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For all enquiries relating to this agenda please contact Rebecca Barrett
(Tel: 01443 864245 Email: barrerm@caerphilly.gov.uk)

Date: 8th July 2015

Dear Sir/Madam,

A meeting of the **Policy and Resources Scrutiny Committee** will be held in the **Sirhowy Room, Penallta House, Tredomen, Ystrad Mynach** on **Tuesday, 14th July, 2015** at **5.30 pm** to consider the matters contained in the following agenda.

Yours faithfully,

A handwritten signature in blue ink that reads 'Chris Burns'.

Chris Burns
INTERIM CHIEF EXECUTIVE

AGENDA

	Pages
1 To receive apologies for absence.	
2 Declarations of Interest Councillors and Officers are reminded of their responsibility to declare any personal and/or prejudicial interest(s) in respect of any business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.	
To approve and sign the following minutes: -	
3 Policy and Resources Scrutiny Committee held on 2nd June 2015 (minute nos. 1 - 12).	1 - 6

A greener place Man gwyrdach

Correspondence may be in any language or format | Gallwch ohebu mewn unrhyw iaith neu fformat



- 4 Consideration of any matter referred to this Committee in accordance with the call-in procedure.
- 5 To receive a verbal report by the Cabinet Member(s).
- 6 To receive and consider the following Cabinet Reports*: -
1. Land at Troedyrhiw, Ystrad Mynach – 3rd June 2015;
 2. Land adjoining Islwyn Indoor Bowls Centre – 3rd June 2015;
 3. Discretionary Housing Payments Policy – 3rd June 2015;
 4. Cabinet Forward Work Programme – 3rd June 2015;
 5. Equalities and Welsh Language Annual Reports – 17th June 2015;
 6. Former Newbridge Library – 17th June 2015;
 7. Education Schools Improvement Service Pension Deficit – 17th June 2015.

**If a member of the Scrutiny Committee wishes for any of the above Cabinet reports to be brought forward for review at the meeting please contact Rebecca Barrett, 01443 864245, by 10.00 a.m. on Monday, 13th July 2015.*

To receive and consider the following Scrutiny reports:-

- | | | |
|----|--|-----------|
| 7 | Draft Disciplinary Policy and Procedure. | 7 - 58 |
| 8 | Draft Social Media Policy. | 59 - 76 |
| 9 | Proposed Inspection Programme for Council Properties. | 77 - 82 |
| 10 | Year End Progress Update of Improvement Objective IO2 - Improve job opportunities so people can live better lives - Caerphilly Passport Programme. | 83 - 108 |
| 11 | Performance Management IO5 - Investment in Council homes to transform lives and communities - Year End. | 109 - 116 |
| 12 | End of Year Update on Improvement Objective 6 (2014/15) - Improve the availability of private and public sector housing to reduce the number of residents who may become homeless. | 117 - 126 |
| 13 | To record any requests for an item to be included on the next available agenda. | |

To receive and note the following information items*:-

- | | | |
|----|---|-----------|
| 14 | Handling of Damp and Condensation Complaints - Update Report. | 127 - 146 |
| 15 | Discretionary Rate Relief Applications. | 147 - 152 |
| 16 | Time Off For Reservists Policy. | 153 - 166 |

17	Caerphilly Homes Task Group Minutes - 21st May 2015.	167 - 170
18	Corporate Health and Safety Committee Minutes - 24th February 2015.	171 - 174
19	Pensions/Compensation Committee Minutes - 9th June 2015.	175 - 176

**If a member of the Scrutiny Committee wishes for any of the above information items to be brought forward for review at the meeting please contact Rebecca Barrett, 01443 864245, by 10.00 a.m. on Monday, 13th July 2015.*

Circulation:

Councillors L.J. Binding, Mrs P. Cook, C.J. Cuss, H.W. David (Chair), Miss E. Forehead, J.E. Fussell, C.J. Gordon, C. Hawker, Ms J.G. Jones, G. Kirby, A. Lewis, C.P. Mann, S. Morgan (Vice Chair), D. Rees, R. Saralis and J. Taylor

And Appropriate Officers

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POLICY AND RESOURCES SCRUTINY COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON
TUESDAY, 2ND JUNE 2015 AT 5.30 P.M.

PRESENT:

Councillor H.W. David - Chair
Councillor S. Morgan - Vice Chair

Councillors:

L. Binding, Mrs P. Cook, C.J. Cuss, C.J. Gordon, C. Hawker, Ms J.G. Jones, G. Kirby,
A. Lewis, C.P. Mann, D. Rees, R. Saralis, J. Taylor

Cabinet Members:

Mrs C. Forehead (HR and Governance/Business Manager), D.V. Poole (Housing)

Together with:

N. Scammell (Acting Director of Corporate Services and Section 151 Officer), R. Hartshorn (Head of Public Protection), A. Main (Acting Benefits Manager), D.A. Thomas (Senior Policy Officer – Equalities and Welsh Language), C. Forbes-Thompson (Scrutiny Research Officer) and R. Barrett (Committee Services Officer)

1. CHAIR'S ANNOUNCEMENT – MEMBERSHIP CHANGE

The Chair referred to the recent retirement of Councillor Michael Gray and paid tribute to his years of service as a Member of the Policy and Resources Scrutiny Committee. The Chair also announced that Councillor Mrs Jean Summers had decided to step down from the Scrutiny Committee and Members noted the support she had given the Chair during her tenure as a former Vice Chair of the Committee. It was requested that the Committee's appreciation of both Members for their valued contribution to the Policy and Resources Scrutiny Committee be placed on record.

New Scrutiny Committee Members Mrs P. Cook and C.J. Gordon were welcomed to the meeting.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Miss E. Forehead, together with Cabinet Members D.T. Hardacre (Performance and Asset Management) and Mrs B. Jones (Corporate Services).

3. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

4. MINUTES – 14TH APRIL 2015

RESOLVED that the minutes of the Policy and Resources Scrutiny Committee meeting held on 14th April 2015 (minute nos. 1 – 15) be approved as a correct record and signed by the Chair.

5. CALL-IN PROCEDURE

There had been no matters referred to the Scrutiny Committee in accordance with the call-in procedure.

6. REPORTS OF THE CABINET MEMBERS

There were no reports presented at the meeting.

Councillor Mrs C. Forehead, Cabinet Member for HR and Governance/Business Manager, advised the Committee that Gareth Hardacre, Head of Workforce and Organisation Development, had accepted a position with Cwm Taf Health Board and would therefore be leaving the Authority shortly. Members wished Mr Hardacre well for the future and asked that their appreciation for his contribution towards the management of the Caerphilly County Borough Council workforce be placed on record.

7. CABINET REPORTS

None of the Cabinet reports listed on the agenda had been called forward for discussion at the meeting.

REPORTS OF OFFICERS

Consideration was given to the following reports.

8. ANTI POVERTY STRATEGY

Rob Hartshorn, Head of Public Protection, presented the report, which outlined the proposed Caerphilly County Borough Council Anti Poverty Strategy. The report sought the views of the Scrutiny Committee prior to its presentation to Cabinet and Council.

Members were informed that the Council delivers a significant programme of work that contributes to tackling poverty, such as Welsh Government-funded programmes (Communities First, Families First, Flying Start and Supporting People) as well as the Welsh Housing Quality Standard investment and a range of other services and activities. Caerphilly Council has a significant track record in regeneration and was the first in Wales to become a Living Wage employer. However, there are still individuals and households within the county borough living in poverty and an Anti Poverty Strategy has therefore been developed to set out the Council's position and bring together that activity at a high level.

The draft Strategy has been the subject of consultation, and a final draft version, together with consultation comments, was appended to the report for views and approval. The draft Anti Poverty Strategy sets out the Council's position and aims, actions and measures in relation to tackling poverty. It is intended that the Strategy will be reviewed annually and progress reported. It is also proposed that an Anti Poverty Board be established to provide oversight of the Strategy, which would include the new Member Anti Poverty Champion, Councillor Elaine Forehead.

Detailed discussion of the report ensued and Members raised a number of queries and concerns in relation to the proposed Strategy. A Member queried implementation and running costs associated with the Strategy and suggested that the inclusion of additional information detailing budget areas and funding streams for each of the Strategy proposals would be useful. Concerns were raised as to the impact and pressures that welfare cuts, together with Council budget cuts, could place on the Strategy. Officers explained that the Strategy would be regularly reviewed and that the programme of work would be subject to revisions in line with available budgets and funding sources. Officers suggested that an additional column could be incorporated into the Strategy setting out the associated budget for each area.

A Member highlighted the link between health and wellbeing and poverty and explained that they felt this was not sufficiently incorporated within the Strategy. Officers clarified that as the Anti Poverty Strategy was a Council Strategy and not a partnership document, it would not necessarily reflect the work of Local Health Boards or other associated agencies in regards to Health and Wellbeing activities.

A query was raised regarding the promotion of free school meals take-up and the relevance of its inclusion within the Anti Poverty Strategy. Officers explained that the Strategy promotes the benefits of free school meals take-up, including pupil access to healthy meals which are Welsh Government Appetite for Life-compliant, and allowing eligible schools to claim Pupil Deprivation Grants.

Reference was made to the Welsh Index of Multiple Deprivation (WIMD) and the identification of two localities within the county borough as amongst the most deprived in Wales. The strategy to target these areas was outlined and discussion took place regarding the multi-agency groups working in these areas, together with the need for community engagement and involvement. There was discussion as to how the Strategy would complement the Single Integrated Plan and Officers also responded to queries regarding the involvement of the proposed Anti Poverty Board in overseeing the various agencies that contribute to the tackling of poverty.

Members queried how the success of the Strategy would be measured and suggested a need for improvement targets and performance indicators to be included within the plans. Officers explained that the Strategy would utilise existing departmental indicators wherever possible (such as those in use by Flying Start) to maximise the potential of available resources. Discussion and concerns also arose with regards to the minimum wage and the Living Wage and how these impact on poverty levels within the county borough. Officers clarified the current processes and pending actions being undertaken by the Authority in respect of this matter.

Having given due regard to the queries raised and the comments received from Members, the Chair summarised the four main points and comments arising from the discussion and expressed the need for these to be reported to Cabinet and Council:-

1. The Anti Poverty Strategy must operate within current austerity measures and therefore there is a need to be aware of the consequence of further cuts which may undermine the Strategy;

2. The Anti Poverty Strategy should incorporate a more specific focus on the link between health and wellbeing and poverty, and further consideration should be given to existing activities which contribute to this agenda;
3. There is a need to target those directly affected with a view to influencing the Welsh Index of Multiple Deprivation and a need to be confident that areas can show improvement;
4. There is a need for greater clarity in relation to how successful implementation of the Strategy will be demonstrated.

The Head of Public Protection was thanked for his report and his detailed responses to Members' queries.

Following consideration of the report, it was moved and seconded that subject to the inclusion of the additional information requested by Members, the following recommendation be referred to Cabinet for consideration (and thereafter Council for approval). By a show of hands, this was unanimously agreed.

RECOMMENDED to Cabinet that subject to the inclusion of the additional information requested by the Policy and Resources Scrutiny Committee, the Caerphilly County Borough Council Anti Poverty Strategy be endorsed.

9. DISCRETIONARY HOUSING PAYMENTS POLICY

Nicole Scammell, Acting Director of Corporate Services and Section 151 Officer, together with Amanda Main, Acting Benefits Manager, presented the report, which sought the views of the Scrutiny Committee on a new Discretionary Housing Payments Policy, prior to its consideration by Cabinet.

Members were informed that Discretionary Housing Payments (DHPs) are additional short-term payments made towards rent. They are only paid to customers already receiving Housing Benefit who need more help with their housing costs over and above their benefit award. Officers explained that to help Local Authorities mitigate the impact of Welfare Reform, funding for DHPs has increased in recent years. However, it is important that the limited funding available is targeted at those most in need. With this in mind, the Discretionary Housing Payments has been drafted and was attached to the report as Appendix 1. The Policy complies with the Department for Work and Pensions Discretionary Housing Payments Guidance Manual (April 2014) and the Pan-Wales Discretionary Housing Payment Policy Framework.

Officers reiterated that DHPs are principally short-term financial support towards long-term sustainable solutions and payments cannot be made indefinitely, and for this reason it should not be viewed as an additional welfare benefit.

Discussion of the proposed Discretionary Housing Payments Policy ensued and reference was made to the DWP funding considerations detailed within the report. Officers explained that the intention was to review the Policy every two years. However, in that the current welfare reform transition period is coming to an ending and that there is a probability of further changes to welfare legislation in the future, it is anticipated that the Policy will eventually be reviewed on an annual basis.

Discussion took place regarding the work being carried out by the Authority to assist in reducing the number of DHP applicants. Officers also responded to general queries on the contents of the Policy, including details of the decision process and guidance afforded to applicants.

Following consideration of the report, it was moved and seconded that the following recommendation be referred to Cabinet for approval. By a show of hands, this was unanimously agreed.

RECOMMENDED to Cabinet that the Discretionary Housing Payments Policy be endorsed.

10. EQUALITIES AND WELSH LANGUAGE ANNUAL REPORTS

David A. Thomas, Senior Policy Officer - Equalities and Welsh Language, presented the report, which informed Members of the progress made during the financial year 2014/2015 against targets in the Council's current Strategic Equality Plan and Welsh Language Scheme. Arising from its presentation at the Scrutiny Committee meeting, it was then due to be presented to Cabinet, where approval would be sought for the submission of the annual monitoring and improvement reports (attached to the Scrutiny Committee report as appendices) to the relevant Commissions (together with publication online) before the deadline date of 30th June 2015.

Members were informed that the Council has a statutory duty to produce annual monitoring reports on Equalities and Welsh Language issues under current legislation. These reports are very detailed in order to ensure that the regulatory bodies involved are provided with full evidence of the Council's compliance and commitment to these statutory duties.

Officers outlined the progress made during 2014/2015 against the Council's Strategic Equality Plan and Welsh Language Scheme. Members were asked to note achievements in respect of the number of impact assessments and consultation comments provided within Officer reports, together with details of disability audits undertaken across the Authority. Progress was also outlined in respect of Equalities and Welsh Language training courses, the treatment of Equalities complaints, the addition of Equalities data to staff payroll data, and translation requests dealt with by the Welsh Language Team. Detailed information in respect of these areas were included within the annual monitoring and improvement reports appended to the report.

Detailed discussion of the report ensued and a number of queries were raised in respect of the budget allocation and funding resources detailed within the annual monitoring and improvement reports. Officers outlined details of the core budget within the Equalities and Welsh Language Team, together with additional funding resources, and agreed that they would circulate a breakdown of the Equalities and Welsh Language department budget to Members following the meeting. Officers also explained that it was difficult to specify the costs in respect of statutory duties fulfilled on behalf of other departments (in that they have their own separate budget allocations).

Members raised concerns in regards to the monitoring and reporting of discriminatory bullying in schools. Officers explained that this information was regularly reported to the Education for Life Scrutiny Committee and that the number of reporting instances had increased, which indicated the effectiveness of training sessions relating to this matter. Officers agreed to circulate this information to Members following the meeting. Clarification was also provided in regards to the job titles of a number of consultees included in the Scrutiny Committee report.

Members referred to performance monitoring and commented on a need to include targets and expected outcomes against the list of achievements included in the report. Officers explained that a lack of benchmarking factors made it difficult to effectively measure progress in certain areas (such as the addressing of discrimination). A Member suggested that progress could be monitored against the number of expected attendees at training sessions and Officers confirmed that a training analysis and needs review would be taking place throughout Summer 2015. A query was received regarding the percentage of social and private landlords who had received training from the Equalities and Welsh Language Team

(arising from funding provided by the Tenancy Dispute Service). Officers agreed to circulate this information to Members following the meeting.

Discussion took place regarding the CCBC Payroll Data Summary listed within the Strategic Equality Plan, which included data relating to staff ethnicity, religion, and language ability. A Member suggested that it could be useful for increases against language ability to be reported on a year-by-year basis. A query was raised in respect of the low reporting of staff disabilities and Officers explained that as this data was self-reported, some relevant respondents did not feel a need to declare themselves as disabled or consider themselves as having a disability.

Following discussion of the report, the Equalities and Welsh Language Annual Reports were noted, and it was moved and seconded that the following recommendation be referred to Cabinet for approval. By a show of hands, this was unanimously agreed.

RECOMMENDED that Cabinet approve the submission of the annual monitoring and improvements reports to the relevant Commissions and publication online before 30th June 2015.

11. REQUESTS FOR REPORTS TO BE INCLUDED ON THE NEXT AVAILABLE AGENDA

The following requests for reports were received:-

1. Councillor C.P. Mann requested a report in relation to the occupation of industrial units in the county borough. He was asked to liaise with the Scrutiny Research Officer on the specifics of the request and advised that it could possibly cross over into the remit of the Regeneration and Environment Scrutiny Committee.
2. Councillor L. Binding requested a report in respect of fibre-optic broadband availability within the county borough.

12. INFORMATION ITEMS

The Committee noted the following items for information, full details of which were included within the Officers reports. There were no items brought forward for review.

- (1) Consultancy Costs;
- (2) Write-Off of Debts 1st April 2014 – 31st March 2015;
- (3) Corporate Services and Miscellaneous Finance Revenue Grants 2015-16;
- (4) Corporate Services and Miscellaneous Finance Revenue Budgets 2015-16;
- (5) Caerphilly Homes Task Group Minutes - 2nd April 2015;
- (6) Pensions/Compensation Committee Minutes - 13th April 2015;
- (7) Summary of Members' Attendance – Quarter 4 – 1st January 2015 to 14th May 2015;
- (8) Policy and Resources Scrutiny Committee Forward Work Programme.

The meeting closed at 7.26 pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 14th July 2015, they were signed by the Chair.

CHAIR



POLICY AND RESOURCES SCRUTINY COMMITTEE – 14TH JULY 2015

SUBJECT DRAFT DISCIPLINARY POLICY AND PROCEDURE

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151
OFFICER**

1. PURPOSE OF REPORT

- 1.1 To seek views from members, prior to its presentation to Cabinet, for amendments to the Disciplinary Policy and Procedure for employees of Caerphilly County Borough Council.

2. SUMMARY

- 2.1 The report proposes amendments to the current Disciplinary Policy and Procedure as part of the policy review process and incorporates proposals from a pilot of a fast track process for dealing with disciplinary cases more efficiently.
- 2.2 This Policy and Procedure does not cover the Chief Executive, the Council's Monitoring Officer or the Council's Section 151 Officer as separate disciplinary procedures apply to these posts.

3. LINKS TO STRATEGY

- 3.1 The new procedure links to the People Management Strategy and therefore to all other strategies, including all equality strategies, policies and procedures, that rely on employees to deliver the strategy and service provision.

4. THE REPORT

- 4.1 The report proposes amendments to the Disciplinary Policy and Procedure which was last revised in 2010.
- 4.2 The report proposes a number of amendments with the key changes highlighted in the following paragraphs. A copy of the revised Policy and Procedure is attached at Appendix 1.
- 4.3 A key change to the procedure is the introduction of a verbal warning which is widely supported by both Management and Trade Union Representatives as a means of dealing with less serious cases of misconduct.
- 4.4 The current policy makes reference to attendance issues being addressed through the Disciplinary Policy and Procedure but this is now addressed via the Managing Sickness Absence Policy therefore all references to attendance have been removed from the new Disciplinary Policy and Procedure.

4.5 Previously the time limit to submit an appeal against a warning was 5 days with the limit extended to 10 days for an appeal against dismissal. This has, on occasions, caused confusion so it is proposed to set the time limit for all appeals under the Disciplinary policy and Procedure to 10 days.

4.6 A pilot has been running in the Directorate of the Environment on a fast track process to deal with less serious matters of misconduct. The purpose of the pilot was to determine whether a process to deal with cases where the facts were not contested between the parties would work for Managers, Trade Unions and employees. The feedback received from both Managers and Trade Unions has been supportive of the process and therefore it is proposed to include this facility in the Policy and Procedure for all employees in the Council. Reference to this is made in Para 25 of the Disciplinary Policy and Procedure and guidelines for Managers will be written to outline the process to be followed and where it is appropriate to use this facility.

5. EQUALITIES IMPLICATIONS

5.1 There are some equalities implications in this report, and in its guidance on groups or individuals who fall under the categories identified in Section 6 of the Council's Strategic Equality Plan, which have been identified in the EQI Screening process, which will be addressed for the individuals concerned as and when the circumstances arise. There is no requirement for an Equalities Impact Assessment Questionnaire to be completed for this report.

6. FINANCIAL IMPLICATIONS

6.1 There are no financial implications resulting from the introduction of the revised Disciplinary Policy and Procedure other than time required to brief Managers.

7. PERSONNEL IMPLICATIONS

7.1 There are personnel implications for the training of Officers in the revised Policy and Procedure but this will be offset by a reduction in the time spent on dealing with disciplinary cases with the introduction of a fast track process.

8. CONSULTATIONS

8.1 All consultation responses are included in the report.

9. RECOMMENDATIONS

9.1 Scrutiny members are asked to consider the contents of the report and make a recommendation to Cabinet to adopt the procedure.

10. REASONS FOR THE RECOMMENDATIONS

10.1 The new procedure:

- Introduces a verbal warning which allows Managers to deal with less serious acts of misconduct.
- Allows Managers (provided agreement is reached with HR, TU representatives and the Employee) to deal with cases more efficiently where the misconduct is less serious and there is no contention over the facts.
- Updates the current Disciplinary Policy and Procedure which still makes reference to attendance issues being dealt with as a disciplinary issue.

11. STATUTORY POWER

11.1 Local Government Act 1972
Local Government Act 2000
Employment Act 2008

Author: Richard Ballantine - HR Manager, Ext 6749, ballar@caerphilly.gov.uk
Consultees: Lynne Donovan – Acting Head of HR and Organisation Development
Nicole Scammell - Acting Director of Corporate Services
Chris Burns - Chief Executive
David Street - Director of Social Services
Members of HR Strategy Group
Council's recognised Trade Unions
Angharad Price - Barrister and Acting Deputy Monitoring Officer
David A Thomas – Senior Policy Officer (Welsh Language and Equalities)

Appendices:
Appendix 1 Draft Disciplinary Policy and Procedure July 2015
Appendix 2 Caerphilly County Borough Council Disciplinary Procedure 2010

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Disciplinary Policy and Procedure

Version of Scheme:	Version 2
Draft Number:	8
Scheme Ratified By:	
Date Ratified:	
Effective Date of Scheme:	1st MMMMMM 2015
Review Date:	2017
Applicable To:	<p>All Caerphilly employees except those employees directly employed by schools unless the School Governing Body has adopted the Scheme, Workers and Contractors.</p> <p>This procedure does not cover the Chief Executive, the Council's Monitoring Officer or the Council's Section 151 Officer as separate disciplinary procedures apply to these posts.</p> <p>This procedure does not cover employees who are on probation</p>
Equalities Issues:	All Equalities considerations have been taken into account when drafting this Scheme.

The Council's recognised Trade Unions have been consulted on this Scheme.



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INTRODUCTION

1. Caerphilly County Borough Council requires good standards of conduct from its employees along with satisfactory standards of work. In addition the Council requires all employees to take responsibility for their own conduct and behavior both inside and outside of the workplace. The Council's disciplinary procedure applies to all issues of alleged misconduct as well as failure to meet the required standards of job performance.
2. The purpose of the disciplinary procedure is to help and encourage employees to achieve and maintain acceptable standards of conduct and job performance and to ensure consistent and fair treatment for all employees.
3. This disciplinary procedure reflects, and is consistent with, the standard dismissal and disciplinary procedure set out in the Employment Act 2008 and the ACAS Code Of Practice on Discipline and Grievance Procedures (March 2015).
4. This procedure should be cross-referenced with all the relevant Council policies and procedures and the Code of Conduct. Copies of all the Council's policies and procedures can be found on the Intranet or obtained from your Manager or Human Resources.

WHAT THE POLICY COVERS

5. This Policy should be used by managers to effectively deal with disciplinary issues which arise in their department.
6. This procedure supersedes all earlier procedures.

GUIDING PRINCIPLES

7. Heads of Service through their Senior Officers and Supervisors have the responsibility for ensuring this procedure is applied to all employees in their Service Area.
8. Minor acts of misconduct or unsatisfactory performance can be dealt with informally but where formal action is necessary Managers will need to follow this procedure. Informal action can include having a quiet word with the employee and in most cases this will be enough to improve their conduct or performance. In some cases additional training, advice and guidance maybe appropriate which will highlight to the employee their conduct/performance needs to improve and that a repetition will lead to formal disciplinary action being taken. Any actions that are taken at the informal stage should be documented and notes made of the meeting to ensure that these actions are not forgotten should it become necessary to move to the formal stage of the procedure. However, it should be noted that these should not be referenced if there is no further misconduct or performance issues in the following 6 month period.
9. No disciplinary action will be taken against an employee until the case has been fully investigated. The nature and extent of the investigation will depend on the seriousness of the allegations; the more serious the allegation then the more thorough the investigation should be. Managers must seek advice from Human Resources prior to invoking the disciplinary procedure.
10. There are occasions where it may be appropriate for the employee not to be at work whilst the investigation is being undertaken or until such time as any subsequent disciplinary hearing is completed. Suspension in these cases is not a disciplinary sanction but a neutral act and as such it is not intended to be a punishment or a presumption of guilt. Employees will receive full pay for the duration of the suspension. It maybe appropriate for the manager to carry out a risk assessment to evidence their rationale for the decision they have taken to suspend or allow the employee to continue in work.
11. At every stage in the disciplinary procedure the employee will be advised of the nature of the complaint against them and will be given the opportunity to state their case before any decision is made. There are exceptions to this e.g. cases that relate to child protection or the protection of vulnerable adults.

- 12 The details of the alleged misconduct or a failure to meet the required standard of job performance will be set out in the letter inviting the employee to attend a disciplinary hearing.
- 13 At all stages of the formal procedure an employee will have the right to be accompanied by a work colleague, a trade union representative or official. Trade Union representatives must have been certified by their union as being able to accompany an employee. If an employee is to be accompanied by a work colleague, it must not be someone who is directly involved in the case as their presence may prejudice the case or they may have a conflict of interest.
- 14 No employee will be dismissed for a first breach of discipline except in the case of gross misconduct. In the event of employees being dismissed as a result of gross misconduct, there will be no notice or payment in lieu of notice given.
- 15 The disciplinary procedure may be implemented at any stage if the employee's misconduct or job performance warrants such action.
- 16 At all stages, any information gathered or presented by all participants must be treated in the strictest confidence. All information gathered in relation to the case should be kept no longer than necessary in accordance with the Data Protection Act 1998.
- 17 All employees will be expected to co-operate fully with any investigations. Employees involved in disciplinary investigations who are absent from work for reasons of ill health will be required to attend meetings at any stage of the disciplinary process and to respond to communications without undue delay. If employees are unable to attend these meetings, due to ill health, the disciplinary process may be progressed. In this circumstance the employee may be represented at meetings by their chosen representative. Alternatively the Council reserves the right to carry out the investigation and progress the disciplinary process in the absence of the employee and their representative.
- 18 When disciplinary action is being considered against an employee who is a trade union representative the normal disciplinary procedure should be followed. However, it is advisable to discuss the matter at an early stage with an official employed by the Trade Union, after obtaining the employee's agreement.
- 19 Disciplinary action will be issued separately for misconduct and poor job performance. In cases of misconduct where an employee currently has a live Disciplinary warning on their record then progressive disciplinary action will be taken for each incident of misconduct even though they may not be related.
- 20 Verbal, written and final warnings will remain on an employee's personal file indefinitely but subject to satisfactory conduct or job performance, they will be disregarded for disciplinary purposes after their expiry date.
- 21 In certain cases, a final written warning may never be removed and if there is any reoccurrence of this type of conduct during the employee's employment it may lead to dismissal, e.g. In cases where final written warnings are issued in cases surrounding child protection and the protection of vulnerable adults.
- 22 An employee will have the right to appeal against any disciplinary sanction imposed. This will be the final stage of the disciplinary procedure.
- 23 Where an employee's job performance is the reason for disciplinary action, the sanction imposed may be a disciplinary warning and withholding of an increment. This sanction will not be applied until a full investigation has been undertaken into the circumstances surrounding an employee's job performance. If this sanction is applied a plan will be developed and agreed with the employee to ensure that the employee's job performance reaches acceptable levels. For further information on dealing with employees' underperformance, see the Council's Managing Underperformance Process.

- 24 In cases of redundancy, the ending of a fixed term contract or ill health termination, please refer to the relevant procedure for the process to follow.
- 25 Every effort will be made to deal with the disciplinary process as promptly as possible. Managers should ensure that the correct processes are followed to ensure the cases are dealt with fairly and consistently. The time taken will be dependent upon a number of factors including the complexity of the case and investigation, the availability of Officers and Representatives involved and the availability of witnesses. There may be occasions where the facts of the case are established quickly and there is little or no dispute about over them. In such cases and where the potential outcome is not a final written warning or dismissal then the parties can discuss the option of expediting the process to a speedy conclusion. However, this must be agreed by all parties (The Manager, HR, the Trade Union/Representative and the Employee). If agreement is reached then a meeting can be arranged to conclude the process and the relevant sanction notified to the employee. HR will advise on the process to be followed.
- 26 Full consideration will be given to ensure that Employees and their Representatives are given equal opportunity to prepare and present their case. This may mean allowing further time to prepare for the Interviews and Hearings to cater for example translation, BSL, religious observance etc. Reasonable requests to make adjustments to the Disciplinary Policy and Procedure will be considered.

If an employee, or the person accompanying them is disabled, accessibility issues must be considered, and appropriate reasonable adjustments made, to allow them to take part in the disciplinary process.

MISCONDUCT

- 27 It is important that every employee understands that local government employment calls for the highest standard of conduct, responsibility and integrity and that public confidence would be shaken were the least suspicion to arise that any employee could be influenced by improper motives. Failure to maintain acceptable standards both inside and outside of work could be in contravention of the Council's policies, Code of Conduct and/or its disciplinary procedure and lead to disciplinary action being taken against an employee for misconduct. In certain cases, it may be appropriate to involve Internal Audit where the case involves potential financial irregularities (as stated in the Council's Financial Regulations). In all appropriate cases, the Council will seek restitution. Similarly in cases where breaches of Health and Safety are being investigated then the Health and Safety manager must be informed.
- 28 The following are examples of offences, which generally amount to misconduct. Depending on the nature of the offence some examples of these could be viewed as gross misconduct: -
- Unauthorised absence from work.
 - Lateness.
 - Unsatisfactory and unacceptable performance of duties.
 - Failure to adhere to the policies and procedures of the council.
 - Using information obtained in the course of employment for personal gain or benefit.
 - Contravention of safety procedures.
 - Unauthorised use of the telephone/e-mail.
 - Contravention of the IT Security Policy, including the misuse of social networking sites.
 - Disruptive behaviour, e.g. undermining management, team morale or the efficient running of the team, etc.
 - Contravention of the provisions set out in the Code of Conduct.
 - Misuse of the flexi system

This list is not exhaustive or exclusive.

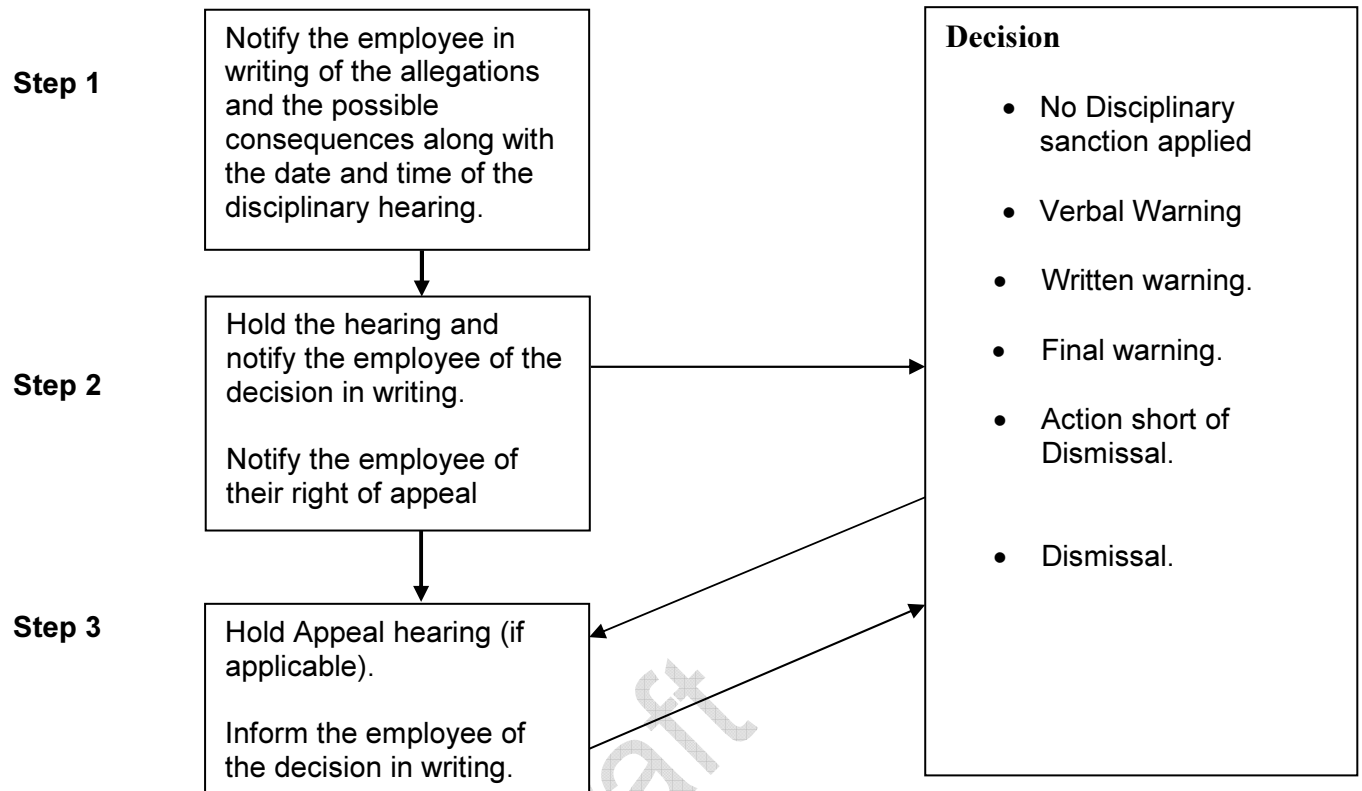
GROSS MISCONDUCT

- 29 The following are examples of offences, which are normally regarded as amounting to gross misconduct and may be dealt with as such under the procedure: -
- Refusal to accept and act on a reasonable instruction from a Supervisor or member of management.
 - Fighting, assault, harassment, victimisation or abusive, intimidating, threatening or bullying behaviour. This includes sexual misconduct at work.
 - Theft, fraud, falsification of records (including qualifications which are a stated requirement of employment or which result in financial gain) or any dishonesty involving the Council, its employees, clients, members of the public, Elected Members, authorised visitors, or attempts to commit such offences.
 - Deliberate or reckless damage to the property of
 - the Council
 - its employees
 - visitors to Council premises.
 - Serious negligence that could lead to or result in loss, damage or injury.
 - Unauthorised disclosure of confidential information or information governed by the Data Protection Act 1998 (subject to the Public Interest Disclosure Act 1998). This includes the Council's rules in relation to electronic communication systems and computers.
 - Any action likely to endanger the health and safety of the employee or any other person.
 - Any action or behaviour, which could damage the Council's reputation, including rudeness to members of the public or clients and inappropriate use of social networking sites.
 - Serious breaches of the Council's policies and procedures or failing to comply with relevant statutory or regulatory requirements.
 - Serious acts of insubordination e.g. defiance, disobedience, etc.
 - Accepting a gift which could be construed as a bribe.
 - Conviction for any serious criminal offence while a Council employee, which renders the employee unsuitable for continued employment. This would depend on the facts of the case and the risk assessment undertaken by the manager under the Employment of Ex Offenders Policy. Serious breach of trust and confidence
 - Breach of the Council's Whistleblowing Policy or subjecting an employee to a detriment for making a protected disclosure.

This list is not exhaustive or exclusive.

DISCIPLINARY PROCEDURE

- 30 Once the investigation process has been completed the following 3-step process must be followed in all cases where disciplinary action is being considered. Step 3 is only applicable if the employee exercises their right of appeal.



DISCIPLINARY SANCTIONS

31. If an employee's conduct or job performance is proven not to meet acceptable standards the following sanctions can be applied

Stage	Sanction	Duration
1	Verbal Warning	6 months
2	Written Warning	12 months
3	Final Warning	18 months
4	Dismissal	

Stage 1 - Verbal warning

32. If an employee's misconduct or unsatisfactory job performance is a relatively minor infringement, they will be given a verbal warning. The employee will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure and of their right of appeal. A record of the verbal warning will be kept on the employee's personal file but it will be disregarded for disciplinary purposes after 6 months, subject to satisfactory conduct or job performance.

Stage 2 - Written Warning

33. If an employee's misconduct or unsatisfactory job performance continues or the misconduct or unsatisfactory job performance is of a serious nature they will be given a formal written warning. The employee will be advised of the reason for the warning, that it is the second stage of the disciplinary procedure and of their right of appeal. A record of the written warning will be kept on the employee's personal file but it will be disregarded for disciplinary purposes after 12 months, subject to satisfactory conduct or job performance.

Stage 3 - Final Written Warning

34. If there is a failure to improve or the employee's misconduct or job performance is sufficiently serious, a final written warning will be given to the employee. The employee will be advised of the reason for the warning, the duration of the warning, that it is the third stage of the disciplinary procedure and of their right of appeal. A record of this final written warning will be retained on the employee's personal file but it will be disregarded for disciplinary purposes after 18 months (although this period may be extended depending on the circumstances of the offence) subject to satisfactory conduct or job performance.

Stage 4 - Dismissal

35. If there is a failure to improve or the employee's misconduct or job performance is sufficiently serious, dismissal will normally result. Only the Chief Executive, a Director, a Head of Service or the next most appropriate level of management can take the decision to dismiss. The employee will be provided, as soon as reasonably practicable, with the written reasons for dismissal, the date on which their employment will terminate and their right of appeal.
36. If an employee is found guilty of an act of gross misconduct, summary dismissal without notice or payment in lieu of notice will be the normal course of action. However, in some circumstances action short of dismissal may be substituted for the dismissal. This could include a final written warning together with any one or combination of the following examples:-
- Transfer to another job/location
 - Suspension without pay
 - Demotion/reduction in salary

Appeals

37. At the appeal any disciplinary sanction imposed will be reviewed and it may be withdrawn, remain the same, or be decreased. The format of the appeal hearing will depend on the grounds for appeal. If the appeal is on the basis of the severity of the sanction or the misapplication of the procedure, then the appeal hearing will be a review of the original case. If it is the fact that new evidence has come to light which was not available at the time of the Disciplinary hearing then the appeal hearing will be a re-hearing. The presentation of new evidence is the only reason that a re-hearing will be held.
38. An employee who wishes to appeal against a disciplinary decision, other than in the case of dismissal, should make their appeal in writing on the form attached at Appendix 1 within ten working days of receipt of the decision, setting out the grounds for the appeal, to the HR Department who will liaise with the relevant Manager to hear the appeal. Appeals will be heard by a Manager not involved in the earlier decision.
39. All appeals against dismissal must be made in writing within ten working days of receipt of the decision, setting out the grounds for the appeal, to the Head of Human Resources and Organisational Development who will arrange for the appeal hearing to be convened. If the appeal is successful an alternative sanction may be imposed.

OVERLAPPING GRIEVANCE AND DISCIPLINARY CASES

40. Where an employee raises a grievance during the investigation/hearing, the disciplinary process may be temporarily suspended in order to deal with the grievance. For example
- The grievance relates to a conflict of interest that the Manager holding the Disciplinary Hearing is alleged to have.
 - Bias is alleged in the conduct of the Disciplinary Hearing.
 - The Investigating Officer has been selective in the evidence they have supplied to the Manager conducting the Hearing.
 - There is possible discrimination.

Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

INTERPRETATION OF THE POLICY

41. In the event of a dispute relating to the interpretation of this procedure the Head of Workforce and Organisational Development or the Human Resources Service Manager will make the final decision on interpretation.

REVIEW OF THE PROCEDURE

42. A review of this Policy will take place when appropriate. Any amendments will be consulted with all the relevant parties. However, in the case of amendments relating to legislative requirements, the Policy will be amended and reissued

APRIL 2015



DISCIPLINARY APPEAL FORM

Employee's Name		Employee Number	
Job Title			
Service Area			
Location/Establishment			
Date of Disciplinary Hearing			
Disciplining Officer			
Do you wish to have representation at the appeal? If Yes, please state who will be representing you. Name:		Yes <input type="checkbox"/>	No <input type="checkbox"/>

I wish to lodge an appeal against the decision made in relation to the disciplinary action taken against me under the Council Disciplinary Procedure. The detailed grounds of my appeal are shown below.

Grounds for the appeal including the reasons why you are not satisfied with the original decision. Please give full details.

Please continue on a separate sheet, if required.

Will you be presenting any new evidence at the Appeal Hearing?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If Yes, please give details.		

Signature		Date:	
------------------	--	--------------	--

Please forward the completed form to Human Resources.

FOR HUMAN RESOURCES USE ONLY

Date received by Human Resources:	
Type of Appeal	Review <input type="checkbox"/> Rehearing <input type="checkbox"/>
Human Resources Officer Allocated To Appeal:	
Manager/Panel hearing the Appeal:	
Appeal Date:	
Outcome:	
Date Processed:	

Guidance Notes

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Wherever the designation Manager is used throughout this scheme, it is taken to mean Head of Service, Line Manager, Supervisor, Officer in Charge, or anyone who has a responsibility for employees through their work.

These explanatory notes must be read in conjunction with the Council's Disciplinary Procedure

SECTION 1 - DEFINITION OF ROLES

Investigating Officer

The role of the Investigating Officer is to

- Undertake a full and thorough investigation prior to recommending whether: -
 - There is no case to answer.
 - Not to proceed to a Disciplinary Hearing but to deal with the issue informally by arranging counselling, coaching, etc.
- proceed with a Disciplinary Hearing as there is a case to answer. Notify the employee of the outcome of the investigation.
- Enlist the support of other officers to assist with the investigation.
- Notify other interested parties as laid down in the Council's Financial Regulations.
- Prepare a comprehensive report setting out the allegations including witness statements and other relevant documentation, which will be referred to at the disciplinary hearing. When preparing this report, the Investigating Officer should
 - Ensure that all the relevant facts are available including documentary evidence, witness statements and disciplinary records.
 - Check whether there are any special circumstances, such as personal or outside issues, that should be taken into account.
 - Be careful when dealing with evidence from an anonymous witness. Take written statements, seek corroborative evidence and check that the witnesses' motives are genuine.
 - Check that the standards of other employees are acceptable and that this employee is not being unfairly singled out.
 - Consider the employee's explanations and check them out.
 - Allow the employee time to prepare their case.
- Present the case at the Disciplinary Hearing supported by other Officers where relevant.

Human Resources Support

The role of Human Resources is as follows: -

- To provide advice prior to the commencement of the disciplinary process where Human Resources' attendance at the actual meeting can be discussed. It is not a pre-requisite for Human Resources representatives to attend all disciplinary meetings that may result in a verbal or written warning. For final written warnings and dismissal cases, Human Resources staff must be in attendance.
- To provide advice, guidance and support to Investigating Officers, Disciplinary/Appeals Officers/ Panels.
- To provide support to the Investigating Officer to compile the report for presentation at the Disciplinary Hearing.
- To provide administrative support such as note taking at interviews, hearings and appeals, preparing Statements of Case and arranging appropriate facilities on behalf of Officers/Panels arranging suitable venues and times for the meetings and ensuring that any special requirements are made for employees/Officers/Panels in relation to their involvement with the disciplinary procedure.

The Human Resources Advisor can only advise one party during the disciplinary process e.g. if they are involved in the investigation, they cannot advise the Disciplining Officer at the Disciplinary Hearing or subsequent Appeal.

Disciplinary Officer/Chair of the Disciplinary Hearing

The Disciplinary Officer/Chair should ensure the correct procedures are followed as set out in Section 4.

The Disciplinary Officer should establish what disciplinary action has been taken in similar circumstances in the past to ensure a consistent approach across the Council. Advice should be sought from the Human Resources Advisor on policy and procedures prior to the decision on the sanction being made.

The Disciplinary Officer/Chair has the responsibility of deciding the outcome of the Hearing and informing the employee of their decision, in writing, together with the reasons for doing so.

Appeal Officer/Chair of the Appeal Hearing

The Appeal Officer/Chair should ensure the correct procedures are followed as set out in Section 5.

To ensure a consistent approach across the Council, advice should be sought from the Human Resources Advisor on policy and procedures prior to the decision being made.

The Appeal Officer/Chair has the responsibility of deciding the outcome of the Appeal Hearing and informing the employee of their decision, in writing, together with the reasons for doing so.

Representatives

Employees have the right to be accompanied by a work colleague or a trade union representative/official at a disciplinary hearing or as part of the investigation process. Trade union representatives must have been certified by their union as being able to accompany an employee. If an employee is to be accompanied by a work colleague, it must be someone who is not directly involved in the case as their presence may prejudice the case or they might have a conflict of interest. A disciplinary hearing is defined as a meeting, which could result in

- A formal warning being issued to an employee, i.e. a warning that will be placed on the employee's record.
- The taking of some other disciplinary action such as suspension without pay, demotion or dismissal, or other action.
- The confirmation of a warning or some other disciplinary action, such as an Appeal Hearing.

Employees do not have the right to be accompanied at informal discussions or counselling sessions.

The Representative can: -

- Put the employee's case.
- Sum up the employee's case.
- Respond on the employee's behalf to any view expressed at the hearing.

However, they cannot answer questions on the employee's behalf.

If an employee's representative is unable to attend the date of an interview/disciplinary hearing, the interview/disciplinary hearing may be postponed until they, or another representative, are available. However, this postponement should not be more than five working days after the original date of the interview/disciplinary hearing, unless agreed by both parties, and no further postponements will be granted.

Employees should inform the Investigating/Disciplining Officer who, if anyone, will be accompanying them at the interview/hearing.

Witnesses

The Investigating Officer will interview any appropriate witnesses and produce a witness statement based on those interviews, this may include witnesses identified by the employee (or their Representative) under investigation. A representative from Human Resources may also be present. Witnesses will be requested to sign and date their statement as a true and accurate record and be advised that they may be required to attend any subsequent Disciplinary Hearing.

Witnesses can only be called to appear at the Disciplinary Hearing if they have previously submitted a signed witness statement. This applies equally to witnesses called by the employee or their representative.

SECTION 2 - MISCELLANEOUS

Suspension

There may be occasions where it may be deemed appropriate for an employee to be suspended from work whilst the investigation is undertaken. Examples of this could be where there is an allegation of gross misconduct, which, if proven, could lead to dismissal, where relationships have broken down or where there are risks to an employee's or the Councils property or responsibilities to other parties. Prior to suspending an employee consideration should be given to whether it is necessary to suspend or whether alternative working can be considered e.g. temporary relocation. This alternative work should relate to the employee's skill set. Suspension will be limited to the shortest possible time and kept under review.

After six weeks a formal review will be undertaken. The Head of Human Resources and Organisational Development and the Head of Legal Services and Monitoring Officer or their nominated representatives will conduct this review. It will take the form of a report from the Officer who carried out the suspension giving the allegations against the employee, the progress to date and the reasons why the employee should continue to be suspended from their duties. As a result of this report, the Head of Human Resources and Organisational Development and the Head of Legal Services and Monitoring Officer will decide whether suspension is still the most appropriate course of action.

Whilst suspended the employees' normal terms and conditions of employment will apply including rules relating to requests for annual leave and notification of sick leave. It may be appropriate, depending on the allegations, to impose conditions on the employee e.g. not to visit any of the Council's premises whilst they are suspended or contact other employees.

It should be appreciated that where an employee is facing a disciplinary investigation it is a stressful period so the Investigating Officer should remind the employee of the advice, information and counselling service which is available from the Employee Assistance Programme provided by the Council. This is a totally confidential service and all conversations between employees and the counselling service are confidential.

Employees who are suspended will be given a nominated contact within Human Resources should they wish to discuss the progress of their case. However, no details of the investigation will be divulged.

Investigating Officers must remember that they have a duty of care to all the employees within a Service Area, both those who have had allegations made against them and those who are acting as witnesses.

Terms of Reference for Investigation

It is vital that the Investigating Officer determines the terms of reference for the investigation prior to its commencement, as this ensures that the focus of the investigation is appropriate.

They should include: -

- The issue (s) to be investigated.
- The methodology for conducting the investigation.

- The proposed time frame – this should be realistic and there should be a provision for an extension.
- The resources available to the Investigating Officer.
- Who will be provided with copies of the report at the conclusion of the investigation?

Investigations carried out by external bodies.

There may be occasions where external agencies become involved in investigations of a serious nature e.g. cases relating to the protection of vulnerable adults and child protection issues. In such cases it is essential that advice is sought from the HR Department before undertaking any internal investigations. This may result in the internal process being delayed until the conclusion of the investigation or action arising from the investigation is known e.g. court proceedings. However, in other cases the external bodies will not carry out its own investigation until the conclusion of any internal proceedings. Examples are the professional bodies (General Teaching Council for Wales, Care Council for Wales), Health and Safety Executive.

Human Resources will also advise whether any evidence gained during the external investigation can be used in the internal disciplinary process.

Police

In certain circumstances, it may be necessary to involve the Police where criminal acts are alleged to have taken place. The decision to involve the Police will be taken following consultation with the Chief Executive and/or appropriate Director, the appropriate Head of Service and the Head of Human Resources and Organisational Development. They will also decide on whether it is appropriate to await the outcome of any police investigation and/or criminal proceedings before commencing the disciplinary process. This decision will depend upon the nature of the offences, the need to maintain confidentiality and the potential impact on the Council.

Criminal offences outside employment will not be treated as automatic reasons for dismissal or another disciplinary penalty. Each situation will be judged in the context of whether the offence committed has relevance to the employee's duties and an appropriate Risk Assessment undertaken. The major consideration will be whether the offence is one, which renders the employee unsuitable for continued employment. Employees are required to disclose criminal offences and failure to do so may lead to disciplinary action being invoked.

Where there are Police proceedings pending, the Investigating Officer has the option to wait for the outcome of the Police investigation and/or criminal proceedings before commencing the disciplinary process. However, where those investigations/ proceedings are not relevant or are prolonged, the Manager will need to consider whether to proceed with disciplinary action before the Police investigation has been concluded. Consultation with Human Resources should take place before making this decision. Should the Manager wish to proceed they will need to clearly record the reasons for taking such action.

If an employee is unable to meet their contractual obligations and attend work for the foreseeable future because of on-going court hearings, they have been remanded in custody or have been imprisoned, the contract will be deemed to be frustrated and will automatically terminate. In such circumstances then the rights and obligations of both the employee and the Council would come to an end and the employee would not be entitled to any pay or other benefits in respect of notice. In such an event the disciplinary procedure would not apply and any investigations or disciplinary action currently underway would cease immediately. Prior to making any decisions regarding the frustration of an employee's contract, Managers should refer to the Head of Human Resources and Organisational Development for further advice and guidance.

Notification to Statutory and Professional Bodies

Statutory bodies regulate certain professions and in those professions employment is conditional upon continuing registration. Examples include Solicitors and the Law Society, Social Workers, etc. In these professions, the Council has a duty to report any incidents of alleged professional misconduct or serious performance issues to the appropriate registration authority. This duty to notify must be exercised quite separately to any disciplinary action. The registration authority is quite likely to undertake its own investigation. The Manager need not wait for the outcome of any such investigations before continuing with its own internal investigations and/or taking steps under the disciplinary procedure.

In cases where the outcome of the disciplinary investigation results in action short of dismissal and a Statutory Body subsequently determines that the employee's registration is suspended or removed, the Manager should consider whether suitable alternative work is available before taking action to dismiss the employee because of conduct or capability. The advice of the Head of Human Resources and Organisational Development and the Head of Legal Services and Monitoring Officer or their representatives should be sought in these cases.

SECTION 3 – INVESTIGATION PROCESS

Investigations are increasingly a feature of the employment relationship. One of the main reasons for this is that employers are frequently required by Employment Tribunals to demonstrate why they reached a particular decision, for example the dismissal of an employee.

Once an employee has shown that they have been dismissed and that they are eligible to present a complaint for unfair dismissal, the Employment Tribunal will consider the facts of the case and whether procedures have been followed. The Council must overcome three hurdles: -

- It must show that the reason for dismissal was one of the five potentially fair reasons for dismissal (these are capability, conduct, redundancy, breach of a statutory enactment, and some other substantial reason e.g. failure to accept new terms and conditions).
- It must show that it complied with a fair procedure.
- It must show that it acted reasonably in treating that reason as a sufficient reason to dismiss.

The Employment Tribunal will scrutinise how fair the Council's policy is and the procedure that it adopted at the time of the dismissal. An internal investigation will form part of that procedure. As soon as a Manager becomes aware that they should conduct an investigation within their Service Area, they should contact Human Resources for further advice and guidance.

The Employment Tribunal cannot substitute its own decision for that of the Council's but it will determine whether the Council's action fell within the band of reasonable responses to the circumstances.

Carrying out a fair and thorough investigation provides an Investigating Officer with the opportunity to establish the facts of a particular matter and be in a much better position to decide on a course of action.

It must be emphasised that the investigation process is not a 'one way process.' An investigatory interview is the first opportunity that an employee has to respond to the issues under investigation.

PLANNING THE INVESTIGATION

Who Should Investigate?

The Investigating Officer should not be linked to any of the allegations being made and generally will be the employees line manager.

The Investigating Officer should be fully briefed on how any allegations have arisen and any issues of immediate relevance.

It is vital that the Investigating Officer is provided with sufficient resources and time to devote to the investigation. It may be necessary to remove other duties from them on a temporary basis to accommodate them undertaking the investigation.

The Investigating Officer who recommends that there is sufficient evidence to go forward to a Disciplinary Hearing cannot be the same officer who hears the case and decides if any disciplinary action should be imposed. NB. This provision does not apply to cases where all the parties agree to expedite the process to a speedy conclusion. See paragraph 25 of the Disciplinary Policy and Procedure for further details.

The Order Of Interviews

Ideally, the person whose conduct is being called into question should be seen last so that they can answer all the questions relating to the details of the case against them. If this is not possible it may be necessary to re-interview this person as a result of further information coming to light during the interviews.

To some extent the order of the witnesses may be determined by the availability of the witnesses. However, the Investigating Officer should try and plan the interviews in a reasonably logical order.

The person making the allegation or raising the issue should be interviewed first but it may be necessary to re-interview them again later on in the light of further information coming to light during the interviews with witnesses.

What Does the Investigating Officer require

Time

The amount of time required to undertake an investigation will vary from case to case but it is important the Investigating Officer is able to devote their time to fulfil their obligations and ensure the case is dealt with in a timely manner.

The timescale will depend on the complexity of the matter under investigation, the availability of witnesses and relevant documents, the level of experience of the Investigating Officer and the seriousness of the allegation.

Frequently, further allegations come to light during the investigation, which means that the investigation becomes more complex and takes more time to conclude. In this case the Investigating Officer shall ensure that all interested parties are kept informed of the new timescales.

Resources

If the Investigating Officer is required to interview witnesses, they will need access to a room, the use of a note taker/typist and confidential storage.

CONDUCTING WITNESS INTERVIEWS

The terms of reference will detail the methodology of an investigation. This may include a review of any relevant documentation and witness interviews. Managers should ensure that witnesses understand the seriousness of the investigation and in particular do not speak about the investigation to anyone other than those officers involved in conducting the investigation. Again it is important to identify all potential witnesses both those identified by the Management side and those identified by the employee side.

It should be explained to the witness at the start of the interview that any statement that they make as part of the investigation may be used in formal action under the Council's policies and procedures at a later date. Every effort should be made for witnesses to attend Hearings in order that examination or cross-examination can take place. If witnesses are unable to attend a Disciplinary Hearing, then the Disciplinary

Officer/Chair will have the authority to decide what weight can be given to the witness statements and whether they can be accepted in evidence.

These interviews should be: -

- Structured, with full notes taken, to be typed as soon as possible after the interview has taken place.
- Held in a confidential environment.
- With one interviewee at a time. If an employee is to be accompanied during the interview, the companion should be someone who is not a potential interviewee, as this would 'contaminate' evidence.

During the investigation, the Investigating Officer may be privy to the potential use of or reference to confidential information and this could include reference to service users or clients. There is potentially a conflict between the need to protect the confidentiality of any client information and natural justice in providing the employee with access to information, which either supports the allegation made or alternatively provides the employee with information to support their version of events.

The Investigating Officer should note why each witness has been interviewed and what their relationship is with any of the main parties to the investigation. To aid consistency, all participants should be given the same introduction as to the reasons why they are being interviewed. This introduction should explain: -

- Who the Investigating Officer is.
- The context of the interview (particularly if it is taking place under the auspices of a disciplinary or grievance procedure).
- For what purposes the statement will be used.
- The meaning of confidentiality in this context.
- How and when they can expect to see and review their statement.

INVESTIGATION INTERVIEWS

Questioning Techniques

The Investigating Officer has a set of questions to be asked and information to gather. The interview should be structured to ensure that all the relevant information is obtained from the relevant people. Normally during an investigation, further evidence will be uncovered which was not included in the Investigating Officer's original line of enquiry. This may mean that they need to re-interview a number of employees to find out their perception of an incident/event or whether they witnessed a specific event.

Even though the Investigating Officer may find that employees are using unspecific terms such as 'bullying' or 'inappropriate behaviour' they should not accept these without further questioning. The employee should be asked to give specific examples of such behaviour, including dates and times if possible, to support what they are saying.

Wherever possible, open questions should be used to encourage the witness to provide as much information as possible. These are questions that start with who, what, where, when, why, how, etc. Closed and probing questions may be used to seek clarity, if required.

To reinforce the idea that what the Investigating Officer is looking for is the interviewee's perception on the incident, or sequence of events, the following phrases may be useful.

- In your own words.....
- Tell me about
- Describe to me
- Give me an example of
- How did it make you feel?

Leading questions should be avoided, such as 'Would you describe Mr. Bloggs as aggressive or sarcastic?' 'You did everything you could to be supportive, did you?' The reason for this is that the Investigating Officer must on no account influence the interviewee's account of what happened as this could lead to a flawed and biased investigation.

It is important that the questions that are asked reflect what the Investigating Officer has gathered as a result of other interviews and reviews of any other evidence. This will help in evaluating the evidence at the end of the process.

At the end of the interview, the Investigating Officer should have gathered the following information.

- The names of those involved that the witness is aware of.
- The date and time of any alleged incidents.
- Details of what took place, in the order that it took place.
- How the witness reacts to any evidence that is inconsistent with their account of what happened.
- How the employee felt after the incident(s).
- Any steps that the employee has taken to try and resolve the situation, if appropriate.
- What the employee's preferred solution is, if appropriate.

Notes

It is vital that notes are taken contemporaneously, in case the Investigating Officer's recollection is later called into question. It can be very useful to record responses under the question that has been asked. However, this is not always possible if the interview goes 'off track' and the interviewee gives very long responses to the questions.

Wherever possible a note taker should accompany the Investigating Officer. It may be that for particularly sensitive interviews, the note taker is not present, particularly if the witness objects. The note taker is bound by the same rules of confidentiality as everyone else involved in the investigation.

The notes should be typed up as soon as possible after the interview and sent out to the witness for signing. Two copies of the notes should be sent out, one for the employee to keep and one to be returned to the Investigating Officer. Employees are able to make small changes to the notes, for points of clarification, accuracy, etc but if the witness disagrees fundamentally with the notes of the interview, and the Investigating Officer does not agree with the witness' version, the witness may refuse to sign the notes of the interview. In this circumstance, both sets of notes should be submitted to evidence and the fact that the notes were not signed off recorded in the investigation report.

Preparing Witness Statements

A witness statement should record the facts as stated by the witness at the interview, written (within reason) in the language that they used, following the train of events as they experienced them. If, when preparing the statement, a gap in the information is identified or there is ambiguity in what has been recorded, then the witness should be asked to clarify the situation rather than someone else putting their own interpretation on the events. The witness should be asked to sign and date the statement and in doing so they are confirming that it is a true and accurate version of events.

Witnesses should not be coerced into signing a statement if they are unhappy with it, they may ask for modifications before they are happy to sign it.

If a witness who is reluctant to participate in the investigation also refuses to sign a statement then the Investigating Officer can either omit the statement, or include it making it clear that it is an unsigned (and therefore unvalidated) statement. This will usually be given less weight at the hearing and any subsequent Employment Tribunal.

Exchange of Information

In certain cases where the evidence is detailed and complex the Investigatory Report and supporting documentation should be given to the employee 10 working days prior to the date of the disciplinary hearing to allow them to study the information. Any documentary evidence the employee wishes to be considered at the hearing should be submitted to the Investigating Officer at least 5 working days prior to the disciplinary hearing.

In other cases where the information is limited then the parties can agree to an earlier exchange of information and a date for the disciplinary hearing.

At the same time as the documentation is exchanged, both parties will also declare the names of any witnesses who are to be called to provide evidence at the disciplinary hearing and the capacity in which they will appear.

The Disciplinary/Appeals Officer/Panel will have the opportunity to call other employees to the Disciplinary/Appeal Hearing to provide expert opinion to clarify issues, which have been raised as part of the Hearing.

Prior to an appeal hearing taking place, the employee or their representative must detail their grounds for appeal and provide any new documentation to be used at the appeal hearing. This should be provided to the Investigating Officer 10 working days prior to the appeal hearing taking place. The Investigating Officer will then provide any new documentation to be submitted to the appeal hearing to the employee or their representative 5 working days prior to the appeal hearing taking place.

Copies of the information/evidence to be presented at disciplinary/appeal hearings will be provided to the Disciplinary/Appeals Officer/Panel a minimum of three working days prior to the disciplinary hearing/appeal hearing taking place. The confidentiality of the case must be maintained at all times and any lapses in confidentiality will be dealt with either, in the case of employees, under the Council's Code of Conduct or, in the case of Elected Members, the matter will be referred to the Standards Committee.

SECTION 4 – DISCIPLINARY HEARINGS

The procedure to be followed at a Disciplinary Hearing is detailed below: -

1. At the commencement of the hearing, the Disciplinary Officer/Chair hearing the case will introduce the parties present and their role, outline the procedure to be followed and will confirm that all parties understand the procedure.

NB: if the employee is not represented at the Disciplinary Hearing, they should be reminded of their right to be accompanied.
2. The Disciplinary Officer/Chair hearing the case will detail the allegations against the employee and explain that the purpose of the hearing is to consider whether any disciplinary action should be taken in accordance with the Council's disciplinary procedure.
3. At any stage during the hearing the Disciplinary Officer/Panel will be able to question any of the parties present.
4. The Investigating Officer will detail the case against the employee concerned. The employee, their representative and the Disciplinary Officer/Panel hearing the case can ask questions.
5. The Investigating Officer will call witnesses, as appropriate, to provide evidence in support of the allegations against the employee.
6. The employee or their representative will be able to ask questions of the Investigating Officer and any witnesses.
7. Each witness will leave the room after giving their evidence.
8. Steps 5 - 7 will also be adopted in relation to the employee or their representative's presentation of their evidence.
9. If matters come to light during a Disciplinary Hearing which require further investigation consideration should be given to either: -
 - a. adjourning the Disciplinary Hearing to enable further investigation to be carried out **or**
 - b. deciding whether the investigation should be dealt with separately and if required a separate Disciplinary Hearing convened.
10. After both parties have provided their evidence, the Investigating Officer and the employee or their representative will be given the opportunity to sum up detailing the main points of their respective cases. The Investigating Officer will sum up first. No new evidence can be submitted at this stage.
11. Following the summing up stage, all parties will withdraw leaving only the Disciplinary Officer/Panel authorised to make the final decision and the Human Resources Advisor.
12. The Human Resources Advisor will only be present to provide advice on policy and procedure. They will not take an active part in formulating a decision on the case.
13. In making their decision, the Disciplinary Officer/Chair can, if required, recall any of the parties, including witnesses, involved to clarify any areas of misunderstanding or doubt. If one party is recalled, then the other party must be present to hear any questions and the answers provided.
14. When deciding whether a disciplinary penalty is appropriate and what form it should take, the Disciplinary Officer/Panel should consider whether the Council's policies and procedures indicate what the likely penalty will be for this particular misconduct if proven, the penalty imposed in similar cases in the past, the employee's disciplinary record (but not expired warnings), position and length of service, any special circumstances which might be appropriate to adjust the severity of the penalty and whether the proposed penalty is reasonable in view of all the circumstances.

15. The decision can be communicated verbally to the employee but this must be confirmed in writing to the employee as soon as reasonably practicable after the Hearing. If a disciplinary penalty is imposed, the employee will be informed that they have a right of appeal

SECTION 5 - APPEAL HEARINGS

The procedure to be followed at an appeal review hearing is detailed below: -

Appeal Review Hearing

1. At the appeal any disciplinary sanction imposed will be reviewed and it may be withdrawn, remain the same, or be decreased.
2. At the commencement of the appeal review hearing, the Appeals Officer/ Chair of the Appeals Panel hearing the case will introduce all parties present, outline the procedure to be followed and will confirm that all parties understand the procedure.
3. The employee or their representative will detail the grounds of appeal against the decision made at the original disciplinary hearing. The Disciplinary Officer/Chair of Disciplinary Panel who made the decision at the original disciplinary hearing can ask questions of the employee. The Appeals Officer/ Panel can ask questions of the employee.
4. The Disciplining Officer/Chair of the Disciplinary Panel will present to the Appeals Officer/Panel the reasons for the decision that was made at the original disciplinary hearing. The employee or their representative can ask questions of the Disciplinary Officer. The Appeals Officer/Panel can ask questions of the Disciplinary Officer.
5. After both sides have provided their evidence, the employee or their representative will be given the opportunity to sum up detailing the main points of their case. The Disciplinary Officer/Chair of the Disciplinary Panel representing the Council will be given the opportunity to sum up the main points of their case.
6. Following the summing up stage, all parties will withdraw leaving only the Appeals Officer/Panel authorised to make the final decision and the Human Resources Advisor. Officers who are acting as 'expert witnesses' to the case may also remain in the room at the request of the Appeals Officer/Panel. However, they will not take part in the decision making process.
7. The Human Resources Advisor will only be present to provide advice on policy and procedure. They will not take an active part in formulating a decision on the case.
8. In making their decision, the Appeals Officer/Panel can, if required, recall any of the parties involved to clarify any areas of misunderstanding or doubt. If one party is recalled, then the other party must be present to hear any questions and the answers provided.
9. The decision can be communicated verbally to the employee but this must be confirmed in writing to the employee as soon as reasonably practicable after the Hearing. The decision of the appeals review hearing will be final.

Appeal Re-hearing

The procedure to be followed at an appeal re-hearing is detailed below: -

1. At an appeal re-hearing any disciplinary sanction imposed will be reviewed in the light of new evidence becoming available. The previous sanction may be withdrawn, remain the same, or be decreased. The re-hearing will follow the process outlined below.
2. At the commencement of the appeal re-hearing, the Appeals Officer/Chair of the Appeals Panel hearing the case will introduce all parties present, outline the procedure to be followed and will confirm that all parties understand the procedure.
3. The Appeals Officer/Chair of the Panel hearing the appeal should ask the employee to outline the grounds of their appeal.
4. At any stage during the re-hearing, the Panel will be able to question any of the parties present.
5. The Disciplinary Officer/Chair of the Disciplinary Panel will outline the case against the employee. The employee or their representative and the Appeals Officer/Panel can ask questions of the Disciplinary Officer/Chair of the Disciplinary Panel.
6. The Disciplinary Officer/Chair of the Disciplinary Panel can call witnesses, as appropriate, to provide evidence in support of the case.
7. The employee or their representative and the Appeals Officer/Panel can ask questions of the witness(es) and will be given an opportunity to comment on any new evidence that has arisen during the appeal hearing prior to any decision being taken.
8. Each witness will leave the room after giving their evidence.
9. Steps 6 – 8 **will** also be adopted in relation to the employee or their representative's presentation of their evidence.
10. After both parties have provided their evidence, the Disciplinary Officer/Chair of the Disciplinary Panel will be given the opportunity to sum up detailing the main points of the case. The employee or their representative will be given the opportunity to sum up the main points of their case. No new evidence can be submitted at this stage.
11. Following the summing up stage, all parties will withdraw leaving only the Appeals Officer/Panel authorised to make the final decision and the Human Resources Advisor. Officers who are acting as 'expert witnesses' to the case may also remain in the room at the request of the Appeals Officer/Panel. However, they will not take part in the decision making process.
12. The Human Resources Advisor will only be present to provide advice on policy and procedure. They will not take an active part in formulating a decision on the case.
13. In making their decision, the Appeals Officer/Panel can, if required, recall any of the parties involved to clarify any areas of misunderstanding or doubt. If one party is recalled, then the other party must be present to hear any questions and the answers provided.

The decision should be communicated in writing to the employee as soon as is reasonably practicable. The decision of the Appeals Panel will be final.

CAERPHILLY COUNTY BOROUGH COUNCIL

DISCIPLINARY PROCEDURE

APRIL 2010

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Wherever the designation Manager is used throughout this procedure, it is taken to mean Head of Service, Line Manager, Supervisor, Officer in Charge, or anyone who has a responsibility for employees through their work.

INTRODUCTION

1. Caerphilly County Borough Council requires good standards of conduct from its employees along with satisfactory standards of work and attendance. The Council's disciplinary procedure applies to all issues of alleged misconduct as well as failure to meet the required standards of job performance or attendance.
2. The purpose of the disciplinary procedure is to help and encourage employees to achieve and maintain acceptable standards of conduct, job performance and attendance and to ensure consistent and fair treatment for all employees.
3. This disciplinary procedure reflects, and is consistent with, the standard dismissal and disciplinary procedure set out in the Employment Act 2008 and the ACAS Code Of Practice on Discipline and Grievance Procedures.
4. This procedure should be cross-referenced with all the relevant Council policies and procedures and the Code of Conduct. Copies of all the Council's policies and procedures can be found on the Intranet or obtained from your Manager or Human Resources.

SCOPE OF THE PROCEDURE

5. The disciplinary procedure applies to all employees except those school based support/teaching staff for whom the Governing Body sets the local terms and conditions of employment.
6. This procedure does not cover the Chief Executive, the Council's Monitoring Officer or the Council's Section 151 Officer as separate disciplinary procedures apply to these posts.
7. The Council's recognised trade unions have been consulted on the introduction of this procedure.
8. The effective date of this procedure is 1st April 2010. This procedure supersedes all earlier procedures and should be used to deal with all disciplinary issues that arise.

GUIDING PRINCIPLES

9. Heads of Service through their Senior Officers and Supervisors have the responsibility for ensuring this procedure is applied to all the employees in their Service Area.
10. Minor acts of misconduct will be dealt with informally but where formal action is necessary this procedure will be invoked. Informal action will include counselling which will highlight to the employee their actions are unacceptable and that a repetition will lead to formal disciplinary action being taken. Any actions that are taken at the informal stage should be documented, and notes made of the meeting, to ensure that these actions are not forgotten should it become necessary to move to the formal stage of the procedure.
11. No disciplinary action will be taken against an employee until the case has been fully investigated. Managers must take advice from Human Resources prior to invoking the disciplinary procedure.
12. There are occasions where it may be appropriate for the employee not to be at work whilst the investigation is being undertaken or until such time as any subsequent disciplinary hearing is completed. Suspension in these cases is not a disciplinary sanction but a neutral act and as such it is not intended to be a punishment or a presumption of guilt. In these circumstances, this period will be with full pay for the duration of the suspension.
13. At every stage in the disciplinary procedure the employee will be advised of the nature of the complaint against them and will be given the opportunity to state their case before any decision is made. In exceptional circumstances, this may not happen. In the main these cases will relate to issues surrounding child protection or the protection of vulnerable adults.
14. The details of the alleged misconduct or a failure to meet the required standard of job performance or

attendance will be set out in the letter inviting the employee to attend a disciplinary hearing.

15. At all stages of the formal procedure, the employee will have the right to be accompanied by a work colleague, a trade union representative or official. Trade union representatives must have been certified by their union as being able to accompany an employee. If an employee is to be accompanied by a work colleague, it must not be someone who is directly involved in the case as their presence may prejudice the case or they may have a conflict of interest.
16. No employee will be dismissed for a first breach of discipline except in the case of gross misconduct. In the event of employees being dismissed as a result of gross misconduct, there will be no notice or payment in lieu of notice given.
17. The disciplinary procedure may be implemented at any stage if the employee's misconduct, job performance or attendance record warrants such action.
18. At all stages, any information gathered or presented by all participants must be treated in the strictest confidence. All information gathered in relation to the case should be kept no longer than necessary in accordance with the Data Protection Act 1998.
19. All employees will be expected to co-operate fully with any investigations. Employees involved in disciplinary investigations who are absent from work for reasons of ill health will be required to attend meetings at any stage of the disciplinary process and to respond to communications without undue delay. If employees are unable to attend these meetings, due to ill health, the disciplinary process will be progressed. In this circumstance the employee may be represented at meetings by their chosen representative. Alternatively the Council reserves the right to carry out the investigation and progress the disciplinary process in the absence of the employee and their representative.
20. If it is necessary to take disciplinary action against a trade union representative, the normal disciplinary procedure should be followed. Depending on the circumstances however, it is advisable to discuss the matter at an early stage with an official employed by the union, after obtaining the employee's agreement.
21. Disciplinary action will be issued separately for misconduct, poor job performance and attendance. In cases of misconduct, progressive disciplinary action will be taken for each incident of misconduct even though they may not be related.
22. Written and final warnings will remain on an employee's personal file indefinitely but subject to satisfactory conduct, job performance or attendance, they will be disregarded for disciplinary purposes after their expiry date.
23. In certain cases, a final written warning may never be removed and if there is any reoccurrence of this type of conduct during the employee's employment it will lead to dismissal. In the majority of cases this would relate to final written warnings issued in relation to cases surrounding child protection and the protection of vulnerable adults.
24. An employee will have the right to appeal against any disciplinary sanction imposed. This will be the final stage of the disciplinary procedure.
25. Where an employee's job performance is the reason for disciplinary action, the sanction imposed may be a disciplinary warning and withholding of an increment. This sanction will not be applied until a full investigation has been undertaken into the circumstances surrounding an employee's job performance. If this sanction is applied a plan will be developed and agreed with the employee to ensure that the employee's job performance reaches acceptable levels. For further information on dealing with employees' underperformance, see the Council's Managing Underperformance Process.
26. In cases of redundancy, probationary issues, the ending of a fixed term contract or ill health termination, please refer to the relevant procedure for the process to follow.
27. Every effort will be made to deal with the disciplinary process as promptly as possible.

28. If an employee, or the person accompanying them is disabled, accessibility issues must be considered to allow them to take part in the disciplinary process.

MISCONDUCT

29. It is important that every employee understands that local government employment calls for the highest standard of conduct, responsibility and integrity and that public confidence would be shaken were the least suspicion to arise that any employee could be influenced by improper motives. Failure to maintain acceptable standards both inside and outside of work could be in contravention of the Council's Code of Conduct and/or its disciplinary procedure and lead to disciplinary action being taken against an employee for misconduct.
30. In certain cases, it may be appropriate to involve Internal Audit where the case involves potential financial irregularities (as stated in the Council's Financial Regulations). In all appropriate cases, the Council will seek restitution.
31. The following are examples of offences, which generally amount to misconduct. Depending on the nature of the offence some examples of these could be viewed as gross misconduct: -
- Unauthorised absence from work.
 - Lateness.
 - Unsatisfactory and unacceptable performance of duties.
 - Time wasting.
 - Contravention of safety procedures.
 - Unauthorised use of the telephone/e-mail/contravention of the IT Security Policy, including the misuse of social networking sites.
 - Disruptive behaviour, e.g. undermining management, team morale or the efficient running of the team, etc.

This list is not exhaustive or exclusive.

GROSS MISCONDUCT

32. The following are examples of offences, which are normally regarded as amounting to gross misconduct and may be dealt with as such under the procedure: -
- Refusal to accept and act on a reasonable instruction from a Supervisor or member of management.
 - Fighting, assault, harassment, victimisation or abusive, intimidating, threatening or bullying behaviour. This includes sexual misconduct at work.
 - Theft, fraud, falsification of records (including qualifications which are a stated requirement of employment or which result in financial gain) or any dishonesty involving the Council, its employees, clients, members of the public, Elected Members, authorised visitors, or attempts to commit such offences.
 - Deliberate or reckless damage to the property of
 - the Council
 - its employees
 - visitors to Council premises.
 - Serious negligence that could lead to or result in loss, damage or injury.
 - Unauthorised disclosure of confidential information or information governed by the Data

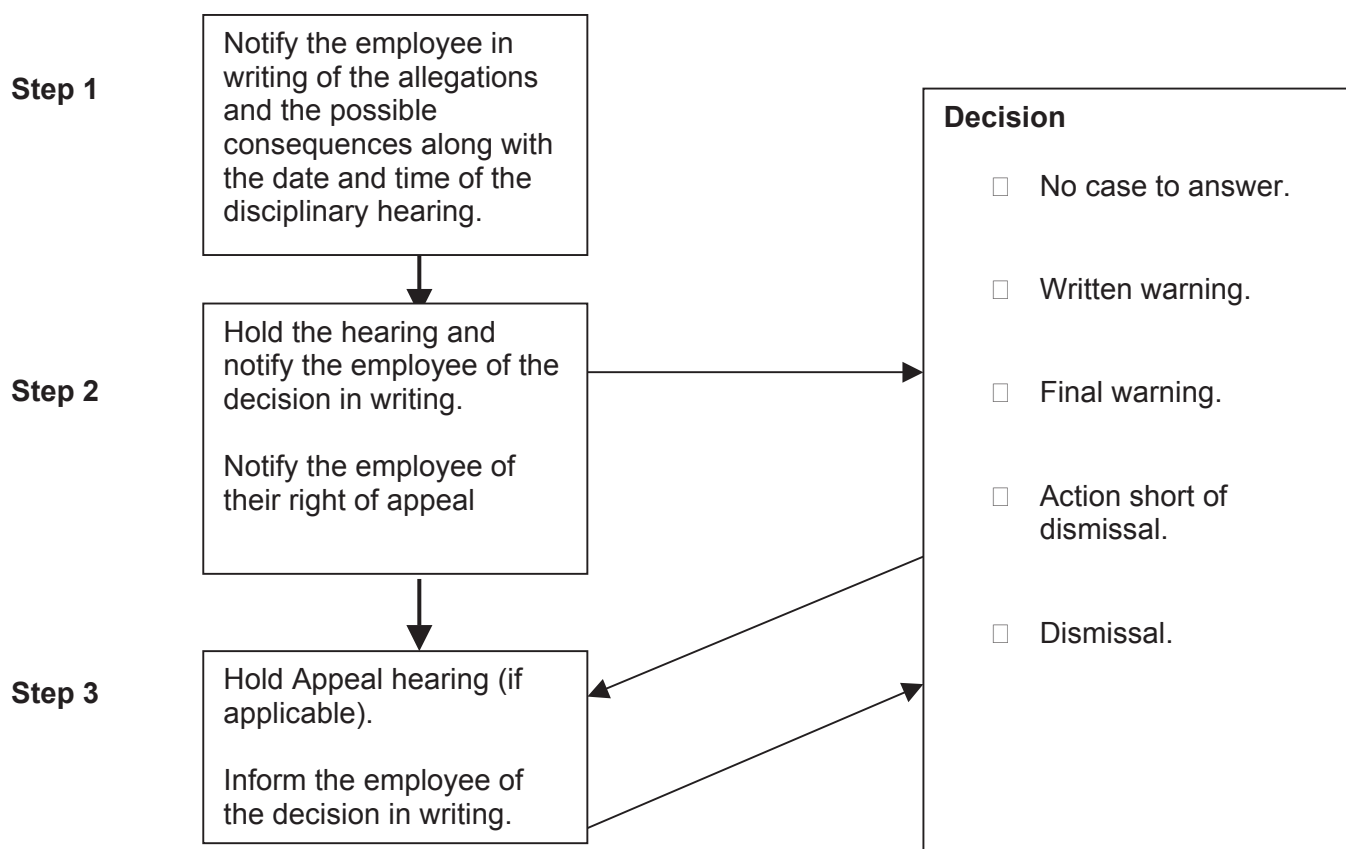
Protection Act 1998 (subject to the Public Interest Disclosure Act 1998). This includes the Council's rules in relation to electronic communication systems and computers.

- Any action likely to endanger the health and safety of the employee or any other person.
- Any action or behaviour, which could damage the Council's reputation, including rudeness to members of the public or clients and inappropriate use of social networking sites.
- Serious breaches of the Council's policies and procedures or failing to comply with relevant statutory or regulatory requirements.
- Serious acts of insubordination e.g. defiance, disobedience, etc.,
- Accepting a gift, which could be construed as a bribe.
- Conviction for any serious criminal offence while a Council employee, which renders the employee unsuitable for continued employment. This would depend on the facts of the case and the risk assessment undertaken under the Employment of Ex Offenders Policy.

This list is not exhaustive or exclusive.

DISCIPLINARY PROCESS

33. Once the investigation process has been completed the following 3-step process must be followed in all cases where disciplinary action is being considered. Step 3 is only applicable if the employee exercises their right of appeal.



DISCIPLINARY SANCTIONS

Stage 1 - Written Warning

34. If an employee's conduct, job performance or attendance is proven not to meet acceptable standards, they will be given a formal written warning. The employee will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure and of their right of appeal. A record of the written warning will be kept on the employee's personal file but it will be disregarded for disciplinary purposes after 12 months, subject to satisfactory conduct, job performance and attendance.

Stage 2 - Final Written Warning

35. If there is a failure to improve or the employee's conduct, job performance or attendance is proven to be unsatisfactory or if the misconduct is sufficiently serious, a final written warning will be given to the employee. The employee will be advised of the reason for the warning, the duration of the warning, that it is the second stage of the disciplinary procedure and of their right of appeal. A record of this final written warning will be retained on the employee's personal file but it will be disregarded for disciplinary purposes after 18 months (although this period may be extended depending on the circumstances of the offence) subject to satisfactory conduct, job performance and attendance.

Stage 3 - Dismissal

36. If there is a failure to improve or the employee's conduct, job performance or attendance is proven to be unsatisfactory or if the misconduct is sufficiently serious, dismissal will normally result. Only the Chief Executive, a Director, a Head of Service or the next most appropriate level of management can take the decision to dismiss. The employee will be provided, as soon as reasonably practicable, with the written reasons for dismissal, the date on which their employment will terminate and their right of appeal.
37. If an employee is found guilty of an act of gross misconduct, summary dismissal without notice or payment in lieu of notice will be the normal course of action. However, in some circumstances action short of dismissal may be substituted for the dismissal. This could include a final written warning together with one of the following disciplinary transfer, suspension without pay, demotion or reduction in salary.

Appeals

38. At the appeal any disciplinary sanction imposed will be reviewed and it may be withdrawn, remain the same, or be decreased. The format of the appeal hearing will depend on the grounds for appeal. If the appeal is on the basis of the severity of the sanction or the misapplication of the procedure, then the appeal hearing will be a review of the original case. If it is the fact that new evidence has come to light, then the appeal hearing will be a re-hearing. The presentation of new evidence is the only reason that a re-hearing will be held.
39. An employee who wishes to appeal against a disciplinary decision, other than in the case of dismissal, should make their appeal in writing on the form attached at Appendix 1 within five working days of receipt of the decision, setting out the grounds for the appeal, to Human Resources who will liaise with the relevant Manager to hear the appeal. Appeals will be heard by a Manager not involved in the earlier decision.
40. All appeals against dismissal must be made in writing within ten working days of receipt of the decision, setting out the grounds for the appeal, to the Head of Human Resources and Organisation Development who will arrange for the appeal hearing to be convened. If the appeal is successful an alternative sanction may be imposed.

OVERLAPPING GRIEVANCE AND DISCIPLINARY CASES

41. Where an employee raises a grievance during the investigation/hearing, the disciplinary process may be temporarily suspended in order to deal with the grievance. For example
- The grievance relates to a conflict of interest that the Manager holding the Disciplinary Hearing is alleged to have.
 - Bias is alleged in the conduct of the Disciplinary Hearing.
 - The Investigating Officer has been selective in the evidence they have supplied to the Manager conducting the Hearing.
 - There is possible discrimination.

Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

INTERPRETATION OF THE PROCEDURE

42. In the event of a dispute relating to the interpretation of this procedure, Corporate Human Resources will make the final decision on interpretation.

REVIEW OF THE PROCEDURE

43. A review of this procedure will take place when appropriate. Any amendments will be consulted on with all the relevant parties. However, in the case of amendments relating to legislative requirements, the procedure will be amended and reissued.

APRIL 2010

Will you be presenting any new evidence at the Appeal Hearing?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If Yes, please give details.				

Signature		Date:	
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Please forward the completed form to Human Resources.

FOR HUMAN RESOURCES USE ONLY

Date received by Human Resources:	
Type of Appeal	Review <input type="checkbox"/> Rehearing <input type="checkbox"/>
Human Resources Officer Allocated To Appeal:	
Manager/Panel hearing the Appeal:	
Appeal Date:	
Outcome:	
Date Processed:	

Supplementary Notes

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Wherever the designation Manager is used throughout this scheme, it is taken to mean Head of Service, Line Manager, Supervisor, Officer in Charge, or anyone who has a responsibility for employees through their work.

These explanatory notes must be read in conjunction with the Council's Disciplinary Procedure

SECTION 1 - DEFINITION OF ROLES

Investigating Officer

The role of the Investigating Officer is to

- Ensure that a full and thorough investigation is undertaken prior to recommending whether: -
 - There is no case to answer.
 - Not to proceed to a Disciplinary Hearing but to deal with the issue informally by arranging counselling, coaching, etc.
 - To proceed with a Disciplinary Hearing as there is a case to answer.
- Notify the employee of the outcome of the investigation.
- Enlist the support of other officers to assist with the investigation.
- Notify other interested parties as laid down in the Council's Financial Regulations.
- If appropriate, prepare a report setting out the allegations including witness statements and other relevant documentation, which will be used at the disciplinary hearing. When preparing this report, the Investigating Officer should
 - Ensure that all the relevant facts are available including documentary evidence, witness statements and disciplinary records.
 - Check whether there are any special circumstances, such as personal or outside issues, that should be taken into account.
 - Be careful when dealing with evidence from an anonymous witness. Take written statements, seek corroborative evidence and check that the witnesses' motives are genuine.
 - Check that the standards of other employees are acceptable and that this employee is not being unfairly singled out.
 - Consider the employee's explanations and check them out.
 - Allow the employee time to prepare their case.
- Present the case at the Disciplinary Hearing supported by other Officers where relevant.

Human Resources Support

The role of Human Resources is as follows: -

- To provide advice, guidance and support to Investigating Officers, Disciplinary/Appeals Officers/ Panels.
- To provide advice prior to the commencement of the disciplinary process where Human Resources' attendance at the actual meeting can be discussed. It is not a pre-requisite for Human Resources employees to attend all disciplinary meetings that may result in a written warning. For final written warnings and dismissal cases, Human Resources employees must be in attendance.
- To provide support to the Investigating Officer to compile the presentation at the Disciplinary Hearing.
- To provide administrative support such as note taking at interviews, hearings and appeals, preparing Statements of Case and arranging appropriate facilities on behalf of Officers/Panels arranging suitable venues and times for the meetings and ensuring that any special requirements are made for employees/Officers/Panels in relation to their involvement with the disciplinary procedure.

The Human Resources Advisor can only advise one party during the disciplinary process e.g. if they are involved in the investigation, they cannot advise the Disciplining Officer at the Disciplinary Hearing or subsequent Appeal.

Disciplinary Officer/Chair of the Disciplinary Hearing

The Disciplinary Officer/Chair should ensure the correct procedures are followed as set out in Section 4.

The Disciplinary Officer should establish what disciplinary action has been taken in similar circumstances in the past and think about the structure of the Hearing and make a list of points that they wish to cover. To ensure a consistent approach across the Council, advice should be sought from the Human Resources Advisor on policy and procedures prior to the decision on the sanction being made.

The Disciplinary Officer/Chair has the responsibility of deciding the outcome of the Hearing and informing the employee of their decision, in writing, together with the reasons for doing so.

Appeal Officer/Chair of the Appeal Hearing

The Appeal Officer/Chair should ensure the correct procedures are followed as set out in Section 5.

To ensure a consistent approach across the Council, advice should be sought from the Human Resources Advisor on policy and procedures prior to the decision being made.

The Appeal Officer/Chair has the responsibility of deciding the outcome of the Appeal Hearing and informing the employee of their decision, in writing, together with the reasons for doing so.

Representatives

Employees have the right to be accompanied by a work colleague or a trade union representative/official at a disciplinary hearing or as part of the investigation process. Trade union representatives must have been certified by their union as being able to accompany an employee. If an employee is to be accompanied by a work colleague, it must be someone who is not directly involved in the case as their presence may prejudice the case or they might have a conflict of interest. A disciplinary hearing is defined as a meeting, which could result in

- A formal warning being issued to an employee, i.e. a warning that will be placed on the employee's record.
- The taking of some other disciplinary action such as suspension without pay, demotion or dismissal, or other action.
- The confirmation of a warning or some other disciplinary action, such as an Appeal Hearing.

Employees do not have the right to be accompanied at informal discussions or counselling sessions.

The representative can: -

- Put the employee's case.
- Sum up the employee's case.
- Respond on the employee's behalf to any view expressed at the hearing.

However, they cannot answer questions on the employee's behalf.

If an employee's representative is unable to attend the date of an interview/disciplinary hearing, the interview/disciplinary hearing may be postponed until they, or another representative, are available. However, this postponement should not be more than five working days after the original date of the interview/disciplinary hearing, unless agreed by both parties, and no further postponements will be granted.

Employees should inform the Investigating/Disciplining Officer who, if anyone, will be accompanying them at the interview/hearing.

Witnesses

The Investigating Officer will interview any appropriate witnesses and produce a witness statement based on those interviews. A representative from Human Resources may also be present. Witnesses will be requested to sign and date their statement as a true and accurate record and be advised that they may be required to attend any subsequent Disciplinary Hearing.

Witnesses can only be called to appear at the Disciplinary Hearing if they have previously submitted a signed witness statement.

SECTION 2 - MISCELLANEOUS

Suspension

There may be occasions where it may be deemed appropriate for an employee to be suspended from work whilst the investigation is undertaken. Examples of this could be where there is an allegation of gross misconduct, which, if proven, could lead to dismissal, where relationships have broken down or where there are risks to an employee's or the company's properties or responsibilities to other parties. Prior to suspending an employee consideration should be given to whether it is necessary to suspend or whether alternative working can be considered e.g. temporary relocation. This alternative work should relate to the employee's skill set. Suspension will be limited to the shortest possible time and kept under review.

After six weeks a formal review will be undertaken. The Head of Human Resources and Organisation Development and the Head of Legal Services or their nominated representatives will conduct this review. It will take the form of a report from the Officer who carried out the suspension giving the allegations against the employee, the progress to date and the reasons why the employee should continue to be suspended from their duties. As a result of this report, the Head of Human Resources and Organisation Development and the Head of Legal Services will decide whether suspension is still the most appropriate course of action.

Whilst suspended the employees' normal terms and conditions of employment will apply including rules relating to requests for annual leave and notification of sick leave. It may be appropriate, depending on the allegations, to impose conditions on the employee e.g. not to visit any of the Council's premises whilst they are suspended or contact other employees.

It should be appreciated that where an employee is facing a disciplinary investigation it is a stressful period so the Investigating Officer should remind the employee of the advice, information and counselling service which is available from the Employee Assistance Programme provided by the Council. This is a totally confidential service and all conversations between employees and counselling service are confidential.

Employees who are suspended will be given a nominated contact within Human Resources should they wish to discuss the progress of their case. However, no details of the investigation will be divulged.

Investigating Officers must remember that they have a duty of care to all the employees within a Service Area, both those who have had allegations made against them and those who are acting as witnesses.

Terms of Reference for Investigation

It is vital that the Investigating Officer determines the terms of reference for the investigation prior to its commencement, as this ensures that the focus of the investigation is appropriate.

They should include: -

- The issue (s) to be investigated.
- The methodology for conducting the investigation.

- The proposed time frame – this should be realistic and there should be a provision for an extension.
- The resources available to the Investigating Officer.
- Who will be provided with copies of the report at the conclusion of the investigation.

Police Involvement

In certain circumstances, it may be necessary to involve the Police where criminal acts are alleged to have taken place. The decision to involve the Police will be taken following consultation with the Chief Executive and/or appropriate Director, the appropriate Head of Service and the Head of Human Resources and Organisation Development. They will also decide on whether it is appropriate to await the outcome of any police investigation and/or criminal proceedings before commencing the disciplinary process. This decision will depend upon the nature of the offences, the need to maintain confidentiality and the potential impact on the Council.

Criminal offences outside employment will not be treated as automatic reasons for dismissal or other disciplinary penalty. Each situation will be judged in the context of whether the offence committed has relevance to the employee's duties and an appropriate Risk Assessment undertaken. The major consideration will be whether the offence is one, which renders the employee unsuitable for continued employment. Employees are required to disclose criminal offences and failure to do so may lead to disciplinary action being invoked.

Where there are Police proceedings pending, the Investigating Officer has the option to wait for the outcome of the Police investigation and/or criminal proceedings before commencing the disciplinary process. However, where those investigations/ proceedings are not relevant or are prolonged, the Manager will need to consider whether to proceed with disciplinary action before the Police investigation has been concluded. Consultation with Human Resources should take place before making this decision. Should the Manager wish to proceed they will need to clearly record the reasons for taking such action.

If an employee is unable to meet their contractual obligations and attend work for the foreseeable future because of on-going court hearings, they have been remanded in custody or have been imprisoned, the contract will be deemed to be frustrated and will automatically terminate. In such circumstances then the rights and obligations of both the employee and the Council would come to an end and the employee would not be entitled to any pay or other benefits in respect of notice. In such an event the disciplinary procedure would not apply and any investigations or disciplinary action currently underway would cease immediately. Prior to making any decisions regarding the frustration of an employee's contract, Managers should refer to the Head of Human Resources and Organisation Development for further advice and guidance.

Notification to Statutory and Professional Bodies

Statutory bodies regulate certain professions and in those professions employment is conditional upon continuing registration. Examples include Solicitors and the Law Society, Social Workers, etc. In these professions, the Council has a duty to report any incidents of alleged professional misconduct or serious performance issues to the appropriate registration authority. This duty to notify must be exercised quite separately to any disciplinary action. The registration authority is quite likely to undertake its own investigation. The Manager need not wait for the outcome of any such investigations before continuing with its own internal investigations and/or taking steps under the disciplinary procedure.

In cases where the outcome of the disciplinary investigation results in action short of dismissal and a Statutory Body subsequently determines that the employee's registration is suspended or removed, the Manager should consider whether suitable alternative work is available before taking action to dismiss the employee because of conduct or capability. The advice of the Head of Human Resources and Organisation Development and the Head of Legal Services or their representatives should be sought in these cases.

Investigations Undertaken By External Agencies

There may be occasions where external agencies become involved in investigations of a serious nature relating to the protection of vulnerable adults and child protection issues. It is essential that prior to the

commencement of any internal disciplinary investigations, advice is sought from Human Resources as to whether the disciplinary investigation should be delayed until the external investigation is concluded.

Human Resources will also advise whether any evidence gained during the external investigation can be used in the internal disciplinary process.

Investigatory Interview

The Investigating Officer will normally interview the employee under investigation as part of the process and reasonable notice should be given which should not normally exceed five working days. The employee should be advised that disciplinary action could be taken once the investigation is complete.

Exchange Of Information

In certain cases where the evidence is detailed and complex the Investigatory Report and supporting documentation should be given to the employee 10 working days prior to the date of the disciplinary hearing to allow them to study the information. Any documentary evidence the employee wishes to be considered at the hearing should be submitted to the Investigating Officer at least 5 working days prior to the disciplinary hearing.

In other cases where the information is limited then the parties can agree to an earlier exchange of information and a date for the disciplinary hearing.

At the same time as the documentation is exchanged, both parties will also declare the names of any witnesses who are to be called to provide evidence at the disciplinary hearing and the capacity in which they will appear.

The Disciplinary/Appeals Officer/Panel will have the opportunity to call other employees to the Disciplinary/Appeal Hearing to provide expert opinion to clarify issues, which have been raised as part of the Hearing.

Prior to an appeal hearing taking place, the employee or their representative must detail their grounds for appeal and provide any new documentation to be used at the appeal hearing. This should be provided to the Investigating Officer 10 working days prior to the appeal hearing taking place. The Investigating Officer will then provide any new documentation to be submitted to the appeal hearing to the employee or their representative 5 working days prior to the appeal hearing taking place.

Copies of the information/evidence to be presented at disciplinary/appeal hearings will be provided to the Disciplinary/Appeals Officer/Panel a minimum of three working days prior to the disciplinary hearing/appeal hearing taking place. The confidentiality of the case must be maintained at all times and any lapses in confidentiality will be dealt with either, in the case of employees, under the Council's Code of Conduct or, in the case of Elected Members, the matter will be referred to the Standards Committee.

SECTION 3 – INVESTIGATION PROCESS

Investigations are increasingly a feature of the employment relationship. One of the main reasons for this is that employers are frequently required by Employment Tribunals to demonstrate why they reached a particular decision, for example the dismissal of an employee.

Once an employee has shown that they have been dismissed and that they are eligible to present a complaint for unfair dismissal, the Employment Tribunal will consider the facts of the case and whether procedures have been followed. The Council must overcome three hurdles: -

- It must show that the reason for dismissal was one of the six potentially fair reasons for dismissal (these are capability, conduct, redundancy, breach of a statutory enactment, retirement and some other substantial reason e.g. failure to accept new terms and conditions or retirement).

- It must show that it complied with a fair procedure.
- It must show that it acted reasonably in treating that reason as a sufficient reason to dismiss.

The Employment Tribunal will scrutinise how fair the Council's policy is and the procedure that it adopted at the time of the dismissal. An internal investigation will form part of that procedure. As soon as a Manager becomes aware that they should conduct an investigation within their Service Area, they should contact Human Resources for further advice and guidance.

The Employment Tribunal cannot substitute its own decision for that of the Council's but it will determine whether the Council's action fell within the band of reasonable responses to the circumstances.

Carrying out a fair and thorough investigation provides an Investigating Officer with the opportunity to establish the facts of a particular matter and be in a much better position to decide on a course of action.

It must be emphasised that the investigation process is not a 'one way process.' An investigatory interview is the first opportunity that an employee has to respond to the issues under investigation.

PLANNING THE INVESTIGATION

Who Should Investigate?

The Investigating Officer should be independent of the main parties of the investigation and should not have had any involvement with any of the actions to be investigated.

The Investigating Officer should be fully briefed on how any allegations have arisen, the relevant organisational structure and any issues of immediate relevance.

It is vital that the Investigating Officer is provided with sufficient resources and time to devote to the investigation. It may be necessary to remove other duties from them on a temporary basis to accommodate them undertaking the investigation.

The Investigating Officer who recommends that there is sufficient evidence to go forward to a Disciplinary Hearing cannot be the same officer who hears the case and decides if any disciplinary action should be imposed.

Terms of Reference for Investigation

See Section 2 above.

The Order Of Interviews

Ideally, the person whose conduct is being called into question should be seen last so that they can answer all the questions relating to the details of the case against them. If this is not possible it may be necessary to re-interview this person as a result of further information coming to light during the interviews.

To some extent the order of the witnesses may be determined by the availability of the witnesses. However, the Investigating Officer should try and plan the interviews in a reasonably logical order.

The person making the allegation or raising the issue should be interviewed first but it may be necessary to re-interview them again later on in the light of further information coming to light during the interviews with witnesses.

What Does the Investigating Officer Require

Time

The amount of time required to undertake an investigation is frequently underestimated by Investigating Officers at the outset. Please be realistic when doing this. The timescale will depend on the complexity of the matter under investigation, the availability of witnesses and relevant documents, the level of experience of the Investigating Officer and the seriousness of the allegation.

Frequently, further allegations come to light during the investigation, which means that the investigation becomes more complex and takes more time to conclude. In this case the Investigating Officer shall ensure that all interested parties are kept informed of the new timescales.

Resources

If the Investigating Officer is required to interview witnesses, they will need access to a room, the use of a note taker/typist and confidential storage.

CONDUCTING WITNESS INTERVIEWS

The terms of reference will detail the methodology of an investigation. This may include a review of any relevant documentation and witness interviews. Managers should ensure that witnesses understand the seriousness of the investigation and in particular do not speak about the investigation to anyone other than those officers involved in conducting the investigation.

It should be explained to the witness at the start of the interview that any statement that they make as part of the investigation may be used in formal action under the Council's policies and procedures at a later date. Every effort should be made for witnesses to attend Hearings in order that examination or cross-examination can take place. If witnesses are unable to attend a Disciplinary Hearing, then the Disciplinary Officer/Chair will have the authority to decide what weight can be given to the witness statements and whether they can be accepted in evidence.

These interviews should be: -

- Structured, with full notes taken, to be typed as soon as possible after the interview has taken place.
- Held in a confidential environment.
- With one interviewee at a time. If an employee is to be accompanied during the interview, the companion should be someone who is not a potential interviewee, as this would 'contaminate' evidence.

During the investigation, the Investigating Officer may be privy to the potential use of or reference to confidential information and this could include reference to service users or clients. There is potentially a conflict between the need to protect the confidentiality of any client information and natural justice in providing the employee with access to information, which either supports the allegation made or alternatively provides the employee with information to support their version of events.

The Investigating Officer should note why each witness has been interviewed and what their relationship is with any of the main parties to the investigation. To aid consistency, all participants should be given the same introduction as to the reasons why they are being interviewed. This introduction should explain: -

- Who the Investigating Officer is.
- The context of the interview (particularly if it is taking place under the auspices of a disciplinary or grievance procedure).
- For what purposes the statement will be used.
- The meaning of confidentiality in this context.
- How and when they can expect to see and review their statement.

Investigation Interviews

Questioning Techniques

The Investigating Officer has a set of questions to be asked and information to gather. The interview should be structured to ensure that all the relevant information is obtained from the relevant people. Normally during an investigation, further evidence will be uncovered which was not included in the Investigating Officer's original line of enquiry. This may mean that they need to re-interview a number of employees to find out their perception of an incident/event or whether they witnessed a specific event.

Even though the Investigating Officer may find that employees are using unspecific terms such as 'bullying' or 'inappropriate behaviour' they should not accept these without further questioning. The employee should be asked to give specific examples of such behaviour, including dates and times if possible, to support what they are saying.

Wherever possible, open questions should be used to encourage the witness to provide as much information as possible. These are questions that start with who, what, where, when, why, how, etc. Closed and probing questions may be used to seek clarity, if required.

To reinforce the idea that what the Investigating Officer is looking for is the interviewee's perception on the incident, or sequence of events, the following phrases may be useful.

- In your own words.....
- Tell me about
- Describe to me
- Give me an example of
- How did it make you feel?

Leading questions should be avoided, such as 'Would you describe Mr. Bloggs as aggressive or sarcastic?' 'You did everything you could to be supportive, did you?' The reason for this is that the Investigating Officer must on no account influence the interviewee's account of what happened as this could lead to a flawed and biased investigation.

It is important that the questions that are asked reflect what the Investigating Officer has gathered as a result of other interviews and reviews of any other evidence. This will help in evaluating the evidence at the end of the process.

At the end of the interview, the Investigating Officer should have gathered the following information.

- The names of those involved that the witness is aware of.
- The date and time of any alleged incidents.
- Details of what took place, in the order that it took place.
- How the witness reacts to any evidence that is inconsistent with their account of what happened.
- How the employee felt after the incident(s).
- Any steps that the employee has taken to try and resolve the situation, if appropriate.
- What the employee's preferred solution is, if appropriate.

Notes

It is vital that notes are taken contemporaneously, in case the Investigating Officer's recollection is later called into question. It can be very useful to record responses under the question that has been asked.

However, this is not always possible if the interview goes 'off track' and the interviewee gives very long responses to the questions.

Wherever possible a note taker should accompany the Investigating Officer. It may be that for particularly sensitive interviews, the note taker is not present, particularly if the witness objects. The note taker is bound by the same rules of confidentiality as everyone else involved in the investigation.

The notes should be typed up as soon as possible after the interview and sent out to the witness for signing. Two copies of the notes should be sent out, one for the employee to keep and one to be returned to the Investigating Officer. Employees are able to make small changes to the notes, for points of clarification, accuracy, etc but if the witness disagrees fundamentally with the notes of the interview, and the Investigating Officer does not agree with the witness' version, the witness may refuse to sign the notes of the interview. In this circumstance, both sets of notes should be submitted to evidence and the fact that the notes were not signed off recorded in the investigation report.

Preparing Witness Statements

A witness statement should record the facts as stated by the witness at the interview, written (within reason) in the language that they used, following the train of events as they experienced them. If, when preparing the statement, a gap in the information is identified or there is ambiguity in what has been recorded, then the witness should be asked to clarify the situation rather than someone else putting their own interpretation on the events. The witness should be asked to sign and date the statement and in doing so they are confirming that it is a true and accurate version of events.

Witnesses should not be coerced into signing a statement if they are unhappy with it, they may ask for modifications before they are happy to sign it.

If a witness who is reluctant to participate in the investigation also refuses to sign a statement then the Investigating Officer can either omit the statement, or include it making it clear that it is an unsigned (and therefore unvalidated) statement. This will usually be given less weight at the hearing and any subsequent Employment Tribunal.

SECTION 4 – DISCIPLINARY HEARINGS

The procedure to be followed at a Disciplinary Hearing is detailed below: -

1. At the commencement of the hearing, the Disciplinary Officer/Chair hearing the case will introduce the parties present and their role, outline the procedure to be followed and will confirm that all parties understand the procedure.

NB: if the employee is not represented at the Disciplinary Hearing, they should be reminded of their right to be accompanied.
2. The Disciplinary Officer/Chair hearing the case will detail the allegations against the employee and explain that the purpose of the hearing is to consider whether any disciplinary action should be taken in accordance with the Council's disciplinary procedure.
3. At any stage during the hearing the Disciplinary Officer/Panel will be able to question any of the parties present.
4. The Investigating Officer will detail the case against the employee concerned. The employee, their representative and the Disciplinary Officer/Panel hearing the case can ask questions.
5. The Investigating Officer will call witnesses, as appropriate, to provide evidence in support of the allegations against the employee.
6. The employee or their representative will be able to ask questions of the Investigating Officer and any witnesses.

7. Each witness will leave the room after giving their evidence.
8. Steps 5 - 7 will also be adopted in relation to the employee or their representative's presentation of their evidence.
9. If matters come to light during a Disciplinary Hearing which require further investigation consideration should be given to either: -
 - a. adjourning the Disciplinary Hearing to enable further investigation to be carried out **or**
 - b. deciding whether the investigation should be dealt with separately and if required a separate Disciplinary Hearing convened.
10. After both parties have provided their evidence, the Investigating Officer and the employee or their representative will be given the opportunity to sum up detailing the main points of their respective cases. The Investigating Officer will sum up first. No new evidence can be submitted at this stage.
11. Following the summing up stage, all parties will withdraw leaving only the Disciplinary Officer/Panel authorised to make the final decision and the Human Resources Advisor.
12. In making their decision, the Disciplinary Officer/Chair can, if required, recall any of the parties, including witnesses, involved to clarify any areas of misunderstanding or doubt. If one party is recalled, then the other party must be present to hear any questions and the answers provided.
13. When deciding whether a disciplinary penalty is appropriate and what form it should take, the Disciplinary Officer/Panel should consider whether the Council's policies and procedures indicate what the likely penalty will be for this particular misconduct if proven, the penalty imposed in similar cases in the past, the employee's disciplinary record (but not expired warnings), general work record, work experience, position and length of service, any special circumstances which might be appropriate to adjust the severity of the penalty and whether the proposed penalty is reasonable in view of all the circumstances.
14. The decision should be communicated in writing to the employee as soon as reasonably practicable after the Hearing. If a disciplinary penalty is imposed, the employee will be informed that they have a right of appeal. A copy of the notes (not verbatim) will also be included with this correspondence.

SECTION 5 - APPEAL HEARINGS

The procedure to be followed at an appeal review hearing is detailed below: -

Appeal Review Hearing

1. At the appeal any disciplinary sanction imposed will be reviewed and it may remain the same or be decreased.
2. At the commencement of the appeal review hearing, the Appeals Officer/ Chair of the Appeals Panel hearing the case will introduce all parties present, outline the procedure to be followed and will confirm that all parties understand the procedure.
3. The employee or their representative will detail the grounds of appeal against the decision made at the original disciplinary hearing. The Disciplinary Officer/Chair of Disciplinary Panel who made the decision at the original disciplinary hearing can ask questions of the employee. The Appeals Officer/ Panel can ask questions of the employee.
4. The Disciplining Officer/Chair of the Disciplinary Panel will present to the Appeals Officer/Panel the reasons for the decision that was made at the original disciplinary hearing. The employee or their representative can ask questions of the Disciplinary Officer. The Appeals Officer/Panel can ask questions of the Disciplinary Officer.

5. After both sides have provided their evidence, the employee or their representative will be given the opportunity to sum up detailing the main points of their case. The Disciplinary Officer/Chair of the Disciplinary Panel representing the Council will be given the opportunity to sum up the main points of their case.
6. Following the summing up stage, all parties will withdraw leaving only the Appeals Officer/Panel authorised to make the final decision and the Human Resources Advisor. Officers who are acting as 'expert witnesses' to the case may also remain in the room at the request of the Appeals Officer/Panel. However, they will not take part in the decision making process.
9. The Human Resources Advisor will only be present to provide advice on policy and procedure. They will not take an active part in formulating a decision on the case.
10. In making their decision, the Appeals Officer/Panel can, if required, recall any of the parties involved to clarify any areas of misunderstanding or doubt. If one party is recalled, then the other party must be present to hear any questions and the answers provided.
11. The decision should be communicated in writing to the employee as soon as is reasonably practicable. The decision of the appeals review hearing will be final. A copy of the notes (not verbatim) will also be included with this correspondence.

Appeal Re-hearing

The procedure to be followed at an appeal re-hearing is detailed below: -

1. At an appeal re-hearing any disciplinary sanction imposed will be reviewed in the light of new evidence becoming available. As a result of this the sanction may remain the same or be decreased. As a result the re-hearing will follow the process outlined below.
2. At the commencement of the appeal re-hearing, the Appeals Officer/Chair of the Appeals Panel hearing the case will introduce all parties present, outline the procedure to be followed and will confirm that all parties understand the procedure.
3. The Appeals Officer/Chair of the Panel hearing the appeal should ask the employee to outline the grounds of their appeal.
4. At any stage during the re-hearing, the Panel will be able to questions any of the parties present.
5. The Disciplinary Officer/Chair of the Disciplinary Panel will outline the case against the employee. The employee or their representative and the Appeals Officer/Panel can ask questions of the Disciplinary Officer/Chair of the Disciplinary Panel.
6. The Disciplinary Officer/Chair of the Disciplinary Panel can call witnesses, as appropriate, to provide evidence in support of the case.
7. The employee or their representative and the Appeals Officer/Panel can ask questions of the witness(es) and will be given an opportunity to comment on any new evidence that has arisen during the appeal hearing prior to any decision being taken.
8. Each witness will leave the room after giving their evidence.
9. Steps 6 – 8 **will** also be adopted in relation to the employee or their representative's presentation of their evidence.
10. After both parties have provided their evidence, the Disciplinary Officer/Chair of the Disciplinary Panel will be given the opportunity to sum up detailing the main points of the case. The employee or their

representative will be given the opportunity to sum up the main points of their case. No new evidence can be submitted at this stage.

11. Following the summing up stage, all parties will withdraw leaving only the Appeals Officer/Panel authorised to make the final decision and the Human Resources Advisor. Officers who are acting as 'expert witnesses' to the case may also remain in the room at the request of the Appeals Officer/Panel. However, they will not take part in the decision making process.
12. The Human Resources Advisor will only be present to provide advice on policy and procedure. They will not take an active part in formulating a decision on the case.
13. In making their decision, the Appeals Officer/Panel can, if required, recall any of the parties involved to clarify any areas of misunderstanding or doubt. If one party is recalled, then the other party must be present to hear any questions and the answers provided.
14. The decision should be communicated in writing to the employee as soon as is reasonably practicable. The decision of the Appeals Panel will be final. A copy of the notes (not verbatim) will also be included with this correspondence.

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POLICY AND RESOURCES SCRUTINY COMMITTEE – 14TH JULY 2015

SUBJECT: DRAFT SOCIAL MEDIA POLICY

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151
OFFICER**

1. PURPOSE OF REPORT

- 1.1 The report is seeking the views of Members prior to its presentation to Cabinet for approval for the introduction of a Social Media Policy for the employees of Caerphilly County Borough Council.

2. SUMMARY

- 2.1 The report brings forward a Social Media Policy to provide guidelines to employees on using social media in both their private and professional lives, having regard to the high standards of conduct expected of Local Government Officers and to protect officers from potential misunderstandings and confusion.

3. LINKS TO STRATEGY

- 3.1 The Policy links to the People Management Strategy and therefore to all other strategies, including the Council's Strategic Equality Plan and supplementary guidance. The Council relies on employees to deliver all its strategies and service provision.

4. THE REPORT

- 4.1 The advancement of technology has led to a significant increase in the use of social media applications. Social media is the term used for online tools, websites and interactive media that enables users to interact with each other sharing information, etc. It can take many forms for example blogs; wikis; social networks; forums; podcasts; and content communities. This includes social networking sites and other sites that are centred on user interaction e.g. Facebook, Twitter, LinkedIn, You Tube, WhatsApp, Instagram, Snapchat, Flickr, icloud or Dropbox. This is not an exhaustive list. These websites may be accessed by PCs, tablets or mobile phones both inside and outside of the workplace.
- 4.2 Officers of the Council are of course free to use social media in their own time, but where Officers are identified directly or indirectly as a Council employee using social media in a personal capacity it is expected that they behave appropriately and in line with the Council's policies and values. Any inappropriate online activity will be a matter of concern for the Council.
- 4.3 The Council's Code of Conduct and Whistleblowing Policy refer to the standard of behaviour required by our employees and these rules apply to employees' conduct online.

- 4.4 The Council's Disciplinary Procedure has been used increasingly to address misconduct that is alleged to have arisen as a result of an employee's online conduct.
- 4.5 Currently, the Council does not have any guidance for employees in relation to their online conduct. The lines between public and private lives, personal and professional matters are hazy in online social networks. This policy and the guidance is intended to clarify the responsibilities of employees both inside and outside of work when using social media.
- 4.6 When using social media it is important that all data protection and information governance issues and legislation are adhered to. The policy details where employees are able to find further information on these areas.
- 4.7 A number of the Council's employees use social media on behalf of the Council to promote the Council's services and to consult with the residents of the borough. The Council operates a Facebook page, a Twitter account, You Tube, Flickr and Instagram.
- 4.8 The Council has a responsibility to ensure that it has a policy in place to investigate the disputed accuracy of posts and remove any posts that are found to be inaccurate or inappropriate on its social media sites.
- 4.9 Corporate Management Team (CMT) has agreed that employees are able to view the Council's social media sites within the workplace for up to a maximum of 30 minutes each day and this will be notified to employees via the HR Support Portal. Even though employees are able to access social media sites within the workplace they should always bear in mind that work based priorities will always take precedence.
- 4.10 The Policy is intended to cover employees' use of social media both on behalf of the Council and in their private lives in relation to what they should or should not say about their employment with the Council. It also provides Guidance to Managers on how to deal with these situations and how to provide support to anyone who has comments made about them on social media sites. A copy of the draft policy has been attached at Appendix 1. Training is already provided to employees who use social media on behalf of the Council so that they are aware of the appropriate standards of behaviour expected of them.
- 4.11 Advice on the policy has been sought from Information Technology, Communications and the Corporate Information Governance Unit and their comments have been included within the policy.
- 4.12 The Council's recognised trade unions have been consulted on the policy and the majority of the feedback has been included in the final draft of the policy, which is attached at Appendix 1. The one area that has not been included is where the trade unions were concerned whether an employee could be held responsible for their comments if they had not identified themselves as working for the Council. However, legal advice suggests that if it is reasonable for the comments to be attributable to the employee and identifies them as an employee of the Council then they can be held liable for their actions.
- 4.13 The new policy will be placed on the Council's HR Support Portal and employees will be made aware of the new policy via an all user email to employees and Managers. Managers of employees who do not have access to the Council's email system or Intranet will be asked to make their employees aware of the new policy.
- 4.14 The Council has the option whether to introduce the policy or not but by its introduction, it is helping to provide guidance to employees on the standards expected of them, thus hopefully avoiding any future disputes about employees not being aware of what they can and cannot do in relation to social media. This will also reinforce the standards of behaviour expected of Local Government Officers as detailed in the Council's Code of Conduct for Officers. It also provides guidance to Managers on dealing with any misuse of social media that is brought to their attention.

- 4.15 The policy will apply to all employees except those employees directly employed by schools. For the policy to apply to schools each School Governing Body is required to adopt the policy. The HR Team will facilitate this process via agreed consultation process for school policies.

5. EQUALITIES IMPLICATIONS

- 5.1 The Senior Policy Officer (Equalities and Welsh Language) has been consulted on the introduction of this policy. A number of Equalities and Human Rights issues were raised and discussed during the drafting of the policy and the results of those discussions are reflected in the final policy being presented here.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications attached to the introduction of this policy.

7. PERSONNEL IMPLICATIONS

- 7.1 There are no personnel implications attached to the introduction of this policy.

8. CONSULTATIONS

- 8.1 All consultation responses are included in the report.

9. RECOMMENDATIONS

- 9.1 Scrutiny members are asked to consider the contents of the report and make a recommendation to Cabinet to adopt the policy.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 The recommendation is made to support the Council to introduce a Social Media Policy that will provide guidelines to employees on using social media in both their private and professional lives, having regard to the high standards of conduct expected of Local Government Officers and to protect them from misunderstandings and confusion.

11. STATUTORY POWER

- 11.1 Local Government Act 1972
Local Government Act 2000
Employment Rights Act 1996
Data Protection Act 1998

Author: Susan Christopher, Principal HR Officer
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David Thomas, Senior Policy Officer (Welsh Language and Equalities)
Joanne Jones, Corporate Information Governance Manager
HR Strategy Group
Councils recognised Trade Unions

Appendices:

Appendix 1 Draft Social Media Policy

Draft Social Media Policy

Version of Policy	Version 1
Draft Number:	10
Policy Ratified By:	Cabinet
Date Ratified:	
Effective Date of Policy:	
Review Date:	2016
Applicable To:	All Caerphilly employees except employees directly employed by Schools unless the School Governing Body has adopted the Policy, Workers and Contractors.
Equalities Issues:	All Equalities considerations have been taken into account when drafting this Scheme.

The Council's recognised trade unions have been consulted on this Scheme.



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INTRODUCTION

1. Social media is a term for websites or smartphone applications based on user participation and user-generated content.
2. Social media is the term used for online tools, websites and interactive media that enables users to interact with each sharing information etc. It can take many forms for example blogs; wikis; social networks; forums; podcasts; and content communities. This includes social networking sites and other sites that are centred on user interaction e.g. Facebook, Twitter, LinkedIn, You Tube, WhatsApp, Instagram, Snapchat, Flickr, icloud or Dropbox. This is not an exhaustive list. If you are in any doubt as to whether you are able to use a particular site, please check with your Line Manager.
3. Our Code of Conduct refers to the standard of behaviour required by our employees. The same rules that apply to your actions in general, as found in the Code of Conduct, apply to your conduct online.
4. Officers of the Council are free to use social media in their own time, but where officers are identified directly or indirectly as Council employee using social media in a personal capacity it is expected that they behave appropriately. Any inappropriate online activity may lead to formal disciplinary action being taken against you.
5. The lines between public and private lives, personal and professional matters are hazy in online social networks. This guidance covers the responsibilities of employees both inside and outside of work.
6. This Policy must be read in conjunction with all relevant Council policies and procedures, data protection training and all relevant legislation. Copies of all the Council's policies and procedures are available on the HR Support Portal, from HR or your Line Manager. Further information on the use of social media can also be sought from the Information Commissioner (ICO) at <http://ico.org.uk>. Employees, who use Social Media on behalf of the Council, will be provided with detailed guidance on using it in line with the advice published by the ICO. If you do not adhere to the ICO code, it could result in the Council being fined for non-compliance, so it is important that you read the guidance for using social media. A copy of the detailed guidance is attached at Appendix 1. Employees must also check any processes relevant to social media within their Service Area.
7. The Council has a responsibility to ensure that it has a policy in place to investigate the disputed accuracy of posts and remove any posts that are found to be inaccurate or inappropriate on its social media sites.
8. Social media is not an appropriate place to raise concerns; employees should raise these in line with their line manager or the Council's Whistleblowing Policy.

WHAT THE POLICY COVERS

9. The Policy covers employees' use of social media both on behalf of the Council and in their private lives in relation to what they can and cannot say which reflects upon their employment with the Council.

DETAIL OF THE POLICY

Using Social Media Outside Work

10. The personal image you project in social media may adversely reflect on the image of the Council. Therefore you should:

(a) **Show yourself in your best light**

By identifying yourself as a Council employee within a social network, you are now connected to your colleagues, Managers and often residents and the rest of the world. You should ensure that content associated with you is appropriate and does not release any confidential information about your work with the Council. Make sure that your online activities do not interfere with your work nor could be perceived as having a negative impact on your employment or commitments to the Council and its residents.

(b) **Think Twice**

You should use mature discretion in all personal communications in social media.

When using social media for personal purposes, you must not imply you are speaking for the Council. You must always be mindful of the Council's Code of Conduct and the standards and conduct expected of you as a Local Government employee.

Avoid use of the Council e-mail address, logos or other Council identification. Make it clear that what you say is representative of your personal views only. Where possible, include a standard disclaimer, such as: "Views here are my own and may not represent my employer". Be aware that the things that you post can link you back to being an employee of the Council even if you have not referred to it specifically in your posts.

Be sensible about disclosing your personal details as this may put you at risk. The background information you choose to share about yourself, such as information about your family or personal interests, may be useful in helping establish a relationship between you and your readers, but it is your decision to share this information. By revealing certain details you might be more vulnerable to identity theft. You have a responsibility for safeguarding your social media content and you should check the security settings on your social media forums. Social network profiles are not always as secure as you think they are, check the settings. Even if your privacy settings are turned on you must not discuss anything that could be classed as confidential information with anyone online even if they are a colleague.

Be extremely careful when receiving friend requests on social media forums from service users or family members of service users, students, contractors, etc. Exercise professional judgement when accepting these requests. Relationships with service users, their families, contractors, etc must be declared on a Register of Employees' Interests Form.

Don't forget that you are not allowed to check social media for personal purposes during working time.

Remember that there may be consequences to what you publish.

(c) **Know your obligations**

You must comply with other Council policies when using social media. For example, you must ensure that you do not breach Council confidentiality and information policies.

You must be mindful of the Council's confidential information and it must be protected. If you have any queries on this, please contact the Corporate Information Governance Unit.

Avoid being defensive. When you see inaccuracies or damaging information published about the Council seek advice from your Line Manager or the Communications Unit.

Be the first to correct your own mistakes and don't alter previous posts without indicating that you have done so. In a blog, if you choose to modify an earlier post, make it clear that you have done so.

If you leave the Council's employment, the confidentiality requirements of your employment also extend to your use of social media.

(d) Show respect to all

You should be respectful of the Council and your fellow employees. Be aware that people are entitled to their views. Derogatory and discriminatory comments are always wrong because of the impact and upset they can cause for colleagues.

Be prepared for a two-way conversation. You must make sure that what you say is fair and factual and avoids unnecessary or unproductive arguments.

Guidance To Using Social Media For Communication At Work

11. We encourage open conversation with residents and businesses. We believe in dialogue between employees and between employees and our residents and all other interested parties wherever they are. All Caerphilly Council sites will be instantly recognisable as being owned and managed by Caerphilly County Borough Council. The Council's Communications Unit will advise and support on all aspects of branding to ensure consistency in approach on corporate branding standards.
12. Such dialogue is crucial in our effort to engage with people and to support our values of openness, fairness, flexibility and teamwork. Social media should be used in a way that adds value to the Council's business. For example it is adding value
 - if it helps you, your co-workers, our residents or our partners to perform well and solve problems;
 - if it enhances services, processes and policies;
 - if it creates a sense of community; or
 - if it helps to promote our aims.
13. We expect you to exercise personal responsibility whenever you participate in social media as part of your duties.
14. This includes not breaching anybody's trust and confidentiality. Be sure that you are presenting accurate information and ensure nobody is misled.
15. Each tool and medium has proper and inappropriate uses. While we encourage all employees to join in conversations, it is important to understand what is recommended, expected and required when you discuss Council-related topics. If the conversation is about a work related topic, you are expected to use your Council email address to ensure that other members of the conversation are aware they are responding to a Council employee. This will also prevent any Council information being passed to unsecure private email addresses.

16. Don't use any social media tool without proper consideration. The IT Security and Communications Unit can offer support and advice on the steps to follow and the paperwork to be completed.
17. Caerphilly County Borough Council reserves the right to monitor the use of all electronic devices owned by the Council, and to monitor all Council social media applications as utilised by employees if it has a valid reason for checking. Such monitoring is covered by the Council's Information Technology Security Policy and is permissible under Article 8 of the European Convention on Human Rights and 10 of the Human Rights Act 1998. By using social media on behalf of the Council, you agree to the Council, as your employer, accessing and monitoring your social media activity. The monitoring and accessing of employees' social media applications will be undertaken in line with the Data Protection Act 1998.

As A User On Behalf Of The Council

18. You should:
 - a) Not use any social media tool for Council business unless you have received appropriate training and you have the appropriate permissions to do so.
 - b) Abide by the Code of Conduct in all situations. If you have any uncertainty about publishing something online, and you are unsure if something you want to publish is appropriate, seek advice from your Line Manager and the Council's Communications Unit. If you as an employee are found to have posted something inappropriate, inside or outside work, the disciplinary procedure may be invoked. Examples of inappropriate behaviour are contained in Appendix 2. If in doubt, don't do it!
 - c) Declare yourself. Some bloggers and social media users work anonymously, using pseudonyms. We discourage this in blogs or other forms of online participation that relate to the Council.

We believe in transparency and honesty. If you are talking about your work, you must use your real name, be clear who you are, and identify that you work for the Council.

If you have a vested interest in something you are talking about, ensure you have made this clear. What you publish may be on the Internet indefinitely so consider the content carefully.
 - d) Follow copyright and data protection laws. For the Council's protection as well as your own, it is critical that you stay within the legal framework and be aware that libel, defamation, copyright and data protection laws apply.

Ask permission to publish or report on conversations that were private or internal to the Council. Be aware that content on social media websites may be subject to Freedom of Information Act 2000 requests.
 - e) Add value. Our reputation is made up in a large part by the behaviour of employees and everything you publish reflects on how we are perceived.

When acting on behalf of the Council, handle offensive comments swiftly and with sensitivity. If a conversation turns and becomes offensive in terms of language or sentiment, make sure you inform your audience exactly why you have removed the comment.

A few sentences should do, along the lines of: "This comment was removed because moderators found the content offensive. I will respond to your comments but please respect the views of everybody who comes here."

Caerphilly's County Borough Council's Protocol For Social Media Use

19. If you already use social networks or blogs for personal use and you have indicated in any way that you work here, you should add a disclaimer that states that opinions on this site are your own.
20. If you want to start a social network or blog for Council purposes such as participation, engagement and consultation about the Council, you should tell your Manager and consult with the Communications Unit. This will ensure you gain the necessary information to do so effectively.
21. You must produce a business case including details of:
 - What you wish to communicate or learn and your target audience.
 - Your aims for the social network or blog and why you think a social network or blog is the right platform for communicating your messages.
 - What other channels of communication you will use to support your use of social networks.
 - How many times a day you intend to update/check the social network or blog.
 - Which other officers will have access to edit the social network or blog when you are unable to update it due to sickness/annual leave.
 - How you intend to keep records of the data that you post onto your social media site or blog.
 - Your commitment to updating the social network or blog to clearly state when you no longer work for the authority or handing over the site to the person who takes over your role.
 - Your commitment to reviewing the social network or blog and providing your Manager and the Communications Unit with data to ensure the social network or blog is being used effectively.
 - Content should be reviewed regularly.
22. Remember that if you break the law using social media (for example by posting something defamatory), you may be personally responsible.
23. If a journalist contacts you about posts you've made using social media you should not comment initially and speak to your Line Manager and the Communications Unit before responding.
24. All information you post when using social media on behalf of the Council is subject to the Freedom of Information Act 2000.
25. All information created as part of your job role constitutes a Council record and is evidence of the Council's work, and may be needed for reference by others in future.
26. All information is subject to a retention period, specifying how long it must be kept.
27. You must notify your Line Manager if
 - you feel that you or someone else is subject to abuse by colleagues through use of a social networking site, which has some reference to either parties being engaged by the Council.

- you receive a request for information that has not previously been published as this could be deemed to be a Freedom of Information request and as such should be logged by the Corporate Information Governance Unit.
- you become aware that any information has been shared inappropriately.

This duty to notify your Line Manager (whistleblow i.e. to report illegal improper or unethical matters that you see) is contained within the Council's Whistle blowing Policy. This duty is particularly important where you see something unacceptable in relation to children or vulnerable adults. When making a disclosure under the Council's Whistle blowing Policy, the procedure laid down must be followed prior to the release of any information into the public domain. If the disclosure is not made following the process laid down under the Council's Whistle blowing Policy then you may not be covered by the protection given by the Policy.

Guidance For Managers

28. Under these guidelines Managers in each area will decide what is appropriate in conjunction with advice and guidance from the Communications Unit. They should not adopt an unnecessarily restrictive approach but be mindful of the potential risks when using social media. If a Manager feels that there has been any potential disciplinary offence committed, they should seek advice and guidance from their HR. As social media pages are classed as personal data, there is a need to be mindful of the Data Protection Act 1998 when storing, accessing and sharing this information. Managers should give thought to whether there is a less intrusive way of obtaining the information prior to accessing an employees' social media pages and must seek relevant advice from HR.
29. Managers should ensure that any special instructions relating to their Service Area are reasonable and explained clearly to employees and that they are understood by all. Managers should also ensure that employees who use social media as part of their job role are trained in its use and are aware of what is and is not appropriate behaviour.
30. Managers should bear in mind concerns about impartiality, confidentiality, conflicts of interest or commercial sensitivity.
31. In some cases individuals may be dealing with matters, which are so sensitive that rules may have to be set on what they can and cannot talk about using social media.
32. Managers should also have a duty to support any employee who is subject to disparaging comments or abuse via social media websites. If you become aware of this you should refer the matter to your HR Business Partner Team and ensure that the employee is provided with the details of the Council's Employee Assistance Programme ([Care First](#)). If you feel that misconduct has taken place, you should refer the matter to your HR Business Partner Team for further advice and guidance on dealing with the incident. If a Manager becomes aware of cyber bullying and does not take any action to deal with it, the Council may be held as being liable so it is important that the matter is treated seriously and appropriately.
33. If a Manager becomes aware of inappropriate use of social media by employees or a complaint about the use of social media, they must first contact their HR Business Partner Team for advice. This may result in the disciplinary procedure being invoked and the Manager undertaking a disciplinary investigation into the employee's alleged activity on social media applications. In any cases of potential disciplinary action, the harm and scale of the harm on the individual or the Council must be considered.
34. Managers must also ensure that they check the Council's Data Protection notification to the ICO's Office (found at www.ico.org.uk) to make sure that their Service Area's use of social media is covered.

INTERPRETATION OF THE POLICY

35. In the event of a dispute relating to the interpretation of this policy the Head of Workforce and Organisational Development or the Human Resources Service Manager will make the final decision on interpretation.

REVIEW OF THE POLICY

36. A review of this policy will take place when appropriate. Any amendments will be consulted on with all the relevant parties. However, in the case of amendments relating to legislative requirements, the policy will be amended and reissued.

JULY 2015

CCBC Acceptable Use Policy for Social Media

The Council has a range of social media channels which we invite people to like or follow us on. They provide information on news, events, jobs, leisure, parks and much more for citizens, businesses and visitors.

We also provide alerts and updates on service changes and disruptions, events, publicity campaigns and consultations etc.

Most online communities have their own rules which we will always follow. We reserve the right to remove any contributions that break the rules of the relevant community, or which are not in line with the following general guidelines:

- be civil, tasteful and relevant.
- do not post messages that are unlawful, libellous, harassing, defamatory, abusive, threatening, harmful, obscene, profane, sexually oriented or racially offensive.
- do not swear.
- do not post content copied from elsewhere, for which you do not own the copyright.
- do not post the same message, or very similar messages, more than once (also called "spamming").
- do not publicise your or anyone else's personal information, such as contact details.
- do not advertise products or services.
- do not impersonate someone else.
- the Council reserves the right to restrict or remove any content that is deemed in violation of this social media policy or any applicable law.

Monitoring Accounts, Responding and Replying

We are embracing new technology and social media platforms as an integral part of our Council communication. We recognise the opportunities that social media can deliver in terms of engaging with our citizens using their preferred communication tools and creating greater two-way conversation and engagement.

We monitor our main CCBC Twitter and Facebook accounts Monday - Friday 9am to 5pm (except Bank holidays and public holidays). If you contact us via these channels during these times we will reply as soon as possible but there could be delays on some requests whilst we investigate, but we will keep you updated. Posts may not immediately appear outside of these hours.

If your query is urgent please contact the Council's Out of Hours emergency number on 01443 875500. You can also get in touch using online forms that can be found on the Council's website – www.caerphilly.gov.uk

Deleting Posts

Generally, we will not remove posts that are made on our social and digital media channels, however we will consider removing posts or blocking users or accounts that breach the guidelines outlined above, without any explanation.

Equally to maintain the Council's reputation we may moderate comments before they are published to our social media channels or even delete a post should it be inappropriate.

Liking, Following, Sharing and Re tweeting

Please don't be offended if we don't 'Like' or 'Follow' you on social media. This doesn't mean that we are not interested in what you have to say, it's just that the numbers can get too high for us to manage.

We sometimes follow or like people who provide information that is relevant to our work as a local authority (for example central government accounts, local media, and our partners) or those whose information we can pass on for the benefit of many people.

Occasionally, we'll try and lend our support to local and national campaigns. There will also be times we'll need to like or follow an account in order to take part in conversations.

If we like or follow someone, retweet or share their information, it doesn't mean that we endorse them.

We try and share or retweet information that we think will be of interest to our followers, however please don't be offended if we don't retweet something you want us to.

As a trusted organisation, any sharing of information could be seen as endorsement of a particular view, individual or organisation, and it's important that we remain impartial and protect the Council's reputation.

Defamation

Please take care not to make defamatory statements. In law this means a statement that lowers the reputation of a person or organisation in the eyes of a reasonable person. We will therefore take down any statement that could be deemed to be defamatory.

Pre-Election Period

The Council itself, as opposed to its political administration, must be politically neutral in its communications. Therefore, please do not use any of our pages to promote party political messages or other content.

This is a particularly sensitive issue in the run-up to an election - local, general or European - and we need to be mindful of how content may be perceived (regardless of what was intended).

The Council will continue to publish important service announcements using social media but may have to remove any comments that, in its view, may compromise its obligation to maintain political neutrality.

Comments, Compliments and Complaints

If you have a concern about something posted on a page that the Council is responsible for, you should contact the relevant Service Area or contact the Council's Communications Team which can either deal with your issue or identify and contact the profile 'owner'.

We monitor our main CCBC Twitter and Facebook accounts Monday - Friday 9am to 5pm (except Bank holidays and public holidays). If you contact us via these channels during these times we will reply as soon as possible but there could be delays on some requests whilst we investigate, but we will keep you updated.

Please note:

You should not rely on a social media platform itself to raise serious concerns. Not all platforms will be monitored continuously, especially outside normal working hours.

Our responses to replies, comments and direct messages depend on the individual service

Unless stated otherwise the views/comments given on any of our social media sites may not necessarily reflect the views of CCBC.

Privacy

Any details you provide to register with the Council for social media such as Twitter and Facebook will only be used for that purpose. We do not cross reference these details with any other information held by the Council.

DEFINITIONS OF INAPPROPRIATE BEHAVIOUR

The following actions may constitute inappropriate behaviour but it is by no means exhaustive.

- Using a site/tool for personal gain or to solicit business for personal gain.
- Publishing materials or comments that might be considered inappropriate, offensive, discriminatory or libellous.
- Behaving in a way which is considered to be inappropriate, offensive, discriminatory, libellous or brings the Council into disrepute.
- Publishing materials considered to be defamatory, discriminatory or to the detriment of the council, its partners and/or the public perception of the Council.
-
- Publishing or disclosing data, which could put the Council or its customers or service users at risk.
- Publishing or disclosing personal information provided to the Council..
- Where there is evidence that an employee has misused social media and networking sites or has behaved inappropriately, disciplinary action may be taken in accordance with the Council's Disciplinary Procedure.

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POLICY AND RESOURCES SCRUTINY COMMITTEE – 14TH JULY 2015

SUBJECT: PROPOSED INSPECTION PROGRAMME FOR COUNCIL PROPERTIES

REPORT BY: INTERIM CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 To consider the introduction of regular property and tenancy inspections for Caerphilly Homes.
- 1.2 This report is being presented to the Policy and Resources Scrutiny Committee for consideration and thereafter submitted to Caerphilly Homes Task Group.

2. SUMMARY

- 2.1 The report outlines the existing inspection arrangements and considers the option of introducing more formal arrangements for regular property and tenancy inspections for Caerphilly Homes.
- 2.2 The report highlights the potential benefits of a regular inspection programme to both tenants and Caerphilly Homes.

3. LINKS TO STRATEGY

- 3.1 The Welsh Housing Quality Standard is intended to ensure that all local authority and housing association homes are improved and maintained to achieve specified standards.
- 3.2 The Single Integrated Plan 2013-2017 has a priority to “Improve standards of housing and communities, giving appropriate access to services across the County Borough.
- 3.3 The Council’s Local Housing Strategy “People, Property, and Places” has the following aim:

“To provide good quality, well managed houses in communities where people want to live, and offer people housing choices which meet their needs and aspirations.”

4. THE REPORT

- 4.1 At a recent Policy & Resources meeting Members requested Housing Management pursue the option for introducing regular tenancy inspections to improve the general management of properties, identify support for tenants and to monitor conditions.

4.2 Existing Arrangements

- 4.2.1 The Caerphilly Homes tenancy agreement states that the tenant is responsible for keeping the property, including garages and outbuildings, in a good state of interior decoration, repair and cleanliness. There is also a requirement to keep any garden, yard or forecourt, including hedges, which form part of the property in a cultivated and tidy condition.
- 4.2.2 Detailed property inspections are currently undertaken by Estate Management Officers (EMO's)/Surveyors when tenants notify of their intention to terminate their tenancy, as properties become vacant or when tenants request a mutual exchange or a housing transfer. This equates to detailed inspections being carried out to approximately 15% of the housing stock per annum.
- 4.2.3 EMO's/Surveyors also carry out general visits for other tenancy management purposes, for example when tenants request landlords consent to undertake alterations at the property, chasing outstanding debt, garden inspections or following up on complaints and will identify and report any issues or concerns relating to the property or tenancy during these visits. These issues may be dealt with as a breach of Conditions of Tenancy, or depending on the circumstances for referral to support agencies.
- 4.2.4 Repair Surveyors visit when necessary to inspect for repairs when they are reported by tenants. This could result in visits to approximately 30% (3,500) of the housing stock and again will result in the Surveyors identifying and reporting back to the EMO's any issues or concerns relating to the properties.
- 4.2.5 Tenant Support Officers visit to offer financial guidance and support for tenants who are in rent arrears, impacted by Welfare Reform or to assist those who request financial advice in order to prevent financial hardship. They report back any concerns identified with property conditions to EMO's. Visits are conducted to approximately 2500 properties per annum, which equates to 23% of the stock.
- 4.2.6 Garden inspections are currently undertaken by EMO's during the summer months. This is undertaken proactively whereby tenants receive prior notification of an inspection by letter. Any gardens identified as being unsatisfactory will be recorded and the garden procedure will be implemented. Gardens can also be identified whilst visiting an area for other reasons, or to follow up on complaints.
- 4.2.7 New tenants are visited one month after their tenancy start date by the EMO to ensure they are occupying the property and to provide detailed advice and guidance in relation to their Tenancy Agreement and their responsibility for tenancy conditions and requirements.
- 4.2.8 Annual gas servicing inspections are undertaken as a legal requirement. Although this service is carried out by external contractors, they may provide information to the Housing office if there are any particular concerns in relation to property or tenancy issues, but there is no contractual requirement for them to do so.
- 4.2.9 Currently internal property surveys are carried out in line with the investment programme for the purpose of WHQS improvement works. It is anticipated that Surveyors will visit approximately 3,500 properties per annum to undertake internal and external surveys. This provides a further opportunity for staff to report back to the relevant Housing office if any concerns are identified with property conditions, tenants or members of the household.
- 4.2.10 Estate walkabouts have been held in two neighbourhood housing areas to date. Tenants are invited to join housing officers on a walk to identify any issues with the general environment rather than with individual properties. However, there is potential to identify any problems with garden conditions, or unreported repairs. Further walkabouts are to be arranged.
- 4.2.11 Ad hoc inspections and visits are undertaken by various officers as and when any need is identified or on request as matters arise. This would include Tenancy Enforcement Officers

who attend properties for a variety of reasons often linked to Anti-Social Behaviour, breaches of tenancy or complaints. This would entail officers visiting approximately 1200 properties per annum with any tenancy/property concerns being reported back to the relevant EMO.

4.3 Structured approach

- 4.3.1 Although it is clear from the above information that regular property inspections are undertaken, these tend to be on an ad-hoc basis by different officers and could include repeat visits to some properties although some properties may not be visited at all. It is proposed that a more structured approach is adopted to tenancy inspections for the long term benefit of tenants and Caerphilly Homes and a consistent process introduced to record and monitor any issues raised.
- 4.3.2 A more structured approach of regular tenancy inspections in all properties will enable Caerphilly Homes to encourage the development of better relationships with tenants, support tenancy sustainment, promote tenant involvement and raise tenants' awareness as to their obligations.
- 4.3.3 The inspections will provide data and records of conditions internally and externally at the properties and identify any other tenancy related issues to enable tenant information to be updated on the housing database.
- 4.3.4 Visiting personnel will be able to identify any unreported repair concerns, enquire as to the welfare of the tenant, make referrals or signpost the tenant for any necessary support services or assistance they may need.
- 4.3.5 There will be opportunities for housing staff to work positively with tenants for addressing rechargeable repairs and unauthorised tenant alterations.
- 4.3.6 The inspections will assist the housing staff in getting to know their tenants and confirm who is occupying the properties. There would also be the opportunity for identifying non-occupation, subletting and tenancy fraud concerns.
- 4.3.7 The housing staff will be able to build stronger relationships with tenants and provide potential opportunities for obtaining information for future tenant profiling.
- 4.3.8 As WHQS improvements progress, the inspections will assist in monitoring that these standards are maintained by the tenant and Caerphilly Homes.
- 4.3.9 The inspections will provide an opportunity to further develop the Authority's Accessible Housing Register by ascertaining the level of accessibility of the property for disabled tenants, thereby assisting in the future allocation of properties.
- 4.3.10 There will be a requirement for Caerphilly Homes to notify the tenant giving appropriate notice of its intention to carry out an inspection of the property.
- 4.3.11 A formal procedure and agreed record keeping arrangements will need to be introduced to complement this work so it is consistently applied across the borough.

4.4 Proposed Procedure

- 4.4.1 Due to the number of properties in Council ownership, it is not considered practical to undertake annual inspections to every property utilising existing resources. However, as explained previously, inspections are already being undertaken for a large percentage of our stock on a regular basis and it is therefore proposed that such inspections are carried out in a more co-ordinated way with any issues recorded and actions monitored.
- 4.4.2 The procedure will involve sending out letters to advise tenants that an inspection will be taking place or by making appointments with tenants at the point of contact. However there

are concerns that there may be a number of instances where no access is provided to officers. This will require a follow up procedure which will add delays to the inspection and impact further on staff resources.

- 4.4.3 Continued no access may also have legal implications which again will incur costs and additional delays, but it is considered important that access to such properties is gained and the current Tenancy Agreement makes provision for this.
- 4.4.4 A revised procedure will provide a more co-ordinated approach with all relevant information gathered from inspections being recorded and held on a centralised database within each area office and on the individual property file. Any actions deemed necessary will be progressed and monitored by the relevant Housing Manager.
- 4.4.5 Where any issues are identified, these will be the responsibility of the EMO to address in conjunction with the appropriate service area or support agency. In relation to tenancy or property condition issues, it may be necessary for a further visit to be made by the relevant EMO, who will then be responsible for following the issues through to a satisfactory conclusion.
- 4.4.6 A new procedure is in the process of being developed for dealing with garden related issues to improve the process currently explained under item 4.2.5 which will include improved reporting mechanisms. The condition of gardens may also raise concerns in relation to internal property conditions and where poor gardens are identified, even if there is no answer at the property, a follow up inspection will be arranged to check on other property conditions. A monthly report is also being developed which will be made available to the Cabinet Member for Housing and relevant officers.
- 4.4.7 There will be a need to review our I.T. systems to ensure that any information gathered is accessible and highlights key information to system users to assist them in the way services are delivered.

5. EQUALITIES IMPLICATIONS

- 5.1 Following on from 4.4.7 above, any review of I.T. systems must, under Equalities and Welsh Language legislation, be able to record the full range of protected characteristics and language requirements of all tenants. This is in order to be able to deal with any specific physical requirements regarding the tenancy and any inspection visit, and also around the way we communicate with tenants who have language or format requirements.
- 5.2 This ensures that the proposed inspection programme complies with specific Disability and Language duties under UK and Welsh legislation and the Council's own Strategic Equality Objectives 2 and 4, Physical Access and Communication Access.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications associated with this report.

7. PERSONNEL IMPLICATIONS

- 7.1 There will be a requirement for existing staff within Caerphilly Homes to be made aware of these changes and their responsibilities to consider the issues contained with this report as part of their normal day to day duties.
- 7.2 The additional workload may have an impact on the performance of other routine housing management tasks and this will be monitored.

7.3 These inspections will be regarded as part of the existing roles and responsibilities of the officers concerned.

8. CONSULTATIONS

8.1 There are no consultation responses that have not been reflected in this report.

9. RECOMMENDATIONS

9.1 That consideration is given to pursue the introduction of regular property inspections for all Caerphilly Homes tenants as under item 4.4.

9.2 That implementation of the proposal be reviewed and further annual reports be submitted to the Caerphilly Homes Task Group in order to monitor progress and evaluate the success of the procedure.

10. REASONS FOR THE RECOMMENDATIONS

10.1 To improve tenant/landlord relationships and ensure properties are maintained to an acceptable standard.

10.2 To raise tenant awareness and promote full compliance with their conditions of tenancy.

10.3 To identify where tenant support is needed and to promote tenancy sustainability.

11. STATUTORY POWER

11.1 There are no Statutory Powers associated with this report.

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Email: wilkife@caerphilly.gov.uk Tel: 01495 235296

Consultees: Shaun Couzens, Chief Housing Officer.
Cllr Hefin David, Chair (Policy & Resources Scrutiny Committee).
Cllr Sean Morgan, Vice-Chair (Policy & Resources Scrutiny Committee).
Chris Burns, Interim Chief Executive.
Cllr David Poole, Deputy Leader & Cabinet Member for Housing.
Julie Reynolds, Area Housing Manager.
Debbie Bishop, Area Housing Manager.
Joanne Green, Older Persons Housing Manager.
Rachel Thornett, Tenancy Enforcement Manager.
Sandra Isaacs, Rents Manager.
Mandy Betts, Tenant & Community Involvement Manager.
Karen James, Neighbourhood Housing Manager.
Angela Hiscox, Neighbourhood Housing Manager.
Gail Williams, Interim Head of Legal Services/Monitoring Officer.
David A. Thomas, Senior Policy Officer (Equalities & Welsh Language).
Rhys Lewis, Systems & Performance Manager.
WHQS Project Board

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POLICY AND RESOURCES SCRUTINY COMMITTEE – 14TH JULY 2015

**SUBJECT: YEAR END PROGRESS UPDATE OF IMPROVEMENT OBJECTIVE IO2 –
IMPROVE JOB OPPORTUNITIES SO PEOPLE CAN LIVE BETTER
LIVES - CAERPHILLY PASSPORT PROGRAMME**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151
OFFICER**

1. PURPOSE OF REPORT

- 1.1 To provide a yearly update of the Improvement Objective IO2 relating to the Caerphilly Passport Programme to the Policy and Resources Scrutiny Committee and to give an overall update following the closure of the programme, in line with reporting requirements.

2. SUMMARY

- 2.1 The Passport Programme came to a close on 31st March 2015 and the programme met the objectives set. Therefore, Cabinet have chosen not to carry this Improvement objective forward for 2015-2016. Three of the performance measures are in line with the ESF objectives set for the programme two are additional measures looking at the impact of the programme on those participating and the percentage of positive outcomes achieved.
- 2.2 The report sets out performance against targets until 31st March 2015 and judges the objective to be **successful** as explained by progress of the key elements of the Programme contained within this report.

3. LINKS TO STRATEGY

- 3.1 The Passport Programme supports the Council's People Strategy, Learning and Development Strategy, Education for Life and Corporate Strategies and Corporate Plan.
- 3.2 Supports the Regeneration Agenda and links in with our strategy for achieving the WHQS standard.
- 3.3 The Passport Programme links to Strategic Equality Objective 6, Diversity in the Workplace.
- 3.4 The Passport Programme is a Council Improvement Objective (IO2) for 2014-2015 to improve job opportunities and is an Improvement Objective (IO2) for 2014-15 to improve job opportunities by implementing the Council's Passport scheme.

4. THE REPORT

Outcomes achieved

4.1 As at 31st March 2015, 675 young people have been referred into the Passport Programme. The breakdown of referrals is as follows:

- Work Club/Communities First – 151
- Job Centre – 421
- Educ8 – 1
- Innovate – 1
- ITEC - 3
- Careers Wales – 62
- Direct referral – 31
- Youth Offending – 5

4.2 In terms of the targets set as a part of the Improvement Objectives, the following has been achieved as at 31.03.2015 and covering the period of 1/4/14 to 31/3/15:

- 154 work placement opportunities delivered (target of 150)
- 25 apprenticeship opportunities created (target of 25)
- 51 employment opportunities created (target of 40)

4.3 At their final review, participants are asked if they feel they are more work ready. The feedback is 100% feel that they are.

4.4 249 young people have completed their Passport programme. The success rate in terms of securing positive outcomes from those completing the programme is 80%. Of the 199 successful outcomes 83 are working with external organisations, 112 are with CCBC and 4 have returned to education.

Independent Evaluation Feedback

Wavehill undertook an independent evaluation of the Programme. They have spoken with 157 individuals who were referred to Passport - 72 of these have received further support following referral and 85 had not pursued anything with Passport.

4.5 For those who have not progressed any further with Passport there have been a range of reasons often related to a change in circumstances, however, 53% indicated that they have found employment with most of this employment being full time roles.

4.6 For those that have taken up the support offered by Passport 89% have found the initial assessment work useful or very useful; 85% found the employability training useful or very useful.

4.7 80% of those who have worked with the programme say they have been changed by their Passport experiences, these changes include 44% specifically saying they feel more confident, 29% happier and 22% feel more experienced.

4.8 85% say they gained job specific skills; 68% improved social skills for work (self confidence, turning up on time etc); 60% improved their sense of what they want to do; 53% report improved job search skills; 33% improved low basic skills.

4.9 85% say they feel more enthusiastic about work; 90% are more confident about their own abilities.

4.10 91% say they were helped by the coaching/mentoring they received.

4.11 71% say that without Passport they would still be unemployed.

- 4.12 Initial feedback from Wavehill from the employer experience perspective is that all employers contacted by them (30) who were hosting Passport trainees found it easy (2) or very easy (30) to work with the programme. All have said it has been beneficial (3) / very beneficial (27). 29 of the 30 would recommend the programme, 29 of the 30 want the work to continue, 29 of the 30 would work with similar programmes 1 of the 30 didn't know, paperwork was the main issue for the non-committers.
- 4.13 The majority of employers note particular positive impacts from Passport on:
- Improved working practices
 - Improved productivity
 - Improved customer service
 - Helping address skills gaps and skills shortages
 - Improved recruitment practice
 - Improved training and developing practices
- 4.14 The evaluation is continuing with Wavehill re-interviewing some of the participants and employers to follow them through the Programme as case studies for further qualitative feedback.

Evaluation and Audit

- 4.15 As well as the Wavehill Evaluation, the Passport Programme was also been selected for an ESF National Team Evaluation (see appendix 1 for full report).
- 4.16 All audits undertaken to date in terms of paperwork, record keeping etc have been completed successfully to date with just two minor issues being picked up. Support and advice has been provided by the Council's SET officer on audit requirements.

Future

- 4.17 The team had an original allocation for 50 placements for 14-15 which have been filled. A further 50 placements were requested from Welsh Government and had to have participants in place by September 2014. These placements are needed to be used by the end of September. Additionally, the team were supporting the Communities First pilot whereby 52 Job Growth Wales placements had been awarded to support young people living in Community First clusters. There are some challenges as this allocation has to be managed differently to Passport and concerns have been raised by WG that there was a risk of treating young people within the County Borough differently.
- 4.18 Meetings with Cardiff City Council, Blaenau Gwent and Torfaen have been held as well as with the SEWDR (South East Wales Directors of Regeneration) to explore the regional opportunities for Passport. A draft paper for Torfaen and Blaenau Gwent had been produced to consider support for a Passport pilot. This is unlikely to be picked up by HR but potential is there to be picked up by Communities First.
- 4.19 The model has been cited as the case study for a section in the Welsh Government document on the Youth Engagement and Progression Framework. This section is on Employability and Employment Opportunities.

5. EQUALITIES IMPLICATIONS

- 5.1 The Passport Programme is a positive action programme, designed to support a specific group of young people who have been identified as having particular barriers in terms of career opportunities, work experience, training and development.

6. FINANCIAL IMPLICATIONS

- 6.1 Council allocated an annual budget of £485,000 per annum for the direct funding of apprenticeships and trainees. This is a discretionary budget that could be impacted by the MTFP challenges.
- 6.2 There are no future financial implications as the project has now closed.

7. PERSONNEL IMPLICATIONS

- 7.1 There is a positive benefit to the programme both in terms of dealing with the Council's workforce planning challenge and by supporting young people into employment.
- 7.2 Negotiations with the Trade Unions have been completed to give trainees prior consideration for entry level internal vacancies in the Council if there are no suitable candidates from the redeployment pool.
- 7.3 A further report is going through consultation regarding making Passport the conduit for apprenticeship opportunities in the Council in a more formal way.

8. CONSULTATIONS

- 8.1 Head of Workforce & OD, HR Service Manager, Strategy and Operations, Community Regeneration Manager, Passport Programme Manager, Strategic Co-Ordination Manager and Council's Senior Policy Officer (Equalities and Welsh Language) have all been consulted and their views are reflected in the report.
- 8.2 The report has also been shared with the Council's Trade Unions representatives.

9. RECOMMENDATIONS

- 9.1 To note the progress made to date and invite members to discuss and agree with the service judgement of 'successful' for this objective for 2014/2015.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 The progress to date is as per the planned schedule. If members agree the judgement of successful this will be published to the public within the Councils Annual Performance Report in October 2015.

11. STATUTORY POWER

- 11.1 Local Government Acts 1972 and 2000. Local Government Measure 2009.

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Background papers: Wavehill Inception report on the Caerphilly Passport Programme

Appendices:

Appendix 1: Welsh Government National Evaluation Report

Appendix 2: Improvement Objective 2 – Ffynnon reporting dashboard

Introduction

The Passport programme aims to reduce the number of young people who are NEET (Not in Education, Employment, or Training) by providing work experience, mentoring and support, to prepare them for work, before being 'passported' into employment opportunities. The model is not for people who have significant barriers to work but for those who, with support, can start positions immediately.

According to the proposal, the programme will:

'assist LSB partners address workforce planning issues, ensure that local skills gaps are addressed, provide employment opportunities for young unemployed people and ensure that the potential workforce are equipped with the tools they need for employment'.

The programme relies upon significant collaboration between a number of partners which includes Caerphilly County Borough Council, Job Centre Plus, Communities First, Aneurin Bevan Health Board Health Board, Careers Wales, Educ8 (work based learning provider) and the Caerphilly Business Forum. The programme also relies upon the Welsh Government's Jobs Growth Wales fund. While the council is the largest employer in the area, the problem it faces of getting young 'work ready' people into work is common across public sector partners and the business community.

The programme started in November 2012 and is due to finish in December 2014. The large majority of the £372,220 funding from ESF covers the salaries of staff to facilitate the model.

Context

Caerphilly CBC has the fourth highest rate of unemployment in Wales and there are particularly high rates of economically inactive 16-24 year olds - the NEET population is high at around 2,200 people. The demography of the Council workforce also reveals a 'succession time-bomb' as 30% of the population are aged over 50, so it is important to have an educated workforce who can be ready for work.

A mapping exercise conducted in advance of the application for ESF-LSB revealed more than fifty different support interventions in place to support young people. These were mainly focused upon skills and training with no end product in terms of sustainable employment. A representative from the Caerphilly Business Forum remarked that it was difficult to understand all these programmes. Some companies were having trouble filling vacancies and existing programmes were not delivering for them.

Passport is a holistic and integrated employment support programme for young people aged 16 to 24 which bring together both the employer perspective and employment support together. Rather than duplicate any other project, it focuses upon the outcome of getting young people into work. One interviewee explained that

‘What is the point of focussing on skills and training if there are no jobs out there? So you need the job creation element with the incentive to employers to create jobs and then on the back of that you need the other side of the coin which is the employment support... we are like a recruitment company’.

The Passport programme is complementary to other projects within Caerphilly. There are projects which look at the barriers to work, another focused upon 'Bridges Into Work' while Passport is aimed at the back-end of the process supporting young people into work. It aims to solve the conundrum facing some young people whereby they can't get a job without work experience but are unable to gain that work experience.

It is also different to other projects in that it aimed to dovetail with the council's £200m investment programme into their housing stock. Rather than just deliver physical improvements to housing, the council also intended to use the investment to transform lives and communities through changing its procurement structure. The council aimed to realise wider benefits through incorporating clauses into contracts which provided increased opportunities for local people to access WHQS (Wales Housing Quality Standard) related employment, training and apprenticeships. So the council was using capital investment to deliver social outcomes.

The designers of the programme had examined other ESF-funded projects in this area but found that these weren't holistic or integrated enough. They either had difficulties involving the private sector or there was no facility to engage with the 'hard to reach' because the Communities First element wasn't there. The Job Centre's Voluntary Work Placement Programme which provided between two and eight weeks of work experience influenced the design of Passport. Research was also conducted in England to see if there were similar projects in place.

'We've got rising youth unemployment... rising number of NEETS. We've got the business sector saying that they can't recruit people. We've got all these projects that are not quite delivering. What we can do to change our practices to make it easier for people to get a foot on the ladder. That's how the project came about'.

Methods

A total of nine face-to-face interviews were conducted in July 2014 with representatives from all the key stakeholders in the programme which included Caerphilly CBC, Aneurin Bevan Health Board, Job Centre Plus, Caerphilly Business Forum, and Careers Wales. We were also provided with all background documentation (e.g. project proposal, reports to the LSB, cabinet, scrutiny and evaluation reports).

The Passport programme was selected to be a case study because it is a large-sized grant which is primarily local authority-based, in the south of Wales with high policy salience.

The findings below are presented using the framework provided by the theory of change.

Inputs

The Passport programme was funded by a variety of sources. Caerphilly Council's cabinet provided a commitment in 2011 of £485,000. This was targeted towards funding apprenticeships/trainees and graduate entry jobs, but in order to deliver work experience placements up to eight weeks, the £372,220 ESF funding was needed to pay the staff to deliver this – around three-quarters of the funding. In addition, the

Jobs Growth Wales funding (which came on-stream in December 2012) provided placements for an additional six months. Finally, £121,000 was received from the Job Centre Flexible Support Fund (December 2012) which supports the model as a whole (including support for the Management Information System, marketing, training etc.)

Job Centre Plus has provided a secondee for one day a week. They provide the link between the three Job Centre offices and the programme and help by referring young people and checking rules and regulations on benefits etc. This secondment was seen by both sides as working well.

Activities

The programme provides a progression route for unemployed young people into employment.

- Tier 1 – Short-term work experience placements up to eight weeks;
- Tier 2 – Placements up to six months (JGW);
- Tier 3 – Apprenticeships / Trainee Opportunities; and
- Tier 4 – Graduate entry.

Young people are referred to the programme in a number of different ways. Referrals come from Job Centre Plus, Communities First, job clubs, Careers Wales, or from young people themselves. The large majority of referrals come from Community First areas.

The team conduct a diagnostic with individuals to ascertain basic factors like their expectations of work, their ability to do team work, how they would get into work on a daily basis. A skills assessment is also carried out as part of the induction process to see whether they are suitable for the scheme. If accepted onto the programme, the young person undertakes some training. This used to be conducted over a four week period but led to some young people dropping out. The training now takes place over two weeks to make it more attractive to the participants.

The programme takes an employers' perspective in attempting to ensure that participants are 'work ready', but determining this level was difficult as expectations

varied. Early experience showed that the young people going through the programme were not as close to the job market as believed and there were barriers to work which needed to be overcome. These have included basic skills training, confidence levels and access to work challenges.

The team realised a few months in that the process wasn't working as well as they wanted. They changed their processes so that the Communities and Regeneration team (funded by Communities First) took responsibility for the early diagnostic. These support workers had significant experience of working with young people in their most deprived areas.

An unpaid placement is carried out for up to eight weeks and the young person is able to claim benefits during this time and travel expenses to get to and from their placement. A member of the Passport team meets regularly with each individual during this period to assess whether they can progress into the Jobs Growth Wales placement which is paid at the national minimum wage. Agreement was given by Welsh Government early in the project, to allow the Jobs Growth Wales opportunities not be advertised on the Careers Wales website. Each Passport participant therefore, does not have to go through a competitive recruitment process and are automatically guaranteed the opportunity if they successfully complete their unpaid work placement. They are then supported through this recruitment process by their mentor to ensure they are able to provide all the relevant documentation, which is often seen as another barrier for young people.

What has facilitated the programme?

There are a wide range of factors which have acted as facilitators for the programme. These include:

- Partnership working;
- The programme's location within the organisation;
- The role of Welsh Government;
- Flexibility of funding;
- Officers working at the front line; and
- Leadership.

Partnership working

All partners are signed-up to the common aim of reducing the number of NEETS. Organisations are not focusing upon single organisational interests. For example, Job Centre Plus is keen to work with any organisation that can help to fill employer's vacancies and supporting vulnerable disadvantaged people into work. Their grant-funding of £121,000 has helped them to have a direct relationship with the programme and some influence on decision-making during Working Group and Project Board meetings. One stakeholder suggested that, 'It was a genuine partnership with the local authority'.

Working closely with Educ8 - the local Work Based Learning Provider that holds the Jobs Growth Wales placements on behalf of the Passport Team - has also worked well and both teams meet regularly to ensure that participants are supported and outcomes are delivered.

The council has a good relationship with the Business Forum and they have acted as a conduit to getting businesses involved and having confidence in the programme. Local businesses do not want additional bureaucracy of taking part in an initiative, so the council's Human Relations (HR) department provides support directly to Caerphilly businesses by doing their payroll and undertaking risk assessments etc. For small-medium size businesses, this support has been quite critical.

The programme's location within the organisation

The programme sits within the HR department within the council and this is seen to be a particular strength. This department has the benefits of being attached to all parts of the organisation. This 'organisational reach' is important compared to other projects which are often constrained within one department.

Staff have skills in recruitment, coaching, mentoring and technical knowledge of a number of HR processes including payroll, pensions and health and safety. This means that levers can be pulled to make it easier for young people to get a foot on the job ladder. As HR deals with managers on a daily basis, they are able to ask the question – 'Why not consider one of our trainees'?

For the Business Forum, the ability of HR to manage the payroll and utilise disciplinary grievance procedures quickly helped to give them confidence in the programme.

The programme was a LSB priority and therefore a decision was made that it should sit at the top of the organisation. Officers were able to operate across the council and hold good conversations with partners as HR professionals could talk directly to other HR professionals. Of course, 'the commitment of the team who really own it' was also a significant factor.

The role of Welsh Government

Jobs Growth Wales, which provides six months paid work experience at the national minimum wage, has been critical to the programme. It provides confidence to the business community that they can take a young people on. For young people, it provides a reasonable long period of 'real' work.

The Welsh Government's flexibility in two main ways has helped the programme to deliver. Firstly, after difficult negotiations with Welsh government, additional JGW places were allocated to the council rather than to a work-based learning provider. This was the first time that the Welsh Government had done this. Secondly, the requirement of the Fund was that a JGW placement would lead to a sustainable employment opportunity within that field. The Passport team wanted a different approach whereby young people could receive their placement and then they would match the young person to *any* suitable employer. This could mean that after six months working in one area, the young person could work somewhere else in the organisation or go to another employer. This flexibility has been crucial to make the programme work.

Flexibility of funding

The council has bought together different funding streams for the Passport programme. As mention previously, the majority of the ESF resource is spent on salaries. When the Passport model needs revising in the light of changing circumstances, the remaining funding is flexible so they don't have to submit change requests. So, where things aren't working, they can quickly change them.

Parts of the programme could have been implemented without the ESF as council resources were allocated to tier 3 and 4. The ESF money has allowed the council to develop a more cohesive project.

Officers working at the front line

Having dedicated Community First funded staff has been critical to the programme. These support workers engage young people at the front-end of the process. These people are often the hardest to reach in the community and the staff provide 1:1 support and engagement with the young people. The coaching and mentoring they received was said to be invaluable. Equally important is the fact that they filter young people into the programme. If they are not suitable for Passport, they are referred to other support mechanisms. If 'work ready' people are not fed in at the front end, the programme would not work. The staff have also been able to iron out small issues that the placement providers may have.

Leadership

There is political (and senior managerial) support for the programme. The importance of this should not be underplayed as 'you can achieve anything if you've got people who are brought into something and have a commitment to drive it through'. The team was described as being really committed and made good use of people's experiences across the organisation e.g. a colleague in finance who had previous experience of ESF helped with the financial aspect of the bid. Part of the success is built upon relationships - using persuasion, negotiation, compromise and knowing who the right people are.

Barriers to the programme

While partnership working has been a strength, there has been less involvement from some partners than was expected at the beginning. Gwent Police have been affected by downsizing as a result of the budget cuts and are not in a position to take on young people. In health, while they 'come to the table on a regular basis', but they already have a progression route in place. It is important to remember that both the police and health cover all five Gwent authorities, so Caerphilly is only part of their

patch. Careers Wales also cover larger area than just Caerphilly and this has caused some difficulties.

The programme has suffered from changes in personnel and capacity issues. The person initially involved from the Gwent Association of Voluntary Organisations (GAVO) was made redundant and the voluntary sector has struggled because of cuts to its funding.

Citizens Advice Bureau were involved at the early stages as a training provider on financial literacy, but that element actually hasn't gone as well as they would have liked and the Money Advice Service is now used instead. This part of the programme is crucial as providing young people with a route to employment needs to be matched with information on financial literacy so that money can be managed.

Other barriers have largely been overcome over time. The pilot phase helped the team to determine the sort of people who are 'work ready' and they worked with employers to set reasonable expectations of the young people they were recruiting. There has been some suspected abuse of the JGW element, but businesses are interviewed to make sure that they are using the scheme properly. The negotiations over JGW allocations took time at the start of the programme.

Collaborative capacity

Governance structure

There are clear and extensive governance arrangements in place and they are said to work well. In addition to six weekly team meetings and the HR strategy group, there is a project working group comprising representatives from all partner agencies and a Project Board upon which the LSB partners sit which meets quarterly.

The Project Board was described as being 'operationally focused' and this was meant in a positive way as it was not a strategic 'talking shop'. All partners were said to have a handle on both strategic and operational matters and were able to raise issues e.g. 'whether the programme is adding value and are the engine rooms working?' The council was inevitably the strong partner in this relationship - 'They led

and others followed'. One partner suggested that the Board made decisions and it is a shame that this doesn't happen on other projects.

The team have provided progress reports to the council's scrutiny committee and to cabinet. The LSB operates only by exception. So if there's a particular issue or blockage which officers are finding it difficult to overcome, then the LSB will be involved. While the LSB is clearly signed-up to the programme, one stakeholder thought that their involvement has not been as strong as it could have been. It was involved at the inception but has not taken much of a steering role.

Collaboration agreements

The council has delivered more than they promised in their application on key indicators. Four collaboration agreements between public service bodies and seven secondments are in place. A large array of organisational learning and development activities has been conducted and there have been 51 dissemination initiatives. Terms of reference have been used at the project board. No service level agreements have been put in place.

The project manager

The HR Service Manager and the Passport Programme Manager have led the project. The HR Manager has experience of running a recruitment agency which has helped in terms of matching people with opportunities and liaising with the private sector. The Programme Manager has a HR background with expertise in training and development.

Both officers play a significant role in a number of collaborative management activities, with strategy making being led by one and implementation activities being managed by the other. While there have been delays in recruiting staff to join the team, there has been a low turnover of staff.

Monitoring

There are various risks to the programme which have been monitored and reviewed over time. As a result of learning from the early stages of the project, the team put in place measures to assess young people so that they were suitable and to ensure all

partners had the same expectations. Staff have monitored the volumes of referrals into the programme and determine the appropriate level of JGW placements which are likely to be required.

The WEFO indicators were described as being 'pointless – it's ticking the box'. Respondents were unsure about what they were intending to achieve. They are already focused upon equality and sustainability issues, so there is no added value. They were not used to monitor the progress of the programme.

The Passport Programme Manager produces quarterly reports to the ESF-LSB team and performance is also reported to CMT and to scrutiny.

Learning

Learning has occurred at different levels. At an individual level, staff have attended training events organised by the ESF-LSB team. Learning has also occurred at a team level where various improvements have made to the process over time e.g. re-introducing case meetings between Job Centre Plus, Community First and Educ 8 to try and match people to opportunities, refining health and safety checks etc.

The programme has received some press coverage and has used examples of young people who have moved into employment as case studies. A sign of national recognition can be seen by the relatively large number of ministerial visits which have been made.

Officers have in the last six months looked to disseminate the lessons from the programme to neighbouring local authorities. They have visited Blaenau Gwent, Torfaen and Cardiff who are interested in piloting Passport. This potential regional dimension is likely to be important for future funding opportunities from ESF.

There is potential for the Welsh Government to do more to share the learning from this project with others across Wales, but it is unclear at this stage whether there is a strategy to collect the learning from this, and other projects.

Support by the ESF-LSB national team

The programme has received lots of advice and support from the ESF-LSB team including undertaking a mini-audit of their work. Staff have also attended some training events (e.g. on change management, coaching and mentoring).

The SET officer has been helpful in giving advice on processes and requirements for audit and on administrative matters relating to project closure.

The programme has its own evaluation which is due to report in the autumn of 2014.

Public service improvement (outcomes)

The programme set out clear outcomes which were expected to be achieved from the ESF resource. Previous performance in their existing work experience programme was examined and targets were designed that were 'realistic and deliverable' given the context and the partnership that they had to build on. There was a complaint that 'some of the targets that feature within mainstream ESF projects are completely unachievable'.

Passport aimed to:

- Create a minimum of 150 work experience opportunities per annum;
- Create a minimum of 25 apprenticeship opportunities per annum;
- Create a minimum of 40 employment opportunities per annum;
- Reduce the number of people aged 16-24 claiming Job Seekers Allowance by 3% over the lifetime of the project;
- Reduce the number of people aged 16-24 unemployed for more than 26 weeks by 3% over the lifetime of the project; and
- Incorporate Targeted Recruitment and Training as a core requirement into at least 10 new public sector contracts (per annum).

Between 1st April 2013 and 31st March 2014, 533 young people were referred into the programme. More than six in ten of these people have been referred from Job Centre Plus. During that period, 176 placements have been facilitated, 150 JGW placements have been filled and 77% of those young people undertaking a Jobs

Growth Wales placement have found sustainable employment or returned to full-time education. 52% of these young people have come from Community First areas.

It will be important to assess whether the young people have been sustained in their jobs and to compare the figures between those in JGW who have been through the Passport programme and those who haven't to see whether there is a significant difference in outcomes.

The evaluation of the programme included interviews with 157 individuals who were referred to Passport. 46% of these have received further support following referral and the results are very supportive. They conclude from this relatively small sample (n=72) that:

- 89% have found the initial assessment work useful or very useful;
- 85% found the Employability training useful or very useful;
- 80% of those who have worked with the programme say they have been changed by their Passport experiences;
- 85% say they gained job specific skills; 68% improved social skills for work (self-confidence, turning up on time etc.); 60% improved their sense of what they want to do; 53% report improved job search skills;
- 85% say they feel more enthusiastic about work;
- 90% are more confident about their own abilities;
- 91% say they were helped by the coaching/mentoring they received; and
- 71% say that without Passport they would still be unemployed.

Achieving cost savings was not an aim of the programme but interviewees suggested that it has been excellent value for money and lean for an employment support programme. In theory, it should also be saving the council on recruitment agency fees as they are matching jobs with clients. Research has shown that the average individual life-time public finance cost of a person NEET is £56,300 (Coles et al. 2010). In addition, there are costs associated with young people who are NEET such as youth offending. The costs to sustain Passport for an additional year is less than the equivalent of the cost of four young people being NEET (£56,300 x 4 = £225,200)

Reducing the number of NEETS would save money for Whitehall plus the indirect savings achieved by reducing crime levels and health costs. One partner asked 'why the decision-makers have not done more?' This is one that Ministers need to take a look at and examine the return on investment'.

Passport has allowed young people to secure a Jobs Growth Wales placement which would have been unlikely in a competitive process. Young people have gained valuable work experience which has helped them to move into work. It is difficult to measure some of the softer aspects. According to one interviewee, the programme had taught young people expectations about the workplace. A proportion had not worked since school and Passport had helped to change behaviours.

The council intended to include clauses in their procurement contracts to target young people from this programme. These clauses have been included in WHQS, but not for social care.

The programme has helped to improve relationships with the local business community. An employer who has used Passport was proud of the fact that he had taken five young people on from seven candidates and all of them are now in full-time employment. It didn't matter to him that none of them were working for his organisation but that he had helped in getting young people into employment.

One significant unintended consequence has been that due to the UK Government automatic enrolment on pensions, the work placements from Jobs Growth Wales are entitled to go on to the Local Government Pension Scheme if they meet certain criteria. This has resulted in a liability of £120,000 for Caerphilly CBC.

The future

The plan was for 'the LSB Partnership to ensure that the model evolves to become self-financing and hence sustainable' (Application 2011), but this has not proved possible to date. The ESF funding ends in December 2014 and although the programme has an under-spend, it has not been granted an extension until March 2015 like other projects. This will cause some difficulties because the Jobs Growth

Wales placements go beyond December 2014. The Passport team has secured further grant funding from the Job Centre Flexible Support Fund that will sustain the programme until March 2014.

If future European funding streams do not come on-line until January 2016, so there will be a gap in funding even if a bid is successful. There is the problem, common with many European projects, that knowledge and skills developed over eighteen months will be lost when the project finishes as staff will go back to their original jobs. A number of systems and processes have been established which will also be lost if no funding can be found. The momentum and enthusiasm for the programme is likely to ebb away. It is important, therefore, that the good relationships built with LSB partners, the Caerphilly Business Forum and others can continue to be fostered.

The council believe that there are three potential options for Passport in the future:

1. To continue to run Passport as a part of a bigger Caerphilly model which seeks to support young people who have more significant barriers to work and Passport becomes the back end of that model. (Based on the Youth Engagement and Progression Framework model);
2. To run Passport as a sub-regional project with two or three other Councils to support young people across a wider region; and
3. For Passport to be delivered across a wider region across South East Wales either as a stand-alone or as the back of a model that supports young people through barriers and onto work experience and employment.

There is potential for Passport to be delivered on other council's behalf if further funding from available or for councils to learn lessons from the experience of Caerphilly and introduce their own Passport model. As councils are not structured in the same way - e.g. where Community First sits in relation to the council – they will not be able to simply 'copy and paste'. Councils may also have different levels of engagement with the business community but Caerphilly could ask their business forum to talk to other business forums to build up relationships.

The experience of the Passport programme illustrates that while training schemes are helpful, young people need to be provided with a route to sustainable employment. There is a concern that future funding bids in the region will be 'funding led and not strategy led'. Each organisations is likely to have its' own agenda and will want to see their projects continue regardless of whether or not they have delivered outcomes. A large number of projects and Community First funded initiatives have aimed at making improvements for NEETS, but it is not clear what impact they have had. This potential parochialism goes against the push from WEFO for councils to work together regionally.

Conclusions

Passport is different to other schemes which aim at getting young people into work. It is an integrated system which supports young people through their journey into work. It's the quasi- recruitment agency work at the end of the process and good partnership working with all key partners which seems to have made the difference.

The programme has managed to join up the various funding streams available from Welsh Government (Community First, JGW, and WHQS) and ESF to deliver more than the sum of its parts. It would not have gone ahead in the same way without the ESF funding. Equally, it could not have delivered without the Welsh Government's Jobs Growth Wales element. JGW provides a 'win-win' for all parties. Employers get a free worker to help their business make money and the public sector reduce the number of young people who are NEET.

There are concerns about the future. The programme has shown evidence that a large number of young people are not ready for work after leaving school. In the past, any year 11 pupil could see Careers Wales for an interview, but now the focus is on those most at risk of becoming NEET. There is therefore support for the introduction of a pre-Passport programme for young people 14-16, but this is dependent upon finding funding.

Recommendations

Caerphilly CBC council should:

- Write up the key lessons from the programme so that the learning points are clear and can be shared with others who are interested in introducing this model
- Consider making further changes to improve the programme such as bringing together businesses which have had placements to learn from their experiences and reviewing what can be done to reduce the number of young people dropping out.

The Passport programme has been used as a case study in the Welsh Government's Youth Engagement and Progression Framework document (2013). The report states that 'We are keen to extend this type of strategic approach more widely across the public sector in Wales'. If this is the case, then the rhetoric needs to be matched with action. As one interviewee suggested:

'I would like to see Welsh government recognising when something is good and delivering outcomes which benefit the people that we and they are trying to serve. I'd like to see Welsh government come in and say we really like this project. It's been proven to deliver. This is what it's going to be across the region. You all then need to work together to make it happen'.

The Welsh Government should:

- Provide a strategic overview of the projects receiving different types of grant funding to ensure that there are no overlaps and that all projects are outcomes-focused
- Gather and interpret evidence from evaluations to determine if projects should receive additional funding and perhaps be rolled-out further across Wales, or be stopped because they are not producing outcomes
- Consider whether they could better align programmes so that there is a coordinated approach across directorates.

References

Coles, B. Godfrey, C. Keung, A. Parrott, S and Bradshaw, J. (2010) Estimating the life-time cost of NEET: 16-18 year olds not in Education, Employment or Training, Research Undertaken for the Audit Commission, University of York: York.

Welsh Government (2013) Youth engagement and progression framework: Implementation plan, Welsh Government: Cardiff.

Improvement Objectives

IO2 - Improve job opportunities so people can live better lives by implementing the Council's Passport Scheme.

Outcomes:

Further implement the 'Caerphilly Passport Programme' which is aimed at helping 16-24 year olds within the Caerphilly Borough into employment, and to:

- Support young people who are not in Education, Employment or Training (NEET) in accessing work experience and training opportunities.
- Support the Council in dealing with the future challenge of its own potential skills gaps across the organization.
- Assist Local Service Board partners and private sector partners who tell us that they have job opportunities but cannot find people with the right skills and knowledge to join their businesses.

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Improvement Objectives

IO2 - Improve job opportunities so people can live better lives by implementing the Council's Passport Scheme.

2013/14 End of Year Progress Summary:

We assessed this objective and judged it to be **successful** for the year 2013/14.

2014-15 End of Year Summary:


We assessed the Passport Programme and judge it to have been successful for 2014/15 and all objectives set have been met. The success of the programme can be measured by a total of 80% of young people completing their Tier 2 placement (Jobs Growth Wales paid placement) achieving a positive outcome.

In terms of targets delivered as at 31 March 2015, 249 young people followed the complete model through and 199 of these gained a successful outcome. 83 are working with external organisations, 112 are within Caerphilly Council and 4 have returned to education.

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IO2 - Improve job opportunities so people can live better lives by implementing the Council's Passport Scheme.

Actions

Title	Comment	RAG	Overall Status	% Complete
Blank				0
We will maintain and improve where possible on the mechanics of the passport scheme using the feedback participants, employers and partners give us.	<p>As this was one of our objectives last year, our action plans to set up the scheme and works in partnership with the Job Centre, were established in 2013/14. An external evaluation of progress has already taken place so our actions now are to maintain and to improve where possible on the mechanics of the scheme using the feedback participants, employers and partners give us.</p> <p>We have developed relationships with partners, which have been critical to the success of the scheme so far, such as LSB partners, Job Centre Plus, Groundwork Caerphilly, Careers Wales, local training providers and built on links with Education providers. The passport team have also established strong links with the Private Sector (through the Caerphilly Business Forum) and our LSB partners to promote the use of traineeships not just as a vehicle for workforce planning but also as a means of delivering on the wider Social Responsibility agenda. This is now day to day business.</p>		Complete	100

IO2 - Improve job opportunities so people can live better lives by implementing the Council's Passport Scheme.

How much did we do and how well did we do it?

Title	Actual	Target	Intervention	RAG	Result 12 Months Ago	Comment
Create at least 150 work experiences opportunities each year	154.00	150.00	140.00	↑	176	As the ESF funding for this project ended in December 14, the Passport Programme were unable to take additional work placements through the Passport model in Q4. Targets for the year however, were met.
Create at least 25 apprenticeship opportunities	25.00	25.00	22.00	↑	25	These are Jobs Growth Wales formal targets. Although we have exceeded our formal target requirements the Jobs Growth Wales funding element ends in DEC 14 so we have not set further local targets as this will impact what we can deliver.
Create at least 40 employment opportunities	51.00	40.00	39.00	↓	68	

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Is anyone better off?

Title	Actual	Target	Intervention	RAG	Result 12 Months Ago	Comment
% of participants that now feel they are more 'work ready' from being on the Passport Programme	100.00	80.00	70.00	↓	100	Annual PI and target met.
% of positive outcomes achieved	80.00	77.00	65.00	↓	77	<p>Positive outcomes are: participants who have gained employment or gone onto further Education following successful completion of the Passport Programme.</p> <p>This is an annual PI and was 80% at the end of the project who gained a successful outcome following their completion of the programme.</p>



POLICY AND RESOURCES SCRUTINY COMMITTEE – 14TH JULY 2015

SUBJECT: PERFORMANCE MANAGEMENT IO5 – INVESTMENT IN COUNCIL HOMES TO TRANSFORM LIVES AND COMMUNITIES – YEAR END

REPORT BY: INTERIM CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 To provide outturn information against Improvement Objective 5 – Investment in Council homes to transform lives and communities for the 2014/15 financial year.

2. SUMMARY

- 2.1 Significant slippage has arisen with the WHQS Programme during 2014/15. This has necessitated a review of the investment strategy and the implementation of a number of measures to increase capacity and spread risk to ensure the target date of March 2020 can still be achieved.

3. LINKS TO STRATEGY

- 3.1 The Welsh Housing Quality Standard (WHQS) is intended to ensure that all local authority and housing association homes are improved and maintained to achieve specified standards.
- 3.2 The Single Integrated Plan 2013-2017 has a priority to improve standards of housing and communities, giving appropriate access to services across the County Borough.
- 3.3 The Council's Local Housing Strategy "People, Property and Places" has the following aim:- "To provide good quality, well managed houses in communities where people want to live and offer people housing choices which meet their needs and aspirations".

4. THE REPORT

- 4.1 The Local Government Measure 2009 requires all Council authorities in Wales to set and publish a set of priorities called Improvement Objectives.
- 4.2 The Wales Audit Office (WAO) use Improvement Objectives and other data/information to evaluate the Council's likelihood of improvement and the level of actual improvement that is achieved for the citizens of Caerphilly.
- 4.3 Arising from the stock transfer ballot in 2012 when tenants voted to remain with the Council as their landlord a commitment was made to tenants and Welsh Ministers that the Council would bring all the housing stock to meet the WHQS by 2020. The Housing (Wales) Act 2014 includes a statutory requirement for social housing landlords to demonstrate full compliance with WHQS by 2020.

- 4.4 The half year report on the Improvement Objective drew attention to slippage that had arisen and the impact this was having on the planned programme. The slippage arises from delays in the commencement of the internal works contracts, the decision to re-tender the external works contracts in the Upper Rhymney Valley, the curtailment of the small lots programme in the Eastern Valley and the deployment of resources away from the external works in the Lower Rhymney Valley to Rowan Place in Rhymney.
- 4.5 The original target for 2014/15 had been to complete either internal or external works to 3,713 properties but in view of the setbacks this was revised to 1683 properties. Unfortunately the outturn has only achieved 702 properties (42% of the revised programme). On the positive side overall satisfaction remains high at 90% and service standards have achieved 93%, both above target (see dashboard at Appendix 1). The overall conclusion is that the Improvement Objective is only partially successful.
- 4.6 Due to the extent of the slippage there are very big challenges to complete the programme by 2020 due to the sheer volume of work that has to be undertaken over the remaining 5 years.
- 4.7 A revised investment strategy and capital programme for 2015/16 were approved by Cabinet in February 2015. Recognising the need to accelerate the programme and the pressure this places on the WHQS team a number of actions have been taken:-
- Strengthened senior management
 - Restructured teams around contract arrangements to provide greater clarity in respect of accountabilities
 - Recruitment of additional posts.
 - External works to 200 blocks of flats in the Lower Rhymney Valley will be managed by the Private Sector Housing Team.
 - Delivery of WHQS for sheltered housing schemes will be outsourced.
 - Part of HRA garage programme allocated to Building Consultancy.
- 4.8 The WHQS investment is a corporate priority and in view of the pressures on the programme to deliver by 2020 it will be retained as an Improvement Objective for 2015/16. A key focus will be on the number of weekly completions (internal or external works) across all contract arrangements.

5. EQUALITIES IMPLICATIONS

- 5.1 An Equalities Impact Assessment is not required as the report is for information.

6. FINANCIAL IMPLICATIONS

- 6.1 The Capital Programme had a budget of £29m for 2014/15 but due to the major slippage that has occurred there is an underspend of £13.5m which will be carried forward to fund the programme.

7. PERSONNEL IMPLICATIONS

- 7.1 The successful delivery of the WHQS Programme is entirely dependent on having the necessary staff resources aligned with the strategy. A combination of additional staff, agency and consultancy support is now being utilised to cope with the volume of work. In addition sub programmes have been created that will be managed by others on behalf of the WHQS Team.

8. CONSULTATIONS

- 8.1 Comments received have been incorporated where appropriate.

9. RECOMMENDATIONS

- 9.1 Members are invited to confirm agreement to the judgement that the Improvement Objective has only been partially successful for 2014/15.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 To report progress in respect of the Improvement Objective relating to WHQS.

11. STATUTORY POWER

- 11.1 Local Government Measure.

Author: Phil G Davy, Head of Programmes

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Consultees:

Cllr D Poole	-	Deputy Leader & Cabinet Member (Housing)
Cllr D Hardacre	-	Cabinet Member for Performance & Asset Management
C Burns	-	Interim Chief Executive
N Scammell	-	Acting Director of Corporate Services & S151 Officer
S Couzens	-	Chief Housing Officer
M Lloyd	-	Deputy Head of Programmes
Cllr Mrs D Price	-	Chair, Caerphilly Homes Task Group
C Davies	-	Vice Chair, Caerphilly Homes Task Group
I Raymond	-	Performance Management Officer
R Roberts	-	Performance Manager

Appendices:

Appendix 1: Improvement Objective (IO5) Dashboard – Full Year

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Improvement Objectives

IO5 - WHQS Investment will transform Council homes and act as a catalyst to also transform lives and communities throughout the county borough.

Outcomes:

Everyone in Wales should have the opportunity to live in a good quality home within a safe and secure community. To help achieve this, the physical standard and condition of existing housing must be maintained and improved to the Welsh Housing Quality Standard (WHQS). The WHQS is a minimum standard for homes. The core elements are that homes are:

- In a good state of repair
- Safe and secure
- Adequately heated
- Fuel efficient and well insulated
- Contain up-to-date kitchens and bathrooms
- Well managed (for rented housing)
- Located in attractive and safe environments
- As far as possible suit the specific requirements of the household, for example, catering for specific disabilities.

We aim to ensure all council homes meet WHQS, which will improve the quality of life for people who live in those homes. We will develop long-term arrangements, which will help sustain local jobs, offer skills development and training opportunities and deliver wider community benefits.

By 2020, we want our communities to know:

- We delivered the best quality home improvements scheme to our tenants as promised in the Offer Document
- We did it with them and not to them
- Their homes created real jobs in our communities
- We delivered the whole project on time and in budget

These ambitions can only be achieved with the entire council and tenants and other key stakeholders working together and we are confident that with their support, this programme will transform council homes, the lives of our citizens and our communities."

Improvement Objectives

IO5 - WHQS Investment will transform Council homes and act as a catalyst to also transform lives and communities throughout the county borough.

For the priorities set for 2014/15, our delivery and achievements to date are deemed to be **partially successful**.

The original planned programme for this objective has faced major slippage resulting in revised targets to reflect the delays in contracts commencing.

Most progress has been maintained by the in house team on the internal works programme. The standard of workmanship is consistently very good and tenant satisfaction with the completed works remains high. The in house team commenced external works in the Lower Rhymney Valley but during the year resources were deployed to Rowan Place, Rhymney. As a result only 88 properties were completed externally.

The in house team is the main contractor for the major refurbishment work at Rowan Place, Rhymney. Welsh Government has approved grant funding of £1m (VVO) towards Hafod Deg and environmental works at Rowan Place. The WHQS budget for Rowan Place is £4.2m. This is now a major project in its own right. Work commenced on 15th October and will be phased over 2 years. 22 properties in Rowan Place have been completed internally.

The internal works contractors all commenced late in the financial year. The three contractors completed 171 properties.

Due to the slippage a revised programme of 1683 properties was agreed but the outturn is 700 (42% of the revised programme). The capital programme had a budget of £29m but the slippage has resulted in an underspend of £13.5m. The main reasons for the slippage are the delays in the commencement of the internal works contracts; the decision to retender the external works contracts in the Upper Rhymney Valley; the curtailment of the small lots programme in the Eastern Valleys to a more manageable number of contracts; and surveying issues that have slowed the external works in the Lower Rhymney Valley; together with the deployment of the in house work force to Rowan Place, Rhymney.

The slippage will need to be incorporated into the future years. In reality this will require an acceleration of the programme to ensure the WHQS is still achieved by the fixed deadline of March 2020. This has a number of ramifications but in particular the staff resources to manage the volume of work against the timescale.







The WHQS Project Board is mindful of the growing pressures on the programme. Action has been taken to strengthen the senior management. There has been a reconfiguration of the project teams with greater clarity in respect of accountabilities. Additional staff resources in all critical areas are under review but will be dependent on the ability of the Housing Revenue Account (HRA) to absorb the additional cost.

The forward investment plan between 2015/16 and 2019/20 has been reviewed and there are some changes to the community sequence particularly affecting the external works.

To ensure the programme can be fully delivered by 2020 will require an average rate of 80 completions a week across both internal and external works.

IO5 - WHQS Investment will transform Council homes and act as a catalyst to also transform lives and communities throughout the county borough.

Actions

Title	Comment	RAG	Overall Status	% Complete
Achieve high levels of tenant satisfaction with the work undertaken to their homes	Overall satisfaction rates remain high and above target.		Complete	100
Adhere to the standards set out in the Charter for Trust. This applies to both the in house workforce and contractors	Compliance levels remain high and above target.		Complete	100
Carry out adaptations to meet specific needs of individual households	233 properties have had adaptations incorporated where this has been identified as a requirement for the tenants. Action on-going in response to need.		Complete	100
Delivery of the 2014/15 capital investment programme in respect of internal and external repairs and improvements	Significant underspend on planned programme due to slippage.		Not Met	53
Promote the Community Improvement Fund to benefit projects within the communities across the county borough	Only 2 projects supported during the year.		Not Met	20
Pursue external funding opportunities to support energy improvement measures (under the Energy Companies Obligation (ECO), Arbed or similar Government initiatives).	Successful Arbed bid for Phillipstown. Scheme extended to June 2015. The scheme covers 317 properties of which 92 are Council properties. The funding of £2.7m will meet the cost of external wall insulation and replacement of inefficient boilers.		Partially Met	40

IO5 - WHQS Investment will transform Council homes and act as a catalyst to also transform lives and communities throughout the county borough.

How much did we do and how well did we do it?

Title	Actual	Target	Intervention	RAG	Result 12 Months Ago	Comment
Charter for Trust Standards - The Charter for Trust developed in consultation with tenants and staff sets out the standards that tenants can expect when work is being undertaken in their homes, which will be assessed by specific questions on the customer satisfaction survey	93.00	90.00	85.00	⊖	85.00	This measure is reported annually.
Number of homes brought to WHQS as recorded on annual return to Welsh Government (The number of houses that have achieved WHQS standard in the year)		80.00	65.00		108	This measure is reported annually in August.
Number of homes compliant with WHQS in respect of their external elements	103.00	1531.00	1400.00	⊖	23.00	The published target for 2014/15 was 2381 properties. One contract relating to non traditional properties was delayed and there was a need to retender. As a result, this will cause slippage in the programme and will have an impact on the original target. We have therefore set a new target of 1531 for 2014/15, which is still much higher than the 2013/14 target of 38 properties. The review of the investment strategy led to a further downward revision to 834.
Number of homes compliant with WHQS in respect of their internal elements	471.00	1332.00	1200.00	⊖	657	Internal works contracts all started late in the financial year. 471 figure recorded within Keystone but due to valuation issues there are properties which have not been recorded as completed within the system. From other data sources total completions are 599.

Is anyone better off?

Title	Actual	Target	Intervention	RAG	Result 12 Months Ago	Comment
% of tenants whose homes have been improved internally through the WHQS programme are satisfied with the completed works (The percentage of tenants who's house meets the WHQS standard that are satisfied)	90.00	80.00	72.00	⊖	92.00	This measure is reported annually. In 2013/14 the overall satisfaction rate was 92%.
Number of organisations making successful applications to the Community Improvement Fund (Number of local residents who use the Community Improvement Fund which will make environmental improvements to their external surroundings)	2.00	10.00	7.00	⊖	3.00	Four new applications under the Community Improvement Fund have been received. Two of the applications were the subject of consultation with Caerphilly Home Task Group on 30th October 2014. One application was approved, and the other refused. Given the low numbers of applications for CIF this may be discontinued as a measure.



POLICY AND RESOURCES SCRUTINY COMMITTEE – 14TH JULY 2015

**SUBJECT: END OF YEAR UPDATE ON IMPROVEMENT OBJECTIVE 6 (2014/15) -
IMPROVE THE AVAILABILITY OF PRIVATE AND PUBLIC SECTOR
HOUSING TO REDUCE THE NUMBER OF RESIDENTS WHO MAY
BECOME HOMELESS**

REPORT BY: INTERIM CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to provide members of the Policy & Resources Scrutiny Committee with an end of year update on the progress made in 2014/15 against Improvement Objective 6.
- 1.2 The Local Government Measure 2009 requires all local authorities in Wales to establish and publish a set of priorities called Improvement Objectives. The Wales Audit Office uses Improvement Objectives and other data/information to evaluate the council's likelihood of improvement.
- 1.3 In assessing the progress of an Improvement Objective, there is no criterion as to what constitutes success. Progress is normally summarised as being successful, partially successful or unsuccessful. This is largely a judgement call from those delivering the service and the council members scrutinising that judgement.

2. SUMMARY

- 2.1 This report outlines progress made in 2014/15 against the Improvement Objective.
- 2.2 For the reasons outlined in section 4 of this report and the appended dashboard report, performance throughout the year is regarded by officers as being **partially successful**.

3. LINKS TO STRATEGY

- 3.1 Part 2 of the Housing (Wales) Act 2014 – help for people who are homeless or threatened with homelessness.
- 3.2 Improving Lives and Communities: Homes in Wales (Welsh Government, 2010) which sets out the national context on meeting housing need, homelessness, and housing-related support services.
- 3.3 Caerphilly Delivers (Single Integrated Plan, 2013): P2: “Improve standards of housing and communities, giving appropriate access to services across the county borough.”
- 3.4 People, Property, Places: A Housing Strategy for Caerphilly County Borough provides the context for the provision of housing and related services in the county borough.

4. THE REPORT

4.1 In terms of what was successful:

- Strengthened the homelessness prevention service to respond to the challenges presented by the change in legislation.
- Provided advice and support to prevent people from becoming homeless and provided accommodation to those who were homeless.
- Hosting a specialist officer to support domestic abuse victims threatened with homelessness.
- Assisted landlords to comply with the relevant tenancy and equality legislation by producing guidance and providing training.

4.2 In terms of what was not successful:

- At a local level the review was not fully developed for the existing pre-release prison protocols with the prison service, as due to the complexity it was determined that this would be progressed at a national level. We are therefore actively working at a national level to achieve this.

4.3 Full details of progress against this Improvement Objective are included in Appendix 1.

4.4 Although the prevention of homelessness remains a priority for the Council, a decision has been taken by CMT/Cabinet not to include this as an Improvement Objective for 2015/16. It will, however, be a key priority in the divisional service plan with one of the aims being to reduce the use of B&B's for the placement of homeless persons and such use has reduced significantly.

5. EQUALITIES IMPLICATIONS

5.1 An equalities impact assessment (EIA) is not needed because the issues covered in this report are for information purposes only, therefore, the Council's full EIA process does not need to be applied.

6. FINANCIAL IMPLICATIONS

6.1 There are no financial implications directly associated with this report.

7. PERSONNEL IMPLICATIONS

7.1 There are no personnel implications directly associated with this report.

8. CONSULTATIONS

8.1 The views of consultees have been included in this the report.

9. RECOMMENDATIONS

9.1 That Scrutiny Committee Members consider the contents of the report and note progress in meeting the delivery of the Improvement Objective and agree with the judgement made in item 2.2.

10. REASONS FOR THE RECOMMENDATIONS

10.1 To comply with the Local Government Measure 2009.

11. STATUTORY POWER

Local Government Measure 2009
Part 2 of the Housing (Wales) Act 2014

Author: Mark Jennings, Housing Strategy Officer (E-mail: jennim1@caerphilly.gov.uk)
Consultees: Chris Burns, Interim Chief Executive.
Cllr Hefin David, (Chair) Policy & Resources Scrutiny Committee.
Cllr Sean Morgan (Vice-Chair) Policy & Resources Scrutiny Committee.
Cllr David Poole, Deputy Leader & Cabinet Member for Housing
Cllr David Hardacre, Cabinet Member for Performance & Asset Management.
Nicole Scammell, Acting Director of Corporate Services & S151 Officer.
Colin Jones, Head of Performance & Property Services.
Shaun Couzens, Chief Housing Officer.
Kenyon Williams, Private Sector Housing Manager.
Suzanne Cousins, Principal Housing Officer (Housing Portfolio).
Ros Roberts, Performance Manager
Ian Raymond, Performance Management Officer.
Phil Davy, Head of Programmes.

Appendices:

Appendix 1 Improvement Object 6 Aspireview Dashboard Report 2014/15

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Improvement Objectives

IO6 - Improve the availability of private and public sector housing to reduce the number of residents who may become homeless.

Outcomes:

Traditionally, those approaching the council for help and advice relating to a homelessness or a potential homelessness situation have been households and individuals considered more vulnerable or with greater needs than the average household. However, due to the many and varied external pressures for example unemployment, home owners in negative equity, higher levels of household debt, ease of access to credit and high interest loans, we now find that a range of households find themselves at risk of losing their home. The stresses brought on by such external factors also have wider effects, e.g. relationship breakdown and increased levels of domestic abuse. Housing and health are intrinsically linked to the quality of housing provided, as does a household's ability to reside in a settled home. Access to good quality, affordable housing and sustainable tenancies positively impacts on a household's health and well-being and helps to develop a sense of community.

We plan to introduce a person centred approach to the Housing Options and Homelessness Advice service in which customers will engage with one caseworker who will assess the their housing needs and their ability to either maintain an existing tenancy or access alternative suitable, affordable and sustainable accommodation and wherever possible, prevent homelessness.

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Improvement Objectives

IO6 - Improve the availability of private and public sector housing to reduce the number of residents who may become homeless.

2013-14 End of Year Progress Summary - We assessed this objective and judged it to be **successful** for the year 2013/14.

2014-15 End of Year Progress Summary -

We assess this objective to be **partially successful** because:

What have we done well over the last 12 months?

The Housing Advice and Homelessness Teams have been re-structured and re-located to provide an holistic person centred casework service.

Additionally, specialist support has been introduced to the team, which dealt with 128 new requests for support from households at risk of becoming homeless.

What areas do we need to improve on, and how are we going to do it?

- Need to revise pre-release prison protocol to empower prisoners to plan for their accommodation needs on release from prison. This is being progressed at a national level.
- Increase the level of affordable accommodation available through the development of social lettings agency. Welsh Government grant funding will assist to progress this, with more cost effective option being to utilise the service of an existing social lettings agency.



IO6 - Improve the availability of private and public sector housing to reduce the number of residents who may become homeless.

Actions

Title	Comment	RAG	Overall Status	% Complete
1. Restructure the Housing Options and Homelessness Advice team functions to offer a person centred casework service	This action was completed on time and within budget. This included the relocation of several officers to form a Homelessness Prevention team, located at Ty Gilfach. As a result of the reorganization, the service is better equipped to deal with the challenges presented by the recent change in homelessness legislation. We plan to undertake a second phase of restructuring during 2015/16 using Welsh Government transitional homelessness funding.	➔	Complete	100
2. Provide mediation/early intervention support to households at risk of becoming homeless to remain in their homes	Staff have worked proactively throughout the year with tenants and landlords to assist people to maintain their tenancies. We have noted that this approach has resulted in increased confidence for landlords to work closely with the council to prevent instances of homelessness from occurring. In relation to the both actions numbered 2 and 3, during the year, we received 128 new requests for support.	➔	Complete	100
3. Provide support to households to sustain new tenancies accessed through the Housing Allocations and Advice Centre	We appointed two specialist officers in quarter 1, to assist people sustain new tenancies. In relation to the both actions numbered 2 and 3, during the year, we received 128 new requests for support.	➔	Complete	100
4. Work with private sector landlords to increase the level of affordable accommodation available through the development of a social lettings agency, accessible to any household regardless of benefit dependency.	Even though preparatory work was undertaken in the first quarter of the year with the drafting of business case to P&R Scrutiny, we deferred this action for 12 months pending the availability of transitional homelessness funding from Welsh Government in April 2015. We are now considering outsourcing the running of the social lettings agency to Cartrefi Hafod because of the experience they have in running a social lettings agency.	➔	Partially Completed	50
5. Review and, where necessary, revise the existing pre-release prison protocol to empower prisoners to plan for their accommodation needs on release	Initially this task was going to be undertaken on a local level but, because of the complexity of the task, a decision was taken by the homelessness network to escalate this to a national issue. Although the action was consequently closed down as an Improvement Objective action, the council continues to play an active role in the completion of this task. The council has subsequently participated in an all-Wales review of homelessness prison leavers and an assessment of the impact of the removal of the priority need status due to be removed from legislation in 2015. Welsh Government commissioned research, undertaken by the WLGA is currently being considered and an all-Wales prison leaver pathway document will be published this autumn. In addition, local authorities in Gwent, the Police and National Probation Service have drafted a protocol to ensure we respond to the release of prolific offenders to our area and Welsh Government have made some funding available to meet short term accommodation needs and support.	➔	Partially Completed	25
6. Produce guidance for all landlords (public and private) on the requirements of the Equalities Act 2010 to promote non-discriminatory practice by all housing providers	This action was completed within time and on budget. The guidance has been published and circulated, and training for landlords has been completed.	➔	Complete	100

IO6 - Improve the availability of private and public sector housing to reduce the number of residents who may become homeless.

Actions

Title	Comment	RAG	Overall Status	% Complete
7. Host a specialist domestic abuse support worker to provide early intervention support, target hardening services and person centred support to prevent homelessness in relation to domestic abuse victims and their families	Hosting commenced in Q4 and is now fully operational. This is a 2-year arrangement with Llamau Women's Service, with an option to extend for a further 12 months. It is now providing much needed support to those people who may be homeless or threatened with homeless due to domestic abuse.		Complete	100
8. Improve both the working relations with prison accommodation services to prepare prisoners for their release and the level of assistance provided to prison leavers by support agencies on their release	This is linked to item 5 above. Due to the complexity at the national level, Welsh Government took over the planning of prisoner release arrangements and reconfigured the resettlement process by employing a new Community Rehabilitation Company which is now in place.		Partially Completed	30

IO6 - Improve the availability of private and public sector housing to reduce the number of residents who may become homeless.

How much did we do and how well did we do it?

Title	Actual	Target	Intervention	RAG	Result 12 Months Ago	Comment
1. Increase the number of PRS accommodation units accessed by our service users through our social lettings agency which will be introduced within the current year	0.00	30.00	0.00	Red	N/A	SLA will now not be introduced until 2015 when transitional funding will be available. Therefore, the number of PRS accommodation units accessed by our service users through our social lettings agency during 2014/15 will be nil.
2. Produce and publicise guidance on Equalities Act 2010 in housing	1.00	1.00	0.00	Green	N/A	The Equalities guidance was produced and publicised in Q3, with training provided to Landlords.
3. Number of credit union rent accounts opened with Smart Money credit union which promotes access to the PRS by service users in receipt of benefits	69.00	100.00	50.00	Orange	N/A	Q1=54, Q2=3, Q3=2 and Q4=10 It should be noted that CCBC does not have total control and influence over this activity as far as take-up is concerned. However, we are in a position to 'promote' and 'encourage' the use of this facility. Even though we did not reach the target, any increase in numbers is a benefit to our citizens, by enabling them to better manage their finances.
4. Reduction in the number of repeat homeless presentations	12.00	15.00	5.00	Orange	N/A	We introduced performance indicators 4-7 in advance of the new duties brought about by the change in homelessness legislations (Housing (Wales) Act 2104 – to take all reasonable steps to prevent homelessness). We restructured the service and introduced a tenancy sustainment service in preparation for the introduction of the new duties. Officers regard the outcomes as a positive step towards the acceptance of people remaining in their private rented sector accommodation or accepting an offer of accommodation in this sector with tenancy support, as an alternative to social housing which is in very high demand. Ambitious targets for the year were set not really knowing the extent of demand on the homeless services as a result of the change in legislation. This creates the impression that we have underperformed, which in each of the 4 indicators is not the case. Changes to the way we provide the homelessness prevention service means that we are in a good position to meet the new duties going forward. The success of this, is measured on the number of tenancies sustained for at least 6 months.

IO6 - Improve the availability of private and public sector housing to reduce the number of residents who may become homeless.

Is anyone better off?

Title	Actual	Target	Intervention	RAG	Result 12 Months Ago	Comment
5. % of cases who have had their risk of homelessness prevented by assistance to remain in their existing accommodation	36.68	50.00	30.00	⊖	N/A	Total cases 1,093 of which 401 cases prevented. Refer also, to the first paragraph reported in Q4 of 2014/15 against the measure: Reduction in the number of repeat homeless presentations.
6. % of cases who have had their risk of homelessness prevented by accessing alternative accommodation available to them for a min of 6 months	37.69	50.00	30.00	⊖	N/A	Total cases 1,093 of which 412 cases were prevented by providing alternative forms of accommodation. Refer also, to the first paragraph reported in Q4 of 2014/15 against the measure: Reduction in the number of repeat homeless presentations.
7. % of non-priority, intentionally homeless cases not owed any duty, where they have become homeless and we have relieved this homelessness by securing accommodation for a minimum of 6 months	37.14	50.00	30.00	⊖	N/A	Total cases 35 of which 13 cases secured accommodation. Refer also, to the first paragraph reported in Q4 of 2014/15 against the measure: Reduction in the number of repeat homeless presentations.



POLICY AND RESOURCES SCRUTINY COMMITTEE – 14TH JULY 2015

SUBJECT: HANDLING OF DAMP AND CONDENSATION COMPLAINTS – UPDATE REPORT

REPORT BY: INTERIM CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to provide an update to the previous report on Handling of Damp and Condensation Complaints submitted on 30th September 2014 as requested by the Policy and Resources Scrutiny Committee.

2. SUMMARY

- 2.1 The original report considered the incidence of damp and condensation in the Council's housing stock and was based on data for the last six years. This report provides an update following the winter period of October 2014 to March 2015.

3. LINKS TO STRATEGY

- 3.1 The response Repair Policy will assist the council in meeting the aims and priorities detailed in the following strategies:
- 3.2 **National Housing Strategy:** The Welsh Assembly Government's National Housing Strategy 'Better Homes for People in Wales' (2001) has key themes of quality and choice. The WAG vision for housing "*wants everyone in Wales to have the opportunity to live in good quality, affordable housing*".
- 3.3 **Single Integrated Plan** (*Prosperous Caerphilly – P2*) "*Improve standards of housing and communities, giving appropriate access to services across the County Borough*"
- 3.4 **Local Housing Strategy:** Property Theme: "*Providing the opportunity for everyone to live in affordable, sustainable, good quality housing, regardless of tenure.*"
And links specifically to Strategic Aim 6: Housing Management, "*To provide good quality, well-managed homes in communities where people want to live, and offer people housing choices which meet their needs and aspirations.*"

4. THE REPORT

- 4.1 During the period October 2014 to March 2015 the Council's housing Surveyors visited 650 individual properties carrying out 748 inspections this resulted in 366 works orders for damp related problems 52 (14%) of which were repeat visits. This compares with the previous report which stated 45% were repeat visits.

- 4.2 The previous report highlighted the difficulty identifying the common causes of dampness. This was identified as an area for improvement. A simple coding system has been devised and implemented at the point the repair is reported and/or inspected and is employed in Table 1. This provides a breakdown of the total number and type of works order related to dampness which have been received during this period and compares it with the same period last year.

Table 1

Category	Description	Number 13/14	Number 14/15
<i>D1</i>	<i>Condensation/mould due to tenants lifestyle</i>	220	158
<i>D2</i>	<i>Condensation due to structural issues (Cold Bridge) voids in CWI</i>	132	128
<i>D3</i>	<i>Penetrating damp, salting, rubble in cavity</i>	6	13
<i>D4</i>	<i>Rising damp</i>	0	1
<i>D5</i>	<i>Wet Cavity Insulation</i>	124	24
<i>D6</i>	<i>Roof Leak e.g. missing tile, perished felt, defective flashings</i>	40	16
<i>D7</i>	<i>Chimney leak</i>	34	15
<i>D8</i>	<i>Door/window leak</i>	40	9
<i>D9</i>	<i>Render failure</i>	14	2
TOTAL:		610	366

- 4.3 It will be noted from Table 1 that damp issues are reported most frequently when all categories are grouped together, i.e. D2-9 however, there is still a high incidence of condensation related to tenants' life-styles.
- 4.4 To provide assistance in this area the damp and condensation information leaflet has been improved with revised text and the addition of pictures to illustrate typical problems. This is issued and explained to all tenants who experience such problems and is included within the tenant's handbook for all new housing allocations. A short video has also been put together which can be accessed from the housing website and YouTube channel. This provides a simple animated explanation of damp and condensation issues as a means of helping tenants to identify the possible cause of such problems and how they can be overcome. The leaflet and video were both developed in consultation with our tenants and feedback has been extremely positive. A copy of the revised leaflet has been provided as Appendix 1.
- 4.5 The other causes of dampness are related to building defects often highlighted by energy improvement works where cold bridging in various forms becomes more pronounced, e.g. concrete lintels, blocked cavities, missing or incorrectly fitted insulation.
- 4.6 Damp related to leaks from the plumbing in the property or other types of leak e.g. gas leaks have been removed from the data in order to provide as clear a picture as is possible, as in addition to leaks from the plumbing in the property it included other types of leaks, e.g. gas leaks. Table 2 provides a breakdown of damp and condensation related complaints based on ward for winter 2013/14 and winter 2014/15 and Appendix 2 provides the same information broken down to street and area level for 2014/15.
- 4.7 In order to improve the way we deal with this area of our service, additional training has been provided to our Surveyors, Tenant Liaison Officers, Tenant Support Officers and Estate Management Officers in order that they can better diagnose the causes of damp related problems, as well as identifying the contributing factors for condensation. This has also equipped officers to better advise and guide tenants on how they can help to overcome such problems.

Table 2

Ward	2013/14	2014/15
ABER VALLEY	9	14
ABERBARGOED	20	12
ABERCARN	15	15
ARGOED	12	4
BARGOED	32	23
BEDWAS TRETDOM MACHN	27	22
BLACKWOOD	22	13
CEFN FFOREST	33	14
CROSSKEYS	8	4
CRUMLIN	16	7
DARREN VALLEY	3	1
GILFACH	6	3
HENGOED	24	18
LLANBRADACH	3	2
MAESYCWMMER	5	3
MORGAN JONES	17	12
MORIAH	23	11
NELSON	5	3
NEW TREDEGAR	39	25
NEWBRIDGE	18	5
PENGAM	7	4
PENMAEN	5	1
PENYRHEOL	36	18
PONTLLANFRAITH	42	16
PONTLOTTYN	15	14
RISCA EAST	26	14
RISCA WEST	16	13
ST CATTWG	34	25
ST JAMES	26	18
ST MARTINS	7	0
TWYN CARNO	50	25
YNYSDDU	5	4
YSTRAD MYNACH	4	3
Grand Total	610	366

4.8 Data Analysis

4.8.1 Since the external wall insulation and render system scheme was completed to the blocks of flats in Gelligaer, we have seen a fall in calls to this estate (33 calls resulting in 18 works orders in 2014/15 as opposed 59 calls resulting in 21 works orders in 2013/14). Similar schemes have been carried out in other parts of the borough notably Fochriw where it has been reported that substantial savings in energy bills have been achieved. In addition tenants have reported their homes are cooler in the summer months. Significantly, only one report of dampness was received during 2014/15 compared to 102 complaints received over the preceding six years.

4.8.2 In the last report it was stated we had submitted a bid to the Welsh Government for grant funding to a number of areas, including Phillipstown, to carry out energy efficiency works, which would include over-cladding. This work is now on site and nearing completion.

- 4.8.3 The remainder of the properties in Gelligaer are also included for an over-clad system as part of the WHQS external works programme and a bid for ECO funding has been submitted to undertake this work.

5. EQUALITIES IMPLICATIONS

- 5.1 An Equalities Impact Assessment is not needed because the issues covered are for information purposes only, therefore the Council's full EIA process does not need to be applied.

6. FINANCIAL IMPLICATIONS

- 6.1 The response repair budget over the last 3 years has been set £7.8m. Over the past 10 years it has fluctuated to address demands on various priorities, but overall has increased by 5% since 2004/5 to 2014/15.
- 6.2 Any increase in works to address dampness related issues will obviously impact on the repairs budget, so it is pleasing to note that the energy efficiency works undertaken are having a positive impact, not just on reducing pressure on the budget, but also assisting to address instances of fuel poverty by reducing tenants' energy bills.

7. PERSONNEL IMPLICATIONS

- 7.1 There are no direct personnel implications.

8. CONSULTATIONS

- 8.1 Consultation has taken place with relevant officers, Cabinet Member for Housing, Chair and Vice Chair of the Policy and Resources Scrutiny Committee and the Repairs and Improvement Group, all views and opinions have been included in the report.

9. RECOMMENDATIONS

- 9.1 This report is for information purposes only and advises Members of the Policy and Resources Committee on the progress being made to tackle damp and condensation issues to the Council's housing stock.

10. REASON FOR THE RECOMMENDATIONS

- 10.1 This report has been submitted at the request of the Policy and Resources Scrutiny Committee and provides an update on the report submitted the previous year in relation to damp and condensation in council housing. The report is for information.

11. STATUTORY POWER

- 11.1 Section 80 – Environmental Protection Act 1990, Housing Health and Safety Rating System.

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Mark Jennings, Housing Strategy Officer.
Repairs & Improvement Group Members
Fiona Wilkins, Public Sector Housing Manager.
Area/Neighbourhood Managers
Phil G. Davy, Head of Programmes.
WHQS Project Board

Appendices:

Appendix 1: 'Keeping your Home Free from Damp & Condensation' leaflet
Appendix 2: Data Analysis based on Street and Area level

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KEEPING YOUR HOME FREE FROM DAMP AND CONDENSATION



Is your home damp?

Damp is generally caused by a fault in the structure of the building. There are two basic types of damp:

Penetrating damp happens when water enters your home through an external defect. Examples are:

- A crack in a wall or a loose roof tile.
- Leaking waste pipes or overflows.
- Rain seeping through the roof where a tile or slate is missing, spilling from a blocked gutter, penetrating around window frames, leaking through a cracked pipe or from a leaking chimney.



This damp will often show as dark patches on walls and ceilings which get worse when it rains.



Rising damp occurs when there is no damp course or there is a problem with the damp course or membrane and water rises from the ground into the walls or floor.

Symptoms of rising damp are a tide mark up to 1 metre above the floor with peeling wallpaper and crumbling and salt stained plaster. Skirtings and other timbers may also show signs of rot.

These causes of damp rarely have black mould and often leave a 'tidemark'.

If you do not think the damp comes from any of these causes, it is probably condensation.

What is condensation?

Condensation occurs at any time but is most noticeable during cold weather; it does not matter if it is raining or dry. It starts as moisture in the air, usually produced by cooking, washing, or drying clothes indoors on radiators. When it hits cool surfaces such as walls, mirrors, wall tiles and windows it condenses and forms water droplets. The moist air rises when it is warm and often ends up on ceilings and in upstairs rooms which are cooler than the rest of the house. Condensation can be found in corners, on or near windows, in or behind wardrobes and cupboards.



A typical family of four can produce 15 litres of this moisture every day.

Persistent condensation can result in mould growth, which will show up as patches of black spots on walls and ceilings. Mould can also affect clothing, furniture and shoes where it will often turn them green.

First steps against condensation

You will need to take proper steps to deal with the condensation, but meanwhile there are some simple measures you can take right away.

- Open the windows a little to ventilate the room and let fresh air in every day.
- Wipe down the windows and sills every morning and wring out the cloth.
- Avoid drying clothes on the radiators in your home.



First steps against mould

First treat the mould already in your home. If you deal with the basic problem, mould should not reappear. If you suffer with respiratory problems it may be best to get someone to do this for you.

To kill and remove mould:

- Wipe down walls and window frames with a good quality fungicidal wash, these can be obtained from most good DIY stores in the decorating aisle. If possible choose one that carries a Health and Safety approval number. Always follow the instructions carefully including the use of rubber gloves and face mask if required. Do not use bleach or bleach based products.
- Ensure all the mould is thoroughly cleaned and cleared before redecorating and walls are allowed to dry out for at least a week.
- After treatment, redecorate using a good quality fungicidal paint to help prevent mould. Note that this paint is not effective if overlaid with ordinary paints or wallpaper. When wallpapering, use a paste containing a fungicide to prevent further mould growth.
- Should any mould reappear, wash it off immediately with warm soapy water.
- Mould may be a symptom of something more serious which requires specialist attention. If you suspect this to be the case then report it to your local housing office.

The only lasting way of avoiding severe mould is to reduce condensation as much as possible.

How to avoid condensation

These four steps will help you reduce the condensation in your home.

1. Produce less moisture

Some ordinary daily activities produce a lot of moisture very quickly.

- To reduce the amount of moisture when cooking, cover saucepans and do not leave kettles boiling.
- Do not use paraffin and portable flue less bottled gas heaters as these heaters put a lot of moisture into the air – one gallon of gas or paraffin produces about a gallon of water.
- Put washing outdoors to dry if you can. Or put it in the bathroom with the door closed and the window open or fan on.
- If you have a tumble dryer make sure you vent it to the outside; DIY kits are available for this. If it is a condensing dryer opening a window in the room it is in, will allow for some extra ventilation when it is in use.



2. Ventilate to remove the moisture

You can ventilate your home without making draughts. Ventilation is necessary to get rid of moisture being produced all the time, including that from people's breath.



- Keep a small window ajar or the small plastic 'trickle' ventilator in the top of the window open when someone is in the room.
- Open the windows for a short while every day to 'turn the air over' and remove stale air.

- Ventilate the kitchen and bathroom when in use. This means opening the windows wider and using an extract fan if you have one fitted. Leave the windows open, or the fan on for as long as possible after you have finished, or until the condensation has cleared.
- Close the kitchen and bathroom doors when these rooms are in use. Doing this will help stop the moisture reaching other rooms like bedrooms which are often cooler and more likely to get condensation.
- Allow space for the air to circulate in and around your furniture. Open doors to ventilate cupboards and wardrobes leave space between the backs of wardrobes and the wall. Position wardrobes and furniture against internal walls rather than against outside walls, wherever possible.
- Do not block permanent ventilators they are there for a purpose.
- Use the plastic 'trickle' ventilators in the top of your windows as much as possible.

3. Insulating your home and draught proofing of windows and outside doors

Insulation in the loft, cavity wall insulation and draught proofing of windows and outside doors will help keep your home warm and you will have lower fuel bills as well. When the whole home is warmer, condensation is less likely.

4. Heat your home a little more

In cold weather, the best way to keep rooms warm enough to avoid condensation is to keep low background heating on all day, even when there is no one at home. This is very important in flats and bungalows and other dwellings where the bedrooms are not above a warm living room. Remember to provide background ventilation at the same time.

The council is committed to improving the energy efficiency of tenants' homes as part of the Welsh Housing Quality Standard (WHQS) programme. This is being done via a mixture of measures such as insulation and heating upgrades, along with the provision of extractor fans. If you have not yet had this work done it will be programmed as part of the delivery to achieving WHQS.

Points to remember

Produce less moisture:

- Cover saucepans.
- Dry clothes outdoors.
- Ventilate your tumble dryer to the outside.
- Avoid using paraffin or flue-less bottled gas heaters.

Ventilate to remove moisture:

- Ventilate all the time, especially when someone is at home.
- Increase ventilation of the kitchen and bathroom when in use and shut the door.
- Ventilate cupboards and wardrobes.
- Do not block permanent vents.
- Keep 'trickle' ventilators open as much as possible.

Heat your home a little more

- If possible, keep low background heat on all day, with background ventilation.
- Find out about benefits, rebates and help with fuel bills.

If you are having difficulty with heating bills contact your energy supplier about alternative tariffs or contact our Tenancy Support Officers, through your local housing office, who may be able to help.

Further information and help with costs

For further advice please contact our Energy Advisor on Free phone 0800 0854145 who will be able to advise you about your entitlement to grant aid for improving the energy efficiency of your home.

If you are a council tenant and are aware of a defect which is causing a damp problem you should report the matter to your local area or neighbourhood housing office without delay.

Contact details for all the housing offices are provided below.

Area Housing Offices

Upper Rhymney Valley
Area Housing Office
Gilfach House
William Street
Gilfach
CF81 8ND
Tel: 01443 873535
urvaho@caerphilly.gov.uk

Graig-y-Rhacca
Neighbourhood Housing Office
Grays Gardens
Graig-y-Rhacca
Machen
CF83 8TW
Tel: 02920 853050
Fax: 02920 868997
graigyrhaccanho@caerphilly.gov.uk

Eastern Valleys Area Housing Office
Pontllanfraith House
Blackwood Road
Pontllanfraith
NP12 2YW
Tel: 01495 235229
Fax: 01495 235036
eastvalleyaho@caerphilly.gov.uk

Lansbury Park
Neighbourhood Housing Office
45 Attlee Court
Lansbury Park
Caerphilly
CF83 1QU
Tel: 02920 860917
Fax: 02920 881815
lansburyparknho@caerphilly.gov.uk

This publication is available in other languages and formats on request.

Data Analysis Based on Street and Area Level

Street	Area	Properties	Repairs	Properties Repaired	Percentage
BRYN CARNO	RHYMNEY	25	2	2	8.00
GLANYNANT	RHYMNEY	19	1	1	5.26
GLAN YR AFON	RHYMNEY	28	4	5	14.29
HEOL UCHAF	RHYMNEY	12	4	4	33.33
HEOLYTWYN	RHYMNEY	22	3	3	13.64
ISFRYN	RHYMNEY	16	2	2	12.50
PENYDRE	RHYMNEY	26	2	2	7.69
PHILLIPS WALK	RHYMNEY	41	4	5	9.76
ROWAN PLACE	RHYMNEY	68	1	1	1.47
GOLWG Y MYNYDD	RHYMNEY	18	1	1	5.56
RAMSDEN STREET	RHYMNEY	9	2	2	22.22
BROOKFIELD AVENUE	RHYMNEY	9	1	1	11.11
FORGE CRESCENT	RHYMNEY	13	1	1	7.69
GARDEN CITY	RHYMNEY	5	1	1	20.00
HAFODYMYNYDD	RHYMNEY	25	1	1	4.00
IDRIS DAVIES PLACE	RHYMNEY	10	1	1	10.00
NURSERY CRESCENT	RHYMNEY	23	1	1	4.35
TANYBRYN	RHYMNEY	82	1	1	1.22
DANYGRAIG	PONTLOTTYN	25	4	4	16.00
MERCHANT STREET	PONTLOTTYN	4	2	3	50.00
MOUNT STREET	PONTLOTTYN	13	2	2	15.38
RIVER ROAD	PONTLOTTYN	7	2	3	28.57
SOUTHEND TERRACE	PONTLOTTYN	1	1	1	100.00
SUNNYVIEW	PONTLOTTYN	10	1	1	10.00
ALEXANDER STREET	ABERTYSSWG	2	1	1	50.00
HEOL Y BRYN	FOCHRIW	13	1	1	7.69
JUBILEE ROAD	NEW TREDEGAR	22	1	1	4.55
GLYNSYFI	NEW TREDEGAR	20	3	3	15.00
GREENFIELD STREET	NEW TREDEGAR	20	3	3	15.00
LONG ROW	NEW TREDEGAR	23	3	3	13.04
RHOSYN GWYN	NEW TREDEGAR	8	1	1	12.50
FIELD TERRACE	PHILLIPSTOWN	6	1	1	16.67
JONES STREET	PHILLIPSTOWN	29	3	3	10.34
MEADOW TERRACE	PHILLIPSTOWN	14	2	3	14.29
PENRHYN TERRACE	PHILLIPSTOWN	4	1	1	25.00
PRITCHARDS TERRACE	PHILLIPSTOWN	16	2	2	12.50
BIRCHGROVE	TIRPHIL	21	1	1	4.76
CEFN Y MYNYDD	TIRPHIL	13	1	2	7.69
BRISTOL TERRACE	BRITHDIR	6	1	1	16.67
BYRON ROAD	ABERBARGOED	5	1	1	20.00
COMMIN ROAD	ABERBARGOED	6	1	1	16.67
MILTON CLOSE	ABERBARGOED	4	1	1	25.00
PANTYFID ROAD	ABERBARGOED	14	3	3	21.43

Appendix 2

Street	Area	Properties	Repairs	Properties Repaired	Percentage
RHIWAMOTH STREET	ABERBARGOED	5	1	1	20.00
ROCKLEIGH AVENUE	ABERBARGOED	9	1	1	11.11
WILLIAM FORBES BUNGALOWS	ABERBARGOED	22	3	3	13.64
WILLIAM STREET	ABERBARGOED	3	1	1	33.33
HEOLDDU DRIVE	BARGOED	2	2	2	100.00
HEOLDDU GROVE	BARGOED	24	1	1	4.17
MOUNT PLEASANT	BARGOED	8	1	1	12.50
OAKLANDS	GILFACH	24	5	5	20.83
LEWIS CRESCENT	GILFACH	10	1	1	10.00
VERE PLACE	GILFACH	14	2	2	14.29
ASH PLACE	GILFACH	24	3	3	12.50
BEECH COURT	GILFACH	14	2	2	14.29
BRYNTEG	GILFACH	9	1	2	11.11
HEOL BRYCHAN	GILFACH	13	1	1	7.69
HEOL Y MYNYDD	GILFACH	19	1	1	5.26
OAK PLACE	GILFACH	16	2	2	12.50
PARK VIEW	GILFACH	61	3	3	4.92
ANEURIN BEVAN AVENUE	GELLIGAER	46	3	3	6.52
CLAERWEN	GELLIGAER	46	5	7	10.87
GAER PLACE	GELLIGAER	7	2	2	28.57
GREENHILL PLACE	GELLIGAER	35	3	3	8.57
HAMAN PLACE	GELLIGAER	14	1	1	7.14
HEOL EDWARD LEWIS	GELLIGAER	32	1	1	3.13
ST CATTWGS AVENUE	GELLIGAER	28	1	1	3.57
WAUN RHYDD	GELLIGAER	22	4	5	18.18
LLWYN ONN	PENPEDAIRHEOL	11	1	1	9.09
ASHGROVE	HENGOED	9	2	2	22.22
BEECH DRIVE	HENGOED	8	1	1	12.50
HENGOED HALL CLOSE	CEFN HENGOED	10	1	2	10.00
THE BUNGALOWS	HENGOED	10	1	1	10.00
CHURCHFIELD CLOSE	TIRYBERTH	21	1	1	4.76
HILL STREET	YSTRAD MYNACH	6	2	2	33.33
PANTYCELYN STREET	YSTRAD MYNACH	13	1	1	7.69
BIRCH CRESCENT	CEFN HENGOED	22	3	3	13.64
HENGOED AVENUE	CEFN HENGOED	4	1	1	25.00
LANSBURY AVENUE	CEFN HENGOED	68	2	2	2.94
THREE ELMS CLOSE	CEFN HENGOED	8	2	4	25.00
WOODLAND PLACE	CEFN HENGOED	5	2	2	40.00
GLENCOED	MAESYCWMMER	14	1	1	7.14
GWERNA CRESCENT	MAESYCWMMER	11	1	1	9.09
HILL VIEW	MAESYCWMMER	12	1	1	8.33
TAI SIRIOL	NELSON	9	2	2	22.22
YNYS LAS	NELSON	18	1	1	5.56
Street	Area	Properties	Repairs	Properties	Percentage

Appendix 2

		Repaired			
CEFN ILAN	ABERTRIDWR	25	5	5	20.00
GRAIG Y FEDW	ABERTRIDWR	7	2	2	28.57
ILAN ROAD	ABERTRIDWR	42	1	1	2.38
PLAS CWM PARC	SENGHENYDD	41	2	3	4.88
TAN Y BRYN TERRACE	SENGHENYDD	29	3	3	10.34
GEORGE STREET	CWMCARN	37	7	8	18.92
HIGH MEADOW	ABERCARN	25	1	1	4.00
NANTCARN ROAD	CWMCARN	17	2	2	11.76
PENRHIW TERRACE	ABERCARN	10	2	2	20.00
RAILWAY TERRACE	ABERCARN	8	1	1	12.50
TWYN PLACE	ABERCARN	3	1	1	33.33
PLAS CAE LLWYD	LLANBRADACH	22	1	1	4.55
SCHOOL STREET	LLANBRADACH	21	1	1	4.76
THOMASVILLE	ENERGLYN	23	1	1	4.35
BRYNGLAS	PENYRHEOL	24	2	2	8.33
GELLI DEG	PENYRHEOL	15	1	1	6.67
HEOL ANEURIN	PENYRHEOL	46	4	4	8.70
PENYBRYN	PENYRHEOL	48	1	1	2.08
PLEASANT PLACE	PENYRHEOL	23	1	1	4.35
FIRST AVENUE	TRECENYDD	30	1	1	3.33
SECOND AVENUE	TRECENYDD	26	3	3	11.54
THE CRESCENT	TRECENYDD	24	3	3	12.50
WEST AVENUE	TRECENYDD	7	1	1	14.29
BYRON PLACE	CROESPENMAEN	12	1	1	8.33
LLANERCH ROAD	TRINANT	21	2	2	9.52
PANDY ROAD	CROESPENMAEN	4	1	1	25.00
PRINCESS CRESCENT	TRINANT	15	1	1	6.67
TRINANT TERRACE	TRINANT	32	2	2	6.25
DYFED DRIVE	CHURCHILL PARK	11	1	1	9.09
DYLAN DRIVE	CHURCHILL PARK	16	2	2	12.50
GLYN DERW	CHURCHILL PARK	26	4	4	15.38
STANLEY DRIVE	CHURCHILL PARK	13	2	2	15.38
WAUNFACH STREET FLATS	CAERPHILLY	12	1	1	8.33
HEOL Y NANT	BRYNCENYDD	1	1	1	100.00
NANTGARW ROAD	CAERPHILLY	1	1	1	100.00
BRYNGLAS	BEDWAS	15	1	1	6.67
BRYNAWEL	BEDWAS	11	1	1	9.09
BRYNHEOL	BEDWAS	16	1	1	6.25
BRYNTEG	BEDWAS	7	2	2	28.57
EAST AVENUE	BEDWAS	9	1	1	11.11
ASHGROVE	TRETHOMAS	3	1	1	33.33
BRYN Y FRAN AVENUE	TRETHOMAS	11	1	1	9.09
GROVE ESTATE	TRETHOMAS	38	3	3	7.89
BRYNHYFRYD TERRACE	MACHEN	4	1	1	25.00

Appendix 2

Street	Area	Properties	Repairs	Properties Repaired	Percentage
BURNS CLOSE	GRAIG Y RHACCA	10	1	1	10.00
DICKENS COURT	GRAIG Y RHACCA	37	2	2	5.41
KEBLE COURT	GRAIG Y RHACCA	60	3	4	5.00
LONGFELLOW GARDENS	GRAIG Y RHACCA	54	1	1	1.85
SHELLEY COURT	GRAIG Y RHACCA	31	1	1	3.23
THE CRESCENT	MACHEN	12	1	1	8.33
BLAENBLODAU STREET	NEWBRIDGE	12	1	1	8.33
CAERBRYN	PENTWYNMAWR	11	1	1	9.09
CARLYON ROAD	PANTSIDE	11	1	1	9.09
HILARY ROAD	PANTSIDE	4	1	1	25.00
MAESGWYN	PENTWYNMAWR	3	1	1	33.33
ALEXANDER COURT	LANSBURY PARK	60	2	2	3.33
ATLEE COURT	LANSBURY PARK	51	2	2	3.92
BUXTON COURT	LANSBURY PARK	51	2	2	3.92
GRAHAM COURT	LANSBURY PARK	59	4	4	6.78
GREENWOOD COURT	LANSBURY PARK	20	1	1	5.00
HALDANE COURT	LANSBURY PARK	23	2	2	8.70
MAXTON COURT	LANSBURY PARK	51	3	3	5.88
TREVELYAN COURT	LANSBURY PARK	37	2	2	5.41
MOUNTAIN VIEW	MARKHAM	45	3	3	6.67
PENYLAN ROAD	ARGOED	19	1	1	5.26
ADDISON STREET	BLACKWOOD	10	1	1	10.00
APOLLO WAY	BLACKWOOD	17	1	1	5.88
ATLEE ROAD	BLACKWOOD	10	1	1	10.00
CHARTIST WAY	BLACKWOOD	28	1	1	3.57
GREENWOOD ROAD	BLACKWOOD	12	1	1	8.33
LEWIS LEWIS AVENUE	BLACKWOOD	18	1	1	5.56
MONTCLAIRE AVENUE	BLACKWOOD	15	2	2	13.33
TREE TOPS AVENUE	BLACKWOOD	8	1	1	12.50
TWYNYFFALD ROAD	CEFN FFOREST	13	2	3	15.38
WAUN LLWYN CRESCENT	BLACKWOOD	13	1	1	7.69
CENTRAL AVENUE	CEFN FFOREST	4	1	2	25.00
DAVIES STREET	CEFN FFOREST	4	1	1	25.00
DERWENDEG AVENUE	CEFN FFOREST	9	2	2	22.22
DYLAN AVENUE	CEFN FFOREST	23	2	2	8.70
PENYBRYN AVENUE	CEFN FFOREST	12	1	1	8.33
TWYN GARDENS	CEFN FFOREST	32	1	1	3.13
TY BEDWELLY	CEFN FFOREST	16	1	1	6.25
WAUNBORFA ROAD	CEFN FFOREST	6	1	1	16.67
SYDNEY COURT	UPPER TRELYN	5	1	1	20.00
CWRT Y WAUN	FAIRVIEW	11	2	2	18.18
EDWARD STREET	FAIRVIEW	11	1	1	9.09
ISLWYN CLOSE	PENGAM	11	1	1	9.09
SCHOOL STREET	FLEUR DE LYS	1	1	2	100.00

Appendix 2

Street	Area	Properties	Repairs	Properties Repaired	Percentage
TREKENNING	PARK TERRACE	1	1	1	100.00
BRYNTEG AVENUE	PONTLLANFRAITH	31	3	4	9.68
FLEUR DE LYS AVENUE	PONTLLANFRAITH	24	1	1	4.17
HEOL TRELYN ROAD	PONTLLANFRAITH	11	2	2	18.18
HIGHMEAD	PONTLLANFRAITH	23	1	1	4.35
HILL VIEW	PONTLLANFRAITH	26	4	5	15.38
TY MYNYDDISLWYN	PONTLLANFRAITH	10	1	1	10.00
WARREN COURT	PONTLLANFRAITH	1	1	1	100.00
WOODLAND ROAD	PONTLLANFRAITH	6	1	1	16.67
RISCA ROAD	CROSSKEYS	27	3	3	11.11
WAUNFAWR GARDENS	CROSSKEYS	33	1	1	3.03
GRAIG VIEW	YNYSDDU	6	1	1	16.67
ISLWYN CLOSE	YNYSDDU	6	1	1	16.67
ISLWYN ROAD	WATTSVILLE	21	2	2	9.52
BRITANNIA CLOSE	RISCA	12	1	1	8.33
CLYDE STREET	RISCA	16	3	3	18.75
DANYGRAIG					
BUNGALOWS	RISCA	3	1	1	33.33
FIELDS ROAD	RISCA	4	1	1	25.00
RAGLAN STREET	RISCA	6	1	1	16.67
ST MARYS COURT	RISCA	16	3	3	18.75
TANYBRYN	RISCA	9	1	1	11.11
TY ISAF CRESCENT	RISCA	3	2	2	66.67
CHANNEL VIEW	RISCA	25	3	3	12.00
ELM DRIVE	TY-SIGN	50	1	1	2.00
FAIRVIEW AVENUE	TY-SIGN	13	1	1	7.69
FORSYTHIA CLOSE	TY-SIGN	23	1	1	4.35
HOLLY ROAD	TY-SIGN	59	5	5	8.47
MANOR WAY	TY-SIGN	44	2	3	4.55

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POLICY AND RESOURCES SCRUTINY COMMITTEE – 14TH JULY 2015

SUBJECT: DISCRETIONARY RATE RELIEF APPLICATIONS

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151
OFFICER**

1. PURPOSE OF REPORT

- 1.1 This report sets out details of applications for discretionary rate relief and notes the decision proposed by the Interim Head of Corporate Finance under delegated powers.

2. SUMMARY

- 2.1 The Council is able to assist a wide range of voluntary and sporting organisations by granting rate relief. This report contains details of applications received for discretionary rate relief and the proposals for the determination of the applications to be formally implemented on the 21st day of July 2015.

3. LINKS TO STRATEGY

- 3.1 The granting of rate relief is a very cost effective way in which the Council can pursue its Regeneration objective by giving financial assistance to local organisations.

4. THE REPORT

4.1 Background

- 4.1.1 Under the Council's Scheme of Delegation applications for discretionary rate relief submitted to the Council are determined by the Council's Head of Corporate Finance.
- 4.1.2 The determination is exercised following consideration of the Council's Policy on discretionary rate relief supplemented by guidance from Welsh Government and Central Government.

4.2 The Applications

All Nations

- 4.2.1 An application for top-up discretionary rate relief has been received from the above charity in respect of their premises at 76 Cardiff Road Caerphilly from 12th January 2015 onwards.
- 4.2.2 The organisation is a registered charity and has therefore already been awarded 80% mandatory rate relief in accordance with rating legislation.

- 4.2.3 Members should be aware that currently the Authority would bear 75% of any top-up discretionary rate relief awarded, with the Welsh Government Pool bearing the remaining 25%.
- 4.2.4 To be eligible for discretionary rate relief, the organisation must satisfy the following conditions:
- a) the organisation or institution occupying the premises must not be established or conducted for profit;
 - b) each of the organisation's main objects must be charitable, or otherwise philanthropic or religious, or concerned with education, social welfare, science, literature, or fine arts;
 - c) the use of the premises must be wholly or mainly charitable;
 - d) where the premises is wholly or mainly used for recreational purposes, all or part of it must be occupied by an organisation not established or conducted for profit.
- 4.2.5 The main objects and aims of All Nations are:
- The advancement of the Christian faith and in particular, charitable missionary work within the United Kingdom and worldwide;
 - To relieve people who are in conditions of need or hardship or who are aged or sick;
 - To provide and fulfil such other charitable purposes as the trustees may from time to time think fit.
- 4.2.6 The organisation's articles state that the property and funds of the charity must be used only for the promotion of the charity's objects.
- 4.2.7 The articles also state that, on the dissolution of the charity, any assets remaining would be used firstly to meet any liabilities and then directly for the organisation's objects and by transfer to any other charity for the same or similar purposes. This satisfies the discretionary rate relief requirement for remaining assets to be used for charitable or non-profit making purposes.
- 4.2.8 All Nations has confirmed that it serves the local community at its premises in Caerphilly through various free-of-charge activities. Helping vulnerable people such as the lonely, elderly, homeless, ex-offenders and single mothers by providing a drop-in centre where they are listened to and supported. Providing a kid's club where crafts, teaching and games are provided, also offering a safe welcoming environment for mother and baby/toddler groups. Providing workshops focusing on key life skills such as budgeting, marriage/relationships and parenting, guidance and practical help with applying for jobs (curriculum vitae, interview skills, searching for jobs).
- 4.2.9 The volunteers are all Caerphilly residents and are based at 76 Cardiff Road which is used as an administrative centre to plan and co-ordinate activities/projects which take place at different locations within Caerphilly County Borough. Funding is currently provided by the All Nations Centre (Church) based in Heath, Cardiff.
- 4.2.10 Membership is open to anyone and there is no fee payable for membership.
- 4.2.11 The charity has been set up specifically to carry out the objects given in point 4.2.5 above and is not established or conducted for profit. In addition, the organisation's main objects are either wholly or mainly charitable, or concerned with religion, philanthropy, social welfare and education, as required under the regulations. It is also clear that the use of the premises is wholly or mainly charitable.

- 4.2.12 The current annual business rate liability of the organisation's premises in Caerphilly is £7471 and if the Authority were to grant 20% top-up discretionary rate relief, the cost to the Authority of awarding the relief at current levels would be £1121 with the Welsh Government pool bearing the remainder of £373.
- 4.2.13 The Authority's policy for an organisation registered as a charity with the Charity Commission and occupying one or more rating assessments within the Authority's area with a cumulative rateable value not exceeding £100,000 is to award 20% top-up discretionary relief.
- 4.2.14 Taking the above matters into consideration, it appears that the 'All Nations' and its use of the premises with a £15,500 rateable value satisfies all of the relevant qualifying criteria.
- 4.2.15 **Proposal (to be implemented on 21st day of July 2015):**
- 20% top-up discretionary rate relief be awarded.**

Ridgeway Golf 4 All Ltd

- 4.2.16 An application for discretionary rate relief has been received from the above social enterprise company in respect of their premises at The Ridgeway Golf Range, Thornhill, Caerphilly.
- 4.2.17 This is the second such application received from this organisation; the first application and its accompanying documents failed to clearly demonstrate that the organisation was able to qualify for discretionary rate relief. A refusal letter was issued on 9th October 2014 by the Interim Head of Corporate Finance under delegated powers, explaining what was needed in order for their application to be reconsidered.
- 4.2.18 In accordance with rating legislation, applications for discretionary rate relief determined by the 30th September in any financial year may only be back dated to the 1st of April of the previous financial year. In this case the organisation became liable for business rates from 9th February 2014, however, this latest application for rate relief was not received until 8th May 2015 and consequently any decision to award relief may only be backdated to 1st April 2014.
- 4.2.19 Members should be aware that currently the Authority would bear 10% of any discretionary rate relief awarded, with the Welsh Government Pool bearing the remaining 90%.
- 4.2.20 To be eligible for discretionary rate relief, the organisation must satisfy the following conditions:
- a) the organisation or institution occupying the premises must not be established or conducted for profit;
 - b) each of the organisation's main objects must be charitable, or otherwise philanthropic or religious, or concerned with education, social welfare, science, literature, or fine arts;
 - c) the use of the premises must be wholly or mainly charitable, or wholly or mainly used for recreational purposes;
 - d) where the premises is wholly or mainly used for recreational purposes, all or part of it must be occupied by an organisation not established or conducted for profit.
- 4.2.21 The company's objects are to provide recreational, educational and training opportunities that will build awareness, skills and capacity around golf and golfing activities for the community of Caerphilly and surrounding areas and in particular, for young people and adults who are socially excluded as a result of financial hardship, unemployment, poor educational or skills attainment, disability, ethnic origin or gender.

4.2.22 The objects of the social enterprise company are restricted to the following:

- The provision of training, volunteering and work experience opportunities for the community and in particular for those who are unemployed;
- Using golf and related activity as a means to transform the lives of disadvantaged people unlock the potential of individuals and families and thereby increase the resilience and cohesion of communities;
- To carry on trading activities that is in keeping with the organisation's ethos so that it can generate income to further its social objects.

4.2.23 The organisation's articles state that the income and property of the charity shall be applied solely towards the promotion of the charity's aims and objects.

4.2.24 The articles also state that, on the dissolution of the company, any assets remaining would be used firstly to meet any liabilities and then, if any surplus remains, it would be transferred to any other charity for the same or similar purposes. This satisfies the discretionary rate relief requirement for remaining assets to be used for charitable or non-profit making purposes.

4.2.25 Membership is open to individuals residing within the Caerphilly County Borough and surrounding areas. The membership fee for a junior is £30.00 per year with a year's full adult membership ranging from £59.00 to £325.00. At present there are around 30 junior members and 300 adult members.

4.2.26 The company has been set up specifically to carry out the objects set out in points 4.2.21 and 4.2.22 above and is not established or conducted for profit. In addition, the organisation's main objects are either wholly or mainly charitable, or concerned with philanthropy, social welfare and education, as required under the regulations, and its use of the premises is wholly or mainly for recreation purposes.

4.2.27 The Authority's policy for an organisation which falls into the category of a social enterprise, where the discretionary rate relief criteria are satisfied and where the premises used has a rateable value not exceeding £75,000 is to award 100% discretionary relief.

4.2.28 The current annual business rate liability of the organisation's premises in Caerphilly is £12,773 and if the Authority were to grant 100% discretionary rate relief, the cost to the Authority of awarding the relief at current levels would be £1,277 with the Welsh Government pool bearing the remainder of £11,496.

4.2.29 Taking the above matters into consideration, it appears that the organisation known as the 'Ridgeway Golf 4 All Ltd' and its use of the premises with a £26,500 rateable value satisfies all of the relevant qualifying criteria.

4.2.30 **Proposal (to be implemented on 21st day of July 2015):**

100% discretionary rate relief be awarded from 1st April 2014

Fosters Boxing Fitness Gym - Caerphilly Warriors Amateur Boxing Club

4.2.31 An application for discretionary rate relief has been received from the above organisation in respect of its premises at Unit 5, Block H, Withey Court, Western Industrial Estate, Caerphilly from 6th August 2014 onwards.

4.2.32 Members should be aware that currently the Authority would bear 10% of any discretionary rate relief awarded, with the Welsh Government Pool bearing the remaining 90%.

- 4.2.33 To be eligible for discretionary rate relief, the organisation must satisfy the following conditions:
- a) the organisation or institution occupying the premises must not be established or conducted for profit;
 - b) each of the organisation's main objects must be charitable, or otherwise philanthropic or religious, or concerned with education, social welfare, science, literature, or fine arts;
 - c) the use of the premises must be wholly or mainly charitable, or wholly or mainly used for recreational purposes;
 - d) Where the premises is wholly or mainly used for recreational purposes, all or part of it must be occupied by an organisation not established or conducted for profit.
- 4.2.34 The organisation's objects, as stated in its constitution, are to help tackle the growing obesity problem by offering low cost fitness and health workshops for the community, in particular to improve the physical wellbeing and activity levels of all who attend. The organisation is passionate about fitness and sport, especially boxing. It states that its activities and relatively low membership fees overcome certain barriers of affordability and confidence for the residents of the Caerphilly County Borough.
- 4.2.35 The club is the home of Caerphilly Warriors Amateur Boxing Club and is affiliated to the Welsh Amateur Boxing Association. All volunteer Boxing Coaches are given the opportunity to take the World Series Boxing Coaching Programme; this ensures they effectively:
- communicate with boxers and all other people involved;
 - transfer the knowledge and help the understanding of the boxer; and
 - plan and conduct the training to prepare boxers for competition.
- 4.2.36 The organisation is currently producing a series of workshop classes for Caerphilly Youth Workers in relation to disadvantaged youth.
- 4.2.37 Membership is open to individuals residing within the Caerphilly County Borough and surrounding areas, with fees ranging from £3 per day to £30 per month for unlimited access to classes.
- 4.2.38 The company has been set up specifically to carry out the objects set out in point 4.2.34 above and is not established or conducted for profit. In addition, the organisation's main objects are either wholly or mainly charitable, or concerned with philanthropy, social welfare and education, as required under the regulations, and its use of the premises is wholly or mainly for recreation purposes.
- 4.2.39 The Authority's policy allows for between 20% and 100% discretionary rate relief to be awarded in such cases. In practice, 100% relief has been awarded where the relevant discretionary rate relief criteria are satisfied.
- 4.2.40 The current annual business rate liability of the organisation's premises in Caerphilly is £6,266 and, if the Authority were to grant 100% discretionary rate relief, the cost to the Authority of awarding the relief at current levels would be £627 with the Welsh Government pool bearing the remainder of £5,639.
- 4.2.41 Taking the above matters into consideration, it appears that the organisation known as the 'Fosters Boxing Fitness Gym - Caerphilly Warriors Amateur Boxing Club' and its use of the premises with a £13,000 rateable value satisfies all of the relevant qualifying criteria.

4.2.42 Proposal (to be implemented on 21st day of July 2015):

100% discretionary rate relief be awarded

5. EQUALITIES IMPLICATIONS

- 5.1 This report is to advise Members of the proposed determination of the application(s) for discretionary rate relief so the Council's full Equalities Impact Assessment process does not need to be applied.

6. FINANCIAL IMPLICATIONS

- 6.1 These are contained within the report.

7. PERSONNEL IMPLICATIONS

- 7.1 There are no personnel implications.

8. CONSULTATIONS

- 8.1 There are no consultation responses which have not been reflected in this report.

9. RECOMMENDATIONS

- 9.1 Members note the proposed determination of the application(s) for discretionary rate relief under delegated powers which will be implemented on the 21st day of July 2015.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 As set out throughout the report.

11. STATUTORY POWER

- 11.1 Section 47 of the Local Government Finance Act 1988.

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Consultees: Cllr B Jones, Deputy Leader & Cabinet Member for Corporate Services
Nicole Scammell, Acting Director of Corporate Services & Section 151 Officer
Stephen Harris, Interim Head of Corporate Finance

Background Papers:

Rate Relief Application Forms, contact ext 3421



POLICY AND RESOURCES SCRUTINY COMMITTEE – 14TH JULY 2015

SUBJECT: TIME OFF FOR RESERVISTS POLICY

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151
OFFICER**

1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to update Members of the recent review of the Time Off For Reservists Policy.

2. SUMMARY

- 2.1 The Council has had a Time Off For Reservists Policy (Reservists Policy) since 1996, with the latest version becoming effective in 2013. As Members are aware, the Council's HR policies are reviewed on an on-going basis and the Reservists Policy was scheduled for review in 2015. This report brings the outcome of the review and the revised policy to Members for information.

3. LINKS TO STRATEGY

- 3.1 The Policy links to the People Management Strategy and therefore to all other strategies, including the Council's Strategic Equality Plan and supplementary guidance. The Council relies on employees to deliver its strategies and to provide services.

4. THE REPORT

- 4.1 The Council has had a Reservists Policy since 1996, with the latest version becoming effective in 2013. The current Reservists Policy was scheduled for review in 2015.
- 4.2 The Council grants employees who are in the Reserve Forces up to 15 days paid leave per annum (pro rata'd for part time employees) to meet their commitments in relation to training to the reserve forces. This leave must be approved in advance and booked as soon as the employee becomes aware that they need to take time off.
- 4.3 Traditionally, the Council has recognised that many of the skills that reservists gain during their training are transferable to the workplace and as a result it has assisted reservists as far as possible, for example by taking into account unusual leave requirements or the need to amend working patterns. There are only a small number of employees who are reservists but there is a planned recruitment exercise in the near future.
- 4.4 There is no requirement for the Council to pay reservists during their absence on military operations. During this period reservists receive service pay from the Ministry Of Defence

(MOD), along with a standard award to make up any difference (up to the statutory limit) between their service pay and normal average weekly earnings.

- 4.5 Prior to returning to the Council's employment, reservists undergo a period of debriefing before they are demobbed. After being demobbed, reservists are entitled to a period of leave during which they continue to be paid by the MOD.
- 4.6 Research amongst other Councils in the South Wales area has shown that Caerphilly is still one of the most supportive employers with regard to the provisions within the policy. As a result, the review has identified that there are no fundamental changes to the policy required. The only changes that have been made are
- a sentence has been included to make it clearer that part time employees have a pro rata entitlement as they do for all leave of absence, with the exception of bereavement leave.
 - the layout of the policy has been changed to the new format that we are using.
 - changes to the terminology that the reserve forces themselves use for example Territorial Army is no longer a term that is used, Army Reserve is used instead.
 - the support agencies available have been updated.
- 4.7 The Council's recognised trade unions, both the Armed Forces Lead Officer and Chair of the Caerphilly Armed Forces Forum (CAFF) and the Elected Members' Armed Forces Champion and relevant Cabinet Members have been consulted on the policy and their feedback has been included in the final draft of the policy, which is attached at Appendix 1.
- 4.8 The policy will be placed on the Council's HR Support Portal and employees will be made aware of its introduction via an all user email to employees and Managers. Managers of employees who do not have access to the Council's email system or Intranet will be asked to make their employees aware of the new policy.
- 4.9 The policy will apply to all employees except those employees directly employed by schools. For the policy to apply to schools each School Governing Body is required to adopt the policy. HR staff Team will facilitate this process via agreed consultation process for school policies.

5. EQUALITIES IMPLICATIONS

- 5.1 The Senior Policy Officer (Welsh Language and Equalities) has been consulted on this policy and all equalities issues have been addressed.

6. FINANCIAL IMPLICATIONS

- 6.1 The financial implications of implementing this policy refer to the 15 days per year for training and are unknown as it will depend on the numbers of reservists that the Council currently employees and those it will employ in the future. However, traditionally numbers of reservists have been low so there has been no onerous financial implication.

7. PERSONNEL IMPLICATIONS

- 7.1 There are no personnel implications arising from the implementation of the revised policy.

8. CONSULTATIONS

- 8.1 There are no other consultation responses other than those included in the report. The Council's Trade Unions, Senior Policy Officer (Equalities and Welsh Language), the Armed Forces Lead Officer and Chair of the Caerphilly Armed Forces Forum (CAFF) and the Elected Members' Armed Forces Champion and relevant Cabinet Members have been consulted on the introduction of the new policy.

9. RECOMMENDATIONS

9.1 That Members note the content of the report.

10. REASONS FOR THE RECOMMENDATIONS

10.1 There are no fundamental changes to the policy from last time.

11. STATUTORY POWER

11.1 Local Government Act 1972
Local Government Act 2000
Employment Rights Act 1996.

Author: Susan Christopher, Principal HR Officer
Consultees: Nicole Scammell, Acting Director of Corporate Services
Chris Burns, Sandra Aspinall, Dave Street, Corporate Management Team
Gareth Hardacre, Head of Workforce and Organisational Development
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HR Managers
Gail Williams, Head of Legal Services and Monitoring Officer Angharad Price, Interim
Deputy Monitoring Officer and Democratic Services Manager
Dave Thomas, Senior Policy Officer (Welsh Language and Equalities)
Howard Rees, Armed Forces Lead Officer and Chair of the Caerphilly Armed Forces
Forum (CAFF)
Councillor David Poole – Deputy Leader / Cabinet Member for Housing
Councillor Christine Forehead – Cabinet Member for HR and Constitutional Affairs
Councillor Alan Higgs – Armed Forces Champion
HR Strategy Group
Councils recognised Trade Unions

Appendices:
Appendix 1 Time Off For Reservists Policy

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Time Off For Reservists Policy

Version of Policy:	Version 3
Draft Number:	Final.
Policy Ratified By:	Policy and Resources Scrutiny Committee
Date Ratified:	14 th July 2015
Effective Date of Policy:	1 st July 2015
Review Date:	2017
Applicable To:	All Caerphilly employees except employees directly employed by Schools unless the School Governing Body has adopted the Policy, Workers or Contractors.
Equalities Sentence:	All Equalities considerations have been taken into account when drafting this Policy. These have been reflected in all documentation during the consultation and governance processes.

The Council's recognised trade unions have been consulted on this policy.



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NOTES

This scheme has been developed on a Corporate basis but the operational requirements of schools have been taken into consideration. The scheme is recommended to Governing Bodies for adoption. Support in managing issues in relation to the subject matter of this scheme can only be offered to schools where LEA recommended policies and procedures have been adopted and in line with any Service Level Agreement with Human Resources in force at the time.

In this policy, the term Manager is used to encompass anyone who has the responsibility of managing employees. The policy is available on the HR Support Portal, from Managers or from HR.

GLOSSARY

Regular Reservists are former full-time members of the Armed forces. They may still be liable for call out for a number of years after their military service has ended, depending on their age, length of original service and the skills they have.

Volunteer Reservists are made up of civilians who accept an annual training commitment and are called out to supplement the Regular Forces whenever Operational demands require it. If they're mobilised they'll carry out the same roles to the same high standards as their Regular counterparts. They also receive the same training and develop the same skills.

Standard Volunteer Reservists, although Volunteer Reservists train over many years for active duty, they are only mobilised when absolutely necessary. In most circumstances, the Ministry of Defence (MOD) uses 'Intelligent Selection', which is the process of identifying willing and available individuals for specific appointments. This includes consulting with the Reservist's employer.

All Volunteer Reservists make a serious commitment to training. For the majority of them, this is around 30 days a year, made up of some midweek evenings, some weekends and one 15-day continuous training period (Annual Camp).

Full-Time Reserves (FTRS) gives Reservists the opportunity to apply for a full-time post for a fixed period (this is different from mobilisation). Because of the valuable experience this provides some employers choose to grant sabbatical leave for such duties.

Additional Duties Commitment (ADC) gives Reservists the opportunity to undertake part time work with the Armed Forces. This could be with a Regular or Reserve Unit, but it's more likely to be within a headquarters establishment. ADCs sometimes form part of a job-sharing arrangement. The minimum commitment is 13 weeks - at least one day a week throughout this period.

High Readiness Reserves have specific skills which the Armed Forces may occasionally need but at short notice. Reservists have to volunteer for High Readiness status, and if they have a full time job (or work more than two days a week) they will also need to have the written consent of their employer. This consent takes the form of an agreement that is renewed annually. If they are mobilised, an HRR can be asked to serve for up to nine months.

Sponsored Reserves enables the MOD to enter into a defence contract on condition that an agreed proportion of the contractor's workforce has a Reserve liability. These Reservists can be trained and called out to undertake the contracted task as members of the Armed Forces.

Mobilisation is the process of calling reservists into full-time service to serve alongside the Regular Armed Forces on operations. All Reservists are committed to the possibility of being mobilised if necessary. They are normally required to serve abroad but it is possible they would be needed to serve the UK, for example in the event of a national emergency.

INTRODUCTION

1. This policy sets out how the Council supports staff who are reservists. The reserve forces include the Royal Naval Reserve, Royal Marines Reserve, Army Reserve and Royal Air Force Reserves.
2. The Council recognises that many of the skills that reservists gain during their training are transferable to the workplace. The Council will assist reservists as far as possible, for example by taking into account unusual leave requirements or the need to amend working patterns.
3. This policy must be cross-referenced with all other relevant Council/Governing Body policies and procedures.
4. This policy supersedes all earlier policies.

WHAT THE POLICY COVERS

5. All applications for reserve forces' leave are to be made under the provisions of this policy.

GUIDING PRINCIPLES

6. Each leave year, full time employees who are reservists will be given 15 days (111 hours'), pro rata for part time employees, extra paid leave to help them meet their commitments to the reserve forces. The reservist should make the request under the Leave of Absence Scheme, to their Line Manager stating the leave is for "Military training". While the Council will do its best to accommodate any requests to use this extra leave, the Council cannot guarantee that reservists extra leave requests will be given priority. To avoid reservists being unable to take time off when needed, they must apply for this extra leave as soon as possible after they are informed that they need to take time off.
7. This offer is available only to employees who provide evidence that they need to take the time off as a reservist (for example, a letter from their Commanding Officer) when booking their leave. The offer cannot be used for days when the reservist is not undertaking reservist activities or to recover from the physical demands of a weekend away with the reserve forces.
8. All leave dates must be approved in advance by the reservist's Line Manager. It is important that reservists follow the Council's Leave of Absence Scheme.

RESERVIST MOBILISATION

9. Each of the Reserved Forces follows a strict procedure when mobilising reservists. This includes notifying the Council and the reservist of the date when they are required to report for duty and a period of pre-mobilisation training.
10. The Ministry Of Defence (MOD) aims to give a least 28 days notice of mobilisation, although for operational reasons it can sometimes be less. There is no statutory requirement for a minimum period of mobilisation.
11. On being called up, the reservist should inform their Line Manager. The Council will also receive an information pack, which sets out the date and possible duration of mobilisation as well as their statutory rights, obligations and how to apply for financial assistance. Both the reservist and the Council have the right to apply for an exemption or deferral mobilisation under certain exceptional circumstances.

APPEALS FOR EXEMPTION OR DEFERRAL

12. The Council recognises that, under the Reserve Forces (Safeguard of Employment) Act 1985, if it believes that the reservist's absence on military service is likely to do "serious harm" to the Council, it may apply for an exemption or deferral of mobilisation. The Council recognises that the criteria for exemption or deferment from being mobilised are strict and will seek exemption or deferral only in exceptional circumstances. The application for exemption will be made by the Head of Service.
13. The Council's application must be submitted to the relevant Adjudication Officer (the person specified in the call-out notice or the Adjudication Officer at the mobilisation centre) within the period of seven days immediately following the date of the employee's receipt of the mobilisation process.

RESERVISTS' RIGHTS DURING MOBILISATION

14. There is no requirement for the Council to pay the reservist during their absence on military operations. During this period the reservist receives service pay from the MOD, along with a standard award to make up any difference (up to the statutory limit) between their service pay and normal average weekly earnings.
15. The reservist who is called up is entitled to remain a member of their occupational pension scheme. Provided that they agree to continue to pay their own contributions, the MOD will pay the employer contributions that the Council would have made.
16. If the reservist's mobilisation commences or ends part way through the annual leave year then the annual leave entitlement for that year will be calculated on a pro-rata basis.

RESERVISTS' DEMOBILISATION

17. Before returning home, reservists will undergo a process of 'winding down' with their unit in a controlled environment for up to four days. Here, they will be given time to relax as well as receive a series of briefings to help prepare them for civilian life.

These include:

- An update on media coverage of the conflict they have been involved in, so they know what people at home have heard about it.
 - A presentation on Post Traumatic Stress Disorder by specially trained medical staff, and the opportunity for one-to-one interviews.
18. Once a reservist arrives back in the UK, they will be taken to their demobilisation centre, where the process of reintegration continues. As well as all the necessary postoperative administration procedures, such as handing back their uniform, they will undergo a series of medical assessments, and receive further briefings on stress, their return to work, welfare guidance and advice. One-to-one and specialist sessions are available throughout their remaining time in service, and can continue for as long as needed
 19. They will then be formally demobilised and free to start their post-operational leave. All Reservists are entitled to a period of leave and will continue to be paid by the MOD during this time. (This usually works out at an average of around 30 days including any amount of annual leave they have built up.) Post-operational leave allows the reservist to fully readjust and prepare for civilian life. It's also an ideal time to get in touch with their employer if they haven't done so already. Regular contact with the employer will help make their return to work that

much smoother. The final day of post operational leave is known as your last day of whole-time service.

20. Regular contact with their employer during your post-operational leave will help ease their transition back to work. Most reservists find it useful if Managers and colleagues are kept informed during this period, and to have an informal interview with their Line Manager on their return. This will give them the opportunity to talk about their experiences, if they choose to, and for you to update them on what's been going on in their absence.
21. Regardless of the length of the military action, the mobilised reservist has the right to be reinstated in their former job within six months of demobilisation, on the terms and conditions that are no less favourable than those that would have been in place prior to being called up.
22. If it is not reasonably practicable to reinstate the reservist to their former job, the Council must find a suitable alternative which is the most favourable occupation and on the most favourable terms and conditions that are reasonable and practicable in the circumstances. Heads of Service will need to evidence why they are unable to reinstate the reservist to their former job and the Head of HR and Organisation Development will need to approve the reasons why the reservist cannot return to their post.
23. Reservists can be included in the Redeployment Pool, if this is necessary, due to them not being able to return to their previous post. However, all employees should be treated consistently and should not discriminate against reservists on the grounds of their reserve service or call-up liability.
24. If a reservist is not happy with the offer of alternative employment they must write to HR stating why there is reasonable cause for them not to accept it. If a reservist believes that the Council's response to their application denies their rights under the Reserved Forces (Safeguard of Employment) Act 1985, an application can be made to an external body called the "Reinstatement Committee" for assessment. They will consider the reservists application and, if they accept it, can make an order for reinstatement and/or compensation.
25. If the Council wishes to appeal against a Reinstatement Committee's decision they can make a further appeal to an external Umpire.
26. To exercise the right to be reinstated, the reservist must write to the Council no later than the third Monday after demobilisation confirming their intention to return to work within the following 13 weeks. The initial 13-week period may be renewed for a further 13 weeks if circumstances such as illness or injury prevent the reservists return during the initial period. However, the reservist forfeits their right to return to the Council if they fail to do so within 26 weeks of demobilisation.
27. Once the reservist has been reinstated, the Council will continue to employ them in that same occupation if possible and on the same terms and conditions for:
 - The following 26 weeks, if employed for more than 13 weeks but less than 52 weeks.
 - 52 weeks, if the reservist had been employed for a consecutive period of at least 52 weeks at the time they were called up for military operation; or
 - A minimum of 13 weeks, if the employee was employed for fewer than 13 weeks immediately prior to mobilisation.
28. The continuity of the reservist's period of employment is not broken by a period of compulsory or voluntary mobilisation, if they are reinstated in their former post within six months of demobilisation.

29. However, when calculating the employee's total period of continuous employment, the Council will discount the number of days falling in the period between the date on which the reservist is called up for military operations and the day immediately preceding the day on which the return to work
30. For example, if a reservist was called up for duty in January 2010 for 12 months and they are coming up to 5 years of continuous service in July 2010, prior to their call up they had 4 years 6 months service. When they return to work in January 2011, they are reinstated to their former post. They still only have 4 years and 6 months continuous service. However, whilst they have been on reservist duties they have still continued to accrue their statutory rights.

FINANCIAL ASSISTANCE

31. There is financial assistance available to the Council from the MOD for an award in respect of any costs incurred in replacing the employee that exceed the reservists earnings, although there is a set cap of the daily amount awarded.
32. If a reservist employee is mobilised, an information pack will be sent to the Council by the MOD or given to the reservist employee to forward to their Line Manager. This will outline details of how you can start the process to apply for financial assistance.

AFTERCARE

33. Demobilisation may be a difficult time, with a reservist returning to work after a challenging period in deployment. Helping to ensure a smooth re-integration into the workplace/team will require consideration of:
 - The need to update on changes and developments in the Section/Service Area.
 - The need to offer specific refresher training where it is sought/considered necessary.
 - Where the job duties have changed since mobilisation a period of skills training may be required to assist with new aspects of the job.
 - Reasonable time off to seek therapeutic treatment if required e.g. Prosthetics, disfigurements, etc.
34. It's worth remembering that reservists may have a delayed response to what they've seen and experienced. Some symptoms are a normal part of readjustment to everyday life and should pass within a few months. But if they persist, it's important to remember that a great deal of help and support is available from a variety of sources.
35. We are all different and act differently. Some people internalise issues and some people get it all out in the open and get it dealt with. Talking about mental health issues is a very difficult thing to do. You have to volunteer information, and even with encouragement, that can be difficult. With the regular Army, a lot of those issues could be dealt with because the service personnel are always around people who have been through the same kind of experience. It's different for reservists.
36. There are various signs which might suggest a Reservist may need help with post operational stress management. These include:
 - Flashbacks
 - Depression
 - Confusion Inability to make simple decisions
 - Trouble sleeping Irritability
 - Quick temper Hyper-alertness
 - Anxiety Panic attacks
 - Feelings of isolation

Who to contact for help

- Your Reservist's chain of command - Unit Admin, Welfare, Pastoral and Medical Staff
- Navy Personal and Family Service and Royal Marines Welfare (www.rncom.mod.uk)
- Army Welfare Services (www.army.mod.uk/welfare-support)
- Forces Help RAF (www.rafcom.co.uk)
- Veterans and Reserves Mental Health Programme (in partnership with the NHS referred via GP) 0800 032 6258

Useful sources of information

- Veterans UK (www.veterans-uk.info).
- Confederation of Service and Ex Service Organisations (www.cobseo.org.uk).

37. Examples of supportive measures available to employees and Managers include.:
- Referrals to and the provision of advice by, Occupational Health..
 - Access to physiotherapy services..
 - Access to an Employee Assistance Programme (Care First).
 - Workplace adaptations and access to the services of an external specialist on workplace adaptations.
 - Amended duties as directed by Occupational Health or an employee's GP.
 - Phased returns to work as directed by Occupational Health or an employee's GP.
 - Rehabilitation management.
 - Healthy living initiatives as provided under the Welsh Government's Corporate Health Standard.
 - Voluntary use of annual leave, particularly to alleviate any financial burden of taking time off.
 - Flexible working.
 - Working from home, if appropriate to the post. Refer to the Council's Home Working Scheme.
 - Career Break Scheme.
 - Reduced or condensed hours. Taking time off in lieu, if appropriate.

FURTHER INFORMATION

38. Managers can get further information from SaBRE, (Supporting Britain's Reservists and Employers) which is a marketing and communication campaign. It was set up in October 2002 to provide employers with any help and support needed regarding Reservist employment. This can cover:
- General advice about employing a reservist.
 - Information on anything from a reservists training obligations to an employer's legal rights and responsibilities.
 - Help in understanding the many benefits of employing reservists.
 - Regional SaBRE Campaign Directors who can help with specific enquiries.
 - Advice and guidance of good practice for employers on reservist employment matters.
 - Providing a conduit for feedback to the MOD on behalf of reservists and their employers.

You can contact SaBRE about any issue relating to the support of Britain's Reservists and employers via their helpline on 0800 389 5459 or (open Monday to Friday 9am-5pm; closed weekends and bank holidays or by email via www.sabre.mod.uk.

INTERPRETATION OF THE SCHEME

- 39.. In the event of a dispute relating to the interpretation of this scheme the Head of HR and Organisational Development or the Human Resources Service Manager will make the final decision on interpretation.

REVIEW OF THE SCHEME

40. A review of this scheme and procedure will take place when appropriate. Any amendments will be consulted on with all the relevant parties. However, in the case of amendments relating to legislative requirements, the scheme will be amended and reissued.

JULY 2015

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CAERPHILLY HOMES TASK GROUP (WELSH HOUSING QUALITY STANDARD)

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH
(SIRHOWY ROOM) ON THURSDAY, 21ST MAY 2015 AT 5.00 P.M.

PRESENT:

C. Davies- Vice Chair (Presiding)

Task Group Members:

Mrs G. Atkins, Ms E. Forehead, K. James, Miss A. Lewis, C. Mann, M. McDermott, J. Moore and D.V. Poole.

S. Couzens (Chief Housing Officer), P. Davy (Head of Programmes), M. Lloyd (Deputy Head of Programmes), J. Roberts-Waite (Strategic Co-ordination Manager) P. Smythe (Housing Repair Operation Manager), and C. Evans (Committee Services Officer).

1. APOLOGIES

Apologies for absence were received from Ms L. Ackerman, Mrs B. Jones, Mrs S. Jones, Mrs D. Moore and Mrs D. Price.

2. CHAIR'S (PRESIDING) ANNOUNCEMENTS

C. Davies, Presiding Chair to the Caerphilly Homes Task Group referred to the recent passing of Councillor Ray Davies and all present extended their condolences to the bereaved family. The Task Group noted his long and distinguished career in local government, the manner in which he had carried out his duties and the high esteem in which he had been held by Members, Officers and the Community, and commended his contributions to the Task Group.

It was noted that Councillor Gerald Jones was recently elected as MP for Rhymney and the Task Group extended their congratulations and best wishes for the future and welcomed the new Members, Councillor Elaine Forehead and Councillor David Poole to the Meeting.

The Task Group extended their congratulations to Mrs G. Atkins on her recent marriage and wished her all the best for the future.

3. DECLARATIONS OF INTEREST

Mrs G. Atkins, Mr C. Davies, Miss A. Lewis, Mr M. McDermott, and Mr J. Moore as Council Tenants declared a personal but not prejudicial interest in all agenda items.

Mr C. Davies declared an interest in item 4, relating to the Community Improvement Fund. Details are minuted with the respective item.

4. MINUTES – 2ND APRIL 2015

RESOLVED that the minutes of the meeting held on the 2nd April 2015 be approved as a correct record and signed by the Chair.

5. COMMUNITY IMPROVEMENT FUND.

Mr C. Davies declared an interest as a resident of Twyn Carno and having involvement in the project. Mr Davies left the meeting during its consideration and Miss A. Lewis presided as Chair.

The report provided details of an application made for funding from the Community Improvement Fund by Pen Y Dre Tenants and Residents Association. The Pen Y Dre Tenants and Residents Association are a constituted organisation with the aim of improving housing conditions, the environment and amenities within the ward of Twyn Carno and have applied for £5,000 to help finance the cost associated with installing a play facility within the local community.

The total cost of the project is estimated to be £89,052.00 (VAT component £14,842.00), and two quotes for the entire project have been included with the application. The Council have awarded planning permission (with conditions) to the Association to install a fixed and informal play facility. A 25 year lease has been agreed. The Task Group noted that due to the pressure on the MTFP revenue costs can only be guaranteed for 2015/16 for maintenance.

The Task Group thanked the Officer for the report and sought further information on the funding available. Officers explained that the Community Improvement Fund has an allocation of £50,000 per year, with a maximum of £5,000 grant for capital costs for individual projects, which have to demonstrate that they would benefit the community.

Following consideration of the report, it was moved and seconded that the Caerphilly Homes Task Group support the application made by the Pen Y Dre Tenants and Residents Association. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officer's report, the Caerphilly Homes Task Group support the application which will have a positive impact on tenants living within the adjacent housing areas subject to the follow:

- Confirmation of what products/materials will be financed via the CIF.
- The award of additional funding from the CFP (WG Communities Facilities Programme) and the Community Regeneration Fund (approval letters to be provided)
- The Association is advised there is no guaranteed maintenance funding beyond 2015/16 and they should make contingency arrangements, including appropriate insurance cover.

C. Davies returned to the meeting and chair, following the debate and vote.

6. WHQS COMPLIANCE.

The report provided details of the new requirements from the Welsh Government (WG) in relation to verification and maintenance of the Welsh Housing Quality Standard.

The Task Group noted that Social Housing Landlords are required to put in place a Compliance Policy by 01.04.16 and review it annually. The Compliance Policy is intended to provide the Welsh Government, tenants and the Council with assurance that WHQS will be

achieved and maintained. The Policy will form the basis for an independent verification process. The report outlined the Welsh Government requirements, sets out the timetable and consultation arrangements.

Having considered the report, the Task Group sought further information on the Officer working group. The Officer highlighted that the Officer working group has now been established and is made up of key WHQS Officers overseeing areas such as finance, data management and community benefits.

Following discussion, the Task Group queried the current information submitted to WG and the process. Officers explained that an annual return is completed which demonstrates the number of properties in total, and the number of which are WHQS compliant. The new requirements would ensure that Caerphilly CBC are progressing in order to achieve WHQS by 2020 and providing sufficient evidence to demonstrate this.

The Caerphilly Homes Task Group thanked the Officer and noted the report.

7. HOUSING REPAIR OPERATIONS ANNUAL PERFORMANCE UPDATE.

Paul Smythe provided an update on the annual performance of the Housing Response Repair Service, which was developed by the newly formed Housing Repairs Operations (HRO) Team, against each of the Response Repair categories to deliver the housing repairs service.

The Task Group considered information on the level of customer satisfaction obtained following the introduction of telephone and face to face customer satisfaction surveys along with some of the other achievements that have been made through working in close partnership with the Repairs and Improvement Group, such as the introduction of the Relet standard, Recharge Policy, Handy Person Service and joint maintenance responsibilities.

The Task Group thanked the Officer for the positive report and discussion ensued, noting the improvements achieved in the service and performance.

A Task Group Member sought clarification on the reduction in the Response maintenance budget and the reason for which this was applied. It was noted that there has been a reduction of £600,000 to the budget, which reflects the number of works that were WHQS related and therefore conducted under WHQS funding. There has been a notable change in the system for repairs and an increase in customer confidence, which has seen an increase in repairs reported and expectations of tenants increased.

Members sought further information on the categorization and process associated with Emergency Repairs and the impact of WHQS on the service. The Officer highlighted that Emergency repairs are considered a priority and associated with water, gas or electricity; however, not all reported emergency repairs are genuine cases. The Task Group noted that when the repair is completed and satisfaction survey is conducted any dissatisfaction is followed up and corrected where possible. In addition, works conducted under WHQS, can have an impact on workloads.

The Caerphilly Homes Task Group noted the report.

8. OLDER PERSONS HOUSING – FULL YEAR PROGRESS REPORT

The report provided the Task Group with an update on the progress made by the Older Persons Housing Team through the implementation of the new service model and the positive changes made in relation to the development of this service area.

Since the commencement of the new service generally people are happy with the service being delivered (81%) in sheltered housing schemes. Tenants can feedback through tenant meetings and the tenant's satisfaction survey and reasonable adjustments will be made where possible to improve the experiences of tenants.

In response to feedback from tenants a notice board has been introduced on the office door of all Sheltered Schemes with the name of the covering officer and their times at the scheme. Reassurance calls are being piloted in three schemes to consider whether these can be rolled out to all tenants interested in opting into this service.

The newly established Floating Support service has resulted in positive outcomes for older people living in council properties. Feedback from the survey was very good and our aim for this service is to market further to reach more people that need services.

The Task Group thanked the Officer for the report and were pleased to note the changes and impacts on tenants.

Clarification was sought on the variation in figures and follow up on the feedback reports.. The Officer clarified the figures and explained that satisfaction surveys are sent to all tenants, some of which may not have a specific package of support, therefore some of the questions would not be of relevance. On receipt feedback from tenants, follow up meetings have been conducted and needs met or adaptations implemented as a result of an identified need or, in a case where assistance is not available at present, on-going communications are under way.

Discussions took place around the Residential Meetings, their purpose and locations. The Officer explained that meetings are conducted across the borough, encourage a community feel within the Sheltered Schemes and are an opportunity to provide a number of services and opportunities such as hair and beauty treatments and themed dances.

The Caerphilly Homes Task Group were pleased to noted the report.

9. TO RECEIVE ANY REQUESTS FOR AN ITEM TO BE INCLUDED ON THE NEXT AVAILABLE AGENDA

There were no requests for items received to be placed on the next available agenda.

The meeting closed at 6.04 p.m.

Approved as a correct record subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 2nd July 2015.

CHAIR



CORPORATE HEALTH AND SAFETY COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN,
ON TUESDAY, 24TH FEBRUARY 2015 AT 10.00 AM

PRESENT:

Councillor D. Havard - Chair
Councillor S. Kent - Vice Chair

Councillors:

M. Adams, A. Higgs.

Together with:

D. Jones (Service Manager, Health, Safety and Welfare), E. Townsend (Deputy Health and Safety Manager), T. Phillips (Health and Safety Manager), P. James (Health and Safety Manager), R. Phillips (Asbestos Officer), M.S. Williams (Head of Community and Leisure Services), S. Hawkins (Community Leisure Officer), S. Wright (Service Manager - Learning Disability/Mental Health), S.M. Kauczok (Committee Services Officer).

Trade Union Representatives:

S. Brassinne (UCATT), N. Funnell (GMB), J.A. Garcia (UNISON).

1. APOLOGIES

Apologies for absence had been received from D. Andrew Williams (UNITE), Councillor P.J. Bevan and G. Hardacre (Head of HR and Organisational Development).

2. DECLARATIONS OF INTEREST

There were no declarations of interest made at the beginning or during the course of the meeting.

3. MINUTES

RESOLVED that the minutes of the Corporate Health and Safety Committee held on 17th November 2014, be approved as a correct record and signed by the Chair.

4. MATTERS ARISING FROM THE MINUTES

Arising from discussions at the last meeting on the feasibility of statutory maintenance compliance inspections being undertaken by suitably qualified employees within the Authority, Donna Jones (Service Manager, Health, Safety and Welfare), advised that the Statutory Maintenance Group were exploring the potential of this being progressed.

REPORTS OF OFFICERS

Consideration was given to the following reports.

5. RAMIS: STATUTORY MAINTENANCE COMPLIANCE - PRESENTATION

Donna Jones, Service Manager, Health, Safety and Welfare, updated members on information provided at the last meeting of the Committee in November 2014 in relation to RAMIS (Risk Assessment Management Information System), which helps manage its statutory maintenance responsibilities for all of its workplace premises and provides a live record of compliance across all Authority premises, which now includes schools. RAMIS collates all statutory maintenance inspections undertaken by contractors, records all cyclical tasks to be undertaken by CCBC staff and all H&S inspections/audits of buildings. Building Managers receive emails reminding them of tasks due and overdue and reports are generated from the system on compliance.

A significant amount of work is undertaken to ensure the Authority is compliant, for example, electrical testing is undertaken every 5 years, gas safety certificates are required annually and legionella risk assessments are required every 2 years. Regular water quality testing, fire alarm testing and fire fixed alarm wiring testing is also undertaken. In addition fire risk assessments of residential, large corporate buildings and comprehensive schools are undertaken and portable fire fighting equipment is tested on an annual basis. Air conditioning/sprinkler systems are tested annually, emergency lighting six monthly, lifts six monthly, fixed ventilation every 14 months and asbestos surveys are carried out every 3 years.

By means of a Powerpoint presentation, the Committee's attention was drawn to information relating to High Risk Inspections i.e. Electrical reactive tasks, Legionella reactive tasks and Gas Safety reactive tasks. Details were received of the sites inspected together with the number of outstanding tasks as at November 2014 and February 2015. Members were informed that improvements had been made across all three high risk disciplines.

Arising from queries raised during the ensuing discussion, officers advised of the need to engage specialist contractors via the procurement process who have the ability to work with RAMIS and cope with the large volume of work involved. In terms of electrical inspections in schools, it is generally the older buildings that require further investigation and this work is usually scheduled to take place during the school holidays. Tasks are generally updated on RAMIS within the 10 day period but this can take longer if a contractor has a number of tasks to close down on the system.

The Chair thanked officers for the informative presentation and for responding to queries raised.

6. POWERED GATES - HEALTH AND SAFETY INSPECTION UPDATE

Terry Phillips, Health and Safety Manager, updated the Committee on ongoing developments and further inspections arranged by Health and Safety Officers within maintained Caerphilly schools and non Education premises in relation to automatic powered access gates.

It was noted that the Local Authority had found significant issues with powered gates installed at schools and depots. Five of the sites inspected in September 2014 did not comply with the standard guidance of BS EN 12453. Three of these were primary schools, the other two were depot sites. Six of the sites did not have an installation commissioning certificate or report for the gate on site. One had since obtained a certificate. Six of the site inspections revealed that no regular maintenance or servicing contract was in place. Two schools have agreements in place and are awaiting installation snags to be resolved before they sign the maintenance contract. Pressure gate testing had improved significantly with all but one site having up to date pressure tests.

Six of the sites on inspection revealed post installation faults that need rectification. The figure has not improved as schools and sites called in various contractors to undertake remedial improvements and the quotes are on hold pending an independent assessment of all sites. Those schools that did not have maintenance contracts, had not had appropriate pressure tests, or installation was not compliant with BS EN 12453, were instructed to switch the gates to manual and to open and close them manually.

The September reports on the non-compliances that had been passed to the Heads of the respective schools to initiate and rectify, resulted in schools and depots receiving very expensive quotes, some over £5k. When the quotes were reviewed, it was noted that some of the recommended actions e.g. flashing lights and alarms might not have been appropriate in the context of the school setting.

It was noted that the Health and Safety Section and Risk Management, in consultation with Building Consultancy, had decided to commission independent reports (by Gas Safe) for each site. These were completed on 20th and 21st January. Health and Safety will assess the reports when received and send them out to the schools and depots. It will be for the site itself to implement the recommendations and take appropriate remedial action. Further monitoring inspections at schools will be undertaken in the summer term 2015.

Following consideration and discussion, the Corporate Health and Safety Committee noted the report.

7. HEALTH AND SAFETY SUPPORT - SCHOOLS

Donna Jones, Service Manager, Health, Safety and Welfare, gave an overview of changes to Health and Safety support services provided to schools since the beginning of this year.

Since 2009, a Health and Safety SLA has been provided to all schools in Caerphilly. The service provides 5 days Health and Safety officer time. Three of the 5 days per annum are allocated to mandatory inspections, general Health and Safety inspections, Fire Risk Assessment and Health and Safety Audit.

At the beginning of 2014 several primary head teachers expressed a need for a higher level of Health and Safety support for their school. A review was subsequently undertaken and a premium Health and Safety SLA was offered to primary schools.

Since 2009 secondary schools have been provided with an SLA and schools' business managers/bursars have been offered a place on a NEBOSH National General Certificate course. To date 9 out of 11 of the schools have sent officers on the course. Both PFI schools have taken out a bespoke Health and Safety SLA Service, which reflects the split of responsibilities at these schools between the school and the PFI managing agent.

Cwmcarn High School has also been offered a bespoke SLA service to reflect the duties of a Foundation Maintained School. The school is free to engage its own competent Health and Safety advice and to date has not taken up an SLA with the Council's Health and Safety Division. The Council will undertake a two yearly Health and Safety inspection of the school

to ensure a safe learning environment is provided to Caerphilly pupils funded by the Authority as well as to assess the working environment of Council staff allocated to work with specific pupils at the school.

From September 2014 primary schools were offered two options for an increased SLA service. The service provides a named Health and Safety Officer to work with each school. Typical tasks covered by the Premium SLA are listed in paragraph 3.5. Paragraphs 3.6 and 3.7 provide details of the level of Health and Safety support offered under Option 1 and 2 and the names of the schools that have taken up the service. Paragraph 3.8 lists the primary schools that have not taken up the Premium H&S SLA but are covered by the 5 day Core H&S SLA.

The Premium SLA commenced in January 2015 and feedback has been very positive. Headteachers have seen a positive effect on their workload and the cost of the SLA is able to be allocated from the school's building maintenance budget. The Council has seen an improvement on statutory maintenance compliance in terms of RAMIS statistics.

During the course of the ensuing discussion, during which questions were raised in terms of the suitability of some of the play equipment used in schools to encourage active learning, officers provided further information on the level of support they provide to schools in terms of health and safety.

Following consideration and discussion, the Corporate Health and Safety Committee noted the report.

8. INTERIM REPORT - ASBESTOS IN SCHOOLS REMOVAL PROGRAMME

The report updated the Committee on progress with asbestos removal in occupied areas of Caerphilly owned schools. In July 2014 Cabinet approved the funding of a project to remove all amosite asbestos containing products from occupied areas of school buildings. This decision committed £800,000 of H&S budgets over two budget years for removal and reinstatement work across 37 schools.

Table 1, paragraph 5.1 in the report provides details of projects where asbestos removal works have been completed and schools re-categorised. Table 3 provides details of schools where work is still to be completed by December 2016. Photographs providing a visual account of schools where work has already been completed and showing the condition of premises before and after the asbestos removal works, were displayed.

Following consideration and discussion, the Corporate Health and Safety Committee noted the report.

9. INFORMATION ITEMS

The following reports were received and noted: -

1. Accident Statistics Report for October - December 2014.
2. Recent HSE Updates.

The meeting closed at 11.20 am.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 29th June 2015, they were signed by the Chair.

CHAIR



PENSIONS/COMPENSATION COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON TUESDAY 9TH JUNE 2015 AT 1PM

PRESENT:

Councillor Mrs J. Gale - Chair

Councillors:

H.A. Andrews, W. David, Ms J.G. Jones, C.P. Mann, Mrs M. E. Sargent

Appropriate Cabinet Member - Councillor N. George

Together with:

L. Donovan (HR Service Manager - Customer Services), M. Williams (Head of Community and Leisure Services), H. Morgan (Senior Committee Services Officer).

1. **APOLOGIES**

An apology for absence was received from Councillor D.G. Carter.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest made at the beginning or during the course of the meeting.

3. **APPLICATION FOR EARLY RETIREMENT BY MUTUAL CONSENT ON THE GROUNDS OF BUSINESS EFFICIENCY IN COMMUNITY AND LEISURE SERVICES**

Members considered the public interest test certificate from the Proper Officer and concluded that on balance the public interest in maintaining the exemption outweighed the public interest in disclosing the information and it was

RESOLVED that in accordance with Section 100A(4) of the Local Government Act 1972 the public be excluded from the remainder of the meeting because of the likely disclosure to them of exempt information as identified in paragraphs 12 and 14 of Part 4 of Schedule 12A of the Local Government Act 1972.

Consideration was given to the report which detailed an application for early retirement by mutual consent on the grounds of business efficiency giving access to non-actuarially reduced pension benefits under the Local Government Pension Scheme for 1 employee within Community and Leisure Services.

Following detailed discussion on the application, it was moved and seconded that the recommendation within the report be approved. By show of hands this was unanimously agreed.

RESOLVED that for the reason contain within the report and detailed at the meeting, the request for the early access to non-actuarially reduced pension benefits under the Local Government Pension Scheme, to support Community and Leisure Services to achieve some of its required budgetary savings for 2015/16, be approved.

The meeting closed at 1.10pm