

Wolverhampton City Council

OPEN ITEM

**CONFIDENT AND CAPABLE COUNCIL
SCRUTINY PANEL**

Date **20 JUNE 2013**

Originating Service Group(s) **DELIVERY**

Contact Officer(s) **KEITH IRELAND SUE DAVIES**
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Title/Subject Matter **HR IMPROVEMENT PROGRAMME – POLICY FRAMEWORK PHASE 3**

Recommendation

1. That Members endorse the principles of the Phase 3 policies detailed in the annexes:

- | | |
|------------------------------|---|
| Annex 1 - | Working hours |
| Annex 2 - | Leave |
| Annex 3 - | Flexible working |
| Annex 4 - | Maternity, paternity, adoption and fostering |
| Annexes 5,6,7,8 - | Pay strategy policies:
Secondments and acting up
Market forces supplements
External secondments
Casual workers |
| Annex 9 - | Personal use of Council ICT and employee privacy statement |
| Annexes 10,11,12,13 - | Employee standards:

Employees' code of conduct
Travel, subsistence and hospitality (including gifts and
hospitality guidelines)
Liability of employees
Service on outside bodies |

2. That Members note the consultation approach, process and timetables.

1. BACKGROUND

The Human Resources (HR) Improvement Programme has a number of key workstreams to create a modern and effective human resources service, which were endorsed by the Performance Governance and Support Services Scrutiny Panel. One of these is the introduction of a new HR policy framework.

This report is the latest in the regular, comprehensive updates on progress made towards implementing the Improvement Programme in general and the policy framework in particular for Scrutiny's consideration and comment as a pre-cursor to policies being approved at Cabinet (Resources) Panel.

2. HUMAN RESOURCES POLICY FRAMEWORK

- 2.1 The development of the HR Policy framework is designed to align policies closer to corporate objectives and business needs, modernise them to make them simpler, relevant and in accordance with changes in employment law
- 2.2 There has been on-going consultation on the policy framework to capture the views of key stakeholders within the Council. The stakeholders identified for consultation include: Strategic Executive Board, Corporate Delivery Board, a Managers Reference Group, HR operational staff and the Trade Unions as required by the contract of employment.
- 2.3 Feedback from the consultation process has been used to further define policy (where appropriate) and to shape supporting guidance. Any comments of principle affecting the policies and procedures have been subject to review at a consultation moderation panel, comprising the Head of HR, HR Policy and Strategy Manager and the operations HR managers.
- 2.4 Three reference groups have played a significant on-going role since September 2012 in the policy consultation process:

Managers' reference group

Assistant Directors nominated key senior managers to form a managers' reference group. Feedback from the managers' reference group has demonstrated support for change and in general the need to simplify and streamline policies has been well received. There has been a high level of engagement with and commitment to the process. The outcome of the consultation sessions has been positive and has significantly shaped the policies, procedures, guidance notes and supporting materials.

Human Resources reference group

The HR reference group have focussed on the operational practicalities of applying the policies and procedures and issues are being picked up in the supporting guidance. Principles concerned with the policy have been subject to discussion in moderation and have helped further define the policies.

Trade Unions

Consultation with Trade Unions has been constructive and the comments from the trade unions have been taken into account to shape the guidance and many of the comments and issues have been really helpful for this purpose. The trade unions have generally agreed in principle with the policies.

- 2.5 The policies have been prioritised into four phases with each phase reported to Scrutiny Panel as an essential part of the pre-decision scrutiny process:

Phase 1	-	October 2012
Phase 2	-	March 2013
Phase 3	-	June 2013
Phase 4	-	September 2013

The high level consultation plan is detailed in Appendix 1 along with the detail of Phase 3 consultation.

- 2.6 Performance Governance and Support Services (PGSS) Scrutiny Panel reviewed and endorsed the Phase 1 policies at its 30 October 2012 meeting. These policies (Discipline, Grievance, Bullying and Harassment, Appraisal, Management of Attendance) were subsequently approved at Cabinet (Resources) Panel on 27 November 2012. The Discipline, Grievance, Bullying and Harassment policies were implemented from 01 February 2013 and the Appraisal and Management of Attendance policies were implemented from 01 April 2013. Implementation includes the development and roll out of management and employee guidance and support and the profiling of the policies on the HR intranet pages.
- 2.7 PGSS Scrutiny Panel reviewed and endorsed the Phase 2 policies at its 7 March 2013 meeting and these were implemented from 01 April 2013; the policies covered: Recruitment and Selection, Agency Workers, Job Carving; Induction, Capability; Redeployment, Redundancy, Retirement; Equality & Diversity.
- 2.8 Phase 3 policies are now appended for endorsement by this Scrutiny Panel. They are as follows:

Working hours	-	Annex 1
Leave	-	Annex 2
Flexible working	-	Annex 3
Carers (Maternity/paternity/adoption/fostering)	-	Annex 4
Secondments and acting up	-	Annex 5
Market forces supplements	-	Annex 6
External secondments	-	Annex 7
Casual workers	-	Annex 8
Personal use of Council ICT and social media	-	Annex 9
Employees' Code of Conduct	-	Annex 10
Travel, subsistence and hospitality (including gifts and hospitality guidelines)	-	Annex 11
Liability of employees	-	Annex 12
Service on outside bodies	-	Annex 13

2.9 Specific changes to note are:

- Policies on working hours and leave incorporate changes as a result of the collective agreement for single status
- Policies on secondments and acting up, market forces supplements and casual workers incorporate the revisions approved by the Single Status Board for implementing the Wolverhampton pay model and maintaining consistency and equality in pay and grading matters across the council
- The policy on flexible working proposes the introduction of a revised career break scheme as a replacement for the retainer scheme
- The policy on carers introduces a new provision for support to Wolverhampton City Council employees undertaking short term fostering in line with the Corporate Parenting Board's action plan
- The policy on personal use of Council ICT and social media introduces a framework for employees to manage permitted personal use of council ICT resources
- The employees' code of conduct introduces revised standards and a protective protocol in relation to personal relationships

Members are asked to endorse the principles detailed in each policy document. The full suite of Phase 3 policies will be submitted to Cabinet (Resources) Panel on 26th June 2013 for approval.

A detailed implementation plan covering communications, training, business briefings, support and timetable for roll out of the policies has been drawn up for Phase 3, which will be implemented with effect from 01 July 2013.

3. **LEGAL IMPLICATIONS**

- 3.1 The Policy reviews take into account up to date employment law and case law.
[FD/10062013/Y]

4. **FINANCIAL IMPLICATIONS**

- 4.1 The cost of progressing the HR Improvement Plan will be met from within existing revenue budgets. The changes to policies will have on-going financial implications however it is not possible to quantify them until such time as the policies are implemented. Financial implications will be assessed on a case by case basis.
[CN/11062013/W]

5. **EQUALITY IMPLICATIONS**

- 5.1 The recommendations contained in this report help support and improve the equality agenda across the workforce.
- 5.2 An Equality Analysis for each policy is being prepared.

6. ENVIRONMENTAL IMPLICATIONS

6.1 There are no direct environmental implications arising from this report.

Background Papers

Report to Performance Governance & Support Services: 07 March 2013

Report to Performance Governance & Support Services: 30 October 2012

Report to Performance Governance & Support Services: 6 September 2012

Report to Performance Governance & Support Services: 26 July 2012

Report to Performance Governance & Support Services: 2 February 2012

Report to Performance Governance & Support Services: 17 November 2011

HR Work Plan 2012/13

Report Number	PGSS Reports on HR Improvement Plan 2012	PGSS
1	HR Improvement Plan - revised	September 2012
2	HR Improvement Plan/Policy Framework - reports phase 1	October 2012
3	HR Improvement Plan/Policy Framework - reports phase 2	March 2013
4	HR Improvement Plan/Policy Framework - reports phase 3	June 2013
5	HR Improvement Plan/Policy Framework - reports phase 4	September 2013

Phase 1: Management of Attendance, Disciplinary, Grievance, Bullying & Harassment, Appraisal.

Phase 2: Recruitment & Selection, Agency Workers, Job Carving, Capability, Induction, Redeployment, Redundancy, Retirement, Equality & Diversity.

Phase 3: Working hours, Leave, Flexible Working, Maternity/paternity/adoption/fostering, Secondments and acting up, External secondments, Market forces supplements, casual workers, Employee Codes and ICTS Security policy

Phase 4: Restructures, TUPE, Collective Disputes, Performance Development, Coaching & Mentoring, Reward and Benefits, Employee Engagement, Trade Union Facilities

Wolverhampton City Council
HR Policy Framework Review Phase 3

Policy	HR Review 3rd Phase	Priority	Consultation	Consultation	Consultation	Consultation	Approval	Consultation	Final Approval
		RAG							
Phase 3	Procedure & Process	High.Med. Low	HR	Managers	TU	CDB	SEB	PGSS	Resources Panel
1. Working hours	Procedure and Process	LOW	May 2013	June 2013	June 2013	June 2013	June 2013	June 2013	June -2013
2. Leave Policy	Procedure and Process	LOW	May 2013	June 2013	June 2013	June 2013	June 2013	June 2013	June -2013
3. Flexible working	Procedure and Process	LOW	May 2013	June 2013	June 2013	June 2013	June 2013	June 2013	June -2013
4. Maternity/paternity/adoption/fostering	Procedure and Process	LOW	May 2013	June 2013	June 2013	June 2013	June 2013	June 2013	June -2013
5. Secondments and acting up, External secondments, Market forces supplements, casual workers	Procedure and Process	LOW	May 2013	June 2013	June 2013	June 2013	June 2013	June 2013	June -2013
6. Employee Codes and ICTS Security policy	Procedure and Process	LOW	May 2013	June 2013	June 2013	June 2013	June 2013	June 2013	June -2013

Wolverhampton City Council
HR Policy Framework Review Phase 4

Policy	HR Review 4th Phase	Priority	Consultation	Consultation	Consultation	Consultation	Approval	Consultation	Final Approval
		RAG							
Phase 4	Procedure & Process	High.Med. Low	HR	Managers	TU	CDB	SEB	PGSS	Resources Panel
1. Restructures	Procedure and Process	LOW	July 2013	July 2013	Aug 2013	Aug 2013	Aug 2013	Sept 2013	Sept-2013
2. TUPE	Procedure and Process	LOW	July 2013	July 2013	Aug 2013	Aug 2013	Aug 2013	Sept 2013	Sept-2013
3. Collective disputes	Procedure and Process	LOW	July 2013	July 2013	Aug 2013	Aug 2013	Aug 2013	Sept 2013	Sept-2013
4. Performance development	Procedure and Process	LOW	July 2013	July 2013	Aug 2013	Aug 2013	Aug 2013	Sept 2013	Sept-2013
5. Coaching and Mentoring	Procedure and Process	LOW	July 2013	July 2013	Aug 2013	Aug 2013	Aug 2013	Sept 2013	Sept-2013
6. Reward and Benefits	Procedure and Process	LOW	July 2013	July 2013	Aug 2013	Aug 2013	Aug 2013	Sept 2013	Sept-2013
7. Employee Engagement	Procedure and Process	LOW	July 2013	July 2013	Aug 2013	Aug 2013	Aug 2013	Sept 2013	Sept-2013
7. TU Facilities	Procedure and Process	LOW	July 2013	July 2013	Aug 2013	Aug 2013	Aug 2013	Sept 2013	Sept-2013

Consultation approach for the review of the HR policies and procedure

The consultation process is designed to ensure that there has been meaningful dialogue and an exchange of views to ensure that the HR policies are appropriate to the needs of the business. The policy consultation process groups the policies into broad subject areas with the view to consult with the key stakeholders of these subject areas.

Consultation Methods

1. A variety of consultation methods to capture suggestions and responses from the various stakeholders. These include traditional meetings, facilitated consultation events, setting up a 'communities of practice'¹ (on-line HR best practice sharing portal) and use of the intranet.
2. Presentation to operational stakeholders detailing the need for modernisation, how streamlined policies and procedures will assist with operational management and then a series of previously defined questions with facilitated discussion.
3. Specific questions for operational stakeholders concerning the implementation of current policies, the difficulties and support required to ensure confident management (to shape guidance, FAQs and learning materials).
4. Specific questions around the principles to be addressed to the trade union representatives with suggestions from them for the best practice and guidance notes.
5. For the wider workforce, information shared on the intranet explaining the work that HR are carrying out, the need for modernisation and how this benefits all employees.

¹ Local Government Association Knowledge Hub allows for groups or communities for best practice sharing.

WORKING HOURS POLICY

1. The revised policy on working hours redrafted to meet business objectives is appended.
2. The revised policy is a more streamlined statement of the policy position on working hours and time which references relevant codes of practice and regulations and up to date good organisational practice.
3. The principal change to the policy is that it now reflects the changes introduced on contractual working hours through the Wolverhampton collective agreement for the implementation of Single Status.
4. Formal consultation has therefore been carried out in part through the consultation on the collective agreement. The final shape of this policy has also been subject to formal consultation with HR, the senior managers' reference group and the trade unions.
5. Management guidance will be developed to support the policy implementation. Outcomes of the consultation meetings are being fed into the management guidance and managers, HR and trade unions will continue to be consulted on the guidance. An implementation plan including communications and training will be developed.

DRAFT

Wolverhampton City Council



Human Resources Policy Framework

Working Hours

Approved by:	<i>Cabinet Resources Panel (xx.xx.2012)</i>
<i>Published:</i>	<i>xx.xx.2012</i>
<i>Review date:</i>	<i>xx.xx.2013</i>

CONSULTATION

The following officers and/or bodies have been consulted on this policy:

Officers and/or Bodies	From	To
HR	May 2013	June 2013
MRG		
CDB		
SEB		
PGSS		

The following Trade Unions have been consulted on this policy:

	From	To
Unison		
GMB		
Unite		

REVIEW LOG			
Date	Version	Comments/Review	Approved by

EQUALITY ANALYSIS
<p>An equality analysis is being carried out on this policy and procedure. Contact HR Strategy and Policy Team for a copy on 01902 552345 or by email to HR.supportdesk@wolverhampton.gov.uk</p>

ADVICE
<p>Contact HR on 01902 552345 or email HR.support desk@wolverhampton.gov.uk for HR advice.</p>

COMMENTS AND AMENDMENTS
<p>Contact HR on 01902 552345 or email HR.support@wolverhampton.gov.uk to make any comments or suggest any feedback on this policy.</p>

DISTRIBUTION
<p>This policy and procedure is placed on the HR intranet for managers and employees to view. Copies can be provided to recognised Trade Unions and managers electronically.</p>

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1. Policy Statement

- 1.1 This policy covers Wolverhampton's City Council's working hours' scheme for all employees. Managers and employees are advised to familiarise themselves with the policy to ensure that they are aware of the requirements of working hours.

2. Scope

- 2.1 These terms and conditions apply to all employees of the Council, excluding those employees directly employed by schools and JNC officers.

3. Principles

- 3.1 Wolverhampton City Council's standard full time contract of employment is 37 hours per week. This is varied for part time staff whose hours will be as outlined in their contract of employment and terms and conditions for these staff will be on a pro-rotta basis to reflect the proportion of hours worked.
- 3.2 The standard full time working week at Wolverhampton City Council is 37 hours per week, 5 working days over 7 days. The working pattern of individuals will depend upon the working area and the service requirements.
- 3.3 Subject to the requirements of the service and following appropriate local consultation processes, the working week of individual employees may be arranged over a 7 day period (5 out of 7), including weekends, providing that the employee's average core hours over a pre-determined reference period does not exceed 37 hours. Saturday and Sunday working does not attract any pay enhancements.
- 3.4 The Council is committed to ensuring that all rights and entitlements provided to under the Working Time Directive 1998 are adhered to.
- 3.5 The Council operates a scheme of flexible working, subject to service requirements.
- 3.6 Where overtime is available this is reimbursed in line with Wolverhampton City Council's local agreement.

4. Working Time Regulations 1998 (and amendments)

- 4.1 WCC provisions conform to the Working Time Regulations including the following:
- Employees are only able to work a maximum of 48 per week including overtime, which is averaged over a 17 week period. It is possible to

work over 48 hours in one week provided that this does not exceed 48 when averaged out over 17 weeks. For workers below the age of 18 this maximum is 40 hours without the ability to average out. Employees (other than young workers) can elect to opt out and must sign a declaration stating this

- A rest period of 11 consecutive hours of non working time; a weekly rest period of 24 hours; and a daily 20 minute break where the working day is longer than six hours. Young people under the age of 18 are entitled to a rest break is 30 minutes when more than 4.5 hours are worked.
- A day off each week
- A “health assessment” (or “health and capabilities assessment” in the case of young workers) before being required to perform night work and at regular intervals thereafter.

5. Flexible working time and flexi leave

- 5.1 The Council operates a system of flexible working (flexi time), subject to operational requirements. The flexible working system allows employees to vary their start and finish times around morning and afternoon ‘core time’ hours, depending upon the demands of the service, to meet personal requirements. Employees are still required to work 37 hours per week although this is averaged out over a 4 week accounting period. Details of the flexible working system are set out at appendix 1.
- 5.2 Where employees have accumulated enough credit, within a 4 week accounting period, subject to the requirements of the service they may take up to one days’ leave per accounting period
- 5.3 The flexible working system is non-contractual and can be varied, subject to appropriate consultation, to support the needs and requirements of the service area.
- 5.4 The flexible working system will not be appropriate for all service areas especially where employees are expected to work set hours to meet the needs of the service.
- 5.5 Abuse of the flexi time system may result in disciplinary action being taken and the removal of the flexible working scheme.

6. Part-time employees and the flexible working time scheme

- 6.1 Part time workers should be afforded the same rights as full time employees, so where a system of flexible working is in operation then they

should be included in the scheme. Part timers should negotiate their hours with their managers and any benefits under the flexible working scheme should be pro-rotata to the employee's hours including the carry over provisions for credit or debit.

7. Overtime working

- 7.1 The flexible working scheme should enable managers and employees to plan and organise their work around the peaks and troughs of the workload. However there may be occasions where the hours cannot be reasonably retrieved through the flexible working scheme. Where this is the case managers may ask employees to work overtime and will specify when overtime will start and finish.
- 7.2 Overtime will usually take place outside of the flexible hours' system (before 08.00 and after 18.00 hours) unless there is an exceptional reason why this can't be achieved and specific authorisation has been given.
- 7.3 To be eligible for paid overtime employees must have 10 hours credit.
- 7.4 Where part time employees are requested to work overtime, this will not be paid at enhanced rates until 37 hours have been worked.
- 7.5 Overtime is paid at the following rates:
- For **SCP28/LPP 19** and below: Overtime rate of 1.25 hours for all hours worked above 37.
 - Over **SCP28/LPP 19**: Overtime is not payable and employees receive time off in lieu at plain time rates
- 7.6 Care should be taken when regular overtime is to be worked as this may become contractual. Overtime will be seen to be contractual where:
- There is a reasonable expectation for the employer to offer overtime
 - It would be unreasonable for the employee to refuse overtime.

For further advice, contact HR.

8. Medical appointments

- 8.1 Medical appointments should be arranged outside of core hours. Where this is not possible to do then the following arrangements apply:

- Arriving late or leaving early – employees should record the time that they arrive or leave in the usual way. Managers will credit individuals with the amount of core time lost.
- When appointments necessitate leaving work after arrival time and the employee intends to return to work, then they should obtain the approval of their line manager.

9. Working hours and time recording

- 9.1 Employees are required to record their time either through an electronic system or the system in place at their usual place of work. Line managers will authorise any credits on the time recording records for hours not recorded i.e. where an employee has started work at a location other than their normal place of working.
- 9.2 Absences are credited at 7.4 hours for a full day and 3.7 for a half day. Where an absence is less than one day or half a day employees should enter their time of arrival/leave and then the number of hours absence will be debited from the total. For part time employees this will be on a pro-rata basis to the number of hours worked.

10. Inclement Weather

- 10.1 In cases of snow or severe weather conditions employees should aim to get to work at their usual time. Where employees are unable to attend work they should take flex or annual leave. Employees otherwise absent (unless as a result of sickness) are not entitled to paid leave. Where an employee experiences difficulties in travelling to work, then the hours of the flexible working time system can be relaxed, at the discretion of the Assistant Director. In these circumstances where staff arrive after 9.30am and have to leave before 4.00pm they can be credited with core hours.
- 10.2 Managers should be aware that they might need to give additional consideration to the needs of disabled employees, pregnant employees and staff with caring responsibilities. Further advice can be sought from Human Resources.

11. Roles and Responsibilities

Roles and Responsibilities of Employees

- 11.1 Employees are responsible for ensuring that they work their contractual hours, comply with the flexi time system (where appropriate), overtime arrangements and conform to the time recording system in operation within their place of work. They are also responsible for ensuring that they

respond to the needs of the service when operating the flexi time system, including making themselves available at peak times when the need arises.

Roles and Responsibilities of Managers

- 11.2 Managers are responsible for ensuring that employees comply with the requirement of the flexi time system, the authorisation of flexi leave and medical appointments, or other time spent away from the office. Managers are also responsible for ensuring that their service area is adequately resourced during office hours.

Roles and Responsibilities of HR

- 11.3 HR has a responsibility to:

- provide support and guidance to managers and employees on this policy
- ensure the communication, maintenance, regular review and updating of this policy and procedure
- monitor and review delivery and impact of this policy.

Role of Head of HR

- 11.4 In consultation with the recognised trade unions, the Head of HR will exercise delegated authority for and be responsible for the on-going review and updating of this policy to ensure compliance with changes in statutory requirements and operational delivery, including responsibility for identifying the appropriate process for the regular evaluation of the effectiveness of this policy. Any fundamental changes will be brought before Cabinet (Resources) Panel for approval.

Role of Trade Unions

- 11.5 Any changes to these conditions will be carried out in consultation with the recognised trade unions, where local arrangements are made and incorporated into contracts of employment.

12. Links to other Policies and Procedures and Terms and Conditions

- Annual Leave
- Flexible Working
- Managers guide to Single Status agreement

13. Equality

- 13.1 If any aspect of the Council's approach to working hours causes you difficulty on account of any disability that you may have, or if you need assistance because English is not your first language, you should raise this issue with HR, who will make appropriate arrangements.

APPENDIX 1

1. Flexible Working Time and Flexi Leave

- 1.1 Subject to operational requirements the Council operates a flexible working scheme. The flexible working hours scheme allows employees to vary their start and finish times depending upon the demands of the service, to meet personal requirements.

The flexible working time system operates as follows:

Core time – this is the time where all employees are required to be present at work.

- The morning core time hours are 9.30 – 12.00
- The afternoon core time hours are 14.00 – 16.00

Flexible hours - where employees may, subject to the needs of the service, vary their working hours:

- Morning – 8.00 – 9.30 (this is the earliest and latest start time)
- Lunch - 12.00 – 14.00 (lunch can be taken within this band subject to a maximum amount of 1.5 hours)
- Afternoon 16.00 – 18.00 (this is the earliest and the latest finish time)

- 1.2 The accounting period for the flexible working system is four weeks. The contractual hours are those that an employee is expected to work within the accounting period and are 148 hours (37 x 4) for full-time employees. Any hours in excess of 148 are referred to as credit hours and any hours less than 148 are referred to as debit hours.

- 1.3 At the end of the accounting period employees are able to carry forward 10 hours credit or 5 hours debit. Any hours over and above the maximum carry forward of 10 are lost unless there are specific circumstances and these are approved by the employee's manager. Debit and credit allowances are pro rata for part-time employees.

- 1.4 Where employees are consistently carrying over a debit of over 5 hours then they may be subject to fixed hours to address the deficit and ultimately disciplinary action. Each case and the justification will be given consideration based on all of the circumstances.

- 1.5 The flexible working hours' scheme is there primarily as a way of ensuring cover of the workplace to meet service requirements, whilst allowing employees to vary their hours to suit personal needs. Any abuse of the system may result in disciplinary action being taken and the removal of the flexible working scheme for a specified period.

2. Flexi-leave

- 2.1 Where employees have accumulated enough credit, within a 4 week accounting period, subject to the requirements of the service they may take up to one days' leave per accounting period. This can be taken as a full day or as half days. This will be pro rata for part-time employees.

NB The flexible working system is non-contractual and can be varied, subject to appropriate consultation to support the needs and requirements of the service area.

The flexible working system will not be appropriate for all service areas where employees are expected to work set hours to meet the needs of the service.

LEAVE POLICY

1. The revised leave policy redrafted to meet business objectives is appended.
2. The revised policy and supporting procedures set out the Council's position on employees' access to a variety of leave and time off arrangements. It is based on relevant regulations and codes of practice, up to date organisational practice and is in line with case law development.
3. The policy provides a modernised and consistent approach to managing leave and incorporates relevant changes introduced through the Wolverhampton collective agreement for the implementation of Single Status.
4. Formal consultation with HR, a senior managers' reference group and the trade unions has informed the development of the policy.
5. The leave policy is underpinned by procedural guidance developed to support the policy implementation. The outcomes of consultation will be fed into the guidance and managers, HR and trade unions will continue to be consulted. An implementation plan including communications and training has been developed.

Wolverhampton City Council



Human Resources Policy Framework

Leave Policy

Approved by:	<i>Cabinet Resources Panel (12.xx.2013)</i>
Published:	<i>xx.xx.2013</i>
Review date:	<i>xx.xx.2014</i>

CONSULTATION

The following officer and or bodies have been consulted on this policy:

Officers and or Bodies	From	To
HR		
MRG		
CDB		
SEB		
PGSS		

The following Trade Unions have been consulted on the policy

	From	To
Unison		
GMB		
Unite		

REVIEW LOG			
Date	Version	Comments/Review	Approved by
20.05.2013	0.1	VLH	
03.06.13	0.2	SM	
04.06.13	0.3	VLH	
		HR Moderation Panel	
		HR Review	

EQUALITY ANALYSIS
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1. Policy Statement

- 1.1 This policy covers Wolverhampton City Council's leave provisions for all employees. Employees are advised to familiarise themselves with this policy. Managers are required to follow this policy and the processes within it to ensure that leave is granted fairly and consistently and in line with this policy.

2. Scope

- 2.1 This policy applies to all employees of the Council, but excludes those employees on teaching terms and JNC officers.

3. Principles

- 3.1 Wolverhampton City Council recognises that employees are able to take leave throughout the year for a variety of reasons and this forms part of their terms and conditions of employment. To ensure that leave is managed fairly and consistently across the Council and where applicable in line with legislation, it is essential that managers adhere to this policy.
- 3.2 It is the employee's responsibility to manage leave appropriately throughout the leave year and the manager's responsibility to monitor that process.

4. Policy for Applying for Leave

- 4.1 All types and all periods of leave must be applied for and approved by the employee's line manager.
- 4.2 All approved leave must be recorded.
- 4.3 The line manager reserves the right to refuse an application for leave or time off in the event that it is necessary to maintain appropriate levels of service.
- 4.4 If an employee submits a request at short notice and this conflicts with the essential requirements of the service, the manager has the right to reject this request if it will have an impact on the delivery of the service.

5. Leave

Basic Leave Entitlement

- 5.1 The basic leave entitlement for employees of Wolverhampton City Council (WCC) comprises:

- Annual leave (see table below)
- Bank/Public holiday Leave (8 days - for Good Friday, Easter Monday, May Day, Spring Bank Holiday, Late Summer Bank Holiday, Christmas Day, Boxing Day and New Year's Day)
- Extra Statutory Days (2 days - for Easter Tuesday and Christmas Eve)

5.2 Entitlement is pro-rata to the hours worked based on a full-time entitlement at 37 hours per week.

5.3 Those working a full-time, non-standard week (e.g. Wednesday to Sunday) are entitled to the same number of bank holidays as those working a full-time standard week (Monday to Friday). If the bank holiday falls on a non-working day, it can be taken at another mutually convenient time.

5.4. Annual Leave Entitlement accrues as set out in the table:

Number of Years Continuous Service in Local Authority*	Annual Leave Entitlement in Days
Less than five	23
Five but less than ten	28
Ten but less than 25	30
25 or more	32

* See section 5.8 below

New Starters

5.5 New entrants to local government will be entitled to accrue annual leave on a month by month basis during their first year of employment and this will be in accordance with their personal annual leave year i.e. the start date on which their service began with WCC. Thereafter annual leave will be accrued on the anniversary of their start date to the maximum entitlement as outlined in the table above.

5.6 Therefore, the additional annual leave entitlement for 5 years continuous service should be granted at the fifth anniversary of appointment and any subsequent increases will be granted at the individual's relevant anniversary.

New Starters Transferring from Other Local Authorities

5.7 New starters transferring from another local authority are entitled to leave pro-rata to the balance of the leave year. The previous employer should have rectified any discrepancy arising from the employee having already taken more or less leave than the pro-rata entitlement. If this is not the

case, the pro-rata leave entitlement with WCC may be adjusted accordingly to ensure that by the end of the leave year the employee has had no more or less than his/her full leave entitlement.

Continuous Service

5.8 Continuous service will include service with:

- i) any Authority to which the Redundancy Payments (Continuity of Employment in Local Government etc.) (Modification) Orders apply.
- ii) a “public sector” organisation, which WCC may, at its discretion, be willing to recognise for the purpose of deciding annual leave entitlement.

5.9 An employee shall be allowed to count other public sector service provided that the work for which s/he was employed in that service can clearly be shown to be directly related to the job for which s/he has been recruited by WCC, and provided that such service was continuous. If this other service is to be aggregated together with service in the national agreement, the two types of service must follow one another without a break. See guidance on leave entitlement for eligibility requirements.

Leave in Excess of Entitlement

5.10 New entrants to Local Government may, at the discretion of their Assistant Director, be granted leave before entitlement has been established.

5.11 For all other employees only in exceptional circumstances should annual leave be taken in the year preceding the leave year in which entitlement will be established, provided that:

- The employee has completed not less than two years of service with WCC
- The Assistant Director, having had regard to the interests of the service, approves the application; and
- The employee signs an undertaking to refund by deduction from salary, wages or pension contributions the salary or wages paid during the anticipated leave, if he/she does not remain in the service of the Council for a period of time sufficient to qualify for that leave.

Timing of Leave

5.12 Employees should agree the timing of their annual leave with their manager as appropriate. The latter will be responsible for ensuring that the interests of the service are met.

Carry Over of Leave

- 5.13 Annual leave should normally be taken in the leave year during which entitlement is established. If, owing to exceptional circumstances, an employee is prevented from taking leave towards the end of their personal leave year, s/he may be allowed to take up to 5 days (pro rata to hours worked) leave forward into the next leave year. Carrying forward more than one week's leave is at the Assistant Director's discretion.
- 5.14 All outstanding accrued contractual holiday will be paid on termination of the employees contract.

Payment in Lieu of Untaken Annual Leave

- 5.15 Annual leave not taken before the date of leaving may be paid for in cases where staff are unable to take their outstanding leave entitlement. See table on leave entitlement appendix 3 which provides details of the types of circumstances when untaken annual leave will be paid.

6. Sickness and Leave

- 6.1 An employee who has been absent due to sickness for a period of four weeks or more will accrue contractual annual leave during that period of sickness.
- 6.2 Accrued annual leave should be managed appropriately and carry over to the next personal leave year should be kept to a minimum. Employees may choose to take the option of using accrued leave as part of a phased return to work.
- 6.3 Employees who are off sick should not be prevented from taking paid holiday leave if they are covered by a medical certificate and if holiday pay will off-set the reduction in pay to half or no pay

7. Time Off for Dependants

- 7.1 An employee may take up to five days leave with pay in any leave year in order to take action which is necessary:
- To provide assistance when a dependant falls ill, gives birth or is injured or assaulted
 - To arrange care for a dependant who is ill or injured
 - Where the arrangements for care of a dependant are unexpectedly disrupted or terminated

- As a result of the death of a dependant including attending or arranging the funeral of a dependant or close relative

7.2 This leave is not normally to be used in situations which are known about in advance and can be planned into normal leave arrangements. However, managers should respond sensitively and appropriately to requests according to the circumstances. Extensions beyond five days will be subject to consultation with the Head of HR. It will be considered reasonable to grant additional leave if it can be demonstrated that the circumstances require continuing or further action by the employee.

8. Unpaid Leave

8.1 Requests for unpaid leave can be made by completing a request form. Initial responsibility for implementation of Unpaid Leave is delegated to the relevant Assistant Director or head of service in consultation with the relevant HR Officer.

8.2 Extended periods of unpaid leave should be reviewed at 3 monthly intervals and it may become appropriate for the employee to return to work under a flexible working arrangement or to apply to go on the Retainer Scheme.

8.4 Where a request is refused, the applicant will be advised of their right of appeal.

8.5 The appeal should be in writing, on the relevant form and will be referred to the Assistant Director or Strategic Director. The decision is final; the Head of HR should be consulted for advice if required.

9 Flexi Leave

9.1 Employees working flexible hours may take up to one day's flexi-leave per 4-week period (as half days or a full day), providing they have accumulated sufficient credit. Flexi-leave entitlement for reduced hours employees is pro-rata to the number of contracted hours. Refer to Working Hours Policy under for further guidance.

10. Time off in Lieu (TOIL)

10.1 Access to Time Off in Lieu (TOIL) is used in varying degrees to recompense employees who are required to carry out work in their own time in order to meet organisational or service needs.

10.3 Employees paid at SCP28/LPP19 and below are not entitled to take TOIL for hours worked in excess of 37 hours but will instead receive a payment of overtime at a rate of 1.25

- 10.4 Employees paid above SCP28/LPP19 will be entitled claim TOIL at plain time rates if they work in excess of 37 hours per week as a requirement of the service and by agreement with their line manager. Refer to guidelines on Leave Entitlement for an explanation on how TOIL should be managed.
- 10.5 TOIL maybe carried forward from one period to the next i.e. over a 12 week period.
- 10.6 Managers are responsible for managing the need for employees to work outside of contracted hours within their service areas.

11. Leave for Public Duties

- 11.1 By arrangement with his/her Assistant Director, an employee may be allowed up to 24 days special leave with pay in any leave year for the purpose of carrying out public duties. See table on leave entitlement for full list.
- 11.2 At the discretion of the Assistant Director, additional special leave for public duties may be granted either without pay or, if the workload of the department permits, on the strict understanding that the time lost is to be made good by the employee. In agreeing to an extension of special leave the Assistant Director will need to be satisfied that the interests of the service will not be adversely affected.

12 Leave for Jury Service

- 12.1 An employee who receives a summons to serve as a member of a jury must report the fact to his/her Assistant Director so that s/he can be granted the appropriate leave of absence unless exemption from service is secured.
- 12.2 Loss of earnings incurred by an employee serving as a juror should be claimed under the Juror's Allowance Regulations. Information about the allowance received by the employee under these regulations should be communicated to the Payroll Services Manager so that arrangements may be made to deduct the equal amount of pay.

13. Leave for Other Reasons

- **Leave to study for examinations**

An employee who is undertaking a course of study for a recognised qualification that has been approved by an Assistant Director will, for the purpose of revision, be entitled to 0.5 day's paid study leave per examination subject or 3 days paid leave, whichever is the lesser of the two alternatives.

- **Additional Leave (Social Worker Posts)**

WCC operates a scheme of additional leave for designated posts affected by the national shortage of Social Workers. Entitlement to additional leave is applicable to posts dependent on a Social Worker qualification to carry out the role of the post, including:

- Qualified Social Worker posts
- Assistant Team Managers
- Team Managers

The new entitlement is currently 2 days additional leave on appointment, rising by 2 additional days for each year of service with the department up to a maximum of 6 (pro-rata for part-time workers).

- **Leave to Attend for Interview**

If an employee is invited to attend for interview either within WCC, at another local authority or for a position with the police force or fire brigade, the employee is entitled to up to one day's paid leave as appropriate, regardless of travelling distance involved.

An interview outside local government, the police or fire services does not attract special paid leave. Employees will be expected to take either annual or flexi leave in these circumstances.

- **Time Off to Search for Residential Accommodation in Wolverhampton**

Up to three days' special leave with pay may be granted to a new employee for the purpose of searching for a new residence in Wolverhampton prior to removal from another area. This leave should only be sanctioned if an undertaking is given by the employee that s/he will be removing to a location within the borough boundary of Wolverhampton.

- **Time Off for Religious Observance and Festivals**

All employees, regardless of religion or belief, are required to work in accordance with their contract. However, line managers should exercise flexibility where possible to accommodate religious observance requirements which fall, or potentially fall, within work time.

Existing arrangements for taking annual leave, flexible working or unpaid leave should be used to cover time off required by employees for religious festivals, periods of extended religious observance, such as pilgrimages.

Requests for leave should be made at least as far in advance as the length of the period of leave required e.g. a minimum of two weeks notice for a two-week period of leave.

Inclement Weather

- If, owing to snow or other severe weather conditions, employees are unable to attend work, they should be allowed to take either flexi or annual leave. Employees otherwise absent (unless as a result of sickness) are not entitled to paid leave.
- Inclement weather, which does not impact on the ability of most staff to get to and from work, can be a problem for some staff with disabilities and appropriate reasonable adjustments may have to be made.
- Managers should be aware that they might need to give additional consideration to the needs of disabled employees, pregnant employees and staff with caring responsibilities. Advice should be sought from Human Resources.

14. Identifying and Recording Leave

All forms of leave should be:

- agreed in advance by the employee's supervisor or manager as appropriate and recorded by the employee on their leave card
- recorded on the computerised personnel records using the relevant absence codes

15. Roles and Responsibilities

Roles and Responsibilities of Employees

- 15.1 Employees have a responsibility to adhere to this policy when requesting any form of leave and to manage their leave arrangements responsibly throughout the year.

Roles and Responsibilities of Managers

- 15.2 Managers have a responsibility to communicate this policy to their staff and to ensure that employees comply with this policy when requesting leave.
- 15.3 Managers should ensure that this policy is applied consistently and fairly within their own area. Any queries on the application or interpretation of this policy must be discussed with HR prior to any decision being made to approve leave.

Roles and Responsibilities of HR

- 15.4 HR will provide operational support and advice to the organisation to enable the effective management of this policy.

Specifically, HR has a responsibility to:

- Produce and maintain managers guidance notes
- Ensure the communication, maintenance, regular review and up dating of this policy
- Monitor and review delivery and impact of this policy

Role of Head of HR

- 16.5 In consultation with the recognised Trade Unions, the Head of HR will exercise delegated authority for and be responsible for the on-going review and updating of this Policy to ensure compliance with changes in statutory requirements and operational delivery, including responsibility for identifying the appropriate process for the regular evaluation of the effectiveness of this policy. Any fundamental changes to this policy will be brought before the Resources Panel for approval.

Role of Trade Unions

- 16.6 Any review and revisions of this policy will be undertaken by HR and will be in consultation with the Council's recognised trade unions.

17. Monitoring and Review

The policy on leave entitlement will be reviewed and updated annually and be available to managers and employees via the HR intranet.

18. Links to other Policies and Procedures

- Hours of Work Policy
- Carers Policy
- Management of Attendance Policy

19. Equality

19.1 An Equality Analysis is being undertaken on this policy.

19.2 The Council has a duty to monitor the application of the policy in relation to protected characteristics under the Equality Act 2010. This is reported annually in the Council's Equality Monitoring Report.

19.3 If any aspect of the capability procedure causes you difficulty on account of any disability that you may have, or if you need assistance because English is not your first language, you should raise this issue with HR, who will make appropriate arrangements.

Glossary

Basic Leave

This includes leave as outlined in the policy for WCC employees and statutory days i.e. public holidays to which all employees are entitled.

Annual Leave

Contractual entitlement to paid leave which is outlined in the employee's contract of employment.

Flexi Leave

Leave that is accrued under the Council's flexi scheme policy for hours worked in addition to the employee's standard hours.

Unpaid Leave

A period of agreed leave which is unpaid, and is used where other forms of paid leave cannot be used or taken.

Other Leave

An employees entitlement to leave for a number of reasons as outlined within this policy where annual leave and flexi leave are not appropriate or cannot be used to cover the need for time off.

Time OFF in Lieu (TOIL)

Time off for hours worked by agreement that are in excess of the employees standard weekly working hours.

FLEXIBLE WORKING POLICY

1. The revised flexible working policy and procedures redrafted to meet business objectives is appended.
2. The revised policy seeks to modernise and streamline the Council's approach to managing flexible working practices in the interests both of supporting organisational performance and efficiencies and accommodating employees' work/life balance. The policy is based on the relevant regulations and codes of practice, up to date good organisational practice and is in line with case law development.
3. Key policy changes include:
 - consolidating all aspects of flexible working into one policy document
 - aligning arrangements for management consideration and appeals
 - proposing withdrawal of the former 'retainer scheme' and reconfiguration to a shorter-term 'career-break/sabbatical' scheme.

The retainer scheme has become out of date and less relevant to the business and employee needs of the Council. Its provision of an 'absence with rights' for up to 5 years is not compatible with a public sector organisation undergoing rapid change and reshaping. A more restricted career break/sabbatical for a maximum of 1/2 years is proposed as a replacement for consideration.

4. Consultation with HR, a senior managers' reference group and the trade unions is ongoing in relation to the career breaks scheme proposal and an update will be given at the meeting.
5. Detailed management guidelines are being developed to support the policy implementation. Many of the outcomes of the consultation meetings will be fed into the management guidance and managers, HR and trade unions will continue to be consulted on the guidance. An implementation plan including communications and training has been developed.

Wolverhampton City Council



Human Resources Policy Framework

Flexible Working Policy

Approved by:	<i>Cabinet Resources Panel (xx.xx.xx)</i>
<i>Published:</i>	
<i>Review date:</i>	

CONSULTATION

The following officers and/or bodies have been consulted on this policy:

Officers and/or Bodies	From	To
HR		
MRG		
CDB		
SEB		
PGSS		

The following Trade Unions have been consulted on this policy:

	From	To
Unison		
GMB		
Unite		

REVIEW LOG			
Date	Version	Comments/Review	Approved by
21.05.2013	0.1	HP	
04.06.2013	0.2	SB	

EQUALITY ANALYSIS
An equality analysis is being carried out on this policy and procedure. Contact HR Strategy and Policy Team for a copy. Contact HR on 01902 552345 or by email on HR.supportdesk@wolverhampton.gov.uk for HR advice.

ADVICE
Contact HR on 01902 552345 or email HR.supportdesk@wolverhampton.gov.uk for HR advice.

COMMENTS AND AMENDMENTS
Contact HR on 01902 552345 or email HR.support@wolverhampton.gov.uk to make any comments or suggest any feedback on this policy.

DISTRIBUTION
This policy and procedure is placed on the HR intranet for managers and employees to view. Copies will be provided to recognised Trade Unions and managers electronically.

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1.0 Policy Statement

- 1.1 Wolverhampton City Council is committed to adopting a flexible approach to working arrangements and recognises the benefits that flexible working can have for both employees and the organisation as a whole.
- 1.2 The council recognises that flexible working is an important tool to support improved individual and business performance through greater diversity and increased levels of engagement and commitment from employees at all levels. The Council will therefore seek to provide choice to employees within the framework of the policy.
- 1.3 This policy sets out the Council's approach to flexible working. Some employees have the legal right to request flexible working; however the policy applies to all in-scope employees who meet the eligibility criteria.
- 1.4 The Council will review this policy and procedure from time to time in line with statutory procedures and best practice.

2.0 Scope

- 2.1 This policy and procedure applies to all employees of the Council including Chief Officers and employees based in schools i.e. Teaching Assistants who are members of the Local Government Pension Scheme fund. It excludes Teachers who will be covered by the relevant Schools' Policies and Procedures.

3.0 Principles

- 3.1 The Council is committed to the following principles which underpin this policy:
 - The Council's flexible working policy provides a framework within which employees and managers can explore flexible working arrangements
 - Flexible working requests should be considered fairly and equitably and no employee will suffer a detriment for making a request
 - The appropriateness of any specific flexible working arrangements will depend on a variety of factors such as the nature of the job, the workplace and the way in which duties are organised
 - The intention of flexible working arrangements should be to accommodate both service delivery needs and the employee's need for work-life balance. Work-life balance is the ability to combine work and non-work responsibilities without unnecessary detriment to either.

- There are a variety of flexible working arrangements covering hours, times and place of work; these may include the following but this list is not exhaustive:
 - Reduced hours working
 - Term-time only working
 - Annualised hours
 - Compressed hours working (e.g. 9 day fortnight)
 - Agile working (see 7.1 below)
 - Home or mobile working (see 7.2 below)
 - Job sharing (see 7.3 below)
 - Career breaks (see 7.4 below)

The arrangement can be temporary or permanent and can be a combination of different arrangements, e.g. part-time home working.

The right to request flexible working

- 3.2 The council has a legal duty to give due consideration to requests by certain employees to move to flexible working. The law only applies to those employees with a minimum of 26 weeks continuous service who have specified caring responsibilities i.e. employees who are the parent of a child under 17, or a child with a disability under 18, or have caring responsibilities for adults aged 18 or over. In addition employees must not have made a similar request within the last 12 months.

However the council offers the same opportunity to request flexible working to all its employees who meet the continuous service requirements and have not made a similar request within the last 12 months.

4.0 Process and Procedure

In essence flexible working involves employers making adjustments to their preferred working arrangements to accommodate their employees' requests. Please see attached process chart.

Requesting flexible working

- 4.1 The employee should make the request for flexible working in writing to their manager, who may wish to discuss the matter with HR. The request can be via a standard pro-forma (Appendix 1) or via a letter which covers the following points:

- That it is an application to request flexible working
- The date of any previous application to work flexibly

- The working arrangement being requested and the date the applicant would like it to start
- Whether the arrangement would be temporary (and for how long) or permanent
- Consideration of the effect that the new arrangement is likely to have on service delivery and the impact on work colleagues and how this could be accommodated.

Responding to an application for flexible working

4.2 Managers are encouraged to approach requests for flexible working with an open mind. With careful planning flexible working can improve service delivery employee motivation and commitment.

Please refer to the managers' guidance notes for further information, including information on the process and key points to take into account when considering a request for flexible working.

- If the manager agrees to the request they must notify the employee within 28 days of receiving the request.
- If the manager does not agree, is undecided or needs further information they must meet with the employee to discuss the request within 28 days of it being made.
- The employee has the right to be accompanied at the meeting by a trade union representative of fellow worker
- After the meeting the manager must inform the employee in writing of their decision within 14 days.
- If the arrangement is agreed the manager must set out the agreement and date from which it will take effect and its duration if temporary
- If the request is refused the manager must set out in writing the grounds for refusal, explain why they apply in the circumstances and set out the appeal procedure

An employee has the right not to be subjected to any detriment for a reason connected with the right to request to work flexibly. A dismissal for such a reason will be automatically unfair.

4.3 The only valid reasons for rejecting a request are as follows:

- The burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to re-organise work among existing staff
- Inability to recruit additional staff

- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes

The Appeals Process

4.4 If the request has been refused, the employee has 14 days after the date that they were notified of the decision to appeal to their Strategic Director in writing, setting out the grounds of appeal.

If the Strategic Director decides that the request is acceptable, the employee must be informed, within 14 days of the appeal, of the variation to their contract and the date it is to start.

If the Strategic Director does not initially accept the request, an appeal meeting must be held within 14 days of receipt of the employee's appeal letter. This will be at a mutually convenient time and place, confirmed in writing, and the employee has the right to be accompanied.

The Strategic Director must notify the employee of his/her decision within 14 days of the date of the appeal meeting.

If the request is accepted the employee must be informed of the variation agreed to and the date on which it is to take effect and the duration if temporary.

If the request is refused the Strategic Director must set out the grounds for the refusal, explaining why they apply.

There will be no further recourse to appeal. If the employee falls within the groups where there is a legal duty to consider the request as outlined under section 3.2 above the employee can complain to the Employment Tribunal if the employer has:

- Failed to hold the initial meeting or appeal meeting
- Failed to provide notice of a decision in accordance with the timescale
- Rejected the application based on incorrect facts (a claim for this reason can only be brought after the application has been rejected on appeal).

4.5 Extension to time limits

Time limits set out in this procedure can be extended, if the manager and employee agree, for instance to allow more time to explore the implications of a flexible working pattern. The extension must be confirmed in writing to the employee. If the manager is on sick or annual leave, the time limits will apply from when they return to work.

4.6 Withdrawing an application

If the employee verbally withdraws their application, the manager should write to them to confirm this. Where the employee fails to meet their responsibilities the manager may also treat an application as withdrawn. This will apply when an employee fails to attend, without reasonable cause, a meeting more than once or unreasonably refuses to provide the manager with information required to assess whether the working arrangement can be agreed to.

5.0 Terms and conditions of employment for employees subject to a flexible working arrangement

As a basic principle, all terms and conditions will be applied pro-rata to the number of hours worked.

5.1 Additional Work

There is no restriction on holding more than one reduced hours post, providing there is no conflict of interest between the posts, and feasibility has been considered in terms of the standard of service provision and the health, safety and welfare of the employees concerned. As with any recruitment situation, it is also imperative that equality principles have been adhered to.

5.2 Training

Employees working reduced hours should have access to training and development opportunities and provisions equal to that of full-time employees. Thus when on training courses outside their daily contracted hours, they should be paid on the same basis as full-time employees.

Please see managers' guidance notes for further information on time off for training and reduced hours workers

5.3 Returning from maternity leave

Women returning from maternity leave have the right to return to work on reduced hours for up to thirteen weeks. Women considering working reduced hours after this should start negotiations with their manager as soon as possible after returning to work.

5.4 Employment Protection Rights

Reduced hours workers have the same employment protection rights as full-time employees. These rights, including the right to claim unfair dismissal,

maternity rights, and redundancy pay rights, apply once an employee has the appropriate continuous local government qualifying service

5.5 Employees Nearing Retirement

Employees nearing retirement who are considering making a request to work reduced hours are advised to discuss the effect of this on their pension entitlement.

6.0 Implementing a flexible working arrangement

Final details should be negotiated with the employee as necessary, and then set out in writing, with a copy for the employee to sign and return. All relevant personnel records should be amended accordingly.

Commencement of the reduced hours working arrangement can be whenever is mutually convenient, taking into account:

- Service delivery needs
- The employee's personal circumstances
- Arrangements for the remaining hours, e.g. the anticipated period of recruitment, if applicable

It is reasonable that flexible working should start within three months of approval for the arrangement being given.

7.0 Types of flexible working arrangements

7.1 Agile Working

One of the council's key strategic objectives is to build an organisation which is agile, lean and responsive to the needs of local residents. As part of this objective the council is currently developing options for agile working. An agile working policy will be developed in the near future, based on the following generic principles;

- Appropriate and efficient work spaces
- On-going support for employees
- IT infrastructure and technology
- Aligned to service/business needs
- Emphasis on results/outputs
- Valuing diversity
- Appropriate to council's property portfolio

The future business needs of the service will be taken into account when developing the Agile Working Policy, along with the personal circumstances

of any staff currently working under the council's existing flexible working policies, including home and mobile working.

In the meantime the following home and mobile working arrangements will continue to apply, where appropriate.

7.2 Home and Mobile Working

Home working usually refer to a situation where an employee works at home or out of the office for at least 50% of their working time. The arrangement can be full or part-time, permanent or temporary.

There are various occasions when the opportunity to consider home and/or mobile working may occur:

- (a) When seeking approval to fill a vacancy
- (b) In response to a particular organisational requirement
- (c) At the point of recruitment and selection
- (d) When a current employee requests homeworking

The first two would be management-led, whereas (c) and (d) would be employee-led. However home or mobile working cannot be imposed on any employee without proper negotiation and their full agreement.

Having considered and agreed any arrangement and having consulted the relevant trade union, a written agreement covering all home/mobile working arrangements should be signed by both the manager and the employee.

It is recommended that any arrangement should be reviewed initially after two months and then on a six-monthly basis, with an option to give notice to terminate the arrangement on either side if it is not working satisfactorily.

Please refer to the managers' guidance notes for further information or advice can be sought from Human Resources.

7.3 Job Share

The Council gives employees the right to job-share a full-time post. The policy is applicable to all posts below Chief Officer level, unless the post has been formally exempt (see below). Chief Officer posts are automatically exempt from the scheme.

Job-sharing occurs when two people divide one full-time job between them (whether or not both halves of the post are filled). Each sharer does a proportion of the hours and work (usually, but not necessarily, half). Pay and other benefits, such as holidays, are pro-rata to the hours worked.

If one half of a job share post subsequently resigns then their duties and hours will automatically be offered to their job share partner.

Responding to a request to job share

The following factors need to be considered when an application for job-sharing is received:

Does the job involve:

- Two people jointly undertaking the whole job, or
- The job being split into two separate components with the duties also being apportioned between the two sharers. (It is not necessary to rewrite the job description, but it is essential for the manager to agree with the job-sharers which aspects each will carry out)
- The hours of work and work pattern which will apply
- Can the existing employee commence working the reduced hours while the vacant half is advertised, or is this dependent on the other sharer being ready to start?
- The handover arrangements that will apply

Job Share appeals process

Where applications to job share are refused and the refusal has been upheld by the Assistant Director, the employee should be made aware of their right of appeal.

The employee has 14 days after the date that they were notified of the decision to appeal to their Strategic Director in writing, setting out the grounds of appeal.

The reason for the initial decision will need to be fully justified by the service group and verified by Strategic Director and the Head of Human Resources.

If the Strategic Director and Head of Human Resources do not initially accept the request, an appeal meeting should be held within 14 days of receipt of the employee's appeal letter. This will be at a mutually convenient time and place, confirmed in writing, and the employee has the right to be accompanied.

If the Strategic Director and Head of Human Resources decide that the request is acceptable, the employee must be informed within 14 days of the appeal meeting.

If the request is refused the Strategic Director must notify the employee of their decision within 14 days of the date of the appeal meeting and set out the grounds for the refusal, explaining why they apply.

Following this decision a Record of Exemption (Appendix 2) will be attached to the post in question and will be kept on file in Human Resources. This will provide a formal record of that post's exemption from the job-share policy, should the post become vacant and re-advertised in future.

Service Groups may apply for a Record of Exemption for a post prior to advertising, if it is felt that job-sharing the post would not be a feasible option.

7.4 Career Breaks scheme

The career break scheme allows employees to resign from their post for up to one/ two? years, and then return to a post on the same grade and spinal column point as they left.

The aim of the Retainer Scheme is two-fold:

- To attract and retain skilled and experienced staff in areas where there are recruitment and retention difficulties.
- To provide an opportunity for employees of the Council to take a career break for personal reasons (e.g. childcare, elderly relative care, or possibly for reasons such as study leave) without irretrievably damaging their future career prospects.

Return to the original post or an identical one is not guaranteed. The employee may return at any time during the scheme, providing they give three months' notice of their intention to return.

If an appropriate post is not available on return, a suitable alternative or a supernumerary role will be offered for a period of 12 weeks whilst the employee is placed on the redeployment register. Funding for the Supernumerary post will be provided by the employing service.

If no post is available at the end of the 12 weeks, the employee's contract would be terminated.

It is for this reason that only staff in areas of recruitment and retention difficulties should be allowed onto the scheme.

Applications to the Scheme

Any employee who is interested in the Scheme should complete an application forms and give it to their manager, who will consider the request in consultation with the appropriate Assistant Director.

- If the Service Group does not agree to release the applicant, then they should be informed of the decision and the reasons for it.
- If the application is approved, will write to the applicant confirming that they have been accepted onto the Scheme and the employee should give the normal period of notice for resigning from their job.

Obligations under the Scheme

Employees must not undertake any other continuous paid employment during their career break although casual, temporary or out-of-office-hours working may be acceptable. In such circumstances, the employee should inform HR, who will consider each case on its merits

Procedure for Return to Work

Employees must give three months' notice in writing of their intention to return to work, to give management time to arrange suitable employment.

The employing service is responsible for trying to place the employee in a suitable post at their original grade.

Other Conditions

Time spent on the Scheme will not count towards service related benefits, but participants will retain previous service for certain entitlements, including: sick pay, annual leave, period of notice, occupational maternity pay, local right of appeal to the Council for unfair dismissal, and entitlement to redundancy pay.

Previous service will not count for the following: the right to claim unfair dismissal at Employment Tribunal and calculation of statutory maternity pay. That is, service will only count from when the employee leaves the Scheme and returns to work.

Please refer to the managers' guidance notes for information on employees who wish to join the scheme end-on to maternity leave

8.0 Flexible Working Roles and Responsibilities

8.1 Roles and Responsibilities of Employees

Employees have a responsibility to comply with the relevant procedures. Employees should work with their manager and colleagues to ensure that where appropriate their requested change to working arrangements is as smooth as possible.

8.2 Roles and Responsibilities of Managers

Managers have a responsibility to consider employee's applications sympathetically and with due regard to the business needs of the service. Discuss with employees possible options or alternatives and act promptly to any request including the completion of associated paperwork.

8.3 Roles and Responsibilities of HR

HR will advise and support managers and employees when considering options for flexible working and in any issues arising from the implementation of this policy.

8.4 Roles and responsibilities of the Head of HR

In consultation with the recognised Trade Unions, the Head of HR will exercise delegated authority for and be responsible for the on-going review and updating of this Policy to ensure compliance with changes in statutory requirements and operational delivery, including responsibility for identifying the appropriate process for the regular evaluation of the effectiveness of this policy. Any fundamental changes to this Policy will be brought before the Resources Panel for approval

8.5 Roles and responsibilities of Trade Unions

Any review and revisions of this policy will be undertaken by HR in consultation with the councils recognised trade unions

9.0 Monitoring and review

This policy and procedure will be reviewed and updated annually and will be available to managers and employees via the HR intranet

10.0 Links to Other Policies and Procedures

Recruitment and Selection
Leave Entitlement
Redundancy

Redeployment
Flexible Retirement
Equal Opportunities
Health and Safety

11.0 Equality

- 11.1 An Equality Analysis is being undertaken on this policy and procedure.
- 11.2 The Council has a duty to monitor the application of the policy in relation to protected characteristics under the Equality Act 2010. This is reported annually in the Council's Equality Monitoring Report (Employment).
- 11.3 If any aspect of this policy or procedure causes difficulty on account of an employee's disability or because English is not their first language, they should contact HR, and appropriate arrangements will be made.

DRAFT

**WOLVERHAMPTON CITY COUNCIL
APPLICATION FOR FLEXIBLE WORKING ARRANGEMENTS**

To be completed by the employee and forwarded to their manager.

Name: _____

Job Title: _____

Section / Service Group _____

Grade: _____

Current working
pattern: _____

Requested working
pattern: _____

Suggested commencement date of working
arrangement: _____

Date of any previous application to work
flexibly: _____

Requested duration of arrangement if not
permanent: _____

Impact on service delivery and colleagues. How this could be
accommodated:

Any other comments in support of application:

Please forward to your line manager who will reply or arrange to meet with you within 28 days of receipt. If you do not receive a response within this

timescale, please write to your Assistant Director attaching a copy of this form.

Appendix 2

**WOLVERHAMPTON CITY COUNCIL
JOB SHARE POLICY**

RECORD OF EXEMPTION

Service Group.....

Section.....

Job Title.....

Grade.....

Number of Jobs for which exemption applicable.....

Reasons for Exemption:

To be completed by Manager

Signed: Date:

To be completed by Assistant Director:

Signed: Date:

If the decision to exempt is upheld:

To be completed by Head of Human Resources

Signed: Date:

To be completed by Strategic Director

Signed: Date:

DRAFT

**MATERNITY/PATERNITY/ADOPTION/FOSTERING POLICY
(Support for Carers)**

1. The revised 'carers' policy and procedures redrafted to meet business objectives are appended.
2. The revised policy seeks to streamline and modernise the Council's provisions and support for maternity, paternity, adoption and fostering based on the relevant regulations and codes of practice, up to date good organisational practice and in line with case law development.
3. A key policy change is the introduction of a new provision for supporting Council employees providing short-term fostering to Wolverhampton looked after children. This addition to the policy framework is a specific recommendation of the Corporate Parenting Board, and has been developed in consultation with officers supporting the corporate parenting agenda and looked after children services. The proposed policy has been piloted within children's' services in Community Directorate.
4. Formal consultation with HR, a senior managers' reference group and the trade unions has informed the development of the policy.
5. Detailed management guidelines are being developed to support the policy implementation. Many of the outcomes of the consultation meetings have been fed into the management guidance and managers, HR and trade unions will continue to be consulted on the guidance. An implementation plan including communications and training has been developed.

DRAFT

Wolverhampton City Council



Human Resources Policy Framework

Support for Carers

Approved by:	<i>Cabinet Resources Panel (xx.xx.2012)</i>
<i>Published:</i>	<i>xx.xx.2012</i>
<i>Review date:</i>	<i>xx.xx.2013</i>

CONSULTATION

The following officers and/or bodies have been consulted on this policy:

Officers and/or Bodies	From	To
HR		
MRG		
CDB		
SEB		
PGSS		

The following Trade Unions have been consulted on this policy:

	From	To
Unison		
GMB		
Unite		

REVIEW LOG			
Date	Version	Comments/Review	Approved by
06.06.13	v0.2	SB/LH amendments	
24.05.13	v0.1	HP	

EQUALITY ANALYSIS
An equality analysis is being carried out on this policy and procedure. Contact HR Strategy and Policy Team for a copy. Contact HR on 01902 552345 or by email on HR.supportdesk@wolverhampton.gov.uk for HR advice.

ADVICE
Contact HR on 01902 552345 or email HR.supportdesk@wolverhampton.gov.uk for HR advice.

COMMENTS AND AMENDMENTS
Contact HR on 01902 552345 or email HR.support@wolverhampton.gov.uk to make any comments or suggest any feedback on this policy.

DISTRIBUTION
This policy and procedure is placed on the HR intranet for managers and employees to view. Copies will be provided to recognised Trade Unions and managers electronically.

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1. Policy Statement

Wolverhampton City Council is committed to supporting employees with caring responsibilities and this policy outlines the various family friendly schemes in place.

2. Scope

- 2.1 These terms and conditions apply to all NJC employees of the Council, excluding those employees directly employed by schools and JNC officers.

3. Principles

- 3.1 Wolverhampton City Council is committed to providing a working environment free from discrimination that supports those individuals with caring responsibilities.
- 3.2 The Council is committed to the recruitment and retention of employees with caring responsibilities and offers schemes and support for these employees.
- 3.3 The Council is committed to supporting the work life balance of its employees and ensuring that any legal obligations for employees with caring responsibilities are fully met..
- 3.4 Wolverhampton City Council is committed to ensuring a working environment based on dignity and respect without discrimination on any characteristic protected under the Equality Act 2010, including pregnancy and maternity reasons.
- 3.5 The schemes apply to all employees and in the case of part time employees then benefits will be made on a pro-rata basis.

4. Support for Carers – Family Friendly Schemes

Wolverhampton City Council will provide the following schemes to offer support to carers.

- Maternity Leave Scheme – for pregnant employees who are entitled to maternity leave and pay.
- Adoption Leave Scheme – for adoptive parents with the principles based upon the maternity leave scheme.
- Fostering or Guardianship Leave Scheme – for employees who choose to foster children.
- Maternity Support Leave Scheme – time off for an employee providing support to expectant mothers.
- Additional Paternity Leave Scheme – the facility for the partner of the mother to take extended leave once the mother returns to work.

- Parental Leave – the facility to take unpaid leave for employees who have responsibility for a child.

5. **Maternity Leave Scheme**

- 5.1 Employees of Wolverhampton City Council who are pregnant will be entitled to Maternity Leave regardless of their length of service or the number of hours they work per week. Depending on their length of service they may also be entitled to maternity pay.
- 5.2 The length of maternity leave is up to 52 weeks, from the day that Maternity Leave starts.
- 5.3 The Council is committed to ensure that all employees on maternity leave are in regular contact and Keep in Touch Days (KIT), are available during the period of maternity leave.
- 5.4 Employees on maternity leave may be entitled to statutory maternity pay (SMP) or Occupational maternity pay, dependent upon their length of service.
- 5.5 Employees are entitled to paid time off to attend ante-natal care appointments; however, they must produce evidence of appointments if asked to do so.
- 5.6 All pregnant employees must take two weeks compulsory leave immediately after childbirth.
- 5.7 Full details of the maternity leave scheme including eligibility for payments, calculating qualification dates and the maternity process are contained within the accompanying manager's guidance notes which support this policy.

6. **Adoption Leave Scheme**

- 6.1 Employees who are becoming an adoptive parent will be entitled to Adoption Leave and Pay in accordance with the Maternity provisions. Where both adoptive parents are employed by Wolverhampton City Council, they must decide which one will take Adoption Leave. The other parent will be entitled to Maternity Support Leave and if eligible Additional Paternity Leave.

To be eligible the employee must:

- Be the child's adopter
- Have documentary evidence from the adoption agency giving details of the adoption; this should be in the form of a Matching Certificate.
- Have notified the adoption agency that they agree to the child being placed with them and on the day of placement
- Give 28 days' notice of their intention to take Adoption Leave.

- 6.2 Full details of the adoption leave scheme including eligibility for payments, calculating qualification dates and the adoption leave process are contained within the accompanying manager's guidance notes which support this policy.

7. Fostering or Guardianship Leave Scheme

- 7.1 As fostering can be for varying lengths of time from very short to long-term, Wolverhampton City Council will seek to adopt a flexible approach to supporting placements. If you are becoming a foster parent or a guardian of a child then you may receive the following entitlements subject to the following conditions.

Short Term Fostering

- 7.2 The short term fostering provisions do not cover employees who are applying to become, or are an established foster carer with a local authority other than Wolverhampton, independent fostering agency or voluntary sector fostering organisation.
- 7.3 An employee who becomes a short term foster parent is entitled to up to 5 days leave with pay in order to attend any pre-placement meetings. This should be agreed by the employee and line manager.
- 7.4 Where an approved foster carer is required to deal with an emergency situation in connection with their foster child(ren), he/she may request emergency leave (see Time off for dependants as set out in B4.11)
- 7.5 Short-term foster carers who meet the eligibility criteria are entitled to:
- Up to 24 working days with full pay in a two year period commencing from the date of the FIRST placement.
 - The absence code to be recorded on the mainframe is 'A' i.e. paid time off for foster leave.
- 7.5 The Council recognises that foster carers will often have needs for additional time off work as an integral part of successful fostering. Where alternative arrangements cannot be made for leave to be taken in one's own time or on non-working days, leave requested under this entitlement should be made as far in advance as possible in order to enable cover arrangements to be put in place.
- 7.6 The above foster leave entitlement is the same irrespective of whether more than one child is being fostered.
- 7.7 The balance of any untaken leave cannot be carried forward from one two-year period to another.

7.8 The employee will retain the right to return to work on no less favourable terms and conditions of employment than prior to taking the fostering leave.

7.9 Long Term Fostering

7.10 Employees who are becoming a long term foster parent or a guardian of a child are entitled to paid leave to attend any pre-placement meetings. This must be agreed with the line manager.

7.11 Where the child is below school age, employees are entitled to 29 weeks time off. 18 weeks of this will be paid on the following basis: 6 weeks at 9/10ths and 12 weeks at ½ pay. This can be taken at any time during the first 12 months after commencement of fostering or guardianship. Employees may take up to 2 weeks of the leave prior to the placement date.

7.12 Upon the return of fostering or guardianship leave full time employees have the option to return to work for 13 weeks on a reduced hours basis.

7.13 Entitlement to the paid leave is subject to the employee returning to work for a period of 13 weeks for full contractual hours (this period will be longer if returning to work on reduced hours).

7.14 This leave may be granted to either partner, if both are employees of the Council.

7.15 If the placement fails then the employee must notify their Manager as soon as possible and in any case return to work within 4 weeks.

Exclusions

7.16 Although the Council welcomes applications to become foster carers from its employees, there will be times when this is not possible especially where it is considered that there is a potential conflict of interest between their professional role and that of foster carer.

7.17 Principally, this will affect those who work in the children and families social care service and who have direct involvement in the planning and decision-making for looked after children. In circumstances where it is considered that there is a potential conflict of interest, the decision to allow the application to proceed will be taken by the appropriate decision taker i.e. the Head of Looked After Children.

8. Maternity Support Leave Scheme

8.1 Employee of Wolverhampton City Council may be eligible for 5 days' paid Maternity Support Leave (pro-rata to hours worked) in replacement of, and not in addition to Maternity or Adoption Leave, if they are:

- The child's father

- The partner or same sex partner
- The nominated carer*

of an expectant mother at or around the time of birth or adoption partner at the time of adoption.

8.2 A nominated carer is the person nominated by the mother as their primary provider of support at or around the time of the birth. Therefore be a relative or someone with a caring relationship with the mother and/or child.

9. Additional Paternity Leave (APL)

9.1 Additional Paternity Leave (APL) is an entitlement to enable a child's father, mother's partner, or civil partner to take extended leave to look after a child after the mother returns from maternity leave. The entitlement for APL also applies in cases of adoption leave. The right for APL is in addition to the existing right to ordinary parental leave, which is two weeks at the time of the birth or placement.

9.2 The entitlement for APL applies to fathers or the spouse, partner, or civil partner of the baby's mother. To qualify they must have been continuously employed for a minimum period of 26 weeks ending with the 15th week before the expected birth or before the week of being notified of a match for adoption. They must still be employed by the Council at the start of APL and have (or expect to have) the main responsibility for the upbringing of the child (apart from the mother).

9.3 In addition to the above, the child's mother must have been entitled to statutory maternity leave, statutory maternity pay (SMP), or maternity allowance and have returned to work. Once APL has started the mother is not entitled to further statutory maternity leave or pay.

9.4 Full details of the additional paternity leave scheme including eligibility for payments and the additional paternity leave process are contained within the accompanying manager's guidance notes which support this policy.

10. Parental Leave

10.1 Employees who have, or expect to have responsibility for a child are entitled to 18 weeks unpaid Parental Leave for each child within their care.

10.2 The leave is available to those with parental responsibility and also includes foster parents, adoptive parents, grandparents with a significant parenting role, and step parents.

10.3 The Parental Leave will be granted for the purposes of caring for a child up to the age of 5, or in cases of adoption, 5 years following the placement up to

the age of 18, or up to the age of 18 for children for whom disability living allowance has been awarded.

- 10.4 Up to 4 weeks leave can be taken in any leave year. (Additional unpaid leave from the total entitlement may be granted in the same year at the discretion of the Assistant Director).
- 10.5 Employees may opt to take Parental Leave in the form of reduced hours working.
- 10.6 Full details of the parental leave scheme are contained within the accompanying manager's guidance notes which support this policy

11. Roles and Responsibilities

Roles and Responsibilities of Employees

- 11.1 Employees are responsible for ensuring that they notify their managers of their intention to commence any caring support leave scheme in accordance with the appropriate process.

Roles and Responsibilities of Managers

- 11.2 Managers are responsible for ensuring that employees on caring support leave schemes are regularly updated on work issues and that the appropriate scheme is correctly applied.

Roles and Responsibilities of HR

- 11.3 HR has a responsibility to:

- provide support and guidance to managers and employees throughout the stages of this policy
- ensure the communication, maintenance, regular review and updating of this policy and procedure
- monitor and review delivery and impact of this policy.

Role of Head of HR

- 11.4 The Head of HR is responsible for the on-going review and updating of this policy to ensure compliance with changes in statutory requirements and operational delivery, including responsibility for identifying the appropriate process for the regular evaluation of the effectiveness of this policy. Any fundamental changes will be brought before the Resources Panel for approval.

12 Links to other Policies and Procedures and Terms and Conditions

- Annual Leave
- Flexible Working Arrangements

13 Equality

13.1 An Equality Analysis is being undertaken on this policy.

13.2 The Council has a duty to monitor the application of the policy in relation to protected characteristics under the Equality Act 2010. This is reported annually in the Council's Equality Monitoring Report.

13.3 If any aspect of the capability procedure causes you difficulty on account of any disability that you may have, or if you need assistance because English is not your first language, you should raise this issue with HR, who will make appropriate arrangements.

**SECONDMENT AND ACTING UP POLICY
MARKET FORCES SUPPLEMENT POLICY
EXTERNAL SECONDMENT POLICY
CASUAL WORKERS POLICY**

1. Revised policies redrafted to meet business objectives and specifically to support the implementation of Wolverhampton's Single Status Agreement and the local pay structure are attached.
2. The four policies set out the Council's position on approval, pay and reward arrangements for a range of scenarios which fall outside of where a substantive job holder is carrying out their substantive role at the allocated grade for the role. The policies are compatible with current legislation and good organisational practice and are in line with case law development.
3. The policies have all been developed as part of the transitional support work from the Single Status programme to business as usual for the Council in the light of the collective agreement on pay and terms implemented on 01 April 2013. At the heart of the policies and procedures is the need to have clear, auditable business rules which maintain the integrity of the Wolverhampton local pay structure, and the need to have standard guidance to managers to ensure consistency across the organisation.
4. The Single Status Board and the Pay Strategy Board have shaped the policies. Key stakeholders including Assistant Directors, Strategic Directors, the Head of HR and trade unions have been consulted and involved in their development.
5. Managers, HR and trade unions will continue to be consulted on the guidance and interpretation in applying the policies. An implementation plan including communications and training has been developed.

Wolverhampton City Council



Human Resources Policy Framework

Internal Secondment and Acting Up Policy

Approved by:	<i>Cabinet Resources Panel (xx.xx2013)</i>
<i>Published:</i>	<i>01.xx.2013</i>
<i>Review date:</i>	<i>01.xx.2014</i>

CONSULTATION		
The following officers and/or bodies have been consulted on this policy:		
Officers and/or Bodies	From	To
HR		
CDB		
SEB		
Pay Strategy Board		
PGSS		
The following Trade Unions have been consulted on this policy:		
	From	To
Unison		
GMB		
Unite		

REVIEW LOG			
Date	Version	Comments/Review	Approved by
07.03.2013	0.1	Check & review	SB
13.03.2013	0.2	SS Board	
15.03.2013	0.2	LGA	

EQUALITY ANALYSIS
An equality analysis is being carried out on this policy and procedure. Contact HR Strategy and Policy Team for a copy. Contact HR on 01902 552345 or by email on HR.supportdesk@wolverhampton.gov.uk for HR advice.

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1.0 Policy Statement

- 1.1 The aim of this policy is to regularise the position regarding internal secondments and acting-up placements.
- 1.2 The Council will use secondment and acting-up arrangements where they are the most appropriate means to provide short term cover or recruitment to roles required by the Council.

2.0 Scope

- 2.1 This policy applies to all Council employees with the exception of those working in schools and those employed centrally on teachers' terms and conditions of service.
- 2.2 This policy does not relate to employees who are seconded out of the Council or for employees seconded into the Council from external organisations

3.0 What is a Secondment?

- 3.1 The term secondment refers to the temporary transfer of an employee into another post within the Council.

This temporary transfer is to cover:

- Vacancies
- Sickness absence
- Secondment of the substantive post holder
- A time-limited project

- 3.2 A secondment is usually to a post of equal (or higher) grade, with a duration of more than one month.

4.0 What is Acting-up?

- 4.1 Acting-up placements are when an employee takes on the duties of a higher graded post usually within their own area of work. This may be a proportion of the higher graded duties (partial acting-up) or the full role and responsibilities.

5.0 Secondments

Principles

- 5.1 The application of secondment arrangements should be based on the following:
- Secondments should be viewed as a valuable tool for staff development; employees can often gain experience in a range of situations not normally open to them in their substantive post.
 - All vacancies must be approved in order to be filled. Where an extension to a secondment contract is required then this must also be approved.
 - All secondments (regardless of length) must be advertised.
 - Employees interested in applying for a post as a secondment opportunity will need to gain the support of their line manager in the first instance.
 - Seconded employees will return to their substantive post. If, however, for reasons of reorganisation etc. the substantive post becomes at risk of no longer existing, then the employee will be placed on the Council's redeployment register and will be able to apply for vacancies at their substantive level or below.

Process and Procedure

- 5.2 Manager identifies secondment opportunity and the current job description/person specification for the role or, for projects, produces a specific JD.
- 5.3 All secondments must be paid at the allocated grade for the existing role.
- 5.4 If creating a new role to be covered by a secondment arrangement the new role must be allocated a grade at the weekly allocation panel.
- 5.5 All internal secondments must be approved in order to be filled and appropriate approval must be gained before an advert is placed. The Business Case for Supplement Payments must be completed and then submitted to the Pay Strategy Board to request approval.
- 5.6 Where an extension to a secondment contract is required then this must also be approved by the Pay Strategy Board.
- 5.7 All advertisements for secondments (regardless of length) will need to be placed with HR.

- 5.8 Where a secondment is due to last for 3 months or more, it will be advertised on the website as a temporary contract/secondment. Where a secondment is due to last for less than 3 months it will be advertised internally by HR, or circulated around the appropriate directorate (required circulation list will need to be supplied to HR). In both of these cases, HR must be notified to ensure redeployees are first considered for the secondment prior to it being advertised.
- 5.9 For all secondments of 3 months or less the employee will not be transferred into the post, but will receive a payment where appropriate, to the grade of the secondment post. Should an employee receiving a supplementary payment on this basis be absent from the seconded post for a period of 30 days or more, the payment will cease.
- 5.10 The duration of a secondment will depend on varying circumstances. Where a manager wishes to extend a secondment (i.e. from six months to 12 months) this must first be approved by the releasing manager prior to discussing with the employee concerned as well as following the necessary approvals outlined in 2 above.
- 5.11 Employees interested in applying for a post as a secondment opportunity will need to gain the support of their line manager in the first instance. The line manager will need to consider the benefits for the individual and the team along side the needs of the service and the possibilities of 'backfilling' the role of the person who expressed interest.
- 5.12 There is no automatic right to permanency of a post arising out of these opportunities except where a secondment has been in place for a two year period and no substantive post holder exists. Where this is the case, and there have been no substantial changes in the job or grade since the employee commenced the secondment, the incumbent employee should be confirmed as permanent in the post subject to any necessary approval process.
- 5.13 As the employee is 'transferred' into the 'new' post, they will be paid for by the budget attached to that post for the period of the secondment.
- 5.14 The employee will receive all of the appropriate terms and conditions for the period of the secondment. Normal rules for starting salaries apply.
- 5.15 The manager of the temporary post will be responsible for completing the transfer form for the employee to commence the secondment and the substantive manager will complete the transfer form at the end of the secondment to move the employee back into their substantive role.

5.16 It is imperative that managers monitor any secondment to permanent posts on an on-going basis to avoid promotion by default, which could lead to claims of others being disadvantaged. During secondments the manager responsible should make every effort to make arrangements for the permanent cover of the post.

6.0 Acting-Up

Principles

6.1 The application of acting-up arrangements should be based on one of the following:

- The general principle of open access to vacancies will be observed at all times unless the appropriate Assistant Director or nominated representative can demonstrate the need for an Acting-up situation. This is where it is deemed more appropriate to fill a vacancy, sickness absence, maternity leave.
- All vacancies must be approved in order to be filled. Appropriate approval must be gained before being advertised or offered.
- There is no automatic right to permanency of post arising out of these opportunities.
- The employee will return to their substantive post. If, however, for reasons of reorganisation etc. the substantive post no longer exists then the employee will be placed onto the Council's redeployment register and will be able to apply for vacancies at their substantive level or below.

Process and Procedure

6.2 When the nature of the skills required only exist in a small number of employees it is appropriate in these circumstances to ring fence the acting-up opportunity to that specific group of employees. It will be the responsibility of the Assistant Director or nominated representative to ensure that when such ring fencing arrangements are used, they are not in breach of legislative requirements or the Council's Equal Opportunities policy.

6.3 All Acting-up arrangements should be paid at the bottom of the allocated grade for the existing role.

6.4 A decision should be made on the percentage of the post that is required to be covered by the acting-up arrangement, i.e. 'whole' acting-up or partial duties.

- 6.5 Where there is only one possible applicant, the appropriate paperwork can be processed. Where there is potentially more than one applicant, an advert, person specification and job description will be drawn up in line with Council policy and made available to all potential applicants.
- 6.6 Application will be by way of supporting statement only (against person specification criteria). Interviews will be carried out in accordance with Council policy and interview records kept.
- 6.7 Interview of successfully shortlisted candidates may result in a number of possibilities:
- a. The acting-up placement is temporarily offered at 100% to one employee for more than 3 months and the employee is transferred into the post.
 - b. The employee is offered only part of the duties and responsibilities of the proposed acting-up opportunity on the basis that the remaining duties and responsibilities are covered elsewhere in the organisation (upwards for example). In this circumstance, the employee would not 'act-up' as they would remain in their substantive post and would receive an honorarium payment for the percentage of the role covered.
 - c. Two or more employees are offered a percentage of the duties and responsibilities of the post (or a percentage of the time i.e. half a week each for two employees). Again the employees would remain in their substantive posts and receive acting-up payments for the percentage covered.
- 6.8 The business case request form can be found on the intranet. This is also used for any request of extension that must be re-submitted for the appropriate approval.

7.0 Roles and Responsibilities

Roles and Responsibilities of Managers

- 7.1 Managers have a responsibility to ensure that this policy is applied appropriately within their own area. Any queries on the application or interpretation of this policy must be discussed with HR prior to any action being taken.
- 7.2 Managers should ensure any employees in receipt of Acting-up or secondment payments understand their terms and that they will be reviewed.

Roles and Responsibilities of HR

- 7.3 HR will provide operational support to the organisation to enable the effective management of Secondments and Acting-up arrangements under this policy.

HR has a responsibility to:

- Produce and maintain managers' guidance notes
- Provide support and guidance to managers and employees
- Ensure the communication, maintenance, regular review and updating of this policy
- Monitor and review delivery and impact of this policy.

Role of Head of HR

- 7.4 In consultation with the recognised Trade Unions, the Head of HR will exercise delegated authority for and be responsible for the on-going review and updating of this policy to ensure compliance with changes in statutory requirements and operational delivery, including responsibility for identifying the appropriate process for the regular evaluation of the effectiveness of this policy. Any fundamental changes to this policy will be brought before Cabinet (Resources) Panel for approval.

Role of Trade Unions

- 7.5 Any review and revisions of this policy will be undertaken by HR and will be in consultation with the Council's recognised trade unions.

8.0 Monitoring and Review

- 8.1 The secondment and Acting-Up policy and procedure will reviewed and updated annually and be available to managers and employees via the HR intranet.

9.0 Links to other Policies and Procedures

- 9.1 The Secondment and Acting-Up Policy cannot be seen in isolation as it plays a key part in corporate governance and business management, it is closely linked with the following strategies and policies:
- Recruitment and Selection policy
 - Equality and Diversity policy

10.0 Equality

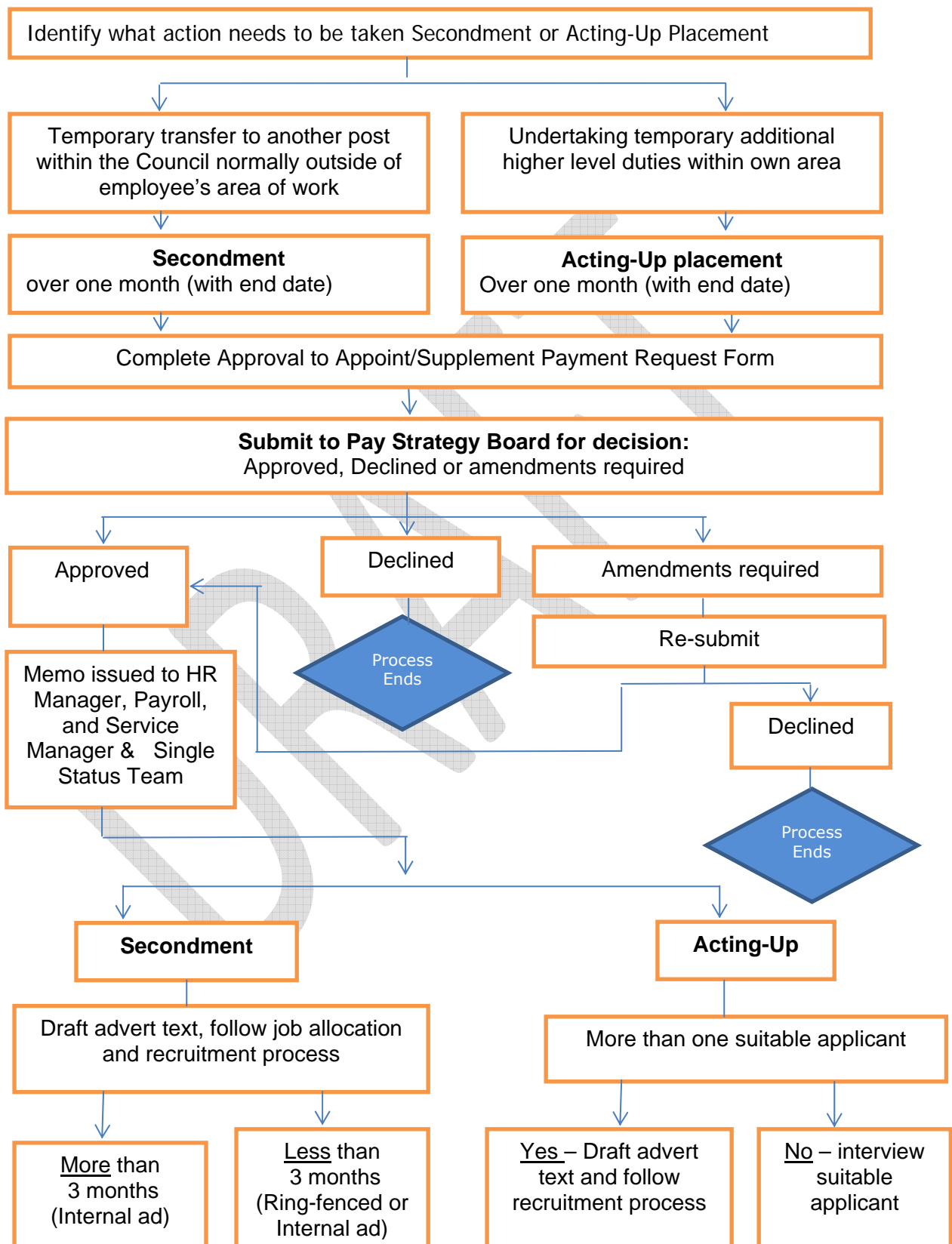
10.1 An Equality Analysis is being carried out on this policy and procedure.

The Council has a duty to monitor the application of the policy in relation to protected characteristics under the Equality Act 2010. This is reported annually in the Council's Equality Monitoring Report.

If any aspect of this procedure causes you difficulty on account of any disability that you may have, or if you need assistance because English is not your first language, you should raise this issue with HR.

DRAFT

Secondment & Acting-Up Process Chart



Wolverhampton City Council



Human Resources Policy Framework

Market Forces Supplements

Approved by:	<i>Cabinet Resources Panel (xx.xx2013)</i>
<i>Published:</i>	<i>01.xx.2013</i>
<i>Review date:</i>	<i>01.xx.2014</i>

CONSULTATION		
The following officers and/or bodies have been consulted on this policy:		
Officers and/or Bodies	From	To
HR		
Pay Strategy Board		
CDB		
SEB		
PGSS		
The following Trade Unions have been consulted on this policy:		
	From	To
Unison		
GMB		
Unite		

REVIEW LOG			
Date	Version	Comments/Review	Approved by

EQUALITY ANALYSIS
<p>An equality analysis is being carried out on this policy and procedure. Contact HR Strategy and Policy Team for a copy on 01902 552345 or by email to HR.supportdesk@wolverhampton.gov.uk</p>

ADVICE
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Policy for Applying Market Forces Supplements

1.0 Policy statement

- 1.1 The aim of this policy is to regularise the position regarding the application of market forces supplements.
- 1.2 The Council will use Market Forces Supplements (MFS) in exceptional circumstances where it is the appropriate means of ensuring Wolverhampton City Council posts can be filled by appropriately qualified and experienced candidates.

2.0 Scope

- 2.1 This policy applies to all Council employees with the exception of those working in schools and those employed centrally on teachers terms and conditions of service.
- 2.2 This policy does not apply to employees who are seconded out of the Council or for employees seconded into the Council from external organisations.

3.0 What is a Market Forces Supplement?

- 3.1 The term market forces supplement (MFS) refers to a discretionary addition to a salary that is only payable for the period of time while there is an agreed justifiable rationale in order to address the particular circumstance which may relate to recruitment difficulties or skill shortage occupations etc. in order to attract and retain a suitable employee.

4.0 Principles

- 4.1 The MFS is not designed to reward individual performance.
- 4.2 The payment of a market forces supplement is a last resort and will only be considered when other options to manage the recruitment and/or retention difficulties have been exhausted.
- 4.3 The application of an MFS should be based on one of the following:
 - Significant information showing there to be a serious recruitment problem, evidenced by low response levels to external

advertisements in terms of quality and/or quantity of candidates, over a period of time.

- Sufficient evidence of there being staff retention issues causing significant problems to the delivery of the service, where pay is stated as the primary reason for leaving. This will be apparent through the staff turnover for that particular section and recorded feedback. Reasons for leaving can be gained from informal discussion with those leaving and also through the more structured use of exit interviews.

- 4.4 Decisions will be based on fact and not anecdotal evidence.
- 4.5 The agreed MFS must account for all the difference in pay from the allocated pay level and not just part of it.
- 4.6 A MFS applies to the post and not the post holder. Everyone doing the same specific job role for which MFS has been agreed should be treated in the same way, whether new starters or existing employees.
- 4.7 All MFS will be reviewed on an annual basis and can be withdrawn if the benchmarking review demonstrates that current evidence does not justify a continued supplement.
- 4.8 MFS form part of an employee's pay making it pensionable.
- 4.9 Wolverhampton City Council is committed to equal pay and will seek to ensure that MFS will only be applied where there is a strong objective justification which does not undermine the pay equalities established through single status implementation.
- 4.10 Consideration should be given to the wider issue of development and training needs in order to address national skills shortages.

Process and Procedure

5.0 Requesting a new MFS

- 5.1 Request for a MFS should not be the first solution considered to meet a recruitment/retention problem and options should be discussed with HR to determine whether there is an alternative way of meeting the difficulties experienced by the service.
- 5.2 Any post being proposed for a MFS should have been advertised at least twice and clear evidence recorded which demonstrates the operational and organisational problems caused by the recruitment and retention difficulties.

- 5.3 Where it is established that other options have been exhausted, the manager will be required to investigate the comparative labour market and with the support of HR provide evidence to support the application for a market forces supplement.
- 5.4 This will include evidence will be required to demonstrate the operational and organisational problems caused by the recruitment and retention difficulties and how the payment of a MFS will remove or reduce the impact of these difficulties.
- 5.5 Comparisons, where possible, should be made with other public sector organisations and reflect the geographical situation of Wolverhampton.
- 5.6 The request should be supported by information from at least 3 other valid comparator jobs, attaching the job description, person specification and duties for those jobs; detailing the following:
- Similarity of the responsibilities and scope of the jobs
 - Organisational structure, including management responsibilities and reporting structures budgetary or other major responsibilities
 - Salary details including any other benefits applicable.
 - In line with other local councils it is expected that a minimum threshold of 10% below the median against a minimum comparator group of the 14 West Midlands single tier and County Councils.
 - This would then trigger further examination of genuine comparability taking into account role, structure etc.
- 5.7 Each application will be dealt with on a case-by-case basis and the Supplement Payment Request Form and Business case will need to be completed.
- 5.8 Requests should include an equality analysis of the proposal.
- 6.0 Evaluation of the MFS Request**
- 6.1 Human Resources will validate the application information.
- 6.2 All applications will be considered by the Pay Strategy Board and subject to their agreement, be passed to HR for implementation.
- 6.3 The Trade Unions will be advised of the request.
- 6.4 If the application is approved a decision will be made as to the amount to be awarded.
- 6.5 The value of the MFS will be determined by taking an average of the comparator posts.

6.6 The payment will be set at a level that will alleviate the recruitment and retention difficulties but which is not excessive and can be justified in terms of rates paid to the comparator jobs in the market place.

6.7 If a MFS is agreed, it will be applied with immediate effect.

7.0 Outcome

7.1 The requesting manager will be notified of the decision.

7.2 Employees will receive written confirmation detailing the basis for paying a market forces supplement, the amount of the payment, the effective date of the application of the payment, the agreed duration of the payment and the arrangements for its review, adjustment or removal.

7.3 Post holders will be required to agree and sign a contractual variation for the terms of the MFS, which will advise that the payment is subject to review and the payment can be adjusted or removed if there is no longer justification to continue the MFS.

7.4 The MFS will not alter the grading of the post determined by the job allocation process.

8.0 Payment

8.1 The payment will be awarded for a period not exceeding one year and will apply to all existing employees in the same post and will be effective from the date of panel approval.

8.2 For employees working less than full time the MFS will be pro-rata on the basis of hours worked.

8.3 The cost of applying a MFS will be met from the relevant service budget.

8.4 The payment will be paid on a monthly basis via the normal salary arrangements, and will be subject to the appropriate statutory deductions.

8.5 The MFS will be clearly identified as a separate payment and will not be incorporated into basic pay.

8.6 The MFS will be included in calculations for sick pay, maternity/paternity/adoption pay, holiday pay, and redundancy pay.

8.7 The MFS payment will not be subject to pay award increases.

8.8 If an employee is promoted or appointed to another post the MFS payment will cease from the effective date of their appointment.

9.0 Review of Market Forces Supplements

9.1 The manager is required to submit up to date evidence on an annual basis to support the continuation of the MFS for consideration by the Pay Strategy Board.

9.2 The outcome of the review will be one of the following:

- The MFS continues to be justified at its current level and is approved for a further 12 month period
- The MFS continues to be justified at a higher level and is approved for a further 12 month period
- The MFS continues to be justified but at a lower level and is approved for a further 12 month period
- That the MFS is no longer justified and will cease on the 31st March or at the end of 12 months

9.3 The manager will be advised of the decision and the employees will be notified in writing.

9.4 In the case of vacant posts the decision to remove the MFS will be effective immediately.

10.0 Roles and Responsibilities

Roles and Responsibilities of Managers

10.1 Managers have a responsibility to ensure that this policy is applied appropriately within their own area.

10.2 Any queries on the application or interpretation of this policy must be discussed with HR prior to any request being submitted to the Pay Strategy Board.

10.3 Managers should ensure any employees in receipt of MFS payments understand that they are temporary and will be reviewed.

Roles and Responsibilities of HR

10.4 HR will provide operational support to the organisation to enable the effective application of MFS under this policy.

- 10.5 HR has a responsibility to:
- Provide support and guidance to managers and employees throughout the stages of this policy
 - Ensure the communication, maintenance, regular review and updating of this policy
 - Monitor and review delivery and impact of this policy.

Roles and Responsibilities of Head of HR

- 10.6 In consultation with the recognised Trade Unions, the Head of HR will exercise delegated authority for and be responsible for the on-going review and updating of this policy to ensure compliance with changes in statutory requirements and operational delivery, including responsibility for identifying the appropriate process for the regular evaluation of the effectiveness of this policy. Any fundamental changes to this policy will be brought before Cabinet (Resources) Panel for approval.

Roles of Trade Unions

- 10.7 Any review and revisions of this policy will be undertaken by HR and will be in consultation with the Council's recognised trade unions.

11. Monitoring

- 11.1 HR will maintain a record of all Market Forces Supplements approved by the Pay Strategy Board.
- 11.2 It is recommended that the services within the Council hold quarterly reviews of their recruitment "hotspots" and ensure that preventative measures are in place to attract and retain the best people for the right job before the situation becomes a large issue.
- 11.3 This should be done as a joint task between management and trade unions.

12. Links to Other Policies and Procedures

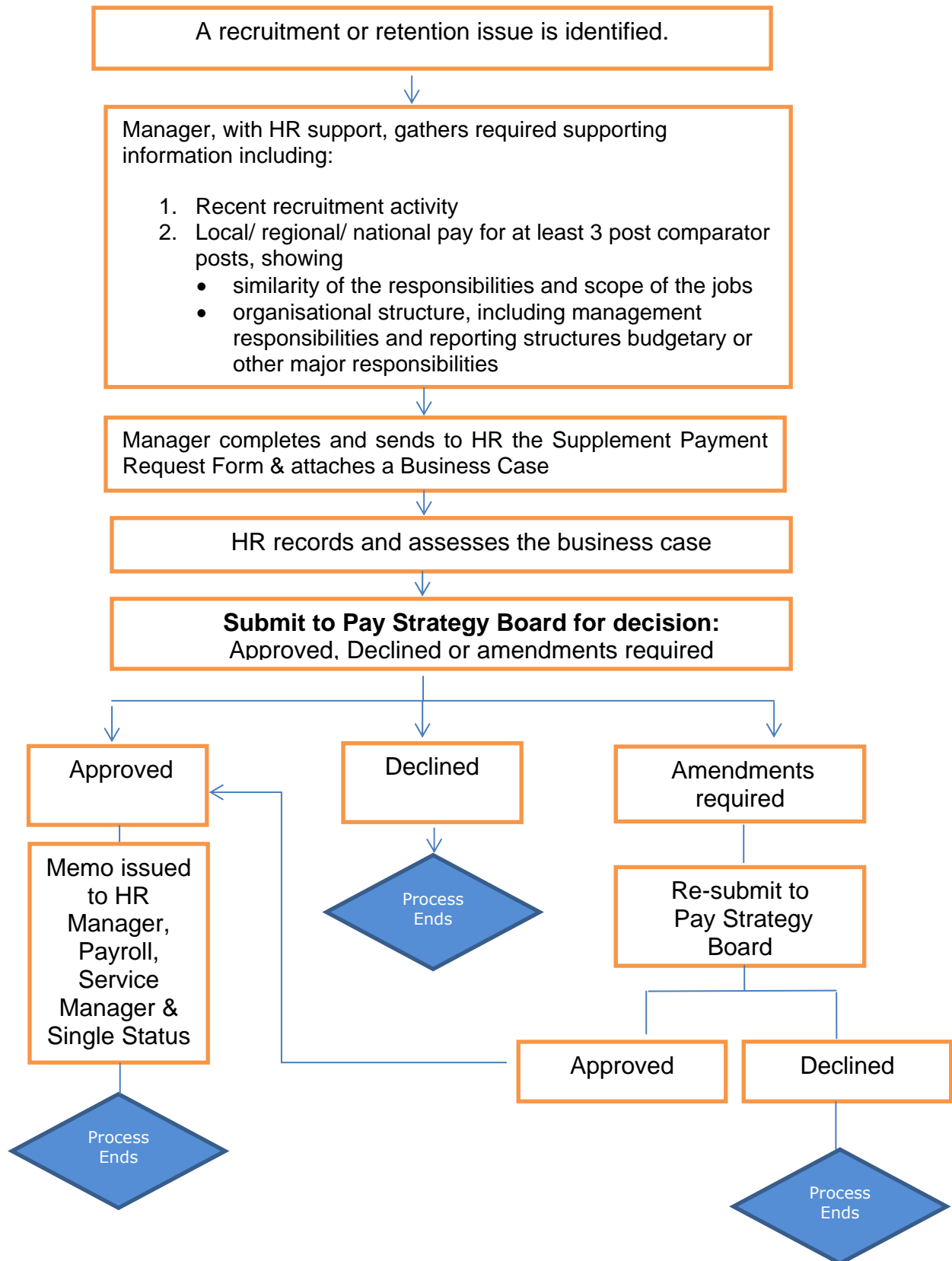
- Recruitment and Selection Policy
- Pay Policy

13. Equality

- 13.1 An equality analysis will be carried out on MFS applications.

- 13.2 The Council has a duty to monitor the application of the policy in relation to protected characteristics under the Equality Act 2010. This is reported annually in the Council's Equality Monitoring Report.
- 13.3 If any aspect of this procedure causes you difficulty on account of any disability that you may have, or if you need assistance because English is not your first language, you should raise this issue with HR, who will make appropriate arrangements.

Market Forces Supplements Process Chart



Wolverhampton City Council



Human Resources Policy Framework

External Secondments

Approved by:	<i>Cabinet Resources Panel (xx.xx2013)</i>
<i>Published:</i>	<i>01.xx.2013</i>
<i>Review date:</i>	<i>01.xx.2014</i>

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CDB		
SEB		
PGSS		
The following Trade Unions have been consulted on this policy:		
	From	To
Unison		
GMB		
Unite		

REVIEW LOG

Date	Version	Comments/Review	Approved by
03.04.2013	0.1	Check & review	

EQUALITY ANALYSIS

An equality analysis is being carried out on this policy and procedure. Contact HR Strategy and Policy Team for a copy. Contact HR on 01902 552345 or by email on HR.supportdesk@wolverhampton.gov.uk for HR advice.

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1.0 Policy Statement

- 1.1 The aim of this policy is to regularise the position regarding external secondments.
- 1.2 It is necessary to ensure that where an employee is seconded to another organisation, a formal and legally binding agreement is in place between the Council and the “host” organisation. Similarly, when the Council accepts a secondee from another organisation, a formal agreement must be in place.

2.0 Scope

- 2.1 This policy applies to all Council employees with the exception of those working in schools and those employed centrally on teachers’ terms and conditions of service.
- 2.2 This policy relates to all employees who are seconded out of the Council or for employees seconded into the Council from external organisations.

3.0 What is an External Secondment?

- 3.1 The term external secondment refers to the temporary transfer of an employee into a post within an organisation outside of Wolverhampton City Council. This may be another council, partner organisation or voluntary sector organisation.

This temporary transfer is to cover:

- Vacancies
 - Sickness absence
 - Secondment of the post holder
 - A time-limited project
- 3.2 An external secondment is usually to a post of equal (or higher) grade, with a duration of more than one month.

4.0 Principles

- 4.1 The application of secondment arrangements should be based on the following:

- Secondments should be viewed as a valuable tool for staff development, where employees can often gain experience in a range of situations not normally open to them in their substantive post.
 - All external secondments must be approved in order for the temporary move to take place. Where an extension to a secondment contract is required then this must also be approved.
 - Employees interested in applying for an external post as a secondment opportunity will need to gain the support of their line manager in the first instance.
 - Externally seconded employees will return to their substantive post. If, however, for reasons of reorganisation etc. the substantive post becomes at risk of no longer existing, then the employee will be placed on the Council's redeployment register and will be able to apply for vacancies at their substantive level or below.
 - A formal secondment agreement will be entered into and signed by the "host" organisation. This should also be signed by the appropriate Strategic Director of the Council.
- 4.2 Secondments will normally only be agreed for periods of less than one year but in exceptional cases where a longer period is agreed, the employee will be given written notification in advance that:
- The Council cannot guarantee that their substantive post will be available on their return
 - If this is the case, the Council will make all reasonable efforts to find suitable redeployment, if available
 - If suitable redeployment is not available, their contract of employment may be terminated
 - A redundancy payment will not be paid in these circumstances.

5.0 Process and Procedure

- 5.1 Employees interested in applying for a post as a secondment opportunity will need to gain the support of their line manager in the first instance. The line manager will need to consider the benefits for the individual and the team alongside the needs of the service and the possibilities of 'backfilling' the role of the person who expressed interest.

- 5.2 During the course of an external secondment, an employee's post may be subject to organisational change processes in line with prevailing policy and legislation. The employee must make himself available, at his own expense if necessary, to participate in any processes related to the re-organisation.
- 5.3 Should an external secondment end prematurely at the request of the external organisation or the secondee, the Council is not obliged to provide work, or payment, to the employee until the date on which the secondment was last agreed to end. This may result in the employee being unpaid for a period. Redeployment to another post will be sought.
- 5.4 During a secondment, it is generally the responsibility of the seconded employee to maintain contact with their substantive manager and team. Employees are encouraged to diarise regular telephone calls. However, it is the responsibility of their substantive manager to consult formally with them, where necessary, about any planned changes to their post.
- 5.5 The employee will normally continue to be paid through the Council's payroll, including any expenses payments. The council will invoice the host organisation for the seconded employee's pay and associated costs, in line with the secondment agreement.
- 5.6 The manager of the substantive Council post will be responsible for completing the transfer form for the employee to commence the external secondment.

6.0 Roles and Responsibilities

Roles and Responsibilities of Employee

- 6.1 Seconded out employees must keep in touch with their line manager and advise their line manager if there are any changes to the secondment.

Roles and Responsibilities of Managers

- 6.2 Managers have a responsibility to ensure that this policy is applied appropriately within their own area. Any queries on the application or interpretation of this policy must be discussed with HR prior to any action being taken.
- 6.3 Managers should ensure any employees in receipt on formal secondments fully understand the terms and that they will be reviewed.

Roles and Responsibilities of HR

6.4 HR will provide operational support to the organisation to enable the effective management of secondment arrangements under this policy.

6.5 HR has a responsibility to:

- Provide support and guidance to managers and employees
- Ensure the communication, maintenance, regular review and updating of this policy
- Monitor and review delivery and impact of this policy.

Role of Head of HR

6.6 In consultation with the recognised Trade Unions, the Head of HR will exercise delegated authority for and be responsible for the on-going review and updating of this policy to ensure compliance with changes in statutory requirements and operational delivery, including responsibility for identifying the appropriate process for the regular evaluation of the effectiveness of this policy. Any fundamental changes to this policy will be brought before Cabinet (Resources) Panel for approval.

Role of Trade Unions

6.7 Any review and revisions of this policy will be undertaken by HR and will be in consultation with the Council's recognised trade unions.

7.0 Monitoring and Review

7.1 The external secondment policy and procedure will reviewed and updated annually and be available to managers and employees via the HR intranet.

8.0 Links to other Policies and Procedures

8.1 The External Secondment Policy cannot be seen in isolation, it is closely linked with the following strategies and policies:

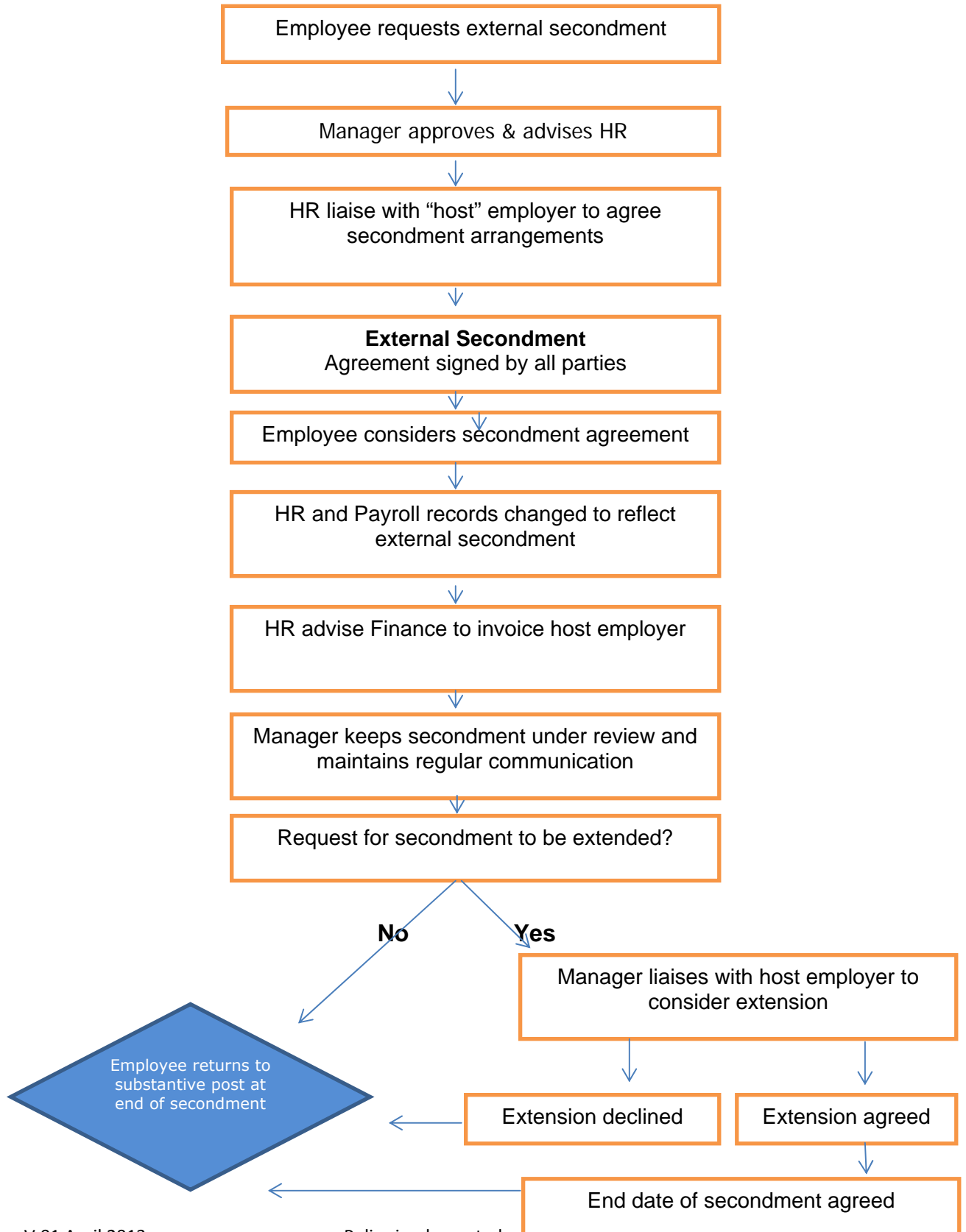
- Recruitment and Selection policy
- Equality and Diversity policy

9.0 Equality

- 9.1 An Equality Analysis is being carried out on this policy and procedure.
- 9.2 The Council has a duty to monitor the application of the policy in relation to protected characteristics under the Equality Act 2010. This is reported annually in the Council's Equality Monitoring Report.
- 9.3 If any aspect of this procedure causes you difficulty on account of any disability that you may have, or if you need assistance because English is not your first language, you should raise this issue with HR.

Appendix 1

External Secondment Process Chart



Wolverhampton City Council



Human Resources Policy Framework Casual Worker Policy and Procedure

Approved by:	<i>Cabinet Resources Panel (xx.xx.2013)</i>
<i>Published:</i>	<i>xx.xx.2013</i>
<i>Review date:</i>	<i>xx.xx.2014</i>

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SEB		
PGSS		

The following Trade Unions have been consulted on this policy:

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Unison		
GMB		
Unite		

REVIEW LOG			
Date	Version	Comments/Review	Approved by
06.03.2013	V.01	SB	
	V.0.2		

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1.0 Policy Statement

- 1.1 The Council will use the Casual Worker Policy and Procedure to ensure that casual work can be covered to support the on-going business needs of the Council.
- 1.2 Casual workers will only be recruited for a short term placement of less than 3 months.
- 1.3 Recruitment to casual work will be in line with the Council's recruitment policy and procedure.
- 1.4 Casual workers will receive pay and terms in line with their employment status and employment law.

2.0 Scope

- 2.1 This Policy and Procedure applies to all employees of the Council including Chief Officers and employees based in schools i.e. teaching assistants, but excludes Teachers. The policy and procedure is designed to ensure prompt, reasonable and consistent treatment for all casual workers.
- 2.2 A Casual worker does not hold a contract of employment but enters into a relationship with Wolverhampton City Council where there is no mutuality of obligation on either the Council to provide work, and the worker to accept any work offered by the Council.
- 2.3 Where work does not fall into the above definition then work should be offered on a temporary fixed term contract basis. An example of this type of contract would be cover for maternity leave, or delivery of a short-term programme of training. Where continuous casual service exceeds 3 months a temporary fixed term appointment will be made.

3.0 Principles

- 3.1 In applying this policy the Council will always:
 - Monitor the hours of work and frequency of use of casual workers. It is the responsibility of the recruiting manager to ensure that a casual worker undertakes work on an ad hoc basis. (Where work is undertaken on a regular basis, continuity could be demonstrated or mutuality of obligation implied, leading to an employment relationship)
 - Seek to ensure that casual work will never exceed a period of twelve weeks duration regardless of the number of hours worked each week.
 - Undertake a review, where casual work is likely to go beyond 12 weeks...

- Recruit casual workers in line with Council's recruitment procedures
- Provide casual workers with the benefit from several basic employment rights from the first day of work:
 - Protection from discrimination on the grounds of Age, Sex/Gender (including Gender Reassignment), Disability, Race/ Ethnicity/ Nationality/ Colour, Religion and Belief or Sexual Orientation
 - Rights under the Working Time Regulations, such as paid holiday leave, restrictions on working hours and the right to rest breaks
 - The right to the national minimum wage
 - Protection for whistle blowing
 - Health and safety protection
 - Protection against unlawful wage deductions

3.2 Casual work does not count towards continuous service.

3.3 Pension regulations effective from 1 April 2009 do not allow casual workers to become a member of the Local Government pension scheme.

3.4 Casual workers are not entitled to Occupational Sick Pay but depending on the number of hours worked and submission of a medical certificate may be due Statutory Sick Pay

4.0 Process and Procedure

4.1 From time to time a worker is required on an 'ad hoc' basis which cannot be forecast, for example to provide additional cover for a special event or to provide specialist skills or emergency cover in a front line service such as social work or leisure services. In these or similar type of circumstances an offer of work can be made on a casual work basis.

4.2 Recruitment of casual workers will follow the usual Council recruitment and selection process including all pre-employment checks.

4.3 The default local pay point for casual workers is the bottom of the grade for the job.

4.4 The set rate of pay may increase by a cost of living award, but is not subject to incremental progression.

4.5 Casual appointments must be reviewed and if assessed as an on-going requirement the casual worker will be offered a temporary fixed term or zero hours contract commensurate with the terms and conditions of the relevant role.

4.6 For further information refer to the Casual Workers Mangers Guidance.

4.7 See Appendix 1 for the process on establishing a casual worker

5.0 Roles and Responsibilities

Roles and Responsibilities of Managers

- 5.1 Managers have a responsibility to ensure that casual workers are aware of the content of this policy.
- 5.2 Individual managers are responsible for ensuring that this policy is applied within their own area. Any queries on the application or interpretation of this policy must be discussed with HR prior to any casual worker being appointed.

Roles and Responsibilities of HR

- 5.3 HR will provide operational support to the organisation to enable the effective management of casual workers under this policy.

HR has a responsibility to:

- Provide support and guidance to managers and employees throughout the stages of this policy
- Ensure the communication, maintenance, regular review and updating of this policy
- Monitor and review delivery and impact of this policy.

Role of Head of HR

- 5.3 In consultation with the recognised Trade Unions, the Head of HR will exercise delegated authority for and be responsible for the on-going review and updating of this Policy to ensure compliance with changes in statutory requirements and operational delivery, including responsibility for identifying the appropriate process for the regular evaluation of the effectiveness of this policy. Any fundamental changes to this policy will be brought before the Resources Panel for approval.

Role of Trade Unions

- 5.4 Any review and revisions of this policy will be undertaken by HR and will be in consultation with the Council's recognised trade unions.

6.0 Monitoring and Review

- 6.1 The casual worker policy and procedure will be reviewed and updated annually and be available to managers and employees via the HR intranet.

7.0 Links to other Policies and Procedures

7.1 The Casual Worker Policy cannot be seen in isolation as it plays a key part in corporate governance, performance and business management; it is closely linked with the following strategies and policies:

- Recruitment and Selection

8.0 Equality

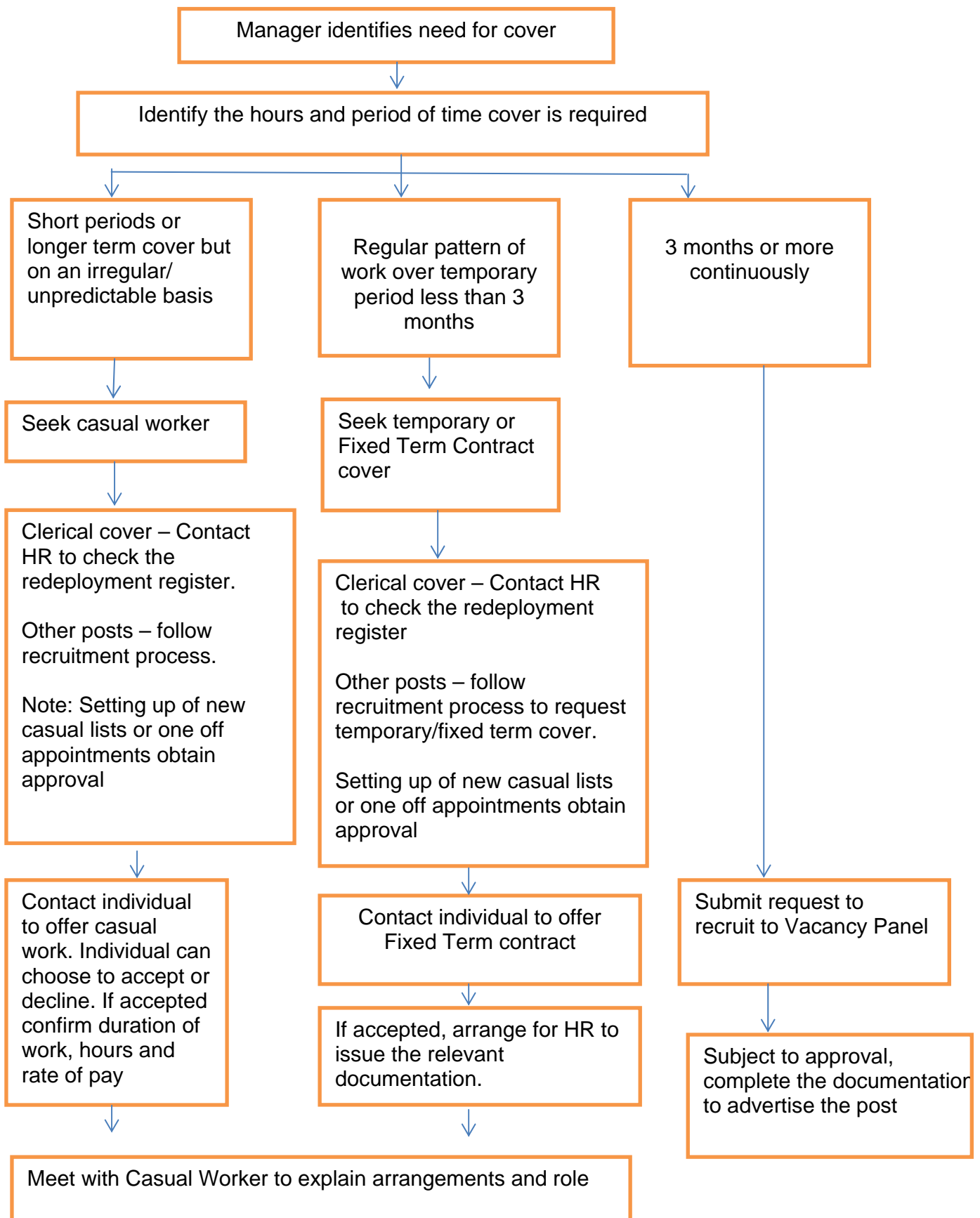
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8.2 The Council has a duty to monitor the application of the policy in relation to protected characteristics under the Equality Act 2010. This is reported annually in the Council's Equality Monitoring Report.

8.3 If any aspect of the disciplinary procedure causes you difficulty on account of any disability that you may have, or if you need assistance because English is not your first language, you should raise this issue with HR, who will make appropriate arrangements.

Short Term Cover of Posts / Casual Worker Process Chart

Appendix 1



Glossary

Casual Worker

Work is casual where there is no mutuality of obligation which means that Wolverhampton City Council is not obliged to offer work to the individual, work is 'add hoc'. Equally the individual is not obliged to accept the work offered. A casual worker is not an employee and casual work will not count towards continuous service.

**PERSONAL USE OF COUNCIL ICT POLICY
(including Employee Privacy statement)**

1. The revised ICT security policy and position statement on employee privacy when using Council technology have been redrafted to meet business objectives and are appended.
2. The revised policy introduces a modern approach to acceptable use of Council ICT resources in line with organisational requirements and up to date good organisational practice designed to facilitate a more agile working environment. The privacy protocol ensures that employees understand the limits to privacy that sit alongside greater choice in the workplace.
3. The principle change is that the policy allows relaxation of restrictions on personal activities on Council ICT resources, such as personal use of email and the internet and access to on-line social media services such as Twitter and Facebook. The policy is supported by a statement for users of the Council's ICT which outlines some personal privacy issues that employees must be aware of if they choose to make personal use of the resources.
4. Formal consultation with HR, a senior managers' reference group and the trade unions has informed the development of the policy.
5. The policy is underpinned by guidance developed to support the policy implementation. Many of the outcomes of the consultation meetings have been fed into the management guidance and managers, HR and trade unions will continue to be consulted on the guidance. An implementation plan including communications and training has been developed.

DRAFT

Wolverhampton City Council



Human Resources Policy Framework

Policy on Personal Use of Council Computer Equipment, and Access to Social Media

Approved by:	<i>Cabinet Resources Panel (xx.xx.2013)</i>
Published:	<i>xx.xx.2013</i>
Review date:	<i>xx.xx.2013</i>

CONSULTATION

The following officers and or bodies have been consulted on this policy:

Officers and or Bodies	From	To
Andy Hoare	xx.xx.2012	xx.xx.2013
Alistair Merrick	xx.xx.2012	xx.xx.2013
HR	04.02.2013	08.02.2013
CDB		

The following Trade Unions have been consulted on this policy

	From	To
Unison		
GMB		
Unite		

REVIEW LOG

Date	Version	Comments/Review	Approved by
22.01.13	0.1	GW following review by AH & AM	

EQUALITY ANALYSIS

An equality analysis is being carried out on this policy and procedure. Contact HR Strategy and Policy Team for a copy. Contact HR on 01902 552345 or by email on HR.supportdesk@wolverhampton.gov.uk for HR advice.

ADVICE

Contact HR on 01902 552345 or email HR.supportdesk@wolverhampton.gov.uk for HR advice.

COMMENTS AND AMENDMENTS

Contact HR on 01902 552345 or email HR.supportdesk@wolverhampton.gov.uk to make any comments or suggest any feedback on this policy.

DISTRIBUTION

This policy and procedure is placed on the HR intranet for managers and employees to view. Copies will be provided to recognised Trade Unions and managers electronically.

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1. Policy Statement

- 1.1. The Council's policy on personal use of Council computer equipment and access to social media sets out the standards and expectations of acceptable use for employees. Acceptable use, as set out in this document, includes measures to manage the personal and organisational risks associated with use of ICT resources and digital media services.
- 1.2. The policy includes:
 - information on when you are and are not allowed to use Council computer equipment for personal activities
 - risks and other issues you should be aware of when using Council computer equipment for personal activities.
 - rules and guidelines for using online services such as social media sites and collaboration services.
- 1.3 Abuse of the permissions in this policy or breaches of its provisions will be dealt with under the Council's disciplinary policy and procedures.
- 1.4 It is important that all employees understand this policy. Allowing you to use Council computer equipment for personal activities exposes the Council's ICT systems and information to increased risks. Ultimately this is a risk to members of the public as well, especially where personal information is involved. You are expected to use this privilege thoughtfully; to follow advice and guidance; and to accept responsibility for your own activities.
- 1.5 By using Council-supplied computer equipment or logging on to the Council's computer network you are confirming that you are aware of this policy, you understand it, you accept its provisions, and you agree to abide by it.
- 1.6 Wherever Council services such as email are mentioned in this policy, the same rules or guidance also applies to any similar service (such as GCSX/GCF secure email).
- 1.7 This policy applies anywhere employees use Council ICT services (so, not only in the office, but also connecting from home or out "on the road").
- 1.8 This policy is about matters that are changing rapidly. The policy may be amended at any time to respond to emerging issues and opportunities.
- 1.9 The Council is obliged to comply with a range of regulations that affect the way its ICT and information resources may be used. This policy does not override those regulations. You should be aware of them and take them into account when you use Council ICT equipment or services, whether for professional or for personal use.

2. Scope

2.1 This Policy and Procedure applies to all employees of the Council including Chief Officers and employees based in schools. It also applies to Councillors.

3. Restrictions

3.1 When you are logged on to the Council's network there a few basic things that you are routinely prevented from doing:

- Accessing Council software and information that you are not authorised to use.¹
- Accessing certain kinds of Internet sites and services, such as:
 - Those believed to contain inappropriate material.²
 - Those believed to pose a serious threat to the security of the Council's network, data and systems.³
 - Those believed to use technologies that can hamper the performance of the Council's network and systems, and prevent colleagues from carrying out their duties effectively.⁴

3.2 Like other organisations, the Council uses commercial "web site reputation" services to decide which Internet sites should be blocked. The nature of the Internet makes it impossible for such services to be perfect.⁵ Therefore contact the ICTS Service Desk if:

- You are unable to access something that you think you should be able to access.
- You find that you are able to access an inappropriate site.
- You receive security warnings when trying to access a site. **In this case, do not take any further action, including clicking buttons, until you have been advised by ICTS.**⁶

3.3 ICTS monitors the security and performance of the network and other computer resources, and may intervene without notice to protect them. This may result in temporary or permanent loss of services you have used previously.

¹ E.g. only staff with appropriate authorisation can use business software such as systems for Social Care, Benefits, Finance, Environmental Services, and so on.

² E.g. pornography, hacking, illegal file-sharing, etc.

³ E.g. from viruses, bots and other malware.

⁴ E.g. certain kinds of "streaming media" such as videos.

⁵ Reputation services monitor web sites and categorise them according to their content (e.g. "government", "sport", "shopping" etc). ICTS then blocks access to specific categories according to agreed corporate policy. The Web is such a big and dynamic place that sites can be put into the wrong category by the reputation service. Individual sites may be unblocked by request regardless of their category.

⁶ Security warnings can be fakes. By clicking a button to "fix" the alleged problem you may actually install a virus or malware on the PC.

- 3.4 By default, you are not prevented from using Internet sites and services such as shopping and popular social media services. Your use of these is subject to the principles and guidelines set out later in this policy.

4 Permissions: Principles And Guidelines

- 4.1 At your manager's discretion, you may make reasonable use of Council computer resources for personal activities on the Internet. This includes social media⁷ and shopping.
- 4.2 The Council expects you to use this privilege responsibly. It exposes the Council, members of the public, and you, to direct and indirect risk. You may be liable for the consequences of misuse, whether deliberate or accidental. If you are unsure about any activity, seek advice before you do it.
- 4.3 Personal use is not a right. Your manager may choose not to allow it. Your Head of Service may ask ICTS to block web sites that are available by default to colleagues elsewhere in the Council.
- 4.4 You should limit your personal use to non-working hours of your day. If you are on flexi-time, you should be clocked out.
- 4.5 You may only use Council equipment for personal activities if the device is attached to the corporate network by cable or wi-fi. Do not use smartphones (including Blackberries and Palm PDAs) or laptop dongles to access the Internet unless it is for Council business. These devices connect via commercial mobile networks for which the Council has to pay according to the amount of data transmitted.
- 4.6 If you use social media sites for official Council business, you should have agreed an appropriate way of using them with your manager. You or your manager should consult the Council's Marketing and Communications Team for guidance on any public-facing use of social media; whether informal, or as part of service delivery, or as part of a publicity campaign.
- 4.7 Unless you are authorised to do so, avoid engaging with members of the public about Council-related matters via social media. If you publish comments, do not convey the impression that you are speaking on behalf of the Council unless that is part of your job. It is very easy for your personal and professional identities to become mixed up online and it is important that you are alert to the risks from this.⁸

⁷ E.g. Facebook, Twitter, Google+, LinkedIn, Flickr, Yammer etc.

⁸ The Council's Marketing and Communications Team provide more detailed guidelines on the use of social media and the boundary between professional and personal use.

- 4.8 You must not disclose information about the Council or members of the public unless you have authority to do so. You should consider the impact of releasing any kind of information (whether intentionally or accidentally) and you may be liable for any consequences if you do.
- 4.9 If you use social media such as blogs and Twitter to comment on aspects of your professional life⁹ you should consider the way your words might be understood and used by other people. This is especially important if you can be identified as an employee of Wolverhampton City Council, which is often easy to do even if you are using a fake identity online. This applies even if you write in your own time away from the office. If in any doubt, seek advice before publishing.
- 4.10 Access to webmail services such as Google Mail, Hotmail and Yahoo is not allowed. These services will remain blocked. Viruses and malware are often transmitted as attachments to email messages. In normal email, these are detected by the Council's anti-virus systems before they reach your Inbox. With webmail such attachments cannot be scanned by the anti-virus system¹⁰ and they pose a very serious threat to the Council's systems.
- 4.11 You are allowed to use your Council email address for moderate personal activities, such as social communications. **If you choose to do this, bear in mind that the Council cannot guarantee that the content of your emails will remain private.** Ensure that you have read and understand the **ICT Services Statement On Employee Privacy** (Appendix 1).
- 4.12 Do not use your Council email address if you register for services or buy personal goods online. You may use your Council email address to register for professional services, such as appropriate news alerts and professional forums¹¹ and membership of professional bodies.
- 4.13 Avoid using the same online accounts for both personal and professional activities. There are some circumstances in which separate accounts can be difficult¹²; in this case consult the Council's Marketing and Communications Team.

5 Risks

- 5.1 Allowing access to online services greatly increases the risks that the Council has to deal with, and you should use them with appropriate caution. Directly or indirectly, it is possible to cause harm to the Council, or

⁹ Whether your own activities or those of others, or the work of the Council, or government and politics in general.

¹⁰ When accessing webmail your messages are displayed over an encrypted connection. The Council's anti-virus systems are unable to decrypt such messages to scan them.

¹¹ E.g. The LGA Knowledge Hub or forums operated by professional bodies.

¹² E.g. Some social media sites require that you register as an identifiable person, rather than sharing a business identity.

to members of the public, or to yourself.¹³ You may be liable for the consequences of misuse, whether deliberate or accidental.

- 5.2 A common way to spread viruses and malware is to get you to click on a link to a booby-trapped web page or web program. Often this is done via emails or Twitter messages. Take care when following any link, including those in personal webmail messages, because any damage will be caused to the Council's systems, not to your personal account.
- 5.3 Rogue links are often disguised as something plausible from banks or online services, or they may use "URL shortening" services.¹⁴ The latter are now very popular on Twitter and elsewhere and are often used legitimately. Unfortunately there is currently no reliable way of telling legitimate from rogue links, so unless you are confident that the link has been sent by a safe source you should not click on it.
- 5.4 Many web sites and online services use special technologies to enhance your experience when using them.¹⁵ These technologies run programs on your PC or smartphone and there is nothing to tell you reliably what they are doing:
 - Never download "apps" or other programs and try to install them on a Council device.
 - If a web site says you must install an add-on to make the site work, do not proceed.
 - ICTS disables many such technologies by default. As a result, sites and services that work for you on your home PC may not work properly on Council devices.
 - ICTS will not offer support for web sites and online services that you are using for personal activities.
- 5.5 Streaming media¹⁶ are particularly heavy users of resources such as the Council's connection to the Internet, and the internal network that connects to your PC. If possible avoid displaying web pages that use streaming media; and if you do display one, close the browser as soon as possible after you have seen what you need to see. Do not simply minimise the browser or open another tab, because the video may continue to use resources in the background.
- 5.6 It is tempting to visit sites with streaming media to follow events such as sports. Each member of staff that gives in to this temptation adds to the load on the Council's network and lowers its capacity for handling real work. ICTS may intervene to block such sites without warning if there is

¹³ This can happen if confidential information is made available outside the Council, or if viruses or malware are introduced to the Council's network or systems, or if online services takes up excessive amounts of ICT resource (such as bandwidth of the corporate connection to the Internet).

¹⁴ Such as Tinyurl.com, Bit.Ly and T.co.

¹⁵ Examples of such technologies include "apps", extensions, add-ons, toolbars, buttons and scripts.

¹⁶ "Streaming media" are video or audio that is played continuously in real time from a web site such as the BBC or YouTube.

cause for concern. Bear in mind that you should only carry out personal activities on Council equipment outside your working times.

- 5.7 Some web sites carry malware that displays a plausible but fake security alert message, which tells you to click a button to scan your PC. Sometimes this may look like a Microsoft message. Clicking any button is likely to install malware on your PC. **If you see such a message contact the ICTS Service Desk by phone to ask for assistance.**
- 5.8 Do not upload Council documents to file-sharing or collaboration services¹⁷ unless:
- You understand the terms and conditions of using the service, including how your information is used by the service provider and the legal liabilities for disclosure of information;
 - You are completely confident that the material you are uploading is appropriate for release to the public domain, even if releasing it is not your intention;
 - You know which country the information would be stored in, and the location is compliant with relevant UK and EU legislation;
 - You know for sure that you can permanently delete the material from the service¹⁸.
- 5.9 It is tempting to use such services because they are easy to sign up to and appear to be free of cost. They are not free: they depend on exploiting information you give them.
- 5.10 Some public sector bodies are now using services such as Google Apps. These are paid-for versions of the service, with security accreditation¹⁹, and contracts that define obligations and liabilities for all parties and specify that the data must be stored in a country that complies with EU legislation.²⁰ “Free” accounts do not come with these assurances. Publicity can give the impression that because an organisation is using a service, it must be safe for you to use, which may not be true.
- 5.11 Yammer, LinkedIn and similar services are aimed at professionals and may give the impression of greater security. You should treat these services with as much caution as other “free” services. In particular you should be aware that such services often try to copy your contacts list from Outlook or your phone, in which case you might disclose information about other people.

¹⁷ E.g. Google Docs, Dropbox, Yammer or any Internet “cloud” platforms.

¹⁸ Many “free” services retain your information even if you close your account. In some cases a facility for deletion is included in paid-for accounts.

¹⁹ Often using special computer data centres built specifically to comply with government security regulations.

²⁰ Storing information about a person outside the EU may contravene the Data Protection Act. Also, some countries (including the USA) have local laws that give their government agencies the right to look at information stored there even if it belongs to people in other countries. With “free” accounts you almost never have any say about where information is stored.

- 5.12 File-sharing sites are often associated with activities such as distributing illegal copies of copyright material. Do not use such sites even if your material is legal to distribute, because the Council's reputation can be damaged by association.
- 5.13 Be aware of copyright and licence issues. Just because people publish text and images on the Internet this does not give you an automatic right to copy or reuse them, whether for professional or private purposes.²¹ Software or services that are free for personal home use may not be free for professional or corporate use. The Council may be liable if you breach copyright or licence terms.

6 Personal Privacy And Safety When Using Council ICT Resources

- 6.1 Your personal privacy cannot be guaranteed when you use Council ICT resources. This applies whether your activities are personal or professional. The Council accepts no liability for any consequences if you choose to input information for personal activities.²² Any personal use of Council ICT resources is at your own risk. **You are advised to treat Council ICT resources with the same caution that you would use on an unsecured public PC, such as in an Internet Café.**
- 6.2 Ensure that you have read and understand the **ICT Services Statement On Employee Privacy**.
- 6.3 You should bear in mind that there are risks to members of the public as well as to you and the Council.
- If malware infects the Council's systems and leaks information to the outside world, confidential data about individuals could be disclosed.
 - Malware and virus infections or excessive personal use can affect the performance of the Council's systems. This in turn is likely to hamper the delivery of many of the Council's services to the public.

7. Roles and Responsibilities

Roles and Responsibilities of Employees

- 7.1 All employees have a responsibility to comply with all standards, codes and protocols which govern conduct and behaviour including the ICT

²¹ Many web sites and social media services carry copyright or licence statements. For example, images on Flickr may be tagged with a "Creative Commons" licence with various provisions. In some cases these may give you the right to reuse the material, usually subject to limitations and typically requiring you to state whose image it is and where it came from.

²² Personal information you supply for Council operational purposes (e.g. HR information needed for your employment) will be stored and used in accordance with the Data Protection Act.

protocol for the use of Council computer equipment and access to social media. Failure to comply with this policy will be treated as a disciplinary issue.

- 7.2 Employees are expected to read and understand this policy and to speak to their manager before using any computer equipment or services if there are any issues they are not sure about.
- 7.3 Employees should use the permissions thoughtfully, follow the advice and guidance given and accept responsibility for their own activities.
- 7.4 Appropriate authorisations as set out in this policy should be sought for the use of council ICT resources and access to social media.

Roles and Responsibilities of Managers

- 7.5 Managers have a responsibility to ensure that their staff are aware of this Policy, understand it, accept its provisions and abide by it, and that sanctions can be imposed for breaches of it.
- 7.6 Managers should advise employees on acceptable use if they have queries.

8. Monitoring and Review

- 8.1 This policy and procedure will reviewed and updated annually and be available to managers and employees via the HR intranet.

9. Links to other Policies and Procedures

- 9.1 This Policy is closely linked with the following policies:

- Disciplinary Policy
- Bullying & Harassment (Dignity & Work) Policy
- Equality Policy

10. Equality

- 10.1 An Equality Analysis will be carried out on this policy and procedure.
- 10.2 The Council has a duty to monitor the application of the policy in relation to protected characteristics under the Equality Act 2010. This is reported annually in the Council's Equality Monitoring Report.

10.3 If any aspect of the disciplinary procedure causes you difficulty on account of any disability that you may have, or if you need assistance because English is not your first language, you should raise this issue with HR, who will make appropriate arrangements.

ICT Services Statement on Employee Privacy

1. About this Document

1.1 This Statement sets out the position and policy of ICT Services (ICTS) regarding the privacy of Wolverhampton City Council (WCC) employees and Councillors who use computer, phone and other ICT resources that are provided by ICT Services.

1.2 It outlines what employees and Councillors may expect when they use corporate ICT resources. The Council's Constitution and Human Resources (HR) policies set out the general principles of employee privacy. In particular those policies address issues relating to personal information, to compliance with the Data Protection Act, and to monitoring of employees' activities. This ICTS Statement complements those principles and does not over-ride or replace them.

2. Acceptance

2.1 If you use WCC ICT resources, including phones, you are confirming that you understand this Statement and accept the policy on privacy that it sets out. If there is anything that you are not sure about, you should seek advice from your manager or Member Services (for Councillors).

2.2 If you manage employees or support Councillors it is your responsibility to make sure that anyone who uses Council provided ICT resources understands and accepts this Statement.

3. Your Privacy When Using Council ICT Resources

3.1 Your personal privacy cannot be guaranteed when you use Council ICT resources. This applies whether your activities are personal or professional. The Council accepts no liability for any consequences if you choose to input information for personal activities.²³ Any personal use of Council ICT resources is at your own risk. **You are advised to treat Council ICT resources with the same caution that you would use on an unsecured public PC, such as in an Internet Café.**

3.2 By default your activities will not be actively individually monitored. This includes the content of emails. But you should note the following:

a) ICTS may intervene to address problems with Council ICT resources. Depending on the nature of the problem it may be impossible to avoid information being seen.

b) Anti-virus software scans every file you open on your PC. These could include personal emails, and any attachments in emails.

c) Emails going in and out of the Council are scanned by automated systems to detect spam, viruses, offensive language and other issues. If these systems raise an

²³ Personal information you supply for Council operational purposes (e.g. HR information needed for your employment) will be stored and used in accordance with the Data Protection Act.

alert for an email message, the message (including its contents) may be inspected by authorised ICTS staff in the first instance and then possibly other authorised individuals, depending on the nature of the material.

d) In exceptional circumstances, such as suspected illegal activity or severe breaches of discipline, monitoring of an individual's activities (including access to the content of documents, emails and other electronic files) may be authorised by a Strategic Director or Assistant Director of the Council. Data from monitoring will be collected by ICTS and only made available to an independent investigating officer, until it has been established that there is a case to answer. The responsible officers and the procedure for approving and carrying out such monitoring is set out at **XXXXXXXXXXXXXXXXXX**.

e) You should always remember that email is insecure by its nature. This is true for email within the Council²⁴ as well as out on the Internet. If you wish to communicate sensitive or personal information to someone else in the Council²⁵ you are strongly advised to speak face-to-face or use some other more private means, if possible. Your personal privacy in emails cannot be guaranteed even when sent and received within the Council. The Council will accept no liability for disclosure of any personal information you choose to put in an email, even if the email is not sent outside the Council.

f) You are advised not to use your Council email address for personal commercial transactions (such as online shopping). Information about your transactions may become accessible to other Council employees. **If you use your Council email address, you do so at your own risk.**

g) If you use Council email for moderate social communications, be aware that you might be making information about your relatives or friends accessible to other Council employees.

h) Emails cannot be sent anonymously, whether inside or outside the Council. They are always traceable to the sender's email address and to the logonid used.

i) If you delete an email from your Inbox or other folders in Outlook, a copy may still exist in archives or system backups. This may also be true of emails that are moved automatically from your Inbox based on dates.²⁶ Even though you cannot see these copies, they are still subject to Freedom of Information, Data Protection and other legal obligations, and ICTS may be asked to recover them for inspection or disclosure.

j) You must not save any personal data to Council devices. Doing this may make the Council liable for Data Protection, Freedom of Information or other statutory obligations relating to your data.

²⁴ "Within the Council" means any email addresses ending "@wolverhampton.gov.uk" or "@wolverhampton.gsi.gov.uk". For these purposes, Wolverhampton Homes, West Midlands Pension Fund, and Trade Union branch officers should also be assumed to be within the Council.

²⁵ E.g. HR, Payroll, Occupational Health, Trade Unions, West Midlands Pension Fund, "whistleblowing" contacts.

²⁶ Corporate information retention periods are awaiting review. For some business teams in the Council, retention periods may be specified by law. Retention periods across the Council are overseen by the Corporate Information Governance Board.

- k) Even if you do not explicitly save your data to a Council device, be aware that the software might save it temporarily while you are accessing it, and copies can be left behind.
- l) Your personal data may be accessible to other staff who know where to look on the PC and on the Council's network. You are especially vulnerable if you share a PC with colleagues, even though you have separate logonids. ICT support staff may also be able to see your data.
- m) Do not store your logonids and passwords on your Council PC or smartphone.
- n) Do not use the browser's facilities to store personal logonids and passwords, or to pre-fill online forms.
- o) Do not tick options to "keep me logged in" at web sites where you have personal accounts. These options are often ticked by default when you go to the web sites, so you may need to un-tick them.
- p) When you leave employment by the Council, all data stored in your Council ICT account (including emails and documents) will be made available to your line manager and possibly to other Council employees. It is in your interests to ensure that you delete any data you consider personal.
- q) If you are away from the office and an important business issue arises that depends on information in your Council ICT account (including emails), your manager might request access to your account to find the information. To reduce the risk of this you should ensure that you have made appropriate arrangements with your manager for cover during extended periods of absence.²⁷

3.3 In addition to the above, any ICT activity may be recorded passively. This is data that ICT systems routinely accumulate as a by-product of any action or event, in logs, caches, web histories, browser cookies, most-recently-used lists, search indexes, audit records, and so on. The corporate ICT infrastructure also logs things that are happening to maintain performance and diagnose problems.

- a) Accumulating this data is automatic on all devices and is not aimed at any individual.
- b) In many cases the usefulness of your PC or your software would be seriously reduced if it were suppressed.
- c) In the event of a problem, the logs and other passively-collected data may be collated and linked to trace the source of the problem. This could result in your activities being identified.
- d) Bills from mobile phone providers are itemised, so there is a record of any use you might make of mobile phones, smartphones (including Blackberries and Palm PDAs) and dongles for laptops. This includes data activities such as accessing the Internet and email services.

²⁷ Microsoft Outlook allows you to delegate access to your email to other Council employees, temporarily or permanently. This offers you a limited amount of control over what the other people can see and do with your email. If you want to know more about this facility, contact your team's ICT Coordinator or the ICTS Service Desk.

EMPLOYEE STANDARDS AND CODES OF CONDUCT

1. The employee codes of conduct are appended as follows:
 - Employees' code of conduct
 - Travel, subsistence and hospitality (including gifts and hospitality guidelines)
 - Liability of employees
 - Service on outside bodies

2. The reformatted codes were previously held within the Council's constitution but have been relocated to the HR policy framework. Adherence to the codes and standards set by the Council for all employees is an important part of the employment contract and ability of the organisation to deliver high standards of service for the city. The codes are based on relevant national codes and regulatory standards for local government employees and up to date good organisational practice. Breach of the codes is a disciplinary matter.

3. The principle change is the addition in the Employees' Code of Conduct of a section on close personal relationships at work. This is in line with good operating practice in a modern organisation and is aimed at ensuring probity and transparency and avoiding allegations of favouritism or inappropriate decision making.

4. Formal consultation with HR, a senior managers' reference group and the trade unions has informed the development of the policy.

DRAFT

Wolverhampton City Council



Human Resources Policy Framework Code of Conduct for Employees

Approved by:	<i>Cabinet Resources Panel (xx.xx.2012)</i>
<i>Published:</i>	<i>xx.xx.2012</i>
<i>Review date:</i>	<i>xx.xx.2013</i>

CONSULTATION

The following officer and or bodies have been consulted on this policy:

Officers and or Bodies	From	To
HR		
CDB		
SEB		
PGSS		

The following Trade Unions have been consulted on the policy

	From	To
Unison		
GMB		
Unite		

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Date	Version	Comments/Review	Approved by
06.06.2013	0.3	KI revisions	
03.09.2012	0.2	Reformatted	
22.08.2012	0.1	Amended – new section on spouses, partners and close personal friends	KI

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An equality analysis will be carried out on this policy and procedure. Contact HR Strategy and Policy Team for a copy. Contact HR on 01902 552345 or by email on HR.supportdesk@wolverhampton.gov.uk for HR advice.

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1. Introduction

- 1.1 The public is entitled to expect the highest standards of conduct from all employees who work for local government. This Code outlines existing laws, regulations and conditions of service to assist employees in their day-to-day work. The Code is produced in the light of the challenges that employees face in the new and more commercially orientated environment.
- 1.2 The aim of the Code is to lay down guidelines for local government employees which will help maintain and improve standards and protect employees from misunderstanding or criticism. The Code is based upon a standard code approved by the local authority associations.
- 1.3 The Code applies to all local government employees in Wolverhampton. Inevitably some of the issues covered by the Code will affect senior, managerial and professional employees more than it will others. The Code is intended to cover all employees under a contract of employment within the Council, including office holders such as registrars.

2. Standards

Local government employees are expected to give the highest possible standard of service to the public and where it is part of their duties, to provide appropriate advice to Councillors and fellow employees with impartiality. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report to a Senior Manager or Chief Officer any impropriety or breach of procedure.

3. Disclosure of Information

- 3.1 It is accepted that open government is best. The law requires that certain types of information must be available to Councillors, auditors, government departments, service users and the public, but recognises that information is confidential. Employees should ensure that confidentiality of information is maintained when required by the law and the Council.
- 3.2 Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a Councillor which is personal to that Councillor and does not belong to the Council should not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by the law.

4. Political Neutrality

- 4.1 Employees serve the Council as a whole. It follows they must serve all Councillors and not just those of the controlling group, and must ensure that the individual rights of all Councillors are respected.
- 4.2 It is recognised that political parties will wish to formulate their policies in private in some circumstances, yet require an employee input. Confidentiality should be maintained in these circumstances.
- 4.3 Employees (whether nor not politically restricted under the provisions of the Local Government and Housing Act 1989) must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.
- 4.4 Political assistants appointed in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 4.1 and 4.3.

5. Relationships

5.1 Councillors

Employees are responsible to the Council through its senior managers. For some, their role is to give advice to Councillors and senior managers and all are there to carry out the Council's work. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing to other employees and Councillors and should therefore be avoided.

5.2 The Local Community and Service Users

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Council.

5.3 Contractors

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to a senior manager. Orders and contracts must be awarded on merit, by fair competition against other tenderers, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

- 5.4 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to their Chief Officer.
- 5.5 Spouses, partners and close personal friends
Employees who have a close personal relationship with any other employee of the Council should take special care to ensure that the relationship does not interfere with normal working relationships and does not cause others to doubt that they will be treated fairly. If it does, appropriate action will be taken in such circumstances.
- 5.6 People who already have a close personal relationship should not seek employment in the same work group. Senior managers have a particular responsibility to ensure that there can be no question of favouritism or bias in the appointment or treatment of any person with whom they have a close personal relationship outside their particular work group.
- 5.7. Where employees are involved in a close personal relationship with a work colleague which has broken down, they must ensure that they do not involve others in their private affairs within the workplace. Relations and/or their breakdown must not interfere with working arrangements.
- 5.8 Employees who are in, or embark on, a close personal relationship within the same service or department must declare the relationship to their manager and may voluntarily sign the protocol at appendix 1 to help ensure probity and appropriate behaviours. Dependent on the working arrangements, the nature of the post(s) held and an assessment of the potential risk to the organisation, the relevant Strategic Director/Assistant Director may **require** employees to sign the relationship protocol. Signed relationship protocols will be maintained confidentially by the Chief Human Resources Officer and a copy placed on each individual's personal file. Where staff are engaged in a close personal relationship further removed than the same department the protocol is also available on a voluntary basis.

6. Appointment and Other Employment Matters

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

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

7. Outside Commitments

- 7.1 All employees should be clear about their contractual obligations with the Council and should not take outside employment which conflicts with the Council's interests. Employees should declare to their senior manager outside commitments that could be considered as having some similarity with their Council duties or might cause conflict.
- 7.2 The Council retains ownership of intellectual property or copyright created during a person's employment.

8. Personal Interests

- 8.1 The Assistant Director (Governance) will maintain a register of employees' interests outside their contract of employment. All employees should, without delay, notify the Assistant Director (Governance) and their Chief Officer of outside interests which cover:-
- (a) Any non-financial interests that they consider could bring about conflict with the Council's interests;
 - (b) Any financial interests which could conflict with the Council's interests;
 - (c) Membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.
- 8.2 The register of employees' interests will be kept on a confidential basis.

9. Equality Issues

- 9.1 All local government employees should ensure that policies relating to equality issues as set down by the Council are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

10. Separation of Roles during Tendering

- 10.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contract

roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

- 10.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers other contractors and sub-contractors.
- 10.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 10.4 Employees contemplating a management buy-out should, as soon as they have formed a definite intent, inform the Chief Executive and withdraw from the contract awarding processes.
- 10.5 Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

11. Corruption

- 11.1 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

12. Use of Financial Resources

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

13. Hospitality

- 13.1 Employees should accept offers of hospitality only if there is a genuine need to impart or receive information or represent the Council in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented. They should be properly authorised and recorded.

- 13.2 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.
- 13.3 Employees should not accept significant personal gifts from contractors and outside suppliers, although employees can keep insignificant items of token value such as pens, diaries, etc.
- 13.4 When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.
- 13.5 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Council gives consent in advance and where the Council is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, employees should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

14. Sponsorship – Giving and Receiving

- 14.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts of hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 14.2 Where the Council wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to a Chief Officer of any interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

15. Supporting Regulations, Codes and Procedures

- 15.1 Supporting this general Code of Conduct are specified detailed regulations and procedure codes:

- Contracts Procedure Rule
- Financial Procedure Rules
- Anti-Fraud and Corruption Policy
- Anti-Money Laundering Policy
- Whistle Blowing Policy
- Hospitality Code

Human resources policies and procedures
National Scheme of Conditions of Service
Equal Opportunities Policy
Computer Security Policy
Service Group Instructions and Codes

CLOSE PERSONAL FRIENDSHIP PROTOCOL

Names: _____

INTRODUCTIONS

The following protocol has been agreed between the above parties to ensure probity between _____ and _____. The protocol is to protect the integrity of both parties, ensure probity and transparency and avoid allegations of favouritism or inappropriate decision making. This is a protective document and does not suggest any impropriety by the signing partners whatsoever.

EXCLUSIONS

This protocol does not remove the right of the Council to respond to any formal complaints received by the Chief Executive, Monitoring Officer or Head of Human Resources with an investigation if this is deemed necessary or appropriate by the Chief Executive.

PROTOCOL

Line Management

1. [The arrangements for line management will be explained here].

Operational Management Activities

2. Neither party to this protocol will sign or countersign the following in relation to the other party in this protocol:
 - (a) Travel Claims
 - (b) Subsistence Claims
 - (c) Training or development activities
 - (d) Attendance at conferences
 - (e) Changes to ICT equipment or telephone
 - (f) Appraisal or other performance processes
 - (g) Annual leave
 - (h) Purchase of new equipment
 - (i) Procurement of goods or services by a third party initiated by the other party in this protocol

Promotion or Alternative Work

3. Neither party to this protocol will sign, countersign, instigate or suggest to any third party the following:
 - (a) Promotion within the current work area
 - (b) Promotion to another part of the City Council
 - (c) Secondment to another area within the City Council
 - (d) Salary changes of any description
 - (e) Regrading
 - (f) Honorarium Payments
 - (g) Additional payments of any kind

Confidential Information

4. Both parties to this protocol agree that they will not share confidential information of any nature and will not reveal to each other any information about the other's employment with Wolverhampton City Council.

Interview Panels and Recruitment Processes

5. Neither party to this protocol will be involved in an interview panel or recruitment process involving the other or jointly sit on any interview panel.

Disciplinary or Redundancy or other matters

6. Neither party to this protocol will be involved in processes which involve the other party unless specifically requested to do so by the Chief Executive, (or Investigating Officer in the case of a disciplinary investigation).

Spirit of the Protocol

7. Where something is not specifically referred to in this protocol it is agreed that the spirit of the protocol will be observed.

Close Friendship

8. Should the close friendship cease to be so the protocol will remain in force until Wolverhampton City Council no longer employs one of the parties.

Both Parties to the Protocol Note

9. Both parties note that this protocol is purely precautionary to protect both parties from unfounded or inappropriate suggestions of favouritism or misconduct at Wolverhampton City Council.

The following parties have signed the protocol and will ensure adherence to it:

Name:	Name:
Position:	Position:
Wolverhampton City Council	Wolverhampton City Council

Copies of this protocol are distributed as follows:

- 1.
- 2.
- 3.
- 4.

Wolverhampton City Council



Human Resources Policy Framework

Code of Practice for Employees Travel, Subsistence and provisions of Hospitality (including gifts and hospitality)

Approved by:	<i>Cabinet Resources Panel (xx.xx.xx)</i>
Published:	
Review date:	

CONSULTATION

The following officers and/or bodies have been consulted on this code:

Officers and/or Bodies	From	To
HR		
MRG		
CDB		
SEB		
PGSS		

The following Trade Unions have been consulted on this code:

	From	To
Unison		
GMB		
Unite		

REVIEW LOG			
Date	Version	Comments/Review	Approved by

EQUALITY ANALYSIS
<p>An equality analysis is being carried out on this code of practice. Contact HR Strategy and Policy Team for a copy. Contact HR on 01902 552345 or by email on HR.supportdesk@wolverhampton.gov.uk for HR advice.</p>

ADVICE
<p>Contact HR on 01902 552345 or email HR.supportdesk@wolverhampton.gov.uk for HR advice.</p>

COMMENTS AND AMENDMENTS
<p>Contact HR on 01902 552345 or email HR.support@wolverhampton.gov.uk to make any comments or suggest any feedback on this policy.</p>

DISTRIBUTION
<p>This code of practice is placed on the HR intranet for managers and employees to view. Copies will be provided to recognised Trade Unions and managers electronically.</p>

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TRAVEL, SUBSISTENCE AND PROVISIONS OF HOSPITALITY

1.0 Introduction

- 1.1 The Employees' Code of Conduct includes a section on hospitality and sponsorship. The purpose of this code of practice is to detail the arrangements for the reimbursement of travel and subsistence expenses, the provision of meals, refreshments and hospitality.
- 1.2. Claims for such expenditure should be made on the appropriate claim form and paid through payroll.

2.0 Scope

- 2.1 This code of practice applies to all employees of the Council.

3.0 Subsistence outside Wolverhampton within UK

- 3.1 Subsistence allowances at the rates circulated annually by the Strategic Director for Delivery may be claimed by all employees in connection with official duties undertaken outside the City, not involving an overnight stay. The specific meals for which a claim may be made should have regard to the period of absence, the cost of the meal, and whether any meals have been provided.
- 3.2. Where an employee necessarily purchases refreshment on a train, the actual cost of the refreshment shall be reimbursed on production of a receipt.

Overnight Stays

- 3.3. All employees will be reimbursed "approved expenses" for overnight stays which means reasonable actual expenses for overnight hotel accommodation as supported by VAT receipts but excluding personal expenditure on private telephone calls, newspapers and drinks, other than for refreshment or modest business purposes etc. In these circumstances, employees should try to obtain hotel accommodation at a reasonable cost and take advantage of any preferential rates to the authority, unless none are available within reasonable travelling distance or the employee is a member of a party and other arrangements are desirable, in which event stays in hotel of a higher standard are acceptable but should be agreed by the Chief Officer.
- 3.4. In appropriate and exceptional circumstances, and where agreement is obtained in advance, the Chief Officers may allow reimbursement of subsistence expenses on meals or accommodation to individual employees in excess of the rates referred to in paragraph 3.1., each case being treated on its merit.

4. Courses, seminars and conferences

- 4.1 For employees the normal subsistence allowances are payable in connection with short conferences/seminars etc. outside Wolverhampton. However, in some cases accommodation or meals costs are included in the conference fee or there is a 'conference' hotel where delegates are expected to stay and in this event the conference fee and actual accommodation etc. costs should be paid direct by the Council to the conference organisers or as required by the organisers.
- 4.2. In the case of residential training courses, employees may be entitled to claim 'out-of pocket' up to the maximum rates circulated annually by the Strategic Director for Delivery.
- 4.3 For attendance at Seminars and Conferences see *Protocol for Member/Officer relationships*.

5. Travelling expenses

- 5.1 All employees regardless of their grade are required to travel standard class. It is the responsibility of every individual travelling for business to find the most effective and efficient way to travel and to try and take advantage of any special rates available.
- 5.2 With the removal of the rail warrant, a corporate travel scheme has been implemented and the use of a Purchasing Card (through the Government Procurement Card scheme) in conjunction with a Virgin Business Express account has been introduced.
- 5.3 Any employees not using the Purchasing Card will be required to claim their travel costs through expenses and will be reimbursed via Payroll Services through their monthly salary.
- 5.4 The use of taxis, hired vehicles, claim of car allowance (for long journeys) or travel by air, should only be considered where this can be justified in the interest of the Council or personal safety or in the avoidance of hardship. Such considerations might be that there is no appropriate public transport available; it can be justified financially e.g. where a group of employees/members travel together; or where it is otherwise justified by significant savings in employees' time or overnight stay costs. Wherever possible, the approval of the responsible Chief Officer should be obtained in advance.

6. Subsistence in the City

- 6.1 For employees the meal allowances described in paragraph 3.1. are payable when employees are "prevented by their duties from taking a meal at their home, administrative centre or establishment where they normally take their meals and thereby incur additional expenditure". It is recognised that Wolverhampton is geographically small and claims in this area are not normally accepted and should only be made in exceptional circumstances.
- 6.2 The meal allowances are also payable in lieu of overtime to employees above the salary limits for overtime payments who are working at their normal place of employment but outside normal working hours. In this case no additional expenditure need have been incurred but payments are subject to deduction of income tax and must, therefore, be claimed through the payroll system.

7. **Persons who are not members or employees**

- 7.1 Where an employee is accompanied on a personal basis by a person who is not a Member or employee, the additional costs arising from that person should not be met by the Council and unless there are special circumstances, all additional costs or an appropriate portion recovered if it results in a lower cost for the Council. This should be on an agreed basis in advance.

8. **Foreign travel**

- 8.1. In view of the wide range of costs of travel and accommodation in various countries, it is not considered practical to operate a standard allowance system for visits abroad. In these circumstances reasonable actual expenditure on accommodation, travel and subsistence will be funded/reimbursed subject to a number of conditions as detailed below:-
- (i) Travel expenses are an issue which receives much scrutiny, and a public expectation exists that requires a demonstration of modesty, appropriateness and no personal financial benefit or gain.
 - (ii) All foreign travel must usually be fully-funded from external sources (by grant etc) and there should be no cost to Council budgets.
 - (iii) Authorisation for the trip must be obtained in advance through a Green Decision report authorised by the responsible Service Director. The report must detail the costs of the trip and the source(s) of external funding. A copy of the report must be sent to the Banking Team within Operational Finance when it has been approved so that they have evidence of authority to make travel arrangements and provide foreign currency for the trip.

- (iv) If, in exceptional circumstances, it is deemed necessary for the Council to fund or part-fund a foreign trip approval in advance must be obtained from the Cabinet (Resources) Panel.
- (v) A detailed itinerary must be submitted in advance to the Service Director for every visit made. It should include a request by the officer travelling, for approval if they intend to be accompanied by a relative or friend and/or if they wish to extend the visit for personal reasons;
- (vi) If the Council is required to book air travel and/or accommodation for the trip, this must be booked in advance through the Council's nominated travel agent unless there is a proven financial benefit to the taxpayer through making use of an alternative booking arrangement;
- (vii) Priority should be given to purchasing travel tickets and accommodation that represent value for money to the taxpayer after taking into account factors such as the destination and duration/timing of flights;
- (viii) In addition to the cost of accommodation, meals and internal travel, minor subsistence sums for 'out of pocket expenses' may be claimed but moderation must be exercised at all times when incurring expenditure during a trip;
- (ix) Where an officer is accompanied by a relative or a friend there should be no additional cost to the taxpayer (including category of room), and the business element of the visit should not be compromised. Also, there must be no financial gain or benefit to the officer;
- (x) If an officer extends their stay as a result of personal choice, there is a requirement to have an approach to apportioning the costs of the visit that balance the taxpayer's and officer's interests, and demonstrates that the officer is not receiving any benefit in kind. This is done by apportioning of costs based upon nights away, but allowing one night's flexibility for resolving travelling arrangements. By way of example – if someone is away for six nights on a business trip and they extend the trip for personal reasons to nine nights, then they would pay 2/9ths of the air fare and all of their expenses for the extended stay: hotel, meals, travel etc;
- (xi) Special flight deals requiring longer stays, but offering cost savings should be cleared with the Service Director and justified on the basis of offering a significant cost-saving;
- (xii) The Council's Risk Management and Insurance Team must be contacted with regard to arranging travel insurance.
- (xiii) Within seven days of returning the officer must complete a detailed financial summary for the trip and a reconciliation of the foreign currency advanced and expenditure incurred. The summary together

with supporting receipts and surplus currency/travellers' cheques must be submitted to the Banking Team

- 8.2. Where foreign travel is extended for personal or pleasure reasons there should be no additional cost to the Council because of the arrangements and when the private time relative to the Council's business time is significant, a contribution towards the Council's costs should be agreed with the Chief Officer and Audit Services.

9. Provisions of meals and hospitality

Member Meetings

- 9.1 The provision of meals at Member meetings and pre-meetings should be seen as necessary to facilitate the progress of the business of this meeting. The situation where a meeting commences during the morning and carries on into the afternoon would appear to be a reasonable case where the provision of a meal may be justified. A further situation where it might be appropriate as a matter of courtesy to provide a meal is where a meeting ends or starts around the lunchtime period and the meeting is attended by guests. Catering at evening meetings may also be justified on a similar basis. In practice catering will only be arranged by Democratic Support following a specific request from the Chair of the Member meeting.
- 9.2 The standard of meal provided within the Civic Centre should be reasonable and appropriate to the circumstances. However, depending on the circumstances, for example when distinguished guests are present, it may be appropriate to provide a higher level of meal.
- 9.3 Where the meal is being provided at a non-Council establishment, the cost should be contained to demonstrate it is modest, reasonable with regard to the event and people attending and can be seen as in the Council's interests.

Other Occasions

- 9.4 Any hospitality provided by employees should be justified as in the public interest, for example where official visitors are invited to assist in or discuss the Council's affairs, and it would be courteous to provide a meal or refreshments. The hospitality given should be on a modest scale appropriate to the occasion and authorised by a Chief Officer.
- 9.5 On other occasions e.g. meetings with officers from other local authorities, or meetings of professional bodies; if these meetings are not directly connected with the Council's affairs but are of benefit to the public service generally, it may also be reasonable for the Council to provide hospitality when appropriate, subject to Chief Officer approval where large numbers (25 plus)

are involved either for specific meetings or relating to the specific bodies involved.

- 9.6 Wherever possible hospitality should be provided within the Civic Centre, however, it may be appropriate to provide the hospitality elsewhere in exceptional circumstances, each case being considered on its merits.

10. Roles and Responsibilities

10.1 Roles and Responsibilities of Employees

Employees have a responsibility to comply with this code of practice.

10.2 Roles and Responsibilities of Managers

Managers have a responsibility to ensure that is observed by their staff and that any breaches are dealt with promptly.

10.3 Roles and Responsibilities of HR

HR will advise and support managers and employees on any issues arising from this code.

10.4 Roles and responsibilities of the Head of HR

In consultation with the recognised Trade Unions, the Head of HR will exercise delegated authority for and be responsible for the on-going review and updating of this code of practice to ensure compliance with changes in statutory requirements and operational delivery, including responsibility for identifying the appropriate process for the regular evaluation of the effectiveness of this policy. Any fundamental changes to this code will be brought before Cabinet (Resources) Panel for approval

10.5 Roles and responsibilities of Trade Unions

Any review and revisions of this policy will be undertaken by HR in consultation with the council's recognised trade unions

11. Monitoring and review

This policy will be reviewed and updated annually and will be available to managers and employees via the HR intranet

12. **Equality**

- 12.1 An Equality Analysis has been undertaken on this code.
- 12.2 The Council has a duty to monitor the application of the code in relation to protected characteristics under the Equality Act 2010. This is reported annually in the Council's Equality Monitoring Report (Employment).
- 12.3 If any aspect of this code or guidelines causes difficulty on account of an employee's disability or because English is not their first language, they should contact HR, and appropriate arrangements will be made.

CODE OF PRACTICE

Guidelines for Employees – Gifts and Hospitality

1. Introduction

1.1. The following guidelines supplement the law, the Council's Procedure Rules and the Council's General Code of Conduct for Local Government Employees.

1.2. Employees are reminded that:

"The public is entitled to demand of local government employees conduct of the highest standard and public confidence in their integrity would be shaken were the least suspicion to arise that they could in any way be influenced by improper motives".

1.3. Employees are expected to use common sense in assessing any situation where undue influence could be construed and no individual should do anything in carrying out their duties which could give rise to accusations of improper conduct. These guidelines are intended to assist in making the right decision in any particular case when offers of gifts or hospitality are received.

2. Gifts

2.1. It is almost certain that the acceptance of gifts by employees from persons who have or who are seeking to have dealings with the Council would be viewed by the public with suspicion and would leave the individual concerned and the Council open to criticism. A gift offered to an employee or to his or her family should therefore be tactfully refused when it comes from a person or organisation with whom the Council has or is about to have dealings of any kind whatsoever or who has applied or may apply to the Council for any planning or other kind of decision.

2.2. The only exceptions to this rule are:-

- (a) Gifts of little value often given by way of trade advertisement to a wide range of people and organisations, e.g. calendars, diaries, inexpensive pens and other similar articles for use in the office;
- (b) Gifts of little value given on conclusion of a courtesy visit, e.g. to a factory or other premises;
- (c) Gifts of little value given by the public to staff, e.g. box of chocolates;

- (d) When it would be discourteous or reflect adversely on the Council if the gift of a modest nature was not accepted, but acceptance should be on the basis that it will be used to raise funds for charity, community groups, etc.

2.3. In the event of any doubt whether a gift may be accepted, the gift should be politely and tactfully refused

- 2.4. When an employee receives an unacceptable gift without warning, this should immediately be reported to his or her Chief Officer who will decide whether the gift should be returned or forwarded for some charitable or deserving cause. In such cases the Chief Officer should write to the donor to inform him or her of what has happened to the gift, and an explanation of the reasons for its disposal or return.

- 2.5. Except for gifts mentioned in (a) to (c) above, all offers of gifts either refused or accepted should be reported to an employee's immediate supervisor. These should be recorded in a services record, together with the manner of disposal of any gift.

- 2.6. Requests to staff from members of the public who staff have served e.g. residents in homes, should be treated as gifts and not accepted. An employee's Chief Officer should be advised immediately of any requests and if they cannot reasonably be refused, a suitable method of disposal agreed.

3. Hospitality received

- 3.1. There should be no cause for concern where an offer of hospitality is made by other non-commercial public bodies or one of its employees. However, caution is required when it is offered by any person or body having business with or seeking a decision from the Council. This is particularly the case when the offer is made to an individual employee who must refuse where any suggestion of improper influence is possible.

- 3.2. Hospitality should only be accepted where it is on a scale appropriate to the circumstances, reasonably incidental to the occasion, not extravagant, and where it is apparent that no cause could reasonably arise for adverse criticism about the acceptance of the hospitality.

- 3.3. Acceptance of offers of hospitality should be agreed in advance with an individual's Senior Officer whenever possible.

- 3.4. The following are examples of hospitality which are acceptable and those which are not:-

Acceptable

- (a) An offer of a drink following a site inspection;
- (b) Invitations to attend functions where the individual represents the Council e.g. dinners at which they are invited to speak, opening ceremonies, trade shows, non-commercial presentations and shows, charity type sponsorship, etc. or to functions which they attend by virtue of their professional position;
- (c) Hospitality offered by other non-commercial public bodies;
- (d) A working lunch of a modest standard provided to enable the parties to continue to discuss business;

Unacceptable

- (a) Cabarets and holidays;
- (b) Personal offers of theatre tickets or tickets for sporting events as opposed to attendance when the Officer is representing the Council;
- (c) Offers of hotel accommodation or use of company flats;
- (d) Specific personal invitations to having evenings or days out with representatives of a company or firm who have dealings with the Council;
- (e) Personal invitations to use any company facilities or vehicles etc.
- (f) Cash or items of significant value;
- (g) Personal works or items of equipment etc. at a discount.

Wolverhampton City Council



Human Resources Policy Framework

Code of Practice for Employees Liability of Employees

Approved by:	<i>Cabinet Resources Panel (xx.xx.xx)</i>
<i>Published:</i>	
<i>Review date:</i>	

CONSULTATION

The following officers and/or bodies have been consulted on this code:

Officers and/or Bodies	From	To
HR		
MRG		
CDB		
SEB		
PGSS		

The following Trade Unions have been consulted on this code:

	From	To
Unison		
GMB		
Unite		

REVIEW LOG			
Date	Version	Comments/Review	Approved by

EQUALITY ANALYSIS
An equality analysis is being carried out on this code of practice. Contact HR Strategy and Policy Team for a copy. Contact HR on 01902 552345 or by email on HR.supportdesk@wolverhampton.gov.uk for HR advice.

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LIABILITY OF EMPLOYEES

1.1 Introduction

- 1.1 This protocol sets out the support which the Council gives to employees if claims are made against them by third parties arising out of alleged acts or defaults by them whilst carrying out their duties and responsibilities as employees of the Council.

2.0 Scope

- 2.1 This code of practice applies to all employees of the Council.

3.0 Principles

- 2.1. The main points of the guidance note on Liability of Employees are as follows:

provided an Employee is not acting:

- in a fraudulent or dishonest manner
- is not reckless or grossly negligent

is not acting outside the scope or spirit of his/her normal duties

then the Council will provide liability cover for any action taken against the employee by third parties arising out of the normal course of carrying out his/her Council business. This cover does not prevent disciplinary action being taken where appropriate and cover cannot be provided for criminal, wilful or reckless acts.

4.0 Background details

- 4.1 Claims may arise in a number of ways:

- (i) As the result of a direct action by a third party against the Employee;
- (ii) As a result of the Employee being joined in an action by a third party against the Council;
- (iii) As a result of a direct action by the Council against the Employee;

The general rule of law is that an employer is liable for the acts or defaults of his/her employee provided that the employee was acting within the scope of his/her employment. This can also extend to the situation where a third

party reasonably believes the Employee had proper authority to do what he or she has done even if in reality this is not the case.

- 4.2. It is normal practice in the private and public sector for employing bodies to indemnify their Employees. Employees are currently covered by a Finance and General Purposes Committee Resolution of 13.4.87:-

“That the Council shall indemnify in perpetuity all employees and former employees of the Council against all liability, professional or otherwise for negligence or negligent omission or breach of contractual or statutory duty arising out of the employee’s employment with the Council and that such indemnity shall extend to any such liability arising out of the employee’s engagement of duties undertaken by the Council on behalf of any other authority or body.

Provided that such indemnity shall not extend to any liability arising as a result of fraud, dishonesty or other criminal activity or of wilful misconduct, gross negligence or gross dereliction of duty on the part of the employee”.

- 4.3 The indemnity will not apply if any employee, without the authority of the Council, admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of this Resolution.

- 4.4 The indemnity does not extend to loss or damage directly or indirectly caused by or arising from:-

- (a) Fraud, dishonesty or any other criminal act on the part of the employee;
- (b) Actions outside his/her normal duties;
- (c) Wilful misconduct, gross negligence or gross dereliction of duty, including liability in respect of surcharges made by the External Auditor.

- 4.5 Insurance cover for Employees is as follows:-

- Public and employers’ liability
- Employees’ indemnity (financial loss to third parties)
- Libel and slander
- Fidelity guarantee and special contingency for cheques
- Cash in transit
- Personal accident (assault)
- Travel cover on request for official journeys outside the U.K.

5. External bodies

5.1. The situation becomes more complex, however, when consideration is given to the involvement of Employees with external bodies and companies. On 27.02.06 the Audit Committee approved a Code of Practice for Service on Outside Bodies. Employees who are appointed to serve on or to attend the management board or committee of an outside body should familiarise themselves with the code. This note summarises the key points.

5.2. Involvement falls into three categories:-

- (a) Observer to the organisation
- (b) Adviser
- (c) Part of the management of the organisation

5.3. The key features are as follows:-

Category 1 - Observer

The role of observer is the one of lowest risk, but such roles should always be clearly understood by all parties involved and be documented. The observer takes no part in the decision-making process of the organisation, does not offer advice or opinions, the observer merely notes and reports back to the Council. Even in this capacity it is important for organisations to understand that the presence of a Council Employee, when issues are being discussed and decided, cannot be taken as validating their decision.

Category 2 - Adviser

An advisory role produces a greater degree of risk because it is reasonable for any advice given to be relied upon, and if this action causes a third party or the organisation receiving the advice to enter into commitments they would not otherwise have done or to suffer any loss, there is a potential claim against the Council. It is important, therefore, that the Employee only makes statements that commit the Council to any action or expenditure where authorised to do so and offers advice where he/she is qualified to give it. Employees should obviously not give professional advice outside his/her area of competence (legal, financial, architectural etc.), experience or training. Even where such advice is given it may be appropriate in certain circumstances for caveats to be imposed or the organisation recommended to seek appropriate independent professional advice.

Category 3 - Management of the Organisation or Company

Involvement with the management of an organisation or company exposes an individual and therefore the Council to greater risk. Even in a limited liability company a director has some potential exposure to personal liability. Where an Employee is, in effect, the Council's nominee the Council may itself be jointly liable. In these cases the Council will only indemnify individuals if they have operated within the brief given to them by Council and have carried out their role diligently and in accordance with the law. The

Council will provide cover as well for Employees involved in positions where the activities are not directly related to Council business but the Employee is in a position approved by the Council.

- 5.4 In all cases, but more importantly with **Category 3** roles, the Employee involved with the organisation should establish that appropriate governance arrangements are in place, e.g.
- (a) A formal constitution (written format) exists
 - (b) Responsibilities for management are delegated to responsible Employees of the organisation
 - (c) Employees to manage the affairs of the organisation are properly appointed
 - (d) Adequate arrangements are in place for financial management accounting and ensuring liabilities are met
 - (e) Regular formal meetings are held
 - (f) The organisation is a “going concern”
 - (g) All grants are only used for the purposes agreed by the grant-giving body.

5.5 Special Points for Complex Organisations where there is a Management Involvement

In complex organisations there is a greater need for the Employee to be alert to the warning signs of a problem:-

- Operating losses over the medium term
- Significant overdue debts
- Future income is not predictable
- Dependence on short-term finance for medium term cash-flows
- Shortage of working capital
- Little liquidity
- High or increasing debt
- Under capitalisation, in particular a deficiency on share capital and reserves
- Inter-group guarantees indicating a dependence on a holding company
- Major contingent liabilities

None of these indications are ever conclusive, however, and you should look carefully at the positive aspects of a company as well, for example, the value of its assets and strength of its management.

- 5.6 Employees who are formally appointed as Company Directors or Trustees must understand the legal responsibilities attached to these appointments. Full information is contained in the Code of Practice for Service on Outside Bodies.

- 5.7. All Employees' involvement should be authorised by their Director or Chief Executive and a clear indication given of their category of involvement. Their involvement should be registered in the register of interest.
- 5.8. If an Employee has any concerns or doubts they should immediately consult the Section 151 Officer or the Assistant Director (Governance).
- 5.9. Employees involved in profit making organisations should ensure those organisations have insurance cover for their directors and advisers.

6. Roles and Responsibilities

6.1 Roles and Responsibilities of Employees

Employees have a responsibility to comply with this code of practice.

6.2 Roles and Responsibilities of Managers

Managers have a responsibility to ensure that is observed by their staff and that any breaches are dealt with promptly.

6.3 Roles and Responsibilities of HR

HR will advise and support managers and employees on any issues arising from this code.

6.4 Roles and responsibilities of the Head of HR

In consultation with the recognised Trade Unions, the Head of HR will exercise delegated authority for and be responsible for the on-going review and updating of this code of practice to ensure compliance with changes in statutory requirements and operational delivery, including responsibility for identifying the appropriate process for the regular evaluation of the effectiveness of this policy. Any fundamental changes to this code will be brought before Cabinet (Resources) Panel for approval

6.5 Roles and responsibilities of Trade Unions

Any review and revisions of this code will be undertaken by HR in consultation with the council's recognised trade unions

7. Monitoring and review

This policy will be reviewed and updated annually and will be available to managers and employees via the HR intranet

8. **Equality**

- 8.1 An Equality Analysis will be undertaken on this code.
- 8.2 The Council has a duty to monitor the application of the code in relation to protected characteristics under the Equality Act 2010. This is reported annually in the Council's Equality Monitoring Report (Employment).
- 8.3 If any aspect of this code or guidelines causes difficulty on account of an employee's disability or because English is not their first language, they should contact HR, and appropriate arrangements will be made.

Wolverhampton City Council



Human Resources Policy Framework

Code of Practice for Employees Service on outside bodies

Approved by:	<i>Cabinet Resources Panel (xx.xx.xx)</i>
<i>Published:</i>	
<i>Review date:</i>	

CONSULTATION

The following officers and/or bodies have been consulted on this code:

Officers and/or Bodies	From	To
HR		
MRG		
CDB		
SEB		
PGSS		

The following Trade Unions have been consulted on this code:

	From	To
Unison		
GMB		
Unite		

REVIEW LOG			
Date	Version	Comments/Review	Approved by

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SERVICE ON OUTSIDE BODIES

1.2 Introduction

- 1.1 This Code of Practice is for elected members and officers serving on the management of outside bodies. This is a complex area of work and individuals have to have regard to their responsibilities and liabilities. This Code aims to encourage people to take appropriate constructive and proactive interest in outside bodies, and is part of the Council's commitment to working with all sectors, including public, voluntary and private sectors of the community.
- 1.2 It also aims to introduce greater clarity and consistency into relationships. The Council appoints people onto outside bodies where it is important to maintain good relationships between the two parties and or where the aims of the outside body are to the benefit of Wolverhampton. Outside bodies have a large variety of different forms and structure, which have implications for the roles, responsibilities and potential liabilities of those appointed to their managing body. These are set out in the Code.
- 1.3 Partnership working is also a frequent and recognised way of achieving shared objectives. Partnerships involve different organisations with a variety of legal structures. It is not the intention of this Code to define partnership or to set rules for their operation. However, it is important for all those involved in partnerships to be aware that this Code may bear on the way partnership members get involved in work which arises e.g., some of them may create a new project or organisation. It is important to be clear at all stages about the distinction between a partnership and any project or organisation it set ups.
- 1.4 If you require any further information about this Code, please contact the Section 151 Officer or Assistant Director (Governance).

2.0 Scope

- 2.1 This code of practice applies to all employees of the Council.

3.0 Principles

- 3.1. The Council frequently appoints elected members, officers or others to serve on, or to attend the management board or committees of outside bodies. This Code is designed to:
 - Introduce clarity about the relationships between the Council and an outside body

- Ensure that Council appointees understand the general duties, responsibilities and liabilities that arise when serving on various outside bodies.
- 3.2. This Code does not cover informal groups or partnerships that may convene to explore an idea to set up a new group and or project. However, when a group has attained a formality, clarity is needed on the roles of the people who were originally involved and their continuation as their roles and responsibilities would change.

4.0 Conduct

- 4.1 In working with or for an outside body you should carry out your responsibilities to the highest standards of conduct and behaviour as you would when working for the Council i.e., with integrity, fairness, probity and honesty.
- 4.2. You will need to ensure that you declare any interest when issues concerning the body arise within the context of the Council, or when matters of concern to the Council are discussed by the outside body. You need to declare any interest at both formal and informal meetings. If you have any doubts about your position, it is important to take advice from the Assistant Director (Governance).
- 4.3. Where you take part in the work of an outside body in a personal capacity and in your own time, it is your responsibility to ensure that there is no conflict of interest, and that both parties are clear about their mutual expectations, roles and responsibilities. The rules about declarations of interest apply even when you are acting in a personal capacity.
- 4.4. This Code can not prescribe the precise roles and relationship, which are appropriate in every circumstance, because these are many and varied. It attempts to set out the most important rules to be followed, in situations that are likely to be encountered by Council appointees.

5. Responsibilities as a Council representative on an outside body

- 5.1. Before taking up an appointment on any outside body, you should ensure that you know and understand the answers to the following questions:-
- i) What is the status of the body that you are being appointed to? The rules that will apply to you will be different for companies; trusts, bodies incorporated under statute or charter, incorporated and unincorporated associations. A brief description of the main types of outside bodies is given in the Appendix.

- ii) In what capacity are you being appointed? If you are a company director, trustee, or a member of a committee of another local authority, then you must follow the rules for that office. It is also possible, especially for officers that you will be appointed as an observer. A brief description of the main roles and responsibilities of appointees serving on outside bodies is also contained in the Appendix.
 - iii) What are the internal and external rules governing the body, and how do they affect you? You need to be aware of all the rules that apply to the specific body and comply with them.
 - iv) What is the financial standing of the body? In some circumstances you will have personal responsibilities that require you to demonstrate your active responsible involvement in the financial management of the body (see later details).
 - v) How will your participation in an outside body affect your position as a Councillor or officer? It may mean that you need to declare an interest in both formal and informal meetings at the Council.
- 5.2. People formally appointed by the Council to outside bodies can expect, and are entitled to receive, support and advice from officers. However, the officers may not receive the same information and papers that are sent to appointees. An officer can advise you only if they know what the issues are, and when meetings are to take place. You will find it helpful to identify the senior officer who can support you when you are appointed, and to make sure that he or she has the information needed to brief you.
- 5.3. If you are a councillor, you have a duty under the national code of conduct; to conduct yourself at all times to avoid profiting personally from activities connected with your office as a councillor. The outside body may not have specific rules about the declaration of interests, but it is important that you do not appear to use your position for your own benefit or for that of the Council, without making your dual interests clear.

5.4. Involvement falls into three broad categories:-

- (a) Observer to the organisation.
- (b) Adviser.
- (c) Part of the management of the organisation.

The key features are as follows:-

Category 1 – Observer

The role of observer is the one of lowest risk, but such roles should always be clearly understood by all parties involved and be documented. The observer takes no part in the decision-making process of the organisation, does not offer advice or opinions, the observer merely notes and reports back to the Council. Even in this capacity it is important for organisations to understand that the presence of a Council Officer, when issues are being discussed and decided, can not be taken as validating their decision. Minutes of meetings should show your attendance is as “observer”.

Category 2 – Adviser

An advisory role produces a greater degree of risk because it is reasonable for any advice given to be relied upon, and if this action causes a third party or the organisation receiving the advice to enter into commitments they would not otherwise have done or to suffer any loss, there is a potential claim against the Council. It is important, therefore, that the Officer only makes statements that commit the Council to any action or expenditure where authorised to do so and offers advice where he/she is qualified to give it. Officers should obviously not give professional advice outside his/her area of competence (legal, financial, architectural etc). Even where such advice is given it may be appropriate in certain circumstances for caveats to be imposed or the organisation recommended to seek appropriate independent professional advice. This is particularly relevant when the Council has a regulatory role e.g., as local planning authority.

Category 3 – Management of the Organisation or Company

Involvement with the management of an organisation or company exposes an individual and therefore the Council to greater risk. Even in a limited liability company a director has some potential exposure to personal liability. Where an officer or member is, in effect, the Council’s nominee, the Council may itself be jointly liable. In these cases the Council will only indemnify individuals if they have operated within the brief given to them by Council and have carried out their role diligently and in accordance with the law.

For individuals involved in a **Category 3** activity, the principles summarised below must apply. If a person is not satisfied on these points they should immediately seek the advice of the Strategic Director for Delivery or the

Assistant Director (Governance). If the matters can not be resolved, their involvement should be questioned and, if necessary, should cease.

- i) Obtain and understand the written constitution for the body (memorandum and articles of association for a company).
- ii) Clearly identify the powers available to individuals and individual responsibility within the organisation and delegations made/obtained i.e., clearly understand how the organisation is managed and how decisions are taken and who is authorised to take them.
- iii) Satisfy yourself that proper officers are appointed to manage the affairs of the body on a day-to-day basis and suitable guidelines are given to them in the form of written standing orders and financial regulations.
- iv) Satisfy yourself that proper arrangements are made for financial management, accounting, production of accounts, assessment of tax liabilities, assessment of creditors and arrangements for entering into legal contracts.
- v) Ensure meetings are held regularly, properly minuted, well attended and quorate where necessary.
- vi) Continuous attention should be given to ensuring the organisation or company is a “going concern” i.e., its cash in-flows in the short and medium term will meet all cash out-flows.
- vii) Satisfy yourself that all grants are only used for the purpose agreed by the grant giving body.
- viii) Open and fair procedures are followed for tendering and procurement of services.
- ix) Appropriate expert advice is sought when necessary.

The “going concern” issue is of major importance, although it may be difficult to ascertain unless there is access to internal information. The most obvious place to look will be to see whether the accounts are prepared on a going concern basis and whether the audit report is qualified or the auditors have expressed some reservations. A basic consideration will be whether the company or organisation appears able to meet its debts as they fall due. Regular budgetary reports and cash flow statements should be available at least quarterly and more regularly if there are difficulties.

6. Supporting Information

6.1. The following supporting information is attached:

- Appendix 1 – Type of Outside Body
- Appendix 2 – Roles of an Appointee
- Appendix 3 – Company Directors
- Appendix 4 – Trustees
- Appendix 5 – Relationship Checklist
- Appendix 6 – Financial Management Checklist

7. Roles and Responsibilities

7.1 Roles and Responsibilities of Employees

Employees have a responsibility to comply with this code of practice.

7.2 Roles and Responsibilities of Managers

Managers have a responsibility to ensure that is observed by their staff and that any breaches are dealt with promptly.

7.3 Roles and Responsibilities of HR

HR will advise and support managers and employees on any issues arising from this code.

7.4 Roles and responsibilities of the Head of HR

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7.5 Roles and responsibilities of Trade Unions

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8. Monitoring and review

This policy will be reviewed and updated annually and will be available to managers and employees via the HR intranet

9. **Equality**

- 9.1 An Equality Analysis will be undertaken on this code.
- 9.2 The Council has a duty to monitor the application of the code in relation to protected characteristics under the Equality Act 2010. This is reported annually in the Council's Equality Monitoring Report (Employment).
- 9.3 If any aspect of this code or guidelines causes difficulty on account of an employee's disability or because English is not their first language, they should contact HR, and appropriate arrangements will be made.

TYPE OF OUTSIDE BODY

This Appendix describes the different types of outside bodies with which the Council is likely to be associated.

CORPORATIONS AND UNINCORPORATED BODIES

Bodies Corporate

1. Under English law only, individuals and corporations have a recognised legal identity. This allows them to:-
 - Own property in their own name.
 - Enter into contracts.
 - Be legally responsible for their own actions.
 - Make and answer claims at law.

2. Corporations are:-
 - Companies registered under the Companies Act.
 - Building, Friendly and Provident Societies registered under the relevant Acts.
 - Bodies established by statute (e.g., the Council).
 - Bodies established by royal charter.

COMPANIES

3. These are the corporate bodies with which members and officers of the Council are likely to be involved.

4. A company consists of members and directors. Members own shares or guarantee payment, if required (usually £10 or under). The Council itself maybe the member of the company and may have a right to appoint one or more directors. The code of practice describes directors' duties.

Limited Liability

5. Almost all companies have limited liability, and their full name will end in either "Limited", or "Ltd" or "PLC" (meaning Public Limited Company). Some charitable or public interest companies may have approval not to use this in their name.

6. Limited liability is the chief advantage of a company. It means that members and directors of the company are not personally liable for the debts and other obligations of the company provided they have not been negligent or acted outside the law. The obligations of members of the company are limited to

payment of the face value of the shares that they hold or guarantees that they have given.

Regulation

7. All companies must register at Companies House, must include their registered number and address on all their correspondence, and must comply with the law relating to companies. This includes an annual audit of accounts, and filing of the accounts at Companies House, where they are public documents.
8. Complex restrictions apply to some companies in which either members or directors appointed by, or employed by or having some association with local authorities hold 20% or more of the voting rights in the company or on the Board of Directors.
9. In addition to the general rules that apply to companies, each company has to abide by its own internal rules, which are contained in its Memorandum and Articles, which have to be registered at Companies House. The Assistant Director (Governance) and/or the company secretary will be able to advise on the rules that apply to individual companies.

BODIES INCORPORATED BY STATUTE OR CHARTER

10. In addition to local authorities, Primary Care Trusts and School Governing bodies, these include creations of government such as QUANGO's and some national charities. The rules that govern them will be found in their founding law or charter.

UNINCORPORATED BODIES

11. Generally, unincorporated bodies are not recognised in law, and are simply a number of individuals acting together. They do not have the benefit of any legal identity, or of limited liability.
12. The exception is partnerships, which are governed by the Partnership Act 1980 and the Limited Liability Partnership Act 2000. Mainly professional firms of solicitors, accountants and architects use this structure. Generally anyone who is a partner, or gives the impression of being a partner, is liable for the debts and obligations of any or all of the other partners. For this reason, we need to be careful how we use the word "partnership" in working with outside bodies, and to make clear that the Council is not a "partner" in this sense unless formally acknowledged.

TRUSTS

13. Trusts are arrangements in which trustees are the legal owners of property that must be used for the benefit of other people, or in the case of charitable trusts, for a charitable purpose.
14. Trusts are regulated partly by statute and regulation, but there is also a huge body of case law. Non-charitable trusts are not required to register. Trustees do not have the benefit of limited liability.

15. Trusts have the legal identify of their trustees, and can only act in the names of their trustees.
16. Most trusts are unincorporated.
17. Details of the duties of trustees are contained in the code of practice.

UN-INCORPORATED ASSOCIATIONS

18. This is a term commonly applied to bodies that are not corporations or companies of any kind and are not legal partnerships.
19. They are not subject to any special body of law or regulation, and they are not registered anywhere. Common examples are clubs, local societies and pressure groups.
20. Unincorporated associations require the minimum of formality but they do not have the advantages of corporate bodies. This means that:-
 - Every individual member is liable for all the debts and liabilities of the body.
 - The body can not own property except through one or more of its members.
 - The body has no legal status to enter into contracts.

CHARITIES

21. A charity is property or funds which are held for charitable purposes. There is no simple definition of charitable purposes, but the most common relates to relieving poverty, sickness and disability; education; religion and other purposes beneficial to the community. Although the last looks all embracing, it has caused, and still causes, the considerable difficulty in interpretation. Charities may not act for political purposes.

Form of Charity

22. A charity may take any form. It may be a company, often limited by guarantee. It may be a trust, it may be an unincorporated association. Whatever its form, all the members of its managing body will be charity trustees. If it is a company, the members of its managing body must obey the rules for directors and the rules for trustees.

Registration

23. Most charities are registered by the Charity Commissioners. Some, which are mutual (Friendly and/or Provident Societies) are registered with the appropriate registrar. All these bodies have legal regulations that must be followed, including provisions for annual audit or inspection of accounts.

Benefits

24. Charities enjoy a number of benefits:-

- Charities receive tax concessions (except for VAT).
- A charitable trust (unlike an ordinary trust) can continue indefinitely.
- A charitable trust may be for the benefit of a purpose rather than for the benefit of identifiable people.

ROLES OF AN APPOINTEE

SUMMARY OF THE DIFFERENT ROLES THAT AN APPOINTEE MAY BE EXPECTED TO PERFORM

COMPANY DIRECTORS

A Board of Directors controls a company. As a Director you must act in the best interests of the company (i.e., the shareholders or guarantors). You should also consider the interests of employees, customers, the public and creditors. Since your duty as Director is solely to the company you have no duty to report back to the Council and should preserve commercial confidentiality.

TRUSTEES

Trustees hold property (land, investments and money) for the benefit of someone else and take decisions on behalf of the trust. Trustees owe their trust a duty of 'utmost good faith'. Trustees have personal responsibility to the Trust and can not be indemnified by the Council and have no duty to report back to the Council. Legal Trustees must act unanimously, whilst Charity Trustees may act on a majority decision if the Trust Deed so allows.

OBSERVERS

1. You may be appointed as an observer to any kind of body. As an observer you will not have a right to speak or to vote.
2. Observers will normally act for the benefit of the Council. You may be invited to explain the Council's policy or views, but you can not insist on this. Again, it is important that you only explain the Council's policy if you are confident that you are fully conversant with it. As an observer you will have a duty to keep the relevant forum in the Council informed of the proceedings of the outside body.

ADVISERS

1. Anyone who gives advice to someone else, knowing that the recipient is likely to rely on that advice, must be prepared to take liability for advice that is given negligently. Advice is not negligent simply because it is wrong, but because it is given either carelessly or without the skill that can reasonably be expected from such a person in those circumstances. If officers of the Council give negligent advice, both they and the Council will be liable for any harm that is caused, although financial liabilities would normally fall on the Council. If members give negligent advice, they are likely to be personally liable for damage.
2. For these reasons, it is important to make sure that the outside body understands that it must form its own opinion, make its own decision and take independent advice when necessary.

3. When dealing with company directors meetings, there is a special need for care. Anyone who effectively guides the decision-making of company directors may be considered to be a shadow director and will then have the same responsibilities as an appointed director of the company. It is unlikely that insurance will be available for shadow directors.

COMPANY DIRECTORS

This brief summary of a Directors' duties provides only general guidance. If you have any doubts or concerns over your role as a director, further advice should be sought from the Assistant Director (Governance) and/or the company secretary.

1. The role of the director is to:-
 - Control what the company does. The state of mind of the directors is the state of mind of the company.
 - Make decisions on behalf of the company at board meetings.
 - Enter into contracts on the company's behalf.
 - Prepare accounts.
 - Make investments on behalf of the company members.

2. As a director your main duties are:-
 - To act in the best interests of the company (except in situations where the company risks insolvency, the interests of the company are the interests of its members, not the interests of its business. The members of a company are its shareholders or, in the case of a company limited by guarantee, its guarantors).
 - To act only within your powers as a director.
 - To exercise the degree of skill which may reasonably be expected from a person with your knowledge and experience, as well as the degree of skill which an ordinary person might be expected to have (if you have specialist training in e.g., accountancy, or considerable business experience you will be expected to apply those skills in carrying out your duties).
 - To exercise your powers as a director in good faith.
 - Not to act dishonestly or fraudulently.
 - To attend board meetings (it is not essential to attending every meeting, provided that you attend most of them and take care to keep yourself informed of company matters at all times).

3. In addition to the interests of company members, as a director you must consider:-

- The interests of employees of the company in general. A Director can be personally liable for breaks of the Health and Safety at Work Legislation.
 - The interests of customers and the general public.

 - The interests of the company's creditors (these will become more important than those of company members if the company is, or is likely to be, solvent).
4. As a director, you must disclose to the board of directors any direct or indirect interest you, or any person connected with you, may have in connection with any matter to be considered by the board.
 5. The company's Articles of Association will probably prohibit you from voting in respect of any matter in which you have an interest.
 6. Failure to disclose an interest in a contract is a criminal offence punishable by a fine.
 7. Your main duties as a director in relation to the financial matters of the company are:-
 - To ensure that accurate and detailed accounting records are kept.
 - To approve annual accounts which comply with legal requirements.
 8. To fulfil these duties you need to see regular accounts of the company's affairs, to make sure you understand them and to make sure that the company employs suitably qualified accountants and auditors.
 9. You should take care to preserve confidentiality on any discussions or business that is confidential to the company. This is likely to include commercial matters and staffing issues. Since your duty as a director is solely to the company, you have no duty to report back to the Council.
 10. A company may purchase insurance on behalf of its directors, indemnifying you against liability. Such insurance cannot, by law, cover all a directors' potential liabilities, in particular criminal penalties. The Council can not take out such insurance for you. This is something which you should satisfy yourself before you accept the appointment. The Council provides limited indemnity for certain positions associated directly with the delivery of its functions.
 11. Company directors have special responsibilities when a company is, or is likely to become, insolvent. A company is regarded as insolvent where either of the following applies:-
 - It can not pay its debts when they are due for payment.
 - Its liabilities are greater than its assets.

12. If as a director, you allow an insolvent company to trade when there is no reasonable expectation of the company paying its debts (wrongful trading), you may become personally liable for all the company debts. It is not a defence to say that you did not take part in the management of the company. If you suspect this is the case with the company, you should seek legal advice urgently about your personal position from the Section 151 Officer, Assistant Director (Governance) or your personal solicitor.
13. If a company continues to trade in these circumstances, you may be guilty of a criminal offence if you act deliberately to avoid the company paying its creditors.
14. A director can be disqualified from acting as a director on three grounds:-
 - General misconduct in connection with companies.
 - Unfitness to be a director.
 - Participation in wrongful trading.
15. The period of disqualification will depend on the reason.
16. Disqualification is rare. The court decides it, almost always in relation to insolvent companies. It is a public matter, with considerable adverse publicity potential and is likely to affect the reputation and credit rating of the disqualified director indefinitely.
17. The following are useful statements describing the position of directors of companies taken from court decisions.
 - "A director is required to exhibit in the performance of his/her duties such a degree of skill as may reasonably be expected from a person with his/her knowledge and experience".
 - "A director has in the performance of his/her duties to take such care as an ordinary person might be expected to take on his/her own behalf".
 - "A director must exercise any power invested in him/her in good faith and in the interests of the company".
 - "A director should not be entitled to hide behind ignorance of the company's affairs which is of his/her own making or has been contributed to by his/her failure to make further necessary enquiries. On the other hand, directors are not required to have omniscience. It is not yet assumed that directors shall apply themselves full-time to the company's business. There is still a place for part-time and advisory directors. Directors are entitled to delegate to others the preparation of books and accounts and the carrying on the day-to-day affairs of the company. What each director is expected to do is to take

a diligent and intelligent interest in the information either available to him/her of which he/she might, with fairness, demand from the executives or other employees and agents of the company”.

- “Directors must act “bona fide” in what they consider – not what a court may consider – is in the interests of the company, and not for any collateral purpose”.
- “Directors have collective responsibility for accounts”.
- “Directors can be held criminally and personally liable for fraudulent or wrongful trading, by a creditor. It is fraudulent to trade if a company is insolvent. It is no defence for directors to say they did not know the company was insolvent”.

TRUSTEES

There are two kinds of trusteeship to which you may be involved and it is important to be sure which kind you are concerned with. Legal Trustees must act unanimously, whilst Charity Trustees may act on a majority decision if the Trust Deed so allows.

1. A legal trustee holds property (land, investments, money) for the benefit of someone else, or for charitable purposes. Because legal trustees can only act unanimously they are usually limited to a small number, often four.
2. Trustees may make decisions on behalf of the trust, or if the trust has charity trustees, may be required to act as directed by them.
3. If the trust is charitable, the members of its managing body will be charity trustees, although they may not be called trustees. Charity trustees may act on the majority view. They are responsible for all decisions relating to the investment, use and expenditure of trust property. If there are legal trustees, the charity trustees direct them how to act. If there are no charity trustees, then the legal trustees have these responsibilities.
4. Local authorities and some banking companies may be single trustees. They take the place of legal trustees.
5. Trustees owe their trust a duty of the 'utmost faith'. This means that as a trustee, you must act at all times (and not only in trust meetings) in the best interests of the people or purpose for which the trust exists. It also means that, as a trustee you must:
 - Not put yourself in a position where you have a conflict of interest with the trust.
 - Never profit from your trust (you are not allowed to receive payment from the trust, except for strict reimbursement of expenditure for e.g., travel, either for your time or for any goods or services which you, or your business, may provide, although there are limited exceptions for professional services).
 - Act only within your powers as a trustee (which will depend in part on the constitution and rules of the trust).
 - Never act dishonestly or fraudulently.
 - Attend meetings of trustees: it is not essential to attend every meeting, provided that you attend most of them and take care to keep yourself informed of trust business at all times.

6. If you have a conflict of interest with the trust, it may not be enough to withdraw from meetings in which the conflict arises, because legal trustees must act unanimously. Trustees' responsibility is collective and personal. Before taking up your appointment you should clarify what obligations you have to declare interests at meetings of trustees. In general, you should not put yourself in a position where you will have a conflict of interest with your trust. This may mean that you have to resign either from the conflicting interest or as trustee. If you are in any doubt, you should consult the Assistant Director (Governance).
7. The main accounting and financial responsibilities of trustees are:-
 - To ensure that all actions taken by the trust are in accordance with its constitution of trust deed.
 - To safeguard trust property, to invest it prudently and to take professional advice where appropriate.
 - To ensure that accurate and detailed accounting records are kept.
 - To make sure that you understand the accounts and that suitably qualified accountants and auditors are employed by the trust.
 - To approve regular accounts for the trust.
 - If the trust is charitable, to make sure that the accounts are audited or inspected and registered with the appropriate registrar.
8. You should act to preserve confidentiality on any discussions or business that is confidential to the trust. This may include commercial matters and staffing issues. Since your duty as a trustee is solely to the trust, you have no duty to report back to the Council.
9. As a trustee you have a personal responsibility to the trust. The Council can not indemnify or insure you against any liability arising from trusteeship.
10. A trust may be able to purchase insurance on behalf of its trustees, indemnifying them against some liabilities. Such insurance can not, by law, cover all the trustees' potential liabilities. This may require an amendment of the trust's constitution or Trust Deed and charities will need to consult the Charity Commissioners.
11. Because the duty of a trustee is the highest in the English law (utmost good faith) a trustee is likely to be held responsible for any breach of trust arising from the neglect of trust business. As a trustee you are required to act with the same competence as might be expected of any other person, and with any special competence that you may possess. If you e.g., a solicitor, an accountant or businessman, you will be expected to show the same degree of ability as any other reasonably competent person with the same qualifications.

12. Since there is no registrar for trusts, they are, when necessary, regulated by the courts. If it appears to the court that you, as a trustee, are personally liable for any breach of trust, but that you have acted honestly and reasonably and ought fairly to be excused, then the court may not required any payment from you.

**RELATIONSHIP STATEMENT CHECKLIST
FOR APPOINTMENTS**

Member/Officer

1. Name of Outside Body: _____

2. Registered Number (if any): _____

3. Companies No: _____

Charity Registration No: _____

Communication Address
Outside Body

Postcode: _____

Telephone and Fax No: _____

4. Registered Office Address:
(Companies only)

Postcode: _____

Telephone and Fax No: _____

5. Status of Outside Body: _____

6. Is the Outside Body a
Registered Charity? Yes No

7. Appointment Details: _____

8. Relationship between the local authority and the Outside Body:

Funder: Working in partnership: Other please specify:

9. Purpose of Appointment:

Director: Appointee (if not a member or officer):

Trustee: Independent Member:

Adviser: Member of Management Body:

Observer: Representative of the Council:

10. Date of Appointment: _____

11. Date Appointment Notified to Outside Body: _____

12. Date appointment notified to, and copy of the outside body's government instrument supplied, to:

Members' Services: Date: _____

Departmental Personnel: Date: _____

13. (For appointees other than officers)

Name of supporting/contact officer: _____

Telephone No: _____

14. Date appointment notified to managing committee of Outside Body: _____

15. **Company Directors Only**

Confirm details as registered at Companies House:

16. Period of Service: _____(months/years)

17. Date of Termination: _____

18. Procedure for re-election, re-appointment or resignation:

JOB DESCRIPTION AND RECIPROCATION

19. Duties and responsibilities of the appointee:

20. Any special skills, knowledge or experience which you have held yourself out to have:

20. Liability and indemnity cover to be provided by:
(Details: name of insurer, policy and receipt for latest premium payment to be supplied)

21. Ordinary frequency of meetings:

Monthly: Six weekly: Bi-monthly: Quarterly:

Other: (please specify)

22. Attendance requirements:

23. Date(s) of induction training and details of any other training received:

REPORTING ARRANGEMENTS

24. Nature and frequency of any formal reporting arrangements to the Council:

Annual report to a Council:

Verbal report to a Council:

Member's quarterly report:

Written report to line manager: Verbal report to line manager:

25. Resources to be made available by the Council:

Time to attend meetings: Travel expenses:

Resources: (paper and other materials) expenses: Out of pocket:

Relevant and/or identified training:

26. Resources to be made available by Outside Body:

Travel expenses:

Out of pocket expenses:

Information about the body's affairs
and all meetings of the management
committee:

Resources: (paper and other materials)

Liability and indemnity insurance:

Expert financial and legal advice:

Relevant and/or identified training:

FINANCIAL AND MANAGEMENT CHECKLIST

In any independent body, consideration of its management and financial officers is critical. Any person appointed to outside bodies should ensure the following are in place:-

- (a) Body is properly constituted.
- (b) Directors are responsible individuals.
- (c) Appropriate Directors liability insurance been arranged?
- (d) Proper arrangements have been put in place to manage the organisation e.g.,
 - Secretary appointed.
 - Auditors appointed.
 - Bankers appointed.
 - Financial and technical advisers appointed.
 - Standing orders and financial regulations formulated.
 - Regular financial and other statements submitted to the Board.
- (e) The organisation has a viable business plan which is regularly reviewed.
- (f) Who are the employees? Are their terms and conditions inappropriate?
- (g) Suitable arrangements are in place for day-to-day management of affairs but key/major decisions only taken by Board or group of Directors.
- (h) Who has taken responsibility for preparing the Directors report?
- (i) It should be established that sound arrangements are in place for letting and managing contracts:-
 - Public sector tender procedure.
 - Professional advisers appointed.
 - Professional contract manager appointed.
 - Appropriate long term interest in land secured before letting any building contract.
 - Any restrictions on the property/assets of the company addressed?
- (j) There is a need for the appointed person to be alert to the warning signs of a problem:-

- Operating losses over the medium term.
- Significant overdue debts.
- Future income is not predictable.
- Dependence on short-term finance for medium term cash-flows.
- Shortage of working capital.
- Little liquidity.
- High or increasing debt.
- Under capitalisation, in particular a deficiency on share capital and reserves.
- Inter-group guarantees indicating a dependence on a holding company.
- Major contingent liabilities.

None of these indications are ever conclusive, however, and you should look carefully at the positive aspects of a company as well, for example, the value of its assets and strength of its management.