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Date: 29<sup>th</sup> February 2024

Our Ref: MM

Dear Sir/Madam,

**Employment Committee – Tuesday 5<sup>th</sup> March 2024**

I refer to Items 6 and 7, HR Policy Documents and HR Metrics Data, on the Agenda for the Employment Committee scheduled for Tuesday, 5<sup>th</sup> March 2024, and attach a copy of the reports which were marked 'to follow'.

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

**Employment Committee**

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**Report Summary Sheet**

<b>Date:</b>	05 March 2024
<b>Subject:</b>	Human Resources Policy Documents
<b>Portfolio:</b>	Finance and Corporate [Cllr S. Croft]
<b>From:</b>	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:
  - Capability Policy and Procedure (Appendix A)
  - Flexible Working Policy (Appendix B)
  - Drivers and Driving Policy (Appendix C)
  - Policy on Provision of Employment References (Appendix D)

**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

<b>Subject to call-in:</b>	No
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<b>Forward plan:</b>	No
<b>Corporate priorities:</b>	Aim 4 priority 3
<b>Relevant statutes or policy:</b>	General Employment Legislation

<b>Equalities Implications:</b>	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.
<b>Human Resources Implications:</b>	The provision of the Human Resources documentation will assist consistency in approach across the Council.
<b>Financial Implications:</b>	None identified
<b>Health Inequalities Implications:</b>	None identified
<b>Section 17 Crime &amp; Disorder Implications:</b>	None identified
<b>Risk Management Implications:</b>	None identified
<b>Environmental Implications:</b>	None identified
<b>Legal implications:</b>	None identified

<b>Contact details:</b>	Ruth Bartlett, Head of People and Culture Tel.No.:02476376211 Ruth.bartlett@nuneatonandbedworth.gov.uk
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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]

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**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:

- Capability Policy and Procedure (Appendix A)
- Flexible Working Policy (Appendix B)
- Drivers and Driving Policy (Appendix C)
- Policy on Provision of Employment References (Appendix D)

**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 Capability Policy and Procedure

4.1.1 This policy is key to providing a clear procedure for dealing with issues of performance and provides a framework for progressing issues via both informal and formal processes.

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 Flexible Working Policy

4.2.1 This policy provides a framework for dealing with requests for flexible working, which is a statutory right for all employees.

4.2.2 In the main, changes to the policy have been made to reflect upcoming changes to legislation which enhances statutory rights for employees. Updates have also been made to reflect roles and responsibilities applicable to this policy given the recent revised management restructure.

#### 4.3 Drivers and Driving Policy

4.3.1 This policy provides a framework for those employees required to drive for the Council, including both council and private vehicles. This policy has been developed and reviewed in conjunction with the Head of Waste and Transport.

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

#### 4.4 Policy on provision of Employment References

4.4.1 This is a newly introduced policy and aims to provide a framework for a consistent approach to the provision of employment references. Although the provision of such references is not a legal requirement, any information provided is subject to The General Data Protection Regulation (GDPR) guidance and Data Protection Act 2018. As such a standardised approach ensures that the council can comply with such legislation when providing references.

### 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**

- Capability Policy and Procedure (Appendix A)
- Flexible Working Policy (Appendix B)
- Drivers and Driving Policy (Appendix C)
- Policy for provision of Employment References (Appendix D)



# Capability Procedure

**Issued by Human Resources  
2023**

**EMP 05**

# Capability Procedure Quality Record

Revision	Date	Description	Stage	Agreed
Draft	09/2015	1 <sup>st</sup> revision		
	10/2016	Single Member Decision		Approved
	10/2016	EqIA		
	09/2023	Draft Review		



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#### **Appendices**

- B Role of the Companion**
- C One to one Meeting template**
- D Performance Improvement Plan**

**This Policy is available in larger print.  
Please contact Human Resources if you require  
assistance.**

## **Introduction**

The Council is committed to ensuring that all employees are aware of the standards of performance and conduct required of them and given the skills and opportunity to achieve these.

A question of capability arises where the required standards of performance are not met as a direct result of the employee's inability to fulfill the post requirements.

In exceptional circumstances where a single performance error has serious consequences (e.g. where it results or could result in the serious jeopardy of the health and safety of service users or employees) the principles in this Policy may not apply. Furthermore, where issues of misconduct or negligence are believed to be the causes and/or where an employee has demonstrated that they are capable of performing to the required level but choose not to do so, the matter may be dealt with as potential misconduct or gross misconduct under the Disciplinary Policy and Dismissal Procedures.

In instances of capability on medical grounds, reference should be made to the Attendance Management 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 an HR Business Partner for advice and guidance.

## **Purpose**

This Policy aims to provide a framework for dealing with issues where an employee is failing in a significant or persistent way to carry out the duties and responsibilities required of them in a satisfactory manner. Employees will be dealt with fairly and consistently and given appropriate support to enable them to reach and maintain required performance standards.

## **Scope**

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

For the purpose of this Policy and procedure, capability is assessed with reference to skill, aptitude, behaviours, competence, knowledge and ability to do the job.

In respect of employees who are subject to a Probationary Period any issues in relation to capability should be dealt with under the Probationary Policy.

## **Responsibilities**

### **Managers**

Managers will ensure that their employees are aware of the practices and procedures in place and the level of performance expected of them. They will be responsible for developing a culture where employees are supported in achieving these required standards. This will include ensuring that:

- Employees are clear on the expectations of their role and how these interlink with the wider objectives of the team and Council, including required standards of performance and conduct; and awareness and adherence to Council Values

- Cases of under performance are handled fairly, consistently and promptly in line with this procedure, with any underlying reasons and mitigating circumstances taken into account.
- Employees are offered appropriate support, training and development via regular one to ones and annual performance reviews.
- An environment of open and constructive conversation is created and fostered, particularly around issues of performance and conduct.

Where employees are performing below expectations, the role of the line manager will be to bring this to the attention of the individual and to work closely with them to support them to improve performance to an acceptable level. The objective will always be to set out a constructive approach to achieving improved work performance through effective supervision, mentoring, support and training, and performance review and development.

## **Employees**

All employees have a responsibility to:

- Take accountability for their own performance and behaviour.
- Perform in line with the Council's Competency Framework, taking into account agreed personal development needs.
- Work with managers constructively to address any underlying issues which may be affecting performance.
- Progress their learning and development by taking ownership of their personal development.

## **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 application of this Policy. This will include:

- Supporting Managers and employees at appropriate stages within the Procedure.
- Providing advice and guidance regarding strategies to effectively deal with issues of under performance.
- Providing training to all Managers to ensure that they have the necessary knowledge and skills to manage the process relating to Capability
- Providing and advising on appropriate training and support that may assist employees in achieving required standards.

## **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 A and B respectively.

## Informal Procedure

Initial identification of an employee's failure to meet the required levels of performance often arises through normal performance management or supervision meetings, such as one to ones or annual reviews.

It is expected that performance related issues will be resolved promptly at this level. Therefore, managers should ensure that they keep a record of all such meetings, detailing any measures or support put in place. A copy should also be made available to the employee. A one to one meeting template is attached at Appendix C.

Where this approach has not been successful in resolving the performance issues, the manager will invite the employee to an informal meeting to discuss the issues of capability in more detail.

The aim of this meeting is to try and help the employee as quickly as possible address their under-performance in an informal manner. A problem solving approach will be taken to address the situation and a Performance Improvement Plan (Appendix D) will be agreed.

It is recognised that capability problems may result from underlying work problems or personal issues that may be outside the employee's direct control. Consequently, there is a need to treat all capability issues with care and sensitivity and to identify and (where appropriate) address the underlying causes.

During the meeting:

- The employee will be provided with objective examples of the areas of under-performance which are causing concern.
- They will be asked to explore possible reasons for the performance shortfall.
- The standards of required job performance will be confirmed to the employee.
- Additional support required by the employee will be identified and where reasonable, provided by the Council.
- The possibility that medical/ disability related reasons may be affecting the employee's performance will be explored. If this is mentioned as a possibility, the manager should refer to HR. It may be necessary to seek further advice from Occupational Health.
- The timetable for achievement of the Performance Improvement Plan will be set by the manager and will be a minimum of 4 weeks and a maximum of 12 weeks.
- The manager will confirm to the employee that the formal stages of the Capability Policy will be implemented if the employee fails to improve sufficiently with sustained satisfactory performance standards.
- File notes will be made and a copy given to the employee for their record.
- If there is a need to share with any other parties (other than HR) the fact that the employee is being managed under the informal stage of the Policy, this will be discussed and agreed at the meeting (e.g. if the employee's work is to be monitored by a third party or if they are to be provided with on-the-job training by someone else in the team etc.).

During the time the Performance Improvement Plan is in force, the manager will hold regular informal interim review meetings with the employee to provide both feedback on progress and to encourage and motivate improved performance. Information discussed should be recorded and shared with the employee.

A review meeting should be held at the end of the Performance Improvement Plan period. The outcome of which should be confirmed in writing.

If the employee has met the required standards, no further action will be taken. They should, however, be reminded of the need to sustain the improved level of performance.

Furthermore, where improvements have been made but the employee has not yet reached the required standards of performance, the manager may choose to extend the length of the review period up to a maximum of four weeks.

## **Formal Stages**

If the informal approach to improving performance has been unsuccessful, or where improvements prove to be temporary and not sustained, the employee will be advised that the formal procedure will be followed.

Employees should be given at least 5 working day's notice of any formal meetings and have the right to be accompanied. The role of the companion is detailed at Appendix B. A representative from Human Resources will also be in attendance to help identify any applicable measure or support to the employee that may aid their performance.

## **Formal Capability Interview**

The meeting format is similar to the structure of the meeting held at the informal stage. The support and training already given will be discussed, as will reasons as to why the employee has not been successful in meeting the targets set in the Performance Improvement Plan. Acknowledgement should also be made of areas where there has been some positive improvement.

A further Performance Improvement Plan will be set with clear expectations for improvement with a review period of no longer than 12 weeks. Any additional or alternative support or training should be identified.

It may also be appropriate at this stage to discuss other options such as amending the role to remove certain duties and/responsibilities. This should not be at a detriment to the service or other employees and the pay and grading of the post should be reviewed to take account of any changes. It may also be appropriate for the employee to seek alternative employment under the Council's Redeployment Policy. In both cases, it must be clear that the employee has the necessary skills and abilities and is capable of performing to the standards required in the alternative role. The appropriate pay and terms and conditions will be applied to the post and no protection will be given.

A letter confirming that the employee is being managed under the formal stage of the Capability Policy will be issued to the employee in consultation with Human Resources, following the meeting. The letter will include the outcomes of the meeting, any actions agreed and the potential consequences of failure to achieve a significant and sustained improvement within the agreed time period i.e. potentially leading to dismissal.

Following completion of the review period, a meeting should take place where the manager will discuss the employee's overall progress since the plan was set and they will be informed of the outcome of the review period.

If at the end of the review period the required improvement has been made it will be confirmed in writing to the employee. The manager will also confirm that the improved level of performance must be maintained and any subsequent lapse in performance may lead to action under the Capability Policy.

## **Capability Hearing**

If the conclusion of the formal procedure is that the employee's performance has not sufficiently improved and there is still evidence of incapability, despite the support and prior meetings held with the manager, it should be made clear to the employee that they will now be invited to a Capability Hearing at the final stage of the Capability Policy.

The hearing will be held in line with the procedure set out in the Disciplinary Policy and Dismissal Procedure.

The manager should submit a report to the relevant Director for consideration, detailing any actions and support that have been implemented to date.

The Capability Hearing allows for the following actions to be considered:

- Extension of Formal Stage and a further final review meeting with the option of moving to a further Capability Hearing if there is no improvement within set timescales.

- Amendment to post to remove certain duties/responsibilities, with the applicable reduction in grade (if not already considered).
- Offer of alternative employment in line with the Council's Redeployment Policy as an alternative to dismissal (if not already considered). This may not be at the same grade, seniority, or with the same benefits or pay and will not carry any protection of existing salary or benefits.
- Dismissal with contractual notice.

The outcome of the Capability Hearing will be confirmed to the employee in writing, including details of the right of appeal.

### **Right of Appeal**

A right of appeal exists against any formal capability sanction. All appeals will be heard in accordance with the Council's Constitution. The appellant must lodge their decision to appeal against the findings/ decision or sanction, in writing, within ten working days of receipt of the letter confirming the outcome of the hearing. All correspondence regarding capability sanctions should be sent recorded delivery.

The appeal notice should state whether the appeal is against the finding and/or against the sanction and should be sent for the attention of Human Resources.

Officers hearing appeals must not have been previously involved with the case.

### **Failure to Attend and/or Engage**

If the employee fails to attend a formal capability /appeal meeting, it should be re-convened, allowing at least five working days' notice. However, if they fail to attend the second meeting, it may proceed in their absence. This intention should be stated clearly in the letter to the employee confirming the details of the reconvened meeting.

Furthermore, should employees fail to appropriately engage in the process, such as unreasonably not addressing any actions assigned to them, this may be dealt with as a conduct issue under the Council's Disciplinary Policy and Dismissal Procedures.



## **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.



## One to One Meeting Form

*It is recommended that managers hold one to one meetings with all their direct reports on a regular basis, i.e. at least once a month. The manager and employee should complete this form during the meeting and it should be signed by both parties and saved to TRIM.*

<b>Employee Name</b>	
<b>Employee Role</b>	
<b>Manager Name</b>	
<b>Date of meeting</b>	

### Part 1

Review objectives and targets set at last meeting or annual Performance Development Review. This includes any targets for completion of work, etc and any support required.

<b>Objective/Target Set</b>	<b>Comments on progress, e.g. lessons learnt, resources needed, etc</b>	<b>Revised Review date (if appropriate)</b>

### Part 2:

Discuss performance at work and agree on objectives to be actioned. This may include work projects or requirements for training

<b>Objective To Be Achieved</b>	<b>Resources Needed</b>	<b>Timescale</b>

#### Human Resources Team

E: [hr.services@nuneatonandbedworth.gov.uk](mailto:hr.services@nuneatonandbedworth.gov.uk)

Skype: human resources

T: 02476 376550

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**Part 3:**

Discuss any training attended since the last meeting. This should include how the skills learnt will be used and any further training needs.

Training Attended	Learning Objectives, i.e. reason for attending	Outcomes/Action Plan

**Part 4:**

Discuss any other issues that may have arisen since the last meeting, e.g. working environment, employee health and wellbeing, annual leave, conduct, team relationships, suggestions for improvements, etc.

Issue Discussed	Agreed Outcome
<b>Employee Signature</b>	
<b>Manager Signature</b>	
<b>Date of next meeting</b>	

## Performance Improvement Plan (PIP)

### Part 1 – Employee Details

Employee Name	
Job Title	
Manager Name	
Capability stage	

### Part 2 – Areas of Concern

Use this section to detail the areas of under performance. Examples should be given.

Area Identified for Improvement	Standard Required	How will this be achieved?	Measurement	Support Required

#### Human Resources Team

E: [hr.services@nuneatonandbedworth.gov.uk](mailto:hr.services@nuneatonandbedworth.gov.uk)

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**Part 3 - Other Information**

Use this section to detail discussions regarding any mitigating circumstances for under-performance. This may include any outcomes of Occupational Health Referrals, etc

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**Part 4 - Agreement**

Use this section to detail the overall timescale for improvement. This should be between 4 and 12 weeks.

Improvement Required By			
Next Review Meeting			
Signed (Manager)		Date	
Signed (Employee)		Date	

**Human Resources Team**

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Addendum 1 - PUBLIC - Employment Committee 5th March 2024



# Flexible Working Policy

**Issued by Human Resources  
Draft September 2023**

**EMP038**

# NUNEATON & BEDWORTH BOROUGH COUNCIL

## FLEXIBLE WORKING POLICY

### Quality Record

<b>Record No.</b>	<b>Date</b>	<b>Comments</b>	<b>Approved</b>
1	11.April 2014	Initial Draft	YES
2.	29.May.2014	Trade Union Consultation	N/A
3.	July 2014	Equalities Impact assessment (RB)	
4.	July 2014	Approved by Single Member Decision	5 August 2014
5.	Sept 2023	Draft review	

**NUNEATON & BEDWORTH BOROUGH COUNCIL**

**FLEXIBLE WORKING POLICY**

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## **1. Introduction**

- 1.1 Nuneaton & Bedworth Borough Council is committed to attracting, developing and retaining a world class workforce. It aims to deploy all the talent and experience available in the most flexible and efficient manner. In developing a flexible workforce it recognises the importance of helping employees balance their work and home life. The Council also recognises that staffing capacity must at all times remain in line with the needs of the Council so that service provision is maintained at all times.

## **2. Purpose**

- 2.1 Flexible working, when used effectively, delivers benefits to both the Council and employees. Flexible working can benefit services by matching Council needs with the way employees want to work. At the same time employees can achieve a better balance between work and home life. However, it is not always possible to agree to employees needs owing to the overarching need to provide Council Services at the times and places needed.
- 2.2 This policy and procedure sets out the Council's approach to statutory rights in relation to Flexible Working requests.

## **3. Scope**

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

## **4. Responsibilities**

### **Managers**

Managers are responsible for ensuring that any requests for flexible working are considered in line with the principles and timescales set out in this policy.

### **Employees**

Employees that wish to make a request for flexible working should familiarise themselves with this policy, in particular the information needed by management to fully consider requests and the timescales to be adhered to.

### **Human Resources**

Human Resources will provide guidance and support to managers and employees as required under this policy. Human Resources may also be able to offer advice on alternative ways of working.

## 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 any formal meetings as laid out in this policy.

### 5. What is Flexible Working

5.1 Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works.

5.2 The following flexible working options are considered to be the typical arrangements that employees will request but the Council recognises that there may be alternatives or a combination of options which may be suitable to both the Council and the employee:

- **Part-Time** Can involve shorter working days, fewer working days or a combination of both. Part-time working can sometimes be initiated by job share requests.
- **Job Share/Job Split** The responsibilities of one post are shared by two or more employees. Job split occurs where all the responsibilities are separated, effectively creating two distinct posts; this is often wrongly described as job share.
- **Compressed Hours** Hours are worked over fewer days i.e. longer but fewer working days.
- **Time Off In Lieu** Additional hours are taken off when the workload permits.
- **Flexitime** Requires the agreement of a general pattern of work with flexible starting and finishing times and breaks. The Councils Schemes allow additional hours to be accrued and offset by lieu days. Normally introduced for office based employees but capable of being applied in a wide range of working environments e.g. home working.
- **Annualised/Averaged Hours** Hours are averaged over a particular period or work cycle and either paid for by equal instalments or are used to create a bank of pre-paid hours which are called upon when needed. Suitable where there are

substantial variations in workload e.g. seasonal or term time.

- **Term Time Working** Staff only work during school term time but receive pay by equal instalments throughout the year.
- **Staggered Working Hours** Staggered working hours allow for start and finish times other than the normal business hours. The standard working day remains at seven hours twenty-four minutes for full-time staff.
- **Home Working** Managers may consider that an employee can work from home for all or part of their hours.

## **6. Applying for Flexible Working**

- 6.1 All employees of the Council have a statutory right to apply for flexible working, regardless of length of service. It should be noted that an application is not an automatic approval.
- 6.2 Employees have a statutory right to make up to two flexible working requests in a 12 month period. However, the Council may consider further requests as appropriate.
- 6.3 All requests should be made in writing. Employees may choose to use the Flexible Working Request form at Appendix A but in any case their request should give as much detail as possible, including proposed changes, effective date and whether their request is intended as a temporary or permanent change. If temporary, timescales should be noted. Employees should also note if they are making a statutory or non-statutory request and the dates of any previous requests.
- 6.4 Where employee is making a request in relation to the Equality Act, e.g. as a reasonable adjustment relating to a disability, this should be made clear in the application.

## **7. Responding to a Flexible working Request**

- 7.1 Managers should meet with the employee to consider the proposed flexible working arrangements within 28 days of the request. The meeting should involve discussions around the potential benefits and adverse effects to the employee and to the Council in implementing the proposed changes. This meeting may also include discussions and negotiations around timescales and/or alternatives, particularly if the request may involve other processes such as recruitment. At the

meeting the employee may, if they wish, be accompanied by a workplace colleague or a trade union representative.

- 7.2 Should there be a need to consider further information, the time limit for this meeting may be extended with the agreement of both the employees and manager.
- 7.3 Each request will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.
- 7.4 If the employee fails to attend a meeting and then fails to attend a rearranged meeting without good reason, their application will be deemed to have been withdrawn.
- 7.5 The request may be granted in full, in part or refused. The Council may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period.
- 7.6 The manager should inform HR of any agreement reached who will formally issue change in terms and conditions.
- 7.6 For any requests that are not agreed in full, managers should confirm their decision in writing decision as soon as is reasonably practicable, but no later than 14 days after the meeting, detailing their reason for refusal.

## **8. Reasons for refusing a flexible working request**

- 8.1 The Council is committed to providing the widest possible range of flexible working arrangements and using flexible working as a positive tool to both improve employee satisfaction and deliver effective service provision. In considering all requests for flexible working managers must take account of individual needs and treat such requests reasonably, fairly and in accordance with relevant legislation and Council Policies. However, both management and employees will need to be realistic and recognise that the full range of flexible working options will not be appropriate for all jobs across all areas of the Council.
- 8.2 Where a flexible working arrangement is requested, the Council will need to take into account a number of criteria including (but not limited to) the following:
  - Any additional costs – e.g costs of overtime or agency cover if required to cover the needs of the service

- An inability to reorganise work amongst existing staff
- An inability to recruit additional staff
- A detrimental impact on service quality
- A detrimental impact on an employee's performance
- A Detrimental effect on ability to meet customer demand, e.g. if the request affects delivery on a particular day when the demand on the service is higher
- Insufficient work for the periods the employee proposes to work
- Planned structural changes and/or restructures to the service health and safety implications
- other issues specific to the service area

**FLEXIBLE WORKING APPLICATION FORM**

<b><u>Name:</u></b>	<b><u>Post:</u></b>
<b><u>Service Unit:</u></b>	<b><u>Assignment No:</u></b>

I would like to apply to work a flexible working pattern that is different from my current working pattern. I am submitting this request for the following reason (please specify):

Please describe your current working pattern (Days / Hours / Times Worked / etc.)

Please describe the working pattern you would like to work (Days / Hours / Times Worked / etc.)

**(you may continue on a separate sheet if necessary)**

I would like this working pattern to start from: \_\_\_\_\_

**SIGNED:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**THIS APPLICATION SHOULD BE FORWARDED TO YOUR MANAGER AND COPIED TO HR SERVICES**

**FOR OFFICIAL USE ONLY**

**Comments of Line Manager**

Received: \_\_\_\_\_ (NAME) \_\_\_\_\_ (DATE)

**Decision of Director**

**APPROVED / NOT APPROVED and REASON**





# **NUNEATON AND BEDWORTH BOROUGH COUNCIL**

# **DRIVERS AND DRIVING POLICY**

**Quality Record**

<b>Issue No.</b>	<b>Date</b>	<b>Initial EIA</b>	<b>Stage</b>	<b>Agreed</b>
1	Nov 2016		1 <sup>st</sup> Draft (GM)	
2	Feb 17	Amended	Final	
3	Sep 19	Amended	1 <sup>st</sup> Draft	
4	Oct 19	Amended	Draft 2	
5	Nov 19	Amended	Draft 3	
6	March 20	Amended	Final	ICMD – delegated powers
7	Sept 2023	Draft	Draft	

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## **1 INTRODUCTION**

Nuneaton and Bedworth Borough Council (NBBC) provides vehicles through its Transport department and procurement framework agreements.

The council employs a large number of staff, a percentage of which drive on council business either in council operated vehicles (fleet drivers) or in their private vehicles (Grey Fleet).

The council employs fleet drivers to undertake core duties such as refuse collection, housing maintenance, street cleansing, enforcement duties and transport operations. NBBC also uses agency and contractors to either drive the council's core fleet vehicles or drive on behalf of the council.

The council may, on occasions, use voluntary staff to carry out various functions on behalf of the council. Volunteers may be using their private vehicles to carry out these functions and receive out of pocket expenses for doing so.

NBBC owes a duty of care to all people and property from risks under its control. The use of drivers vocationally is governed by the Driver and Vehicle Licensing Agency (DVLA), Driver & Vehicle Standards Agency (DVSA), The Department for Transport (DFT) and extensive legislation.

This document describes how NBBC plans to manage risk by the responsible management of drivers on council business either using council, contractor or private vehicles.

NBBC is directly accountable for a large numbers of drivers. Adopting a formal management policy is a requisite of putting into place a legally defensible management system and ensuring that NBBC is compliant with its legal obligations.

### **1.1 The policy**

The object of this policy (the policy) is to clearly set out the strategy of NBBC and the respective responsibilities under the policy for directors, managers, supervisors and drivers.

The policy strives to lay out the requirements for the recruiting, employing, monitoring, and management of all fleet drivers, and offer guidance and assistance to Service Mangers employing staff who may have a responsibility to drive within their job role.

It shall be the primary reference document for all overarching functions in relation to drivers, vehicles and transport operating obligations.

The content has been widely consulted on across all services areas within the council, including, service professionals, managers and unions. Any subsequent updates and changes to the policy, whether local or legislative shall be undertaken in conjunction with aforementioned groups.

Whilst the policy seeks to cover all current requirements for good driver management, it is accepted that there may be areas of new legislation or best practice that may be applied commensurate with the principles of the policy.

The document was last reviewed in July 2023.

## **1.2 Who does it apply to**

This Policy applies to all drivers, in full or in part, driving for and on behalf of Nuneaton and Bedworth Borough Council, whether in a council owned or private vehicle. This includes all employees (i.e. casual, temporary, fixed term), those employed via an agency and elected members.

### Fleet Drivers

These are drivers who drive a council owned vehicle on behalf of the council

### Grey Fleet Drivers

These are drivers that may use their private vehicle for business purposes.

This policy should be read in conjunction with other policies, including the Asset Management Policy and the Business Mileage and Subsistence Policy.

## **1.3 Legal**

NBBC has a legal obligation to operate its fleet of vehicles lawfully. The council recognises its duty under the Health and Safety at Work Act 1974 and otherwise in criminal and civil law to protect employees and members of the public, so far as is reasonably practicable, from danger arising from the services it provides. The Primary governance legislation for this is as follows

1. The Health and Safety at Work Act 1974
2. The Management of Health and safety at Work Regulations 1999
3. The workplace (Health and safety and welfare) Regulations 1992
4. The Road Traffic Act (as amended) 1972, 1991, 2010 (supported by the highway code)
5. EU drivers hours Regulations
6. UK Domestic Drivers Hours Rules
7. The Road Transport (Working Times) Regulations 2005

8. The Road Vehicles (Construction and Use) Regulations (as amended) 1986,1989
9. Goods Vehicle licensing Regulations.

## **1.4 Occupational Road Risk and Asset Management**

Nationally there are thousands of road crash fatalities every year and of these approximately 1,000 are in some way work related. The Health & Safety Executive suggests that between 25 and 33% of fatal and serious road traffic incidents involve someone who was at work at the time.

Considering all categories of roads and road users (drivers, motorcyclists and cyclists as well as pedestrians and those working at the side of the road)

Grey Fleet Drivers (employees using personal vehicles for business use) are sometimes the forgotten section of local authorities fleet and driver management. Local authorities have equal responsibility for these drivers as with fleet drivers driving council owned vehicles. It shall be the purpose of this policy to assist in the implementation of a robust 'grey fleet' monitoring regime, via line management of drivers, to comply with NBBC's duty of care requirements.

A proactive driver and asset management system has been installed into all new fleet vehicles and retrofitted, where appropriate, to all existing NBBC fleet to actively manage vehicle movement and driver behaviour to reduce the risk of injury and damage to persons and property. The system will also been used to mitigate against or confirm transport related incidents reported to us.

## **2. RESPONSIBILITIES**

### **2.1. Chief Executive and Strategic Directors have a responsibility to;**

1. Adhere to this policy in full
2. Ensure this policy in its entirety is appropriately communicated to all Assistant Directors and fully implemented within their respective directorates.
3. Ensure that adequate planning, resources and access to training is provided to facilitate its implementation and ensure that all health and safety obligations are fully met.
4. Ensure sufficient mechanisms are in place for managers to access adequate finances in order to promote the employment of suitably qualified staff, without prejudice, to manage, supervise, procure and maintain NBBC's operational fleet.
  1. Support the need for robust operational practices to facilitate an efficient and effective approach to NBBC's responsibilities under its statutory obligations.

2. Respond to all penalty charge notices (PCN's) and fines as incurred whilst undertaking duties on behalf of NBBC.

## **2.2. Assistant Directors have a responsibility to;**

1. Adhere to this policy in full.
2. Ensure this policy in its entirety is appropriately communicated to all managers and fully implemented within their respective directorates.
3. Assistant Directors of each section have a responsibility to ensure all council officers within their line manager control fully implement and comply with the requirements of this policy.
4. Assistant Directors, in conjunction with the Head of Waste and Transport (HW&T) shall have the responsibility to ensure all breaches of the policy are investigated thoroughly and where necessary instigate further appropriate disciplinary action.
5. To ensure sufficient resource and financial provision is available to fully comply with this policy, NBBC's Vehicle operator and health and safety requirements.
6. Respond to all penalty charge notices (PCN's) and fines as incurred whilst undertaking duties on behalf of NBBC.

## **2.3. Head of Waste and Transport has a responsibility to;**

1. Adhere to this policy in full.
2. Hold all required qualifications to act as the council's 'Goods Vehicle Operator's Licence' (O Licence) holder, as registered and recorded with the Traffic Commissioner and therefore bears the responsibility for the councils legal compliance obligations.
3. Ensure NBBC directorates have cost effective, sustainable support, delivering the transport and workshop services required by managers and other customers.
4. Ensure enough staff are employed and sufficiently trained to carry out inspections and repairs on all NBBC vehicles to ensure full compliance with NBBC 'O' Licence and legal responsibilities.
5. Liaise and consult on all matters of non-compliance and policy breaches, with relevant service managers to advise and guide as appropriate.
6. Ensure, in conjunction with relevant ancillary policies and procedures, all service areas; managers and supervisors have access to required operational information.
7. To consult to ensure that this information is used to monitor driving behaviours and compliance of drivers as effectively as possible.
8. Be aware of and where appropriate test all new technologies designed to enhance NBBC service productivity and cost effectiveness, through suitable hire or procurement processes.
9. Review all transport processes and procedures to ensure a best service approach for both internal and external customers.



10. Monitor and update directors, line managers and supervisors on transport legislation changes or amendments.
11. Respond to all penalty charge notices (PCN's) and fines as incurred whilst undertaking duties on behalf of NBBC

**2.4 Transport Section have a responsibility to;**

1. Adhere to this policy in full.
2. Oversee the NBBC vehicle fleet maintenance, compliance and vehicle replacement requirements.
3. Act as the council's identified 'Transport Experts' to oversee and manage all of the vehicle maintenance and repair functions and to offer technical and legislative support to all staff on matters of transport.
4. Liaise with service managers / supervisors and assist with the management of the council's fleet drivers and grey fleet drivers in accordance with this policy and all relevant legislation.
5. Collect and collate all relevant operational data and provide operational supervisors and managers with appropriate information relating to driver compliance and Operator licence responsibilities.
6. Ensure procedures are in place for drivers to report vehicle defects, road traffic incidents, etc.
7. Liaise with service managers and supervisors to ensure all drivers used are appropriately qualified, licensed, insured and trained to drive the type of vehicle in use.
8. Liaise with all enforcing and regulatory bodies and supply information as requested appertaining to vehicle operations and driver performance and governance.
9. Report all identified service failures or infringements.

**2.5. Service Managers and/or Supervisors have a responsibility to;**

1. Adhere to this policy in full.
2. Ensure this policy in its entirety is appropriately communicated to all staff members and fully implemented within their respective service areas.
3. Ensure that drivers are aware and have access to this policy.
4. Undertaker all relevant driving risk assessments required to operate safely.
5. Ensure drivers, including grey fleet drivers, are appropriately qualified and licensed to drive their vehicle.
6. Ensure fleet drivers are appropriately trained and competent to use and operate the vehicle and all ancillary equipment.
7. Ensure all requirements for driver licence check process is strictly adhered to.

8. Ensure any change of circumstances (current address etc) of drivers are updated as appropriate and are accessible to transport for driver licence check purposes.
9. Ensure all new starters details and drivers no longer undertaking driving duties or who have left the authority are reported to Transport before driver licence checks are undertaken, in compliance with Data protection requirements.
10. Ensure all local inductions and on site training is undertaken with all new drivers, in conjunction with the council's, transport and health and safety sections, as appropriate.
11. Assist and guide fleet drivers to enable them to operate NBBC vehicles legally.
12. Ensure that drivers are aware of their responsibilities for health and safety for all driving activities.
13. Ensure fleet drivers operate within the plated weight of vehicles and ensure all loads are safe and sufficiently secured.
14. Ensure that fleet drivers only use a vehicle for the purpose for which it is authorised and operate the vehicle safely within its capabilities.
15. Ensure all fleet drivers have permission in writing before using a NBBC vehicle outside of normal working hours, for all agreed legitimate business purposes.
16. Notify the Head of Waste and Transport and transport and waste and transport administrator of any driving offences incurred by drivers within their areas of responsibility.
17. Respond to all penalty charge notices (PCN's) and fines as incurred whilst undertaking duties on behalf of NBBC
18. Notify the waste and transport administrator of any vehicle related incidents.
19. Ensure that drivers under their management / supervision complete all relevant paperwork in conjunction with transport administration within 2 working days of a vehicle incident, where appropriate.
20. Carry out risk assessments in conjunction with the health and safety team, for all work activities being undertaken by drivers.
21. Ensure all drivers operate using the correct, allocated, Quartix driver fob.
22. Report all changes to the Quartix driver fob allocation list immediately.
23. Ensure all appropriate time recording, drivers hours and defect reporting records are issued and correctly maintained by drivers and supplied to the transport administration section within pre-agreed timescales.
24. Report and investigate any non-compliance incidents as outlined within this policy and notify their Assistant Director or HW&T accordingly.
25. Adhere to this policy and governing legislation.

- 26. Assist with cost saving and sustainability issues to reduce environmental impact via driver training and support.
- 27. Input and update appropriate driving management systems
- 28. Assist with 'the policy' review when required.

**2.6 Nuneaton and Bedworth Borough Council Fleet Drivers have a responsibility to;**

- 1. Adhere to this NBBC driving policy in full.
- 2. Ensure they are appropriately qualified to drive the vehicle.
- 3. Drive in a considerate and courteous manner.
- 4. Ensure drivers park considerately and with due care (include in all sections).
- 5. Ensure the correct, allocated, Quartix driver fob is used when undertaking driving duties.
- 6. Attend work in a fit and able state to undertake their driving functions lawfully.
- 7. Undertake driver licence checks no less than twice per calendar year in conjunction with transport administration.
- 8. Undertake all daily and weekly vehicle check requirements as appropriate.
- 9. Ensure all defects affecting the road worthiness of vehicles are reported to workshop engineers immediately.
- 10. Assist with all relevant driving risk assessments as required.
- 11. Ensure all relevant paperwork is completed fully and correctly and issued to transport administration and / or supervision within agreed timescales.
- 12. Ensure all tachograph driving and duty time recording procedures and mechanisms are followed and adhered to.
- 13. Ensure all road traffic regulations are complied with.
- 14. Only use the vehicle for the purpose for which it is authorised and operate the vehicle safely within its capabilities.
- 15. Only use NBBC vehicles within normal working hours unless permission has been granted by their service manager or HW&T in writing.
- 16. Operate with health and safety in mind.
- 17. Ensure vehicles operate within the plated weight and ensure all loads are safe and sufficiently secured.
- 18. Comply with all 'In Cab' system Road Traffic Act legislation
- 19. Undertake all driving related training as required.
- 20. Drivers should not carry passengers in NBBC fleet vehicles unless required to do so for the purpose of undertaking core duties.
- 21. The carrying of animals in NBBC fleet vehicles is strictly forbidden, unless required to do so for the purpose of undertaking core duties,
- 22. Notify line managers / supervisors immediately of any endorsements added to their licence.

23. Notify their line manager or supervisor immediately of any disqualifications or pending prosecutions which may affect their ability to drive.
24. Notify line manager / supervisor of any incidents whilst driving for work purposes within the timescales outline in the 'driver guidance handbook'.
25. Report all vehicle damage immediately. Failure to do so could lead to disciplinary action.
26. Complete all vehicle incident paperwork as appropriate.
27. Notify line management of any medical condition that affects either their ability to drive or their driving licence entitlement. Such medical conditions are detailed in the medical declaration form all drivers are required to sign.
28. Undertake all vehicle cleaning and care obligations as directed by their line manager
29. Follow all procedures as outlined in this policy
30. Adhere to all waste disposal and waste transfer site rules at all times.
31. Undertake appropriate driver training as required.
32. Ensure all work issue IT devices and equipment are stored safely and / or removed from the vehicle, as appropriate.
33. Always ensure vehicles are securely locked and keys removed from the vehicle following use. Failure to ensure this could result in disciplinary action being taken.
34. Respond to all penalty charge notices (PCN's) and fines as incurred whilst undertaking duties on behalf of NBBC

**2.7 Employees using private vehicles for business use have a responsibility to;**

1. Adhere to this policy in full.
2. Ensure a Valid driving licence held for the type of vehicle for all types of vehicle to be driven.
3. Attend work in a fit and able state to undertake their driving functions lawfully.
4. Ensure all road traffic regulations are complied with.
5. Operate with health and safety in mind.
6. Notify line manager of any medical condition that affects either their ability to drive or their driving licence entitlement. Such medical conditions are detailed in the medical declaration form all drivers are required to sign.
7. Undertake appropriate driver training as required.
8. Ensure they hold appropriate and current vehicle insurance which should include business use and provide proof when requested.
9. Undertake driver licence checks a minimum of twice per calendar year in conjunction with line manager and transport administration.
10. Notify the line manager of any road incidents whilst driving a private vehicle for work purposes.

11. Notify their line manager of any relevant driving endorsements, disqualifications or pending prosecutions affecting their ability to undertake their substantive duties.
12. Ensure the vehicle is sufficiently covered by vehicle excise duty.
13. Ensure the vehicle is in a fit and road worthy condition and is covered by a valid MOT certificate. Of which proof may be requested.
14. Drive in a courteous and considerate manner.
15. Respond to all penalty charge notices (PCN's) and fines as incurred whilst undertaking duties on behalf of NBBC

### **3. RECRUITMENT AND SELECTION**

#### **3.1 Job Descriptions and Person Specification**

When appointing to a new or existing post, a key consideration should be 'does the role include any driving for work'. If the post requires driving, either as a main duty or to enable travel for carrying out main duties, it is important to include this requirement in the job description (JD) and Person Specification (PS).

The driving licence shall be appropriate for the type of vehicle to be driven. Consider if the driver requires more than standard driving licence and reflect this in the person specification. The person specification should include in the essential criteria the minimum driving licence category required under 'qualifications' and the driving experience required under 'job related experience'.

#### **3.2 Advertising**

Job adverts shall contain any minimum driving qualification and experience required. The advert/person specification should also state 'a full clean driving licence is required';

#### **3.3 Interview**

The selection panel will need to consider questions within the interview regarding driving at work as reflected in the JD and PS. The panel must explore the requirements for a driving licence during the interview and any

endorsements which are declared during the interview should be discussed with the candidate.

For posts that are specifically for driving Council vehicles interviewers should assess the relevant experience as part of the interview process which may include a driver assessment

### **3.4 Pre Employment**

All new employees who will be driving a fleet vehicle for their role will have their driving licence checked and recorded..

### **3.5 Medical**

Prior to employment a medical form should be completed for any new employee. Managers are responsible for ensuring they complete relevant sections of the pre-employment medical form, highlighting any occupational issues such as driving duties. Medical forms will be checked and if any medical issues are declared will be referred to Occupational Health. Occupational Health can request an individual to attend a review meeting with an Occupational Health Advisor if this is deemed necessary from the information provided on the medical form.

### **3.6 Induction and Probation**

At induction all new employees who may be required to drive on Council business must be made aware of the responsibilities under this policy and the policy and appropriate appendices should be made available to them to read.

Prior to commencing duties newly employed drivers of council vehicles should be:

- Familiarised with the vehicle they are driving and associated equipment.
- Issued with all relevant risk assessments and safe working practices relevant to the duties to be undertaken.
- Made aware of the main tasks and criteria they should work to.
- Made aware not to drive whilst under the influence of drugs or alcohol.
- Shown how to complete all relevant documentation in relation to driving hours recording mechanisms.
- Shown how to carry out vehicle checks, fuelling, washing off etc.
- Made aware of the reporting process for vehicle repair.

- Made aware of all waste site rules and regulations as appropriate.
- Issued with relevant PPE required for their role.
- .
- Employees must also have a valid driving licence and current Road Fund License and MOT certificate and ensure that their vehicle is maintained in a roadworthy condition.

## **4. TRAINING AND COMPETENCY**

### **4.1 Competency**

Driving competency will be continually monitored .

Where a driver of either a NBBC or private (Business use) vehicle obtain or accrues endorsements (penalty points) on their driving licence, irrespective of the type and class of vehicle a decision will be made regarding their suitability to drive under this policy. Drivers may be required to attend additional driver training appropriate to the driving offences recorded.

Where there are ongoing concerns regarding suitability and capability for driving, it may be deemed that employees are placed on temporary duties and ultimately this may warrant further investigation in line with the Council's Disciplinary Policy and Dismissal procedures. In any case, advice should be sought from HR.

### **4.2 Speeding Offences and other endorsements and Infringements**

The Council will not be responsible for any fines incurred for traffic offences. If the offence results in the loss of your driving licence this must be reported immediately to your line manager. Committing a traffic offence whilst on official business that impacts on your ability to carry out the full duties of your job role may result in formal action through the Disciplinary and Dismissal Policy.

### **4.3 Training**

Any person intending to drive a vehicle owned, leased or hired by the Council must undertake the Defensive Driving Assessment Scheme (DDAS) to ensure that they meet the appropriate driving standard.

The need for training will be identified via personal development reviews or in response to new legislation etc. Drivers will also be expected to undertake

training where identified to improve competence to address particular issues e.g. a poor accident record.

Driver training will be undertaken in house, via tool box talks or externally and be primarily arranged by the transport department in response to particular needs and requirements. All training will be at the councils expense and undertaken within normal working hours unless specifically agreed with the member of staff.

#### **4.4 Identified Driver style training requirements**

Data is routinely collected, monitored and collated via asset management system Improvement training in relation to driving style.

In the event of data received which identifies driver style issues, managers should discuss this with their employee and consider arrangements for relevant training as appropriate.

Where driving style continues to give rise to concern, advice should be sought from Human Resources.

### **5. DRIVERS HANDBOOK**

#### **5.1. Guidance Subjects**

A driver's guidance hand book will be issued to support this policy for reference and guidance on key areas of driving requirements. The guidance is not exhaustive and drivers will be encouraged to check and clarify any concerns they have or where additional information is required.

### **6. HEALTH AND ILLNESS**

#### **6.1. Health**

Members of staff that are employed in a driving role have a responsibility to ensure they are medically fit to carry out their driving duties. If a driver becomes ill or unfit to drive then they must notify their manager / supervisor immediately before they drive again and stop driving until they are fit to drive. Specific conditions are shown in the medical driver declaration form. Where appropriate, members of staff may be offered temporary alternative duties.

A driver will be referred to Human Resources and / or The Occupational



Health Services (OHS) if there is any concern regarding a medical condition that may affect the ability or fitness to drive.

Large Goods Vehicles drivers should undergo medicals to maintain the entitlement to hold the licence. These require that the driver undergoes a medical at the point of gaining the licence, at the age of 45 and then every 5 years up to the age of 65. From the age of 65 a medical is required every year. Whilst employed by NBBC, all costs for medical examinations will be met by the council.

## **6.2 Illness**

Illness can present some serious problems when driving. The development of an illness can affect your ability to drive safely. The DVLA will remove vocational licences for drivers that have developed certain medical conditions or illnesses. Any driver that has concerns about a medical condition should in the first instance contact their doctor, who will be able to advise if it is appropriate to drive.

It is a requirement that all drivers receive a full eye examination by a qualified optician every two years or when prescribed, to ensure they meet the current eyesight standards as laid down in law. Costs for eyesight tests will be met by the Council unless the eyesight test was taken for a non-work related reason I.E. required for a job application, private medical insurance etc.

Please refer to the driver's guidance handbooks for details of eyesight standards and the DVLA notification requirements.

Managers of drivers who have concerns relating to an employee's health should first discuss this with the employee and then seek advice from Human Resources.

## **7. DRUGS AND ALCOHOL**

### **7.1 Drug / Alcohol Use**

It shall be the policy of NBBC to undertake 'with cause' and post incident testing for Alcohol and Drugs and may consider random testing where appropriate updated legislation.

Drivers should ensure they are not under the influence of alcohol or illegal drugs when attending work or whilst carrying out their driving duty and should at all times comply with the council's Drug and Alcohol Policy.

Prescription and non-prescription medicine can cause drowsiness or other side effects that can interfere with your ability to drive a vehicle. It is currently illegal in England and Wales to drive with certain drugs in your system, either illegal or legal drugs if it impairs your driving.

All drivers must declare immediately to their supervisor/Manager if they are prescribed new medication or any changes to an existing medication which could impair their driving.

All medication should always be declared on their driver declaration form!

It's an offence to drive if you have over the specified limits of certain drugs in your blood and you haven't been prescribed them.

Drivers should consult medical practitioners for guidance whether they should drive if they have been prescribed any of the following drugs:

- amphetamine, e.g. dexamphetamine or selegiline (antidepressants)
- clonazepam (anxiety)
- diazepam (muscle relaxant)
- flunitrazepam (insomnia treatment)
- lorazepam (anxiety treatment)
- methadone (synthetic narcotic)
- morphine or opiate and opioid-based drugs, eg codeine, tramadol or fentanyl
- oxazepam (insomnia treatment)
- temazepam (insomnia treatment)

You can drive after taking these drugs if:

- you've been prescribed them and followed advice on how to take them by a healthcare professional.
- They are not causing you to be unfit to drive even if you're above the specified limits.

Illegal drugs include, but are not restricted to Cannabis, Cocaine, Ecstasy, and Ketamine.

Under no circumstance should drugs or alcohol be stowed or transported within a council owned vehicle or in a vehicle being used for business use unless prescribed by a medical practitioner or authorised by your line manager or supervisor.

NBBC reserves the right to test any driver reporting for work and appearing to a manager or supervisor to be under the influence of drugs or alcohol, or following a vehicle incident at work. This may also apply where there are reasonable grounds to suspect that the driver's actions or omissions

contributed to an incident. The person requesting the test will fully explain why this is necessary before any request for testing is made.

Employees refusing to consent to testing or failing to attend a test upon request will lead to action under NBBC's Dismissal and Disciplinary Procedure`. Refusal to take a test will be treated in the same way as a positive test result.

Assistance will be given to members of staff informing NBBC of, or requesting help with, an alcohol or drugs dependency problem.

**Please refer to the Alcohol and Substance Misuse Policy for further details**

## **8. ADDITIONAL DRIVER RESPONSIBILITIES**

It shall be a driver's responsibility to ensure any vehicle they are driving is kept in a clean and tidy manner and safe to drive, at all times. It shall be their responsibility to report defects that may cause the vehicle to become un-road worthy immediately they are aware and where required seek help and guidance from the workshop section.

### **8.1 Vehicle Checks**

Driver safety is paramount to NBBC. Driving vehicles in an un-roadworthy condition is not only extremely dangerous it is also against the law for any vehicle to be driven on the public highway if that vehicle is knowingly or otherwise defective. Drivers can be issued with a Fixed Penalty Notice (FPN) or prosecuted for offences, by enforcement officers, if found to be in breach of these legal requirements.

All new fleet drivers will be required to undertake vehicle check training prior to commencing driving duties for NBBC. All drivers are required to complete vehicle checks and report all defects or nil defects as appropriate. Refresher training will be provided for any driver unsure of the vehicle check process.

All vehicle check processes including App based and book entries must be completed in full in conjunction with written procedures.

Vehicle checks books are provided to all drivers to record these checks. On completion of vehicle check books, fleet drivers are to ensure they are handed to transport and a replacement sought where required.

Any incidents of failure to undertake the required vehicle checks or falsely completing vehicle check sheets will be investigated and may be dealt with in line with NBBC's disciplinary and dismissal Policy and Procedure.

## **8.2 In Cab Cleanliness**

Both fleet and grey fleet drivers are required to ensure all waste articles, tools, miscellaneous objects that could become a hazard whilst driving are removed from cabs. Drivers must ensure, prior to starting work that all foot wells are free from obstructions and articles that could impede the safe driving of the vehicle or increase risk of injury are secured.

Random spot checks will be undertaken on fleet vehicles. Any incidents of vehicles left in an unacceptable condition will be investigated and may be dealt with in line with NBBC's Dismissal and Disciplinary Policy and Procedure.

All fleet drivers taking receipt of a vehicle in an unsatisfactory condition must report it immediately. Any driver who does not report an un-clean and / or un-safe vehicle shall be deemed to be the responsible driver for that vehicle at the point it is checked.

## **8.3 Vehicle Misuse and abuse**

Vehicles are a valuable asset to NBBC. Considerable expense is incurred by NBBC to purchase and maintain operational vehicles. Therefore, all incidents where damage is sustained to a NBBC fleet or hired vehicle needs to be reported to transport administration as soon as possible after the incident and all relevant paperwork completed.

All incidents will be investigated. Where a suspicion of misuse and abuse is confirmed, the matter will be dealt with in line with NBBC's Dismissal and Disciplinary Procedure. Internal re-recharges will be levied against the respective service area for repairs to vehicles.

## **8.4 NBBC fleet / private use**

Employees may be required to take home Council vehicles subject to those employees living within a 20 mile radius (unless agreed in exceptional circumstances) of the Gresham Road Depot, being able to park legally and safely and adhering to any rules in place by the Inland Revenue regarding benefit in kind.

Council vehicles must not be used for private business at any time and only Council employees will be permitted in Council vehicles. The carriage of goods, animals and other parties are also prohibited unless done so as part of work duties.

Requirements of the Transport Team in ensuring any vehicle is available for servicing, annual testing, repairs and the like must be complied with.

Employees will continue to carry out daily testing of vehicles in accordance with the requirements of the Transport Team, and the Vehicle Daily Check and Defect Report Book must be endorsed by the line manager.

## **8.5 Driving Licences**

It is the policy of NBBC, in association with the Health and Safety of Work Act 1974 to ensure all drivers are safe to drive on the public highway at all times. To manage these responsibilities any driver obtaining or accruing endorsements on their licence will have the endorsement history assessed, by the driver's line manager in conjunction with the HW&T and Transport administration, as appropriate, to establish suitability to drive.

All endorsements will be assessed on their individual merit or in conjunction with any previous endorsements recorded on the licence. Dependant on the type or severity of endorsements accrued, a driver may be expected to undertake further DDAS (Defensive Driving Assessment Scheme) Training or be dealt with in line with NBBC's Dismissal and Disciplinary Procedure, as appropriate.

Any incidents where drivers have failed to advise NBBC transport or line manager of accrued endorsements will be investigated and may be dealt with in line with NBBC's Dismissal and Disciplinary Policy and Procedure.

It is the driver's responsibility to ensure they hold the appropriate driving licence for the type of vehicle being driven.

Following the proposed abolition of the paper counterpart of driving licences in June 2015, all licences will be checked and assessed a minimum of two times per year irrespective of driving entitlement or class of licence. This will be undertaken using an online database check facility via third party Service managers and supervisors have a responsibility to ensure this is undertaken when required.

All drivers will be expected to sign and authorise the licence check in writing. Any driver refusing to sign the authorisation mandate will not be permitted to drive and such incidents will be investigated and may be dealt with in line with NNBC's Dismissal and Disciplinary Policy and Procedure.

Both fleet and grey fleet drivers should be aware that where NBBC is not able to confirm a valid driving licence is held their employment may be at risk.

## **8.6 Drivers Hours Regulations**

Within the UK there are two sets of rules that may apply to drivers' hours: UK Domestic and EU rules. Which set of rules apply depends on the type of driving and the type of vehicle being used.

Most NBBC vehicles fall within the scope of UK domestic rules and are not subject to tachograph regulations. NBBC vehicles that are subject to tachograph regulations and EU driver's hours rules will be detailed by transport administration.

Drivers shall be expected to comply with all time recording requirements appropriate to the mechanism used and as set out by the transport administration section. Any breaches of these requirements will be investigated and may be dealt with in line with NBBC's Dismissal and Disciplinary Policy and Procedure.

See the 'Driver Guidance Handbook' for more information!!

## **8.7 Seat belts and Restraints**

It is a requirement in law to wear seat belts whilst driving on Council business all drivers must wear a seat belt unless the vehicle they are driving is not fitted with a seat belt.

All drivers should ensure that passengers are wearing seat belts appropriate to the size and age of the passenger.

Guidance on Seat belts and Restraints is contained in the driver's guidance handbook.

## **8.8 Trailers and Towing**

All operations of a motor vehicle with or without a trailer on the highway are covered by legislation such as “The Road Vehicles (Construction and Use) Regulations 1986. The design and construction of the vehicle and trailer should be suitable for the loads that it is likely to carry.

All drivers must ensure they hold the correct driving licence entitlement to tow a trailer (B+E, C+E, C1+E, D+E or D1+E). The driver is also ultimately responsible for the load being carried on their vehicle, whether or not they were involved in the securing of the load.

For further information please contact NBBC Transport section

### 8.9 Safe Loads, Loading and Overloading

Load security is a question of preparation, protection and placement. The key points to remember are:

**Load and platform:** Make sure packaging and pallets are in good condition; any degradation could result in the goods coming free of their restraints. Also check the load platform and vehicle bodywork to ensure there is no damage or structural weakness.

**Risk assessment:** Consider the restraint equipment, typical load and nature of the journey before carrying out a risk assessment as part of your health and safety requirement. Disseminate to all those who are involved in the loading process.

**Vehicle suitability:** Make sure the vehicle is suitable for carrying the intended consignment and that it is well maintained.

**Load planning:** Ensure the load is spread evenly over the axles, arrange the load in accordance with the delivery schedule and keep the load as low as possible to minimise the centre of gravity. Redistribute the load at times of delivery, ensuring that heavy loads are kept close to the platform.

**Restraint equipment:** Always use load restraint equipment, including lashing or ratchet straps, ropes, chains, bars or webbing. Ensure they are used correctly.

**Walk around checks:** Walk around checks by the driver before leaving the depot and at the end of each delivery should include checks on strap or restraint tension and fitment, goods moved during transit and the security of the trailer curtain, doors and tail lift.

**Raising awareness:** Make sure training is provided to drivers and loading assistants and that it focuses on driving style, safety equipment, load layout, vehicle configuration and emergency procedures in the event of an incident.

**Overloading:** It is an offence under The Road Traffic Act 1988 to drive a vehicle which is overloaded. Where vehicles are found to be overloaded both

the driver and operator can be prosecuted for the offence and the operator's licence suspended or revoked.

Drivers have a responsibility to ensure any vehicle being driven by them do so within both the limits of the gross plated weight and axel weights.

Vehicle weights are currently monitored and any incidents of overloading will be investigated and may be dealt with in line with NBBC's Dismissal and Disciplinary Policy and Procedure.

### **8.10 Smoking**

It is against the law to smoke in any vehicle owned or operated by the council, including private vehicles when used for NBBC business, in line with the current smoke free policy This includes drivers and passengers and for those driving council vehicles would include any commute time

Because of potential damage to NBBC Image and reputation this clause includes any artificial smoking aids e.g. e-cigarettes. Any breach of this requirement will be investigated and will be dealt with in line with NBBC's Disciplinary policy and dismissal procedures.

### **8.11 Vehicle Management and use outside of normal operating hours**

All NBBC vehicles are fitted with the Quartix Asset Management System which will enable service providers to maintain improved levels of service to its customers. It will also at the same time, improve management arrangements for the safety of mobile workers.

A global positioning system (GPS) offers real time tracking, which allows the company to pin point the location of a vehicle and check on its progress. It will allow us to identify potential delays, recalculate estimated times of arrival and allow us to notify customers of delays or reschedule other employees to help and assist to offset service failures. These features improve efficiency and increase our productivity and can lead to fuel savings.

In addition to the above, being able to pin point the location of a vehicle at any given time ensures that if a vehicle stolen, it can be quickly located and recovered. A geo-fencing capacity within the system also identifies vehicles being driven outside of core business hours and alerts nominated service officers of these movements.



NBBC owes a duty of care to employees under health and safety legislation, this technology has the ability to locate mobile workers (working with a vehicle) and ensures that we are able to respond to any emergencies quickly. It can also facilitate supervision, where supervision is required (i.e. during training and probationary periods).

The Asset Management system also has additional service and employee benefits and can be used in the event of road traffic accidents or other vehicle related incidents to provide compelling evidence, which could confirm an employee's account of events.

The Quartix system can ensure NBBC complies with the Mobile Driving Regulations and European Working Time directive by enabling managers to check that each driver has had the statutory amount of rest when undertaking their driving duties.

The system can be used to identify those employees who may benefit from further driving training.

It is important that all vehicles used are done so using the correct allocated driver fob for both safety and security reasons. Any vehicles used outside of business hours must only be done so with the agreement and authorisation of the employee's supervisors / line manager prior to use.

## **8.12 Mobile Phone, tablet, Two Way Radio and Satellite navigation Use**

Since 2003 It is an offence to drive (or cause or permit someone else to drive) a vehicle whilst using a mobile phone or any other type of hand held communication device (Other than a two way radio).

All drivers needing to use a mobile communication device, to make a voice call, send a text message or email must ensure their vehicle is stationary and the engine off. Exemptions to this requirement are, if the driver is responding to a genuine emergency or if the device is being used to call the emergency services.

The use of two way radios are permitted with care but should only be used when it is safe to do so and when in a suitable location. A police officer who feels a driver is distracted or not in proper control of a vehicle, whilst using a two way radio can still stop and penalise a driver.

Drivers are advised to find a safe place to park prior to using a two way radio to respond to or make a radio call. Care must also be taken to comply with appropriate road traffic regulations whilst doing so.

Line managers and supervisors should be aware that it is an offence to cause or permit another person to drive a vehicle whilst, using a hand held device or place a driver in a position which does not allow the driver to maintain proper control of the vehicle. Therefore, care should be taken to establish when to call employees via mobile phone or two way radio systems.

All drivers using Satellite Navigation Systems should ensure their route is planned and inputted prior to starting the journey and any route alterations should be undertaken whilst the vehicle is stationary.

The use of in cab tablets, or similar device **whilst driving** is an offence under The Road Vehicles (Construction and Use) (Amendment) (No. 4) Regulations 2003. It is also an offence to "cause or permit" a driver to use a hand-held or screen mounted device while driving. The Council strictly prohibits the use of any hand-held devices whilst vehicles are in motion. Hand-held devices may only be made used when the vehicle is parked in a safe, legal place with the handbrake applied and neutral selected; this includes sending and receiving messages or any other data.

Any breach of this policy may be dealt with under the disciplinary and dismissal policy.

### **8.13 Vehicle security**

Vehicles are a valuable asset to NBBC and users are responsible for their security. It is essential therefore that all vehicles are securely locked and keys removed following their use. All keys must be placed in their designated storage location at all times.

Under no circumstances are vehicle keys to be retained by vehicle users unless authorised by their line manager. All visible valuables are to be removed from vehicle cabs when the vehicle is not in use.

If tools are stored on vehicles, drivers are to ensure all security devices are activated and doors locked when the vehicle is not in use.

All in cab devices are to be removed following use at the end of the working day or in the event of a vehicle change. All devices are to be stored securely in the designated storage facility.

At no time should keys be left in an unattended vehicle, failure to comply with this could constitute Gross Misconduct and could result in further action being taken against vehicle users.

## **9. INCIDENT REPORTING**

It is the responsibility of all drivers to report incidents and supply and record relevant details as required. Where a vehicle incident involves a third party, damage to a NBBC vehicle, property or plant, an incident report form must be completed within 2 working days after the event.

Incident report cards will be located in all NBBC fleet vehicles for use and reference following an incident. Drivers using their private vehicles for business purposes must inform their line manager as soon as possible following an incident.

Details must be shared with a third party in the event of an incident and reported to the police if registered owners are not in attendance.

## **10. LEGISLATION**

Legislation is continually changing in respect of vehicle specifications, usage and operations and transport administration section will continue to monitor, react and advise in this area. Some of the Legislation documents are extremely large and complex and can be viewed on the Department for Transport [DfT] website ([www.dft.gov.uk](http://www.dft.gov.uk)) or by enquiring in the transport administration office.

## **11. USEFUL POINTS OF REFERENCE**

### **Workshop / Transport Administration**

Nuneaton and Bedworth Borough Council

Gresham Road, Nuneaton

Warwickshire

CV10 7QR

Tel: 024 7637 –6020, 6238, 6031, 6049

Transport Technical Officer

[Workshop Supervisortransport@nuneatonandbedworth.gov.uk](mailto:Workshop_Supervisortransport@nuneatonandbedworth.gov.uk)

[Head of Waste and Transport](#)

**DVSA**

Driver, Vehicle Standards Agency  
Berkeley House,  
Croydon Street,  
Bristol BS5 0DA  
National Number: 0870 6060440  
Fax: 0117 9543212  
[enquiries@vosa.gov.uk](mailto:enquiries@vosa.gov.uk)

**DfT**

Department for Transport  
Great Minster House  
76 Marsham Street  
London  
SW1P 4DR  
Enquiry Helpdesk on: 020 7944 8300  
Fax: 020 7944 9643  
<http://www.dft.gov.uk>

**Health and Safety Executive**

<http://www.hse.gov.uk>



## **Policy on provision of Employment References**

**Issued by Human Resources  
Draft Sept 2023**

**NUNEATON & BEDWORTH BOROUGH COUNCIL**

**Policy on provision of Employment References**

**Quality Record**

<b>Issue No.</b>	<b>Date</b>	<b>Initial EIA</b>	<b>Stage</b>	<b>Agreed</b>
1	Sept 2023		Draft	
<b>This document is available in larger print.</b>				
<b>Please contact Human Resources for a larger copy</b>				

## Guidance on provision of Employment References

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## **1. Introduction**

There is no legal requirement for an employer to provide an employment reference for a current or past employee. However, there is an expectation that employers will provide references and it is Council's policy to provide references on request.

There are two principal reasons why an employer normally requests a reference for a prospective employee:

- to confirm the accuracy of statements made in his/her application, and
- to provide opinions as to the candidate's suitability for the post in question and his/her potential for the future.

## **2. Purpose**

This policy aims to ensure consistency when dealing with requests for employment references, ensuring that legal obligations are adhered to.

References are defined as information relating to the employment history of a prospective employee. These guidelines outline who is permitted to provide references, guidance on the content of references and legal considerations.

## **3. Scope**

These guidelines apply to all staff who are currently or previously employed by the Council, regardless of length of service or type of contract.

This policy applies to requests for references in relation to prospective employment only. Requests from other bodies for other reasons, for example from financial institutions for letting/mortgage queries will be dealt with as appropriate. Due to the legalities involved, references should not be provided to 3rd parties, such as banks, estate agencies etc. unless written authorisation has been received from the employee.

## **4. Legal Issues/Duty of Care**

When providing references, you must be aware that the Council owes a duty to the recipient (usually a prospective employer) and to the employee. This duty is to take reasonable care and to provide information that is true, accurate, fair and non-discriminatory.

The reference given does not have to be full and comprehensive but it must not give a misleading impression. It is therefore essential that the reference is based on facts which can be backed up by evidence if challenged.

Opinions and subjective personal views which cannot be substantiated should not be included.

The legal issues include:



- A duty of care in negligence on the referee, hence the content should only include factually correct information. An employee/former employee may complain, if they consider the reference to be inaccurate. Subjective or ambiguous opinions should not be included.
- An implied duty of mutual trust and confidence between the referee and the employee.
- A duty not to make defamatory or false comments.

The General Data Protection Regulation (GDPR) guidance and Data Protection Act 2018 require that measures should be taken to keep all personal information held on an employee confidential. Employees have the right, upon request, to be supplied with a copy of information held on them. Copies of Employment References provided will be retained on the employees HR folder.

## 5. Providing References

In the interest of transparency and consistency, all reference requests for existing or past employees of the Council should be directed to HR for processing and a standard reference will be issued as set out in Appendix A.

It is the Council's Policy only to provide reference containing information as to the employees roles and dates of employment. This is to ensure uniformity to all employees and should not be seen as implying any comment or suitability for the position or employer for which the reference is being sought.

This is a minimal reference and sets out the name of the employee, job title, and employment dates. That Council takes this standard, minimal approach shall be applied uniformly to all employees; and is not intended as a means of concealing something serious.

All references should be marked 'Private & Confidential' and "for the addressee only". Where possible avoid providing references addressed "to whom it may concern". All references must contain the following disclaimer in the final paragraph:

*"This reference is given to the addressee in confidence and only for the purposes for which it was requested. It is given in good faith, and on the basis of the information available to the employer at the time it is given, but neither the writer nor the Council accepts any responsibility or liability for any inaccuracy in the information provided or any loss or damage caused to the addressee or any third party as a result of any reliance being placed on it."*

## 6. Personal/Character References

Whilst this guidance covers, in the main, the provision of employment references provided on behalf of the Council, there are occasions when personal and character references are sought.

Personal character references are personal opinions of a person's character and must not to be written on behalf of the Council. As such, these references may under no circumstances be written on Council stationary and there should be no use of the Council logo or letterhead when providing a personal reference or the referee's job title which could imply that the reference is provided on behalf of the Council.

## **7. Telephone and/or verbal Reference Requests**

Any requests for a verbal reference should be responded to with an offer of a written reference in accordance with the procedure set out in these guidelines and contemporaneous notes should be kept of the conversation including questions asked and responses given.

EMPLOYMENT REFERENCE FOR: STAFF NAME

I am pleased to confirm details of employment with us as below:

Job Title: ROLE  
Start Date: DATE  
Leaving Date: DATE

Please note it is our policy to only provide this basic information for employment reference purposes.

This reference is given to the addressee in confidence and only for the purposes for which it was requested. It is given in good faith, and on the basis of the information available to the employer at the time it is given, but neither the writer nor the Council accepts any responsibility or liability for any inaccuracy in the information provided or any loss or damage caused to the addressee or any third party as a result of any reliance being placed on it.

**NUNEATON AND BEDWORTH BOROUGH COUNCIL**

**Report to:** Employment Committee  
**Date:** 05 March 2024  
**From:** Ruth Bartlett, People Services Manager  
**Subject:** HR Metrics Data  
**Portfolio:** Finance and Corporate [Cllr S. Croft]

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**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.

#### 4. 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

4.2.1 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.

4.2.2 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.

4.2.3 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.

4.2.4 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
2023/24 (up to Qtr. 3)	20	4

4.2.5 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 since its introduction would have cost £19,460.

##### 4.3 Physio Referrals

4.3.1 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.

4.3.2 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
2023/24	11

#### 4.4 Occupational Health

4.4.1 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.

4.4.2 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	17	65

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

#### 4.5 Support for Alcohol and Substance Misuse

4.5.1 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.

4.5.2 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.

4.5.3 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

2023/24	1	Nil	30	Nil
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#### 4.6 Attendance Management

4.6.1 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.

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

#### 4.7 Return to work Interview Compliance

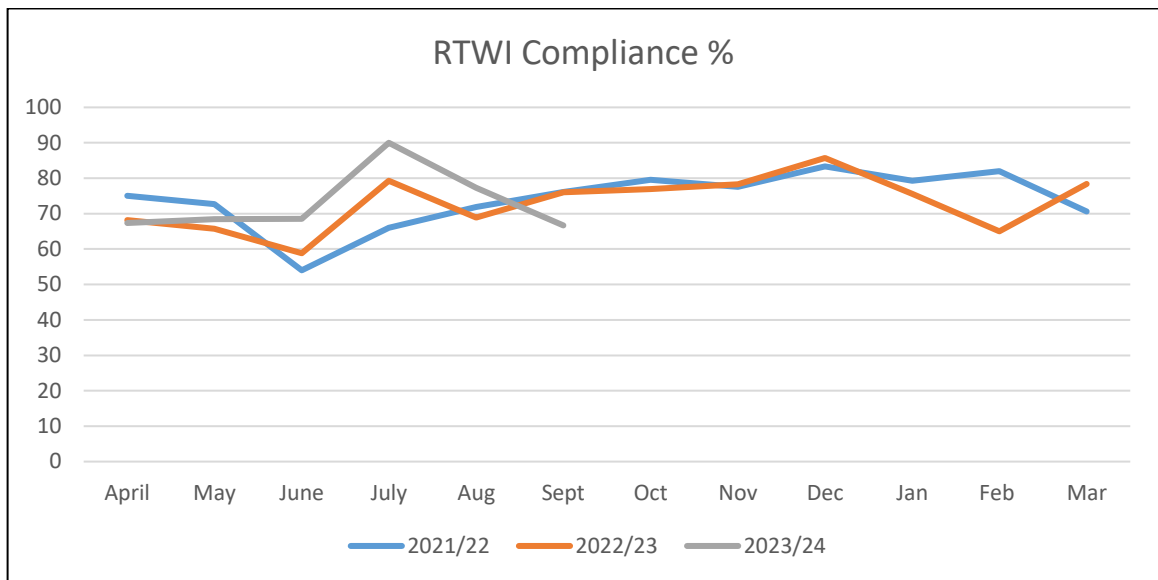
Please note that due to a change in reporting system from 01 October 2023, data for return to work compliance for Quarter 3 of 2023/24 is not currently available.

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	3 days	73.06	3.87
2023/24 (to end of Qtr. 2)	3 days	73.04	3.57

4.7.1 The table below shows a more detailed view of compliance by department for 2023/24 (to end of Qtr. 2) and includes the number of return to work interviews that this includes:

Service Unit	No. of FTE	RTWI % (rolling average)	Days to complete all RTWI (rolling average)
Chief Executive	7	100.00	1.14
Finance and Governance	72.82	64.58	4.82
Economy and Transformation	78.79	68.20	3.44
Housing and Community Safety	173.34	89.69	1.64
Public Services	147.01	60.67	5.21
Totals	478.96	73.04	3.57

The chart below illustrates RTWI compliance by month for 2021/22 to end of Qtr. 2:



4.7.2 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.

4.7.3 For 2023/24 (to end of Qtr.), the worst performing area is Economy, which includes Town Centres, with a compliance rate of 4.67% and average days to complete of 8.17.

4.7.4 Managers are required to select a reason for non-compliance when completing return to work interviews late. The below table gives details of reasons for lateness for 2023/24 (to end of Qtr. 2):

Reason	%
Employee on Leave	65.7
I forgot/Other priorities	7.46
Manager absent	11.94
Manager on Leave	11.94
System unavailable	1.49
Unable to find private space	1.49

4.8 FTE days lost to sickness



4.8.1 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)
2023/24 (to end of qtr.3)	8.68	3.42	5.26	8.75 (3.5 S/T and 5.25 L/T)

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

4.8.2 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

4.8.3 The table below gives a more detailed view of sickness absence for 2023/24 (to end of Qtr.3 ) by service unit:

Directorate	FTE	Short term FTE Days lost	Long Term FTE days lost	FTE Days lost
Chief Executive	7.81	1.09	2.69	3.78
Finance and Governance	71.54	2.44	3.88	6.32
Economy and Transformation	76.88	2.25	4.05	6.30
Housing and Community Safety	176.67	4.30	6.33	10.62
Public Services	150.89	3.61	5.44	9.05
Totals	483.79	3.42	5.26	8.68

#### 4.9 Top 3 Absence Drivers

- 4.9.1 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.
- 4.9.2 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.
- 4.9.3 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.
- 4.9.4 For 2023/24 (to end of Qtr 3), the absence driver trend continues with Mental Health related absences continuing to be the main reason for absence.

#### 4.10 Employee Benefits

- 4.10.1 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
2023/24 (up to Qtr. 3)	0	31	10	58	316	0	0

\*Current members at end of year

\*\* Registrations

## 5. Employee Relations

- 5.1 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.
- 5.2 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.
- 5.3 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 in previous years 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
2023/24 (up to Qtr.3)	12	16	0	4	22

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

## 6. Recruitment and Retention

- 6.1 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.
- 6.2 Staff Turnover
- 6.2.1 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
2023/24 (to end of Quarter 3)	8.80

### 6.3 Recruitment Information

6.3.1 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	2022/23			2023/24		
	Number of adverts	Total number of applications	Average number of applications	Number of adverts	Total number of applications	Average number of applications
April	18	79	4.39	13	73	5.62
May	9	44	4.89	5	36	7.2
June	11	56	5.09	6	67	11.17
July	21	9	2.33	5	57	11.40
August	12	24	2	17	43	2.52
September	8	49	6.13	9	31	3.44
October	8	22	2.75	3	3	1
November	8	38	4.75	8	41	5.12
December	5	17	3.4	2	56	28
January	8	24	3			
February	6	25	4.17			
March	12	31	2.58			

### 6.4 Time to Recruit

6.4.1 From January 2023, HR have started to monitor various stages of the recruitment process, including date of approval and appointment. The intention is to enable analysis of the recruitment process and identify any key areas of improvement

6.4.2 The performance data is currently limited but the table below gives an overview of days to recruit, i.e. working days from approval to recruit to formal offer of appointment, along with some early observations:

Month	Average time from approval to conditional offer	Total overall average time to recruit (approval to formal appointment)
January	39	55.5
February	37.5	51.83

March	24.71	34.71
April	21.75	32.12
May	26.71	40.14
June	15	41
July	17.67	31.33
August	28	43.25
September	38.5	62
October	Ongoing	Ongoing
November	Ongoing	Ongoing
December	Ongoing	Ongoing

Notes:

Data is counted from month original approval given and only shows completed recruitment campaign, which may include re-advertisement.

Where recruitment is ongoing, data is not included.

'Completed' recruitment campaigns will include where appointment has been made and/or where recruitment has been ceased.

For adverts where more than one appointment is sought, data is counted only once.

Early analysis of the data suggests some slack in the process from date of approval to time to interview. This would suggest that there needs to be better management and preparation of the process, i.e. recruiting manager should have a plan for their recruitment campaign, including planned short listing and assessment dates, at the time of approval.

## **7. Training and Development**

- 7.1 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.
- 7.2 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.
- 7.3 Appropriate training plays a vital role in ensuring employees perform their duties to the best of their abilities.
- 7.4 The table below gives details on non-completion of mandatory courses, to include refreshers where appropriate, as at end of December 2023. The data also includes those courses which require refreshers and where the original attendance has now 'expired':

Frontline Programme	Being the Manager Programme	Other Mandatory HR courses	Corporate Induction
84	3	10	20

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

7.5 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**

7.1 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.