



THE LONDON BOROUGH  
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DATE: 3 March 2011

To: Members of the  
**LOCAL JOINT CONSULTATIVE COMMITTEE**

Employer's Side

Councillor Russell Mellor (Chairman)  
Councillor Graham Arthur  
Councillor Nicholas Bennett J.P.  
Councillor Eric Bosshard  
Councillor Stephen Carr  
Councillor Robert Evans  
Councillor Tony Owen  
Councillor Michael Turner  
Councillor Stephen Wells

Staff Side and Departmental Representatives

Kathy Smith (Vice-Chairman)  
Peter Beckett, Resources Department  
Adam Jenkins, Unison  
Glenn Kelly, Staff Side Secretary  
David Lambert, Environmental Services  
Peter Moorcock, GMB  
Max Winters, Children and Young People  
Services  
Geoff Wright, Adult and Community Services  
2 x Vacancies

A meeting of the Local Joint Consultative Committee will be held at Bromley Civic Centre on **THURSDAY 10 MARCH 2011 AT 6.30 PM**

Rooms have been reserved for Members and the Staff Side to meet separately at 6pm before the meeting commences at 6.30pm. The Assistant Chief Executive (Human Resources) will be available at that time to brief Members.

MARK BOWEN  
Director of Legal, Democratic and  
Customer Services.

**A G E N D A**

**1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS**

**2 DECLARATIONS OF INTEREST**

To record any declarations of interest from Members present.

**3 MINUTES FROM THE PREVIOUS MEETING OF LOCAL JOINT CONSULTATIVE COMMITTEE HELD ON 21ST OCTOBER 2010 (Pages 3 - 6)**

**4 PAY FREEZE 2011**

The staff side would like raise its concern about the impact on the staff of a second year of a pay freeze and we would like the employer side to confirm that it will pay the NJC award if one is granted by them in 2011.

**5 CAR PARKING FEES**

The staff side wish to explain their opposition to the council proposal to charge staff £20 per week to park their cars.

**6 LIBRARY FUNDAMENTAL REVIEW (Pages 7 - 24)**

The staff side wish to question the council rationale for supporting the option of closing 8 out of 15 libraries, cutting staffing and the privatisation of the remaining service to a Trust. Please find attached the report on this subject that was submitted to the meeting of the Renewal and Recreation Policy Development and Scrutiny Committee held on 15<sup>th</sup> February 2011.

**7 PARKS REVIEW**

The staff side wish to debate the impact on the service and staff of the management proposal to delete up to 50% of the parks staff (see management report).

**8 OVER PAYMENTS RE SINGLE STATUS**

**9 ILL HEALTH PROCEDURES (Pages 25 - 60)**

The staff side wish to raise its concerns with regards to breaches of the current procedures which are costing the council unnecessary time and money. Please find attached the Council's Procedure for Managing Employee Health.

**10 DATE OF NEXT MEETING**

The date of the next meeting has yet to be confirmed.

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# Agenda Item 3

## LOCAL JOINT CONSULTATIVE COMMITTEE

Minutes of the meeting held at 6.30 pm on 21 October 2010

### Present:

#### Employer's Side

Councillor Russell Mellor (Chairman)  
Councillor Nicholas Bennett J.P.  
Councillor Eric Bosshard  
Councillor Stephen Carr  
Councillor Robert Evans  
Councillor Michael Turner  
Councillor Stephen Wells

#### Staff Side and Departmental Representatives

Kathy Smith (Unison) (Vice-Chairman)  
Peter Beckett, Resources Department  
Adam Jenkins, Unison  
Glenn Kelly, Staff Side Secretary  
David Lambert, Environmental Services  
Peter Moorcock, GMB  
Max Winters, Children and Young People Services  
Geoff Wright, Adult and Community Services

### **1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS**

An apology was received from Councillor Tony Owen

### **2 APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN**

Councillor Bennett nominated and Councillor Wells seconded Councillor Russell Mellor as Chairman.

Glen Kelly Nominated and Councillor Stephen Carr seconded Kathy Smith as Vice-chairman.

**RESOLVED that Councillor Mellor is appointed as Chairman for 2010/11 and the Mrs Kathy Smith is appointed as Vice-chairman for 2010/11.**

### **3 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **4 MATTERS ARISING FROM PREVIOUS MEETINGS**

Staff side representatives questioned whether "matters Arising" was permissible within the bounds of the Constitution for the LJCC. The Clerk would clarify this.

There were no matters arising.

**5 MINUTES FROM THE PREVIOUS MEETING OF LOCAL JOINT CONSULTATIVE COMMITTEE HELD ON 10th March 2010**

The minutes of the meeting held on 10<sup>th</sup> march were received.

**RESOLVED that the minutes of the meeting held on 10<sup>th</sup> March were agreed as a correct record.**

**6 CONTRACTING OUT AND THE COUNCIL PRACTICE/POLICY**

Staff side representatives reported that, in the past, Bromley appeared to have a clear policy when it came to services being sold off; a clear open tendering process, an in-house bid at the same time and undertaking TUPE. This had always been the standard practice.

However, with homecare and extra care housing this process was not being followed. Denton and Cranbrook courts were not owned by Bromley but the Council provided the care. Staff side's opinion was that all the staff would move, the contract should be tendered and TUPE should apply.

In relation to Homecare the council currently provided 3000 hours in house service using 130 employees and agency staff. The staff side understood that all 3000 hours would go across to private agencies but there would be no open tender or in-house bid and TUPE was not being applied. Under these circumstances the staff side advised members that in their view, and having taken legal advice, TUPE applied.

In response the Assistant Chief Executive for Human Resources stated that the council does not have a policy for contracted out services and one way of dealing with these services is to out-source and in these cases TUPE does not apply.

The staff side stated that if the Council did not offer TUPE then they could not offer the contractors legal indemnity. In response it was told that legal advice would be sought.

The Staff Sides representatives then stated that if all the home carers were made redundant, under the TUPE regulations regarding consultation, the council would be in breach and he would then advise staff to sue.

The Assistant Chief Executive for Human Resources responded that the council would be seeking legal advice which would be passed to the Portfolio Holder for Adult and Community Services.

**7 ACCESS TO LEGAL ADVICE FOR THE DEPARTMENTAL REPRESENTATIVES AND STAFF SIDE**

Staff side explained that the council had set up the Departmental Representatives (Dep Reps) scheme so that employees, who were not part of a recognised trade union, would be represented. However it had become apparent that the Dep. Reps were often in a difficult position when requiring

legal advice in order to help employees. Both the council and the staff had access to legal advice but Dep. Reps did not.

The employers' side did not feel it appropriate to provide legal advice when the matter was likely to be when staff was taking action against the council. The Assistant Chief Executive for HR added that it would not be possible to offer legal advice in the present economic climate.

The Chairman suggested that the Assistant Chief Executive may like to consider dealing with exceptional cases but with no unilateral undertaking.

## **8 PAY AWARD 2011**

The staff side secretary enquired what funding the Council had set aside for the pay award 2011.

The Chairman explained that this could not be considered until the budgets were known after the 14<sup>th</sup> February 2011. However he added that it had been agreed by central Government that there would be a nil % pay rise.

## **9 HOME CARE CUTS PROPOSAL**

As this issue would be considered at the next full council on Monday and over 2000 people had signed a petition against the home care proposals this item was noted for information.

**RESOLVED that the proposal is noted.**

## **10 YOUTH SERVICE CUTS PORPOSAL**

The Staff side were concerned that there had insufficient consultation on the proposed cuts to the Youth Service. Officers explained that this was just a proposal at this stage and therefore consultation had not been undertaken.

**RESOLVED that the proposal is noted**

## **11 PARKS SERVICES CUTS PROPOSAL**

Officers explained that they had a meeting with staff and that cuts to the parks services was one of a number of issues. As it was only a proposal consultation had not yet taken place.

**RESOLVED that the proposal is noted.**

## **12 DATE OF NEXT MEETING**

The Meeting ended at 8.30 pm

Chairman



Report No.  
DRR11/007

London Borough of Bromley

Agenda  
Item No.

## PART 1 - PUBLIC

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**Decision Maker:** Renewal and Recreation PDS

**Date:** 15<sup>th</sup> February 2011

**Decision Type:** Non-Urgent Executive Key

**Title:** LIBRARIES WORKING GROUP - FINAL REPORT

**Contact Officer:** Colin Brand, Assistant Director Renewal and Recreation  
Tel: 020 8313 4107 E-mail: colin.brand@bromley.gov.uk

**Chief Officer:** Marc Hume, Director of Renewal and Recreation

**Ward:** Boroughwide

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### 1. Reason for report

- 1.1 At the meeting of the Renewal and Recreation PDS on the 29<sup>th</sup> June 2010, members agreed to establish a Working Group to consider the future delivery of the borough's library service and that the findings from this Working Group would be reported back to a future meeting of this PDS. As such, this report reports back to the Renewal and Recreation PDS on this work and the findings of the PDS Member Working Group on Libraries with their report being attached at Appendix 1.

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### 2. RECOMMENDATION(S)

- 2.1 That the Renewal and Recreation PDS note the work of the PDS Working Group on Libraries and in particular their recommendation that the Option (4) around partnership working be explored further as the preferred option for the future management of the borough's library service and as part of this option to also consider if a number of libraries could close or be amalgamated into other service points. The PDS recommend to the Portfolio Holder that a further report with detailed costs and savings on this option be brought to the next meeting of this committee on the 12<sup>th</sup> April 2011.

### Corporate Policy

1. Policy Status: Existing policy.
  2. BBB Priority: Vibrant Thriving Town Centres.
- 

### Financial

1. Cost of proposal: N/A
  2. Ongoing costs: N/A.
  3. Budget head/performance centre: Libraries and Museum
  4. Total current budget for this head: £7.1m
  5. Source of funding: Existing Revenue Budget for 2010/11
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### Staff

1. Number of staff (current and additional): 143FTE
  2. If from existing staff resources, number of staff hours: N/A
- 

### Legal

1. Legal Requirement: Statutory requirement.
  2. Call-in: Call-in is not applicable.
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 2,005,251 visits
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments:



### 3. COMMENTARY

- 3.1 This report sets out the work and findings of the Renewal and Recreation PDS Working Group on the Library Service and it furthermore makes a number of recommendations for the future shape, structure and composition of the borough's library service.
- 3.2 The objectives of the Working Group were to "Identify further opportunities to modernise and improve the borough's library offer as set out in 'Building a Better Bromley' 2010 to 2012".
- 3.3 Members will be further aware that the report to the Executive on 12<sup>th</sup> January 2011, and subsequently the Renewal and Recreation PDS on the 24<sup>th</sup> January 2011, identified two initial areas of savings within the library service:
- i) Tender the services currently provided by the Library Site Officers.
  - ii) Amalgamate Penge and Anerley Libraries.
- 3.5 Members were advised at PDS meeting on the 24<sup>th</sup> January 2011 that the work required to market test the Site Officer function will be undertaken during 2011/12, with savings being delivered in the financial year 2012/13. The work to amalgamate Penge and Anerley libraries is currently on going and subject to the identification of suitable premises. This work will be subject to further reports to the Renewal and Recreation PH/PDS.
- 3.6 The Working Group has identified four options that could determine the future shape of the Borough's Library Service. These options are not in themselves distinct and separate from each other and ultimately the final shape of the service and the levels of savings achieved will depend on the mix and service model that is selected.

### 4. POLICY IMPLICATIONS

- 4.1 The review of the Library Service are entirely consistent with the council's objectives around Vibrant and Thriving Town Centres and Excellent Council.

### 5. FINANCIAL IMPLICATIONS

- 5.1 The working Group's report identifies four options: -

**Option 1** maintains status quo but includes savings of £140k relating to merging Penge and Anerley libraries providing a 'like for like' service and a review of site officers.

**Option 2** involves library service rationalisation and may produce savings of between £500k and £750k depending on the number of libraries remaining and the level of enhanced opening hours. Further work is required to fully cost this proposal in more detail.

**Option 3** relates to savings that may be achieved through 'outsourcing' the library service. Actual savings could only be identified following a formal tender process and again depend on the level of service delivery that was specified.

**Option 4** is a proposal to provide a joint library service with Bexley. Estimated savings for this option are expected to be between £350k and £550k, although more work is required to fully cost this proposal to identify the actual savings that this option could produce. This would be reported to Members in April. Further savings may be achieved through the expansion of the partnership model to a trust.

- 5.2 The Member working Group is recommending that Option 4 is explored further.

## 6. LEGAL IMPLICATIONS

- 6.1 There were a number of pieces of legislation that affected the authorities decision making on the delivery of a library service, in particular:
- 6.2 The Public Libraries and Museums Act 1964 requires the authority to provide a “comprehensive and efficient” public library service. The terms “comprehensive and efficient” are not defined within the Act; however the Act requires local authorities to provide, free of charge, access for people who live, work or study in their area to borrow or refer to books and other material in line with their needs and requirements.
- 6.3 The race relations (Amendment Act) (2000), Disability Discrimination Act (2005) and the Equality Act 2006 further place a duty on a public body to carry out equality Impact Assessments as soon as a new policy, function or service is considered.
- 6.4 The Local Government and Public involvement in Health Act 2007 and the new Statutory Guidance for the Duty to involve as it places authorities under a duty to consider the possibilities for provision of information to, consultation with and involvement of representatives of local persons across all authority areas.
- 6.5 In terms of the option identified by the Working Group whereby the authority would enter into an agreement with another authority for the joint management of library services, there are provisions contained with the Goods and Services Act 1976 and the Local Government Act 1972 that would enable this happen.

## 7 PERSONNEL IMPLICATIONS

- 7.1 The options identified will clearly have a significant impact on staff currently employed within the borough’s library service.

<b>Non-Applicable Sections:</b>	
Background Documents: (Access via Contact Officer)	Renewal and Recreation PDS – 29 <sup>th</sup> June 2010 Libraries, The Next Steps

### Introduction

- 1 This report details findings of the Working Group, commissioned by the Renewal and Recreation Policy Development and Scrutiny Committee, to consider the future shape and scope of the borough's Library service.
- 2 The Working Group was established following completion of a new state of the art library at Biggin Hill, and good progress at the town centre development in Orpington, which includes a library, and is expected to open in March 2011. It was recognised that there was further need to review the Bromley libraries in other parts of the borough.
- 3 In addition, huge financial pressures caused by the national deficit, have forced all areas of the council to review their services and to operate with severely reduced revenue budgets. However, the Working Group has looked at imaginative options that might limit or negate any cuts, and may improve the quality of some services available to residents.
- 4 The Working Group has looked at the full breadth of front end services offered at libraries from the traditional book lending function, through to modern information services, and including all the additional social facilities such as rhyme groups for toddlers, junior reading clubs and IT support help for those new to modern technology. It has considered appropriate charging, storage facilities, use of space and access, opening times and location. It has also discussed management structure behind the scenes, and possible joint working arrangements.
- 5 The recommendations focus on major changes required that will ensure a balanced budget whilst retaining a good service .
- 6 The Working Group has received much valued help from Council officers, and comments from library staff and library users and it is very appreciative of this input.
- 7 I commend this report and thank my colleagues and officers in reaching the conclusion and recommendations outlined in the following pages.

Councillor Sarah Phillips  
Chairman of the Working Group  
February 2011

# LIBRARIES REVIEW REPORT

## Introduction

- 1.1 This report sets out the work and findings of the Renewal and Recreation PDS Working Group on the Library Service and it furthermore makes a number of recommendations for the future shape, structure and composition of the borough's library service.
- 1.2 The objectives of the Working Group were to "Identify further opportunities to modernise and improve the borough's library offer as set out in 'Building a Better Bromley' 2010 to 2012".
- 1.3 The PDS Investigation Project Outline was reported to the Renewal and Recreation PDS on the 29<sup>th</sup> June 2010.
- 1.4 Members will be further aware that the report to the Executive on 12<sup>th</sup> January 2011 identified two initial areas of savings within the library service:
  - i) Tender the services currently provided by the Library Site Officers.
  - ii) Amalgamate Penge and Anerley Libraries.
- 1.5 The work required to market test the Site Officer function will be undertaken during 2011/12, with savings being delivered in the financial year 2012/13. The work to amalgamate Penge and Anerley libraries is currently ongoing and subject to the identification of suitable premises. This work will be subject to further reports to the Renewal and Recreation PH/PDS.
- 1.6 Members of the Working Group were as follows:

Cllr. Sarah Phillips (Chairman)

Cllr. Russell Jackson

Cllr. John Ince

Cllr. Brian Humphrys
- 1.7 The following documents were considered by the Working Group as part of the PDS Working Groups examination of the Library Service.
  - PDS Investigation Project Outline

- Hierarchy of Libraries
- Libraries Coverage
- Visitor and Issue Figures
- Activities by Library
- Existing Staffing structure
- Ed Vaizey's letter – 3<sup>rd</sup> December 2010
- Library Site Coverage
- Revised Travel times

1.7 As part of its consideration of the boroughs library service, the Unison Branch Secretary attended a Working Group meeting to present a range of views and comments, in particular:

- That the public expected to see a library service run by a democratically elected and accountable body.
- That the nature of a library service has changed significantly over the years to become a busy multipurpose environment serving a wider cross section of the community.
- That libraries were now in even more demand in the current economic climate
- That libraries should act as a hub for local communities and be a point at which to access a wide range of council services.
- A diminishing book fund has been part of the cause of the reduction in visits and issues and that this needs to be addressed. Hillingdon was cited as an example where following an increase in the book stock fund, issues had risen five fold.
- That the library service had already incurred significant cuts, with £340k being removed from the employee budgets in this year and that this had on occasion led to unplanned closures.

## **2. WORKING GROUP RECOMMENDATION(S)**

The member working group recommends to the Renewal and Recreation Performance, Development and Scrutiny Committee that:

2.1 The Renewal and Recreation PDS notes the contents of the Working Group's report and in particular the Option 4 which the Working Group recommends as the preferred model for taking the borough's library service forward and that this option is subject to further reports to Members.

### 3. BACKGROUND

3.1 At the first meeting of the Working Group Members were advised of the current pressures facing the library service, these being:

- Reduction in book loans from four million issues per annum in 1990 to two million issues per annum in 2010.
- Reduction in the value of the stock fund from £2 million per annum to £650,000 per annum.
- The lack of investment in the library service resulting in a tired looking service.
- Reduction in staff with £340,000 of staffing costs being removed in 2010/11.
- Introduction and impact of new technology on usage patterns within Libraries. Use of the Peoples network continues to remain strong and demand out strips capacity.
- Reducing income.
- Broadening role for libraries to support the wider Council agenda, i.e. choice-based lettings.

3.2 Members of the Working Group considered that the following themes should be addressed:

- The location of and number of libraries in the borough.
- The range of services provided in libraries.
- The out-sourcing option “contract versus trust versus in-house delivery”.

3.3 Members of the Working Group were updated on the existing hierarchy of libraries within the borough, and the distribution of the existing library service and the Visitor and Issues Figures.

15 Static libraries

#### **Tier 1**

Central Library

#### **Tier 2 – District**

Beckenham Library

Orpington Library

#### **Tier 3 – Neighbourhood**

Biggin Hill Library

#### **Tier 4 – Community**

Anerley Library

Burnt Ash Library

Hayes Library

Mottingham Library

Penge Library

Shortlands Library

Southborough Library

St Pauls Cray Library

1 Mobile Library

Chislehurst Library  
Petts Wood Library  
West Wickham Library

- 3.4 A full list of activities provided by the Bromley Library Service was provided to the Working Group and in order that Members of the Working Group could fully consider the borough's library offer, all of the libraries were visited on Saturday 13<sup>th</sup> November 2010.
- 3.5 Broadening out the Working Group debate, the efficiency of the library service was considered in terms of:
- Are the arrangements for the delivery of the library service – buildings, staff, service provision, facilities and technology – meeting the demands of the community and are they cost efficient?
  - What partnership opportunities exist to make the services more efficient and effective? For instance, Biggin Hill Library was cited as an example of good practice. Opening hours had been extended within existing budgets, the range of services had been broadened and book borrowing had risen by 30%.
- 3.6 The Biggin Hill model also highlighted the potential value in integrating or co-locating library services with other public sector services, in this case a swimming pool. However members of the Working Group noted that co-location of services was not always an option that was available, but there was general agreement that Biggin Hill provided a broader template for what a modern library offer could look like, and the positive effect that this could have on a local community.
- 3.7 In March 2010 the Department for Culture, Media and Sport published "The Modernisation Review of Public Libraries", a policy statement.
- 3.8 The key drivers behind this report were to:
- Drive forward the quality of all library services up to the level of the best.
  - Aim to reverse the decline in library usage.
  - Aim to ensure that library services respond to the current economic climate and limited public sector resources.
  - Aim to respond to the growing expectations of people and communities in terms of access to information.
- 3.9 In order to achieve these drivers, this report set out a number of proposals.

### **A Library Offer to the Public**

- 3.10 The working Group were advised that the Government had issued advice on what a library offer should comprise for all public libraries in England. The library offer will be made up of a 'core offer' of services which all library services should deliver and a 'local offer' of service shaped and delivered at local level.

#### **A core offer for all libraries**

- 3.11 Central Government recommends that the core offer for all libraries should include the following provisions to be made available across all library authorities:

- **Library membership from birth:** Details of local schemes to ensure that library membership is available from the earliest point in a child's life (The Government expects that from April 2011 all local authorities ensure that library membership is an entitlement to children from birth).
- **An opportunity to have your say and get involved in shaping the service.**
- **Free access to a range of quality book stock to browse and borrow and online resources and information that meet local needs** (including e-books as the market grows).
- **Access to the national book collection** – any book from anywhere: Order any book through your library (even out of print books).
- **Free internet access for all:** computers and access to online information and communication. (The Government will change legislation to prevent library authorities charging for internet access from April 2011).
- **Help to get online:** support for people using the internet for the first time or searching for information.
- **Links to other public services and opportunities:** connections to health, education and learning or employment opportunities (local details to be set out).
- **A community of Readers:** connecting people to other readers through reading groups, activities and recommendations.
- **Flexible opening hours:** to suit the needs of the local people (local details to be set out).
- **Commitment to customer service and expert, helpful staff.**
- **A safe local space which is accessible and convenient for the community.**



- **24 hour access:** through your library's online catalogue, online reference and other services. Website details to be set out.
- **Services which reach out and attract local people** (local details to be set out including 'at home' services to housebound people).
- **An opportunity to be a member of all libraries in England:** easy to join, accessible services as announced by the Society of Chief Librarians.

3.12 On 3<sup>rd</sup> December 2010 Ed Vaizey, Minister for Culture, Communications and Creative Industries wrote to all local authorities around the financial challenges on local authorities, particularly in relation to library services. The Minister set out a number of key considerations that every library service should have in mind, these are:

- a statement of what the service is trying to achieve;
- a description of local needs, including the general and specific needs of adults and children who live, work and study in the area;
- a detailed description of how the service will be delivered and how the plans will fully take into account the demography of the area and the different needs of adults and children in different areas (both in general and specific terms);
- the resources available for the service, including an annual budget.

3.13 In order for the authority to avoid a successful challenge that was the case in the Wirral prior to implementing any proposed changes to the service it would have to comply with the above statement.

3.14 The Public Libraries and Museums Act 1964 requires the authority to provide a "comprehensive and efficient" public library service. The terms "comprehensive and efficient" are not defined within the Act; however the Act requires local authorities to provide, free of charge, access for people who live, work or study in their area to borrow or refer to books and other material in line with their needs and requirements.

#### **4. OPTIONS FOR RECOMENDATION**

##### **Option 1 – Status Quo**

4.1 Proposed revenue savings of £140k in 2012/13 made up of £50k savings from changes to the way in which the Site Officer function is delivered and £90k saving from the amalgamation of the Penge of and Anerley libraries providing a similar service, but no further planned closures. The delivery of the Penge/Anerley option is dependent on the authority securing suitable premises and the Working Group acknowledged that this area of work would be subject to further reports.

## Option 2 - **Library Rationalisation and Reduction in Service Points**

4.2 A rationalisation plan would reduce the number of service points (Tier 4 – Community Libraries) and significantly improves the remaining libraries (Tiers 1, 2 and 3).

4.3 One approach arising from this option could be based on retaining:

Penge Library (merged with Anerley)  
West Wickham Library  
Bromley Town Library  
Biggin Hill Library  
Petts Wood Library  
Beckenham Library  
Orpington Library  
Chislehurst Library

and releasing:

**ANERLEY:** Poor site at the back of the Town Hall. Low level of book issues and close to Penge

**PENGE:** Popular but totally inadequate for a modern library service as it is so small and provides no room for children's activities, learning or the growing demand for PC based services

**BURNT ASH:** This small part time branch is the least used for book borrowing. Whilst it's activities are popular it is very close to the Central Library.

**HAYES:** Another part-time library with reasonable book issues and range of events. However it is divorced from the shops in the area and many Hayes residents will shop in either Bromley or West Wickham.

**MOTTINGHAM:** This branch, right on the edge of the borough, is poorly used for book borrowing but has a very vibrant range of popular activities. Potential for merging with the Learning shop elsewhere in Mottingham.

**SHORTLANDS:** Close to Central Library, although separated by the railway line, this is a reasonably popular library but in the middle of a residential area.

**SOUTHBOROUGH:** Although this library is the busiest book borrowing Community library this branch is poorly designed with an inaccessible upper floor and is very close to the bigger Petts Wood Library with significant overlap in their catchment areas. The branch is also close to the wider catchment of the Central Library.

**ST. PAUL'S CRAY:** Book borrowing is about average at this branch, serving a more isolated and relatively deprived area. The isolated location makes it

more prone to vandalism. However the facility is quite near to Orpington Library which is currently undergoing a major improvement. There is also the potential for merging the service with the Cotmandene Learning Shop.

- 4.4 If this option were to be implemented it is considered necessary to improve the remaining libraries with the funds from the sale of these sites will be used to refurbish:

Petts Wood Library  
Bromley Central Library  
West Wickham Library  
Beckenham Library  
Chislehurst Library

- 4.5 LBB's 15 libraries currently have coverage of 98% in terms of proximity (households within one mile.) Adopting the above approach would reduce the coverage, based on the same criteria (households within one mile) to 91%. . Members of the Working Group were advised that the Public Enquiry in Wirral Metropolitan Borough Councils (MBC) library found that the Council's decision to restructure its library service to be in breach of its statutory duties under the Public Libraries and Museums Act 1964. The primary reason for this breach was that the Council failed to make an assessment of local needs within its strategic asset review whereby it sought to restructure its library service down from 24 to 13 neighbourhood centres.

- 4.6 This approach would require the ring-fencing of the capital sums achieved from the disposal of the five sites (assuming that capital receipts from releasing Penge and Anerley are themselves ring-fenced to the costs of the new Penge Library) into development works at Petts Wood, Central, West Wickham, Beckenham and Chislehurst. (A new modern Orpington Library is due to open at the end of March/early April 2011.) The concept being to create "super" libraries that embrace the components of Biggin Hill and shortly Orpington Libraries, in that they are modern and welcoming spaces that are accessible with an enhanced offer, both in terms of opening hours/days but also in terms of the services that they offer.

- 4.7 This option can be developed at a number of levels in terms of the number of libraries closed and the final cost savings will be dependent on what branches are closed and which are retained, the hours and days of operation and the range of services offered. Furthermore, within this option it is possible to mitigate the impact further by utilising the two learning shops at Cotmandene and Mottingham. A reduced library offer in terms of books for loan could be provided in each of the shops which currently duplicate a range of services within St.Pauls Cray and Mottingham libraries. If this was accepted it would be possible to explore the range of opening hours of the learning shops. The Working Group discussed the potential of providing a libraries 'outreach' service, in much the same way that the sports development role is delivered. For instance, if a particular branch were to be closed, certain non core activities, such a book reading clubs, could be delivered in local venues.

- 4.8 Members of the working group were advised that Initial valuations of those libraries which could be released (excluding Penge and Anerley) indicate potential capital receipts in the region of £2.6 million. As already identified, it is recommended that this is reinvested in the five libraries identified in paragraph 4.3 to fully modernise them and to introduce self-service (RFID) to those sites that currently are not on the network. As with Option 1, this option would require further reports to members

### **Option 3 Market Test current of reduced service**

- 4.9 A 'soft' market testing exercise has been undertaken in conjunction with John Laing integrated Services Ltd who currently manage the library service in the London Borough of Hounslow. Savings have been identified by Laings based on the eight super library approach as set out in Option 2. These savings are in the main achieved through:

- Increased self service across the libraries network
- Service rationalisation
- Asset management
- Creation of a lean organisational structure
- Utilisation of site officers/security guards instead of core library staff to prolong opening hours.
- Encouraging co-location of a wider range of services to share costs.
- Creation of a virtual library

In order to fully understand the financial benefit from this approach it would be necessary to undertake a formal market testing exercise. This could specify a range of options, including management of the current 15 plus mobile service through to the option above featuring 8 super library hubs. The market for outsourcing library services is increasing albeit at a relatively moderate rate with the latest outcome being that of Slough Borough Council who, through a formal tender have invited Essex County Council to manage their library service.

### **Option 4 Partnership Model.**

- 4.10 Discussions have been held with the London Borough of Bexley to examine the concept of merging two library services into one new organisation. There is a strong indication that significant savings could be realised through the merging of management structures from head of service to branch manager and junior professional level. Furthermore, it should be possible to save an additional sum through economies of scale and rationalisation of resources and other parts of the budgets not covered by the management structure. This option has been examined on the basis of maintaining the existing library stock within each of the two boroughs. An initial analysis would seem to indicate that creating one library management team would save in the region of £350,000 - £550,000 in staff costs. Further costs savings are currently being identified from services areas such as:

- Shared IT and Library Management Systems

- Book stack amalgamation
- Deliveries and book movements
- Shared head office accommodation
- Cash Collection

4.11 In addition, if incorporated into a 'trust', further savings could accrue to the two authorities relating to the potential rate relief on their NNDR costs.

4.12 As with Option 2, the Partnership model still enables the distribution of libraries to be considered and the Working Group considered that it was important that consideration was given within this option to consider the distribution of the library branch network and that as part of this work any potential capital receipts should be reinvested into remaining libraries as part of a modernisation programme.

## **5. POLICY IMPLICATIONS**

5.1 As already set out in the report local authorities through The Public Libraries and Museums Act 1964 have a duty to provide a "comprehensive and efficient" public library service.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 The working Group were advised that a range of savings had been identified from within the following options:

### **Option 1 Status Quo**

£140,000 comprising £90,000 from merging Penge and Anerley Libraries providing a like for like service and £50,000 from the review of the libraries Site Officers. This option will be considered by the Executive on 14<sup>th</sup> February 2011.

### **Option 2 – Library Rationalisation**

This option would save between £500,000 and £750,000 depending on the final structure of the revised offer. For example if this option was pursued, members may wish to see the remaining 8 libraries operating with extended hours and days, above that of the current provision. If this option was opted for, then savings at the lower end of the spectrum would be achieved, not enhancing opening hours would see savings at the higher end, i.e. £750,000. Similarly, if members were of the view that not all of the community libraries should close, i.e. the option to merge St. Pauls Cray Library with the Cotmandene Learning Shop and Mottingham Library with the Mottingham Learning Shop, the levels of savings achieved would be reduced.

### **Option 3 Market Testing**

Savings have been identified, through a 'soft' market testing exercise for an eight library service and further savings have been identified over a ten year contract. Actual savings would only be identified following a formal tender process and would ultimately be dependent on the level of service delivery that was specified.

### **Option 4 Partnership/Trust Model.**

Savings in the region of £350,000 - £550,000 have been identified from merging two boroughs management structures, further savings from joint working are currently being developed with a view to identifying more savings. Further savings could accrue from the partnership model expanding into a trust.

As with the Option 2, if a number of libraries were to be closed as part of this option, then the level of savings would increase.

## **7. LEGAL IMPLICATIONS**

- 7.1 Members of the Working Group were advised that there were a number of pieces of legislation that affected the authorities decision making on the delivery of a library service, in particular:
- 7.2 The Public Libraries and Museums Act 1964 requires the authority to provide a “comprehensive and efficient” public library service. The terms “comprehensive and efficient” are not defined within the Act; however the Act requires local authorities to provide, free of charge, access for people who live, work or study in their area to borrow or refer to books and other material in line with their needs and requirements.
- 7.3 The race relations (Amendment Act) (2000), Disability Discrimination Act (2005) and the Equality Act 2006 further place a duty on a public body to carry out equality Impact Assessments as soon as a new policy, function or service is considered.
- 7.4 The Local Government and Public involvement in Health Act 2007 and the new Statutory Guidance for the Duty to involve as it places authorities under a duty to consider the possibilities for provision of information to, consultation with and involvement of representatives of local persons across all authority areas.

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## 17.3 PROCEDURE FOR MANAGING EMPLOYEE ILL HEALTH

### London Borough of Bromley Procedure for Managing Employee Ill Health

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## **PART 1 Introduction and General Principles**

### **1. Purpose**

- 1.1 The purpose of this procedure is to set out the framework within which the ill health of employees will be managed in a proactive manner in order to minimise productive time lost to the Council as the employer and to protect the health and safety of each individual employee. It also aims to ensure a consistent and transparent process, balancing both the needs of the individual and those of the Council.

### **2. Application**

- 2.1 This procedure applies to all Council employees except employees in their probationary period and those employed in educational establishments which have fully delegated budgets.

### **3. Equal Opportunity Issues**

- 3.1 This procedure will be applied in accordance with the Council's Equal Opportunities policy, to ensure that no employee is treated unfairly under this procedure on the grounds of age, colour, national origins, nationality, race, disability, family commitments, gender, marital status, membership or otherwise of a trade union, religion or sexual orientation. The use of this procedure will aim to ensure that the Council complies with the requirements of the Equality Act 2010.

### **4. Interpretation**

- 4.1 Any issues of interpretation regarding the application of this procedure will be determined by the Council's Assistant Chief Executive (Human Resources).

### **5. Appropriate Use of Procedures**

- 5.1 This procedure for managing ill health will not be confused with the Council's procedure for disciplinary matters.

### **6. Setting the Scene**

- 6.1 Any reference in this procedure to the employee's manager will normally refer to the immediate manager. However, this will not preclude the substitution of another manager where appropriate.
- 6.2 Any reference in this procedure to the Chief Executive, the Council's Assistant Chief Executive (Human Resources), Chief Officer or HR Consultant will also relate to his/her representative.

- 6.3 A manager or chief officer may consult other officers of the Council, be accompanied by relevant specialists such as personnel or legal officers and/or call witnesses to any hearings under this procedure.
- 6.4 Personal information regarding employees will only be disclosed to relevant officers, medical practitioners or elected Members. All such information will be regarded as confidential and stored and treated in the same manner as other confidential personnel information.
- 6.5 Employees will receive written confirmation at each stage of the procedure.
- 6.6 Employees who are trade union officials shall be subject to the same standards as other employees. However, no formal action under this procedure shall be taken until the appropriate branch secretary or full-time official has been informed.
- 6.7 Any reference to “days” in this procedure means calendar days.
- 6.8 Reference to “satisfactory” or “unsatisfactory” attendance will be defined in the context of the individual circumstances in each case.
- 6.9 The employee has the right to be accompanied by a colleague, trade union representative or friend at any stage of this formal procedure. The employee is also entitled to call witnesses to any hearings under this procedure.
- 6.10 This procedure acknowledges that ill health and any related absence may adversely affect an employee’s overall performance of their duties.
- 6.11 If an employee being referred to the Occupational Health Physician (OHP) requests a doctor of the same sex, the HR Consultant will consider the reasons for the request and if reasonable, will seek to arrange this. A request for a same sex doctor will not be unreasonably refused. However, medical appointments will not be unduly delayed if such a request cannot be promptly met.
- 6.12 An employee’s report of ill health and any associated absence, including medical reports will normally be accepted unless the manager has evidence to the contrary.

## **7. Sickiness and Annual Leave**

7.1 Ill health starting prior to annual leave and continuing after annual leave will be considered continuous for the purpose of this procedure. A Fit Note will be required for periods of sickness of 8 calendars or more.

7.2 Employees who are unavailable to attend appointments arranged under this procedure due to a holiday or other personal commitment should apply for annual leave in the normal way up to the maximum of the statutory entitlement. Employee's unavailability for any other reason will need to be considered in the light of the particular circumstance. All annual leave booked will be deducted from the employee's annual leave entitlement.

## **8. The Informal Stage**

### **8.1 Communication**

Managers are expected to communicate on a regular basis with their employees and be generally aware of their individual welfare at work, including health related issues. The employee also has a responsibility to keep the manager informed of their fitness for work, including raising with the manager any issues, including domestic or health problems which may affect their ability to perform appropriately or attend work. During periods of sickness absence both employee and manager should endeavour to maintain contact in order to keep the employee up-to-date on any changes and to allow the manager to plan workloads according to the employee's sickness prognosis.

### **8.2 Raising Issues Informally with Employee**

In appropriate circumstances managers will begin with an informal discussion of their concerns about an employee's health and/or their attendance and how it is affecting their performance prior to taking action under this procedure. This will give the employee an opportunity to improve their performance without use of this formal procedure. Employees will be advised by the manager that their sickness is beginning to cause concern and that where appropriate, their performance will be monitored. Such discussions will be noted and the employee given a copy. The formal procedure will however, be invoked as soon as the manager considers it appropriate to do so and the employee will be advised when the formal procedure is being used and given a copy.

8.3 When informal discussion(s) fail to effect an improvement or the onset of longer term sickness intervenes, then this formal procedure will be used.

## **9. Personal Circumstances**

9.1 If during the course of the discussion in 8.2 above the employee reveals personal or domestic problems which are alleged to be causing or contributing to the ill health, then the manager will consider whether there is any assistance that can be given. The manager may discuss the problem with the HR Consultant and it may be that a temporary or permanent adjustment to duties or terms and conditions of service can be accommodated which will assist the employee to resolve the problem. The details of any arrangements offered will be confirmed in writing, including any temporary or permanent variation of contract and revised terms and conditions of employment.

## **10. Counselling**

10.1 An employee identifying personal, domestic or other problems will also be advised by the manager of the Council's Counselling Service and how to access this independent and confidential service.

## **11. Responsibilities**

11.1 It is the joint responsibility of line managers and staff to remain in contact during any period of sickness.

11.2 Managers should make contact with each employee returning from sick leave to establish the reasons for absence and to ensure that the employee is fit for work and understands the work situation on their return.

11.3 Employees will attend all appointments made by this Council in connection with managing sickness. Failure to attend any appointment without good reason, including those made with medical advisors, or failure to report sickness absence in accordance with contractual requirements and Part 2 of this procedure may result in the suspension of sick pay for breach of conditions under the contractual sick pay scheme. Failure to attend an appointment will not preclude the commencement or continuation of action under this procedure, where any explanation offered for the failure to attend will be considered. If, without good reason, an employee fails to attend an appointment made in connection with this procedure, it may also be appropriate to initiate action under the Council's disciplinary procedure.



## **12. Referrals to the Occupational Health Physician (OHP)**

- 12.1 Employees should be referred to the Council's OHP as soon as an employee's health gives rise to concern; this may be at a time during their employment or at any stage of this procedure. Up-to-date medical advice will be sought in connection with any meeting or hearing under this procedure, or on any other occasion as the manager deems appropriate.
- 12.2 In any event, managers will actively consider whether it is appropriate to refer employees to the OHP for medical advice if any of the following apply:
- Following receipt of a Fit Note which states the employee may be fit for work and recommends one or more of the following:
    - a phased return to work;
    - altered hours;
    - amended duties; and/or
    - workplace adaptations.
  - following an accident at work
  - following a medical diagnosis of a stress-related illness
  - following sickness which has lasted for four weeks or more
  - following identification of a pattern of absences
  - following identification that the number of occurrences of sickness gives concern
- 12.3 The manager will inform the employee of any decision to refer him/her to the Occupational Health Unit.
- 12.4 The referral, which will be actioned by the HR Consultant, will outline the problem and seek advice as to whether there is any underlying medical condition which may be affecting the employee's performance. Full details of the management concerns should be given and a record of sickness over the relevant period should be attached together with a copy of the job description and person specification.
- 12.5 In the event of a conflict of medical opinion arising in the operation of these procedures, then the Assistant Chief Executive (Human Resources) will be consulted as to the appropriateness of seeking an opinion from an independent medical referee.

## **PART 2 Procedures for Reporting Sickness Absence**

1. To comply with their contract of employment and to qualify for sick pay, employees need to follow the procedure set out below.
2. Employees must notify their immediate manager at the earliest opportunity and send in the right certificates at the right time. If they do not, they may not be paid. If they are too ill to make contact, they remain responsible for ensuring that their manager is notified. Employees have a responsibility to keep their manager informed and should stay in regular contact with the manager whilst they are absent from work; this will help the manager plan how to cover the work during the absence, assess where any support can be given and plan for the employee's return.

### **3. First Day of Sickness**

- 3.1 Employees must notify their manager as early as possible stating the nature of the illness and how long it is likely to last.

### **4. Fourth Day of Sickness**

- 4.1 Employees must contact their manager again if still unable to work (unless they made it clear on the first day how long they would be absent). Remember that weekends and non-working days are included when working out how long an employee has been sick, so being sick on Friday and still sick on Monday counts as four days.

### **5. Self Certification Form**

- 5.1 Employees should fill in a Self-Certification form (SC1 at Appendix A) when they have been absent for more than 3 calendar days (including Saturday, Sunday, rest and non-working days). If they return to work within a week, they must fill in this Self-Certification form when they return and hand it to their manager. If their sickness is likely to be for more than 7 days, the form should be sent to them for completion and returned to cover the first 7 days and they should get a Fit Note from their GP from the 8<sup>th</sup> day.
- 5.2 When an employee completes the Self-Certification form, s/he must give a description of their illness or symptoms. 'Not well' is not sufficient and may affect their entitlement to sick pay.

### **6. Fit Notes**

- 6.1 Employees must obtain a Fit Note when they have been sick for 8 calendar days or more, which must cover them from the 8<sup>th</sup> calendar of sickness. An employee, who is given a Fit Note which is dated

from the start of their sickness absence does not need to fill in a separate Self-Certification form as well. Any certificates/fit notes must be completed and sent in to their manager immediately. If the absence continues, certificates/fit notes must be submitted promptly to cover all of the absence. (See 1.9 below).

- 6.2 There may be individual circumstances when employees will be required to submit medical certificates to support absences of 7 days or less. The circumstances where this will apply will be determined in individual cases and will require the concurrence of the HR Consultant. Employees will be notified in writing when such certification is required and the cost will be reimbursed by the Council.
  
- 6.3 Failure to report sickness and supply sick certificates/fit notes promptly in accordance with this procedure will place employees in breach of the sick pay scheme and they will therefore be ineligible to receive pay.

**PART 3            Management Action****Section 1            Periods of Frequent but Short Term Sickness****1.            First Formal Review**

1.1            Where informal discussion (see Part 1, para. 8 above), has not achieved the required improvement, an up-to-date medical view will be sought, by referring the employee to the OHP (See Part 1, Section 12. above), unless this action has already been taken.

1.2            The manager will advise the employee in writing, with a minimum of 7 days notice, that a formal review meeting will be held. The letter should include:-

- the date, time and place of the meeting
- the purpose of the meeting which is to consider the problem, the medical view and explore any potential solutions
- the effect on the service of the illness
- the right to be accompanied by trade union representative or other friend and give details of the role of the Staff Side Secretary
- details of any relevant absence(s).

**2.            Other Factors Identified**

2.1            If the meeting reveals problems other than those relating to sickness, then it may be possible to address the problems identified. Any such assistance offered shall be well-defined and the timing stipulated.

2.2            The offer of such arrangements must however be balanced with the needs of the service. If action to be taken includes an amendment to the contract of employment which has been agreed with the employee, this will be confirmed in writing by the HR Consultant, clearly setting out any temporary or permanent variation(s) to the employee's terms and conditions of employment.

**3.            Medical Factors Confirmed**

3.1            If at the formal review meeting the employee maintains that the problem is caused by sickness but no underlying medical condition has been identified by the OHP, then the employee will be advised of the management concerns.

3.2 The outcome of the meeting will be confirmed to the employee in writing. Such letter will set out:

- the nature of the problem including any sickness absence(s), taking into account any advice from the Occupational Health Physician
- the effect on the service
- any agreements made to facilitate a resolution of the problem
- the improvement expected
- confirmation that the matter is causing concern
- a timetable for improvement and review

**4. Medical Cause**

4.1 If at any stage, the view of the OHP is that there is a consistent underlying medical factor contributing to the problem the employee is experiencing, then the matter should in future be handled in accordance with Part 3, Section 2 or 3 of this procedure.

**5. Subsequent Formal Review Meetings**

5.1 Before any review meeting takes place, an up-to-date medical assessment will be sought if there have been further incidents of sickness during the review period. The employee will be invited to the review meeting with the manager in accordance with section 1.2 above. The manager may also be accompanied by the HR Consultant or other management representative. At that meeting the health of the employee will be reviewed together with any implications for the needs of the service, contractual requirements and the improvements expected.

5.2 Second or subsequent review meetings will have one of the following outcomes:

- (a) the employee's health situation has improved. The meeting will discuss those improvements; whether they are sufficient or whether further improvement is required. A further review period may be set. The outcome of the review meeting will be confirmed in writing, including any further timetable for improvement and review. The letter will advise the employee that although the situation has improved, monitoring will continue to ensure that the improvement is sustained and that

any further decline will be dealt with under Council procedures and the earlier record may be referred to/taken into account.

- (b) in the manager's view, the employee's performance remains unsatisfactory due to ill health. Reasonable steps have been taken to assist the employee improve, but the manager considers that a further review period is reasonable, and likely to result in an improvement. In this case a further period will be allowed and confirmed in writing and another review meeting will be held; or,
- (c) in the manager's view, the employee's performance due to ill health remains unsatisfactory and all reasonable steps have been taken to assist the employee achieve the required improvement. The manager considers that a further review period is unlikely to result in an improvement and s/he will discuss the matter with the HR Consultant. The HR Consultant will consider whether all reasonable steps have been taken or whether there is any further action that can reasonably be taken to resolve the problem.

If, after consultation with the HR Consultant, the manager is content that all reasonable steps have been taken, then the matter will be referred to the departmental Chief Officer for consideration. The referral will include a written recommendation for action. Such recommendations may include a proposal that the employee be dismissed for failure to perform the contract of employment satisfactorily.

## **6. Chief Officer Hearing**

- 6.1 On receipt of a written recommendation, the Chief Officer will arrange a hearing as set out in Parts 4 and 5 of this procedure.

## **7. Outcome of Chief Officer's Hearing**

- 7.1 Having reviewed the case presented by management and the response of the employee, the Chief Officer may decide, having regard to the needs of the service, that there is a likelihood of improvement within a reasonable timescale. In this situation the Chief Officer will determine a further review period and may make proposals for action to be taken during that review period.
- 7.2 Alternatively, the Chief Officer, having reviewed the case presented by management and the response by the employee, may, in consultation with the HR Advisor present, accept the recommendation of management that the employee should be dismissed.

**8. Dismissal on Grounds of Capability**

8.1 The letter terminating the contract of employment will give the facts of the case and inform the employee of the right of appeal against the decision to dismiss. A copy of the letter will be enclosed for the employee to give to their representative.

8.2 The letter will be delivered by hand to the employee or sent by first class post. A copy will be placed on the employee's personal file.

**9. Appeals**

Where an employee is dismissed, s/he will have the right of appeal to a panel of elected Members. S/he must submit a written notice of appeal, stating the grounds for appeal, to the Chief Officer within 14 days of the date of the Chief Officer's letter. (See Part 6 on appeals against termination of employment).

**PART 3            Management Action****Section 2            Serious/Long-Term Illness Not Resulting in Early Retirement****1.            Formal Monitoring and Review**

- 1.1            As soon as it is recognised that the illness of an employee is serious, prolonged or likely to involve a period(s) of sickness absence which might cause the service problems, the employee should be referred to the OHU for medical assessment.
- 1.2            The OHP will advise the HR Consultant and Manager on the medical fitness of the employee, including, if possible, a prognosis as to the likely length of the illness/absence and of any effects on the employee's ability to carry out the full duties of their current job.
- 1.3            The employee and the manager should keep in touch during any period of absence.
- 1.4            The Manager should discuss with the employee the nature of the advice received from the OHP.
- 1.5            Where the OHP advises that the employee is temporarily unfit for work and there is no prognosis of an immediate return to work, or where the employee is fit for work but on a restricted basis only, then the manager will invite the employee to a meeting to discuss the matter.
- 1.6            If appropriate the HR Consultant should discuss with the OHP whether there are any temporary changes to the employee's duties that would facilitate either improved performance of their work or in the case of absence, a return to work. Such arrangements must however be balanced with the needs of the service and those which are likely to continue for more than 6 weeks, would normally result in a temporary variation to the contract of employment which must be confirmed in writing once it is agreed with the employee.
- 1.7            The letter will give:-
- a minimum of 7 days' notice of the meeting
  - advise the employee of the reason for the meeting, i.e., to review the situation
  - the right to be accompanied by a trade union representative, work colleague or other friend



- offer to hold the meeting at the employee's home if s/he is too ill to travel
- contain a record of the employee's sickness over the relevant period.

1.8 At the meeting, the manager will consider with the employee:

- the illness and the effect on the service
- the advice/prognosis of the OHP
- the employee's comments
- action available to facilitate the employee's return to work/improve performance
- the outcome of any earlier review meetings, and
- the likelihood of an early return to work

1.9 The main points of discussion and any agreed action will be confirmed in writing to the employee after the meeting. If it has been agreed that there is merit in allowing more time for the employee to recover before returning to work or proceeding to the next stage of this procedure, then the employee should also be advised of the timing of the next review meeting.

#### **1.10 No Early Return to Full Duties**

Where there is no immediate likelihood of a return to full duties, then the letter confirming the detail of the review meeting (See Part 3 Section 2, para 1.9 of this procedure) will also advise the employee that the situation will continue to be monitored and a review date given, s/he will also be reminded that one possible outcome of the sickness management procedure is dismissal on the grounds of capability.

## **2. Subsequent Monitoring Reviews**

2.1 The number of and time between such meetings will be as deemed as appropriate by the manager in consultation with the HR Consultant, in the light of the nature of the illness and individual circumstances but any subsequent review will normally be held within 3 months of the previous one.

2.2 At subsequent meetings to monitor/review the sickness because the employee has not achieved the required improvement, an up-to-date

medical view will be sought, by referring the employee to the OHP (See Part 1, Section 12 above), unless this action has already been taken.

2.3 The manager will advise the employee in writing, with a minimum of 7 days' notice, that a formal review meeting will be held. The letter should include:

- the date, time and place of the meeting;
- the purpose of the meeting which is to consider the problem, the medical view and explore any potential solutions;
- the effect on the service of the illness;
- the right to be accompanied by trade union representative or other friend and give details of the role of the Staff Side Secretary; and
- details of any relevant absence(s).

2.4 If at any stage the OHP declares the employee permanently unfit for their current duties then the procedure in Section 3 of this procedure covering permanent ill health will be followed.

**3. Effect on the Service No Longer Viable**

3.1 When, following a review meeting, the manager is of the view that the sickness is no longer sustainable, having regard to the steps that have been taken to support the employee, the length of absence, the effect on the service, the prognosis, or no foreseeable return to work within a reasonable timescale, then the manager shall refer the matter to the Chief Officer of the Department who will review the case (See Parts 4 and 5 - Chief Officer Hearings). The employee will be advised of the referral to the Chief Officer in the letter confirming the outcome of the review meeting and again advised that one possible outcome of a Chief Officer hearing may be dismissal on the grounds of capability.

**4. Rehabilitation**

**4.1 Returning Part -Time**

At any time during this procedure, the OHP may recommend that an employee is fit to return to work on a phased basis, perhaps on reduced hours. This recommendation will be considered by the manager, in consultation with the employee, in the light of the needs

of the service. If a phased return to work can be accommodated, any period of which reduced hours are to be worked shall then be agreed between the manager and the employee. A phased return to work should normally enable the employee to make a significant contribution to available work. Any phased return would not normally be for less than half of their normal working hours in the first instance and should be increased steadily with a view to achieving full contractual time working, normally within a maximum period of 6 weeks. During this period the contractual basic pay will not normally be adjusted.

4.2 Where a return to full contractual hours cannot be achieved within a period of up to 6 weeks, then a temporary variation to the employee's contract will be considered as an alternative to proceeding to the next stage of this procedure.

#### **4.3 Change of Duties**

The OHP may also, or alternatively, recommend that the employee should avoid certain duties or aspects of their current job during a convalescence period. In these circumstances, the manager will consider whether the recommended adjustments to duties can be accommodated in consultation with the employee and having regard to the needs of the service. Where appropriate, the HR Consultant will endeavour to find alternative work to accommodate the needs of the employee. Any temporary adjustment to duties in this way would normally be for a period of up to 6 weeks in the first instance. Should a longer period be necessary and sustainable having regard to the needs of the service, then where appropriate, a temporary variation to the employee's contract of employment will be considered as an alternative to proceeding to the next stage of this procedure.

#### **4.4 Adjusting Terms and Conditions**

Where the employee is unable to achieve the desired return to full hours/duties within the agreed period and a temporary variation of the contract of employment is agreed with the employee, this must be confirmed in writing. This does not preclude a permanent change of contract where this has the potential to resolve the performance or attendance difficulties.

4.5 The Council's agreement to a temporary or permanent variation of contract does not preclude a decision made by management to progress to the next stage of this procedure if the employee's work performance or attendance subsequently continues to give cause for concern on health grounds.

**4.6 No Agreement On Changes Made with Employee**

If the employee does not agree to any temporary or permanent change to his/her contract of employment to accommodate a return to work or a return to full duties, then the manager will decide whether to allow a further review period or whether the case should be referred to a Chief Officer hearing (see Part 4 of this procedure).

**5. Chief Officer Hearing**

5.1 On receipt of a written recommendation, the Chief Officer will arrange a hearing as set out in Parts 4 and 5 of this procedure.

**6. Outcome of Chief Officer's Hearing**

6.1 Having reviewed the case presented by management and the response of the employee, the Chief Officer may decide, having regard to the needs of the service, that there is a likelihood of improvement within a reasonable timescale. In this situation the Chief Officer will determine a further review period and may make proposals for action to be taken during that review period.

6.2 Alternatively, the Chief Officer, having reviewed the case presented by management and the response made by the employee, may, in consultation with the HR Consultant present, accept the recommendation of management that the employee should be dismissed.

**7. Dismissal on Grounds of Capability**

7.1 The letter terminating the contract of employment will give the facts of the case and inform the employee of the right of appeal against the decision to dismiss. A copy of the letter will be enclosed for the employee to give to their representative.

7.2 The letter will be delivered by hand to the employee or sent by first class post. A copy will be placed on the employee's personal file.

**8. Appeals**

Where an employee is dismissed, s/he will have the right of appeal to a panel of elected Members. S/he must submit a written notice of appeal, stating the grounds for appeal, to the Chief Officer within 14 days of the date of the Chief Officer's letter. (See Part 6 on appeals against termination of employment).

**PART 3            Management Action****Section 3            Serious Illness Leading to Consideration of Early Retirement on the Grounds of Permanent Ill Health**

1.            On reaching the view that an employee is permanently unfit to undertake normal duties on medical grounds, the OHP will advise the HR Consultant of this view. The OHP will set out for management the medical concerns relating to the current job/work and any restrictions on the nature of the work that the employee can undertake.
  
2.            **Permanently Incapable of Carrying Out Current Job/Duties**
  
- 2.1            The HR Consultant on receipt of advice from the OHP that the employee is permanently incapable of discharging the full duties of his/her current job will consider the implications for continued employment in the current job and will discuss these concerns with the line manager. Such considerations will include the Council's obligations under the Equality Act 2010.
  
- 2.2            The HR Consultant and manager will consider whether the employee can be retained at work by considering the following permanent changes, including where appropriate, the need for a variation of contract to be agreed:
  - (a)    whether the work can be adapted in any way to accommodate the employee's medical needs;
  - (b)    whether the hours of work can be changed permanently;
  - (c)    whether there are any aids or adaptations that can reasonably be provided to enable to the employee to continue in their current job or suitable alternative employment - the HR Consultant may seek advice from specialist agencies as appropriate;
  - (d)    whether any relevant retraining would enable the employee to stay in employment
  - (e)    whether redeployment to a different job or location would enable the employee to remain at work.
  
- 2.3            If changes to the current job or alternative work can be identified then these changes will be referred by the HR Consultant to the OHP who will advise whether the proposed changes are acceptable given the employee's medical condition.

- 2.4 Whether or not options to retain the employee have been identified, the manager will then arrange to meet with the employee to discuss the situation.
- 2.5 The employee will be advised in writing of the meeting and its purpose and given a minimum of 7 days' notice. The employee will be advised of their right to be accompanied by a trade union representative, work colleague or other friend.
- 2.6 At the meeting all the options available for retaining the employee will be discussed and the employee's views and any alternative suggestions considered. The employee will be advised that wherever possible, the Council seeks to retain employees in employment, either in their current or a comparable post but that where this is not possible s/he may be dismissed on grounds of capability.

### 3. Possibility of Retaining Employee in Employment

- 3.1 If the OHP finds the proposals medically acceptable, the HR Consultant and manager will discuss them at the meeting with the employee (see 2.5 above) and consider how retention at work can be facilitated; this will include consideration of any suggestions made by the employee. The employee will be invited to agree to the revisions to the work and if necessary to the contract of employment.
- 3.2 Depending on the progress of the discussions, the manager may decide to seek further specialist advice as necessary.
- 3.3 If the employee finds the proposals acceptable then the outcome of the meeting and the changes will be confirmed in writing including confirmation of any agreed variation to the contract of employment. The employee will also be advised that the situation will be kept under review, and if his/her work performance or attendance continues to give cause for concern further action under paragraphs 2.4 to 2.6 above may be taken.
- 3.4 If the employee finds the revised working arrangements unacceptable, there are two possible outcomes:
- (a) **if the employee is not a member of the LGPS**, then the procedure at 4 below will be followed.
  - (b) **if the employee is a member of the LGPS**, then the matter will be referred to a panel of officers consisting of the Council's Assistant Chief Executive (Human Resources), the Director of Legal and Democratic Services and the Departmental Chief Officer. The Panel will decide, whether the proposed

alternative work arrangements are suitable and comparable in the view of the Council and according to the definition provided in the LGPS Regulations, i.e., “comparable” is defined by the Regulations as employment in which, when compared to the employee’s current employment:

- (i) the contractual provisions as to the capacity are either the same or differ only to an extent that is reasonable given the nature of the member’s ill health or infirmity of mind or body; and
- (ii) the contractual provision as to the place, remuneration, hours of work, holiday entitlement, sickness or injury entitlement and other material terms do not differ substantially from those of the member’s employment.

The employee will be advised that if the Panel determines that the work is suitable and comparable, the Chief Officer may decide that s/he be dismissed on the grounds of capability without release of pension benefits if s/he continues to find work unacceptable and there is no alternative.

The employee may attend the panel to present his/her case and may be accompanied by a trade union representative or friend. Management will also be represented to present a view of the suitability of the proposals. Subject to any right of appeal against dismissal the findings of the panel will be final.

### **3.5 View of the Panel is that Work is Suitable and Comparable**

If, in the view of the panel, the alternative work is suitable and comparable but the employee refuses the work and there is no other option, then the matter will be referred for the consideration of the departmental Chief Officer who may decide that the employee should be dismissed with notice on grounds of capability. In these circumstances any benefits held in the Local Government Pension Fund will not be released. The Chief Officer will write to the employee confirming this decision in accordance with paragraph 8 below, and confirming the employee’s right of appeal.

### **3.6 View of the Panel is that Work is Not Suitable or Comparable**

If, in view of the Panel, the alternative work is neither suitable nor comparable then the matter will be dealt with as in 4 below.

#### **4. No Possibility of Retaining Employee in Employment**

4.1 If no suitable alternative work has been identified which is acceptable to the employee, or no changes, adaptations or alternative work can be identified which will enable the employee to remain in employment, or the OHP has advised that the employee is permanently incapable of discharging their current job or any other comparable employment with this Council, the HR Consultant will confirm to the OHP that all options to retain the employee in employment have been considered without success. The HR Consultant will confirm whether or not the employee is a member of the pension fund and will enclose the relevant certificate for the OHP to complete.

4.2 The employee will be advised in writing that the Council is of the view that s/he is considered permanently incapable of discharging his/her current job or any other comparable employment with this Council and that the matter is being referred to the Chief Officer with a recommendation that s/he be dismissed. The letter will include a summary of the circumstances which have led to this recommendation and the employee will be advised of his/her right to make representations against the medical prognosis of permanent unfitness for work. S/he will also be offered the opportunity of a meeting with the Chief Officer to discuss the matter before any decision is taken. The letter will advise the employee of the right to request to a meeting with the Chief Officer and/or notify his/her intention to make representations against the prognosis by writing to the HR Consultant within 10 days of the date of the letter.

4.3 If the employee wishes to make representations against the medical prognosis that they are not permanently unfit for work, they must then supply medical evidence supporting their view at their own cost, within one month of the date of the letter from the HR Consultant. Such medical evidence must be from a suitably qualified medical practitioner.

#### **5. Medical Representation Process**

##### **5.1 Representations Against Prognosis Received**

If the employee makes representations against the medical prognosis that s/he is permanently unfit for work, the HR Consultant will pass to the OHP the appropriate certificate of Permanent Ill Health for signature. The OHP will then pass the certificate and the relevant medical case file to the Approved Independent Occupational Health Physician, together with any additional medical evidence provided by the employee as part of this/her representations. (See paragraph 6 below).



## 5.2 No Medical Representations Received

### a. Employee is not a Member of the Pension Fund

The HR Consultant will pass to the OHP the appropriate Certificate of Permanent Ill Health for signature and the procedure at paragraph 7 below will be followed.

### b. Employee is a Member of the Pension Fund

The HR Consultant will pass to the OHP the appropriate certificate of Permanent Ill Health for signature. The OHP will then pass the certificate and the relevant medical case file to the Approved Independent Occupational Health Physician. (See paragraph 6 below).

## 6. The Approved Independent Occupational Health Physician (AIOHP)

6.1 The AIOHP will then assess the case, including any material submitted by the employee. The assessment may include a medical examination of the employee.

6.2 If the AIOHP confirms that the employee **is** permanently unfit for his/her current job or any comparable work, then the form will be appropriately endorsed and returned to the OHU who will in turn send a copy to the HR Consultant. Paragraph 7 below will then apply.

6.3 If the AIOHP certifies that the employee **is not** permanently unfit for his/her current job or any comparable work, then the form will be appropriately endorsed and returned to the OHU who will in turn send a copy to the HR Consultant. The HR Consultant will arrange a case conference between the HR Consultant, ER and OHP to discuss the implications of the AIOHP view. The case conference will consider other work opportunities or whether action under another section of this procedure would be appropriate.

## 7. Chief Officer's consideration of recommendation to dismiss

7.1 If the employee has requested a meeting with the Chief Officer prior to a decision on the recommendation to dismiss being taken, the Chief Officer will arrange a hearing as set out in Parts 4 and 5 of this procedure.

7.2 Having reviewed the case as presented by management and the response of the employee, the Chief Officer, in consultation with the HR Advisor, may decide:

- a) that other work opportunities or action under another section of this procedure would be appropriate; or
- b) to accept the recommendation of management that the employee should be dismissed on grounds of capability by reason of permanent ill health.

## **8. Dismissal on Grounds Capability by Reason of Permanent Ill Health**

8.1 The Chief Officer will write to the employee giving notice of the termination of his/her contract of employment on grounds of permanent ill-health. A copy of the letter will be enclosed for the employee to give to their representative. The letter will summarise the facts of the case and inform the employee of the right to appeal against dismissal to a panel of elected Members. S/he must submit a written notice of appeal, stating the grounds for appeal, to the Chief Officer within 14 days of the date of the Chief Officer's letter. (See Part 6 on appeals against termination of employment).

## **9. Appeal Against Dismissal Received**

9.1 If the employee appeals against his/her dismissal, then the papers will be passed to the Council's HR Consultancy Section who will arrange for a Panel of elected Members to hear the appeal against the employee's dismissal. The appeal will be arranged as quickly as possible during the employee's notice period and, in accordance with Part 6 of this procedure.

## **10. No Appeal Against Dismissal Received**

10.1 If no appeal against the dismissal is received, the HR Consultant will take appropriate action to notify Payroll and Pensions of the termination of the contract and last day of service.

**PART 4            Chief Officer Hearing**

- 1.1            This section applies where, following consultation with the HR Consultant, the manager decides it is appropriate to refer the case to the Departmental Chief Officer for consideration.
- 1.2            The Chief Officer will write to the employee advising that a hearing will take place, giving the employee the date, time and place of the hearing and at least 7 days' notice. The letter shall:
- state the purpose of the hearing and that a possible outcome is dismissal from the Council's service;
  - contain a written report of the facts of the case produced by the manager. This shall include a relevant sickness record, an assessment of the effect on the individual's performance and on the service, the OHP's up-to-date advice on the employee's fitness for work and the outcome of any previous reviews which have been conducted under this procedure and which are still on record;
  - inform the employee that s/he may be accompanied by a trade union or other representative, of the right to call witnesses and produce written evidence if desired;
  - include the date and time of the meeting, including any alternative dates and advise the employee that, if the employee fails to attend the meeting, it may be necessary to proceed in the employee's absence.
- 1.3            The employee shall supply the Chief Officer with the names of any witnesses s/he is to call and copies of any written evidence no later than two working days before the hearing in order that this information can be given to the manager and HR Advisor before the hearing.
- 1.4            Similarly, the employee and his/her representative shall be provided with the names of any witnesses to be called by management and copies of any additional written material, no later than two working days before the hearing. The manager is also entitled to be supported by the HR Consultant in the presentation of his/her case.
- 1.5            The hearing shall be conducted by the Chief Officer as set out in Part 5 of this procedure. A HR Advisor who has not previously been involved in the case shall attend the meeting to assist in the conduct of the proceedings and to provide the Chief Officer with impartial professional advice.

- 1.6 At the end of the hearing the Chief Officer, having considered all the evidence, shall decide what further action needs to be taken. This could include:-
- (i) take no further action;
  - (ii) allow a further review period and refer the matter back to the manager
  - (iii) recommend appropriate job modification or redeployment to alternative work
  - (iv) dismissal on grounds of capability

In all cases the outcome will be confirmed in writing to the employee.

## **2. Further Review Period**

- 2.1 Where the Chief Officer recommends an extended review period, s/he will advise the employee in writing. The manager will discuss with the HR Consultant any proposals the Chief Officer has suggested. Wherever possible, these arrangements should be in place and their effectiveness monitored, during the further review period. Their success or otherwise and any other adjustments made to support improvement will be considered at the subsequent review meeting.

## **3. Satisfactory Improvement in Performance Achieved**

- 3.1 Where at the end of any further review period satisfactory improvement has resulted or adjustment to duties/redeployment has proved effective, a review meeting shall be held with the manager. The employee shall be advised at the review meeting that improvement must be maintained otherwise the matter will be referred back to the Chief Officer for further consideration which could lead to dismissal from the Council's service.

## **4. No Satisfactory Improvement in Performance Achieved**

- 4.1 Where at any stage during, or the end of the review period it is found that there has been insufficient improvement, a review meeting will be held with the manager. Up-to-date medical information will be considered and unless new evidence is raised meriting a further review period, then the matter will be referred back to a Chief Officer hearing.
- 4.2 The content and outcome of the further review meeting shall be confirmed in writing to the employee.

## **5. Chief Officer Decision to Dismiss**

5.1 Where having considered the evidence presented, the Chief Officer considers that a satisfactory outcome has not been achieved from the action that has been taken, nor would it result within a reasonable timescale from some further adjustment to duties or work arrangements, the Chief officer may decide in consultation with the HR Advisor, that the employee be dismissed from the Council's service on grounds of capability. The Chief Officer will write to the employee, giving notice of the termination of the employment.

5.2 The Chief Officer's letter shall:

- state the grounds for dismissal and the facts of the case, including the adverse effects on the service, the OHP's advice on the employee's state of health, the outcome of previous reviews and action taken under this procedure which has led to the dismissal;
- enclose a copy for the employee to pass to his/her representative;
- inform the employee of his/her right of appeal to a Panel of Members. Appeals must be received in writing by the Chief Officer within 14 days of the date of the Chief Officer's letter.

5.3 The letter shall be delivered preferably by hand to the residence of the employee or sent by first class post.

**PART 5 Procedure for Chief Officer's Hearings**

- 1.1 The Chief Officer shall be advised by a HR Advisor who has not been previously involved in the case. The Chief Officer will introduce the proceedings, explain the procedure to be followed and, if the employee is unaccompanied, ensure that he/she is aware of the right to be accompanied by a representative of his/her choice.
- 1.2 The manager shall present the facts of the case by reference to his/her written report and supporting evidence in the presence of the employee and the representative and shall call upon any witnesses to give supporting evidence.
- 1.3 The employee and his/her representative shall be given the opportunity to ask questions of the manager and any witnesses.
- 1.4 The Chief Officer and HR Advisor may ask questions of the manager and witnesses.
- 1.5 Each of the witnesses shall withdraw after giving evidence and answering any questions put to them.
- 1.6 The employee or representative shall submit his/her case in the presence of the manager and shall call upon any witnesses to give supporting evidence.
- 1.7 The manager shall be given the opportunity to ask questions of the employee and witnesses.
- 1.8 The Chief Officer and HR Advisor may ask questions of the employee and witnesses.
- 1.9 Each of the witnesses shall withdraw after giving evidence and answering questions put to them.
- 1.10 The manager and employee or representative may sum up their cases if they so wish. The employee shall have the right to sum up last.
- 1.11 The manager and any supporting HR Consultant, the employee and his/her representative shall withdraw whilst the Chief Officer considers the case with the HR Advisor. If any recall is necessary to clarify points of uncertainty, both parties shall return for the discussion.
- 1.12 The Chief Officer shall decide in consultation with the HR Advisor to take such action as may be appropriate in the circumstances. Both

parties shall be recalled and notified of the Chief Officer's decision wherever possible.

- 1.13 In the unlikely event that the Chief Officer and HR Advisor disagree about the reasonableness of a decision to dismiss, the Chief Executive will be consulted.
- 1.14 A letter detailing the Chief Officer's decision shall be sent to the employee and a copy placed on the personal file.

## **PART 6 Appeals Against Termination of Employment**

### **1. Appeal Process**

1.1 The final level of internal appeal against dismissal under this procedure is to a Panel of 3 elected Members.

1.2 Appeals must be lodged with the Chief Officer in writing within 14 days of the date of the letter terminating the contract of employment. The employee shall provide full written grounds for the appeal, the names of any relevant witnesses and/or additional information in support of his/her case at least 10 days before the hearing.

1.3 The employee and the Chief Officer will be permitted to produce new written evidence or call new witnesses at the appeal hearing if the Panel agrees.

Before any such agreement is reached, both parties will be given the opportunity to make representations regarding the production of new written evidence or calling of new witnesses. In the event that the Panel agrees to its/their introduction, the other side will be given an opportunity to consider the new written evidence before the appeal hearing continues.

1.4 The Chief Officer shall prepare a report setting out the facts of the case including an assessment of the effects of the employee's sickness record on service provision, the outcome of any previous reviews and actions taken to assist the employee to be able to return to work and/or address other performance difficulties.

Where appropriate, the full absence record and any other relevant information shall be appended to the Chief Officer's report. The report will include specific reference to any relevant witnesses and/or documents.

1.5 Wherever possible appeals shall be heard within 6 weeks of the date of the receipt of the written notice of appeal. The Assistant Chief Executive (Human Resources) shall prepare an agenda which will include the notice of appeal and the relevant papers.

1.6 The employee shall be notified in writing of the date, time and place of the hearing and the right to be represented and shall be sent a copy of the agenda at least 7 days before the hearing. The letter and agenda shall be delivered preferably by hand to the workplace or residence of the employee, or sent by first class post. A copy of the letter and agenda shall be enclosed for the employee to pass to his/her trade union or other representative.



1.7 A copy of the agenda shall be provided to the Panel of members and the employing Chief Officer at least 7 days before the hearing.

1.8 The Assistant Chief Executive (Human Resources), or their representative, shall attend the hearing to assist Members in the conduct of the proceedings and to provide independent professional advice.

## **2. Procedure**

2.1 The Chairman of the Panel shall introduce the proceedings, explain the procedure to be followed and, if the employee is unaccompanied, ensure that s/he is aware of the right to be accompanied by a representative of his/her choice.

2.2 The employing Chief Officer shall present his/her case in the presence of the employee and shall call upon any witnesses to give evidence and/or produce any necessary documentary evidence in support of the case.

2.3 The employee and representative shall be given the opportunity to ask questions of the Chief Officer and any witnesses.

2.4 The Panel and the Assistant Chief Executive (Human Resources), may ask questions of the Chief Officer and witnesses.

2.5 Each of the witnesses shall withdraw after giving evidence and answering any questions put to them.

2.6 The employee or representative shall present his/her case in the presence of the Chief Officer and shall call upon any witnesses to give evidence and/or refer to any documentary evidence in support of the case.

2.7 The Chief Officer shall be given the opportunity to ask questions of the employee and witnesses.

2.8 The Panel and the Assistant Chief Executive (Human Resources) may ask questions of the employee and witnesses.

2.9 Each of the witnesses shall withdraw after giving evidence and answering questions put to them.

2.10 The Chief Officer and the employee or representative may sum up their cases if they so wish. The employee shall have the right to sum up last.

- 2.11 The Chief Officer and any supporting officer, the employee and his/her representative shall withdraw whilst the Panel deliberates the case with the assistance of the Assistant Chief Executive (Human Resources), or their representative. If any recall is necessary to clarify points of uncertainty, both parties shall return for the discussion.
- 2.12 Wherever possible, both parties shall be recalled and notified of the Panel's decision.

### **3. Findings of a Member Panel**

- 3.1 In considering appeals against termination of employment the Panel may decide:-
- (i) that the appeal shall not be upheld and the decision to terminate employment be confirmed; or
  - (ii) that the appeal shall be upheld and the decision to terminate employment be set aside. The Members may then make recommendation to the Assistant Chief Executive (Human Resources) regarding the manner of retention in employment, including any further review period.
- 3.2 The panel's decision shall be confirmed in writing by letter delivered preferably by hand to the residence or workplace of the employee, or sent by first class post. The letter shall state the grounds on which the decision is based and a copy enclosed for the employee to pass to his/her trade union or other representative, or, if he/she wishes, sent direct to the representative. A copy shall be placed on the personal file.
- 3.3 The decision of the Panel shall be final.

**PART 7                    Work-Related Ill Health or Injury**

**1.                    Accident/Incident Reporting**

- 1.1                    All work-related accidents and incidents involving staff, including those that result in absences from work or inability to carry out the full range of tasks, must be reported to the line manager at the earliest opportunity.
- 1.2                    The manager must ensure that the employee receives immediate first aid or hospital treatment as necessary for any injury sustained at work.
- 1.3                    The manager should consider calling the Police in any case of physical violence involving non-trivial injury.
- 1.4                    If in the manager’s view the injury sustained is likely to be more than trivial or if the employee so requests, the employee should be referred to the OHU as soon as possible for an assessment of the injury.
- 1.5                    The manager will complete an initial investigation and the Bromley accident/incident form AR2 or AR3 (computer-based), immediately sending a copy to the Central Safety Unit (CSU), the departmental Safety Liaison Officer and the HR Consultant.
- 1.6                    In the case of non-accidental injury or assault, including physical violence or verbal assault, the manager shall discuss with the employee whether any further support is required from the Council, this could include referral to the Council’s confidential Counselling Service.
- 1.7                    If the employee wishes and the departmental Chief Officer deems it appropriate, the matter may be referred to the Director of Legal, Democratic and Customer Services who will decide whether or not the Council will provide any support to the employee in relation to a private prosecution against a third party.
- 1.8                    The CSU will report certain accidents/incidents to the Health and Safety Executive under the requirements of the Reporting of Injuries, Diseases and Dangerous Occurrence Regulations (RIDDOR) including where an absence of more than 3 days (including Sat/Sun) results.
- 1.9                    The manager will consider whether any resulting absence should be considered as an industrial injury in consultation with the HR Consultant who will notify the Payroll Section if necessary. If appropriate, the HR Consultant will consult the Assistant Chief

Executive (Human Resources) regarding the relevance of the Greater London Whitley Council scheme of allowances to employees injured in the course of their employment. The Assistant Chief Executive (Human Resources) will determine the relevance of the scheme in individual cases.

1.10

Any work-related accident or incident including violence and verbal abuse, should be promptly investigated by the manager in order to assess whether current risk assessments and working procedures are adequate, and to make changes if necessary.