

Enquiries to: Committee Services
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Date: 9th June 2023

Our Ref: MM

Dear Sir/Madam,

A meeting of the **EMPLOYMENT COMMITTEE** will be held in the Council Chamber, Town Hall, Nuneaton, on **Tuesday, 20th June 2023** at 6.00 p.m.

Please note that meetings are recorded for future broadcast.

Yours faithfully,

BRENT DAVIS

Chief Executive

To: All Members of the
Employment Committee

Councillor S. Croft (Chair)
Councillors D. Brown, M. Green,
T. Sheppard and M Tromans.

AGENDA

1. ANNOUNCEMENTS AND EVACUATION PROCEDURE

A fire drill is not expected, so if the alarm sounds please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside Lloyds Bank on the opposite side of the road.

Please exit by the door by which you entered the room or by the fire exits which are clearly indicated by the standard green fire exit signs.

If you need any assistance in evacuating the building, please make yourself known to a member of staff.

Please also make sure all your mobile phones are turned off or set to silent.

The meeting will be live streamed to YouTube and will be available to view via the NBBC website.

2. APOLOGIES - to receive apologies for absence from the meeting.

3. MINUTES - To confirm the minutes of the meeting held on the 15th March 2023 attached **(Page 4)**.

4. DECLARATIONS OF INTEREST

To receive declarations of Disclosable Pecuniary and Other Interests, in accordance with the Members' Code of Conduct.

Declaring interests at meetings

If there is any item of business to be discussed at the meeting in which you have a disclosable pecuniary interest or non-pecuniary interest (Other Interests), you must declare the interest appropriately at the start of the meeting or as soon as you become aware that you have an interest.

Arrangements have been made for interests that are declared regularly by members to be appended to the agenda **(Page 8)**. Any interest noted in the Schedule at the back of the agenda papers will be deemed to have been declared and will be minuted as such by the Democratic Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

There are, however, TWO EXCEPTIONS to the general rule:

1. When the interest amounts to a Disclosable Pecuniary Interest that is engaged in connection with any item on the agenda and the member feels that the interest is such that they must leave the room. Prior to leaving the room, the member must inform the meeting that they are doing so, to ensure that it is recorded in the minutes.

2. Where a dispensation has been granted to vote and/or speak on an item where there is a Disclosable Pecuniary Interest, but it is not referred to in the Schedule (where for example, the dispensation was granted by the Monitoring Officer immediately prior to the meeting). The existence and nature of the dispensation needs to be recorded in the minutes and will, therefore, have to be disclosed at an appropriate time to the meeting.

Note: Following the adoption of the new Code of Conduct, Members are reminded that they should declare the existence and nature of their personal interests at the commencement of the relevant item (or as soon as the interest becomes apparent). If that interest is a Disclosable Pecuniary or a Deemed Disclosable Pecuniary Interest, the Member must withdraw from the room.

Where a Member has a Disclosable Pecuniary Interest but has received a dispensation from Standards Committee, that Member may vote and/or speak on the matter (as the case may be) and must disclose the existence of the dispensation and any restrictions placed on it at the time the interest is declared.

Where a Member has a Deemed Disclosable Interest as defined in the Code of Conduct, the Member may address the meeting as a member of the public as set out in the Code.

Note: Council Procedure Rules require Members with Disclosable Pecuniary Interests to withdraw from the meeting unless a dispensation allows them to remain to vote and/or speak on the business giving rise to the interest.

Where a Member has a Deemed Disclosable Interest, the Council's Code of Conduct permits public speaking on the item, after which the Member is required by Council Procedure Rules to withdraw from the meeting.

5. PUBLIC CONSULTATION - Members of the Public will be given the opportunity to speak on specific agenda items, if notice has been received.
6. HUMAN RESOURCES POLICY DOCUMENTS – a report of the Head of People and Culture, attached **(page 10)**.
7. HR METRICS DATA – a report of the Head of People and Culture **(page 59)**.
8. WORK PROGRAMME 2023/24 – to agree the 2023/24 work programme **(page 67)**.
9. ANY OTHER ITEMS which in the opinion of the Chair of the meeting should be considered as a matter of urgency because of special circumstances (which must be specified).

NUNEATON AND BEDWORTH BOROUGH COUNCIL

EMPLOYMENT COMMITTEE

15th March 2023

A meeting of the Employment Committee was held on Wednesday, 15 March 2023. This meeting was held in the Council Chamber and was live streamed and recorded.

Present

Councillor S. Croft (Chair)

Councillors: D. Brown, M. Green, M. Tromans, J. Sheppard (substituting for Councillor T. Sheppard)

PART I – PUBLIC BUSINESS

- EC21 **Apologies**
Councillor T. Sheppard.
- EC22 **Minutes**
RESOLVED that the minutes of the Employment Committee meeting held on 30th November 2022, be approved, and signed by the Chair.
- EC23 **Declarations of Interest**
As a substitute Councillor for this meeting, the Declarations of Interest for Councillor J. Sheppard were not detailed in the Schedule attached to the agenda.
RESOLVED that
a) the declarations of interest are as set out in the Schedule attached to these minutes, with the addition of the Declarations of Interest for Councillor J. Sheppard; and
b) the Director for Planning and Regulation declared an interest in item EC28 (Management Team Restructure) and will leave the meeting for this item.
- EC24 **Pay Policy Statement**
The Head of People and Culture presented a report to seek approval on the Council's Pay Policy Statement 2023.
RESOLVED that
a) the draft Pay Policy be approved; and
b) it be recommended that the Pay Policy be put forward to Council for ratification and published as required by Section 38 of the Localism Act 2011.
- EC25 **HR Metrics Data**
The Head of People and Culture presented a report to provide the Committee with an overview of the services provided by the Human Resources function and key statistical information for each area.
RESOLVED that the contents of the report be noted.
- EC26 **Work Programme 2022/23**
To review the Employment Committee Work Programme 2022/23.
RESOLVED that the Work Programme be noted.

EC27 **Exclusion of the Public and Press**

RESOLVED that under section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item, it being likely that there would be disclosure of exempt information of the description specified in paragraph (i) and (iv) of Part I of Schedule 12A to the Act.

EC28 **Management Team Restructure**

A report of the Chief Executive provided the Committee with information about the proposed Management Team restructure, including the key outcomes of a consultation exercise so relevant decisions could be made.

The Director - Planning and Regulation, and the Head of People and Culture left the meeting whilst this item was discussed.

RESOLVED that

- a) the key outcomes of a consultation exercise carried out over a period of just under 7 weeks from 17th January 2023 to 28th February 2023 be noted;
- b) the revised Management Structure set out at Appendix 3 to the report be endorsed;
- c) the comments of the Panel of Independent Persons set out in Section 6 of the report be noted;
- d) the deletion of one current Chief Officer post be recommended to Full Council;
- e) the dismissal of the Council's Monitoring Officer on the grounds of redundancy of the Directorial post be recommended to Full Council;
- f) the remuneration levels for the new Strategic Director posts and a remuneration range for the Assistant Director posts set out in paragraphs 5.6 and 5.7 of the report be approved;
- g) the Monitoring Officer Allowance set out in paragraph 5.8 of the report be approved;
- h) delegation of authority to the Chief Executive to appoint existing employees into the four new Strategic Director posts with effect from 1st April 2023 or as soon thereafter as practicable be approved; and
- i) delegation of authority to the Chief Executive to take appropriate actions to implement Phase 2 of the restructure, including appointments to the new Assistant Director roles, as quickly as possible be approved.

EC29 **Management Team Restructure – Remuneration for Chief Executive Role**

The Head of People and Culture presented the proposed revised remuneration levels for the Chief Executive role.

The Chief Executive left the meeting whilst this item was discussed.

RESOLVED that the revised remuneration levels for the Chief Executive role noted in section 4 of the report be approved.

Chair

Employment Committee - Schedule of Declarations of Interests – 2022/2023

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	General dispensations granted to all members under s.33 of the Localism Act 2011			Granted to all members of the Council in the areas of: <ul style="list-style-type: none"> - Housing matters - Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - An allowance, payment given to members - An indemnity given to members - Any ceremonial honour given to members - Setting council tax or a precept under the Local Government Finance Act 1992 - Planning and Licensing matters - Allotments - Local Enterprise Partnership
	D. Brown	Employed by H.M Land Registry	Regional Coordinator, Ragdoll Rescue Charity. Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Biodiversity Champion • Exhall Education Foundation • Warwickshire Joint Overview and Scrutiny Committee 	
	S. Croft (Chair)	Employed at Holland & Barrett Retail Ltd	Treasurer of the Conservative Association Member of the following Outside Bodies: <ul style="list-style-type: none"> • Champion for Safeguarding (Children and Adults) • Local Government Superannuation Scheme Consultative Board • West Midlands Employers 	
	M. Green	Employed by Horiba Mira – Calibration Technician	Chair of Education Standards Committee – St Thomas More School Executive Member – Nuneaton Conservatives. President – St Vincent De Paul Society at Our Lady of the Angels Church. Our Lady of the Angels Church.	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			Member of the George Eliot Fellowship. Member of the Nuneaton Education Strategy Board Member on the following Outside Bodies: <ul style="list-style-type: none"> • Friendship Project for Children. 	
	T. Sheppard	Employee of Dairy Crest		
	M. Tromans	RTC Ltd, Nuneaton; WCC, Warwick	Nuneaton Acorns WI	

Employment Committee - Schedule of Declarations of Interests – 2023/2024

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	General dispensations granted to all members under s.33 of the Localism Act 2011			Granted to all members of the Council in the areas of: <ul style="list-style-type: none"> - Housing matters - Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - An allowance, payment given to members - An indemnity given to members - Any ceremonial honour given to members - Setting council tax or a precept under the Local Government Finance Act 1992 - Planning and Licensing matters - Allotments - Local Enterprise Partnership
	D. Brown	Employed by H.M Land Registry	Regional Coordinator, Ragdoll Rescue Charity. Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Exhall Education Foundation (Council appointment). 	
	S. Croft (Chair)	Employed at Holland & Barrett Retail Ltd	Treasurer of the Conservative Association Member of the following Outside Bodies: <ul style="list-style-type: none"> • Champion for Safeguarding (Children and Adults) • Local Government Superannuation Scheme Consultative Board • West Midlands Employers 	
	M. Green	Employed by Horiba Mira – Engineering Technician	Chair of Education Standards Committee – St Thomas More School. School Appeals Panel Member Our Lady of the Angels Church. President – St Vincent De Paul Society Nuneaton, Member of the George Eliot Fellowship Member of Other Bodies: <ul style="list-style-type: none"> • Friendship Project for Children. 	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			<ul style="list-style-type: none"> Nuneaton Education Strategy Group 	
	T. Sheppard		Member of Unite Union Member of Labour Party	
	M. Tromans	RTC Ltd, Nuneaton; WCC, Warwick	Nuneaton Acorns WI	

Employment Committee

Report Summary Sheet

Date:	20 June 2023
Subject:	Human Resources Policy Documents
Portfolio:	Finance and Corporate [Cllr S. Croft]
From:	Ruth Bartlett – Head of People and Culture

Summary: To seek approval of a number of Human Resources Documents.

Recommendations 1. That the following documents be approved:

- Disciplinary Policy and Dismissal Procedures (Appendix A)- page 14
- Grievance Policy and Procedure (Appendix B)- page 38

Reasons: To ensure that the Council complies with employment legislation and good practice by providing clear, concise and up to date Human Resources documentation to assist consistency across the Council

Options:

1. Accept the recommendations
2. Approve some documents. This may result in the Council not complying with employment legislation and good practice which may produce inconsistency in approach across the Council
3. Not approve any of the documents. This may also result in the Council not complying with employment legislation and good practice which may produce inconsistency in approach across the Council

Subject to call-in:	No
Forward plan:	No

Corporate priorities: Aim 4 priority 3

Relevant statutes or policy: General Employment Legislation

Equalities Implications: All Human Resource policies must have a consistent approach to allow the inclusion of all employees. An equalities impact assessment has been undertaken and the recommended amendments have been made. This process ensures that there are no inequalities by the introduction of the documentation.

Human Resources Implications: The provision of the Human Resources documentation will assist consistency in approach across the Council.

Financial Implications: None identified

Health Inequalities Implications: None identified

Section 17 Crime & Disorder Implications: None identified

Risk Management Implications: None identified

Environmental Implications: None identified

Legal implications: None identified

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NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Employment Committee
Date: 20 June 2023
From: Ruth Bartlett, Head of People and Culture
Subject: Human Resources Policy Documents
Portfolio: Finance and Corporate [Cllr S. Croft]

1. Purpose of Report

1.1 To seek approval of a number of Human Resources Documents.

2. Recommendation

2.1 That the Committee note the report; and

2.2 That the following documents be approved:

- Disciplinary Policy and Dismissal Procedures (Appendix A) - page 14
- Grievance Policy and Procedure (Appendix B) - page 38

3. Background

3.1 The development and review of policy documentation provides a framework to assist in a consistent approach across the Council and enhance the equalities agenda. An equalities impact assessment has been undertaken to assess the potential equalities impact the policy documentation may have upon the workforce.

3.2 The provision of good quality documentation promotes and develops good Employee Relations with Trade Union Representatives.

4. Policy Documents

4.1 Disciplinary Policy and Dismissal Procedures

4.1.1 This policy is key to providing a clear procedure for dealing with issues of conduct and provides a framework for progressing issues through a disciplinary process.

4.1.2 In the main, changes are minor as the policy continues to reflect current legislation. However, updates have been made to reflect roles and responsibilities applicable to this policy given the recent revised management restructure.

4.2 Grievance Policy and Procedure

4.2.1 This policy provides a framework for dealing with complaints, both formal and informal from employees regarding work issues.

4.2.2 In the main, changes are minor as the policy continues to reflect current legislation. However, updates have been made to reflect roles and responsibilities applicable to this policy given the recent revised management restructure.

5. Consultation

5.1 Appropriate consultation has been undertaken with the Council's Management Team and the relevant Trade Union Representatives. Furthermore, this report and the policy documents have been brought to the attention of all staff so that they may make any comments or views.

6. Conclusion

6.1 The Human Resources Service regularly produces, reviews and amends policy documentation where necessary to conform to changes in employment legislation and best practice.

6.2 The provision of appropriate Human Resources Strategies, Policies and Procedures will assist consistency across the Council and promote good Employee Relations with the Trade Unions.

APPENDICES

- Appendix A Disciplinary Policy and Dismissal Procedures
- Appendix B Grievance Policy and Procedure



Disciplinary Policy And Dismissal Procedures

**Issued by Human Resources
May 2023 EMP.04**

NUNEATON & BEDWORTH BOROUGH COUNCIL

Disciplinary Policy and Dismissal Procedures

Quality Record

Issue No.	Date	Initial EIA	Stage	Agreed
1	14.12.2006	16.11.2006	Approval by Single Member	14.12.2006
2	02.02.2010	Feedback	EMT and Unions	
3	26.08.2010	M Walton		
4	29.09.2010		Approved by single member	
		Dec 2010 M Walton		
5	April 2015		Review	
6	September 2015		EqIA	R Bartlett
7	27 October 2015		Approved by Single Member	
8	Dec 2018		Review	R Bartlett
9	June 2019		ICMD	Yes
10	May 2023		Draft Revisions	

This document is available in larger print.

Please contact Human Resources for a larger copy

DISCIPLINARY POLICY AND DISMISSAL PROCEDURES

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1. Introduction

The Council is committed to ensuring all employees are aware of the required standards for conduct, performance and attendance. As such it has a framework of policies and procedures that cover various issues. This Policy should therefore be read in conjunction with existing policies, particularly those specifically referring to attendance management, capability, probation, redeployment and grievance.

Where the required standards for conduct, performance and attendance have not been met and the relevant policy has been exhausted, action may be required under this Policy.

Individual circumstances cannot always be accounted for within a written procedure. Where circumstances arise that are not covered by this document, you must contact a HR Officer for advice and guidance.

2. Purpose

The main purpose of the policy and procedure is not to impose sanctions but to ensure consistent and fair treatment for all employees in a timely manner. It is designed to help and encourage all employees to achieve and maintain appropriate standards of conduct, attendance and performance.

3. Scope

This Policy and any associated procedure will apply to all Council employees including those employees working on temporary, fixed term or casual contracts.

This Policy is extended to cover activities outside of normal working hours, with particular reference to evening meetings, social functions and other organised events that are clearly linked to the Borough Council. The Policy will also cover complaints regarding comments and or actions made on social media sites.

4. Responsibilities

Managers

Managers are responsible for ensuring that all employees are aware of the requirements of their role, working practices and their responsibilities under the Code of Conduct for employees contained within the Council's Constitution. Managers should set clear standards for acceptable behaviour, to include attendance, performance and conduct.

Managers will be required to attend relevant mandatory training in connection with this Policy.

It is expected that Line Managers will be able to deal with minor disciplinary issues as part of their day to day management. The use of formal disciplinary procedures should be considered as a last resort rather than a first option.

Whilst it is important to deal with disciplinary issues fairly and effectively, it is more important to try to prevent problems arising in the first place. Good communication between managers and employees can often resolve problems before disciplinary action becomes necessary.

Employees

All employees have a duty to familiarise themselves and comply with Council Policies and Procedures and act in accordance with expectations set out in the Code of Conduct for employees contained within the Council's Constitution. Employees should co-operate fully in any investigation undertaken in relation to this or any other Policy or Procedure. Agency workers are also expected to adhere to the Code of Conduct.

Human Resources

Human Resources are responsible for providing timely and up to date professional advice, guidance on process and support to managers and employees to assist with the effective management of this Policy. This will include:

- Supporting Managers at appropriate stages within the Procedure.
- Providing advice, guidance and training regarding strategies to effectively deal with disciplinary matters.

Trade Unions

Trade Unions will work with managers, employees and Human Resources to ensure the policy is applied fairly and consistently across the Council.

Trade Union representatives may also support employees during formal meetings as laid out in this policy. A list of Trade Union Representatives is available from Human Resources the Role of a Companion is at Appendix A.

5. Misconduct and Gross Misconduct

Appendix B gives examples of what may be classed as misconduct or gross misconduct. Gross Misconduct are normally acts which are so serious as to justify summary dismissal. If gross misconduct is suspected, advice must be sought immediately from a senior member of the Human Resources team.

6. Informal Procedures

In the first instance, and where appropriate, informal action should always be considered before moving on to the formal procedure. In general, managers should deal with any minor issues on a day to day basis in line with the

Performance Management Policy. For example, where an employee is not attending work in a timely manner, this should be raised and documented in one to one meetings. However, where unacceptable behaviour continues or where an incident occurs that is in appropriate, further action may be appropriate.

The manager should meet informally with the employee to discuss their conduct with a view to finding a resolution. After discussion, it may be appropriate to confirm the improvements required in writing. For the purpose of this informal process this will be called an Improvement note. Advice must always be sought from Human Resources before issuing an Improvement Note.

The Improvement note should set out clear expectations of the improvements required, the advice given and any actions agreed. Normally, it is expected that this improvement would be immediate, however there may be times where appropriate timescales will need to be included, for example where there is a requirement for training.

It is important at this informal stage to note that it is expected that the improvement will be sustained permanently and any instances of further misconduct of a similar nature may be dealt with formally under this policy.

7. Formal Procedures

Where informal procedures are not appropriate, have been exhausted, or have not brought about the required improvement in an employee's behaviour, the formal process will be instigated.

Where an allegation of misconduct or gross misconduct has occurred, Human Resources should be notified as soon as possible. Human Resources will liaise with the appropriate Assistant Director and/or Strategic Director to appoint an appropriate Investigating Officer. The Investigating Officer should be independent with no prior involvement in the case, other than being involved in any suspension. Dependant on the circumstances, it may be more appropriate for this to be an officer from separate service unit.

To assist in this process and in line with ACAS best practice guidelines the Council may use an external resource, if appropriate. An example of an external resource would be a mediator or an Independent Investigating Officer. The use of any external resource must be authorised by the relevant Assistant Director and only after consultation with Human Resources and/or the Head of Paid Service.. Where it is felt that the use of an external resource is required, confidentiality will be maintained.

Where an allegation is made against an Assistant Director, Strategic Director or the Chief Executive, advice should be sought from Human Resources to discuss the most appropriate Investigating Officer to be appointed.

8. Suspension

Prior to suspension of an employee, advice must be sought from a Human Resources Officer where possible. Suspension should only be considered following a preliminary investigation to establish the main facts of the case. The extent of any preliminary investigation will be dependant on the circumstances but it is anticipated that it will at least involve a short interview with the employee who the allegation is against. Any preliminary investigation should be documented and suspension meetings will be recorded and details made available to aid any formal investigation.

Suspension may be appropriate where the employee is alleged to have committed an act of gross misconduct of such a nature that their continued presence in the workplace cannot be allowed to continue. It is also appropriate in cases of potential misconduct, when a full investigation needs to be carried out and where the employee's presence in the workplace may impede this exercise.

In summary, suspension must occur only:

- Following consultation with Human Resources
- following a preliminary investigation, which will normally include an interview with the employee;
- for a relatively short period of time; and
- On Contractual Pay

Where practicable, the employee will be advised of their suspension in person and given the opportunity to have a companion present. However, this should not delay the process. Where in person contact with an employee may not be possible and/or an employee fails to engage in the process, suspension may be considered and actioned in writing. Full details of the reasons for suspension and any relevant allegations should be included.

Confirmation of suspension must be set out in writing to the employee which, should either be emailed or delivered by hand (careful consideration should be given to who is asked to deliver the document) or recorded delivery post. Where an employee is on annual leave and is not contactable, the decision to suspend should still be made where appropriate.

Whilst suspended, employees will continue to receive their contractual pay, inclusive of any permanent allowances. Employees should also remain available for any meetings required under this policy. Should they not be available for any reason, they should discuss this with the Investigating Officer.

At any point during the investigation and based on evidence gathered, it may be appropriate to impose a suspension that is not already in place. It may also be appropriate to lift a suspension before completion of the process.

There may also be instances where it is beneficial for the employee to be temporarily transferred to another location in order that a full investigation can be carried out. However, where the employee is alleged to have committed an act of gross misconduct such that their continued presence in any of the Council's workplaces cannot be allowed to continue, or there is no alternative location in which to site the employee, suspension must take place.

9. **Formal Investigation Process**

An investigation into the allegations should be commenced as soon as possible. Investigations must be completed as soon as practicable, preferably within 8 weeks of notification of the issue and/or instigation of formal proceedings. Where it is not possible to meet these timescales, all relevant parties should be informed.

The Investigating Officer is responsible for proceedings at this stage, and will be required to undertake a full and formal Investigation, advised and supported by a HR Officer. Arrangements must be made to meet with the employee and any relevant parties as soon as possible. Meetings may be in person or online.

The Investigating Officer will:

- Consider all documentation and evidence relating to any informal processes and/or suspension
- Acknowledge and record the nature of the allegation and confirm that it is being dealt with under the formal procedures of the Disciplinary Policy and Dismissal procedures. There may be times when the allegations change or develop and this should also be communicated with the employee.
- Inform the employee of the stages in the procedure and keep them informed throughout the process
- Advise the employee that they have the right to be represented at meetings at any stage of the formal investigation by a Companion, or Trade Union Representative. For further information, please see Appendix A (Role of Companion) and Appendix C (Investigation Process).

If appropriate, the Investigating Officer will then arrange to meet the employee against whom the allegations have been made and any relevant parties identified throughout the course of the investigation.

Confirmation of meetings will be made in writing, either by email or letter and should ideally give at least 5 working days notice from the point of contact. However, with a view to ensure efficiency in the process and with the agreement of all parties involved, this notice period may be waived. Furthermore, there may be times where it is necessary to meet individuals more than once throughout the course of the investigation.

Where the employee fails to engage appropriately and/or maintain appropriate contact, the Investigating Officer should offer the opportunity for them to make written representations, asking them to address any key areas for

consideration. If an employee fails to do this, the Investigating Officer may need to submit their report based on any evidence gathered to date.

Interviewees will be made aware that any statements or notes may be passed to any appropriate persons as part of the process.

Once the investigation is complete the Investigating Officer, will prepare and submit a report to the appropriate Assistant Director/Strategic Director who will consider the outcome.

Where an investigation does not result in a formal disciplinary hearing, a letter must be sent to the employee confirming no fault or blame has been attached to them.

Case Reviews

There may be times where a case review is triggered under other policies that may result in potential Disciplinary action. For example, a case review under the Attendance Management Policy may involve collation of information rather than any formal interviews with employees concerned. It is anticipated that such case reviews will only be used where the employee has already had the opportunity to contribute, either through meetings under relevant policies or by submission of documentation.

10. Other Considerations

Allegations against a Trade Union Representative

Where an act of misconduct is alleged against a trade union representative, the Works Convenor or a full-time official of the trade union concerned must be informed of this as soon as possible. No disciplinary action, whether informal or formal, shall be taken against the representative until the details of the case are made known to the Works Convenor or full-time trade union official.

Criminal Charges or Convictions

Any decision to involve the police due to the nature of an allegation will be made by the appropriate Director following appropriate consultation with all relevant parties.

Where an employee is charged with or convicted of a criminal offence, this will not automatically result in disciplinary action by the employer and advice must be sought from a Human Resources Officer at the earliest opportunity.

Consideration should be given to the nature of the charge/conviction in relation to the terms and conditions of the employee's contract.

Where it is thought that the conduct giving rise to the intended or actual prosecution warrants prompt attention, there is no need to await the outcome of any prosecution before taking fair and reasonable action. However, it is

imperative that any police investigation is not impeded and, in such instances, advice must be sought from the police.

Cases Involving Statutory Registration Authorities

Employment in certain professions which are regulated by Statutory Bodies is conditional upon continuing registration, e.g. the Law Society in respect of solicitors. In such cases, the employer has a duty to report any incidents of alleged professional misconduct or serious performance issues to the appropriate Registration Authority.

This duty should be exercised quite separately to any disciplinary action and, as with criminal charges/convictions, there is no need to await the outcome of any investigation being carried out by the Registration Authority before implementing fair and reasonable action within the Disciplinary Policy.

In cases where the outcome of the internal disciplinary process results in action short of dismissal and the Registration Authority subsequently determines that the individual's registration is suspended or removed, reference must be made to the Capability Procedure and advice sought from a senior member of the Human Resources team.

11. Formal Hearings

Cases of Disciplinary/Capability/Attendance Management/Probationary Employees

In cases of disciplinary, having concluded the investigation, if the Investigating Officer concludes that misconduct appears to have occurred, they shall present their findings to the appropriate Assistant Director/Strategic Director, together with a recommendation that a disciplinary hearing should take place.

This will also apply in cases of Capability, Attendance Management and Probation, where the appropriate policy has been exhausted. In these cases, the manager should present a case review report to their Assistant Director/Strategic Director, detailing the action taken to date.

If it is deemed appropriate, the Assistant Director/Strategic Director will then convene a hearing and write to the employee giving the following information:

- The reason for the hearing, including the nature of the allegation if applicable
- the proposed date, time and venue of the hearing (which must be at least five working days from the anticipated date of receipt of the letter)
- the employee's right to be accompanied at the hearing
- the employee's right to make written submissions prior to the hearing and make statements at the hearing, to call witnesses and to question any witness called

by the officer presenting the case (normally the investigating officer/manager). It should be noted that it is the employee's responsibility to contact those they wish to call as witnesses. Witnesses cannot be compelled to attend.

- A copy of this policy should be enclosed with the letter, together with any relevant documentation, e.g. the management case.

The letter should be emailed where possible, hand delivered or sent by recorded delivery.

Any written response to the management case or additional information to be presented to the hearing by either side, including witness statements, must be sent not later than two working days prior to the day of the hearing to Human Resources who will ensure copies are circulated to all relevant parties.

In some circumstances, the Assistant Director/Strategic Director may feel that due to the nature of the allegation it is appropriate for the Investigating Officer to hear the case. This will normally be where the offence/issue is of a relatively minor nature with a likely outcome, if proven, of an oral or written warning. However, if the offence is potentially one of gross misconduct or where dismissal may be appropriate, the presiding officer must be the Assistant Director/Strategic Director who must be advised by a member of the Human Resources team.

The procedure to be followed at such formal hearings is outlined in Appendix D.

Fixed Term and Temporary Contracts/Redundancy

It is important to remember that Redundancy, whether compulsory or voluntary, and non-renewal of Fixed Term or temporary contracts are a form of dismissal. As such, employees are entitled to their contractual notice and a hearing should be held in accordance with Appendix E.

As with all formal meetings, employees should be given at least five working days notice and should be made aware of their right to be accompanied at the hearing.

Further information regarding applications for Voluntary Redundancy or the use of Fixed Term and Temporary contracts is available from Human Resources.

12. Formal Sanctions

After considering the evidence, the presiding officer will determine whether the employee is blameless or blameworthy.

Where an employee is found to be blameworthy, the presiding officer will consult the employee's personal file and consider their work record, including any 'live' warnings.

At completion of the hearing, the presiding officer will apply one of the following sanctions:

- Formal oral warning - a written record of any formal oral warning will be kept for six months, after which period it will be regarded as “spent”
- Written warning - any written warning will be recorded for one year, after which period it will be regarded as “spent”
- Final written warning - any final written warning will be recorded for two years, after which period it will be regarded as “spent”
- transfer of employee to suitable alternative post on the same or lower grade (with appropriate conditions of service)
- Some other disciplinary action deemed appropriate by the presiding officer, for example training
- Dismissal (with or without notice)

It may be appropriate to apply a sanction with conditions, such as additional training or coaching as deemed appropriate.

Warnings will be regarded as “spent” only where no further disciplinary action has been taken during the period specified.

Warnings which have become spent will be disregarded when considering any further action against an employee and a note to that effect will be included in all such warnings.

Gross misconduct is conduct of such a nature that the Council cannot tolerate the continued presence of the employee at work. Where found, it may lead to dismissal without notice or ‘Summary Dismissal’. Such dismissal does not mean instant and should only take place where the procedures under this policy have been followed and in particular a disciplinary hearing has been convened and completed.

Where dismissal is given with notice, consideration should be given to the impact this may have on service delivery and it may be appropriate to consider alternative duties for the period of notice or payment made in lieu of notice. It should be noted that no such decision will affect the employee’s right of appeal.

The employee will then be informed verbally of the decision and disciplinary sanction to be imposed. This information will be confirmed in writing to the employee by the presiding officer normally within five working days. A copy of all formal warnings issued to an employee will be kept on their personal file for the period specified above.

13. Right of Appeal

A right of appeal exists against any formal disciplinary action. For clarity, appeals will initially be heard by an Assistant Director/Strategic Director who have not been previously involved in the case. They will consider the facts of the case and the outcome. A further right of appeal may then apply where the case will be heard by a panel of members in line with the Council’s Constitution.

Employees who have been dismissed on the grounds of redundancy or non-renewal of fixed term or temporary contract also have a right of appeal.

The appellant must lodge their decision to appeal against the findings/ decision or disciplinary sanction, in writing to Human Resources, within ten working days of receipt of the letter confirming disciplinary action. All correspondence regarding disciplinary sanctions should be sent by email where possible or by recorded delivery. Receipt of the email/letter will then be deemed as the tracked delivery date.

Officers hearing appeals must not have been previously involved with the case. Any appeals must be dealt with in accordance with Appendix F.

Appellants should submit papers for their case as soon as possible prior to the hearing date. This will be at least 5 working days for appeals to Assistant Directors/Strategic Directors and at least 15 working days in the case of appeals to a Members Appeal Committee, if applicable. Management will also be required to submit their response. In the case of appeals to a panel of members, papers should include any evidence demonstrating why the Council's procedures have not been properly followed. In line with the Council's Constitution, the remit of the committee is to review the process leading up to the management decision, therefore no new evidence can be submitted.

14. Failure to Attend a Hearing

If the employee is unable to attend a formal dismissal/disciplinary/appeal hearing, they should give appropriate reasons and the meeting should be reconvened, allowing at least five working days' notice.

If an employees fails to attend the second meeting, it will normally proceed in their absence. This intention should be stated clearly in the letter to the employee confirming the details of the reconvened meeting.

However, where an employee has failed to appropriately engage and/or maintain contact throughout the process, the hearing may proceed at the first attempt. This should be detailed clearly in any correspondence.

In any case, should employees choose not to attend and/or fail to engage, they should be made aware of their right to make written representations to the hearing .

ROLE OF A COMPANION

Employees have a right to be accompanied to all formal meetings, to include hearings and appeals.

A Companion can be either a recognised trade union representative or a work colleague employed by the Council. The choice and arrangements for the Companion are the responsibility of the employee. Where there may be a conflict of interest, for example where there is a personal relationship, this should be declared so that the Council can consider the implications.

The trade union representative does not have to be from within the organisation although as Nuneaton and Bedworth Borough Council recognises certain trade unions it is expected that the representative would come from a recognised union. Such officials must be trained or certified by their union to act as an employee's Companion. However, it must be remembered that there is no obligation on a trade union to provide a Companion.

The employee can decide whether to allow the Companion to answer questions on their behalf or to address the meeting. The Companion cannot prevent the employer from explaining their case or any other person from contributing to the meeting.

Subject to the approval of the employee, the employer will allow the Companion to respond on the employee's behalf to any view expressed at the meeting. Effectively, a Companion will be able to address the meeting at designated stages in the proceedings to present the employee's case and to sum up and will be able to ask questions.

Protection for the Companion against detriment, including dismissal, extends to both the accompanying of the employee and for addressing or seeking to address the meeting.

Examples of Misconduct and Gross Misconduct

The Council has a right to expect its employees to display conduct and behaviour of the highest order, in accordance with its Code of Conduct for Employees. Above all they must be honest and trustworthy.

Gross Misconduct

Gross misconduct is generally seen as misconduct serious enough to destroy the employment contract between the Council and the Employee and make any further working relationship and trust impossible. In essence therefore the Council is entitled to consider that it cannot allow the continued presence of the individual employee at their place of work because of the incidents. Where found, it will lead to dismissal without notice.

Whilst the following is neither an exclusive nor exhaustive list, it does include examples of what the Council may view as gross misconduct:

a) Fraudulent Claims/Acts

- Misconduct in Relation to Official Documents, e.g. falsification of Flexi sheets
- Improper Disclosure of Information
- Failure to disclose information, e.g. convictions, or making false statements or omissions either when applying for a role or during the course of employment
- Corrupt or Improper Practice
- Deliberate disregard for the Council's Financial Procedures and Regulations

b) Unacceptable Behaviour at Work

- Discrimination and/or victimisation
- Bullying and Harassment
- Sexual Misconduct
- Physical Violence, whether actual or threatened

c) Misuse of Council Property

- Unauthorised use or Removal of Council Property
- Damage to Council Property

d) Theft

e) Failure to Observe Health & Safety and Security Regulations

f) Being Under the Influence of Alcohol, Solvents or Drugs

- g) Breach of trust** – Omission or conduct liable to lead to a serious loss of confidence or conduct that is a serious abuse of position, e.g. entering into a personal relationship with a vulnerable service user.
- h) Confidentiality**
- Unauthorised disclosure of confidential and personal information, including that which may be of use to those involved within a tendering or quotation procedure
 - Loss of confidential and/or personal information, e.g. documentation, IT equipment, etc.
- i) Breach of ICT policy** - Serious breach of the Council's ICT Policy (e.g.: accessing internet sites containing pornographic material, loss of confidential or sensitive data through negligence, loss of expensive equipment through negligence.
- j) Conduct Outside of Work**
- Criminal offences and other conduct outside employment which would their suitability to perform their work, makes them liable to be unacceptable to other employees or management, or is liable to damage the Council's reputation
- k) Failure to disclose a conflict of interest**

Misconduct

Again, the following is neither an exclusive nor exhaustive list. However, it does include examples of what the Council may view as misconduct which will normally justify the use of the disciplinary procedure. Depending on the degree of severity, any of these may constitute gross misconduct, in addition to the examples given above.

- a) Deliberately refusing to comply with a reasonable and authorised instruction**
- b) Insubordination**
- c) Abuse of Authority**
- d) Unauthorised Absence from Duty**
- e) Neglect of Duty**
- f) Sleeping on Duty**
- g) Criminal Conduct**

- h) Neglect of Health & Safety**
- i) Failure to meet the requirement of a relevant professional governing body**
- j) Smoking in any Council owned vehicles, premises and grounds, unless designated as a 'smoking area'**
- k) Failure to comply with the sickness absence reporting procedure, including unauthorised absence**
- l) Knowingly being an accessory to, condoning or failing to report a serious breach of the disciplinary rules**
- m) General conduct in the workplace which has a negative impact on colleagues and service delivery and does not meet with the Council's core values.**

If misconduct is suspected, the Human Resources Manager must be informed immediately and where it is felt appropriate, advice should be sought.

Investigation Process

Investigating Officers Role

Human Resources, in liaison with the appropriate Director, will appoint an Investigating Officer. Only Officers who have completed Investigations Training will be eligible to undertake investigations as laid out in this policy. It is expected that Investigations will take priority in work schedules and this will be considered when appointing an Investigating Officer.

The Investigating Officer's role is to collate the evidence and/or facts of the case, which may involve interviews with complainants, any witnesses or accessing various documents that may be relevant to the case.

The Investigating Officer will be required to produce a report that will provide all the evidence that has been collated. The report will be submitted to the appropriate Director for consideration.

HR Officers Role

Following the appointment of an Investigating Officer, a HR Officer will be assigned as support. All, investigations will take priority in work schedules and this will be considered when appointing HR Support.

It is the responsibility of the HR Officer to provide advice and guidance to the Investigating Officer and ensure that the policy/procedure is implemented fairly and in line with up to date legislation.

Investigation Meetings

Prior to any investigatory meetings, the Investigating Officer and HR Officer should meet to discuss the details of the case and plan a course of action to ensure the case is resolved as quickly as possible. These meetings may involve establishing further details/documents, etc that are required, who needs to be interviewed and drafting questions to ask interviewees. During the course of the Investigation, there may be a need for further planning meetings as appropriate.

Investigation meetings will normally take place in the workplace. However, sensitivity will of course be applied where necessary.

All employees are entitled to representation at any formal meeting. Normally, 5 working days notice will be given of meetings to enable employees to arrange for this representation. However, should all parties agree and be available, and so as to not delay the process, meetings can take place earlier.

During an investigation meeting, both the Investigation Officer and HR Officer will ask questions of the interviewee and answers will be documented. In most cases, interviews will be recorded a copy of the recording can be made available upon

request. However, where recording is not available, hand written or typed notes of the interview will be taken. In this case, at the end of the interview, the interviewee will be asked to read and sign the notes and a copy given to them for their records.

Interviewees should be aware that recordings/documentation from the meeting may be used and/or shared as part of any formal proceedings. In all cases, legislation set down in the Data Protection Act will be adhered to and should interviewees wish to remain anonymous, they should indicate this to the Investigating Officer before commencing any interview.

Upon completion of the investigation, the Investigating Officer will, in conjunction with their supporting HR Officer, produce a report detailing their findings only.

Written Notification of Meetings/Outcomes

In order to increase efficiency in the process, invites to meetings may initially be made verbally. However, all invites to formal meetings and/or notification of outcomes should then be confirmed in writing. Where an employee is not available for a meeting, they should inform the invitee at the earliest opportunity to avoid further delays.

Where appropriate, written notification may be by email. Where this method of communication is either not available or not appropriate, a letter will be issued. In this case, the letter should either be hand delivered or sent by both recorded and first class mail.

**PROCEDURE FOR FORMAL
DISMISSAL/DISCIPLINARY/CAPABILITY HEARINGS**

1. The employee, together with their representative, will be invited into the hearing, together with the Investigating Officer and their personnel adviser.
2. The officer hearing the case (presiding officer) will outline the procedure to be followed. If the employee is unaccompanied, the presiding officer will remind them of their right to be accompanied. If the employee is accompanied, the presiding officer will clarify the employee's wishes with regard to the role of their representative/ companion.
3. The investigating officer will be invited to present the management case and call witnesses as appropriate*.
4. The employee and their representative may ask questions of the investigating officer and witnesses. * The presiding officer and their adviser may also ask questions.
5. The employee or their representative will be invited to put their case and call witnesses as appropriate.*
6. The investigating officer and their adviser may ask questions of the employee, their representative and witnesses.* The presiding officer and their adviser may also ask questions.
7. The investigating officer will be given the opportunity to sum up. The summing up must be a brief resume of the evidence and should include no new information.
8. The employee and their representative will be given the opportunity to sum up. The summing up must be a brief resume of the evidence and should include no new information.
9. After all the evidence has been presented, the employee, representative and the investigating officer, and their adviser, together with any remaining witnesses, will be asked to withdraw.***
10. After considering the evidence, the presiding officer will determine whether the employee is blameless or blameworthy. If the employee is found to be blameworthy, the presiding officer will consult the employee's personal file to consider their work record and length of service before making a decision on the appropriate sanction to be imposed.
11. The employee, their representative and the investigating officer and their adviser will be invited back to hear the decision and any disciplinary sanction to be imposed.***
12. The employee will be advised of their right of appeal.

13. The decision of the presiding officer will be confirmed in writing to the employee (and copied to any representative) as soon as possible, normally within five working days. Details of the employee's right of appeal and the procedure to be followed must be included in the letter to the employee.
- * *Any witness called will be present only for the time it takes for them to give evidence. They may be recalled if required.*
- ** *It should be remembered that the hearing is not a court of law and, whilst witnesses should be encouraged to attend, they cannot be compelled to do so. It is important to make every effort to obtain truthful and accurate information but the presiding officer must ensure that witnesses are not subjected to excessive or aggressive questioning. It is the responsibility of the investigating officer or employee to ensure that their respective witnesses are informed and attends.*
- *** *If the investigating officer is acting as presiding officer, neither they nor their adviser will withdraw.*

**PROCEDURE FOR FORMAL
DISMISSAL HEARINGS IN REACTION TO REDUNDANCY AND END OF FIXED
TERM/TEMPORARY CONTRACTS**

1. The employee, together with their representative, will be invited into the hearing.
2. The officer hearing the case (presiding officer) will outline the procedure to be followed. If the employee is unaccompanied, the presiding officer will remind them of their right to be accompanied. If the employee is accompanied, the presiding officer will clarify the employee's wishes with regard to the role of their representative/ companion.
3. The employee and/or their representative will be given the opportunity to make statements should they wish to.
4. The presiding officer will outline the reasons for dismissal and advise of the appropriate notice and any payments due.
5. The employee will be advised of their right of appeal.
6. The decision of the presiding officer will be confirmed in writing to the employee (and copied to any representative) as soon as possible, normally within five working days. Details of the employee's right of appeal and the procedure to be followed must be included in the letter to the employee.

PROCEDURE FOR APPEALS
IN ACCORDANCE WITH THE COUNCIL'S CONSTITUTION AND FOLLOWING
DISMISSAL/DISCIPLINARY/CAPABILITY HEARINGS

PROCEDURE FOR APPEALS

All Appeals will be held in accordance with the Council's Constitution in place at the time of the appellant's original complaint. In the first instance, appeals will be heard by an Executive Director. A further right of appeal then exists and would be heard by a Members Appeal Committee. This procedure applies to both methods of appeal.

1. A Chair Person/Panel advised by a senior member of the Human Resources team will hear and consider all appeals.
2. The appellant together with their representative or colleague will be invited into the appeal hearing, together with the management representative (At this stage it is likely to be the appropriate Director and their adviser from the formal stage of the procedure.) If the appellant is unaccompanied the Chair will remind them of their right to be accompanied. If the employee is accompanied, the Chair will clarify the employee's wishes with regard to the role of the representative/colleague
3. The appellant and their representative will be requested to state their case.
4. The management representatives will be invited to question the appellant's case.
5. The Chair/Panel if necessary will ask questions of clarification only of the appellant's case.
6. The management representatives will be invited to present the management case.
7. The appellant and their adviser will be invited to question the management case.
8. The Chair/Panel will if necessary ask questions of clarification only of the management case.
9. The appellant and their representative will be given the opportunity to sum up. The summing up must be a brief résumé of the evidence and should not include any new information.
10. The management representatives, will be given the opportunity to sum up. The summing up must be a brief resume of the evidence and should not include any new information.
11. When the Chair/Panel is satisfied that they have obtained the necessary information and the parties have been afforded all reasonable facilities to state their case, the appellant and their representative together with the management representative and their adviser will be asked to leave the meeting room.

12. The Chair/Panel will then consider the case. The Chair/Panel may recall the management representative or the appellant to clarify points of uncertainty on the evidence already given. If recall is necessary, all parties are to return. They will be asked to withdraw again, once clarity has been obtained.

13. Once a decision has been reached all parties will be recalled and informed verbally. The decision will be confirmed in writing as soon as is feasible, normally within **five working days** of the date of the appeal hearing. Please note that where the appeal is heard by a Members Appeals Committee, and the decision is to uphold the appeal, the case shall be referred to the Head of Paid Service to reconsider the matter. For the avoidance of doubt, following the original decision, that decision stands until the Head of Paid Service has reconsidered the matter.

Witnesses may be called by either side and will be subject to questioning. However, it should be remembered that the appeal hearing is not a court of law and, whilst witnesses should be encouraged to attend, they cannot be compelled to do so. It is important to make every effort to obtain truthful and accurate information but the Chair must ensure that witnesses are not subjected to excessive or aggressive questioning. Witnesses will be present only for the time it takes for them to give evidence. They may be recalled if required.

It is the responsibility of the management representative or employee to ensure that their respective witnesses are informed and attend. Where possible, details of any witnesses, including their intended contribution, should be shared amongst all parties prior to the hearing.



Grievance Policy and Procedure

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NUNEATON & BEDWORTH BOROUGH COUNCIL

Grievance Policy and Procedure

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NUNEATON & BEDWORTH BOROUGH COUNCIL

GRIEVANCE POLICY AND PROCEDURE

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1. Introduction

Nuneaton and Bedworth Borough Council recognises that its workforce is its greatest asset and is committed to providing a safe and healthy working environment for its employees. However, the Council understands that from time to time individual employees may have problems or concerns regarding their work, working environment or relationships with colleagues that they wish to raise and resolve.

Complaints raised in line with this procedure will where possible be treated as confidential and will not be discussed with any other individual not involved with the case.

The Council is committed to seek to try to resolve grievances at the earliest possible stage to avoid escalation into more serious disputes.

There may be other circumstances that arise that are not covered by this policy. Individual circumstances cannot always be accounted for within a written procedure and where circumstances arise that are not covered by this document, these should be discussed with an HR Officer.

2. Purpose

The aim of this Policy is to provide a framework for employees to raise a complaint, without fear of reprisals. It also provides Managers with a fair and consistent procedure to follow.

To assist this process and in line with ACAS best practice guidelines the Council may use an external resource, if appropriate. An example of an external resource would be a mediator or an Independent Investigating Officer. The use of any external resource must be authorised by the relevant Assistant Director / Strategic Director and only after consultation with HR. Where it is felt that the use of an external resource is required, confidentiality will be maintained.

3. Scope

This Policy and any associated procedure will apply to all Council employees including those employees working on a temporary or fixed term contract. It also applies to casual, agency and contract workers and members of the public who seek raise a complaint about an employee's conduct.

This Policy is extended to cover activities outside of normal working hours, with particular reference to evening meetings, social functions and other organised events.

The Policy will also cover complaints regarding comments and or actions made on social media sites.

This policy does not apply to grievances within the recruitment procedure nor with terms and conditions of employment, including pay or grading issues, as these are dealt with under separate procedures. It is also not intended to be used for grievances relating to disciplinary or dismissal decisions where the relevant Appeals Procedure must be followed.

Furthermore, where an employee submits a formal grievance and subsequently leaves the employment of the Council, the process as set out in this policy shall end upon acceptance of a resignation or where a leave date has been confirmed. The appropriate Assistant Director / Strategic Director shall then consider the case and review any information already collated and in conjunction with HR will make a decision regarding any appropriate action. It is also expected that use of the Council's exit process should be utilised and employees are encouraged to complete a Leavers questionnaire.

4. Responsibilities

Failure to adhere to the processes within the Procedure may lead to disciplinary action.

Managers

Managers must accept primary responsibility for ensuring that the workplace under their control is one where everyone is treated with dignity and respect. Managers should also be aware of their responsibilities under relevant legislation, including the Health and Safety at Work Act 1974 and Equalities Act 2010.

They should respond to complaints swiftly and sensitively always making a note of any advice or guidance given. They must be aware of behaviour which could cause offence and, if necessary, remind employees of expected standards, without exceptions.

Managers should also ensure that employees are aware of this policy and their responsibilities for creating an environment where such behaviour is unacceptable.

It is expected that Line Managers will be able to deal with concerns as part of their day to day management however there may be times when this is not possible or does not happen. Where formal complaints are raised, employees must do so in writing.

It is also expected that most concerns will be dealt with satisfactorily and informally in the course of the normal working relationship between the employee and their immediate Supervisor/Line Manager.

Employees

All employees have a duty to assist in the creation of a safe, respectful and positive working environment, where unacceptable behaviour is not tolerated. This may include challenging unacceptable behaviour, ensuring that their own behaviour does not contribute to or collude with unacceptable behaviour, and to co-operate fully in any investigation undertaken in relation to this or any other Policy or Procedure.

Employees should also be aware of the intention to resolve any complaints at the informal stage.

Human Resources

Human resources are responsible for providing timely and up to date professional advice, guidance on process and support to managers and employees to assist with the effective management of this Policy. This will include:

- Supporting Managers at appropriate stages within the Procedure.
- Providing advice and guidance regarding strategies to effectively deal with investigations relating to the grievance.
- Providing training to all Managers to ensure that they have the necessary knowledge and skills to manage the investigations relating to the grievance as well as to the outcomes.

Trade Unions

Trade Unions will work with managers, employees and Human Resources to ensure the policy is applied fairly and consistently across the Council.

Trade Union representatives may also support employees during formal meetings as laid out in this policy. A list of Trade Union Representatives, other support available and the Role of a Companion are at Appendices B and C respectively.

5. Bullying and Harassment

Any complaints of Bullying or Harassment will be dealt with under this policy.

All employees have a personal responsibility to not bully or harass other members of staff, or to condone bullying and harassment by others. In certain circumstances, bullying and harassment is considered to be gross misconduct and disciplinary action may be taken against any employee found to have bullied or harassed an individual at work. Employees should also be aware that they could be personally liable by law if they bully or harass anyone at work, in line with the Equalities Act 2010.

Bullying may be characterised as:

Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Harassment is:

“Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.” (as described by ACAS).

It is important to note that where managers or supervisors make a reasonable request consistent with an employees duties or responsibilities, this will not be defined as bullying or harassment.

Given the seriousness of the above and unlike other complaints dealt with under this Policy, investigations into such issues may be instigated via other avenues, i.e. there may not be a complaint from the employee who is being subjected to the alleged behaviour. However, it is still expected that any informal procedures will be exhausted in the first instance.

6. The Procedure

Any complaints made under this policy, whether informal or formal should be done so in a timely manner. In order to ensure a thorough investigation can be conducted, those

involved should be able to recall events clearly. Therefore, ordinarily complaints will only be accepted within 3 months of the incident or series of incidents in question.

The best way to resolve a grievance is always informally and at the lowest level possible therefore this should always be the first course of action.

The employee should raise the matter informally and in confidence with their Line Manager, Human Resources, or Trade Union Representative. Alternatively, if the complaint relates to the conduct of the employees Manager, they may wish to discuss the matter with their Line Manager's Manager.

Where an employee requests to speak with a manager 'in confidence', the employee must be informed – before any details are given – that the Manager may have to act on the information that is given as the duty of care to employees may override the request for confidentiality. The employee can then choose whether to continue the conversation.

At this stage of the process it is not normal to be accompanied by a Trade Union Representative or Companion however, they are entitled to bring a fellow colleague or representative. It is recommended that the manager and the employee, or their designated representative, make a written note of any conversations and keep copies of all correspondence. These will be discussed and/or used in formal procedures if necessary.

It is important to accept that feelings and emotions can be running high and that it is necessary to focus upon the facts that can be evidenced or corroborated. Consideration should also be given to how to achieve a mutually beneficial resolution, which may include mediation.

There is no right of appeal under the informal process. However, should the employee feel aggrieved with the outcome and after having discussed the matter with their manager/supervisor, they may raise a formal grievance under the Council's Grievance Procedure.

6.1 Formal Process

Before instigation of the Formal Procedure, it is expected that the Informal approach is exhausted first. Formal grievances should be submitted within 10 working days of receipt of the informal outcome.

Any formal complaint must be made in writing, detailing any informal routes and outcomes, and sent for the attention of Human Resources. Once a formal complaint is received, and provided that the informal process has been exhausted or is not deemed appropriate, Human Resources will liaise with the appropriate Assistant Director/Strategic Director to appoint an Investigating Officer. Where possible this should be from another Service Unit, or at the very least will not be from within the same department. Where a written complaint is received it will be acknowledged, in writing, within **two working days** of receipt. Further information regarding methods of communication can be found at Appendix A.

Where a formal complaint is made against an Assistant Director, Strategic Director or the Chief Executive, advice should be sought from Human Resources to discuss the most appropriate Investigating Officer to be appointed.

Where a formal complaint is made against an Elected Member, this will be referred to the Monitoring Officer and investigated in line with the Council's Constitution.

7. Formal Investigation Process

An investigation into the allegations should commence as soon as possible after receiving the complaint. Investigations should always take priority and must be completed as soon as possible.

The Investigating Officer is responsible for proceedings at this stage, and will be required to undertake an initial Investigation, advised and supported by a HR Officer. Arrangements must be made to meet with the complainant as soon as possible.

At the meeting with the complainant, the Investigating Officer will:

- Consider all documentation and evidence relating to the informal process that may be available.
- Acknowledge and record the nature of the complaint and confirm that it is being dealt with under the formal procedures of the Grievance Procedure.
- Inform the complainant of the stages in the procedure and potential outcomes.
- Advise the complainant that they have the right to be represented at meetings at any stage of the formal investigation by a Companion, or Trade Union Representative, and that the meetings will be carried out sensitively.

The Investigating Officer will then arrange to meet the alleged and any potential witnesses identified throughout the course of the investigation. At these meetings all interviewees have the right to be represented by a work colleague or a Trade Union Representative, in line with the definitions as set out in Appendix B. Authority will also

be sought to allow any statements or notes to be passed to any appropriate persons and individuals will be advised if this is to be the case.

The Investigating Officer and HR Officer must inform the appropriate Assistant Director/Strategic Director of any potential for conflict between the complainant and alleged, who will then consider the possible impact upon service delivery and the most appropriate action to be taken whilst the Investigation is on-going.

Once the investigation is complete the Investigating Officer, should prepare and submit a report to the appropriate Assistant Director/Strategic Director who will consider the outcome. In some cases, the Assistant Director/Strategic may delegate the case and it's review to the service manager

8. Collective Grievances and Disputes

There may be instances where more than one employee wishes to raise the same issue as a collective dispute. In these instances, the same process should be followed and each individual employee should be interviewed separately where possible.

9. Outcome of Investigation

The outcome will be given to both the complainant and the accused party or parties. The outcome will be made in writing and should detail key considerations when reaching a decision. A copy of the report will be provided to each party.

The following possible outcomes and actions might be considered:

- **If the complaint is not upheld or the evidence is inconclusive** - mediation sessions could be offered with both parties or voluntary redeployment could be considered, in line with the Council's Redeployment Policy.
- **If the complaint is upheld in full and there is evidence of unacceptable conduct** – a formal hearing may be undertaken in line with the Council's Disciplinary and Dismissal Policy.
- **If the complaint is upheld in full but there is no evidence of unacceptable conduct** – mediation sessions could be offered with both parties or voluntary redeployment could be considered, in line with the Council's Redeployment Policy.

- **If the complaint is upheld in part but there is not sufficient evidence to support all of the allegations** - mediation sessions could be offered with both parties or voluntary redeployment could be considered, in line with the Council's Redeployment Policy.

10. Continuous, frivolous or malicious complaints

Where an employee makes malicious, false or vexatious complaint or makes continuous or frivolous complaints, whether formal or informal, disciplinary action may be considered in respect of the employee making the claim, in line with the Council's Disciplinary Policy and Dismissal Procedure. In these cases, the normal process will be to undertake a full case review with a report to be submitted to the relevant Assistant Director/Strategic Director for consideration. It should be noted that dependant on the circumstances, there may not be a need for the normal investigation process to be followed.

11. Right of Appeal

With the exception of those grievances that have been fully upheld, a right of appeal exists against any formal decision relating to an employee's

Grievance under this procedure. To clarify, only the complainant has a right of appeal under this procedure.

All appeals will be heard in accordance with the Council's Constitution in place at the time that the original complaint is first raised. For clarity, appeals will initially be heard by an Assistant Director/Strategic Director not previously involved in the case. They will consider the facts of the case and the outcome. A further right of appeal may then apply where the case will be heard by a panel of members in line with the Council's Constitution.

Employees must lodge their decision to appeal against the outcome in writing,

within **ten working days** of receipt of the letter confirming the decision. All correspondence regarding grievance outcomes should be sent by email where possible or by recorded delivery. Receipt of the email/letter will then be deemed as the tracked delivery date. The appeal notice should state the grounds for the appeal. The notice should be sent to Human Resources who will make arrangements for the case to be heard by an appeals panel as quickly as possible.

Any person/panel hearing appeals must have had no previous involvement

with the case. The appeal will be dealt with in accordance with Appendix C.

Appellants should submit papers for their case as soon as possible prior to the hearing date. This will be at least 5 working days for appeals to an Assistant Director/Strategic Director and at least 15 working days in the case of appeals to a Members Appeal Committee. Management will also be required to submit their response. In the case of appeals to a panel of members, papers should include any evidence demonstrating why the Council's procedures have not been properly followed. In line with the Council's Constitution, the remit of the committee is to review the process leading up to the management decision, therefore no new evidence can be submitted.

12. Failure to Attend Meetings/Engage in process

If the employee is unable to attend a formal meeting under this procedure, they should give appropriate reasons and the meeting should be re-convened, allowing at least five working days' notice.

However, where an employee has failed to appropriately engage and/or maintain contact throughout the process, the investigation may need to proceed based on any information received.

Where this is the case for the Complainant, this may result in their complaint not being upheld and/or their complaints may be deemed to be malicious/vexatious. All avenues for gathering information should be exhausted before these conclusions are made.

Where the failure to attend and/or engage lies with the alleged, again it may be necessary to draw conclusions from information and evidence already gathered.

In any case, should employees choose not to attend and/or fail to engage, they should be made aware of their right to make written representations.

13. Disciplinary Action

If, as a result of the investigation into the grievance, the Investigating Officer believes there has been misconduct on the part of one or more employees, the Disciplinary Policy and Dismissal Procedures should be followed. Evidence acquired during the Investigation into the grievance will be used in the event of disciplinary action being taken and may form part or the whole of the Investigation Stage of the Disciplinary process.

Investigation Process

Investigating Officers Role

Human Resources, in liaison with the appropriate Director, will appoint an Investigating Officer. Only Officers who have completed Investigations Training will be eligible to undertake investigations as laid out in this policy. It is expected that Investigations will take priority in work schedules and this will be considered when appointing an Investigating Officer.

The Investigating Officer's role is to collate the evidence and/or facts of the case, which may involve interviews with complainants, any witnesses or accessing various documents that may be relevant to the case.

The Investigating Officer will be required to produce a report that will provide all the evidence that has been collated. The report will be submitted to the appropriate Director for consideration.

HR Officers Role

Following the appointment of an Investigating Officer, a HR Officer will be assigned as support. All, investigations will take priority in work schedules and this will be considered when appointing HR Support.

It is the responsibility of the HR Officer to provide advice and guidance to the Investigating Officer and ensure that the policy/procedure is implemented fairly and in line with up to date legislation.

Investigation Meetings

Prior to any investigatory meetings, the Investigating Officer and HR Officer should meet to discuss the details of the case and plan a course of action to ensure the case is resolved as quickly as possible. These meetings may involve establishing further details/documents, etc that are required, who needs to be interviewed and drafting questions to ask interviewees. During the course of the Investigation, there may be a need for further planning meetings as appropriate.

Investigation meetings will normally take place in the workplace. However, sensitivity will of course be applied where necessary.

All employees are entitled to representation at any formal meeting. Normally, 5 working days notice will be given of meetings to enable employees to arrange for this representation. However, should all parties agree and be available, and so as to not delay the process, meetings can take place earlier.

During an investigation meeting, both the Investigation Officer and HR Officer will ask questions of the interviewee and answers will be documented. In most cases, interviews will be recorded a copy of the recording can be made available upon request. However, where recording is not available, hand written or typed notes of the interview will be taken. In this case, at the end of the interview, the interviewee will be asked to read and sign the notes and a copy given to them for their records.

Interviewees should be aware that recordings/documentation from the meeting may be used and/or shared as part of any formal proceedings. In all cases, legislation set down in the Data Protection Act will be adhered to and should interviewees wish to remain anonymous, they should indicate this to the Investigating Officer before commencing any interview.

Upon completion of the investigation, the Investigating Officer will, in conjunction with their supporting HR Officer, produce a report detailing their findings only.

Written Notification of Meetings/Outcomes

In order to increase efficiency in the process, invites to meetings may initially be made verbally. However, all invites to formal meetings and/or notification of outcomes should then be confirmed in writing. Where an employee is not available for a meeting, they should inform the invitee at the earliest opportunity to avoid further delays.

Where appropriate, written notification may be by email. Where this method of communication is either not available or not appropriate, a letter will be issued. In this case, the letter should either be hand delivered or sent by both recorded and first class mail.

ROLE OF A COMPANION

Employees have a right to be accompanied to all formal meetings, to include hearings and appeals.

A Companion can be either a recognised trade union representative or a work colleague employed by the Council. The choice and arrangements for the Companion are the responsibility of the employee. Where there may be a conflict of interest, for example where there is a personal relationship, this should be declared so that the Council can consider the implications.

The trade union representative does not have to be from within the organisation although as Nuneaton and Bedworth Borough Council recognises certain trade unions it is expected that the representative would come from a recognised union. Such officials must be trained or certified by their union to act as an employee's Companion. However, it must be remembered that there is no obligation on a trade union to provide a Companion.

The employee can decide whether to allow the Companion to answer questions on their behalf or to address the meeting. The Companion cannot prevent the employer from explaining their case or any other person from contributing to the meeting.

Subject to the approval of the employee, the employer will allow the Companion to respond on the employee's behalf to any view expressed at the meeting. Effectively, a Companion will be able to address the meeting at designated stages in the proceedings to present the employee's case and to sum up and will be able to ask questions.

Protection for the Companion against detriment, including dismissal, extends to both the accompanying of the employee and for addressing or seeking to address the meeting.

PROCEDURE FOR APPEALS

All Appeals will be held in accordance with the Council's Constitution in place at the time of the appellant's original complaint. In the first instance, appeals will be heard by an Executive Director. A further right of appeal then exists and would be heard by a Members Appeal Committee. This procedure applies to both methods of appeal.

1. A Chair Person/Panel advised by a senior member of the Human Resources team will hear and consider all appeals.

2. The appellant together with their representative or colleague will be invited into the appeal hearing, together with the management representative (At this stage it is likely to be the appropriate Director and their adviser from the formal stage of the procedure.) If the appellant is unaccompanied the Chair will remind them of their right to be accompanied. If the employee is accompanied, the Chair will clarify the employee's wishes with regard to the role of the representative/colleague

3. The appellant and their representative will be requested to state their case.

4. The management representatives will be invited to question the appellant's case.

5. The Chair/Panel if necessary will ask questions of clarification only of the appellant's case.

6. The management representatives will be invited to present the management case.

7. The appellant and their adviser will be invited to question the management case.

8. The Chair/Panel will if necessary ask questions of clarification only of the management case.

9. The appellant and their representative will be given the opportunity to sum up. The summing up must be a brief résumé of the evidence and should not include any new information.

10. The management representatives, will be given the opportunity to sum up.

The summing up must be a brief resume of the evidence and should not include any new information.

11. When the Chair/Panel is satisfied that they have obtained the necessary information and the parties have been afforded all reasonable facilities to state their case, the appellant and their representative together with the management representative and their adviser will be asked to leave the meeting room.

12. The Chair/Panel will then consider the case. The Chair/Panel may recall the management representative or the appellant to clarify points of uncertainty on the evidence already given. If recall is necessary, all parties are to return. They will be asked to withdraw again, once clarity has been obtained.

13. Once a decision has been reached all parties will be recalled and informed verbally. The decision will be confirmed in writing as soon as is feasible, normally within **five working days** of the date of the appeal hearing. Please note that where the appeal is heard by a Members Appeals Committee, and the decision is to uphold the appeal, the case shall be referred to the Head of Paid Service to reconsider the matter. For the avoidance of doubt, following the original decision, that decision stands until the Head of Paid Service has reconsidered the matter.

Witnesses may be called by either side and will be subject to questioning. However, it should be remembered that the appeal hearing is not a court of law and, whilst witnesses should be encouraged to attend, they cannot be compelled to do so. It is important to make every effort to obtain truthful and accurate information but the Chair must ensure that witnesses are not subjected to excessive or aggressive questioning. Witnesses will be present only for the time it takes for them to give evidence. They may be recalled if required.

It is the responsibility of the management representative or employee to ensure that their respective witnesses are informed and attend. Where possible, details of any witnesses, including their intended contribution, should be shared amongst all parties prior to the hearing.

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Employment Committee
Date: 20 June 2023
From: Ruth Bartlett, Head of People and Culture
Subject: HR Metrics Data
Portfolio: Finance and Corporate [Cllr S. Croft]

1. Purpose of Report

1.1 To give provide key statistical information for each key service provided by HR.

2. Recommendation

2.1 That the Committee note the contents of the report.

3. The Human Resources Function

3.1 The Council's Human Resources function provides an advice and guidance service to managers and employees in key areas such as:

- Employee Wellbeing – including attendance management
- Employee Relations – including advice and guidance in relation to formal HR processes and policies.
- Recruitment and Retention
- Training and Development

3.2 The HR team work closely with managers, employees, elected members and trade union colleagues to ensure a consistent and proactive approach in people management.

3.3 The HR team has access to advice and guidance from both West Midlands Employers and the Local Government Association. The Council also contributes data to a variety of sources to enable benchmarking and inform policies and ways of working.

3.5 The following sections aims to provide some key statistical information in relation to the HR services provided at the Council. Limited benchmarking data is available for services provided by HR and work is ongoing to establish a sharing of specified data across the region to better enable this.

3 **Employee Wellbeing**

4.1 The Council is committed to the wellbeing of its employees and offers a range of support to ensure a healthy and safe workforce.

4.2 **Employee Assistance Programme (EAP) and Counselling**

The Council introduced an EAP service in February 2021. This service is accessible to all employees and gives access to free 24/7, 365 confidential advice on a variety of issues and also includes downloadable self-help guides. In addition to 'in the moment' support for issues related to mental health, the service also offers employees and assessment and then up to six telephone counselling sessions per issue.

In addition to the EAP service, the Council continues to offer and arrange for counselling appointments via local providers. As with EAP this is offered as an assessment and then up to six sessions.

The intention of both the EAP and counselling offer is to provide support as an interim whilst employees await appropriate support via their GP or medical professional.

The table below gives an indication of counselling referrals made and sessions accessed via the EAP service:

Year	EAP referrals	Counselling referrals
2020/21	n/a	21
2021/22	26	10
2022/23	34	3

EAP sessions are offered via the Council's wider employee benefits platform and as such are provided at no cost to us. Based on an average cost per session of £35 and a complete course, the referrals made via the EAP service to date for 2022/23 would have cost the Council £8,330.

4.3 **Physio Referrals**

Where employees have been referred to and are awaiting support via the NHS, the Council offers interim access to a local physiotherapist. This support includes an initial assessment and then up to six sessions. The support is offered on the basis of either enabling employees to remain in work despite their condition or return to work from absence earlier than they would otherwise.

The table below shows the number of referrals made for physio:

Year	Number of physio referrals
2020/21	7
2021/22	14
2022/23	11

3.4 Occupational Health

The Council offers support to employees who may be absent from work and/or experiencing health issues via an Occupational Health provider. The main purpose of Occupational Health is to provide early intervention to enable employees to maintain appropriate attendance at work. This may include advice on adjustments at work, both temporary or permanent, or advice to employees to aid management of symptoms.

The table below gives details on referrals made to Occupational Health:

Year	Number of Pre-employment referrals*	Number of health referrals
2020/21	29	41
2021/22	17	52
2022/23	Not available	Not available

*Pre-employment referrals are made where candidates have declared a medical issue that may require adjustments, etc

3.5 Support for Alcohol and Substance Misuse

The Council has an Alcohol and Substance Misuse Policy which has been in force since 2016. Under this policy, employees who declare an issue with alcohol and/or substance misuse are offered appropriate cessation support via both Occupational Health and counselling.

The policy also provides a framework for testing for alcohol and substances. This testing is carried out based on 'with cause' or post incident/accident. The Council also undertakes routine random testing.

The table below details the number of tests undertaken in line with the policy for 2021/22 to date. It should be noted that where testing is undertaken it is routinely for both alcohol and substances. Those noted as engaged in support will have undertaken several re-tests in line with their individual support plans:

Year	With Cause	Post Incident/Accident	Random	Employees engaged in support
2021/22	86	Nil	15	14
2022/23	2	Nil	60	nil

3.6 Attendance Management

The Council has an Attendance Management policy which provides a framework to support employees in maintaining appropriate levels of attendance at work. This includes management of long-term absence, procedures for welfare contact and return to work interviews and a formal absence monitoring process.

The Council has a performance target against which various factors of the policy are measured. The tables below show performance against these targets:

Return to work Interview Compliance

Year	Target for completion	% compliance	Overall average days to complete
2020/21	3 days	72.2	3.91
2021/22	3 days	74.01	3.29
2022/23 (to end of December)	3 days	73.08	3.58

Days to complete	% Completed		
	2020/21	2021/22	2022/23 (to end of Dec)
1 day or less	59	44.42	47.04
2 days	8.25	26.09	16.71
3 days	4.95	3.5	7.46
4 days	7.20	6.07	4.37
5+ days	20.60	19.92	24.42

The table below shows a more detailed view of compliance by department and includes the number of return to work interviews that this includes:

Service Unit	No. of FTE	RTWI % (rolling average)	Average Days to complete
Chief Executive	7.8	91.67	0.05
Finance	92.7	57.39	5.12
Customers & Corporate Services	56.33	81.58	5.72
Planning & Regulation	67.85	78.16	1.77
Regeneration & Housing	150.43	87.26	1.42
Public Services	112.36	53.72	6.32
Totals	487.47	73.06	3.65

Several teams achieved 100% compliance for both 2021/22 and 2022/23, although of these several lost nil days to sickness throughout the year.

The worse performing area for 2020/21 was Transport and Waste with a compliance rate of 58.39% and an average time for completion at 7.72 days.

For 2021/22, the worse performing area was Town Centres with a compliance rate of 31.24% and average days to complete of 23.08.

For 2022/23), the worse performing area is Town Centres and Markets with a 38.89% compliance rate and an average days to complete of 15.09 days.

This relates to 7 out of 20 return to work interviews triggered being compliant.

FTE days lost to sickness

The table below provides an overall view of sickness absence:

Year	FTE Days lost	Short term FTE Days lost	Long Term FTE days lost	Target
2020/21	8.12	2.77	5.36	8.75 (3.5 S/T and 5.25 L/T)
2021/22	12.74	5.13	7.61	8.75 (3.5 S/T and 5.25 L/T)
2022/23	10.66	4.80	5.85	8.75 (3.5 S/T and 5.25 L/T)

*long term absence is defined as any absence exceeding 20 days

The table below gives a more detailed view of sickness absence for 2022/23 by service unit:

Directorate	FTE	Short term FTE Days lost	Long Term FTE days lost	FTE Days lost
Chief Executive	7.8	0.29	11.16	11.45
Finance	92.7	4.39	6.03	10.42
Customers & Corporate Services	56.33	3.19	4.99	8.18
Planning & Regulation	67.85	4.23	5.94	10.17
Regeneration & Housing	150.43	6.57	5.69	12.26
Public Services	112.36	4.12	5.96	10.07
Totals	487.47	4.80	5.85	10.66

Top 3 Absence Drivers

For 2020/21 absence due to mental health reasons was the Council's top absence driver. This absence group includes stress (both work and non-work related), anxiety and depression. In general, absence due to other reasons reduced which could be a benefit of more agile working. Most absences for this reason are long term with the average length being just under 35 days. The next highest number of days lost due to absence were medical infection and then Musculoskeletal absences.

For 2021/22, the top absence driver continues to be mental health, with an average length of absence of 30 days. The second absence driver was Covid, followed by Musculoskeletal.

For 2022/23, Mental Health related absences continue to be the main driver, followed by Musculoskeletal. Over 60% of absences lost in this period to Mental Health were designated as long term with absences spread across both administrative/professional roles and manual/frontline roles. In comparison, Over 70% of Musculoskeletal related absences were designated as short term with the majority attributed to manual/frontline roles.

3.7 Employee Benefits

In August 2021, the Council implemented an employee benefits platform that brought together current benefits and extended the range of those on offer. These benefits contribute to employee wellbeing and include Cycle to Work, financial wellbeing and discounts on home and electronics, all via salary deductions.

The table below details the range of benefits on offer and employee take up for each:

Year	Cycle to Work	Healthcare plan*	Credit Union*	Home and Electronics	Lifestyle discounts**	Bike Shop	Travel & Leisure
2020/21	13	33	16	n/a	n/a	n/a	n/a
2021/22	24	35	16	43	164	0	0
2022/23	5	29	10	89	249	1	0

*Current members at end of year

** Registrations

As some of these benefits are offered as salary sacrifice there is also a saving to the Council in employer oncosts. Based on employee take-up via the benefits platform launched in August 2021 these savings are projected to be £12562. There is no cost to the council for provision of these benefits.

4 Employee Relations

Employee relations is a key element of HR and includes advice and guidance on a range of issues, both informal and formal including change management and conduct.

The Council has a range of policies that provide guidance on addressing issues, initially informally. However, there are times when issues need to be dealt with formally. The table below details the number of formal processes instigated over the last two years.

Data is logged based on date of initiation and it should be noted that as some cases may take a number of weeks or months to conclude, work on some of those cases showing as 2021/22 may still be ongoing.

Year	Attendance Management	Disciplinary	Grievance	Performance/capability	Other*
2020/21	9	5	4	10	11
2021/22	23	14	1	10	12
2022/23	28	20	4	10	32

*Includes other formal casework such as change management, TUPE, etc

5 Recruitment and Retention

Recruitment and retention of employees includes a robust recruitment and selection policy and process. It also covers areas such as staff turnover. The tables below detail key information in relation to this area.

Staff Turnover

Staff turnover is calculated using total number of leavers from the organisation in a period divided by average headcount for the year. These figures do not include casual employees or elected members or those that have left via TUPE:

Year	% Turnover
2020/21	15.45
2021/22	16.20
2022/23	12.8

Recruitment Information

The ability to recruit suitably qualified and experienced staff continues to be an issue for the Council. This is a difficulty that is in line with trends nationally and is not unique to local government.

The table below shows number of adverts by month and year based on closing date versus number of applications received:

Month	2021/22			2022/23		
	Number of adverts	Total number of applications	Average number of applications	Number of adverts	Total number of applications	Average number of applications
April	11	18	1.64	18	79	4.39
May	14	22	1.57	9	44	4.89
June	11	0	-	11	56	5.09
July	16	7	0.44	21	9	2.33
August	15	42	2.8	12	24	2
September	20	84	4.2	8	49	6.13
October	8	22	2.75	8	22	2.75

November	21	62	2.95	8	38	4.75
December	10	59	5.9	5	17	3.4
January	9	30	3.33	8	24	3
February	21	96	4.57	6	25	4.17
March	11	57	5.18	12	31	2.58

6 **Training and Development**

The Council offers a wide range of training and development opportunities and utilises an online training platform, DELTA, to manage bookings and course completion for both in-person training and e-Learning sessions.

Several training courses are classified as mandatory, either for all employees or defined as role specific. This includes data protection training for all and HR policy courses for managers. Some of these courses require refreshers after a set period of time.

Appropriate training plays a vital role in ensuring employees perform their duties to the best of their abilities.

The table below gives details on non-completion of mandatory courses, to include refreshers where appropriate, as at end of March 2023. The data also includes those courses which require refreshers and where the original attendance has now 'expired':

Equality and Diversity	Frontline staff training programme	Safeguarding	Being the Manager programme for managers	Induction for new employees	Data Protection	Mandatory Health and Safety Courses
135	78	54	24	12	0	Unavailable

*where there is a programme of courses, the above figures may include those that have completed some but not all of the programme.

Please note that some courses that have previously only been available in-person are currently being developed to be available in alternative formats, such as e-learning.

8. **Conclusions**

- 8.1 The Committee should note the contents of the report. The intention is to provide updates on this data at each quarterly meeting. Therefore, the Committee may also wish to consider any additional information that it wishes to be included in the future.

NUNEATON AND BEDWORTH BOROUGH COUNCIL
DRAFT WORK PROGRAMME – Employment Committee 2023/24

Officer Responsible	Title	Summary	Proposed Committee Date
R. Bartlett/HR	HR Metrics/Performance Report		June 2023 September 2023 November 2023 March 2024
R. Bartlett/HR	Authorised Leave Policy Code of Conduct		June 2023
R. Bartlett/HR	Change Management Policy Disciplinary Policy and Dismissal Procedures		September 2023
R. Bartlett/HR	Capability Policy and Procedure Redundancy Selection Criteria		November 2023
R. Bartlett/HR	Regrading Policy Training and Development Policy		March 2024