt with in complete confidence.

5.3 Employees will be offered any relevant counselling.

#### 6. **SUPPORT GROUPS**

- The Employee Assistance Programme (EAP)  
**Telephone:** 0800 716 017
- Worcestershire Mental Health Network  
**Telephone:** 01905 724583  
[http://www.wedo.org.uk/Worcestershire\\_Mental\\_Health\\_Network.htm](http://www.wedo.org.uk/Worcestershire_Mental_Health_Network.htm)
- Personnel Services
- Managers
- Employee (Union) Representatives
- General Practitioner (GP)
- Other relevant agencies

Policy and Resources Committee 11 December 2000

**Revised/Reviewed 26 June 2007**

## WORCESTER CITY COUNCIL

### EFFECTS OF STRESS WHILE AT WORK

#### HEALTH and SAFETY at WORK etc. ACT 1974 MANAGEMENT of HEALTH and SAFETY at WORK REGULATIONS

#### POLICY STATEMENT

##### ***General Statement***

The Council is committed to promoting good health and recognises the importance of positive mental health amongst its employees

The Council recognises that whilst a degree of stress can be a positive force, excessive pressure can have a negative effect on health and on performance at work. Therefore the Council aim to provide suitable support mechanisms for employees, who may be suffering from the negative effects of stress

Through the risk assessment process, Local management will continue to identify hazards and assess all mental and physical risks to health, safety and welfare; with the objective of reducing them, as far as is reasonable and practicable

##### ***Arrangements for securing the Health, Safety and Welfare of employees***

The Council acknowledges that stress in the workplace can be caused by a combination of quite diverse factors. The Council also recognises that there may be problems outside of the workplace that will cause negative stress which in turn, may affect an employee's health and safety and general performance at work.

**Line Managers** will endeavour to -:

- Ensure, so far as is reasonable and practicable that excessive stress is eliminated from the work environment and that the necessary risk assessments are completed and acted upon in the case of workplace stressors.
- Provide suitable support mechanisms for employees suffering from the effects of negative stress
- Encourage a working environment, where an employee, who feel they may be suffering from the effects of negative stress, feel confident in approaching their line manager in order that the necessary support mechanism can be put in place.
- Maintain a clear and universal approach to managing attendance at work and to rehabilitating employees back to full and gainful employment.
- Line Managers will have the responsibility for ensuring that the provisions of this policy are met.

## **Employees**

The Council recognises the importance of providing employees with suitable and sufficient information in relation to coping with the potential adverse effects of negative stress. The Council will endeavour to provide information for all employees aimed at-:

- Enhancing employee awareness of the factors which cause negative stress and raise their awareness of the techniques and skills involved in effective "Stress Management"
- Promoting awareness of Policies/Procedures and encouraging employees to make use of existing confidential support arrangements.
- Encouraging a culture where stress is not seen as a sign of weakness or incompetence

## **Counselling and Support**

The Council recognises the importance and value of providing appropriate counselling and support to individuals by promoting positive mental health and by minimising the adverse effects of negative stress. All referrals will be dealt with in complete confidence. Employees will be offered any relevant counselling; help with stress reduction techniques, and a full appraisal of their work situation.

### ***SUMMARY POLICY STATEMENT***

- Provide training and guidance for all employees as appropriate
- Provide suitable and sufficient support mechanism for all employees suffering from the effects of negative stress
- Ensure so far as reasonable and practicable, that harmful stress is eliminated from the workplace

**WORCESTER CITY COUNCIL**

**EMPLOYEE ATTENDANCE POLICY**

**Effective Date 1<sup>st</sup> August 2006**

**1. INTRODUCTION**

This policy has been drawn up following consultation with the Trade Unions through the local Joint Consultative Committee. It cannot cover every circumstance that may arise but is intended to form a consistent basis on which to encourage employee attendance.

**2. OBJECTIVES**

High levels of attendance of employees is important to the Council in order to achieve its aims of delivering an efficient, effective and economical service, providing the customer with quality services and maintaining the morale of the workforce.

The objectives of this policy are therefore:-

- (1) to encourage employees attendance at work by keeping sickness absence to a minimum.
- (2) to maintain an involvement in the welfare of employees by encouraging the use of interviews and/or visits whereby employees' needs and concerns may be addressed
- (3) to ensure that employees are dealt with fairly and consistently across the Council.

**3. PERSONS TO WHOM THIS POLICY APPLIES**

This policy applies in respect of all Council employees.

**4. MANAGEMENT'S RESPONSIBILITIES**

All Line Managers must

- (1) Encourage attendance
- (2) Record information on and identify the causes of absence
- (3) Follow the Procedure for Monitoring and Control of Sickness Absence as set out in [Appendix 1](#)
- (4) Complete the required forms as set out in [Appendix 3](#) and [Appendix 4](#)

## **5. EMPLOYEES' RESPONSIBILITIES**

All employees must

- (1) Follow the Sickness Procedure as set out in [Appendix 2](#)
- (2) Attend a Return to Work Discussion on return to duty
- (3) Attend a formal sickness monitoring interview to discuss absences when requested by their Line Manager.

## **6. GENERAL**

In operating this policy and achieving its aims there will inevitably be those employees who genuinely suffer from frequent periods of short term sickness and from substantial single periods of absence due to more serious sickness, injury or mental illness. It is essential that procedures ensure fair and consistent treatment of individuals and take account of the operational realities of the services in which such employees are employed.

Joint Consultative Committee 22<sup>nd</sup> June 2006  
Personnel and General Purposes 24<sup>th</sup> July 2006

**A1. PROCEDURE FOR MONITORING AND CONTROL OF SICKNESS ABSENCE**

**A1.1 First Day Of Absence**

An employee or their representative must normally contact their Line Manager by 9.30 a.m. (this may be earlier if Service Area requirements so justify). They must notify the reason for their absence and the estimated duration of time away from work.

**A1.2 Fourth Calendar Day Of Absence**

The employee must notify their Line Manager in writing of continuing absence giving the reasons for it. If the employee has provided a doctor's certificate, with a covering letter that gives written reasons for their absence, prior to the fourth calendar day this fourth day letter is not needed.

**A1.3 Eighth Calendar Day Of Absence**

A doctor's certificate must be sent to the Line Manager.

**A1.4 Sickness Whilst On Annual Leave**

If an employee becomes sick whilst on annual leave the employee will be credited for the annual leave booked with effect from the date the doctor's certificate was signed.

**A2. MEASURES TO BE TAKEN FOR CONTROL OF ABSENCE**

**A2.1 Discussions/Interviews**

All discussions/interviews must be conducted sympathetically in private and ensure consistency and uniformity of approach. There will inevitably be employees who genuinely suffer from frequent periods of short term absence and care should be taken to ensure fair treatment of these individuals and take account of operational realities of the services in which such employees are employed.

**A2.2 Return To Work Discussion**

Return to work discussions should be carried out by the Line Manager after all absences regardless of the length of absence. They can have the following important effects:-

- i) establish the cause of absence.
- ii) indicate the Council's interest in the welfare of the employee.
- iii) allow discussion of the general attendance record of the individual.
- iv) influence the attitudes of the individual and other employees.
- v) raise the profile of sickness absence control policy and procedures and the Council's Employee Assistance Programme (EAP) Helpline.

- vi) reinforce the Line Manager's role in the control procedure and welfare of the employees.

As an alternative, the employee can request that the discussion is conducted by their Head of Service or a representative from Personnel.

A form, attached at [Appendix 3](#) should be completed for all absences of 4 calendar days or over. Once completed the form should be sent to Personnel.

### **A2.3 Absences Requiring Formal Sickness Monitoring**

When in any twelve month period

- 1) an employee has been absent on 5 separate occasions
- or
- 2) had absence(s) totalling 8 working days or more ('working days' are the days that the employee is contractually required to work)

The employee will be required to attend an interview with the Section Head or Line Manager. Employees may be accompanied by a trade union or other representative if they should so wish.

As an alternative the employee can request that the interview is conducted by their Head of Service or a representative from Personnel.

The person conducting the interview will complete the form attached at [Appendix 4](#) and forward it to the Personnel Section.

The interview should

- i) identify the frequency and reason for the absences and ensure that the employee is aware that the absence record may be giving cause for concern.
- ii) advise the employee to seek medical attention to determine if there are grounds to consider that there might be an underlying medical problem.
- iii) give consideration to personal problems which may be causing the absences and offer possible ways of helping the employee to resolve them.
- iv) agree a reasonable time over which the employee's attendance can be assessed.
- v) indicate what the next step will be if the employee fails to reach an acceptable standard of attendance.
- vi) inform the employee that where short-term absences cause difficulties in the work place, consideration may have to be given to the needs of the Service Area.

## **A2.4 Long Term Absences**

Once an absence extends beyond four weeks it is defined as long-term. Please also see the paragraph 'Absences Relating to Mental Stress or Physical Strains'.

The Occupational Health Physician strongly advises that the employee must be visited and/or interviewed as soon as possible after this period by the Line Manager and/or a representative from Personnel. The employee may also have a representative present. As an alternative the employee can request that the interview is conducted by their Head of Service. The interview must normally be pre-arranged with the employee however, in exceptional cases where an employee has not responded to requests for an interview, this may not always be possible. The interview should:

- i) help to gain further information relating to the absence. The employee is likely to be referred to undergo a medical examination by a medical or other appropriate expert of the Council's choice at any time e.g. the Council's Occupational Health Physician to establish the likely length of the absence and the long-term effect on capability in relation to job performance and attendance at work.
- ii) address where possible any needs or concerns of the employee.
- iii) consider offering alternative work if this would enable the employee to return to work.
- iv) inform the employee if their employment may be at risk bearing in mind the needs of the Council at that time.
- vi) where the absence continues beyond three months any concerns about the needs of the Service Area must be discussed with the employee.

The Line Manager should maintain a minimum of fortnightly contact with the employee either in person or via the telephone and in addition the employee is expected to maintain contact. The employee must provide a contact point during the absence. If an employee refuses to maintain contact the Council may withhold sick pay.

The employee may not be allowed to return to work until the Occupational Health Physician has declared them fit to return.

If following medical opinion a decision is taken for retirement on the grounds of ill health, the employee will be informed immediately.

In all cases of sickness management consideration will be given to all the periods of absence over the total service of an employee.

## **A2.5 Absences Relating To Mental Stress Or Physical Strains**

Where an absence occurs relating to stress or strain the employee is to be given the opportunity as soon as possible to be referred to the Occupational Health Counsellor or Physiotherapist. All such referrals are to be arranged by the Personnel Section and any costs are to be met by the Council.

Following recommendations from Occupational Health employees with absences relating to stress should be referred to Occupational Health at the earliest opportunity but at the latest within 2 weeks.

### **A3. WORKING DURING ABSENCES**

Employees should not undertake any work – paid or otherwise – during their absence unless this is agreed by the Personnel Manager and the relevant Head of Service. If therapeutic work is recommended the Council should be informed and will provide it where possible.

**The above are guidelines and each case should be treated on its own merits. The Personnel Section is available to offer advice and guidance in these matters.**

**WORCESTER CITY COUNCIL**

**SICKNESS PROCEDURE**

**B1. NOTIFICATION**

First Day	If you are absent due to sickness (or injury) you must notify your Line Manager by 9.30 a.m. (this may be earlier if service area requirements so justify) on the first day of absence stating the cause and estimated duration thereof. A telephone call from you, a relative or friend will be sufficient. (Text messages and e-mails are not accepted for this 'first day' notification).  If you are unable to return to work by the date stated you must again notify your Line Manager.
<b>IMPORTANT NOTE:</b>	<b>DO NOT DELAY IN CONSULTING YOUR DOCTOR IF YOU CONSIDER IT NECESSARY</b>
Fourth calendar day	If you are still unfit for work on the fourth calendar day you must notify your Line Manager of your continuing ill-health, IN WRITING, (including e-mail) stating the cause and again with an estimate of the date of return. (You do not have to provide a letter if you have already provided a letter with a doctor's certificate as stated in <a href="#">Appendix 1.</a> )
Sickness of more than seven calendar days duration	You must visit your doctor by the eighth calendar day and submit a medical statement to your Line Manager as soon as possible after that visit.
Continuing sickness	You must submit further doctor's statements as soon as the previous statement has "expired". These statements must be completed and sent to your Line Manager. They will then be passed to the Personnel Section and then (if necessary) to the DWP.

**B2. RETURNING TO WORK**

- (a) On return to work, you will be required to complete a copy of a self certificate which covers your sickness, including absences of half a day or more to the nearest half day.
- (b) In cases where the first doctor's statement covers a period exceeding fourteen days or where more than one statement is necessary you must, before returning to work, obtain a (final) doctors' statement as to your fitness to resume duty. You must submit this statement to your Line Manager.
- (c) If you fall ill whilst on pre-booked annual leave you will be credited for the leave booked with effect from the date the doctor's certificate was signed.

**IT IS VERY IMPORTANT THAT YOU COMPLY WITH THE PROCEDURE AS SET OUT ABOVE AS IT MAY AFFECT PAYMENTS DUE TO YOU.**

### **B3. RETURN TO WORK INTERVIEWS**

A return to work interview will be carried out on your return to duty after every absence in order to discuss the matter. Each case is considered on its merits and you will be given the opportunity to raise any concerns you may have.

### **B4. ABSENCES REQUIRING FORMAL SICKNESS MONITORING**

In the event of the level of your absences requiring a formal sickness review you will be required to attend an interview with your Section Head or Line Manager to discuss all aspects of the matter including any concerns you may have. Although you are not normally required to submit a doctor's statement until you have been sick for more than seven days, where you have attended a formal monitoring review you may be required to submit doctor's certificates for every absence and submit to a medical examination by a doctor nominated by the Authority to determine whether there are sufficient reasons for your repeated short-term absences and whether you are medically fit to continue in your present job. Any costs charged by the GP for certificates will be met by the Council.

If there are doubts as to the reasons for the repeated absences, consideration may have to be given to disciplinary action.

### **B5. LONG-TERM SICKNESS**

Once an absence extends beyond four weeks it is considered long term. You should be visited and/or interviewed as soon as possible after this period to discuss all aspects of the matter and to try to address any needs or concerns you may have. Where you have been ill for a long period and have exhausted your allowances under the sick pay scheme you may still be entitled to state benefits. You should enquire as to what these are at your local DWP office. At any time the Authority may seek medical opinion as to your state of health. Where you are declared permanently medically unfit you may be offered alternative employment or retired on the grounds of ill-health. Where you are declared fit you must return to work.

### **B6. D.W.P. BENEFITS**

1. Where any incapacity, injury or equivalent benefit is payable by the Department of Work & Pensions, you must:
  - (a) Claim the benefit;
  - (b) Notify your Line Manager immediately of the amount you are receiving (or any change therein) by the submission of the appropriate statement enclosed with the payment of the benefit. Failure to submit this document will result in delay or loss of Council sick pay.
2. When you have claimed certain state benefits (generally incapacity, maternity and unemployment benefits) the Department of Work & Pensions will issue a letter stating that you are excluded from the Statutory Sick Pay Scheme and how long the exclusion lasts. This letter must be forwarded to your Line Manager immediately.

## **B7. CONCLUSION**

This document contains the main provisions of the sickness pay scheme as they affect you in notifying the Authority etc. It does not contain every provision referred to in the National Agreement.

**RETURN TO WORK DISCUSSION FORM**

**To be completed when Employee's absence covers 4 or more calendar days**  
**PRIOR TO THE DISCUSSION THE EMPLOYEE MUST BE INFORMED THAT THEY HAVE THE RIGHT TO BE ACCOMPANIED BY A REPRESENTATIVE.**

<b>Name of Employee:</b>	
<b>Interview Conducted by:</b>	
<b>Period of Absence:</b>	
<b>Total number of working days absent:</b>	
<b>Reason for Absence:</b>	
<b>Date of Pre-Agreed Discussion:</b>	

**Notification and certification procedures** (delete as appropriate):

<b>Stage 1</b> – contacted the service area on <b>first</b> day of absence by 9.30 a.m.	<b>Yes/No</b> <b>Date:</b>  <b>Contact name in service area:</b>
<b>Stage 2</b> – contacted the service area on <b>fourth</b> calendar day of absence in writing	<b>Yes/No</b> <b>Date:</b>
<b>Stage 3</b> – absence for <b>up to 7 days</b> , completion of self certificate i.e. sickness reporting form on return.	<b>Yes//No</b> <b>Date:</b>
<b>Stage 4</b> – absence for <b>more than 7 days</b> , submission of medical certificate	<b>Yes/No</b> <b>Date:</b>
<b>Stage 5</b> – absence exceeds 14 days or where more than 1 medical certificate is necessary, final statement must be submitted stating employee is fit to resume duties	<b>Yes/No</b> <b>Date:</b>

**Areas that may be covered during Discussion** (delete as appropriate):

Reminder that employee may be accompanied by a representative	<b>Yes/No</b>	Updated on workload and workplace developments	<b>Yes/No</b>
Hope you are feeling better	<b>Yes/No</b>	Referred to Occupational Health	<b>Yes/No</b>
Any information about work problems or health	<b>Yes/No</b>	Implication of absence to the employee	<b>Yes/No</b>
Your absence created a difficulty for the organisation. The organisation cannot afford to sustain repeated absences	<b>Yes/No</b>	Employee's view of their condition	<b>Yes/No</b>
		Inform employee of First Assist 24hr helpline on 0800 716 017	<b>Yes/No</b>
Was absence due to an accident at work?	<b>Yes/No</b>	Any other actions, e.g. counselling, part-time working etc	<b>Yes/No</b>
Was absence due to pregnancy?	<b>Yes/No</b>	Was absence due to a disability?	<b>Yes/No</b>

**Details of Issues Discussed** (please continue overleaf as necessary)

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**Actions Agreed** (please continue overleaf as necessary)

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<b>Signed (Manager)</b>	
<b>Signed (Employee)</b>	

**Office use only :- Entered on HRC (Date and Initials)**\_\_\_\_\_

Data Protection Act 1998 – The information on this form will be used for the control and monitoring of sickness absence.  
Information will be processed in accordance with the requirements of the above Act.

**THIS FORM MUST BE RETURNED TO PERSONNEL FOR RETURN TO WORK DISCUSSION**  
**DATE TO BE ENTERED ON HRC AND FORM PLACED ON PERSONNEL FILE**

**STRICTLY CONFIDENTIAL**

**APPENDIX 4**

**WORCESTER CITY COUNCIL**

**CHECK LIST FOR LINE MANAGERS IN CONDUCTING  
SICKNESS MONITORING INTERVIEWS**

In accordance with the Council's Employee Attendance Policy and the Procedure for Monitoring and Control of Sickness Absence, employees must be formally interviewed when, in any twelve month period, they have been absent on 5 separate occasions or had absence(s) of 8 working days or more. All interviews should be conducted sympathetically in private and ensure consistency and uniformity of approach. There will inevitably be employees who genuinely suffer from frequent periods of short term absence and care should be taken to ensure fair treatment of these individuals and take account of operational realities of the services in which such employees are employed.

Employees may be accompanied by a trade union or other representative if they should so wish.

EMPLOYEE'S NAME:			
REASON FOR INTERVIEW:	5 occasions/8 working days (delete as appropriate)		
DATE OF INTERVIEW:		PERSONS PRESENT:	

<u>PRIOR TO INTERVIEW</u>	<u>COMMENTS</u>
1. Check dates and reasons for absence – any unusual circumstances, discrepancies, related or recurring illnesses, patterns of absence (including high incidence of absence on Mondays or Fridays or after bank holidays, annual leave, pay day, or a sudden change in attendance record etc.	
2. Any known personal problems or problems with job?	
3. Consider employee's length of service, previous attendance record, performance etc.	
4. Obtain advice from Personnel Section if thought appropriate	
5. Give employee copies of any documentation you will refer to in the interview e.g. attendance record	
6. Obtain details of the First Assist 24hour counselling and legal advice line.	

Office use only :- Entered on HRC (Date and Initials) \_\_\_\_\_

Continued overleaf...

SICKNESS MONITORING INTERVIEW (CONT)

EMPLOYEE'S NAME:	
EMPLOYEE'S PAY NUMBER:	

<u>AT INTERVIEW</u>	<u>COMMENTS/RESPONSE</u>
1. Confirm absences with employee and ensure employee is aware that the absence record is giving cause for concern. Refer to Council's monitoring and control procedure if it helps.	
2. Is there any underlying medical cause? Consider advising employee to seek medical attention if appropriate either via their GP or Occ Health.	
3. Are there any personal or job related problems? Consider these and if possible offer ways of helping the employee to resolve them. Contact Personnel for advice if appropriate. Mention First Assist confidential helpline on 0800 716 017	
4. Refer to any unusual/unexplained circumstances etc. or other matter ascertained prior to the interview and also ask if there are any other factors the employee would like to mention or be taken into account.	
5. Agree a reasonable time over which the employee's attendance can be assessed. Agree a date for the review in both your diaries to ensure this is carried out and review the position regularly. NB tell the employee if attendance is satisfactory (or not, as the case may be).	
6. Inform the employee of the next step if attendance does not reach an acceptable standard. This will depend on the circumstances and you should discuss this with Personnel if this is the case. It may become a disciplinary matter.	
7. If this is the first monitoring interview the following may not be necessary depending on the circumstances. Ensure employee is aware that absences may put employment at risk.	
8. Any further comments.	
9. Give a signed copy of this form to the employee and consider whether to write to the employee on a more formal basis.	
10. Deal with this form in accordance with departmental procedure and send the original copy to Personnel together with a copy of any correspondence under 9 above	

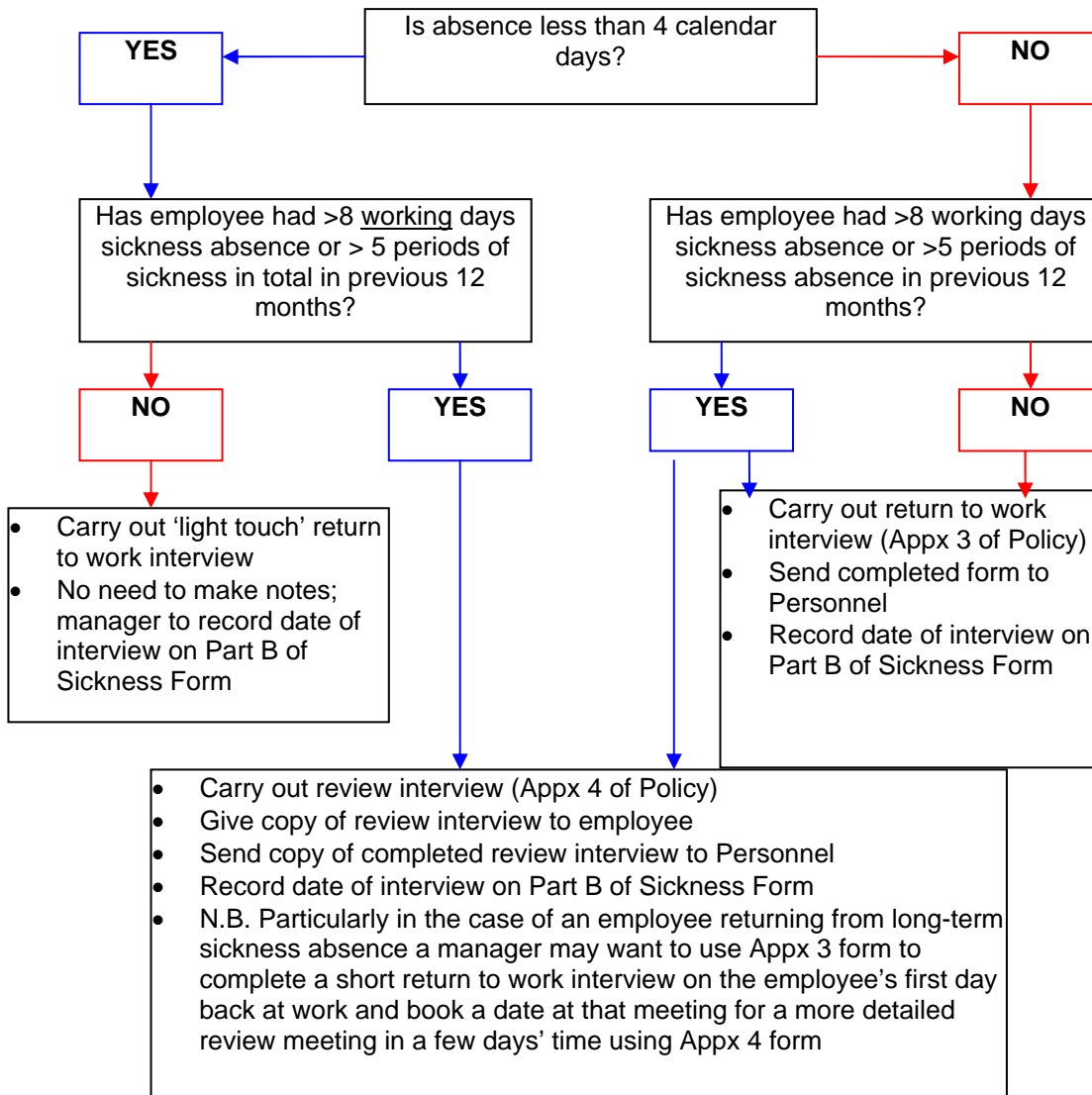
Signature of Section Head/Line Manager:		Job Title:	
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Signature of Employee		Date:	
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**SICKNESS ABSENCE MONITORING – FLOW CHART FOR MANAGERS**

(N.B. When employee first returns from sickness absence Part C of Sickness Reporting Form is completed)

Please follow this procedure when an employee reports back at work from sickness absence:





# **1 ORGANISATIONAL ARRANGEMENTS FOR HEALTH AND SAFETY AT WORK**

## **Introduction**

Under the Health and Safety At Work etc. Act 1974, the Council and its employees have legal obligations placed upon them regarding the health, safety and welfare of persons at work and the protection of others against risks to health or safety in connection with their activities.

Certain responsibilities and duties have been laid down in this Schedule which are designed to enable the Council to achieve and maintain acceptable safety standards, and establish accountability for its safety performance.

## **2. The Council's Responsibility for Health and Safety and Welfare**

The Cabinet, on behalf of the Council, will have responsibility for matters with regard to its obligations under the Health and Safety At Work Etc Act 1974 and relevant statutory provisions or regulations made there under as it affects its employees, members of the public and any other persons who may be affected by work activities. The Chief Executive has overall responsibility for ensuring that the Council's safety policy is implemented.

To meet these requirements, the Council will:-

- a) ensure that there is an effective general policy for safety and health and welfare matters, supplemented as appropriate by Service Area documents and procedural codes,
- b) receive reports, and recommendations where necessary, through the Health and Safety Committee on its overall health and safety performance,
- c) So far as is reasonably practicable, ensure that the necessary resources are made available for the policy to be carried out effectively.

The Council places the assessment of and advice on its overall safety performance with the Head of Performance, Innovation & Efficiency (in whose section is contained the Safety Adviser) and charges him with the following specific duties:-

- i) the regular review of the Council's policy and safety organisation statements, recommending amendments and additions where necessary.
- ii) the preparation of health and safety progress reports for the Senior Management Team and the Health and Safety Committee.
- iii) liaising with areas responsible for the financial aspects of servicing health and safety reports from the, Health and Safety Executive, Fire Service and Safety Adviser.
- iv) the establishment of training programmes designed to inform and educate management and employees of their health and safety responsibilities and duties.

- v) advising management of the implications arising from new health and safety legislation and codes of practice, and their application to the activities of the Council and its contractors where appropriate
- vi) the co-ordination and continuing review of a risk assessment programme to cover all the Council's activities.
- vii) liaising with H.S.E. Inspectors and Fire Safety Officers on matters affecting the legal position of the Council as an employer

### **3 Heads of Service Responsibilities and Duties for Health and Safety**

The Head of Service will: -

- a) be responsible for the area's health, safety and welfare organisational arrangements and safe working procedures,
- b) implement systems to deal effectively with any work situation which represents a serious or immediate danger to the health and safety of any employee, member of the public or contractor.
- c) ensure that the responsibilities and duties for health and safety are properly assigned, accepted and understood,
- d) in consultation with the Health and Safety Adviser, plan for adequate resources to carry out the area's health and safety training programmes.
- e) actively support all persons to whom health and safety responsibilities and duties have been assigned,
- f) consult periodically with the Safety Adviser to ensure that the departmental safety, health and welfare programmes are effectively directed towards agreed objectives,
- g) arrange for an area representative to attend the Health and Safety Management Group,
- h) arrange the appointment, or as the case may be, nominate a suitably trained employee, to act as a co-ordinator within the area to advise the Head of Service on health, safety and welfare matters. In accordance with regulations 6(1) and 7(1) (b) of the Management of Health and Safety Regulations 1992 as amended.
- i) ensure that everyone within the area has received a copy of the Health & Safety Policy Statement and safe working procedures relevant to their job, and has access to all other health, safety and welfare documents.

#### **4 Health and Safety Responsibilities and Duties of Employees in Supervisory Positions**

All employees in supervisory positions are responsible and accountable to senior management for carrying out effectively health and safety matters appropriate to their function. It is recognised that they are in a special position to influence safety attitudes and firmly encourage active participation by employees under their control.

Employees with supervisory responsibilities must, therefore: -

- a) ensure that all persons under their control have received a copy of the Health and Safety Policy Statement and are aware of the content of other relevant safety documents issued by the Council,
- b) ensure that work arrangements are safe to provide adequate protection for both employees, members of the public and contractors.
- c) carry out and report to senior management the results of routine inspections of work places,
- d) before any task is assigned to an employee, ensure that the capabilities of that employee, with regard to health and safety, are taken into account.
- e) ensure that all persons under their control are adequately trained and instructed in their duties and work procedures and receive sufficient information on fire precautions, first aid arrangements and emergency procedures;
- f) comply fully with the procedures laid down for reporting accidents and violence at work incidents, taking prompt action to prevent recurrences where the measures come within their responsibilities,
- g) ensure that essential, suitable and sufficient protective clothing and equipment is readily available, correctly used and maintained,
- h) prepare safety reports on special matters if required by senior management;
- i) periodically assess and review the following health and safety arrangements to confirm the effectiveness of the Council's safety policy in conjunction with the Health and Safety Adviser.

#### **5 Safety Responsibilities and Duties of Employees**

The basic duty imposed on all employees by the Health and Safety at Work etc. Act 1974 is to act during the course of their employment, whether on or off Council premises, with reasonable care for the health and safety of themselves and other persons (including members of the public) who may be affected by their acts or omissions and to co-operate with the Council to ensure that the duties and requirements imposed on the Council are carried out satisfactorily.

All employees must therefore: -

- a) co-operate fully with the employer in relation to the safe use of any machinery, equipment, dangerous substance, transport equipment, means of production or safety device and in accordance with instruction and training received. No employee shall interfere with any device or system provided for his or her safety,
- b) seek clear guidance from their supervisor when situations arise which may affect the health and safety of themselves or others,
- c) report unsafe plant, tools, equipment, work methods or other matters and stop work if a risk of injury or damage to plant is considered likely,
- d) assist in maintaining good housekeeping standards,
- e) co-operate in the work of the health and safety committee, safety inspections and accident investigations,
- f) use protective clothing and equipment as prescribed for the job,
- g) attend health and safety training courses as required,
- h) in accordance with the Council's Policies and Procedures report every abusive/violent incident or injury sustained at work.
- i) report every incident, however minor, which could potentially result in injury ("near miss").

## **6 Health and Safety Representatives**

Under the Safety Representatives and Safety Committee Regulations and in conjunction with the legal requirement; to consult with employees in all matters relating to their health, safety and welfare. The Council recognise the rights of appointed health and safety representatives.

Safety Representatives will be expected:

- a) to make representations on behalf of their members to the Council, via the Health and Safety Management Group and the Joint Consultative & Safety Committee, on any health, safety and welfare matter.
- b) encourage co-operation between their employer and employees.
- c) keep their employer informed of safety issues raised.
- d) keep informed of:
  - Health & Safety Policies and Procedures.
  - Health & Safety Legislation.
  - Relevant Risk Assessments, Safe Systems of Work and control measures in place.

## **7 The Health & Safety Adviser**

The Health & Safety Adviser is located within the Performance, Innovation & Efficiency Service Area and is available to advise and assist in all matters affecting safety, health and welfare and in particular the implementation of the Council's Health and Safety Policy and associated documents.

Main activities of the Council's Health & Safety Adviser: -

- a) assisting with the planning, promotion and assessment of the organisational arrangements for health, safety and welfare within all areas of the Council,
- b) advising on the implications of safety legislation, codes of practice and approved safe work procedures,
- c) assisting line management with the preparation of policy documents, safe working procedures and method statements,
- d) advising on health and safety aspects of all plant, tools and equipment,
- e) advising on health, safety and welfare aspects affecting the design and layout of new or reorganised premises,
- f) carrying out regular inspections of premises and other work places, plant, equipment and work activities, reporting in writing to the relevant Head of Service and as appropriate other managers/supervisors who have responsibilities for actioning health and safety.
- g) co-ordinating fire precautions work in conjunction with local management, the Head of Urban Environment and Hereford and Worcester Fire Brigade,
- h) preparing for the Health and Safety Committee reports reviewing the safety performance of the Council's activities and services and making appropriate recommendations,
- i) attending local area and works meetings to provide technical advice and information on matters relating to health, safety and welfare,
- j) working in conjunction with local management to make effective and suitable arrangements for safety training of employees at all levels,
- k) processing accident reports and investigating as necessary, making this information available to local management for assessing and improving the safety performance,
- l) preparing accident statistics and analysis for the Health and Safety Committee,
- m) advising on protective clothing and equipment,

- n) providing a comprehensive technical information service on health and safety matters to the Council and its management, including employees who are involved with contractors
- o) maintaining regular liaison with the Health and Safety Executive, Hereford and Worcester Fire Brigade, Employment Medical Advisory Service and other groups who contribute to the Council's health and safety programmes.
- p) attend the Health and Safety Management Group.

## **8 Health and Safety Management Group**

The Health and Safety Management Group, consisting of members from all functions within the Authority, meet on a regular basis to investigate and discuss relevant safety issues.

The Group is required to submit reports to the Senior Management Team identifying areas of concern, with recommended improvement measures for consideration /action

## **9 Health and Safety Committee**

This Committee is responsible for acting as the Council's Safety Committee in accordance with the Requirements of The Safety Representatives and Safety Committee Regulations 1977 [As amended]

- a) to keep under review the measures taken to ensure the health, safety and welfare at work of all employees
- b) the study of accidents and reports of injuries, diseases and dangerous occurrences
- c) to receive reports and consider any health, safety and welfare matters referred to the Committee by the Health & Safety Adviser, HSE, Employee
- d) Union Appointed & Service Area's Safety Representatives
- e) to ensure the proper development of safe systems of work throughout the Authority.
- f) To ensure suitable and sufficient health and safety communication and publicity in the workplace.

## FEMALE WORKERS POLICY

### MANAGEMENT of HEALTH and SAFETY at WORK REGULATIONS EMPLOYMENT RIGHTS ACT 1996 WORKPLACE [HEALTH, SAFETY and WELFARE] REGULATIONS 1992

#### GENERAL POLICY STATEMENT

The management of the Council is aware of the susceptibility of women to certain risks, that may arise as a consequence of their employment and will assess and document those additional risks, and ensure measures are provided to protect the health, safety and welfare of any women employed, so far as is reasonably practicable.

The Council is aware of the statutory requirements imposed on, and relating to; work carried out by women in the workplace and will comply with the requirements. The Council undertakes to assess all risks to the pregnant worker arising from their work activities and to put into place appropriate preventative/control measures. Relevant instruction/training will be provided in identifying risks and implementing controls.

**Female employees** will be given such information, instruction and training necessary to enable them to work safely and without risk to health

**New and expectant mothers (Pregnant Worker)** Management will take all reasonable steps to safeguard the health, safety and welfare of new or expectant mothers, and of their unborn child.

***Definition of pregnant worker** ~ Women who are pregnant[ confirmation of pregnancy via letter from G.P.], who have given birth in the last six months, have suffered a miscarriage after 24 weeks of pregnancy or are breast feeding.*

**Line Managers** will ensure regular monitoring of the work undertaken by new or expectant mothers

(Pregnant worker) is carried out, especially during development of pregnancy. In order to continually assess each person's ability to work safely and without risk to themselves or that of the unborn child.

All problems identified will be suitably controlled, as far as is reasonably practicable and safe systems of work established.

Line Management will also make arrangements for reasonable and appropriate health programmes for pregnant workers and will determine whether it will be necessary to impose limitations or introduce special arrangements on medical grounds.

Line Managers will have the responsibility for ensuring that the provisions of this policy are met.

## ***SUMMARY POLICY STATEMENT***

Female workers may be exposed to additional risks at work due to physiological differences, which make them more susceptible to harm in certain circumstances. These risks can be amplified for new or expectant mothers [pregnant workers]

In order to comply with the requirements of this policy document -:

- Each employee will be considered as an individual when identifying and controlling risks.
- Employees will be expected to provide, written notification as early as possible.  
*[Certificate, from G.P. or midwife confirming pregnancy]*
- The risk assessment process will take account of the physiological changes that occur during pregnancy.
- Careful consideration will be given to any restrictions or other actions placed on the type of work which may be undertaken by new or expectant mothers [pregnant workers].

## **POLICY STATEMENT**

Health & Safety at Work Act 1974  
Management of Health and Safety Regulations  
Fire Precautions Act 1971  
Fire Precautions [Workplace] Regulations 1997 [as amended]

### **FIRE SAFETY**

#### **General Statement**

The Council is aware of the statutory requirements in respect of fire safety and will, as far as is reasonably practicable, take such measures as to prevent, or minimise the probability of, all causes of fire.

Management acknowledges that despite these measures it can not be assumed that fire will never break out. Systems are in place to deal with the eventuality and these will be regularly scrutinised, to ensure that they meet current requirements.

#### **Arrangements for securing the Health & Safety of workers**

- Periodic inspections and assessments will be carried out to identify fire risks and to ensure appropriate precautions are in place.
- All employees will ensure that housekeeping standards are such as to minimise the risk, and development, of fire.
- Effective security measures will be put in place to minimise the risk of arson
- Management will exercise suitable control over contractors` operations and the fire risks associated with such operations; all contractors working on council premises will be bound, under the terms of their contract, to fully comply with the council's rules and regulations in respect of fire precautions.

#### **Safe System of Work**

All employees will be expected to observe the following fire safety measures:

#### **ELECTRICAL EQUIPMENT**

- a) Avoid temporary connections and joints in cables.
- b) Avoid the use of adaptors and extension leads as far as practicable.
- c) Do not carry out work on electrical installations or equipment unless qualified, competent and authorised to do so.
- d) Ensure that there is a clear space around all fittings and appliances that are a source of heat ~ switchgear, lights etc.
- e) Switch "off" all electrical equipment, appliances at the end of the working shift / day unless its operation is required and the equipment is designed to be "left on".

## **ARSON**

All employees can assist in reducing the risk of arson by:

- a) Being vigilant at all times
- b) Not "by-passing" security systems, leaving areas insecure.
- c) Ensuring good housekeeping everywhere, especially in workshops and infrequently visited areas, archives, cellars etc.

## **SMOKING**

### **Ensure that the Council's No Smoking Policy is fully enforced**

Never smoke, or allow others to smoke, in the following areas:

- a) Wherever flammable liquids or gases, or combustibles dusts may be present.
- b) Wherever large amounts of combustible materials are present, storage / archive areas, loading bays etc.
- c) Plant Rooms
- d) Computer Suites and other areas holding sensitive electronic equipment.
- e) Infrequently visited areas, cellars, basements, roof spaces etc.

## **HOUSEKEEPING**

All employees are expected to keep their work area clean and tidy and dispose of waste regularly and safely.

### **Responsibilities**

**Heads of Service** will be responsible for ensuring that everyone within the service area has received a copy of this policy and all working policies, procedures relevant to their job and has access to all health, safety and welfare documentation.

**Line Managers** will be responsible for ensuring that the provisions of this policy are met and will determine whether it will be required to impose limitations or introduce special arrangements in order to protect the health, safety and welfare of all persons under their control.

Line Managers will ensure that all persons under their control are adequately informed, instructed and trained in any emergency procedures [including fire evacuations].

**Employees** must co-operate with the council to ensure that all statutory duties are complied with. The successful implementation of this policy requires the full commitment of all employees.

Every person has a responsibility for their own health and safety and for the health and safety of others who may be affected by their acts or omissions. No person will interfere, misuse or abuse anything provided for their health, safety and welfare.

Will seek clear guidance from their first line manager / supervisor when situations arise which may affect the health, safety and welfare of themselves or others.

This Policy will be monitored to ensure that objectives are met. It will be reviewed and if necessary revised in the light of legislation or organisational change.

## **POLICY STATEMENT**

### **Asbestos [Licensing] Regulations 1983 *[as amended]* Asbestos [Prohibition] Regulations 1992 Control of Asbestos at Work Regulations 2002**

#### **ASBESTOS**

##### **General Statement**

The Council is aware of the statutory requirements imposed on, and relating to the risks associated with managing exposure to asbestos. The Council undertakes to assess all risks and to put into place appropriate preventative / control measures in order to protect the health, safety and welfare of its employees and customers, so far as is reasonably practicable.

Relevant information instruction/training will be provided in identifying risks and implementing controls

The Council will ensure that suitable and sufficient assessments are undertaken to determine whether asbestos is, or is suspected of being on premises, the Council is responsible for.

##### **Code of Practice**

Where asbestos is identified, or suspected the council will:

- Determine the risks from asbestos.
- Prepare a written plan, identifying areas of concern and the measures necessary for effectively managing the risk.
- Record the measures taken to implement the plan.
- Provide suitable and sufficient information identifying the location and condition of identified asbestos to any persons likely to come into contact with or have reason to disturb material [ including Emergency Services]
- Ensure that any assessments and written plans are reviewed at regular intervals; or if there have been any significant changes to the premises / area, or that the plans/assessments have become invalid for any other reason.

##### **Building Alterations and Maintenance**

The relevant Head of Service will be responsible for checking and identifying any materials encountered during building alterations, refurbishments and or maintenance which may contain asbestos.

## **Responsibilities**

**Heads of Service** will be responsible for ensuring that everyone within the department has received a copy of the Council's Health & Safety Policy Statement and all working policies, procedures and safe systems of work [*working instructions*] relevant to their job/role, and has access to all Health, Safety and Welfare documentation.

**Line Managers** will be responsible for ensuring that the provisions of this policy are met and will determine whether it will be necessary to impose limitations or introduce special arrangements in order to protect the health, safety and welfare of all persons under their control.

Managers will ensure that all workers under their control are adequately trained, instructed in their duties and workplace procedures and that all persons, who may be affected, receive suitable and sufficient information, in respect of their health, safety and welfare.

**Employees** must co-operate with the Council to ensure that all statutory duties are fully complied with. The successful implementation of this policy requires the full commitment of all employees.

Employees will be required to seek clear guidance from their first line manager / supervisor when situations arise which may affect the health, safety and welfare of themselves or others.

This Policy will be regularly monitored to ensure that the objectives are met. It will be reviewed and if necessary, revised in the light of legislative or organisational changes.

## **WORCESTER CITY COUNCIL**

### **NO SMOKING POLICY**

#### **INTRODUCTION & STATEMENT OF COMMITMENT**

With the introduction of the Health Act 2006 there is now a statutory duty to review and where necessary revise this documentation in order to ensure it meets the requirements in respect of smoking at work/smoke-free workplaces.

The law will require all enclosed workplaces, buildings and offices to be non-smoking throughout [including company vehicles].

#### **AIM & OBJECTIVES**

The Council as a community leader and Health and Safety enforcement authority, aims to ensure that it sets an example to other organisations, promotes public and workforce health and also creates an environment that minimises the health risk to both its employees and members of the public who access the services it provides.

Following the recent changes in the law this policy aims to establish a workplace free of tobacco smoke in all enclosed spaces/places [including council vehicles] without exception.

#### **OBJECTIVES**

- Ensure legal compliance
- Ensure that all employees, members and visitors, including contractors clearly understand their obligations
- To assist smokers within the workforce who wish to stop
- To reduce the risk of fire
- Encourage a healthier workforce that recognises the benefits of a smoke free environment

#### **POLICY APPLICATION**

This Policy is designed to enhance working conditions and applies to:

- All council employees working within Council building/property, including vehicles
- All Council Members
- All visitors/users of Council buildings/facilities

The Council's Policy on Smoking will be notified to employees initially by distributing copies of the policy and by team briefing. Thereafter it will be incorporated into recruitment literature and into contracts of employment

## **SMOKING IS PROHIBITED**

- Within all council buildings [with the exception of tenanted domestic properties]
- Within all vehicles owned and or operated by the Council, including private cars used on council business, unless when used exclusively by a single individual
- Within 6m (20`) of any council building entrance, window, doorway, stairs or covered area where the distance is within Council property

Employees are not permitted to take a smoke break between recognised core-times. (eg morning & afternoon break[s] where applicable). Any smoke breaks must be taken outside of core time and deducted on time sheet.

Employees are allowed to smoke during their official lunch breaks, subject to the above criteria. At the current time, legislation (Health Act 2006) does not apply to persons while working out-doors. However the above criteria remain in place.

## **CONTROL MEASURES**

- Tobacco sales are not permitted on any Council premises
- Advertising or promotion of tobacco products or companies is not permitted on any Council establishment or in any of its publications
- All Council vehicles are to display a suitable 'No Smoking' sign within the vehicle

All employees are reminded that it is a criminal offence to trade, transport or possess illegal tobacco products including counterfeit and smuggled products. Penalties include imprisonment for any person allowing premises to be used for such activities.

The Council will fully co-operate with any Law Enforcement Agency including investigations by HM Revenue & Customs.

Employees are required to take a reasonable attitude to ensure that areas are kept tidy and litter free.

## **BREACHES OF THE POLICY**

This policy is adopted in response to legislation and forms part of the Council's Health and Safety Policy and any breach of the policy by any employee will result in disciplinary action being taken.

Proven involvement in any illegal trade, transport or possession will constitute gross misconduct and will result in disciplinary action.

## **ENFORCEMENT/ RESPONSIBILITY**

Heads of Service are responsible for ensuring that employees and visitors, and where applicable contractors, are made aware of this policy and that they fully comply with its requirements.

Employees are required to be familiar with this policy in order to contribute to its application. All employees of the Council are to politely remind visitors of the no smoking policy, if in their opinion they consider them in breach of this policy.

## **EQUALITY & DIVERSITY STATEMENT**

This policy does not discriminate against any group or individual

## **POLICY MONITORING & REVIEW**

The Human Resource & Development Manager has the responsibility for ensuring the regular review and up-dating of this policy. The Policy will be regularly reviewed to ensure that it continues to meet its key aims and any changes in legislation, regulations and best practice. The Trade Unions will be consulted through the normal consultation channels and their comments will be included in any review process.

## **HOW TO DEAL WITH SMOKING IN A SMOKE FREE PLACE**

If you are in charge of smoke free premises and/or vehicles, you will have a legal duty/responsibility to prevent people from smoking in any premises or vehicles you are responsible for. Below are some practical steps you might take to deal with them.

Point to the "No Smoking" Sign and ask the person[s] to stop smoking or go outside

Tell them you would be committing an offence if you allow them to smoke and they are breaking the law by smoking in the premises' or vehicle and both parties could be fined

If an employee refuses to stop smoking

Remind them of the new law to protect the workforce and the public from the effects of their smoke

If necessary put into practice the relevant disciplinary process for non-compliance of policies and procedures

If a customer refuses to stop smoking

Remind them of the new law and explain that they will be refused service if they continue to smoke and will be asked to leave the premises

If they will not leave, implement the procedure for anti-social/unacceptable behaviour when in the premises

Keep a record of where and when the incident took place, the name of the person[s] involved and the outcome

## **HIV/AIDS POLICY**

WHO IS COVERED: All Worcester City Council employees

The purpose of this policy is to

- (i) educate, inform and protect employees
- (ii) eliminate discrimination
- (iii) offer support to employees who are HIV positive or have AIDS

Worcester City Council is committed to equality of opportunity in its employment; we are also committed to protecting the health of our employees. We intend to ensure that individuals who have HIV, or an HIV related illness or AIDS do not experience discrimination in employment.

### Confidentiality

No employee is required to inform their employer or colleagues that they have the HIV virus or AIDS. However any employee who does disclose themselves as HIV positive will be treated in the strictest of confidence and any information will only be disclosed to others with the employee's permission. A deliberate breach of confidentiality is misconduct under the disciplinary rules and therefore disciplinary action will be taken in any such cases.

### Testing

One of the dilemmas which faces anyone who believes they may have contracted HIV, is whether they should undergo a test. The question of testing is not just a medical issue, it also involves serious personal issues. Therefore, any employee that decides to take the test should take specialist advice to prepare them for the possibility of being HIV positive and how it may affect their life. The Department of Genito-Urinary medicine is the best place to have the test since it has the best safeguards for protecting confidentiality. Time off to attend medical appointments or clinics will be granted in accordance with the normal rules for medical appointments. The Council will not insist that an employee, either before or after commencement of employment, must take an HIV test.

### Sickness absence

It is unlikely that in the early stages of infection an employee will fall ill. Indeed, continuing to work can help to maintain physical and mental well being. In the event of an employee becoming ill normal sickness control procedures will operate. If enquiries are made regarding patterns of sickness or absence and the employees do not wish to share information with their managers, they can show details of sickness as they relate to specific infections.

### Modification or limitation of duties

Where an employee has been medically advised to modify or limit his/her duties, the Occupational Health Service will advise the Personnel Section who, in accordance with the normal sickness control procedure, will advise his/her manager.

Following advice from the Head of Performance, Innovation & Efficiency and the Occupational Health Service, the Manager will then discuss with the employee a range of options which will include where possible: -

- modifying/limiting duties
- re-training
- alternative employment
- sick leave
- as a final option retirement or dismissal on ill health grounds may be necessary

The outcome of such a discussion will take into account the individual's health and abilities, service arrangements and employment options at that time.

### Consideration for employees who have HIV/AIDS

The Council will endeavour to provide support/counselling for employees with HIV/AIDS and consideration will be given to any reasonable arrangements to enable employment to continue.

### Discrimination

The Council's policy is to prohibit unfair discrimination and harassment against people with HIV, or with AIDS, or those considered to be 'at risk' from HIV who work for the Worcester City Council.

Employees who refuse to work normally with a colleague who has, is suspected of having, or may be considered to be 'at risk' from HIV/AIDS, will be interviewed and counselled to determine the circumstances of their behaviour and, if appropriate, dealt with under the Council's disciplinary procedure.

### Recruitment and selection

The Council affirms that there will be no unfair discrimination in recruitment against current or prospective employees on the grounds that they have HIV or AIDS or could be considered to be at risk from contracting HIV.

Applicants who are deemed to be medically fit at the time of recruitment will not be refused an offer of work because they have HIV or AIDS infection provided they can satisfy the occupational health service as to their fitness for work and their suitability to enter the sick pay and pension schemes.

## Counselling

The Council recognises the important role of counselling for employees with HIV/AIDS infection, for employees in general and for those concerned about becoming HIV infected. Employees who wish to have counselling can, in the strictest confidence, contact Personnel and they will endeavour to arrange support or they can directly contact any of the organisations in the 'contact names section' of the information leaflet on HIV/AIDS and its transmission.

## Employee Training

All employees (including first aiders) whose activities include contact with body fluids will be provided with continuing guidance and training in the relevant aspects of safe working practices and control of infection procedures. (See attached control of infection policy). Appropriate first aid equipment will be provided to protect against HIV and the person who is responsible for monitoring the contents of first aid boxes must ensure this equipment is available

## **HIV/AIDS AND ITS TRANSMISSION**

Employees everywhere can help prevent the spread of AIDS, by making sure they know the facts, taking necessary precautions and helping others to do the same. The risk of AIDS is not about who you are or where you are, AIDS IS ABOUT WHAT YOU DO.

### What is HIV? - Human Immunodeficiency Virus

This is the name of a virus that is infectious but not contagious in the same way as a cold or 'flu', which is why a person cannot be infected by everyday social or work contact with another person. However, once infected with HIV, the person remains infected for life and gradually the virus stops the body's natural defence mechanisms in the bloodstream (white blood cells) from working properly. This leaves the infected person more likely to develop illnesses which they would normally have been easily able to fight off. People with HIV are likely to develop AIDS eventually, although many people remain healthy for 10 years or more before AIDS develops and can work and live quite normally. Once a person has the virus they are described as being 'HIV positive' or 'HIV infected'.

### What is AIDS? Acquired Immune-Deficiency Syndrome

AIDS is the condition in which the body's defence system has broken down as a result of HIV, leading to serious infections and/or certain cancers.

### Is there a cure?

At the moment there is no cure for HIV or AIDS. Researchers may discover a vaccine or cure in the future but until then we must rely on personal behaviour to prevent the spread of HIV. Remember people can look healthy and still be infected with HIV.

### How HIV is not transmitted

**YOU CANNOT GET THE HIV VIRUS FROM NORMAL EVERYDAY SOCIAL OR WORKING CONTACT** such as sharing crockery or cutlery, hugging and touching, kissing, sharing toilets and swimming pools. Blood donors run no risk of catching the virus because all the equipment used is sterilised. HIV cannot be transmitted via sexual intercourse with someone who is not HIV infected and via sexual activities which do not involve contact with, or exchange of, another person's body fluids, especially semen, vaginal secretions and blood.

### How is HIV transmitted?

HIV is transmitted from an infected person through semen, blood, cervical or vaginal fluids. Therefore, certain activities which involve an exchange of these fluids from an infected person into the bloodstream of another person could lead to infection with the virus.

This happens only in certain clearly defined ways: -

**'Risky' Sexual Contact** - Vaginal and anal intercourse without a condom with someone either male or female, 'gay' or 'straight' who is HIV infected are major routes of transmission and put the non-infected person at risk. Protected intercourse through the use of a condom reduces the risk of HIV and other infections. There is a greater risk of infection via anal intercourse as it can involve a degree of physical trauma and blood release. There may be a lesser risk of HIV being transmitted through oral sex depending on the activities engaged in. Few people who have been sexually active with a number of partners in recent years, particularly abroad, can be 100% certain they are not HIV infected. Unprotected intercourse with an HIV infected person on just one occasion may be sufficient to transmit the virus.

**Blood to Blood Contact** - The virus is spread between drug users who share hypodermic needles and syringes to inject themselves; therefore needles and syringes must never be re-used. There has been a risk, in the past, from the clinical transfusion of infected blood, and haemophiliacs have been exposed to the virus through their dependence on blood-clotting factors which are derived from blood collected from many donors. Steps have been taken to eliminate the possibility of infection through this source by testing and screening blood donors and by the use of heat-treated blood products. However, people who have received blood whilst abroad may be at risk.

Concern has also been expressed about the possibility of blood to blood transmission of the virus via non-sterile equipment used for ear-piercing, tattooing, acupuncture and electrolysis. If you wish to use these services you should enquire if the premises have been inspected and registered with the council.

**Perinatal Transmission** - Early studies showed that there appeared to be a 15% possibility of an HIV infected mother passing on the virus to her baby and a significant risk of infected babies developing AIDS. If you are considering pregnancy and you think you may have contracted the virus, talk to your Doctor, or local specialist staff at the Sexual Health Unit (see contact names opposite).

Donors of semen for artificial insemination need to be screened and persons who are HIV infected must not donate their organs for transplantation.

**Body Fluids and Body Products** - Low levels of the HIV virus can sometimes be found in saliva and tears of an HIV infected person. However, there is no recorded case of transmission via these fluids.

Expert opinion considers that faeces, urine and vomit should only be considered hazardous if they are contaminated with blood.

However, it is important to treat all bodily fluids as though they are infectious because they may be contaminated with blood. Sound general infection control precautions must be applied whenever they are handled or encountered and these precautions are outlined in the leaflet entitled Code of Practice for the Control of HIV Infection.

**Contact Names:-**

For advice contact:

Sheena Stewart  
Sexual Health Development Manager  
Telephone: 01905 22957 or  
01905 760239

or Jenny Kimberlee,  
Senior Health Promotion Officer,  
Sexual Health Unit,  
Telephone: 01905 619884

or Personnel Service Area  
Penny West extension 2041

or Terrence Higgins Trust,  
52-54 Grays Inn Road,  
London WC1X 8JU  
Telephone: 0207 242 1010

or Turning Point,  
Jenny Lockwood,  
Drug Link,  
35 Foregate Street, Worcester  
Telephone: 01905 724853

For counselling and testing contact:

Pete Stenson,  
Clinical Nurse Specialist,  
Genito Urinary Medicine,  
Sexual Health Unit,  
Castle Street,  
Telephone: 01905 760154 extension 35017

**Clinic Times**

Monday                    12.30 p.m. - 4.00 p.m. and 4.30 p.m. - 7.30 p.m.  
Tuesday                   9.00 a.m. - 12 noon and 2.00 p.m. - 4.00 p.m.  
Wednesday            )  
Thursday                ) 2.00 p.m. - 4.00 p.m.  
At other times by arrangement

Please ring for an appointment - 01905 760154

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National AIDS helpline - 0800 567 123  
Calls are free, confidential and can be made 24 hours a day, 7 days a week.

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Phonelines in other languages:-

Bengali, Gujarati, Punjabi, Urdu - 0800 282 445 - Wednesday 6 p.m. - 10 p.m.  
Cantonese - 0800 282 446 - Tuesday 6 p.m. - 10 p.m.  
Arabic - 0800 282 447 - Wednesday 6 p.m. - 10 p.m.

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## WORCESTER CITY COUNCIL

### CODE OF PRACTICE FOR THE CONTROL OF HIV INFECTION

#### INTRODUCTION

Any contact with the body fluids of other people must be undertaken with proper regard to personal safety precautions. In the case of HIV infection the most likely route of transmission at work is by blood to blood contact upon incurring injury. The blood of an infected person can enter another person's bloodstream through cuts in the skin or through splashes in the mouth or eyes.

Therefore it is necessary for you to follow these guidelines for the prevention of the spread of HIV.

#### HYGIENIC PRACTICES

Gloves must be worn when dealing with body fluids such as blood, faeces and urine.

Separate cleaning cloths for kitchen, baths and toilet must be used.

Spillages of blood, vomit and excrement or other bodily fluids must be cleaned up as quickly as possible. Use disposable cloths or paper towels to clean up spills wherever possible.

BUT where splashes of body fluid or blood occur: -

On the skin: wash immediately with warm or cold running water and soap.

In the eyes  
or mouth: wash out immediately with large amounts of cold running water.

Paper towels in small quantities can be discarded down the toilet. However, if a large number are used dispose of them in a bag and again in another bag (known as 'double bagged'). Disposable gloves must be disposed of in the same way.

Floors and surfaces affected can be disinfected by soaking in normal disinfectant as directed or by using freshly prepared thick household bleach, taking care to dilute according to instructions.

Implements which could become contaminated with blood must not be shared. It is advisable not to share personal belongings in any event, for example razors and tooth brushes, to prevent cross infection.

Crockery and cutlery can be shared. Utensils can be handwashed in hot soapy water or in a dishwasher.

Washable clothes and linen that are stained with blood or other bodily fluids must be kept separate from other washing and washed in a washing machine in the hot wash (approximately 80°C) or boiled before handwashing.

Avoid handling sharp objects for example hypodermic needles which may have been contaminated by blood. Only handle them with gloves taking extreme care. The contaminated sharp object must be placed in a sharps box, used drinks can or glass jar and the Environmental Health Section must be contacted to arrange its safe disposal.

If body fluids do get into open wounds or through a cut from a contaminated sharp object, encourage bleeding, then wash the wound thoroughly with soap and water.

### Procedure - Gloves

#### Household Rubber Gloves

- .. Wash your hands in warm water with soap before starting the procedure.
- .. Check the clean gloves for any defects.
- .. Re-usable gloves must be washed on the hands under hot running water with soap, before performing tasks.
- .. On completing the task, wash the gloves on the hands using warm water and soap, changing the water, remove the gloves, turn inside out and wash them again, rinse and dry off excess moisture with a clean cloth and leave to dry thoroughly before wearing again. Then wash hands.
- .. NEVER Wear gloves with TEARS OR PUNCTURE HOLES IN THEM.
- NEVER Put on gloves that are WET INSIDE, because this may indicate a hole in the gloves.
- NEVER Put on gloves if your HANDS ARE WET, because the difficulty in putting on the gloves may cause damage to the rubber.
- NEVER Keep on gloves that have BECOME WET INSIDE whilst performing the task since this may indicate a perforation.

### Procedure - Disposable Gloves

1. Follow the guidelines above, but
  - a) Never re-use a pair of gloves.
  - b) On completing the task - wash the gloves on the hands before removing and disposing of them by wrapping in a polythene bag and placing in waste bin.
  - c) Take extra care not to tear or puncture these gloves as they are not as robust as the re-usable type.

### FIRST AID

First aid treatment which involves contact with blood presents a very small risk of transmission of HIV (and other infections such as Hepatitis B) from an infected person. When administering first aid, the possibility of infection can be minimised by following these rules: -

- \* A person who is unconscious and not breathing requires mouth-to-mouth resuscitation. There are NO reported cases of HIV infection being transmitted by mouth-to-mouth resuscitation. Therefore, as it is a life-saving procedure it should not be withheld due to a fear of contracting HIV or other infection.
- \* If the person is bleeding from the mouth, use a clean cloth or other suitable material to wipe away any blood. Mouthpieces are available for use when carrying out this procedure, but they should only be used by properly trained persons. Nevertheless, mouth-to-mouth resuscitation should not be withheld in an emergency because a mouthpiece is not available.
- \* When dealing with blood or other bodily fluids first aiders must always wear gloves, either rubber or disposable. When mopping up spillages use paper towels and dispose of these items via 'double bagging' or flushing down the lavatory, if appropriate. (Non-disposable gloves must be washed thoroughly with soap and water after use).

First aiders must always wash their hands before and after applying dressing even if wearing gloves whilst administering first aid.

If gloves are not available cover any cuts or abrasions on your hands with waterproof plasters before treating a casualty.

If a first aider's lips, mouth, tongue or eyes are in contact with another person's blood they must wash them out with clean, cold water.

Soiled clothing worn by first aiders treating a casualty can be washed or cleaned in the normal way.

Never smoke, eat, drink or touch your face whilst handling bodily fluids as this could lead to ingestion or inhalation of contaminants or germs.

### The Reporting of Incidents

Accidents or injuries covered by Health and Safety legislation must be reported in the normal way via the Safety Adviser. Any accident/incident in which it is thought that anyone could have been contaminated with an infected person's blood, through a cut or abrasion in the skin or splashing in the mouth or eyes, must be reported to their own doctor as soon as possible.

### **UNUSUAL PREMISES AND PLACES**

Some employees, by the nature of the tasks they carry out, have to come into contact with premises and places which render them more at risk to infection.

Evidence that is available indicates that the normal chlorine levels in properly managed swimming pools, together with the dilution factor in the water, will prevent any risk of HIV infection during the use of such pools, or during sampling or maintenance operations carried out by employees.

Employees working in dirty premises/places or with sewers are open to the risk of many infections but HIV infection cannot be transmitted by dirt or dust.

Employees concerned with the collection of refuse and waste must take particular care when carrying out tasks involved in the collection and disposal of refuse. In particular they must avoid compressing refuse with their hands in order to avoid injury particularly from hypodermic needles.

### **PUBLIC TOILETS**

Employees responsible for cleaning or monitoring public toilets must: -

- avoid unnecessary contact with blood and other body fluids and use gloves and other protective clothing as appropriate.
- adopt good personal hygiene, with special attention to the adequate protection of cuts and abrasions.
- should blood or other body fluids be encountered, the contaminated area must be washed with water and a detergent and then treated with bleach or other suitable disinfectant, left for at least 10 minutes and re-washed with clean water, using a cloth, mop or brush, which has not been previously contaminated. Reusable cloths, brushes, and so on must finally be stored in a bleach or similar solution until the next day.

## **WORCESTER CITY COUNCIL**

### **ALCOHOL AWARENESS IN THE WORKPLACE**

#### **POLICY STATEMENT**

Drinking alcohol is a long established and accepted part of social life and is normally a personal matter. The Council does not wish to interfere in the private lives of its employees, however it becomes the concern of both employer and employee when it affects safety, performance, interpersonal relationships, relationships with members of the public and/or the public perception of the organisation.

The Alcohol Awareness in the Work Place Code of Practice will give guidance to employees and supervisors when dealing with related issues.

### **ALCOHOL AWARENESS IN THE WORKPLACE** **CODE OF PRACTICE**

Who is covered: ALL Worcester City Council employees

The employee has the right to be accompanied by a trade union representative or any other person of their choice, if they wish, at any stage in the process.

#### 1. INTRODUCTION

It is estimated that 1 in 10 employees in Britain has an alcohol related problem. Furthermore absences from work due to hangovers, accidents at work and other alcohol-related complaints account for an estimated eight million working days lost per year throughout industry. Therefore it does not make sense for organisations to turn a blind eye to the effects of alcohol misuse.

The policy statement will be achieved by:

1. Informing employees of the dangers of drinking excessive levels of alcohol.
2. Helping employees with a drink problem by arranging for advice and treatment in confidence.
3. Seeking to maintain the employment of those co-operating with recommended treatment.
4. Raising management's and employee's awareness of the implications of alcohol abuse.
5. Publicising, amongst employees, the Council's principles on alcohol consumption.

## 2. DEFINITION

Alcohol misuse can be defined in general terms as the continuous or intermittent use of alcohol leading to dependence or harm. In employment terms it can be defined as 'drinking which continually or repeatedly affects an employee's work performance'. An alcohol related problem does not normally include one-off instances where employees drink inappropriately at work on occasions such as birthdays, leaving parties or Christmas. Drinking to excess on these occasions could be considered as a disciplinary matter and dealt with accordingly.

## 3. INVESTIGATION

When any employee seems to be having difficulties at work which it is suspected may be related to drinking problems, the appropriate manager should seek guidance from the Personnel Section to ascertain if any investigations are necessary and the course of any further action. The appropriate manager is not expected or advised to handle the investigations alone.

It is neither expected nor advised that managers diagnose alcohol misuse or recommend treatment.

If it becomes necessary for an employee to be interviewed careful consideration should be given to who conducts the interview, either the line manager, senior management or Personnel or an appropriate combination.

- Management should arrange to interview the employee in a private office, free from any interruptions.
- **The interview should only take place if management is satisfied that the employee is not under the influence of alcohol.**
- The interview should be carefully planned and the necessary paper work should be to hand, including information about alcohol misuse, the Council's policy statement, code of practice and guidance notes.

The essential purposes of the interview are to: -

- offer the employee an opportunity to discuss any concerns in a constructive and strictly confidential atmosphere.
- identify and clearly specify where the employee's performance does not meet the standards required.
- offer the employee the chance to provide explanations.

If the subject of alcohol has not arisen during the above discussion management should share the concern with the employee. The tone should be kept objective and non judgmental, and the existence of the Council's policy statement and the code of practice should be explained.

The object is not to get involved in an in depth discussion about the employee's drinking, however Management should be supportive and offer an interview with the Occupational Health Physician where appropriate. If the employee agrees, Personnel will arrange an appointment as soon as possible.

#### Refusal of Help

An essential element in the successful treatment of alcohol misuse is the individual's acceptance that a problem exists. If the employee refuses to accept that there is an alcohol problem the job requirements should be restated and the employee informed that his/her performance and/or conduct will continue to be monitored. The employee should be told what action is considered necessary to improve performance or conduct. If there is little or no improvement it may be necessary to take further action, and the employee must be made aware of this fact.

#### 4. TREATMENT

An employee who agrees to undertake therapy or treatment will initially have the same protection of employment as any other employee with problems related to ill health. Depending on the treatment, some authorised absence from work may be necessary, provided that there is full co-operation from the employee during treatment. Following satisfactory completion of the treatment every effort will be made to return the employee to the same job. However in some circumstances it may be necessary to discuss with the employee transfer to a different working environment where the employee's performance will be monitored accordingly.

#### 5. REVIEW PERIOD

Where an employee agrees to undertake treatment the manager will agree a review period, allowing for the length of any absences, with the employee and at the end of the period the manager should evaluate the employee's work performance and/or conduct. If, at the review, it becomes apparent to the manager that treatment is not resulting in satisfactory performance or conduct, a meeting will be arranged with the employee, their representative if desired, their manager and a member of the Personnel Section. At this meeting a final period will be agreed during which satisfactory performance should be achieved. If at the end of this period the employee's performance or conduct is still unsatisfactory then the matter may become subject to the disciplinary procedure.

Many modern alcohol counselling and treatment programmes do not expect people to give up alcohol altogether. So if at first the employee still appears to be drinking, the Council recognises that they may be reducing their alcohol intake gradually over a period of time.

It is not unusual for lapses to occur during the review period, this is fairly common and need not necessarily indicate failure. However, each recurrence should be given due consideration and evaluated on its own merits. General advice could be sought from the local Alcohol Advisory Service when necessary.

## 6. CONFIDENTIALITY

Information on the employee's problems, treatment and performance must be kept in the strictest of confidence. The Head of Service, the employee's Manager and Personnel should be the only persons informed of the employee's alcohol problem. Information can only be released to any other parties with the employee's permission.

## 7. EDUCATION AND TRAINING

Education and training can help managers and employees understand the dangers of alcohol misuse and enable them to recognise its symptoms and side effects. Managers will receive general training in the nature of alcohol problems, their identification, talking to employees who have an alcohol problem and the general nature of treatments that are available. Employees will receive information, literature and general publicity material as part of a continuing health education programme.

## 8. DRINKING AND DRIVING

The loss of a driving licence due to a conviction for driving whilst over the legal alcohol limit can have repercussions on employment. Where an employee has to drive as part of his or her job, dismissal may be inevitable although the possibility of alternative work would first be considered. There would be no protection of rate of pay in these circumstances.

## 9. COUNCIL PRINCIPLES ON ALCOHOL CONSUMPTION

- 1) Non-drinkers must never be pressurised into drinking.
- 2) Employees must not consume alcohol during working hours except in very special circumstances, which are specifically authorised by management, for example official Council hospitality, or farewell events. A realistic variety of non-alcoholic alternatives must always be available on these occasions. Employees should consider the effects of alcohol on work performance and the sensible drinking limits (listed in the booklet 'That's the Limit' available from the Personnel Section) when drinking at lunch time and on special occasions.

Employees are advised not to drink alcohol before driving. They are reminded that in accordance with the disciplinary rules, endangering health and safety and unfitness to carry out the duties of the post due to the influence of drink constitutes misconduct or gross misconduct and any employee found to be in breach of these rules will be subject to disciplinary action.

## 10. REVIEW

The operation of the policy statement, code of practice and guidance notes will be reviewed periodically.

## **GUIDANCE NOTES**

### **RECOGNISING ALCOHOL MISUSE**

#### Causes of Alcohol Misuse

Alcohol misuse may be the cause or the symptom of a variety of problems at work or at home, and the earlier that employees with difficulties are identified and help is offered and accepted, the greater the likelihood of success of any assistance given.

#### Early Warning Signs

Managers have an important role to play in identifying problems at work. They are amongst the most likely people to observe unusual behaviour, therefore they should be aware of the key indicators of alcohol abuse. These indicators are for general guidance only and the presence of some or all of them does not necessarily mean that the employee has an alcohol related problem.

#### Absenteeism: -

- multiple unauthorised absences
- large amounts of sick leave (especially short term self certified)
- absence on certain days, particularly near weekends or after pay day
- arriving late for work in the morning or after lunch
- leaving early
- frequent absence from their workplace whilst on duty
- frequent visits to the cloakroom
- frequent occurrences of certain illnesses

High and/or increasing incidences of accidents both in and out of work.

#### Low performance standards: -

- missed deadlines
- slow working
- poor judgement
- lack of attention to detail
- complaints from colleagues/members of the public
- unreliability
- forgetfulness

#### Inter-personal problems: -

- unpredictable reactions to criticism
- paranoia
- irritability
- avoiding colleagues
- borrowing money
- physical or verbal abuse of colleagues/members of the public or increases in aggression
- introverted behaviour

Personal appearance: -

- various aspects of appearance should be monitored to check for signs that problems may exist.
- lack of concern for personal appearance and hygiene
- flushed face
- hand tremors
- general physical incapacity
- smell of drink or attempts to mask the smell

It should be remembered that there is no typical alcohol misuser. The person could be of any age, gender or from any social background.

### CONTACT NAMES

For advice contact:

Alcohol Advisory Service  
10 Sansome Place  
Worcester  
WR1 1VA

or National Alcohol Helpline  
0207 332 0202

01905 27417/616517

or

Alcoholics Anonymous - Worcester Branch - 01905 610064  
see local directory for other branches

or

Personnel Section  
Penny West extension 2041  
Jill Martin extension 2043

or

UNISON Representative:  
Chris Luckham (extension 2569) Bev Kittle (07734995616)

GMB Representative:  
David Thorpe (extension 2089)

## **POLICY STATEMENT**

### **VIOLENCE IN THE WORKPLACE**

#### **Introduction**

This policy statement forms part of the overall Safety Policy, which covers all aspects of employees' health, safety and welfare and expands upon those areas covering personal safety.

#### **The Authority's Responsibilities**

Worcester City Council accepts, so far as is reasonably practicable, its responsibilities to:

- Acknowledge the risks of violence faced by its employees and provide a working environment and processes designed to minimise those risks.
- Provide appropriate supervision information, instruction and training for all employees who may be affected.
- Monitor the incidents of violence/abuse involving employees and introduce improved processes/procedures where appropriate.
- Investigate as appropriate all reported incidents of violence and report details to relevant organisations, committees (*Police, HSE, JCSC HSMG etc.*).
- Provide suitable and appropriate support mechanisms for employees who may be involved in incidents of a violent nature
- Instigate criminal proceedings against the alleged assailants in crimes of violence at work (subject to the views of the employee(s) concerned)  
The Head of Governance & Corporate Support is authorised to provide legal assistance to any employee who is assaulted in the course of their employment. (*The Head of Governance & Corporate Support must be satisfied that the case has a reasonable chance of success and that there is not conflict of interest between the Council and the employee*).
- The provision of Personal Accident Insurance, which provides cover for employees in the event of personal injury at work.
- Preserving the confidentiality of the victim if they so wish

#### **Managers' Responsibilities**

It is the responsibility of managers to prevent violence by whatever measures may be appropriate and to provide adequate supervision, information, instruction, training and support for employees as and when required.

## **VIOLENCE AT WORK**

### **INDEX**

The Authority's Responsibilities (Approved Formal Statement)

#### Guidance on Violence at Work

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#### Minimising the Risks

2 Preparation Checklist

3 Home Visits

4 Dogs

5 Cash Handling

6 Training

#### Coping with Difficult Situations

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15 Counselling

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## **GUIDANCE ON VIOLENCE AT WORK**

### **1. What is Violence?**

**VIOLENCE IS BEHAVIOUR WHICH PRODUCES DAMAGING OR HURTFUL EFFECTS, PHYSICALLY OR EMOTIONALLY, IN OTHER PEOPLE (This definition comes from the British Association of Social Workers)**

There are many definitions of violence but it is considered that the above is appropriate to cover the wide range of circumstances which might be experienced by Worcester City Council employees.

The term 'violence' encompasses more than just physical attack; it includes verbal abuse, threatening behaviour and harassment. These are just a few examples of what may be considered as violence:

- .. intimidation such as banging or kicking furniture, shouting, swearing, throwing, etc.
- .. interference with work materials such as files, notebooks or telephones;
- .. personal insults to employees, racist remarks either implied or stated directly;
- .. threatening behaviour in the form of verbal threats, gestures, and obstruction.
- .. possession of any kind of weapon, regardless of whether or not it is used;
- .. sexual harassment or aggression, including innuendoes, threats, unwarranted touching;
- .. any other type of unwanted physical contact or assault including grasping and pulling clothes, shoving, pushing, etc.;
- .. physical assault.

This is not a comprehensive list of actions which constitute violence.

It is recognised that behaviour which one employee might consider acceptable may be unacceptable to another; words which one person finds offensive may be everyday language to another.

What warrants being reported as a violent incident is, to a large extent, a matter for the discretion of the individual concerned. In attempting to define whether a violent incident has taken place, the victim's own perceptions are important.

## **MINIMISING THE RISKS**

### **2. Preparation Checklist**

Thorough preparation and planning can greatly reduce the risks and, in many cases, actually prevent violent situations occurring.

These are some of the preparations you should consider:

- .. CHECK RECORDS What is known about the client? Is there a history of difficult behaviour? Should you cross-check with other agencies?
- .. OFFICE INTERVIEW It is safer to interview in the office than in the client's home. If you are suspicious, arrange for the client to come to meet you on Council premises.
- .. REMOVE POTENTIAL WEAPONS Clear the interview area of objects which potentially could be used as weapons - heavy ashtrays for example.
- .. OFFICE FAMILIARITY Make certain you know where the panic button is and where the nearest colleague is situated.
- .. CHOOSE YOUR TIME Arrange the interview at an appropriate time. For example, if you know the client drinks alcohol at lunch time, schedule the meeting for the morning.
- .. WORK IN PAIRS If you have even the slightest suspicion that there is a risk of danger, conduct the interview with a partner.
- .. MOVEMENT DIARY Never leave the office to visit a client without ensuring your colleagues know where you have gone and when to expect you back. An office 'movement diary' is a good idea, with someone being given responsibility to monitor it and raise an alarm if necessary.
- .. ADEQUATE DATA Ensure you have all the information you might need for the interview. Check to make sure you fully understand it. Anticipate and prepare for questions you might be asked.
- .. CARRY AN ALARM Personal 'screech' alarms are available to employees at risk. (Ask your Supervisor for details). Always carry your alarm and keep it accessible - not in a handbag or with your shopping! Be prepared to use it, holding it close to the assailant's ear. A loud noise may make an attacker hesitate and give you valuable seconds to get away.
- .. STAY DETACHED Do not ever be persuaded to reveal personal details about yourself - for example your address, telephone number, whether or not you live alone.

### **3. Home Visits**

Home visits are sometimes unavoidable but you should recognise that there is a greater potential risk of danger.

In addition to the 'Preparation Checklist', there are additional precautions you should take:

- .. CHECK ADDRESS Ensure you know the correct address where you are meeting the client; don't be drawn into meeting elsewhere.
- .. CHECK AUTHENTICITY If you are meeting someone unknown to you, check their authenticity before leaving to keep the appointment. For example, check the telephone or other directory and cross-match the name and address.
- .. PARKING Park as close as possible to where the meeting is. If parking in a driveway or cul-de-sac, park the car facing in the homeward direction so that you can leave quickly if necessary.
- .. CARRY A TORCH A torch is particularly useful if visiting in the hours of darkness or if you have to walk down alleyways.
- .. LET THE CLIENT LEAD Always follow the client into hallways and rooms, rather than have the client behind you.
- .. CHOOSE YOUR SEAT Choose the seat between the client and the door so that

- you can leave without being hampered if need be.
- OTHER PEOPLE Try to arrange the appointment when you know other people will be present or nearby - family or neighbours of the client for example.
- WORK IN PAIRS Do not make the visit alone if you have any reason at all to suspect you might be at risk. Take a colleague with you.

#### **4. Dogs**

Dogs, large and small, can be extremely frightening. In a few instances, members of the public may have encouraged their dogs to behave in an aggressive or menacing manner.

If you are concerned:

- ASK FOR RESTRAINT/REMOVAL Tell the owner you do not like dogs. Ask that the dog be restrained or, preferably, put into another room.
- SPEED UP - OR GO If the owner refuses to control or remove the dog, speed up the interview but try to avoid conflict. If you are really concerned, terminate the interview and arrange another meeting in your office.
- IF THE DOG ATTACKS STAND AS STILL AS POSSIBLE Cover your face with your hands. Do not try to push the dog away. The dog's natural instincts will be excited more by your movement or struggling. If you are bitten, seek medical attention, including a tetanus inoculation.

#### **5. Cash Handling**

Collecting or carrying cash may provide an incentive for theft or robbery. Sensible precautions will minimise any risks:

- VARY PATTERNS Try to avoid setting any patterns which might become known. Vary collection routes, parking arrangements and timing as much as possible.
- OUT OF SIGHT Keep cash out of sight. If you have to give change, do so from a separate, small float.
- KEEP IT SECRET Never discuss with anyone the fact that you carry or collect cash.
- SAFETY FIRST If someone attempts to rob you, hand the cash over. Your safety is more important.
- FOLLOWING INSTRUCTIONS Follow the specific instructions issued by the Treasurer's Department in their booklet "Cash Handling Instructions and Controls".

#### **6. Training**

Good training can help you gain the skills and confidence to deal with difficult circumstances and awkward people. For example, saying 'NO' is seldom pleasant, especially when it's said to difficult clients. Training can help you devise a number of ways of saying "NO" which minimise the risks of contradiction or confrontation. By putting the training into action, you might be better equipped to calm clients and defuse potentially violent situations.

Even if the worst does happen, your training will assist you to extract yourself from danger in the most effective manner.

Worcester City Council organises appropriate in-house training courses for all employees, details of which are sent to Heads of Service and Service Area Admin Officers. If you would like to attend a training session, ask them for details.

Additionally, 'tailor-made' courses can be specially organised to meet the specific needs of a Service Area or section. If you think this would be useful for you, talk to your line manager in the first instance.

## **COPING WITH DIFFICULT SITUATIONS**

### **7. Recognition**

Recognition that a situation is deteriorating provides you with an opportunity to defuse the situation. Anticipation of violence is very difficult but there are situations and signs to look out for:

- .. SAYING 'NO' Some people may get agitated or angry when they are told they cannot have what they want - being banned from a Sports Centre or being refused Council accommodation for example.

Recognise the potential problems of saying 'No' and prepare for it, perhaps by having a colleague with you at the time.

- .. PHYSICAL NEEDS The presence of pain, illness, hunger, exhaustion, thirst or drugs - including alcohol and solvents - can all be factors in bringing about abuse and violence. Similarly, worry, bereavement and fear may provoke an uncontrolled reaction.

- These factors are not excuses for violence. However, if they can be recognised, appropriate action can be taken, such as enabling an arthritic client to sit down; supplying a hot drink; terminating the interview if the client is intoxicated.

- .. PHYSICAL SIGNS Watch out for changes in mood and/or behaviour which might signal possible violence. For example, take note of:

- heightened pitch of voice
- increased volume and speed of speaking
- increasing frustration
- increased movement such as fidgeting, pacing or arm waving
- clenching of fists, tensing of muscles
- sweating
- staring

### **8. Defusing the Situation**

If a situation is going from bad to worse, your behaviour and words are vitally important. There is no guarantee of success that you can 'talk the situation down' but there are a number of positive steps you can take.....and a number of things to avoid:

DO.....keep control of your own emotions and behaviour

- .. talk calmly and sensibly; as the client's voice gets louder, so yours should get correspondingly quieter.
- .. use words and phrases the client can understand; summarise often.
- .. adopt an open posture (not arms folded), look interested and make some eye contact - but not too much as staring may appear threatening.
- .. suggest a short break if things are getting heated - this provides an opportunity for the client to calm down - and for you to summon help if necessary.
- .. agree - without commitment - to re-consider the client's point of view.
- .. ask the client to clearly summarise what exactly he/she wants; repeat what the client says so that he/she knows you understand.
- .. personalise yourself if you are receiving abuse because of your position. For example: "I find it upsetting when you speak to me like that" rather than "the Council won't tolerate you saying that".
- .. choose words carefully: say you are 'upset' rather than 'angry'; say 'please' rather than make a demand.
- .. keep your distance.
- .. leave the client and/or call for assistance if you think the situation is getting out of hand.

DON'T.....argue, raise your voice or insult

- .. use provocative phrases such as "now don't be silly" or "just calm down".
- .. touch the client, point or wag your finger.
- .. punish or threaten punishment.
- .. corner yourself with phrases like "I'll give you just five minutes to do it".
- .. personalise the issue. If your actions are governed by departmental rules, make sure the client knows that your refusal is not a personal issue.

## **9. Fight or Flight?**

If physical threats are made against you, leave.

If the client produces any sort of weapon, withdraw immediately.

If in doubt.....GET OUT.

In making your withdrawal, do so as calmly as possible. Try not to turn your back on the aggressor.

Whenever possible, call for assistance, either verbally or by using a 'panic button' or alarm.

## **10. Physical Restraint**

Physical restraint should only be used in self-defence when it is impossible to back off. It is lawful in these circumstances for a person to use force in self-defence provided that it is reasonable. This immediately raises the question - what is reasonable? The best guide to follow is that physical restraint should be the least force sufficient to stop further attack and should seek to avoid injury. Try to restrain a person by holding the arms or legs. Avoid contact with the sexual areas, the head and face or interference with breathing.

The law expects you to retreat whenever possible but there are occasions when to protect yourself from attack you may injure the attacker, and the law accepts this.

## **11. Damage to Council Property**

If the violence is directed at Council property, it is a matter of your judgement whether you should try to stop it. If an attempt to stop the damage is likely to result in injury, do not intervene. Only take action if you are confident of success and there is no chance of injury.

Although the safeguarding of property is important, it is secondary to your protection.

It is much safer to call for assistance rather than try to tackle the incident alone.

### IF AN INCIDENT HAS OCCURRED

If, despite all precautions and care, you are the victim of violence or have experienced a potentially violent situation, there are a number of things you must do and a variety of assistance available to you.

## **12. Medical Assistance**

If medical assistance is needed, it should be sought straight away - either from a qualified first-aider, your doctor, a hospital accident Service Area or by ambulance to hospital if necessary.

Time away from work in order to receive medical treatment will be paid by Worcester City Council in line with normal sickness/injury absence provisions.

## **13. Report Forms**

Employees who experience - or witness - a violent or potentially violent situation must make a report as soon as possible afterwards, using a 'Violent Incident Report Form'. Forms are available from your line manager, Department Admin Officer or the Personnel office. After completion, return the form to your line manager. It will subsequently be signed by your Supervisor and forwarded to the Personnel Office.

The information you give will be treated in confidence. Your name will not be released to other officers without your permission and on no account will details be given to the Press by the Authority. The Personnel Office will compile a short report of the incident for Head of Services' Management Team and the Joint Consultative Safety Committee and you will not be identified in the report and care will be taken to preserve your anonymity. You may see the report, if you wish, before it is submitted.

Filling out a report form is very important. It enables a record to be made whilst details are still fresh in your mind. You may want to refer to this record if you or the police subsequently take legal action. The report will prompt a review by Heads of Service of operating procedures and the introduction of improvements if necessary. It will also trigger the appropriate marking of a potentially violent client's file thereby alerting others.

#### **14. Police Involvement**

If you have been assaulted, or your property has been damaged, you have the right to make a complaint to the Police if you choose. The Police should be informed immediately.

If the incident involves only damage to Council property, the decision as to whether the Police should be involved rests with the Head of Service, who should be informed by your line manager as soon as possible.

The Police (Crown Prosecution Service) may decide to prosecute the assailant as a case of criminal assault and/or criminal damage.

#### **15. Counselling**

It is important if you are assaulted that you have the opportunity to discuss the incident and receive counselling and support. There are people within the Authority who are trained counsellors who are available to help you. Alternatively, it may be agreed for arrangements to be made for you to talk with an independent, external counsellor.

All counselling is totally confidential. No information whatsoever - not even the fact that you have sought counselling - will be divulged to anyone without your prior permission.

#### **16. Compensation**

If you are injured or your property is damaged as a result of violence arising from carrying out your duties, you may be entitled to claim compensation from the Authority's insurers. In the first instance contact your Head of Service for information.

Depending on the circumstances, you may be entitled to seek compensation from the Criminal Injuries Compensation Board or to pursue a Civil action against the assailant for compensation. You are advised to obtain legal advice if you wish to pursue either of these options.

# Worcester City Council

## Reporting of Violent Incidents

### **NATURE OF ABUSE**

1. **VERBAL**
2. **VERBAL THREATS**
3. **PHYSICAL**

This form is to help you if you are involved in the above types of incident.

Additional information can be found in your copy of the Council's Violence at Work Policy.

Use the form for any incident at work that affects your well being and/or your ability to do your job. An incident like this should be reported in the same way accidents are reported.

You should: Complete the form VI 2A ensuring that you complete all sections and tick which ever of the listed headings most closely matches what has happened to you.

You should: Involve your Supervisor/Manager, he or she will follow the reporting procedure.

Incidents of this nature can have an adverse effect - shock for example can take time to become apparent. If you fill in a form, the Council can offer you support, help and aftercare if you request it.

In addition, the more information we have the more chance we have of preventing a similar incident from happening again.

**Remember** - if you want to talk to someone in confidence about how you feel the Authority accesses external qualified counsellors who are available to help you. For further information ring Penny West (Personnel) on Ext 2041.

# VIOLENT INCIDENT REPORT FORM

**ALL sections must be completed by the employee and actioned by the line manager.** Remember our first Assist 24 hour Counselling & Legal Advice line on **0800 716 017** (for confidential help or advice) for access to physiotherapy, contact Jill Martin, Personnel Services on 01905 722043

1. **Please tick the relevant Service Area**

- |                                |                          |                                     |                          |
|--------------------------------|--------------------------|-------------------------------------|--------------------------|
| Chief Executive                | <input type="checkbox"/> | Urban Environmental                 | <input type="checkbox"/> |
| Governance & Corporate Support | <input type="checkbox"/> | Cleaner & Greener                   | <input type="checkbox"/> |
| Finance                        | <input type="checkbox"/> | Performance Innovation & Efficiency | <input type="checkbox"/> |
| Safer & Stronger Communities   | <input type="checkbox"/> |                                     |                          |

2. **Please** tick the type of incident that has occurred.

- Verbal Abuse       Verbal Threat       Physical Abuse

3. Employee Details

Name	Job Title	Section

4. Incident Details Date of Incident: ..... Time occurred: .....

Please give brief details of the incident and the events leading up to it and whether or not the incident was face-to-face or over the telephone.

If the person suffered injury say what it was:

What was the location of the incident?

5. Please give the full Names & Addresses of any witnesses to the incident.

Name: \_\_\_\_\_ Address: \_\_\_\_\_ Phone No: \_\_\_\_\_

6. Please give any details that may help to trace the perpetrator of the incident and any others involved.

7. Please give details of any medical treatment received & where treated.

8. Did you return to your job or activity after the incident ? Yes  No
9. Was the incident reported to your Manager/supervisor? Yes  No

**SIGNED** .....**EMPLOYEE** .....**DATE**

**TO BE COMPLETED BY MANAGER/SUPERVISOR**

Was the incident reported to the Police? Yes  No  Police Ref Number .....

What action was taken to minimise the potential for a recurrence of the incident?

Having interviewed the employee is counselling required YES  NO

Reporting Procedure	Date	Signature
Accident Book Record Made		
Form VI to Safety Adviser		
Form VI copy to Head of Administration		
<b>When Required by RIDDOR</b>		
HSE informed by telephone – 0845 300 9923		
Form 2508 sent to HSE		
Form 2508 copy to Safety Adviser		
Form 2508 copy to Head of Administration		

**Signed:** .....**Manager/Supervisor** **Date:** .....

**Worcester City Council**  
**Training and Development Policy Statement**

**Purpose**

The purpose of this policy is to: -

1. Confirm the Council's commitment to training and development;
2. Set out the organisation's training and development objectives;
3. Identify initial priorities leading to a strategy and plan of action;
4. Outline the resource requirements to meet the organisation's training and development needs.

**1. Commitment to Training and Development**

The Council: -

- a) fully accepts its responsibility to make resources available to provide training and development opportunities to maximise the potential of its most valuable resource - its workforce. The enterprise, initiative and creativity of employees is crucial to the future development and success of the organisation's services;
- b) requires Councillors and managers to ensure that the training and development needs are identified, to enable the appropriate investment of the Authority's resources in the training and development of their employees;
- c) recognises its responsibility to provide equal access to relevant training and development in accordance with equal opportunities legislation and existing policies;
- d) accepts the need to provide appropriate training for elected members;
- e) recognises that continuing investment and commitment to training and development are vital to the organisation if quality services are to be provided, maintained and continually improved and for the recruitment and retention of quality employees

**2. Training and Development Objectives**

a) Employee training and development objectives are: -

- those which are necessary for the employees to be able to carry out their jobs efficiently and effectively;
- those which are necessary for the employees to achieve their personal agreed targets (where these have been established);
- those which are required for the employee to keep up to date on new legislation, new technology, changing standards, practices and policies;
- those which enable the employee to continue to improve their job performance;
- activities which will prepare the employee for future roles and responsibilities.

- b) Councillor's training and development requirements are: -
- those which are needed to keep Councillors up-to-date on new legislation and changing policies;
  - those which will enable individual Councillors to undertake specific duties and responsibilities;
  - those that will assist with the implementation of corporate and service strategies.
- c) The identification of the training and development needs of individuals and groups of employees is vital to the success of any training and development strategy which will evolve from this policy.

Management will endeavour where feasible for this activity to be carried out on a regular basis with training and development plans being agreed with each employee.

- d) The Council, after analysing service area training and development plans, will provide appropriate programmes which will be reviewed on a regular basis.
- e) All training and development activities provided for employees and Councillors will be consistent with, and support, the Council's strategy and service policies.

The implications for training and development will be recognised in and by future strategic plans and policies.

- f) On appointment, new employees will receive training information which will describe:
- the Council's Training and Development Policy Statement;
  - how training and development needs will be analysed and resourced;
  - the Council's expectations in providing and resourcing training;
  - conditions relating to the provision of training opportunities;
  - how successful training performance will be recognised.
- g) The development, co-ordination and responsibility for the analysis and provision of appropriate training and development activities will be carried out by the Head of Performance, Innovation & Efficiency in consultation with senior management.

### **3. Implementing the Policy - Identifying Priorities**

The Council recognises that employee and Councillor training and development objectives set out in 2 a) and 2 b) above are all important if the Council is to continue to be successful in achieving its strategic and service objectives. Nevertheless, there are certain needs which should be prioritised and form part of a Training and Development Action Plan. The following are suggestions to form part of the identified first steps in an action plan for Worcester City Council: -

- a) induction training that ensures new Councillors and employees are provided with the necessary information and awareness on the organisation's functions, structures, policies and role in a local and national context;
- b) emphasis will be given to training and development that relates to continual improvement in the quality or performance of services and the achievement of strategic and service objectives;
- c) professional and skills training in areas that: -
  - the Council has statutory obligations;
  - enable effective responses to legislative changes;
  - are essential to the maintenance and improvement of service standards;
  - are necessary to maintain and generate income;
  - prevent inefficiency or waste;
  - enable employees to meet their responsibilities in completing continuous professional development required by their institutes or professional bodies;
- d) management development opportunities for managerial and supervisory staff (in accordance with a management development strategy to be developed);
- e) communication skills and training to create an organisation that is able to communicate effectively both internally and with the community and business it serves;
- f) training and education in the current and future use of new technology.

### **4. Resource Requirements**

The Council will provide a budget for training and development that enables it to achieve its strategic and service objectives subject to finances and resources being available and in particular, in doing this, will take into account the following factors: -

- a) the identified training needs of Councillors and employees-,
- b) those training needs that are essential to progress the adopted strategies of the Council;
- c) the direct costs of training and development from such areas as staff time, course fees, hire of external training providers, training materials and travelling and subsistence;
- d) the indirect costs of training and development such as employees' salaries and wages and the effect on services of employees' absences whilst receiving or providing training.

## WORCESTER CITY COUNCIL

### WHISTLEBLOWER'S CHARTER

#### 1. PREAMBLE

- 1.1 Employees are often the first to realise that there may be something seriously wrong within an organisation. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the organisation. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about irregularity, wrong-doing or serious failures of standards in respect of any aspect of the Council's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.3 This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. *This Whistleblower's Charter is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside.*
- 1.4 The policy applies to all employees and to all quasi-employees such as casual, agency and contract workers who are not genuinely self-employed.
- 1.5 These procedures are in addition to the Council's complaints procedure and grievance procedure. You are responsible for making service users aware of the existence of these procedures.
- 1.6 This policy has been discussed with the relevant trade unions and has their support.

#### 2. AIMS AND SCOPE OF THIS POLICY

- 2.1 This policy aims to:-
  - encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
  - provide avenues for you to raise those concerns and receive feedback on any action taken
  - ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
  - reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.
- 2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Whistleblower's Charter is intended to cover major concerns that fall outside the scope of other procedures. These include:-
  - conduct which is an offence or a breach of law

- disclosures related to miscarriages of justice
- health and safety risks, including risks to the public as well as other employees
- damage to the environment
- the unauthorised use of public funds
- possible fraud and corruption
- sexual or physical abuse of clients, or
- other unethical conduct
- breaches of the Council's Standing Orders or Financial Regulations
- discrimination on the grounds of sex, race or disability

2.3 Thus, any serious concerns that you have about any aspect of service provision or the conduct of officers or members of the Council or others acting on behalf of the Council can be reported under the Whistleblower's Charter. This may be about something that: -

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or
- is against the Council's Standing Orders and policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

2.4 This policy does **not** replace the corporate complaints procedure or the grievance procedure.

### 3. **SAFEGUARDS**

#### 3.1 **Harassment or Victimisation**

3.2 The Council is committed to good practice and high standards and wants to be supportive of employees.

3.3 The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

3.4 The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

3.5 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

### 4. **CONFIDENTIALITY**

4.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. It must be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

## 5. **ANONYMOUS ALLEGATIONS**

- 5.1 This policy encourages you to put your name to your allegation whenever possible.
- 5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.
- 5.3 In exercising this discretion the factors to be taken into account would include: -
- the seriousness of the issues raised
  - the credibility of the concern; and
  - the likelihood of confirming the allegation from attributable sources.

## 6. **UNTRUE ALLEGATIONS**

- 6.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

## 7. **HOW TO RAISE A CONCERN**

- 7.1 As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved, you should approach one of the following: -

David Wareing	Chief Executive	Tel. 722200
John Scarborough	Head of Governance & Corporate Support	Tel: 722003
Grahame Lucas	Head of Finance	Tel: 722100
Jane Bramley	Chief Internal Auditor	Tel. 722165

If your problem is one on which you would prefer to speak to a female Senior Officer in the first instance, please contact John Scarborough, Head of Governance & Corporate Support Tel. 722003.

- 7.2 If your concern relates to one of the above and you feel that you cannot raise it with another person on that list, you may alternatively raise your concern with the Chair of the Council's Standards Working Party. The Principal Committee Administrator (Tel. 722005) will be able to provide you with his or her name, address and telephone number.
- 7.3 Concerns may be raised verbally or in writing. Employees who wish to make a written report are invited to use the following format: -
- the background and history of the concern (giving relevant dates);
  - the reason why you are particularly concerned about the situation.
- 7.4 The earlier you express the concern the easier it is to take action.
- 7.5 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

- 7.6 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.
- 7.7 You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

## 8. **HOW THE COUNCIL WILL RESPOND**

- 8.1 The Council will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.
- 8.2 Where appropriate, the matters raised may:
- be investigated by management, internal audit, or through the disciplinary process
  - be referred to the police
  - be referred to the external auditor
  - form the subject of an independent inquiry.
- 8.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example child protection or discrimination issues) will normally be referred for consideration under those procedures.
- 8.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.
- 8.5 Within ten working days of a concern being raised, the officer with whom the concern has been raised will write to you:-
- acknowledging that the concern has been received
  - indicating how we propose to deal with the matter
  - giving an estimate of how long it will take to provide a final response
  - telling you whether any initial enquiries have been made
  - supplying you with information on staff support mechanisms, and
  - telling you whether further investigations will take place and if not, why not.

A copy of that letter and the final response will be sent to the Monitoring Officer.

- 8.6 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from you. Depending on the circumstances, you may be asked to maintain confidentiality.

- 8.7 Where any meeting is arranged, you can be accompanied by a union or professional association representative or a friend. Such a person must respect any confidentiality that applies. The meeting may be away from Council premises if you so wish.
- 8.8 The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Council will arrange for you to receive advice about the procedure.
- 8.9 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

## **9. THE RESPONSIBLE OFFICER**

- 9.1 The Monitoring Officer (currently the Head of Governance & Corporate Support) has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report annually to the Council's Standards Working Party on the operation of this policy and issues raised.

## **10. HOW THE MATTER CAN BE TAKEN FURTHER**

- 10.1 This policy is intended to provide you with an avenue within the Council to raise concerns. The Council hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:-
- the external auditor
  - your trade union
  - your local Citizens Advice Bureau
  - relevant professional bodies or regulatory organisations
  - a relevant voluntary organisation
  - the police
- 10.2 If you do take the matter outside the Council, you should be careful about the extent to which you disclose confidential information. If you are in any doubt about your position, you should check with your external contact point or the Monitoring Officer.
- 10.3 The raising of minor issues externally in the first instance (for example the local media) could potentially diminish an individual's right to protection from action being taken against them by the Council. In order for you to be certain, completely independent advice about whether to "blow the whistle" externally can be obtained from an independent charitable organisation called Public Concern at Work 42 Kingsway London Tel. 0171 404 6609, Fax 0171 404 6576.

## **11. PUBLIC INTEREST DISCLOSURE ACT 1998**

- 11.1 The Public Interest Disclosure Act 1998 gives statutory protection to persons who raise concerns about possible wrongdoing in good faith. Additional provisions are inserted into the Employment Rights Act 1996 relative to “protective disclosures” and the rights of employees not to suffer detriment through making such disclosures.
- 11.2 The Council’s Whistleblower’s Charter is intended to complement the statutory protection now given to employees rather than detract from it. For the avoidance of doubt, an employee’s statutory rights will not in any way be affected by this Policy.

## **12. PERSONS WORKING FOR COUNCIL CONTRACTORS**

- 12.1 The Council wishes the principles and procedures set out in this document also to apply, so far as possible, to persons working for Council contractors.
- 12.2 Such persons may have concerns about possible wrongdoing by Council employees or by work colleagues engaged in performing works or services for the Council.
- 12.3 If such persons have concerns, they should contact either the manager of the relevant Council service or the Council’s Monitoring Officer on 01905 722003. The Monitoring Officer will follow the same approach and endeavour to provide the same safeguards as would apply to a concern expressed by a Council employee.

**ICT SECURITY POLICY**  
**AND**  
**USER GUIDANCE**

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## **INTRODUCTION**

### **The need for a security policy /user guidance**

PCs allow employees to process their own data and/or be connected (networked) to other computers processing data. In the past such employees may have worked with a mainframe computer processing data on their behalf. Where this was the case, the IT Manager would have in place controls to protect the data and the means of processing the data, i.e. programs and the equipment itself (as is the case with the mainframe at Worcester). However, where a PC is used, control must be exercised over the systems, (i.e. the data and programs known jointly as software) and over the actual PC equipment (known as the hardware).

### **Who should read the policy/guidance - all employees who use computers**

This policy/guidance is intended to ensure that the employees of Worcester City Council who use PCs are aware of the controls needed. The policy/guidance emphasises that managers have overall responsibility for implementing the controls, but all users of PCs have a responsibility to read the policy/guidance and ensure that they adhere to them. Employees should be aware that if they do not follow the policy/guidance it may result in disciplinary action being taken against them.

### **Responsibility for the policy/guidance**

The concept of control will only be effective if there is a clear line of responsibility for it. The prime person responsible for the security of all hardware and software used by a Service Area is the Head of Service of that Service Area. However, the controls needed may vary depending on circumstances and thus the Head of Service cannot be expected to lay down measures required on each occasion. Hence, it is important that Heads of Service clearly delegate responsibility to their managers for the control standards for software and hardware used within their Service Area and make it clear that the managers are responsible for ensuring that all their employees are aware of the policy/guidance (see Appendix A - *List of responsible persons*).

### **Responsibility of the employee**

Employees must not use the City Council's facilities to:

- access, display or disseminate material which is obscene, sexually explicit, pornographic, racist, defamatory or which depicts or incites violence or is otherwise illegal.
- engage in online gambling.
- participate in chain letters.
- conduct a business.

Such actions will lead to disciplinary action, which could include instant dismissal. The matter will also be reported to the proper authorities with a view to prosecution. (Refer to Appendix C - Section 11)

## 1. **Acquisition of Hardware**

- 1.1 All purchases of hardware (including PCs, printers, hand helds, PDAs, and any other devices that will be connected to a PC) must be made through the IT section to ensure that they comply with network and technical requirements.
- 1.2 Computer hardware may only be installed, relocated and removed after consultation and authorisation of IT Section employees. Requests should be made via the IT Help Desk x2121.
- 1.3 All malfunctions to hardware should be reported to the IT section through the Help Desk and this will be investigated by a Technical Support Officer. Under no circumstances should the users attempt to repair equipment themselves as this may invalidate insurance, warranties and contravene Health and Safety regulations.
- 1.4 All hardware equipment must be adequately insured. Equipment purchased through IT will be insured through the corporate insurance policy.

## 2. **Acquisition of Software**

- 2.1 Purchases of application software must be approved by the IT Strategy Group via the Head of IT.
- 2.2 Computer software may only be installed and removed after consultation and authorisation by IT Section employees. Requests should be made via the IT Help Desk x2121.
- 2.3 There should be a record of the purchase or licence agreement for all software residing on the PC. Such records will be held by the IT Section. Departmental managers should ensure the conditions of the licence agreement are followed. Software purchased corporately will be controlled by the IT Section.
- 2.4 Installing of software from other sources e.g. Internet must be in accordance with the ***Corporate policy regarding the use of personal computer software*** (See Appendix B).

## 3. **Asset Management**

- 3.1 An inventory will be maintained by the IT Section to identify all IT assets, their location and the Officer responsible for them. Therefore, it is the responsibility of Heads of Service to ensure the IT Section are aware of all IT assets which includes:
  - 3.1.1 **software assets:** application software, system software, development tools and utilities.
  - 3.1.2 **physical assets:** computer and communications equipment, magnetic media (tapes and disks) . The inventory will record the manufacturer, serial number(s), links to other equipment and location in order to help identify equipment if it is stolen, and the type of replacement required.
- 3.2 Service Areas are responsible for their system documentation, user manuals and training material.

#### 4. **Security of Data**

- 4.1 Only authorised persons may operate equipment or access data.
- 4.2 All computer equipment and programs are primarily provided for employees to carry out their job functions effectively and efficiently.
- 4.3 Disclosure of confidential, personal or sensitive data to other Council employees or outside organisations can only be done in line with Data Protection Employee Guidelines.

#### 5. **Personal Use**

- 5.1 Employees may make reasonable use of their PC facilities e.g. Word processing and spreadsheets for private work. However this should be in the user's own time and with the permission of their manager who will decide what is reasonable use.
- 5.2 Use of the Internet/email are permitted in accordance with the ***Internet Access policy*** (see Appendix C).
- 5.3 No games software should be loaded on the PC other than those that form part of the Windows operating system. These computer games may only be used with the permission of the manager outside working hours unless for training purposes.

#### 6. **Access Control**

- 6.1 To prevent the unauthorised access to sensitive or personal data, PC's must not be left unattended when "logged on" to a system unless access to data is prevented by a screen saver with password protection enabled. PCs should be logged off when not in use.
- 6.2 Where significant, sensitive and/or confidential data is stored then there should be access controls in place e.g. a system of passwords.
- 6.3 Passwords should not be easily guessed and should be:
  - 6.3.1 a combination of numbers and letters
  - 6.3.2 a minimum length of seven characters
- 6.4 Passwords should be changed regularly at least every three months.
- 6.5 Passwords must not be written down where they can be viewed.
- 6.6 Passwords should only be made known to other employees if authorised by the manager or where the user name is set up for general enquiry terminals.
- 6.7 Passwords and user-id information must never be disclosed to persons outside this Authority.
- 6.8 Where a password has been made public it should be changed as soon as possible.
- 6.9 Access to the PC operating system e.g. 'windows' is restricted and should not be modified without the express permission of the IT Section.

- 6.10 External agents' use of PCs (whether by visit or by remote access) should be controlled by informing the IT section so that security restrictions and monitoring procedures can be put in place. Managers should also ensure the IT Section are notified when temporary access permissions to computer systems given to external contractors, temporary employees and volunteers are to be deleted.
- 6.11 It is the responsibility of the manager to inform the Personnel Section of employees leaving. Personnel will arrange through the IT Section to remove access to computer systems. Managers must authorise the transfer of files and access permissions to other employees, where required.

## 7. **Reporting suspected security incidents**

- 7.1 Any violations of security procedures of which any employee becomes aware **must** be reported to the relevant Head of Service or Manager without delay. Reference can be made to the Council's ***Whistleblowers Policy***.

## 8. **Backup and Recovery**

- 8.1 All files stored on the network, in particular the user's home directory, are backed up on a daily basis as part of the network backup procedures and is the responsibility of the IT section. However if it is necessary to store files on the PCs hard disk (usually the C: drive) then it is the responsibility of the PC user to ensure that adequate backups are taken onto floppy disks or CDs. It is possible to back up the C: drive from the network, but users are required to contact the IT Section to request this facility.
- 8.2 Where users make their own backups they should be regular, timely and stored securely in a fireproof data safe or off-site. Backups and their location should be documented as part of the system documentation.
- 8.3 Backups should be checked to ensure that they are readable.
- 8.4 There is a business continuity policy covering procedures in the event of a disaster. A separate IT contingency policy is also available.

## 9. **Virus Control**

- 9.1 Virus Control software is installed on the Council's network but employees must be aware of the risk of loading a virus from floppy disk and CD files which have been created on external PCs.
- 9.2 If an employee carries out work on a home computer (and the files are to be subsequently transferred to a Worcester City Council PC) then virus checking software should be installed on the home computer. (The IT Technical Support section can advise on this)

## 10. **Physical Security**

- 10.1 Data storage media e.g. software disks and CDs are a user's responsibility.
- 10.2 It is advised that data storage media containing sensitive or regularly accessed data should be stored in their storage boxes and locked away at night.
- 10.3 Data storage media should be handled with care, clearly labelled and stored away from extreme temperatures, magnets etc.
- 10.4 The workstation should, as far as possible, be positioned away from public view, in a position where there is limited traffic.
- 10.5 The workstation should, as far as possible, be positioned where it can be easily supervised.
- 10.6 In areas of high risk, additional measures to protect the workstation should be employed:
  - 10.6.1 Siting or placing equipment in lockable rooms which should be locked when not occupied
  - 10.6.2 Using equipment locks where fitted. (The IT Section and/or Audit can advise)
  - 10.6.3 Locking small computers (e.g. laptops) in cabinets when not in use
  - 10.6.4 The use of screech alarms
- 10.7 Smoking, drinking and eating at the PC should not be allowed because liability for any damage may fall on the user.
- 10.8 No computer equipment or confidential, personal, or sensitive data in any form (including floppy disks and print outs) may be removed from Council premises unless specific authorisation has been given by the authorised Manager.
- 10.9 Proper security precautions must be observed:
  - 10.9.1 When travelling, equipment and media should not be left unattended in public places.
  - 10.9.2 The Council's insurance policy requires all portable equipment to be locked in the boot when transported by motor vehicle.
  - 10.9.3 Portable computers which are to be taken off Council premises should be protected with an appropriate form of access protection, e.g. passwords, to prevent unauthorised access to their contents.

## 11. **PC Energy Saving Recommendations**

- 11.1 The PC and monitor should always be powered off over night and at weekends unless running applications which require the PC to be left on at all times.

- 11.2 The monitor consumes more power than the PC and should therefore be powered off if the user will be absent from the desk for a long period.
- 11.3 Use of a screen saver is essential to prolong the life of the monitor.
- 11.4 PC's should not be powered on and off frequently throughout the day as this will increase the risk of hard disk failure resulting in higher maintenance costs.

## 12. **Data Management**

- 12.1 Users should conform to the council's network file directory structure to ensure good practice and security, e.g. public, shared and personal documents should be stored in folders with appropriate access permissions.
- 12.2 This logical structure of folders and files should be maintained by the user. Data files, documents, spreadsheets, should be given meaningful names, grouped together and stored in folders also with meaningful names. Under normal circumstances, the files will be stored on a user's home directory.
- 12.3 Regular housekeeping is essential e.g. deleting unwanted files, e-mail, as disk space is limited.

## 13. **Users Systems/Applications**

**This section is especially relevant to employees who have responsibility for developing spreadsheets and database applications.**

- 13.1 Multiple user applications e.g. an Access database where there is more than one user should not be developed, without the prior consent of, and in consultation with, the IT section
- 13.2 Single user applications e.g. individual spreadsheets, individual access databases, should not be developed without consultation with, and authorisation from, the user's manager.
- 13.3 All systems/applications developed on the PC should be documented (e.g. user guidance, operating instructions) as agreed with the Section Head.
- 13.4 The designer should ensure that there are adequate access controls, error and exception reports and should consider the desirability of adding an enquire only and/or print out only facility.

## 14. **Physical Access Controls**

- 14.1 The loss of door card entry system cards must be reported immediately to the relevant manager.
- 14.2 Persons (including Members) leaving the Council's employment must hand to the relevant manager all identity cards, manuals, equipment and other property belonging to the Council by their last working day.
- 14.3 Keys for secured areas, safes, cupboards and cabinets must be held in a secure place and must not be given to an unauthorised person.

15. **Legislative Requirements**

- 15.1 All end users should be aware that there is legislation which has implications for the use of information technology. See Appendix D - ***Legislative Requirements***

**Appendix A**

**List of responsible persons**

**Service Area**

**Job title**

**Cleaner & Greener City**

**Head of Cleaner & Greener City**

**Financial Services**

**Head of Finance**

**Safer & Stronger Communities**

**Head of Safer & Stronger Communities**

**Urban Environment**

**Head of Urban Environment**

**Performance, Innovation & Efficiency**

**Head of Performance, Innovation & Efficiency**

**Governance & Corporate Support**

**Head of Governance & Corporate Support**

**Chief Executive's**

**Chief Executive**

## **Appendix B**

### **CORPORATE POLICY REGARDING THE USE OF PERSONAL COMPUTER SOFTWARE**

1. Worcester City Council licenses the use of computer software from a variety of outside companies. Worcester City Council does not own the software or its related documentation and unless authorised by the software developer, does not have the right to reproduce it except for backup purposes.
2. With regard to Client/Server and network applications, Worcester City Council employees shall use the software only in accordance with the licence agreements.
3. Any employee who wishes to copy or use a given software program should obtain approval from IT Technical Support staff before proceeding.
4. Worcester City Council employees shall not download or upload unauthorised software over the Internet.
5. Worcester City Council employees learning of any misuse of software or related documentation within the Council shall notify the Service Area's manager who shall be responsible for informing the IT section.
6. According to applicable law, persons involved in the illegal reproduction of software can be subject to civil damages and criminal penalties including fines and imprisonment. Worcester City Council does not condone the illegal duplication of software. Worcester City Council employees who make, acquire or use unauthorised copies of computer software shall be disciplined as appropriate under the circumstances. Such discipline may include dismissal.

## Appendix C

### INTERNET ACCESS POLICY

#### 1 Introduction

- 1.1 The City Council provides Internet facilities via its local area network infrastructure for the purpose of accessing external information resources and/or external e-mail communications. World Wide Web access and/or Internet e-mail access may be provided to network users where management judges there to be a need.
- 1.2 This document lays down the conditions associated with Internet access for the guidance of users.

#### 2 Management

- 2.1 Use of Internet is subject to management control and disciplinary rules like any other employee activity, but, like such activity, it relies heavily on trust.
- 2.2 Because of the nature of the Internet and its constant state of change we need to give additional guidance and set additional conditions. The City Council is relying on employees' common sense as well as their integrity.
- 2.3 It is line management's responsibility to guard against misuse of Council facilities. **The Council has monitoring software and will use it to monitor for effectiveness and proper usage.** Any apparent misuse identified through monitoring will be raised with the direct line manager. When an employee is registered for access they must consent to their Internet access and e-mail to be monitored.

#### 3 Private usage

- 3.1 The City Council will allow limited private usage to the extent that it does not interfere with employees' work and employees do not download large volumes of material from the Internet. However, private usage must conform to the other conditions of this policy and must not be in connection with conducting a business. **Any employee wishing to send or receive private e-mail or make use of Internet facilities must consent to that access being monitored.** Private usage should only be allowed during core time hours.

#### 4 Internet E-mail

- 4.1 E-mail may appear informal in nature but is always an official record of Worcester City Council, whether a decision or action, or a view. Advice given by e-mail has the same legal bearing as any other written advice. Employees should be aware that e-mail, in the same way as any other form of communication, represents and reflects on the Council, regardless of any disclaimer included in messages. The permanent recording of e-mail will be covered by specific Service Area guidelines.

- 4.2 The transmission of e-mail which conflicts with the interests of the Council or contravenes the Council's policies on information and I.T. security is expressly forbidden.
- 4.3 Employees should have regard to the circulated "Code of Practice on the use of E-mail" as to the appropriate use of e-mail. Employees must not send unsolicited, irrelevant or inappropriate e-mail or participate in chain or pyramid letters or similar schemes. This is a disciplinary offence.
- 4.4 Employees must ensure their e-mail communications are accurate, courteous, do not contain any defamatory statements, do not breach any Council policies and do not constitute misuse of the facility as defined in 11 below.
- 4.5 Information transmitted by e-mail, is not guaranteed to be secure, nor is there any control over its onward transmission. Personal or confidential information or material which is exempt under the Local Government (Access to Information) Act 1985 must not, therefore be transmitted by e-mail. Employees needing advice on this should consult the Data Protection Officer (IT Operations and Technical Manager) via the IT Help Desk in respect of personal data, or Legal Services.
- 4.5 When an employee is absent from work due to leave, sickness or other reason, his/her manager or supervisor is responsible for ensuring that the employee's e-mail is checked.
- 4.7 **Employees must treat incoming e-mails with caution and not open attachments from unknown senders or without being confident about where they come from.**

## 5 Posting or Publishing data

- 5.1 Data published on the Internet is available globally. It should be noted that this includes countries which have no data protection legislation.
- 5.2 No personal data may be posted or published on the Internet unless: -
  - (a) such use of data has been properly registered; and
  - (b) the individuals concerned have given their written consent to the world-wide disclosure of their personal data.

Employees should consult the Data Protection Officer (IT Operations & Technical Manager) before publishing personal data on the Internet via a City Council facility.

- 5.3 When participating in discussions in newsgroups and mailing lists, employees may offer information and advice to others if that is consistent with their job. They must not represent their own personal views as those of the City Council.
- 5.4 Employees must ensure that information held by the Council is not shared with external organisations or individuals unless there is a legitimate reason or management authorisation.

## **6 Ordering**

- 6.1 Employees may only order goods on the Internet if they are properly authorised to do so All orders for works, goods and services shall comply with financial regulation 12.
- 6.2 No payment transactions are to be made via the Internet except under arrangements approved by the Head of Finance.

## **7 Accessing Information on the Internet**

- 7.1 Employees are granted access to the Internet for resources that will assist them with their work.
- 7.2 Employees may access the Internet in connection with their work and approved training but having due regard to the definitions of misuse outlined below (particularly 11.4).

## **8 Downloading software**

- 8.1 Employees must not download, use or distribute software or executable programs from the Internet without verifying its operational integrity with IT (Operations & Technical).

## **9 Viruses**

- 9.1 Where it is suspected that a file which has been accessed on the Internet may contain a computer virus, the user should immediately break the connection, stop using the computer, but do not switch it off, and contact IT Help Desk immediately for assistance.

## **10 Copyright**

- 10.1 When downloading files from the Internet or when copying or attaching text to an e-mail there may be a risk of copyright infringement. Employees should not copy information originated by others and re-post it without permission, or at least acknowledgement of, the original source.
- 10.2 Employees must not download, use or distribute copyrighted materials from the Internet without proper authorisation from and/or payment of applicable user fees to the owner of the intellectual property rights of copyrighted materials.

## 11 Misuse

11.1 Employees should at all times avoid any occasion for suspicion and any appearance of improper conduct. The following is a list of inappropriate Internet activity additional to that indicated above. It should not be seen as exhaustive.

11.2 Employees must not post or publish:

- information that may disparage or harass others on the basis of gender, race, age, disability, religion, sexual orientation or national origin.
- statements that are defamatory or information that is false or misleading concerning their own or other organisations, and/or products or services.
- confidential or proprietary information about the City Council, or any of its users or other business associates, on unsecured Internet sites such as bulletin boards, or disseminate such information in a way that might compromise confidentiality.

11.3 Employees must not use e-mail to harass or threaten anyone in any manner or to abuse anyone, even in response to abuse directed at them. This is a disciplinary offence and may result in dismissal. Complaints of harassment by e-mail will be dealt with under the Council's Harassment at Work Policy. Employees who receive harassing e-mail should follow the guidelines set out there.

11.4 Deliberate introduction of any damaging virus is an offence under the Computer Misuse Act 1990 and will also result in disciplinary action being taken.

11.5 Employees must not use the City Council's facilities to:

- access, display or disseminate material which is obscene, sexually explicit, pornographic, racist, defamatory or which depicts or incites violence or is otherwise illegal.
- engage in online gambling.
- participate in chain letters.
- conduct a business.

Such actions will lead to disciplinary action, which could include instant dismissal. The matter will also be reported to the proper authorities with a view to prosecution.

## **Appendix D**

### **Legislative Requirements**

#### **A. Data Protection Act 1998**

The Act applies to anyone who controls data, i.e. anyone who determines the purposes for which and the manner in which any personal data is or will be processed. Personal data is data which relates to a living individual who can be identified from the data or from the data and other information in the possession of the Data Controller. Data is information which is processed by means of equipment operating automatically, in response to instructions given for that purpose or recorded as part as a relevant filing system. A relevant filing system is any information relating to individuals which is structured in such a way that specific information relating to a particular individual is readily accessible.

These are as follows: -

1. The information to be contained in personal data shall be obtained and the personal data shall be processed fairly and lawfully.

This means that those supplying information to the Council must be made aware of the purposes for which that information will be used or disclosed to a third party.

2. Personal data shall be held only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes.

If you find that you are using personal data for a purpose not contained in the register entries held for your Service Area, you should inform the Data Protection Officer.

3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.

The amount of information you hold should be restricted to that which is absolutely necessary.

4. Personal data shall be accurate and where necessary kept up to date.

Every effort must be made to ensure that the information fed into system is as accurate as possible and kept up to date where that is appropriate. Disclosure of inaccurate information is a contravention of the Act and may be one of the reasons why people wish to know what data the Council holds about them.

5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.

It is good housekeeping to review the necessity of keeping data and the relevant employees are asked to ensure that this happens.

6. Personal data shall be processed in accordance with the rights of data subjects under this Act.
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to personal data.
8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Personal data may only be used as specified in the register entry, unless one of the following circumstances applies: -

1. The disclosure is to the data subject or with the data subject's consent.
2. Disclosure is to the Council's employees or agents to enable them to perform their duties as an employee or agent.
3. Disclosure is for the prevention or detection of crime, the apprehension or prosecution of offenders, the assessment or collection of any tax or duty.
4. Disclosure is to safeguard national security.
5. Disclosure is required by statute, any rule of law or a court order, for the purpose of obtaining legal advice after proceedings have started or if they are made for the purposes of or in the course of legal proceedings in which the person making the disclosure is a party or a witness (but not just a potential witness).

B. **Copyright, Design and Patents Act 1988**

This Act outlaws the copying of computer software without the expressed permission of the originator.

In effect it extends the same protection to computer software e.g. programs and data, as applies to original literary, dramatic and musical material.

In particular, it is now an offence to make use of or copy, computer software without the permission (usually in the form of a licence) of the copyright owner. Where unauthorised copies are sold, the offender can be imprisoned. Furthermore, these offences can apply equally to the senior employee responsible, as well as the offender.

C. **Computer Misuse Act 1990**

This Act outlaws unauthorised access to any computer software (i.e. hacking) and makes it a criminal offence. There are three possible offences, with increasing penalties: -

- mere unauthorised access to computer programs or data;
- unauthorised access with intent to commit a further offence;
- unauthorised modification of computer programs or data.

**But** it is important to note that programs and data will only be protected if: -

- employees and other users fully understand the limits of their authority, i.e. know what they are allowed to access;
- there are appropriate measures in place to prevent and detect misuse (e.g. the type of measures outlined in these guidelines).

D. **Freedom of Information Act 2000**

The main feature of this Act is to give a general right of access to information, whether personal or non-personal, held by public authorities, subject to certain conditions and exemptions. The Secretary of State and Lord Chancellor will issue codes of practice for guidance on specific issues.

E. **Human Rights Act 1998**

The Human Rights Bill is designed to incorporate the European Convention on Human Rights into domestic law. The European Convention is a code of basic rights drawn up to cover such rights as freedom of expression, respect for private and family life, and a fair trial.

F. **The Regulation of Investigatory Powers Act**

The Regulation of Investigatory Powers Bill has been introduced to provide a framework for the interception of telecommunications traffic, including information contained in emails, web pages, e-commerce transactions and other forms of Internet communication. The Bill is intended to ensure that the interception of data traffic is compatible with Human Rights legislation. To supplement the Act, the Lawful Business Practices Regulations allows businesses and public authorities 'routine access' to employees' e-mails and phone calls.

## CODE OF PRACTICE ON THE USE OF E-MAIL

### 1. Introduction

The aim of this Policy is to allow maximum access and use of E-Mail with the minimum of restrictions. E-Mail is not intended to replace formal word processed documents nor **does it replace use of the telephone or face to face contact.**

### 2. When should I use E-Mail?

**✓ Do use E-Mail for**

- Short-life temporary text
- Draft documents, minutes, agendas etc.
- Messages when contact cannot be made by telephone
- Urgent circulation of documents/requests

**X Do not use E-Mail for**

- Text which might be considered abusive, obscene, defamatory, harassing, illegal or otherwise liable to bring the Council into disrepute
- Comments which you would not normally commit to paper
- Documents which require formal circulation and authorisation
- Circulating to a large number of people lengthy documents
- Documents where hard copy files are required unless urgent delivery required
- Notes where two way discussion is required
- Personal/non work related matters (use the Bulletin Board where appropriate)
- Sensitive or confidential information unless password protected
- Pictures/graphics/images which use a large amount of memory

### 3. Security Authorisation

**✓ Do ensure**

- The sender is authorised to give you instructions
- E-Mail instructions are followed up by a signed hard copy if formal authorisation is required. A confidential E-Mail is deleted as quickly as possible.

**X DO NOT**

- Disclose your password
- Leave your p.c. open when you leave the office unless the screen saver is password protected.

March 2003

## **'DEALING WITH INCAPABILITY'**

### **A PROCEDURE FOR MANAGING POOR PERFORMANCE**

This procedure applies to all employees. Apart from allowing a shorter period in which to improve, employees on probation should not be treated differently to non-probationary employees.

#### **A. Introduction**

From time to time an employee's performance may fall below the required standard. The objective of this procedure is to help to ensure that incapability due to poor performance by Council employees is addressed fairly and consistently with a view to improving it to the standard required.

It is important that management identifies poor performance and deals with it in a supportive style, firmly and fairly, in the interests of the Council and its employees.

#### **B. General Principles**

The underlying principles are that:

- employees must know what is expected of them e.g. through individual objectives, targets, work plans, appraisals;
- shortcomings must be pointed out as and when they arise;
- managers must give employees help, advice, support, the opportunity and appropriate time to improve their performance;
- line management must be clear about whatever action is necessary and be able to proceed without undue delay;
- the procedure must be applied in accordance with the Council's Equal Opportunities Policy;
- any decision to take formal action against someone will be taken only after full investigation, giving the employee the opportunity to state their views;
- each employee has the right to be represented at any stage of this procedure;
- the employee understands that the purpose of monitoring their performance as part of this procedure is designed to address poor performance, increase their positive contribution to the organisation and not to harass or bully them.

#### **C. Is there a problem?**

An employee who wilfully refuses to perform his/her duties efficiently is committing an act of misconduct and the disciplinary procedure applies. However it is not an appropriate method for dealing with an employee whose performance is poor because of lack of capability. When faced with a possible poor performance issue, a Manager's first task is to decide whether a problem exists: - (please keep notes of the deliberations)

1. What are the indications that the employee is not measuring up to the requirements of the job?
2. Are there factual grounds to indicate inadequate performance, such as poor results?
3. Does the Manager's own observation of the employee at work indicate poor performance?

4. Have there been complaints about, or criticisms of, the employee's work from colleagues, customers, supervisors, etc. Have the complainants been asked to support any criticisms made?
5. Has the employee asked for help to overcome a work problem or a personal problem that affects work?

Depending on the responses to the above 5 questions, the following procedure should be followed (failure to carry out any of the steps, including an investigation, could lead to the case being dealt with unfairly and unreasonably): -

#### **D. Stage One**

The Manager should hold an informal confidential discussion should take place with the employee, focussing in particular on how the employee is thought to be under-performing. The employee must be issued with a detailed up-to-date job description and the clarification requirements of the job including the current objectives as agreed at the last appraisal. The job description should have been previously agreed with the employee. It is important that the employee knows precisely what the concern is about. Therefore the manager must be specific and share evidence. They should ascertain whether or not the employee accepts there is a problem and if there is whether he/she can make suggestions to aid improvement.

Generally employees will fall into one of the following categories: -

- (a) the employee acknowledges the problem (or volunteers concern about it) and asks for help to resolve it;
- (b) they appear to accept there is a problem and leave it to the manager to suggest what could be done (e.g. better instruction on how to do the work, training or re-training, work shadowing, closer supervision, transfer to other work).

This passive response by the employee is more likely to occur when the employee is unable to cope with a technical problem, or perhaps lacks sufficient knowledge to do the work adequately or they feel de-motivated, lacking in confidence etc. or do not see any merit in challenging a matter they see as pre-determined;

- (c) the employee expresses doubt about whether there is a problem, but indicates a willingness to respond to any suggestions the manager may make. This requires the manager to suggest possible solutions, discuss the merits of them with the employee and agree the most appropriate;
- (d) the employee denies the existence of any problem (in which case stage 3 below will normally be omitted). See also Section E2 'Denials by employees of poor performance' below.

## **Stage 2**

The manager should make and keep a note of the date, time and conclusions reached (if any) for his/her own use later if the need to refer back to this initial conversation arises. The manager give a copy to the employee and agree them as a mutually agreed minute of the meeting.

## **Stage 3**

The type of reaction in 1(a) above and to some extent in 1(c) may require a non-threatening approach and non-critical, supportive, collaborative approach by the manager with the aim of helping the employee to find a solution, with the manager trying to uncover as many aspects as possible of the problem, as perceived by the employee, through: -

- a sensitively-handled discussion free from interruption giving the manager's undivided attention and aimed at establishing trust between the manager and the employee;
- encouraging the employee to describe the problem;
- probing the employee's description of it through the use of open and non-negative questions (e.g. questions beginning with how, what, where, when, why);
- being alert to how to persuade the employee to elaborate on any generalities in his or her answers or statements which may conceal details of the problem (e.g. by not letting such statements as "I'm worried about the lack of planning in my department" pass without encouraging the employee to explain why he/she is worried about it and how the supposed lack of planning is apparent);
- being alert to factors possibly contributing to the problem (e.g. the employee's relationship with colleagues and their relationship with the manager; fears of inadequacy/failure, lack of promotion or career development, or anticipated or actual redundancy; insufficient training; domestic problems);
- the avoidance of censure;
- ensuring that pertinent questions are not evaded by the employee;
- shaping the discussion so that the real problem is unearthed, the factors contributing to it are explored, possible solutions are identified and discussed together and if possible an action plan to help the employee to overcome the problem is agreed e.g. this may possibly involve one or more of the following: -

training (please also see paragraph 'training' below), general assistance, coaching, supervision by someone skilled in the work, encouragement, counselling, monitoring outcomes and subsequent discussions or progress).

The manager should summarise the key points of the discussion and agree them then make a note of this discussion after it has ended and while it is still fresh in his or her mind. They should send the employee a copy of the agreed action plan and notes within 5 working days.

#### **Stage 4**

An employee's initial response within Stage 1 above, and after any discussion as outlined in Stage 3, should be followed by arrangements to monitor the employee's continuing performance, with any observations being recorded. This may be the responsibility of the employee's immediate supervisor but the manager should also try to support it with additional observation of the employee's work. It is recommended that the line manager arranges with the Training Officer and the employee for a detailed Training Plan to be created and agreed. The aim of the process is that the employee's performance should be monitored and assessed as objectively as possible and as frequently as appropriate, bearing in mind the nature of the employee's duties and the length of time which would be reasonable to allow for improvement. Regular, e.g. fortnightly review meetings, should be conducted as agreed with the employee to discuss any issues and address any problems quickly.

#### **Stage 5**

The manager should recommend/encourage the employee to consult their union representative, if any, in the steps being taken to persuade the employee to improve. This early consultation can lead to other assistance being given to the employee.

#### **Stage 6**

If there is a failure to improve and the unsatisfactory performance continues, the employee should be invited to a formal interview to discuss the matter and informed that there will be an opportunity to put forward an explanation. The employee must be advised that they can bring a representative if they wish. Although the interview isn't a disciplinary hearing, it is an equivalent stage in this process.

#### **Stage 7**

At the interview the employee should be reminded of the earlier informal discussion(s) and the steps taken to encourage improvement. They should be told as precisely as possible of the complaints about his/her performance. If any explanation offered by the employee is not accepted, a formal written caution in writing should be given to the employee within 7 working days of the interview. It should inform the employee that his/her job may be at risk if satisfactory performance is not achieved and sustained by a specified date.

#### **Stage 8**

Following the issue of the formal caution, action in accordance with Stage 4 above should continue as appropriate. The formal caution will remain on the employee's personal file for 12 months and will be removed if the performance has improved to the required level.

#### **Stage 9**

If the employee's improvement following the formal warning is insufficient to enable him/her to be regarded as capable of doing the work the manager should (consultation with the Personnel Officer):-

- (a) consider whether alternative employment can be offered to the employee. (This does not necessarily have to be equivalent employment);

(b) if so,

1. make the offer, in writing, explaining why it is being made and the possible consequences of refusing it, e.g. if alternative employment isn't found dismissal on the grounds of incapability may be necessary, and
2. give the employee sufficient time to consider the offer and discuss it with their representative if they wish (please also see 'offers of alternative employment' below).

### **Stage 10**

If no offer of alternative employment is made, or if an offer has been rejected by the employee, a further formal interview with the employee and their representative (if applicable) will be appropriate. The Head of Service should also be present at this meeting. As above, the employee should be informed of the meeting in advance and the reasons for it. At the meeting the history of the case should be gone through and the employee's explanations (if any) listened to and considered before a decision, whether or not to allow any further time for improvement backed by a further warning or caution, is taken.

A warning or caution issued at this stage will remain on the employee's personal file for 2 years. It will be removed if the performance has improved to the required level.

### **Stage 11**

If dismissal is decided upon by the Head of Service, it should be with appropriate notice. Please also see 'Dismissal decisions in capability cases' below.

### **Stage 12**

At the time notice is given, the employee should be told of their right of appeal in accordance with Appendix A.

Employees who are the subject of any stages of this procedure and whose response has not produced the required improvement should not receive personal copies of general letters from management which could be interpreted as congratulating them personally on their contribution to the work of the service area or organisation.

## **E. SPECIFIC ISSUES WHEN MANAGING POOR PERFORMANCE**

### **1. Training**

As part of the process of encouraging an employee to improve his or her performance, the provision of the training etc. necessary to enable the employee to carry out the required duties is important.

Additional training will not be possible in every case: for example, the Council should not be expected to provide further training to an employee who had recently completed a formal training course and for whom it would be unreasonable or impracticable to provide further similar training. This does not include standard 'refresher' training. The Training Officer should be involved in deciding what is unreasonable and what is considered 'recent'; as this may vary depending on the post.

The employee's response to an offer of further training in order to improve his or her performance should be noted by the manager ideally during or at least immediately after the interview.

The judgement of what might be appropriate further training rests with the Council. The need for further training is likely to arise during an employee's career, firstly when promoted to a managerial position and subsequently if and when there is a significant change in the content or level of the job, e.g. new technology.

The first line of management is at the level of supervisor, so from this there is a direct implication that those who are promoted or appointed to supervisory positions (i.e. positions where they supervise the work of other employees, whilst themselves being responsible to a higher level of management) should receive, further training within one month of taking up the post and as part of their career development to enable them to perform their supervisory duties satisfactorily.

## **2. Denials by employees of poor performance**

An employee who does not accept that his or her performance at work is inadequate is unlikely to respond constructively to persuasion to improve. This type of response may mean stages XX missed but it will not reduce the need to provide the employee with formal opportunities as in Stage 6 and Stage 10 above to offer an explanation and for management to listen to and consider what may be said.

Employees who react with 'everyone's-out-of-step-but-me' may resent criticisms, actual or implied, of their performance. A not uncommon response is to invoke the grievance procedure. If this occurs, management should ensure that access to its stages is provided with the minimum delay and if the employee's grievance is held to be ill-founded, the procedure outlined in Stage 4 to Stage 12 above should continue without delay.

## **3. Going sick as a response to complaints of poor performance**

A possible response of an employee upon having his or her performance questioned may be to go off sick. While this absence lasts any possibility of supervision and monitoring will be delayed, but management should nevertheless assess and document as many details of the employee's poor performance up to this point as can reasonably be assembled. The reasons for the absence should themselves be monitored to see whether there is abuse of the sickness absence provisions. If the absence is prolonged beyond an acceptable time and is viewed as being for genuine health reasons, the sickness absence control should be applied.

#### **4. Decline in performance after improvement**

If at any time during or following the steps outlined as Stage 1 to Stage 7 above, the employee concerned improves his or her performance to such an extent that his or her capability for doing the work is no longer in question, the employee should be informed of this. Any formal, recorded warning relating to the previously inadequate performance should cease to be of immediate relevance, although if there is a subsequent deterioration in performance, or if the employee commits an act of misconduct, it may be necessary then to refer to it.

Once an employee has been told that his/her subsequent improvement has satisfactorily met criticisms of his/her performance, dismissal for lack of capability in that job is unlikely to be fair unless there are subsequent material changes in the employee's performance which again bring his/her capability into question. In such circumstances the relevant stages of the full procedure should be recommenced.

#### **5. Monitoring and supervision by a skilled employee**

When an employee performs below the required standard it is good practice to provide them with direct supervision by someone skilled in the work which the employee has been employed to do if possible. In this way the employee can be made more aware of the demands of the job and will have a good example against which to compare his or her own performance.

If the employee fails to improve, the Council will have been fair and reasonable, whilst receiving assessments from the skilled employee of the reasons for the employee's poor performance and possibly of the prospects for eventual improvement.

#### **6. Offers of alternative employment**

Where an offer of alternative employment for the employee is being considered, the Council will have to judge how suitable it is for the employee concerned and, if this is necessary, whether to offer training for the new post. If the offer of alternative employment is for a post at a lower level, the employee could claim to have been dismissed rejecting the offer and leaving. It is therefore important that the offer of alternative employment should come after reasonable efforts to persuade the employee to improve have been taken as set out above.

In order to fully clarify the requirements of the new post, and avoid any doubt, details of the alternative employment and the duties required should be put in writing as a formal offer before management and the employee commit themselves to the new job contractually. The employee should accept the job offer in writing prior to the transfer.

#### **7. Effect of conditions in which people work**

Where an employee's inadequate standard of work may be due to the conditions in which he or she is required to work, management's investigation should take account of the working conditions and assess the possible relevance of these to the employee's unsatisfactory performance. That may lead to an attempt to improve the conditions, or to a conclusion that a less demanding standard would be fair in the circumstances. Alternatively, consideration of the working conditions might support management's belief in the employee's lack of capability.

## **8. Performance standards**

A similar consideration applies where performance standards are set. If the standards are set too high, it may be unfair to dismiss the employee for failing to achieve them. Therefore management should enquire why the employee is not meeting the standards. Without a preliminary enquiry into the practicability of achieving the required standards a dismissal based on the simple fact that the required standards were not achieved may not be regarded as fair. A tribunal can be expected to look at all the circumstances, including the age and experience of the employee for whom the performance standards have been set.

## **9. Inadequate performance after promotion**

It is not uncommon to find that a promoted employee proves incapable of satisfactorily carrying out the new range of responsibilities. He or she may have been competent in the previous job but deficient at the higher level. Giving the employee the necessary training for the job to which he or she has been promoted, or offering the appropriate training, is recommended. Consideration of alternative employment for the unsatisfactory promoted employee may involve offering the old job back at the lower graded level (if it is still vacant), or some other post at the level from which he or she was promoted. If the employee is dismissed, the employer's position will be stronger if he has given the employee the necessary training for the responsibilities of the new post, or has offered such training only for it to be refused or not completed satisfactorily.

The promotion of employees whose ability to cope with their new responsibilities is inadequate is more likely to arise when long-serving employees are promoted from relatively low levels in the organisation. If the intention is to reward them for their long and faithful (if uninspired) service, the employer will be reluctant indeed to contemplate dismissing them for the inadequate performance they display after promotion. This emphasises that it may be preferable, where it is decided that such an employee must be removed from his or her job, not just to offer the alternative of a job at the previous level, but actively to persuade the employee to accept it. If the employee rejects the offer and resigns, he or she may be entitled to regard this as a dismissal, although if the matter has been considerably handled by the employer, the employee's chances of a successful constructive dismissal claim should be remote. Promotion on a trial or acting basis, where feasible, can enable an otherwise unsatisfactory promotion to be avoided by reverting the employee to his or her substantive level if found not to be coping satisfactorily with the responsibilities of the higher post.

## **10. Changes in working techniques**

Dismissal on grounds that an employee is not capable of assimilating new techniques which, within the terms of the contract of employment, he or she can be expected or required to perform may not be fair unless:

- (a) suitable training had been offered and had been either refused or, if undertaken, had not been completed or had not resulted in the employee becoming sufficiently capable of doing the job;
- (b) at least one formal written warning or formal caution in writing had been issued. If training had been undertaken, a warning should be related to the period following completion of the training;

(c) the possibility of alternative employment had been considered and, if offered, had been rejected;

(d) the employee's views on the matter had been heard.

### **11. Dismissal decisions in capability cases**

If despite attempts to encourage an employee to improve to an acceptable level of performance the employee's work continues to be unsatisfactory, the option of dismissal may be regarded by management as the appropriate, if not inevitable, solution. However, before such a decision is taken the employee should be given a further opportunity to explain why he or she is not measuring up to the organisation's requirements for the job. This explanation should be heard by the line manager and Head of Service. The Head of Service only has the authority to take a dismissal decision. The process of reaching that decision should involve consideration of each of the following questions in sequence and being able to answer each with a reasonably confident 'yes' (please keep notes of the considerations):

1. has there been as much investigation of the employee's lack of capability and the possible reasons for it as is reasonable in the circumstances?
2. have I considered any points put forward by or on behalf of the employee by way of explanation for his or her poor performance at work?
3. do I genuinely believe that the circumstances render the satisfactory performance of the employee's contract unlikely?
4. have I reasonable grounds on which to sustain that belief on the balance of probabilities (i.e. is it more likely than less likely that the employee's capability may continue to be below an acceptable level)?
5. are the circumstances, having regard to the employee's job and the interests of the employee's job and the interests of the Council, sufficiently serious in the light of the facts about his or her capability which I have found to be established to justify the decision I am contemplating?
6. have I provided the employee or his/her representative with an opportunity to put forward any points for me to consider in mitigation before deciding whether or not to dismiss and have I had regard to these and to any responses to them by management?
7. is the decision within the band of reasonable responses of a reasonable employer in the circumstances?

If the employee is dismissed and goes to an employment tribunal with a complaint of unfair dismissal, the Head of Service who is responsible for the dismissal decision should explain in evidence to the tribunal how he or she considered the above questions and how they were answered, before the dismissal decision was taken.

Personnel Section  
August 2003

**APPEAL AGAINST DISMISSAL**

An employee who wishes to appeal against the termination of their contract of employment may do so by letter addressed to the Chief Executive, Worcester City Council, The Guildhall, High Street, Worcester to arrive within 10 working days of the date of the dismissal letter.

Where the appellant wishes to call witnesses who are in the employ of the Council the appellant or the representative will notify the Personnel Officer who will inform them of the appellant's request and if they wish to attend make the necessary arrangements for them to do so. Such attendance shall be without loss of pay. In any appeal, the Appeals Committee may confirm or reject the dismissal.

The decision of the Appeals Committee shall be final.

The procedure leading up to and at the hearing of the appeal will be as follows: -

- (a) The employee shall be given notice in writing at least ten working days in advance of the time and place of the hearing, and shall be allowed to be represented by a Trade Union representative or any other person and shall be enabled to call witnesses and produce documents relevant to the defence at the hearing.
- (b) The local authority's representative(s) shall put the case in the presence of the appellant and the representative and may call witnesses.
- (c) The appellant (or the representative) to have the opportunity to ask questions of the local authority's representative(s) on the evidence given, including that given by any witnesses called.
- (d) The Committee may ask questions of the local authority's representative and witnesses.
- (e) The appellant (or the representative) to put the appellant's case in the presence of the local authority's representative and to call any witnesses.
- (f) The local authority's representative to have the opportunity to ask questions of the appellant and the witnesses.
- (g) The Committee may ask questions of the appellant and the witnesses.
- (h) The local authority's representative and the appellant (or the representative) to have an opportunity to sum up their case if they so wish.
- (i) The local authority's representative and the appellant and the representative to withdraw.
- (j) The Committee (including Committee Clerk) to deliberate in private only recalling the local authority's representative and the appellant to clear points of uncertainty on evidence already given. If recall is necessary both parties are to return notwithstanding only one is concerned with the point giving rise to doubt.
- (k) The Committee to announce the decision to the parties personally and in writing.

[www.worcestercitycouncil.gov.uk](http://www.worcestercitycouncil.gov.uk)

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