

# Public Document Pack



Cyngor Sir  
**CEREDIGION**  
County Council

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01545 572070

Dear Sir / Madam

I write to inform you that a Special Meeting of the Corporate Resources Overview and Scrutiny Committee will be held at the ZOOM on Wednesday, 27 October 2021 at 10.00 am for the transaction of the following business:

1. **Apologies**
2. **Disclosures of personal interest (including whipping declarations)**  
**Members are reminded of their personal responsibility to declare any personal and prejudicial interest in respect of matters contained in this agenda in accordance with the provisions of the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct. In addition, Members must declare any prohibited party whip which the Member has been given in relation to the meeting as per the Local Government (Wales) Measure 2011.**
3. **Driving at Work - Council Fleet and Driving at Work - Use of Private Vehicles (Grey Fleet) policies (Pages 3 - 30)**
4. **Human Resources Model Policies for Schools, Dignity at Work Policy and Procedure and Managing Sickness Absence at Work (Pages 31 - 80)**
5. **Annual Report of Compliments, Complaints and Freedom of Information Activity 2020/2021 (Pages 81 - 110)**

Members are reminded to sign the Attendance Register

A Translation Services will be provided at this meeting and those present are welcome to speak in Welsh or English at the meeting.

Yours faithfully



**Miss Lowri Edwards**  
**Corporate Lead Officer: Democratic Services**

**To: Chairman and Members of Corporate Resources Overview and Scrutiny Committee**

The remaining Members of the Council for information only.

## Cyngor Sir CEREDIGION County Council

**REPORT TO:** Corporate Resources & Scrutiny Committee

**DATE:** 27 October 2021

**LOCATION:** Online

**TITLE:** HR Policies: (1) Driving at Work – Council Fleet and (2) Driving at Work – Use of Private Vehicles (Grey Fleet) policies

**PURPOSE OF REPORT:** To review and recommend two HR Policies: Driving at Work – Council Fleet and Driving at Work – Use of Private Vehicles Policies

**REASON SCRUTINY HAVE REQUESTED THE INFORMATION:** To review new policies

### **BACKGROUND:**

The development of these two new policies by People & Organisation Service has been in collaboration with Highways and Environmental. Both policies have been subject to consultation with the relevant Trade Unions and their amendments have been incorporated where appropriate.

The purpose of all staff policies and procedures is to clearly set out the behaviours, processes and procedures required of staff, how they can gain advice or support and, where applicable, the consequences of not adhering to the policy and/or procedure.

### **Driving at Work- Council Fleet Policy**

A Fleet and Driver Risk Management review was undertaken by a consultant on behalf of Zurich, the Council's insurance company. Its main purpose was to review the Council's policies and arrangements against best practice standards and to provide recommendations that assist with ensuring compliance, protecting our workforce from harm, and reducing the risk of incidents.

A key recommendation of the Review was the introduction of a Driving at Work Policy with embedded Driver Agreement which provides "clear unambiguous expectation as to driving standards". The Driving at Work – Council Fleet Policy is one of a suite of initiatives aimed at standardising recording and compliance across the vehicle fleet and achieving driving standards which improve driver and passenger safety, the number of fleet related incidents and accidents. Other initiatives include the introduction of a driver training e-learning module and robust checking systems for vehicles and licences.

The Driving at Work – Council Fleet Policy introduces;

- Driver/Plant Operator Agreement to be signed on an annual basis;

- The requirement to inform their manager of any change in health or physical/sensory impairments and an annual health assessment
- With cause drug and alcohol screening
- Employee paying up to £250 contribution to insurance excess costs, following a disciplinary procedure, if the damage is caused as a result of their negligence or driving without due care and attention

### **Driving at Work - Use of Private Vehicle (Grey Fleet) Policy**

The Driving at Work – Use of Private Vehicle (Grey Fleet) Policy set out the expectations of those employees who use their private vehicle for Council business purposes. An e-learning module will also be developed to complement the policy.

The Driving at Work – Use of Private Vehicle (Grey Fleet) Policy introduces;

- Private Vehicle user Declaration to be signed on an annual basis;
- The requirement to inform their manager of any change in circumstances which may affect the use of a private vehicle for work purposes
- With cause drug and alcohol screening
- Employee confirming that their vehicle is roadworthy, is MOT certificated (where appropriate) and correctly insured for business purposes.

|   |  |            |
|---|--|------------|
| <b>WELLBEING OF FUTURE GENERATIONS:</b> | <p><b>Has an Integrated Impact Assessment been completed? If, not, please state why</b></p> <p><b>Summary:</b></p> <p><b>Long term:</b></p> <p><b>Integration:</b></p> <p><b>Collaboration:</b></p> <p><b>Involvement:</b></p> <p><b>Prevention:</b></p> | <p>Yes</p> |
|---|--|------------|

### **RECOMMENDATION (S):**

- To recommend the approval of the Driving at Work – Council Fleet Policy and Driving at Work – Use of Private Vehicles (Grey Fleet) Policy by Cabinet

### **REASON FOR RECOMMENDATION (S):**

**Contact Name:** Geraint Edwards  
**Designation:** Corporate Lead Officer – People & Organisation  
**Date of Report:** 05/10/2021  
**Acronyms:**



Cyngor Sir CEREDIGION County Council  
Pobl a Threfniadaeth | People and Organisation

**DRAFT**

# Driving at Work – Council Fleet Policy

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## Version Control

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| Version | Date | Author | Comment |
|---------|------|--------|---------|
| 1.0     |      |        |         |

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## 1. Policy statement

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This Driving at Work – Council Fleet policy clearly sets out the expectations on those with managerial or supervisory responsibility for drivers and individual drivers. It is important that all managers / supervisors and drivers adhere to this policy and the procedures, which adopts the Health & Safety Executive's (HSE) safe driving risk-management ethos covering:

- **Safe driver:** are staff fit and competent to drive safely?
- **Safe vehicle:** are vehicles fit for purpose and in a safe road-worthy state?
- **Safe journey:** are journeys necessary and are they planned?

It is everyone's duty when at work:

- To take reasonable care of our own safety
- To take reasonable care of the safety of others who may be affected by what we do or fail to do
- To co-operate so that we can all comply with our legal duties

## 2. Scope

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This policy applies to all Ceredigion County Council employees, teachers, governors, elected members, volunteers and agency staff who drive the Council's Fleet as part of their duties.

The table below describes the two main driver categories in the Council:

|                      |   |
|----------------------|---|
| Council fleet driver | <ul style="list-style-type: none"><li>• Required to drive a vehicle supplied by the Council for some or all of their role.</li></ul> <b>This policy applies to this category of driver</b>  |
| Grey fleet driver    | <ul style="list-style-type: none"><li>• Required to drive for work reasons and paid mileage using a private vehicle or has use of a day hire vehicle arranged through the Council's Procurement Service.</li></ul> <b>See <i>Driving at Work – Use of Private Vehicles Policy</i> for this category of driver</b> |

The policy does not apply to commuting prior to the driver starting work, unless they are driving a vehicle provided by the Authority.

## 3. Roles and responsibilities

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### 3.1 Elected Members

- Are advised by Council Officers and have the responsibility to ensure adequate resources are available to enable the implementation of this policy and all other necessary measures to control foreseeable risks to our employees, governors, elected members, volunteers and agency staff who drive the Council's Fleet as part of their duties.
- An elected member with sufficient knowledge and experience is appointed the Council's health and safety champion and will oversee the development of this policy and bring driver and vehicle safety matters to the attention of affected Cabinet members.

### 3.2 Chief Executive

The Chief Executive has the overall responsibility for ensuring that the Council's Driving at Work policy is implemented and maintained. The Chief Executive will facilitate the provision of systems to carry out the following:

- The Chief Executive is directly responsible for the health, safety and wellbeing of all employees and any others who may be affected by any driving undertaken on behalf of the Authority as part of their duties.
- Ensuring the participation, commitment and involvement at all levels in the Council in improving the safety of our employees, governors, elected members, volunteers and agency staff who drive for work.
- Ensuring compliance with Driving at Work – Council Fleet policy and associated arrangements.

### 3.3 Health and Safety Team

The Health and Safety Manager and team will be responsible for the preparation and review of this policy. They will also:

- Assist with, monitor and audit the unannounced fleet vehicle checks carried out by Fleet Management Team.
- Following the completion of an incident management investigation by a line manager / supervisor, review the investigation and if felt appropriate undertake further investigation into driving incidents and potentially dangerous near- misses at work.
- Assist with complex/high risk driving at work risk assessments.
- Assist the learning and development team to develop a driving safely at work e-learning programme.
- Work in collaboration with the relevant Service area and HR in the event of driving at work incidents where reckless behaviour, drugs or alcohol are believed to be a causal factor.

- Report RIDDOR reportable incidents to the HSE and liaise with the HSE, Police and other external enforcing agencies where required.

### **3.4 Corporate Directors and Corporate Lead Officers**

Corporate Directors and Corporate Lead Officers have the general responsibility for compliance with the health and safety within their service areas. There also lies the expectation that from the head of the Council down, individuals should lead by personal example and follow the guidance in this policy, both in the way they drive themselves and in encouraging colleagues and employees to drive safely.

A Corporate Director will undertake the role of Health and Safety Champion bringing driver, Grey Fleet and Council Fleet safety matters to the attention of Leadership Group.

### **3.5 Trade Union Safety Representatives**

Safety Representatives play an important part in ensuring employees are fully consulted on and engaging with the Council's policies on safe driving, updates on driving and health at work and encouraging open communication between managers, unions and employees. Safety Representatives help by:

- Attending Health and Safety Representatives meetings and cascade information to the workforce and collect feedback.
- Reporting concerns / issues related to driving at work that have identified or have been referred to them to their supervisor / line manager or the relevant service area in the first instance. If these are subsequently not resolved, by referring them to the Health and Safety Representatives meeting or to the health and safety team or their union for escalation if it is considered that the issues have not been addressed in a timely manner.
- Leading by personal example.
- Highlighting driving at work concerns from an operational level.
- Offering feedback and contributing to the review of this policy.

### 3.6 Managers and Employee's responsibilities

| Driving at work activity                   | Supervisors / Managers must:   | Employees must:  |
|--|--|--|
| <b>Council Fleet and personal vehicles</b> | <ul style="list-style-type: none"> <li>• Ensure their employee has read, understood and signed the driver agreement policy on appointment and annually thereafter.</li> <li>• Enter the employee's driving licence details onto the CERI system.</li> <li>• Ensure that their drivers have a valid licence for the category of vehicle they drive at work.</li> <li>• Carry out risk assessments related to driving activities and communicate these to their teams.</li> <li>• Ensure drivers report driving incidents via the Council's Incident Management process.</li> <li>• Carry out thorough investigation of driving related incidents at work through the Council's Incident Management process.</li> <li>• Ensure their staff are aware of the policies and procedures relevant to driving at work, including the Alcohol and Drug Misuse policy, Sickness Absence policy, H&amp;S policy, Lone-working requirements etc.</li> <li>• Monitor the health and behaviour of their drivers including incident numbers, feedback from gate checks and complaint reports etc. and take suitable action where necessary.</li> <li>• Monitor the health and wellbeing of their drivers through supervision, annual appraisals and Occupational Health support where required</li> <li>• Seek advice from their HR Advisor if a driver's licence is suspended or revoked. Also advise the Fleet Management team of the suspension / revocation.</li> <li>• Work alongside HR recruitment process to ensure the job description and person</li> </ul> | <ul style="list-style-type: none"> <li>• Read, understand and sign the driver agreement on appointment and annually thereafter.</li> <li>• Comply and co-operate with the controls put in place regarding driving safely at work.</li> <li>• Hold a valid driving licence for the category of vehicle they drive at work.</li> <li>• Drive in accordance with the current laws of the road and Highway Code (i.e. traffic signs and signals, speed restrictions, use of seat belts, satellite navigation, action to take following incidents on the road, etc.).</li> <li>• Ensure that any loads in the vehicle are securely stowed.</li> <li>• Be fit to drive. If fitness to drive is impaired (i.e. medical condition, taking medication etc.), they must inform their supervisor / line manager and Fleet Management Team immediately and notify the DVLA as required.</li> <li>• Comply with any drug and alcohol test requests as outlined in the Driver's agreement.</li> <li>• Ensure that their eyesight meets the minimum requirements for driving and wear prescription glasses or corrective lenses if needed at all times whilst driving.</li> <li>• Not use any electronic devices including mobile phones when driving or when the vehicle is running.</li> <li>• Report any incidents whilst driving at work to their supervisor / line manager immediately.</li> <li>• Comply with the Council's smoke free policy</li> <li>• Complete and record, the daily vehicle checks prior to first use each day and report any defects identified by the check or which</li> </ul> |

|                                     |   |   |
|-------------------------------------|---|---|
|                                     | <p>specification are met (such as the checking of driving licences prior to appointment).</p>   | <p>arise whilst in use where appropriate.</p> <ul style="list-style-type: none"> <li>• Notify their manager and the Fleet Management team of any unspent driving convictions/ penalty points or any pending prosecutions / charges for driving related offences. Carry out all actions required to maintain their driving licence entitlement including but not limited to renewing their licence by the expiry date and attending any medicals where required to renew the licence.</li> <li>• Comply with any restrictions related to their licence.</li> <li>• Notify their supervisor/line manager and Fleet Management team immediately of any reason, which may lead to the suspension or revocation of their licence in full or in part.</li> <li>• Plan their journeys taking into account weather, time of day and where relevant, time constraints e.g. meeting start time.</li> <li>• Attend any training required to reduce risk, maintain competency and put this training into effect.</li> </ul> |
| <p><b>Driving Council Fleet</b></p> | <ul style="list-style-type: none"> <li>• Ensure their drivers have attended all relevant training e.g. CDAT and MiDAS updates, H&amp;S update training, vehicle familiarisation sessions and toolbox talks relevant to their duties.</li> <li>• Ensure their driving staff have attended Fleet and job specific training prior to starting their driving duties</li> <li>• Ensuring drivers provide driving licence and Driver CPC card (where appropriate) details every 6 months to enable checks to ensure eligibility to drive.</li> <li>• Ensure their drivers complete their daily driver checks prior to first use; they are recording these and reporting defects.</li> </ul> | <ul style="list-style-type: none"> <li>• Complete and record the daily vehicle defect book and report any defects immediately to their supervisor / line manager and Fleet Management team.</li> <li>• Attend the additional training required (MiDAS, CDAT, etc.) for the items of the fleet they drive at work and ensure they are up to date. Where required, to undertake the 37 hours of driver CPC training over a 5-year period in line with the Council's Driver CPC programme. Where required carry their Driver CPC card at all times whilst driving a relevant item of Council Fleet.</li> <li>• Take the breaks from driving as required by current legislation.</li> </ul>   |

|  |  |  |
|--|--|--|
|  | <ul style="list-style-type: none"> <li>• Notify Insurance Section of any driver who informs you that they have received a driving conviction / endorsement to ensure continuation of cover.</li> </ul> |  |
|--|--|--|

### 3.7 Fleet Management

The Council's Fleet Management Service is responsible for the management of the Council's owned, leased and hired fleet. This involves:

- Ensuring compliance with relevant health and safety and Fleet / driving related legislation,
- Complying with its obligations as an Operator's Licence holder,
- Developing and reviewing its Safe Systems of Work and Risk Assessments in liaison with the Corporate Health and Safe Unit,
- Undertaking audits of compliance with Fleet related management and driving requirements,
- Providing or arranging for the provision of Fleet driver training e.g. Driver CPC, MIDAS, CDAT and Infringement training,
- Management and supervision of Fleet Management related contractors on site,
- Management of fuel stocks,
- Operation of the Council's Transport Maintenance Units (TMUs) which are situated at Glanyrafon Depot, nr. Aberystwyth and Penrhos Depot, nr. Llandysul whose work includes:
  - Planning and undertaking scheduled inspections, maintenance and preparation for MOT / Annual testing,
  - Diagnosing faults and identifying defects; undertaking or arranging repairs where necessary
  - Responding to / recovering fleet involved in accidents or which have broken down (including on call out of hours)
  - Undertaking Class 4 and 7 MOTs,
  - Management of parts and consumables,
  - Operation of activities in line with Safe Systems of Work and Risk Assessments.

## 4. Revision of policy

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The Council will review and update this policy as required to reflect changes in legislation, processes, post-incident recommendations and case law.

### How the success of the policy will be measured

The success of this policy will be measured by the increase or decrease in:

- The number of driving related incidents reported.
- The number of reportable driver related incidents that are deemed to be avoidable.
- The number of traffic infringements received.
- The number of notices of intended prosecutions of drivers received in relation to vehicles of the Council's Fleet.
- The costs of repairs and maintenance of the Fleet.
- Other financial costs associated with vehicle use.
- The average cost of vehicle-related employee compensation claims.

## 5. Appendices

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|            |   |
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| Appendix 1 | Driver/Plant Operator Agreement         |
| Appendix 2 | Driving Incident – Reporting Flow Chart |

## Ceredigion County Council

### Driver/Plant Operator Agreement

This agreement sets out the expectations, requirements and conditions of all employees who are required to drive or operate any Fleet item within the course of their duties.

#### **Definitions**

|                                |   |
|--------------------------------|---|
| <i>Council Fleet</i>           | <i>All vehicles, plant and trailers owned, leased or on hire to the Ceredigion County Council</i>                             |
| <i>Drivers/Plant Operators</i> | <i>All employees who are required to drive and/or operate an item of the Council Fleet during the course of their duties</i>  |
| <i>Employees</i>               | <i>Any permanent, temporary, casual, relief or agency staff employed by or working on behalf of Ceredigion County Council</i> |

**All employees must agree and fully adhere to the following conditions, failure to adhere may result in the revocation of the right to drive/operate a Ceredigion Council vehicle and disciplinary action.**

#### **Employee personal responsibilities:**

- Employees must inform their manager and the Fleet Management Team if they have any new or existing underlying health conditions or any other physical or sensory impairments that may affect their ability to drive / operate their vehicle / plant safely. They must present themselves when requested for an annual health assessment to assess their health, wellbeing and fitness to drive/operate Council Fleet.
- Employees must hold a valid licence to drive or operate the vehicle, plant or trailer they use.
- Employees must notify their manager and the Fleet Management Team of any unspent driving convictions/ penalty points.
- Employees must obey road/ traffic regulations and drive with due care and attention at all times.
- Employees must have completed the Ceredigion Driver Awareness Training (CDAT), MIDAS (Minibus Driver Awareness Scheme) training (where applicable) and vehicle familiarisation (where appropriate) for the vehicles, plant or trailer they use.
- Drivers must ensure that they, and all passengers, are wearing seatbelts as required by law and Council policy.
- Employees involved in any vehicle / plant related incident must report this to their line manager immediately, irrespective of whether anyone was hurt or not, and no matter how insignificant the damage to the vehicle or plant. Drivers must

follow the incident reporting procedure as outlined in the incident reporting flow chart.

- Employees must not interfere with or modify any risk mitigating equipment (including dash cameras & telematics).
- Employees must report to their manager if they are taking any prescribed (or over the counter) medication that may affect their ability to drive / operate their vehicle / plant safely.
- Employees are required to comply with all requirements related to maintaining their driving licence entitlement including but not limited to:
  - renewing their licence at the required intervals specified on their licence in accordance with their age and / or medical conditions; and
  - notifying the DVLA of any new reportable medical conditions or changes to existing medical condition which may affect their ability to drive.
- Employees must not smoke or use electronic cigarettes in vehicles.
- Employees who are required to hold a Drivers CPC card must undertake the 37 hours of driver CPC training where relevant over a 5 year period. Drivers must carry their CPC cards with them at all times whilst driving vehicles / plants where driver CPC is required.
- The employee must submit their licence and CPC card details on an 6 monthly basis, when requesting a new defect check book or drivers hours book or as required by their manager.
- Employees must only use the vehicle for work purposes (some employees may be permitted to take vehicles home; in which case, Council vehicles must not be used for domestic / personal purposes).

### **Drug and Alcohol Testing**

- Employees must not drive / operate any vehicles or any equipment if they are under the influence of illegal substances or alcohol.
- To ensure the effective implementation and operation of this agreement and the Driving at Work Policy, the Council reserves the right to require Employees to undertake alcohol and/or drug tests when it is suspected that they are under the influence of drugs or alcohol.
- Employees are advised that a request to undergo alcohol and drug testing does not, in itself, indicate that they are suspected of wrongdoing.
- Where testing takes place, the individual will be expected to sign a written consent to be tested. Failure to give consent, or refusal to supply a sample of urine, blood, hair or other sample as reasonably required, will be considered to be a breach of this agreement and may lead to disciplinary action being taken.
- Tests will be conducted under the direction of, and test results interpreted by, a professional external service that meets appropriate standards. Staff will have access to a duplicate of any sample taken to enable them, if they wish, to have it independently analysed. Other arrangements relating to screening will be discussed with affected members of staff at the time.
- When testing for alcohol, a blood-alcohol level of 80 mg of alcohol per 100 ml of blood or above will usually lead to disciplinary action.

**Employee vehicle / plant responsibilities:**

- Drivers must ensure that they complete their daily checks prior to first use of a vehicle, plant or trailer each day and record this in their Driver’s Daily Check.
- Drivers must report any defects identified as part of their daily check, or any which arise during use, to the Transport Maintenance Unit immediately and follow any instruction given.
- The employee is responsible for ensuring the vehicle / plant is kept in a clean, usable condition.
- The employee is required to present the vehicle / plant / trailer for inspection at the required intervals.

**IMPORTANT**

**This list is not exhaustive; all drivers must ensure they comply with all legal and employment requirements.**

**Employees who are found to have caused damage to either an item of the Council Fleet, third party vehicle or property through negligence or driving without due care and attention may be liable, following a disciplinary hearing, for an amount of up to £250 as a contribution to insurance excess costs.**

**EMPLOYEE DECLARATION**

**I have read, understand and agree to comply with above conditions authorising me to drive/operate Ceredigion County Council Fleet items.**

**I understand and specifically authorise Ceredigion County Council to deduct from my pay or other payments due to me any money which I may owe to the Council under the terms of this Agreement.**

Employee signature:.....

Print name:.....

Employee number: .....

Date: .....

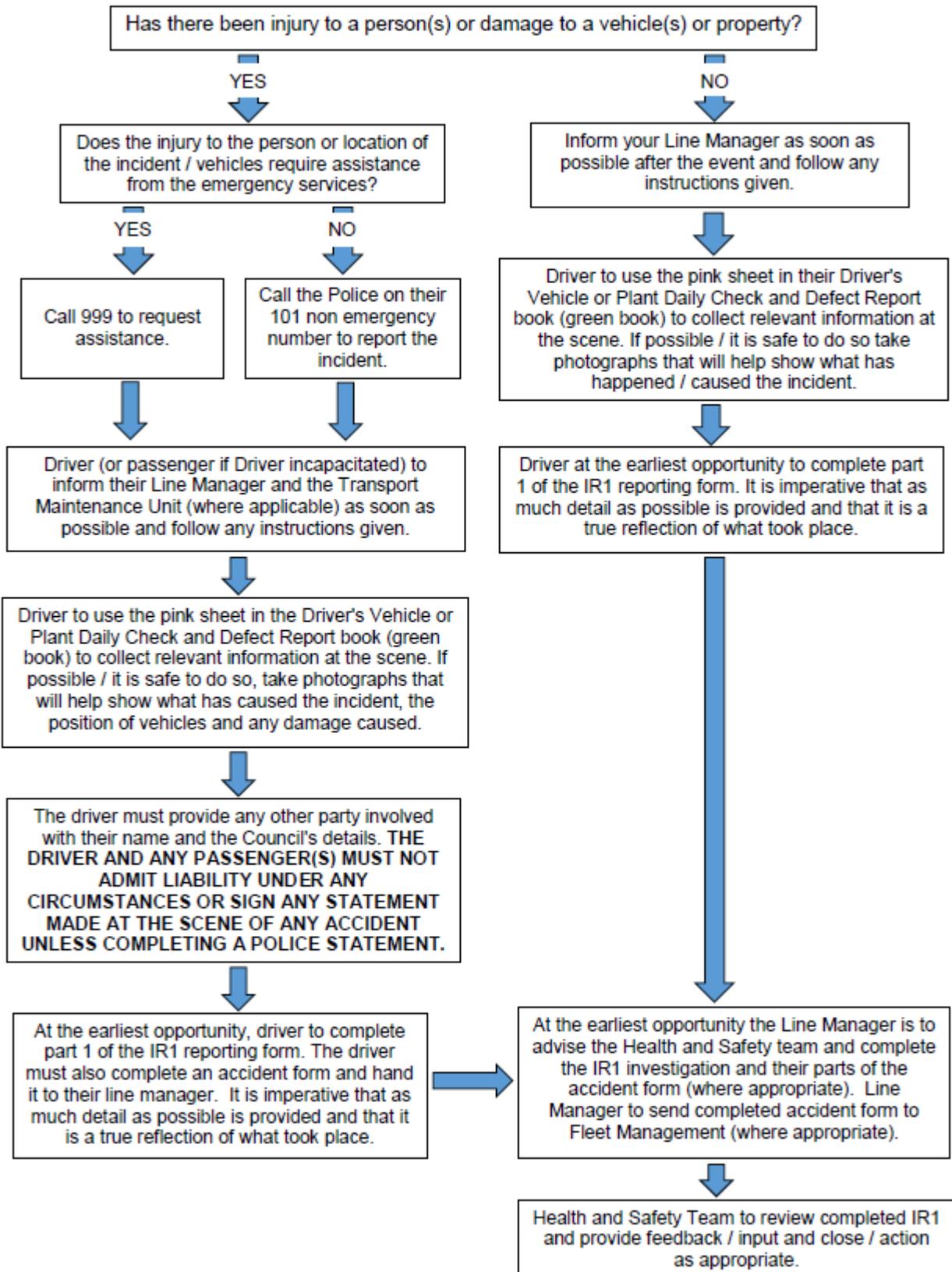
Job Title:.....

Manager signature: .....

Print name:.....

Date:.....

## Driving Incident - Reporting Process Flow Chart





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## **Driving at Work – Use of Private Vehicles (Grey Fleet) Policy**

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## Version Control

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| Version | Date | Author | Comment |
|---------|------|--------|---------|
| 1.0     |      |        |         |

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## 1. Introduction

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The Council has a responsibility to their employees and others who may be affected by their actions. To ensure it fulfils this duty of care the Council is required to comply with legislative requirements when employees use their own vehicles for work related business. There are a number of risk implications of this for both the Council and its employees which have to be managed such as welfare, health and safety, transport, and insurance.

An employee's own vehicle is deemed to be a *place of work* when it is being used on their employers' business, and therefore there are responsibilities which fall on employers in terms of assessing any risks and taking reasonable, practicable precautions.

These risks include the drivers being unlicensed or uninsured, or the vehicles being un-roadworthy or unsuitable for the purpose, which could lead to the risk of accidents and injuries, potentially followed by compensation claims and prosecutions under road traffic law or health and safety legislation.

## 2. Policy statement

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This policy clearly sets out the expectations on those employees who use privately owned vehicles for Council business and the expectations on their line managers. It is important that all managers and employees who use a private vehicle for work purposes adhere to this policy and the procedures, which adopts the Health & Safety Executive's (HSE) safe driving risk-management ethos covering:

- **Safe driver:** are staff fit and competent to drive safely?
- **Safe vehicle:** are vehicles fit for purpose and in a safe road-worthy state?
- **Safe journey:** are journeys necessary and are they planned?

It is everyone's duty when at work:

- To take reasonable care of our own safety
- To take reasonable care of the safety of others who may be affected by what we do or fail to do
- To co-operate so that we can all comply with our legal duties

## 3. Scope

---

This policy applies to all Ceredigion County Council employees, school employed staff, governors, elected members, volunteers and agency staff who drive their own private

vehicles or a hired vehicle which has been arranged through the Council's Procurement Team on work business.

The table below describes the two main driver categories in the Council:

|                      |   |
|----------------------|---|
| Council fleet driver | <ul style="list-style-type: none"> <li>Required to drive a vehicle supplied by the Council for some or all of their role.</li> </ul> <p><b>See <i>Driving at Work – Council Fleet Policy</i> for this category of driver</b></p>  |
| Grey fleet driver    | <ul style="list-style-type: none"> <li>Required to drive for work reasons and paid mileage using a private vehicle or has use of a day hire vehicle arranged through the Council's Procurement Service.</li> </ul> <p><b>This policy applies to this category of driver</b></p> |

The policy does not apply to commuting prior to the driver starting work

## 4. Roles and responsibilities

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### 4.1 Elected Members

- Are advised by Council Officers and have the responsibility to ensure adequate resources are available to enable the implementation of this policy and all other necessary measures to control foreseeable risks to our employees, governors, elected members, volunteers and agency staff who drive their own private vehicles or privately hired vehicles on work business
- An elected member with sufficient relevant knowledge and experience is appointed the Council's Health and Safety Champion and will oversee the development of this policy and bring driver and vehicle safety matters to the attention of affected Cabinet members.

### 4.2 Chief Executive

The Chief Executive has the overall responsibility for ensuring that this Driving at Work – Use of Private Vehicles policy is implemented and maintained. The Chief Executive will facilitate the provision of systems to carry out the following:

- The Chief Executive is directly responsible for the health, safety and wellbeing of all employees and any others who may be affected by any driving undertaken on behalf of the Authority when driving their own private vehicles or privately hired vehicles on work business
- Ensuring the participation, commitment and involvement at all levels of the Council in improving the safety of our employees, governors, elected members, volunteers and agency staff who drive for work.

- Ensuring compliance with Driving at Work – Use of Private Vehicles policy and associated arrangements.

### **4.3 Health and Safety Team**

The Health and Safety Manager and team will be responsible for the preparation and review of this policy. They will also:

- Following the completion of an incident management investigation by a line manager / supervisor, review the investigation and if felt appropriate undertake further investigation into driving incidents and potentially dangerous near- misses at work.
- Assist with complex/ high risk driving at work risk assessments.
- Assist the learning and development team to develop a driving safely at work e-learning programme.
- Work in collaboration with the relevant Service area and HR in the event of driving at work incidents where reckless behaviour, drugs or alcohol are believed to be a causal factor.
- Where appropriate, report RIDDOR reportable incidents to the HSE and liaise with the HSE, Police and other external enforcing agencies where required.

### **4.4 Corporate Directors and Corporate Lead Officers**

Corporate Directors and Corporate Lead Officers have the general responsibility for compliance with the health and safety within their service areas. They are also expected to lead by example and follow the requirements and guidance in this policy, both in the way they drive themselves and by encouraging colleagues and employees to drive safely.

A Corporate Director will undertake the role of Health and Safety Champion bringing driver, Grey Fleet and Council Fleet safety matters to the attention of Leadership Group.

### **4.5 Safety Representatives**

Safety Representatives play an important part in ensuring employees are fully consulted on and engaging with the Council's policies on safe driving, updates on driving and health at work and encouraging open communication between managers, unions and employees. Safety Representatives help by:

- Attending Health and Safety Representatives meetings and cascade information to the workforce and collect feedback.
- Reporting concerns / issues related to driving at work that have identified or have been referred to them to their supervisor / line manager or the relevant service area in the first instance. If these are subsequently not resolved, by referring them to the Health and Safety Representatives meeting or to the

health and safety team or their union for escalation if it is considered that the issues have not been addressed in a timely manner.

- Leading by example.
- Highlighting driving at work concerns from an operational level.
- Offering feedback and contributing to the review of this policy.

#### 4.6 Managers and Employee's responsibilities

| Driving at work activity                   | Line Managers must:   | Employees must:  |
|--|---|--|
| <b>Council Fleet and personal vehicles</b> | <ul style="list-style-type: none"> <li>• Ensure their employee has read, understood and signed the Private Vehicle User declaration on appointment and annually thereafter.</li> <li>• Enter the employee's driving licence details onto the CERL system.</li> <li>• Ensure drivers report driving incidents via the Council's Incident Management process.</li> <li>• Where relevant, carry out thorough investigation of driving related incidents at work through the Council's Incident Management process.</li> <li>• Ensure their staff are aware of the policies and procedures relevant to driving at work, including the Alcohol and Drug Misuse policy, Sickness Absence policy, H&amp;S policy, Lone-working requirements etc.</li> <li>• Seek advice from their HR Advisor if a driver's licence is suspended or revoked.</li> <li>• Work alongside HR recruitment process to ensure the job description and person specification are met (such as the checking of driving licences prior to appointment).</li> </ul> | <ul style="list-style-type: none"> <li>• Read, understand and sign the Private Vehicle User declaration on appointment and annually thereafter.</li> <li>• Comply and co-operate with the controls put in place regarding driving safely at work.</li> <li>• Hold a valid driving licence for the category of vehicle they drive at work.</li> <li>• Drive in accordance with the laws of the road and Highway Code (i.e. traffic signs and signals, speed restrictions, use of seat belts, satellite navigation, action to take following incidents on the road, etc.).</li> <li>• Ensure that any loads in the vehicle are securely stowed.</li> <li>• Be fit to drive. If fitness to drive is impaired (i.e. medical condition, taking medication etc.), they must inform their line manager immediately and notify the DVLA as required.</li> <li>• Comply with any drug and alcohol screening requests as outlined in the Private Vehicle User Declaration.</li> <li>• Ensure that their eyesight meets the minimum requirements for driving and wear prescription glasses or corrective lenses if needed at all times whilst driving.</li> <li>• Not use any electronic devices including mobile phones when driving or when the vehicle is running.</li> <li>• Report any incidents whilst driving at work to their line manager immediately.</li> <li>• Comply with the Council's smoke free policy</li> <li>• Notify their manager of any unspent driving convictions or any pending</li> </ul> |

|                                  |   |  |
|----------------------------------|---|--|
|                                  |   | <p>prosecutions / charges for driving related offences.</p> <ul style="list-style-type: none"> <li>• Notify their supervisor / line manager immediately of any reason, which may lead to the suspension or revocation of their licence in full or in part.</li> <li>• Carry out all actions required to maintain their driving licence entitlement including but not limited to renewing their licence by the expiry date.</li> <li>• Comply with any restrictions related to their licence.</li> <li>• Plan their journeys taking into account weather, time of day and where relevant, time constraints e.g. meeting start time.</li> <li>• Attend any training required to reduce risk, maintain competency and put this training into effect.</li> </ul> |
| <b>Driving personal vehicles</b> | <ul style="list-style-type: none"> <li>• Ensure that their drivers are aware of the requirements for their vehicles to be roadworthy at all times, be taxed, have a current MOT (where applicable) and be appropriately insured for business use where any expenses claims are made.</li> </ul> | <ul style="list-style-type: none"> <li>• Carry out regular vehicle condition / defect checks and ensure the servicing, repair and maintenance of their own vehicle.</li> <li>• Ensure that their vehicle is taxed, has a current MOT and is appropriately insured for business use where any expenses claims are made. Keep their vehicle details updated on the CERI system (self-service).</li> <li>• Keep their electronic diaries up to date to ensure their colleagues and line manager know their whereabouts for lone working / safety reasons.</li> </ul>  |

## 5. Business travel

- 5.1** The Council is responsible for meeting the cost of travel by its employees on official business. Official travelling means necessary travel for the purpose of:
- attendance at meetings in pursuit of official Council's business
  - attendance at training courses
  - journeys made on work related business

- 5.2** Official travelling does not include travel from home to normal place of work and the return journey. See Officer Travelling & Subsistence guidance on CeriNet for further details

## **6. Revision of policy**

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The Council will review and update this policy as required to reflect changes in legislation, processes, post-incident recommendations and case law.

## **7. Appendices**

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Appendix 1            Private Vehicle User Declaration

# Ceredigion County Council

## Private Vehicle User Declaration

I understand the Driving at Work – Use of Private Vehicles Policy and the requirements relating to the use of a private vehicle at work. I acknowledge that it is my responsibility, whilst using a private vehicle for work purposes, to ensure that:

- I am correctly licensed to drive it and have the correct vehicle permissions.
- I will produce my driving licence when requested by my line manager
- The vehicle is serviced and maintained in a roadworthy condition as required by road safety legislation and is suitable for the task.
- I will produce, upon request, my MOT certificate (where required).
- My use of the vehicle is covered by an appropriate insurance policy which includes the use for business purposes and I will produce the insurance certificate when requested by my manager.
- I will bring to my line manager's immediate attention any change in circumstances which may affect the use of a private vehicle for work purposes, including any conviction for a traffic offence, onset of a medical condition, illness, injury or impairment affecting my ability and fitness to drive.

### Notes

Insurance policies for Social, Domestic and Pleasure use typically only permit travel to the normal place of work from home and back again. Individuals must ensure that their intended use of a privately owned vehicle is covered for business use, for the period their vehicle is to be used. If in doubt individuals should check with their insurance company to establish if their existing insurance policy provides cover for the intended use before using a private vehicle for Council business use. In addition, claims for damages or injuries remain a personal responsibility.

Drivers are expected to ensure they have checked their vehicle for roadworthiness prior to use on council business.

### Drug and Alcohol Testing

Employees must not drive any vehicle if they are under the influence of illegal substances or alcohol.

- To ensure the effective implementation and operation of this declaration and the Driving at Work Policy – Use of Private Vehicles, the Council reserves the right to require employees to undertake alcohol and/or drug tests when it is suspected that they are under the influence of drugs or alcohol.
- Employees are advised that a request to undergo alcohol and drug testing does not, in itself, indicate that they are suspected of wrongdoing.
- Where testing takes place, the individual will be expected to sign a written consent to be tested. Failure to give consent, or refusal to supply a sample of urine, blood, hair or other sample as reasonably required, will be considered to be a breach of this agreement and may lead to disciplinary action being taken.
- Tests will be conducted under the direction of, and test results interpreted by, a professional external service that meets appropriate standards. Staff will have access to a duplicate of any sample taken to enable them, if they wish, to have it

independently analysed. Other arrangements relating to screening will be discussed with affected members of staff at the time.

- When testing for alcohol, a blood-alcohol level of 80 mg of alcohol per 100 ml of blood or above will usually lead to disciplinary action.

**EMPLOYEE DECLARATION**

**I have read, understand and agree to comply with above conditions**

Employee signature:.....

Print name:.....

Employee number: .....

Date: .....

Job Title:.....

Manager signature: .....

Print name:.....

Date:.....

## Cyngor Sir CEREDIGION County Council

**REPORT TO:** Corporate Resources Overview & Scrutiny Committee

**DATE:** 27 October 2021

**LOCATION:** Online

**TITLE:** HR Model Policies for Schools: Dignity at Work Policy & Procedure and Managing Sickness Absence at Work

**PURPOSE OF REPORT:** To review and recommend for approval the Dignity at Work Model Policy & Procedure and the Managing Sickness Absence at Work Model Policy and to recommend adoption by Ceredigion School Governing Bodies.

**REASON SCRUTINY HAVE REQUESTED THE INFORMATION:** To review new policies

### **BACKGROUND:**

The following policies have been developed and updated by People & Organisation Service and if approved will be provided to all school governing bodies in Ceredigion with a recommendation of their consideration and adoption. Both model policies have been the subject of consultation with the local teaching and support staff trade unions through the Schools Trade Union Forum. The policies as attached have been discussed, amended and agreed by the relevant Trade Unions.

- Dignity at Work Model Policy for Schools
- Managing Sickness Absence at Work Model Policy for Schools

The purpose of all staff policies and procedures is to clearly set out the behaviours, processes and procedures required of staff, how they can gain advice or support and, where applicable, the consequences of not adhering to the policy and/or procedure.

### **Dignity at Work Model Policy for Schools**

This policy outlines the value of a productive and supportive working environment and the commitment to eliminating bullying and harassment. All employees have the right to be treated with dignity and respect at work and no form of victimisation, discrimination, intimidation or behaviour that amounts to bullying or harassment will be tolerated.

In addition to those school based staff employed by the Governing Body this policy also covers volunteers, trainees and students on placements within the school.

This policy provides a framework to help prevent bullying and harassment of school employees and explains the procedure that should be followed if such incidents occur.

### **Managing Sickness Absence at Work Model Policy for Schools**

The policy has been revised to ensure that the policy and procedure are compliant with changes in legislation, whilst also strengthening the process for managing sickness. The policy outlines the value of ensuring and encouraging regular attendance at work of all its employees and to identify the causes of absence in order to assist its employees. It aims to create a healthy and supportive working environment conducive to high levels of attendance.

The policy acknowledges that ill health or injury can affect any one at any time and undertakes to treat those who are unable to work due to ill health fairly, confidentially and sensitively. This policy sets out procedures to provide a fair and consistent framework for handling long term and short term employee sickness absence.

|   |  |     |
|---|--|-----|
| <b>WELLBEING OF FUTURE GENERATIONS:</b> | <b>Has an Integrated Impact Assessment been completed? If, not, please state why</b> | Yes |
|   | <b>Summary:</b>  |     |
|   | <b>Long term:</b>  |     |
|   | <b>Integration:</b>  |     |
|   | <b>Collaboration:</b>  |     |
|   | <b>Involvement:</b>  |     |
|   | <b>Prevention:</b>   |     |

#### **RECOMMENDATION (S):**

- To recommend approval of the Dignity at Work Model Policy and Procedure for Schools and to commend to Governing Bodies for adoption within schools in Ceredigion.
- To consider the Managing Staff Sickness at Work Model Policy and Procedure for Schools to commend to Governing Bodies for adoption within schools in Ceredigion.

#### **REASON FOR RECOMMENDATION (S):**

- To provide a safe, healthy and productive work environment free from harassment, bullying and victimisation across schools in Ceredigion.
- To provide support and promote a healthy workforce that is vital to the success of our pupils.

|                        |  |
|------------------------|--|
| <b>Contact Name:</b>   | Geraint Edwards                                |
| <b>Designation:</b>    | Corporate Lead Officer – People & Organisation |
| <b>Date of Report:</b> | 28/09/2021                                     |

**Acronyms:**



Cyngor Sir CEREDIGION County School  
Adnoddau Dynol | Human Resources

## Managing Staff in Schools

### Dignity at Work Model Policy and Procedure for Schools

**September 2021**



[www.ceri.ceredigion.gov.uk](http://www.ceri.ceredigion.gov.uk)

## Version Control

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| Version | Date | Author | Comment |
|---------|------|--------|---------|
|         |      |        |         |

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# Policy

## 1. Policy Statement

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- 1.1 The School is committed to promoting an environment where employees can work without fear of being intimidated, harassed or bullied. Every employee within the School has a responsibility to treat colleagues with dignity and respect. We want to develop a working environment where employees feel safe and supported in all circumstances.
- 1.2 This document sets out the School's commitment to promote dignity and respect in the workplace, and it is expected that all employees will behave responsibly in supporting the School's position in establishing and maintaining a non-hostile working environment.

## 2. Scope

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- 2.1 This policy covers bullying and harassment of all school employees, whose salaries are charged directly to a school's budget (i.e. fulltime, part time and temporary employees).
- 2.2 The policy covers bullying and harassment in the workplace and in any work-related setting outside the workplace, e.g. work related social events.
- 2.3 It also applies to students on placements with the School, trainees and volunteers.
- 2.3 This policy is to be read and followed in conjunction with the School's other policies and procedures including, the Disciplinary Policy, Whistleblowing Policy, Information Technology policies, etc. Copies of model school HR policies are available on Ceri Net.

## 3. Principles

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- 3.1 People do not thrive in an environment where bullying, aggressive behaviours, low praise and criticisms exist. The School has a duty of care towards its employees and intends to apply that duty in order to ensure dignity and respect at work for all employees.
- 3.2 Allegations of harassment and/or bullying will be dealt with sensitively and in confidence, and support will be available for employees who believe their dignity at work has been breached. The School expects all staff to commit to and maintain a

supportive non hostile working environment, and be responsible for their own behaviour.

- 3.3 It is important to note that legitimate management of issues such as performance or unacceptable behaviour is not a form of harassment or bullying, if it is undertaken with respect. For example, the Headteacher and Managers should be mindful that if they need to reprimand a member of staff, they should do so in a private setting rather than in front of others.
- 3.4 Whilst the School's position on harassment and bullying is that it is wholly unacceptable, it should be made clear that false allegations, whether trivial or malicious, are also wholly unacceptable. The School places a value on all employees and it is critically important that employees are protected from any false allegations which may be made against them.
- 3.5 It is quite possible that an employee causing upset may be completely unaware of how their behaviour has upset another employee.
- 3.6 Members of Trade Unions may contact their Trade Union at any time for advice, guidance and support

## 4. Definitions

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### 4.1 Harassment

- 4.1.1 The key legislation which provides protection from harassment is the Equality Act 2010, Protection from Harassment Act 1997 and Health and Safety at Work 1974. Harassment relating to a protected characteristic (age, disability, gender reassignment, race, religion or belief, sex and sexual orientation, pregnancy and maternity, marriage and civil partnership) is unlawful and is covered by the Equality Act 2010. The ACAS definition of harassment is:
  - 4.1.2 Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.' *ACAS Guidelines 2010*

### 4.2 Bullying

- 4.2.1 There is no single legal perspective which deals with bullying. Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Bullying can take the form of physical, verbal and non-verbal conduct.

## 5. Roles and Responsibilities

---

- 5.1 All employees are responsible for their own behaviour, both individually and collectively. Behaviour that may be viewed by others as harassment or bullying must not be practiced, encouraged or allowed.
- 5.2 Managers and Supervisors are responsible for ensuring proper implementation of the policy, particularly for those they manage or supervise. When an instance of harassment/bullying is reported to them, it is expected that every effort will be taken to resolve the issue informally as part of their day to day managerial responsibility.
- 5.3 The Headteacher will publicise this policy, procedure and accompanying guidelines amidst all school employees as widely as possible in order to ensure awareness of its existence, contents and aims.
- 5.4 The Governors will promote the principles of equal opportunities in the workplace, ensure adherence to this policy and procedure and monitor its effectiveness.

## Stage One - Informal Stage

### 6. Informal Stage Procedure

---

- 6.1. In the case of a dignity at work complaint the first point of contact will, where practicable, be the relevant manager or supervisor (or their direct manager where the complaint relates to the manager).
- 6.2. The complainant should complete FORM 1 (appendix 1) prior to meeting with their manager, this will assist the process and help them focus on and communicate their complaint.
- 6.3. For most cases of alleged bullying or harassment, the first stage is to seek to resolve the problem informally. Informal solutions can often provide more positive outcomes for all concerned and result in improving and maintaining good working relationships. Most people who complain that they are being bullied or harassed simply want the behaviour to stop.
- 6.4. It is often the case that the alleged bully or harasser is not aware that his/her actions are inappropriate or upsetting and it is likely that simply informing the person of the effects of their behaviour will be enough to cause it to cease. It is important to remember that there is no single definition of what constitutes bullying or harassment and perceptions vary greatly from one person to the next.
- 6.5. Before invoking the Dignity at Work policy, employees should wherever possible, attempt to resolve their concerns informally and confidentially with the person(s) involved. This gives both parties the opportunity to clear up any misunderstanding and resolve matters informally. This would involve the person who feels he or she is being bullied or harassed making his or her feelings known to the person who is causing the offence and asking him or her to stop. The approach should be tactful, but firm aiming to build working relationships built on trust, honesty and mutual respect.
- 6.6. There will be situations where an employee is experiencing such distress, anxiety and embarrassment that he or she feels such an approach would be inappropriate or does not feel able to approach the colleague whose behaviour they feel is causing these difficulties. In other cases, the employee may have tried, without success, to deal with the issue by a direct approach to the person they feel is the cause of the problem. In either of these cases, the employee should seek the support of their Headteacher/Line Manager and invoke the informal stage of this procedure. If the Headteacher/Line Manager is implicated in the alleged behaviour,

the employee should approach the Chair of Governors (in the case of the Headteacher) or the Line Manager's manager. Support may also be sought from a work colleague or trade union representative.

- 6.7. The aim of the informal stage is to facilitate mediation between the complainant and the alleged harasser and, if possible, to achieve conciliation between them.
- 6.8. Mediation refers to neutral and objective facilitation by a third party to help the parties communicate with each other and come to an agreement. Conciliation refers to the process once a decision has been made, whether formally or informally, to facilitate the restoration of positive working relationships.
- 6.9. Mediation can play a vital role in complaints about bullying and harassment, by providing a confidential avenue for an informal approach, and perhaps the opportunity to resolve the complaint without need for any further or formal action. Mediation may resolve the issue or help support the person accused as well as the complainant.
- 6.10. Mediation is most likely to be successful if both parties understand what mediation involves and enter into the process voluntarily with a mind set to seek to repair the working relationship. The mediation process will give the complainant the chance to explain to the alleged harasser the effect their behaviour is having on him or her and the alleged harasser the opportunity to respond. From the complainant's point of view, this will involve an end to the behaviour that is causing them distress.
- 6.11. Both parties must agree to mediation. If any of the parties do not agree to mediation, it cannot be used to resolve the issues.
- 6.12. The process of mediation should be arranged by the Headteacher. In cases where the Headteacher is the subject of the complaint, the mediation should be arranged by the Chair of Governors and/or a HR representative.
- 6.13. Whichever approach is used, the employee should record in FORM 1, the action taken and the outcome as evidence of the attempt to resolve the situation.
- 6.14. If the parties are unable to resolve the matter through mediation and the complainant remains unhappy, then the matter can be returned to the formal procedure. Further information on the mediation process can be obtained from the HR department. The HR representative will be able to offer advice and support on implementing the informal procedure.

6.15. Please see Appendix 3 for more information on mediation.

## Stage Two – Formal Complaints and Investigation Procedure

If informal action does not resolve the alleged bullying or harassment problem, or the circumstances of the case are considered sufficiently serious that use of the informal procedure would not be appropriate, then formal action should be taken.

Complaints should be raised as soon as possible following an act of alleged bullying or harassment so that the matter can be dealt with quickly and fairly.

### 7. How to Register a Formal Complaint

---

7.1 A Stage 2 formal complaint is registered by completing and submitting FORM 2 (appendix 2) to the Headteacher. However, if the complaint relates to a Headteacher, the complainant should submit the FORM2 to the Chair of Governors. The FORM2 must include the following information:

- a summary of the complaint;
- details of actions taken in relation to the informal stage (if appropriate);
- the outcome of attempts to resolve the matter informally, or the circumstances as to why this has not been possible (if appropriate)
- the name of the person against whom the allegation has been made;
- the specific outcome the complainant is seeking;
- the names of any potential witnesses (if appropriate);
- the name of the Trade Union Representative or work colleague who will accompany the complainant at formal meetings (if required);
- the address to which correspondence should be sent – if this is not included all correspondence will be sent to the home address.

7.2 Please note, **if the above appropriate information is not included the FORM2 will be returned to the complainant for completion.** This is likely to result in the process being delayed. Additionally, the redress being sought must be reasonable, if it is not considered to be reasonable the FORM2 may be returned to the complainant with a note of explanation.

7.3 Acknowledgement of a Complaint – The Headteacher (or Chair of Governors) will respond to your FORM2 within 5 working days acknowledging receipt.

## 8. Formal Process

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- 8.1 The Headteacher (or Chair of Governors) will consider the seriousness of the complaint and take appropriate action to resolve as follows.

## 9. Suspend/ Alternative Duties

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- 9.1 In the event of a serious bullying and harassment allegation, the Headteacher / Chair of Governors to whom the complaint was made will consider whether to suspend or temporarily redeploy the alleged bully/harasser in order to prevent further contact between the individuals concerned and enable a full investigation to take place. Suspension on full pay could be considered alongside other alternatives including separating the relevant individuals by temporarily assigning one to suitable alternative duties, in line with the relevant section on 'Suspensions' within the School's Disciplinary Policy.
- 9.2 Any acts to suspend an employee should be managed in a way that does not pre-judge the allegations or penalise either employee. Any suspension from work will be in line with the relevant section of the School's Disciplinary Policy [a copy of the policy can be found at xxxxxx] and will be monitored regularly to ensure that suspension remains appropriate and that the investigation is progressing as quickly as possible. A suspension risk assessment should always be completed.

## 10. Investigation

---

- 10.1. The Headteacher / Chair of Governors to whom the complaint was made will appoint an investigating officer to conduct an investigation into the alleged incident(s) of bullying or harassment. This will normally be a member of the school's senior management team, a governor or in certain circumstances may be an independent investigator. The Headteacher should not act as investigating officer. The investigating officer will acknowledge receipt of the complaint in writing to the complainant within 5 working days of the receipt of the terms of reference for the investigation. An employee may object to the person selected to carry out the investigation. They should send their objection including a clear explanation of the grounds of the objection to the Headteacher / Chair of Governors. It is for the Headteacher / Chair of Governors to consider whether the objection is valid. The Headteacher / Chair of Governors may discuss the matter with the LA and should take account of the advice received to reach a decision about the suitability of the investigating officer.
- 10.2. The investigating officer will write to the complainant to arrange a meeting with them where possible no later than 10 school days to establish the details of the alleged bullying or harassment incident(s) and to agree on the next course of action. The

complainant will be entitled to be accompanied by a Trade Union Representative or a work colleague.

- 10.3. The investigating officer will conduct an investigation of the alleged bullying or harassment incident(s) giving full consideration to both sides. If deemed necessary, the investigating officer will interview other individuals who may be able to assist such as witnesses to the alleged incident(s).
- 10.4. Once the investigating officer has collected all relevant information, they will contact the named employee and arrange a meeting to conduct an investigatory meeting. The named employee will be entitled to be accompanied by a Trade Union Representative or work colleague. The purpose of this meeting will be to give the named employee an opportunity to respond to the allegations and provide any other relevant information to enable the investigating officer to compose a balanced and informed report.
- 10.5. Wherever possible investigations should be completed within 20 school days of the first meeting with the complainant. If required, investigating officers can make a request for an extended period of time to complete the investigation depending on the complexity of the complaint from the relevant Headteacher / Chair of Governors and objective reasons for any delay should be included in the final report. All parties should be kept updated about progress and informed of the reasons for any delays/extensions that are required.
- 10.6. The investigating officer will compose a report to the Headteacher or Chair of Governors presenting the findings on the allegation(s). The report will adopt an entirely objective approach and set out the facts of the case.
- 10.7. The Headteacher / Chair of Governors and the investigating officer will come together as soon as possible following completion of the report in order to discuss the findings and address any questions that may arise. This meeting should not take place any longer than one week after completion of the report, other than in exceptional circumstances. The purpose of the meeting will be for the Headteacher / Chair of Governors, in consultation with the investigating officer, to come to a view on the alleged bullying or harassment situation. Possible outcomes may include training, mediation, redeployment or disciplinary action. The needs of the individuals concerned are paramount and should be considered alongside the needs of the School.. Where disciplinary action is necessary the matter will be dealt with in accordance with the School's Disciplinary Procedure, using the Dignity at Work Investigation report that has been prepared.
- 10.8. The named employee and complainant will be invited to attend a meeting with the Headteacher / Chair of Governors. Wherever possible, this should be with all parties at the same time, the only exception being, if this would be detrimental to one party due to the circumstances of the case. The purpose of these meetings is for the

Headteacher / Chair of Governors to hear directly from both parties and question both parties in order to clarify his/her understanding of the issues involved. Within 5 school days of these meetings, the Headteacher / Chair of Governors will write to both parties to confirm the outcome of the investigation and any actions that are proposed to be taken.

## 11. The outcome of the investigation

---

- 11.1 If, following investigation, it is found that a breach of dignity of work has occurred and there is a case to answer based on the evidence, prompt action will be taken to remedy the discrimination or stop the harassment and prevent its recurrence.
- 11.2 The outcome of the investigation into the allegations may be that:
- The matter is referred to a Disciplinary Hearing and the case is heard in line with the School's Disciplinary Policy.
  - The allegations are not viewed as discrimination or harassment but the situation may benefit from some other form of intervention such as conflict resolution, mediation or counselling.
  - Standards for future conduct are set, which could involve management advice and training.
  - The complaint is found to be false or malicious, in which case disciplinary action may be taken against the complainant.
- 11.3 It is not open to the complainant, within this procedure, to take issue with a decision on the action to be taken against the alleged harasser as a result of the investigation into their complaint.
- 11.4 Where a complaint has not been substantiated, but the complaint was genuinely raised in good faith, mediation / conciliation may be offered to both parties to restore working relationships

## 12. Appeals Procedure

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- 12.1 If the complainant is dissatisfied with the investigation process or the findings of the formal investigation (but not the action taken), they are entitled to appeal against the decision. An appeal should be lodged within 5 school days from the receipt of the report.
- 12.2 The employee should write to the Clerk of Governors stating that they wish to appeal and the grounds/reasons for the appeal. The Clerk will then refer the matter to the

relevant Governors committee within 15 school days from the receipt of the application.

- 12.3 The appeal will be heard by the relevant Governors Committee, as soon as is practicable and normally within 10 school days of receipt of the appeal from the clerk. Appeal hearings will not normally take the form of a re-hearing but will focus on the points raised in the appeal letter. However, under certain circumstances, e.g. if new evidence comes to light, it may be appropriate to rehear part or all of the case. The chair of the appeal committee will inform the respondent of the decision reached and confirm this in writing within 10 school days of the hearing.
- 12.4 The complainant does not have the right of appeal when the outcome is that there will be a disciplinary hearing.
- 12.5 The respondent does not have the right of appeal under the Dignity at Work policy. In the event that the matter goes to a disciplinary hearing, the respondent would have the right of appeal under the disciplinary procedure.

### 13. Employees leaving the employment of the Authority

---

- 13.1 If a formal complaint is presented under this policy and then the individual leaves the employment of the School/Council, the procedure will continue as described above.
- 13.2 If an individual leaves the employment of the School/Council then decides they wish to make a formal complaint regarding their employment, this should be confirmed in writing to the Headteacher / Chair of Governors via the schools complaints procedure.

### 14. Anonymous Complaints

---

- 14.1 Anonymous complaints will generally not be considered by the School. Individuals are encouraged to raise their concerns as indicated above.

### 15. Responding to Counter Allegations

---

- 15.1 When an allegation of harassment or bullying is made it can occasionally lead to a counter allegation. In these circumstances, the investigation will be extended to deal with both complaints simultaneously by the same Investigating Officer, if

practicable. Advice should be sought from Human Resources in respect of how best to deal with these situations.

# Appendix 1

## Informal Stage – Form 1

### Dignity at Work – Written Record

**NOTE: Use a separate FORM1 to record each incident reported  
To be attached to FORM2 if the formal stage is instigated.**

Name of person against whom the allegation is made:

Date/Time/Place of incident:

Outline of what took place:

Names of people who may have witnessed behaviour relating to the allegation (under no circumstances should you give these names to the person who has caused you offence):

Specific outcome you are seeking:

## Appendix 2

### Formal Stage – Form 2

#### Dignity at Work – Written Record

**NOTE: Attach ALL completed Form 1s**

Summary of concerns:

Details of actions taken at informal stage

I attach a total number of \_\_\_\_\_ Form 1's to outline details of actions taken to date.

Name of person against whom the allegation has been made:

Specific outcome you are seeking:

Names of potential witnesses

Name of Trade Union representative or work colleague who will accompany you at any formal meeting

Address to which you wish correspondence to be addressed:

*Please note, if the necessary information is not included the FORM2 will be returned to you for completion. This is likely to result in a delayed process, which in turn may mean a continuation of the behaviour you find unacceptable.*

*Additionally, the redress being sought must be reasonable, if it is not considered to be reasonable the FORM2 will be returned to you with a note of explanation, at which point you may reconsider your redress and resubmit your FORM2.*

## Appendix 3 – Mediation

The school is committed to encouraging harmonious working relationships between colleagues. Mediation is a versatile process which can be used not only as an alternative to the formal procedures, but also as a rapid first intervention to prevent escalation of the dispute or even to repair the working relationship after formal procedures have concluded.

### Aims of mediation

- To provide individuals with an objective and impartial framework for resolving conflicts at an early stage;
- To offer an alternative to formal procedures as a means of resolving conflict.
- Mediation can take place at any stage of the process.

### What is mediation?

Mediation is an informal process that compliments the schools formal and informal procedures for dealing with workplace issues.

- It is used to help improve or restore working relationships between individuals.
- It is voluntary and completely confidential.
- A mediator (a neutral third person, who is appropriately trained and experienced), will work with the parties to help find their own solutions and reach an agreement designed to resolve disagreement or improve the situation. All mediators will be appropriately trained.
- It is based on the principles of collaborative problem solving, with a focus on the future and rebuilding relationships, rather than apportioning blame.
- It gives the participants an opportunity to step back and look at how the situation can be put right, looking at their own actions as well as those of the other party.

Mediation is conducted on the basis that both parties want to achieve a mutually agreeable outcome and solution. A successful mediation should lead to both parties feeling that the outcome is fair, reasonable and appropriate under the circumstances.

The mediation procedure

|   |
|---|
| Stage 1 – First contact with the participants (individual meetings) |
| Stage 2 – Setting the scene (joint meeting)                         |
| Stage 3 – Exploring the issues                                      |
| Stage 4 – Building the agreement                                    |
| Stage 5 - Closure   |
| Post mediation - Evaluation   |

**The mediation process is as follows.**

### **Stage 1 - First contact with participants (Individual meetings)**

The mediator will meet both parties individually for the purpose of:

- Explaining the role of the mediator and the process of mediation, including confidentiality.
- Highlighting that confidentiality will only be breached if issues of a criminal nature surface, at which point the meeting will stop and HR will be informed. The appropriate authority e.g. the Police may need to intervene.
- Defining the core issues and identifying the ideal outcome expected by both parties. The mediator may need to meet either or both parties again to clarify any further issues arising from stage one.
- The mediator will outline the subsequent stages of the process, identifying an appropriate time and location for the joint meeting.

### **Stage 2 - Joint meeting - Setting the scene**

The mediator will:

- Agree the agenda
- Set the boundaries and ground rules in agreement with both parties
- Explain and agree the process
- Clarify and summarise the agreed areas of conflict

### **Stage 3 - Exploring the issues**

The mediator will:

- Explore the issues with the parties
- Encourage communication
- Manage any conflict during the early stages of the discussion
- Encourage a mutual understanding about the problem
- Check understanding and clarify assumptions
- Identify any concerns about the issues
- Encourage a change of focus from the past to the future
- Summarise areas of consensus and disagreement

### **Stage 4 - Building the agreement**

Mediation will work towards:

- Generating and evaluating options

- Encouraging problem solving
- An acceptance or acknowledgement of conciliatory gestures
- Encouraging both parties to move from a non-negotiable stance, focussing on future resolution rather than the past problem
- Constructing agreements and creating fall back arrangements
- Identifying the next steps if no agreement is reached

### **Stage 5 - Closure**

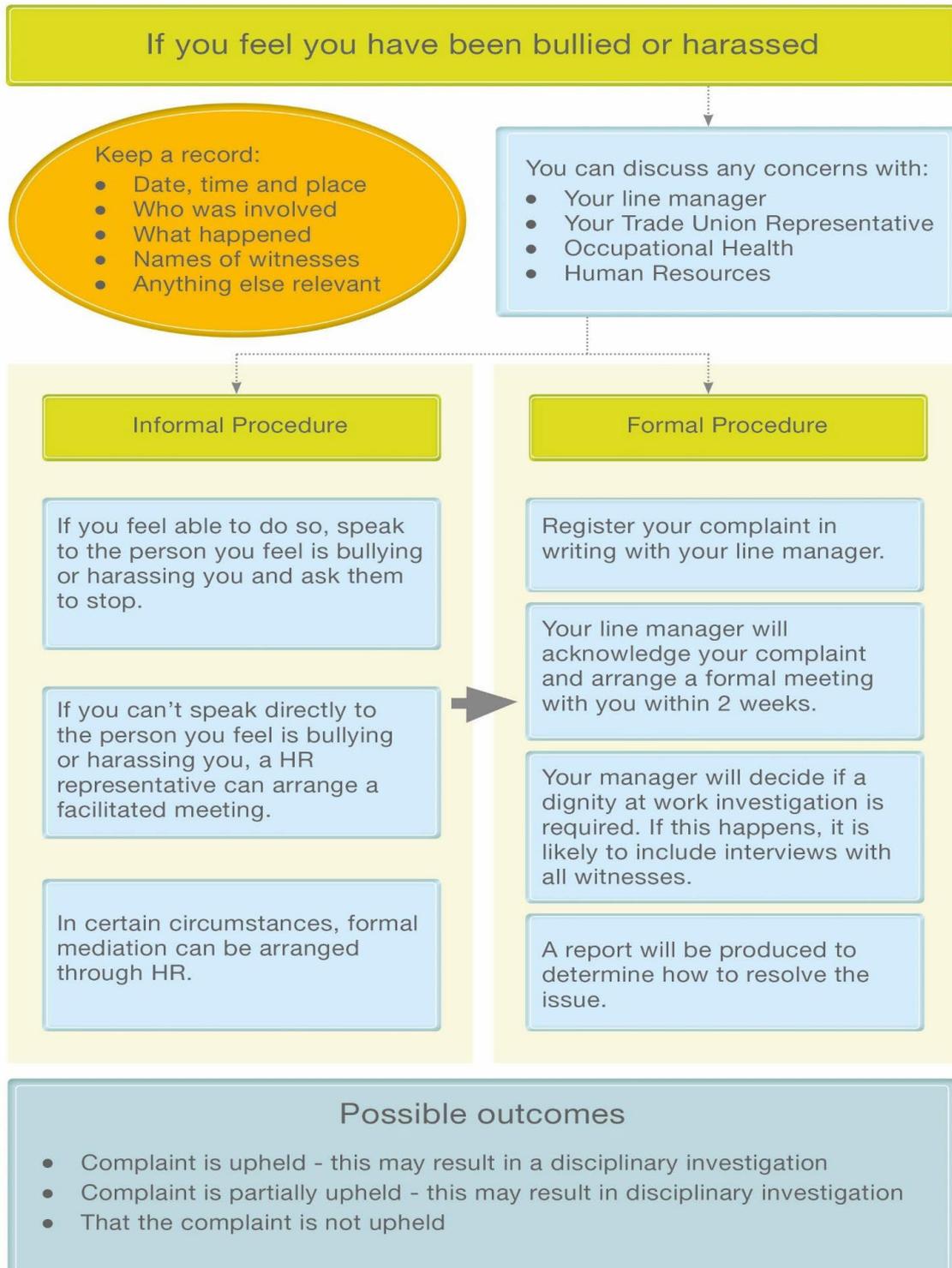
- The session will be concluded when both parties agree that they have dealt with the conflict and have reached a mutual agreement with a clear understanding of what has been agreed.
- An agreement will be drawn up in clear unambiguous language for signing by both parties.
- It will be agreed who retains copies (e.g. the manager may require a copy to monitor that any agreed action is followed through and maintained).
- Confidentiality will be respected.
- Close the session, reasserting the need for confidentiality.
- Arranging follow up (if necessary). Where some issues remaining outstanding, the mediator may suggest a further session is arranged. The parties may also decide to hold follow-up meetings (even if full agreement has been reached), either with or without the mediator. At this stage, the meeting will be concluded by the mediator who will re-confirm the confidentiality of the process. If no agreement over the issues is reached, the mediator will attempt to gain agreement from the parties as to what the issues are and to how they will proceed in the future.

### **Post mediation – evaluation**

- A return will be provided by mediators to the HR representative for monitoring and evaluation purposes. No personal information will be recorded as part of this process.
- There is no appeal process associated with mediation however participation in mediation does not exclude individuals from other courses of action. Individuals also have the option to register their concerns about the process, or a particular mediator with the HR representative.

# Appendix 4- Dignity at Work Policy Flow Chart

## Dignity at work - Overview of procedure





**Cyngor Sir CEREDIGION County Council**  
**Adnoddau Dynol | Human Resources**

**MANAGING STAFF IN SCHOOLS**

**Policy and Procedures for  
Managing Sickness Absence at Work**

**September 2021**

DRAFT

**Version Control**

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| Version | Date | Author | Comment |
|---------|------|--------|---------|
|         |      |        |         |

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# Policy

## 1. Introduction

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1.1 This policy applies to all school employees who are employed by the Governing Body.

*Note – it does not apply to staff employed by Contract Services (i.e. catering and cleaning staff).*

1.2 The appendices do not form part of the policy and are included for guidance purposes only.

## 2. Sickness Absence Policy

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2.1 Ceredigion County Council together with School Governing Bodies aims to ensure a fair, consistent and supportive approach to managing sickness absence in order to create and encourage a culture of good attendance.

2.2 The School will take pro-active steps to address problems associated with persistent, recurring short-term sickness absence and is committed to reduce such incidences. However, the School is also sensitive to the needs of long-term and chronically sick employees, as well as those with a disability and will endeavour as far as is reasonably possible to provide any necessary support.

2.3 Legitimate illness cannot be avoided. However, absences, both long term and short term, place a significant burden on the School both in terms of actual financial cost and the negative effect on educational delivery. It is therefore essential that Headteachers and Line Managers actively manage all employees, who are absent from work.

2.4 Equally, all employees are under a contractual duty to be at work under their terms and conditions of employment. There may be circumstances when absence is such that disciplinary action is required and employees should note that correct and proactive management of attendance in accordance with this policy is a reasonable managerial action.

## 3. Purpose of this Policy

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- Offer support to those employees who are ill
- Discourage non-legitimate absence
- Ensure fair consistent treatment and support to all employees

- Provide a fair and objective means for monitoring sickness absence

The above will be achieved through a variety of means including:

- Ensuring Headteachers and Line Managers are trained to take responsibility for managing absence;
- Implementing appropriate measures for monitoring absenteeism;
- Ensuring accurate and timely recording and monitoring of absence data;
- Identifying and addressing the factors contributing to sickness absence;
- Creating a healthy working environment in which employees and their managers are proactive in identifying any situations or factors which have an impact on an employee's ability to work;
- Developing appropriate rehabilitation programmes for employees returning from long term absence;
- Developing a clear understanding of the sickness policy and procedure and its relationship with other procedures (e.g. Disciplinary, Leave of Absence, Capability etc.).

## Procedure

### 4. Introduction

---

- 4.1 Ceredigion County Council, in partnership with the School, wishes to encourage and ensure the regular attendance at work of all its employees and to institute fair, effective and consistent arrangements for dealing with absences.
- 4.2 The Council and the School recognise the importance of its responsibility to manage sickness absence and will do so via procedures, which incorporate mechanisms to monitor individual attendance levels. Where appropriate, the School will aim to reduce high levels of sickness absence through proactive management strategies and support to employees.
- 4.3 The School also recognises that employees form its most valuable resource and therefore strives to be a caring employer and will encourage and develop initiatives to promote the health and wellbeing of its employees.
- 4.4 Concern and understanding will be shown to those employees who legitimately need to be absent and support will be offered during periods of ill health. However, it is recognised that this must be balanced needs of the School. Abuse of the system, which may occur within a minority of the

workforce, is regarded as unacceptable and the School will deal with such cases in a firm and robust manner as it recognises that this practice has a detrimental impact on colleagues and the education delivery.

4.5 The School, with support from the Council, wishes to secure genuine equality of opportunity in all aspects of its activities as an employer and will therefore seek to ensure that the policy and procedure is implemented in a non-discriminatory manner.

4.6 An employer has a legal responsibility under the Health and Safety at Work Act 1974 to ensure, as far as is reasonably practicable, the health, safety and welfare of its employees.

4.7 Statutory Requirement:

There is a statutory requirement specific to teaching staff of which Schools must be aware.

It is also expected that the reporting requirement with regards to these illnesses are applied to support staff and the Council must be informed immediately when these instances arise.

The Welsh Assembly Government, operating through the Council and the Governing Body, has the power to suspend the employment of employees where there is reason to consider that they may have become medically unfit to perform teaching duties, particularly where there may be a risk to the pupils. There are many medical conditions which can lead to this action but in specific areas the School is required to inform the Council immediately they become aware that a teacher is suffering from such an illness. These illnesses are:-

- a) Pulmonary Tuberculosis.
- b) Epilepsy
- c) Meningitis
- d) Hepatitis
- e) Mumps
- f) Psychiatric disorders
- g) Drug or alcohol abuse.

In such instances, the risk to pupils will be considered, balanced against the School's and Council's obligation to the employee, particularly where they may be considered disabled, as defined in the Equalities Act 2010.

Further action should be taken in consultation with the Council, but this will usually involve referral to the Occupational Health Service for advice in the first instance.

## 5. Roles and Responsibilities

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5.1 It is important that everyone clearly understands their roles and responsibilities within this process.

### 5.2 Employee Responsibilities

All School employees are responsible for:

- a) Attending work on a regular basis in accordance with their contract of employment
- b) Ensuring they read, understand and comply with this policy and procedure
- c) Fully co-operating with the requirements of this policy
- d) Maintaining confidentiality at all times during any sickness proceedings, with the exception of any conversations which may be necessary with their Trade Union or companion
- e) Behaving and acting in a way that is consistent with the values of accountability, flexibility, openness, professional integrity, diversity, respect and working with others

### 5.3 Headteacher/ Management Responsibilities

In addition to their responsibilities as employees, Headteachers or Line Managers are also responsible for:

- a) Ensuring staff are aware of all relevant policies and procedures by the most appropriate means.
- b) Establishing, standards and consistently upholding levels of acceptable attendance.
- c) Fully understanding the Managing Sickness Absence at Work policy and, where it is implemented, applying it fairly, consistently and in a timely way.
- d) Attending training on the Managing Sickness Absence at Work policy
- e) Seeking advice and guidance from the HR Service on all matters relating to attendance.
- f) Keeping adequate notes and records of all events and evidence, to support the use of the policy.
- g) Ensuring that the School's Managing Sickness Absence at Work policy is adhered to at all times including timescales, appeal rights, rights to representation, etc.
- h) Providing a standardised briefing on staff attendance to the Governing Body
- i) Arranging any meetings and support required as part of the procedure, e.g. securing dates, inviting employees to attend absence review meetings, welfare visits etc., organising administrative support to record the proceedings, send decision letters, etc.

- j) Maintaining confidentiality at all times throughout the process.

#### **5.4 Governing Body will:**

- a) Adopt the policy and ensure that it is applied consistently through regular monitoring and evaluating
- b) Ensure that a standardised briefing on staff attendance is presented to the Governing Body in order to fully consider the impact upon learners and cover requirements
- c) Set targets to improve levels of attendance and monitor those levels
- d) Develop, implement, monitor and revise action plans, where possible to reduce sickness absence and meet agreed reasonable target levels.
- e) Establish and communicate a hierarchy of responsibility for managing absence within the school.

#### **5.5 HR Services responsibilities will:**

- a) Act as advisor to Governors, Headteachers and Line Managers to ensure the School's Managing Sickness Absence at Work is applied correctly and consistently.
- b) Provide all employees with information and advice as necessary throughout the process.
- c) Review and monitor sickness cases and outcomes as well as supporting the School to undertake any remedial action that may be necessary.
- d) Review and collate schools sickness absence for reporting to groups and bodies e.g. Council, Welsh Government, School Trade Union Forum etc.
- e) Review the application of the policy and procedures in the light of operational experience.
- f) Carry out pre-employment medical screening, medical examination of referred cases and liaise with the Occupational Health Service

## **6. Definitions**

---

### **6.1 Sickness Absence**

6.1.1 This procedure applies to sickness absence as defined below:

- Self-certification
- Absence supported by a Fit Note
- Short-term absences, which may be intermittent/persistent
- Long term continuous absence
- Industrial injury / Work related injury

## 6.2 Medical Appointments

6.2.1 All employees are expected, where reasonably practicable, to take the following types of medical/health related appointments outside of normal working hours: GP, hospital, physiotherapy, dental, optician, chiropody, etc. However on those occasions when this cannot be arranged individuals will be allowed reasonable time away from work. Routine appointments which can be planned in advance, e.g. biannual dental, optician checks should be taken outside normal working hours where possible. If not, leave from duties should be agreed by the Headteacher on application.

## 6.3 Pregnancy related absence

6.3.1 Maternity leave and time off for ante natal care is a right conferred by the Employment Rights Act 1996 and should not be recorded or monitored as sickness absence.

6.3.2 No action should be taken against those employees absent with pregnancy related conditions. However, absences during pregnancy that are not pregnancy related will be monitored and managed as any other absence.

## 6.4 Cancer screening and Disability Related Treatment

6.4.1 Time off for cancer screening and disability related treatment e.g. rehabilitation, assessment, treatment, will be with pay. Headteachers or Line Managers will need to consider whether there is a need for reasonable adjustments within working practices.

## 6.5 Disability

6.5.1 All sickness absences of employees who are classed as disabled under the Equalities Act 2010 will be recorded as with absences of non-disabled. However, it is important that the Headteacher or Line Manager establishes which absences are related to the employee's disability. This may be through consultation with the employee or may necessitate seeking medical advice via the Occupational Health Service.

6.5.2 Absences relating to the disability will be disregarded in terms of trigger points unless reasonable adjustments have already been made.

## 6.6 Cosmetic Surgery

6.6.1 Time should be taken outside school hours whenever possible, otherwise unpaid leave must be requested unless medical diagnosis supports that such surgery is a necessity.

## 6.7 Absence on Public Holidays

6.7.1 Where an employee is receiving sick pay under the scheme, then sick pay should continue if a public holiday falls during such sickness absence. No substitute public holiday shall be granted.

## 7. Sickness Absence Notification

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- 7.1 On the first day of absence it is the employee's responsibility to notify their Headteacher or Line Manager in person by telephone, or, in their absence, another designated individual within the School who would be responsible for receiving such information.
- 7.2 If in exceptional circumstance the employee is too unwell, it will be acceptable for a relative or friend to notify the Headteacher or Line Manager of the employee's absence as soon as is practicable.
- 7.3 Unless specific school arrangements apply which have been communicated to employees, notification should be made as soon as practically possible prior to normal start of work.
- 7.4 It is the employee's responsibility to provide the Headteacher or Line Manager on the FIRST day of absence with the following:
- A broad description of the illness
  - The date the illness began
  - The expected duration of the illness
  - Whether or not there are any meetings or other work commitments which may require cover or re-arrangement
  - When and how the Headteacher or Line Manager and the employee will next make contact
  - In cases where the relative or friend has notified the absence, a time when the employee will make contact
  - If the absence is due to an injury sustained in the course of duty.

- 7.5 The employee must keep their Headteacher or Line Manager informed of their continuing ill health at the agreed intervals. This may be required daily or at a minimum on the fourth day of absence. This contact must include details of:
- The expected duration of the absence
  - What, if any, medical attention or advice has been sought.
- 7.6 If contact is not made by the employee as required during the absence and their absence is unexplained, the Headteacher or Line Manager must take all reasonable steps to contact the employee e.g. telephone call, home visit.
- 7.7 All periods of absence up to 7 calendar days must be supported by a Self-Certificate
- 7.8 If the employee is absent for more than 7 calendar days, a medical certificate known as a “Fit Note” will be required from the employee’s Doctor. The Fit Note should be submitted to the Headteacher or Line Manager, together with the completed Self-Certification form. In cases where a Fit Note covers the first seven days of absence, the Self-Certification is not necessary.
- 7.9 The Fit Note must be signed and dated by the Doctor. It will state whether the doctor thinks the employee is unfit for work or whether they may be fit for work. It will also provide information on whether the employee is likely to need an additional fit note when the current one expires.
- 7.10 The Headteacher or Line Manager will keep in regular contact with the employee during the sickness absence. There is also an expectation that the employee contacts the line manager to update the manager on their absence.
- 7.11 If an individual fails to follow the absence reporting procedure by notifying their Headteacher or Line Manager, or by providing a Self-Certification form or Fit Note, the absence may be recorded as unauthorised, and therefore unpaid, until such time as a valid certificate is received. Failure to follow the absence reporting procedures without good cause could result in disciplinary action being taken.
- 7.12 In order to assist in the arrangements of cover, the absent employee should give the maximum possible notice to their Headteacher or Line Manager of their return to work
- 7.13 For each occasion of absence, the line manager must ensure that they have completed the Return to Work interview which should be conducted on the first day back to work or as soon as possible thereafter.

- 7.14 Return to work interviews should be carried out face to face or in exceptional circumstances may be undertaken over the phone.

## 8. Short Term Absences – Procedure

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- 8.1 These are absences which are usually sporadic and attributable to minor ailments, in many cases unconnected, which are frequent or irregular.
- 8.2 Short-term absences can be the most disruptive because of the unpredictability and the difficulty in arranging cover. Consequently cover arrangements for essential work may have to be undertaken by work colleagues in addition to their normal duties. The serious effects on other employees, the costs of such absences and disruption to the delivery of education must be kept to a minimum, therefore such absences will be closely scrutinised by Headteacher or Line Manager.
- 8.3 If considered appropriate the facility to self-certify sickness absence may be withdrawn at any point in the procedure. This facility should only be used where a Headteacher or Line Manager has concerns about frequent short-term absences. Advice should be sought from the HR Service prior to implementation. In such circumstances the employee will be required to produce a medical certificate from their doctor on the first day of any further period of sickness absence. Failure to do so may result in suspension of sick pay.
- 8.4 In cases where it is suspected that unwarranted absence has been taken and recorded as ill health the matter may be more appropriately addressed through the disciplinary procedure. Advice should be sought from the HR Service.

## 9. Monitoring and Recording - Short Term Absences

---

- 9.1 It is the Headteacher's responsibility to monitor and act upon trends in their employees' sickness absence.
- 9.2 Monitoring and effectively managing sickness absence requires accurate and reliable records to be kept by the School. It is therefore the responsibility of the Headteacher or Line Manager to ensure sickness absence is recorded and reported accurately on the Ceri System.
- 9.3 A series of trigger points and a Bradford Factor formula will be used to manage and monitor short term absence. These triggers will help managers identify at what stage action should be taken

- 9.4 Individuals' Bradford scores are monitored and when a certain score is achieved this will require further investigation as to whether a trigger point is reached, a process of absence reviews and further action can be set in motion
- 9.5 If one, or a combination of the trigger points listed below has been reached the employee will be required to attend an Initial Absence Review Meeting with their Headteacher or Line Manager:
- 3 or more occasions of absence in a 3 month rolling period
  - 5 or more occasions of self-certified absence in a 12 month rolling period
  - 2 or more occasions in a 12 month rolling period where absences about any period of leave (annual or bank holidays)
  - Any unacceptable patterns of absence.
- 9.6 Where an employee has been persistently close to but not hit a trigger, the Headteacher or Line Manager may meet with the employee to bring the pattern of their absence to their attention, identify if there are any underlying problems and whether any preventative action can be taken. The Return to Work Interview will be used for this purpose.
- 9.7 The Headteacher or Line Manager will monitor absence levels within the School / Department / Faculty and review absence data regularly at meetings.
- 9.8 Employees will be given a minimum of 5 working days' notice, in writing, of any formal absence review meeting, be advised of the reason for the meeting and of their right to be accompanied by a representative of a recognised trade union or a work colleague.
- 9.9 The purpose of the Initial Absence Review Meeting is to further investigate the employee's absence which will have previously been discussed and recorded during the return to work interviews, counsel the employee on the consequences of such absence and develop, where appropriate, a joint remedial strategy. The Headteacher or Line Manager should reiterate the standards of attendance expected of all employees, discuss fully the employee absence record and reasons for absence and assess whether there is an underlying problem (medical or otherwise) which needs to be addressed.
- 9.10 After hearing the reasons given for the employee's absence, and considering the circumstances, the Headteacher or Line Manager may determine that:
- No further action is necessary other than to continue to monitor attendance or
  - It is necessary to inform the employee that their absence is a cause of concern, and advise him/her of the consequences of failure to improve attendance.

- 9.11 Where cause for concern is registered all practical steps to alleviate the situation should be explored. An action plan including any support mechanism which may be helpful will then be agreed together with a timescale for improving attendance and a date for review.
- 9.12 The Line Manager will confirm, in writing, the outcome of the absence review meeting at this and any subsequent stage, where appropriate detailing any agreed action and period of review. The Initial Absence Review record will be kept on the employee's file for 12 months
- 9.13 If there is evidence that the employee's attendance has improved to a satisfactory level the Headteacher or Line Manager will confirm this in writing and advise the employee that their sickness absence will continue to be monitored
- 9.14 However, if there is no evidence of improvement in attendance, and a further sickness absence trigger point has been reached within 12 months of the Initial Absence Review, the Headteacher or Line Manager will refer to Occupational Health for advice. The Headteacher or Line Manager will review the Occupational Health report and evaluate the effectiveness of any support mechanisms that have been implemented. The employee will be required to attend a Second Review Meeting.
- 9.15 The Second Review Meeting will follow the format as described above. The employee will be given a further opportunity to explain the reasons for absence and additional support mechanisms may be considered if appropriate.
- 9.16 The Second Absence Review will be conducted by the Headteacher or Line Manager and if it is viewed that the continuing level of absence is unacceptable for the School to bear the employee will be issued a warning to that effect. The employee will also be advised that unless an immediate improvement in attendance is achieved and sustained any further sickness absence during the review could result in dismissal.
- 9.17 If any suggested options are unacceptable to the employee and the employee has not demonstrated improved and sustained attendance to a satisfactory level, the Headteacher will conduct a Third Absence Review Meeting.
- 9.18 The Third Absence Review will follow the format as described above. If in the judgement of the Headteacher, based on available information, the employee remains incapable of fulfilling the contract of employment, the matter will be reported to the Governing Body.

- 9.19 The Governing Body's Disciplinary and Dismissal Committee will conduct a Final Absence Review Meeting to consider the situation. The employee will be allowed to attend the meeting to present their case.
- 9.20 A representative from the HR Service will attend all Final Absence Review Meetings.
- 9.21 The employee will be entitled to be accompanied to any of the review meetings by a Trade Union representative or colleague.
- 9.22 The Governing Body's Staff Disciplinary and Dismissal Committee may decide, having regard to the information available to them and having considered any extenuating circumstances the employee may raise, that the employee is incapable of fulfilling the contract of employment. This may result in the employee being dismissed with notice of pay given in accordance with contractual provisions.
- 9.23 Normal rights of appeal against dismissal will apply. (See Section 12 for further information)

## 10. Long Term Absences – Procedure

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- 10.1 A long term absence is defined as continuous absence of 28 calendar days duration or more.
- 10.2 The Headteacher or Line Manager will maintain reasonable regular contact with the employee throughout the period of sickness absence. The frequency and form of this contact e.g. telephone calls, emails, home visits, will depend on the circumstances and may vary from case to case.
- 10.3 Employees will be given a minimum of 5 working days' notice, in writing, of any formal absence review meeting, be advised of the reason for the meeting and of their right to be accompanied by a representative of a recognised trade union or a work colleague.

### 10.4 Welfare Visit

- 10.4.1 A welfare meeting should be arranged by the Headteacher or Line Manager. The welfare meeting should be held at the workplace wherever possible; if due to special circumstances, the meeting cannot be held in the workplace then a home visit can be arranged. If a meeting is not feasible then regular contact should be maintained through other means e.g. telephone, letter, email, contact with relatives, etc.

- 10.4.2 The Headteacher or Line Manager can be accompanied by a work colleague or a representative from the HR Service. The meeting should take place as soon as possible after 28 calendar days of the employee's sickness absence. The Headteacher or Line Manager must not make unaccompanied visits to the homes of employees.
- 10.4.3 The purpose of the welfare visit is to reflect genuine concern for the wellbeing of the employee, to offer support including, where appropriate, exploring flexibility in facilitating a return to work and to ensure that the employee is aware of, and understands, the procedures which will apply during their absence.
- 10.4.4 During the welfare meeting, the Headteacher or Line Manager will discuss with the employee the requirement for a referral to the Occupational Health Service.
- 10.4.5 Welfare visits will be by prior arrangement other than in exceptional circumstances e.g. where reasonable attempts to contact the employee have failed or where abuse of the sick scheme is suspected
- 10.4.6 If the employee wishes, a recognised trade union representative, work colleague, friend or relative maybe present during the welfare visit. The role of the representative will be to support the employee.

## **10.5 Phased Return to Work**

- 10.5.1 There may be occasions where an employee has recovered from a long term or debilitating illness but would find it difficult to return immediately to their full contracted duties and hours of work without further risk to their health or has sufficiently recovered to be able to carry out some of their duties/hours of work. In such cases the Headteacher or Line Manager is encouraged to take a flexible approach to facilitate the employee's earlier return to work by allowing a phased return.
- 10.5.2 An action plan must be agreed by all parties before the phased return to work can commence. Therefore it requires the input of the Headteacher or Line Manager, the employee and Human Resources. If there is a requirement to consult with Occupational Health Service then the HR Service will do so.
- 10.5.3 The phased return will normally be for a period of up to 4 weeks. However, if the GP is of the view that a longer phased return is

required then agreement must be sought from Human Resources in discussion with the Headteacher and Occupational Health Service.

- 10.5.4 To support the employee to remain in work in the longer-term, particular arrangements (such as changes to working hours) may need to be more long-standing, or even permanent.
- 10.5.5 The agreed plan will be confirmed in writing to the employee by their Headteacher or Line Manager and copied to the HR Service.
- 10.5.6 It is the responsibility of the Headteacher or Line Manager to then implement the agreed plan and ensure that the employee's return is managed and reviewed at agreed intervals.
- 10.5.7 The employee will be paid their normal contracted hours during the phased return period. During the phased return period, sick days will not contribute to trigger points.

## **10.6 Monitoring and Recording Long Term Ill Health**

- 10.6.1 There may be occasions following examination by the Occupational Health Physician where they can categorically state that the employee is capable of returning to work in a reasonable period of time and cannot declare the employee permanently unfit for their employment. In such cases the Headteacher or Line Manager will consult and discuss the situation with the employee in a series of absence review meetings.
- 10.6.2 After the Welfare Visit at around the 5<sup>th</sup> week continued absence, the employee will be referred to the Occupational Health Service for a medical assessment.
- 10.6.3 The First Absence Review meeting will take place following the receipt of the Occupational Health Service report.
- 10.6.4 A full discussion on the matter will take place between the employee and their Headteacher or Line Manager having regard to medical reports and any further investigations which may be required. Considerations will be given to the options available under the circumstances, which will include the full range of options including status quo, re-deployment, phased return to work or termination of employment.
- 10.6.5 A time scale will be agreed for an Intermediate Review meeting of the case, which would normally be between 12 - 16 weeks of continued absence.

- 10.6.6 The Intermediate Absence Review Meeting will follow a similar format to the first meeting and provide the opportunity to discuss any further medical reports and the agreed action from the previous meeting. Any new information will be considered and where appropriate the action plan revised accordingly. As before, possible outcomes will be discussed and a way forward agreed. It may be necessary to hold more than one intermediate review meeting prior to the final review stage. If this is the case, confirmation must be sought from the HR Service.
- 10.6.7 The employee will be advised to make any further evidence available prior to, or at, the Final Absence Review meeting which will take place no later than 35 weeks of continued absence
- 10.6.8 The Final Absence Review meeting will be conducted by the Headteacher and a member of the HR Service.
- 10.6.9 Following the established format of previous absence review meetings the situation will be discussed fully with the employee and any further medical information from Occupational Health Service, GP and or medical specialists will be taken into account as appropriate. If there is no foreseeable return to work or, if it has not been possible to re-deploy and no other solution can be found to facilitate the employee's return to work, the employee will be informed by the Headteacher that the matter will be reported to the Governing Body and that this could result in their employment being terminated on the grounds of ill-health.
- 10.6.10 The Governing Body's Staff Disciplinary and Dismissal Committee will meet to review the situation. The employee will be invited to attend the meeting to present their case and be represented by a work colleague or a trade union representative.
- 10.6.11 The Governing Body's Staff Disciplinary and Dismissal Committee may decide, having regard to the information available to them, that the employee should be dismissed on the grounds of ill health. The Clerk to the Committee will confirm this decision in writing.
- 10.6.12 Normal rights of appeal against dismissal will apply. (See Section 12 for further information)

## 11. Permanent Ill Health

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- 11.1 Should medical evidence show that an employee is incapable of discharging efficiently and effectively the duties of their post or any comparable employment by reason of permanent ill health the Headteacher and a member of the HR Service will visit the employee to explain the findings of the Occupational Health Physician and to advise that they will be unable to continue in their post.
- 11.2 The procedure of termination of employment will be fully explained. The employee will be made aware of their right to appeal against the opinion of Occupational Health that they are permanently unfit.
- 11.3 If such an appeal is registered which is supported by a qualified medical practitioners report, then an independent medical examination will be arranged, the cost of which will be borne by the School.
- 11.4 If the employee does not wish to exercise their right to appeal against the medical opinion of the Occupational Health Service the HR Service will inform the Governing Body of the Physician's opinion and seek their resolution to terminate the services of the employee and the effective date of termination. The employee and/or trade union representative may make a personal appearance before the Governors. The reason for dismissal is that the employee is incapable of attending for work regularly due to Ill-health and has been declared permanently unfit for employment.
- 11.5 A letter will be sent to the employee confirming the decision to terminate employment in accordance with the resolution of the Governing Body and on giving the appropriate notice. The letter will also include the arrangements for appealing against the decision of the Governing Body.
- 11.6 If the employee is a member of the Teachers' Pension or the Local Government Pension Scheme, then the payment of pension scheme benefits will be explained according to the scheme regulations. It should be noted that these are subject to independent verification by the Pension Fund.
- 11.7 In some circumstances the Occupational Health Service may find that the employee is permanently unfit to continue with their substantive post but may advise that they may be fit for alternative employment. In this case an Officer from the HR Service will meet to advise the employee of the Occupational Health Service's findings and explain the procedure for redeployment.
- 11.8 During the notice period every effort will be made to find alternative employment within the School or Council for the employee. Employees will

have the right to declare that they do not wish to be considered for alternative employment.

- 11.9 Reference must be made to the provisions of the Equalities Act. Re-deployment must be to existing posts only. Such work may not be at the same level of salary or wage. Posts do not have to be created to accommodate a re-deployment.

## 12. Appeals

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### 12.1 Appeals against the issue of a formal warning

- 12.1.1 An employee will have the right of appeal to the Governing Body or nominated representative against the issue of a formal warning. The request for appeal must be made in writing to the Clerk of Governors, stating the grounds for appeal, within 5 working days of receipt of the written confirmation of the warning.

### 12.2 Appeals against the decision to dismiss

- 12.2.1 The Right of Appeal applies in all instances where an employee has been dismissed by reason of ill-health under the Long Term Absence Procedure or by reason of attendance under the Short Term Absence Procedure. Notice of Appeal should be addressed to the Clerk of the Governing Body, in writing, setting out the grounds of appeal, within 5 working days of receipt of the letter confirming the decision to dismiss. The employee must also identify the name of the person who may be representing them at appeal, along with the names of any witnesses who may be called
- 12.2.2 The Governing Body will convene a Staff Disciplinary and Dismissal Appeals Committee consisting of at least 3 members of the Governing Body who were not involved in the Staff Disciplinary and Dismissal Committee. At least 10 working days and not more than 15 working days should be allowed from the date of receipt of the appeal before the appeals meeting is held. Only in exceptional circumstances can this timescale be changed.
- 12.2.3 The employee will be informed of the appeal hearing date within 5 working days of the meeting. A member of the HR Service will also be present at the hearing.
- 12.2.4 If the decision of the Staff Disciplinary and Dismissal Appeals Committee is to uphold the original committee's decision, the Clerk to the Committee will request that the Council terminates the contract of

employment. The member of the staff will receive confirmation of this decision in writing

### 12.3 Appeals against release of Pension

12.3.1 While the decision to dismiss rests with the employer; any pension decision rests with the relevant pension scheme provider.

## 13. Employees with Disabilities

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13.1 The Equalities Act 2010 defines a disabled person as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

13.2 The definition for the purposes of the Act is as follows:

- substantial means neither minor nor trivial.
- long term means that the effect of the impairment has lasted or is likely to last for at least 12 months (there are special rules covering recurring or fluctuating conditions).
- normal day-to-day activities include everyday things like eating, washing, walking and going shopping.
- a normal day-to-day activity must affect one of the 'capacities' listed in the Act which include mobility, manual dexterity, physical co-ordination, continence, ability to lift, carry or otherwise move everyday objects, speech, hearing or eyesight, memory or ability to concentrate, learn or understand, perception of the risk of physical danger.

13.3 The School and Council is committed to the employment of people with disabilities and will make every effort to retain any individual who is or becomes disabled whilst in its employment and to offer appropriate and timely support to ensure that the employee's skills, experience and loyalty are not lost.

13.4 Initially, the employee will need to be referred by their Headteacher or Line Manager; to the Occupational Health Service for a medical assessment. Following advice and where appropriate, information and/or assessment from external organisations, a number of options may be available to the employee, Headteacher and with advice from HR Services in facilitating a return to work. These may include:-

- Remaining in the same job with reasonable adjustments to the job or the working environment.
- Seeking redeployment opportunities incorporating retraining and/or rehabilitation where required.

- Considering the feasibility of other patterns of work i.e. part time, job share.

13.5 When considering the above alternatives regular contact with the employee will be important, consulting them on the options available, the associated arrangements, rehabilitation needs and any re-induction programme.

13.6 It must be recognised in some cases, it is not possible to retain an employee with disability. In these circumstances, ill-health retirement/termination on the grounds of incapacity may need to be considered.

## 14. Occupational Sick Pay - General Principles

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14.1 Occupational Sick Pay forms part of the conditions of service for teaching and support staff.

14.2 The provisions in relation to payment during sickness absence are as follows

Teachers:

|   |  |
|---|--|
| During 1st year of service  | 25 working days full pay                                   |
| During 1st year and after completing 4 months' continuous service | 25 working days full pay<br>50 working days half pay       |
| During 2nd year of service  | 50 working days full pay and<br>50 working days half pay   |
| During 3rd year of service  | 75 working days full pay and<br>75 working days half pay   |
| During 4th year of service  | 100 working days full pay and<br>100 working days half pay |

Support staff:

|   |   |
|---|---|
| During 1st year of service  | 1 month full pay (26 days)                                |
| During 1st year and after completing 4 months' continuous service | 1 month full pay (26 days)<br>2 months half pay (52 days) |
| During 2nd year of service  | 2 months full pay and<br>2 months half pay (52 days)      |
| During 3rd year of service  | 4 months full pay and<br>4 months half pay (104 days)     |
| During 4th and 5th year of service                                | 5 months full pay and<br>5 months half pay (130 days)     |
| After 5 years of service  | 6 months full pay and<br>6 months half pay (156 days)     |

14.3 The following are examples of the circumstances in which sick pay may be withheld (following investigation and a decision reached in accordance with the disciplinary procedure):

- i. Falsification of certificates (self or medical)
- ii. Failure to submit Fit Notes when required
- iii. Failure to follow the procedures in accordance with this policy without good reason
- iv. If an employee abuses the sickness scheme or is absent on account of sickness due or attributable to:
  - deliberate conduct prejudicial to recovery
  - or the employee's own misconduct or neglect
  - or active participation in professional sport or injury while working in the employee's own time on their own account for private gain or for another employer.

14.4. Employees will be advised of the grounds for suspension of sick pay and will have the right of appeal. If, following appeal, it is concluded that the grounds for suspension were justified the employee will forfeit the right to any further payment in respect of that period of absence. If it is concluded that the grounds of suspension of sick pay were not justified, sick pay will be paid

14.5 In the event that an overpayment of occupational sick pay is made the Council has the right to recover such payment but should endeavour to seek agreement with the employee the amount and method of payment from each salary/wage payment until the overpaid amount has been recovered in full.

14.6 Where an employee claims loss of earnings from a private insurance company e.g. for sport injuries, car accidents, for any period of absence from work, the Council reserves the right to make a third party claim for repayment of occupational sick pay. This excludes any payments made by way of compensation.

## 15. Occupational Health Referrals

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15.1 The Council's HR Service and where appropriate, the Occupational Health Service may be consulted at any stage in the procedure wherever there is a concern about the employee's health. However, advice must be sought from HR and Occupational Health before any action is taken under specific paragraphs outlined in the procedures for dealing with short term and long term absences.

15.2 Referral for medical assessment will be made direct to the HR Service using the Medical Referral Form. A copy of the Occupational Health report will be retained on the employees HR File.

15.3 Referrals aid the School by assessing:-

- The likely duration of sickness absence
- Where absence seems excessive in relation to the nature of the illness/ injury
- Where there is concern about recovery
- Whether there is a underlying reason for absence
- Whether the absence is due to a work related cause
- Reasonable Adjustments to work activities or the working environment to enable an employee to continue to work in their substantive post.
- Suitable alternative employment where the employee cannot return to their substantive post.

15.4. Employees must attend any Occupational Health appointments. Failure to do so without good cause may lead to suspension of sick pay and the instigation of the School's Disciplinary Procedures.

15.5 Employees have a statutory right under the Access to Medical Reports Act 1988. Their consent is required for the Occupational Health Service to apply to a Doctor/Specialist, who has responsibility for their care, for a statement giving information about their current health situation. The Occupational Health Service will seek consent before making any such requests for information. If the employee refuses to give consent they will be advised that any subsequent decision taken by the School will be based on the facts that are available.

## 16. Discipline

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- 16.1 When a Headteacher or Line Manager identifies that an abuse of the absence procedure has occurred action should be taken, following an investigation, in accordance with the School's disciplinary procedures.

## 17. Critical / Terminal Illness

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- 17.1 In addition to its legal obligations under the Equality Act 2010, the School has a clear responsibility to provide help and support any employee who is diagnosed with, or suffers from, a critical or terminal illness.
- 17.2 In circumstances where an employee is diagnosed with a critical or terminal illness a sensitive approach will be taken. Advice from HR Service must be sought in these circumstances.

DRAFT

## Cyngor Sir CEREDIGION County Council

**REPORT TO:** Corporate Resources Overview and Scrutiny Committee

**DATE:** 27<sup>th</sup> October 2021

**LOCATION:** Virtual

**TITLE:** Annual Report of Compliments, Complaints and Freedom of Information Activity – 2020/2021

**PURPOSE OF REPORT:** To provide the Corporate Resources Overview and Scrutiny Committee with a comprehensive overview of the Compliments, Complaints and Freedom of Information (FOI) activity (including Environmental Information Regulations - EIR) received by the Authority during the previous financial year. This report also provides information about the complaints activity referred to the Public Services Ombudsman for Wales during 2020/2021. A copy of the Ombudsman's Annual Letter to the Authority is included as an appendix with this report.

**REASON SCRUTINY HAVE REQUESTED THE INFORMATION:** For information prior to presentation of the report at the Council Committee meeting on the 9<sup>th</sup> of December 2021

### **BACKGROUND:**

This report provides information relating to the work of the Council's Complaints and FOI Service between 1st April 2020 and 31st March 2021, please see **Appendix 1**. Specific details are given on the number and type of compliments received, the different complaints stages, performance and outcomes relating to these and information on compliance with FOI and EIR legislation. There is also a section regarding the contact received by the Public Services Ombudsman for Wales (PSOW) during the reporting period. The Ombudsman's Annual Letter to the Council is included as **Appendix 2**, which provides further details in relation to the Ombudsman activity for Ceredigion, as well as for other Council's across Wales.

This is the second consecutive report where there have been no PSOW investigations commenced or formal reports issued in relation to complaints made against the Council.

Whilst improvements have been made in comparison to previous years, this report also highlights the challenges faced by the Council due to the pandemic and officers having to adapt to new ways of working. In addition, during the period covered by this report there were significant pressures placed on the Complaints and FOI Service, which inevitably had an impact on our ability to meet prescribed and statutory timescales.

## **CURRENT SITUATION:**

### Brief overview of the figures for 2020 - 2021:

- **814** Compliments were received
- **435** Enquiries were processed by the Complaints and FOI Service
- **103** Complaints were received (**61** at Stage 1 and **42** at Stage 2)
- **32** 'Contacts' from the PSOW
- **756** FOI and EIR requests
- **4** Internal Reviews under FOI / EIR legislation

### Highlights

- As referred to previously, this is the second consecutive reporting period in over a decade where there have been no investigations or reports issued by the PSOW.
- The Council received almost double the amount of compliments from service-users compared with 2019 – 2020. The majority of these having been received by Porth Ceredigion. It is believed, however, that the actual number of compliments is likely to be far higher and more work is therefore needed to ensure that these are passed to the Complaints and FOI Service to be recorded.
- The Council received far fewer FOI/EIR requests during this reporting term and a fewer number of Internal Review requests compared with last year. Requests for Internal Review are usually only submitted when the Council refuses to provide information (by applying the appropriate exemptions or exceptions). This therefore supports the Council's commitment to openness and transparency in accordance with legislation.
- However, it is noted that the Council's performance surrounding the response times for FOI, in particular, dropped significantly during 2020-2021. The cause for this can be attributed to several factors including the lack of capacity on the part of services to be able to prioritise FOI above all the new tasks arising; being unable to obtain hard-copies of documents due to home-working; lack of capacity within the Complaints and FOI Service (which undertakes the majority of the administrative work surrounding FOI activity; i.e. recording, acknowledging and distributing new requests and issuing all responses and applying any exemptions/exceptions and/or redactions as required).

### Areas to focus on

- Improving adherence with timescales prescribed in complaints and FOI/EIR policies
- Improving system for capturing compliments and data surrounding lessons learned
- Continuing with open, transparent and citizen-centred approach to resolving concerns

## **WELLBEING OF FUTURE GENERATIONS:**

**Has an Integrated Impact Assessment been completed? If, not, please state why –** No IIA has been completed because there is no service change proposed within this report.

### **Summary:**

**Long term:** N/A

**Integration:** N/A  
**Collaboration:** N/A  
**Involvement:** N/A  
**Prevention:** N/A

**RECOMMENDATION (S):**

The Scrutiny Committee is asked to note the contents of this report in advance of its presentation at the Council meeting on 9<sup>th</sup> of December 2021.

**REASON FOR RECOMMENDATION (S):**

To ensure Members are aware of the performance of the Authority in respect of Compliments, Complaints and Freedom of Information.

**Contact Name:** Marie-Neige Hadfield  
**Designation:** Complaints and Freedom of Information Manager  
**Date of Report:** 01-10-2021  
**Acronyms:**

**FOI** – Freedom of Information  
**EIR** – Environmental Information Regulations  
**PSOW** – Public Services Ombudsman for Wales  
**CLO** – Corporate Lead Officer  
**ICO** – Information Commissioner’s Officer  
**CSA** – Complaints Standards Authority

## **Appendix 1**

Cyngor Sir CEREDIGION County Council

### **Annual Compliments, Complaints and Freedom of Information Report** **1<sup>st</sup> April 2020 – 31<sup>st</sup> March 2021**

| <b>Contents</b>  | <b>Page/s</b> |
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| 4 Learning Lessons from Complaints                           | 9 – 10        |
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## 1. INTRODUCTION

- 1.1 This report will provide information relating to the numbers of compliments, complaints and requests made under the Freedom of Information (FOI) Act 2000 that were received by the Council during the period 1<sup>st</sup> April 2020 to 31<sup>st</sup> March 2021. **This section** will provide an overview of how compliments, complaints and FOI requests are managed within the Council. **Section 2** provides information about the compliments received and **Section 3** shows some trends, themes and performance regarding the numbers, timescales and outcomes of complaints received during the reporting period. **Section 4** gives details of the Lessons Learned. **Section 5** relates to all cases involving the Public Services Ombudsman for Wales (*“the Ombudsman”*) and **Section 6** looks at FOI activity and any cases referred to the Information Commissioner’s Office (*“ICO”*). **Section 7** provides a Summary and Conclusions of the data provided in the report and a breakdown of the complaints data is given in **Section 8**.
- 1.2 The recording systems in place for compliments, complaints and FOI requests are not yet aligned with the current service structures but this should be addressed during the future reporting period. Once completed, the monitoring and reporting capability should be enhanced. Where possible, for the purposes of maintaining clarity and accuracy, the service groupings in this report have been amended to reflect the current organisational structure.
- 1.3 The Complaints and FOI Team work in accordance with three different complaints policies and two branches of information access legislation:
- Concerns and Complaints Policy (corporate)
  - Social Services Complaints Procedure (Wales) Regulations 2014
  - Complaints procedures for school governing bodies in Wales (Circular 011/2012)
  - Freedom of Information Act 2000 (FOIA)
  - Environmental Information Regulations 2004 (EIR)
- 1.4 Whilst school governing bodies are responsible for their own complaints and FOI activity, the Complaints and FOI Team provides advice and assistance when required and will occasionally assist in more complex cases, where procedures allow.
- 1.5 As a consequence of recent changes in legislation the Concerns and Complaints Policy (corporate) has been reviewed and was ratified by the Council committee of elected members on 23<sup>rd</sup> September 2021. However, all corporate complaints activity during this reporting period were managed in accordance with the policy implemented on 1<sup>st</sup> April 2015.
- 1.6 Following the formation of the Complaints Standards Authority (CSA) under the Public Services Ombudsman (Wales) 2019 Act, all public authorities across Wales were required to report their complaints activity to the Ombudsman’s office on a quarterly basis.
- 1.7 The Council continued to work positively with the Ombudsman and a section of this report provides an analysis of all Ombudsman activity. This includes the outcomes reached by the Ombudsman’s office following their assessment of all complaints made to them in relation to Ceredigion County Council. It must be noted that this is the second consecutive reporting period whereby there have been no investigations launched by the Ombudsman’s office into complaints about the Council.

- 1.8 Early resolution of complaints remains a high priority within the Council and every effort is made to achieve satisfactory outcomes for the citizens and service-users that bring their concerns to our attention. Due to the continued efforts and positive collaboration between staff and managers across the Council and the Complaints and FOI Team, it is far more effective to resolve concerns at 'enquiry' stage, without needing to initiate the formal complaints procedure. A total of **435** enquiries were received during this reporting period.
- 1.9 Complaints being considered under Stages 1 and 2 of the respective complaints policies continue to be managed in accordance with the underpinning ethos for corporate complaints: *'Investigate once, investigate well'*. It is recognised, particularly in respect of Stage 2 complaints, that complex cases may take longer than outlined in the policy (i.e. 20 working days); however, in such circumstances, the complainant is usually notified of any delays and kept updated as to the status of their complaint. Information concerning the Council's performance with regard to compliance with timescales is provided within this report, but the priority remains to ensure a robust and meaningful investigation is undertaken – even if this takes longer than the prescribed timescales.
- 1.10 The Corporate Lead Officer (CLO) for Policy, Performance & Public Protection is responsible for all complaints and FOI activity within the Council and will escalate matters of concern to the relevant member(s) of the Leadership Group. In addition, the CLO is the Council's nominated Senior Officer for the offices of the Ombudsman and the Information Commissioner in relation to complaints and FOI activity, respectively.
- 1.11 The Council's Complaints and FOI Team is responsible for the design and delivery of all complaints training as well as the monitoring of all complaints and FOI activity. This includes liaising with the Ombudsman's office and the Information Commissioner's Office ("ICO") when cases are referred to them by service-users. Unfortunately, due to the challenges associated with the pandemic, no in-house complaints training was delivered during this reporting period. However, the Ombudsman's Complaints Standards Authority delivered Complaints Investigation Training to the majority of Corporate Managers in February 2021.
- 1.12 As referred to above, the Covid-19 pandemic provided additional challenges on a global scale and, on a local level, the Council's priorities and resilience were tested like never before. In spite of the additional professional, and indeed personal, pressures faced by Council staff during the pandemic, officers remained committed to ensuring service improvements (as a direct consequence of complaints) would be achieved.

## 2. COMPLIMENTS RECEIVED

### 2.1 Compliments

All compliments received from service-users are recorded and monitored on a regular basis and should be viewed as an opportunity to share good practice wherever possible. Compliments should be responded to individually and shared with the people directly involved.

2.2 An opportunity also exists to share compliments far wider within the Council when positive working practices are identified that could be adopted in other areas.

2.3 The table below shows the number of compliments that were recorded by each Service during 2020/21.

| Service                                 | 2020/21    |
|---|------------|
| Policy, Performance & Public Protection | 3          |
| Schools                                 | 11         |
| Economy & Regeneration                  | 11         |
| Finance & Procurement                   | 24         |
| Highways & Environmental Services       | 26         |
| Customer Contact                        | 37         |
| Porth Cynnal                            | 72         |
| Corporate                               | 117        |
| Porth Gofal                             | 169        |
| Porth Cymorth Cynnar                    | 344        |
| <b>Total</b>                            | <b>814</b> |

### 2.4 Examples of compliments received

**“I want to say a huge thank you to CCC for the lovely path that has been created alongside Aberystwyth golf club. I am so grateful and I am sure it will be used and enjoyed by everyone in the locality”** – Economy & Regeneration

**“I would like to compliment and thank the county council's refuse collection service and workers. Throughout the pandemic the rubbish has been collected on time and to an excellent standard. Thank you for all of your great work”** – Highways & Environmental Services

**“Thank you Clic team!! Lovely people. Well done. You're all doing an amazing job”** – Customer Contact

**“We wanted to take this opportunity to thank you for the amazing care you are providing for our closest friend. We are so grateful that you took faith and feelings into consideration today and respect beliefs. We are truly grateful for all you are doing.” – Porth Gofal**

**“I just wanted to voice my appreciation for the continued help, support and general empathy our wonderful council are giving us.” – Schools Service**

**“I would like to thank you for all the support I've received. I feel very lucky to be working with you. Thank you again for your continued support I'm extremely grateful.” – Porth Cynnal**

**“Thank you, your comments and your support, advice and guidance have been greatly helpful and reassuring.” – Finance & Procurement**

**“Thank you for your help and support throughout this process.” – Policy, Performance & Public Protection**

**“Thank you for all that you do. You are the real heroes of this county, and we value every single effort you do to ensure the safety of our most vulnerable” – Porth Gofal (Residential Home)**

**“I just wanted to email to say thank you so very much indeed for the ‘Carer’s break in a box’ which I received today. Thank you once again, I do sincerely feel that this will bring a feeling of joy to other Carers that will be receiving theirs” – Porth Cymorth Cynnar**

**“I just wanted to thank everyone from the council having to come into work through such terrible times. I think you are all amazing and absolute angels. Everyone from receptionists, office workers, bin men, bosses and cleaners and everyone working to keep out country running as smoothly as possible in such demanding times.” – Corporate**

**“I just wanted to voice my appreciation for the continued help, support and general empathy our wonderful council are giving us.” – Schools Service**

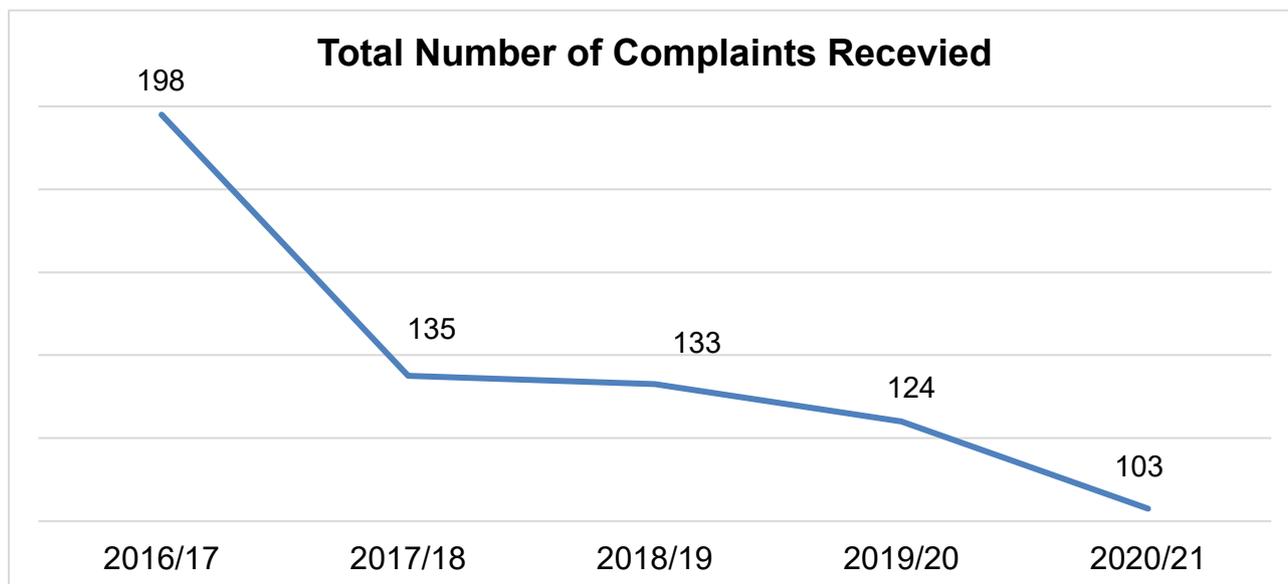
2.5 Compliments received from care homes and day centres are included within the current reporting system, which is well established across the Council’s Social Services.

2.6 The process for collecting, recording and monitoring compliments will be reviewed as part of the overall work undertaken to update the complaints policy to reflect changes to the Council’s structure.

### 3. COMPLAINTS RECEIVED

#### 3.1 Total number of complaints received

The chart below shows the total number of complaints received during 2020/21 that were processed in accordance with the two-stage complaints policies. Comparisons are given in respect of previous years. This does not include the number of enquiries or service requests that were received by the Complaints and FOI Service, which were directed to the relevant service(s).



#### 3.2 Number of complaints made by stage

The number of complaints made against the Council under each stage of the Complaints Policy for the last five years is shown in the table below. These figures include complaints made in relation to Welsh Language provision.

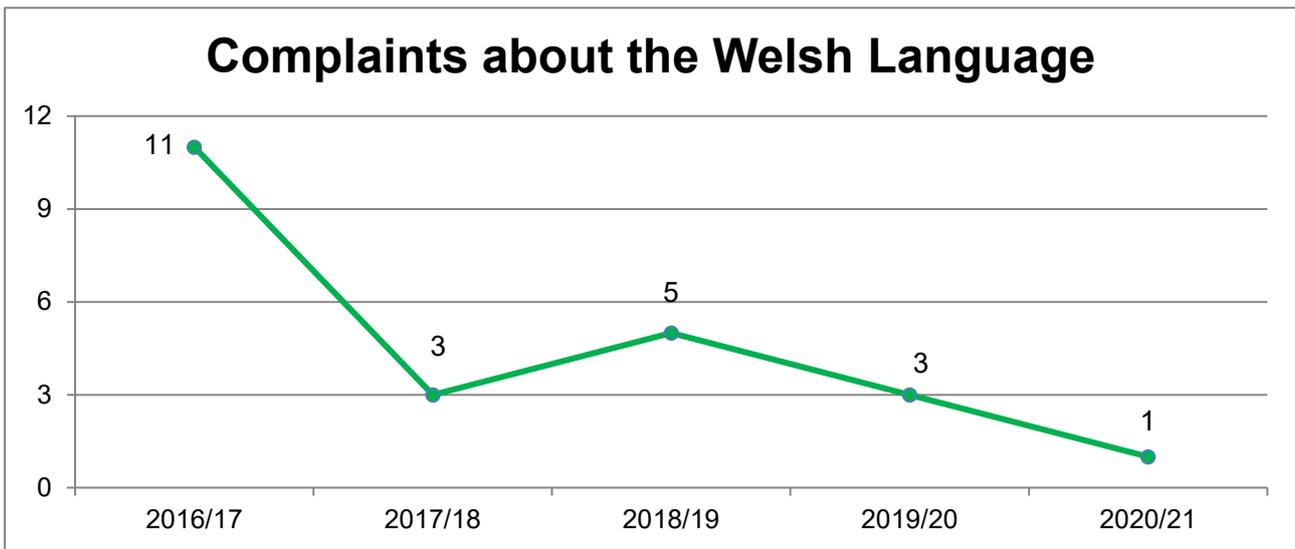
| Year    | Stage 1 | Stage 2 | Total |
|---------|---------|---------|-------|
| 2016/17 | 149     | 49      | 198   |
| 2017/18 | 96      | 39      | 135   |
| 2018/19 | 92      | 40      | 133   |
| 2019/20 | 85      | 39      | 124   |
| 2020/21 | 61      | 42      | 103   |

#### 3.3 Welsh Language Complaints

During 2020/21 the Council received one complaint specifically relating to the provision (or lack thereof) of Welsh Language services across the Council. This complaint was received and considered by the Welsh Language Commissioner. One other complaint was received which included a component concerning the provision of services in Welsh, but the reporting system used in the Council only categorises the primary element of the complaint, which in this case was care provision.

3.4 The number of complaints received during the reporting period is shown below, along with comparison data for previous years. The Council has fully implemented its requirements under the Welsh Language Standards.

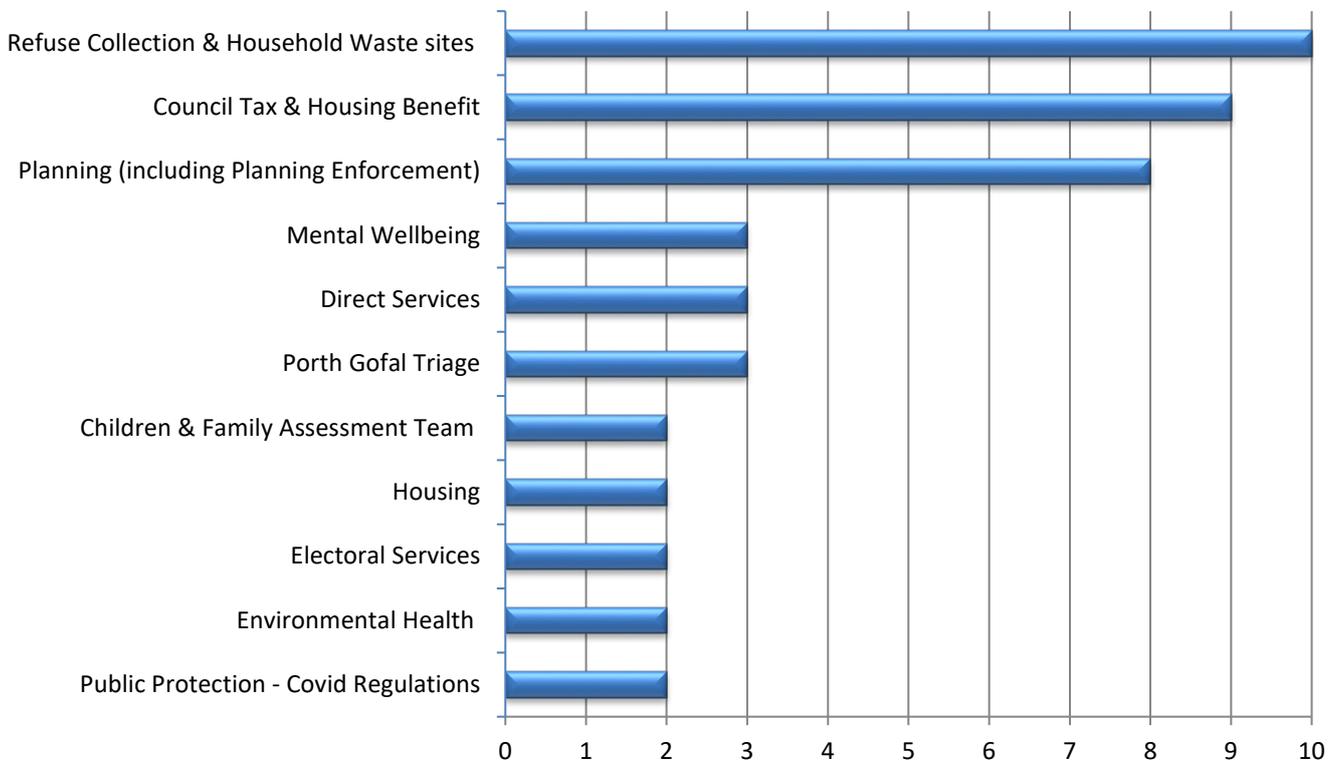
## Complaints about the Welsh Language



### 3.5 Top Ten Sections with highest number of complaints in 2020/21

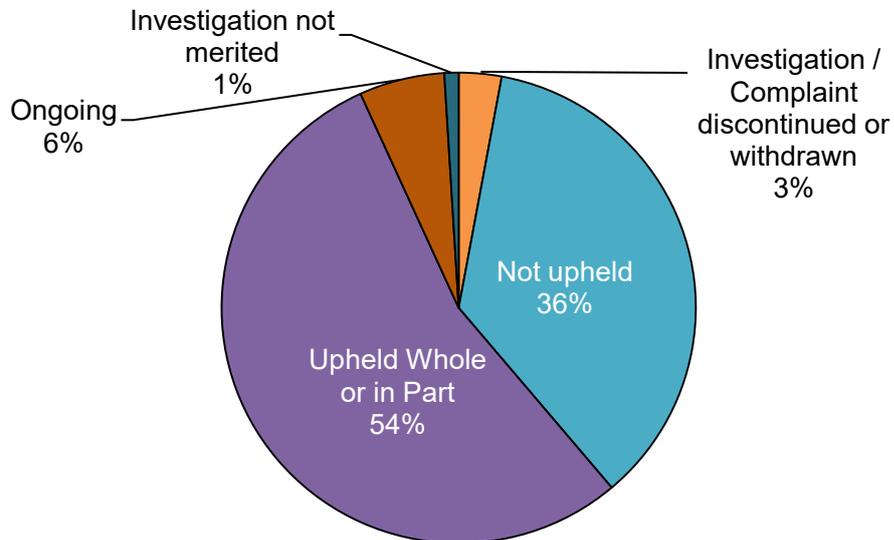
The chart below shows the top ten sections of the Council that receive the highest number of complaints at Stage 1. In accordance with Welsh Government guidance, ascertaining the subject areas complained about the most enables identification of trends – both internally and for national comparison.

### Top 10 Stage 1 Complaints by Section



### 3.6 Complaint Outcomes

See below the outcomes recorded against all complaints for the reporting period.

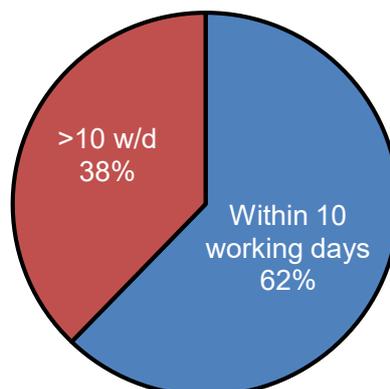


### 3.7 Timescales

The Council is required to respond to all complaints in a timely manner and in any event, within the timescales stipulated by policy. The charts below demonstrate the Council's performance with regard to meeting **Stage 1 (10 working days)** and **Stage 2 (20 working days)** timescales under the corporate policy. It is important to note that there is a degree of flexibility afforded under Stage 2, particularly in the interests of ensuring thorough and robust investigations are undertaken, which often take longer to complete.

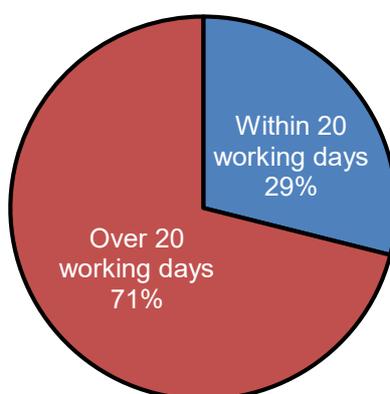
**3.8 Stage 1** – A total of **61** Stage 1 complaints were received during the reporting period. Under the corporate policy, Stage 1 complaints should be completed within **10 working days**, and under the Social Services complaints procedures complaints should be completed within **15 working days** which includes the offer of a meeting / discussion with the relevant service manager. A total of **28** of the **45** corporate complaints at this stage were addressed within the prescribed timescales.

#### Stage 1 Performance with Stage 1 Timescales (corporate policy)



**3.9 Stage 2** – A total of **42** complaints were received at Stage 2. Of these, **four** related to the statutory Social Services procedure, which allows 25 working days from the ‘Start Date’ as opposed to **20 working days** under the corporate Concerns and Complaints procedure. Performance in respect of the corporate policy is provided below. With regard to the four Social Services complaints, **three** remained open at the end of the reporting period (i.e. these cases were closed after the 31<sup>st</sup> March 2021) and the remaining **one** took longer than the allotted time to conclude, which is permitted providing the Statutory Director of Social Services’ written approval for an extension has been given.

## Performance with Stage 2 Timescales (corporate policy)



### 4. LEARNING LESSONS FROM COMPLAINTS

**4.1** The table below consists of a sample of some of the lessons learned from complaints during 2020/21.

| Service Area | Issue  | Lessons Learned   |
|--------------|--|---|
| Porth Gofal  | Complaint raised regarding the care of a relative. | Documentation was improved within the service to ensure language of choice is recorded so that in future, Welsh speaking Social Workers are assigned to service-users who request it. Staff were also reminded to communicate with all other agencies when co-ordinating care, discharge and to follow up on any referrals for specialist assessment and/or intervention. |

|                                   |  |  |
|-----------------------------------|--|--|
| Porth Cynnal                      | Concerns raised regarding suitable service provision.  | It was agreed that that further development of the current information pack for service users would take place to include details of the range and types of assessments that will be undertaken. Consideration will also be given to introducing a 'matching process' for housing services users together. |
| Highways & Environmental Services | Multiple reports of missed waste collections at one particular property.                     | A new communication system between the Supervisor and the drivers has been established to ensure that the waste from the particular property is collected.   |
| Procurement & Complaints Handling | Complaint regarding procurement interview process and time taken to deal with these matters. | Procurement arrangements have been altered to ensure these issues do not arise again in the future. Complaints handling was addressed by way of ensuring that the service was sufficiently staffed.  |

## 5. COMPLAINTS MADE TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES

- 5.1 The Ombudsman's Annual Letter for 2020/2021 is attached (labelled **Appendix 2**). The data from the Ombudsman's office, is consistent with the Council's own records in respect of all complaints activity referred to the Ombudsman during 2020/2021. All Ombudsman activity is explained in more detail below.
- 5.2 The Ombudsman's expectation is that complainants will exhaust the Council's own complaints procedures before contacting his office for independent consideration of their complaint. However, in exceptional circumstances the Ombudsman does have discretion to undertake a direct investigation. Usually, complaints which have not yet been considered by the Council will be recorded by the Ombudsman's office as '*Premature*' contacts and the case will normally be referred back to the Council to investigate under its own complaints procedures.
- 5.3 As a matter of course, all formal responses issued at Stage 2 of the Council's complaints process (corporate and Social Services policies) include the advice that complainants can refer their case to the Ombudsman if they remain dissatisfied with the outcome.
- 5.4 The Council has limited control over service-users contacting the Ombudsman directly and this is usually addressed through awareness-raising amongst staff (through complaints training). This enables Council staff to identify at an early stage whether the complaints procedure should be initiated and they are then able to inform the service user about how they can make a complaint.
- 5.5 It is useful to note that the Ombudsman provides data according to the number of '*contacts*' received by service-users as well as the number of '*cases closed*' during the reporting period. This method will account for any discrepancies in the number of cases being reported on (particularly if some straddle multiple reporting periods).

**5.6 Number of complaints made to the Ombudsman in 2020/21 by primary subject (as categorised by the Ombudsman)**

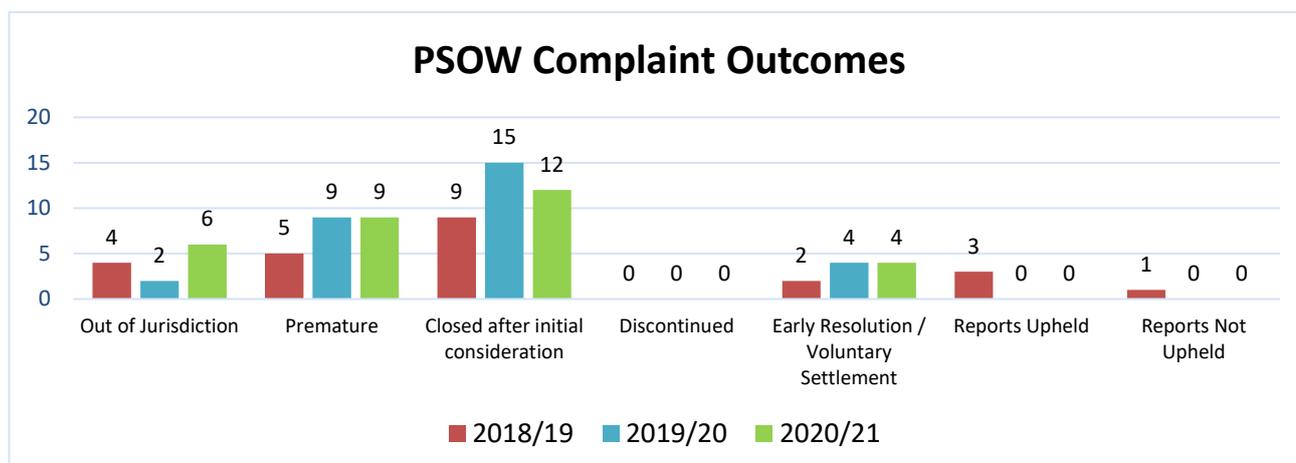
The chart below shows the number of complaints made by members of the public to the Ombudsman, in accordance with the categories provided by the Ombudsman.

| Subject   | No. of Ombudsman complaints 2018/19 | No. of Ombudsman complaints 2019/20 | No. of Ombudsman complaints 2020/21 |
|---|-------------------------------------|-------------------------------------|-------------------------------------|
| Adult Social Services                           | 2                                   | 4                                   | 5                                   |
| Agriculture and Fisheries                       | 1                                   | 0                                   | 0                                   |
| Benefits Administration                         | 1                                   | 1                                   | 1                                   |
| Children's Social Services                      | 0                                   | 5                                   | 3                                   |
| Communities, facilities, recreation and leisure | 1                                   | 1                                   | 0                                   |
| Complaints Handling                             | 4                                   | 4                                   | 5                                   |
| COVID-19  | -                                   | -                                   | 3                                   |
| Education                                       | 0                                   | 1                                   | 0                                   |
| Environment & Environmental Health              | 3                                   | 4                                   | 1                                   |
| Licencing                                       | 0                                   | 2                                   | 0                                   |
| Finance and Taxation                            | 0                                   | 2                                   | 2                                   |
| Housing (inc. renovation grants)                | 1                                   | 0                                   | 2                                   |
| Planning & building control                     | 6                                   | 6                                   | 8                                   |
| Roads & transport                               | 2                                   | 1                                   | 2                                   |
| Multi-Service Complaints                        | 2                                   | 0                                   | 0                                   |
| <b>TOTAL</b>                                    | <b>23</b>                           | <b>31</b>                           | <b>32</b>                           |

5.7 The Council's performance in respect of complaints handling has improved significantly in comparison to earlier reporting periods. Whilst the pandemic has inevitably had an impact on working practices, the strategies introduced in previous years continues to prove valuable in improving the Council's own complaints handling performance. Centralisation of the complaints service in 2017 and the subsequent introduction of an '*Ombudsman Toolkit*' in 2018, have helped to change the overall approach towards complaints.

5.8 The Ombudsman received 32 contacts during the course of 2020 – 2021, which is one more case than the previous year. Despite this, the Ombudsman has not conducted any investigations into any of these cases. However, for the second consecutive year four Quick Fix / Settlement Agreements were reached in order to be able to resolve the complaint to the Ombudsman's satisfaction. These cases will be explained in more detail below.

5.9 This chart provides comparison data for the outcomes of all cases closed by the Ombudsman during the period covered in this report and the two previous years:



5.10 As referred to above, whilst there were no investigations or formal reports issued by the Ombudsman for a second consecutive term, **four** cases required additional action following an assessment by the Ombudsman’s office. Such cases are referred to as ‘Early Resolution / Voluntary Settlement’ cases and the Council is given an opportunity to review its management of the case and resolve matters without the Ombudsman needing to launch a formal investigation.

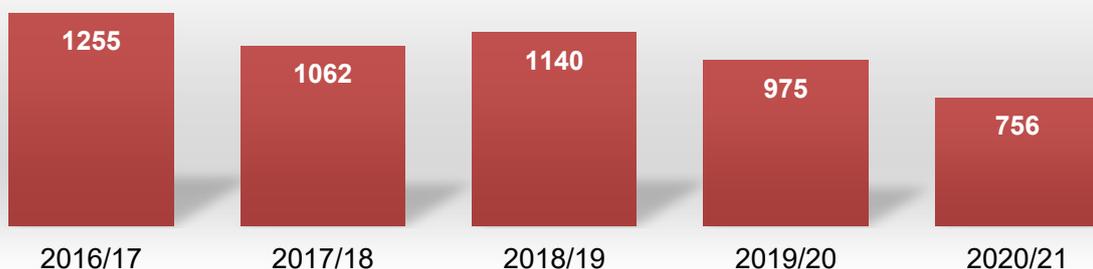
#### 5.11 Summary of Early Resolution / Voluntary Settlement cases

| Service & Reference                                 | Summary of Complaint   | Agreed Actions   |
|---|--|--|
| Porth Cynnal (202005090)                            | Complaint regarding access to equipment and services.  | The Council agreed to undertake a reassessment of the individual’s needs within 8 weeks of them confirming their location.   |
| Complaints Handling / Public Protection (202002633) | Dissatisfaction with the way their complaint was managed and that the Council failed to escalate the complaint in accordance with policy.  | The Council agreed to provide the complainant with an apology for the delays and to provide a substantive response within a specific timeframe.  |
| Complaints Handling / Porth Cynnal (201907197)      | Failure by Council to implement agreed actions following an earlier complaint about the provision of social care and support. This had a significant impact on the service-user at the centre of the case. | The Council agreed to undertake several actions to ensure that the actions it promised it would take, would be completed.  |
| Complaints Handling / Planning (202000388)          | Delays in complaints handling and an inadequate response was issued to the complaint. In addition, there was a need to review and resolve the planning enforcement aspects of the complaint.               | The Council agreed to issue the complainant with an apology for the delays, for failing to address her complaint properly and for failing to update the complainant on the status of the enforcement case. In addition, the Council agreed to make a £50 time and trouble payment for the inconvenience of having to pursue her complaint. |

## 6. FREEDOM OF INFORMATION ACTIVITY

- 6.1 The Council's compliance with the Freedom of Information Act 2000 (FOI) and Environmental Information Regulations 2004 (EIR) falls within the remit of the Policy, Performance and Public Protection Service. As with compliments and complaints activity, the FOI (and EIR) service was also centralised and makes up the Council's Complaints & FOI Service.
- 6.2 The Corporate Lead Officer for Policy, Performance & Public Protection is responsible for undertaking all Internal Reviews, which is essentially the complaints mechanism for FOI and EIR activity. Following the Internal Review stage, applicants have the right to refer their request to the Information Commissioner's Office (ICO) for further consideration.
- 6.3 Information requests received under FOI and EIR may be refused for various reasons providing there are lawful exemptions or exceptions (respectively) preventing disclosure. In such situations, the Council issues a Refusal Notice which provides clear information to explain the decision not to disclose the information being requested. It must be noted here that FOI and EIR relate to **recorded** information held by the Council and as such, there is no right to receive answers to questions which would require the creation of new information or records.
- 6.4 During this reporting period the Council received a total of **756** requests for information under the Freedom of Information Act 2000 (FOIA) or Environmental Information Regulations 2004 (EIR). Of these, **four** cases were escalated to the Corporate Lead Officer (CLO) for Policy, Performance & Public Protection requiring Internal Review. The Refusal Notices citing non-disclosure was overturned in one of the four Internal Review cases, a further explanation was provided in two cases and the exemption applied was maintained in the final, remaining case.
- 6.5 The number of FOI and EIR requests (combined) that were received during 2020/2021 is demonstrated below along with comparison data for earlier reporting terms.

### FOI & EIR Activity



- 6.6 The chart below shows the number of requests received by each service and what percentage this equates to in respect of the total number of requests received by the Council.

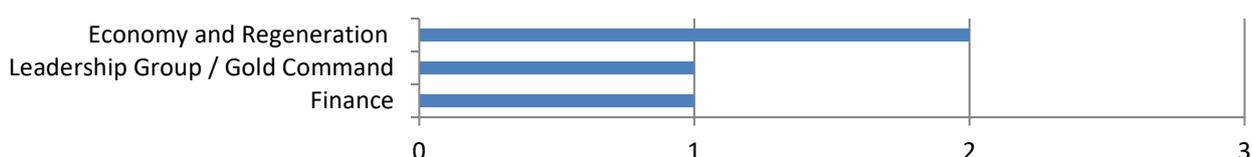
## FOI & EIR Activity by Service

| Service                                 | FOI                         |                              | EIR                         |                              |
|---|-----------------------------|------------------------------|-----------------------------|------------------------------|
|   | Number of Requests Received | % of Total Requests Received | Number of Requests Received | % of Total Requests Received |
| Schools                                 | 28                          | 4%                           | -                           | -                            |
| Finance & Procurement                   | 157                         | 21%                          | -                           | -                            |
| Democratic Services                     | 10                          | 1%                           | -                           | -                            |
| People & Organisation                   | 44                          | 6%                           | -                           | -                            |
| Porth Cymorth Cynnar                    | 1                           | >1%                          | -                           | -                            |
| Porth Cynnal                            | 64                          | 8%                           | -                           | -                            |
| Porth Gofal                             | 44                          | 6%                           | 1                           | 20%                          |
| Policy, Performance & Public Protection | 129                         | 17%                          | 3                           | 60%                          |
| Highways & Environmental Services       | 92                          | 12%                          | -                           | -                            |
| Economy & Regeneration                  | 84                          | 11%                          | 1                           | 20%                          |
| Customer Contact                        | 53                          | 7%                           | -                           | -                            |
| Legal & Governance Services             | 8                           | 1%                           | -                           | -                            |
| Multiple Services                       | 38                          | 5%                           | -                           | -                            |

6.7 The Council has a statutory responsibility to respond to all FOI's within 20 working days. The Council's overall compliance with this timescale for 2020/21 was **66%**.

6.8 A total of **four** Internal Reviews were requested in 2020/21, all of which are shown below grouped according to service. This is a decrease of 43% of requests for Internal Review compared with the seven that were received in 2019/20.

### Requests for Internal Review by Service



6.9 Three referrals were made to the Information Commissioner's Office (ICO) during the reporting period. All three related to the Council's delay in providing information within the statutory timescale. None of the referrals made resulted in an investigation or decision notice being issued by the ICO.

## 7. SUMMARY & CONCLUSIONS

- 7.1 Due to the coronavirus pandemic, this entire reporting period posed significant challenges to services across the Council; both in terms of having to cope with a drastic increase to the workloads of many and also the need to adapt quickly to such new ways of working. Therefore, to see the number of compliments almost double and to have a 17% reduction in complaints was quite an achievement.
- 7.2 In summary, the main headlines of this report are as follows:
- ❖ **814** Compliments were received
  - ❖ **435** Enquiries were processed by the Complaints & FOI Service
  - ❖ **103** Complaints were received: **Stage 1 = 61 Stage 2 = 42**
  - ❖ **32** 'Contacts' received via the Public Services Ombudsman for Wales
  - ❖ **756** FOI & EIR requests processed by the Complaints & FOI Service
- 7.3 As outlined above, there were almost twice as many compliments received in this reporting period as there were in 2019/2020. A significant amount of these compliments were received in relation to the Covid-19 response efforts undertaken by the Council – from food boxes being delivered to the most vulnerable citizens and 'Care Packages' distributed to registered carers across the County.
- 7.4 The three services receiving the most Stage 1 complaints in this reporting period remains unchanged, with Refuse Collection receiving the majority, then Council Tax and Housing Benefit, followed closely by the Planning Service. By their very nature, these services are predisposed to receiving a large volume of complaints and whilst some complaints may be inevitable, it is encouraging to see that the Ombudsman's office closed 39% of all new referrals once they had an opportunity to consider the Council's attempts to resolve the complaint in the first instance.
- 7.5 Due to staff absences and vacancies within the Complaints and FOI Service during the entire reporting period, it is evident from the data that this had an impact on the Council's ability to meet timescales and manage cases at the standards we would normally expect. This was reflected in three of the four Quick Fix/Settlement Agreements proposed by the Ombudsman's office, though this has since been addressed with the appointment of new staff to the service.
- 7.6 It is encouraging to see fewer complaints for this reporting period. However, over half of all complaints were upheld following investigation. This means that, in the main, the complaint was justified and the Council had fallen short on delivering the standard of service it would usually strive for.
- 7.7 In view of 54% of all complaints having been upheld, there was very little capacity on the part of the Complaints and FOI Service to capture more evidence regarding lessons learned. This will be prioritised in 2021-2022 especially now that the service is at full complement.

- 7.8 It was not possible to deliver the in-house complaints training during this reporting period, due to the aforementioned challenges; therefore this will need to be prioritised in the future – albeit the training will most likely be delivered in a different way. Of note, the Head of the Ombudsman’s new Complaints Standards Authority (CSA) delivered two Complaints Investigation Training sessions to Corporate Managers via Microsoft Teams in February 2021, which proved to be extremely valuable. Further training opportunities will become available in the future via the CSA, who deliver the training free of charge. Any suitable sessions will be arranged and co-ordinated by the Complaints and FOI Service in due course.
- 7.9 It is evident that further work needs to be done in respect of meeting the timescales of both Complaints and FOI/EIR. The number of FOI/EIR responses issued within the 20 working-day timescale has fallen to its lowest level of compliance since before 2014. It is believed that this is due to a combination of factors including the lack of capacity on the part of services to be able to prioritise FOI above all the new tasks arising; being unable to obtain hard-copies of documents due to home-working; lack of capacity within the Complaints and FOI Service (which undertakes the majority of the administrative work surrounding FOI activity; i.e. recording, acknowledging and distributing new requests and issuing all responses and applying any exemptions/exceptions and/or redactions as required).
- 7.10 During 2020-2021 there were fewer FOI and EIR requests received than in any previous years (since 2014) with a total of **756**. The Finance and Procurement Service managed to maintain their record for receiving the most FOI’s by service area (receiving a total of 157). Policy, Performance and Public Protection came in with the second highest number of requests (**129**) with Highways and Environmental Services having the 3<sup>rd</sup> highest number of FOIs (**92**).
- 7.11 As referred to in point 7.9 (above) compliance with the statutory timescales for FOI requests fell from 86% in 2019-2020 to just 66% in 2020-2021. This will be one of the main priorities for the Complaints and FOI Service moving forwards, with FOI performance being included as a performance measure for 2021-2022.
- 7.12 In the main, this report is positive and an incredible achievement when taking into account the difficult year experienced by all! However, it is clear that there are several areas which require attention so that we can be confident that the Council is able to deal with Complaints and FOI activity effectively and in accordance with policies and legislation. In turn, this should enhance the confidence and trust our citizens have in our ability to take their concerns seriously and act transparently when they seek information from us.

**Marie-Neige Hadfield**  
**Complains and FOI Manager**

**1<sup>st</sup> October 2021**

## 8. DATA

### ITEM 1: BREAKDOWN OF COMPLAINTS BY SERVICE

| Service and Departments                            | Stage 1  | Stage 2  | TOTAL     |
|--|----------|----------|-----------|
| <b>Schools</b>                                     |          |          | <b>2</b>  |
| ➤ Inclusion  | 1        | 0        |           |
| ➤ ALN  | 0        | 1        |           |
| <b>Finance &amp; Procurement</b>                   |          |          | <b>19</b> |
| ➤ Council Tax & Housing Benefit                    | 9        | 2        |           |
| ➤ Covid-19 Business Grants                         | 0        | 5        |           |
| ➤ Debtors  | 1        | 1        |           |
| ➤ Procurement & Payments                           | 0        | 1        |           |
| <b>Democratic Services</b>                         |          |          | <b>2</b>  |
| ➤ Electoral Services                               | 2        | 0        |           |
| <b>People &amp; Organisation</b>                   |          |          | <b>1</b>  |
| ➤ Payroll  | 1        | 0        |           |
| <b>Porth Cymorth Cynnar</b>                        | <b>0</b> | <b>0</b> | <b>0</b>  |
| <b>Porth Cynnal</b>                                |          |          | <b>13</b> |
| ➤ Mental Wellbeing                                 | 3        | 1        |           |
| ➤ Adult Team                                       | 1        | 0        |           |
| ➤ Children & Family Assessment                     | 1        | 1        |           |
| ➤ Quality & Service Improvement                    | 1        | 0        |           |
| ➤ Adult Protection                                 | 1        | 2        |           |
| ➤ Camu Mlaen                                       | 1        | 0        |           |
| ➤ Community Team Learning Disabilities             | 1        | 0        |           |
| <b>Porth Gofal</b>                                 |          |          | <b>11</b> |
| ➤ Fostering  | 1        | 0        |           |
| ➤ Direct Services                                  | 2        | 0        |           |
| ➤ Porth Gofal Triage                               | 3        | 0        |           |
| ➤ Occupational Therapy Services                    | 1        | 0        |           |
| ➤ Homelessness / Housing (Inc. DFG, Eco Flex)      | 2        | 2        |           |
| <b>Policy, Performance &amp; Public Protection</b> |          |          | <b>8</b>  |
| ➤ Food Safety                                      | 0        | 1        |           |
| ➤ Covid Regulations (including TTP)                | 2        | 1        |           |
| ➤ Trading Standards                                | 0        | 1        |           |
| ➤ Environmental Health                             | 1        | 1        |           |

| <b>Service and Departments</b>               | <b>Stage 1</b> | <b>Stage 2</b> | <b>TOTAL</b> |
|--|----------------|----------------|--------------|
| ➤ Community Warden                           | 1              | 0              |              |
| <b>Highways &amp; Environmental Services</b> |                |                |              |
| ➤ Highway Maintenance / Improvements         | 1              | 1              | <b>16</b>    |
| ➤ Street Lighting                            | 0              | 1              |              |
| ➤ Parking Services                           | 1              | 0              |              |
| ➤ Refuse Collection & Household Waste Sites  | 10             | 1              |              |
| ➤ Cemeteries                                 | 0              | 1              |              |
| <b>Economy &amp; Regeneration</b>            |                |                |              |
| ➤ Coast and Countryside                      | 1              | 0              | <b>27</b>    |
| ➤ Planning (including Enforcement)           | 8              | 14             |              |
| ➤ Complaint against Staff                    | 1              | 1              |              |
| ➤ Property Services                          | 1              | 0              |              |
| ➤ Covid-19 – Misc.                           | 0              | 1              |              |
| <b>Customer Contact</b>                      |                |                |              |
| ➤ Customer Services                          | 1              | 0              | <b>1</b>     |
| <b>Legal and Governance services</b>         |                |                |              |
|  | <b>0</b>       | <b>0</b>       | <b>0</b>     |
| <b>Multiple Service / Corporate</b>          |                |                |              |
|  | <b>1</b>       | <b>2</b>       | <b>3</b>     |
| <b>TOTAL NUMBER OF COMPLAINTS RECEIVED</b>   | <b>61</b>      | <b>42</b>      | <b>103</b>   |

## ITEM 2: COMPLAINT OUTCOMES

| <b>Outcome</b>  | <b>2019/20</b> |
|---|----------------|
| > Investigation not merited                           | 1              |
| > Investigation / Complaint discontinued or withdrawn | 3              |
| > Not upheld  | 37             |
| > Upheld Whole or in Part                             | 56             |
| > Open / Ongoing                                      | 6              |
| <b>TOTAL</b>  | <b>103</b>     |

## Appendix 2

Ask for: Communications

 01656 641150

Date: September 2021

 communications@ombudsman.wales

Cllr. Ellen ap Gwynn  
Ceredigion County Council

By Email only: ellen.apgwynn@ceredigion.gov.uk

### **Annual Letter 2020/21**

Dear Councillor ap Gwynn

I am pleased to provide you with the Annual letter (2020/21) for Ceredigion County Council.

This letter discusses information from a year unlike any other in recent memory, and as such may not be useful for establishing trends or patterns. Information received during this remarkable year will, however, bring insights on how public services reacted in the face of unprecedented demand and the most difficult of circumstances.

During the past financial year, we have intervened in (upheld, settled or resolved at an early stage) the same proportion of complaints about public bodies, 20%, compared with 2019/20.

Regarding new complaints received relating to Local Authorities, the overall number decreased by 12.5% compared with last year. This reflects the reduction in complaints being reported by Local Authorities during the Covid-19 pandemic. My office intervened in a similar proportion of the cases closed as in the previous year (13%).

However, we referred a higher proportion of Code of Conduct complaints to a Standards Committee or the Adjudication Panel for Wales: 3.4% compared to 2% in the previous year. This higher referral rate was also accompanied by a sharp increase in the number of Code of Conduct complaints received.

During 2020/21, despite challenges caused by the pandemic, my office made great strides in progressing work related to Complaints Standards and Own Initiative Investigations. The theme and consultation period of the first wider Own

Page 1 of 9

Initiative Investigation – into Local Authority Homelessness Assessments - was launched in September 2020 and the report is due in the coming months. We also commenced 4 extended Own Initiative Investigations, where we extended the scope of our work on a complaint already under investigation.

Last year, my office also pushed ahead with two new publications – ‘Our Findings’ and our first Equality Report.

‘Our Findings’ will be accessed via the PSOW website and replaces the quarterly casebooks. Our Findings will be updated more frequently and will be a more useful tool in sharing the outcomes of investigations. Our first Equality Report highlights the work done to improve equality and diversity, and to ensure that our service is available to people from all parts of society.

Local Authorities in Wales continued to submit data about the complaints they handled to the Complaints Standards Authority (CSA) during 2020/21, as well as receiving a model complaints procedure and accessing 76 virtual training sessions.

The data submitted for 2020/2021 shows:

- Nearly 12,000 complaints were recorded by Local Authorities
- This equates to 3.77 for every 1000 residents.
- Nearly half (44%) of those complaints were upheld.
- About 75% were investigated within 20 working days.
- About 9% of all complaints closed were referred to PSOW.

The CSA will publish data to the PSOW website for the first time in the coming year, marking a key achievement in the progress of this work. Training sessions have been delivered to almost all Local Authorities in Wales, and our offer of training remains open ended and will be delivered free of charge.

A summary of the complaints of maladministration/service failure received relating to your Council is attached.

Also attached is a summary of the Code of Conduct complaints relating to members of the Council and to the Town & Community Councils in your area.

I ask that the Council takes the following actions:

- Present my Annual Letter to the Cabinet to assist members in their scrutiny of the Council’s complaints performance and any actions to be taken as a result.
- Engage with my Complaints Standards work, accessing training for your staff and providing complaints data.
- Inform me of the outcome of the Council’s considerations and proposed actions on the above matters by 15 November.

This correspondence is copied to the Chief Executive of your Council and to your Contact Officer. Finally, a copy of all Annual Letters will be published on my website.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Nick Bennett', with a stylized flourish at the end.

Nick Bennett  
Ombudsman

cc.Eifion Evans, Chief Executive, Ceredigion County Council  
By Email only: [Eifion.evans@ceredigion.gov.uk](mailto:Eifion.evans@ceredigion.gov.uk)

## Factsheet

### Appendix A - Complaints Received

| Local Authority                          | Complaints Received | Received per 1000 residents |
|--|---------------------|-----------------------------|
| Blaenau Gwent County Borough Council     | 15                  | 0.21                        |
| Bridgend County Borough Council          | 31                  | 0.21                        |
| Caerphilly County Borough Council        | 46                  | 0.25                        |
| Cardiff Council*                         | 96                  | 0.26                        |
| Carmarthenshire County Council           | 27                  | 0.14                        |
| Ceredigion County Council                | 32                  | 0.44                        |
| Conwy County Borough Council             | 32                  | 0.27                        |
| Denbighshire County Council              | 32                  | 0.33                        |
| Flintshire County Council                | 59                  | 0.38                        |
| Gwynedd Council                          | 30                  | 0.24                        |
| Isle of Anglesey County Council          | 18                  | 0.26                        |
| Merthyr Tydfil County Borough Council    | 15                  | 0.25                        |
| Monmouthshire County Council             | 20                  | 0.21                        |
| Neath Port Talbot Council                | 19                  | 0.13                        |
| Newport City Council                     | 31                  | 0.20                        |
| Pembrokeshire County Council             | 28                  | 0.22                        |
| Powys County Council                     | 38                  | 0.29                        |
| Rhondda Cynon Taf County Borough Council | 40                  | 0.17                        |
| Swansea Council                          | 73                  | 0.30                        |
| Torfaen County Borough Council           | 12                  | 0.13                        |
| Vale of Glamorgan Council                | 39                  | 0.29                        |
| Wrexham County Borough Council           | 43                  | 0.32                        |
| <b>Total</b>                             | <b>776</b>          | <b>0.25</b>                 |

\* inc 2 Rent Smart Wales

Appendix B - Received by Subject

| <b>Ceredigion County Council</b>             | <b>Complaints Received</b> | <b>% Share</b> |
|--|----------------------------|----------------|
| Adult Social Services                        | 5                          | 16%            |
| Benefits Administration                      | 1                          | 3%             |
| Children's Social Services                   | 3                          | 9%             |
| Community Facilities, Recreation and Leisure | 0                          | 0%             |
| Complaints Handling                          | 5                          | 16%            |
| Covid19                                      | 3                          | 9%             |
| Education                                    | 0                          | 0%             |
| Environment and Environmental Health         | 1                          | 3%             |
| Finance and Taxation                         | 2                          | 6%             |
| Housing                                      | 2                          | 6%             |
| Licensing                                    | 0                          | 0%             |
| Planning and Building Control                | 8                          | 25%            |
| Roads and Transport                          | 2                          | 6%             |
| Various Other                                | 0                          | 0%             |
| <b>Total</b>                                 | <b>32</b>                  |                |

Appendix C - Complaint Outcomes  
 (\* denotes intervention)

| County/County Borough Councils | Out of Jurisdiction | Premature | Other cases closed after initial consideration | Early Resolution/ voluntary settlement* | Discontinued | Other Reports- Not Upheld | Other Reports Upheld* | Public Interest Report* | Total |
|--------------------------------|---------------------|-----------|--|---|--------------|---------------------------|-----------------------|-------------------------|-------|
| Ceredigion County Council      | 6                   | 9         | 12   | 4                                       | 0            | 0                         | 0                     | 0                       | 31    |
| % Share                        | 19%                 | 29%       | 39%  | 13%                                     | 0%           | 0%                        | 0%                    | 0%                      |       |

## Appendix D - Cases with PSOW Intervention

|  | No. of interventions | No. of closures | % of interventions |
|--|----------------------|-----------------|--------------------|
| Blaenau Gwent County Borough Council     | 1                    | 17              | 6%                 |
| Bridgend County Borough Council          | 2                    | 30              | 7%                 |
| Caerphilly County Borough Council        | 3                    | 45              | 7%                 |
| Cardiff Council                          | 26                   | 100             | 26%                |
| Cardiff Council - Rent Smart Wales       | 0                    | 2               | 0%                 |
| Carmarthenshire County Council           | 6                    | 29              | 21%                |
| Ceredigion County Council                | 4                    | 31              | 13%                |
| Conwy County Borough Council             | 5                    | 31              | 16%                |
| Denbighshire County Council              | 2                    | 31              | 6%                 |
| Flintshire County Council                | 11                   | 62              | 18%                |
| Gwynedd Council                          | 5                    | 27              | 19%                |
| Isle of Anglesey County Council          | 1                    | 17              | 6%                 |
| Merthyr Tydfil County Borough Council    | 0                    | 14              | 0%                 |
| Monmouthshire County Council             | 1                    | 19              | 5%                 |
| Neath Port Talbot Council                | 1                    | 17              | 6%                 |
| Newport City Council                     | 5                    | 29              | 17%                |
| Pembrokeshire County Council             | 3                    | 26              | 12%                |
| Powys County Council                     | 4                    | 47              | 9%                 |
| Rhondda Cynon Taf County Borough Council | 2                    | 43              | 5%                 |
| Swansea Council                          | 9                    | 67              | 13%                |
| Torfaen County Borough Council           | 0                    | 11              | 0%                 |
| Vale of Glamorgan Council                | 5                    | 38              | 13%                |
| Wrexham County Borough Council           | 6                    | 48              | 13%                |
| <b>Total</b>                             | <b>102</b>           | <b>781</b>      | <b>13%</b>         |

## Appendix E - Code of Conduct Complaints

| County/County Borough Councils | Discontinued | No evidence of breach | No action necessary | Refer to Adjudication Panel | Refer to Standards Committee | Withdrawn | Total |
|--------------------------------|--------------|-----------------------|---------------------|-----------------------------|------------------------------|-----------|-------|
| Ceredigion County Council      | 0            | 2                     | 0                   | 0                           | 0                            | 0         | 2     |

## Appendix F - Town/Community Council Code of Complaints

| Town/Community Council              | Discontinued | No evidence of breach | No action necessary | Refer to Adjudication Panel | Refer to Standards Committee | Withdrawn | Total |
|-------------------------------------|--------------|-----------------------|---------------------|-----------------------------|------------------------------|-----------|-------|
| Llanfair Clydogau Community Council | 0            | 1                     | 0                   | 0                           | 0                            | 0         | 1     |
| Trefeurig Community Council         | 1            | 0                     | 0                   | 0                           | 0                            | 0         | 1     |

## Information Sheet

Appendix A shows the number of complaints received by PSOW for all Local Authorities in 2020/2021. These complaints are contextualised by the number of people each health board reportedly serves.

Appendix B shows the categorisation of each complaint received, and what proportion of received complaints represents for the Local Authority.

Appendix C shows outcomes of the complaints which PSOW closed for the Local Authority in 2020/2021. This table shows both the volume, and the proportion that each outcome represents for the Local Authority.

Appendix D shows Intervention Rates for all Local Authorities in 2020/2021. An intervention is categorised by either an upheld complaint (either public interest or non-public interest), an early resolution, or a voluntary settlement.

Appendix E shows the outcomes of Code Of Conduct complaints closed by PSOW related to Local Authority in 2020/2021. This table shows both the volume, and the proportion that each outcome represents for the Local Authority.

Appendix F shows the outcomes of Code of Conduct complaints closed by PSOW related to Town and Community Councils in the Local Authority's area. This table shows both the volume, and the proportion that each outcome represents for each Town or Community Council.