

# CABINET AGENDA



**TUESDAY 22 MARCH 2016 AT 7.30 PM**  
**DBC BULBOURNE ROOM - CIVIC CENTRE**

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

#### Membership

Councillor Williams (Leader)	Councillor Harden
Councillor Griffiths (Deputy Leader)	Councillor Marshall
Councillor Elliot	Councillor G Sutton

For further information, please contact Michelle Anderson

## AGENDA

### 1. MINUTES (Pages 3 - 4)

To confirm the minutes of the meeting held on 24 February 2016 (circulated separately to Cabinet members).

### 2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

### 3. DECLARATIONS OF INTEREST

To receive any declarations of interest

A member with a disclosable pecuniary interest or a personal interest in a matter who attends a meeting of the authority at which the matter is considered -

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent

and, if the interest is a disclosable pecuniary interest, or a personal interest which is also prejudicial

- (ii) may not participate in any discussion or vote on the matter (and must withdraw to the public seating area) unless they have been granted a dispensation.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests, or is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal and prejudicial interests are defined in Part 2 of the Code of Conduct for Members

[If a member is in any doubt as to whether they have an interest which should be declared they should seek the advice of the Monitoring Officer before the start of the meeting]

#### **4. PUBLIC PARTICIPATION**

An opportunity for members of the public to make statements and ask questions in accordance with the rules as to Public Participation.

#### **5. REFERRALS TO CABINET**

There were no referrals to Cabinet

#### **6. CABINET FORWARD PLAN (Pages 5 - 6)**

#### **7. BUDGET MONITORING QUARTER 3 2015/16 (Pages 7 - 16)**

#### **8. REVIEW OF ABSENCE MANAGEMENT POLICY AND PROCEDURES (Pages 17 - 53)**

#### **9. HEMEL EVOLUTION: BUS INTERCHANGE PROJECT - TRAFFIC REGULATION ORDER (TRO) PROPOSAL FOR WATERHOUSE STREET (Pages 54 - 73)**

#### **10. EXCLUSION OF THE PUBLIC**

To consider passing a resolution in the following terms:

**That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1 as amended by the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during the items in Part 2 of the Agenda for this meeting, because it is likely, in view of the nature of the business to be transacted, that, if members of the public were present during those items, there would be disclosure to them of exempt information relating to the financial and business affairs of the Council and third party companies/organisations.**

**Local Government Act 1972, Schedule 12A, Part 1, paragraph 3.**

## MINUTES

## CABINET

24 FEBRUARY 2016

**Present:**

**Members:**

**Councillors:** Williams (Leader)  
Griffiths (Deputy  
Leader)  
Elliot  
Marshall  
G Sutton

<b>Officers:</b>	Sally Marshall	Chief Executive
	Mark Gaynor	Corporate Director - Housing & Regeneration
	James Deane	Corporate Director - Finance and Operations
	Steven Baker	Assistant Director - Chief Executive's Unit
	Jim Doyle	Group Manager - Democratic Services

The meeting began at 7.00 pm

**CA/22/15**    **MINUTES**

The minutes of the meeting held on 09 February 2016 were agreed by the members present and signed by the Chairman.

**CA/23/15**    **APOLOGIES FOR ABSENCE**

An apology was received from Councillor Harden.

**CA/24/15**    **DECLARATIONS OF INTEREST**

None received

**CA/25/15**    **PUBLIC PARTICIPATION**

None received

**CA/26/15**    **REFERRALS TO CABINET**

None received

**CA/27/15**    **CABINET FORWARD PLAN**

That the Cabinet Forward Plan be noted, subject to the following additions:

The Enterprise Zone to be removed from the March agenda and a future date to be confirmed.

**CA/28/15     BUDGET 2016/17: SUPPLEMENTARY REPORT**

**Resolved to recommend:**

**l) reduce dwelling rents for non-sheltered housing units by 1%, and increase rents for sheltered housing units by CPI plus 1%, resulting in an average rent of £105.52 per week (based on 52 weeks)**

**m) the updated HRA estimate for 2016/17 as shown in Supplementary Appendix F to the Extraordinary Cabinet budget report.**

Reason for Urgent Cabinet

Following updated information on the progress of the Welfare Reform and Work Bill through Parliament, the above updated recommendations are recommended to Cabinet. Each recommendation listed above supersedes the recommendations of the same letter within the original Cabinet Report (9 February 2016, Agenda Item 13).

Advice

The Leader of the Council was aware that the legislation to reduce housing rent by 1% was not yet law, however councillors needed to adhere to it. It was noted that sheltered housing was not included.

The Portfolio Holder for Housing noted that they had not received clarification yet if this was CPI or RPI and therefore asked if the council could revert back to the previous target rate approach next year.

The Corporate Director of Finance & Operations explained that the council could revert back to previous ways of calculating the rate, however it would prove to be very expensive for the council to do this during the financial year and therefore any change could be postponed until the next financial year.

**Voting**

None.

The Meeting ended at 7.06 pm

## CABINET FORWARD PLAN

	DATE	MATTERS FOR CONSIDERATION	Decision Making Process	Reports to Monitoring Officer/S.151 Officer	CONTACT DETAILS	BACKGROUND INFORMATION
1.	22/03/16	Performance Reports – Quarter 3		03/03/16	James Deane, Corporate Director (Finance & Operations) 01442 228278 <a href="mailto:james.deane@dacorum.gov.uk">james.deane@dacorum.gov.uk</a>	To review the Council's forecast outturn position at the end of the third quarter.
2.	22/03/16	Waterhouse Street Traffic Regulation Order		03/03/16	James Doe, Assistant Director Planning, Development & Regeneration 01442 228583 <a href="mailto:James.doe@dacorum.gov.uk">James.doe@dacorum.gov.uk</a>	Following the introduction of the new taxi rank, blue badge and short stay parking bays, we have encountered some disabled badge parking issues on the remaining double yellow lines and roundabout at Moor End Road. This Traffic Order is designed to remove the ability for blue badge holder to park on any remaining double yellow or roundabout and allow our DBC parking team the facility to enforce.
3.	22/03/16	Sickness Absence Management Review		03/03/16	Steve Baker, Assistant Director Chief Executive's Unit, 01442 228229 <a href="mailto:Steve.baker@dacorum.gov.uk">Steve.baker@dacorum.gov.uk</a> Matt Rawdon, Group Manager People, 01442 228513 <a href="mailto:matthew.rawdon@dacorum.gov.uk">matthew.rawdon@dacorum.gov.uk</a> James Deane, Corporate Director Finance and Operations 01442 228278 <a href="mailto:james.deane@dacorum.gov.uk">james.deane@dacorum.gov.uk</a>	Revisions made to the policy and procedure to ensure it is robust and effective in managing sickness absence across the Council.
4.	26/04/16	Hemel Hempstead Town Centre Parking Access and Movement Strategy		07/04/16	James Doe, Assistant Director Planning, Development & Regeneration 01442 228583 <a href="mailto:James.doe@dacorum.gov.uk">James.doe@dacorum.gov.uk</a> Chris Taylor, Group Manager Strategic Planning and Regeneration 01442 228405 <a href="mailto:chris.taylor@dacorum.gov.uk">chris.taylor@dacorum.gov.uk</a> Nathalie Bateman, Strategic Planning & Regeneration Team Leader 01442 228592 <a href="mailto:nathalie.batemen@dacorum.gov.uk">nathalie.batemen@dacorum.gov.uk</a>	To consider arrangements for taking forward the next stages of the parking access and movement strategy for Hemel Hempstead Town Centre
5.	26/04/16	Risk Management Q4		07/04/16	James Deane, Corporate Director Finance and Operations 01442 228278 <a href="mailto:james.deane@dacorum.gov.uk">james.deane@dacorum.gov.uk</a>	To review the updated Strategic Risk Register.
6.	26/04/16			07/04/16		

	DATE	MATTERS FOR CONSIDERATION	Decision Making Process	Reports to Monitoring Officer/S.151 Officer	CONTACT DETAILS	BACKGROUND INFORMATION
7.	24/05/16	Performance Reports – Quarter 4		05/05/16	James Deane, Corporate Director Finance and Operations 01442 228278 <a href="mailto:james.deane@dacorum.gov.uk">james.deane@dacorum.gov.uk</a>	To review the Council's forecast outturn position at the end of the fourth quarter.
8.	28/06/16	Housing Asset Management Strategy		09/06/16	Elliott Brooks, Assistant Director (Housing) 01442 228615 <a href="mailto:elliott.brooks@dacorum.gov.uk">elliott.brooks@dacorum.gov.uk</a> Fiona Williamson, Group Manager (Property & Place) 01442 228855 <a href="mailto:fiona.williamson@dacorum.gov.uk">fiona.williamson@dacorum.gov.uk</a>	To set out the strategic approach as to how the Council will maintain and invest in its housing stock
9.	26/07/16	Housing Acquisition Policy		07/07/16	Elliott Brooks, Assistant Director (Housing) 01442 228615 <a href="mailto:elliott.brooks@dacorum.gov.uk">elliott.brooks@dacorum.gov.uk</a> Simon Smith, Assets and Business Improvement Team Leader Property & Place, 01442 228464 <a href="mailto:simon.smith@dacorum.gov.uk">simon.smith@dacorum.gov.uk</a>	To set out the principles by which the Council's Housing Revenue Account will acquire assets including buying back properties previously sold under Right to Buy

**Future Cabinet Dates 2016:** 20<sup>th</sup> September:  
 ➤ Performance report Quarter 1  
 18<sup>th</sup> October:  
 ➤ Homelessness Strategy Review (E Brooks / N Braithwaite)  
 29<sup>th</sup> November  
 13<sup>th</sup> December  
 Planning Legislation Update (M Gaynor)  
 HRA Business Plan Review (E Brooks)  
 Enterprise Zone (J Doe) To seek Council's agreement to sign off proposals.



## AGENDA ITEM: 7

### SUMMARY

<b>Report for:</b>	<b>Cabinet</b>
<b>Date of meeting:</b>	<b>22 March 2016</b>
<b>PART:</b>	<b>1</b>
If Part II, reason:	

<b>Title of report:</b>	<b>Budget Monitoring Quarter 3 2015/16</b>
Contact:	<p>Cllr Graeme Elliot, Portfolio Holder for Finance and Resources</p> <p>David Skinner, Assistant Director (Finance &amp; Resources)</p> <p>Richard Baker, Group Manager (Financial Services)</p>
Purpose of report:	<p>To provide details of the projected outturn for 2015/16 as at Quarter 3 for the:</p> <ul style="list-style-type: none"> <li>• General Fund</li> <li>• Housing Revenue Account</li> <li>• Capital Programme</li> </ul>
Recommendations	<p>It is recommended that Cabinet:</p> <ol style="list-style-type: none"> <li>1. Consider the budget monitoring position for each of the above accounts; and,</li> <li>2. Recommend to Council approval of the supplementary budgets set out below. Details for these supplementary budgets are set out in the body of the report and have a net nil impact on the General Fund Working Balance: <ul style="list-style-type: none"> <li>• Increase The Forum Premises Budget by £195k</li> <li>• Increase use of The Forum Reserve by £195k</li> </ul> </li> </ol>

Corporate objectives:	Dacorum Delivers
Implications:	Financial and Value for Money implications are included within the body of the report.
Risk Implications	Risk implications are included within the body of the report.
Equalities Implications	There are no equality implications.
Health And Safety Implications	There are no health and safety implications.
Monitoring Officer/S.151 Officer Comments	<p><b>Deputy Monitoring Officer</b></p> <p>No further comments to add to the report.</p> <p><b>S.151 Officer</b></p> <p>This is a Section 151 Officer report.</p>
Consultees:	Budget Managers
Glossary of acronyms and any other abbreviations used in this report:	<p>GF – General Fund</p> <p>HRA – Housing Revenue Account</p>

## 1. Introduction

1.1 The purpose of this report is to outline the Council's forecast outturn for 2015/16 as at 31 December 2015. The report covers the following budgets:

- General Fund
- Housing Revenue Account (HRA)
- Capital Programme

## 2. General Fund Revenue Account

2.1 The General Fund revenue account records the income and expenditure associated with all Council functions except management of the Council's own housing stock, which is accounted for within the Housing Revenue Account (HRA) (see Section 6).



2.2 Appendix A provides an overview of the General Fund provisional outturn position, separating expenditure into controllable and non-controllable categories in order to focus scrutiny on those areas that officers are able to influence, i.e. the controllable.

2.3 The majority of non-controllable costs result from year-end accounting adjustments, e.g. depreciation charges. These are required to show the true value of resources used to provide the Council's services, but do not result in a cash charge to taxpayers.

2.4 The current budget is the original budget approved by Cabinet in February 2015, plus the following approved amendments:

<b>Amendments</b>	<b>£000</b>	<b>Approved</b>
<b>2015/16 Original budget</b>	<b>17,534</b>	
Grant Funded Staff Costs in Revenues and Benefits	70	Council September 2015
Office Accommodation	53	Council September 2015
Reserve Funded Staff Costs	(10)	Council September 2015
Local Development Framework	(50)	Council September 2015
Ambassadors' Programme	36	Council July 2015
Grant Funded Costs in Electoral Registration	42	Council January 2016
Reserve Funded Election Budget	(30)	Council January 2016
<b>2015/16 Current Budget</b>	<b>17,645</b>	

2.5 This report has been prepared using the newly aligned Scrutiny & Portfolio Holder roles and responsibilities, as approved by Cabinet on 24 November 2015.

2.6 The table below provides an overview by Scrutiny area of the current forecast outturn for controllable budgets within the General Fund.

	<b>Current Budget</b>	<b>Forecast Outturn</b>	<b>Variance</b>	
	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>%</b>
Finance & Resources	7,365	7,341	(24)	-0.3%
Strategic Planning & Environment	7,748	7,999	251	3.2%
Housing & Community	2,532	2,538	6	0.2%
<b>Total</b>	<b>17,645</b>	<b>17,878</b>	<b>233</b>	<b>1.3%</b>

2.7 The following sections provide an analysis of the projected outturn and major budget variances shown by Scrutiny area.

### **3. Finance and Resources**

Finance & Resources	Current	Forecast	Variance	
	Budget £000	Outturn £000	£000	%
Employees	9,796	9,838	42	0.4%
Premises	1,754	2,034	280	16.0%
Transport	35	36	1	2.6%
Supplies & Services	4,184	4,090	(94)	-2.3%
Third-Parties	583	653	70	12.1%
Income	(8,987)	(9,310)	(323)	3.6%
	<b>7,365</b>	<b>7,341</b>	<b>(24)</b>	<b>-0.3%</b>

### 3.1 Premises - £280k over budget (16.0%)

Pressure of £195k – The Council has reimbursed Hertfordshire County Council for a share of the costs of the temporary location of the Library, prior to the move to the Forum. Cabinet is asked to recommend to Council an increase in the budget for Premises costs to be funded from The Forum reserve.

Pressure of £40k – There is a pressure of £40k in the Public Conveniences Service, as a new electronic opening system is being installed. This will remove the need for Council staff to attend Public Conveniences to open and close the facilities, and offers a more cost-effective long term solution.

Pressure of £30k - There is a pressure of £30k relating to Business Rates incurred by the Council on void commercial properties. There have been a number of sites which have proved difficult to let and have remained vacant since the beginning of the financial year.

### 3.2 Supplies & Services - £94k under budget (2.3%)

Underspend of £207k – Underspends have been identified across various services through close scrutiny of the budgets, in preparation for the next budget round. Following approval at Full Council on 20 January 2016, these savings have been moved to a central area in Finance & Resources, and have been taken out of the base budgets for the 2016/17 budget.

Pressure of £30k - In 2014/15 the council commissioned Liberata to carry out a review of empty properties with a view to bringing these back into use, which will attract New Homes Bonus. Over 200 properties were identified which were no longer empty. This work has continued into 2015/16 on a no win no fee basis and a further 26 properties have been brought back into use this financial year. Each property brought back into use gains New Homes Bonus of approximately £1,350 for the next 6 years, which equates to an annual income of £35k for 6 years.

Pressure of £50k – A pressure of £50k is forecast in Revenues and Benefits due to charges being incurred on card payments to the Council. Credit cards are one of the most expensive ways for the Council to receive payment, as charges are incurred as a percentage of the amount received. Debit card charges have

increased from a fixed fee to a percentage basis in 2015/16 leading to an increase in costs. A capital bid for software to recover credit card charges from customers has been approved as part of the 2016/17 budget.

### 3.3 Third Parties £70k over budget (12.1%)

Pressure of £35k – A pressure of £35k is forecast in Facilities Management. Additional costs have been incurred since the relocation of the Hemel Hempstead library into the Civic Centre, due to longer opening hours. Costs are also being incurred due to additional hours worked at Berkhamsted Civic Centre and Victoria Hall Tring over and above the contracted hours in order to generate income from hire of the premises. This pressure is offset by the service charge income as identified in paragraph 3.4.

Pressure of £35k – A pressure of £35k is forecast in Financial Services, as the budgeted savings on the provision of the Payroll contract will not now be achieved in 2015/16. Following a long period of transition modelling with the new provider, the start of the new contract has now been delayed until 2016/17.

### 3.4 Income £323k over-achievement of budget (3.6%)

Surplus of £160k – £160k of income is expected to be generated on properties owned by the General Fund which are currently being used by the HRA as rental properties. Following an in-depth review of rental income, as part of the budget-setting exercise, this income stream has now been transferred from the HRA to the General Fund.

Surplus of £45k – This surplus has arisen as a result of service charges being billed to Herts County Council following the relocation of the library into the Civic Centre.

Surplus of £80k – A surplus of £80k is forecast on car parking income due to increased usage. Income continues to be strong in off-street car parking (£60k surplus expected) and on-street car parking (£20k surplus expected).

## 4. Strategic Planning and Environment

Strategic Planning and Environment	Current Budget £000	Forecast Outturn £000	Variance	
			£000	%
Employees	9,199	9,642	443	4.8%
Premises	1,065	1,040	(25)	-2.3%
Transport	1,445	1,470	25	1.7%
Supplies & Services	3,932	3,976	44	1.1%
Third-Parties	131	130	(1)	-1.0%
Income	(8,024)	(8,259)	(235)	-2.9%
	<b>7,748</b>	<b>7,999</b>	<b>251</b>	<b>3.2%</b>

#### 4.1 Employees - £443k over budget (4.8%)

Pressure of £230k – There is a pressure of £230k in the budget for Employee costs in Waste Services. The budgeted efficiencies to be delivered through the new waste service (£420k budget reduction) have not been fully achieved throughout the full year, as the new structure took time to bed in.

A specific Waste Performance group was set up to address why productivity was below the anticipated level, and consequently why there was an overspend. During the first quarter of the financial year, two additional waste collection rounds were being utilised over and above the anticipated round structure. As at Quarter 2 this had been reduced to one additional round, and by the end of Quarter 3 this last additional round had been removed, to leave the service operating within budget at no additional resource or cost. Whilst the budget pressure cannot be reversed for this financial year, it is expected that the service will operate within budget for financial year 2016/17.

Pressure of £150k – A pressure of £150k is expected in Planning and Building Control. There are a number of vacant posts within the establishment for these services. Agency staff are currently carrying out this work, but at a more expensive rate. A service review is being undertaken with a view to improving processes within the service and making efficiency savings going forward.

Pressure of £60k – A pressure of £60k is linked to the vacancy provision across services.

#### 4.2 Income - £235k surplus (2.9%)

Surplus of £200k – A surplus of £200k is expected in Planning Fees. This is due to a high volume of large one-off applications having been received, and the forecast for the last quarter of the financial year looking strong.

### 5 Housing and Community

Housing & Community	Current Budget	Forecast Outturn	Variance	
	£000	£000	£000	%
Employees	2,462	2,526	64	2.6%
Premises	436	471	35	8.0%
Transport	16	13	(3)	-18.5%
Supplies & Services	2,891	2,933	42	1.5%
Third Parties	823	814	(9)	-1.1%
Income	(4,096)	(4,219)	(123)	3.0%
	<b>2,532</b>	<b>2,538</b>	<b>6</b>	<b>0.2%</b>

#### 5.1 Employees - £64k over budget (2.6%)

Pressure of £64k – There is a pressure of £64k across services linked to the vacancy provision, particularly in areas such as the Adventure Playgrounds where staffing ratios need to be maintained, and at the Old Town Hall where sickness cover has been required to maintain the full programme of events.

## **5.2 Income - £123k over budget (3%)**

Surplus of £45k – There is a surplus of £45k forecast on income from The Elms homeless hostel. The Council entered into a contract with DENS to manage The Elms from May 2015, but the income from this contract had not previously been budgeted. This income has been factored in to the budget for 2016/17.

Surplus of £30k – There is a surplus of £30k on income from Garages where the level of voids has been lower than anticipated.

## **6 Housing Revenue Account (HRA)**

6.1 The HRA is a ring-fenced account relating to the Council's Landlord functions. A guiding principle of the HRA is that revenue raised from rents and service charges must be sufficient to fund expenditure incurred. The forecast outturn position for the HRA is shown at Appendix B.

6.2 The projected HRA balance at the end of 2015/16 is broadly in line with the budgeted balance of £2.9m.

### **6.3 Dwelling Rent - £130k over-achievement of income (0.2%)**

This overachievement is as a result of the number of void properties being lower than anticipated. The budgeted level was 1%, but void properties are currently running at 0.5%.

### **6.4 Tenant Charges - £49k over-achievement of income (17.9%)**

Unbudgeted grant funding is being received from Herts County Council to contribute towards the Evelyn Sharp Scheme for extra care.

### **6.5 Interest and Investment Income - £70k over-achievement of income (61.4%)**

This over-achievement is as a result of higher than anticipated receipts from the sale of Right to Buy properties. An amount of £3.4m was estimated in the budget, however already this financial year £5.4m has been received.

### **6.6 Supervision and Management - £206k over budget (1.8%)**

Pressure of £160k – This relates to properties owned by the General Fund being used by the HRA for social rent. The £160k is a net figure of estimated rent less repairs costs.

Pressure of £40k – A pressure of £40k has arisen due to an over-accrual at year end 2014/15 of legal costs recoverable.

## **7. Capital Programme**

7.1 Appendix C shows the projected capital outturn in detail by scheme.

The table below summarises the overall capital outturn position by Scrutiny area.

The 'Rephasing' column refers to those projects where expenditure is still expected to be incurred, but it will now be in 2016/17 rather than 2015/16, or conversely, where expenditure planned initially for 2016/17 will now be in 2015/16.

The 'Variance' column refers to those projects which are now complete, but have come in under or over budget and those projects which are no longer required.

	Current Budget £000	Projected Outturn £000	Rephasing £000	Variance	
				£000	%
Finance & Resources	12,567	11,823	(629)	(115)	-0.9%
Strategic Planning & Environment	14,630	8,083	(4,741)	(1,806)	-12.3%
Housing & Community	1,855	1,759	(101)	5	0.3%
<b>G F Total</b>	<b>29,052</b>	<b>21,665</b>	<b>(5,471)</b>	<b>(1,916)</b>	<b>-6.6%</b>
<b>HRA Total</b>	<b>32,062</b>	<b>32,062</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>
<b>Grand Total</b>	<b>61,114</b>	<b>53,727</b>	<b>(5,471)</b>	<b>(1,916)</b>	<b>-3.1%</b>

## 7.2 General Fund Major Variances

There is an overall projected underspend of £7,387k on the General Fund within year 2015/16. This is a combination of forecast underspending of £1,916k and slippage of £5,471k into 2016/17.

The projected net underspend of £1,916k is comprised of:

- Line 43: underspend of £75k on demolition of Unit B and The Old Court House due to the costs coming in less than the budgeted £400k.
- Line 59: underspend of £128k on the Car Park Refurbishment project. The requirements for 2015/16 have been refined, and 3 car parks will be refurbished this financial year at a cost of £208k rather than the budgeted £336k. A new capital bid has been submitted for works to be carried out to further car parks in 2016/17.
- Line 162: an underspend of £142k on Home Improvement Loans budget. Uptake to this scheme has been low and the budget is not expected to be spent. It is proposed that the budgets allocated for this scheme in future years be removed from the capital programme during the next budget round.
- Line 171: an underspend of £700k on the Bus Interchange project. Following the works at the Marlowes Shopping Zone, many issues were identified including previously unidentified underground utilities and changes made by Herts County Council to the design and materials, which had a substantial impact on the time and budget for this project. To this end a large contingency was put in to the Bus Interchange project to cover this and other elements/lessons learnt from the MSZ, with a high expectation that there may

be a similar issue in this area. Fortunately this did not turn out to be the case and therefore a large saving will be made.

- Line 172: an underspend of £1m on the Heart of Maylands project. This scheme was intended to support the provision of highway access and infrastructure serving DBC's landholding on the Maylands Gateway, however this work is no longer required and the budget will not be spent.

The projected rephasing to future years of £5,471k includes:

- Line 42: accelerated spend of £350k on the budget for Strategic Acquisitions. The Health Centre building was purchased in October 2015, however this spend had previously been profiled to financial year 2016/17.
- Line 55: slippage of £192k at Rossgate Shopping. £15k is expected to be spent this financial year on design work. Any further work is on hold pending the outcome of the strategic condition survey of the Council's property portfolio.
- Line 57: slippage of £50k on High Street Tring – Replace External Cladding & Roof. Further work to the windows of the building is required in order to meet Health and Safety regulations. A capital bid for this work has been submitted as part of the 2016/17 budget, and the work will be carried out at the same time as the cladding and roof, to avoid the need to erect scaffolding at the premises more than once and to achieve economies of scale from the works.
- Line 60: £124k of accelerated spend on Berkhamsted Multi-Storey Car Park. Additional expenditure will be incurred on the development and planning stage of the project which will necessitate bringing forward approved budget that had previously been profiled for expenditure in 2016/17.
- Line 72: £81k slippage on Planning Software Replacement. This project was intended for a complete upgrade of the IDOX software, but to date this has not been required, as smaller improvements to the system have been sufficient. The budget will be needed in 2016/17 however, for further improvements to Planning software to deliver future service efficiencies.
- Line 85: slippage of £60k on Website Development. This relates to the web portal element of CRM. The procurement exercise is not yet complete and it is now expected that the project will be completed next financial year.
- Line 99: slippage of £70k on EIS replacement. A decision on EIS replacement will be taken when there is more clarity on the feasibility of the Herts Civil Service model and/or the possibility of other HR delivery models.
- Line 130: slippage of £90k on Youth Centre Provision. This budget is being used for the new Cycle Hub and for youth facilities at the Adventure Playgrounds. To avoid the works impacting on the Adventure Playgrounds during the Easter holidays, it was necessary to slip the £90k in to 2016/17.
- Line 144: £400k slippage on Berkhamsted Sport Centre roof. The work has not currently been scoped out, and at this stage it is unrealistic to expect spend to take place in 2015/16.

- Line 153: slippage of £106k on the Play Area Refurbishment Programme. The programme of work has been reviewed many times, particularly as individual amounts of section 106 funding are being identified that can be used to fund particular sites. The requirements have now been reworked and the anticipated spend for 2015/16 is £106k less than the budgeted £397k. Any unused funds will be slipped into 2016/17 to fund the programme of works for that year.
- Line 154: slippage of £75k on Waste & Recycling Service Improvements. This budget was slipped forward from 2014/15 and was intended to be used for new bins for the second phase of the new waste service which is the roll out to communal properties. The project has been delayed due to the complexities of dealing with a variety of communal properties but it is expected that this funding will be required in 2016/17.
- Line 159: slippage of £1.72m on the Fleet Replacement Programme. The requirements of the service for communal properties are still being scoped out.
- Line 166: slippage of £744k on Maylands Phase 1. A revised project cost was approved at Cabinet 20 October 2015, and approval was given to award the contract for the construction of the project. It is expected that £300k will be spent in 2015/16 with the balance now being spent in 2016/17.
- Line 167: slippage of £300k on Urban Park. This project will not be completed in 2015/16 now due to other projects such as the Water Gardens taking priority.
- Line 169: slippage of £335k on Maylands Business Centre. Initial bids on this scheme were received earlier in the financial year, but were in excess of the allocated budget. A request to increase the level of budget was approved at Cabinet on 24 November, and revised quotes are currently being evaluated, with the aim of awarding the contract prior to the end of the financial year.
- Line 170: slippage of £950k on the Water Gardens. The budgets were based on estimates available at the time. More detailed cash flows have now been obtained which suggest that £950k of the £2.85m budget for 2015/16 will be required in 2016/17.
- Line 174: slippage of £500k on Town Centre Access Improvements project. Options for the scheme have been received and are currently being considered. Pre-assessment work of £20k will be carried out in 2015/16, but the majority of the work will now be in 2016/17.





## AGENDA ITEM: 8

### SUMMARY

Report for:	Cabinet
Date of meeting:	22 March 2016
PART:	1
If Part II, reason:	

Title of report:	<b>Review of Absence Management Policy and Procedures</b>
Contact:	Cllr Neil Harden, Portfolio Holder for Residents and Corporate Services  Author/Responsible Officers – Anne Stunell, HR Team Leader Matthew Rawdon - Group Manager (People) James Deane – Corporate Director (Finance and Operations)
Purpose of report:	To seek Cabinet’s approval of the recommended amendments to the Council’s Sickness Absence Management Policy and Procedures
Recommendations	That Cabinet recommend Council to approve the amendments to the Council’s Sickness Absence Management Policy and Procedures as summarised in the report and set out in full within Annex A.
Corporate objectives:	Having an effective and robust sickness absence management policy and procedures will support all of the Council objectives. We need staff to feel valued and supported whether they are at work or absent due to sickness. If we can support them to remain in work it will ensure their behaviours and performance reflect the High Performance Environment.
Implications:	<u>Financial</u>  There are no financial implications linked to the revisions in the sickness absence management policy and procedures.
‘Value For Money Implications’	<u>Value for Money</u>  Reducing sickness absence contributes to the Council ensuring that the services represent ‘value for money’.
Risk Implications	None
Equalities	Community Impact Assessment carried out in March 2016,

Implications	which did not highlight any implications.
Health And Safety Implications	None identified
Monitoring Officer/S.151 Officer Comments	<p><b>Monitoring Officer:</b></p> <p>No comments to add to the report.</p> <p><b>S.151 Officer:</b></p> <p>There are no budgetary implications arising directly from the recommendations in this report.</p>
Consultees:	<p>Cllr Neil Harden, Portfolio Holder for Residents and Corporate Services</p> <p>Council Team Leaders, Group Managers and CMT</p> <p>All recognised Trade Unions</p> <p>Human Resources Team</p>
Background papers:	<p>EELGA research into industrial injuries</p> <p>Annex 1 – Revised Sickness Absence Management Policy and Procedures</p>
Glossary of acronyms and any other abbreviations used in this report:	<p>CMT – Corporate Management Team</p> <p>RTWI – Return to work Interview</p> <p>OSP – Occupational Sick Pay</p> <p>EELGA – East of England Local Government Association</p>

## 1 Background

- 1.1 As part of a corporate wide sickness absence management project, a task of reviewing the current sickness absence policy and procedures was identified as an area which could assist the Council in reducing sickness absence.
- 1.2 The current sickness absence management policy and procedures were last fully reviewed in 2011, although some minor updating has taken place in the interim period.
- 1.3 The Council's sickness absence rates are currently higher than previous years. The projected outturn for 2015/2016 is 10.2 days per FTE, where previous years have seen results at 9.5 days per FTE. The CIPD Absence Management 2015 suggests that the public sector average is 9.3 days per FTE.
- 1.4 The 2011 sickness absence policy and procedures have been successful in reducing absence over the past 5 years, but there are some areas that need improving so that sickness is managed fairly but robustly.

## 2. Summary of main amendments:

- 2.1 **Sickness trigger points** – These have been amended to bring them in line with the Council's sickness absence target (8 days per FTE rather than 9 days per FTE). (paragraph 41)
- 2.2 **Concerns over level of sickness** - A more direct route to a Formal Capability (Sickness) Hearing when a manager has concerns over level of sickness absences and/or sickness trends. (paragraph 42 ii). This approach introduces scope for increased management discretion within the formal sickness management process. In order to ensure that this discretion is moderated across all services within the Council, this route requires formal Corporate Director sign off, in addition to the standard involvement of HR and the more directly affected management structure.
- 2.3 **Long term sickness** – Upon managers reviewing a case after three months, the manager may wish to hold a Capability (Sickness) Hearing to determine how long the absence can be sustained. (paragraph 55).
- 2.4 **Payment in lieu of notice** - The Council reserving the right to withhold payment in lieu of notice when dismissing a member of staff. (paragraph 64)
- 2.5 **Note taking** – Minutes to be taken at formal meetings only to reduce the need for unnecessary administrative burden. (paragraph 15)
- 2.6 **Sickness triggers** – Clarification on which absences count towards sickness triggers to assist managers and staff. (paragraph 21)
- 2.7 **Return to Work Interviews (RTWI)** – Strengthening the wording around staff attending RTWI's, in order for these to be carried out earlier on in the process. (paragraph 35)
- 2.8 **Attendance Targets** – the targets set in line with formal warnings have been reduced from 8 days to 4 days and 16 to 8 days if covered under the Equality Act (paragraph 64)
- 2.9 There have been some other minor amendments to assist with clarification to make the process easier for managers and staff to follow.
- 2.10 The Council has committed to the trade unions to undertake a joint review of these amendments after 12 months.

## 3. Recommendation

- 3.1 That Cabinet recommend Council to approve the changes to the Council's Sickness Absence Management Policy and Procedures as explained in the report and set out in full in Annex A.

# **Sickness Absence Management Policy and Procedures**

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## **Sickness Absence Management Policy and Procedures**

### **Including Long and Short term sickness absence procedures and Formal Capability (Sickness) Hearing**

#### **INTRODUCTION**

1. The Council recognises that ill health is worrying for employees. Sickness also places an extra burden on employees covering for absent colleagues and this can have an adverse affect on both the service and those employees.
2. It is the responsibility of each employee to be in attendance at work in order to fulfil his/her contract of employment. The Council recognises that a certain level of absence due to sickness is unavoidable and is committed to ensuring that employees suffering from ill health, including mental and physical illness and disability are treated with understanding and sensitivity and support to achieve an acceptable level of absence.
3. The Council has a commitment to provide a value for money public service to the community. Absence management is a key performance indicator. The Council recognises that sickness absence can only be effectively managed if employees are treated fairly and consistently.
4. The Council has a number of other related policies designed to support employees. These include policies relating to HIV/AIDS, Alcohol, Drug and Substance Abuse, Stress, Cancer; in addition there are a range of Flexible working schemes. These policies/schemes can be found on DENNIS / Employment Handbook and should be read in conjunction with this policy.
5. This policy is part of a wider absence management strategy that includes risk assessment, health surveillance and the promotion of healthy lifestyles and employee well-being. The strategy recognises the important role to be played by the Trade Unions, Occupational Health (OH) and the Health and Safety Committee. This policy will be reviewed 12 months after it is formally adopted.
6. The Council wishes to ensure that its policies and procedures do not discriminate against any protected characteristics under the Equality Act 2010. Managers are required to ensure that their application of this policy does not have an adverse impact on any groups of employees.

## SCOPE OF POLICY

7. This policy applies to all employees except casual employees because of the nature of their employment. There are specific arrangements in this policy for probationary employees (See DENNIS / Employment Handbook / Section 12 - Probationary Policy and Procedures). Temporary employees are covered by this policy, but their employment may come to an end in accordance with their contracts before a procedure has run its course.

## GENERAL MATTERS

### **The Right to time off work**

8. An employee who feels too unwell to attend work due to ill health should refrain from coming to work. An employee may self-certify sickness absence of between half a day and seven calendar days. However, he/she is required to telephone FirstCare (0333 321 8100) on the first day of absence. They do not need to telephone everyday that they are absent, however if there are any changes to their absence they will need to contact FirstCare to log them. They must contact FirstCare to close their absence by telephone or text. From the eighth day, absence must be covered by an official Fit note. These periods include Saturdays and Sundays (including bank holidays). Additional Fit notes are required when the sickness continues and must be supplied within two days of expiration of previous certificates. Failure to submit timely and regular Fit notes may result in action being taken under the Council's Conduct Procedure. Each Fit note must also be recorded with FirstCare and once received by the manager they should record it on the employee's notes section on FirstCare.

Although a Fit note is not required for absences of less than seven calendar days, where there have been repeated sickness absences, employees may be asked to submit Fit notes from the first day of any subsequent absence. The Council will reimburse any cost incurred.

#### **(i) Hospital, Doctor and Dental appointments**

Employees may use sick leave for emergency consultation and treatment. For routine or non-urgent appointments, employees must use their own time. If an employee has flexible working arrangements in their contract, he/she will normally be expected to arrange the appointments outside of any "core hours". As it is not always possible to exercise control over the time of hospital appointments, these will be allowed in core time if necessary. The appointment card/letter must be shown to the manager in order to authorise any time off. Credit will only be given for time actually spent at the hospital. If an appointment requires an absence of more than half of your working day then the

employee must telephone FirstCare. Half-day or all-day attendance at hospital will be recorded as sick leave.

**(ii) Cosmetic Surgery (elective/reconstructive)**

In most cases where an employee elects to undergo cosmetic surgery, no Occupational Sick Pay (OSP) will be paid. However, OSP may be payable in cases where written confirmation is received from an employee's doctor that the surgery is essential for the physical and/or mental well being of the individual.

Where an employee is undergoing cosmetic surgery for the purposes of reconstruction (i.e. following a previous illness, accident) OSP may be paid.

Elective surgery is not generally considered to be medically necessary. This includes cosmetic surgery which is concerned with the enhancement of appearance through surgical and medical techniques i.e. liposuction, facelifts, breast implants. Employees may discuss with their manager to agree taking annual leave for elective surgery, but there is no automatic right to take time off. Whilst no OSP is normally paid for elective cosmetic surgery, it may be paid if an employee develops serious complications following surgery necessitating hospital treatment.

**(iii) Organ/Bone Marrow Donation**

OSP will be paid in cases where an employee donates an organ or bone marrow.

**(iv) Fertility treatment**

The Council seeks to support anyone going through fertility treatment; however there is no entitlement to any sick pay for employees for absences due to fertility treatment. Employees may discuss with their manager to agree taking annual leave for fertility treatment, but there is no automatic right to take time off. OSP may be paid for associated medical and recovery procedures. However, the Council reserves the right to review such cases after ten days absence and cease payment of OSP.

**(v) Dangerous sports**

The Council reserves the right to suspend OSP if the employee regularly participates in any paid or professional or dangerous sport, which results in a high level of sickness absence from work (therefore incurring a cost to the Council). Under such circumstances, employees are advised to take out insurance to cover loss of earnings arising from such an event.



## **Absence and Annual Leave**

9. Annual leave will be accrued whilst an employee is on sick leave. This applies in situations where employees are either receiving OSP or Statutory Sick Pay. When an employee returns to work from sickness absence, they should use any outstanding annual leave before their new leave year. The employee and manager must agree the booking of this leave in accordance with business need. If an employee has had a period of long term sickness absence that spans more than one holiday year, the amount that is carried over should be calculated on the statutory minimum within the Working Time Regulations. (See DENNIS / Employment Handbook / Section 10 – Hours and leave – Working time policy).
10. If an employee's contract is terminated on grounds of ill health or they resign while on long term sick, they will be paid for any outstanding annual leave up to the statutory minimum (*the Working Time Regulations statutory holiday entitlement*).
11. Holiday entitlement will only be credited to an employee where a Fit note is produced for a period of sickness absence during authorised annual leave.
12. The employee needs to contact FirstCare and the manager/supervisor to report their sickness absence, as it is an amendment to the original annual leave booking. If the leave is agreed; their entitlement will need to be amended on the Employment Information System (EIS) by the manager.
13. If an employee wishes to go on leave during a period of sickness absence, he/she must discuss this with his/her manager prior to the leave being booked. All such requests will not be unreasonably denied.

## **Right to be accompanied at Hearings**

14. All employees have the right to be accompanied by a trade union representative or a work colleague at Formal Hearings to discuss his/her absence. The employee's choice of person must not lead to an unreasonable delay in agreeing a date. Should the manager consider that this is the case, he/she will request that the employee select another representative or colleague.

## **Minutes of Formal Hearings**

15. Any formal Hearing will have written minutes taken; and a copy will be provided to the employee.

## **Absence Related Meetings**

16. Employees are required to attend absence-related meetings. If the employee's health does not permit this, he/she may be required to obtain a Fit note from his/her Doctor. The Council will reimburse the cost. The employee must make all reasonable efforts to attend meetings and to inform the other parties in good time if he/she is unable to do so. Meetings with managers and other Council employees will be held during the employee's normal working hours, wherever possible.
17. A manager will normally meet with an employee on the Council's premises. If an employee's health does not permit this (a Fit note may be required and the cost will be reimbursed), the manager will arrange to meet with the employee at his/her home or at another mutually agreed location.
18. An employee shall, if required by the Council at any time during any period of absence, attend a medical examination by a registered practitioner, nominated by the Council or as advised by OH. In the event of a difference in medical opinion as to the employee's fitness for work, the matter shall, at the request of either party, be submitted to an independent medical referee agreed by the Council and the employee. The independent medical opinion will be final.
19. It is not always possible to arrange meetings with external medical professionals during normal working hours and employees are expected to be flexible. Employees who are required to meet with an external medical professional outside their normal working hours will receive time off in lieu at their manager's discretion. The Council will reimburse reasonable additional costs incurred attending meetings with such professionals.

## **Reference period for reviewing sickness absence**

20. A 12-month rolling year period will usually be used when reviewing sickness absence. Sickness absence in previous years may however be referred to in order to obtain a complete picture of the person's attendance history.
21. The following types of absence will not count towards sickness absence triggers (see paragraph 41) and will be excluded from the employee's overall absence record:
  - Maternity leave or pregnancy related illness
  - Absence due to bereavement
  - Parental/dependant leave (*where employee has specific caring responsibilities*)
  - Hospital medical day appointments
  - Paternity leave
  - Discretionary leave authorised by the manager.

Absence due to an operation and recovery from an operation at hospital or at home will not be counted as one of the 2 occasions in 3 months when looking at sickness absence triggers, but will be included in calculating the employee's sickness absence within the past 12 months.

### **Suspension of sick pay**

22. If an employee fails to comply with any of his/her procedural obligations under this policy, the Council may withhold OSP until he/she complies and/or invoke the Conduct Procedure. Where compliance cannot be restored, the Council is under no obligation to repay all/any of the withheld sick pay. The Council may also deduct from an employee's salary any payment it is required to make as a cancellation or non-attendance fee to a health professional if it considers the reason for the cancellation or non-attendance to be unreasonable. Employees who fail to attend a pre-arranged OH appointment without a reasonable explanation, or advanced communication to OH will also face disciplinary action.
23. OSP may also be withheld in the following circumstances:
  - where there is deliberate conduct by the employee prejudicial to his/her recovery;
  - where the absence has been caused by the employee's own misconduct or neglect;
  - absence due to the employee's active participation in sporting activities including a paid or professional sport and/or extreme sports;
  - injury incurred whilst under the influence of alcohol and/or drugs;
  - injury while working in the employee's own time on their own account for private gain, or for another employer without prior permission;
  - repeated short term absences;
  - the employee's manager has reasonable grounds to believe that the absence is for reasons other than sickness.
24. Where the Council doubts the integrity of sickness absence, the manager must discuss the case with their Assistant Director and Human Resources (HR). OSP may be suspended and disciplinary action may be taken, which could result in dismissal. Managers must be able to demonstrate reasonable grounds for doubting any period of sickness (e.g. continuing to work in a second job) and will discuss with the employee the reason why he/she is considering withholding OSP or deducting a health professional appointment cancellation fee. In any event, the manager will confirm his/her decision in writing giving the reason.
25. The Council may recover OSP from an employee who receives payment from a third party for loss of earnings. This will be deducted from the employee's salary after consultation with the employee.

26. Prior to a manager taking a decision to suspend OSP, it is imperative that advice is taken from HR to ensure that any change to OSP is appropriate in all the circumstances.

### **Extension of Sick Pay**

27. Only in exceptional circumstances may the Assistant Director consider extending sick pay. The HR Team Leader must be consulted on the extension before it takes place.

### **SICKNESS NOTIFICATION PROCEDURE – ALL EMPLOYEES**

28. Sick leave can only be taken where the employee is unable to attend work because of his/her illness. Sickness absence cannot be taken where a member of the employee's family is ill. In such cases, the employee should contact their manager to discuss whether other arrangements can apply, for example, flexi-leave, annual leave, or emergency dependent (unpaid) leave.

In such cases, the employee should ring FirstCare if the absence is likely to be more than half their working day and advise FirstCare that it is a non medical absence. This will inform their manager. They can then liaise with their manager as to the best way of recording this leave (see above).

29. Any employee unable to attend work because of sickness must inform FirstCare as soon as practical. This must be on the first working day of absence and before the employee's shift has commenced. They do not need to telephone everyday that they are absent, however if there are any changes to their absence they will need to contact FirstCare to log them. They must contact FirstCare to close their absence by telephone or text. Employees who fail to follow the procedure for notification will be considered as being absent without permission. Managers are expected to maintain contact with employees who are off sick, to offer support and keep them up to date with work as appropriate.
30. Employees must telephone FirstCare in person unless they are so ill that it is impossible for them to make such a call. Such situations are likely to be uncommon.

### **NON NOTIFICATION OF SICKNESS ABSENCE**

31. Unless there are exceptional circumstances, failure to notify FirstCare of sickness absence in accordance with this policy is a disciplinary matter and will be dealt with using the Council's Conduct Procedure.

32. If the employee does not contact FirstCare as specified in this policy, the manager will take all reasonable steps to make contact with him/her. If such steps have been exhausted and contact has not been possible (within 14 days of the first day of continuing absence) the manager will write stating his/her employment may be terminated in line with the employee's contract of employment and appropriate procedures. In all cases of unauthorised absence any applicable sick pay will be withheld.

### **STRESS RELATED ABSENCE**

33. If an employee is absent due to stress-related illness, anxiety or depression, as determined on the Fit note, it is essential that immediate action is taken and for the manager to involve HR. If any work-related issue is felt to be contributing to ill health, it is essential that this is discussed with HR so that appropriate and reasonable action can be taken swiftly.
34. Managers have a duty of care to employees to take reasonable steps to avoid putting them in situations that might impair their health. Managers also have a responsibility to the Council to protect it from litigation (see DENNIS / Employment Handbook – Section 11 – Sickness - Stress Policy and Guidelines).

### **RETURN TO WORK INTERVIEWS – ALL EMPLOYEES**

35. Before returning to work the employee needs to close the sickness absence by telephoning FirstCare. Regardless of the length or type of absence, the managers must undertake Return to Work (RTW) interviews to clarify the reason for absence, and ensure that the employee is fit to work and to offer any necessary support. The interview should not be intrusive but managers are entitled to know the nature of the illness that has prevented the employee from coming to work.
36. Managers must carry out RTW interviews as soon as possible and in any event within one week of the absence ending. The RTW interview form must be completed on the FirstCare Portal. The undertaking of RTW interviews will form part of a manager's performance appraisal and compliance statistics will be publicised. It is the employee's responsibility to attend the RTW interview when requested by their manager.

### **RECRUITMENT**

37. Sickness absence management begins at the recruitment stage. The Recruitment and Selection Code of Practice (see DENNIS / Employment Handbook / Section1) sets out a number of requirements that must be observed by managers during the recruitment process.

38. Should it come to light that an applicant has failed to provide truthful answers to the questions in the application form, the medical questionnaire or at interview and is subsequently appointed, he/she may be subject to the Council's Conduct Procedure and this could result in dismissal.

### **PROBATIONARY EMPLOYEES**

39. The probationary period is designed to establish an employee's suitability for his/her post: Suitability includes sickness absence. Details of the procedure for dealing with sickness absence during the probationary period is set out in the Probation Policy and Procedure (see DENNIS / Employment Handbook – Section 12 – Employee Relations.)

### **THE ROLE OF OCCUPATIONAL HEALTH (OH)**

40. Appendix 7 explains the role of OH and how it benefits employees and management.

### **SHORT-TERM SICKNESS PROCEDURE**

#### **Short-term Sickness Review Meeting**

41. An employee will be required to attend a Short-term Sickness Review Meeting when his/her absence meets one of the conditions below; this is known as a sickness absence trigger (see also paragraph 21):
- 2 occasions of sickness absence within a 3 month period and has had over 8 days sickness absence within the past 12 months
  - If the employee is protected by the Equality Act 2010, has had 2 occasions of absence within a 3 month period and has had over 16 days of sickness absence within the past 12 months
  - The employee's manager has concerns on level of sickness absence.

This meeting request will be confirmed in writing, explaining:

- Date, time and location
- Names of people who will be attending
- Reason for meeting

42. As a result of the meeting the manager will either:

- (i) Set out the improved level of attendance, which will be not more than 4 working days sickness in 6 months from the date of the meeting. For employees who are recognised under the Equality Act 2010 the attendance target will be adjusted to no more than 8 days within a 6 month period.

Or

- (ii) Refer to Formal Capability (Sickness) Hearing (see paragraph 57). Authorisation to proceed to a Hearing will need to be sought from a Corporate Director.

At the Short-term Sickness Review Meeting, the Manager may also:-

- (iii) Refer the employee to the Occupational Health Adviser (OHA) for advice (Appendix 1). The OHA will send a report to the manager and HR once the referral is complete. Employees who fail to attend a pre-arranged OH appointment without a valid explanation, or advanced communication to OH will face disciplinary action.
  - (iii) Develop a plan of support for the employee.
  - (iv) Specify a date for a further review meeting to discuss the employee's absence.
  - (v) Set out other appropriate actions/decisions in writing.
43. It may be necessary to hold further Short-term Sickness Review meetings to give feedback, discuss new medical information and review the improvement in attendance. Should the employee fail to achieve the required standards of improvement, a Formal Capability (Sickness) Hearing (see paragraph 57) will be carried out.
44. The procedure should be used for all cases of sickness, including industrial injury. However, if the absence is claimed to be an industrial injury, the manager must discuss with HR, Corporate Health and Safety Lead Officer and the Insurance and Risk Lead Officer before taking any action.
45. Employees will be required to provide a Fit note once the trigger points are exceeded. Discretion may be exercised in exceptional circumstances. Such cases must be discussed with HR prior to taking any action.
46. Absences of 2 weeks continuous sickness and over should be dealt with under the long-term sickness procedure (see *page 13, paragraph 47*).

Further guidance on sickness review meetings is provided in Appendix 2.

## **LONG-TERM SICKNESS PROCEDURE (Continuous sickness absence over two weeks)**

### **Regular Contact**

47. It is the manager's responsibility to establish and maintain regular contact with an absent employee. This is essential as there is a much greater likelihood that the employee will return sooner if contact is made early and support maintained. As a minimum the manager will make weekly telephone contact with the employee after he/she has been on sick leave for **two weeks**. A record of the conversations with the employee should be made by the manager using the Notes Section on the FirstCare Portal.
48. Whenever possible face-to-face contact should be made. The manager will determine the frequency of face-to-face meetings after consultation with the individual employee. The manager may wish to consult OH for guidance.
49. The purpose of the telephone conversations/face to face meetings is to:
  - (i) Give the employee the opportunity to bring the manager up to date on the status of their condition, treatment and likely period of absence.
  - (ii) Inform the employee of OSP entitlement. The details will be confirmed in writing.
  - (iii) Offer support.
  - (iv) Keep the employee up to date with events at work.

### **Long Term Sickness Review Meeting**

50. Regardless of the frequency or nature of contact, the manager will arrange and confirm in writing to meet with an absent employee after two weeks, unless their medical condition makes this impossible (a Fit note will be required).
51. This could be a sensitive meeting particularly if the employee is suffering from stress, anxiety or depression and the manager may wish to be accompanied by a representative from HR. In such cases the manager may wish to consult HR above the level of involvement that they should have with the OHA before approaching the employee.
52. Employees should attend OH if they have been off work for longer than 4 weeks or more than two or more periods of long term sickness (2 weeks).
53. Where necessary, the manager and HR will discuss the case with OH as soon as possible after the meeting. This discussion may prompt further action or investigation including:



- (i) Referral of the employee to OH (Appendix 1). A report will be sent to the employee, manager and HR once the referral is complete.
  - (ii) A review of the suitability of the current job.
  - (iii) A review of and recommendations for adjustments to the employee's current job and/or working environment (both on a permanent basis or as a temporary arrangement) to allow the employee to return to undertake some work useful to the Council.
  - (iv) Recommendations for alternative employment, with or without adjustments (either on a permanent basis or as a temporary arrangement) to allow the employee to return to undertake some work useful to the Council.
  - (v) Setting of review dates.
54. The manager and HR will regularly review progress in assisting the employee back to work. Further Long-term Sickness Review meetings may need to be held to discuss the absence.
55. Whilst it is not possible to set precise timescales for the above actions, after a **maximum** of three months of continuous absence, the manager should review the following:
- Any recommendation/advice provided by OH.
  - The nature of the illness and any medical information available.
  - The length of absence to date and the likelihood and time of a return to work.
  - The need to have the work completed whilst the employee is absent.
  - The feasibility of continuing with any temporary arrangement.
  - The work problems caused by the employee's absence including the adverse impact on service delivery and the effect on the morale of other employees.
  - Whether the service unit can cope with the level of disruption caused by the employee's absence, and if so, for how much longer?
  - Any other relevant circumstances.

This review may result in a Capability (Sickness) Hearing being held.

### **Long term Sickness Outcomes / Considerations**

56. The following are eventual outcomes/considerations for long term sickness:
- (i) **The employee returns to his/her existing job.**

(ii) **The employee returns to his/her job with suitable adjustments.**

In considering whether an adjustment is reasonable, a manager will take into account whether the employee's condition falls within the definition of disability as set out in the Equality Act 2010 and subsequent amendments. Appendices 3 and 4 provide guidance on considering possible reasonable adjustments to the job.

(iii) **The employee returns to an alternative job.**

(a) From the time a decision is made to try to find the employee alternative employment, the employee will be either sent a copy of the Vacancy List each week or referred to the Council's website and may apply for any vacancy he/she wishes. The employee's application form will receive prior consideration along with those from others seeking re-deployment, as long as it meets the essential criteria of the person specification. To help the employee find alternative employment the manager will consider what training might be reasonably offered. In addition, the manager of a vacant post for which the employee has applied will consider whether training to overcome any shortfalls can reasonably be offered.

(b) HR will request Group Managers to inform them of any suitable vacancies that may be likely to arise in the near future and will provide them with details of the employee's transferable skills.

(c) The employee will receive the established rate of pay for the job into which they are re-deployed. No protection will apply.

(iv) **The employee returns to an alternative job with suitable adjustments.**

a) It may be that a vacant post for which the employee would otherwise receive prior consideration is unsuitable only because of the employee's medical condition. The employee's manager and the manager of the vacant post will consider what adjustments might reasonably be made to accommodate the employee in accordance with the checklist in Appendix 4.

b) If the manager decides, based on OH advice, to look for redeployment as an alternative to considering dismissal, then this search should be undertaken across the Council for a period of one month. If the redeployment search is unsuccessful and no reasonable adjustments can be made, then at the end of the one-month period, the case

will be referred for consideration as to whether the employee should be dismissed.

- c) Any redeployment opportunity must be approved by OH as being appropriate in all the circumstances.

(v) **Phased return to work.**

Any of the above could be carried out on a phased return basis with the approval of OH. A maximum of 4 weeks phased return may be offered at full pay for those on restricted duties, which includes reduced hours or reduced duties. This is likely to be dependent upon the length and type of absence and therefore a shorter phased return may be offered in some instances. If subsequent weeks (beyond 4 weeks) are required then pay will be based on actual hours worked and a further review of the employee's ability to return to full duties will be assessed no later than 8 weeks after their initial return to work. The manager must consult the employee on the phased return and monitor his/her performance and wellbeing during it.

- (vi) **The employee is dismissed on the grounds of capability** because there is no likelihood of a return to work in accordance with any of the above within a reasonable period.

If, after consulting OH and other relevant medical professionals, there is **no likely return date within three months**, the manager will refer the employee to a Capability (Sickness) Hearing. If there is no prospect of a return to work within a reasonable period it may be appropriate to consider dismissal. The Hearing will be chaired by a more senior manager not previously involved in the case.

- (vii) **The employee is dismissed on the grounds of capability as being permanently unfit to fulfil the duties of his/her post (*Ill Health Retirement*)** or a similar post or that there is a reduced likelihood of obtaining any gainful employment.

If a suitably qualified OHP has issued a certificate of permanent ill health to the Council, the manager will refer the employee to a Capability (Sickness) Hearing to consider the employee's continued employment with the Council. If the Adjudicator decides to dismiss the employee and he/she is a member of the Local Government Pension Scheme (LGPS) and meets the requirements of the LGPS Regulations; he/she will be entitled to pension payments in accordance with the regulations. Such dismissals are known as "ill health retirements".

- (viii) The employee is dismissed due to long-term absence based on incapability to perform the job. It is necessary to look at the whole history and the entire picture. When considering whether to dismiss an employee due to long-term absence the need to ensure the efficient operation of the service will, in the final analysis, override the employees need to remain in employment. The basic question, which has to be determined in every case, is whether it is reasonable in all the circumstances for the manager to wait any longer for the employee to return to work, and if so, for how much longer.

## FORMAL CAPABILITY (SICKNESS) HEARING

57. The purpose of the Capability (Sickness) Hearing is to arrive at a conclusion on an employee's continued employment with the Council:
- (i) In cases of long-term sickness, where there is a recommendation by an OHP that the employee is permanently incapable of performing his/her normal or similar duties, or where a return to work within the time scales set out in this policy is unlikely (3 months maximum).
  - (ii) In cases of frequent short-term sickness where there has been insufficient improvement in sickness absence within a period previously notified to the employee. E.g. Exceeded Short Term sickness targets.
  - (iii) In cases where there are concerns over sickness absence. E.g. sickness trends or amount of absence.
58. For an employee suffering ill health, a Hearing to decide on his/her continuing employment can be upsetting. The Hearing is designed to be as simple as possible, to allow the employee adequate opportunity to present his/her case and to deal quickly with cases where both the employee and the Council are in agreement on the outcome.
59. The Adjudicator of the Capability (Sickness) Hearing will notify the parties in writing, giving at least five working days notice, of the date, time and location of the Hearing. The letter will be accompanied by any relevant documents to be presented at the Hearing by the manager. If he/she wishes, the employee may present his/her views in writing to the Chairman instead of attending the Hearing.
60. The Hearing will comprise:
- An Adjudicator, normally the next level of management not previously involved, where practical, supported by HR. Please note, that on occasions where interim Hearings are held due to length of absence, or where an outcome was not reached at a previous Hearing, it may be more appropriate for the same Adjudicator to attend more than one Hearing.
  - A manager to present the case. He/she may be supported by HR.
  - The employee who may be represented or supported by a Trade Union representative or work colleague (unless the employee has indicated he/she will not be attending).
  - In exceptional circumstances others may be asked to attend to provide further information or clarify existing information.

61. The manager will set out the reasons why the Council needs to take action against the individual. Third parties may be asked to give information in person to support this view. The employee, their representative, the Adjudicator and HR may ask questions of the third parties and the manager.
62. The employee or his/her representative will give the employee's view. Third parties may be asked to give information in person to support this view. The Adjudicator, manager and HR may ask questions of the third parties and the employee.
63. The manager will summarise the Council's view and the employee or his/her representative will summarise the employee's view. The Adjudicator will ask the parties to withdraw and will consider the information presented, supported by HR.
64. Action could include:
  - Dismissal. The Council reserves the right to pay in lieu of notice
  - Final Written Warning - attendance target will be set of 4 days within a rolling 12 month period over the next 2 years (8 days for those employees recognised under the Equality Act 2010).
  - Written Warning - attendance target will be set of 4 days in 12 months (8 days for those employees recognised under the Equality Act 2010).
  - An instruction to the manager to seek further information or take further action before returning to another Capability (Sickness) Hearing.
  - No formal action

All formal warnings will include the following conditions:



- OSP to be withheld, from the date the warning is given and in conjunction with the duration of the warning (i.e. 12 months written warning, 24 months final written warning),
- Re-set attendance targets in line with the duration of the warning. The employee may be instructed to obtain a Fit note for each period or period of future sickness (costs will be reimbursed).
- Only an Assistant Director has the authority to overturn a decision to suspend OSP.

The decision will be confirmed in writing to the manager and the employee.

## **THE RIGHT OF APPEAL**

65. An employee may appeal against a Written, Final Written Warning or Dismissal by writing to HR within 10 working days of the date of the outcome letter. The letter **must state the specific reasons in detail** for the appeal and relate these to one or more of the following areas:

- That they think a finding or penalty is unfair;
  - That new evidence has come to light; or
  - That they think there have been breaches in the Capability (Sickness) Hearing
66. At the Appeal Hearing only the reasons given under one or more of the 3 specific areas in the employee's letter of appeal will be considered.
67. HR will acknowledge the employee's letter of appeal within 5 working days.
68. All cases of appeal for permanent employees, other than dismissal, will be dealt with by a new Adjudicator, normally at a more senior managerial level, not previously involved with the case. In cases of dismissal the appeal will be dealt with by the Employment Appeals Committee.
69. All cases of appeal for temporary employees and those on probation, including dismissal, will be dealt with by a new Adjudicator normally at a more senior managerial level, not previously involved with the case.
70. This will be the final stage of the process.

 	<b>WORKING ON WELLBEING WORKING IN PARTNERSHIP WITH DACORUM BOROUGH COUNCIL</b>	<b>F-CG-082</b>  <b>Issue 1 – 20/06/11</b> <b>(HERT Issue 2 18/09/13)</b>
	<b>REFERRAL FOR OCCUPATIONAL HEALTH ASSESSMENT</b>	

**\* Please ensure these fields are completed, we are unable to process requests without this information.**

Manager's Name*		Department HR contact*	
Tel No*		Tel No*	
E-mail address*		Email address*	
Postal address*		Postal address*	

**WORKING ON WELLBEING accepts this request ONLY on the understanding that the employee below is fully aware of this referral.**

Employee's name*		Title*			
NI no *			Date of Birth*		
Home address (including postcode)*			Tel. number & also mobile no *		
Department *		Job Title			
Is the employee currently absent or at work		<b>Absent</b>	<b>At work</b>		
Certified cause of current/recent sickness absence					
Please provide any dates or periods the employee will <b>NOT</b> be able to attend an appointment					
Date employment commenced:		Date absence commenced or dates of short term sickness absence*:			
<b>Main Reason(s) for Referral - Please indicate with ✓</b>					
	1.	Fitness for work concerns			
	2.	Report after accident at work ( <i>please attach details</i> )			
	3.	Performance deterioration			
	4.				
	5.				



Are there any management warnings in force in relation to this referral?	Yes		No	
Has the employee been consulted about this referral?	Yes	*	No	
Has the employee been referred before?	Yes		No	
Please advise if you would like the report to be sent via a password protected e-mail?	Yes		No	
This referral should be completed by the Line Manager / HR Officer of the referred employee.				

**HUMAN RESOURCES or LINE MANAGER'S REFERRAL**

**Part A – Information for the Occupational Health Professional:**

Please attach a job outline and a copy of any risk assessments that may have already been conducted.

<b>Activities of the employee:</b>	Yes	Some	No
Standing			
Walking			
Climbing			
Working in confined spaces			
Occupational driving			
Driving fork lift trucks			
Driving LGV/PSV			
Working with chemicals			
Working with biological agents			
Working with skin irritants/sensitisers			
Working with dangerous machinery			
Exposure to hazards to unborn child/pregnancy			
Night shift work			
Exposure to significant work place stress			
Working with respiratory irritants or sensitisers			
Lifting or carrying heavy items			
Handling food			
Computer work/Display Screen Equipment			
Prolonged sitting			
Outside work			
Noise hazard area			
Exposure to Hand Arm vibration			
Exposure to Whole body vibration			
Using breathing apparatus			
Working at heights			

Other ( <i>please specify</i> )			
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What are the employee's normal hours? Does the employee regularly work additional hours in excess of their normal contractual hours? If yes, please give details.

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Have you noticed any change in the employee's performance or have they advised you of any problem that they have been experiencing? For example: difficulty in using equipment, travelling to work, general attitude, discipline, time-keeping, behaviour towards colleagues, domestic/personal problems, coping with change, health (long term/short term absence or other factors that they have identified). Please give details and explain the impact on the working environment in terms of colleagues and day-to-day operations (continue on a separate sheet if necessary).

--

Please give details of actions taken so far to address the problems outlined in this report. Continue on a separate sheet if necessary. Please relate any actions taken in respect of the following:

--

**Long Term Absences** (20 working days or longer) or absence with potential to become long term.

In order to prevent absent colleagues becoming isolated and to encourage them to return, it is important that arrangements are made to keep in touch with them. .

Give details of any Keep in Touch visits/discussion you have undertaken, including records of any health review meetings.

--

Indicate whether there any difficulties in maintaining contact with the employee. Please also comment on their expectation of a return to work, and any information they have given to you about their health, absence and circumstances.

--

**Part B – Referral Questions you wish to be addressed by the Occupational Health Professional:**

Below is a standard list of questions that can be covered in the report following referral. Please tick if a response is required and use the space provided to detail any other questions that you would like answered.

<b>Questions for the Occupational Health Professional</b>	✓
1. Is the employee fit to carry out their normal duties at present? If not are they fit for alternative duties?	
2. What is the outlook for the individual's condition in relation to future work performance and/or attendance?	
3. Is the condition work related? If so how?	
4. When is a return to work likely? Please outline the timescales anticipated.	
5. Is a gradual return to work recommended? If so, what rehabilitation arrangements are appropriate?	
6. In your medical opinion, is the employee likely to be disabled under the terms of the Equality Act?	
7. Are there other actions/adjustments that the employer could make to support the employee at work or help facilitate a return to work?	
8. If the employee is not fit to return, is ill health retirement appropriate?	
Please use the space on the following page for any other questions that you would like the Occupational Health Professional to answer, continuing on a separate sheet if necessary.	

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*I understand that this referral will become part of the OH record and will be disclosed to the employee on request*

Manager's Signature:		Date:	
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**Data Protection: Under the Data Protection Act, the employee has a right of access to this referral form. This re-enforces the importance of the referrer discussing the reason for referral with the employee.**

**In accordance with the Data Protection Act, information recorded on this form and any reports, recommendations and correspondence arising from this referral will be processed and archived by Hertfordshire County Council.**

**If you wish to discuss any aspects of referral please speak to an Occupational Health professional, please contact the OHU by phone on 01992 555000 or Comnet 25000**

**Please return completed referral form to [ohunit@hertsc.gov.uk](mailto:ohunit@hertsc.gov.uk)**

**SICKNESS REVIEW MEETINGS**

**Short-term sickness review meeting**

As a guide the manager will, as he/she thinks appropriate:

- (i) Obtain information from the employee to help identify if there is an underlying reason for absence. The stated reasons for absence may mask a more fundamental cause.
- (ii) Ask the employee what support the Council might be able to give him/her to help reduce the level of sickness. This could include giving consideration to changes in working hours, location and the working environment.
- (iii) Provide the employee with details of the Employee Assistance Programme.
- (iv) Advise the employee he/she may be referred to OH.
- (v) Refer the employee to DENNIS for a copy of this policy if he/she does not already have one.
- (vi) Set attendance targets

**Long-term sickness review meeting**

As a guide the manager will, as he/she thinks appropriate:

- (i) Obtain the latest information on the employee's condition and treatment.
- (ii) Advise the employee he/she may be referred to OH.
- (iii) Provide the employee with details of the Employee Assistance Programme.
- (iv) Refer the employee to DENNIS for a copy of this policy if he/she does not already have one.
- (vi) Ask the employee what support the Council might be able to provide. This could include giving consideration to suggestions for:
  - changes in working hours
  - adjustments to the current job
  - alternative work,
  - adjustments to alternative work,
  - training to make re-deployment easier.
- (vii) Undertake an audit of transferable skills.

**GUIDANCE FOR ASSESSING REASONABLE ADJUSTMENTS IN EMPLOYMENT**

1. The Equality Act 2010 and subsequent amendments places an onus on employers to consider making reasonable adjustments to a job to accommodate the disability of a job applicant or an existing employee who develops a disability. The legal requirement applies only to a person who has a disability as defined by the Equality Act i.e. a physical or mental impairment that has a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities. By "long term" it is meant a condition that has lasted 12 months, is likely to last 12 months or is likely to recur. The definition specifically mentions the ability to carry out day-to-day activities not the ability required to carry out specific work activities. Progressive conditions (e.g. cancer, muscular dystrophy, multiple sclerosis and HIV infection) are covered by the definition even though there may be no current impairment.
2. It is good practice that managers consider making reasonable adjustments even though an employee's medical condition does not fall within the definition in the Equality Act 2010 . The difference between this and the legal requirement is one of degree in assessing what is "reasonable".
3. In the event of an employee developing a medical condition that prevents him/her from doing his/her job, consideration needs to be given to:
  - Adjusting premises (e.g. anything arising from building design and construction, exit and access, fixtures, fittings, furnishings, equipment, materials);
  - Allocating duties to others;
  - Altering working hours;
  - Assigning to a different workplace;
  - Allowing the person to be absent for treatment, rehabilitation, assessment;
  - Training; Supervision (e.g. help from colleague, support worker)
4. **What is reasonable?**

In deciding whether it is reasonable to make an adjustment, a manager must consider:

  - The adjustment's **effectiveness** in overcoming the problems of the disability.
  - The extent to which it is **practicable** for the Council to make the adjustment.
  - The extent to which the adjustment would **disrupt** activities.
  - The **resource and cost implication**.
  - The **extent** of the Council's **financial and other resources**.
  - The availability of **external funding** in respect of the adjustments.

**NAME:**

**MANAGER:**

**DATE:**

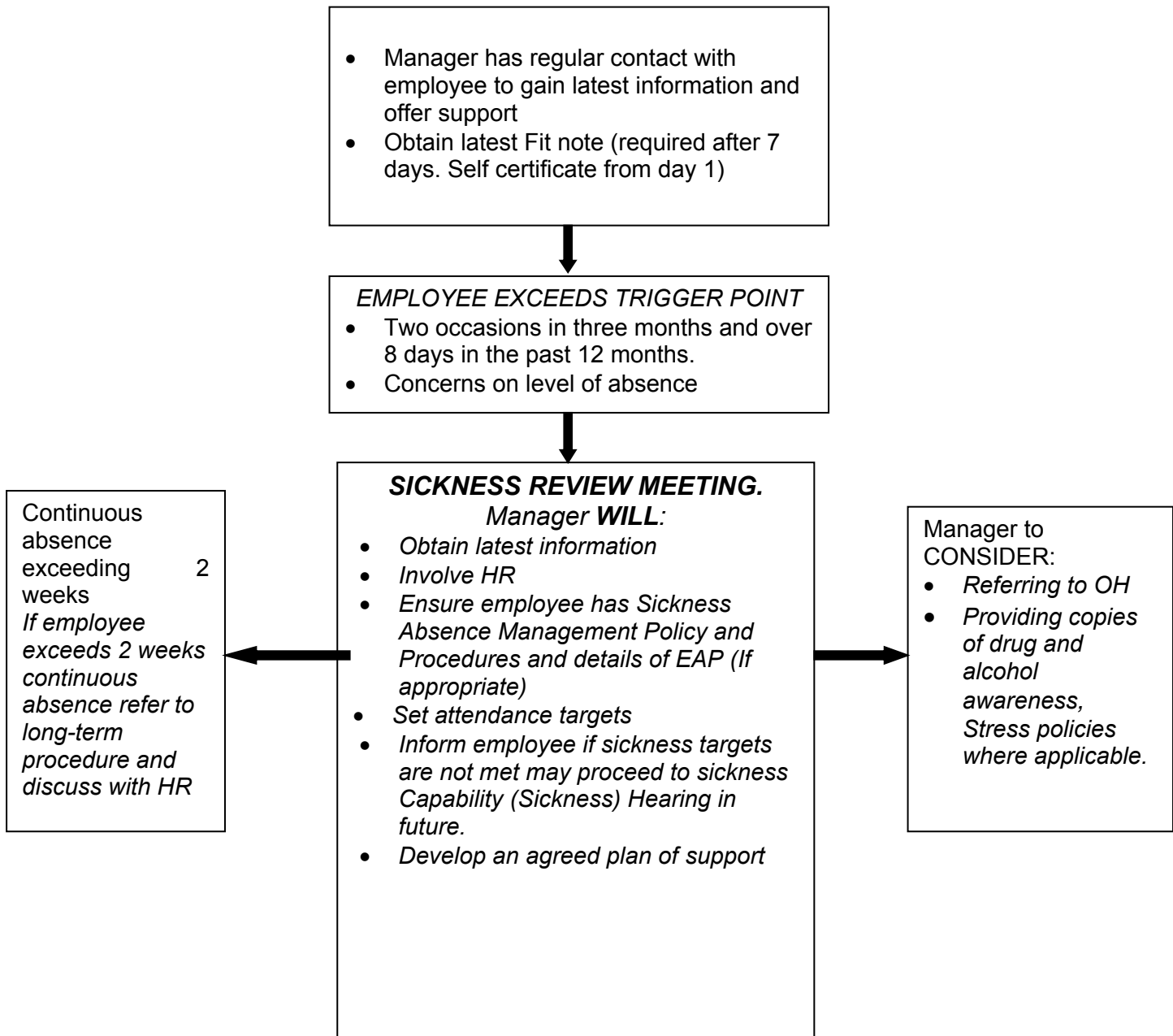
**ADJUSTMENT EVALUATION SHEET**

*To assist managers in considering adjustments to a job or the working environment to accommodate a medical condition*

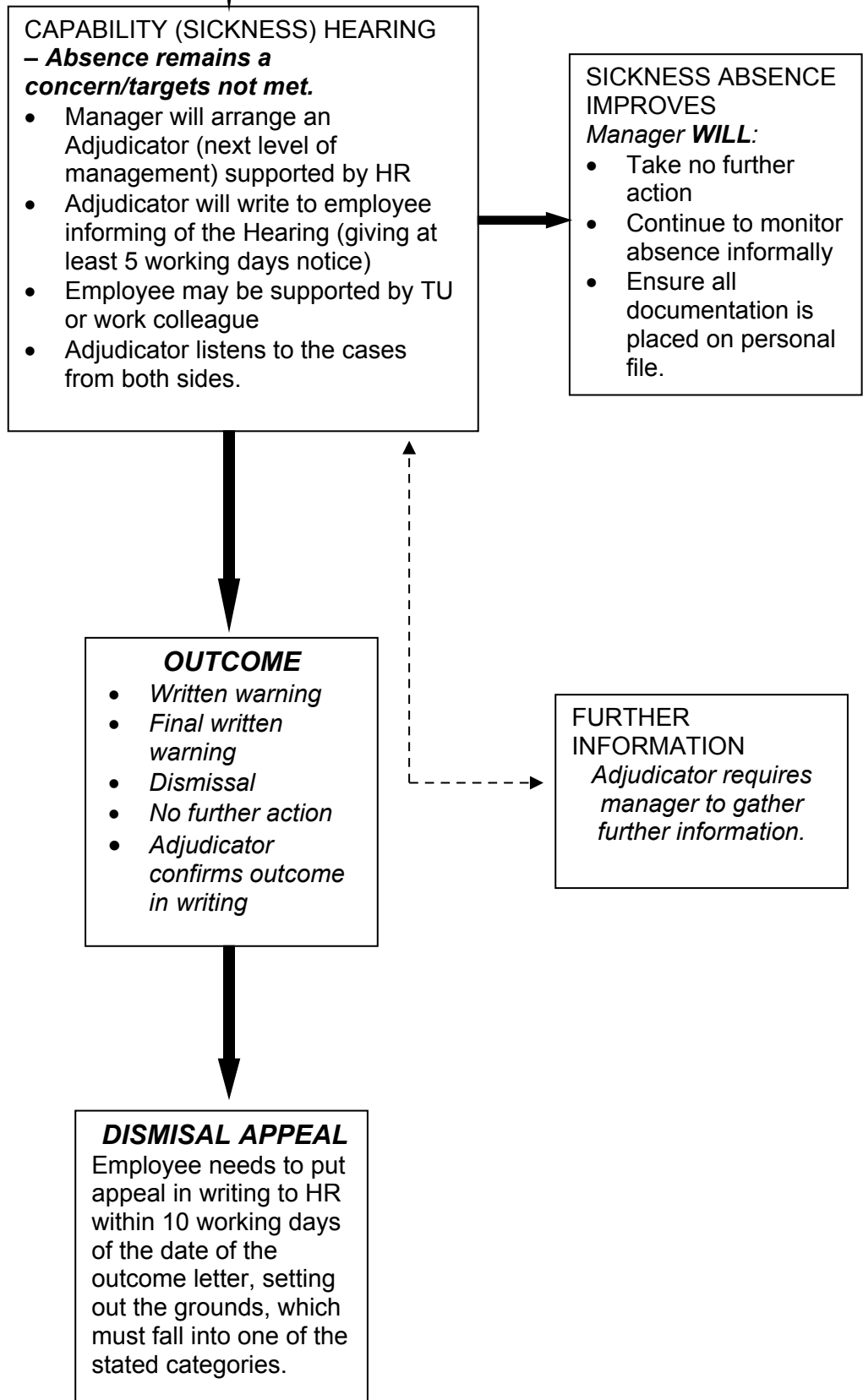
Type of Adjustment	
Effectiveness	
Practicability	
Extent of disruption to employers activities	
Resource and cost implications	

**Appendix 5 (To be amended pending Council approval)**

**SICKNESS ABSENCE MANAGEMENT FLOW CHART – SHORT TERM**

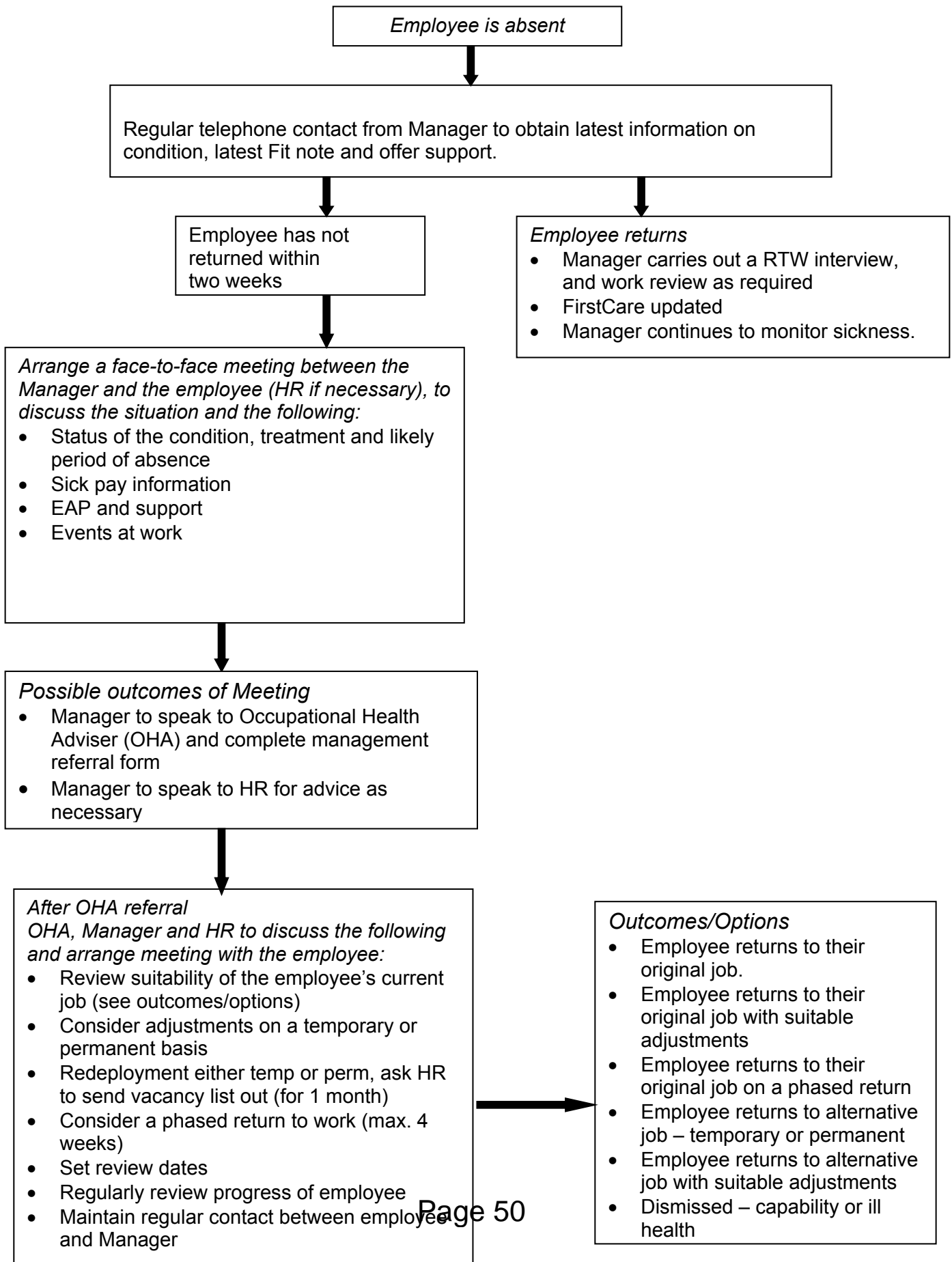






**Appendix 6 (To be amended pending Council approval)**

**SICKNESS ABSENCE MANAGEMENT FLOWCHART – LONG TERM**  
(Over two weeks)



## **THE ROLE OF OCCUPATIONAL HEALTH (OH)**

OH is a specialist branch of medicine focusing on health in the workplace. It is concerned with the physical and mental well-being of employees. OH specialists can support organisations through advising on work-related illnesses and accidents, carrying out medicals for new starters and existing employees and monitoring the health of employees.

OH services are also used to assist organisations in managing absence situations – both short and long term. The opinion of an OH specialist might be crucial in determining how management manage attendance, which in return provides employees with the reassurance that managers will be educated on their condition and any reasonable adjustments before making any decisions.

### **Services provided by OH**

As well as addressing issues that occur, a lot of the work of an OH service should be proactive, aiming to reduce potential problems in the workplace. Hence the activities of OH are likely to include helping:

- implement policy
- ensure compliance with health and safety regulations
- minimise and eliminate hazards
- manage cases of drug and alcohol abuse, and advising on HIV/AIDS issues
- offer pre-placement health assessment which includes change of role and prior to starting work
- monitor the health of employees working in a high risk environment, after an accident, illness and during and after pregnancy
- advise on ill-health retirement and Equality Act 2010 although the ultimate decision can only be made in a court of law
- advise on ergonomic issues and workplace design
- promote good health education programmes
- provide advice and counselling
- provide support to management on sickness cases to ensure that management are aware of the work related functional capability impact of any medical conditions
- give employees the option to speak to a third party regarding their condition
- advise managers on what support and reasonable adjustment employees need to help them back to work or remain at work

### **The benefits for OH**

The OH Service advise on all matters concerning the effects of work on health and health on work. They work impartially to the benefit of both employer and employee, to help minimise work related ill-health by providing:

- advice and guidance to minimise the risk of work impacting and work caused ill-health

- support for managers to manage employees with health related issues
- practical, impartial and confidential health support for all employees within the workplace
- advise on the control of potential health risks at work
- health surveillance in order to detect OH disease at an early stage
- to fast track medical treatment and supporting interventions such as physiotherapy and counselling through the EAP suitable
- management with medical information regarding functional impact of an employee's condition so that management can act accordingly

### **Confidentiality and OH**

Under the Access to Medical Reports Act 1988 employees are entitled to see a medical report relating to him or her before it is passed to an employer and employees are entitled to challenge any factual inaccuracies in that report. Employees can also refuse consent for the release of the report in which case managers need to act on the information they have

The Data Protection Act 1998 allows employees access to any information held about them, on paper or on computer. It has to be presumed, therefore, that an employee might have access to any report written about him or her at some time.

### **The Importance of OH**

Without support from OH, the Council could make decisions that could adversely affect employee's employment and could break legislation. OH specialists protect employees by ensuring management are aware of the impact on work of an individual's medical conditions and by recommending support plans to encourage management to implement reasonable adjustments in the workplace to avoid/reduce future sickness.

### **The Role of Management**

OH work in partnership with managers to deliver their service and as a result, managers have a responsibility to;

- Make early referral, particularly in the case of mental health or musculoskeletal conditions, to OH by liaising with HR. Referral for all conditions should be made in line with the Council's sickness absence management policies and procedures and for cases of mental health or musculoskeletal conditions, as soon as possible to optimise the benefit of the service and the impact on the employee's health. As OH can only work with the information given, it is important that the referral form is used (see appendix 1) and that referrals are as detailed as possible containing all information of relevance which could include;
  - at work, modified duties, previous absences, performance issues

- Adjustments or modifications attempted? With what results and what may be reasonable
- What has been discussed with employee with regard to situation
- It is the manager's responsibility to complete the referral form, but HR can support with the completion of the form and OH can be contacted prior to submission to provide impartial advice without naming the individual. Legally, managers must make employees aware of the referral prior to submitting.

There may be times when an OH report is slow to be returned for example where a GP or consultant's report is required. In these instances, the most effective pursuer of the report is often the employee so managers should seek the employee's support in chasing it. On receipt of the OH report, the advice made by OH is only advice and it is up to the Council to decide if they can be adopted. OH welcome pre and post referral telephone contact to ensure full understanding.

- Identify hazards in the workplace and through liaison with Health and Safety, identify and facilitate appropriate health surveillance.

When employees are starting in a new role, whether relocated or new to the Council, a baseline assessment should be conducted in the 1<sup>st</sup> 12 weeks after starting for roles working in high risk environments as determined by Health and Safety.



**AGENDA ITEM: 9**

**SUMMARY**

<b>Report for:</b>	<b>Cabinet</b>
<b>Date of meeting:</b>	<b>22 March 2016</b>
<b>PART:</b>	<b>1</b>
If Part II, reason:	

<b>Title of report:</b>	<b>Hemel Evolution: Bus Interchange Project - Traffic Regulation Order (TRO) proposal for Waterhouse Street</b>
Contact:	<p>Cllr Graham Sutton Portfolio Holder for Planning and Regeneration</p> <p>Author/Responsible Officers: James Doe, Assistant Director (Planning, Development and Regeneration)</p> <p>Nathalie Bateman, Strategic Planning and Regeneration Team Leader for Hemel Evolution</p> <p>Jo Deacon, Strategic Planning and Regeneration Officer</p>
Purpose of report:	<p>Hemel Hempstead Town Centre Bus Interchange Project; To seek approval for the making of a new Traffic Regulation Order within Waterhouse Street, to enable the further enforcement of parking on double yellow lines in order to protect the works carried out to Waterhouse Street as part of the Bus Interchange project.</p> <p><b>Bus Interchange – Traffic Regulation Order</b></p> <ol style="list-style-type: none"> <li>1. To approve the making of a Traffic Regulation Order associated with the Bus Interchange project, within Waterhouse Street, Hemel Hempstead.</li> <li>2. To seek delegated authority from Hertfordshire County Council to make a Traffic Regulation Order in Waterhouse Street, Hemel Hempstead.</li> </ol>

Recommendations	<p><b>Bus Interchange - Traffic Regulation Orders</b></p> <ol style="list-style-type: none"> <li>1. That Cabinet approves the Council seeking delegated authority from Hertfordshire County Council to make the Traffic Regulation Order noted in 2 below.</li> <li>2. That subject to receiving authority from Hertfordshire County Council Cabinet approves the making of a Traffic Regulation Order to implement a loading/unloading ban along Waterhouse Street as set out in the draft order at Appendix 1.</li> <li>3. That authority be delegated to the Assistant Director (Planning, Development and Regeneration) in consultation with the Portfolio Holder, Planning and Regeneration, to authorise the sealing of the Traffic Regulation Order following the consultation period and consideration/resolution of any objections received</li> </ol>
Corporate objectives	The Hemel Hempstead Masterplan supports the Council's vision and in particular the corporate objective of Regeneration.
Risk Implications	The area of Waterhouse Street risk assessment is included as part of the PID for Market Square and Bus Station Regeneration Project.
Equalities Implications	Equality Impact Assessment carried out as part of each design processes.
Health And Safety Implications	The Stage 3 safety audit refers to this TRO parking enforcement option that would protect the area, and HCC confirm that no further safety audit is required to carry out these works

<p>Monitoring Officer/S.151 Officer Comments</p>	<p><b>Deputy Monitoring Officer:</b></p> <p>The Council requires delegated authority from Hertfordshire County Council as the relevant Highway Authority before it can exercise delegated powers to make the TRO and this authorisation must be secured before the order is formally advertised.</p> <p>Regulations made under the Road Traffic Regulation Act 1984 set out the rules for formal consultation under the Act and these must be followed to ensure that the process is completed lawfully.</p> <p><b>Deputy S.151 Officer</b></p> <p>All of the costs associated with the consultation and delivery and enforcement of the Traffic Regulation Order will need to be from within the approved project budgets.</p>
<p>Consultees:</p>	<p>Terry Curtis - Principal TRO Officer / Head of Profession, Traffic Order Services, Hertfordshire County Council</p> <p>Steve Barnes - Parking Services Team Leader, DBC</p> <p>Bradley Joseph - Senior Engineer advisor, assigned to Hemel Evolution team, HCC</p>
<p>Background Papers</p>	<p>14th February 2014 Cabinet Report - Hemel Evolution: MSZ and BI</p> <p>Appendix 1 - Waterhouse Street TRO –Traffic order and site plan</p> <p>Appendix 2 (page 5) - Stage 3 safety Audit report</p>
<p>Glossary of acronyms and any other abbreviations used in this report:</p>	<p>MSZ - Marlowes Shopping Zone  BI - Bus Interchange  TRO - Traffic Regulation Order  HCC - Hertfordshire County Council</p>



## **BACKGROUND**

### **General**

1. In January 2013 Dacorum Borough Council adopted Hemel Hempstead Town Centre Masterplan, setting out its long-term vision and regeneration plan. The vision states that “by 2021 Hemel Hempstead Town Centre will be an appealing, attractive and sustainable destination with a thriving economic centre and a high quality environment. The regeneration and evolution of the town centre will emphasise the natural and cultural assets of the town and celebrate its New Town history and rich heritage”. The Masterplan forms a framework for the future development of Hemel Hempstead town centre. <http://www.dacorum.gov.uk/home/regeneration>
2. December 2015 saw the completion of the new bus interchange creating a transport hub within the heart of the shopping area to help attract more visitors during the day, evening and night making it a place that people will want to visit over and over again to shop, work, live and enjoy. The scheme has also released land at the current Bus Station and Market Square, where there are proposals to deliver a new commercial leisure development.

### **Traffic Orders**

3. To facilitate the operation of the bus interchange in the town centre it was necessary to relocate the existing 24hr taxi rank to Waterhouse Street. Cabinet reports on 14 February 2014 and 24 June 2014 set out the necessary TRO changes required to make the scheme work. This also included the new 24hr rank along Waterhouse Street, (operational since April 2015) providing 37 spaces.
4. The new taxi rank arrangement provides a single rank (split by the existing pedestrian crossing to Bank Court) with its head located at the northern end of Waterhouse Street just to the south of Bridge Street. In operational terms this ensures the rank head is located in the most appropriate and prominent location to service demand, and removes operational difficulties arising through having two separate rank heads.
5. Disabled parking within Waterhouse Street South has also been formalised through the provision of 12 blue badge spaces. Under a separate project approved by Cabinet on 17 December 2013, the parking spaces were relocated from Bank Court, which had been regenerated to provide a high quality public space and improve connectivity between the Marlowes pedestrian area and the Water Gardens, extending across Waterhouse Street.

## **New Traffic Orders required**

6. Since the implementation of the taxi rank and disabled bays in Waterhouse Street, the street now experiences instances of informal blue badge parking. Although this is permitted under the Blue Badge scheme, Blue badge holders are parking on double yellow lines which encroach on junctions, roundabouts, service yard accesses and particularly in front of the taxi rank and bus stops. This is currently causing conflict with access and movement along Waterhouse Street.
7. The problem can only be resolved through Police enforcement should they consider it an obstruction, or by introduction of additional enforcement in the form of a loading/unloading restriction (Appendix 1), this TRO will give the Council's parking team the authority to enforce and help resolve this issue.
8. In order for the Council to make the TRO, our existing delegated authority with HCC needs to be updated to include this TRO although this is considered a formality, it is subject to their internal timescales to conclude this matter.
9. Traffic Regulation Orders are subject to formal, public consultation, a process that takes a minimum of 19 weeks. Objections to the various Traffic Regulations, dependent on their nature, may be resolved locally. As the Order covering Waterhouse Street reflects a prohibition on loading/unloading activities any objections received on these grounds, or any objection received from local bus operators, qualify for an automatic Public Inquiry, outside of the ability for the Council to address until the Inquiry is scheduled.
10. Appropriate informal consultation on the Traffic Regulation Orders, now implemented within Waterhouse Street, had been undertaken to minimise the risk of such objections. No significant objections were raised. The proposed changes set out in paragraph 8, does not change the original intention behind the TROs currently in force, however it this does not guarantee that objections will not be received.
11. Consultation has involved appropriate stakeholders, both through the ongoing Project Board / Member presentations, but also involved the taxi association, bus operators and HCC. Disabled user groups were consulted previously as part of the relocation of the taxi rank, and creation of short stay and formal disabled parking bays, this TRO only seeks to enforce the areas of double yellow lines where Blue Badge parking is already prohibited, but can currently only be enforced by the Police.
12. Further Informal public consultation has not been sought on this issue as the implementation of the taxi rank, disabled parking and short stay bays were subject to a Stage 1,2 & 3 Safety Audit, which recommends that further enforcement action may be required to deal with this issue of informal blue badge parking. The implementation of this TRO will therefore support this recommendation (Appendix 2 - page 5)
13. Timescales for delivery of this TRO for Waterhouse Street have been developed with regard to the formal TRO process, giving rise to three options for delivery dependent on the duration taken to resolve any objections received.

The following delivery options, based upon the TRO process, are expected to start April 2016.

- **Option 1** - No objections to TRO: therefore  
Consultation ends - May 2016  
Sealing - July 2016  
Enforcement starts - July/Aug 2016
  - **Option 2** - Locally resolved objections to TRO: therefore  
Consultation ends - May 2016 – consideration of responses by Assistant Director (Planning, Development and Regeneration) and Portfolio Holder June 2016  
Sealing - Aug/Sept  
Enforcement starting Oct 2016
  - **Option 3** - Non-resolvable objections, therefore  
Public Inquiry - April 2017  
Sealed (subject to Public Inquiry decision) July-Dec 2017
14. Should there be 'no objections' to the formal consultation, or objections received are capable of informal resolution, the approval of recommendation 3, would afford the TRO to be implemented without requiring a further Cabinet report confirming there were 'no objections' and that we are in compliance with legislation regarding TRO's and with HCC's delegated authority to proceed.
15. The specific effects of the TRO on Waterhouse are set out in the draft TRO in Appendix 1, however,
- The general nature and effect of which will be to introduce:
- *Providing loading/unloading restrictions to all areas of double yellow lines, to include the roundabout at Moor End Road on Waterhouse Street, between Bridge Street and Moor End Road.*
  - *The proposals will convert existing 'No Waiting at any time' restrictions to No Waiting or Loading at any time restrictions*

## DACORUM BOROUGH COUNCIL

ROAD TRAFFIC REGULATION ACT 1984**THE BOROUGH OF DACORUM (WATERHOUSE STREET, BRIDGE STREET and MOOR END ROAD, HEMEL HEMPSTEAD) (PROHIBITION OF WAITING AND LOADING) ORDER 2015**

Dacorum Borough Council, pursuant to the arrangements made under Section 19 of the Local Government Act 2000 with The Hertfordshire County Council in exercise of their powers under Sections 1, 2, 3 and 4 of the Road Traffic Regulation Act 1984, (which said Act of 1984 is hereinafter referred to as “the Act of 1984”), and Part IV of Schedule 9 of the Act of 1984 and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act of 1984, hereby make the following Order:-

1. This Order may be cited as “the Borough of Dacorum (Waterhouse Street, Bridge Street and Moor End Road, Hemel Hempstead) (Prohibition of Waiting and Loading) Order 2015” and shall come into operation on.....
2. Save as provided in Article 3 of this Order no person shall cause or permit any vehicle to wait, load or unload at any time in those lengths of Waterhouse Street, Bridge Street and Moor End Road, Hemel Hempstead as specified in the Schedule to this Order.
3. (1) Nothing in Article 2 of this Order applies to the lengths of road restricted by that Article (which said lengths of road are referred to in this Article as “the restricted area”) in relation to –
  - (a) a vehicle being used for Fire and Rescue, Ambulance or Police purposes.
  - (b) anything done with the permission of or at the direction of a Police Constable in uniform; or with permission of a Civil Enforcement Officer as defined by the Traffic Management Act 2004 and appointed by Dacorum Borough Council.
  - (c) a vehicle which is prevented from proceeding by circumstances beyond the drivers control or which has stopped in order to avoid injury or damage to persons or property or when required to do so by law;
  - (d) a vehicle which is stationary in order that it may be used for one or more of the purposes specified in sub-Article (2) of this Article and which cannot reasonably be used for such a purpose without stopping in the restricted area;
  - (e) a marked vehicle which, whilst used by a universal service provider in the course of the provision of a universal postal service, is stationary only for so long as may be reasonably necessary for postal packets to be delivered or collected;

In this Article -

The expressions “universal service provider”, “provision of a universal Postal Service” and “postal packet” shall bear the same meanings as in Section 65 of the Postal Services Act 2011.

- (2) The “purposes” referred to in sub-Article (1)(d) of this Article are –
  - (a) any operation involving building, demolition or excavation;
  - (b) the removal of any obstruction to traffic;
  - (c) the maintenance, improvement or reconstruction of a road;
  - (d) constructing, improving, maintaining, or cleaning of any street furniture; or
  - (e) the laying, erection, alteration, repair or cleaning of any sewer or of any main pipe or apparatus for the supply of gas, water or electricity, or of any telecommunications apparatus kept or installed for the purposes of a telecommunications code system or of any other telecommunications apparatus lawfully kept installed in any position.
4. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
5. The provisions of the following Orders are hereby revoked but only in so far as they are effected by the restrictions imposed by this Order:

6. The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any other regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.

**SCHEDULE**

Lengths of Waterhouse Street, Bridge Street and Moor End Road, Hemel Hempstead –  
No waiting, loading or unloading at anytime

- |   |  |
|---|--|
| Waterhouse Street<br>(west side)                            | (a) from a point in line with the projected south kerbline of Bridge Street southwards for approximately 32 metres to a point 11.5 metres north of a point in line with the projected north kerbline of the Service Road located between 95 and 97 Waterhouse Street.  |
|   | (b) from a point 2 metres south of a point in line with the southern facia wall of Lord Alexander House southwards for approximately 12 metres to a point 9.5 metres north of a point in line with the north facia wall of Quality House.  |
|   | (c) from a point in line with the south facia wall of Quality House northwards for approximately 30 metres to a point 4 metres south of a point in line with the north facia wall of Quality House.  |
| (east side)   | (a) from a point in line with the projected south kerbline of Bridge Street southwards for approximately 17 metres to a point 29 metres north of a point in line with the projected north kerbline of the Service Road located between 95 and 97 Waterhouse Street.  |
|   | (b) from a point in line with the projected north kerbline of the Service Road located between 95 and 97 Waterhouse Street northwards for 7 metres.  |
|   | (c) from a point in line with the projected south kerbline of the Service Road located between 95 and 97 Waterhouse Street southwards for 8 metres.  |
|   | (d) from a point in line with the projected north kerbline of the Service Road serving Swan Court northwards for 7 metres.   |
|   | (e) from a point in line with the projected south kerbline of the Service Road serving Swan Court south westwards for 8 metres.  |
|   | (f) from a point in line with the projected north kerbline of the northern access into Bank Court northwards for 8 metres.   |
|   | (g) from a point in line with the projected south kerbline of the southern access into Bank Court southwards for 1.5 metres.   |
|   | (h) from a point in line with the projected north kerbline of the Service Road located between Barclays bank and Lord Alexander House northwards for 8 metres.   |
|   | (i) from a point in line with the projected south kerbline of the Service Road located between Barclays Bank and Lord Alexander House south eastwards for 10 metres.   |
| Waterhouse Street/<br>Moor End Road<br>(east / north sides) | from a point 11 metres north of a point in line with the north facia wall of Quality House, Waterhouse Street, extending into Moor End Road to a point 1.5 metres south of a point in line with the north facia wall of the Service area of units 9-19 Riverside Shopping Centre. A distance of approximately 50 metres. |

Waterhouse Street  
(service road located  
between no's 95 – 97)  
(both sides)

from its junction with the east kerbline of Waterhouse Street eastwards for approximately 5 metres to the Highway Boundary.

(service road serving  
Swan Court)  
(both sides)

from its junction with the east kerbline of Waterhouse Street eastwards for approximately 6 metres to the Highway Boundary.

(service road located  
between Barclays Bank  
and Lord Alexander House)  
(both sides)

from its junction with the east kerbline of Waterhouse Street north eastwards for approximately 4 metres to the Highway Boundary.

Bridge Street  
(south side)

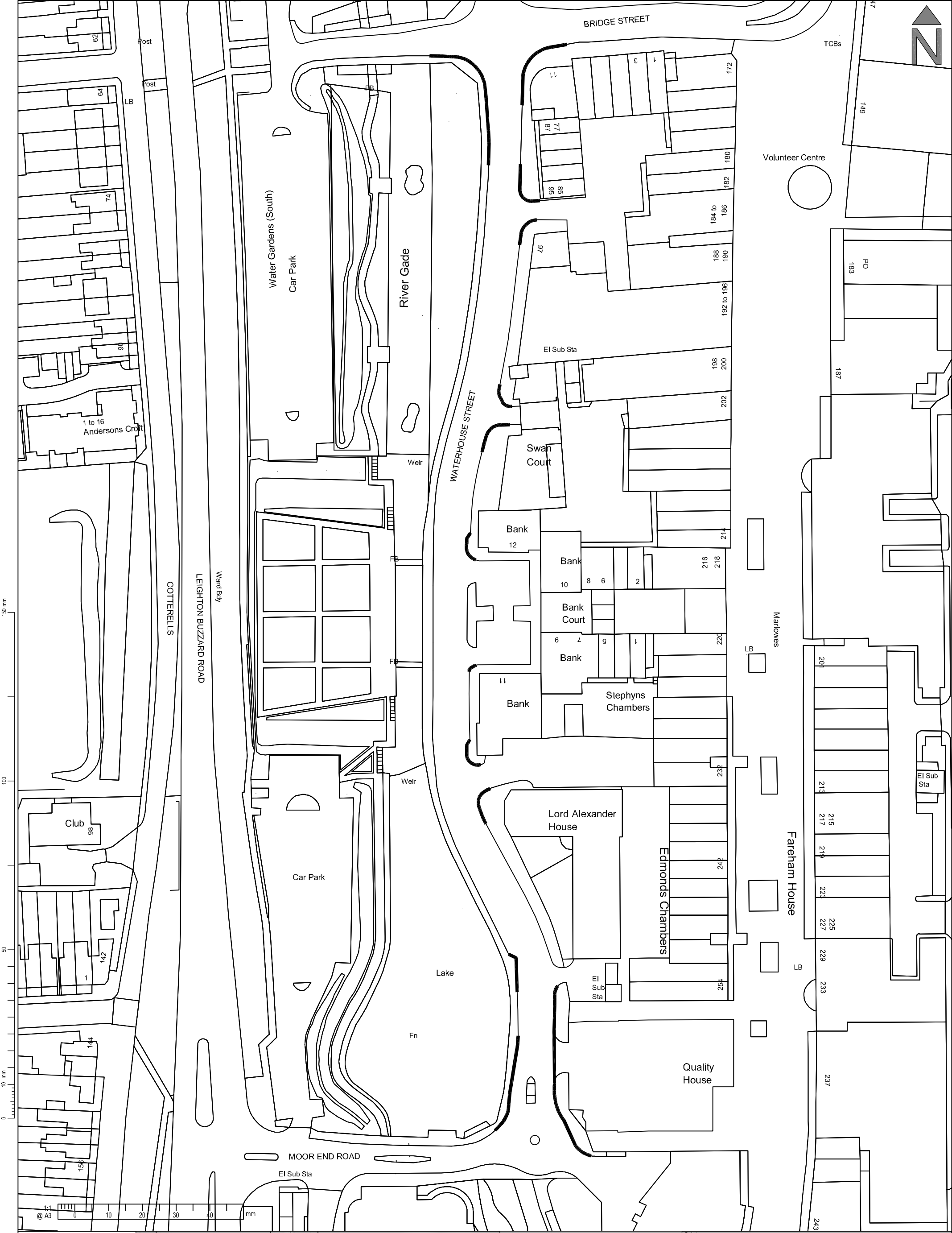
- (a) from a point in line with the projected east kerbline of Waterhouse Street eastwards for 13.5 metres.
- (b) from a point in line with the projected west kerbline of Waterhouse Street westwards for 15 metres.

Given under the Common Seal of Dacorum Borough Council the XX day of XXX 2015.

The Common Seal of DACORUM BOROUGH  
COUNCIL was hereunto

affixed on the XX day of XXXX 2015  
in the presence of:-

.....  
Authorised signatory



**KEY:**  
 NO WAITING,  
 LOADING OR  
 UNLOADING AT  
 ANY TIME

Revision	Amendment	Approved	Revision Date



COUNTY HALL  
 Pegs Lane  
 Hertford, Herts  
 SG13 8DN  
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Drawn	Designed	Approved	Checked	Revision Date

Project No. K-BC013.00      Scale 1:1000

Project WATERHOUSE STREET, HEMEL HEMPSTEAD	
Sheet PROPOSED LOADING BAN	
Project No. K-BC013.00	Sheet No. 1 of 1
Scale 1:1000	Revision
Drawing No. K-BC013.00/WS/001	

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## INTRODUCTION

This report contains the results of a Stage 3 Safety Audit carried out on the above scheme. The Audit was carried out at the request of Mott MacDonald, Cambridge on behalf of Hertfordshire County Council.

The Audit Team membership was as follows:-

Kevin Allen BEng (Hons), I Eng, MCIHT, MSoRSA (Audit Team Leader)	Project Engineer Network Analysis + Safety Norfolk County Council
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Julian Fonseca EngTech, MCIHT, MSoRSA (Audit Team Member)	Project Technician Network Analysis + Safety Norfolk County Council
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The Audit took place on site on 3 July 2015. The audit comprised an examination of the previous Safety Audit submission and a site inspection by the Audit Leader and Audit Team Member. The site inspection took place on 3 July 2015 at 11:00 and lasted around 60minutes. During the inspection the weather was fine and the road surface dry.

This report is presented based upon the checklist contained in Annex C of HD19/15. The Auditors have examined and reported only on the road safety implications of the scheme as presented and have not verified the compliance of the design to any other criteria, in accordance with HD 19/15.



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## **ITEMS RAISED AT PREVIOUS AUDIT**

Safety issues raised at the previous Stage 1/2 audit (3 December 2013) remain a problem and are referred to again in this report in paragraphs 1.1 and 4.1

## **ITEMS RAISED AT THIS STAGE 3 AUDIT**

### **1.0 General**

#### **1.1 Location – Waterhouse Street**

Problem – Speed Limit inappropriate to pedestrian/cyclist environment

The proposals to relocate the taxi rank and reduce on street parking have decreased through traffic and potentially increased pedestrian crossing movements of Waterhouse Street. A reduction in superfluous road markings has contributed to a less traffic dominated environment and the existing 30mph speed limit is now inappropriate. The Designer's Response to the Stage 1/2 Safety Audit stated that following adoption of DfT Guidance for Setting Local Speed Limits by Hertfordshire CC an application would be made for a 20mph speed limit on Waterhouse Street. This has not yet been implemented.

Recommendation –

To promote appropriate driver behaviour and improve the street environment for all users, it is recommended that a 20mph speed limit is implemented on Waterhouse Street.

1.2 Location – ‘No Waiting At Any Time’ restrictions on Waterhouse Street

Problem – Location of Green Badge Parking raises risk of conflict

The Waterhouse Street Scheme has seen the replacement of several disabled parking bays with taxi ranks. Although some disabled bays are retained, there is a net loss and during the site visit demand far exceeded capacity. As a consequence the majority of the short sections of ‘No Waiting At Any Time’ restrictions were used by Blue Badge Holders. Several of these are at locations which hinder access or raise the possibility of conflict, such as adjacent to pedestrian or vehicular accesses, or immediately next to bus stops. Conversely, long lengths of taxi rank were unoccupied. Illegal and potentially unsafe parking was also observed by non-Blue Badge holders on pedestrian crossing zig zags and at pedestrian accesses.









### Recommendation

It is understood that alternative disabled parking provision is located within the nearby car parks. It is recommended that dialogue takes place with local disabled user groups to highlight this and encourage alternative parking arrangements. It is also recommended that enhanced parking enforcement is undertaken to deter any illegal and unsafe parking.

During the site visit, the long lengths of empty taxi rank suggested an appropriate balance of parking provision may not have been struck on Waterhouse Street. It is accepted that at other times, such as Saturdays and around Christmas, that demand for taxis is likely to be higher. Nevertheless, it would be prudent to review usage of the various parking bays and restrictions after 6 months and consider re-allocation as required.

## **2.0 Alignment**

### **2.1 No comment**

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### **3.0 Junctions**

3.1 No comment

### **4.0 Non-motorised Users**

4.1 Location – Waterhouse Street/Bridge Street

Problem – Inadequate crossing facilities increase risk of pedestrian/vehicle conflict

The existing pedestrian refuge island at the north end of the Waterhouse Street scheme is narrow, at approximately 1.5m in width. This is a key pedestrian desire line for access to The Marlowes from car parks and the head of the taxi rank. Site observations indicate that the existing refuge is too small to accommodate groups of pedestrians and there is an increased risk of pedestrians being struck by passing traffic. The Designer's response to the Stage 1/2 Safety Audit stated that analysis would be undertaken to establish whether a larger island could be accommodated, although this has not been confirmed.



#### Recommendation

Provide a wider 1.8m pedestrian refuge and delineated contrasting surface, similar to that on the Bridge Street arm of the mini roundabout to highlight the crossing. Two rows of buff coloured tactile paving should be provided at the crossing point to aid partially sighted users.

### **5.0 Signs, Lighting and Markings**

5.1 No comment

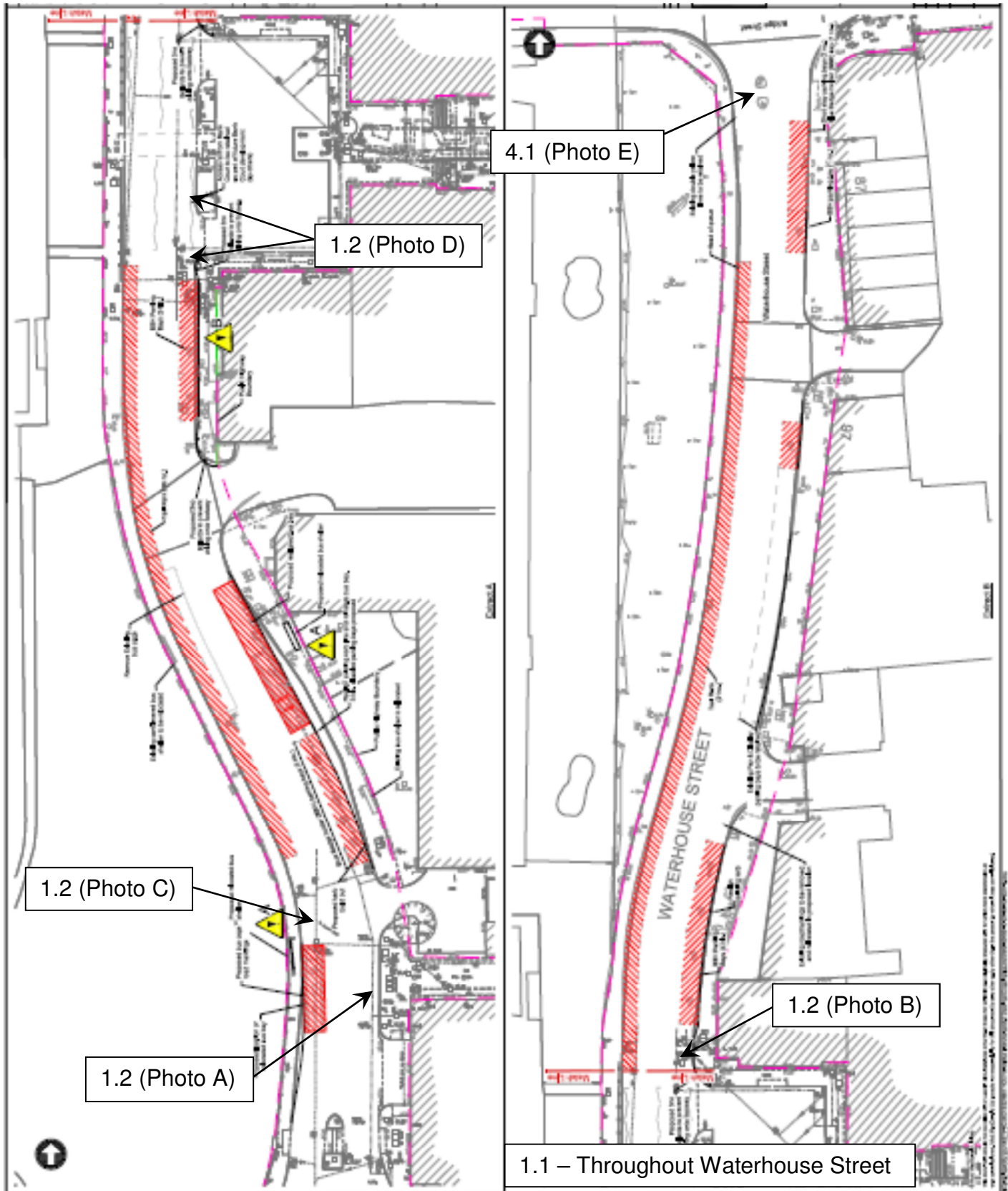
### **6.0 Comments**

**Issues noted below are not necessarily safety issues. They relate either to wider network implications, suitability of a particular design choice or lack of information contained within the submission documents**

6.1 No comments





7.0 Problem Location Plan



**AUDIT TEAM STATEMENT**

We certify that this audit has been carried out in accordance with Norfolk County Council Environment, Transport and Development Procedures.

Signed (ATL)  Kevin Allen  
Dated 8 July 2015

Signed  ..... Julian Fonseca  
Dated 08/07/2015



**RESPONSE SHEET**

Problem (para no.)	Agree/ Disagree	Reasons/Proposals

To:- Team Manager (Network Analysis + Safety): fao Kevin Allen

From.....

Signed.....Project Engineer          Dated: .....

Note: If producing your own version of this page please include **SAFETY AUDIT FILE NO/DATE** & ATL name