



## HUMAN RESOURCES AND COUNCIL TAX COMMITTEE

**DATE:** Wednesday, 20 October 2021  
**TIME:** 7.30 pm  
**VENUE:** Council Chamber - Council Offices,  
Thorpe Road, Weeley, CO16 9AJ

### MEMBERSHIP:

Councillor Chapman (Chapman)  
Councillor Griffiths (Vice-Chairman)  
Councillor Amos  
Councillor Baker  
Councillor Calver

Councillor Chittock  
Councillor S Honeywood  
Councillor Morrison  
Councillor M Stephenson

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DATE OF PUBLICATION: Tuesday, 12 October 2021

## AGENDA

### **1 Apologies for Absence and Substitutions**

The Committee is asked to note any apologies for absence and substitutions received from Members.

### **2 Minutes of the Last Meeting (Pages 1 - 4)**

To confirm and sign as a correct record, the minutes of the last meeting of the Committee, held on Wednesday 7 July 2021.

### **3 Declarations of Interest**

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest, and the nature of it, in relation to any item on the agenda.

### **4 Questions on Notice pursuant to Council Procedure Rule 38**

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District **and** which falls within the terms of reference of the Committee.

### **5 Report of the Assistant Director (Partnerships) - A.1 - Remote Working Policy Review (Pages 5 - 22)**

To update the Human Resources & Council Tax Committee on the review of the Council's Remote Working Policy in line with identified best practice and the Council's Constitution and the delegated powers within.

### **6 Report of the Corporate Director (Operations & Delivery) - A.2 - Adoption of a Fleet Management and Driving for Work Policy (Pages 23 - 48)**

To seek the Committee's approval for the adoption of a Tendring District Council Fleet Management and Driving for Work Policy.

### **7 Report of the Assistant Director (Partnerships) - A.3 - Grievance Policy and Procedures Review (Pages 49 - 66)**

To update the Human Resources & Council Tax Committee on the review of the Council's Conflict Resolution Policy & Procedures in line with employment legislation and identified best practice.

### **8 Report of the Assistant Director (Partnerships) - A.4 - Workforce Statistics Update (Pages 67 - 74)**

To provide Members of the Human Resources and Council Tax Committee with an update on current staffing statistics.

### **9 Report of the Assistant Director (Partnerships) - A.5 - Employee Well-being Policy Review (Pages 75 - 84)**

To update Human Resources & Council Tax Committee on the review of the Council's Employee Well-being Policy in line with identified best practice.

**10 Exclusion of Press and Public**

The Committee is asked to consider passing the following resolution:

“That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 11 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 2, 3 and 4 of Part 1 of Schedule 12A, as amended, of the Act.”

**11 Report of the Corporate Director (Operations & Delivery) - B.1 - Market Forces Report for Environmental Services (Pages 85 - 90)**

To put forward proposals for the introduction of the Market Forces Supplement to support the recruitment and retention of qualified Environmental Health staff.

## **Information for Visitors**

### **FIRE EVACUATION PROCEDURE**

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the hall and follow the exit signs out of the building.

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**MINUTES OF THE MEETING OF THE HUMAN RESOURCES AND COUNCIL TAX  
COMMITTEE,  
HELD ON WEDNESDAY, 7TH JULY, 2021 AT 7.30 PM  
IN THE PRINCES THEATRE - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

<b>Present:</b>	Councillors Chapman (Chairman), Griffiths (Vice-Chairman), Amos, Baker, Chittock, S Honeywood, Morrison, M Stephenson.
<b>Also Present:</b>	Councillor Paul Honeywood
<b>In Attendance:</b>	Anastasia Simpson (Assistant Director (Partnerships)), Ian Taylor (Head of Public Realm), Carol Magnus (Organisational Development Manager), William Lodge (Communications Manager), Emma Haward (Leadership Support Assistant) and Matt Cattermole (Communications Assistant)

**52. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received by Councillor Calver and Katie Wilkins (HR and Business Manager), with no substitutions.

**53. MINUTES OF THE LAST MEETING**

It was moved by Councillor Stephenson, seconded by Councillor Griffiths and **RESOLVED** that the minutes of the last meeting of the Committee, held on Thursday 25 February 2021 be approved as a correct record.

**54. DECLARATIONS OF INTEREST**

Councillor Griffiths declared for the public record that he was a member of the GMB union but had no involvement with Tendring District Council in that capacity.

Councillor S Honeywood declared for the public record that a member of her family was an employee of Tendring District Council. She was not pre-determined and therefore, participated in the Committee's decisions.

**55. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

No Questions on Notice had been submitted on this occasion.

**56. VERBAL UPDATE - TRANSFORMATION AND HYBRID WORKING**

The Committee received from Carol Magnus, Organisational Development Manager an oral update on the Council's Transformation and Hybrid Working.

No questions were raised by Members of the Committee on the above update.

Following a discussion, it was **RESOLVED** that the update be noted.

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57. **REPORT OF ASSISTANT DIRECTOR (PARTNERSHIPS) - A.1 - SOCIAL MEDIA POLICY**

Will Lodge, Communications Manager, presented the Social Media Policy to the Committee.

No questions were raised by Members of the Committee on the above Policy.

Following a discussion, it was proposed by Councillor Griffiths, and seconded by Councillor S Honeywood, and **RESOLVED**:-

- a) that the Human Resources and Council Tax Committee formally approves and adopts the revised Officer' Social Media Policy; and
- b) that the Assistant Director (Partnerships) be authorised to update the policy with any future legislative or best practice changes, in consultation with the Council's Communications Manager (and others as outlined within the policy).

58. **REPORT OF ASSISTANT DIRECTOR (PARTNERSHIPS) - A.2 - WORKFORCE UPDATE REPORT**

Anastasia Simpson, the Assistant Director (Partnerships) informed the Committee of the current staffing figures in relation to the following:

- Career Track Programme
- Age Profile
- Disability Profile
- Ethnicity Profile
- Sickness Absence

There were no questions raised by Member of the Committee on the above report.

Following a discussion, it was **RESOLVED** that the contents of the report be noted.

59. **REPORT OF ASSISTANT DIRECTOR (BUILDING & PUBLIC REALM) - A.3 - ADOPTION OF FLEET MANAGEMENT AND DRIVING FOR WORK POLICY**

Ian Taylor, Head of Public Realm, presented the 'Adoption of Fleet Management and Driving for Work Policy' to the Committee.

Members raised questions on the above which were responded to by Officers.

Following a discussion, it was proposed by Councillor Griffiths, seconded by Councillor Baker, and **RESOLVED** that the policy be deferred and brought back to the Committee subject to a number of alterations.

Members of the Committee with suggested alterations (Cllrs Baker, Stephenson and Griffiths) agreed to send their comments to Ian Taylor, Head of Public Realm.

60. **REPORT OF ASSISTANT DIRECTOR (PARTNERSHIPS) - A.4 - RENEWAL OF THE NEW DISABILITY CONFIDENT LEADER STATUS**

Carol Magnus (Organisational Development Manager) informed the Committee of the successful renewal of the 'Disability Confident Leader Status' for a further 3 years.

Members raised questions on the above which were responded to by Officers.

Following a discussion, it was proposed by Councillor Morrison, seconded by Councillor Stephenson, and **RESOLVED** subject to the below recommendation:-

- that the Chairman of the Committee writes to officers involved to commend them for their involvement and efforts.

**61. REPORT OF THE ASSISTANT DIRECTOR (PARTNERSHIPS) - A.5 - DISCRETIONARY MARKET FORCES POLICY REVIEW**

Carol Magnus (Organisational Development Manager) presented the revised 'Discretionary Market Forces Policy' to the Committee.

No questions were raised by Members of the Committee on the above Policy Review.

Following a discussion, it was proposed by Councillor Amos, seconded by Councillor Stephenson, and **RESOLVED**:-

- that the Committee approves the content of the revised Discretionary Market Forces Policy.

**62. DATE OF NEXT SCHEDULED MEETING OF THE COMMITTEE**

The next scheduled meeting of the Human Resources and Council Tax Committee is to be held in the Princes Theatre - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 7.30 pm on Wednesday, 20 October 2021.

The meeting was declared closed at 8.39 pm

**Chairman**

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## HUMAN RESOURCES & COUNCIL TAX COMMITTEE

20 OCTOBER 2021

### REPORT OF ASSISTANT DIRECTOR (PARTNERSHIPS)

#### A.1 REMOTE WORKING POLICY REVIEW

(Prepared by Carol Magnus & Jo Williams-Lota)

#### PART 1 – KEY INFORMATION

##### **PURPOSE OF THE REPORT**

To update the Human Resources & Council Tax Committee on the review of the Council's Remote Working Policy in line with identified best practice and the Council's Constitution and the delegated powers within.

##### **EXECUTIVE SUMMARY**

The purpose of the review of the Council's Remote Working Policy is principally to reflect changes to working practice within the Council following the adoption of a hybrid way of working. As part of the organisation's Transformation Programme.

The ongoing Transformation Programme has a focus not only on making physical changes to the buildings and offices of the Council. It also has a focus on modernising and enhancing the ways in which staff work. This updated Remote Working Policy reflects the changes that have been made (in part accelerated as a result of Covid) and formalises the practical change in practice that has taken place since the policy was first adopted.

The revised Remote Working Policy (*and accompanying guidance, namely the Modern Working Your Guide*) follows current best practice, CIPD guidance and current legislation and provides both employees and managers with a robust position on working remotely under a hybrid working framework.

The Policy sets out:-

- What is remote working;
- The benefits and costs of remote working;
- Considerations for remote working;
- Guidance on remote working;
- Implications on contracts of employment;
- Health and safety, ICT, other equipment and insurance considerations;
- Confidentiality and security data responsibilities.

The implementation of the revised Remote Working Policy will allow the Council to more effectively and consistently supporting hybrid and remote working practices, with a view to minimising the effect on service delivery and the impact of associated costs to the staffing establishment.

For ease of reading only, the amendments are in *italics*.

**RECOMMENDATION(S)**

It is recommended that:-

- The Committee notes the ongoing progress of the Transformation programme in enabling greater flexible working;
- The Committee notes the content of the revised Remote Working Policy;
- The Assistant Director (Partnerships) be authorised to update the policy with any future legislative or best practice changes.

**PART 2 – IMPLICATIONS OF THE DECISION****DELIVERING PRIORITIES**

This updated policy will ensure that the organisation continues to observe recognised best practice and employment legislation as a responsible employer.

**FINANCE, OTHER RESOURCES AND RISK**

No specific risks have been identified. This is a policy refresh and update which is needed to ensure best practice and continued legal compliance. This work sits within existing budgets.

**LEGAL**

The Council has a duty to ensure its Remote Working Policy is compliant in accordance with employment and other relevant laws and current best practice.

**OTHER IMPLICATIONS**

None

**PART 3 – SUPPORTING INFORMATION****Remote Working Policy**

The Council's Remote Working Policy has undergone an in-depth review.

The purpose of the review was to incorporate the changes as a result of the Council's flexible adoption of a hybrid way of working. As such, the main changes refer to the fact that employees no longer are required to request and be considered suitable to work remotely. Instead one of the principles outlined in the policy is that it is expected that employees will spend some of their time working in the office and some of their time working at home. However, in the policy the Council acknowledges that everyone's situations are different and the policy is flexible to accommodate those different needs.

The section on 'guidance on remote working' has been expanded to include further information around new employees, managing employees, communication and meeting considerations.

The policy also refers to further guidance that is available to employees namely *Modern Working Your Guide*.

The amended policy and procedure offers a fair and consistent approach to all our employees. It gives clear guidance on what the expectations are of the employee and the manager in relation to working remotely.

**CONCLUSIONS**

The updated Remote Working Policy will ensure that the Council maintains its high standard of employment practices and has a policy that observes best practice and current employment legislation.

**APPENDICES**

Remote Working Policy – September 2021

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# REMOTE WORKING POLICY

**Issued by – Human Resources Updated  
– September 2021**

# Remote Working Policy

## 1. Introduction

1.1 The Remote working Policy is part of Tendring District Council's flexible and hybrid working arrangements. It is an important valuing diversity initiative aimed at transforming the way we work, improving service delivery and promoting work-life balance.

## 2. What is Remote working?

2.1 Remote working is where an employee carries out a number of their duties away from their named office base. This includes time working from home and/or 'in the field' perhaps on site visits.

Tendring District Council has been moving away from a traditional model of working, whereby everyone is located in the office. As part of its Transformation Programme it is working towards a hybrid working model, where employees spend some of their time working in the office and some of their time working remotely. It is committed to achieving a balance that suits both the employee and the needs of the organisation. The Council acknowledges that everyone's situation is different, depending on the work that is carried out and an employee's personal circumstances. However, there are some overall principles as outlined below:

- Generally employees will be expected to work in the office two or three days a week (pro rata for part time employee), however everyone's situation will be different.
- With the agreement of individual managers, employees will have flexibility to work part of the day in the office and the other part remotely at home.
- Priority to work in the office will be given to those employees who cannot work remotely at home, for whatever reason, for example perhaps due to no suitable, quiet space, or who feel isolated by working at home.

Should there be a situation requiring an extended period of full time remote working this would be agreed between the individual and their Line Manager.

## 3. The Benefits

3.1 The benefits can include:

- Improved productivity, flexibility and retention;
- Family friendly, supports work/life balance - and can reduce stress;
- Assists in a wider catchment area for recruitment and retaining a diverse workforce;
- Can make employment more feasible for disabled jobseekers;
- Helps rehabilitate employees who are on long term sickness;
- Potential to reduce travel - greener/ reduces 'carbon footprint'/lower occupational road risk;
- Supports flexible working and deployment of resources to meet changing business needs;
- Potential to allow scarce office accommodation to be used more effectively for collaborative work and meetings, reduces the pressure on office parking;
- Promotes smarter working.

## **4. The Costs**

4.1 Employees may wish to consider purchasing additional remote working equipment through personal choice. The Council will not reimburse employees for any household costs associated with flexible homeworking

## **5. Consideration for remote working**

5.1 Managers should consider what support an individual employee might require to effectively work remotely. Please refer to Appendix 1 – Guidance to assess what support an employee might require to effectively work remotely

5.2 TDC reserves the right to require a post holder to work from any TDC location to ensure adequate provision of a service.

5.3 Managers are to liaise with IT when considering the equipment requirements and costs.

5.4 The manager needs to keep a written record of the reasons for refusing any request for remote working and discuss these with the employee.

5.5 Employees who are currently being supported under the informal or formal stages of the Capability or Disciplinary Procedure or have current warnings/cautions under these procedures may be required to work from an office base, as decided by their manager, in conjunction with the Human Resources Department.

## **6. Review**

6.1 Each remote working arrangement will be reviewed to monitor its effectiveness for both the employee and the Council. Review periods will be determined by the manager. The first review will usually be after a three month period. Subsequent reviews will occur annually, or as determined by the manager.

## **7. Guidance on Remote working**

7.1 Staff that work from home are covered by the same Tendring District Council policies and procedures as all other employees. Arrangements (usually a combination of face to face and 'virtual') therefore need to be organised so that employees can attend regular team and supervision meetings, meet with those they manage, participate in developmental activities and so on. Workloads need to be appropriately organised and quality and performance management maintained, whether an employee is a remote worker or is office based.

7.2 There will be differences in the way people interact when staff work remotely and some aspects of management that may be taken for granted in the conventional office environment, need to be given careful consideration.

7.3 Managers will ensure that any new employee's induction programme is robust and takes into consideration that the new employee and those they work with are likely to work in different locations. As a result, the new employee might initially need to spend more time in the office or could take longer to understand their role, the Council and the team or require information

provided to them differently. New employees should be issued with a copy of the Modern Working Your Guide as part of their induction.

7.4 Managers will be responsible for ensuring that there are regular meetings with all employees, individually and as a team, to manage performance, develop employees and to ensure the safety and well-being of everyone in the team.

7.5 Managers across the Council should adopt a combination of communication channels and methods to support effective team working and involvement. These communication channels and methods should be regularly reviewed to ensure that all team members are engaged, motivated and their well-being is being supported.

7.6 The Council is aware that under hybrid working arrangements where some employees are working remotely at home and some are in the office, managers need to consider how to facilitate meetings and training to ensure all employees are involved and treated consistently. For example, if a meeting includes a mix of employees who are joining virtually while others are physically in the office, extra care needs to be taken to ensure all attendees are able to fully engage in the all aspects of the session. When practicable, it may be desirable to ensure, as much as possible, that everyone should be either physically present in the office or attend virtually.

7.7 The Council will regularly review its organisational wide communication strategy to ensure it remains effective under the hybrid way of working.

## **8. Contract of Employment**

8.1 Terms and conditions of employment remain unchanged:

8.2 When an employee is working at or from home and subsequently leaves the home to attend a work site, they may claim mileage once they have exceeded the usual equivalent of the return journey from home to their office and back.

8.3 Employees are required to work the same core hours when working remotely as when they are in the office. Whilst working remotely, arrangements for working under the Flexible Working Scheme and TOIL should be agreed, in advance, with the manager.

## **9. Health and Safety**

9.1 TDC expects all employees, when working remotely, to be aware of and take reasonable and sensible health and safety precautions for themselves and others. This includes:

- Ensuring that work calendar is up to date to show their location.
- Designated lone working staff to use the Skyguard Personal Safety Device.
- TDC portable appliances have up to date PAT tests and that equipment is returned to the office at an agreed time to enable testing to be carried out.
- Employees should not conduct meetings in their own home, unless it is a welfare meeting with their manager and it is more appropriate to hold the meeting in the employee's home.



9.2 Senior managers are to ensure that all employees complete a remote working health and safety self- assessment in conjunction with their manager.

9.3 If a manager or employee considers it is necessary for the organisation's Health and Safety Officer to assist with a home assessment they will do so. This is likely to be where an employee has declared themselves to be disabled under the Equality Act and remote working is considered a reasonable adjustment.

9.4 Any employee working remotely should report any sickness or accidents in line with usual procedures as detailed in the Staff Handbook and update their calendar accordingly.

9.5 DSE regulations apply to the workplace work station only. Staff are expected to apply their own assessment to their remote working location e.g. their home or other non TDC premises.

9.6 Further advice is available from the Health and Safety Officer.

## **10. Changing /Terminating the remote working arrangements**

10.1 Employees are encouraged to speak to their manager, at their earliest convenience, if their current remote working arrangements are not working or they need further advice or support. In addition, the Modern Working Your Guide provides helpful advice and support to employees who are working remotely at home.

10.2 Remote working arrangements will be regularly reviewed to ensure that they meet service/ team and individual needs. An arrangement may be ceased or varied:

- by the manager, in consultation with the employee, giving one month's notice.
- by the employee, in discussion with their manager and giving one month's notice, or less if the manager and employee agree that this is appropriate.

## **11. ICT and other equipment for remote working**

11.1 For the avoidance of doubt, when using the Council's IT equipment and/or being logged onto the Council's IT network, the Council's IT policies apply to staff whether working remotely or in a Tendring District Council building. This includes all IT Security and Data protections policies.

11.2 Managers will decide what equipment, if any, is supplied for remote working, depending on the needs of the job. This decision will be made within the framework of equipment purchased by Tendring District Council and the subsequent support coverage will reflect the equipment priorities. Requests for equipment outside of this framework are treated as an exceptional request and need to be supported with Head of Service authorisation and the budget codes to fund any additional equipment request.

11.3 Remote workers will be supplied with a laptop. For those without, the loan of portable IT equipment can be considered. Standard IT equipment provision is one of each of the following:

- Laptop
- Keyboard
- Mouse

- Screen
- Docking station
- Either a Skype headset or a Skype handset

One set of the above listed equipment is supplied for each employee or hot desk location.

Any additional IT equipment that is purchased including mobile phones, are met from service budgets.

11.4 In considering hybrid working arrangements, like any other working practice, consideration will need to be given to the overall budget available. Whilst the Council provides a laptop and skype handset/ headset for flexible working, many employees voluntarily purchase or already have small, inexpensive additional pieces of IT equipment that they use out of personal preference e.g. a second USB mouse, a second USB keyboard or re-use a personally owned screen or smart TV to supplement their laptop. All of these devices can be easily connected to an employee's laptop.

11.5 Employees will not normally have a designated desk at their work centre and when visiting the work centre they will have access to hot desking facilities. Teams are expected to locally collaborate and plan their time and work locations proactively to manage the use and availability of hot desks to meet the needs of the service. There will be certain circumstances where an employee will have a designated desk due to their specific needs, for example, as a result of a reasonable adjustment assessment.

11.6 All ICT equipment supplied by Tendring District Council will be recorded on the IT inventory and will be the responsibility of the employee to whom it has been issued to.

11.7 All equipment must be returned or made accessible to Tendring District Council upon request. In the event of failure of equipment (if equipment is portable), the employee will be required to contact the IT Service Desk. The remote worker must ensure ICT equipment provided by Tendring District Council is not used by non Tendring District Council staff. The Corporate IT Team has some remote support capabilities but it may be necessary for the IT device to be 'returned to base' during normal office hours for repair which will be undertaken by prior arrangement through the IT Service Desk.

11.8 In accordance with Council policies and Data Protection Legislation, the remote worker must take steps to ensure that all Council and partner data is kept secure at all times, is neither visible nor accessible to non-Tendring District Council employees nor shared with any party(s) unless in accordance with published Council privacy notices, statutory rights and approved Data Information Sharing Agreements/Protocols.

11.9 For advice and guidance on purchasing equipment for staff with disabilities, please contact the IT Service desk.

11.10 Upon leaving employment all ICT and other equipment must be returned.

## **12. Insurance**

12.1 Tendring District Council's employer liability insurance covers employees working from home and, in line with the health and safety requirements above, the Council has a responsibility to

provide a safe working environment, and the employee to ensure that relevant health and safety guidelines are followed. Failure to follow the relevant guidelines may jeopardise any claim against the Council. The same insurance provisions apply as in an office environment:

- All portable / removable equipment must be locked away when not in use or when the remote working location is empty or unattended, nor should it be left visible in a vehicle. It is crucial that laptops are turned off during transit to activate the hard disk encryption protocols protecting data in the event of theft or loss.

NB. There is no insurance cover outside of the UK.

### **13. Location of remote working premises**

13.1 An employee's remote working location must be within the UK since the Council's insurance does not cover premises outside of the UK. In addition, the Council reserves the right to require an employee to attend the office at short notice if required, and therefore working outside the UK is not viable.

### **14. Planning Permission and Council Tax**

14.1 Employees are responsible for checking and resolving any homeworking restrictions in their mortgage agreement or lease or rental agreement. The homeworking arrangement does not affect an employee's Council Tax and payment of this is the employee's responsibility.

### **15. Tax implications**

15.1 Remote working will not give rise to adverse tax implications for employees or the Council as, for revenue purposes, the proposed procedures do not fall within the very tight definition of homeworking used by the Inland Revenue.

### **16. Confidentiality and Security of Data**

16.1 Employees are required to keep any work data used away from the office confidential and secure. All work data remains the property of Tendring District Council and may be required at any time. All such data must be relinquished on request or when the business relationship ends.

16.2 Employees are not permitted to keep either electronic or paper files at home on a permanent basis. Tendring District Council has statutory obligations to fulfil requests for information under several acts of parliament such as Freedom of Information and current Data Protection Legislation and it has to be able to gain access to that information at short notice. Files that are part of work in progress may be stored at home until the work is completed. However, they must be returned to the employee's work base, to be stored in accordance with the data retention policy and schedule. All electronic data must only be stored on the Council's secure network. No copy data can be stored in any other location or format.

16.3 The following security instructions must be followed by all staff

- The laptop must be locked, using Control/ Alt' Delete key when leaving it unattended;
- To protect data privacy, take steps to ensure that the screen is not visible by others;

- Always ensure that the laptop is turned off completely when not in use and during transit/storage to ensure that the hard-disk encryption is activated;
- Ensure that all information governance rules are adhered to at all times, including; compliance with published data privacy notices, protecting, sharing, timely destruction/retention;
- If you suspect that your password has been compromised change it and report the suspicion as soon as possible to the IT Service Desk;
- If you suspect that a security breach has occurred report it immediately by contacting the IT Service Desk on 01255 686599 or email [ITServiceDesk@tendingdc.gov.uk](mailto:ITServiceDesk@tendingdc.gov.uk);
- Paper files containing personal or confidential information must be disposed of using the Council's secure waste facilities and MUST NEVER be placed in domestic waste bins.

## **17. Access**

17.1 As part of the homeworking arrangement the Council, with the employee's consent, may require reasonable access to an employee's home, for example to:

- Ensure it meets health and safety requirements;
- Install, maintain, check or collect equipment or material that belongs to the Authority;
- To remove files stored either electronically or in paper format to comply with the Council's legal obligations in satisfying requests for information.

## ***Appendix 1: Guidance to assess what support an employee might require to effective work remotely***

### **A. The Post**

#### **The work**

1. Is the work self-contained/how much of it can be carried out away from the office?
2. Is the work measurable? (e.g. report writing/project work)
3. Can the work be carried out without frequent supervision and checking?
4. Does the work require supervision/ management of others? Can this be carried out effectively with a homeworking arrangement?
5. Is there little need/dependence on large numbers of paper files or other work based records/equipment which cannot be accessed from other locations?

### **B. The Post Holder**

#### **The Person**

1. Is the employee able to be self-motivated and self-disciplined?
2. Are they able to work with minimal direct supervision?
3. Is the employee flexible so that team/service needs can be met? This might include working from the team location rather than home to cover absence of other colleagues at short notice?
4. Is the employee willing to co-ordinate their time to ensure that team links are maintained?

5. If the employee manages others, have they considered their supervision and management responsibilities? The impact of homeworking on their team?
6. Are measures in place to ensure that regular contact is maintained with the employee, including meetings?
7. *Does the employee currently have any reasonable adjustments in place that should be considered when they move to remote working?*

### **The location**

1. Has the post holder completed and returned their health and safety self-assessment?
2. Are there any issues that need to be addressed? If so, what actions are being/have been taken?
3. Is there adequate storage to maintain confidentiality and ensure security of Council property?

### **The Team**

1. What will the effect of this proposed working pattern be on the rest of the team? Has it been discussed with them? Are there any issues to be resolved?
2. Has consideration been given to how the pattern of working will impact on appropriate and fair cover in the office? E.g. telephones/visitors

## **Appendix 2: Skills you need to be a successful remote worker**

- Ability to work independently with minimum supervision.
- Ability to cope with minimal face to face intervention.
- Level of relevant knowledge/skill.
- Ability to communicate - knowing when and how to raise problems.
- Ability to communicate with team.
- Ability to set own goals and priorities and work on own initiative.
- If managing others, ability to set goals and priorities of others, manage appropriately and supervise delivery of service.
- Productivity and reliability.
- Time management skills – can the employee schedule their work so as to deliver on time, manage others if appropriate, and avoid becoming a workaholic.
- Ability to balance work and domestic responsibilities.
- Working environment, is it secure and free from interruptions.
- Ability to take on greater personal responsibility. □ Levels of self-discipline and self-motivation.

### **Working remotely**

Consider your wider work approach:

- Set work hours and communicate these to colleagues, those you manage and your manager.
- Do not regularly work in excess of 48 hours per week in a rolling 17 week period, as required by the Working Time Directive.
- Take regular breaks.
- Keep office area separate to area used by family, if possible, and avoid mutual interference.
- Keep work and equipment, safe, secure and organised.
- keep in regular contact with those you manage, colleagues and manager; call into the relevant work location (e.g. Town Hall, Pier Avenue etc.) on a regular basis
- Keep your manager advised on work progress and alert any appropriate colleagues, including your manager, if there are any problems.
- Review relevance and convenience of hybrid working on a regular basis.
- Ensure health and safety risk assessment is carried out and recommendations are actioned. This process should be reviewed following any change to the working practice or the work environment, after an accident or injury or annually, whichever is the sooner.
- Maintain professional conduct and image.

- Actively engage in personal development plans.
- Obtain timely and constructive feedback.
- Ensure you access regular information e.g. newsletters, vacancy list etc.
- Develop trust with your manager.
- Develop trust with and motivate any staff you manage.
- Be disciplined and self-motivating.
- Adhere to archiving procedures; do not keep excessive files / documentation at home.
- Regularly review your homeworking practice to assess that is still appropriate.

## **Managing Remote Workers**

- Have an open, positive attitude towards hybrid working.
- Be able to trust the employee to do the job without constant face to face supervision.
- Establish clear, measurable objectives and targets for the employee and monitor their attainment.
- Provide timely and constructive feedback.
- Facilitate open communication amongst the team and be proactive in facilitating team working.
- Assist employees to create work patterns that are conducive to hybrid working.
- Ensure that personal development plans identify skills that may be underdeveloped as a result of hybrid working.
- Ensure agreement is reached with the employee about attendance at meetings, when contactable, regular supervision meetings, regular contact, targets and work tasks etc.
- Ensure training opportunities and personal development plans are developed and progressed.
- Ensure adequate time is agreed when the employee will be in the office to interact with colleagues / those they supervise.
- Discuss responsiveness e.g. phone contact and regularly checking/ responding to emails.
- Ensure regular two way communication and exchange of information e.g. forwarding newsletters, vacancies and career development opportunities etc.
- Be available to offer support, guidance and supervision to the employee as well as giving timely and constructive feedback.
- Be proactive about encouraging interaction with colleagues/ those supervised.
- Review hybrid working arrangements on a regular basis.
- Keep records of location and responsibility of manual files or data and regularly review.
- Be aware of potential problems and be proactive about client/colleague feedback and tackling concerns promptly.
- Be flexible.
- Be aware of policies, procedures and processes as they affect hybrid working and staff working at home.



- Be aware of the impact of the work programme on the patterns of working, including the proportion of time spent at home and contact with the office.

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## HUMAN RESOURCES & COUNCIL TAX COMMITTEE

20 OCTOBER 2021

### REPORT OF CORPORATE DIRECTOR (OPERATIONS AND DELIVERY)

#### A.2 ADOPTION OF FLEET MANAGEMENT & DRIVING FOR WORK POLICY (Report prepared by Ian Taylor and James Hill)

##### PART 1 – KEY INFORMATION

###### **PURPOSE OF THE REPORT**

To seek approval for the adoption of a Tendring District Council fleet management and driving for work policy.

###### **EXECUTIVE SUMMARY**

A draft fleet management and driving for work policy is attached to this report as Appendix A.

The draft policy has been amended to incorporate comments and suggestions made at the last HR Committee in July 2021.

Members of the committee requested the comments be considered and for the report to come back to the HR Committee meeting in October 2021.

The policy details how managers should manage occupational driving risks and sets out employee and others responsibilities while driving for Tendring District Council.

The report also supports recommendations of the Council's Internal Audit report into fleet management. The key recommendations of which were:

- To ensure fleet operations and drivers are compliant with both legal and corporate requirements.
- To highlight areas of interest such as potential disciplinary action in certain circumstances.
- To coordinate vehicle roadworthiness by means of MOT checks, servicing and regular safety checks for vehicles and equipment.
- To provide information to all drivers on Council business of actions and responsibilities and risk management in relation to vehicles and equipment.
- To ensure the Council's Transport / Fleet Manager has responsibility for all the Council fleet.
- To introduce a central database for vehicle monitoring and documentation checks for drivers.
- To promote consistent use of tracking systems in all Council fleet vehicles.
- To review allocation of and use of fuel cards.

## RECOMMENDATION(S)

1. That the Committee notes the contents of this report and formally adopts the Fleet Management & Driving for Work Policy; and
2. That the Assistant Director (Partnerships) be authorised to update the policy with any future legislative or best practice changes, in consultation with the Council's Fleet Manager (and others as outlined within the policy).

## PART 2 – IMPLICATIONS OF THE DECISION

### DELIVERING PRIORITIES

The recommendations if approved will contribute to the following corporate priority:  
Delivering High Quality services – effective regulation and enforcement.

Strong Finance and Governance – effective and positive governance

### FINANCE, OTHER RESOURCES AND RISK

There are no direct costs associated with adoption of this policy.

However, adopting the policy will address concerns over financial and risk management relating to the Council's fleet and driving while at work.

#### RISK

A recent Internal Audit of fleet management identified the need for and benefits associated with the Council adopting a fleet management and driving at work policy.

### LEGAL

There are a range of laws that fleet managers and drivers need to adhere to from road safety laws such as speed limit regulations, anti-drink driving legislation and minimum vehicle standards rules, to health and safety regulations in the workplace and even anti-smoking laws that apply in company vehicles.

### OTHER IMPLICATIONS

Consideration has been given to the implications of the recommendations proposed and any significant issues are set out below.

The proposals, if agreed, will support the Council's priorities in respect of delivering high quality services by means of effective regulation and enforcement of fleet management and driving practices.

**Consultation/Public Engagement** – N/A

**Crime and Disorder** – The policy if adopted will uphold statutory requirements in respect of driving at work and management of the Council's fleet and support measures to protect the Council's fleet from criminal activity or behaviour.

**Equality and Diversity / Health Inequalities – N/A**

**Carbon Reduction**-The policy references behaviours and fleet management requirements.

Issues relating to carbon reduction, electric vehicle use are addressed under other Council policies.

**Area or Ward affected – N/A**

**PART 3 – SUPPORTING INFORMATION**

**BACKGROUND**

The Council has not previously adopted a fleet management or driving for work policy.

A recent internal audit report made recommendations for changes relating to risks associated with fleet management and driving while working for the Council.

**CURRENT POSITION**

The Council's Open Space and Transport Manager retired at the end of March 2020.

The Council fleet has continued to be managed within the public realm service in Building and Public Realm.

Officers have attended relevant transport related courses and are currently in the process of obtaining qualifications to support fleet management requirements into the future.

**THE PROPOSAL**

To adopt a fleet management and driving at work policy.

**CONCLUSION AND WAY AHEAD**

Adoption of a fleet management and driving at work policy will highlight the Council's commitment to maintaining a safe and healthy working environment for employees, service users and members of the public.

The policy seeks to manage the use of vehicles and equipment and risks associated with them.

The Council will continue to provide training in conjunction with road safety specialists to support the aims and objectives of this policy.

**APPENDICES**

Appendix A – Draft Fleet Management and Driving for Work policy.

**BACKGROUND PAPERS FOR THE DECISION**

None

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# FLEET MANAGEMENT & DRIVING FOR WORK POLICY



Issued by – Human Resources & Public  
Realm (Transport)  
September 2021



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## DRIVING FOR WORK AND USE OF EQUIPMENT

### 1 SCOPE

This policy applies to all staff, casual workers and volunteers across all areas of service at Tendring District Council (TDC) and relates to any driving for business purposes whether in a TDC owned vehicle, leased vehicle, hired vehicle or approved user's own vehicle.

The policy details how managers should manage occupational driving risks and sets out employee driver responsibilities.

A vehicle is defined as something used for transporting people or goods, especially on land, such as car, lorry or cart.

Plant machinery and other equipment refers to items such as handheld power tools, Tractors, Dumpers, Bobcat, Ride on mowers and Utility vehicles/quad bikes.

This list is not comprehensive; please contact line manager if you require further information.

Driving for commuting purposes falls outside the scope of the policy, however driving of Council vehicles for travel to and from work is covered by this policy. Best practice principles of vehicle maintenance and driving within the law must always be applied and all staff should exercise due care and diligence for the safety of themselves and others.

Driving for work can be defined as any activity undertaken during the course of work, **whether in your own vehicle or another**. In addition to operational duties, it will include driving to training courses, meetings and any professional visits including community working, enforcement and inspections.

Employees involved in driving of vehicles on work duties or operating equipment, must fully familiarise themselves with the relevant sections of this document.

### 2 AIM

The aim of this policy is to ensure that, as far as is reasonably practicable, within its control, TDC is able to manage the use of vehicles and equipment and risks associated with them in compliance with statutory requirements, and best practice.

The Council will take all appropriate action in order to safeguard any person who may be at risk because of any TDC transport activities

### 3 GENERAL DUTIES

Health and safety law applies to on-the-road work activities just as it does to all work activities. The risks should be effectively managed within the health and safety system, [HSE Guidelines Driving At Work](#)

TDC recognises the need to protect employees and others from the dangers of work related driving. The Council is committed to the principle that vehicle and equipment accidents, including road traffic accidents, are often avoidable events. In practice, risk assessment and risk management needs to take place not only at an organisational level (by service area or line managers), but also at a personal level by the individual driver.

There is a legal duty under the Health and Safety at Work Act 1974 to ensure as far as reasonably practicable, the health and safety of all employees while at work. Employers and employees also have a duty to ensure that others are not put at risk by work related driving activities.

The Management of Health and Safety at Work Regulations 1999 also apply. There is a requirement that risk assessments are undertaken for activities with significant risks, and that effective management controls are put in place and implemented. Driving for work at TDC is an activity with higher risks and therefore should be included.

Driving for work examples will include:

- driving TDC provided vehicles, whether owned, leased, borrowed or hired, for any reason, at any time as part of employee duties, including agency, casual and consultancy staff;
- driving own vehicle, or a vehicle which an employee has available to drive, **whether or not** the employee receives or claims any allowance for driving expenses, in connection with employment duties;
- driving to training courses, meetings and other visits to fulfil the obligations of employment;
- travelling to locations which are not an employee's usual place of work, but excluding travelling to or from an employee's usual place(s) of work at the start and finish of the working day and during breaks from the normal place of work.

Driving for work excludes commuting to and from an employee's normal place of work but can include travelling to a location that is not the usual place of work.

Commuting to and from work in a Council owned vehicle counts as driving for work. Driver and managerial responsibilities are the same as for driving during duty working hours.

Managing the risks to employees who drive at work requires more than just compliance with road traffic legislation. TDC as the employer has a duty to:

- ensure as far as is reasonably practicable driver and equipment competencies
- inform on hazards, risks and safety requirements
- train on new or unfamiliar council provided vehicles and mobile equipment
- supervise employees who drive vehicles as part of their work just as they do for employees who use any other form of work equipment.

Control measures will include authorised driver permissions, minimum training standards, documentation and essential records of licence details, checks and monitoring.

## **4. RESPONSIBILITIES**

### **4.1 Tendring District Council**

The Council will comply with regulatory requirements and provide standards not less than those set out in any relevant approved codes of practice.

The council will also take all reasonable steps to ensure as far as reasonably practicable that employees driving at work do so in a manner that reduces the risk to themselves, other employees or any other persons who could be affected. This will include the application of disciplinary sanctions for staff who, whilst responsible for a vehicle owned, hired or leased by Tendring District Council, act in such a way as to present a risk to the health and/or safety of themselves, work colleagues or members of the public.

### **4.2 Chief Executive**

The Chief Executive has overall accountability for ensuring that road and transport risks in connection with the activities of the Council are minimised to the lowest reasonable practicable level. The Chief Executive may delegate responsibilities to Directors, Heads of Service and other appropriate managers.

### **4.3 Corporate Directors, Assistant Directors / Heads of Service**

It is the duty of senior managers to ensure that no person in their area of service is required or permitted to use their own vehicle for business purposes without authorisation.

#### **4.4 Service Managers/Supervisors**

Managers and supervisors of services and functions must ensure that the risks of driving for work purposes have been assessed and recorded.

Service managers and supervisors must ensure that staff for whom they have line management responsibility and who drive in the course of their work duties are authorised to drive on Council business.

No manager shall authorise or permit any employee to drive on Council business, whether in a Council vehicle or any employee's own vehicle, if it is known that:

- The person is not appropriately qualified to drive the vehicle, including for business purposes.
- The vehicle is not road legal either by way of the existence of a fault or because of absence of appropriate documentation.
- This application applies to relevant equipment including plant machinery.

Managers must promptly refer any employee who drives as part of their duties to Human Resources for an occupational health assessment if it is suspected, or they become aware, that the employee has a health problem which could affect capabilities and the ability to drive safely. Where necessary, the manager will suspend the member of staff from driving until medical advice has been obtained.

Managers should ensure that drivers are reminded that if they need glasses for driving that they wear them. If a manager is unsure about a driver's vision, they should contact the Transport Services Manager for advice in the first instance.

Managers should ensure that they do not impose unrealistic demands or timescales on staff driving and ensure that time demands are accurately considered.

Service managers are responsible for supporting the investigation of vehicle accidents involving their staff and producing reports where necessary.

Managers are responsible for the allocation of fuel cards, that the daily checks are carried out by drivers in their service area and they ensure vehicles are available for inspection as directed by the Transport Services Manager.

All road traffic collisions, other accidents and near misses must be recorded on the TDC Health and Safety incident form (See Appendix 1). Where there is personal injury, there are further requirements to

report accidents via RIDDOR regulations in the event of a member of staff taking time off because of an accident.

#### **4.5 Transport Services Manager**

The Transport Services Manager has overall responsibility for the transport fleet and all matters relating to vehicles and plant / machinery across the council.

The Transport Services Manager is responsible for investigating all vehicle accidents involving TDC fleet vehicles. The level of investigation will be relative to the accident and will follow the process set out in the Vehicle Accident Investigation Procedure. The Transport Services Manager will need to notify the Health and Safety team.

Following all investigations, the Transport Services Manager will inform the driver's line manager of their conclusions and make recommendations in line with the Council's procedures. The Transport Services Manager will also inform the Insurance manager of the outcome.

In instances where the Transport Services Manager has evidence to show that the driver has acted in such a way as to present a risk to the health and/or safety of themselves, work colleagues or members of the public, or has concerns about the welfare of the member of staff, the Transport Services Manager will seek guidance from HR.

Serious, or Grave incidents, or repeated incidents that represent a pattern of behaviour will be reported to HR and a decision will be made regarding the implementation of a disciplinary investigation that could result in sanctions of Written Warning, Final Written Warning, or even dismissal in accordance with the Council's Disciplinary Policy.

The Transport Services Manager is responsible for the provision of repair and maintenance of the council's fleet vehicles. They also lead on the procurement of new and replacement vehicles and their disposal.

The Transport Services Manager will arrange and co-ordinate all statutory training requirements and monitor the database of required fleet driver competencies i.e. licence categories & assessments.

The Transport Services Manager will also have the overall responsibility for arranging vehicle safety checks, servicing and that employees and managers are complying with the vehicle check requirements. All servicing will need to be carried out and recorded as part of PUWER regulations and stored for 3 years

The Transport Services Manager and their team will require vehicles for periodic inspection and sometimes at short notice.

## 4.6 Employees

All employees authorised, or likely to be authorised to drive Council vehicles in the course of Council employment will be given instructions and training appropriate to their responsibilities for driving while at work. Where appropriate this will be reinforced with instruction by the line manager, or other person appointed to fulfil that role to ensure the employee understands the requirement for safe and legal driving on behalf of TDC.

The Transport Services Manager will manage the general requirement for driving on Council business. The Transport Services Manager will appoint a responsible person with responsibility for vehicle licence checks and record them onto a database.

A record will be kept by service managers and shared with the Transport Services Manager of any instruction, information or training provided for fleet vehicles.

Training is a requirement in any of the following cases:

- When a new member of staff joins a department. This includes inter departmental transfers.
- When a member of staff changes to a significantly different type of vehicle.
- Refresher training at a period to be determined as result of statutory duty or risk assessments and the type and complexity of vehicle(s)

Employees are responsible for risk assessing their own personal journeys. The assessments need not be written down or recorded, but employees should be aware of the guidelines when planning journeys.

When driving on Council business **all** employees must:

- At all times comply with the Highway Code, following road traffic instructions and adhere to relevant speed limits and the wearing of seat belts where fitted;
- Make allowance for prevailing road and weather conditions;  
Drive safely and allow sufficient time to carry out their duties without endangering themselves or others;
- Promptly report all work-related transport and road traffic incidents;
- Ensure that they have vehicle insurance which includes cover for business use;
- Ensure that any vehicle used for business purposes is maintained in a roadworthy condition in accordance with the manufacturer's recommendations;
- Where applicable, have a current MOT certificate and Vehicle Excise Duty for the vehicle;
- Regularly carry out basic checks to own vehicles used for Council business purposes;

- Report to line managers immediately any accident involving their own vehicle when driving during working hours.
- Report to their line manager immediately any motoring related prosecution or fine attracting 6 or more penalty points, whether driving on Council related business or not;
- Report any health problems, which might affect their ability to drive, if driving is a requirement of the post. Failure to do so could lead to disciplinary action.
- Comply with any reasonable request to carry out driving duties where it is a requirement of their employment and to do so, in a safe and responsible manner. Failure to do so could lead to disciplinary action.

When driving on Council business **using fleet vehicles** employees must:

- Conduct routine daily vehicle checks (Appendix 3), if driving a TDC fleet vehicle mileage must be recorded at the beginning and end of each day (Appendix 4).
- Ensure that they will not drive when unfit to drive safely i.e. Medication, Alcohol, and Tiredness.
- Report any defects or damage to TDC owned, hired or leased vehicles to the Transport Services Manager as soon as practicable by completing the relevant documents;

When driving on Council business **using private vehicles** all employees must:

- Allow the TDC appointed person to carry out licence checks with the DVLA with them present.
- Have a valid driving licence;
- Report any disqualification from driving to their manager;
- Supply Copies of Business Use Insurance and MOT details to the Council.
- Have paid the Vehicle Excise Duty for the vehicle.
- Be made aware that the Council will not reimburse fuel expenses for travel for any employee who has not undergone the appropriate licence, insurance and MOT checks.

Employees are responsible for any infringement of the law whilst driving and are responsible for fines (including those for parking violations) relating to any road traffic offence they commit and will include any administration charges incurred by TDC.

Vehicles classified as “Classic” cars i.e. no seat belts, airbags etc. must not be used to carry passengers for business use and drivers using these types of cars are doing so at their own risk.

Please note that preparation and making sufficient time for journeys, as well as taking regular rest breaks will enable employees to comply with the above and improve road safety.

## **Unacceptable Behaviours whilst driving**

At all times, staff, and including passengers are expected to behave with courtesy to others and in a manner that does not bring the reputation of the Council into disrepute.

Behaviours such as:

- Throwing litter from a vehicle
- Tailgating
- Gesticulating and shouting abusive phrases
- Aggressive driving including improper use of the horn and flashing of headlights
- Unsafe overtaking or any reckless maneuver.
- Not wearing a seatbelt
- Using a mobile phone whilst driving

Are expressly forbidden and will be subject to disciplinary proceedings.

## **5 MANAGING RISK**

### **5.1 Risk Assessment**

Managers are responsible for ensuring that suitable and sufficient risk assessments are in place for driving activities in their area of responsibility and that these are properly communicated to employees.

For general guidance when considering risk assessments for driving purposes managers should consider the following:

- Legality of driver.
- Health of drivers.
- Defective vehicles.
- Personal safety/security.
- Hazards when carrying out pre-use checks.
- Use of in-vehicle equipment while driving, e.g. mobile phones, satellite navigation systems, radios, in car entertainment.
- Distraction such as eating, drinking and smoking.

All drivers must be satisfied that the vehicle is in a safe and roadworthy condition. This applies equally to TDC, lease, hire, or own vehicles. Employees must carry out a basic visual vehicle safety check before using a vehicle on Council business (Appendix 3) and for private vehicles checks (Appendix 5). Checks in council owned vehicles should be confirmed using the Vehicle Inspection Sheet (Appendix 4) which are stored in each vehicle.

### **5.2 Training**

As with other work equipment TDC has a duty to assess, inform, train and supervise workers who drive vehicles as part of their work.



Even though employees have passed a driving test and hold an appropriate valid licence managers should still ensure that the employee has the competence to safely undertake the type of driving the job requires.

No officer of TDC shall allow an employee, agency worker or volunteer to drive a Council vehicle, hired vehicle without first ensuring:

- The suitability of the individual to drive the vehicle.
- That the vehicle user has the appropriate full and current licence to drive the vehicle(s) proposed.
- That the vehicle driver has the necessary experience, or is assessed for competency before commencing duties.

### **5.3 Record Checks for employees using their own vehicle for work**

A recorded check of drivers' licences, insurance cover and MOT's must be carried out at least every 12 months. It is the responsibility of the service area manager to ensure checks are carried out and up to date. This includes employees who use vehicles for work purposes but do not claim fuel allowance.

Licence checks, MOT and insurance cover where appropriate, for employees and non-employees must be carried out in advance of the start of first driving duty, before permitting the driver to drive on behalf of the Council.

Any endorsements for serious offences i.e. those attracting 6 or more penalty points, such as drink driving and reckless/dangerous driving, must be notified to the employee's manager and Head of Service / Assistant Director.

Any employee found to be driving on Council business with a non-valid licence will be immediately suspended from driving duties and may be subject to disciplinary procedures.

When recruiting, managers must ensure that if a role requires the person to drive on TDC business, it is a condition of recruitment that the following question will be asked:

"Do you have any driving current endorsements? If yes, please give details including when they are due to expire" Information given, may affect recruitment decisions

## **5.4 Medical Suitability and Fitness to Drive**

New employees whose duties include driving a TDC owned, leased, hired or their own vehicles on Council business are required to complete a declaration form to affirm that they are medically fit to drive.

Employees are required to notify their line manager as soon as they become aware of any medical condition, which may affect their ability to drive a vehicle.

There is a legal requirement to report to the DVLA any medical condition requiring notification.

To view the full list of reportable illnesses, please visit: <https://www.gov.uk/health-conditions-and-driving/find-condition-online>.

If you are concerned that you are suffering from a health condition that affects your driving you must inform your line manager and HR.

In addition, for LGV and PCV drivers, the following additional conditions require notification:

- Any heart condition or heart operation.
- Sight in only one eye.
- Any visual problems affecting either eye.

If there is any doubt as to the medical suitability of an employee to carry out driving duties then that employee will be referred to the Occupational Health provider or any suitable alternative for expert medical opinion and advice.

## **5.5 Alcohol and Drugs (Including prescribed medication)**

It is an offence to drive, attempt to drive or be in charge of any motor vehicle on the public highway when unfit through drinking alcohol or consumption of drugs.

Employees who are prescribed drugs for any medical condition must make it clear to any medical professional prescribing treatment that driving a vehicle for work is included in the employee's duties. The line manager must be informed of any medical condition, which could affect the ability of the employee to drive safely.

All drivers and managers of drivers should refer to the Tendring District Council Alcohol and Substance Misuse policy for more detail and the options for alcohol testing.

## **5.6 Mobile Phones and hand held devices**

All staff are reminded that it is an offence to use a mobile phone, other than a legally compliant 'hands free' in a vehicle on the public highway at any time when the engine is running. This includes when stationary at traffic lights or when parked on roads when the engine is running.

No employee should use a mobile phone or other hand held devices on the public highway whilst in the driving seat of a vehicle and the engine is running.

Whilst the use of hands free systems is legal, the Council strongly advises all drivers to refrain from the use where possible such systems unless it is an emergency. The evidence that the risk of accident increases with their use is considerable.

## **5.7 Seat Belts**

All drivers & Passengers must ensure that seat belts are worn (if fitted) at all times while driving.

## **5.8 Eye Tests**

Tendring District Council will, upon request from an employee who is a Driver, provide a voucher for the cost of an eyesight test, which must be carried out by our nominated opticians (currently **Specsavers**), at a time convenient to the employee, but arranged to minimise disruption to the working day.

If you need to arrange an eye test:

Contact [healthandsafety@tendringdc.gov.uk](mailto:healthandsafety@tendringdc.gov.uk) who will send you a voucher. Upon receipt of the voucher, you can then arrange your eye test with the nominated optician. Once the test has been carried out, the optician will complete their section of the form, which must then be returned to [healthandsafety@tendringdc.gov.uk](mailto:healthandsafety@tendringdc.gov.uk).

In addition to eye tests it is also recommended that all staff take advantage of the councils free health check event, if you are concerned about your health or well being you should contact your doctor.

# **6 FLEET AND FLEET DRIVER ISSUES**

## **6.1 Road worthiness of fleet vehicles**

All leased, hired or TDC owned vehicles are to be inspected for road-worthiness by the user on a daily basis. As a minimum:

- Drivers must complete the vehicle daily check and defects report. Any defect must be brought to the attention of a responsible manager as soon as possible.
- All completed vehicle check and defects report forms must be handed into the transport office at the end of every week.
- All forms must be completed legibly and in full.

- Team Leaders/Supervisors will keep a record of their findings and will carry out monthly checks.
- Any concerns with the mechanical condition of a leased, hired or other company vehicle must be reported immediately to the Transport Services Manager and a defect sheet completed.
- Drivers must maintain any leased, hired or company vehicle in a clean and tidy condition, with particular attention to the external vehicle cleanliness
- Drivers are not permitted to remove, make any additions or alterations to the standard livery of a leased or company vehicle or tamper with or fit additional equipment/accessories;
- Drivers must ensure that the vehicle's load is safe and maximum gross weights and axle weights are not exceeded.

Vehicles which have been hired in from a hire company will be delivered with a signed rental agreement and vehicle checklist to confirm the vehicles roadworthy. This list is kept in the Transport Office for safe keeping and is available on request.

## **6.2 Vehicle security**

Drivers are responsible for ensuring that at all times:

- Tracking systems if fitted are not interfered with or hindered in their operation and that any vehicle is securely locked when the driver and staff members are away from vehicle.
- Ignition keys are not left in any vehicle or any door lock when left unattended and that the engine is not left idling when away from the vehicle.
- Loads including equipment are secure from theft at all times.
- Fuel cards or tracker fobs are kept securely. Driver fobs are personal and should not be left in vehicles or loaned to other staff members.
- Loads on or in the rear of the vehicle must be securely fastened whilst the vehicle is in transit.

Note: A vehicle is not considered unattended when the driver and /or other staff members are out of the cab and operating ancillary equipment associated with the vehicle operation.

Should a vehicle be broken into or stolen the Police and Transport services Manager must be notified immediately.

## **6.3 Smoking**

The Smoke-free (Premises and Enforcement) Regulations 2006, prohibits smoking in the work place, e.g. if that work place is an enclosed space or substantially enclosed and is used by more than

one person; this has been clarified as including the cab area of company vehicles.

Smoking is prohibited within all vehicles as per the councils No Smoking Policy; this includes the use of e-cigarettes. Drivers using their own vehicles to carry passengers on Council business must not smoke within the vehicle while carrying out that business.

Any member of staff refusing to observe the policy will be liable to Disciplinary Action in accordance with the Council's Disciplinary Procedure.

#### **6.4 First aid**

A first aid kit is available in all TDC fleet vehicles.

It is the responsibility of the driver to ensure that vehicle first aid kits are up to date and sufficiently stocked. Checks should be carried out and recorded in accordance with service needs and use, but must be inspected and recorded at a period no longer than 13 weeks.

TDC staff who are using their own vehicles for work purposes should also ensure that they have an appropriate basic first aid kit.

#### **6.5 TDC vehicles for personal use and carrying passengers**

TDC owned, leased or hired vehicles are solely for use on authorised business and must not be used by any person except on Council business. Any approved use of vehicles for travel from home to work and work to home will be in accordance with Inland Revenue guidance.

'To and from work' can be interpreted as travelling to an individual job or any Tendring District Council office, depot or premises. Drivers of TDC owned, hired or leased vehicles who take vehicles home at the end of the working day in order to commute to work and/or are on emergency call out are not considered by the Inland Revenue to be receiving a taxable benefit.

Only individuals working for or on behalf of Tendring District Council (this includes contractors, employees, Members and agency staff) at the time of the journey are authorised to drive or be a passenger in a Council, owned leased or hired vehicles.

#### **6.6 Holidays, sickness and unplanned leave**

Individual services may have specific arrangements for employees permitted to take Council vehicles home. However, it is the responsibility of the employee to make the vehicle available for use by their service in the event of absences and leave.

## 6.7 Use of Vehicle Tracking Systems

All Council vehicles are tracked for operational fleet management monitoring, security, employee safety reasons and is a requirement of the council's fleet insurance.

If vehicle tracking systems are installed drivers need to be aware that, while tracking is a safety benefit for lone drivers, the primary reason for installation is to provide operational fleet management and efficiencies.

Tracking system reports could highlight unsafe driver behaviour, such as speeding, and inappropriate use of vehicles. Outcomes could include disciplinary actions.

Drivers must be made aware that authorised Council officers may use the information recorded by tracking systems in order to:

- Support any areas requiring investigation.
- To settle disputes or provide additional information to resolve accidents / incidents and issues of complaint.
- Use this information in order to take appropriate action where concerns exist.

Authorised users of the tracking system and data need to be aware that the information recorded is confidential. Persons inappropriately disclosing information gathered from the tracking system may be subject to disciplinary action.

It should also be noted that although the GPS tracking system is covered by the GDPR and Data Protection Act provisions this does not apply to information required by the police in respect of the prevention or detection of crime or by HM Revenue and Customs in support of the collection of taxation or duty.

**Managers must bring to the attention of the Transport Services Manager any vehicle not fitted with a tracking system or where it has become defective.**

Regular monitoring will be conducted to ensure compliance.

## 6.8 Road traffic accident/incident procedure for Fleet

In the event of an accident, the driver must follow the guidance provided in the vehicle on the Insurance Accident Assistance Card (Appendix 2).

Employees must not admit liability for any accident or road traffic incident, authorise any repairs to a third party vehicle or property or make any offer of payment when driving a Council vehicle.

Incidents that require the driver to stop:

- Injury to any person, property, or to the following animals: cattle, horses, pigs, goats or dogs.
- Damage to another vehicle or trailer drawn by the vehicle, property on or adjacent to the road e.g. lamp posts, traffic lights, trees or gates.
- Damage to the vehicle (in order to assess roadworthiness to continue the journey.)

#### Requirements in the event of an accident

- The driver must give vehicle registration number and insurance particulars to any person having reasonable grounds for requiring them.
- Drivers should note that an accident involving injury to people or the animals listed above must be reported to the police as soon as possible and in any case within 24-hours.
- Any delay in reporting (within 24 hours) may still be classed as an offence if it is considered that the accident could have been reported sooner.

Failure to stop and report an accident is an offence and the driver could incur a fine and/or imprisonment plus penalty points on the individual's driving license and possible disqualification.

At the scene of an incident/accident, the employee should obtain full details of the third party as follows:

- Full name and address including postcode.
- Telephone number.
- Make and model of vehicle and registration number.
- Insurance company details including policy number.
- Details of damage to third party vehicle or property.
- Details of any injured party and nature of injury.
- Did Emergency services attend the incident?

Where possible the driver must obtain full details of any witnesses and take photographic records of the damage to vehicles, the location and any other relevant information including any abuse or violence.

This information must be passed to the Transport Services Manager.

Should the employee need support following a road traffic accident, either the employee, their line manager or the transport services manager can arrange this with HR.

## 6.9 Fleet driver assessments

An initial assessment will be carried out before the person is allowed to drive a vehicle, or operate equipment owned or operated by TDC.

Further mandatory assessments will be carried out if the level of driving falls below the standards required by TDC.

Either the Transport Services Manager or their nominated person, to assess driver suitability, will carry out driver assessments.

Driver assessments or suitability to drive vehicles above 3.5t requires additional scrutiny.

Any manager concerned about the safety of a driver should contact the Transport services manager and request an assessment.

Refusal by the employee to undergo such an assessment when reasonably requested could and without reasonable excuse, will result in removal of authorisation to drive on Council business.

The employee may also be subject to disciplinary procedures.

## **7 FUEL CARDS**

### **7.1 FUELLING OF COUNCIL VEHICLES**

All Council owned/hired/leased vehicles are fueled using a fuel card.

Fuel can be obtained from nominated petrol stations only.

Fuel Cards are registered in the name of the employee who will be accountable for all purchases made.

Service managers and supervisors can request new cards by contacting the Transport Services Manager.

Any lost/stolen fuel cards must be reported to the Transport Services Manager immediately.

Any obsolete/unwanted cards must be returned to the Transport Services Manager immediately for cancellation.


Managers are responsible for returning fuel cards to the Transport Services Manager when an employee from their service area leaves the council.

Fuel receipts must be obtained by the employee when using a fuel card & put into the receipt box located in the transport office at Northbourne Depot.

Use of fuel will be monitored against mileage and vehicle use. Managers and supervisors are to support regular monitoring.



# Appendix 1

<b>TENDRING DISTRICT COUNCIL- INCIDENT REPORT FORM</b> <b>Record of injury or non-injury accident or incident involving violence, fire, near-miss or hazard</b> <b>Return to: <a href="mailto:healthandsafety@tendringdc.gov.uk">healthandsafety@tendringdc.gov.uk</a></b> Health and Safety at Work Act 1974 and Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) If this incident relates to a member of TDC or a contractor this could be RIDDOR reportable, Please see RIDDOR examples inside cover of book.		 FOR THE GOOD OF ALL
<b>Part 1</b>	<b>Information required about Person injured in the Incident.</b> a) Name of injured person/s b) Address of the person c) State Job Title if an employee or state Member of Public (MOP) d) Date & time of incident e) Person's age f) Reference No. of report	a) Name: _____ Sex M <input type="checkbox"/> F <input type="checkbox"/> b) Address: _____ Post Code _____ d) Date of Incident: ___/___/___ e) Time: ___:___ AM <input type="checkbox"/> PM <input type="checkbox"/> f) Age of person: _____ years old g) Location of incident _____
<b>Part 2</b>	<b>Information About the incident.</b> a) State exactly where it happen b) Describe what happened, and explain the factors involved. If a fall is involved, from what height did it occur. If reporting a violent incident give the names of those involved c) Give brief details of any action taken or recommendations to prevent re-occurrence	a) Place incident occurred: _____ b) What happened (be clear as possible in your description of the event): _____ _____ _____ c) Action taken if required: _____ _____
<b>Part 3</b>	<b>Details of any Injury.</b> a) Type of injury (State LH or RH where necessary) b) Was the person off work for more than 3 days c) Details of any First Aid given d) Who gave First-Aid e) Who was the incident reported to	a) Injury details (be clear as possible in your description i.e where on the body the injury occurred): _____ _____ _____ b) Over 3 day Absence Yes <input type="checkbox"/> No <input type="checkbox"/> c) First-Aid given: _____ d) Emergency services incident number: _____ e) By: _____ f) Reported to: _____
<b>Part 4</b>	<b>Incidents.</b> Give the names and addresses of any witness/s	Name and Address: _____ _____
<b>Part 5</b>	<b>Details of the Fire Or Hazard.</b> <b>If reporting a fire.</b> a) Date and time it occurred b) Briefly describe the damage caused <b>If reporting a hazard give details</b>	a) Date of fire or hazard: ___/___/___ Time: ___:___ AM <input type="checkbox"/> PM <input type="checkbox"/> b) Details: _____ _____ _____
<b>Part 6</b>	<b>Person involved to sign confirming above details correct</b>	Name: _____ Signature: _____ Date: / /
<b>Part 7</b>	<b>Member of staff filling in form</b>	Name: _____ Signature: _____ Date: / /
<b>Part 8</b>	<b>Name of Supervisor / Manager</b>	Name: _____ Signature: _____ Date: / /
<b>NOTES</b>	i ii iii	For an Injury, Accident or Incident involving Violence Start at part 1 and also fill in parts 2, 3, 4, 6, 7 and 8 For a Fire or Hazard Report start at Part 5 and also fill in Parts 6, 7 and 8 For a non-injury accident or near miss incident start at part 2 and also fill in parts 4,7,7 and 8.

# Appendix 2

<p><b>PROTECTOR</b> insurance</p> <p><b>Tendring District Council</b></p> <p>You have been involved in an accident with our policy holder. Please call our insurers Protector Insurance on:</p> <p><b>0161 274 9077</b></p> <p><b>Policy Number: 458918</b></p>	<p><b>RECORD WITNESS OR PASSENGER DETAILS HERE</b></p> <p>Witness Name _____ Address _____ Postcode _____</p> <p>Phone Number _____ Witness location to the Accident _____</p> <p>Number of occupants in other vehicle including driver _____ Their Gender and approximate age _____</p> <p>Did the emergency services attend <b>Y/N</b> _____ Reference number if <b>YES</b> _____</p>	<p><b>PROTECTOR</b> insurance</p> <p><b>MOTOR INCIDENT ACCIDENT ASSISTANCE</b></p> <p><b>Tendring District Council</b></p> <p>Please report immediately to <b>0161 274 9077</b></p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p><b>IN THE EVENT OF AN ACCIDENT</b></p> <ul style="list-style-type: none"> <li>✓ Number 1 priority after a road traffic collision, check and see if there are any casualties, if there are, always summon assistance immediately. Do not move any of the vehicles unless they pose a direct threat of further injury or damage at the scene.</li> <li>✓ Do not admit liability</li> <li>✓ Record the details of the vehicles involved including registration, make, model, drivers name, address and contact telephone number</li> <li>✓ Exchange details of insurers with other parties</li> <li>✓ Take note of the number of occupants in each vehicle</li> <li>✓ Take witness details where applicable</li> <li>✓ Note the time, date and location of the accident</li> <li>✓ Where possible, take photographs of the location and any damage sustained</li> <li>✓ Report the accident to your insurers on <b>0161 274 9077</b></li> </ul>	<p><b>RECORD THIRD PARTY DETAILS HERE</b></p> <p>Name _____ Address _____ Postcode _____</p> <p>Phone Number _____ Vehicle Make/Model _____ Is this a company vehicle <b>Y/N</b> _____ Number of occupants in other vehicle including driver _____ Registration Number _____ Insurance Company _____ Policy Number _____ Date / Time / Location _____ Signature of third party _____</p>	<p><b>FILL IN YOUR DETAILS, TEAR OFF AND GIVE TO THE THIRD PARTY:</b></p> <p>Name _____ Company Name _____ Registration Number _____</p> <p><b>PROTECTOR</b> insurance</p> <p>Telephone: <b>0161 274 9077</b> Email: <a href="mailto:claims@protectorinsurance.co.uk">claims@protectorinsurance.co.uk</a> Policy Number: <b>458918</b></p>
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# Appendix 3

Vehicle Daily Check Items to be Signed For

Security of:	Seat Belts
Check Level of:	Oil
Check Level of:	Coolant
Check Level of:	Screen Wash
Check Level of:	Brake/Clutch Fluid
Security/Visibility of:	Number Plates
Security of:	Mirrors
Function of:	Lights
Function of:	Indicators
Condition/Inflation of	Tyres
Condition of:	Bodywork
Display of:	O Licence Disc if Appropriate

# Appendix 4

VEHICLE LOG SHEET

		Fleet No.		Reg'n No.		WK. No.		
		Fuel Drawn Gall/Lts	Oil Drawn Lts.	Mileo-Meter Start	Mileo-Meter Finish	Total Miles	Man No.	Drivers Signature
SAT.	Daily Check Completed							
	Defect Note No. if Any							
SUN.	Daily Check Completed							
	Defect Note No. if Any							
MON.	Daily Check Completed							
	Defect Note No. if Any							
TUES.	Daily Check Completed							
	Defect Note No. if Any							
WED.	Daily Check Completed							
	Defect Note No. if Any							
THUR.	Daily Check Completed							
	Defect Note No. if Any							
FRI.	Daily Check Completed							
	Defect Note No. if Any							
(VS4) TOTALS								WEEK ENDING / /

**Appendix 5 -** Vehicle checks for employees using their own vehicle.

Employees are not required to record vehicle checks for service areas but carrying out checks will help to ensure the safety of casual/essential user vehicles.

Basic vehicle checklist non-fleet drivers				
Vehicle Reg No.		Date		
		Yes	No	Action
<b>Tyres</b>	Tyres inflated			
	Tyres no visual damage			
	Tyres no bald patches			
<b>Lights</b>	Brake			
	Headlights			
	Rear lights			
	Indicators			
	Hazard			
<b>Screen wipers</b>	Front			
	Rear			
<b>Screen Wash</b>	Front			
	Rear			
<b>Wing Mirrors</b>	Nearside			
	Offside			
<b>Seatbelts</b>	Driver			
	Passenger(s)			
<b>Brakes</b>	Hand			
	Foot			
<b>Oil</b>	Above minimum			

## HUMAN RESOURCES & COUNCIL TAX COMMITTEE

20 OCTOBER 2020

### REPORT OF ASSISTANT DIRECTOR (PARTNERSHIPS)

#### A.3 GRIEVANCE POLICY AND PROCEDURE REVIEW

*(Prepared by Katie Wilkins & Jo Williams-Lota)*

#### PART 1 – KEY INFORMATION

##### **PURPOSE OF THE REPORT**

To update the Human Resources & Council Tax Committee on the review of the Council's Conflict Resolution Policy & Procedures in line with employment legislation and identified best practice.

##### **EXECUTIVE SUMMARY**

The purpose of the review of the Council's Conflict Resolution Policy and Procedures is principally to reflect changes of procedure in accordance with ACAS requirements and employment legislation (*including recent case law*).

The ACAS statutory Code of Practice on disciplinary and grievance procedures provides basic practical guidance to employers, employees and their representatives and sets out principles for handling grievance situations in the workplace. The main principles are:-

- Employers and employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions;
- Employers and employees should act consistently;
- Employers should carry out any necessary investigations, to establish the facts of the case;
- Employers should give employees the opportunity to put their case before any decisions are made;
- Employers should allow employees to be accompanied at any formal grievance meeting;
- Employers should allow an employee to appeal against any formal decision made.

The revised Grievance Policy and Procedure (*and accompanying guidance*) follows the ACAS Code of Practice and provides both employees and managers with a robust framework for dealing with an employee's problem or concern at work.

The Policy and Procedure sets out:-

- Purpose and Scope of the policy and procedure;
- Responsibilities of both managers and employees;
- How to raise a grievance - the informal stage;
- The formal stage of the Procedure;
- Appeal stage of the Procedure;
- Role of mediation.

The implementation of the revised Grievance Policy and Procedures (*and supporting guidance*) will allow the Council to more effectively and consistently resolve employee's problems and concerns at work, with a view to minimising the effect on service delivery and the impact of associated costs to the staffing establishment.

Unison has been consulted on the revised Grievance Policy and Procedures (*and supporting guidance*) and have offered agreement and support for the implementation of these proposals.

**RECOMMENDATION(S)**

**It is recommended that:-**

- **The Human Resources & Council Tax Committee approve the content of the revised Grievance Policy and Procedure (*and supporting guidance*).**

**PART 2 – IMPLICATIONS OF THE DECISION**

**DELIVERING PRIORITIES**

This updated policy will ensure that the organisation continues to observe recognised best practice and employment legislation as a responsible employer.

**FINANCE, OTHER RESOURCES AND RISK**

No specific risks have been identified. This is a policy refresh and update which is needed to ensure best practice and continued legal compliance. This work sits within existing budgets.

**LEGAL**

The Council has a duty to ensure its Grievance Policy and Procedures are compliant in accordance with employment law and best practice in line with ACAS Codes of Practice and guidance.

**OTHER IMPLICATIONS**

None

**PART 3 – SUPPORTING INFORMATION**

**Grievance Policy and Procedure**

The Council's Conflict and Grievance Resolution Policy & Procedure has undergone a comprehensive review.

Rather than making any substantial changes to the process, the revised document provides more clarity on the roles and responsibilities of managers and employees, when following the procedure. It also provides more detailed guidance on how an employee's grievance can be resolved robustly and effectively.

The term 'conflict resolution' has been removed from the title as it was found that this term was confusing, and some managers and employees were not clear of the purpose of the document from this title.

The amended policy and procedure offers a fair and consistent approach to all our employees. It gives clear guidance on what the expectations are of the employee and the manager in relation to dealing with a problem or concern at work

The informal stage of the procedure has been expanded and developed to encourage employees to raise and resolve their problems and concerns at an early stage with their immediate manager.

Accompanying guidance has been developed to further support managers and employees through the process and provide practical advice and support.

The importance of investigating a grievance has been highlighted through recent case law. Therefore, the revised document ensures that focus is placed on this critical stage of the procedure. Furthermore, the accompanying guidance provides in-depth advice and information on the investigation stage of the process.

Whilst it is recognised that mediation can have a vital role in resolving an employee's grievance, it was felt that the material relating to mediation and the accompanying forms would be more appropriately located in separate guidance (*Guidance on Mediation*).

## **CONCLUSIONS**

The updated Grievance Policy & Procedures will ensure that the Council maintains its high standard of employment practices and has a policy that observes best practice and current employment legislation.

## **APPENDICES**

Grievance Policy & Procedures – September 2021

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# Grievance Policy and Procedures

Issued by – Human Resources  
Updated – September 2021



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## **1 Introduction**

The Council takes positive steps to provide equality of opportunity in its employment of staff and the delivery of its services. It works in partnership with recognised Trade Unions in resolving conflicts and actively practising equality of opportunity for all employees.

All Council employees are entitled to be treated fairly and with dignity and respect. The Council expects standards of behaviour, which recognise and respect the dignity of all individuals at work. The Council does not tolerate harassment, bullying, victimisation, intimidation, discrimination or less favourable treatment.

The Council promotes positive working relationships by encouraging early conflict resolution to resolve discontent in the workplace. Behaviour which could constitute misconduct or even gross misconduct is dealt with in accordance with the Council's Disciplinary Procedure.

The Council accepts that from time to time an employee might have a problem or concern at work. The grievance procedure is a formal way for an employee to raise a problem or complaint with their employer, where it has not been able to be resolved informally.

This procedure follows the Acas Code of Practice on disciplinary and grievance procedures.

## **2 Purpose of the Procedure**

The Council aims to have a proactive and systematic approach to allow grievances to be dealt with and resolved fairly, consistently and in a timely manner. The procedure allows grievances to be properly considered.

In the first instance, employees are encouraged to discuss their grievance informally with their immediate manager in order to attempt to reach a satisfactory resolution. If the grievance is against their immediate manager and they do not feel able to raise their grievance directly with them, the employee should discuss their grievance with a more senior manager in their service or a member of the Human Resources department.

Only when informal methods to resolve the employee's grievance have been exhausted, should the formal procedure be instigated. However, the Council understands that there may be occasions where the nature of the complaint means that the informal stages are inappropriate, for example where the complaint involves a serious complaint or the employee does not want the problem or concern to be dealt with informally.

Whilst it is the stated intention of the Council that any conflict/grievance should be dealt with as quickly as possible, inevitably some cases will need considerably more time than others in order to be investigated fully.

## **3 Scope of the Procedure**

Any employee of Tendring Council is entitled to use this procedure to raise a complaint connected to their employment, which may include the following (not an exhaustive list):

- Duties – which could relate to duties which have been assigned to the employee whether temporary or permanent or are planned to be assigned.
- Conditions of service – which might include the terms and conditions of employment for example annual leave requests, pay, special leave procedures, hours of work, working environment.

- Working relationships including bias, or unfair discrimination – which might be with another colleague, line manager, other manager or personnel within the Council.
- Complaints of harassment, bullying or victimisation – in such cases, individuals should also refer to the Harassment Policy for further guidance and support.

If employees wish to raise a grievance about issues arising from any of the protected characteristics as specified within the Equality Act 2010, referral to the Council's Equality and Diversity Policy and Harassment Policy is advised.

A complaint either informally or formally related to a "protected act", means an employee must not be treated differently or be victimised because they have made a complaint, given evidence in relation to a complaint, or they intend to do so. Victimisation will not be tolerated, and disciplinary action may be taken under the Council's Disciplinary Procedure in the event that victimisation occurs.

There are some matters that are specifically excluded from the procedure, as set out below:

- Issues that are not the responsibility of the Local Authority, e.g. matters relating to tax, pension, or pay (not an exhaustive list).
- Situations where there exists a separate appeals process e.g. disciplinary, sickness absence, capability procedures.
- Appeals such as those relating to the Local Government Pension Scheme, Income Tax, National Insurance matters and the like, which are outside the scope of the Council.
- Any issues relating to the job evaluation and grading of a post which would be dealt with under the Job Evaluation Policy.
- Issues relating to Health and Safety. These must be raised initially with management, who will liaise with Health and Safety colleagues in accordance with the Health and Safety Policy.
- Any issues affecting staff in general which would normally be dealt with under collective bargaining arrangements with the Council's recognised trade unions.
- Personal matters not directly related to employment or conditions of service.
- Where there is a collective conflict and informal stages are not practical to implement for groups of staff. In this case, the complaint should be set out in writing to the Assistant Director or Head of Department.
- Where a sanction, including a dismissal, has been overturned as a result of the disciplinary appeals process and the employee is re-engaged.
- Where continuing employment contravenes a legal duty or restriction imposed by law.

Where necessary, the Human Resources department will assist in determining whether a matter can be dealt with under this procedure.

#### **4 Responsibilities**

All Council employees are entitled to be treated fairly and with dignity and respect.

The Council is liable for what their employees do during their employment, whether or not the employer knows of those actions.

Employers can avoid liability only if they can prove that they took appropriate measures to prevent the offending acts. The employer's liability is in addition to the employee's individual liability for their own actions and individuals should be aware that they might only be liable for their behaviour.

The Council undertakes to discharge its responsibilities to its employees to provide them with a safe environment in which to work, which does not undermine the dignity or integrity of its employees.

## **5 Managers and Supervisors**

Under the terms of this policy, it is the responsibility of all managers and supervisors to seek to prevent and resolve conflicts in all work related situations by:-

- Ensuring that all employees within their area of responsibility are made aware of the Council's policy.
- Ensuring, through their own actions, remarks and other behaviour, that they do not conduct themselves in a manner that contravenes Council policy, or which may be perceived as unfair or offensive.
- Having a general awareness through observation and discussions etc of the actions, remarks or behaviour of others to ensure that they do not conduct themselves in a manner which may be perceived as unfair or offensive.
- Treating the matter seriously if they see unacceptable behaviour (whether or not a complaint is made) and taking action to eliminate the behaviour in question.
- Providing adequate support in respect of complaints, ensuring the proper procedure is followed, and ensuring recommendations and actions arising are fully implemented and maintained.

## **6 Employees**

It is the responsibility of all employees of the Council to ensure that their behaviour in all work-related situations does not cause offence or distress to others. Employees can also discourage such behaviour by indicating their disapproval and supporting colleagues who are suffering such treatment. Where incidents are witnessed, employees should bring these to the attention of management.

Employees are also responsible for raising any work problems with their immediate manager at the earliest opportunity in order for them to be resolved as quickly as possible.

## **7 Human Resources Department**

The Human Resources department has a key responsibility to provide clear guidance and support to ensure grievances raised are dealt with consistently, fairly and timely manner.

They will ensure that the employee and manager is aware of support available both internal and external, and identify further support which might assist the individuals involved.

The services of a Mediator will be organised by the Human Resources department.

Members of the department will also be available to attend and provide advice in meetings held in accordance with this procedure.

The HR department will ensure that this procedure complies with current legislation, the Acas Code of Practice and general good practice. They will also undertake regular reviews of this procedure.

## **8 How to raise a grievance – the informal stage**

Employees are encouraged to raise any problem they have with their immediate manager as soon as possible. The Council considers that early intervention to resolve the conflict restores normality and minimises disruption for all concerned. It is understood that the longer matters are allowed to continue, the more difficult it is to resolve. It is not about seeking blame, but about obtaining an agreement that is satisfactory to all parties.

An issue should be raised within 3 months of the incident or concern occurring. The Council acknowledges that it is not always possible to work within this timeframe and will consider the mitigating circumstances if issues are raised after 3 months of the incident or concern occurring. The Human Resources department is available to provide advice in this situation, if necessary.

Where possible, the employee is encouraged to ask for a meeting with their immediate manager to explain their concerns. The employee is encouraged to write down their concerns to ensure that both parties are clear about their problem and concerns. If the employee does not feel able to talk to their immediate manager, they should speak to a more senior manager in their area or a member of the Human Resources department.

The manager should arrange to meet with the employee within 5 days of being informed of the employee's problem or concern. If it is not possible to arrange the meeting within 5 days, the manager should advise the employee and agree a mutually acceptable time to meet.

This will be an informal meeting and as such, the employee would not be entitled to be accompanied by a Trade Union Representative or colleague. In exceptional circumstances and at the manager's discretion, the employee might be granted permission to be accompanied, for example if the employee has a disability and requires specific support as part of a reasonable adjustment or if the employee has difficulties expressing themselves because of language or other difficulties.

Prior to the meeting, the employee should consider what they would like the manager to do to resolve the problem.

During the meeting, the manager will attempt to resolve the employee's grievance. However, the meeting might need to be adjourned to allow either party to seek advice, obtain further information or speak to other individuals involved.

The manager should remind the employee of the Employee Assistance Programme and, where necessary, consider other support and changes to the employee's working environment whilst the issues are being resolved.

At this stage, especially if the employee's grievance relates to a relationship or incident involving another individual, the manager might decide it is appropriate to suggest Mediation. The employee can also request Mediation, if they think this would be beneficial. Further information about Mediation can be found in section (9) and in the Guidance on Mediation. This can be arranged through the Human Resources department.

Following the meeting, the manager should make a brief note of the discussions during the meeting and any action agreed. A copy of this note should be sent to the employee within 5 days of the meeting.

Further guidance on how a manager can support an employee when they raise an informal complaint or concern can be found in the Guidance on Dealing with Grievances that accompanies this policy.

The Council understands that there may be occasions where the nature of the complaint means that the informal stage is inappropriate, for example where the complaint involves a serious complaint, such as sexual harassment or whistleblowing (in such cases please also refer to the Harassment Policy and Whistleblowing Policy) or the employee does not want the issue to be dealt with informally. If the employee intends to instigate the formal part of this procedure before attempting to resolve the issue informally, they are encouraged to seek advice from the Human Resources department.

## **9 Formal Stage of the Procedure**

After every effort has been made to resolve a conflict informally, and this has not been successful, the employee may raise a formal grievance by sending the details in writing to their immediate manager's manager (known hereafter in this policy as the senior manager). If the employee is not clear whom they should send their letter to, they can contact the Human Resources department for advice.

If the employee wishes to instigate a formal grievance they should send a letter to the senior manager without reasonable delay and within 3 months of the incident or concern occurring, if they have not followed the above informal stage.

The Council acknowledges that it is not always possible to work within this timeframe and will consider the mitigating circumstances if issues are raised after 3 months. The Human Resources department is available to provide advice in this situation, where necessary.

In the letter of grievance to the senior manager, the employee should include:

- What the grievance is about
- Any evidence, for example a payslip or employment contract
- What they want to be done to resolve their grievance

The senior manager will acknowledge the grievance in writing and will arrange to meet with the employee, within 5 working days of receipt of the letter of grievance. If it is not possible to arrange the meeting within 5 working days, the senior manager should advise the employee and agree a mutually acceptable time to meet.

If the immediate manager has been involved in attempting to resolve the employee's grievance at the informal stage the senior manager will also arrange to meet with them.

The senior manager, in conjunction with the Human Resources department, will consider whether it is necessary to appoint another manager or member of the Human Resources department to conduct an independent investigation into the matter or whether the senior manager will investigate the employee's grievance

If an independent investigating manager is appointed, they will have the role of finding out the facts which might involve interviewing witnesses who were involved in the incident or issue. If it is decided an independent investigation is required, the formal meeting might be delayed. In such situations, all parties will be advised that an independent investigating manager has been appointed and of the amended time frame. The Council is committed to conducting investigations as quickly as possible.

As part of any investigation both parties will be given the opportunity to submit supporting information and documentation which will be shared with the other party. In exceptional circumstances, the senior manager might decide it is not appropriate to share the full information or documentation disclosed due to confidentiality or the sensitive nature. In this situation, advice will be sought from the Human Resources department.

Further information and advice on investigating a grievance can be found in the Guidance on Dealing with Grievances.

Following the independent investigation, the senior manager will write to invite the employee to attend a formal meeting.

If there is no independent investigation, the senior manager will invite the employee to attend the formal meeting when they acknowledge their letter of grievance.

If the senior manager is felt to be the source of, or otherwise implicated in the grievance, another senior manager without prior knowledge of the complaint should chair the meeting.

The senior manager may decide to meet with both parties together if they feel this could assist in resolving the issue.

Both parties have the right to be accompanied by a Trade Union representative, or a colleague who works for the Council. The senior manager will be accompanied by a Human Resources representative. The senior manager might also arrange for someone not involved in the grievance to attend to take notes of the meeting.

The senior manager will consider whether any adjustments need to be made to support the employee if they have a disability or if the employee has difficulties expressing themselves because of language or other difficulties.

The senior manager will chair the meetings in order to provide an opportunity for both parties to formally present their views on the matter, and to have them heard. During the meetings, the employee will be given ample opportunity to explain their grievance and any suggestions on how it could be resolved. The manager will also be given the opportunity to respond to the grievance and explain what action they took and why at the informal stage (if applicable). The employee should provide details of any witnesses they wish to attend their meeting at least 3 days prior to the meeting.

The senior manager might feel it is necessary to adjourn the meeting at any time if they are required to undertake further investigations (for example to obtain further information or speak to other individuals involved) or seek advice.

Further guidance on conducting a formal grievance meeting can be found in the Guidance on Dealing with Grievances.

Once the senior manager has considered all the information and sought necessary advice, if required, they will make a decision. The senior manager will either reconvene the meeting or write to all parties to confirm the outcome of the meeting.

Within 10 days of the meeting, the senior manager will complete the Conflict Management Agreement (as found in Appendix 3) and write to the employee which will confirm the main areas discussed at the meeting, the outcome of the meeting, and whether the employee's grievance has been upheld. If there is more than one issue, the senior manager will inform the employee which issues have been upheld and which have not been upheld, as



necessary. In the letter the senior manager will outline the employee's right to appeal and what they are required to do should they wish to appeal against the decision.

Prior to, during, or as an outcome of the meeting, the senior manager might decide it is appropriate to recommend Mediation as a way to resolve the problem. The employee can also request Mediation at any stage if they think this would be beneficial. Further information about Mediation can be found in section (9) and in the Guidance on Mediation. This can be arranged through the Human Resources department.

## **10 Appeal stage of the Procedure**

Where the employee feels their grievance has not been satisfactorily resolved they are entitled to appeal. The employee should confirm in writing the grounds for their appeal within 10 days.

In the employee's letter of appeal they should state:

- That they are appealing and if there is more than one issue, clearly state which issue they are appealing against.
- Explain why they do not agree with the decision.

The employee should refer to the Appeals Procedure for further information. The decision by the Appeal panel will be final.

## **11 Circumstances where the Grievance Procedure leads to action under the Disciplinary Procedure**

Following the formal meeting, the senior manager might conclude that the issue is serious enough to warrant disciplinary action, in which case a disciplinary investigation will be invoked. The matter will not necessarily require further investigation if all the facts have been established. If the matter proceeds to a disciplinary hearing, the Chair of the formal meeting will be the presenting officer at the hearing.

In such cases, the employee who submitted the grievance might not be advised of the full outcome of the Disciplinary hearing to protect the confidentiality of the individual concerned.

## **12 Mediation**

Mediation is completely voluntary and confidential. It involves an independent, impartial person helping both parties to reach a solution that is acceptable to everyone. The Mediator is there not to judge, to say one person is right and the other is wrong, or to tell those involved in the Mediation what to do. The Mediator is in charge of the process of seeking to resolve the problem but not the outcome.

Mediators may be employees of the Council who have been trained and an accredited by an external Mediation service to act as internal Mediators in addition to their day jobs. The Council may also engage external Mediators who are not employed by the Council.

Further information can be found in the Guidance on Mediation.

## **13 Modified procedure – employment has ended**

The modified procedure will apply only where employment has ended and either:

- Both parties agree in writing that the modified procedure should apply.
- It is not reasonably practical for one or other of the parties to follow the standard procedure such as where the former employee is unable to secure time off work from their new job to attend a meeting.

The modified procedure is:

- Step 1 The employee sets down in writing the nature of the alleged complaint.  
Step 2 The senior manager sets out a response in writing. There is no right of appeal.

#### **14 Record keeping**

All records relating to a grievance will be treated as confidential and kept in accordance with the Data Protection Act 2018, which gives individuals the right to request and have access to certain personal data. Refer to Data Protection Policy for further guidance.

The Human Resources department will keep a written record of any formal grievance cases dealt with and the managers will keep a written record of any informal grievance dealt with.

Copies of meeting notes will be given to the employee. In certain circumstances (for example due to confidentiality or the sensitive nature of the grievance) the Council might withhold some information.

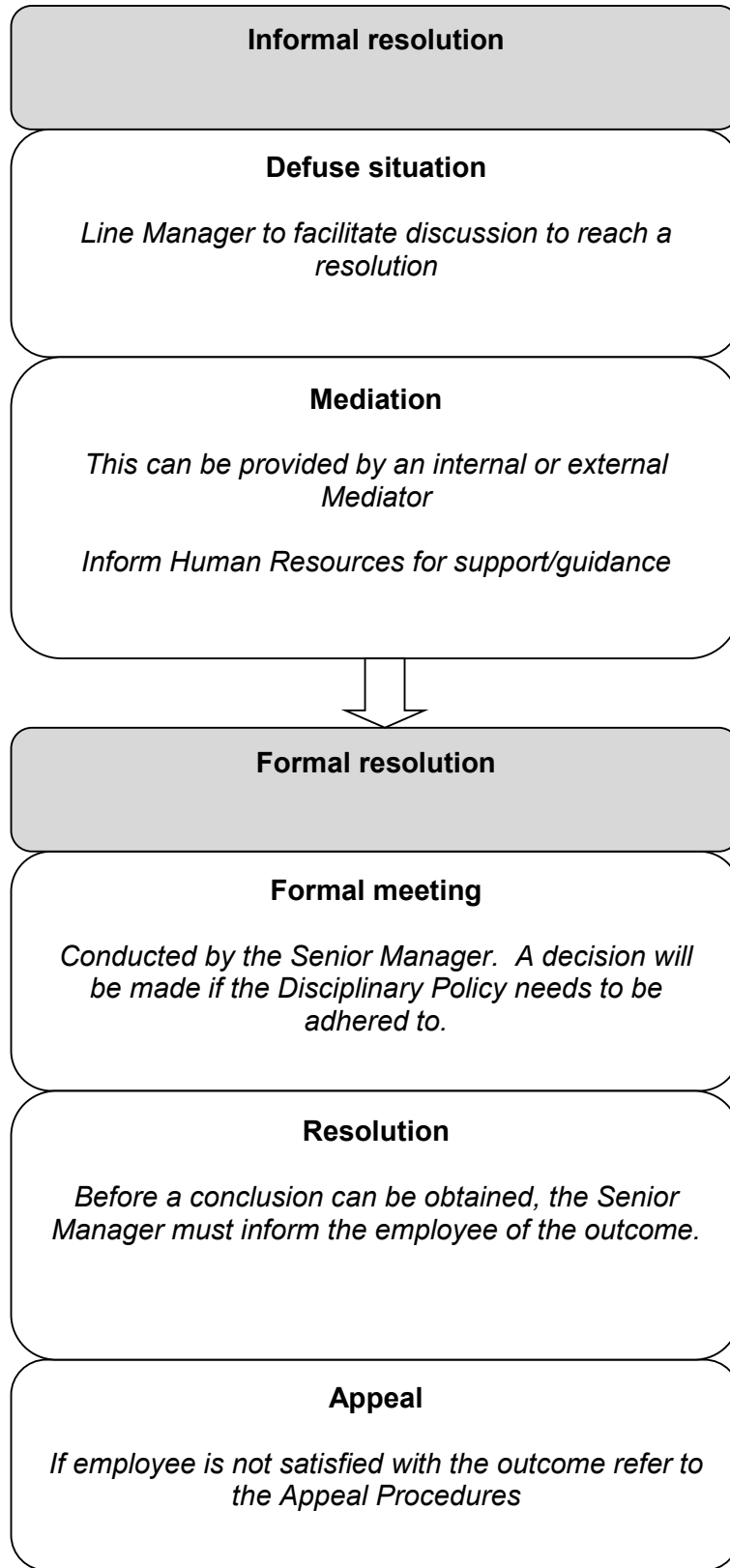
#### **15 Further support and guidance**

The Council recognises that raising a grievance and being involved in the process can be stressful for everyone involved.

Employees are reminded that the Employee Assistance Programme is available to them throughout the procedure.

Where there are signs that someone involved in the process is extremely distressed by the process or there are concerns about their mental health, the Human Resources department will advise on how the individual can be supported. This might involve considering how the procedure can be adjusted in some way to support the individual or identifying further support for the individual including seeking medical advice.

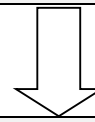
**Appendix 1** Overview of resolving an employee's grievance



## Appendix 2 Timeline

The following time-frame is to be used as guidance only. Although it is encouraged that a resolution is not unduly delayed.

<b>Start</b>	Employee raises grievance with immediate line manager	
<b>Day 1 – 5</b>	Manager writes to employee to seek a meeting to resolve the matter informally and meeting held.	
<b>Informal intervention</b>		
<b>Day 5 – 10</b>	Manager and employee able to resolve matter	Manager and employee not able to resolve matter
<b>End of procedure</b>		



<b>Formal intervention</b>		
<b>Day 10 – 20</b>	Employee submits formal written grievance to Senior Manager	<p><b>Senior Manager</b></p> <ul style="list-style-type: none"> <li>▪ Arranges to meet with the employee and advises them in writing of the date of the meeting and that they are entitled to bring a representative to the meeting</li> <li>▪ May consider whether the matter could be resolved via Mediation.</li> <li>▪ Considers whether the matter can be resolved or whether formal fact finding is necessary and / or independent investigator appointed.</li> <li>▪ Determines the need to interview any witnesses or other employees involved in the dispute.</li> <li>▪ Takes notes of each meeting / interview and gives to the interviewee for any comments.</li> <li>▪ Employee advised of outcome and right to Appeal if not satisfied.</li> </ul>



Type of intervention (delete as appropriate)		
Mediation (internal)	Mediation (external)	Formal meeting

Chairperson			
Date		Time	
Location			
Parties present			

<b>Issues discussed</b>			
<b>Details of resolution</b>			
<b>Next stage</b>	Mediation - external / Formal Meeting / Appeal / Disciplinary Investigation (Delete as appropriate)		
<b>Resolution agreed</b>	Yes / No		
<b>Details for implementation</b>			
<b>Additional comments</b>			
<b>Signed</b> <i>All parties to sign in agreement</i>			
<b>Date:</b>			

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# Agenda Item 8

## HUMAN RESOURCES AND COUNCIL TAX COMMITTEE

20 OCTOBER 2021

### REPORT OF ASSISTANT DIRECTOR (PARTNERSHIPS)

#### A.4 WORKFORCE UPDATE REPORT (*Report prepared by Katie Wilkins*)

##### PART 1 – KEY INFORMATION

<b>PURPOSE OF THE REPORT</b>
To provide Members of the Human Resources and Council Tax Committee with an update on current staffing statistics.
<b>EXECUTIVE SUMMARY</b>
<b>Staffing Statistics</b> The analysis of workforce data provides Members with statistics relating to the staff employed within the Council and how this compares to the Tendring district and national averages. This is a standard report that is provided to the Human Resources and Council Tax Committee as part of each meeting.  At the time of writing, Tendring District Council has 495 full time equivalent (FTE) employees. The FTE figure equates to 762 employees in total (including casual workers and learners) this is made up of 376 full time, and 386 part time staff.  As previously reported, amongst the fully contracted staff there are currently 20 employees who are undertaking external apprenticeships, seven of which are studying for a degree (Level 6) in a number of subjects, including but not limited to: Chartered Surveyor, Chartered Management, Chartered Legal Executive and Digital & Technology Solutions, with one employee studying for a post graduate qualification (Level 7) in Accountancy. Other professional apprenticeships include Human Resources, Audit, Town Planning ( <i>Technical Support</i> ) and Operational Management.  Five of the Career Track Apprentices currently working within the organisation have also progressed from a level 2 qualification and are currently working towards a level 3 apprenticeship.
<b>RECOMMENDATION(S)</b>
<b>It is recommended:</b> <ul style="list-style-type: none"><li>▪ <b>That the content of this report be noted.</b></li></ul>

##### PART 2 – IMPLICATIONS OF THE DECISION

<b>DELIVERING PRIORITIES</b>
Flexible working opportunities have also ensured that the gender balance of the workforce is in line with the district trend. Such positive profiles demonstrate our intention to ' <i>recognise the diversity and equality of individuals</i> ' as detailed in our ' <i>Values</i> ' within the Corporate Plan.
<b>FINANCE, OTHER RESOURCES AND RISK</b>
There are no direct financial implications.
<b>LEGAL</b>
The Council must ensure compliance with Employment Legislation, the Equalities Act 2010, the newly introduced Coronavirus Act 2020 and Working Time (Coronavirus) (Amendment) Regulations 2020.

The Council has a legal duty of care to employees to ensure their health and safety at work, as set out in the Health and Safety at Work Act 1974, and the Management of Health and Safety at Work Regulations 1999 and other related legislation.

#### **OTHER IMPLICATIONS**

None.

### **PART 3 – SUPPORTING INFORMATION**

#### **BACKGROUND**

Human Resources work with a software package called Teamspirit. This database allows us to capture employee's personal data, to enable regular monitoring of the workforce profile. As Teamspirit is also used by the Council's Payroll Services, the information is integrated between both employment and payroll functions. The database monitors the workforce as a whole, capturing data on all 'employees' which includes Career Track Learners and those staff on Casual employment contracts.

#### **Workforce Statistics**

The Council's workforce of 762 staff (*of which, 518 are fully contracted staff, 18 are Apprentices in full time employment, and 226 staff are employed on a casual basis*).

Of those employed, 435 are female (57%) and 327 male (43%), this indicates that the Council's employment practices are supportive of families and work life balance.

Of the total 762 staff Tendring currently employs, the gender balance of the 376 members of full time staff is; 191 males (51%) and 185 females (49%) and 136 males (35%) and 250 females (65%) for the remaining 386 part time staff.

Under legislation that came into effect in April 2017, UK employers with over 250 employees are required to publish their gender pay gap. The gender pay gap is a mathematical indicator of the gender balance within an organisation. It measures the difference between the average earnings of all male and female employees, irrespective of their role or seniority.

The Council's gender pay gap figures for 2020/21 have been calculated in line with the regulations set out in the gender pay gap reporting legislation using a snapshot date of 31 March 2020.

We are pleased to report that the figures demonstrate that our gender pay gap remains significantly lower than the most recently reported UK average in 2020 of 15.9%.

Tendring's figures for 2020/21 are as follows:-

The male mean\* hourly rate is 3% (£0.39) higher than the female mean hourly rate.

The male median\* hourly rate is 1.5% (£0.17) higher than the female median hourly rate.

*\*The mean or average is determined by adding all the data points in a population and then dividing the total by the number of points.*

*\*The median is determined by arranging all of the observations in order, from smallest to largest value, and the median is the middle value.*

The analysis of our gender pay gap figures tells us the following:-



- The small difference in mean and median can be attributed to the overall gender balance within the organisation of 1.24 females for every male (*number of staff*).
- There is no material disparity at each pay level within the organisation.

### **Age Profile**

As we are measuring a complete workforce, we are able to see a wider spectrum of ages across the organisation, with the employee age range being from 16 to 83. The highest ratio of staff is falling within the 51 to 60 age bracket and the next highest age range being 21 to 30 years. However, this is closely followed by the age range; 41 to 50 years. This indicates that the Council is retaining staff at all ages.

A summary of the above age profiles, by department, can be found in Appendix C.

### **Disability Profile**

Of the 518 fully contracted staff (*excluding apprentices*), 24 have self-declared that they have a disability.

The Council is one of the only organisations in the Tendring district to be awarded \*Disability Confident Leader Status, (*awarded to the authority in 2017 and most recently in May 2021*). This requires an employer to be Disability Confident as recognised by their peers, local community and disabled people. As a 'Disability Confident Leader' Tendring has made a commitment to support other employers in the district to become 'Disability Confident'.

*\*Disability Confident encompasses a number of voluntary commitments to encourage employers to recruit, retain and develop disabled staff, such as offering work experience opportunities and implementing a flexible recruitment process. This replaced the Two Ticks Disability accreditation, which the Council was awarded since 1998.*

We will retain our Leader Status until April 2024, at which point we will again be required to go through the re-accreditation process.

### **Ethnicity Profile**

Of those staff who have declared their ethnicity, 7 declared they were of an ethnic origin other than 'White British'. The 2011\* Census statistics show that in Tendring 2.4% of residents declared themselves as being from a minority ethnic group.

*\*The Office of National Statistics have confirmed that following the recent 2021 Census, they aim to produce the first release within the first year after Census Day and all other data within two years of Census Day.*

### **Sickness Absence**

The reported absence figure for the Council in 2020/21 was 8.06 days absence per employee. Long term absence was reported at 6.77 days and short term absence 1.29 days, which shows the rate to be slightly above the reported national level in local government for the same period. The CIPD's Well-being at Work Report 2020 reports a figure of 8 days per employee and Xpert HR's Sickness Absence Rates and Costs Survey 2020, details an average number of days' absence per employee, for local government of 7.4 days.

The Council's current absence figure of 9.76 days per employee demonstrates a slight upward trend in staff absence. This figure is broken down into 8.08 days long term and 1.68 days short term absence. This increase in long term absence can mostly be attributed to a number of staff having, or waiting, for an operation. This category of absence has risen significantly in 2021 which is not unexpected given that the majority of operations were cancelled during the height of the Coronavirus pandemic.

However, sickness absence continues to be actively managed; the majority of the Council's 3rd and 4th Tier Managers have undertaken the training programme for the Council's newly adopted 'Absence Management Procedures' and a number have also attended 'Managing Mental Health' training (*educating our line managers to feel confident and competent to have conversations with staff and signpost to specialist sources of support*).

Employees' general health and well-being continues to be supported through, a fully funded Employee Assistance Programme (*which offers a holistic approach*), greater flexible working options, Corporate Gym Membership, flu vaccinations and access to an Occupational Health Specialist.

The authority is also committed to promoting the positive mental well-being of its employees. Including: working in partnership with a number of 3<sup>rd</sup> parties (*bulleted below*) to provide staff with a range of resources, training a number of Mental Health First Aider's and Livewell Champions amongst the workforce and raising awareness amongst the general workforce.

- Provide (*a 'Community Interest Company' with a focus on health*);
- Health in Mind (*provides access to a wide range of talking therapy treatments for adults with common mental health problems in and around Colchester and Tendring*);
- Anglia Community Enterprise (ACE) (*NHS Community Health Services, such as health checks, My Weight Matters*);
- Remploy (*funded by the Department for Work and Pensions, available to any employee with a mental health issue which may be affecting their work*);
- Regional Employers (*seeking best practice for managing absence*).

In light of the current Coronavirus pandemic, the authority has focussed its efforts on the delivery of an online suite of well-being initiatives for employees, including but not limited to;

- Together@Tendring Publication (*includes healthy eating recipes, articles and tips on moving and exercises at work*)
- Improving Access to Psychological Therapies (IAPT) Webinars (*How to Sleep Better, Relaxation Skills and How to Cope with Stress*)
- Recovery and Resilience E-Learning
- Staff Fitness Classes (yoga, pilates, aerobics, zumba, via Zoom)
- Vine HR - Mindfulness and Well-being Remote Workshop(s)
- Promotion of national initiatives (including free classes at leisure centres), Mental Health Awareness Week, World National Suicide Awareness day and Public Health England's 'Every Mind Matters' campaign
- Online health checks and positive lifestyle support (*e.g. smoking cessation, limiting your alcohol intake*) via Provide
- Family well-being initiatives (*various*).

## **BACKGROUND PAPERS FOR THE DECISION**

Profile of Tendring May 2020

Teamspirit report

Nomis Official Labour Market Statistics Report 2020

Xpert HR's sickness absence rates and costs survey 2020

CIPD Well-being at Work Report 2020 (Public Sector Summary)

## **APPENDICES**

**Appendix A – Staffing Data**

**Appendix B - A Summary of Highest Ratio Age Profiles by Department**

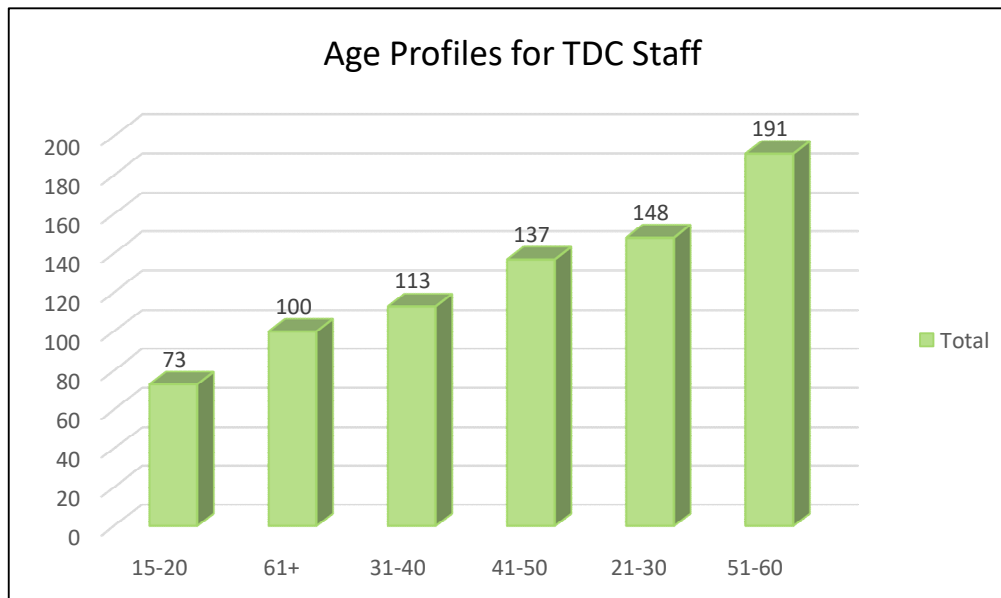
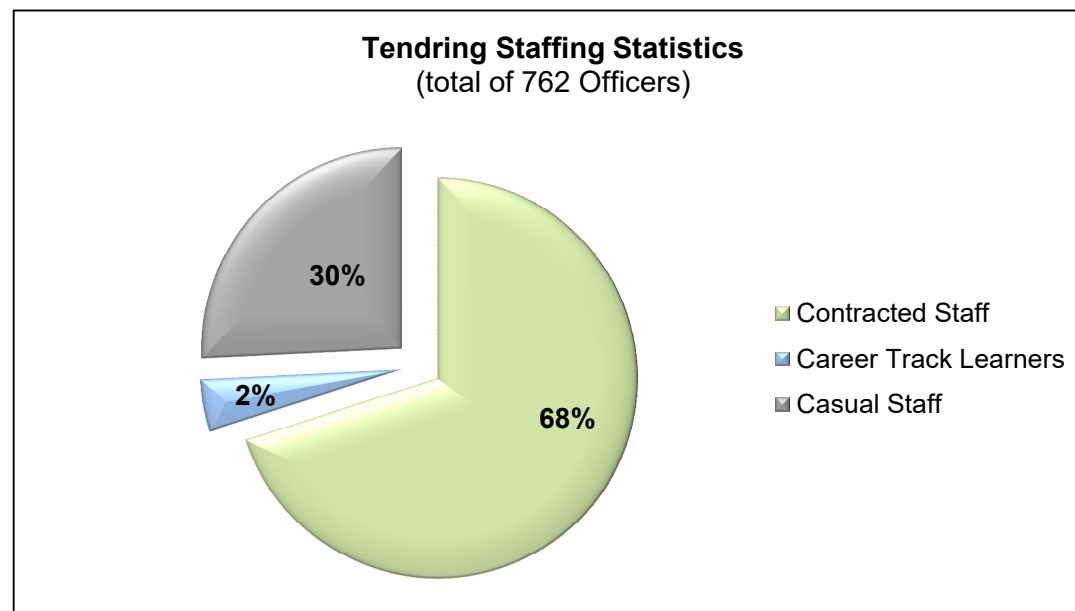
**Appendix C – Infogram**

**Number of Employees (including Career Track Learners)**

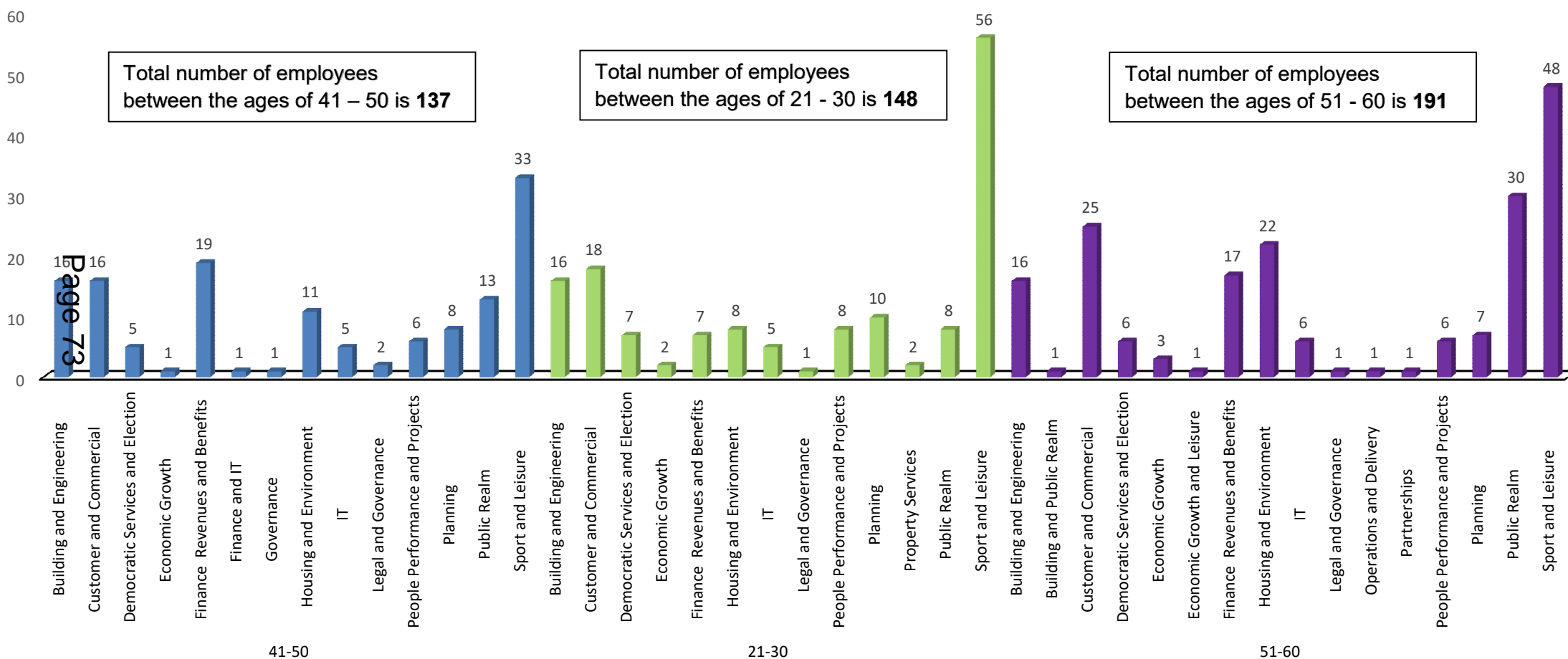
<b>Total workforce</b>	762	
<b>Female</b>	435	<b>57%</b>
<b>Male</b>	327	<b>43%</b>

<b>Full Time</b>	376	
<b>Female</b>	185	<b>49%</b>
<b>Male</b>	191	<b>51%</b>

<b>Part Time</b>	386	
<b>Female</b>	250	<b>65%</b>
<b>Male</b>	136	<b>35%</b>



## Highest Ratio Age Profiles (41-50, 21-30, 51-60) for TDC Staff Broken Down by Department



# TENDRING DISTRICT COUNCIL STAFFING STATISTICS

TENDRING DISTRICT COUNCIL - 762 EMPLOYEES

APPRENTICES

18

FULLY  
CONTRACTED

518

CASUAL

226

## GENDER PAY GAP

Significantly lower than  
national average



## WORKFORCE



57% female



43% male

## TOP 3 - AGE PROFILES



51-60  191

21-30  148

41-50  137

## DISABILITY

24 employees self-declared  
a disability



## ETHNICITY

7 employees of an ethnic  
group other than 'White  
British'



## SICKNESS ABSENCE

Absences figures

8.08 DAYS LONG TERM

1.68 DAYS SHORT TERM



## HUMAN RESOURCES & COUNCIL TAX COMMITTEE

20 OCTOBER 2021

### REPORT OF ASSISTANT DIRECTOR (PARTNERSHIPS)

#### A.5 EMPLOYEE WELL-BEING POLICY REVIEW

*(Prepared by Katie Wilkins & Pauline Lifton)*

#### PART 1 – KEY INFORMATION

<b>PURPOSE OF THE REPORT</b>
To update Human Resources & Council Tax Committee on the review of the Council's Employee Well-being Policy in line with identified best practice.
<b>EXECUTIVE SUMMARY</b>
<p>The purpose of the review of the Council's Employee Wellbeing Policy is to bring together the two previous wellbeing policies: Mental Health Policy and Health &amp; Well-being Policy to form a more collaborative and holistic Employee Wellbeing Policy, in line with identified best practice.</p> <p>Health and Safety legislation requires employers to manage risks to the health and safety of employees. In addition to reducing safety risks, this means operating the business in a way that minimises harm to employees' physical and mental health, for example, by ensuring that the demands of jobs are not unacceptable and having policies and procedures in place to support individuals experiencing mental ill health at work.</p> <p>The revised policy covers the Council's commitment to employee health, the responsibilities of managers and others for maintaining psychological health, health promotion initiatives, communicating and training on health issues, the range of support available for the maintenance of health, and organisational commitment to handling individual issues.</p> <p>The organisation recognises that wellbeing and performance are linked. Improving employees' ability to cope with the demands of work and to balance work and home life will ultimately lead to improved individual and organisational performance.</p> <p>Unison has been consulted on the revised Employee Well-being Policy and have offered agreement and support for the implementation of these proposals.</p>
<b>RECOMMENDATION(S)</b>
<p><b>It is recommended that:-</b></p> <ul style="list-style-type: none"><li>• <b>The Committee notes the content of the revised Employee Well-being Policy.</b></li></ul>

## PART 2 – IMPLICATIONS OF THE DECISION

<b>DELIVERING PRIORITIES</b>
This updated policy will ensure that the organisation continues to observe recognised best practice and employment legislation as a responsible employer.
<b>FINANCE, OTHER RESOURCES AND RISK</b>
No specific risks have been identified. This is a policy refresh and update, which is needed to ensure, best practice and continued legal compliance. This work sits within existing budgets.
<b>LEGAL</b>
The Council has a legal duty of care to employees to ensure health at work, as set out in the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999. It will ensure that its policies and practices reflect this duty and review the operation of these documents at regular intervals.
<b>OTHER IMPLICATIONS</b>
The policy will have little or no impact on the Council's Climate Change Action Plan.

## PART 3 – SUPPORTING INFORMATION

<b>Employee Well-being Policy</b>
<p>The Council's Employee Well-being Policy has undergone a complete review in line with the Council's legal requirements as an employer and best practice.</p> <p>The revised Employee Well-being Policy brings together the previous Mental Health and Health &amp; Wellbeing policies, to provide employees with up to date guidance and signposting to the support available to them, to encompass a more positive and holistic approach in supporting employee wellbeing in the workplace. While also encouraging and supporting managers to feel more confident and competent to have conversations with staff about sensitive issues like mental health and signpost to specialist sources of support, if necessary.</p>
<b>CONCLUSIONS</b>
The updated Well-being Policy will ensure that the Council maintains its high standard of employment practices and has a policy that observes best practice and current employment legislation.
<b>APPENDICES</b>
<b>Employee Well-being Policy – October 2021</b>



# Employee Well-being Policy

Issued by – Human Resources  
Updated – October 2021

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## **1. Introduction**

The Council has developed this Employee Wellbeing Policy to manage its obligations to maintain the mental health and wellbeing of all staff.

It covers the Council's commitment to employee health, the responsibilities of managers and others for maintaining psychological health, health promotion initiatives, communicating and training on health issues, the range of support available for the maintenance of health, and organisational commitment to handling individual issues.

## **2. Objectives**

The aim of this policy is to describe the organisation's commitment to the mental health and wellbeing of employees in its broadest, holistic sense, setting out how the organisation fulfils its legal obligations, the responsibilities of different functions and specialists and the range of services available to help employees maintain health and wellbeing. The organisation recognises that wellbeing and performance are linked. Improving employees' ability to cope with the demands of work and to balance work and home life will ultimately lead to improved individual and organisational performance.

## **3. The Council's Commitment**

There are legal obligations under health and safety legislation to manage risks to the health and safety of employees. In addition to reducing safety risks, this means operating the business in a way that minimises harm to employees' physical and mental health, for example, by ensuring that the demands of jobs are not unacceptable and having policies and procedures in place to support individuals experiencing mental ill health at work.

The Council will put in place measures to prevent and manage risks to employee wellbeing, together with appropriate training and individual support. It will also seek to foster a mentally healthy culture by incorporating these principles in line with manager training and running regular initiatives to raise awareness of mental health issues at work.

## **4. Responsibilities**

### **4.1 The Council**

The Council has a legal duty of care to employees to ensure health at work, as set out in the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999. It will ensure that its policies and practices reflect this duty and review the operation of these documents at regular intervals.

## 4.2 Senior Managers

Senior Managers will demonstrate leadership by active and visible participation in and promotion of wellbeing programmes.

## 4.2 Line Managers

The Council's Health and Safety Policy requires managers to assess the risks of injury associated with the work they manage, and take steps to eliminate, reduce and control these risks. Risk assessments should be reviewed annually. Guidance on risk assessment can be found in the health and safety pages of the intranet.

Line Managers must also ensure that they take steps to reduce the risks to employee health and wellbeing by:

- Ensuring that the right people are recruited to the right jobs and that a good match is obtained between individuals recruited and job descriptions/specification;
- Keeping employees in the team up to date with developments at work and how these might affect their job and workload;
- Ensuring that employees know who to approach with problems concerning their role and how to pursue issues with senior management;
- Making sure jobs are designed fairly and that work is allocated appropriately between teams;
- Ensuring that work stations are regularly assessed to ensure that they are appropriate and fit for purpose.

If line managers are approached by employees with health concerns they should:

- Ensure any information that an employee chooses to share with them is treated in confidence; and
- Seek HR advice on how to support the employee.

Managers must also be familiar with the Council's additional Human Resources Policies.

## 4.3 Human Resources

Human Resources will continue to develop corporate policies and procedures to protect the health and wellbeing of employees, assist line managers in supporting individuals, and liaise as appropriate with Occupational Health, Remploy and other medical professionals, with the objective of helping employees to maintain good health and wellbeing.

In addition, Human Resources will run Employee Wellbeing events to signpost staff to the services and tools available to support their wellbeing.

#### 4.4 Health & Safety

The Health & Safety team can work with employees to carry out a risk assessment which can be a vital tool in assisting an employee to identify any risks in their role or working environment.

Following the risk assessment, the line manager and the Human Resources team will work together to implement any reasonable adjustments that Health and Safety colleagues recommend to effectively support the employee.

#### 4.5 Occupational Health

Independent Occupational Health professionals provide a confidential and comprehensive service designed to help employees stay in work, or to return to work, after experiencing physical or mental health problems. This will include preparing medical assessments of individuals' fitness for work following referrals from line managers and Human Resources, liaising with Doctors, and working with individuals to help them to retain and successfully engage in employment.

#### 4.6 Remploy

Remploy offers access to a confidential work mental health support service.

This confidential service delivered by Remploy is funded by the Department for Work and Pensions and is available at no charge to any employees with mental health issues which may be affecting their work.

Their specialist advisers provide:

- Tailored work-focused mental health support for nine months;
- Suitable coping strategies;
- A Wellness Action plan (WAP) to keep them in, or return to work;
- Ideas for workplace adjustments to help them fulfil their role;
- Practical advice to support those with a mental health condition.

To access this service employees can speak to a member of the Human Resources team who can refer them directly to a Remploy adviser in the strictest confidence. Alternatively, employees can contact them directly by telephone: **0300 456 8114** or by email: [a2wmhss@remploy.co.uk](mailto:a2wmhss@remploy.co.uk).

Further details can be found on their website:

<https://www.remploy.co.uk/employers/mental-health-and-wellbeing/workplace-mental-health-support-service-employers>

#### 4.7 Employees

Employees must take responsibility for managing their own wellbeing, by adopting good health behaviours (*for example, in relation to diet, alcohol consumption and smoking*) and informing the Council if they believe work or the work environment poses a risk to their health. Any health-related

information disclosed by an employee during discussions with managers, Human Resources or the Occupational Health service, is treated in confidence.

#### 4.8 Unison Representatives

The Council works very closely with Unison colleagues to consult on work practices, Human Resources policies and work design which could impact on employee wellbeing.

#### 4.9 Employee Assistance Programme

To help support our employees the Employee Assistance Programme (EAP) is a free support service available to employees and their families. It is available 24 hours a day, 7 days a week, 365 days a year and is accessible by telephone, email and online.

This service is delivered by Workplace Options, an independent provider of employee support services. Their staff are specialists in fields such as well-being, family matters, relationship issues, debt management, consumer rights, and much more.

The EAP can provide practical information, fact sheets and packs, webinars, resource information on support services in the local area and even short-term face to face or telephonic counselling. Family or couples counselling may also be available.

To access this confidential service, employees or their family members can contact the service directly by telephone: **0800 243 458**. Further information and access to a wide range of resources can be found at [www.workplaceoptions.com](http://www.workplaceoptions.com). Go to the Member Login in page.

User name is “**tendring**”

Password is “**employee**”.

### 5. **Health Promotion Initiatives**

The authority currently works in partnership with a number of 3<sup>rd</sup> parties to provide employees with a range of wellbeing resources, including but not limited to:

- Provide (a ‘Community Interest Company’ with a focus on health);
- Health in Mind (provides access to a wide range of talking therapy treatments for adults with common mental health problems in and around Colchester and Tendring);
- Tendring’s Leisure Services (corporate gym membership);
- Flu vaccination provision;
- NHS Supporting Mental Health application (<https://www.nhs.uk/mental-health/feelings-symptoms-behaviours/feelings-and-symptoms/>);
- Regional Employers/Vine colleagues (seeking best practice for managing employee wellbeing).

The Authority also has a number of trained Livewell Champions amongst the workforce whose role is to raise awareness of positive wellbeing.

### 5.1 Mental Health First Aiders

The Authority has a number of trained Mental Health First Aider's amongst its workforce.

The role of a Mental Health First Aider in the workplace is to be a point of contact for an employee who is experiencing a mental health issue or emotional distress. This interaction could range from having an initial conversation through to supporting the person to get appropriate help. As well as in a crisis, Mental Health First Aiders are valuable in providing early intervention help for someone who may be developing a mental health issue.

- Mental Health First Aiders are trained to:
- Spot the early signs and symptoms of mental ill health;
- Start a supportive conversation with a colleague who may be experiencing a mental health issue or emotional distress;
- Listen to the person non-judgementally;
- Assess the risk of suicide or self-harm;
- Encourage the person to access appropriate professional support or self-help;
- Strategies. This might include encouraging access to internal support systems such as:
  - The Employee Assistance Programme or Remploy;
  - Escalate to the appropriate emergency services, if necessary.

A list of the Authority's Mental Health First Aiders can be found in the global address list.

### 5.2 Suicide Prevention

The Authority is committed to raising awareness of Suicide Prevention amongst the workforce. Selected staff, including the Senior Managers Forum have received Suicide Awareness and Response Training and a number of the Mental Health First Aider's have also completed Suicide First Aid Training. Mental Health Awareness and Suicide Awareness Training is available to all staff, along with range of supporting resources, such as the Mental Health & Well-being Toolkit.

## **6. Training and Communications**

Line managers and employees will regularly discuss individual training needs to ensure that employees have the necessary skills to adapt to ever-changing job demands. An examination of training needs will be particularly important prior to, and during, periods of organisational change.

Managers and employees are encouraged to participate in communication/feedback exercises, including staff surveys.

All employees are expected to be aware of the importance of effective communication and to use the media most appropriate to the message, for example team meetings, one-to-one meetings, electronic communications and Council-wide methods. The Council will ensure that structures exist to

give employees regular feedback on their performance, and for them to raise concerns.

The Council will consider special communication media during periods of organisational change.

## **7. Relationship with other Policies**

This Employee Wellbeing Policy should be read in conjunction with other policies and procedures covering attendance and health, including policies on special leave, flexible working, the management of short and long-term absence, conflict resolution & grievance, equal opportunities and staff training and development. Please refer to the Human Resources policies available on the Council's Intranet for further advice and guidance.

## **8. Law relating to this document**

Health and Safety at Work etc Act 1974

Data Protection Act 2018

Management of Health and Safety at Work Regulations 1999 (SI 1999/3242)

General Data Protection Regulation (2016/679 EU)



By virtue of paragraph(s) 2, 3, 4 of Part 1 of Schedule 12A of the Local Government Act 1972.

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