



Public Document Pack

Jeff Hughes
*Head of Democratic and Legal
Support Services*

MEETING : LOCAL JOINT PANEL
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : THURSDAY 26 JUNE, 2014
TIME : 10.30 AM

MEMBERS OF THE PANEL

EMPLOYER'S SIDE:

Councillors M Alexander, L Haysey, A Jackson and J Thornton

Substitutes:

Conservative

J Ranger

STAFF SIDE – UNISON (One Vacancy)

Ms F Brown, Mr S Ellis and Mr A Stevenson

Substitutes: S Gray and J Francis

(Note: Substitution arrangements must be notified by the absent Member to Democratic Services 24 hours before the meeting)

CONTACT OFFICER: Lorraine Blackburn
Lorraine.blackburn@eastherts.gov.uk
01279 502172

This agenda has been printed using 100% recycled paper

DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.

2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.

3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.

4. It is a criminal offence to:

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

AGENDA

1. Appointment of Chairman and Vice Chairman

2. Apologies

To receive apologies for absence.

3. Minutes (Pages 5 - 8)

To confirm the Minutes of the meeting held on 26 March 2014

4. Chairman's Announcements

5. Declarations of Interest

To receive any member's Declarations of Interest and Party Whip arrangements.

6. Reports by Secretary to the Employer's Side

(A) Absence Management Policy(Pages 9 - 44)

(B) Disciplinary Policy Review(Pages 45 - 80)

(C) Expenses Policy(Pages 81 - 104)

7. Reports by Secretary to the Staff Side

8. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

MINUTES OF A MEETING OF THE
LOCAL JOINT PANEL HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 26 MARCH
2014, AT 2.30 PM

PRESENT: **Employer's Side**

Councillors M Alexander, A Jackson,
J Thornton and J Ranger

Staff Side (UNISON)

A Stevenson (Chairman)
S Ellis

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Emma Freeman	- Head of People and Property Services
Adele Taylor	- Director of Finance and Support Services

19 **SAFEGUARDING CHILDREN AND VULNERABLE ADULTS POLICY**

The Secretary to the Employer's Side presented a report by the Head of Communications, Engagement and Cultural Services regarding a number of revisions to the Safeguarding Children Policy which had been approved in 2010. The policy had now been combined with policies relating to vulnerable adults. The Secretary to the Employer's Side provided a summary of revisions.

In response to a request for clarification on the new policy from Councillor A Jackson on allegations of abuse by a member of staff, the Secretary to the Employer's

Side explained that the first stage in the process would be a call to the Police which would be followed by the Council initiating its own processes. The Director of Finance and Support Services commented that the Council would have to be mindful of Police activity when carrying out its own processes.

In response to a query from Councillor M Alexander regarding instances when a Member might observe what they believed to be instances of abuse, the Director of Finance and Support Services commented that a Member might observe as a third party something that they felt merited attention as they might suspect that there was abuse going on. However, the decision as to whether this merited further investigation lay with the Council's officers listed in the report now submitted. The Secretary to the Employer's Side confirmed that specialist training would be provided for both staff and Members. The issue of DBS (Disclosure and Barring Services) checks was discussed in relation to Members and Officers and it was agreed that the process would be confirmed to members of the Panel.

The Panel Chairman, Andrew Stevenson sought confirmation that the Policy would be published on the Council's website. The Director of Finance and Support Services confirmed that she would speak to the Head of Communications, Engagement and Cultural Services around the communication strategy. In response to a query regarding Level 2 checks and "Outside Officers", the Director of Finance and Support Services said that she would provide a written response.

Councillor J Ranger queried whether all organisations receiving Council funding would have to provide a Statement of Policy and Procedure regarding safeguarding policies in place. The Director of Finance and Support Services confirmed that it applied to all organisations. Councillor Ranger stated that it would be helpful to those organisations to provide them with some form of template as this could be a difficult task for some smaller organisations. The Director of Finance and

Support Services agreed to follow up with detail of the process with the relevant officer and would provide a written response to Councillor J Ranger.

Councillor J Ranger suggested that the Policy be reviewed in three year’s time, which was in line with other Council policies. This was supported.

The Panel the report, as amended.

RECOMMENDED – that the Policy, as amended and as set out in Essential Reference Paper “B”, be approved.

20 APOLOGIES

Apologies for absence were submitted from Councillor L Haysey and Jenny Francis.

21 MINUTES

RESOLVED – that the Minutes of the meeting held on 3 December 2013 be approved as a correct record and signed by the Chairman.

22 CHAIRMAN'S ANNOUNCEMENTS

It was noted that there were no reports to consider by the Secretary to the Staff Side.

The meeting closed at 3.00 pm

Chairman
Date

This page is intentionally left blank

EAST HERTS COUNCIL

LOCAL JOINT PANEL - 18 JUNE 2014

HUMAN RESOURCE COMMITTEE - 9 JULY 2014

REPORT BY HEAD OF PEOPLE AND PROPERTY SERVICES

ABSENCE MANAGEMENT POLICY

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

To approve the revised Absence Management Policy.

<u>RECOMMENDATIONS FOR LOCAL JOINT PANEL:</u>	
That:	
(A)	The revised Absence Management Policy be recommended for approval;
<u>RECOMMENDATIONS FOR HUMAN RESOURCES COMMITTEE:</u>	
That:	
(A)	The revised Absence Management Policy be approved

1.0 Background

1.1 The Council's Absence Management Policy was last reviewed in 2009. The Council's programme of policy review is after three years or sooner in line with legislation and best practice.

2.0 Report

2.1 **Key changes**

2.2 The policy has been updated to reflect various changes to legislation, including those regarding the Equality Act 2010. The policy includes key changes which are in-line with best practice

given by the CIPD, LGA and EELGA.

- 2.3 The policy links with the Council's Health & Safety Policy, the Stress Management Policy, the Policy and Procedure for Employing and Retaining People with Disabilities, the Disciplinary policy and sets out the Council's obligations to employees under the Disability Discrimination Act 1995 and (Amendment) Regulations 2003.
- 2.4 The policy has been updated to highlight;
- Definitions of Absence
- Disability Absence
- 2.5 Employee, Senior Manager, Line Manager and HR responsibilities in managing attendance, including the recording of absence and a robust RTW process.
- 2.6 New sickness absence trigger points;
- Three or more instances of sickness absence in any six-month period
 - Seven or more days sickness absence within any twelve-month period
 - Any other recurring recognisable pattern, such as frequent absenteeism
 - The removal of the 'informal' absence management process.
 - An updated Return to Work Interview form.

Contact Officer: Emma Freeman – Head of People and Property Services
01992 531 635
Emma.Freeman@eastherts.gov.uk

Report Author: Giovanna Azzopardi – Human Resources Officer
01992 531 630
Giovanna.Azzopardi@eastherts.gov.uk

ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives (delete as appropriate):	People – Fair and accessible services for those that use them and opportunities for everyone to contribute This priority focuses on delivering strong services and seeking to enhance the quality of life, health and wellbeing, particularly for those who are vulnerable.
Consultation:	Heads of Service, Unison and LPFA have been consulted on the revised policy.
Legal:	None
Financial:	None
Human Resource:	As detailed in the policy
Risk Management:	None
Health and wellbeing – issues and impacts:	None

This page is intentionally left blank

East Herts Council

Absence Management Policy

Policy Statement

**Policy Statement No 1 (Issue No 3)
July 2014**

Contents

1.0	Introduction	3
2.0	Scope	4
3.0	Definitions of Absence	4
4.0	Disability Absence	4
5.0	Responsibilities	5
6.0	Notification and Certification of Sickness Absence	7
7.0	Sickness whilst on Holiday	8
8.0	Monitoring and Recording Sickness Absence	8
9.0	Returning to Work	9
10.0	Maintaining Contact after the first 7 days of absence	10
11.0	Unauthorised Absence	10
12.0	Occupational Health Referral	11
13.0	Access to Medical Records	11
14.0	Frequent Short Term Sickness	12
	First Health Review Meeting	12
15.0	Second Health Review Meeting	13
16.0	Third Health Review Meeting	14
17.0	Long Term Sickness Absence	16
18.0	Capability Review Hearing	19
19.0	Requirement to provide a Doctors Fit Note	20
20.0	Reasonable Adjustments	20
21.0	Redeployment	20
22.0	Ill Health Retirement	21
23.0	Stress	21
24.0	Employee Assistance Programme EAP	21
25.0	Dismissal	22
26.0	Appeal	22
27.0	Policy Review and Amendment	22
	Appendix A (Guide to Capability Hearings)	23
	Appendix B (Example of Management Statement of Case)	28
	Appendix C (Return to Work Interview Form)	30

ABSENCE MANAGEMENT POLICY

Policy Statement No 1 (Issue No 3) July 2014

1.0 Introduction

- 1.1 The Council aims to encourage all employees to maximise their attendance at work whilst recognising that employees will, from time to time, be unable to come to work for short and sometimes long periods of time.
- 1.2 Whilst recognising that employees may be prevented from working through ill health, the Council has a responsibility to maintain service delivery and minimise disruption. The Council is therefore committed to managing sickness absence and believes that it is the responsibility of the managers, employees and union representatives to work together to promote positive approaches to the management of sickness absence.
- 1.3 This policy relates to short-term and long-term sickness absences from work. Short-term is defined where employees are absent for short periods of time; long-term is defined as an absence from work which is 28 calendar days or more.
- 1.4 This policy links with the Council's Health & Safety Policy, the Stress Management Policy and the Policy and Procedure for Employing and Retaining People with Disabilities and sets out the Council's obligations to employees under the Equality Act 2010.
- 1.5 This policy is not intended for use where health, either mental or physical, leads to performance problems. These matters should be dealt with under the Council's Managing Performance Policy.
- 1.6 The Council is committed to promoting health and wellbeing, and encouraging employees to take action to improve their own health and wellbeing. This policy provides a fair and consistent framework for supporting staff that are absent due to sickness. Whilst the Council has a supportive approach, it aims to achieve a balance between the needs of the individual and the needs of the organisation.

2.0 Scope

2.1 This policy applies to all Council employees except for Chief Officer level and above, where it should be used in conjunction with procedures set out in the Constitution.

3.0 Definitions of Absence

3.1 Short Term Absence

3.1.1 Short term absence is defined as any period of time where an employee is not at work due to illness for a period of up to four weeks in duration, from the first day of absence (including half days).

3.2 Long Term Absence

3.2.1 Long term absence is defined as a period of time where an employee is absent from work due to illness for a continuous period of greater than 28 calendar days.

3.3 Other Absence

3.3.1 There may be occasions where an employee is absent from work, which is not related to illness or incapacity. These absences should be recorded and managed in accordance with this policy.

3.3.2 Visits to a GP, dentists or other medical practitioner during the working day are covered within the Council's General Leave policy.

3.4 Unauthorised Absence

3.4.1 Where an employee has claimed to be absent due to sickness, but it is subsequently identified that their absence is not sickness, it will be considered as unauthorised absence. This may result in loss of pay and disciplinary action.

4.0 Disability Absence

4.1 Managers should ensure that they have regard to the Equality Act 2010 and the guidance on employing and retaining people with disabilities when managing the sickness absence of disabled employees.

- 4.2 Disabled employees should not be treated less favourably than other employees and reasonable adjustments should be made both in applying the policy and procedure and in enabling employees to remain in employment appropriate to the individual circumstances of the case.
- 4.3 Disability leave should be considered where a person needs time off every week, every few weeks, every few months or every year for medical appointments, treatments or rehabilitation relating to disability. Disability leave should not be counted towards trigger points.
- 4.4 Managers should consider any reasonable adjustments that are necessary to assist an earlier return to work, limit future absence and support the employee in achieving an appropriate level of attendance. Examples of reasonable adjustments could be:
- extending trigger points;
 - providing specialist equipment;
 - modifying days or hours of work;
 - modifying duties

5.0 Responsibilities

Senior Management Responsibilities

- CMT/DMTs are responsible for monitoring absence levels across service areas.
- DMTs are responsible for reviewing sickness actions that managers have taken to reduce absence levels.
- CMT/DMTs are responsible for promoting health and well-being for their relevant service area.

Employees Responsibilities

- To look after their general health and wellbeing and seek medical or other support where necessary to minimise their sickness absence from work.
- To report sickness absence by 10am by telephone call on the first and each day of absence to their line manager providing details of the reason for sickness absence, the anticipated length

of absence and any work commitments that may need managing. Texting or emailing is not acceptable.

- To contact their line manager on a regular basis during periods of long term sickness absence to keep them informed of progress.
- To ensure that a self-certificate is provided for the first 7 days of absence and thereafter all further sickness absence is covered by a doctor's medical certificate (known as a statement of fitness for work).
- To co-operate fully with their manager, HR and the Council's Occupational Health provider
- Failure to inform the line manager of absence may lead to absence from work being considered as unauthorised absence, which may result in loss of pay and possible disciplinary action.

Managers Responsibilities

- To ensure that all absences are reported to Human Resources.
- To conduct 'return to work' interviews after every period of sickness with the employee ideally on their first day back or within three days of the return to work. A record of the meeting should be made and retained on the employees personnel file.
- To ensure that policy and procedure are applied fairly and consistently with regard to individual circumstances of the case.
- To ensure that all employees within their area of responsibility are aware of the policy and procedure.
- To communicate openly and honestly with employees.
- To conduct any risk assessments where required in order to manage any health and safety issues in the workplace.
- To manage potential health issues proactively.
- To maintain regular contact with long-term absent employees.

- To work alongside Human Resources and Occupational Health in managing absence.

Human Resources

- To report accurate and reliable absence management information.
- To provide support, guidance and coaching as requested to managers in the implementation of this policy.
- To ensure that the policy and procedures are applied consistently across the Council.
- To advise and support managers on issues relating to disability related sickness.
- To implement a strategic approach to managing and reducing absence related costs to the Council.
- To provide support and guidance on risk and what steps can be taken to minimise or eliminate risk.

6.0 Notification and Certification of Sickness Absence

- 6.1 Employees must contact their manager by telephone before 10.00am if they are absent from work due to illness, injury or any other health problem on every day of absence for the first 7 days of absence. If their manager is unavailable they should contact another member of the team. The employee must also confirm when the sickness started, how long they expect to be away from work and the reason they are sick. In exceptional circumstances, if the employee is too ill to notify their absence themselves then they can arrange for someone to do this on their behalf.
- 6.2 Employees must keep their line managers up to date if the reason for the absence changes or if the absence is expected to last longer than originally stated.
- 6.3 For each occasion of sickness absence, employees must complete a self-certification form for the first seven calendar days (including weekends and public holidays). Self certification forms should be countersigned by the line manager, who will forward the documentation to Human Resources.

- 6.4 If the absence continues beyond seven calendar days then the employee must keep their manager informed of the progress of their illness on at least a weekly basis and obtain doctor's certificates to cover every day of sickness (from day eight). In cases of continuing absence these should be consecutive. Employees must forward doctor's certificates immediately to their manager who in turn will forward these onto Human Resources.
- 6.5 Every absence must be certified and recorded to ensure correct payment of sick pay and to ensure that accurate records are maintained. Failure to comply with the certification and reporting procedures may result in loss of sick pay. Misleading or false statements may be dealt with under the Council's Disciplinary Policy.
- 6.6 If an employee is absent from work through sickness they must refrain from working elsewhere. If this situation were to arise it may be dealt with under the Council's Disciplinary Policy.

7.0 Sickness While on Holiday

- 7.1 Employees who have taken leave and subsequently fall ill should contact their line manager on the first day of sickness by 10am and inform them fully of when they fell ill and will be likely to return. The sickness absence reporting procedure must then be followed when employees return from abroad to the UK.
- 7.2 Whether on leave in this country or abroad, holidays will be reimbursed for time off if it is certified as sickness by a Doctor, and the reporting procedures have been followed.

8.0 Monitoring and Recording Sickness Absence

- 8.1 Human Resources are responsible for producing data for monitoring the sickness absence of all employees of the Council, based on information supplied from all services. Information on the number of staff absent due to sickness will be forwarded to each Director and Head of Service on a monthly basis along with notification of any absence which needs particular management attention due to its duration/regularity or pattern.
- 8.2 Each manager is required to monitor sickness absence levels within their team and take further action as necessary when trigger points are reached (see sections 10 and 11 below) and/or where there are concerns about an employee's absence levels. Heads of Service will

receive trigger reports from Human Resources which will be forwarded to the relevant managers for immediate action. Managers must check individuals records at all return to work meetings to ensure that appropriate action is taken.

9.0 Returning to Work

9.1 Upon return to work following every period of sickness absence the manager should arrange to meet privately, in an appropriate place, with the employee to conduct a return to work interview. This should happen ideally on the first day back or at least within three days of the return to work. Please refer to Appendix C for Return to Work form.

9.2 These discussions are deemed to be informal and should raise any concerns around the individual's absence and attempt to resolve any issues before moving to formal procedures.

9.3 In general this discussion should be used to: -

- Discuss the cause of absence
- Discuss, where appropriate, the working environment and its effect on the individual's health
- Reassure the employee, where appropriate, that there are no concerns about the general level of absence
- Discuss, where appropriate, the general attendance record, and reinforce the Council view of the importance of good attendance

9.4 In the case of long-term sickness absence, the discussion should be used to allow consideration of any particular difficulties or concerns the employee may have relating to their return to work.

9.5 In agreeing support for returners to work, managers should consider whether a risk assessment is required or further advice is needed from Occupational Health and whether a phased return would be helpful. If the latter is required managers and employees should consider using untaken holiday if it would otherwise be lost, and managers may authorise up to 4 weeks phased return on temporary reduced hours on full pay. After 4 weeks, other alternatives should only be agreed after consultation with Human Resources.

9.6 In the case of short-term absence, the discussion should be used to ensure that self-certification forms are completed and processed as soon as possible.

10.0 Maintaining Contact after the first 7 days of absence

- 10.1 When an employee is absent from work for longer than 7 days sickness it is important that weekly contact is maintained between the manager and employee in order to ensure that the employee does not feel isolated, vulnerable or out of touch. The manager may need to reallocate work so that service delivery is maintained. The contact should be handled sensitively and the form of the contact should be agreed with the employee as appropriate. As a minimum the employee should keep their line manager informed throughout the period of absence, at least on a weekly basis.
- 10.2 It may be necessary, particularly in cases of long term sickness absence, to arrange to visit the employee at home, if the employee is in agreement. The home visit should be undertaken by their manager. At least five working days' notice will be given to an employee of such a meeting. The employee may request to be supported during this visit.

11.0 Unauthorised Absence

- 11.1 It is the employee's responsibility to make sure they let their manager know at the earliest opportunity if they are unable to report for work and the reasons why. However where an employee fails to report for work, without informing their manager, it is important that the situation is investigated and the employee given an opportunity to explain. On the first day of absence the manager should make enquiries of colleagues to try and establish the reason for the absence. Failing this, all reasonable efforts should be made to get in contact with the employee to ask for an explanation for their non-attendance. If contact cannot be made please refer to the Council's Disciplinary policy.
- 11.2 If the employee gives their reason as sickness they should be reminded of the sickness reporting procedure and advised, if appropriate, that failure to follow the correct reporting procedures could result in disciplinary action being taken under the Council's Disciplinary Policy. Discussions with the employee regarding unauthorised absence should be documented in writing and placed on the employee's personal record file.

12.0 Occupational Health Referral

- 12.1 Referral to the Occupational Health Unit is not a form of reprimand; neither does it imply that the Council doubts that an employee is genuinely sick. It is to ensure that managers have up to date information on an employee's medical condition and can take decisions in the light of that information in the interests of the employee and the Council.
- 12.2 This policy gives guidance on when it might be appropriate for managers to consider a referral to Occupational Health. However, all cases will be considered according to their individual circumstances and nothing in this policy should be read as restricting managers' right to request a referral of an employee to Occupational Health at any time.
- 12.3 If a manager thinks that it is appropriate to refer an employee to Occupational Health they should discuss the circumstances of the case with Human Resources in the first instance.
- 12.4 If a manager wishes to refer an employee to Occupational Health they should complete an occupational health referral form and send it to HR marked as confidential, who will arrange a consultation with the Occupational Health Adviser.
- 12.5 The role of Occupational Health is to be proactive, with the help of managers, to reduce the likelihood of injury or ill health and short and long-term sickness absence, by discussing the issues with staff at an early stage. The referring manager will receive advice from Occupational Health on the management of the case. This may include risk assessment advice in consultation with the Health and Safety Officer.

13.0 Access to Medical Records

- 13.1 After the initial consultation, the Occupational Health Adviser may decide it is necessary to contact an employee's GP or specialist to gain further information. If so, they will request either verbally or in writing that the employee complete the Access to Medical Records Form, which will advise them of their rights under the Access to Medical Reports Act 1988. The employee should complete the form and advise whether or not they are prepared to give consent.
- 13.2 If the employee fails to return the consent form, it will be assumed that they have withheld consent. Employees should be made aware

that refusal to give consent could mean the Council might have to make a decision on an employee's capability or conduct with the medical advice available.

14.0 Frequent Short Term Sickness

14.1 First Health Review Meeting

14.1.1 An employee's sickness absence levels must be reviewed when one of the following trigger points is reached:

- 7 days sickness absence within any twelve-month period
- 3 separate periods of sickness in a 6 month period; **or**
- A pattern of absence which gives cause for concern, such as frequent absenteeism on a Monday or Friday, or avoiding particular work tasks

14.1.2 The manager must consider the trigger points above and if it is felt that there is a potential problem they should convene a First Health Review Meeting with the employee. The manager should write to the employee to invite them to the First Health Review Meeting, giving them at least five working days' notice (please contact HR for a template letter).

14.1.3 The aim of the First Health Review Meeting is to:

- Discuss the absence record.
- Explore the reasons for the absence and enable the Council to have an up-to-date understanding of the latest medical situation and prognosis.
- Confirm the expectation of an improvement in attendance.
- Identify areas for support.
- Discuss the need for a risk assessment.
- Consider whether there are any reasonable adjustments which could be made with regard to the employee's work.
- Set appropriate targets for improvements and an appropriate review period.
- Discuss the effect of past and future absences on the organisation.

14.1.4 The following outcomes must be considered:

- Advice may be sought from Occupational Health. It will not normally be necessary at this stage to refer the employee to

Occupational Health but if there is evidence of an underlying medical condition or cause for concern where a medical assessment would be helpful, a referral can be made.

- Reasonable adjustments such as changes in workload, work practices or work patterns may be identified.
- A review period should be set with a meeting arranged at the end of the review period to discuss their progress.
- The manager should issue a Verbal Warning.

14.1.5 The manager should write to the employee within 5 working days of the First Health Review Meeting, confirming the points discussed and actions identified. The employee will be informed of the improvements needed in their attendance and advised of the possible consequences if this is not achieved. Please contact HR for a template letter.

14.1.6 An appropriate review period should be set. If at the end of this period of review the employee has reached a sustained acceptable level of improvement, monitoring should revert back to informal arrangements with return to work meetings occurring in the event of further absences. This should be confirmed to the employee in writing (please contact HR for a template letter). Where there is no improvement in attendance, a Second Health Review Meeting should be convened.

15.0 Second Health Review Meeting

15.1 The manager should write to the employee to invite them to a Second Health Review Meeting, giving them at least 5 working days' notice and informing them of their right to be accompanied by a trade union representative or work colleague. Managers should seek advice from Human Resources before convening a Second Health Review Meeting. Please contact HR for a template letter.

15.2 The manager should be accompanied at the Second Health Review Meeting by an HR Officer. It is their role to advise on procedure, ensure consistency and equity of treatment and ensure that the letter setting out the decision of the meeting is sent to the employee. The HR Officer may also take notes at the meeting unless the manager decides that an additional note-taker should be present.

15.3 The Second Health Review Meeting will reaffirm the issues discussed at the First Health Review Meeting and the following outcomes must be considered:

- Advice may be sought from Occupational Health.
- Reasonable adjustments such as changes in workload, work practices or work patterns may be identified.
- A review period should be set with a meeting arranged at the end of the review period to discuss their progress.
- The manager (with delegated authority to issue warnings) should issue a **First Written warning** at this second meeting. A copy of the warning will be kept on employee's personnel record file but should be disregarded after twelve months of satisfactory attendance.

15.4 The manager must write to the employee within 5 working days of the Second Health Review Meeting confirming the points discussed and actions identified and of the improvements needed in their attendance and advised of the possible consequences if this is not achieved. The letter should also include details of any warning issued, along with the employee's right to appeal. An appropriate review period should be set. Please contact HR for a template letter.

15.5 If at the end of this period of review the employee has reached a sustained acceptable level of improvement, this should be confirmed to the employee in writing (please contact HR for a template letter). However, if the employee's attendance deteriorates again within 12 months of the warning being issued, the manager can re-start the formal procedure at the next level (e.g. if a Second Health Review Meeting has already been held and a First Written Warning issued, the manager can start at the Third Health Review Meeting).

15.6 If there is still no improvement in absence levels by the end of the review period then the manager will refer the case to the Head of Service to convene a Third (and final) Health Review meeting.

16.0 Third Health Review Meeting

16.1 If the employee's line manager is a Head of Service the Third Health Review Meeting will be held by another Head of Service. If the employee concerned is a Head of Service, the First, Second and Third Health Review Meetings will all be held by the Service Director. For the purposes of this policy 'Head of Service' will be used to describe the person holding this meeting.

16.2 The Head of Service should write to the employee to invite them to a Third Health Review Meeting, giving them at least 5 working days' notice and informing them of their right to be accompanied by a trade union representative or work colleague. Heads of Service must

seek advice from Human Resources before convening a Third Health Review Meeting. Please contact HR for a template letter.

- 16.3 The Head of Service should be accompanied at the Third Health Review Meeting by an HR Officer. It is their role to advise on procedure, ensure consistency and equity of treatment and ensure that the letter setting out the decision of the meeting is sent to the employee. The HR Officer may also take notes at the meeting unless the Head of Service decides that an additional note-taker should be present. The manager should also attend the meeting to present the management case.
- 16.4 The Third Health Review Meeting will reaffirm the issues discussed at the Second Health Review Meeting and the following outcomes must be considered:
- Advice may be sought from Occupational Health.
 - Reasonable adjustments such as changes in workload, work practices or work patterns may be identified.
 - A review period should be set with a meeting arranged at the end of the review period to discuss their progress.
 - The Head of Service should issue a **Final Written Warning** at this second meeting. A copy of the warning should be kept on employee's personal record file but should be disregarded after twelve months of satisfactory attendance.
- 16.5 The Head of Service must write to the employee within 5 working days of the Third Health Review meeting confirming the points discussed and actions identified and of the improvements needed in their attendance and warned of the possible consequences if this is not achieved. The letter should also include details of any warning issued, along with the employee's right to appeal. An appropriate review period should be set. Please contact HR for a template letter.
- 16.6 If at the end of this period of review the employee has reached a sustained acceptable level of improvement, this should be confirmed to the employee in writing (please contact HR for a template letter). However, if the employee's attendance deteriorates again within 12 months of the warning being issued, the Head of Service can restart the formal procedure at the next level (e.g. if a Third Health Review Meeting has already been held and a First and Final Written Warning issued, the Head of Service can start at the Capability Review Hearing).

16.7 Ultimately if there is still no improvement in attendance the Head of Service will need to consider the employee's employment position. Where two formal warnings have been issued and these have resulted in no sustained improvement in the employee's attendance then a Capability Review Hearing should be convened. Please contact HR for a template letter. Please see Section 18 regarding Capability Hearings.

17.0 Long Term Sickness Absence

17.1 Long term sickness absence occurs when an employee is absent for a continuous period of 28 calendar days.

17.2 A First Long Term Health Review Meeting, with the employee, will be arranged by the manager if the employee absence levels have met the 28 day trigger or sooner if appropriate. The manager should confirm the invitation to the meeting in writing giving the employee at least 5 working days' notice. Please contact HR for a template letter. If the employee is unable to attend a meeting in the workplace then it may be appropriate to hold the meeting at the employee's home or other mutually agreed location.

17.3 The main aims of the First Long Term Health Review Meeting are as follows:-

- To consider the employee's current state of health.
- To explore the reason for the absence and consider any other underlying factors.
- To establish the likely duration of the sickness absence.
- To discuss the employee's expectations of returning to work.
- To consider any potential impediments to an early return to work.
- To provide information on the appropriate external support services.
- To discuss whether there are any additional areas of support that could be offered to the employee.
- To consider whether the absence is related to a disability and therefore should be dealt with in accordance with the Council's duties under the Disability Discrimination Act.
- Where necessary, and in accordance with the procedure, refer the employee to Occupational Health for medical advice and support.
- To agree how contact will be maintained during the absence.

17.4 At this meeting the manager should issue a Verbal Warning. A copy of the warning will be kept on employee's personnel record file but

should be disregarded after twelve months of satisfactory attendance.

- 17.5 The manager must write to the employee within 5 working days of the First Long Term Health Review Meeting confirming the points discussed and actions identified. Please contact HR for a template letter.
- 17.6 Where it is expected the absence will be on-going, advice should be sought from Occupational Health. The purpose of gaining Occupational Health advice will be to provide an indication of the likely duration of the employee's absence, recovery period and whether any steps can be taken to help the employee make a successful return to work.
- 17.7 Depending on advice received from Occupational Health, managers with the advice of Human Resources, if necessary, may agree one or more of the following options:-
- Continue to Monitor – Manager to keep in contact with the individual to consult and consider arrangements for their return.
 - Return to Work on Normal Full Duties – When an employee's GP or Occupational Health states that the employee is fully fit to return to work. The Manager must arrange a return to work meeting with the employee.
 - Rehabilitation – An employee may be experiencing difficulties in undertaking the full range of tasks or coping with the work situation and in these cases managers and Human Resources should consider whether there are any ways the employee can return to their current job and whether any adjustments may be required. These could include; phased returns/modified duties, reduced or changes in hours or changes in work practices.
 - Redeployment – Suitable alternative positions may be considered where appropriate, although the Council will not be obliged to create new positions for this purpose. Please see the Redeployment Policy for further information.
 - Investigation into whether employee may be eligible for ill health retirement – Please refer to Section 22.
- 17.8 A Second Long Term Health Review Meeting should be held to review the employee's progress. This meeting should be attended by the employee's line manager and Human Resources. The employee is entitled to be accompanied by a work colleague or trade union representative. The manager should confirm the

invitation to the meeting in writing giving the employee at least 5 working days' notice. Please contact HR for a template letter. If the employee is unable to attend a meeting in the workplace then it may be appropriate to hold the meeting at the employee's home or other mutually agreed location.

- 17.9 The manager must be accompanied at the Second Long Term Health Review Meeting by an HR Officer. It is their role to advise on procedure, ensure consistency and equity of treatment and ensure that the letter setting out the decision of the meeting is sent to the employee. The HR Officer may also take notes at the meeting unless the manager decides that an additional note-taker should be present.
- 17.10 At this meeting the manager (with delegated authority to issue warnings) should issue a **First Written Warning**. A copy of the warning should be kept on employee's personnel file but will be disregarded after twelve months of satisfactory attendance.
- 17.11 The manager must write to the employee within 5 working days of the Second Long Term Health Review Meeting confirming the points discussed and actions identified. The letter should also include details of any warning issued, along with the employee's right to appeal. Please contact HR for a template letter.
- 17.12 A Third Long Term Health Review Meeting should be held before agreeing future actions in relation to the employee's employment with the Council. This meeting should be attended by the employee's manager, Head of Service and HR Officer. The employee is entitled to be accompanied by a work colleague or trade union representative. The Head of Service should confirm the invitation to the meeting in writing giving the employee at least 5 working days' notice. Please contact HR for a template letter. If the employee is unable to attend a meeting in the workplace then it may be appropriate to hold the meeting at the employee's home or other mutually agreed location.
- 17.13 At this meeting the Head of Service shall be able to issue a **Final Written Warning**. A copy of the warning should be kept on employee's personal record file but should be disregarded after twelve months of satisfactory attendance.
- 17.14 The Head of Service must write to the employee within 5 working days of the Third Long Term Health Review Meeting confirming the points discussed and actions identified. The letter should also

include details of any warning issued, along with the employee's right to appeal. Please contact HR for a template letter.

- 17.15 Referral to a Capability Hearing for long term absence should take place when advice from Occupational Health has been received and taken into account. All reasonable options for support and individual adjustments to the work place should have been considered and appropriate action taken, where ill health redeployment is being actively considered and where two formal warnings have been issued. Please refer to Section 22.

18.0 Capability Review Hearing

- 18.1 Where there are continuing concerns regarding short term absences and a final written warning has been given, or in the case of long term absence options to enable the employee to remain in their current employment have been unsuccessful or are inappropriate and a Final Written Warning has been issued, the employee will be asked to attend a Capability Review Hearing.

- 18.2 The purpose of the Capability Review Hearing will be to consider whether there are any further actions that the Council can take to assist the employee in continuing their employment or whether employment should be terminated due to the employee's inability to undertake their duties effectively because of their absence.

- 18.3 The Capability Review Hearing should be convened by the Service Director. If the employee is a Head of Service, a Director who has not been previously involved will conduct the hearing. The employee must be given 10 working days' notice in writing of the date of the hearing and should be advised that they have the right to be represented by a trade union representative or work colleague. The employee must also receive a copy of the management statement of case with this letter. Please contact HR for a template letter.

- 18.4 The Capability Review Hearing may result in one of the following outcomes:

- Further support with a date set for review
- Dismissal (the Head of HR must be consulted on any decision to dismiss)
- Ill Health Retirement or Compassionate Retirement in accordance with the rules and procedures of the Local Government Pension Scheme and Retirement Policy

18.5 The employee will be informed of the decision in person and also in writing within 3 working days of the hearing. Please contact HR for a template letter.

18.6 If there is medical evidence that an employee is no longer fit to fulfil the requirements of the job, the Council reserves the right to terminate employment before the expiry of contractual sick pay.

18.7 Where decisions have been made to terminate employment on the grounds of ill health the employee has the right to appeal against the decision. Please refer to the Appeals Policy.

19.0 Requirement to Provide a Doctor's Fit Note

19.1 Employees who are undergoing close monitoring of absence may be asked to provide a fit note from the first day of each absence period. If, as a result of this requirement, the employee incurs a cost this will be refunded, normally through expense claims process.

20.0 Reasonable Adjustments

20.1 Under the Equality Act 2010 if an employee, their GP or the Occupational Health Adviser advises the Council that the reason for absence is related to a disability, then the manager must make any possible readjustment to the duties or working environment in order to meet the needs of the individual and therefore increase attendance.

20.2 Advice can be sought from Human Resources as to how reasonable adjustment can be made to a job or environment. Guidance on reasonable adjustments is also set out in the Policy and Procedure for Employing and Retaining People with Disabilities.

21.0 Redeployment

21.1 Where the Occupational Health Adviser or GP recommends that the employee is unfit for the duties of the individual's post, but may be able to undertake alternative work, suitable vacancies should be explored into which the employee may be redeployed.

21.2 HR will monitor vacancies over a 3 month period to identify a suitable alternative post in accordance with the Redeployment Policy. If this does not prove possible, management should convene a Capability Review Hearing.

22.0 III Health Retirement

- 22.1 In rare cases, Occupational Health may advise that an employee is permanently unfit for work. In such situations it will be necessary for the employee to sign a consent form to pursue retirement on ill health grounds so that the required advice can be obtained from two medical sources, one of which will be the Occupational Health Unit.
- 22.2 In situations where an employee disputes the need for ill health retirement, the case will have to be heard in a Capability Review Hearing in order to obtain a dismissal.

23.0 Stress

- 23.1 Managers have a duty of care for their staff and have an important role in identifying and reducing stress in the workplace, whether the primary cause of stress is work related or not.
- 23.2 Guidance can be obtained from Human Resources if stress is identified as a factor in employee absence and managers should also refer to the Stress Management Policy. When stress is identified as a factor in an employee's absence, the Stress Management Policy should be followed in conjunction with the Absence Management Policy.
- 23.3 Managers should consider whether to involve Occupational Health and, if appropriate, counselling can be arranged through Human Resources or obtained directly by the employee through self-referral using the Employee Assistance Programme.

24.0 Employee Assistance Programme (EAP)

- 24.1 The EAP is a confidential advice, information and counselling service that is available to all employees. The EAP can provide specific advice and guidance to employees who are experiencing ill health. Further details can be found on the intranet.

25.0 Dismissal

- 25.1 Employees that have frequent and persistent absence may be dismissed on the grounds of SOSR (Some Other Substantial Reason). Managers in such cases must be clear on absence levels and consequences of dismissal. Advice and support will be given by the relevant HR officer.

26.0 Appeal

26.1 All employees have the right to appeal against dismissal in accordance with the Council's Appeals Policy.

27.0 Policy Review and Amendment

27.1 This Policy shall be reviewed after three years or sooner in line with legislation and best practice to reflect the best possible level of support and management.

Guide to Capability Hearings

The purpose of a Capability Review Hearing is for a senior manager to review the individual circumstances of a case, including the support, guidance and formal warnings that have been provided. The Capability Review Hearing will consider whether there are any further actions the Council can take to assist an employee in continuing their employment or whether employment should be terminated due to the employee's incapability to undertake their duties effectively because of ill health. A decision to dismiss can only be taken as outcome of a Capability Review Hearing.

Where a decision to dismiss an employee is being considered, managers must ensure that the following alternatives to dismissal have been considered first:

- Return to work – Normal full duties
- Rehabilitation – Adjustments to current job
- Phased Return/Modified Duties
- Reduction or change in hours
- Changes in Work Practices
- Ill Health Redeployment

When should a Capability Review Hearing for Frequent Short Term Absence take place?

Advice in the form of a referral from the Occupational Health Adviser has been sought, received and taken account of, and
2 written warnings have been issued during the Formal Support & Monitoring stage, and
There has been no sustained and satisfactory improvement in the employee's attendance record, and
All reasonable options for support and individual adjustments to the job have been have been considered and implemented where appropriate.

When should a Capability Review Meeting for Long term Absence take place?

- Advice from Occupational Health has been sought, received and taken account of; and
- 2 written warnings have been issued during the Formal Support & Monitoring stage.

- Where ill health redeployment has been actively considered and or pursued.
- All reasonable options for support and individual adjustments to the work have been considered and where appropriate action taken.
- A Capability Review Hearing may (but not exclusively) take place if the Occupational Health Adviser has certified a case that the employee should be considered for Ill Health Retirement or Compassionate Retirement. It should not be necessary for example in “ask to go” retirements.

Roles and Responsibilities in a Capability Review Hearing

Director

- Chair the meeting to ensure that it is conducted in accordance with the recognised format. In particular the Director must ensure that the employee has the opportunity to make as full a statement as possible in response to the Management Statement of Case.
- Ask any questions of clarification on the statements presented by either management or the employee.
- Make a decision as to the outcome of the Capability Hearing.

Head of Service

The Head of Service will be required to prepare a Management Statement of Case which describes what support and guidance has been provided from Return to Work meetings, Health Review meetings and referral to the Occupational Health Unit. Support in compiling the Management Statement of Case is available from Human Resources.

At the meeting the Head of Service’s role will be to:

- Present the case in a chronological order.
- Respond to any questions the employee and/or their representative may have about the matters described in the Management Statement of Case.
- Respond to any questions the Director may have on the Management Statement of Case.
- Ask questions of the employee who is subject to the proceedings based on the statement (s) they have made.

Human Resources

- Provide procedural advice where necessary (Including ensuring appropriate notification and correspondence are issued).
- Draft correspondence letter confirming the outcome of the hearing on behalf of the Director

Scheduling a Capability Review Hearing

- Ensure that the employee is given at least ten working days' notice in writing of the date of the hearing-taking place.
- Ensure the employee is advised that they are entitled to be accompanied by a Work Colleague or Trade Union Representative at the Capability Review Hearing.
- The employee receives a copy of the Management Statement of Case at least ten calendar days before the hearing.

Capability Hearing Order of Events

1. The Director hearing the case will introduce all those present and briefly explain their roles.
2. The Director will explain the reason why the hearing is being held.
3. The Head of Service will present their case.
4. The Director will invite the employee and/or their representative to ask questions of the Head of Service and others present whose information is relevant to the Management Statement of Case. The HR Officer will also be given the opportunity to ask questions.
5. The Director may then ask questions of the Head of Service and others present.
6. The employee and/or their representative will then present their case
7. The Director will invite the Head of Service to ask questions of the employee subject to the proceedings. The HR Officer will also be given the opportunity to ask questions.
8. The Director may then ask questions of the employee and/or their representative.
9. The Head of Service and the employee and/or their representative will then be asked if they wish to make any concluding remarks.
10. The Director will then close the meeting to consider the matter, advised by the HR Officer.
11. The decision will be confirmed to the employee, in writing, within 3 working days including details of their right to appeal (please contact HR for a template letter). If the decision can be made on the day the employee will also be notified verbally.

What are the possible outcomes of a Capability Review Hearing?

- **Further Formal Support with a date set for review** - The Director may refer the case back to the Head of Service for further investigation into the employee's absence record and or supportive actions that might be reasonably undertaken. In these circumstances a further Health Review meeting should be scheduled to review the progress, **OR**
- **Dismissal/ill Health Retirement/ Compassionate Retirement** - The Director may make the decision to dismiss the employee; if they do so they must ensure that their recommendation to dismiss is fair and legal.

Director's Checklist – How can I ensure that the recommendation to dismiss is fair and legal?

Directors should consider the following:-

- The nature of the illness
- Has medical advice been sought on issues such as the nature of the illness, the likelihood of it recurring or some other illness arising and the length of the absences and the periods of good health between them?
- Has it been shown that the employee's health situation is having an adverse effect on their ability to perform their duties efficiently?
- Is the employee's health situation having an adverse impact on work colleagues and service delivery?
- Has consideration been given to the alternatives to dismissal such as reasonable adjustments or redeployment?
- The Council's need for someone else to undertake the work.
- The adoption and exercise of the Council's policy and procedure on absence management.
- An assessment of the individual case, on its own merits
- Is the Council clear what benefits (if any) the employee is eligible for under the Local Government Pension Scheme?
- Has the employee and their representative, if applicable, been consulted fully?

What are the two possible reasons for dismissal under the Absence Management Policy?

1 – Capability Dismissal: 'Capability' can include any assessment by reference to health or other physical or mental reasons, as well as reference to skills and aptitudes. Consequently, should an employee's ill health mean that they are unable to continue to undertake their duties; East Herts Council may terminate their employment.

2 - Dismissal for Some Other Substantial Reason – This reason (SOSR) may be relevant in health cases where there has been frequent intermittent absence. In these cases, the primary reason for dismissal is not related to the employee's incapability on health grounds, but is related to the employee's inability to undertake their duties because they are not at work often enough. The manager hearing the case should be very clear about the reason(s) for absence and the consequent reason for dismissal in such cases.

Director Checklist for Terminations

- Confirm the decision in writing
- Ensure the employee is aware of the appeal procedure
- Confirm the employee's correct period of notice
- Confirm whether the employee is due any outstanding annual leave
- Ensure that the leavers form is completed so that pay is stopped following the employee's final date of employment.
- Ensure all leaver's details are forwarded to Serco pension department.
- Investigate whether there are any external support mechanisms that may help the employee.
- Ensure that an accurate record of the action taken been recorded.

Example of Management Statement of Case

To be completed by the Head of Service

STATEMENT OF CASE REGARDING *<Insert Employee's Name>*

CASE TO ANSWER & STATEMENT OF CASE

<Insert Employee's Name> has been employed by *<Insert department>*, at *<Insert location>*, in the position of *<insert job title>* and works *<Insert Hours Worked>* hours a week. *<Insert Name of employee>* has been employed for a total of *<Insert number>* of years with East Herts Council.

****Outline the sickness record and cause for concern***

Background - Example

<Details of roles and responsibilities of Service area and effects of employee's absence on colleagues/service delivery>

Health History

<Detail the chronology of events, quoting dates absence started, Return to Work Meetings, Health Review meetings, referral to Occupational Health Unit and the advice given, support measures, action plans, Doctor's reports, risk assessments and any additional supporting evidence. Please refer to appendices where appropriate and relevant to the case>

Current situation

<Detail where the chronology of events has brought you up to and any adjustments that have taken place>

<Detail any difficulties with managing the service in the employee's absence and what arrangements have been made to cover absent shifts/working arrangements>

<Detail what if any adjustments have been made to the current job. What support has been offered through supervision, Return to Work meetings, Health Review meetings, Risk Assessments and Support Services>

Situation Regarding Sick Pay

<Detail the situation regarding both statutory and contractual sick pay>

Conclusion

<Detail the Occupational Health Adviser's view point and the management decision regarding the employee's future employment with the Council i.e. consideration be given to the termination of the employee's contract on the grounds of ill health>

This Statement of Case should be prepared and provided to the employee 10 days in advance of the Capability Review Hearing.

RETURN TO WORK INTERVIEW/DISCUSSION FORM

**** CONFIDENTIAL ****

Return to work interviews/discussions must be conducted after every period of absence and where possible managers should carry this out between one-three days when an individual returns; this does not necessarily have to take place on a face to face basis and can be conducted by telephone where managers/employees cover a wide geographical area.

Please refer to the **Manager - Returning to Work Guidelines/Absence Management Policy** for more information on how to hold a return to work discussion.

Date of discussion	
Method of discussion	Face to Face <input type="checkbox"/> Telephone <input type="checkbox"/>
EMPLOYEE DETAILS	
Full Name:	
Directorate/ department:	
Job Title:	
RETURN TO WORK DISCUSSION	
Start date of absence	
Date of return	
Reason for absence <ul style="list-style-type: none"> • Update on employee health • Medication/changes to be made to workload and for how long • Adjustments to be made 	

Is the employee pregnant? Yes No

**Please note that pregnancy related absence will be discounted towards trigger points.
Please contact HR for further information.**

Does the employee consider themselves to have a disability? Yes No

If the absence is related to a disability please contact HR

Is there a need to refer to Occupational Health Yes No

PLEASE CONTACT YOUR HR OFFICER TO VERIFY THE FOLLOWING;

Has the employee met the corporate trigger points in a rolling 12 month period?

- 7 days sickness absence within any 12 month period
- 3 separate periods of sickness absence in a six-month period
- A pattern of absence which gives cause for concern such as frequent absenteeism on a Monday or Friday, or avoiding particular work tasks

Yes

If yes, please refer to the absence management procedure.

No

If yes to the above question please state what stage within the Absence Management Procedure, the employee is within?

Has the employee been made aware of future actions in accordance with the Absence Management Procedure if they are absent again in the near future?

Yes

No

Details of support offered to employee (actions agreed, including timescales)

I understand that this information will be used for the purposes of recording and monitoring sickness absence.

Signed Employee

Date

Signed Manager		Date
----------------	--	------

Updated May 2014

EAST HERTS COUNCIL

LOCAL JOINT PANEL - 18 JUNE 2014

HUMAN RESOURCES COMMITTEE - 9 JULY 2014

REPORT BY HEAD OF PEOPLE AND PROPERTY SERVICES

DISCIPLINARY POLICY

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

To approve the revised Disciplinary Policy

<u>RECOMMENDATIONS FOR LOCAL JOINT PANEL:</u>	
That:	
(A)	The revised Disciplinary Policy be recommended for approval
<u>RECOMMENDATIONS FOR HR COMMITTEE:</u>	
That:	
(A)	The revised Disciplinary Policy be approved

1.0 Background

1.1 The Council's Disciplinary Policy was last reviewed in 2009. The Council's programme of policy review is after three years or sooner in line with legislation and best practice.

2.0 Report

2.1 **Key Changes**

- 2.2 The policy has been updated to be consistent with the Council's Anti-Fraud and Anti-Corruption Strategy. Some additional types of misconduct have been added, i.e. the inappropriate use of social media and instant messenger systems and clarification on the roles of the manager and Investigating Officer have been made.
- 2.3 The policy complies with the ACAS Code of Practice for Disciplinary Procedures.
- 2.4 The revised Disciplinary Policy can be found at **Essential Reference Paper 'B'**.
- 3.0 Implications/Consultations
- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

Contact Officer: Emma Freeman – Head of People and Property Services
01992 531 635
Emma.Freeman@eastherts.gov.uk

Report Author: Claire Kirby – HR Officer
01992 531 652
Claire.kirby@eastherts.gov.uk

ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives (delete as appropriate):	People – Fair and accessible services for those that use them and opportunities for everyone to contribute This priority focuses on delivering strong services and seeking to enhance the quality of life, health and wellbeing, particularly for those who are vulnerable.
Consultation:	Heads of Service and Unison have been consulted on the revised policy.
Legal:	The policy complies with ACAS Code of Practice for Disciplinary Procedures.
Financial:	None
Human Resource:	As detailed in the policy
Risk Management:	None
Health and wellbeing – issues and impacts:	None

This page is intentionally left blank



East Herts Council

Disciplinary Policy

Policy Statement

**Policy Statement No 4 (Issue No 3)
July 2014**

Contents

1.0	Introduction	3
2.0	Principles of the policy	4
3.0	Forms of misconduct	4
4.0	Informal disciplinary process	5
5.0	Formal disciplinary process	7
6.0	Suspension	8
7.0	Investigation	9
8.0	Investigation outcome	11
9.0	Hearing timescales	12
10.0	Statement of the case	13
11.0	Consistent approach	13
12.0	Disciplinary meeting	14
13.0	Disciplinary hearing outcomes	18
14.0	Failure to improve	22
15.0	Cases of alleged criminal activity	22
16.0	Overlapping disciplinary & grievance issues	23
17.0	Appeals procedure	23
18.0	Policy review and amendment	23
	Appendix A	24
	Appendix B	30
	Appendix C	32

DISCIPLINARY POLICY

Policy Statement No 4 (Issue No 3) July 2014

1.0 Introduction

- 1.1 At East Herts our strength as an authority is due to our people and we are committed to being a fair and reasonable employer. Employees are required to demonstrate appropriate standards and at all times conform to East Herts Council's policies, practices and procedures. This policy is intended to promote fairness and equity in the relationships between the Council and its employees and sets out the action that should be taken when Council standards and/or rules are breached.
- 1.2 The purpose of this procedure is to be an aid to good management and a tool for improvement. It should not be perceived primarily as a means of imposing sanctions.
- 1.3 This policy applies to any acts of misconduct. For issues relating to performance capability, refer to the Managing Performance Policy. However, if an employee has failed to achieve a satisfactory level of performance through carelessness, negligence or refusing to carry out the duties of their post, this should be dealt with under the Disciplinary Policy.
- 1.4 These procedures have been drawn up based on legislation, the Advisory, Conciliation and Arbitration Service (ACAS) Code of Practice 6 April 2009 and have been agreed by UNISON.
- 1.5 This policy applies to all employees, except for Chief Officer level and above, where procedures set out in the Constitution are used.

Wherever possible, the Council will seek to resolve employment matters on an informal basis, as set out in this policy.

2.0 Principles of the Policy

- 2.1 Each stage of the procedure will be handled with regard to the need to ensure equity and reasonableness.
- 2.2 No disciplinary action will be taken against an employee until the case has been fully investigated.
- 2.3 At every stage in the disciplinary procedure the employee will be advised of the nature of the allegation against them and will be given the opportunity to state their case before any decision is made.
- 2.4 At all stages during the disciplinary procedure the employee will have the right to be accompanied by a work colleague or trade union representative in accordance with the Employment Relations Act 1999.
- 2.5 An employee will have a right of appeal against any formal disciplinary action taken against them in accordance with the Appeals Policy

3.0 Forms of Misconduct

- 3.1 The Council recognises three types of breach of discipline - misconduct, serious misconduct and gross misconduct. The manager should discuss with HR how any breach of discipline should be categorised.
- 3.2 **Misconduct**
 - 3.2.1 Misconduct is defined as behaviour that warrants disciplinary action as listed in Appendix A. In most circumstances the informal procedure should be exhausted before formal disciplinary action proceeds.
- 3.3 **Serious Misconduct**
 - 3.3.1 Serious Misconduct is defined as behaviour that warrants formal disciplinary action for more serious breaches of discipline.

3.3.2 Serious Misconduct may include those examples listed in Appendix A and may also include:

- Failure to respond to previous live written warnings
- Prolonged and repeated acts of misconduct

3.3.3 If during the investigation, it is concluded that the alleged breach of discipline is more serious than first thought, then this may be escalated to Gross Misconduct. In this case suspension may be considered. Likewise, if it is concluded that the alleged breach of discipline is not as serious as first thought, this may be downgraded to Misconduct.

3.3.4 In certain cases of serious misconduct a final written warning may be issued for a first breach of discipline. If the employee already has a current warning, the level of warning may be escalated. If the employee already has a current first or final written warning for misconduct, then the employee may be dismissed with appropriate notice.

3.4 **Gross Misconduct**

3.4.1 Gross misconduct is defined as behaviour, which in the Councils view justifies dismissal. This may be without notice or payment in lieu of notice. It generally means that the misconduct is serious enough to destroy the trust and confidence between the Council and the employee and that any further working relationship would be impossible. Such behaviour may occur inside or outside of normal working hours.

4.0 **Informal Disciplinary Process**

4.1 Managers will guide employees on expected behaviour and give feedback on a day to day basis, at 1-1s and through the PDR process. This is part of good management/supervisory practice and therefore does not form part of any disciplinary procedure.

4.2 If a manager has concerns about an employee's conduct they should keep detailed notes of each meeting and, where appropriate follow up each session with a list of

agreed actions. The informal stage also gives the manager an opportunity to investigate the root causes of poor conduct and to address any issues as soon as they arise.

4.3 The manager should:

- Give the employee factual examples of their unsatisfactory conduct
- Ask the employee for an explanation
- Make the employee aware that if their conduct does not improve, it could result in formal action

4.4 The written record of informal meetings should be kept on the employee's file for 6 months. This may be extended to support the agreed actions or training. Any actions to be taken as a result of these meetings should be clearly stated in writing with a copy for the employee. If specific improvement is required the file note may take the form of an improvement note. This will clearly set out the improvement required by the employee and the timescales. Managers should ensure that any targets set are SMART.

4.5 These notes are NOT formal warnings and must not be worded in those terms. They are simply a record of what was discussed. If the employee disagrees with the content of the file notes, they have a right to ask for their written response to be placed on the file.

4.6 If the employee's conduct fails to improve in the given timeframe a verbal warning may be given (see Section 13.4 for more information) and/ or the formal process may be invoked.

4.7 Before progressing to formal disciplinary action, managers will need to consider whether:

- The employee had reasonable opportunity and time to know what is acceptable behaviour and has been given the opportunity to improve.
- The employee's behaviour/conduct is worse than that of other employees who are not subject to disciplinary action.

- Appropriate levels of training and guidance have been given.
- There has been appropriate supervision, target setting and monitoring of the employee's behaviour/conduct.
- Informal meetings would be more appropriate.
- The employee would benefit from counselling.

5.0 Formal Disciplinary Process

5.1 In some situations the manager may decide during the informal stage that the matter is more serious and move to step one of the formal procedure. In other cases it may be appropriate, due to the seriousness of the allegation, to move directly to step one. The manager should contact their HR Officer before taking any decision to pursue formal disciplinary action. At this point the manager must inform the employee of the situation and procedure that will be followed.

5.2 This must be confirmed to the employee in writing with the following details:

- The nature of the allegation
- The process to be followed and likely timescales
- Who will be investigating the matter and who will be their HR support
- Whom to contact about the proceedings
- Their rights to be accompanied
- If they are to be suspended
- Any other relevant information
- The importance of confidentiality
- A copy of the disciplinary policy
- Support mechanisms that are available e.g. Employee Assistance Programme, Trade Unions

5.3 Please contact HR for a template letter

5.4 If any other allegations come to light during the course of the investigation, the employee will be informed directly in writing and the new allegations will be investigated. This

may include investigating issues of gross misconduct which could result in suspension.

6.0 Suspension

6.1 A period of suspension may be necessary in certain cases, for example:

- Where gross misconduct is suspected
- Where it is inappropriate for the employee to remain at the normal place of work
- Where relationships have broken down
- Where it is considered there are risks to staff and/or Council property or there are responsibilities to third parties.
- The potential of the employee concerned to impede the investigation

6.2 Suspension is a precautionary act and not punitive or indicative of guilt. The employee will receive normal pay during the period of their suspension.

6.3 Prior to suspending an employee the manager must seek advice from HR, inform their Head of Service and get approval for the suspension from the service divisional Director or an appropriate alternative.

6.4 The employee will be notified immediately, in person (if appropriate) and the decision will be confirmed in writing including the reason(s) for the suspension and the expected length of the investigation. The manager and HR will ensure that the employee is offered the appropriate support during the process. Home workers should be called to attend the office in order to be suspended, they should not be suspended over the telephone. Please contact HR for a template letter.

6.5 At the time of suspension the investigating officer should instruct the employee to handover security passes, keys, Council equipment and be advised that they should not make direct contact with colleagues or visit the council

offices except with the express permission of the investigating officer.

6.6 If serious allegations come to light but there is no corroborating evidence at the outset, alternatives to suspension (see short term alternatives listed below) must be considered pending the outcome of a preliminary investigation.

6.7 Short term alternatives to suspension may include:

- Working from home
- Working at an alternative location
- Working in a more closely supervised environment

6.8 Alternatives to suspension should only be used as a short-term measure and should be reviewed on a weekly basis.

6.9 As soon as an investigation identifies that, on the face of the evidence, allegations of gross misconduct could be made against an employee, they may be suspended in accordance with this policy and any alternative arrangements ceased immediately.

6.10 Suspension will usually last until the investigation is completed or any resulting disciplinary hearing has been held. The suspension should not be seen as a form of disciplinary action and must be for as short a time as possible. The suspension must be kept under review, and time limits set for reviews to take place, these time limits must be realistic and depend on the individual circumstances of each case. The manager should inform the employee of the progress and likely timescales of the investigation, and review suspensions on at least a weekly basis.

7.0 Investigation

7.1 Investigations should start immediately after the event. If any new allegations or irregularities come to light in the course of the investigations they must be fully investigated as well and the employee/s notified.

7.2 The investigation will normally be conducted by the employee's manager. However, there may be times when it is more appropriate for a more senior manager, audit or other specialist staff to assist with or carry out the investigation. The investigator needs to ensure that the employee (and their companion) understands fully the reasons for the investigation.

7.3 **Investigation Meetings**

7.3.1 The Investigating Officer/manager will arrange a suitable time and venue to speak to anyone who may be able to give evidence relating to the allegations, including the employee.

7.3.2 The investigation meeting with the employee against whom allegations have been made should be attended by the:

- Investigating Officer
- HR advisor (where necessary)
- Employee
- Employee Representative or Colleague (if there is one)
- Note Taker (where necessary)

7.3.3 Adequate investigation is a crucial ingredient for the fair handling of a disciplinary. In all cases the Investigating Officer/manager should:

- Enquire into the circumstances surrounding the suspected or alleged misconduct
- Give the employee a chance to offer an explanation
- Take a balanced view of all the information that emerges

7.3.4 Anyone interviewed as part of the investigation is entitled to have someone with him or her; this could be a work colleague or trade union representative. This should not be someone who has already or is likely to be interviewed as part of the investigation. The Investigating

Officer/manager should contact the employee directly and not go through work colleague/trade union representative.

7.3.5 If matters remain unresolved at the end of the Investigation meeting, for example if new facts are raised further meetings should be convened to ensure all the facts have been explored.

7.3.6 The investigation should normally be concluded within 10 working days of informing the employee of the allegation. Where the circumstances of the case and/or the availability of witnesses mean that this time scale is unlikely to be met, the individual will be informed, in writing, and an alternative time scale will be advised by the manager. Any subsequent delays will be communicated to the employee by the manager.

7.3.7 During the investigation it will be necessary for the manager to make records of interviews with witnesses and the employee regarding the allegation of misconduct. These records will be prepared by the Investigating Officer/manager and sent to the interviewee. If the interviewee disagrees with the content of the record, they have the right to ask for their written response to be placed on the file. The original record should not be substantially altered. Consequently, the Investigating Officer/manager is entitled to decide whether or not to amend their records accordingly.

8.0 Investigation Outcome

8.1 Upon completion of the investigation, the Investigating Officer/manager will convene a meeting with the employee to explain the findings. The employee is entitled to bring their representative or work colleague. The Investigating Officer/manager may conclude that there is no case to answer, or they may issue the employee with a verbal warning (see Section 13.4 for more information).

8.2 If the Investigating Officer/manager deems the conduct serious enough to warrant a more severe sanction they will refer the case to the Head of Service.

- 8.3 The Investigating Officer/manager will prepare a written report for the Head of Service detailing the facts and evidence gathered. This will contain details of the employee against whom the allegations have been made and brief details of the allegation. The Investigating Officer/manager should offer a judgement as to whether the case to be answered is potentially one of misconduct, serious misconduct or gross misconduct. The Head of Service will then decide whether the case warrants a Disciplinary Hearing. The Investigating Officer/manager will not make a recommendation in relation to a specific disciplinary sanction. This is for the Head of Service to decide after a Hearing has taken place.
- 8.4 If after reading the initial report provided by the Investigating Officer/manager, the Head of Service decides there is no evidence to substantiate further proceedings and it is decided that there is no case to be heard, the employee will be informed of this in writing. The initial report should not be placed on the employee's personal file. If the employee is suspended they will return to work immediately and their manager must ensure appropriate support/induction is provided. If informal action is appropriate, e.g. further training, the employee must be notified of this in writing and a copy of the letter placed on their personal file.
- 8.5 If after receiving the report the Head of Service is satisfied that there is a case to answer, they will convene a formal disciplinary hearing and act as the Hearing Officer for the purpose of this hearing. If the Head of Service deems the conduct to be one of gross misconduct then a Director will hear the case.

9.0 Hearing Timescales

- 9.1 The hearing should normally take place within 10 working days after the initial report has been received by the Head of Service, however the timescale will be dependent on circumstances of the case and availability of witnesses. All management documentation, including statement of the case and names of witnesses to be tabled at the

hearing must be sent to the employee no later than 5 working days before the hearing. All documentation and names of witnesses to be tabled by the employee must be sent to the Head of Service no later than 5 working days before the hearing.

9.2 Where possible, and with the agreement of all parties, the disciplinary process may be completed earlier than the recommended timescales.

10.0 Statement of the Case

10.1 Once the Head of Service has made the decision that there is a case to answer the Investigating Officer/manager should assemble a statement of the case, which will contain details of all statements given by witnesses and the employee and any other information gathered during the investigation. It is essential that all relevant documents are signed and dated accordingly before they are included in the statement of case. This is to confirm that the information is an accurate record of the evidence given. This statement of the case should be given to the Head of Service and employee 5 working days before the hearing. The Statement of the Case will follow a standard format, see appendix B for template.

11.0 Consistent Approach

11.1 If a situation arises whereby a number of employees are involved in disciplinary action in respect of the same case/incident, a consistent approach must be taken. .

11.2 If this situation occurs, the following guidance should be taken:

- Appoint one Head of Service to oversee the case and hearings, even if employees from more than one service are involved;
- The Head of Service may meet with HR and Unison to agree the approach to be taken (if appropriate);

- Aim to complete all Hearings within a one to two week timescale of each other.

12.0 Disciplinary Meeting

12.1 Step 1 – Written Notification

12.1.1 The Head of Service will inform the employee in writing before the disciplinary hearing of the following:

- The date, time and place of the hearing.
- Their right to be accompanied at the hearing by work colleague or trade union representative.
- The name(s) of any witnesses management intend to call.
- That the hearing is of a formal disciplinary nature.
- The nature of the allegations, including copies of documents and records and whether the allegations if found could constitute misconduct, serious misconduct or gross misconduct and the possible outcome if allegations are proven.
- The names of those who will be present at the hearing.

12.1.2 Please contact HR for a template letter

12.2 Attendees

12.2.1 The following people may be present at the Disciplinary Hearing: the Investigating Officer/manager, the Head of Service, an HR Officer, the employee and their Representative. Also any witnesses may be present while they are giving evidence.

12.2.2 An employee and/or their representative who cannot attend the hearing should inform the Head of Service in advance, as soon as possible.

12.2.3 If an employees' representative cannot attend on a proposed date, the employee may suggest another date so long as it is reasonable and not more than 5 working days after the date originally proposed. The 5 day time

limit may be extended by mutual agreement, however the meeting should only be rescheduled once. If necessary, the disciplinary will be heard in the absence of representative.

12.2.4 If the employee fails to attend through circumstances outside their control, and unforeseeable at the time the hearing was arranged (e.g. illness), the HR Officer should arrange another hearing. If the absence is due to illness the employee must submit a medical certificate. Alternatively, if the employee cannot attend and is in agreement, their representative may attend on their behalf.

12.2.5 Employees and their representative/ companion are obliged to make every effort to attend the Hearing. If they fail to attend a hearing without good reason a disciplinary decision, based on the evidence available, may be taken in the employee's absence

12.3 **Step 2 – The Hearing**

12.3.1 The case will usually be heard by the employee's Head of Service. If the Head of Service is involved in the case or has been part of the investigation another Head of Service may hear the case.

12.3.2 If the disciplinary case directly concerns a Head of Service, the case should be heard by a Director that has not previously been involved.

12.4 **The Role of HR**

12.4.1 The HR Officer is responsible for advising on procedure, ensuring consistency and equality. They are also entitled to ask questions of clarification of either side. The HR Officer may take notes at the hearing unless the Head of Service decides an additional note-taker should be present.

12.5 **The Role of the Companion or Representative**

12.5.1 The Employment Relations Act 1999 gives every worker the right to be accompanied in any disciplinary proceeding by a fellow worker or trade union representative.

12.5.2 Under the Act itself the representative is entitled:

- To be present
- To address the hearing
- To advise the worker
- To put the workers case
- To sum up the workers case
- To respond on the workers behalf to any view expressed at the hearing

12.5.3 The representative can also confer with the employee during the hearing and ask witnesses questions. The companion has no right to answer questions on the employees' behalf, or address the hearing should the employee not wish it, or to prevent the employee from explaining their case.

12.5.4 A representative can only attend in a union capacity if they are a full time official, or certified by their union as having the necessary experience to perform such a role.

12.5.5 A Trade Union Steward or Officer is entitled to be represented by a full time Trade Union Official.

12.6 **Witnesses**

12.6.1 Witnesses may be interviewed as part of a disciplinary investigation in accordance with the procedure and may also be required by management or employees to attend a disciplinary hearing. Witnesses attending a disciplinary hearing are not represented as they are there to provide the facts and information and are not being investigated themselves. Written statements may be sufficient at this stage of the procedure and can be taken into account if the witness does not attend the hearing. All witness statements **must** be signed and dated by the witness.

- 12.6.2 Witnesses who are required to attend a hearing may be apprehensive about the proceedings and giving evidence face to face. The employee's representative or an HR Officer should raise these concerns at the pre-hearing review meeting to determine the best way of supporting the witness.
- 12.6.3 If an employee wishes to call witnesses it is up to that employee or their representative to make all the necessary arrangements, i.e. travel/availability/willingness to attend. If however contact is not allowed because of the terms of any suspension order, the representative should contact the witnesses. Employees without representation should liaise with the HR Officer who will make contact with witnesses.
- 12.6.4 Whenever possible, key witnesses must be prepared to answer questions related to their statements at the hearing. However, there may be exceptional circumstances to these arrangements. For example, records of interviews may stand-alone or a witness's evidence may be summarised and presented by the manager. If a witness is unable to attend, the Head of Service must bear in mind that there has not been an opportunity for either side to cross-examine this evidence. Any evidence submitted on behalf of this witness must be weighted accordingly.

12.7 **The Hearing Process**

- 12.7.1 The Head of Service/ Director will ensure that all the parties have the relevant documents and ensure that both sides understand the process that is to be followed.
- 12.7.2 The Investigating Officer/manager will present their case to the Hearing calling any witnesses and referring to the documents that have already been submitted. The employee and/or their representative followed by the Head of Service and HR Officer will then have the opportunity to question the witnesses.
- 12.7.3 The employee and/or their representative may then present their own evidence, give any mitigating

circumstances and call witnesses. The Investigating Officer/manager followed by the Head of Service and HR Officer will then have the opportunity to question the witnesses.

12.7.4 Each side will then be able to sum up, making final statements which summarise the key points of their case. The manager will sum up after the employee. It is not appropriate for new evidence to be presented at this stage.

12.7.5 The Head of Service/ Director will then close the meeting to consider the matter, advised by the HR Officer. See appendix C for the Decision Checklist

12.8 **Step 3 – Written Notification of Outcome**

12.8.1 The decision will be confirmed to the employee, in writing, within 3 working days including details of their right to appeal (please contact HR for a template letter). If the decision can be made on the day the employee will also be notified verbally.

12.8.2 In exceptional circumstances the Head of Service may decide to postpone the decision in order to give more time for deliberation / clarifications. If it is necessary to clarify any of the evidence presented, including recalling witnesses, all parties will be recalled, even if the point of clarification only concerns one party.

13.0 **Disciplinary Hearing Outcomes**

13.1 **Deciding on Appropriate Sanctions**

13.1.1 Before making any decision the Head of Service/ Director should take into account the employee's disciplinary/general record, overall conduct, actions taken in any similar cases, the explanation given by the employee and whether the intended disciplinary action is reasonable under the circumstances.

13.1.2 The employee should be given written details of any disciplinary action to be taken. They should also be

informed of the consequences of any further misconduct and of any improvements required. It is important to state how long the warning will remain live for and that the employee has the right to appeal against this decision.

- 13.1.3 If the Head of Service believes the case to be one of gross misconduct they will adjourn the hearing and refer the case to a Director.

13.2 **Mitigating Circumstances**

- 13.2.1 Before making any decision as to a disciplinary sanction the Head of Service/ Director must take into account any mitigating circumstances put forward at the Hearing. Mitigating circumstances relate to a specific incident that has directly affected the behaviour or conduct of an employee. If the Head of Service/ Director finds that there have been mitigating circumstances they will take this into account when issuing the disciplinary sanction at the hearing. In cases of Gross Misconduct, for example, this could lead to the outcome being mitigated and a final written warning being issued as the sanction instead of dismissal.

13.3 **Sanctions**

- 13.3.1 There are various sanctions that can be taken, depending on the seriousness of the misconduct.
- 13.3.2 Where the misconduct becomes a pattern, which is repeated when a warning expires, previous warnings may be taken into account to demonstrate that previous misconduct has been brought to the employees attention but will not be used to progress sanctions.

13.4 **Verbal Warning**

- 13.4.1 A verbal warning will be given if, despite informal discussions, the employee's behaviour or conduct does not meet acceptable standards. At this meeting / hearing, the employee must be told:
- The reason for the warning

- That the warning is the first stage of the disciplinary procedure
- The length the warning will remain live
- The result of no improvement in conduct or behaviour
- Their right of Appeal

13.4.2 A record of this warning should be kept on the employee's file and regarded as 'live' for 6 months. After this time has lapsed it will be disregarded in any future disciplinary matters. Warnings involving children or vulnerable adults will be placed on the employee's personal file permanently. The written record should accurately reflect the verbal warning given at the meeting and should not be written before the meeting. The employee should be warned that failure to improve could result in a written warning.

13.5 **Written Warning**

13.5.1 If the conduct is serious misconduct, or if further misconduct occurs, a written warning will be given. This will state the reason for the warning, the improvement required and the timescale. It will warn that a Final Written Warning will be considered if there is no satisfactory improvement and will advise of the right of appeal.

13.5.2 A copy of the warning should be kept on the employee's personal file and regarded as 'live' for 12 months. After this time has lapsed it will be disregarded in any future disciplinary matters. Warnings involving children or vulnerable adults will be placed on the employee's personal file permanently. The written warning should accurately reflect the warning given at the meeting and should not be written before the meeting. The employee should be warned that failure to improve could result in a final written warning.

13.6 **Final Written Warning**

13.6.1 If there is still a failure to improve or a further misconduct occurs or if the serious misconduct is sufficient to warrant only one written warning but insufficiently serious to justify dismissal, a first and final written warning will be given.

This will clearly explain the details of the complaint, warn that dismissal will result if there is no satisfactory improvement and will advise of the right to appeal.

- 13.6.2 A copy of the warning should be kept on the employee's personnel personal file and regarded as 'live' for 12 months. Warnings involving children or vulnerable adults will be placed on the employee's personal file permanently.
- 13.6.3 Employees in receipt of the local award will have this revoked as part of the final written warning. When the warning has expired, payment of the local award will resume.
- 13.6.4 For an employee to be given reasonable opportunity to improve their conduct following a disciplinary warning, they need to be at work throughout the relevant warning period. If the employee is absent from work for any reason, i.e., sickness, the manager may wish to consider extending the live warning period to provide the employee with the required opportunity to improve.

13.7 **Dismissal**

- 13.7.1 Dismissal will occur where there has been gross misconduct or for serious misconduct where the employee has a final written warning and further misconduct has taken place. Only a Director or the Chief Executive can authorise the decision to dismiss. The Head of People and Property Services must be consulted on any decision to dismiss.
- 13.7.2 Unless an employee is being dismissed for gross misconduct, they should receive the appropriate period of notice or payment in lieu of notice. Where an employee has already been issued with a final written warning, further misconduct will normally result in dismissal with notice.

13.8 **Instant Dismissal without notice**

- 13.8.1 Actions of gross misconduct will, except in the most exceptional circumstances, justify dismissal without

notice, or pay in lieu of notice. Only a Director or the Chief Executive can authorise the decision to dismiss. The Head of People and Property Services must be consulted on any decision to dismiss.

14.0 Failure to Improve

- 14.1 If the employee's conduct fails to improve after a sanction has been given the manager may update the Statement of Case and refer the case back to the Head of Service for a further hearing. If a first and final written warning have already been issued, then a Director should hear the case. The disciplinary process Step 1 – Written Notification will then commence.

15.0 Cases of Alleged Criminal Activity

- 15.1 If the allegation involves suspected non financial criminal offences at work the manager must inform the Head of People and Property Services with a view to contacting the police. If the allegation involves suspected serious financial irregularity or fraud, the Manager of Corporate Risk (or nominated officer) must be informed. The Manager of Corporate Risk will then arrange for any further investigation into the allegation, as necessary. The Council's policy is that the Police or whichever external agency is appropriate to the alleged offence will normally be informed without delay of any suspicions of fraud and corruption. Any decision **not** to notify the Police or other agency will be made by the Chief Executive and should be documented on the case-file. Please refer to the Council's Anti-Fraud and Anti-Corruption Strategy for more information.
- 15.2 Where the employee has been charged with or convicted of a criminal offence at or outside work, or is in custody (whether in remand or following conviction) the manager should contact the Head of People and Property Services to determine whether or how to apply this procedure. In particular cases a risk assessment may be appropriate. Employees are expected to inform their manager if they

are charged with or convicted of a criminal offence at or outside work.

- 15.3 Disciplinary investigations can be undertaken at the same time as a criminal investigation, except in exceptional circumstances, as advised by the police.

16.0 Overlapping Disciplinary & Grievance Issues

- 16.1 An employee may raise a grievance after disciplinary procedures have begun against them. In these instances, the Head of Service should consider suspending the disciplinary case for a short period of time (no more than one week) to consider the implications of the grievance upon the disciplinary.

- 16.2 If the grievance is related to the disciplinary it is permissible to deal with them concurrently. If the grievance is raised before the appeal stage of the disciplinary procedure, if the Head of Service thinks it is appropriate and it is related to the disciplinary, the grievance will be heard as part of the disciplinary procedure. If the employee raises the grievance after the disciplinary process has been completed, the full grievance procedure should be followed. Employees cannot raise a grievance against a disciplinary sanction. The Appeals Policy must be used in this case.

17.0 Appeals Procedure

- 17.1 An employee has the right to appeal against any formal disciplinary action taken against them in accordance with the Council's Appeals Policy.

18.0 Policy Review and Amendment

- 18.1 This policy shall be reviewed after three years or sooner in line with legislation and best practice to reflect the best possible level of support and management.

APPENDIX A

1. Examples of Misconduct

The following is intended to show the types of behaviour which the Council regards as misconduct justifying action including dismissal, with or without notice. In addition, there will be specific rules and procedures that apply to each job and non-compliance with these could be justification for disciplinary action.

The lists are examples and are not intended to be exhaustive. Omission from these lists is not sufficient grounds for an appeal.

Acts of Misconduct

1. Absenteeism and lateness e.g.
 - Frequent late arrival at work
 - Failure to comply with certification and reporting procedures as set out in the Absence Management Policy
 - Unauthorised absence
2. Dishonesty
3. Refusal to obey the reasonable and proper instruction of a supervisor/manager
4. Professional negligence, misconduct, omission or wilful failure to carry out normal duties of the post.
5. Deliberate failure to disclose any personal incapacity or information, which may be incompatible with the satisfactory discharge of the duties and responsibilities of the job.
6. Negligence in the care of property of the Council or belonging to people in the care of or receiving a service from the Council.
7. Failure to adhere to the Council's Code of Conduct
8. Misuse of equipment, materials and information, e.g.

- Inappropriate use of the internet, (e.g. accessing, distributing or storing pornographic, racist, sexist, or defamatory material)
 - Inappropriate use of the email system (e.g. sending threatening, bullying, abusive, defamatory or discriminatory messages)
 - Inappropriate use of the Council's intranet chat forums.
 - Inappropriate use of Council instant messenger systems, e.g. UCA
 - Inappropriate use of social media (see Social Media Policy)
 - Breaches of copyright and other parties intellectual rights
 - Importing or using unauthorised software on Council equipment
 - Unauthorised use of system for private use
 - Theft of software
 - Sabotaging the system i.e. the introduction of viruses, hacking etc.
9. Bullying, i.e. the persistent demeaning and degrading of employees' through words and action, as outlined in the Harassment and Bullying at Work Policy.
10. Inappropriate behaviour or unreasonable or unacceptable conduct, e.g.
- Working under the influence of alcohol or drugs
 - swearing or abusive language
 - rudeness
 - sexual, racist or aggressive behaviour
11. Discrimination and/or victimisation contrary to the law and/or The Diversity and Equalities Policy or giving instructions or bringing pressure on another person to do so.
12. Malicious or false complaints, or victimisation against employees participating in Council procedures, e.g. grievance, harassment and bullying cases.
13. Breach of health & safety rules and regulations (see policy on Health & Safety).

14. Failure to disclose interest in Council contracts.
15. Engaging in paid work outside the Council which conflicts with the duties and responsibilities in the contract of employment, or contravenes the Working Time Directive, or is without consent, where consent is needed.
16. Inappropriate or unreasonable behaviour towards clients, colleagues or members of the public.
17. Accepting gifts or hospitality from contractors, clients or members of the public without authorisation.
18. Canvassing Members of the Council about personal matters that relate to their job or making allegations about work colleagues.

The distinction between misconduct, serious misconduct and gross misconduct is often a matter of degree and some of the examples under misconduct and serious misconduct may be of such an extreme nature that they amount to gross misconduct.

2. Examples of Serious Misconduct

Serious Misconduct is defined as behaviour that warrants disciplinary action and may be invoked for more serious breaches of discipline. In the case of alleged Serious Misconduct, the employee will not normally be suspended, unless their presence inhibits the investigating of the case.

Serious Misconduct may include those examples indicated under Misconduct and Gross Misconduct and may also include:

- Failure to respond to previous live written warnings
- Prolonged and repeated acts of misconduct

It must be stressed that the examples given under each heading are not exhaustive nor exclusive. Omission from these lists is not sufficient grounds for an appeal.

3. Examples of Gross Misconduct

Gross misconduct is defined as behaviour, which in the Council's view justifies dismissal without notice. It generally means that the misconduct is serious enough to destroy the trust and confidence between the Council and the employee and that any further working relationship would be impossible. Such behaviour may occur inside or outside of normal working hours and/or outside the workplace.

The following list illustrates conduct likely to amount to gross misconduct, but this list is neither exclusive nor exhaustive. Omission from this list is not sufficient grounds for an appeal.

1. Theft or misappropriation or malicious damage to property of the Council, clients, or fellow employees.
2. Falsifying records or expense claims (which results in gain to the individual), e.g. time sheets, mileage expenses
3. Threatened or actual physical assault on anyone, fighting or similar actions.
4. Serious misuse of equipment, materials and information, e.g.
 - Inappropriate use of the internet, (e.g., accessing, distributing or storing pornographic, racist, sexist, or defamatory material)
 - Inappropriate use of the email system, (e.g., sending threatening, bullying, abusive, defamatory or discriminatory messages)
 - Inappropriate use of the Council's intranet chat forums.
 - Inappropriate use of Council instant messenger systems, e.g. UCA
 - Inappropriate use of social media (see Social Media Policy)
 - serious breaches of copyright and other parties' intellectual property rights
 - deliberate extensive use of unauthorised software on Council equipment

- unauthorised use of Council equipment or materials for private use (e.g. using the Council's equipment and time for running one's own business)
5. Serious professional negligence, misconduct, omission or wilful failure to carry out normal duties of the post.
 6. Harassment or bullying of a serious nature or discrimination against other employees, clients or members of the public on any grounds, as outlined in the Harassment and Bullying at Work Policy.
 7. Incapacity through alcohol or being under the influence of illegal drugs.
 8. Breach of Council's regulations, e.g. financial or contractual
 9. Non-compliance with health & safety rules and regulations which could lead to endangering of self and/or the well-being of others
 10. Criminal offence relating to employment, e.g. acceptance of a bribe.
 11. Improper use of computer systems, equipment or data stored on the system.
 12. Unauthorised use of Council vehicles at any time.
 13. Unauthorised use of Council materials, equipment, facilities or labour for private purposes.
 14. Criminal offences committed outside of working hours, which are incompatible with employment role or status, and/or likely to bring the council into disrepute.
 15. Unauthorised access to information held by the Council whether held electronically or manually.

16. Unauthorised disclosure of information classified as confidential by the Council, including wrongful or deliberate disclosure of security passwords in relation to building security and computer systems.
17. Falsification or omission of information for personal gain, e.g. application form, references, medical questionnaire.
18. Improper use of position for personal gain.
19. Engaging in politically restricted activities, as defined by the Local Government and Housing Act 1989, when holding a politically restricted post.
20. Failure to disclose details of any unspent criminal court convictions gained before as well as during employment. In respect of employment exempt under the terms of the Rehabilitation of Offenders Act, failure to disclose any information about convictions, cautions, reprimands, police enquiries following an allegation and final warnings (including spent convictions and juvenile convictions) gained before as well as during employment. In the case of criminal convictions obtained during the course of employment, employees are required to inform HR within 7 days of the conviction, unless it is not reasonably practicable to do so.
21. A serious breach of confidence.
22. Committing any lewd or indecent act in or outside the workplace so as to bring the Council into disrepute.
23. Serious breach of confidence or the Data Protection Act 1998 (subject to The Public Interest Disclosure Act 1998).
24. Unauthorised absence from the workplace (where the employee does not return to work).
25. Serious or repeated breach of other terms of employment or provisions of the staff handbook.

APPENDIX B

Statement of Case template

1. Introduction

This should include where relevant:

- How long the employee has worked at EHC in their current capacity
- The period of employment
- Post held of the member of staff being disciplined
- Previous performance of the staff member
- Date and times of the alleged misconduct

2. Allegation

Specific details of the allegation should be stated. This may involve more than one allegation and whilst it is important that the most serious allegation is clear, other issues (for example conduct etc) should also be raised in order for the Head of Service to be fully informed when reaching a decision.

3. Background information / Methodology

The allegation came to the attention of Management following/due to.....as a result Management instituted an investigation which involved.....

This section should also include information on:

- Who was interviewed
- Other information used

4. Investigation and Statements

This section should cover what arose from the investigation that took place. Reference must be made to the documentation gathered throughout the investigation in order to demonstrate the key facts and issues of the case involved.

The problems arising from the failure in behaviour or conduct must also be documented.

5. Conclusion

This section should pull together all the key facts, the results of the case and Management's response. It should include an indication of the seriousness with which the allegation is held and the resulting problems it's continuance or re-occurrence would cause.

APPENDIX C

Hearing Decision Checklist

1. Has there been as much investigation as is reasonable in the circumstances?
2. Have the Council's procedures been fairly followed? (Consider the principles of the policy)
3. Have I paid sufficient regard to any explanation put forward by or on behalf of the employee?
4. Do I genuinely believe that the employee has committed the misconduct, serious misconduct or gross misconduct as alleged?
5. Have I reasonable grounds on which to sustain the belief, on the balance of probabilities?
6. Is the misconduct, serious misconduct or gross misconduct sufficiently serious to justify the disciplinary action I am contemplating?
7. Have I had regard to any mitigating circumstances put forward by or on behalf of the employee?
8. Is the decision within the band of reasonable responses of a reasonable employer in the circumstances?

The effect of answering yes to the first five questions is to reach a finding that the allegations have been found. Questions 6 to 8 help to determine whether the proposed sanction is reasonable.

EAST HERTS COUNCIL

LOCAL JOINT PANEL - 18 JUNE 2014

HUMAN RESOURCES COMMITTEE - 9 JULY 2014

REPORT BY HEAD OF PEOPLE AND PROPERTY SERVICES

EXPENSES POLICY

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

To approve the proposed key changes on the revised Expenses policy which have been requested by Human Resources Committee.

<u>RECOMMENDATIONS FOR CORPORATE MANAGEMENT TEAM:</u>	
That:	
(A)	The revised Expenses Policy be recommended for approval.
<u>RECOMMENDATIONS FOR HR COMMITTEE:</u>	
That:	
(A)	The revised Expenses Policy be approved.

1.0 Background

1.1 The Council's Expenses Policy was last reviewed in 2010. The Council's programme of policy review is after three years or sooner in line with legislation and best practice.

1.2 Human Resources Committee agreed on 2 October 2013 that as part of the Policy Development plan, the mileage rates would be reviewed.

- 1.3 The revised Expenses Policy was brought to Local Joint Panel on 3 December 2013. It was agreed that the Expenses Policy be submitted to Human Resources Committee, subject to both sides resolving any anomalies in advance of that meeting. In the event that issues could not be resolved, then the policy be referred back to the Local Joint Panel for further consideration. It was agreed following that decision that further consultation was advisable both with Heads of Service and Unison before resubmission. That consultation has now been completed.
- 1.4 In September 2013 the Local Government Employers, advised that half of the Councils nationally have moved to HM Revenue and customs (HMRC) rates. With the Eastern region, a benchmarking survey on 1 October 2013 indicated that 19 out of 29 Councils have reimbursed business mileage in line with HMRC approved rates. Members of East Herts are currently reimbursed on HMRC rates.
- 1.5 The Lease car scheme formally closed on 17 January 2014; therefore the lease car rates have become redundant.

2.0 Report

2.1 **Key Changes in the policy**

- 2.2 The policy has been revised to change the mileage rates from Essential and Casual User rates to HMRC rates for all claimants and all engine sizes should adopt the same flat rate for all users based on the lump sum.
- 2.3 The policy has been revised to remove the separation of 'In District' and 'Out of District' mileage. The claiming of Out of District mileage on the whole is historic and many Councils' no longer use this.
- 2.4 The subsistence rates have been increased in accordance with guidance from East of England LGA and are now determined by local agreement.
- 2.5 Guidance has been included on interview expenses, travel by public transport and air travel.
- 2.6 The definition of Essential and Casual car users have been changed to High and Low Car users.

2.7 The revised Expenses Policy can be found at **Essential Reference Paper 'B'**.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

The current mileage rates are included in **Essential Reference Paper 'C'**.

Contact Officer: Emma Freeman – Head of People and Property Services
01992 531 635
Emma.Freeman@eastherts.gov.uk

Report Author: Emma Freeman – Head of People and Property Services
01992 531 635
Emma.Freeman@eastherts.gov.uk

This page is intentionally left blank

ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives (delete as appropriate):	People – Fair and accessible services for those that use them and opportunities for everyone to contribute This priority focuses on delivering strong services and seeking to enhance the quality of life, health and wellbeing, particularly for those who are vulnerable.
Consultation:	Heads of Service and Unison have been consulted on the revised policy.
Legal:	None
Financial:	None
Human Resource:	As detailed in the policy
Risk Management:	None
Health and wellbeing – issues and impacts:	None

This page is intentionally left blank



East Herts Council

Expenses Policy

Policy Statement No 40 (Issue No 2)

July 2014

DRAFT

Contents

1.0	Introduction	3
2.0	Scope	3
3.0	Car Expenses	3
4.0	Motor Cycle Expenses	4
5.0	Bicycle Expenses	4
6.0	Guidelines for claiming expenses	4
7.0	Passenger Rates	<u>5</u>
8.0	Expenses	6
9.0	Car Parking Charges	6
10.0	Air Travel	7
11.0	Subsistence	7
12.0	Accommodation	7
13.0	Petty Cash	7
14.0	Recruitment	7
15.0	Guidelines for claiming expenses	8
16.0	Promptness for Claims	8
APPENDIX A		9
APPENDIX B		10/11
APPENDIX C		12
APPENDIX D		13
APPENDIX E		14
APPENDIX F		15

1.0 Introduction

- 1.1 East Herts Council must ensure that the reimbursement of expenses is carried out in a fair and consistent manner across the Authority, based on business need.
- 1.2 Under the current Green Book agreement, expenses are developed locally and can be changed on a local basis.

2.0 Scope

- 2.1 The reimbursement of expenses applies to all East Herts Employees, and Chief Officers.

3.0 Car Expenses

- 3.1 All employees who are required to travel by car for business purposes must hold a full current driving licence and insurance covering business use at all times. All managers are required to check these documents annually and retain and record dates of check.

3.1 High Car Users

Any employee who completes over the current criteria of business miles of 2,000 per annum (pro rata for part-time employees with the lump sum allowance being pro rated on the basis of annual hours worked), is entitled to the High Car User allowance.

In exceptional circumstances, staff travelling less than the current agreed miles per annum may be offered a High Car User allowance where it can be shown to be the only means of meeting unavoidable travel needs. Miles and allowances are reviewed annually.

- 3.1.2. The High Car User annual lump sum allowance is payable monthly, which is subject to tax and National Insurance contributions.
- 3.1.3 Please refer to Appendix A for current mileage rates and lump sum allowance.
- 3.1.4 Business mileage for all posts will be reviewed annually in December. In the event that an employee receiving a High Car User allowance fails to meet the criteria, the allowance will cease with payments ending 31st March. The employee will revert to a Low Car User.

3.1.5 Three months notice in writing will be given to cease High Car User allowance payments.

3.2 Low Car Users

3.2.1 Any employee who is not designated a High Car User and uses their car on council business is classified as a Low Car User.

3.2.2 Please refer to Appendix A for current mileage rates.

4.0 Motorcycle Expenses

4.1 Any Employee who uses a Motorcycle for travel on Council business will be entitled to reimbursement.

4.2 Please refer to Appendix A for current mileage rates

5.0 Bicycle Expenses

5.1 Any Employee who uses a Bicycle for travel on Council business will be entitled to reimbursement.

5.2 Please refer to Appendix A for current mileage rates

6.0 Guidelines for claiming mileage

6.1 A Car Mileage claim form can be found on the intranet under Payroll forms. Employees are encouraged to complete the forms electronically to ensure clear and correct calculations are submitted.

6.2 Home to normal place of work

Employees can claim for business journeys made in the performance of their duties but NOT journeys which are ordinary commuting or private travel. This also applies to home workers, for guidance see 15.2 of the Home Working Policy.

‘Ordinary commuting or private travel’ does not include additional journeys from home to normal place of work and back where those journeys would not have been expected to have been made. For example callouts on a non-working day or requiring a repeat journey on a work day will be payable. However, payments in these cases will be subject to tax and national insurance.

6.3 Home to temporary place of work

Mileage to a temporary workplace can be claimed LESS ordinary home to workplace mileage. Examples of this as follows:

- If the workplace is Wallfields and home is Cheshunt and an employee travels from home to Buntingford and return on a business journey which is 19 miles but the normal return journey from home to Wallfields is 18 miles an employee can only claim the difference of 1 mile.
- If the normal workplace is The Causeway and home is Saffron Walden and an employee travels from home to Hertford and return on a business journey which is 56 miles but the normal return journey from home to The Causeway is 24 miles an employee can only claim the difference of 32 miles.

If the journey is less than the normal home to permanent workplace then no claim is permitted.

Where the home to temporary place of work is additional to normal commuting this will be paid without deduction. For example where the journey is a call out on a non-working day or is a call out after reaching home at the end of the working day.

As a general rule reimbursement should only be for 'out of pocket' expenses.

7.0 Passenger Rates

- 7.1 If an employee carries any other East Herts employee (this includes Members) on council business journeys they may claim an amount per passenger per mile. Please refer to Appendix A for current rates.
- 7.2 All travel claims should be made using East Herts Car Mileage form which can be found on the intranet under Payroll Forms. All fields should be completed with relevant details and signed by the immediate authorising officer.
- 7.3 Employees must comply and satisfy the conditions stated on the claim form with a roadworthy vehicle meeting the insurance requirement.
- 7.4 Details of journeys on the reverse of the form are as follows:

Date = Date of journey

From	=	Start location
To	=	End location
Purpose of journey	=	Reason for the journey
Start Meter reading	=	Record your start meter reading
Finish Meter reading	=	Record your finish meter reading
Total	=	Total business miles claimed
Passenger	=	Name of passengers

7.5 All claims require an original fuel VAT receipt that pre dates the journey must be stapled to the back of the claim. Claims received without the appropriate VAT receipts will be returned for clarification and may delay payment.

8.0 **Expenses**

8.1 **Travel by public transport**

A Rail Warrant Application Form should be completed and authorised prior to travel which is exchanged for a ticket at the station. Blank forms can be found on the intranet and attached as Appendix F.

If a rail warrant has not been obtained an employee may still claim for any travel expense incurred on Council business. Claims can be reimbursed for standard class train fares, London Underground, and bus fares. All claims must be supported by valid receipts stapled to the back of the claim form.

8.2 Managers should ensure that the most cost-effective method of public transport is used.

8.3 Taxi fares can only be claimed for in exceptional circumstances where no other form of travel is reasonably available. All claims must be supported by valid receipts stapled to the back of the claim form.

9.0 **Car parking charges**

9.1 Car parking charges incurred on Council business will be reimbursed. Receipts must be attached. Car parking changes will not be paid for East Herts office locations where free car parking is available.

10.0 Air travel

10.1 Air travel can only be reimbursed in exceptional circumstances subject to Directors approval; where no other form of travel is reasonably available. Economy class fare only is allowed, using the most cost effective airline and supported by proof of 3 quotations. All claims must be supported by valid receipts stapled to the back of the claim form.

11.0 Subsistence

11.1 Employees can claim reimbursement only for the additional expense incurred for meals taken whilst on official Council business away from their normal base. The local agreement on subsistence rates and meal times is detailed in Appendix 'C'.

12.0 Accommodation

12.1 If an employee stays away from home on business; accommodation and meals if not included in the hotel costs or conference fees can be reimbursed. The local agreement on subsistence rates is detailed in Appendix 'C'.

13.0 Petty Cash

13.1 Only unavoidable and minor purchases should be made through petty cash with a limit of £25 (inclusive of VAT). Blank forms can be found on the intranet under Payroll forms and attached as Appendix 'E'. Receipts must be stapled to the back as proof of purchase.

Note: Expenses as detailed in this policy may not be reimbursed from Petty cash.

14.0 Recruitment

14.1 In accordance with the Recruitment Policy candidates who attend an interview with the Council can claim travel expenses in accordance with the following guidelines.

14.2 Car mileage can be claimed at the HMRC rate (as detailed in Appendix A) if the distance of travel from home (UK) to place of interview exceeds the minimum qualifying distance of 20 miles round trip. Only the mileage over 20 miles can be claimed. A claim form should be completed and fuel VAT receipt attached.

- 14.3 Candidates who choose to travel by train can claim a standard class train fare. A claim form should be completed and receipt attached.
- 14.4 The Council does not cover air travel or overnight accommodation costs.
- 14.5 Interview expenses will be paid by the recruiting service. Claims must be submitted within three months of the date of the interview.
- 15.0 Guidelines for claiming expenses**
- 15.1 Employees may claim for reimbursement of expenses incurred on Council business supported by receipts. Blank expenses claim forms can be found on the intranet see Appendix 'D'.
- 15.2 Home workers should refer to the Home Working Policy in relation to claiming expenses.
- 15.3 Travel & Parking, Subsistence, Accommodation and Miscellaneous - Claim forms should be fully completed and supporting receipts should be stapled to the back of each form.
- 15.4 All claim forms must be signed by the employee and authorised by the immediate authorising officer and sent to Payroll for processing by the 6th of the month.
- 16.0 Promptness for claims**
- 16.1 As stated in the Financial Regulations, certified claims will be forwarded to the Payroll Section within five working days following the end of the month to which the claim relates.
- 16.2 All the above allowances should be claimed in arrears and submitted monthly where possible. Claims exceeding three calendar months will not be paid.
- 16.3 Payroll will only process claims that are fully completed, properly authorised and supported where applicable with receipts. Incomplete forms will be returned to the claimant.
- 17.0 Policy Review and Amendment**
- 17.1 This Policy shall be reviewed after three years or sooner in line with legislation and best practice.



Current HMRC Approved Mileage Rates

High Car User Rates	
Lump sum per annum (Monthly payment pro rata)	£846
Car Mileage	
HMRC Rates	
Per mile - first 10,000 business miles per annum	45p
Per mile - after 10,000 business miles per annum	25p
Amount of VAT per mile in Petrol element	1.5670p

Motorcycle Rates
24p per business mile

Bicycle Rate
20p per business mile

Passenger Rate
5p per passenger per mile



CAR MILEAGE CLAIM FORM

Please complete all sections; failure to do so may delay payment. Please ensure completed forms are received by Payroll by the 6th of the month and valid VAT receipts are attached to the back of this form.

Employee Details

Name: _____ Payroll No: _____

Claim Period: _____ Date Submitted: _____

Petrol: Diesel: Car Registration: _____

Make & Model: _____

Claim Details

Total Business Mileage claimed:

Business mileage claimed excluding normal home to office miles.

Total Business Mileage with Passengers:

East Herts Council employees and Members only (exclusive of driver).

Arithmetic check:

Initial by a team member

I certify that

- I held a full and current UK driving licence throughout the period claimed. I am not disqualified and no prosecutions are pending. I have no medical conditions that prevent me from driving.
- My motor insurance policy is extended to include business use. (Your policy must indemnify the council against third party claims whilst training on business, which may include attending courses, and working at or visiting another site. If transporting goods, your Insurer may require separate notification).
- My vehicle is roadworthy. If over three years old, it is covered by a valid MOT certificate.
- My vehicle has a valid road fund licence.
- The mileage shown below (as detailed overleaf) was run on approved Council business in accordance with the conditions laid down by the NJC and the rules of East Herts Council.

Managers must check insurance certificates, driving licences and MOT certificates at least annually; retain and record dates of checks.

Signed: _____
(Employee)

Date: _____

Signed: _____
(Authorised Officer)

Date: _____

Print Name: _____
Page 96

(Authorised Officer)



SUBSISTENCE RATES

The maximum claim for meals is as follows:

Breakfast	Before 7am	£7.21
Lunch	Between 12 noon & 2.30pm	£9.95
Tea	Between 2.30pm & 7pm	£3.94
Evening Meal	After 7pm	£12.33

Evening meal allowance cannot be claimed with a tea allowance.

All claims must be supported by a valid VAT receipt stapled to the back of the claim form.



EXPENSES CLAIM FORM

Please refer to the Expenses Policy for guidance notes. Completed forms must be received by payroll by the 6th of the month. Please attach all receipts to the back of this form.

Personal Details	
Name: _____	Payroll No: _____
Team: _____	Date: _____

Travel & Parking Details

Date	Purpose	Time Away From : To	Cost Incurred
Total: (326)			

Subsistence Details

Date	Breakfast (Before 7am)	Lunch (Between 12 & 2:30pm)	Tea (Between 2:30 & 7pm)	Evening Meal (After 7pm)	Cost Incurred
Total: (327)					

Accommodation Details

Date	Purpose (Cost centre override if applicable)	Cost Incurred
Total: (327)		

Miscellaneous Details

Date	Item (Cost centre override is applicable)	Cost Incurred
Total: (335)		

I declare that I have necessarily incurred additional expenditure on travel and/or subsistence for the above purpose and that the amounts claimed are in accordance with the rates and conditions as set out in the Expenses Policy. All supporting receipts are genuine and are stapled to the back of this form.

Signed: _____ **Date:** _____

Signed: _____ **(Authorised Officer)**

Print Name: _____ **(Authorised Officer)**



PETTY CASH CLAIM FORM

Please refer to the expenses policy for guidance on how to claim.

Name:

Department:

Quantity	Item Description	Unit Cost		Total Cost	
		£	.	£	.
Total				£	

Expenditure Code	Amount	
	£	.
/		
/		
/		
/		
/		
/		
/		
/		
/		
/		

Voucher No: PC

Date: _____

Claim prepared by: _____

Print: _____

Claim certified by: _____

Print: _____

Cash received by: _____

Print: _____

Coding checked: _____

Print: _____

Audit checked: _____

APPLICATION FOR RAIL TRAVEL
WARRANT

To be completed by employee

<u>Applicant Details</u>	
Name: _____	Department: _____
Site: _____	Cost code: _____

<u>Journey Details</u>	
Starting From: _____	
Destination: _____	
Via: _____	
Start date & time: Date: _____	Time: _____ ...
Return date & time: Date: _____	Time: _____ ...
Reason for travel: _____	

Signed: _____	Date: _____
---------------	-------------

To be completed by authorised signatory

The above application has been approved for the purpose stated	
Signed: _____	Date: _____
Name: _____	Director

To be completed by the issuing officer

Warrant number: _____
Date of Issue: _____
Warrant type: _____
Issued by: _____

This page is intentionally left blank

**NATIONAL JOINT COUNCIL FOR LOCAL GOVERNMENT SERVICES
MILEAGE RATES
Effective from 1st April, 2010**

Essential User Rates	451 - 999cc	1000 - 1199cc	1200 & Above
Lump sum per annum (Monthly payment pro rata)	£846 £70.50	£963 £80.25	£1,239 £103.25
Per mile - first 8,500 miles (Monthly mileage pro rata)	36.9p	40.9p	50.5p
Per mile - after 8,500 miles	13.7p	14.4p	16.4p
Amount of VAT per mile in Petrol element	1.400p	1.543p	1.681p

Casual User Rates			
Per mile - first 8,500 miles (Monthly mileage pro rata)	46.9p	52.2p	65.0p
Per mile - after 8,500 miles	13.7p	14.4p	16.4p
Amount of VAT per mile in Petrol element	1.400p	1.543p	1.681p

Leased Vehicle Rates			
451 - 999cc	1000 - 1199cc	1200 – 1449cc	1450 & Above
13.0p	14.0p	16.0p	18.0p

Motorcycle Rates			
	Up to 125cc	Over 125cc	
	21.44p	33.56p	

Bicycle Rate
20p per mile

Passenger Rate	Out of District Rate
5p per passenger per mile	18.0p per mile

This page is intentionally left blank