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AGENDA

Committee	POLICY REVIEW AND PERFORMANCE SCRUTINY COMMITTEE
Date and Time of Meeting	TUESDAY, 2 JUNE 2015, 4.30 PM
Venue	COMMITTEE ROOM 4 - COUNTY HALL
Membership	Councillor Howells (Chair) Councillors Cowan, Goodway, Hunt, Love, McGarry, Murphy and McKerlich

Time approx.

1 **Appointment of Chairperson**

The Council at its meeting held on 21 May 2015 appointed the following Members to this Committee:-

Councillor Howells (Chairperson)
Councillors: Cowan, Goodway, Hunt, Love McGarry, McKerlich and Murphy

Terms of Reference

To scrutinise, monitor and review the overall operation of the Cardiff Programme for Improvement and the effectiveness of the general implementation of the Council's policies, aims and objectives, including:

- To scrutinise, monitor and review the effectiveness of the Council's systems of financial control and administration and use of human resources.
- To assess the impact of partnerships with and resources and services provided by external organisations including the Welsh Government, joint local government services, Welsh Government Sponsored Public Bodies and quasi-departmental non governmental bodies on the effectiveness of Council service delivery.
- To report to an appropriate Cabinet or Council meeting on its

findings and to make recommendations on measures, which may enhance Council performance and service delivery in this area.

2 Membership

Councillor Howells (Chairperson)

Councillors: Cowan, Goodway, Hunt, Love McGarry, McKerlich and Murphy

3 Apologies for Absence

To receive apologies for absence.

4 Declarations of Interest

To be made at the start of the agenda item in question, in accordance with the Members' Code of Conduct.

5 Minutes (*Pages 1 - 8*)

To approve as a correct record the minutes of the meeting held on 12 May 2015

6 ATTENDANCE & WELLBEING POLICY REVIEW (*Pages 9 - 116*) 4.35 pm

- Councillor Graham Hinchey, Cabinet Member, Corporate Service & Performance, has been invited to attend for this item and may wish to make a statement
- Christine Salter, Corporate Director, Resources, Philip Lenz, Chief HR Officer, Lynne David, Centre of Expertise, Jane Forshaw, Director of Environment and Malcolm Stammers, Operational Manager Leisure & Play will be in attendance for this item.
- Questions by Members of the Committee

7 ALTERNATIVE DELIVERY MODEL EVALUATION METHODOLOGY (*Pages 117 - 156*) 5.45 pm

- Councillor Graham Hinchey, Cabinet Member, Corporate Services & Performance, has been invited to attend for this item and may wish to make a statement.
- Christine Salter, Corporate Director Resources, and John Paxton, Strategy and Development Manager will be in attendance to present the model to Committee.
- Questions by Members of the Committee

8 ANNUAL REPORT OF THE COMMITTEE 2014/15 (*Pages 157 - 208*) 6.40 pm

- 9 **WORK PROGRAMME FOR 2015/16** (*Pages 209 - 214*) 6.45 pm
- 10 **CORRESPONDENCE** (*Pages 215 - 250*) 6.50 pm
- 11 **WAY FORWARD** 6.55 pm
- a) Attendance & Wellbeing Policy Review
- b) Alternative Delivery Model Evaluation Methodology
- 12 **Date of next meeting**
- Tuesday 7 July 2015

Marie Rosenthal

County Clerk & Monitoring Officer

Date: Friday, 29 May 2015

Contact: Kate Rees, 029 2087 2427, a.redmond@cardiff.gov.uk

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POLICY REVIEW AND PERFORMANCE SCRUTINY COMMITTEE

12 MAY 2015

Present: County Councillor Howells(Chairperson)
County Councillors Cowan, Goodway, Hunt, Lloyd, McGarry,
Murphy and Walker

49 : APOLOGIES FOR ABSENCE

No apologies for absence were received.

50 : DECLARATIONS OF INTEREST

No declarations of interest were received.

51 : MINUTES

The minutes of the meetings held on 3 March 2015 and 30 March 2015 were approved by the Committee as a correct record and were signed by the Chairperson.

52 : PERFORMANCE REPORT QTR 4 2014/15 (JANUARY TO MARCH)

The Committee received a report and were asked to consider the Q4 performance report, which included the action plans from Star Chamber, as requested by the Committee previously. The report also included briefing papers from the Directors of Environment, Children's Services, Communities, Housing and Customer Services and Education and Lifelong Learning.

Members were advised that as part of the development of the performance management arrangements in the Council, and specifically in relation to improving the internal challenge of performance of services, the Council has introduced a 'Star Chamber' where the Chief Executive, Directors and Cabinet Members have open and candid discussions regarding performance levels and the challenges facing service delivery, where a set of actions are agreed. Actions for each directorate arising from 'Star Chamber' were included in the report.

The report provided analysis of performance in each directorate including key performance indicators, progress against Corporate Plan commitments, financial performance, management issues and key challenges and risks. Additionally, the report included a corporate overview covering finance, staffing issues, staff costs, customer contact and FOI requests.

A summary of the Authority's performance set against the measure included in the Welsh Government's Outcome Agreement was also included; the successful delivery of which would release £3.3m of grant funding.

Members were advised that across all directorates 75.2% of Corporate Plan commitments were 'green' and 47.6% of Performance Indicators were 'green'. The following key issues were highlighted in the report alongside the resultant Star Chamber Actions:

- Sickness Absence
- PPDRs
- FOI Requests
- Outcome Agreement

In terms of directorates, the report also provided Members with a summary of the key issues and Star Chamber Actions relating to each.

The Policy Review and Performance Scrutiny Committee, at its meeting of 3 March 2015, recommended that Group Leaders be invited to be full Members of the Challenge Forum. At the April meeting of the Forum the work programme for the year was considered. The Forum received a presentation on the prevailing issues, the interventions put in place to respond, and the progress achieved. The Forum agreed that their future work programme would focus on:

- the fiscal resilience of the organisation
- embedding a culture of Performance Management and Financial Discipline
- Scrutiny improvements – ensuring greater alignment between the scrutiny forward work programme and organisational priorities
- Education – continuation of existing improvement work, but with a more specific focus on under-performing schools
- Social Services – placing a strong focus on demand management and financial planning

The Chairperson welcomed Councillor Bale, Leader and Cabinet Member for Economic Development and Partnerships; Paul Orders, Chief Executive; and Martin Hamilton, Chief Officer, Change and Improvement, to the meeting. Councillor Bale made a brief statement.

Councillor Bale stated that whilst achievements had been made (including the WG Outcome Agreement requirements; the evidence of improvements highlighted in the recent Estyn letter; and the Corporate Plan being signed off by the Welsh Audit Office;) significant challenges remained. These challenges include further efforts to reduce sickness absence levels, the significant implications of financial resilience issues; and performance challenges in Education and Children’s Services.

Martin Hamilton summarised the contents of the cover report and identified the key issues of concern within directorates.

The Chairperson invited the Committee to raise questions, seek clarification or comment upon the information received. Those discussions are summarised as follows:

- Members noted that the authority has achieved the Welsh Government target for recycling rates, and questioned whether it was prudent to be investing over £2m on new bins. The Leader stated that the recycling target was rising and therefore the new bins were required in order to avoid the imposition of fines in future years. Welsh Government were said to be ‘comfortable’ with the recycling collection model proposed in Cardiff.
- Members asked for clarification of the role of advisors within Education and sought clarification or an indication of the level of cost to the authority. The Chief

Executive advised that a recent visit by Estyn had outlined the progress made and the challenges outstanding within the directorate. Robert Hill had been engaged to work with the service and stakeholders to accelerate the rate of improvement being made. The Chief Executive considered that the costs of the appointment were supported the Central South Consortium Joint Education Service, and gave an undertaking to clarify the position.

Members raised further questions regarding the process followed when this appointment was made. The Chief Executive advised that the Director of Education had led the engagement of Mr Hill, in consultation with the Central South Consortium.

- Officers were asked to explain why the corporate sickness target was not achieved. Martin Hamilton stated that some service areas had achieved the target and others had not. A HR officer was working within the Environment directorate to ensure compliance with the Sickness and Well Being Policy and that sickness absence was reducing as a result. This approach would now be rolled out into other services areas including Adult Care, Civil Parking Enforcement and Leisure.

A Member stated that during the Alternative Delivery Model Task and Finish Inquiry an external contractor advised that sickness levels of 20 days per FTE under the public sector had been reduced to 3 days FTE under the new model. This was achieved by upskilling staff, job rotation and good leadership.

The Chairperson reminded Members that this issue would be considered further at the June meeting of the Committee.

- Officers were confident that the requirements of the Welsh Government Outcomes Agreement would be met and the associated grant funding would be received.
- Members asked why the number of days taken to re-let vacant housing units was approximately double the target number of days. Martin Hamilton stated that there had been some issues with the contractors used to put vacant properties in order. These concerns had now been resolved.
- A Councillor raised concerns regarding the lack of progress made in addressing the concerns of Estyn. The member drew attention to the recent issues at Eastern High, and also stated that some Members were aware of issues now emerging in the west of the City. Members considered that it would be more difficult to recruit School Governors in the future if Governors were made accountable for underlying issues identified by Estyn.

The Leader identified the need to improve support to School Governors. He acknowledged that there were also major long-standing concerns regarding the condition of the schools estate. However, there had been an improvement in terms of results. The Chief Executive stated that opportunities existed within the Challenge Cymru Programme. It was critical that Cardiff maximised the impact of those resources available within Challenge Cymru and targeted support arrangements by understanding the problems in particular schools and tailoring support accordingly.

The Chairperson stated that the Children Services Scrutiny Committee was currently undertaking a Task and Finish Inquiry into School Governor support arrangements.

- The Committee asked why papers considered by the Challenge Forum were provided on a 'not for circulation' basis and were not available to Members. Martin Hamilton stated that the Challenge Forum's membership has been extended to include all Group Leaders. The Chief Executive considered that the Challenge Forum papers should be made available to the Members of the Policy Review and Performance Scrutiny Committee.
- Referring to 'agency costs', Members asked whether there were instances where the use of agency staff provided 'value for money'. Martin Hamilton stated that analysis undertaken in the Environment Directorate, appended to the report, had indicated that the use of agency staff provided more flexibility. The core group of employees was supplemented by agency staff and was therefore better able to respond to variations in service demand. It was also noted that, particularly in areas with traditionally high levels of sickness absence, that agency staff did not receive statutory sick pay.
- Members noted that the most popular search on the Council's website was 'Challenge a Parking Fine'. The Committee questioned whether the most popular searches were reviewed and access to the information being sought was made more prominent as a result. The Chief Executive advised that the website was increasingly being used for day to day transactions by citizens. A project was currently being undertaken to increase the range of services which could be directly accessed online. Members noted that the current website does not work well on mobile devices such as smart phones. The Chief Executive advised that the work currently underway to improve online access to services would also ensure accessibility via mobile devices.
- Members queried compliance with FOI requests. Officers advised that the current compliance position reflected the growing volume of FOI inquiries being received. These had increased from 377 in Q3 to 455 in Q4. Work was being undertaken to make more information publically available which should help to reduce the FOI volume.
- Members questioned whether there were any plans to bring in peer support within Health and Social Care, similar to those arrangements put in place in Education. Officers reminded members that one of the peer advisors engaged as part of the Challenge Forum was supporting Children's Services, and there were no plans to change that at the moment .

Some Members expressed the view that the person managing the service should ultimately take responsibility for outcomes. The Chief Executive agreed with that assessment but felt that targeted peer support was justified.

- Members raised concerns that there may not be sufficient resources available to meet staff training needs identified during the PPDR. Martin Hamilton stated that officers had discussed how to meet training needs internally via the Cardiff

Academy, mentoring, etc..

AGREED – That the Chairperson writes on the Committee’s behalf to the Leader to convey their comments and observations (see attached).

53 : FINANCIAL RESILIENCE OF CARDIFF COUNCIL

The Committee received a report on the Council’s current and projected financial position and resilience. Members were advised that the Budget Report in February 2015 contained the following statement within the financial implications from the Section 151 Officer:

“...it is important to reiterate the materiality of the service choices ahead for the Council. In particular, anything other than a radical reduction and reset of the Council’s services will, over the life of the MTFP, lead to financial resilience issues for the Council.

“Against this backdrop members will need to consider whether the choices made to date and planned for the future are commensurate with the scale of financial challenge over the medium term. Cabinet will need to consider these choices again as part of the 2016/17 Budget Strategy Report in July 2015.

“As well as highlighting the financial challenges in the medium term, the role of the Section 151 Officer is to advise members if the Council risks setting an unbalanced budget. I do not consider this to be the case in 2015/16.”

These issues were discussed at the Committee’s Budget Scrutiny meeting on 9 February 2015. The Committee expressed their discomfort about the Council’s preparedness for facing this scale of financial challenge. Furthermore, following consideration of the Organisational Development Programme on 31 March 2015, the Chair wrote to the Cabinet Member for Corporate Finance and Performance stating:

“Members feel the progress report provided was incomplete, in that it did not fully address the financial position and resilience of the Council.

“Members were pleased to hear the Chief Executive give his commitment to ensure that a future progress report would provide clarity about the financial position and resilience of the Council”

Members were advised that the Corporate Director Resources and Section 151 Officer was currently preparing the Budget Strategy Report for 2016/17. A presentation the Director plans to deliver to Members during briefing sessions in May was attached to the report at Appendix A.

The Council Leader, Councillor Phil Bale along with the Chief Executive and the Corporate Director Resources were invited to the meeting in order to provide an update on the Financial Resilience issue and the medium term outlook. It was anticipated that this update would inform the Committee’s further scrutiny of the Organisational Change Programme and how it is addressing the level of the financial

challenge facing the authority. The Chairperson welcomed Councillor Bale, the Chief Executive and the Corporate Director Resources to the meeting.

The Corporate Director Resources was invited to deliver a presentation setting out the financial position to date and an overview of the Medium Term Financial Plan. Members were advised that, at its simplest, the authority faced having significantly less resources available to it; and at a time when significant additional demand was predicted.

The Chairperson invited Members of the Committee to comment, seek clarification or raise questions on the information received. Those discussions are summarised as follows:

- The Committee noted that the authority has made £205m savings over the last 10 years and questioned whether the emphasis should now focus on increasing efficiency and increasing income; to find out what services residents want, and what they would be prepared to pay for.

The Leader stated that the Commercialisation Strategy would assist the authority to increase its income, but noted as a word of caution that there was also a risk involved in seeking greater income. Officers advised that there was not only a need to increase income, but to understand the statutory and discretionary elements of our services. Also, a strand within the ODP was focussing on commercialisation.

- Members sought to clarify that the provision of library services would be safeguarded until the end of the present administration in 2017. The Leader stated that this commitment was written into the budget document agreed by the Council. Officers confirmed that the budget for the provision of library services would be retained until 2017, unless or until alternative arrangements are in place.

Members then questioned whether the decision to close Roath Library, therefore, needed to be considered by the Council. Councillor Bale indicated that a report on the closure of Roath Library, which was due to be considered by the Cabinet in May, had been deferred to allow for further consultation to be undertaken.

- The Committee debated the merits and status of Council decisions and, in particular, decisions relating to spending commitments in the budget. A Member questioned why, when a decision was taken to limit a subsidy to a service area, the authority failed to observe that decision, without the authority of any further decision being taken by the Cabinet or the Council. St David's Hall was given as an example. Officers were asked to clarify who had allowed the service area to spend above and beyond its budget and who had political ownership for the decision as there was a lack of transparency.

Officers advised that the budget monitoring process was a matter of public record. The saving agreed in the budget was considered to be unachievable.

Members responded by stating that the Financial Regulations prevent virements being made where service area budgets are overspent. Therefore, the budget agreed by the Council could not be ignored.

The Corporate Director Resources responded by saying that the authority was at risk of external intervention if a balanced budget was not returned. Councillor Bale advised that decisions on St David's Hall are being taken in conjunction with an ongoing procurement process. All necessary due diligence was undertaken.

- The Committee requested that the Alternative Delivery Model Task and Finish Group be realistic about the timescales necessary to deliver organisational change and for these to be reflected in its planning.
- Councillor Bale stated that the Co-operative Council approach was a values-based approach which was helping protect services such as in Rumney Library. The Procurement Service also aspired to become a mutual service in the future. However, the General Election has had a material impact upon the timescales for such projects. The Leader advised that it was not possible to quantify the savings achieved as a result of the Co-operative Council partnership-based approach. The Leader also advised Members that the Co-operative approach lay at the heart of the Welsh Government's White Paper on reforming Local Government.
- Members note that slippage in the Capital Budget at Month 9 was £52m. Officers were asked whether this figure had changed since month 9. Officers advised that there was not significant change – the main components of the slippage were the School Organisational Planning (SOP) project and the Central Square development. The Welsh Government was set to continue supporting the SOP and expenditure on the Central Square development was expected this year.
- The Committee questioned whether the City would be able to afford to participate in the City Deal in its current position. The Leader stated that City Deal agreements were linked to major cities, and it was expected that Cardiff Council would lead. The Leader recognised budgetary pressures but considered that there must be investment in growth. Cardiff was the economic driver for the region and discussions were being held at a regional level and with the Welsh Government regarding the City Deal.

The Chief Executive stated that, in terms of exposure, the approach taken by Manchester, Glasgow and Leeds could not be replicated in Cardiff and that negotiations focusing on minimising the risks were ongoing.

The Chief Executive gave assurances that specific emphasis would be given to financial resilience issues in the Financial Implications advice for all capital expenditure reports.

54 : CORRESPONDENCE - INFORMATION REPORT

The Committee received copies of correspondence sent and received in relation to matters previously scrutinised by this Committee.

AGREED - That the correspondence report and attached documentation be noted.

55 : DATE OF NEXT MEETING

The next meeting would take place at 4.30pm on Thursday 14 May 2015.

**CITY AND COUNTY OF CARDIFF COUNCIL
CYNGOR DINAS A SIR CAERDYDD**

**POLICY REVIEW & PERFORMANCE
SCRUTINY COMMITTEE**

2 June 2015

ATTENDANCE & WELLBEING POLICY REVIEW

Reason for this Report

1. To present the Committee with an opportunity to consider the 12 month post implementation review of the Attendance and Wellbeing Policy, prior to its consideration by the Cabinet on 11 June 2015.
2. To consider in more depth the impact on sickness absence levels of targeted management intervention in two individual Council directorates: Sport, Leisure & Culture, and Environment.

Background

3. The Attendance and Wellbeing Policy was approved by the Cabinet in April 2013 and implemented from 1 July 2013. It applies to all employees of the Council, irrespective of status and/or grade, except those employed directly by Schools. There is a separate policy for schools based on this policy that has been commended to school governing bodies. That separate version takes into account the role of school governors in any dismissal that takes place in a school.
4. The Policy replaced the Council's previous Sickness Absence Policy and included an updated Special Leave Scheme, the Council's Critical Illness Policy and a section on how the Council would address the health and wellbeing of its employees. The Policy also provided guidance on mental health issues and reasonable adjustments under equality law.
5. This Committee has had a long-standing interest in the Council's management of staff sickness levels, having undertaken an inquiry into the subject, which it

presented to the Executive in October 2011. The Committee last considered an update on the implementation of the new policy at its meeting in March 2014.

6. At that time the Committee raised a number of concerns:

- That there was still considerable variation across directorates and particularly variation in directorate completion of Return to Work interviews and trigger points. Therefore the Committee would aim to scrutinise particular directorates' implementation of the Policy in depth on its 2014/15 work programme;
- Members urged officers to explore further how Cardiff can learn from other local authorities' management of sickness, including a recommendation that officers should endeavour to learn about successful management and cultural changes which other authorities and organisations have implemented in order to effect a change;
- There is further scope for good practice to be shared across the Council; For example, Members expressed an interest in scrutinising whether the preventative work, which had started within the Environment Directorate, would be successful and if it could be rolled out to other directorates effectively;
- Members particularly emphasised during the meeting that a holistic view of sickness absence is needed. For example, the effect of high sickness levels in schools on educational attainment. Members expressed an interest in examining whether there is any correlation between higher levels of sickness and those schools which have not chosen to adopt the Attendance & Wellbeing Policy;
- The Committee expressed an interest in the views of the Wales Audit Office following their forthcoming review, as well as the operational 12 month review planned for August 2014.

7. In response the Cabinet Member with portfolio responsibility for Human Resources acknowledged that there was room for improvement and agreed to look at the experiences of other Welsh local authorities. He confirmed that there was some correlation between higher levels of sickness and those schools that had not yet adopted the Council's Attendance and Wellbeing Policy.
8. During the March 2014 meeting, the Committee also requested the approximate cost of sickness absence to the Council, and received a response confirming that the end of year position for 2013/14 was 10.18FTE, which equated to £14.4m. However, it must be remembered that this £ figure represents an opportunity cost in terms of days lost rather than a direct budget saving.
9. The Committee is updated on the Council's progress in reducing sickness absence quarterly throughout the year when it monitors the Corporate Performance report. The Committee most recently undertook scrutiny of sickness levels as part of its consideration of Quarter Four Performance on 12 May 2015, following which Members:
 - Noted that sickness absence is currently at its lowest level, though still a significant concern for the Council, and accepted there is a great deal of work ongoing to hit sickness targets;
 - Observed that there are still several service areas with challenging levels of sickness absence and acknowledged that this issue is very high on the agenda of service area managers;
 - Confirmed they look forward to an opportunity for meaningful pre-decision scrutiny of the Attendance & Well-Being Review on 2 June, at which the Committee will seek to explore in more depth specific challenges faced by those services with notably high absence rates.
10. The current Attendance and Wellbeing Policy (**Appendix 1a**) introduced the following changes in relation to the management of short-term sickness: putting in place implications for managers who do not properly manage sickness absence;

an Informal Support Stage (triggered by 2 absences in 6 months); the reduction of the number of formal stages from 4 (5 trigger points) to 3 (3 trigger points); a reduction in the number of absences required to hit triggers; and the addition of number of days and not just number of instances to hit triggers (at Stages 2 & 3).

11. In terms of long-term sickness absence, the Policy made the following changes: bringing forward contact visits from 4 weeks to 2 weeks, case conferences from 6 and 9 months to 3 and 6 months respectively and an extension of the current arrangement with University Hospital of Wales for further three years of Mental Health Partnership arrangement. Finally a new Central Sickness Management Team was established within HR People Services to support managers specifically in managing all cases of 4 weeks + sickness absence and stress related absence.

Issues

12. The planned 12 month operational review of the Attendance and Wellbeing Policy is now complete. The review has taken account of the views of a range of stakeholders, the Wales Audit Office Report of May 2014 relating to the management of sickness absence (**Appendix 1d**), the Association of Public Service Excellence (APSE) Review of the policy of October 2014 (**Appendix 1c**), and has benchmarked the Council against the following Core Cities (**Appendix 1b**):

Birmingham City Council	Manchester City Council
Bristol City Council	Newcastle City Council
Leeds City Council	Nottingham City Council
Liverpool City Council	Sheffield City Council

13. The outcome of the review is that, whilst there will be no major changes proposed, the Attendance and Wellbeing Policy will be tightened and strengthened in respect of the responsibilities and accountabilities of all employees and managers with a focus on compliance.

Actions Taken and Initiatives in Place

14. Outside of the policy review many actions and initiatives emphasise the continued priority of sickness absence management within the Council. These include:

Management Accountabilities such as quarterly Cabinet Performance reports, and the inclusion of sickness absence management as a cascaded objective for all managers as part of the 2015/16 PP&DR process.

Data Provision such as more detailed sickness data now available directly to all managers in respect of their teams; and additional information to be made available shortly will include compliance with timescales for referral to OHS and numbers of no shows at OHS appointments; monthly reports provided to Directors and Head Teachers, detailing sickness absence compliance data such as missed returned to work interviews, missed triggers point interviews and long term absence cases.

Stress Management including the introduction of a new Stress Control Programme; and a commitment to redesign the Stress Risk Assessment form in order to better support employees and managers by making it more user friendly and fit for this specific purpose.

Occupational Health Services (OHS) – improvements in the process; clarification of the role of OHS and management responsibilities regarding referrals; and monitoring of the Employee Counselling Service to assess current waiting times for appointments.

Directorate Initiatives include a Sickness Absence Management Action Plan initiative in place within the Environment and Sports and Leisure Directorates around weekly focus on sickness absence by Operational Managers, regular long term absence management monitoring meetings involving HRPS, managers and Management Team and rigorous monitoring. This approach is now being extended to other Directorates such as Communities.

Health & Wellbeing initiatives include The Partnership for Change report; developing the principle of supporting Health & Wellbeing into a wider strategy to better support employees; exploring the viability of Employee Assistance Programmes to support the Well Being agenda and complement what is already in place; developing clear advice for staff regarding the use of e-cigarettes and a commitment to update and refresh the current No Smoking

Policy; extension of the new mediation service available to restore and maintain the employment relationship where there have been workplace issues.

Summary of Key Changes Proposed

15. Although the overall sickness absence target for the Council for 2014/15 was not met, improvements were secured in a number of Directorates, for example Environment and Childrens Services who met their targets. The Council wide target for 2015/16 remains 9 FTE days. On this basis, it is therefore proposed that no fundamental changes are made to the policy at this stage with the suggested changes designed to tighten up and further strengthen provisions within the existing policy, further clarity on responsibilities and accountabilities of all employees (especially managers) and adjusting some operational matters which have emerged since the policy was implemented in July 2013.

16. General tightening up proposed includes:

- Building in a requirement that, in relation to work related stress, a meeting takes place with the employee as soon as possible to discuss issues and try to resolve prior to referral to OHS. Also made clear is the ability of the employee to request meeting with an alternative manager if the current manager is the perceived source of the stress. The revised form referred to in paragraph 14 will assist this discussion.
- Clarifying that employees can return to work at any time without seeing their doctor in line with fit note rules. RTW would address any reasonable adjustments.
- Ensuring that employees being referred to OHS understand from their managers beforehand that this is happening and why they are being referred
- Clarifying that employee compliance must include attending referrals to OHS and engagement with contact meetings plus improvements put in place to address “no shows” i.e. those who simply do not turn up and provide no explanation.

- Putting in place a clear and consistent process to be used for potential dismissal meetings in both the short term and long term absence process.

Short Term Sickness Absence

17. As stated above, the review approach has been to strengthen and tighten up the policy so it is not proposed to significantly change the triggers stages within the policy. The first change is to add in that Stage 1 is triggered by '1 additional absence of 6 calendar days or more within the 8 month period'. This brings this stage in to line with Stages 2 and 3. Clarification has been added into Stage 2 and 3 that the 'additional absence of 6 calendar days or more' needs to be within the period of the caution. In Stages 2 and 3 it says that failure to achieve and sustain performance can trigger the next stage and it has been clarified that this will be the case where an employee has 2 absences in a six month period during the period of the caution.

Long Term Sickness Absence

18. In respect of Long Term sickness absence there are no proposed major changes to the policy or the way that this is managed at this stage. The changes proposed are to ensure clarity of the process, which includes:

- contact "visit" changed to contact "meeting" to better reflect that it is 2 way flow of communication and information and made clearer that alternative location to home can be made for the meeting.
- removal of reference to a formal case conference. This is no longer required as cases are subject to ongoing review in addition to that which takes place at each contact meeting.
- clarification that refusal to attend or non-attendance at OH appointments and contact meetings may result in suspension of sick pay.
- Where advice is needed on whether someone is fit to attend meetings with management, employees should be asked this first by their line manager and only where they are not sure or say that they are not well enough should they be referred to OHS for a view

- Those referred to OHS must notify if they are unable to attend at the earliest opportunity and no less than 3 working days prior to the appointment.
- In cases where an employee gives no notice of non attendance, the matter will be referred back to the relevant manager to take the matter up with individual concerned. Refusal or failure to attend 2 appointments (without notice of non attendance) will result in pay being stopped and disciplinary action may be taken.
- Inclusion of specific requirements for actions required of managers following receipt of OHS reports.
- Inclusion of an example where triggers can be relaxed e.g. employee undergoing treatment and may wish to return to work between treatments rather than be on continuous long term absence.
- Made explicit that communication should also be maintained with employees who are sick whilst on suspension.

Development of Managers

19. A theme highlighted by the WAO report and confirmed as part of consultation were issues around consistency of policy application by managers. Whilst there were many examples of managers who applied the policy in a consistent and fair way, the Trade Unions continued to highlight examples of where this was not always the case. Whilst the Cardiff Manager Programme and specific skills based training courses are facilitated by the Academy, there is limited capacity to offer specific training face to face in this area. Consequently, it is proposed that the current Attendance & Wellbeing e-learning module will be refreshed and updated and it would be a mandatory requirement for completion by all managers. Compliance with this requirement would be regularly monitored at a senior level.

Special Leave

20. As Special Leave is part of the Attendance & Wellbeing Policy, a number of comments have been received as part of the consultation process. Whilst a number of these are clarification points, a number of policy issues have been

raised regarding time off for Election duties, interviews (mainly but not exclusively from schools) , volunteering and attendance at court and these require further consultation with stakeholders. The outcome of this will be reported to Cabinet in July.

21. In order to facilitate the scrutiny, HR People Services has provided the following papers, which are attached at **Appendix 1**:

- **Appendix 1a** – Current Attendance and Wellbeing Policy.
- **Appendix 1b** – Core City Sickness Data;
- **Appendix 1c** – Association of Public Service Excellence (APSE) report, Review of Attendance & Wellbeing Policy
- **Appendix 1d** – Wales Audit Office, Briefing Paper for the Management of Sickness Absence.

Way Forward

22. Councillor Graham Hinchey (Cabinet Member, Corporate Resources and Performance), Philip Lenz (Chief Human Resources Officer) and Lynne David (Operational Manager, Human Resources) will explain to Members the changes that are proposed to the policy as a result of the review, and answer any questions Members may have. Christine Salter, Corporate Director, Resources will also be in attendance.

23. In addition the Committee will have an opportunity to look in more depth at two case study service areas. Jane Forshaw (Director of the Environment) will outline how sickness absence has been addressed in the Environment directorate, and Malcolm Stammers (Operational Manager, Leisure and Play) will outline the sickness challenges faced by Sport Leisure & Culture.

Legal Implications

24. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications.

However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to the Cabinet/Council will set out any legal implications arising from those recommendations. All decision taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirements imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be taken having regard to the Council's fiduciary duty to its taxpayers; and (he) be reasonable and proper in all the circumstances.

Financial Implications

25. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATIONS

The Committee is recommended to:

- i. Note the information contained in these papers and presented at the meeting;
- ii. Consider whether it wishes to make any comments to the Cabinet.

MARIE ROSENTHAL

County Clerk and Monitoring Officer
26 May 2015



ATTENDANCE AND WELLBEING POLICY

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SECTION 1 - INTRODUCTION

Introduction

- 1.1 The Council considers the health and well being of its employees important, and is committed to providing a high quality working environment for all employees. The Council aims to promote a positive approach to maximising attendance through work life balance and health promotion.
- 1.2 The Council is committed to help prevent and reduce absence levels, to respond effectively to actual and potential problems with service delivery, and also provide assistance to employees with health problems at an early stage. It is recognised that high levels of attendance contribute to the planning and provision of its service. The reduction of sickness absence levels will improve service delivery, increase employee morale, ensure the organisation is more competitive and increase job security. Sickness absence is an inevitable and complex organisational issue and should not be viewed in isolation but within the broad context of the Council's obligation to ensure the health, safety and well being of all employees and the organisational factors, which may affect sickness absence levels.
- 1.3 The reason for absence from work is not limited to sickness and health issues. Employees can experience non medical issues such as domestic problems, both short and longer term that make attendance problematic. It is acknowledged that, at times, employees need to take time off work due to personal illness or injury or other unexpected domestic emergencies. The Council provides appropriate paid (or in some instances unpaid) leave in such circumstances and expects its employees to respond by ensuring they take reasonable care of their health and attend work unless they are unable to do so. Attendance is regarded as an essential element of an employee's overall performance along with quality of work, output, attitude to the job, relationships, attention to safety and time keeping.
- 1.4 The Council aims to ensure that employees experiencing problems with attendance at work are supported, wherever it is both practicable and reasonable. Employees who are absent from work due to sickness will be treated consistently, with respect, understanding and sensitivity.

Roles and Responsibilities

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

Employee Responsibilities

- 1.6 All Council employees are responsible for:

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

Management Responsibilities

1.7 In addition to their responsibilities as employees, managers are also responsible for:

- a. Ensuring employees are aware of all relevant policies and procedures by whatever means are most appropriate.
- b. Establishing, demonstrating and consistently upholding standards of acceptable attendance.
- c. Fully understanding the Council's Attendance and Wellbeing policy and where it is implemented, applying it fairly, consistently and in a timely way.
- d. Completing the mandatory on-line training on the Attendance and Wellbeing Policy.
- e. Seeking advice from HR People Services on all matters relating to attendance.
- f. Keeping adequate notes and records of all events and evidence to support the use of the policy. This is to ensure that there is a robust record to protect the Council if there is an Employment Tribunal claim and also to ensure the manager has sufficient notes to support any witness statement they are required to provide. Notes of meetings should be provided to the employee and signed by the employee and manager as an accurate record of the meeting.
- g. Ensuring that the Council's Attendance and Wellbeing policy is adhered to at all times including timescales, appeal rights, rights to representation, etc.
- h. Arranging any meetings and support required as part of the procedure, e.g. securing dates, despatching invitation letters people to attend stage interviews, contact meetings etc, organising administrative support to record the proceedings, send decision letters, etc.
- i. Contact the HR People Services sickness absence management team immediately to arrange a referral in cases of industrial accidents or occupational ill health.
- j. Contact HR People Services sickness absence management team immediately regarding work related stress conditions

- k. Regularly access information about compliance with the policy by their direct reports via DigiGov and ensure that non compliance is addressed
- l. The Council's senior management team will monitor absence and compliance but this should also be an agenda for Directorate management team meetings
- m. Maintaining confidentiality at all times throughout the process.

1.8 HR People Services responsibilities:

- Act as advisor to managers to ensure that the Council's Attendance and Wellbeing Policy is applied correctly.
- Provide all employees with information and advice as necessary throughout the process.
- Review and monitor sickness cases and outcomes and support managers to undertake any remedial action that may be necessary.
- Review and collate corporate monitoring data in relation to sickness for consideration by various groups, e.g. Senior Management Team, Works Council, etc.
- Support line managers to manage sickness cases of 4 weeks plus and cases of absence due to stress.
- Review the application of the policy and procedures in the light of operational experience.

Purpose

- 1.9 The attendance at work by employees is essential to enable the Council to deliver quality services to the citizens of Cardiff.
- 1.10 This Policy is intended to help and encourage all employees to achieve and maintain acceptable standards of attendance and aims to ensure a consistent and fair approach to the application of the Council's attendance requirements for all within the Council.
- 1.11 It is therefore essential that employees observe and abide by the requirements of this policy.

Who is covered by this Policy?

- 1.12 This Policy applies to all employees of the Council, irrespective of status and/ or grade, except those employed directly by Schools. There is a Policy for schools based on this policy that has been commended to school governing bodies.

Key Principles

- 1.13 The key principles related to Special Leave and Sickness Absence are detailed below in the relevant sections.

SECTION 2 – EMPLOYEE WELLBEING COMMITMENT

- 2.1 The Council aims to promote and encourage wellbeing at work. Wellbeing produces positive attitudes, engagement, motivation and innovative thinking. Wellbeing is an important factor in building employee engagement and is therefore a key management issue for the Council. The Council has an ongoing agenda in this area and is committed to continuing to address barriers to wellbeing as well as proactively identifying ways in which it can enhance employee wellbeing. This commitment is endorsed and fully supported by elected members, senior management teams and trade unions.
- 2.2 The Council already has in place a number of policies, services and initiatives designed to support employee wellbeing such as our in-house Occupational Health Service, Employee Counselling Service, Work Life Balance Policies, etc. In addition a range of health and wellbeing initiatives are implemented throughout the year to support employees.
- 2.3 Commitment to employee wellbeing will be demonstrated through the development and implementation of an Employee Wellbeing Strategy. This will set out the ways in which it will respond to employees physical, mental and psychological wellbeing needs. It will outline the role of senior managers, HR People Services, trade unions and employees in this agenda. It will also identify the ways in which we can continue to develop a culture that supports employee wellbeing, where employee wellbeing can flourish through the removal/ reduction of barriers to wellbeing and implementation of systems and initiatives to proactively address employee wellbeing.
- 2.4 The Council will:
- continue to promote health and wellbeing through management policies, support services, information networks and health promotions, including initiatives such as smoking cessation, alcohol awareness, diet, exercise, self management, and by liaising with external agencies.
 - prevent, so far as is practicable, those circumstances detrimental to employee wellbeing or where such outcomes are for whatever reason unavoidable, respond with early support and intervention to limit the effects and promote recovery.

SECTION 3 – SPECIAL LEAVE PROVISIONS

PURPOSE

- 3.1 One of the Council's key commitments is to support the Work life Balance Strategy and in support of this, a range of flexible working policies and arrangements exist. These, in addition to the Council's annual leave arrangements, should provide sufficient time off to deal with the personal needs of most employees. However the Council recognises that there are times when employees will need short periods of time off work to deal with family and domestic situations.
- 3.2 The Council recognises that many areas of public service can only function through the good will of employers who agree to their employees having time off to attend to such duties. The Council wishes to encourage its employees to enter into public service, but must balance this with the needs of service users.
- 3.3 These provisions outline the reasons where special leave may be granted (over and above annual leave entitlements), and the number of days allowable.

KEY PRINCIPLES

- 3.4 Managers are responsible for ensuring that there is adequate provision for the needs of service users and therefore any of the provisions in this policy are subject to management approval. **They are not an automatic entitlement and any request will be subject to the needs of the Service.** To ensure a fair and consistent approach Managers must consult HR People Services prior to giving approval for other than routine special leave requests.
- 3.5 Employees requesting special leave must apply for approval through DigiGov (or the Special Leave application form for those without DigiGov access), as far in advance as possible taking into account the circumstances of the request.
- 3.6 These provisions are to deal with genuine requests for special leave and any abuse of the provisions will be dealt with under the Council's Disciplinary Policy. Where applications for special leave are frequent then managers should discuss this with the employee.
- 3.7 Where special leave is granted and the employee is entitled to claim an allowance for loss of earnings, the employee should claim and pay the allowance to the Council e.g. Jury Service. In such cases, advice should be sought from HR People Services.
- 3.8 Where special leave with pay is approved the daily amount payable will be the amount normally payable when an employee is taking annual leave.

Where special leave is for periods of less than a day then pro rata payments will apply. Unless stated otherwise special leave is with pay.

3.9 Where any of these special leave provisions could also be approved under other provisions such as the Parental Leave and Time Off for Dependants (both of which are unpaid) then the provisions of special leave would normally apply.

3.10 Frequently Asked Questions regarding Special Leave are available in the Attendance and Wellbeing Toolkit.

PROVISIONS

Reason for Leave	Further Details	Days Allowable (Paid unless otherwise specified)	Authority to approve
1. Bereavement	a. Death of immediate relative: Husband/ wife/ partner/ child/ parent*/ sibling*/ civil partner/ guardian/ dependant. (* not in-laws)	10 days (pro rata). This may be extended in exceptional circumstances by Assistant Director/ Director	Line Manager
	b. Death of other relative:	1 day for day of funeral.	Line Manager.
	c. Death of a member of staff.	Leave to attend funeral. – for direct line manager or representative Other employees may request leave/ flexi	Line Manager.
2a. Domestic / Personal emergencies	Leave to deal with certain unexpected or sudden emergencies which are immediate, severe and/or tragic and to make necessary long-term arrangements. Some examples are: critical illness of family/ fire/ theft/ flood	Depending on the circumstances of the case, up to a maximum of 2 days leave for each circumstances	Line Manager
2b Dependant care arrangements	To make arrangements for care (not actually caring for) of dependants	Up to 1 day paid per instance This will be monitored and where it is shown to be excessive then limits over a period of time will be set.	Line Manager

		<p>Guidance on this is available in the A&W Toolkit</p> <p>An additional 1 day unpaid can be requested under the Right to Time off for Dependents</p>	
3a. Personal Medical appointments	<p>Authorised absence for medical reasons to attend e.g. GP, dentist, optician, etc.</p> <p>GP's, dentists and opticians often have extended hours and so employees should make every effort to make appointments outside of their normal working hours. Where this is not possible the appointment must be made for the start/ end of working hours</p>	<p>Where not possible to arrange an appointment outside of working hours time allowed for appointment and reasonable travel time. This is usually up to 2 hours, although extended reasonable time may be agreed. This will be monitored and where it is shown to be excessive then limits over a period of time will be set. Guidance on this is available in the A&W Toolkit</p>	Line Manager
	<p>Hospital appointments/ OH appointments/ Employee Counselling Service</p>	<p>Time allowed for appointment and reasonable travel time. This will usually be 2 hours, although extended reasonable time may be agreed. This may be extended to a maximum of 1 day in exceptional circumstances e.g. IVF treatment/ day surgery/ medical procedure. This will be monitored and where it is shown to be excessive then limits over a period of time will be set. Guidance on this is available in the A&W Toolkit</p>	Line Manager

<p>3b. Dependant appointments</p>	<p>Accompanying dependants to attend a medical appointment at a hospital or GP which cannot be made outside normal working hours. (i.e. for circumstances where the relative cannot attend on their own). Where 2 employees working for the Council have the same dependent usually only 1 of them may claim this unless there are exceptional circumstances.</p> <p>Accompanying dependants to non medical appointments e.g. social worker, care professionals which cannot be made outside normal working hours (i.e. for circumstances where the dependant cannot attend on their own). Where 2 employees working for the Council have the same dependant usually only 1 of them may claim this unless there are exceptional circumstances</p>	<p>Time allowed for appointment and reasonable travel time, this would usually be up to 2 hours, although extended reasonable time may be agreed. This will be monitored and where it is shown to be excessive then limits over a period of time will be set. Guidance on this is available in the A&W Toolkit</p> <p>Time allowed for appointment, this would usually be up to 2 hours, although extended reasonable time may be agreed. This will be monitored and where it is shown to be excessive then limits over a period of time will be set. Guidance on this is available in the A&W Toolkit</p>	<p>Line Manager</p> <p>Line Manager</p>
<p>4. Sporting /Cultural Events.</p>	<p>Employees who are selected to participate in representative sporting or cultural events at National/ International levels.</p>	<p>Participants in representative events to be allowed to stay for the duration that they are actively participating in the event, up to a maximum of 5 days.</p> <p>Requests in excess of above may be considered in exceptional circumstances.</p>	<p>Operational Manager</p> <p>OM in consultation with HRPS</p>
<p>5. Training</p>	<p>Leave to sit approved examinations relevant to job plus examinations approved through post entry training scheme.</p>	<p>Time required to sit exam plus up to 3 days revision leave, maximum ½ day per examination.</p>	<p>Line Manager.</p>

	Leave to attend personal graduation.	Up to ½ day.	Line manager
6. Attendance at job interview	For jobs within Cardiff Council.	Time required to attend interview.	Line Manager
	Any other job interview.	Annual leave / flexi leave. (Paid leave will be given for the time required to attend interviews for employees under notice of redeployment/ redundancy)	Line manager
7. Public Duties	Leave to attend official meetings/ mandatory training during working hours for employees who are <ul style="list-style-type: none"> • members of Local Authorities; • appointed by a Govt. ministry, assoc. of local authorities or a local authority to serve on a Committee, Tribunal or panel; • Justices of the Peace; • School Governors; • Official Prison Visitors; • Any other body in accordance with Sect 50 of the Employment Rights Act 1996. • Special Constabulary 	Up to a maximum of 18 days p.a. (pro rata) for all categories (up to a total of 18 days aggregated over all categories listed).	Initial approval by Operational Manager. Subsequent requests for time off approved by Line Manager
	Military Service (Non Regular Forces).	Up to a maximum of 2 weeks per annum for annual camp.	Operational Manager
	Candidate in Local Authority, Parliamentary, Welsh Assembly or European Election.	One day's leave on polling day	Line Manager
8. Cardiff Council run	Employees involved with election duties i.e. Senior	1 day off with pay per election, subject to	Line Manager.

Elections	Election Staff, Presiding Officers, Poll Clerks, Count Assistants and Assistants for the issue and opening of postal ballot papers.	business requirements	
9. Volunteering Activities	Employees undertaking approved volunteering activities in accordance with Cardiff Volunteering Service www.vcscardiff.org.uk	Up to a maximum of 5 days (pro rata).	Operational Manager
10. Attendance at Court as a witness or a juror (not in connection with work)	Time required to attend court. (Employee must claim and pay to the Council any "loss of earnings" payable).	Time required attending court.	Operational Manager
11. Attendance at Court as a Defendant	Discretion to allow time off in exceptional circumstances.	Depending on circumstances.	Operational Manager
12. Unpaid Leave	Requests to take unpaid leave will normally be considered after the employee's annual leave allowance has been exhausted, and in appropriate circumstances (Employees in the Pension scheme should seek advice from the Pensions section). Each case to be dealt with on its own merits, with requests to be managed by Service Areas and advice sought from HR People Services.	Unpaid leave	Operational Manager (Requests beyond 5 days to be approved by Chief Officer and HRPS Officer, in consultation with Line Manager).
14. Adverse Weather	Non attendance due to adverse weather e.g. snow (See Severe Weather Conditions Guidance Note – 5.C.177)	Annual leave, flexi, unpaid leave or making up of hours	Line Manager

NOTE: Special leave provisions cannot cover all eventualities, and there will undoubtedly be exceptional circumstances where it would be appropriate to grant special leave. Where this is the

case, managers should consult hr people services to ensure consistency.

Where leave is to be unpaid this must be confirmed in writing to the employee before any deduction from their wages takes place.

For the purposes of this policy 'Dependent' is defined as: a spouse, a child of the employee, a parent of the employee, a person who lives in the same household as the employee (excluding tenants, lodgers, live in employees e.g. nanny) or a person that reasonably relies on the employee for assistance.

UNPAID PARENTAL LEAVE

3.11 Under the Maternity and Parental Leave etc Regulations there is an individual right for a female or male parent to take unpaid time off work to look after a child or make arrangements for a child's welfare. Parents can use it to spend more time with children and strike a better balance between their work and family commitments.

3.12 For an employee to be eligible all of the following must apply:

- (a) they have one year's service with the Council
- (b) they are named on the child's birth or adoption certificate
- (c) they have or expect to have parental responsibility
- (d) they are not be a foster parent to the child (unless they've secured parental responsibility through the courts
- (e) the child is under 18

3.13 The entitlement is for each child and is for 18 weeks unpaid leave up to their 18th birthday.

3.14 There is a limit of 4 weeks per year that can be taken and the leave must be taken as full weeks rather than days. However, where a child qualifies for Personal Independence Payments it may be taken as days.

3.15 A 'week' is defined as the time worked over a 7 day period, e.g. and employee who works 2.5 days a week will have 2.5 days unpaid leave and a week will come off their entitlement.

3.16 Unpaid parental leave can carry over from previous employment. However, an employee needs to have one year's service to apply for the leave. Previous employers should be asked for information about the amount of parental leave taken where a new employee requests unpaid parental leave.

3.17 Employees should provide 21 days notice of their request to take unpaid parental leave, where they or their partner are having a baby or adopting

a child notice should be given 21 days before the week the baby or child is expected.

- 3.18 Leave can be postponed if the relevant notice is not given. It can also be postponed where there is a significant business reason to do so. Within 7 days of the request, if it is to be postponed, a written explanation for the postponement must be provided and a new date suggested. Leave should not be postponed where it's being taken by the father or partner immediately after the birth or adoption of a child.
- 3.19 Unpaid parental leave is requested via Digigov and it will ask managers to confirm they have seen relevant documents to confirm eligibility. For non pc users there is a form in the Attendance and Wellbeing Toolkit for employees to make requests and their managers should then enter it onto DigiGov.

SECTION 4 – SICKNESS MANAGEMENT

KEY PRINCIPLES

- 4.1 It is the responsibility of managers to minimise absence through sickness, not only to ensure and maintain best quality service delivery but also to avoid disproportionate stress upon remaining employees. The management of sickness absence will be a key element in the [Personal Performance and Development Scheme](#) process for managers. Failure of managers to properly manage sickness absence could lead to disciplinary action under the Council's Discipline Policy and Procedure. There is a mandatory e-learning module for all employees who line manage employees.
- 4.2 To encourage good attendance, Directors should:
- provide good working conditions
 - ensure health and safety standards are maintained
 - carry out appropriate risk assessments including stress
 - ensure all employees are aware of this policy and other relevant Council policies, e.g. [Dignity at Work](#), [equality](#), [stress](#), etc.
 - ensure managers are given appropriate training and support to operate policies effectively
 - design jobs so that they give motivation and provide job satisfaction
 - encourage teamwork

Employees must not attend work if their condition means that they could compromise their own, or others (e.g. colleagues, service users), health and safety.

- 4.3 This procedure deals with sickness absence and the effects it has on employees and the organisation. Any form of abuse of this procedure will be dealt with under the [Council's Disciplinary Policy](#).
- 4.4 Any cautions issued under this scheme will not be taken into account when a disciplinary penalty is being determined.
- 4.5 Each sickness case must be judged on its merits, and the individual circumstances of each case must be considered with understanding and sympathy. The importance of the operational effect of the absence must also be taken into account.
- 4.6 At all stages of the procedure, a proper investigation should be conducted into the circumstances of the absence and appropriate information gathered.
- 4.7 Work related factors, including the job itself, should be monitored by managers as part of this process to assess if they are adversely affecting attendance. Employees should raise concerns with their manager or HR People Services if they believe their job, or any circumstances connected

with their employment, is making them ill or contributing to illness. Employees should also advise their managers if they have any condition which is substantially affecting their ability to do their work. In such cases early referral to Occupational Health may be appropriate.

- 4.8 Employees must be advised by their managers of their right to be represented at all formal stages of this procedure by a Trade Union representative or a work colleague and that they have a right of appeal in relation to any formal action taken as a result of this procedure. Sufficient notice must be given to employees prior to any formal interview being convened. At the informal support stage an employee would not normally need to be represented but they may request it if they feel that the circumstances require it.

The routine return to work interview is excluded from these provisions.

- 4.9 Appropriate training will be provided to managers to achieve consistent and sympathetic treatment of all employees under this procedure. All employees must be made aware of the sickness procedures and their responsibilities.
- 4.10 This Policy will link in with other associated Council policies in relation to health and wellbeing. Whilst the Council will manage cases in accordance with the provision of these policies, the fact that sickness absence is as a result of a disability, work related or caused by substance misuse does not mean that appropriate action cannot be taken in these circumstances.
- 4.11 Employees will automatically be referred for a medical examination if the reason for their sickness absence is, Industrial Injury, work place injuries or Occupational Ill Health. (Industrial Injury is defined as ‘an injury that is the result of the work that someone does or an accident at work that happens to an employee while they are performing their job and is as a result of the employer failing in its duty to provide a safe work environment’). Referrals may also be made at any stage during this process, regardless of the duration of sickness absence. Such referrals must be made through consultation with HR People Services and the employee informed accordingly. In all of the above cases it is the manager’s responsibility to contact the sickness team immediately.

In the case of Work Related Stress managers should ensure that when an employee makes contact to report sick and state this as the reason that they try and ascertain more information about the situation and where possible seek to resolve the issue straight away. There are relevant questions in the First Call Checklist that is on page 5 of the Attendance and Wellbeing Toolkit. If the issue is not resolved straight away then a meeting with the employee should take place as soon as possible and will be facilitated by HR People Services. The meeting should look at constructive dialogue about the work place issues and additional information will be gathered in line with a stress risk

assessment. A referral will take place following this meeting if the employee has not returned to work. This is due to a high percentage of stress cases being linked to organisational issues rather than being medical. By meeting as soon as possible with the employee and discussing the issues and looking at the areas identified within the stress risk assessment document HR People Services, the manager and employee may actually resolve any concerns and the employee could return to work without requiring a referral. If it is not possible to be resolved in this way the details of the discussion and the stress risk assessment will provide Occupational Health with the required information to deal more effectively with the referral. Employees may request for someone other than their line manager to be involved in the meeting and if this is the case the Service Area should allocate this to another appropriate manager to liaise with HR People Services. Employees may be accompanied by a trade union representative or work colleague at the meeting.

Referrals may also be made where the employee expresses concerns about their health before they actually reach the point of reporting sick.

- 4.12 Communication with employees throughout any period of absence should be maintained by line managers. This will be managed through HR People Services for cases of stress or absences of 4 weeks plus. This communication should also be maintained with employees who are suspended and are also sick.
- 4.13 Return to work interviews must be carried out by the relevant manager after every incidence of sickness, preferably on the day of return but no later than 3 days after the return to work, unless work patterns dictate otherwise.
- 4.14 The Council recognises that a proactive approach to health and well being is the best mechanism for improving the attendance and performance of employees. It therefore is committed to developing such programmes on an on-going basis.
- 4.15 Employees who have more than one job with the Council and are absent from one job may only remain working in another job if the nature of illness does not impact on their capability to carry out the duties of their other job. Advice from HR People Services **must** be obtained in all sickness cases where an employee has more than one job with the Council and this includes where one post is a school based post.
- 4.16 Employees must not engage in any external work (paid or unpaid) whilst on sickness absence from the Council, without prior approval from their Operational Manager.
- 4.17 Any form of abuse of the requirements of the sickness procedure will be dealt with under the [Council's Disciplinary Policy](#).

SICKNESS NOTIFICATION REQUIREMENTS

4.18 Service Areas will ensure that all employees are aware of this policy, and the specific sickness notification requirements relating to their particular workplace. Reporting arrangements for employees who have varied work patterns is a matter for local determination but all elements of this process will continue to apply.

4.19 Employees need to fully comply with the procedure and any local reporting arrangements to be eligible to receive sick pay and this includes attendance at any occupational health appointments or contact meetings.

4.20 The provisions in relation to payment during sickness absence (except teachers) are:

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

4.21 For teachers the provisions in relation to payment during sickness absence are:

During 1 st year of service	25 working days' full pay and (after completing four calendar months' service) 50 working days' half pay
During 2 nd year of service	50 working days' full pay and 50 working days' half pay
During 3 rd year of service	75 working days' full pay and 75 working days' half pay
During 4 th and successive years	100 working days' full pay and 100 working days' half pay

In recognition of the anxiety that a reduction in sick pay causes for employees on long term sick a service to provide signposting to relevant benefits and advice is to be set up at satellite locations. These will be communicated to employees in general but also specifically to employees before they are likely to go into half or nil pay.

FIRST DAY OF ABSENCE

4.22 On the first day of absence, the employee (or, in exceptional circumstances, someone acting on their behalf) must contact the relevant manager or nominated representative by telephone as soon as possible. This will be at least before the time stipulated by the Line Manager which will usually be before the scheduled start time for the employee. The manager should be advised of the start date of illness, nature of illness, likely duration, and any outstanding work commitments. This contact should be by telephone. If any employee has concerns about this process in relation to their access to a telephone or difficulty in using a telephone they should discuss these concerns with their manager and agree alternative methods of communication. There is a First Call Checklist on page 5 of the Attendance and Wellbeing Toolkit that managers should use to gather information from employees reporting sick. This form can then be attached to DigiGov when the absence is recorded. A copy of the form should be provided to the employee on request. If the Line Manager is not available when the employee calls in sick, the Line Manager will return the employee's call as soon as possible.

4.23 If the employee believes that their absence may have been caused by an accident or incident that happened at work, including alleged work related ill health, they should inform their manager who will arrange for an Accident At Work Form to be sent to them for completion. Where the reason for their sickness absence is work related stress the manager should gather more information about the situation and where possible seek to resolve the issue straight away (see paragraph 4.11 for more details on this).

4.24 If an employee is taken ill at work and continues to be absent the next day, the manager must be notified on the first full day of absence by the time stipulated previously.

SECOND TO FIFTH DAY

4.25 The employee (or in exceptional circumstances, someone acting on their behalf) must maintain this contact each day thereafter for the next four working days or until a Statement of Fitness for Work from the General Practitioner is submitted. This reporting requirement may be varied by the manager depending on the information received on Day One. Examples of this can be found in the Attendance and Wellbeing Toolkit.

MORE THAN 7 DAYS ABSENCE

4.26 A Statement of Fitness for Work (previously known as a medical certificate) will be required on the eighth day of absence and should be forwarded to the manager or nominated representative. For continuing absences, further statements will be required. If a private Statement of Fitness for Work is requested at any time by the manager the cost will be reimbursed to the employee on provision of a receipt. Failure to provide

these statements despite two reminders will result in the absence being treated as leave without pay rather than sickness. Managers will be prompted by DigiGov where a Statement of Fitness for Work is overdue and DigiGov contains standard letters for managers to send. Managers must inform HR People Services of any extenuating circumstances to prevent unnecessary stoppage of pay.

SICKNESS AND ANNUAL LEAVE

- 4.27 Employees who are taken ill on annual leave must follow the normal sickness notification procedure, including the requirement to make contact with their manager on the first day of sickness absence and submit a Statement of Fitness for Work to cover the absence dated from the first day of illness if they wish to reclaim the leave.
- 4.28 Where an employee is on long term certified sickness and wishes to travel on holidays, they must inform their manager in writing of their intentions at least two weeks in advance. They should also provide written confirmation from their GP that they are fit to travel (ideally with an explanation of why they are fit for travel and not work) and that the holiday will not be detrimental to their recovery.
- 4.29 The European Working Time Directive allows employees to carry forward any annual leave which cannot be taken due to long term sickness absence. In this instance the calculation of outstanding leave will be based on the Statutory Entitlement to annual leave and bank holidays stated within the European Working Time Directive and not the Council's annual leave entitlements. Any annual leave and bank holidays already taken will be deducted from the statutory amount to determine the amount of leave to be carried forward. Where an employee comes back before the leave year ends, any outstanding annual leave wherever possible should be taken before the end of that leave year.
- 4.30 An employee on sickness absence can request to take leave whilst they are sick. This may occur where an employee is in half or nil pay. If a request is made then the employee will receive normal holiday pay (if they are in receipt of SSP the Council will offset the SSP against the holiday pay). This will not break the period of sickness for reporting purposes and will not lead to the absence being counted as 2 separate absences. There is no requirement for an employee to get a Statement of Fitness for Work to say they are fit as they are not being required to work.

SICKNESS RELATED TO THIRD PARTY ACCIDENTS

- 4.31 Where an employee is absent as a result of an accident where damages may be receivable from a third party, the Council will pay the relevant sick pay entitlement, subject to the employee undertaking to refund the total amount paid, or a proportion (dependent on the damages received) should the claim be successful. In such circumstances the employee

must take all reasonable steps to pursue the claim, which must include the sick pay received from the Council.

Where a full refund of the sick pay is made, the absence shall not be recorded for the purpose of calculating sickness entitlement or for trigger purposes. This will only happen once the refund has been received. If the refund is paid in part only, then the Council will decide to what extent the absence should be recorded against the occupational sick pay scheme. Advice on this issue is available from HR People Services.

RESUMPTION OF DUTIES

An employee who is sick may return to work at any time (including before the end of the Statement of Fitness for Work) without going back to see their doctor – even if the doctor has indicated that they need to assess them again. A suitable risk assessment must be carried out if requested by the employee or their trade union representative.

4.32 In order to assist in the organisation of work, employees must give the maximum possible notice to their manager of their return to work. Where specific rota schedules may be affected a period of notice may be agreed as a specific requirement.

4.33 It is the responsibility of Directors to ensure that there is a system within their Directorate to input sickness absence into DigiGov.

SUSPENSION/ RECOVERY OF SICKNESS ABSENCE PAYMENTS

4.34 Sick pay may be suspended if an employee abuses the Sickness Absence Procedure by:

- failing to provide relevant certification
- failing to report on the days/ times stipulated by the manager
- failing to attend 2 or more appointments with Occupational Health without giving prior notice
- refusal to attend/ non attendance at Occupational Health appointments (reasonable costs associated with travelling to occupational health can be reimbursed upon production of receipts)
- refusal to attend/ non attendance at contact meetings

Or is absent on account of sickness due to:

- deliberate conduct prejudicial to recovery
- misconduct or neglect
- active participation in professional sport
- working on their own account for private gain
- working for another employer (paid or unpaid) where they are able to access sick pay/ compensation from that employer

4.35 Where sick pay is suspended, employees shall have a right of appeal, through the [Grievance Policy](#).

PLASTIC OR COSMETIC SURGERY

4.36 Where plastic or cosmetic surgery is certified by a Medical Adviser indicating that such surgery is essential to the employee's health or wellbeing this is a valid reason for an employee to receive occupational sick pay.

4.37 If surgery is to be carried out without this certification then occupational sick pay will not be paid and arrangements for annual leave or unpaid leave must be made in advance. Statutory Sick Pay (SSP) would be payable and where annual leave is taken then pay will be offset against the SSP.

SECTION 5 - FREQUENT/ PERSISTENT ABSENCE

5.1 Frequent/ persistent absences are normally sporadic and are often attributable to unconnected, minor ailments. Absences of one day or less caused by pre-arranged appointments for doctors, dentists, hospital or physiotherapist etc, which are validated by an appointment card are not included, as these are covered by the special leave provisions (see Section 3). However, wherever possible employees should arrange such appointments outside working hours. **Sickness Absences of less than a full day will count as a full day's absence for the purpose of this Policy.**

5.2 On some occasions, Managers will be required to take action in line with the short term absence trigger stages when there is a pattern of absence or the frequency/ quantity of absence gives cause for concern. Managers should specify why the absences are causing concern. Examples of patterns of absences are:

- Sickness absence during School Holidays/ Christmas period
- Sickness absence immediately before or after Bank Hols/ Annual Leave
- Sickness absence on Fridays/ Mondays
- Sickness absence at other times of year (e.g. around deadlines, Inspections)
- Recurring dates
- Sporting events
- Always returning to work when going into half pay/ nil pay
- Sickness Absences that always last 5 days or are of a similar duration
- Sickness Absences that just miss out on triggers
- Repeatedly hitting informal stages
- Sickness absence resulting from frequent/ regular industrial accidents.

This list is neither prescriptive nor exhaustive and there is no set number of times that absences have to occur before it becomes a pattern. Where a pattern is observed this must be dealt with in a timely manner. Although some patterns may take time to become evident a manager should not normally need to look further than 2/3 years for a pattern to be identified. **In relevant cases, Managers should consider whether it is appropriate to escalate the employee to the next trigger stage as set out in the Short Term Absence procedure.**

5.3 There is no automatic entitlement to have any adjustments to the trigger stages for absences related to disability. Where an employee is disabled their absences should initially be counted for the purposes of the "triggers" for the stages below. However, whether they should subsequently be counted will be determined at the formal sickness absence trigger interviews and on receipt of medical advice (see Appendix 1 with regard to sickness absence related to disability and Appendix 3 regarding critical illnesses).

- 5.4 Pregnancy related illnesses will not be counted towards the trigger process. Where an employee is going through IVF then any absences linked to this after their eggs have been collected will not be counted towards the trigger process.
- 5.5 In order to calculate whether absences have automatically “triggered” a stage in this procedure, the relevant dates are the first day of the most recent absence back to the end date of the oldest absence in the time period, e.g. for the Informal Support Stage this would be the first day of the **second** absence in the six month period and the last day of the **first** absence. DigiGov will notify managers when employees hit triggers.
- 5.6 Managers must conduct any sickness absence stage interviews within 14 calendar days of the employee returning to work. If these interviews are not held promptly there is the possibility of further absences occurring which would have triggered later stages of the policy. It is not appropriate to miss out stages in the procedure and move to a further level. Employees must have been interviewed in accordance with this procedure, allowed a period of time for improvement where appropriate, before moving on to a next stage of the policy.
- 5.7 There is flexibility to refer employees to Occupational Health for a medical opinion at any point in this procedure.

RETURN TO WORK INTERVIEWS

- 5.8 The Return to Work interview is a key measure in supporting employees who have been unwell, controlling sickness absence, and identifying any underlying work related issues. It is therefore essential that managers undertake Return to Work interviews as soon as possible after employees return to work and within working hours. Compliance with Return to Work interviews will be reported to the Senior Management Team and all managers are responsible for ensuring that their direct reports comply with this requirement.
- 5.9 Irrespective of the length of absence, all employees, on their return to work, must report to their manager and their manager will complete a Return to Work interview.
- 5.10 Ideally the Return to Work interview should be on the day of return. However, if that is not possible, it should be held no later than 3 days following the return to work unless work patterns dictate otherwise.
- 5.11 The Return to Work Interview Form, including the discussion notes on the back of the form, should be completed at the Return to Work interview. The form is available on DigiGov to print off prior to the interview but is also in the Attendance and Wellbeing Toolkit. The purpose of the interview is for the manager to discuss and raise any concerns about the individual’s health, well being, recovery and overall attendance as well as

highlight any effect the absence has had upon the work of the section/ unit. During the interview the manager should discuss or consider, as appropriate to the circumstances, the relevant issues listed below:-

- Enquire about the employee's well being and ascertain whether they have made a full recovery
- Bring the employee up to date on work related issues/ developments during the absence
- Discuss whether there are any work related problems which may be connected to the absence/ and or whether the employee requires any support
- Discuss whether the employee's health is affecting their ability to carry out the job
- Consider whether the employee's illness could be regarded as a disability under the Equality Act 2010 and if so then a referral to Occupational Health may be necessary
- Consider referral to, or involvement of, the Occupational Health Service
- Discuss whether there are any adjustments required to enable the employee to carry out the duties of the post
- Remind the employee of the need for good attendance in order to maintain service provision, and the financial effect that absence has on the service area
- Advise of the possibility of the employee hitting an absence trigger
- Advise the employee of the help available through the in-house [Employee Counselling Service](#)
- Advise the employee of the Council's [Stress Management Policy](#) and any other appropriate policies.

This list is neither prescriptive nor exhaustive.

5.12 Managers are responsible for closing down absence records on DigiGov when an employee returns to work and also for recording the Return To Work Interview.

Managers may wish to follow a similar process to the return to work process where employees have been absent from work for other reasons, e.g. jury service, bereavement, personal emergencies, etc

SHORT TERM ABSENCE TRIGGERS

It is recognised that the majority of disabled employees maintain an excellent attendance record and that it should not be assumed that if an individual is disabled they are at a higher risk of sickness absence. Whilst the Council is committed to being supportive of individuals affected in this way and to implement reasonable adjustments, care must also be taken not to create a situation that can be abused and in turn be seen as unfair to other employees. Where sickness absence occurs, reasonable adjustments such as modification

to trigger points can be considered but this is not an automatic right under the terms of the legislation. Further advice on these should be discussed with HR People Services and the opinion of Occupational Health must be sought.

5.13 It is paramount that employees should be informed of their rights to representation at ALL formal stages by a trade union representative or a work colleague. At the informal support stage an employee would not normally need to be represented but they may request it if they feel that the circumstances require it. At each formal stage there is a right of appeal which is detailed in Section 8.

5.14 Managers should provide support to employees who are experiencing periods of sickness absence. However, it is not usually appropriate for the manager to offer advice related to personal, financial or domestic problems. The support referred to here is informal discussion and advice and not in-depth counselling which should be referred to a qualified counsellor e.g. via the [Employee Counselling Service](#), if this is what the employee wants as an outcome of the discussion. An employee can be referred to occupational health at any stage and so there could be consideration of this.

INFORMAL SUPPORT STAGE

5.15 Managers are required to meet with employees to discuss their attendance where:-

(a) there are 2 absences within a **6 month** rolling period

Or

(b) It is considered that the employee's **pattern of absence** is likely to lead to or is already causing difficulties - see paragraph 5.2.

Managers need to include the following when reviewing patterns:

- Failure to attend work – Absent Without Leave (AWOL) (this will need to be dealt with as it occurs)
- Special Leave

Managers need to take into account any reasonable adjustments agreed.

5.16 The absences should be brought to the attention of the employee concerned and discussed to determine if there is any underlying reason for the absence. If it is discovered that the individual has some problem relating to their work situation, which has resulted in sickness absence, then this must be discussed with a view to rectifying the situation. Managers should advise the employee that the next step in this process will be the formal stages of the procedure and that would be a written caution stage should there be further absences over the next 2 months or the pattern of absence causes concern.

5.17 The manager has a duty at this point to consider carefully whether it would be appropriate for an individual who has a record of sickness absence to work overtime or undertake stand-by duties until their attendance sufficiently improves. Where an employee has been sick then the sick days do not count towards the 37* hours required for the over time rate to be paid. They need to have actually worked 37* hours before they receive the enhanced over rate (*36 hours until 31/3/15).

STAGE 1 – FORMAL FIRST WRITTEN CAUTION STAGE

5.18 Managers are required to take action where following the informal support stage :-

(a) there are 4 absences within a **8 month** rolling period

Or

(b) 1 additional absence of 6 calendar days or more within the 8 month period

Or

(c) It is considered that the employee's **pattern of absence** is likely to lead to or is already causing difficulties - see paragraph 5.2. Managers need to include the following when reviewing patterns:

- Failure to attend work – Absent Without Leave (AWOL) (this will need to be dealt with as it occurs)
- Special Leave

Managers need to take into account any reasonable adjustments agreed.

5.19 The absences should be brought to the attention of the employee concerned and discussed to determine if there is any underlying reason for the absence. If it is discovered that the individual has some problem relating to their work situation, which has resulted in sickness absence, then this must be discussed with a view to rectifying the situation. Managers should advise the employee that the next step in this process will be the final written caution stage should there be further absences over the next 6 months.

5.20 The manager has a duty at this point to consider carefully whether it would be appropriate for an individual who has a record of sickness absence to work overtime or undertake stand-by duties until their attendance sufficiently improves.

5.21 The Stage 1 meeting will include a meeting (organised by the manager) involving the relevant manager, HR People Services, the employee and the Trade Union representative, where appropriate. The aim of this meeting is to ensure that all options have been considered.

- 5.22 Unless there are reasons under the Equality Act why it would be inappropriate, the employee concerned must be issued with a first formal written caution (the relevant documentation is available via DigiGov), advising of possible consequences.
- 5.23 The manager will place the employee under “Case Management” which will involve close monitoring of the situation. Each subsequent absence will be reported to the manager who will discuss the appropriate action to be taken with HR People Services.
- 5.24 The letter sent to the individual confirming the action to be taken should make absolutely clear that failure to improve the unsatisfactory absence record could lead to a further caution and that their future employment is at risk.
- 5.25 To allow an assessment of sustained improvement over a more realistic timescale, this formal written caution will remain valid for a period of 12 months. HR People Services should be consulted and involved from stage 1 onwards. Should a formal written caution not be issued due to consideration under the Equality Act, the Sickness Workflow will be reset accordingly.

STAGE 2– FINAL WRITTEN CAUTION STAGE

5.26 Managers are required to take action where following Stage 1:-

- (a) there have been 6 absences within a 10 rolling month period;
- Or
- (b) 1 additional absence of 6 calendar days or more within the period of the stage 1 warning, i.e. 12 months
- Or
- (c) an absence pattern emerges which causes concern - see paragraph 5.2. Managers need to include the following when looking at patterns:
- Failure to attend work (AWOL) (this will need to be dealt with as it occurs)
 - Special leave
- Or
- (d) the employee fails to achieve and sustain the required improvement during the period of the caution, i.e. they have 2 further absences in a six month period.

Managers need to take into account any reasonable adjustments agreed.

- 5.27 The employee will be required to attend a formal hearing when their future employment position will be reviewed.
- 5.28 The employee should be issued with a final written caution valid for 18 months. The employee concerned must be left in no doubt that they have been given a final opportunity to substantially improve and sustain their attendance, or there will be no alternative but dismissal in accordance with Council's procedures.
- 5.29 As part of the Stage 2 meeting and following the issue of a final written caution, there will be a meeting involving the relevant manager(s), HR People Services, the employee and the Trade Union representative, where appropriate, to ensure that all options have been considered and to see if any further action can be taken.
- 5.30 If it has not already taken place, a medical opinion **must** be sought from the Council's Occupational Health Adviser in respect of whether there are any underlying medical conditions that should be taken into consideration.
- 5.31 Where attendance levels have improved and been sustained as previously agreed, the manager in conjunction with HR People Services will consider ending "Case Management". Monitoring of attendance will then recommence under the trigger point arrangements previously outlined from a date to be determined by the manager and HR People Services. Should a final formal written caution not be issued due to considerations under the Equality Act, the employee will revert to Stage 1 of the Procedure and the Sickness workflow will be reset accordingly.

STAGE 3 – POTENTIAL TERMINATION OF EMPLOYMENT

- 5.32 Managers are required to take action if, following Stage 2, the employee has:
- (a) 8 absences in any rolling 14 month period
- Or
- (b) 1 additional absence of 6 days calendar or more within the period of the stage 2 warning, i.e. 18 months
- Or
- (c) fails to achieve and sustain the required improvement during the period of the caution, i.e. they have 2 further absences in a six month period.
- Or

- (d) an absence pattern emerges which causes concern - see paragraph 5.2. Managers need to include the following when looking at patterns:
- Failure to attend work (AWOL)
 - Special leave

Managers need to take into account any reasonable adjustments agreed.

CONDUCTING A STAGE 3 MEETING

5.33 The employee will be invited to a formal Stage 3 interview which will take the form of a hearing and be conducted by a more senior manager with a member of HR People Services present. The process is as follows:

- Letter sent recorded delivery to the employee giving them 14 calendar days notice of the meeting, informing them of their right to be accompanied by a trade union representative or a work colleague and advising them that a possible outcome could be termination of their employment. Where it is already known that the employee is represented then where possible dates should be pre-arranged with their trade union representative and the trade union representative would receive a copy of the letter.
- Copies of the paperwork to be considered will be sent to the employee with the notification letter and they will be given the opportunity to submit any paperwork 5 calendar days prior to the meeting
- At the meeting the employee's line manager will provide details of the sickness absence to date and the actions taken to date. The employee will be able to state their case and any factors they wish to have considered.

5.34 If absences are related to disability, managers should ensure no reasonable adjustment could have prevented dismissal (including discounting absence where recommended by occupational health/ HR People Services), that redeployment has been properly considered (if appropriate via the [Council's Redeployment Procedure](#)) and that dismissal is fully justified in accordance with this policy. ([See Appendix 1](#)).

5.35 The manager hearing the case will be able to question those involved in the case and will consider all representations before reaching a decision. The decision may be, but will not be limited to, one of the following outcomes:

- there is insufficient evidence that reasonable adjustments and/ or redeployment have been fully explored and so it is not appropriate to terminate the employee's contract and a timescale will be given for this to be carried out
- termination of employment with appropriate notice or pay in lieu of notice.

5.36 The decision may be given verbally at the conclusion of the meeting and will in any event be confirmed in writing within 5 working days of the meeting. Where termination of employment is the outcome the employee will be notified of their right of appeal.

SECTION 6 - MANAGING LONG TERM SICKNESS

- 6.1 Long-term sickness absence is defined as continuous sickness of four weeks or more and can usually be traced to a particular medical condition. Management responses to long term absence are determined on the basis of much firmer medical evidence with advice and support from HR People Services and Occupational Health. A central sickness team in HR People Services will support the management of any sickness cases that go beyond 4 weeks. The manager is an integral part of the process but HR People Services will lead on the management of the case.
- 6.2 It is possible that long term absence, by its nature, will stem from a disability within the meaning of the Equality Act. If this is the case specific advice should be sought from HR People Services. (See [Appendix 1](#)).
- 6.3 Each case, particularly of long term absence, must be assessed on its own merits with advice and support from HR People Services and Occupational Health. However, the Council cannot keep jobs open indefinitely and the underlying principle in dealing with long term absence must be to balance the Council's needs against the circumstances of the employee concerned.
- 6.4 Employees may be referred for a medical examination at any stage in this procedure. However, as it is recognised that early support can lead to an earlier return to work then this will be done by HR People Services after the first Contact Meeting (which should be arranged by the manager by the time the employee reaches 2 weeks absence). It should be discussed with the employee at the Contact Meeting that a referral to occupational health will take place should they remain absent for 4 weeks.
- 6.5 No two long term absence cases are the same, and managers will be supported with any long term absences cases by HR People Services who will manage the process.
- 6.6 Managers may not be able to accommodate indefinitely the consequence of an employee's long term absence and an assessment of this will need to take place following consultation with the individual concerned, HR People Services, Occupational Health and consideration of the service needs e.g. impact on the continuing sickness absence on colleagues' workload and flexibility of the unit.
- 6.7. When an employee is on long term sickness absence the case will be reviewed and there will be consideration of the most appropriate future action. Clarification can be sought at any time in this process from Occupational Health.

- 6.8 Where employees are on long term sickness and their condition and their work is such that they would be able to effectively undertake their duties from home, this may be arranged. The arrangement would be subject to the agreement of all parties and a risk assessment. Where employees carry out work from home under this provision, they will not be regarded as sick.
- 6.9 Where an employee is waiting to be seen by a consultant in relation to a medical problem and the appointment is unlikely to be within a reasonable timescale, Occupational Health may make arrangements for a consultant to examine the employee concerned and provide a report to the Occupational Health Adviser and the employee's GP. In such instances, the fee payable will be met by the Directorate.

CONTACTING EMPLOYEES ON SICKNESS ABSENCE

- 6.10 Appropriate contact with employees on long term sickness absence is particularly important. Effective dialogue should continue throughout the absence to enable managers to have a clear understanding of the individual's present health and future employment prospects, at all stages of the absence. Throughout this process, employees must always be informed that their employment is at risk. After 4 weeks absence HR People Services will coordinate this process. It is important that managers maintain contact during the first 4 weeks of absence.

CONTACT MEETINGS

- 6.11 As it is known that early support can lead to an earlier return to work then arrangements for a contact meeting (normally at the place of work) should be made when the employee reaches 2 weeks of sickness absence. Thereafter, meetings will be coordinated by HR People Services on a regular basis (at least every 6 weeks) but attended by the manager along with a member of HR People Services. It should be stressed that this is not in any way checking up on the individual. Additional contact can be maintained by telephone and should be encouraged. However, telephone contact should be additional, not a replacement for contact meetings unless in exceptional circumstances.
- 6.12 The contact meeting will be pre-arranged with the individual concerned. The employee may wish to be represented by a Trade Union during such a meeting. Arrangements should, as far as possible, be mutually agreed. Normally, meetings should be undertaken by the manager who will be accompanied by a representative from HR People Services. In addition, if it is felt that a visit by an Occupational Health Adviser may be advantageous, this could also be arranged
- 6.13 If employees are not able to attend a contact meeting at their place of work then alternative arrangements should be made to use another venue, which could include their home or a neutral venue.

6.14 If, due to special circumstances, a contact meeting between the employee and the manager is not feasible, then regular contact should be maintained through other means e.g. telephone, letter, e-mail, contact with relatives, etc.

6.15 The aim of maintaining contact/ undertaking contact meetings is to be constructive and positive and to:-

- keep in touch with employees who are absent
- establish the length of time the employee is expected to be absent and inform them if and when a referral to Occupational Health would be appropriate
- ensure the employee is aware of the Employee Counselling Service and how they can access it
- ensure that the individual is kept acquainted with developments at work and that they do not feel isolated
- enable managers to establish if the cause of absence is job-related
- ensure that the employee is aware of the position of their future employment and has received a copy of this policy

6.16 Managers conducting contact meetings should do so with sensitivity and take into account the possible stressful nature of the meeting. However contact with the employee is maintained, a record of the outcomes, information sought/ provided and other associated actions should be made on the contact meeting form.

6.17 At the first contact meeting, the employee should be advised that the next step will be a medical referral to Occupational Health.

SECTION 7 - MEDICAL EXAMINATIONS

7.1 The Council has the right to require an employee who gives cause for concern as a consequence of illness to undergo a medical examination at any stage with the Occupational Health Service. Occupational Health endeavours to review an employee within 10 working days of referral and where possible submit a medical report within 5 working days of examination. The Occupational Health Service can provide advice as follows:-

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

7.2 Employees who have been absent through sickness and are still absent following a Contact Meeting will be referred to Occupational Health by HR People Services. Employees will automatically be referred for medical examination if the reason for their sickness absence is, Industrial Injury or Occupational Ill Health. For work related stress the manager must find out as much information as possible about the reason for the stress. A meeting will then be arranged for the employee, manager and HR People Services. At this meeting there will be constructive dialogue with the employee and the relevant areas on the stress risk assessment will be explored. It is the managers responsibility to inform the HR People Services sickness team immediately where an employee is absent due to the above reasons in order for referrals to be made or a meeting arranged. An employee may request that this meeting takes place with someone other than their own line manager, where this is the case a manager within the same service should be nominated.

Referrals may also be made at any stage during this process, regardless of the duration of sickness absence. Such referrals must be made through consultation with HR People Services and the employee informed accordingly. See paragraph 4.11 for further details on referrals for work related stress.

7.3 The Occupational Health Adviser may be available to assist with a contact meeting in exceptional circumstances.

- 7.4 Where an individual refuses to attend an appointment, the [Disciplinary Policy](#) will be invoked. At each stage, the request to undergo a medical examination should be repeated along with a request to the employee to give reasons for any refusal.
- 7.5 The employee must notify the Occupational Health Service at the earliest opportunity and no less than 3 working days prior if they are unable to attend an appointment, e.g. they are too ill to travel, etc. If an employee does not attend an appointment (without giving any notice of non-attendance) the case will be referred back to the manager. The manager will need to check with the employee the reason for non attendance and discuss with HR People Services the next steps. Failure to attend 2 appointments (without giving notice of non-attendance) or refusal to attend will result in a stoppage of pay and disciplinary action may be taken. The Occupational Health service must notify HR People Services of an employee's non-attendance.
- 7.6 If the employee has specific or real concerns about attending a medical examination or seeing a particular Occupational Health Adviser, the Council should take this into account and will be flexible to try to overcome these concerns.
- 7.7 The Council will take account of the Occupational Health Adviser's or Occupational Physician's report in making any decision in relation to an employee. Employees can request that they are provided with the opportunity to see a report before it is sent to their manager. However, this does not give them the right to re-write the report. They may raise any concerns they have about accuracy.
- 7.8 Occupational Health reports will be sent directly to the manager via DigiGov for them to liaise with HR People Services.

REFERRAL TO OCCUPATIONAL HEALTH

(Please read in conjunction with [Appendix 2: Action in Particular Cases](#))

- 7.9 All employees on long term sickness absence should be referred to the Council's Occupational Health Service immediately after the first Contact Meeting for long term absence or when they hit Stage 2 of the short term triggers.
- 7.10 **Managers need to provide as much information as possible to HR People Services so this can accompany the Occupational Health referral and detail any specific issues they would like a medical opinion on. The referral MUST be discussed with the employee.** Employees are able to request a copy of the referral form.
- 7.11 A medical referral may be sought in the following circumstances:

- Immediate referral in cases of industrial accidents and occupational ill health
- Referral for work related stress following a meeting with the employee which must be arranged as soon as it is known that the absence is linked to work related stress
- When advice is needed on the likely duration of the sickness absence and an indication of when a return to work is anticipated;
- Whether an earlier return to work could be achieved on a part time or phased basis or to a different job, etc
- When the length of absence appears to be longer than would be expected in relation to the illness or injury
- When there appears to be serious doubt whether the employee will recover sufficiently to resume their duties
- Whether there could be an underlying reason for the level of absence
- Where the employee expresses such concerns before they actually reach the point of reporting sick
- When advice is needed about whether employees are fit enough to attend meetings with management/ hearings (however, employees should be asked if they are able to attend first by the manager and it is only where they are unsure or say they are not well enough to attend that a referral to occupational Health should be made)

Reasonable costs associated with travelling to Occupational Health appointments will be re-imbursed to employees upon provision of a receipt. Employees should discuss with their manager whether travel can be organised via the service area.

7.12 Further referrals by HR People Services will take place as advised by Occupational Health. Further referrals should be to ascertain whether a return to work in the near future is likely.

7.13 The Council will need to assess future employment capability taking into account at least:

- the medical advice received
- the likelihood of the current level of absence occurring or some other illness arising
- the length of the various absences and periods of good health in between
- the impact on those who work with the employee and the overall effect of the organisation
- the likelihood of suitable alternative employment being found or accepted.

ACTION ON OCCUPATIONAL HEALTH REPORTS

7.14 The Council's Occupational Health Adviser will give an opinion on the individual's fitness for work. HR People Services and the manager should

at the earliest opportunity meet with the employee to discuss the report. The manager should contact the employee within 7 calendar days of receiving the report to arrange this meeting. The meeting should be confirmed in writing with a copy of the report enclosed. Employees have the right to be accompanied at this meeting by a trade union representative or work colleague. .

7.15 There will usually be one of **5 options** indicated in relation to the employee referred:

Option 1 - Fully fit to resume Duties

7.16 Where the occupational health report states that the employee is fully fit to resume duties, when HR People Services and the manager meet with the employee they will request that the employee to return to work. This can happen even where they are still covered by a Statement of Fitness for Work.

7.17 If it is considered justified for therapeutic reasons, the employee may return on a phased return to work for up to a month with the actual working arrangements being agreed with the manager and employee with advice from HR People Services.

7.18 The situation will be reviewed after a month's phased return and if the manager after consultation with HR People Services and Occupational Health considers it necessary, the period may be extended by a further month. The maximum period for any phased return will be 2 months.

7.19 Where an employee is undergoing a phased return, they will receive normal pay during the period in question.

7.20 It is reasonable for the Council to rely on the opinions and recommendations of Occupational Health regarding whether an employee is fit to return to work. Where there is a potential conflict of opinion then each case will be considered on its merits. If necessary this may mean a further referral back to Occupational Health to determine whether any additional measures are required.

Option 2 - Unfit to return at present, but likely to be able to return within reasonable timescale.

7.21 The employee will remain sick but the case will continue to be closely monitored by HR People Services to ensure that there is the possibility of a return to work within a reasonable timescale.

Option 3 - Unfit To Return to Full Duties of their Substantive Post

7.22 Where employees are deemed unfit to return to the full duties of their post on a long term or permanent basis, consideration must be given to the three options listed below. While the options are being explored, the

position with the sickness must be kept under constant review, with regular support continuing. At appropriate intervals, further medical referrals should be made to re-consider the options.

(i) Rehabilitation Within their Substantive Post

Rehabilitation within their post may take the following forms:

- (i) A phased return to work (See paragraph 7.17 above)
- (ii) Part time working either shorter hours or limited days per week on a long term basis, with subsequent reduction in pay
- (iii) Changes to work practices

Any rehabilitation to the current job must be done in conjunction with any medical advice received and HR People Services.

It should be clearly specified whether any rehabilitation is on a temporary or permanent basis. Where it is on a temporary basis, the time constraints should be clearly communicated to all parties.

Any rehabilitation agreement should be reviewed on a regular basis until such time as the employee and manager do not feel it is necessary.

There may be a need to seek external specialist help e.g. Disability Advisers from Access to Work, to help to provide advice and guidance (see Appendix 5 for contact details).

(ii) Redeployment

Recommendations for redeployment must be based on medical grounds as advised by Occupational Health.

If medical redeployment needs to be sought, the employee must complete the relevant form and apply for inclusion on the Redeployment Register in accordance with the Redeployment Policy which only gives an employee 12 weeks to find suitable alternative employment. Where the employee is suffering from an illness that falls under the provisions of the Equality Act, consideration should also be given to redeployment to higher graded jobs ([refer to Redeployment Policy & Procedure](#)). Where a post is identified as a possible redeployment opportunity HR People Services will discuss the suitability of the post for the employee with Occupational Health.

Where an employee is not eligible for redeployment on medical grounds managers may contact HR People Services to discuss redeployment on others grounds as per paragraph 2.2c of the Redeployment Policy which states: 'Employees need to be moved from one work environment to another either for service essential reasons or other exceptional circumstances'.

(iii) Mutual Termination of Contract and Early Release of Pension Benefits

Mutual termination of contract occurs where both the employee and the manager agree that employment should cease. Where the employee is eligible under the pension regulations, consideration will be given to an early payment of pension benefits. This will involve a reduction in the benefits payable because of the early release which must be agreed by the employer. This may involve an assessment by Occupational Health.

Option 4 – Unfit to Return to Work for the Forseeable Future

7.23 The Council cannot keep jobs open indefinitely and if appropriate, HR People Services, in conjunction with the manager, will initiate proceedings to consider dismissal on the grounds of long term ill health. Before proceeding, given the sensitivity of the situation, a case conference will be convened by HR People Services with the manager.

7.24 Prior to dismissal, the Council should seek to redeploy and offer suitable alternative employment where available. This will be important where the cause of the individual's absence is disability related. Under the Equality Act this could mean either making significant alterations to a disabled person's original job to prevent "substantial disadvantage" or redeployment to a more suitable position.

7.25 Dismissal on the grounds of long term but not permanent ill health is distressing for both employer and employee. However, the Council has a duty to efficiently maintain its services and cannot therefore sustain indefinite long term absences.

7.26 To contemplate dismissal, HR People Services and the manager must have provided the employee with previous specific cautions that their employment is at risk. The first such caution, where appropriate, should take place after the Occupational Health Service referral and report.

7.27 The employee will be invited to a formal meeting which will take the form of a hearing and be conducted by a more senior manager with a member of HR People Services present. The process is as follows:

- Letter sent to employee giving them 14 calendar days notice of the meeting, informing them of their right to be accompanied by a trade union representative or a work colleague and advising them that a possible outcome could be termination of their employment. Where it is already known that the employee is represented then where possible dates should be pre-arranged with their trade union representative and the trade union representative would receive a copy of the letter.
- Copies of the paperwork to be considered will be sent to the employee with the notification letter and they will be given the

opportunity to submit any paperwork 5 calendar days prior to the meeting

7.28 At the meeting the employee's line manager will provide details of the sickness absence to date and the actions taken to date. The employee will be able to state their case and any factors they wish to have considered.

7.29 If absences are related to disability, managers should ensure no reasonable adjustment could have prevented dismissal (including discounting absence where recommended by occupational health/ HR People Services), that redeployment has been properly considered (if appropriate via the [Council's Redeployment Procedure](#)) and that dismissal is fully justified in accordance with this policy. ([See Appendix 1](#)).

7.30 The manager hearing the case will be able to question those involved in the case and will consider all representations before reaching a decision. The decision may be, but will not be limited to, one of the following outcomes:

- there are insufficient grounds to terminate the employee's contract under this policy and further consideration should be given to the possibility of reasonable adjustments, e.g. allowing a longer period for recovery
- further consideration given to redeployment
- consideration given to requesting ill health retirement, where supported by medical evidence
- termination of employment with pay in lieu of notice.

7.31 The decision may be given verbally at the conclusion of the meeting and will in any event be confirmed in writing within 5 working days of the meeting. Where termination of employment is the outcome the employee will be notified of their right of appeal.

7.32 If a meeting is arranged and an employee is not able to attend, HR People Services will attempt to re-arrange the meeting within the next 5 working days, at a mutually convenient time.

7.33 If a second meeting has been arranged with an employee but, for example, due to the health of the employee cannot attend, a decision will be taken in their absence as outlined in paragraph 7.30.

7.34 Following dismissal on the grounds of long term ill health:

- (i) If after their appeal and notice period, an employee subsequently regains fitness to work, the Council could consider giving prior consideration to re-employment as close to their earlier grade and nature of work as possible;

- (ii) If an employee in the pension scheme is subsequently found to be permanently unfit without regaining fitness to work, under the provisions of the Pension Regulations they may be entitled to a pension based on ill health retirement (early payment of deferred pension benefits).

There is the right of appeal against termination of contract on the grounds of long term not permanent ill health and this will follow the Sickness Appeal process detailed in Section 8.

Option 5 - Possible Ill Health Retirement

- 7.35 Where an employee is declared unfit to resume duties in the long term, if they are a member of the Local Government Pension Scheme, they can request that their case is reviewed to see whether they would be eligible for ill health retirement. There are 3 tiers of ill health retirement and if an Occupational Health Physician, deems that the employee is permanently medically unfit, they will determine which tier of ill health retirement is applicable. Where an employee is in the Teachers' Pension Scheme the employee would need to apply for ill health retirement.
- 7.36 Where ill health retirement has not been requested and such an opinion is received, HR People Services and the manager should meet with the employee and inform them of the position. If the employee decides that they wish to retire, their request should be confirmed in writing, and the procedure outlined above should be followed. However, if the employee wishes to be considered for alternative employment, then the Council's Redeployment Policy should be utilised to seek suitable alternative employment. Where necessary there should be a referral to Occupational Health to ascertain what work would be suitable.
- 7.37 If a search for alternative employment is unsuccessful and the employee still does not wish to retire but it is decided that dismissal is the only option, the correct procedure must be followed. i.e. see paragraphs 7.27 - 7.31 above. Employees found permanently unfit on medical grounds will normally be given a payment in lieu of notice.

SECTION 8 – SICKNESS APPEAL PROCEDURE

- 8.1 Where an employee appeals against any action taken under the formal stages of the sickness absence procedure, either short term or long term, the grounds and reasons for appeal need to be identified. The following process will be followed at the appeal hearings which will be undertaken as a review rather than a re-hearing. However, where the appeal is based on a procedural flaw then a rehearing will take place.
- 8.2 At the commencement of the appeal hearing, the Chair of the Appeal (a manager more senior than the one that took the decision) will introduce all parties present, outline the procedure to be followed and will confirm that all parties understand the procedure. At any stage during the appeal, the Chair will be able to questions any of the parties present.
- 8.3 The manager that took the decision will outline the circumstances around the employee's absence that led up to the decision to issue a warning/ proceed to dismissal and explain the rationale for their decision. The employee or their Trade Union representative and the Chair can ask questions of the manager.
- 8.4 The Chair of the Appeal should ask the employee or their Trade Union representative to outline the grounds of their appeal. The manager and the Chair can ask questions of the employee.
- 8.5 After both parties have provided their evidence, each will be given the opportunity to sum up the main points, with the Management Side going first. No new evidence can be submitted at this stage. Following the summing up stage, all parties will withdraw leaving only the Appeal Chair authorised to make the final decision and the HR People Services representative.
- 8.6 In making a decision, the Chair 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.
- 8.7 The decision should be communicated in writing to the employee as soon as is reasonably practicable. The decision of the Chair of the Appeal will be final and there are no further appeal rights within the Council.

SECTION 9 – RELATED DOCUMENTS

Document Name	Reference
Alcohol & Drug Misuse Policy	1.CM.134
Carers Policy	1.CM.188
Domestic Violence Policy	1.CM.153
Flexible Working Policy	1.CM.088
Dignity at Work Policy	1.CM.109
Reasonable Adjustments Guidance	5.C.275
Redeployment Policy	1.CM.207
Stress Management Policy	1.CM.118

Appendix 1: GUIDANCE ON DISABILITY RELATED ABSENCES

1. From 1st October 2010, the Equality Act replaced the Disability Discrimination Act (DDA). The Equality Act aims to protect disabled people and prevent disability discrimination. The Disability protected characteristic of the Equality Act is complex and needs careful consideration in relation to definition of disability and of discrimination. Advice can be sort from HR People Services and Occupational Health,
2. Under the Equality Act, a person has a disability if:
 - **they have a physical or mental impairment**
 - **the impairment has a substantial and long term adverse effect on their ability to perform normal day-to-day activities".**

There is no definitive list of impairments covered by the legislation. The definition is very wide and depending on the nature and severity and the effect on normal day to activities **might** include, for example, people with:

- Sensory impairments (vision and hearing)
- Heart conditions
- Musculoskeletal conditions, affecting the limbs, hands, back or neck
- Recurring or fluctuating conditions such as arthritis, irritable bowel syndrome, Crohn's disease
- Mental health problems such as depression, schizophrenia, eating disorders, bipolar affective disorders, personality disorders
- Epilepsy
- Asthma
- Dyslexia
- Diabetes
- Severe disfigurements
- Learning disabilities
- Progressive conditions (e.g. cancer, HIV or multiple sclerosis etc)

This is not an exhaustive list.

3. A disabled person has the right to take a complaint under the Equality Act to an Employment Tribunal. Where a complaint is upheld, the Employment Tribunal may award compensation and damages. As with race and sex discrimination, there is no upper limit for compensation for Disability Discrimination.
4. The Equality Act recognises that treating all employees the "same" can penalise disabled people unfairly. Consequently, to remove this disadvantage, employers are obliged to make reasonable adjustments to working practices to accommodate the needs of disabled people. This duty arises where a provision, criterion or practice applied by or on behalf

of the employer, or any physical features of premises occupied by the employer, places a disabled person at a substantial disadvantage compared with people who are not disabled. Where the duty arises, an employer cannot justify a failure to make a reasonable adjustment. "Substantial disadvantages" are those which are not minor or trivial and must be causing a substantial disadvantage to the disabled person in question.

5. An employer has a duty to make reasonable adjustments if it knows or could reasonably be expected to know that an employee is disabled. **The implementation of adjustments is not an absolute duty. It is a duty to make a reasonable adjustment.** In this context reasonableness will often depend on likely effectiveness, practicality and cost. Further information on reasonable adjustments can be found in the Council's Reasonable Adjustments Policy.
6. In many cases employees will advise managers that they think that they are disabled. Managers may also use one to one meetings, return to work discussions and/ or [Personal Performance and Development Review](#) meetings where they think there is a problem to sensitively raise the issue. The Disability Rights Commission has advised that local authorities should follow self-classification systems, i.e. individuals define themselves as having a disability. Whilst the Council adopts this approach, to consider relaxing of triggers or discounting absences we would look for confirmation from Occupational Health that the Equality Act applies.
7. Where managers become aware that a disabled employee has a condition that is affecting their ability to do their job, consideration must be given as to whether reasonable adjustments could be instigated which would enable the person to work effectively. Advice may be sought from the Occupational Health Service in order to clarify whether the Equality Act does apply and if so, whether there are any adjustments that the Council should consider. A review of adjustments should take place every 6 months (as per the Reasonable Adjustments Policy) and/ or when:
 - the effects of an existing impairment changes;
 - a disabled employee's work or work pattern changes;
 - a disabled employee requires additional training.
8. Some examples of what could be considered as "reasonable adjustments" are as follows:
 - making adjustments to the working environment, e.g. making a doorway wider or easier to open, providing natural daylight bulbs or changing the height of shelving
 - allocating some of the employee's less important duties to another person
 - redeploying the employee to fill an existing vacancy.

- altering the employee's hours of working, including flexible working
- assigning the employee to a different place of work or training closer to their home
- allowing the employee to be absent during working or training hours for rehabilitation, assessment or treatment
- modifying instructions or reference manuals
- modifying a policy, practice or criteria
- providing a reader or interpreter
- changing attitudes, e.g. providing mental health or HIV awareness sessions for staff to ensure a more welcoming environment, free from misinformed opinions and prejudice
- acquiring or modifying equipment (advice may be obtained from the Access to Work Team) e.g. voice activated software an adapted keyboard or mouse
- giving or arranging training or mentoring/ coaching
- allowing an advocate to attend any meetings that take place as part of this process
- allowing an employee to record meetings with the prior agreement of all parties and recordings to be made available to all parties with no editing
- relaxing of the trigger stages **as appropriate** ^{*}. An example of this could be where an employee is undergoing treatment and may want to come into work in between treatments rather than be on long term sick and so may have periods of short term absence following each treatment.

This is not an exhaustive list.

It is recognised that the majority of disabled employees maintain an excellent attendance record and that it should not be assumed that if an individual is disabled they are at a higher risk of sickness absence. However, it is recognised that in some cases, medical conditions that may fall within the definition of disability may give rise to sickness absence. Whilst the Council is committed to being supportive of individuals affected in this way and to implement reasonable adjustments, care must also be taken not to create a situation that can be abused and in turn be seen as unfair to other staff. Where sickness absence occurs, reasonable adjustments such as modification to trigger points can be considered but this is not an automatic right under the terms of the legislation. Further advice on these should be discussed with HR People Services and the opinion of Occupational Health must be sought.

9. Whether it is reasonable or not for an employer to have to make any particular adjustment will depend on a number of things, such as cost and effectiveness. However, if an adjustment is reasonable to make, the employer must make it. In order to avoid discrimination, it would be prudent for managers not to make fine judgements as to whether a

particular individual falls within the statutory definition of disability, but to focus instead on meeting the needs of each employee. Each reasonable adjustment request made should be considered on an individual basis depending on the nature of the case.

Various factors influence whether a particular adjustment is considered 'reasonable'. These include:

- How effective the change would be in avoiding the disadvantage the disabled person, any other employee or member of the public would otherwise experience
- Its practicality
- Costs and extent of any disruption caused
- The availability of financial and other assistance
- Effect on other employees
- Adjustments made for other disabled employees

10. Additional advice and support in this area is available from HR People Services and Occupational Health.

11. Some practical examples of reasonable adjustments are as follows:

- A person who is disabled because they have dyslexia applies for a job which involves writing letters. The employer gives all applicants a test of their letter writing ability. The person can generally write letters very well, but finds it difficult to do in stressful situations and within short deadlines. They are given longer to take the test.
- A call centre normally employs supervisors on a full time basis. A person with sickle cell anaemia applies for a job as a supervisor. Because of pain and fatigue relating to their condition they ask to be able to do the job on a part time basis. The employer agrees. The hours of work offered amount to an adjustment to a working practice.
- An employer has designated car parking spaces for senior managers. An employee who is not a manager, but has mobility impairment and needs to park close to the office and so is allocated a car parking space.
- An employer makes structural or other physical changes such as widening doorways, providing ramps, relocating light switches or moving furniture for wheel chair users.
- An employer reallocates minor or subsidiary duties to another employee as a disabled person has difficulty doing them because of his disability. e.g. a job involves occasionally going onto the open roof of a building but the employer transfers this work away from an employee who suffers with severe vertigo.

12. The manager should talk to the employee who requires a reasonable adjustment to find out exactly what difficulties or barriers they are facing in achieving their role effectively. Once the specific detail has been ascertained, the Manager is likely to be in a position to assess what reasonable adjustments can be made to overcome the barriers experienced by the employee. If the Manager and the employee are able to easily and informally implement or accommodate the adjustment, without having to seek further advice from Health and Safety or Occupational Health; they should do so.
13. Records of the conversations/ agreements made between the manager and employee should be made, ensuring both parties have a copy. Where a more formal approach may be required then the documentation in the Reasonable Adjustments Policy should be used.
14. Where a manager is considering refusing a reasonable adjustment they must refer to the relevant section of the Reasonable Adjustments Policy.

Appendix 2 - ACTION IN PARTICULAR CASES

1. An employee will be entitled to be paid if suspended from work on medical grounds under various statutes.
2. Where the individual is unable to work because of adverse medical reaction to workplace conditions, consideration should be given to a search for alternative work.
3. In cases where effective consultation directly with the affected individual proves difficult, the manager should keep in touch through relatives/ carers.
4. An investigation of every accident which results in time being lost from work will be undertaken by the manager and, where appropriate, the relevant Health and Safety Adviser. A written report of the incident will be made. Similarly all alleged work-related ill health must be investigated by the manager with the support of a Health and Safety Adviser and Occupational Health Adviser. (Please see [1.CM.012](#) and [1.CM.122](#)).

Terminally Ill Employees

5. In the case of a terminally ill employee, there is a need to consider the person's situation and their continued employment in a particularly sensitive and understanding way.
6. Consultation is a key part in determining the individual's wishes and in providing them with information on the best options available.

Alcohol/Drug Dependency

7. Managers should ensure that such issues are dealt with in an appropriate manner, i.e. recognising that normally drug/ alcohol dependency is a health problem, which could be treated, and that employees need to be treated with sympathy and understanding.
8. HR People Services will provide assistance to managers in dealing with people who have dependency problems.
9. The Council's [Alcohol and Drug Misuse Policy](#) should be followed and training will be available to assist managers in this area.
10. Addiction to or dependency on alcohol, nicotine or any other substance (apart from prescribed medication) is explicitly excluded from constituting a disability under the Equality Act. However, illnesses caused by addiction e.g. certain liver conditions, will be covered.

Stress

11. It is a legal obligation for stress to be included in the health and safety risk assessment process. The Council has procedures and offers training in risk assessing and stress for teams and individuals.
12. The Council has a [Stress Management Policy](#) that should be implemented. e.g. in respect of risk assessing and implementation of Annual Service Area Stress Action Plans. The Council is addressing the Health and Safety Executive's six stress management standards as part of its approach to managing stress.

HIV/ Progressive Illnesses

13. Managers should approach HIV and AIDS as one of a number of illnesses where mismanagement can result in stigma and discrimination for the individual concerned. Confidentiality is, therefore, of the utmost importance and will be reflected in any Policy the Council determines. In many cases, time off for counselling should be allowed and systems should be established for the safeguarding of the employee's privacy. An employee diagnosed as either HIV or AIDS is under no obligation to disclose this to the Council, however under the Equality Act a person diagnosed with HIV or AIDS is classed as disabled from the point of diagnosis.
14. Progressive conditions are conditions which are likely to change and develop over time. Where an employee has a progressive condition, they will be covered by the Equality Act from the moment the condition leads to an impairment which has some effect on ability to carry out normal day-to-day activities, even though not a substantial effect, if the impairment is likely eventually to have a substantial effect on such ability (with the exception of HIV/ Aids as per paragraph 13).

Critical Illness/ Cancer in the Workplace Policy

15. A manager may be one of their employee's most important sources of support when faced with dealing with a critical illness such as cancer. An understanding of what that illness is, its treatment, side effects and the issues that may emerge during an individual's recovery and return to work will help managers fulfil this important role. Macmillan has developed specific advice and guidance for employers on how to handle cancer related cases and this has been incorporated into Appendix 3 Critical Illness guidance. The Council has a Carers Policy which further supports staff in the management of attendance. Details of the Carers Policy can be obtained from HR People Services.

Appendix 3 – CRITICAL ILLNESS GUIDANCE

1. The Council has a responsibility to provide help and to support employees diagnosed with a critical illness and will be as flexible as possible in its approach to these situations, dealing with each case on its own merits. At a time of uncertainty and conflicting emotions for those diagnosed, this guidance endeavours to establish a good practice framework approach whilst allowing flexibility to accommodate the circumstances of each case. It also provides guidance to managers in how best to support their employees and signposts sources of internal and external guidance and advice.
2. The way the Council responds to the needs of employees diagnosed with a critical illnesses will reflect its commitment to being an employer of choice, adhere to the Social Model of Disability and will impact on employee morale.
3. For the purpose of this guidance a critical illness is broadly defined as a life limiting and/ or life threatening condition as diagnosed by a GP and/ or professional health specialist that may or may not require a course of treatment. By way of example, critical illnesses would include cancer, heart attack, Muscular Dystrophy, Parkinson's Disease, polio, etc. This list is illustrative only and is not exhaustive.
4. An employee's dignity, privacy and confidentiality should be respected at all times. Consequently, no sensitive information concerning their medical condition should be shared without their prior consent.
5. Every effort will be made to support individuals diagnosed with a critical illness and this will include sensitive communication with and appropriate involvement/ engagement with the employee whilst they are in work and during periods away from the workplace.
6. Advice from Occupational Health and HR People Services should be sought at the earliest opportunity on the possibility , where practicable, of introducing temporary flexible working arrangements, where necessary or required, to support employees in managing their absence, treatment and related needs.
7. Employees will in no way be discriminated against on the grounds of their critical illness and the principles of the Council's Equal Opportunities Policy will be fundamental to the implementation of this guidance. Specifically, the Council will not discriminate against those diagnosed with a critical illness in relation to access to learning and development opportunities, promotion, secondment opportunities, etc.
8. Practical and relevant guidance, advice and support covering issues such as treatment, absence from work, return to work, work adjustments etc. will be made available to the employee. Further, in recognition that teams

may also be affected by the employee's situation, support and information will also be widely available.

9. Employees diagnosed with a critical illness should be treated fairly and consistently although each case will be slightly different. However, where an employee feels that they have been treated unfairly as a result of their critical illness, the matter should be raised with their manager in the first instance who will seek to try to resolve the issue informally. If the matter cannot be resolved in this way, the Grievance Procedure remains available to the employee. The Grievance Procedure should not be used following any formal action taken against an employee in respect of the Sickness Absence Procedures. In these instances employees have the right to appeal using the appeals procedure outlined in the Sickness Absence Procedures.

PROCEDURE FOR EMPLOYEES DIAGNOSED WITH A CRITICAL ILLNESS

ADVISING MANAGERS

10. Once an employee feels able to share their diagnosis, they should advise their manager and/ or arrange to meet. If the employee feels unable to discuss this with their line manager, if they have been referred or have self referred, they can request that Occupational Health and/ or HR People Services can be involved on their behalf. In some cases, employees may feel more comfortable with Occupational Health advising the organisation about the illness as part of the Occupational Health report process. Occupational Health can provide advice in their report and agree a way forward with the individual regarding what information needs to be relayed to their manager. Occupational Health will provide appropriate support throughout the illness.
11. Although the initial disclosure may not be easy for the employee, it is difficult for a manager (and therefore the Council) to support someone if they are unaware of the individual's circumstances. In practical terms, it is also difficult to attend treatment, take time off to meet health needs or ensure that work is covered, without the manager knowing the reason why and what is involved.
12. Employees have the right to be accompanied by a Trade Union representative or work colleague at any time during discussions with their manager.
13. The employee may not know the full extent of their illness until they have begun treatment, or had some form of surgical procedure/ investigation and so there may be a need to take time off at very short notice. This would be covered by time off arrangements in Sickness Absence Procedure, Special Leave Provisions or some other form of flexible working arrangements.

EARLY DISCUSSIONS

14. Following disclosure of the diagnosis by the employee and as soon as it is appropriate to do so, the manager should meet with the employee and discuss:-
- The provisions and application of the Sickness Absence Procedure including any reasonable adjusting advised by Occupational Health
 - Any need to take immediate time off e.g. special leave, annual leave to come to terms with the immediate diagnosis
 - Any potential impact of treatment on the employee's ability to work and whether working arrangements need to be temporarily adjusted to assist in supporting them to continue working
 - What agreed information, if any, should be shared with team/ work colleagues and when
 - Referral to Occupational Health, if not already done, to seek information about the illness, recommendations for returning to work, reasonable adjustments, possibility of redeployment, etc.
15. In practical terms, the employee will be offered information on:
- The Council's Sickness Absence Procedure and details of sick pay entitlements
 - Counselling and other support services, e.g. Employee Counselling Services, external support agencies
 - Flexible working information and possible work adjustment options
 - Other sources of information and support

ADVISING WORK COLLEAGUES

16. It is up to the employee, when they feel ready, to share any information with others who need and/ or should know and they can either relay this information themselves or ask their manager to do so on their behalf. Where possible, the manager will agree with the employee from the outset what (if anything), when and who will advise colleagues and others at work
17. Managers should respect the employee's wish for privacy and confidentiality concerning their personal circumstances. At the same time, however, the manager may need to make arrangements to cover sickness absence if it occurs.

PAYMENT OF SALARY/ WAGES DURING SICKNESS ABSENCE

18. The Sickness Absence Procedure will be applied (including provision of a Statement of Fitness to Work, etc). The payment of sick pay will be in accordance with the relevant sick pay provisions and will be based on the employee's sickness entitlement. Further advice can be sought from HR People Services or the Trade Unions.

OPTIONS FOR SUPPORT

19. The employee may choose to seek counselling and support and this can be from the in-house confidential Employee Counselling Service, Occupational Health Service, the Disabled Employee Group or external agencies. Full contact details of further sources of information are attached in [Appendix 5](#) of this policy.
20. Occupational Health, because of their required early involvement, will play a key role in advising on fitness for work, suitable alternative duties to be undertaken, reasonable adjustments, etc. The Council has a duty to make reasonable adjustments to workplaces and working practices to make sure that disabled people are not at a substantial disadvantage compared to others. What is considered a reasonable adjustment will depend on the costs and practicality of making the adjustment and affects on the employer's business. Health and safety issues should also be considered.
21. Depending on the nature of the illness, the employee may wish to carry on working during treatment, either on a full time or part time basis. Prior to treatment; it is often difficult to know exactly how it may affect the employee so it is important that close contact on this matter is maintained. Full or part time flexible working options, where practicable, should be explored and discussed by the manager with the employee. Based on advice from Occupational Health, reasonable adjustments and modification should, wherever the job allows it, be made.
22. In summary the manager can help an employee by:-
 - Planning a reduced and/ or more flexible working arrangement, e.g. changing the employee's hours so that the employee can travel to and from work at less busy times (e.g. outside rush hour).
 - Temporarily reassigning duties to others, if this is feasible and/ or considered appropriate.
 - Encouraging the employee to take short breaks every now and again to rest.
 - Allowing the employee to work from home, if the job can be reasonably adjusted to sustain home working for an agreed and time limited period of time
23. It may however not be practicable for the employee to continue working during treatment and consequently, they will be on sick leave. The manager should ensure that formal contact meetings, in accordance with the Sickness Absence Procedure, take place so that the employee knows what is happening at work and is kept up to date with developments.

TIME OFF FOR TREATMENT

24. If an employee returns to work either during or after treatment, they may need to take time off for medical appointments and follow up procedures. These appointments are covered as part of Special Leave provisions. The employee should, as far as possible, let their manager know of these appointments in advance so that any cover arrangements if necessary can be made.

EXTENDED PERIOD OF ABSENCE

25. If an employee needs to take an extended period of absence, this time off will be treated as sickness absence in accordance with their entitlement. Trigger points may be varied and advice should be sought from HR People Services.

KEEPING IN TOUCH

26. Employees on sickness absence may feel very vulnerable which can exacerbate any feelings of isolation. In the case of a lengthy period of absence away from work and in addition to contact meetings by the manager; colleagues may wish to keep in social contact with the individual, in order to keep them updated on a range of matters. Where contact meetings are not appropriate, the option of periodic telephone discussions by the manager to review how the employee is doing should be considered.

AFTER TREATMENT - RETURNING TO WORK

27. Often a diagnosis of a critical illness will lead individuals to rethink their lifestyle and priorities. Some employees may choose not to return to work or are not able to do so. For others, work can take on an increased importance in their life.
28. It is important that employees returning to work, especially following a prolonged absence, are offered the support they need. After treatment has finished and, if the employee has not been working during this period, the basis of the return to work will need to be determined. This will be based on the Occupational Health advice received.
29. Returning to work after a break of a few weeks or months can be physically and emotionally stressful and difficult to adjust to. The employee must take time to think about what is right for their situation and circumstances. Again, the role of Occupational Health is important. Planning for the return to work and welcoming them back is key along with monitoring their progress once they have returned.
30. Prior to the formal return to work, the manager will arrange to meet with the employee to discuss the options for making the transition back to work. A visit to the workplace by the employee prior to the formal return to work should also be considered. Other options to be explored could include:

- Agreeing a phased return to work within an agreed timescale, where an employee increases their hours gradually over a period to time
- A change to working pattern or hours
- Temporarily working from home, where the job can be appropriately modified
- Other flexible arrangements working or reduced hours
- Modifying the employee's role or some of the employee's responsibilities for a temporary period
- Help with transport to and from work, e.g. Access to Work
- Reasonable adjustments to the employee's physical location or workstation
- Consider any training or refresher course that may be needed
- Scheduling regular review dates for this transition period

IMPAIRMENT CAUSED BY CRITICAL ILLNESS

31. If an employee's illness causes an impairment that affects the return to work, the Council will make reasonable adjustments to enable the employee to continue to work. The Disability provisions of the Equality Act 2010 cover all aspects of the employment cycle from recruitment through to an individual leaving the organisation, including after they have left. It also makes it unlawful for an employer to treat a disabled person less favourably, (e.g. an employer cannot refuse to employ or promote an individual simply because they have an illness that is covered by the Equality Act.)
32. The Act also protects an employee against harassment and/ or victimisation and makes it unlawful for an employer (or prospective employer) not to make 'reasonable adjustments' for disabled employees (or job applicants), such as changes to employment practices and procedures and the working environment, if it means someone with illness covered by the Equality Act is placed at a substantial disadvantage. Further advice on these issues is available from HR People Services.

GIVING UP WORK

33. Some people choose to give up work completely when they are diagnosed with a critical illness. This allows them to focus on their illness, its treatment and to reassess their lives and priorities. If work has been a major focus of an employee's life, it can be difficult to adjust to not working. If the employee wishes to leave, it is important to clarify the reasons why as sometimes these decisions are taken when emotions are at an all time low. Whilst such decisions are personal, employees should be encouraged to take proper advice before making the decision to give up work. In this situation an employee may want to seek counselling and talk this through. The Employee Counselling Service or external agencies listed in [Appendix 5](#) can be accessed. The employee could consider

leave under the Sabbatical Leave Policy whilst they consider their long term options.

34. If following referral to Occupational Health the employee is considered to be permanently unfit and suitable alternative roles are not available, their employment will be terminated on ill health grounds with any associated pension benefits. If an employee is ineligible for retirement because of ill health, can no longer carry out their role and alternative employment is unavailable, termination of the contract may need to be considered. Managers should consult HR People Services and seek advice from Occupational Health to discuss options prior to making these decisions.
35. It is strongly advised that in these circumstances, if the employee is in the Local Government Pension Scheme, they (or someone acting on their behalf) should contact the Pensions Section for advice on options available.

Appendix 4 - GUIDANCE ON MENTAL HEALTH CONDITIONS

1. Where it is known that an individual suffers from a mental health condition, it is reasonable that the manager should take account of this when reviewing sickness absence. In relation to the normal approach to sickness absence management, because of the nature of certain types of mental health conditions, managers should be particularly alert to the effects of their action on the employee.
2. In recognition of this, it is advisable that close liaison with Occupational Health, the relevant GP and Trade Union, etc is maintained throughout. Specialist bodies such as charities and Disability Service Teams in some of the larger local Job Centres can also be of help.
3. Mental health conditions include a wide range of experiences: some conditions may be quite mild and moderate, while others may take on a more severe form, affecting a person's ability to cope with day-to-day living.
4. Mental health conditions can range from feeling 'a bit down' to common disorders such as anxiety and depression, to severe mental health conditions such as bipolar disorder or schizophrenia.
5. No one really knows why some people react to life events far more than others. There are various medical, psychological and social factors which may contribute to a decline in a person's mental health, but there is no one 'cause'.
6. Conditions may emerge suddenly, as a result of a specific event or incident, or gradually, over a period of time when the condition may worsen or improve.
7. Some conditions are persistent and may be classed as a disability, while others come and go, giving the individual 'good days' and 'bad days'.
8. According to some estimates, 1 person in 4 has some form of mental health condition in their lifetime. For as many as 1 person in 50, the condition will be serious enough to affect their ability to work or to form personal relationships.
9. Illness is more easily understood if it is visible and mental health conditions may be less conspicuous than some forms of physical illness. An employee may also work very hard to disguise their symptoms, or they may develop other 'secondary symptoms' not directly related to the original condition – for example, the strain of coping with depression may cause someone to become dependent on alcohol or drugs.
10. Many employees and line managers are uncomfortable talking about mental health. Misconceptions about mental health conditions persist –

mental health is often viewed as something disturbing or dangerous that lurks hidden beneath the surface of someone's personality.

11. Managers may also be reluctant to intervene because:
 - They feel they may have contributed to the poor mental health of the employee – perhaps by overloading them with work
 - They do not have the confidence or knowledge to deal with an issue and may feel out of their depth.
12. You do not necessarily need to be an expert or counsellor to manage mental health conditions. A good starting point is to manage physical and mental illness in the same way by focusing on:
 - Effective line management, particularly around communication –with the employee and other employees
 - Awareness of the issues and the ability to empathise – feeling sympathetic may not be appropriate
 - The development of an open culture in which employees feel able to discuss their problems
13. Learning about mental health conditions will prevent managers from feeling they are getting out of their depth and to judge when they need to refer employees to outside help.
14. ACAS have stated that there are three things you can do to help maintain the health of employees and help those with mental health conditions remain in work and productive:
 - **Spot the signs** – This may initially mean taking a note of what you see as you walk around or in team meetings and then choosing the right moment to intervene.
 - **Engage with the problem** – There are some good practical steps you can take to help with coping strategies, and some legal requirements you need to bear in mind, for example your duty to make reasonable workplace adjustments to the working environment in certain circumstances
 - **Keeping a watching brief** – This does not necessarily mean passively observing, although in some circumstances this be the best option. Promote awareness of mental health issues and create a culture where employees feel they can talk to you about their concerns. Keeping communication channels open is critical.
15. The first signs of mental health conditions will differ from person to person and are not always easy to spot. In many cases of moderate depression (the most common mental health condition) the person becoming distressed may not display symptoms, or may seek to hide them because they worry about what others will say or think about them. The key thing to look out for is **changes** in usual behaviour and some common early signs of a mental health condition could be:

- Losing interest in activities and tasks that were previously enjoyed
- Poor performance at work
- Mood swings that are very extreme or fast and out of character
- tearfulness
- Self-harming behaviour
- Changes in eating habits and/or appetite: over-eating, bingeing, not eating
- Sleep problems
- Increased anxiety, looking or feeling 'jumpy' or agitated, sometimes including panic attacks
- Feeling tired and lacking energy
- Isolating themselves, socialising less
- Wanting to go out a lot more, needing very little sleep, feeling highly energetic, creative and sociable, making new friends rapidly, trusting strangers or spending excessively – this may signal that they are becoming 'high'
- Hearing and seeing things that others don't
- Other differences in perception; for example, mistakenly believing that someone is trying to hurt them, or trying to take over their body.

All these signs can vary in severity. They can be relatively minor, or pass quickly, or be particularly severe and distressing.

16. Possible issues to raise with an employee who has a mental health condition (taken from SHiFT Line Managers' Resource -A Practical Guide to Managing and Supporting People with Mental Health Problems in the Workplace):

- ask open questions about what is happening, how they are feeling, what the impact of the mental health condition is. Ask them what solutions they think there might be but appreciate that they may not be able to think clearly about solutions while experiencing distress
- how long has the employee felt unwell? Is this an ongoing issue or something that an immediate action could put right?
- discuss whether work has contributed to their distress. Listen without passing judgement and make sure you address their concerns seriously
- are there any problems outside of work that they might like to talk about and/ or it would be helpful for you to know about? (You should not put pressure on the person to reveal external problems)
- is the employee aware of possible sources of support such as relationship or bereavement counselling, drug/ alcohol services, legal or financial advice?
- ask the employee if there is anything that you can do to help and make sure that they are aware of any support that the organisation may provide such as reference to occupational health, counselling and that if they access them it will be confidential

- is there any aspect of the employee's medical care that it would be helpful for you to know about? For example, side effects of medication that might impact on their work. While you have no right to this information, the employee should be aware that you cannot be expected to make 'reasonable adjustments' under the terms of the Equality Act if you are not informed about the problem
- does the employee have ideas about any adjustments to their work that may be helpful? These could be short or long term
- do they have any ongoing mental health condition that it would be helpful for you know about? If so, is it useful to discuss their established coping strategies and how the organisation can support them? It is the employee's choice whether to reveal this but you can explain that it will be easier for you to make reasonable adjustments for a condition you know about
- establish precisely what they wish colleagues to be told and who will say what. Any inappropriate breach of confidentiality or misuse of this information might constitute discrimination under the Equality Act
- agree what will happen next and who will take what action

Appendix 5 – USEFUL CONTACTS

INTERNAL SOURCES OF SUPPORT

Employee Counselling Service

The Employee Counselling Service (ECS) offers free and confidential counselling to anyone who is employed by Cardiff Council.

The Employee Counselling Service is confidential. No-one will be told that an employee has been in contact: Manager, Supervisor or colleagues in People and Organisational Development do not have to know. Employees can access the Employee Counselling Service between 9am - 5pm Monday to Friday (answer phone at all other times). The telephone number is 029 2078 8301

HR People Services Advice and Guidance

Tel. 029 2087 2222 or hrpeopleservices@cardiff.gov.uk

Occupational Health Service

Tel. 02920 788534 or 02920 788535 or occupationalhealth@cardiff.gov.uk

Pensions Section - Financial Services

Tel. 029 2087 2330 or pensions@cardiff.gov.uk

EXTERNAL SOURCES OF INFORMATION

Access to Work

Jobcentre Plus
Alexandra House
377 Cowbridge Road East
Cardiff
CF5 1WU
Email: AWTOSU.LONDON@DWP.GSI.GOV.UK
Tel: 0845/0345 268 8489

There are a number of external organisations that can provide support to employees with particular conditions and these can be found via the internet

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CORE CITY SICKNESS DATA

Background

1. A request was sent to the following authorities to obtain data of their sickness absence.

- Birmingham City Council
- Bristol City Council
- Leeds City Council
- Liverpool City Council
- Manchester City Council
- Newcastle City Council
- Nottingham City Council
- Sheffield City Council

Cardiff has worked extremely hard to reduce levels of sickness absence and the ability to benchmark its performance against other major UK cities should aid further reductions in sickness absence levels.

2. Each authority was asked to provide the following information;

- Question 1** Sickness information for the authority as a whole.
- Question 2** Sickness information of FTE days lost per person broken down by service area with specific interest in the area of waste services.
- Question 3** Age profile for the authority and waste services.
- Question 4** Confirmation if a separate sickness policy was used for manual workers compared to office workers, given the more intensive nature of the constant outdoors work?
- Question 5** What new initiatives, if any, have been introduced which have shown a reduction in sickness absence levels?

Question 1 Responses - Sickness Information for Authorities as a Whole

3. Cardiff's sickness data for both long and short term absence has been reported as shown below; Each authority were asked to provided data under these headings to enable us to compare our progress.

The City of Cardiff Council

Result Date	No. of FTE staff	Long Term FTE Days Lost	FTE Days lost per person (LT)	Short term FTE Days Lost	FTE Days lost per person (ST)	Total FTE days lost	Total FTE days lost per person	Industrial Accident FTE days lost
2009/10	12,786	87,017	6.81	64,911	5.08	151,928	11.88	3,460
2010/11	12,399	82,199	6.63	59,703	4.82	141,902	11.45	1,731
2011/12	11,985	83,077	6.93	54,585	4.55	137,662	11.49	1,751
2012/13	11,790	85,317	7.24	52,726	4.47	138,043	11.71	1,776
2013/14	11,677	71,653	6.14	47,201	4.04	118,854	10.18	2,191

Core City Data

Birmingham City Council

Authority as a whole	Result Date	No. of FTE staff	Long Term FTE Days Lost	FTE Days lost per person (LT)	Short term FTE Days Lost	FTE Days lost per person (ST)	Total FTE days lost	Total FTE days lost per person	Industrial Accident Incidents	Industrial Accident FTE days lost
Birmingham City Council	2010/11	17948.91	152064	8.47	58149	Not supplied	210213	11.72	Data Not available	
	2011/12	16873.12	148509	8.80	48844	Not supplied	197353	11.67		
	2012/13	14795.91	119139	8.05	64256	Not supplied	183396	12.40		
	2013/14	13736.50	94311	6.86	52667	Not supplied	146978	10.70		

Bristol City Council

Authority as a whole	Result Date	Headcount	Long Term FTE Days Lost	FTE Days lost per person (LT)	Short term FTE Days Lost	FTE Days lost per person (ST)	Total FTE days lost	Total FTE days lost per person	Industrial Accident Incidents	Industrial Accident FTE days lost
Bristol City Council	2010/11	8851	Data Not available				77110	8.71	Data Not available	Data Not available
	2011/12	8375	Data Not available				66091	7.89		367
	2012/13	8052	Data Not available				67512	8.38		835
	2013/14 Ending 31/05/14	7213	Data Not available				62258	8.63		967

Leeds City Council

Authority as a whole	Result Date	No. of FTE staff	Long Term FTE Days Lost	FTE Days lost per person (LT)	Short term FTE Days Lost	FTE Days lost per person (ST)	Total FTE days lost	Total FTE days lost per person	Industrial Accident Incidents	Industrial Accident FTE days lost
Leeds City Council	2010/11	13158	104668.99	7.95	50367.37	3.83	155036.36	11.78	Data Not Supplied	2206.04
	2011/12	12876	91205.50	7.09	44647.75	3.47	135853.26	10.56		2285.98
	2012/13	12555	87393.60	6.96	45717.94	3.64	133111.54	10.60		1568.07
	2013/14	13136	93132.22	7.08	43010.54	3.26	136142.76	10.34		1076.71

Liverpool City Council

Authority as a whole	Result Date	No. of FTE staff	Long Term FTE Days Lost	FTE Days lost per person (LT)	Short term FTE Days Lost	FTE Days lost per person (ST)	Total FTE days lost	Total FTE days lost per person	Industrial Accident Incidents	Industrial Accident FTE days lost
Liverpool City Council	2010/11	6113.11	42888.94	5.87	17869	2.44	60569	8.29	Data Not supplied	497.66
	2011/12	4987.53	33750.41	5.34	15179.68	2.40	49281	7.80		870.16
	2012/13	4424.46	39448.23	6.75	15952.87	2.73	56951	9.75		146.19
	2013/14	2890.03	34304.21	6.25	13682.70	2.49	47989	8.74		183.71

Manchester City Council

Authority as a whole	Result Date	No. of FTE staff	Long Term FTE Days Lost	FTE Days lost per person (LT)	Short term FTE Days Lost	FTE Days lost per person (ST)	Total FTE days lost	Total FTE days lost per person	Industrial Accident Incidents	Industrial Accident FTE days lost
Man. City Council	2010/11	9310	62633	6.72	37135	3.98	99768	10.70	Data Not Supplied	
	2011/12	7616	57491	7.54	30327	3.98	87818	11.52		
	2012/13	7495	51281	6.84	31060	4.14	82341	10.98		
	2013/14	6581	54381	8.26	26179	3.97	80560	12.23		

Newcastle City Council

Authority as a whole	Result Date	No. of FTE staff	Long Term FTE Days Lost	FTE Days lost per person (LT)	Short term FTE Days Lost	FTE Days lost per person (ST)	Total FTE days lost	Total FTE days lost per person	Industrial Accident Incidents	Industrial Accident FTE days lost
Newcastle City Council	2010/11	7214	Data Not Supplied				71627.81	8.35	Data Not Supplied	913.26
	2011/12	6531					61198.59	8.05		722.15
	2012/13	6114					55571.75	9.50		1034.97
	2013/14	5322					47621.19	6.18		639.18

Nottingham City Council

Authority as a whole	Result Date	No. of FTE staff	Long Term FTE Days Lost	FTE Days lost per person (LT)	Short term FTE Days Lost	FTE Days lost per person (ST)	Total FTE days lost	Total FTE days lost per person	Industrial Accident Incidents	Industrial Accident FTE days lost
Notting. City Council	2010/11	5667.52	44487.35	7.85	21489.44	3.79	65976.99	11.64	Data Not Supplied	4176.18
	2011/12	5413.20	35242.51	6.51	20313.73	3.75	55556.24	10.26		4355.63
	2012/13	5432.11	35964.05	6.62	22161.43	4.08	58125.48	10.70		2833.29
	2013/14	Data Not Supplied								

Sheffield City Council

Authority as a whole	Result Date	No. of FTE staff	Long Term FTE Days Lost	FTE Days lost per person (LT)	Short term FTE Days Lost	FTE Days lost per person (ST)	Total FTE days lost	Total FTE days lost per person	Industrial Accident Incidents	Industrial Accident FTE days lost
Notting. City Council	2010/11	6686	Data Not Supplied				77154	11.54	Data Not Supplied	
	2011/12	5848	Data Not Supplied				71311	12.19		
	2012/13	6364	Data Not Supplied				72712	11.42		
	2013/14	Data Not Supplied								

4. Cardiff's total FTE days lost per person for 2013/2014 is 10.18 days. From the 8 core cities sampled for data, Cardiff shows more positively than 5 of them in connection to total FTE days lost per person. However, the number of FTE staff varies considerably and so the closest comparable match with Cardiff is that of Birmingham City Council losing 10.70 days per person and Leeds City Council losing 10.34 days per person.

Question 2 Responses - Sickness Information Broken Down by Service Area with Specific Interest in the Area of Waste Services

The City of Cardiff Council

Service Area: WASTE OPERATIONS, FTE in: Days				
Post Type: Permanent, Temporary				
Reporting Period	Short term Sickness FTE	Long term Sickness FTE	Total Sickness FTE	No of Days Lost per Employee Year
July 12 - March 13	3,325.99	4,396.38	7,722.36	23.94
April 13 - March 14	3,627.49	5,700.16	9,327.65	21.36
April 14 - Oct 14	1,103.93	2,587.18	3,691.11	16.42

DigiGov Report as at 16.10.14

5. For several authorities it is not possible, since the introduction of Single Status, to identify those employees who could be deemed to be part of this part of the workforce and thus sickness information for them cannot be provided. However, the below information has been provided by 5 authorities.

Birmingham City Council – Fleet and Waste Management Service

Fleet & Waste Management Services	Result Date	No. of FTE staff	Long Term FTE Days Lost	FTE Days lost per person (LT)	Short term FTE Days Lost	FTE Days lost per person (ST)	Total FTE days lost	Total FTE days lost per person
Birmingham City Council	2010/11	850.95	6264.15	7.36	3329.84	3.91	9594.00	11.27
	2011/12	720.83	5643.79	7.83	2297.57	3.19	7941.36	11.02
	2012/13	576.20	5786.78	10.04	2511.28	4.36	8298.06	14.40
	2013/14	532.66	4700.83	8.82	1776.49	3.34	6477.32	12.16

Bristol City Council – Service Area Breakdown

Service Areas	Headcount ***				Total FTE days lost **				Total FTE days lost per person *			
	2011	2012	2013	2014	2011	2012	2013	2014	2011	2012	2013	2014
Restructured Department	N/A	1	N/A	0	N/A	0	N/A	4351	N/A	0	N/A	0.00
Chief Executive	N/A	83	197	N/A	N/A	331	442	N/A	N/A	3.99	2.24	N/A
Corporate Services	1693	2076	2018	N/A	11574	15797	16298	N/A	6.84	7.61	8.08	N/A
Children Young People and Skills	1660	1581	1445	1320	15191	11949	11890	9749	9.15	7.56	8.23	7.39
Deputy Chief Executives	594	88	N/A	N/A	4339	350	N/A	N/A	7.30	3.98	N/A	N/A
Health & Social Care	1908	1709	1596	1329	25706	18536	19176	12895	13.47	10.85	12.02	9.70
Neighbourhoods & City Development	N/A	2837	2796	2003	N/A	19128	19708	15856	N/A	6.74	7.05	7.92
City Development	1016	N/A	N/A	N/A	6941	N/A	N/A		6.83	N/A	N/A	
Neighbourhoods	1980	N/A	N/A	5	13359	N/A	N/A	0	6.75	N/A	N/A	0.00
Organisational Development	N/A	N/A	N/A	1238	N/A	N/A	N/A	8507	N/A	N/A	N/A	6.87
People	N/A	N/A	N/A	7	N/A	N/A	N/A	54	N/A	N/A	N/A	7.64
Place	N/A	N/A	N/A	13	N/A	N/A	N/A	1	N/A	N/A	N/A	0.08
Business Change	N/A	N/A	N/A	12	N/A	N/A	N/A	857	N/A	N/A	N/A	71.42
Public Health	N/A	N/A	N/A	34	N/A	N/A	N/A	33	N/A	N/A	N/A	0.97
Regeneration	N/A	N/A	N/A	1341	N/A	N/A	N/A	12416	N/A	N/A	N/A	9.26

*** Employees who have more than one job with the council are included once for each job

** Working days lost is based on Mon-Fri (excluding bank holidays) pattern applied to all instances of absences

* Average number of working days / shifts lost due to sickness absence per employee. Excludes absence of leavers

Leeds City Council – Waste Services

Waste Services	Result Date	Total FTE days lost per person
Leeds City Council	2012/2013	11.77
	2013/2014	13.58

Newcastle City Council – Refuse & Cleaning Staff

Refuse & Cleansing Staff Only	Result Date	Sickness days lost per FTE	Total FTE days lost per person
Newcastle City Council	2010/11	Refuse staff	10.60
		Cleaning staff	10.66
	2011/12	Refuse staff	9.71
		Cleaning staff	9.75
	2012/13	Refuse staff	9.50
		Cleaning staff	12.26
2013/14	Refuse staff	10.31	
	Cleaning staff	6.81	

Nottingham City Council – Service Area Breakdown

Service Area	2010/11	2011/12	2012/13
Chief Executives Group	8.91	5.98	8.29
Children & Families	13.17	11.99	11.53
Communities	12.44	11.55	12.42
Development	9.22	8.51	9.72
Resources	8.29	8.61	8

The sickness levels for waste services in FTE days between 2010 and 2013, which in Nottingham City Council was called 'City Services' were as follows:

Waste Services	Result Date	Total FTE days lost per person
Nottingham Council	2010-2011	16.81
	2011-2012	11.29
	2012-2013	13.97

Question 3 Responses – Age Profile for Authority and Waste Services

6. Only those authorities below were able to provide the data following single status:

Bristol City Council

Age Profile as at 31.03.14

Age Range	Staff
16 – 24	267
25 – 34	1,087
35 – 44	1,631
45 – 54	2,385
55 – 64	1,604
65 – 70	193
70+	75

Liverpool City Council

Age Profile as at 31.03.14

Age Range	Staff
16 – 24	159
25 – 34	578
35 – 44	973
45 – 54	1778
55 – 64	1184
65 +	174

Nottingham City Council

Age Profile as at 31.03.14

Age Band	All Staff	City Services
16-19	74	28
20-24	342	59
25-34	1221	60
35-44	1643	89
45-54	2273	173
55-64	1331	111
65+	140	9
Grand Total	7024	529

Manchester City Council – Service Area Breakdown

It is not possible to provide a breakdown to reflect waste/ cleaning services for Manchester due to single status:

Age Profile as at 31.03.14.		
Department	Age Range	%
Corporate Core	< 20	0.12
	>= 70	0.12
	20 - 29	2.61
	30 - 39	8.31
	40 - 49	11.41
	50 - 59	11.50
	60 - 69	2.31
Growth & Neighbourhoods	< 20	0.03
	>= 70	0.03
	20 - 29	1.12
	30 - 39	4.58
	40 - 49	5.76
	50 - 59	7.27
	60 - 69	0.76
Children's & Families	< 20	0.15
	>= 70	0.50
	20 - 29	3.29
	30 - 39	8.62
	40 - 49	13.72
	50 - 59	14.01
	60 - 69	3.78
Grand Total		100

Newcastle City Council – Service Area Breakdown

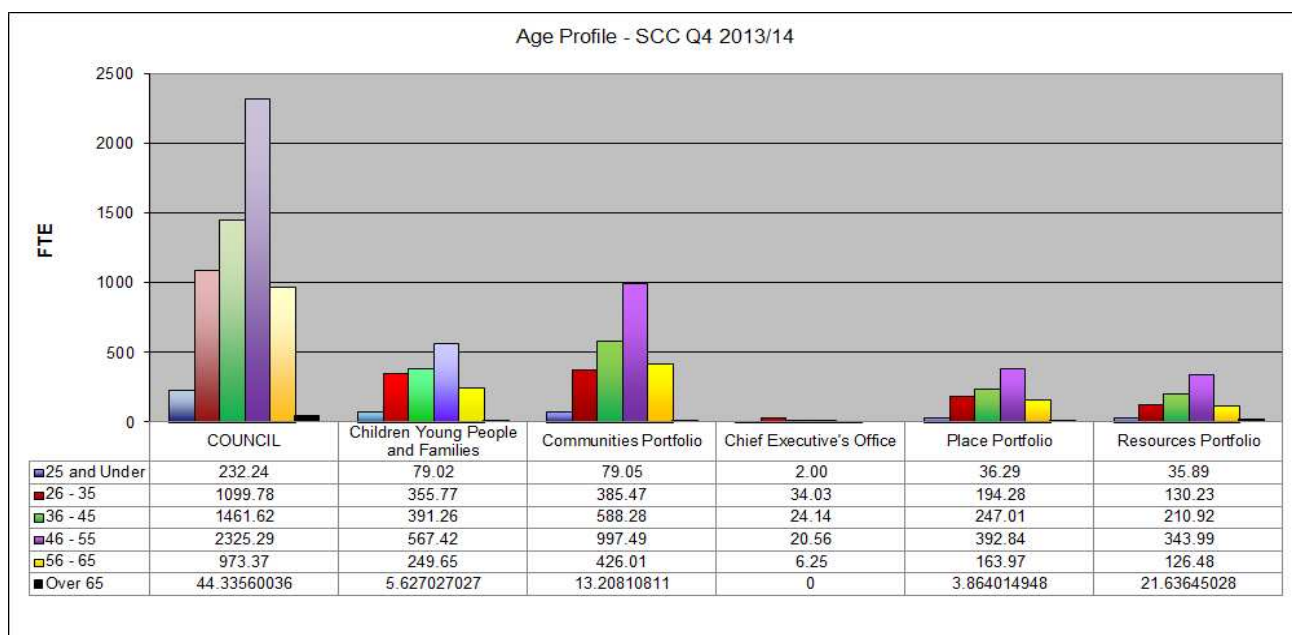
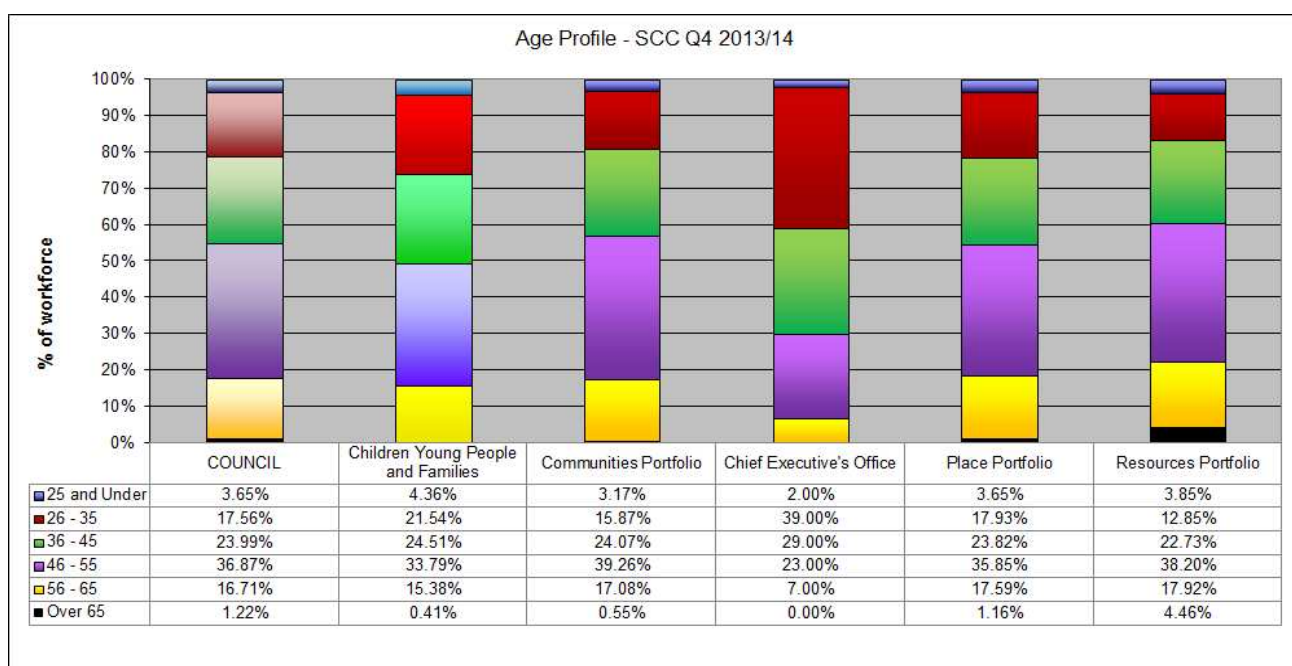
Age profile as at 1 April 2014						
Count of Pers.No.	Age Range					Grand Total
	16 TO 24	25 TO 44	45 TO 64	65 TO 74	75 AND OVER	
Directorate						
Assistant Chief Executive's	3	141	133	4		281
Communities	97	1042	2068	54	6	3267
Investment and Development		69	50			119
Resources	61	299	387	2		749
Schools	189	2119	1851	50	2	4211
Tyne and Wear Archives & Museums	26	109	92	2		229
Wellbeing, Care and Learning	26	837	1091	32		1986
Grand Total	402	4616	5672	144	8	10842

Age profile as at 1 April 2014

Count of Pers.No.	Personnel Subarea	Age Range				Grand Total
		16 TO 24	25 TO 44	45 TO 64	65 TO 74	
Directorate	Street Services	2	56	186	1	245
Communities	Waste, Rec & WM	3	46	90		139
Communities Total		5	102	276	1	384
Grand Total		5	102	276	1	384

Sheffield City Council

The graphs below illustrate the age profile of the Council as a whole and the five portfolios as at Quarter 4 2013/14. Household waste services in Sheffield are provided by Veolia Environmental Services under an integrated waste management contract. We therefore have no data relating to their age profile.



Question 4 Responses – Separate Sickness Policy for office / manual workers

7. All authorities confirmed that they only have one Managing Sickness Absence procedure which applies to all council staff. However, Nottingham City Council's Employee Health & Wellbeing team provides a number of health checks specifically for manual workers, including hand-arm vibration syndrome checks, hearing tests, sleep pattern checks for night working and confined spaces checks.

8. Bristol and Sheffield City both outsource their waste services. Bristol's waste services (bin collection and recycling) are out-sourced to May Gurney:
<http://www.bristol.gov.uk/press/recycling-rubbish-and-waste/new-%C2%A396-million-waste-contract-means-fresh-approach-bristol>. However, cleaning of council property is still undertaken in-house. Sheffield's waste services are outsourced to Veolia.

Question 5 Responses – New Initiative to reduce sickness absence levels

Birmingham City Council

Has introduced changes whereby employees can be assisted earlier via a final case hearing system to determine what assistance can be offered to an employee to assist them to return to work in a timelier manner than was previously the case. A new employee assistance programme is now in place to support employees.

Bristol City Council

A new Employee Assistance Programme (EAP) initiative was implemented on 1 April 2013. Details of the programme are as follows:

The EAP provides confidential support, which is available to employees 24 hours a day and 7 days a week. If they are experiencing issues / concerns either at home or at work, then EAP is on hand to provide support and guidance to them wherever they are. The service is fully confidential and employees are able to refer themselves for support rather than requesting this via their manager.

The team of trained counselling practitioners offer discreet, independent and unbiased guidance in a range of ways. These include:

- Over the phone
- Online
- Face to face appointments
- Mediation (this must be referred by Occupational Health):

Over 1,000 employees have called the EAP service and 200 employees have had a face-to-face appointment with the EAP since its launch earlier this year. There is no waiting list. Where appropriate, employees have been able to access face to face counselling within ten days of initial referral. Feedback from employees using the service has been extremely positive.

Leeds City Council

Have introduced a corporate target for sickness absence (not disclosed) and every employee who triggers this is placed on Stage One of their internal policy.

Liverpool City Council

Have introduced new sickness trigger points (not disclosed) to prompt managers to address short term absences along with a series of new review meetings with timescales attached for addressing long term absences. However, these were only introduced six months ago, so it is too early at this stage to identify any clear impact or trends regarding reductions in overall sickness absence.

Manchester City Council

They have introduced proactive support from HR to managers on short term absence. There is targeted intervention linked to some of the major causes of absence and health checks for employees. There are specific activities within the Directorates with the highest absence rates. The below report details ongoing measures to reduce absence by the Human Resources Scrutiny Sub-Group.

http://www.manchester.gov.uk/download/meetings/id/16727/2_attendance_monitoring

Newcastle City Council

HR holds regular sickness surgeries with managers to discuss sickness absence and strategies to help enable staff to return to work or achieve sustainable attendance levels. The Council has a 24 hour counselling helpline for all staff. Directors run monthly sickness challenge meetings with their managers to discuss staff with a Bradford Factor of 500+. These meetings are also a way of ensuring consistency of approach across council directorates when managing sickness absence. Staff are referred immediately to Occupational Health for reasons relating to stress/anxiety/depression and musculoskeletal (these are the two main reasons for sickness absence at Newcastle). The period of a formal sickness warning was recently extended from 6 months to 12 months.

Newcastle has introduced the following 2 new policies to provide more support to staff with caring and disability related health issues:

- Disability Related Special Leave
- Leave for Carers of Terminally Ill Dependents

The Council has recently launched their Wellbeing at Work booklet and as part of their Health at Work Award they have held health and wellbeing workshops across a range of council depots and offices. These workshops offer staff the following:

- Blood pressure test
- Cholesterol test
- Diabetes check
- Body composition analysis
- Healthy eating advice
- Back massage taster sessions

Staff were then given additional support/directed to their GP if their test results showed cause for concern.

Nottingham City Council

Has undertaken several 'Improving Attendance' road shows for employees to attend, in addition to undertaking an employee survey questionnaire to help further understand how issues of absence can be corporately addressed. The outcomes of this will be feed into new strategies for improving attendance.

Sheffield City Council

There has been an overall reduction in sickness levels compared to last year and links to improving managerial skill in tackling sickness absence and a focus on the issue within services. Children and Young People's Portfolio has used workshops and a courageous conversations approach to dealing with sickness levels. The Portfolio has also invested in their approach through the purchase of additional HR support. A new Managing Absence Procedure has recently been launched replacing the Managing Absence and Capability at Work procedure. It includes new sickness absence trigger points and provides managers with a framework for identifying and supporting employees back to work as quickly and effectively as possible.

CONCLUSION

The Council is currently reviewing its Attendance and Wellbeing Policy and Procedures and will pay close attention to the initiatives implemented from other authorities in an attempt to further reduce our level of sickness absence. It is encouraging to see that Cardiff shows more positively than 5 authorities on average days lost for 2013/2014. Early intervention with employee support appears to be the key in tackling absence management. 2 authorities provide a 24 / 7 confidential employee counselling service with no waiting lists. HR surgeries are held with managers along with skills training to tackling sickness related absences and health checks are used with feedback on managing any conditions effectively to reduce the likelihood of future absences.

EMPLOYEE RELATIONS TEAM

HR PEOPLE SERVICES

October 2014

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Review of Attendance & Wellbeing Policy

Report for City of Cardiff Council

This report has been prepared by Kerry Coxon on 22 October 2014

Version 1.0





APSE (Association for Public Service Excellence) is a not for profit local government body working with over 300 councils throughout the UK. Promoting excellence in public services, APSE is the foremost specialist in local authority front line services, hosting a network for front line service providers in areas such as waste and refuse collection, parks and environmental services, leisure, school meals, cleaning, housing and building maintenance.

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Review of Attendance & Wellbeing Policy for City of Cardiff Council

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Executive Summary

This report has been compiled taking good practice principles into account, predominantly for local government services but also for public services as a whole.

The findings and recommendations specifically take account of the Briefing Paper for the Management of Sickness Absence by the Auditor General for Wales, published in May 2014 as well as national absence management information and data contained in the CIPD Absence Management Annual Survey Report for 2014.

1. Background

- 1.1 In September 2011 the Policy Review and Performance Scrutiny Committee published an Inquiry into Managing Attendance that had been undertaken by a task and finish group of the Committee. The task and finish group reported back to the Committee in October 2011.

A policy was developed that complied with the Equality Act, had been benchmarked with other authorities and was the subject of consultation with representatives from Service Areas and schools, the Trade Unions and the Council's Equality Networks.

The policy was agreed at Cabinet in April 2013 and it was agreed that a review would take place of the policy at 6 and 12 months. At the 6 month review it was determined that there needed to be further operational experience before any changes could be proposed.

(Source: Cabinet report Nov 2014)

- 1.2 Following an audit for the year 2013/14, a Briefing Paper was published in May 2014 by the Auditor General for Wales for the Management of Sickness Absence.

The Paper concluded that corporate policies and procedures for the management of sickness absence are based on positive practice models.

It also concluded that:

- Corporate policies and procedures for the management of sickness absence have improved but are not being applied consistently at directorate level
- Corporate sickness absence arrangements are not consistently applied at service level.
- Review arrangements do not include evaluation of whether policies and procedures are being effectively implemented.

- 1.3 Furthermore, a number of recommendations were identified within the audit namely;

- 1.3.1. Directors should introduce a more robust approach to ensure each service area consistently applies intended practice such as:

- Incorporate sickness absence as a key objective in all service business plans to raise the profile of the need to minimise sickness absence as a way of reducing

- costs and minimising the impact on service delivery
 - Clarify their expectations of how managers use and report on sickness absence targets;
 - Make existing sickness absence reports more widely and routinely available to all line managers
 - Obtain assurance that the methods adopted by managers would satisfy the mandatory objective contained within the Personal Performance and Development Review (PP&DR) process for all managers to effectively manage sickness absence.
- 1.3.2. Directors should encourage use of a wider range of information in both corporate and service monitoring reports in order to manage sickness absence performance more closely, such as:
- The costs of sickness absence i.e. payroll and agency costs;
 - Reasons for variance against target;
 - Actions taken by managers to reduce sickness absence levels
 - How well managers are performing against the mandatory objective contained within the PP&DR process to effectively manage sickness i.e. ineffective, developing, effective or outstanding.
- 1.3.3. HR&PS should use the outcomes of the planned evaluation of the central sickness absence team to define a systematic approach for evaluating sickness absence management arrangements. This could include:
- Identifying those services that require further support and/or training to improve how they access and collate Digigov data and reports through combining information from the sickness absence team and the HR advisers
 - Identifying and sharing examples of good practice across services.

(Source: Briefing paper for the Management of Sickness Absence)

Since then, a review of the policy has been undertaken involving a significant amount of consultation with Service Area managers, the 5 employee networks and the Trade Unions to discuss proposed changes. Throughout the review, the proposed updated policy has been amended to reflect comments and suggestions, where possible.

2. Findings

- 2.1 The revised content and approach of the revised Attendance & Wellbeing Policy is in line with good practice and principles.
- 2.2 In comparison to similar policies from other organisations, the document is lengthy however, that said, it does encompass all aspects of managing attendance, which in the case of some other Authorities/Councils, are sometimes kept separate.
- 2.3 The policy document also includes all management guidelines for managing attendance & wellbeing. Again, many organisations would keep the management guidelines as a separate document but reference them in the policy document. The purpose of this is twofold:

- i) Employees are less likely to read through lengthy documents, particularly if they do not consider the information relevant. They are more likely to be interested in policy and procedure which applies specifically to them.
- ii) In general, changes to policy in the public sector tend to be more widely consulted. More often than not, it is not the policy that needs to be reviewed and amended but the guidelines for managing it. If the guidelines are separate, this can reduce the amount of time required to enact any changes.

2.4 The roles and responsibilities section (page 4) includes 'management responsibilities'. It is not uncommon to see a section for senior managers/directors as well as management.

An example roles and responsibilities for senior managers would be:

Senior managers

Senior managers play a lead role in tackling sickness absence levels. They are responsible for ensuring that:

- staff are aware of this policy and associated procedures and the standards of attendance which are expected of them;
- service attendance targets are monitored and appropriate action is taken to address areas of concern;
- performance around sickness management is routinely discussed by management teams;
- the management of sickness is included as a key performance indicator for all managers; and
- appropriate action is taken against managers and supervisors that fail to manage sickness in line with this policy.

Interestingly, in line with the final point above, the management responsibilities section of the Cardiff policy (section 1.7, point d) refers to completing the mandatory on line training package but there is no reference in the remainder of the policy as to what happens if this is not done.

2.5 The annual CIPD report indicates a year on year improvement in absenteeism nationally.

"Overall, there has been a fall in absence levels this year by a day per employee, from 7.6 days in 2013 to 6.6 days in 2014. Public sector absence has fallen by almost a day, although at 7.9 days per employee, this figure is still markedly higher than in the private sector (5.5 days)."

2.6 In 2013/14 the average days lost per FTE in **Cardiff Council was 10.18** against the **national average of 7.9 for public sector** absence, indicating there is still scope for improvement.

2.7 The vast majority of organisations (95%) who took part in the CIPD survey have a written absence/attendance management policy and 'absence level' is a key performance indicator in 60% of them.

2.8 Half have introduced changes to some aspect of their approach in the last year, with public sector organisations most likely to have made changes.

2.9 The most common change is to develop line manager capability to manage absence, showing an increased focus on this compared with last year (2014: 61%; 2013: 39%).

- 2.10 Other common changes include introducing a new, revising or reinforcing an existing absence management policy and introducing or revising monitoring procedures.
- 2.11 The introduction of Wellbeing strategies and approaches features highly as an intervention for improving attendance with the report identifying that Stress remains a more common cause of absence in the public sector (77%) than the private (42%), for manual and non-manual workers.

It was noted that Cardiff Council is committed to the development and implementation of an Employee Health & Wellbeing Strategy. Once established, this should, subject to the approaches and interventions, aid employee attendance and is recommended good practice for reducing levels of absence.

3. Recommendations

- 3.1 It is clear that that Cardiff Council is committed to ensuring that the management of Attendance & Wellbeing is as effective as possible.
- 3.2 There is no doubt that the policy complies with good practice and is comprehensive.
- 3.3 Therefore, if the policy is not the problem and attendance remains lower than expected, it stands to reason there are other causal factors, many of which have already been highlighted in previous reports and audits.
- 3.4 Based on the information available to compile this report, the following are suggestions rather than recommendations as some may already be in place and others may not be appropriate. These suggestions, however, have been utilised by other Authorities/Councils with success and there are others contained in the CIPD report referred to previously:
 - 3.4.1. Consider removing the management guidelines from the policy document to make the policy easier to read and digest.
 - 3.4.2. Add a section for senior managers in the roles and responsibilities section.
 - 3.4.3. Focus on management capability and compliance.

A manager may know the policy and the procedure but if they don't know how to have 'The Conversation' with an employee, on line training won't resolve the issue.
 - 3.4.4. Ensure managers are held to account for the management of attendance. If training is 'mandatory', by definition there must be a consequence for non-compliance.
 - 3.4.5. Analyse the top reasons for absence and the demographics and type of work of the worst performing departments. Developing strategies for improvement could be completed in conjunction with members of staff from these underperforming areas.(this may already be in development as part of the Wellbeing strategy).
 - 3.4.6. Adopt all the recommendations outlined by the Auditor General for Wales.
 - 3.4.7. Consider developing and publicising league tables.
 - 3.4.8. Utilise attendance records as part of the process for selection for new roles and

promotions.

- 3.4.9. Recognise those with excellent attendance records. This could be as simple as publishing names in team briefs, sending congratulatory letters from the CEO etc.
- 3.4.10. Develop and implement the planned Wellbeing Strategy as soon as practicable (the CIPD Absence Management Annual Report may be a good source of information for this purpose).

**LOCAL SERVICES
LOCAL SOLUTIONS**

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Briefing Paper for the Management of Sickness Absence

Cardiff Council

Audit year: 2013-14

Issued: May 2014

Document reference: 275A2014

Status of briefing paper

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The people who delivered the work were Ros Jones and Sam Spruce.

Contents

Corporate policies and procedures for the management of sickness absence have improved but are not being applied consistently at directorate level.

Briefing paper

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Briefing paper

Summary

1. Cardiff Council (the Council) has been seeking to reduce the days lost as a result of staff sickness absence for several years.
2. In 2011, the Council's Policy Review and Performance (PRAP) Scrutiny Committee set up a task and finish group to review sickness absence levels and examine the potential for improving the Council's management of attendance. The review resulted in a PRAP report and recommendations to the Council's Executive in January 2012 designed to improve the management of sickness absence. The Executive responded to those recommendations in February 2012. Following extensive consultation with managers, trade unions, equality groups and elected members, the Attendance and Wellbeing Policy was agreed by Cabinet on 11 April 2013 with an implementation date for the new arrangements of 1 July 2013.
3. Absence, as measured by the number of Full-Time Equivalent (FTE) days lost, has slightly increased since 2011. The level of sickness absence has not met the Council target for 2012-13 of 10 FTE days. There are also some services which have reported significantly higher levels of sickness absence than previous years.

Exhibit 1: Days lost because of sickness absence has increased slightly in recent years

2011-12		2012-13	
Target	Actual	Target	Actual
10.88 days	11.49 days	10 days	11.71 days

Source: Cardiff Council quarter 4 performance reports March 2012 and March 2013

4. Quarterly monitoring reports are provided to Cabinet by Human Resources and People Services (HR&PS) and on 9 December 2013 figures were published indicating days lost in the period July to September 2013. Although referring to an improvement for the quarter compared to the same period in the previous year the report forecast a year-end figure of 11.1 FTE days for 2013-14. Since then, the Council reported an unaudited figure for 2013-14 sickness absence days of 10.18 days lost per FTE against a target of 10 FTE which represents a marked improvement from that forecasted and narrowly missed its target.

-
5. In December 2013, we reviewed the Council's corporate arrangements and their implementation at service level to determine whether appropriate policies were being put into practice and whether the Council was in a position to fully evaluate the strength of its arrangements. The main questions we sought to answer were:
- Are corporate arrangements sufficiently robust to bring about a reduction in sickness absence levels?
 - Are policy and procedures being implemented effectively at service level?
 - Are review arrangements driving improvement?
6. We reviewed Council documents, interviewed corporate and service-based staff and looked at the self-service Digigov IT system. This system is designed to provide managers with a self-serve facility for managing staff in line with the Council's policy.
7. We concluded that, **corporate policies and procedures for the management of sickness absence have improved but are not being applied consistently at directorate level:**
- corporate policies and procedures for the management of sickness absence are based on positive practice models;
 - corporate sickness absence procedures are not consistently applied at service level; and
 - review arrangements do not include evaluation of whether policies and procedures are being effectively implemented.

Proposals for improvement

-
- P1 Directors should introduce a more robust approach to ensure each service area consistently applies intended practice such as:
- incorporate sickness absence as a key objective in all service business plans to raise the profile of the need to minimise sickness absence as a way of reducing costs and minimising the impact on service delivery;
 - clarify their expectations of how managers use and report on sickness absence targets;
 - make existing sickness absence reports more widely and routinely available to all line managers; and
 - obtain assurance that the methods adopted by managers would satisfy the mandatory objective contained within the Personal Performance and Development Review (PP&DR) process for all managers to effectively manage sickness absence.
-

P2 Directors should encourage use of a wider range of information in both corporate and service monitoring reports in order to manage sickness absence performance more closely, such as:

- the costs of sickness absence ie payroll and agency costs;
- reasons for variance against target;
- actions taken by managers to reduce sickness absence levels; and
- how well managers are performing against the mandatory objective contained within the PP&DR process to effectively manage sickness ie ineffective, developing, effective or outstanding.

P3 HR&PS should use the outcomes of the planned evaluation of the central sickness absence team to define a systematic approach for evaluating sickness absence management arrangements. This could include:

- identifying those services that require further support and/or training to improve how they access and collate Digigov data and reports through combining information from the sickness absence team and the HR advisers; and
- identifying and sharing examples of good practice across services.

Corporate policies and procedures for the management of sickness absence have improved but are not being applied consistently at directorate level

Corporate policies and procedures for the management of sickness absence are based on positive practice models

8. Of the 19 recommendations made in the scrutiny report, the Council's Executive accepted 13, partially accepted five and rejected one and incorporated them in a new Attendance and Well-Being Policy (the policy) which was implemented from 1 July 2013. It then defined key actions to reduce sickness absence levels through the adoption of an improved suite of management tools to support the new policy. Key features of the approach which are based on positive practice models include:
- the policy provides more robust triggers and defines more clearly roles and responsibilities for managing sickness absence;
 - a manager 'toolkit' outlining the practical application of the new policy;
 - mandatory online training for managers on implementing the new policy;
 - HR support through developing managers' skills in implementing the new policy via the new sickness absence team;
 - general HR support to directorates through allocated HR advisers which includes support for managing sickness absence;

-
- provision of the Digigov IT system to record and monitor sickness absence data which also provides prompts for managers to undertake key actions such as return-to-work interviews and first-stage discussions when triggers are reached;
 - the provision of more up-to-date data from Digigov for managers to monitor progress on individual cases and corporately to assess compliance levels across services; and
 - investment in more resources to support employees return to work such as additional Occupational Health support, Mental Health Partnership (Cognitive Behavioural Therapy) and the Employee Counselling Service.

Corporate sickness absence arrangements are not consistently applied at service level

9. The Attendance and Wellbeing Toolkit for Managers clearly states that the management of attendance and control of sickness absence is primarily a service management responsibility. It outlines how service managers should deal with sickness notifications, return-to-work interviews, manage triggers and long-term absences. We tested the application of these arrangements and found that they were not consistently applied at service level.
10. Some services have been proactive in implementing measures to manage sickness absence such as:
 - providing additional training for managers, for example in the waste service; and
 - preventative measures such as utilising health checks and flu vaccinations within the Health and Social Care service.
11. Managers' IT skills in accessing and using Digigov data vary so that some managers are more competent at accessing data and collating reports.
12. Some managers have access to business support to interrogate data and download relevant reports.

Review arrangements do not include evaluation of whether policies and procedures are being effectively implemented

13. The use of Digigov has improved the Council's ability to monitor compliance and produce reports on sickness absence actions such as return-to-work interviews, long and short-term absences and top absentees.
14. Sickness absence reports based on Digigov data are provided by HR at a directorate level and additional information is made available on request. However, this information is not routinely provided in sufficient detail to all managers to enable monitoring of sickness absence in specific service areas.

-
15. Personal performance and development reviews include an objective which assesses the performance of managers in the management of sickness absence levels. The level of satisfactory performance was recorded as 78 per cent of those who completed PP&DRs. This level of performance has not been examined by HR to understand what it means in practice.
 16. Some operational managers are not being held to account for managing sickness absence due to variation in the use of targets at operational manager level. For example, targets for reducing sickness absence are identified both corporately and at director level. In some directorates, the target is broken down by service and by division and is therefore easier to monitor and reinforce accountabilities. However, in some directorates, the target remains at directorate and key service level only. As a result, the ownership and use of sickness absence targets varies.
 17. Business planning is not used rigorously to emphasise the importance of reducing sickness absence such as recognising the costs of sickness absence, the impact on service delivery and maintaining a record of mitigating actions. As a minimum, they should incorporate sickness absence as a key objective and record progress in achievement of targets. Some services provide a breakdown of sickness absence costs for managers but this is not a standard approach.
 18. The Council has not identified the level of potential savings from managing sickness absence which will support the corporate objective of finding additional savings as a result of the Welsh Government's standard spending assessments for 2014-2015.
 19. There is limited use of sickness absence performance data to analyse what is happening behind the figures such as identifying the reasons for sickness absence, except in services where managers or their business support staff have undertaken their own analysis to identify sickness absence trends such as within Central Transport Services and Facilities Management.
 20. In some services, instead of a focus on targets, the management approach is to manage each individual sickness absence closely such as within Customer Services where there is a robust process for monitoring attendance and supporting individuals on long-term absence.
 21. There is no corporate identification of good practice examples of approaches potentially giving rise to missed opportunities for shared learning.
 22. There is no routine evaluation to inform an assessment of the quality and value for money of the HR support service to managers. A routine evaluation could include:
 - information arising from the central sickness absence team and HR advisers such as frequently asked questions;
 - the identification of the extent of service usage, who is using the service and how frequently; and
 - opportunities to request feedback from service users to inform their training needs and the future development of the HR support.
 23. It is of note that the HR&PS propose to review the effectiveness of the sickness absence team before the end of the financial year 2013-14.

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**CITY & COUNTY OF CARDIFF COUNCIL
CYNGOR DINAS A SIR CAERDYDD**

**POLICY REVIEW & PERFORMANCE
SCRUTINY COMMITTEE**

2 June 2015

ALTERNATIVE DELIVERY MODELS: EVALUATION METHODOLOGY

Purpose of Report

1. To provide information for Members on the Council's emerging methodology for evaluating Alternative Delivery Models, in preparation for a presentation on this subject at the Committee's 2 June 2015 meeting.

Background

2. This Committee is empowered through the Council's Constitution to "scrutinise, monitor and review the overall operation of the Cardiff Programme for Improvement and the effectiveness of the general implementation of the Council's policies, aims and objectives", and also to: "scrutinise, monitor and review the effectiveness of the Council's systems of financial control and administration and use of human resources."
3. This Committee has shown great interest in the Council's Programme of Organisational Development during the 2014/15 Municipal Year. The Programme is cited as the vehicle for the Council to transform service delivery in a customer-focussed way that meets the scale of the financial challenge facing the Council at present and for the foreseeable future.

Issues

4. Various Council directorates are currently developing proposals for alternative delivery of Council services, to meet the financial and service pressures facing the organisation. A growing range of options is available to meet the specific needs of a service to deliver more for less, and to benefit from the unique advantages that can be delivered by that option. These options include modifying the existing in-house service, developing Council-owned trading companies, entering into joint ventures with other public bodies, and outsourcing to the private sector.
5. It is considered important that decisions on the recommended model of delivery for a Council service are taken in an appropriate, consistent and evidence-led manner, to ensure their optimal efficiency and sustainability. Officers within the Council's Commissioning and Procurement Team have therefore been working with colleagues to develop an Evaluation Methodology that will guide practice and ensure accountability for recommended decisions, many of which will be reported through the Programme for Organisational Development. The Methodology has been independently assessed by Local Partnerships as being 'appropriate and robust' and is currently being piloted within Infrastructure Services before a scheduled roll out across the Council.

Scope of Scrutiny

6. Attached at **Appendix 1**, Members will find a short document setting out, in presentation style, information about the emerging Evaluation Methodology. The Structure of the presentation is as follows:
 - a. Slides 4 – 9 set the context to the Methodology, including its origins and phases; its purpose; the evaluation criteria.
 - b. Slides 11 to 13 detail the Model Scores for the five shortlisted Infrastructure Services Delivery Models –Appendix 2b (Consensus Model Scores) sets out the scores and reasoning.

- c. Slides 15 to 16 explain how a criteria weighting system can be applied to the appraisal, and early work that has taken place to pilot this. These slides will be used to explain the Weighting Matrix that will be circulated with this report.
- d. Slides 18 to 19 illustrate the whole approach in two worked examples.
- e. Slides 21 to 22 sets out the Union Engagement and Next Steps.

The final slide seeks Scrutiny Members comments.

Way Forward

- 7. At the meeting, Councillor Graham Hinchey, Cabinet Member Corporate Resources and Performance will attend to consider Members' feedback and observations on the draft Evaluation Methodology. Also in attendance will be Christine Salter, Corporate Director Resources, and John Paxton, Strategy and Development Manager, to present the evaluation methodology and facilitate Member questions. They will also use **Appendices 2 & 3** to explain the Methodology.
- 8. Members are requested to probe and test the methodology by questioning around the presentation delivered to provide their feedback to the Cabinet Member and officers to inform a draft Cabinet report to be produced in the summer.

Legal Implications

- 9. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council

must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

10. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

Recommendation

The Committee is recommended to note the content of this report, **Appendix 1** and the information provided at the meeting, and provide feedback to the Cabinet to inform their consideration of the methodology at the July 2015 meeting.

MARIE ROSENTHAL
County Clerk and Monitoring Officer
25 May 2015

Alternative Delivery Model Evaluation Methodology

Presentation to PRAP

2nd June 2015

Objective of Session

- To ensure understanding of the alternative delivery model evaluation methodology, terminology and process.
- To seek Scrutiny Members comments on the methodology.



DEVELOPING THE EVALUATION METHODOLOGY

Background

- Organisational Change Programme
- Service Planning Framework
 - Phase 1: Service Review
 - Toolkit developed and piloted. Scheduled for minor revisions to reflect feedback and lessons learnt. Feeds into business planning process and identifies opportunities to improve performance and/or reduce costs.
 - Phase 2: Outline Business Case
 - Evaluates delivery models and identifies recommended option
 - Delivery Model Options Appraisal Toolkit being developed
 - Phase 3: Detailed Business Case
 - Utilises Green Book approach – 5 Case Model
 - Strategic, Economic, Financial, Commercial and Management

Outline Business Case

- Evaluates alternative delivery models and identifies suggested model for each service
- Based on five case model:
 1. Strategic
 - ✓ Need for change
 2. Economic
 - ✓ Options appraisal
 3. Financial
 4. Commercial
 5. Management

Options appraisal is an aid to decision-making. It is not the sole mechanism for determining the outcome

Model Evaluation Methodology

- Methodology must:
 - Be simple and easily understood
 - Be robust, transparent and auditable
 - Score models relative to each other based on Council priorities
 - Facilitate challenge on score
 - Aid the identification of a recommended delivery model
- Two stage Model Evaluation Methodology
 - Stage 1: Model scoring
 - Stage 2: Criteria Weighting
 - Recommended Delivery Model = Model Score x Criteria Weighting

The Model Evaluation Methodology is an aid to decision-making. It is not the sole mechanism for determining the outcome, other factors will be taken into account in the Outline Business Case.

Other Factors (not exhaustive)



Developing the 8 Criteria

- Developed by C&P, HR, Legal, Finance and Environment Teams to support the Infrastructure Services Project
- Piloted in Infrastructure Service to be adopted Corporately
- 8 Criteria to:
 - underpin the evaluation methodology
 - address Organisational Programme Objectives
 - enable consistent and objective assessment of an alternative delivery models potential to deliver a specific Council service
- Criteria independently assessed by Local Partnership as ‘appropriate and robust’



The 8 Criteria



	How important is it that the chosen model for service delivery will allow the Council...
Reduced operating costs	To transfer risk in relation to cost reductions
	To exploit income opportunities for its benefit
Improved customer satisfaction & demand management	To maintain influence and control over day-to-day decision making
	Flexibility to change service scope and delivery specifications in future years
Improved outcomes & performance	To transfer risk in respect of operational performance
	To transfer risk in respect of repaying financial investment (if required)
	To transfer the risk to improve service delivery performance and increase capacity
Design & delivery	To realise benefits within the short term

MODEL SCORES



Model Scoring

- Cabinet on 20th November 2014 agreed the shortlist of alternative delivery models for the Infrastructure Services Project:
 - Modified in-house
 - Wholly Owned Arms Length Company
 - Public/Public Joint Venture
 - Public / Private Joint Venture
 - Outsourcing
- Scoring required on models in general
- All models should be scored on a 1 to 6 scale in terms of their ability to achieve each criteria
- 1 represents a minimum ability and 6 a maximum ability

Model Scoring



Evaluation criterion statement	Question to ask when assigning model score	Modified in-house	Council owned trading company	Public / public joint venture	Public / private joint venture	Outsourcing
1. How important is that the chosen model for service delivery will allow the Council to transfer risk in relation to cost reductions	How able is the model to transfer risk for achieving cost savings away from the Council?	1	2	4	5	6
2. How important is that the chosen model for service delivery will allow the Council to exploit income opportunities for its benefit	How able is the model to exploit income generation opportunities for the Council's benefit?					
3. How important is that the chosen model for service delivery will allow the Council to maintain influence and control over day to day decision making	How able is the model to allow the Council to maintain influence and control over day-to-day decision making?					
4. How important is that the chosen model for service delivery will allow the Council flexibility to change service scope and delivery specifications in future years	How able is the model to allow the Council to easily change service scope and delivery specifications in future years?					
5. How important is that the chosen model for service delivery will allow the Council to transfer risk in respect of operational performance	How able is the model to transfer risk in respect of operational performance?					
6. How important is that the chosen model for service delivery will allow the Council to transfer risk in respect of repaying financial investment (if required)	How able is the model to transfer risk in respect of repaying financial investment (if required)?					
7. How important is that the chosen model for service delivery will allow the Council to transfer risk to improve service delivery performance and increase capacity	How able is the model to transfer the risk to improve service delivery performance and increase capacity?					
8. How important is that the chosen model for service delivery will allow the Council to realise benefits within the short term	How able is the model to realise benefits in the short term?					

Model Scoring

- Infrastructure Project Board members independently scored the capability of shortlisted Models to achieve the criteria
- Local Partnerships facilitated meeting agreed consensus model scores
- Union Engagement on Model Scores
- Model scores should be generic across all services but there is scope to amend in exceptional circumstances - any slight changes to the scores would be rare and would need to be evidenced.



CRITERIA WEIGHTING



Criteria Weightings Matrix

- Criteria Matrix Statement Weightings
 - “How important is it that the chosen model for service delivery will allow the Council ...” then 8 Criteria
 - Matrix explains factors if scoring high or low
 - 100 points to be allocated across 8 criteria - (min 0 and max 30 for any one criteria)
- Piloted in Infrastructure Services
 - OMs scored criteria based on Service Reviews setting out their reasoning
 - Reviewed by Directors in challenge sessions and Directors briefed Cabinet Members
 - Score challenged by Local Partnerships who are acting as ‘critical friend’
 - Methodology, scores and reasoning presented to Unions for comments
 - Enabling & Commissioning Programme Board agreed
 - That once consultation process with Unions and staff on the weightings has been concluded that final weightings are used to determine the recommended model for each Infrastructure Service

Criteria Weighting

- Explanation of the Criteria Weighting Matrix handout to be provided.
- The Matrix provides a clear statement on when a high or low score should be given.
- Criteria weightings are specific to each service.



WORKED EXAMPLE



Worked Example 1



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		Name of Service										
		Weighting	In House		Teckal		Pub/Pub JV		Pub/Priv JV		Out	
			Model Score	Weighted Score	Model Score	Weighted Score	Model Score	Weighted Score	Model Score	Weighted Score	Model Score	Weighted Score
How important is it that the chosen model for service delivery will allow the Council....												
Reduced Operating Costs	to transfer risk in relation to cost reductions (Cost Security)	10	1	10	2	20	4	40	5	50	6	60
	to exploit income generation opportunities	15	3	45	4	60	5	75	5	75	2	30
Improved Customer Satisfaction and Demand Management	to maintain influence and control over day to day decision making	25	6	150	4	100	3	75	2	50	1	25
	flexibility to change service scope and delivery specifications in future years	20	6	120	5	100	4	80	3	60	2	40
Improved Outcomes and Performance	to transfer risk in relation to operational performance	5	1	5	2	10	3	15	4	20	5	25
	to transfer risk in respect of repaying financial investment (if required)	5	1	5	1	5	4	20	4	20	6	30
	to transfer risk in the delivery of service performance and improvements	10	1	10	3	30	4	40	5	50	5	50
Design & Delivery	to realise benefits within the short term	10	4	40	3	30	3	30	2	20	2	20
		100		385		355		375		345		280



Worked Example 2



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		Name of Service										
		Weighting	In House		Teckal		Pub/Pub JV		Pub/Priv JV		Out	
	How important is it that the chosen model for service delivery will allow the Council....		Model Score	Weighted Score	Model Score	Weighted Score	Model Score	Weighted Score	Model Score	Weighted Score	Model Score	Weighted Score
Reduced Operating Costs	to transfer risk in relation to cost reductions (Cost Security)	25	1	25	2	50	4	100	5	125	6	150
	to exploit income generation opportunities	15	3	45	4	60	5	75	5	75	2	30
Improved Customer Satisfaction and Demand Management	to maintain influence and control over day to day decision making	5	6	30	4	20	3	15	2	10	1	5
	flexibility to change service scope and delivery specifications in future years	10	6	60	5	50	4	40	3	30	2	20
Improved Outcomes and Performance	to transfer risk in relation to operational performance	5	1	5	2	10	3	15	4	20	5	25
	to transfer risk in respect of repaying financial investment (if required)	5	1	5	1	5	4	20	4	20	6	30
	to transfer risk in the delivery of service performance and improvements	15	1	15	3	45	4	60	5	75	5	75
Design & Delivery	to realise benefits within the short term	20	4	80	3	60	3	60	2	40	2	40
		100		265		300		385		395		375



UNION ENGAGEMENT



Union Engagement

Key dates

- Meeting to discuss ADM Evaluation Methodology
 - 6th March, 16th March, 15th April and 11th May (½ day workshop)
 - Unions agreed that they understood the alternative delivery model evaluation methodology, terminology and process
- Meeting to score the Models
 - 18th May
- Meetings to discuss proposed Infrastructure Service Area weightings and reasoning.
 - 18th March and 25th March
 - Scheduled for 11th and 17th June - Unions and Service Area Director and OM to discuss proposed scores

Next Steps

- Finalise Union Consultation on ADM Evaluation Methodology
- Outline Business Case to Cabinet

If the outline business case is approved, development of a full business case begins

If at any time the case doesn't stack up, alternatives will be considered

Modified In House comparator is always an option

COMMENTS



Comments

Scrutiny Members are asked for comments on the:

1.8 Criteria that underpin the evaluation methodology

2. Model Scores

3. Weighting Criteria

4. ADM Evaluation Methodology



City of Cardiff Council

Alternative Delivery Models

Assessment Panel Pack

Part 3: Scoring

Scoring system

Introduction

The ADM Model Scoring is the first stage of the two stages in the ADM Evaluation Methodology scoring system, the second stage is assigning criteria weightings for a specific service. The suggested delivery model will be the Model that receives the highest score when multiplying the model score by the criteria weighting. It must be stressed that the Methodology is an aid to decision-making. It is not the sole mechanism for determining the outcome but will be taken into account in the Outline Business Case along with other factors.

Scoring the Model

Each shortlisted delivery model should be scored according to its ability to deliver against each of the eight Key Criteria / Critical Objectives. All models should be scored on a 1 to 6 scale in terms of their ability to achieve each criteria, where 1 represents a minimum ability and 6 a maximum ability. The Assessment Panel Pack (Part 2) Guidance provides a description of each Model before providing a “Commentary on Characteristics of Model in Respect of the Evaluation Criteria” and should be referenced when completing the Model scoring. The basic assumptions that need to be taken into account

- Page 146
- **Modified In-house:** That the ability to trade commercially focusses on earning income from sources **outside** the local authority, taking into account statutory limitations on such ability to trade, such as cost recovery, rather than for revenue/profit maximisation;
 - **Wholly owned arms-length company:** That it would be subject to a “Teckal exemption”, and hence the trading activity of the company from sources outside the Council must not exceed 20% of its turnover. The Council can passport work to the company without a competitive procurement process;
 - **Public/Public JV:** That it would be subject to a “Teckal exemption”, and hence the trading activity of the company from sources outside its owners must not exceed 20% of its turnover. The Council can passport work to the company without a competitive procurement process. That a 50:50 share of ownership is assumed.
 - **Public/Private JV:** No limitations on trading ability. That a competitive dialogue procurement of a JV partner is required. That the authority would have a minority ownership.
 - **Outsourcing:** No limitations on trading ability. That a competitive dialogue procurement process is required.

Scoring Matrix

	Evaluation Criterion Statement Weighting	Question to Ask When Assigning Model Score	Modified In- house	Council Owned Trading Company	Public/Public Joint Venture	Public/Private Joint Venture	Outsourcing
1.	How important is that the chosen model for service delivery will allow the Council to transfer risk in relation to cost reductions	Ability of model to transfer risk for achieving cost savings away from the Council?					
2.	How important is it that the chosen model for service delivery will allow the Council to exploit income opportunities	Ability of model to exploit income generation opportunities					
3.	How important is it that the chosen model for service delivery will allow the Council to maintain influence and control over day to day decision making	Ability of the Model of allow the Council to maintain influence and control over day to day decision making					
4.	How important is it that the chosen model for service delivery will allow the Council flexibility to change service scope and delivery specifications in future years	Ability of the Model to allow the Council to change service scope and delivery specifications in future years					

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5.	How important is it that the chosen model for service delivery will allow the Council to transfer risk in respect of operational performance	Ability of model to transfer risk in respect of operational performance					
6.	How important is it that the chosen model for service delivery will allow the Council to transfer risk in respect of repaying financial investment (if required)	Ability of Model to transfer risk in respect of repaying financial investment (if required)					
7.	How important is it that the chosen model for service delivery will allow the Council to improve service delivery performance and increase capacity	Ability of Model to improve service delivery performance and increase capacity					
8.	How important is it that the chosen model for service delivery will allow the Council to realise benefits within the short term.	Ability of Model to realise benefits in the short term					

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City of Cardiff Council

Alternative Delivery Models

Part 3: Consensus Model Scores

Consensus Scores developed by Infrastructure Project Board Members

13th March 2015

Scoring system

The scoring system is as an aid to decision-making, not the sole mechanism for determining the outcome - other factors will need to be taken into account.

Each model has been scored according to its ability to deliver against each of the Key Criteria / Critical Objective.

All models were scored on a 1 to 6 scale in terms of their ability to achieve each criteria, where 1 represents a minimum ability and 6 a maximum ability.

Infrastructure Project Board Members used the Assessment Pack to independently score the five shortlisted models against the 8 key criteria. The scores were collated by Local Partnerships who then facilitated a discussion on the scores to agree the consensus scores set out in the table below. The reasoning for the consensus scores are also set out below.

The Enabling and Commissioning Board meeting on 14th April agreed that 'The Model Scores developed by the Project Team be used on the Infrastructure Services Project'. The use of the Consensus Model Scores on the Infrastructure Services Project will be assessed before being rolled out across the Council. There will be the potential to vary the Models scores in certain limited cases to reflect the specific circumstances in a service – the reasons / evidence for any proposed change will need to be clearly set out.

In terms of reaching a recommended delivery model the score of each model against each criteria will then be multiplied against how each service weighted each criteria.

	Evaluation Criterion Statement	Question to Ask When Assigning Model Score		Modified In-house	Council Owned Trading Company	Public/Public Joint Venture	Public/Private Joint Venture	Outsourcing
1.	How important is that the chosen model for service delivery will allow the Council to transfer risk in relation to cost reductions	How able is the model to transfer risk for achieving cost savings away from the Council?	Score	1	2	4	5	6
			Group reasoning	Broad agreement on score that as you move from in-house to outsourcing and there is more involvement and engagement with others outside Cardiff Council, the greater the transfer of risk. Discussion was held around the differences in transferring risks between a public / public JV and a public / private JV and it was felt in general that there is the potential to transfer more risk to a private sector JV partner as they would have been subject to a competitive procurement whilst the public sector JV partner is likely to be more aligned in terms of ethos. All would be dependent on the structure of the precise deal / contract.				
2.	How important is it that the chosen model for service delivery will allow the Council to exploit income opportunities for its benefit	How able is the model to exploit income generation opportunities for the Council's benefit?	Score	3	4	5	5	2
			Group reasoning	Assumes trading powers can be fully utilised for any model involving a direct role for Cardiff Council (models 1-4). For Public & Private JV equal ownership is assumed, hence equal income sharing arrangements would apply, as agreed as part of the selection process, with such models benefitting from the partner's commercial experience. Assumes in outsourcing, that the private sector retains this for its own shareholders.				
3.	How important is it that the chosen model for service delivery will allow the Council to maintain influence and control over day to day decision making	How able is the model to allow the Council to maintain influence and control over day to day decision making?	Score	6	4	3	2	1
			Group reasoning	Broad agreement that the in-house model allows 100% control and as you move away from that, control over decision making diminishes. Discussion was held around the differences in transferring risks				

				between a public / public JV and a public / private JV and it was felt in general that there is the potential to maintain a greater degree of control with a public sector JV partner as they are likely to be more aligned in terms of ethos. All would be dependent on the structure of the precise deal / contract.				
4.	How important is it that the chosen model for service delivery will allow the Council flexibility to change service scope and delivery specifications in future years	How able is the model to allow the Council to easily change service scope and delivery specifications in future years?	Score	6	5	4	3	2
			Group reasoning	As with #3 above, if there is greater control, it is believed there will be more flexibility for the Council. Assumes that whilst an outsourced contract can be changed, then there would be a cost premium for such flexibility.				
5.	How important is it that the chosen model for service delivery will allow the Council to transfer risk in respect of operational performance	How able is the model to transfer risk in respect of operational performance?	Score	1	2	3	4	5
			Group reasoning	Broad agreement on score that as you move from in-house to outsourcing and there is more involvement and engagement with others outside Cardiff Council, the greater the transfer of risk. Discussion was held around the differences in transferring risks between a public / public JV and a public / private JV and it was felt in general that there is the potential to transfer more risk to a private sector JV partner as they would have been subject to a competitive procurement whilst the public sector JV partner is likely to be more aligned in terms of ethos. All would be dependent on the structure of the precise deal / contract. It was discussed, that this would not be the same for all services in scope as some have statutory indicators and the Council cannot divorce itself of the responsibility. There will always be some form of reputational risk.				
6.	How important is it that the chosen model for service	How able is the model to	Score	1	1	4	4	6

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	delivery will allow the Council to transfer risk in respect of repaying financial investment (if required)	transfer risk in respect of repaying financial investment (if required)?	Group reasoning	For the first two models responsibility ultimately still remains fully with the Council, though under a Council wholly owned company as a parent “guarantor”. For three and four it is shared (assumed to be equally) with a partner. Need to be clear from the start where risks sit.				
7.	How important is it that the chosen model for service delivery will allow the Council to transfer the risk to improve service delivery performance and increase capacity	How able is the model to transfer the risk to improve service delivery performance and increase capacity?	Score	1	3	4	5	5
			Group reasoning	Some debate as this appears to be two questions within one. The scores assume that this will be discussed as part of any negotiations to establish the deal / contract. This needs to be reflected in the Outline Business Case. There was an assumption that the private sector (as potential JV partner or outsourced contractor) would bring in additional resources / staff / expertise.				
page 153	How important is it that the chosen model for service delivery will allow the Council to realise benefits within the short term.	How able is the model to realise benefits in the short term?	Score	4	3	3	2	2
			Group reasoning	Assumption was made that short term is within the year from when a decision is made, based on the MTFP. The scoring reflects the projected time taken to establish the necessary vehicles, and in the case of arrangements involving the private sector, undertaking a competitive procurement.				

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Objective	How important is it that the chosen model for service delivery will allow the Council ...	Statement Weighting (Total score must equal 100)	Question to ask when assigning a weighting	Statement weighting scores explained	Reason for assigned weighting (Provide a brief explanation for the level of weighting assigned to the statement)
Reduced Operating Costs	to transfer risk in relation to cost reductions (Cost Security) <i>[N.B. If you score this statement highly, the statement 'to retain influence and control over day to day decision making' should be scored low. As these statements are not mutually compatible]</i>		How important is it (to you) that any cost reductions identified for the Council will definitely be achieved?	High score - considers transferring risk in terms of cost reduction is a high importance/priority and/or where high cost reductions are required and confidence of delivery in-house is low (due to capability and/or capacity of internal staff, constraints of existing Council policies and/or systems, a need for external support and/or expertise) Low score - considers transferring risk in terms of cost reduction is a low importance/priority and/or where cost reductions are required and confidence of delivery in-house is high (due to capability and/or capacity of internal staff, a lack of issues with existing Council policies and/or systems, no need for external support and/or expertise)	
	to exploit income generation opportunities		How important is it (to you) that the Council will maintain and increase current income levels?	High score - considers that being able to exploit income generation is a high importance/priority and/or where assets provide opportunities to generate further income for the Council's benefit. Low score - considers that being able to exploit income generation is a low importance/priority and/or where assets provide few opportunities to generate further income for the Council's benefit.	
Improved Customer Satisfaction and Demand Management	to maintain influence and control over day to day decision making <i>[N.B. If you score this statement highly, the statement 'to transfer risk in relation to cost reductions' should be scored low. As these statements are not mutually compatible]</i>		How important is it (to you) that the Council will be able to make ad-hoc service requests on a daily basis and re-prioritise scheduled/programmed work as a result?	High score - considers retaining influence and control over day to day decision making is a high importance/priority. This will generally be for services where there is a custom/need to work in a reactive manner i.e. prioritising customer or Councillor job requests. Low score - considers retaining influence and control over day to day decision making is a low importance/priority. This will generally be for services where there is not a custom/need to work in a reactive manner.	
	flexibility to change service scope and delivery specifications in future years		How important is it (to you) that the Council will be able to freely and easily change the way services are delivered, without being penalised for doing so?	High score - considers that having the flexibility to change service scope & delivery specifications in future years is a high importance/priority. Low score - considers that having the flexibility to change service scope and delivery specifications in future years is a low importance/priority.	
Improved Outcomes and Performance	to transfer risk in relation to operational performance		How important is it (to you) that the Council will be able to pass on a proportion of responsibility and recover costs for any failure to meet statutory performance indicators?	High score - considers transferring risk in terms of operational performance is a high importance/priority. This is generally where the service has a high public profile and/or where there are high levels of regulation and failure to meet requirements can lead to financial penalties being imposed. Low score - considers transferring risk in terms of operational performance is a low importance/priority. This is generally where the service has a low public profile, and/or where there is little regulation and there are no/low financial penalties for failure to meet requirements.	
	to transfer risk in respect of repaying financial investment (if required)		How important is it (to you) that the Council will not be wholly responsible for repaying any debt incurred as a result of financial investment?	High score - considers the need to transfer risk in respect of financial investment as a high importance/priority. This will generally be where significant financial investment is required to deliver the proposed changes to the service. Low score - considers the need to transfer risk in respect of financial investment as a low importance/priority. This will generally be where a low level of financial investment is required to deliver the proposed changes.	
	to transfer risk in the delivery of service performance and improvements		How important is it (to you) that the Council will be able to pass on a proportion of the responsibility if service improvement actions and increased performance are not achieved?	High score - considers that making improvements to service delivery performance is of a high importance/priority. This will generally be because the complexity and scale of change is high and/or the confidence of delivery in-house is low (due to capability and/or capacity of internal staff, constraints of existing Council policies and/or systems, a need for external support and/or expertise) Low score - considers that making improvements to service delivery performance is of a low priority. This will generally be because the complexity and scale of change is low and/or the confidence of delivery in-house is high (due to capability and/or capacity of internal staff, a lack of issues with existing Council policies and/or systems, no need for external support and/or expertise)	
Design & Delivery	to realise benefits within the short term		How important is it (to you) that the model will be able to realise benefits within the short term?	High score - considers that being able to realise benefits, including cashable savings, within the short term is a high importance/priority. Low score - considers that being able to realise benefits, including cashable savings, within the short term is a low importance/priority or there is flexibility for identified benefits to be realised over a longer timescale.	
Total (Must equal 100)		0			

* Partnership and Collaborative working was considered as a weighting statement, however it was felt that all shortlisted models would provide equal opportunities in this regard so it has not been considered as a separate factor.

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CITY AND COUNTY OF CARDIFF COUNCIL
CYNGOR DINAS A SIR CAERDYDD

POLICY REVIEW & PERFORMANCE
SCRUTINY COMMITTEE

2 June 2015

POLICY REVIEW & PERFORMANCE SCRUTINY COMMITTEE ANNUAL REPORT
2014-15

Reason for this Report

1. To seek Committee's approval for the draft Annual Report 2014-15 prior to its consideration by Full Council later this month.

Background

2. The Cardiff Council Constitution requires all Scrutiny Committees to '*report annually to the Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.*'
3. A copy of the Policy Review & Performance Scrutiny Committee's draft Annual Report 2014 -15 is attached at **Appendix A**. This report lists all items considered from June 2014 to May 2015 and highlights those topics where the Committee has had greatest impact.

Legal Implications

4. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council

must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

5. There are no financial implications arising directly from this report.

RECOMMENDATION

The Committee is recommended to consider, if necessary amend, and approve the attached Policy Review & Performance Scrutiny Committee Annual Report 2014-15 for presentation to Council.

MARIE ROSENTHAL

County Clerk and Monitoring Officer
27 May 2015

scrutiny



Policy Review and Performance

Scrutiny Committee

Annual Report

2014 – 2015



June 2015

City & County of Cardiff Council

POLICY REVIEW & PERFORMANCE SCRUTINY COMMITTEE



Councillor Nigel Howells (Chairperson)



Councillor Jim Murphy



Councillor Gary Hunt



Councillor David Walker



Councillor Mary McGarry



Councillor Kathryn Lloyd



Councillor Russell Goodway



Councillor Jayne Cowan



Councillor Cecilia Love



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CHAIR'S FOREWORD

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Councillor Nigel Howells

Chair, Policy Review and Performance Scrutiny Committee

INTRODUCTION

This Annual Report covers the work of the Committee during the 2014/15 Municipal Year, between June 2014 and May 2015. The work programme has been varied and responsive to the Council's priorities throughout the year. Matters considered by the Committee are listed in the 'Work Programme Overview' below, whilst those areas of greatest impact are reported in 'Highlights of 2014/15' from page eight onwards.

The Policy Review and Performance Scrutiny Committee has a corporate policy and performance overview responsibility. In its examination of service performance and policy development across a range of corporate services, it forms a central part of the Council's governance arrangements. The Committee's terms of reference are:

- *To scrutinise, monitor and review the overall operation of the Cardiff Programme for Improvement and the effectiveness of the general implementation of the Council's policies, aims and objectives:*
- *To scrutinise, monitor and review the effectiveness of the Council's systems of financial control and administration and use of human resources;*
- *To report to an appropriate Cabinet or Council meeting on its findings and to make recommendations on measures, which may enhance Council performance in this area.*

The Terms of Reference also allow for the Committee to consider certain specific areas of the organisation's current structure in depth. These include: Finance; Corporate Performance; HR People Services; Legal and Democratic Services; Estates and Land Strategy; Information Governance; Commissioning & Procurement; Customer Services; Communications; and Central Transport Services.

The Committee's Terms of Reference also empower it to consider other areas including relations with the voluntary sector, equalities and citizen engagement.

WHAT IS EFFECTIVE SCRUTINY?

As defined by the Local Government Act 2000, Scrutiny is the process of non-executive elected representatives holding the executive (or Cabinet) to account. The Centre for Public Scrutiny identifies four “cornerstones of public scrutiny”:

- Led by Independent-minded Governors
- Provides “critical friend” challenge to help the Executive
- Represents the voice and concerns of the citizen
- Leads to improvement in public services.

More recently, Cardiff Council has, with the other 21 Councils in Wales, developed 15 “Characteristics of Effective Scrutiny”¹ which are designed to show whether scrutiny is working well locally, irrespective of an authority’s priorities, challenges, political and organisational cultures and local issues. This Framework’s three Outcomes are: Better Cabinet Decisions; Better Engagement with Stakeholders; and Better Outcomes for the Council, the city and its Citizens.

We hope that you will see through the pages of this Annual Report that the Policy Review and Performance Scrutiny Committee is providing effective scrutiny to support the City of Cardiff Council at this challenging time.

¹ <https://www.cardiff.gov.uk/ENG/Your-Council/Councillors-and-meetings/Scrutiny/Documents/Guidelines%20for%20effective%20Scrutiny%20in%20Wales.pdf>

WORK PROGRAMME OVERVIEW

The Policy Review and Performance Scrutiny Committee held 12 meetings during the 2014/15 municipal year. This included 11 planned Committee meetings and one Call-in meeting. They culminated in 34 letters to the Cabinet and Senior Management Team sharing the Committee's comments, concerns and recommendations, following the scrutiny of items.

In May 2014 the Council's Cabinet introduced a Programme of Organisational Change in response to the Welsh Local Government Association's (WLGA) October 2013 Peer Review report on Cardiff, and in anticipation of a Corporate Assessment of the Council soon to be conducted by the Wales Audit Office (WAO). Noting the recommendations in the WLGA report and the extensive scope of the Organisational Change Programme, the Members decided at their work programming discussions in June and July to prioritise strategic change and improvement as the central platform of the Committee work programme for the year ahead.

This commitment was reinforced when, in September 2014, the WAO Corporate Assessment made a number of recommendations on the Council's governance and corporate performance arrangements, and signalled their intention to re-inspect the Council in the summer of 2015, to test if the organisation had succeeded in delivering the organisational change signalled by the May 2014 Cabinet report.

This report therefore extensively details the scrutiny undertaken during the Committee's scrutiny of the Council's change agenda, plus its performance and budget management work.

Outside these formal Committee meetings, Members have supported an extensive joint scrutiny during the year, with Members of the Environmental Scrutiny Committee, of proposals to develop alternative delivery models for a range of outdoor services grouped together within the Council's Business Infrastructure Project. The Committee also set up a sub committee to consider Community Hub Proposals alongside similar sub committees of other scrutiny committees.

TYPES OF SCRUTINY UNDERTAKEN

Scrutiny activity enables non-Executive Councillors to employ a number of different methods and tools for driving improvement in the Council's services and policies. This section of the Annual Report lists the following different types of scrutiny carried out during the year to achieve the Committee's goals, and the items of scrutiny carried out.

Pre-Decision Scrutiny – Where the Committee has evaluated and commented on policy proposals before they go to the Cabinet. In 2014/15 these included:

- Budget Proposals 2015/16
- Corporate Plan 2015/17
- Draft Property Strategy and Investment Property Review
- Reforming Local Government White Paper
- Voluntary Severance Review.

Policy Development and Review – Where the Committee has contributed to the Council's policy development processes by considering draft policy documents, or considered the implementation and impact of policies, providing the Cabinet with Scrutiny Members' views about whether any changes are required. In 2014/15 these included:

- Communications Strategy and Capital Times Update
- Cardiff Debate
- Improving Scrutiny Project
- Business Infrastructure Project
- Control of Employee Cost.

Monitoring of Programme of Organisational Change – As part of its performance monitoring role, the Committee this year undertook several pieces of scrutiny of the following aspects of the Council's change programme:

- Improved Governance Programme
- Programme Progress Reports

- Organisational Development and Wales Audit Office Corporate Assessment
- Strategic Commissioning and Service Reviews
- Change Challenge Group.

Monitoring Progress – Where the Committee has undertaken monitoring of the Council's performance in implementing actions previously agreed. In 2014/15 this included receiving a Cabinet response to the Committee's April 2013 Inquiry titled '*Public Engagement with Scrutiny*'.

Performance and Financial Monitoring – Where the Committee has undertaken monitoring of the Council's performance in implementing actions previously agreed, and managing corporate finances. In 2014/15 this included:

- Budget Outturn 2013/14
- Directorate Delivery Plans 2014/15
- Quarterly Delivery & Performance Monitoring
- Financial Resilience of Cardiff Council
- Budget Monitoring at Months 4, 6 and 9
- Budget Strategy 2015/16 and the Medium Term.

Performance Inquiries – Where the Committee has undertaken an examination of a topic over a period of time, resulting in a formal report to the Cabinet. In 2014/15 this included Workforce Planning and Agency / Overtime spend.

Joint Scrutiny Work – Where the Committee has joined together with one or more scrutiny committees to examine a topic of a crosscutting nature to enable collective consideration of the issues or preparation for individual scrutiny. This included scrutiny of the Council's Community Hubs Programme, which a sub-Committee of PRAP undertook jointly with similar sub-Committees of three other Scrutiny Committees.

Call-In – Where a Member invokes the Call-in procedure under the Council's constitution, to review a Cabinet decision prior to implementation. In 2014/15 there was one Call-in, of a decision to write-off and restructure a loan to Glamorgan County Cricket Club Loan.

Task and Finish Inquiry

Four Committee Members kindly volunteered to invest a very significant amount of their time through the year in seeking a solution to a thorny and complex policy challenge facing the Council.

Council's Infrastructure Business Model & Alternative Delivery Options (Joint with Environmental Scrutiny Committee)

This inquiry was initiated by Members on 1 September 2014. The aim of the inquiry was to review the range of available alternative delivery models that could be used by the City of Cardiff Council to deliver a range of outdoor front line services. In doing so the inquiry focused on the potential range of services that could be delivered using alternative service delivery models and the range of potential operating models currently being considered by the City of Cardiff Council.

The Inquiry was agreed to be undertaken jointly with Environmental Scrutiny Committee. Councillors Nigel Howells, Garry Hunt and David Walker agreed to represent this Committee as task group Members.

When evaluating alternative delivery option and the potential services to be included in the model, the Inquiry explored a number of key factors including:

- Service delivery, financial, staffing impact and legal impact;
- Deliverability and potential risk;
- Identification of a suitable priority-based selection criteria that could be used to identify the most appropriate operating model for delivery of front line services;

- Strengths and weaknesses of each alternative delivery model. The models considered included: Modified in-house Delivery; Wholly-owned Arms Length Companies; Public-Public Partnerships and joint venture companies; and Private Sector Procurement;
- Lessons learnt from other local authorities on the implementation of alternative delivery models.

A total of 13 services had been nominated within the scope of the Infrastructure Business Model and agreed at the 20 November 2014 Cabinet meeting; they were listed in a report titled 'Infrastructure Services – Alternative Delivery Model'.

A key part of the work of the task group has been to individually review how prepared each of the 13 services are to transfer across to a new Infrastructure Business Model. The first part of this evidence section looked at each of the individual services and provided:

- A brief description of the service, highlighting the statutory requirements;
- A summary of the volume of work involved, financial and budgetary position;
- Comment on any systems and resources issues;
- A description of existing and potential future income opportunities;
- Detailed current benchmarking and performance management of the service.

It also reviewed and summarised by theme the SWOT analysis undertaken for each of the services.

Having received evidence from a large number of witnesses across ten meetings and three visits, the Members made 27 recommendations. The draft report will be presented to Environmental Scrutiny Committee in June 2015, and to this Committee on 7 July, before being sent to the Cabinet. The Alternative Delivery Model Outline Business Case and Cabinet response to the inquiry are due at Cabinet in July 2015.

Pre-Decision Scrutiny

An important aspect of Scrutiny is holding to account the Cabinet for Decisions they are about to make, and quality-assuring the draft reports that will inform these decisions. This section of the Annual Report explains five proposed Cabinet Decisions that the Committee scrutinised this year.

Draft Property Strategy

The Committee has responsibility for scrutinising the Council's operational and non-operational property assets, which is an area of great significance to the Council's financial wellbeing. Operational properties are premises from which the Council delivers its services, and given current pressures the Council is seeking to optimise space in some properties, and gain revenue through selling others. Non-operational properties are premises that the Council owns as investments, and which are often let for commercial return or to promote local employment, small businesses and the economic regeneration of local areas.

Following comments relating to the Council's management of building assets published in the WLGA's October 2013 Peer Review, the Council set out plans for improvement in this area within the Economic Development Directorate's Delivery Plan 2014-15 and the Council's Programme for Organisational Change.

The Committee scrutinised these matters at their meetings on 1 July and 4 November 2014, and 6 January 2015. Members initially felt concerned at a perceived lack of timely progress in addressing WLGA's criticisms. They had expected to see more detail of direction of travel, and noted that several pieces of work were yet to be completed. They recommended that further detail on benchmarking should be included in the Strategy, and more attention paid to Member engagement with asset disposals.

The Leader responded by re-asserting his appreciation of the value provided by Committee, and committing the Cabinet to benchmarking with Core Cities.

As the Municipal Year progressed the Committee was heartened to receive more detailed reports. At the 6 January meeting the Committee considered an early draft of the final Investment Property Review, and fed back to the Council Leader that:

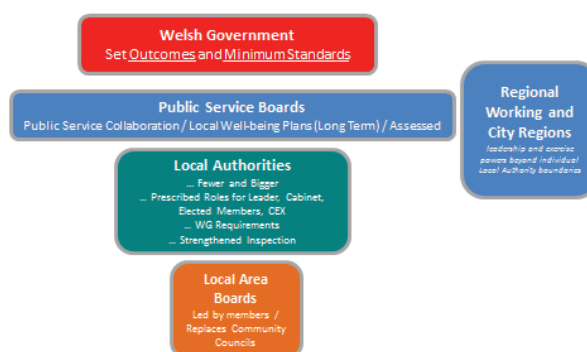
- The Cabinet should consider community and social benefit as well as financial issues in their decisions about the future of the Council’s Investment Portfolio;
- Ward Members should be consulted where disposals are considered;
- Committee disagreed with Cabinet’s recommendation to sell rack rent shops without giving serious thought to their benefit to the community;
- Clear community capacity and sound business cases should be in place when considering asset transfer;
- Members agreed Cabinet’s recommendation that city centre strategic sites should be retained, as well as historical and cultural assets like Central Market.

Members asked to view the final pre-Cabinet draft when it was available. The Cabinet Member agreed the Committee’s request, and Committee is looking forward to scheduling this early in its 2015/16 Work Programme.

Devolution, Democracy and Delivery White Paper Consultations

Committee has responsibility for non-executive overview of Strategic Policy and Partnership, and hence has an interest in matters relating to local government review and democracy in Wales. This year the Committee undertook two linked scrutinies of emerging policy stemming from the

Graphical Representation of Welsh Government Vision & Framework for Local Authorities



Commission on Public Service set up in April 2013 to consider governance and delivery in the Welsh public sector.

Stage 1 – September 2014: Welsh Government published its formal response to the recommendations of the Commission, titled '*Improving Public Services for People in Wales*'.

Through the White Paper, the Welsh Government confirmed its support for the Williams Review proposal that local authorities should be merged. It indicated that its preferred option was for twelve authorities in total, leading to the joining of Cardiff and the Vale of Glamorgan. Aside from the recommendations about local authority mergers, the White Paper also suggested that changes would be made to scrutiny and governance arrangements and the role of audit, inspection and regulation.

At their meeting on the 2 September Members made the following points having considered the White Paper:

- Members recommended that the Cabinet's proposed response was presented to Council for debate and approval prior to its submission to Welsh Government in October 2014.
- Members also requested that the additional Welsh Government guidance was distributed for Members to understand the potential incentives to a voluntary merger with the Vale of Glamorgan.

The Leader agreed to report the matter to Full Council on 26 November. At Council the Leader advised that he and the Chief Executive had met with the Leader and Managing Director of the Vale of Glamorgan Council and other stakeholders. Discussion did not result in any agreement to proceed with an Expression of Interest in voluntary merger, but underlined the commitment of neighbouring authorities to working closely with Cardiff to deliver savings and protect services. The Council was not in a position to submit a joint Expression of Interest in voluntary merger to the Welsh Government by the submission deadline of 28 November 2014.

Stage 2 – March 2015: On 3 February 2015 Welsh Government published a second White Paper, titled '*Devolution, Democracy and Delivery – Reforming Local Government: Power to Local People*'. It was supported by a detailed consultation survey, and set out proposals to improve the democratic leadership, diversity and governance of local authorities and to improve the performance of councils.

At their meeting on 31 March Committee Members gave initial feedback and made comments on the Cabinet's draft consultation response, particularly on amendments to Call-ins, Corporate Planning, Review and Improvement and Devolution. Committee Members wrote to the Monitoring Officer, asking for further consultation with Members and for the draft Cabinet report to also be presented to Democratic Services Committee and Constitution Committee.

A letter with recommendations was sent to the Leader on 2 April, and in response Cabinet made amendments to the draft, taking into account some of the comments that had been received from Committees and individual Members.

Corporate Plan 2015/17

Members were pleased to have had the new opportunity to scrutinise an early draft of Cabinet's Corporate Plan in December 2014. It gave Committee the opportunity to consider the Plan as an overall document, and also the targets and milestones proposed for the Directorates specifically reporting through Committee's terms of reference. Members asked the Leader to be mindful that the Plan has numerous different audiences, and should be designed to be accessible to them all. They made a number of technical points, as well as the more general one that the Plan should explain how public opinion expressed through the Cardiff Debate had shaped the targets and priorities set out in the Plan.

The Leader wrote back to confirm he had taken all these points into consideration in finalising the Corporate Plan.

The Committee had an additional opportunity to consider the Plan in conjunction with the scrutiny of Budget proposals in February 2015. At their meeting they were keen to test the synergy between the Corporate Plan and Budget Proposals, and to judge how far the Plan had shaped the budget proposals, and how far it had been shaped by them. The scrutiny also reinforced Committee's determination that Cabinet and senior managers should use the full range of tools available through the Council's performance management framework to ensure that managers hit savings and performance targets.

Officers were pleased to accept a Member's suggestion that inclusion of an indication of achievement of 2014/15 targets would be a useful addition to the Plan, and this was factored into the final Plan document.

Cabinet's Budget Proposals 2015-16

The Committee considered the Cabinet's draft Budget and Budget proposals on two occasions this year – firstly an early overview at its 2 December 2014 meeting (soon after Cabinet had released early proposals for consultation), and again at its 10 February 2015 meeting, prior to Cabinet made its final recommendations to Full Council at Council's 26 February meeting.

At the 2 December meeting, Members expressed their pleasure that their previous recommendation that proposals were released for consultation earlier in the cycle had been heeded by Cabinet. Their only concern at this point (to be picked up at the second consideration of the Budget at their February 2015 meeting) was the significant level of savings being sought from areas that had not been successful in achieving previous savings targets. They also asked for a contingency to be included in the draft proposals.

Members' comments were framed in a letter which addressed the Corporate Budget; and the proposals relating to the Economic Development, Corporate Management,

Resources, County Clerk and Communities Directorates. The following is a resume of their observations:

- **Corporate Budget:**

- Members were particularly struck by a section of the 2015/16 Budget report in which the Council's Section 151 Officer comments on the Council's financial picture over the medium term, and in the Chair's letter the Committee expressed its discomfort at having to receive a Budget Report in which the risks to the organisation were so clear.
- Members wished the Cabinet Member success in developing the Partnership for Change with trades unions. They had heard a submission from a GMB representative at the meeting, and forwarded her concerns at the risks to the organisation around day centres, play and youth centres, and the need to keep staff closely informed.
- Members discussed the non-achievement by £7 million of 2014/15 savings targets. In areas of non-statutory provision, they reflected that Cabinet might have provided the transparency of further Cabinet reports once it had become clear that in-year targets would not be achieved.

- **Directorate Proposals:**

- Members were keen to be assured that the reduction to Cardiff Business Council would not impede a greater level of return to the City's economy.
- Committee agreed that the level of support to non-Executive Members had reached a point where further cuts would impede the Council's governance and Member capability. They sought assurance that no further cuts in this area would be taken during the medium term.
- Members echoed comments made by other Scrutiny Committees that there would need to be a quantum shift in the pace of "Stepping Up" arrangements if libraries, youth and play centres were to be successfully

transferred to community management, and offered future support in developing this work.

- The Committee was pleased that proposals for a revised third sector infrastructure support service would not impede the effectively delivery of equality support by Race Equality First and Diverse Cymru.

The Committee's comments on the budget proposals were considered by Cabinet at its meeting on 19 February 2015 and Council on 26 February 2015.

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Programme of Organisational Change

Given the significant scope of the proposals developed by the Chief Executive and agreed by Cabinet in May 2014, not to mention the close interest expressed by Wales Audit Office and this Committee in the Programme's success, it was natural that Committee provided ongoing focus on the Programme of Organisational Change.

This section of the Annual Report details the six episodes of Scrutiny relating to the Programme:

- **WAO Corporate Assessment of Cardiff Council** (2 Sept 2014 meeting)
- **Strategic Commissioning & Service Reviews:** (4 Nov 2014 meeting)
- **Change Challenge Group update:** (2 Sept, 4 November and 3 March updates)
- **OD and WAO Corporate Assessment update:** (6 Jan 2015 meeting)
Improved Governance: (3 March 2015 meeting)
- **Programme Progress Report:** (31 March 2015 meeting)

Wales Audit Office Corporate Assessment of Cardiff Council

In 2012 the Auditor General for Wales established a new programme of rolling Corporate Assessments, based on a four-year cycle, to be carried out in addition to the WAO's annual programme of improvement studies. It was confirmed that Cardiff would be one of the first four councils to be subject to a Corporate Assessment, commencing in May 2013. The Assessment would *'provide a position statement of an improvement authority's capacity and capability to deliver continuous improvement. It will, by its nature, examine an authority's track record of performance and outcomes*

as well as examining the key arrangements that are necessary to underpin improvements in services and functions’.

The report was released by the Wales Audit Office on 1 September 2014 and the Corporate Assessment was formally presented to Committee the following day, prior to presentation at Cabinet’s 18 September meeting. At Committee’s meeting Members welcomed WAO’s report, and encouraged the Council Leader to urgently respond to the shortcomings identified in the Assessment report. To play its own part in the process, Committee decided to take update reports on the Programme of Organisational Change on 2 December 2014 and 31 March 2015. It also decided to programme scrutiny of some of the specific Programme Work Streams (including the Improved Governance Programme), and to scrutinise areas such as the Cardiff Debate.

The Leader welcomed this degree of focus in response to the WAO’s recommendations, prior to the Regulator’s proposed return in the summer of 2015 to assess the progress made against the Organisational Development Programme.

Strategic Commissioning & Service Reviews

Members were pleased to note a clear commissioning approach and a shift towards co-production in the Council’s work in this area. Given the increasing request for local communities to “step up” to meet any service deficits resulting from budget reductions, Committee called for a multi-disciplinary team of finance, legal, economic and neighbourhood capacity to be developed, to provide the support that would be necessary to facilitate co-production.

They asked for good practice from Core Cities (including concrete examples) to be identified and modelled for work in Cardiff, and also for the emerging Service Review Methodology developed by the Commissioning and Procurement Team to be owned corporately. To train managers to manage service review the Committee

recommended that the Cardiff manager Programme be opened to all line managers, and not just reserved for officers at Grade 8 and above.

In his letter, Cabinet Member noted the positive response to the strategic commissioning approach and agreed practical examples would be useful. This will be explored and shared with Scrutiny. A new post has been funded in the Communities, Housing and Customer Services Directorate to work with local communities to build capacity to take on service provision.

Change Challenge Group Update

As part of the Programme of Organisational Change, the Cabinet agreed to establish a “Change Challenge Forum” where ‘Members and officers can work with, and be challenged by, a group of advisors who are at the forefront of national and international best practice’. The Forum is chaired by the Leader and includes the Cabinet Member for Corporate Services and Performance, as well as the Chief Executive and Corporate Director Resources. The Chair of the Policy Review and Performance Scrutiny Committee sits on the Forum in an observer role.

The Committee scrutinised the item on 2 September and agreed that the Forum could be a powerful mechanism for encouraging real changes in performance and welcomed the Forum’s initial focus on achieving improvement in Education and Children Services. Members agreed that it would be useful if the Forum examined Health and Social Care in the near future. Committee Members requested that Forum members should attend Committee to brief them on their work and aid their scrutiny of relevant issues (performance and Organisational Development). They requested written updates on the Forum's future work and recommendations, to be reported to other Committees as relevant.

Since the initial scrutiny of the Challenge Forum, Committee Members were provided with updates on 4 November and 3 March. Some Members reiterated their wish for Members to attend Challenge Forum sessions and to receive meeting papers regarding this item, both of which were welcomed and agreed by Chief Executive.

OD and WAO Corporate Assessment Update

At their meeting on 6 January Members welcomed the update given by officers. The Committee was informed that the Programme had reached a certain point in delivering the objectives which were originally set in May last year and that these had been to a great extent front-loaded. The Programme was now being refocused on a smaller number of functions and services in order to drive forward change in the medium term.

The Committee felt that to satisfy the Wales Audit Office, and indeed to satisfy Committee Members that the Council's overall performance was improving, a greater evidence base than was presented at this meeting was needed to address the shortcomings identified by the Corporate Assessment.

Members welcomed the offer of an additional scrutiny session prior to a further report being presented to Cabinet to set out the new direction for the Organisational Development Programme. The meeting took place on 3rd March and it is described further in the report.

Improved Governance Programme

The Cabinet Member for Safety, Democracy and Engagement attended Committee on 3 March 2015 with the County Clerk to detail progress with the Improved Governance Programme. Members were pleased to note how the Modern.Gov software was likely

to make significant efficiency improvements to Committee administration. They expressed concern that the Cabinet Forward Plan on the Council website needed updating. They also urged the County Clerk to consider benchmarking innovative Member development practices followed by other authorities, which included use of web-based training, YouTube and social media.

Programme Progress Report

Following Committee's meeting on 6 January Members had another opportunity to receive more detailed information on ongoing work to deliver the Organisational Development Programme at their Committee Meeting on 31 March.

At the meeting, Members did not feel in a position to comment in detail on the progress report. They commented that the report felt incomplete, in that it did not fully address the financial position and resilience of the Council.

Members requested a further progress report on the Programme that provides clarity about the financial position and resilience of the Council as well as providing an overview of the new approach planned for the ODP to be provided by 5 May. Members were pleased to hear that Chief Executive gave his commitment to ensure that a future progress report would provide clarity about the financial position and resilience of the Council, as well as providing an overview of the new approach planned for the ODP.

The Cabinet Member in his response asked the Corporate Director (Resources) to address directly the financial position and resilience of the Council in her next progress report to the Committee. He also welcomed the opportunity to bring proposals for a refreshed ODP to a future meeting of the Committee in advance of formal consideration by Cabinet, which is expected to be in July 2015.

Performance Monitoring

The importance of Committee's key responsibility for Monitoring of Corporate and Directorate performance has been set in sharp context by comments made about the Council's performance management arrangements in WLGA's Peer Review and WAO's Corporate Assessment of Cardiff documents (mentioned elsewhere in this report), and the incoming Chief's Executive's response of introducing a major new Programme of Organisational Change and refreshed performance management approach.

Committee has contributed to the new approach, which has seen changes this year both to the managerial and political management of performance, and the way performance is monitored by Cabinet, senior officers and scrutiny committees.

While securing improvement is a fundamental principle underpinning all scrutiny and drives all scrutiny activity, the Council's five scrutiny committees formally consider corporate performance reports prepared by the Chief Officer of Change and Improvement. The other four Committees provide expert insight to the areas within their terms of reference, while this committee has a general corporate overview role, assessing the performance of every Council Directorate as well as analysing in detail the Directorates (such as Resources and Democratic Services) that specifically report their performance through PRAP.

The five committees manage the risk of duplication by ensuring a good flow of communication between them. As the Committee whose meetings tend to take place first in the monthly cycle of meetings, PRAP can consider issues about (as examples) education or social care, and can refer issues it has discussed relating to those Directorates for further consideration at the subject committee due to take place in the days following PRAP's meeting. It can also recognise themes that cut across two or

more Directorates (for instance sickness absence, agency spend or target setting) and programme these for further attention via performance “deep dives” as it did in 2014/15 on issues like workforce planning and control of employee cost).

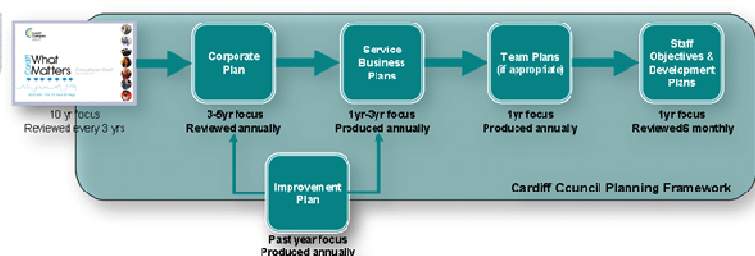
Members recognise that the new approach has potential for further refinement, and received commentary during the year from a Challenge Advisor engaged by the Council to support improvement in performance management arrangements, which will enable them to further improve and optimise performance monitoring arrangements during 2015/16.

The key episodes of performance monitoring are listed below in this section.

Directorate Delivery Plans

At its meetings in June and July 2014, Committee considered an overview of the Directorate Business Planning Process, and detailed scrutiny of the Directorates specifically reporting through this Committee.

The Corporate Plan 2014-17 made clear that the milestones and targets for delivery of corporate priorities (Economic development as the engine for growth and jobs; Education and skills for people of all ages to fulfil their potential and be well prepared for employment in the Cardiff economy and beyond; and Supporting vulnerable adults, children and young people in times of austerity) would be clearly spelt out in the Directorate Delivery Plans.



The accompanying report stated that Directorate Delivery Plans would be developed containing more detailed objectives and outcomes. They would also further integrate financial and service planning. Directorate Delivery Plans should allow Directorate,

team and individual employee objectives to be aligned, supporting the Council's drive to improve.

The Directorate Delivery Plans were consistently structured, each setting out: an overview of the services provided, staff and financial resources and key performance indicators; recent achievements: an Action Plan and Performance Measures, including key management, Corporate Plan and Cardiff Partnership priorities; and priorities for planning for future challenges.

The Committee found some issues common to each of the Delivery Plans it considered, in terms of performance measures and targets. It recommended that the challenge process should be strengthened next year, so that this does not recur. Members recommended a number of amendments, particularly where performance indicator information was not present.

Members of the Committee recommend that in the period of considerable change for the organisation, more effort is made to ensure that Members are kept up to date when officers upon whom they rely for information and support are leaving the Council. The Committee has long underscored the importance of knowledge transfer as staff moves out of the organisation and continue to believe that this is a cause of concern.

Leader and Cabinet Member in their joint letter stated that Committees concerns have been taken into account.

Following scrutiny of the individual Delivery Plans, Members made the following comments:

Corporate Resources Directorate Delivery Plan

Committee Members were interested in participating in a joint Inquiry with the Environmental Committee to consider the Infrastructure project, which looks at alternative delivery methods for Central Transport Services and Facilities

Management among other areas. The Committee noted a number of areas for consideration in the 2014/15 work programme and stated its comments about some targets included in the Delivery Plan.

Committee Members did not require a formal response, however they asked for confirmation that they would be able to have monthly budget updates previously promised and that the Cabinet would engage with Scrutiny at an early point regarding 2015/16 budget proposals.

The Cabinet Member in his letter agreed that a monthly budget monitoring report would be sent on an informal basis monthly from Month 3 onwards. A meeting had been set with the Committee Chairs to discuss budget scrutiny opportunities. The Cabinet also held an additional meeting in November to discuss consultation on early budget decisions, which were scrutinised by this Committee in February.

Economic Development Directorate Delivery Plan

In their letter Committee expressed their interest to receive the Property Paving report and Final Property Strategy, reiterating Members' view that the portfolio should be used to social and community benefit. Members also stated that they would be interested in scheduling a further consideration of the Council's involvement in national and international city networks.

The letter did not require a formal response, however Members were looking forward to the future work in this matter.

Communities Directorate Delivery Plan

Following the item Members' main recommendations were to return to the Customer Relationship Management project in future meeting and to explore the use of Connect to Cardiff data in performance reports.

The letter did not require a formal response.

County Clerk Directorate Delivery Plan

Members were broadly content with the aspirations set out in the Delivery Plan, although there was some discussion during the meeting about the need to ensure that Members and stakeholders were effectively engaged and informed where initiatives are under development. They expressed interest in receiving further examples of evidence in the action plan.

Members found the read across between the performance measures and Directorate action plan sections difficult, and that a review of the structure of the Delivery Plan template would be useful.

The Leader and Cabinet Member in their joint letter stated that the refreshed schedule has evolved accordingly and will accommodate more time for Member and stakeholder engagement. To ensure that Members are briefed on the content of initiatives being progressed a monthly Members' Newsletter has been initiated and scrutiny research team has been commissioned to undertake research that will inform the development of an information support service. In terms of performance measures and targets a new management team structure has recently been established and targets have been since agreed for all 20 key performance indicators.

Quarterly Delivery and Performance Monitoring
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Quarter 4 2013/14

At their meeting on 3 June 2014 the Committee made comments on topics including Connect to Cardiff data, Personal Performance & Development Review (PPDR) completion and scheduling, and challenge of in-year Directorate overspends. They asked for the opportunity to consider the report aimed at members of the public once it was developed, and indicated their willingness to undertake detailed “deep dive” inquiry work into various aspects of performance in the coming year.

The Cabinet Member’s response welcomed the Committee’s proposal to undertake performance deep dives. The letter stated that more use would be made of digital channels to engage with the public and that a more customer-friendly summarised report was under development. The letter also stated that the Chief Executive’s work around PPDRs had already started to raise compliance rates.

Quarter 1 2014/15

At their meeting on 2 September 2014 Members were pleased to see that Personal Performance and Development Review and Sickness performance had improved. They agreed to set up a Performance Panel to look at performance issues in more depth, and chose workforce planning as the first issue for consideration. As part of this the Committee would look at overtime/agency spend, as it did not feel that the information contained in the performance report was sufficient to judge how these were being used and how this linked to, for example, budget savings.

Committee asked to attend Cabinet/director performance challenge sessions to assure themselves that challenge was sufficiently robust. They requested greater visibility of both additional in-year savings (where these are put in place outside the February budget-setting process), and of use of budget contingencies.

The Cabinet Member responded by welcoming the Committee’s comments. Officers are reviewing how overtime and agency spend is presented and the Cabinet Member would be happy to discuss this further.

Quarter 2 2014/15

At their meeting on 4 November the Committee noted positive progress made, albeit that the budget position remains of concern. Members however noticed a gap in risk information. Committee Members requested confirmation of the quality checks of PPDRs and an update on progress in producing a 'public facing' version of the report, which was flagged up during consideration of the 2013/14 outturn. During the meeting Members recommended to reinstate overtime and agency spend data.

The Cabinet Member has asked for the information requested to be brought to Committee once available.

Quarter 3 2014/15

At their meeting on 3 March the Committee requested Challenge Forum papers, including confidential papers where Members would be bound by the Council's Code of Conduct and Constitution. They asked to receive the action plan for one of the Star Chamber actions detailed in the cover report, so that Members can see how this action is being addressed. Members also requested an update on the level of staff resources available to Cardiff Business Council once discussions have concluded and there is an agreed way forward.

The Cabinet Member responded positively to the letter and agreed to share information regarding the Challenge Forum meeting and Star Chamber action. The letter also commented on the OM1 post being deleted in Economic Development, stating that a restructure of the new service area was needed to create extra management capacity to support Cardiff Business Council.

Quarter 4 2014/15

At their meeting on 12 May the Committee sought clarification of arrangements around the cost implications and selection process put in place for the appointment of the advisor to the Education Service. They wished to have sight of the recommendations such specialist advisors present to the Council.

The Committee confirmed that it would be factoring the concerns, recommendations and requests of the four other scrutiny committees into its future consideration of Performance.

The letter was sent on 27 May to the Leader and is currently awaiting his response.

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Policy Development and Review

Non-Executive Councillors can add significantly to the wellbeing of citizens and the success of the organisation by providing constructive, non-partisan inquiry to areas of the Council's work that are at a crossroads, or where a number of potential solutions could be explored. This section describes some of the policy development and review work undertaken by PRAP Members this year.

Communications Strategy & Capital Times Update

The Communications Team and County Clerk and Monitoring Officer had worked to bring to Committee in September 2014 an early draft Communications Strategy to consult upon with the Committee. It was planned that this would be informally approved by the Cabinet at a later date, taking into account the Committee's feedback and further development work.

Members noted that underneath the Council's four priorities and Values, the Strategy established its objectives as:

- To improve the image of the Council;
- To demonstrate that we are a listening and engaging Council;
- To ensure the Council's achievements are recognised and celebrated
- Increasing the number of residents who think the Council is doing a good job;



- To increase the percentage of residents who think the Council keeps them well informed;
- To increase the number of staff who feel informed and engaged with the changes happening across the Council and delivers to the highest standards;
- To ensure the communities we serve are aware the way services are delivered has to change;
- To deliver a consistent high quality brand across all Council directorates;
- To work with our partners both public and private to deliver for the city of Cardiff.

Members recognised the efforts which have been taken to respond to WLGA Peer Review and the APSE Review, in more clearly setting out the Council's vision and in communicating with citizens through the Cardiff Debate. Members also recommended that more thought was given to using social media in an appealing way.

The Committee felt that there was more work to do to engage employees effectively, and believed that communication with Members needs to be considerably improved. The Members' Newsletter and Diary were not felt to inform Members about significant issues in a way that enables them to engage with communities meaningfully.

In considering the *Capital Times*, Members were concerned whether the six editions that were only to be published online this year would have as strong an impact as the six distributed physically door to door. They felt that the paper still had more potential to communicate with citizens difficult and useful messages about the Council's financial challenges, and should always be politically impartial.

The Leader responded positively to the Committee letter on the Communications Strategy & Capital Times Update, providing all requested information and reflecting on all the Committee's comments, concerns and recommendations. Cabinet agreed that there is scope to improve member communication and there are plans to increase the content of The Members Newsletter.

The Cardiff Debate



Committee's remit includes consideration of the Council's citizen engagement and consultation. As part of the Organisational Development programme which was agreed by the Cabinet on 15 May 2014, the Council established the 'Cardiff Debate' on local public service delivery under the Improved Governance programme. It is a "three year programme of engagement and collaboration between public, private and third sector organisations and, most importantly, citizens and communities in Cardiff".

The Debate is intended to give all citizens a chance to contribute, not just "the usual suspects". It is aimed at providing an inclusive platform for considering different delivery models and to stimulate debate about local solutions for Cardiff. The Cabinet report stated that the results of the events would be used to inform the Council's Budget Strategy and provide co-produced options for the future of service delivery.

Following their meeting on 4 November Members thanked officers for the huge amount of effort invested in the outreach events, and felt that the Cardiff Debate represented a step forward in the Council's engagement with citizens. They requested that more thought be given to feeding back to citizens what impact their views had had on emerging decisions. The Committee was not convinced that the "Prioritisation of Services" exercise gave a rounded understanding of the actual services the Council delivers, and that results could be affected by very recent media coverage and emerging issues.

The Leader's response indicated that Committee's comments would shape the next wave of consultation on the Budget proposals being released in November 2014. It caveated that it was hard for citizens to understand the huge range and grouping of Council services, but that the next wave would give citizens an

opportunity to identify budget priorities in the current challenging circumstances.

On 2 December 2014 Committee wrote to the Cabinet Member for Finance and Corporate Performance, having considered the early budget proposals. Having heard that the recent Cardiff Debate budget consultation events had not been widely attended by members of the public, they asked if all efforts could be made to encourage people to attend, for people who would prefer not to fill in a questionnaire online to be supported to do so in hard copy, and for the resulting data to be statistically robust, in line with similar surveys conducted elsewhere in the UK.

On considering the final Budget Consultation Report at their 10 February 2015 meeting, Members complimented officers on achieving a solid level of questionnaire completion, but could not be sure that the Debate represented a robust or representative reflection of the views of the people of Cardiff. They reflected again on the challenges of securing attendance at the budget consultation events. Given the length and complexity of the questionnaire, they were in particular keen for those people for whom language might be a barrier to be provided with some facilitation to help them provide their views.

Voluntary Severance Review

The ability of the Council to meet the costs of voluntary severance has consistently been raised as a risk to the Council as it reshapes itself in line with available resources in times of continuing financial austerity. As part of the 2014/15 Budget, the Council agreed to implement a Workforce Agreement for this financial year, which included a reduction of the working week from 37 to 36 hours, among other changes to employee costs. As part of this agreement it was decided to hold to the terms of the Council's current Voluntary Severance Scheme until 31 March 2015, but that a review of the Scheme should be undertaken.

At their meeting on 6 January 2015 Members agreed that the Council should amend the Scheme to place a minimum 12 month restriction on employees leaving with a severance package subsequently returning to work with for Council. They declined to make recommendations on a preferred multiplier of numbers of weeks' service and weekly pay to determine redundancy payment levels, recognising that these should be set to optimise and balance affordability and attractiveness. A response from the Cabinet Member is currently awaited.

Control of Employee Costs

In anticipation of receiving detailed proposals for the control of employee costs as part of the City of Cardiff Cabinet's budget proposals for 2015/16, this item on Committee's January 2015 agenda enabled the Committee to understand how local authorities in Wales and in England are addressing this significant area of local authority spend.

As part of its Budget Strategy for 2015/16, agreed on 17 July 2014, the Cabinet agreed that in order to help meet the Council's Budget Reduction Requirement for 2015/16, £5.75 million would be sought from a review of employee terms and conditions, to be considered against a portfolio of options. The Strategy stated that this would include a further review of the voluntary severance scheme.

The Scrutiny Research Team had undertaken benchmarking of practices in English core cities, and the results of the research were presented to Committee and commended to Cabinet. A Welsh Local Government Association Advisor also attended the January 2015 Committee to provide similar insight on practices followed by other Welsh local authorities. Members were therefore equipped with knowledge to debate what were considered to be appropriate priorities for Cardiff, and provided with comparative information to enable informed detailed scrutiny of budget proposals in February 2015.

At their meeting on 6 January Members were reassured that Cardiff has already implemented many of the recommended practices highlighted by the research, such as acting to cut down sickness levels, reducing discretionary expenditure on travel and moving to control agency spend and vacancies.

Improving Scrutiny Project

As detailed below, the Council this year developed an Improving Scrutiny Project. It forms part of the Programme of Organisational Change introduced by Cabinet in May 2014 to meet the challenges set out in the Welsh Local Government Association's 23 September 2013 Peer Review report on this Council. One of the five programmes of change within the overall Programme is "Improved Governance", and within this Programme is a Project described as "*Strengthen the Scrutiny Function*".

At its meeting on 31 March 2015 the Committee considered the Project progress and agreed its future methodology. They agreed with the County Clerk that what was needed was "*evolution, not revolution*". They asked for further information on the Swansea Model of Scrutiny and those followed by other Core Cities, and more generally for examples of good practice in other parts of the UK that could be replicated in Cardiff.

Financial and Budget Monitoring

The Council's current financial challenges are clearly well documented. The Council has a significant savings target over the medium term, and this Committee has a particular role in providing scrutiny of the organisation's success in achieving this target, plus in ensuring its overall financial health.

At the start of the Municipal Year in September 2014 the Committee considered the recently agreed Cabinet Budget Strategy for 2015/16 and the Medium Term, and made the following observations.

- It was noted that the Council is currently projecting an overspend of approximately £1 million compared with the 2014/15 budget. Directorate overspends are currently projected to total £7.1 million. Management action was forecast to reduce this significantly by the end of the financial year.
- Members were advised that the WAO Corporate Assessment considered at the meeting on 2 September 2014 concluded that *'there was a high risk that savings targets for 2014/15 would not be achieved and longer-term savings requirements are unlikely to be met if current methods of service delivery are sustained'*.

During the year, several monitoring reports were provided to Committee, including the Outturn for 2013/14 and month six 2014/15, with reports for information only provided at months four and nine.

- **Outturn for 2013/14:** On 1 July 2014 Members commented on significant overspends and under-achievement of savings targets within an overall balanced budget, and requested that all in-year proposals to achieve additional savings or make up predicted shortfalls should come to pre-decision scrutiny.

- **Month Six 2014/15:** On 2 December 2014 Members remained concerned at the Council's monitoring position, with many Directorates showing variance with planned for savings targets such as the target to find an alternative management operator for St David's Hall. They reiterated a request for scrutiny of alternative methods for achieving savings.

As explained above, when Committee considered Cabinet's draft Budget Proposals in February 2015, they were concerned at Council's Section 151 Officer comments on the Council's financial picture over the medium term. Having considered a further report on the Programme of Organisational Change at their 31 March 2015 meeting, Members reiterated their concerns at the organisation's financial resilience, and requested that the Section 151 Officer bring a report to the next Committee meeting to spell out how the organisation was planning to manage its existential risks in the context of the huge financial challenge facing the Council.

This report was presented to Committee's final scheduled Committee meeting of the Municipal Year on 12 May 2015, and will provide important evidence to help Committee support the organisation's achievement of savings and income targets for 2015/16. Committee has previously received the Budget Strategy report in September, after Cabinet has considered and agreed the Strategy. During 2015/16 Committee will undertake pre-Decision scrutiny of the Strategy, strengthening the Committee's overview of the Council's financial position.

During the year the Cabinet Member for Finance and Corporate Performance had engaged the Scrutiny Chairs in a conversation about enhancing the existing programme of Budget Scrutiny by introducing a Budget Scrutiny panel, which might meet over the year to provide non-Executive overview and policy support for the Council's medium term financial options. This conversation will be taken into the 2015/16 Municipal Year, with a view to developing a useful and effective additional layer of financial scrutiny to support the Council's difficult financial situation.

Call-in of Cabinet Decisions

Non-Executive Councillors have the power to protect the Council by occasionally exploring a recent Decision taken by Cabinet or a senior officer where concerns have been expressed about the Decision. There are robust procedures to regulate this process, and “Call-in” has only been agreed seven times since May 2012. This section details a call-in referred to Committee during 2014/15.

**CAB/14/015: Glamorgan County Cricket Club
Loan Write-Off and Restructuring**



On 19 March 2015 the Cabinet received a report requesting a decision 'to consider a proposal from Glamorgan County Cricket Club for a write off and restructuring of sums

due to the Council in respect of loans provided to improve the Club's ground infrastructure and to meet standards required for the staging of test matches.'

Cabinet Decision CAB/14/105, made on 19 March 2015 and published on the same date with a proposed implementation date of 23 March 2015, resolved:

- *In line with the other main creditors, write-off circa 70% of the value of sums outstanding on loans made to Glamorgan County Cricket Club.*
- *Agree the heads of terms and revised terms for repayment of amounts outstanding, whilst acknowledging that there can be no absolute guarantee that income generated by the Club will enable it to repay the proposed restructured loan.*
- *Delegate authority to the Corporate Director Resources to complete revised contractual terms with the club in consultation with the County Solicitor and the Cabinet Member for Corporate Services and Performance.*

A Member of the Committee requested that the above decision be called in for Scrutiny Committee consideration. The reasons given for the Call In were:

- a. The apparent failure to consider other options to secure the council-taxpayers interest;
- b. The apparent willingness to collaborate in the release of a bank guarantee and the repayment of loan capital to a lower ranking creditor to the apparent detriment of council-taxpayers;
- c. The apparent failure to secure changes in the organisation's management to secure improvements in the Club's financial performance;
- d. The on-going financial performance of the Club and its apparent inability to pay its debts when they fall due;
- e. The apparent failure to secure appropriate benefits in kind to mitigate the loss to the council taxpayer;
- f. The risk to the council's reputation resulting from the decision to enter into the proposed agreement.

The Call-in request was approved, and a special meeting arranged on 1 May 2015 to consider the grounds for the call-in. The Cabinet Member for Finance and Corporate Performance was joined by a range of Council officers, the Chief Executive and Board Members from the Cricket Club, and the Club's bank, Allied Irish Bank. The potential benefits and risks of the Cabinet's Decision were given detailed consideration, whether there might have been a better alternative to the Decision that was taken, and whether additional steps could have been taken to improve outcomes.

On reflection, the Members of the Committee agreed not to refer the Decision back to the Cabinet for re-consideration, so the Cabinet's 19 March Decision has been upheld and will now be implemented.

Monitoring of Cabinet Responses

When a Scrutiny Committee publishes an Inquiry Report, it will contain recommendations for Cabinet to consider. Cabinet provides a response, generally including an action plan to show how those recommendations which have been agreed will be implemented.

Cabinet Response to Committee's April 2013 'Public Engagement with Scrutiny' Inquiry report

During 2013 the Committee undertook a task and finish inquiry to consider public engagement with Scrutiny in the light of the Local Government Measure (Wales) 2011 and its accompanying Guidance, as part of its 2012/13 work programme.

The terms of reference for the inquiry were to enable Public Engagement through the different functions and processes of Scrutiny to identify: the requirements of Public Engagement under statutory requirements such as the Local Government Measure 2011, best practice across the UK, and what can be adopted and adapted in Cardiff and how it can be resourced. The Committee commissioned the Scrutiny Research Team to prepare a comparative and best practice analysis of public engagement in UK local authorities.

The April 2013 report was presented to Cabinet in June 2013 and Constitution Committee in January 2014, making four recommendations to Cabinet and two to Constitution Committee. At Committee's 30 September 2014 meeting Councillor Daniel De'Ath presented the combined response of both Cabinet and Constitution Committee, accepting three of the recommendations to Cabinet, and partially accepting the other. Constitution Committee accepted one of the recommendations, and requested a further report on the other.

The Scrutiny Team has itself worked to implement many of the 12 operational recommendations made during the Inquiry, with resulting improvements like the Scrutiny Forward Plan and improved website information through Modern.Gov. Cardiff was shortlisted in the 2014 Centre for Public Scrutiny's "Good Scrutiny" Awards for the involvement of local young people in scrutiny work. It is hoped that public questions to Scrutiny Committees and webcasting of Committee meetings will both be piloted in 2015.

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OBSERVATION OF COMMITTEE BY EXTERNAL GUESTS

During 2014/15 various requests were received for external groups to attend Committee meetings, as detailed below.

Wales Audit Office

As part of WAO's Corporate Assessment of Cardiff, the regulator met the Committee Chair in March 2014 to explore his views on the Council's governance and performance arrangements. WAO also attended Committee at that time to observe and form judgements on these matters, as part of the evidence base that led to their September 2014 Corporate Assessment report.

Performance Challenge Advisor

The Council has benefitted from advice this year from Rod Alcott, a former auditor who has advised and informed the Council's refreshed performance management approach. As part of this work, Rod observed meetings of the this Committee, and met Members in March 2015 to provide insight and feedback to support the Committee's future performance monitoring work.

Jordanian Parliamentary Delegation



On 12 May 2015 the Chair of the Kingdom of Jordan's Legal and Administration Committee visited Cardiff with 15 Members of the Jordanian Parliament and the country's Director of Legal Administration. The country

is reviewing the governance relationship between national, regional and local government, and the delegation was interested to learn how UK Parliament worked with the National Assembly of Wales and the City of Cardiff Council. The group was welcomed to attend the Committee meeting taking place that day, and during the visit met the Council Leader, as well as receiving presentations on Cardiff and its governance from County Clerk Marie Rosenthal, Operational Manager for Scrutiny Paul Keeping and Economic Policy Manager Jonathan Day.

Caerphilly County Borough Council Scrutiny Members

Scrutiny Members from Caerphilly observed a Committee meeting as part of a development and change programme the authority was undertaking.

SCRUTINY DEVELOPMENT WORK

This section describes two pieces of work the Committee has shaped which will improve scrutiny outcomes in Cardiff and more widely across Wales.

“Scrutiny in a Changing Landscape”: Improving Scrutiny Project

Cardiff is proud of its scrutiny arrangements, and has gained and sustained a UK-wide reputation, regularly netting awards for scrutiny projects. The structures initially set up in 1999 have stood the test of time, and have not significantly changed during the past decade and a half.

During that time, however, the Council has changed, and is likely to change even more in coming years. A growing complexity of partnerships and collaborations, alternative models of service delivery and financial challenges will require fresh thinking for the Council to thrive, and scrutiny Members need to be at the front of this curve of innovation and development.

The Committee Chair worked with the other four Scrutiny Committee Chairs during the summer of 2014 to submit a bid to the Centre for Public Scrutiny (CfPS)’s “Scrutiny Development Areas” research programme. Bids were invited to explore scrutiny’s role in organisational transformation, and the objectives of Cardiff’s proposal (accepted as one of nine projects across the UK by the CfPS) were to:

- Develop recommended options for future Scrutiny arrangements in Cardiff, to be able to manage the scrutiny of the Council’s transformation in coming years. These proposals would be consulted upon politically and organisationally, and proposals would be taken forward for inclusion in the Council’s 2016/17 Budget proposals.

- Address recommendations in the Local Government Measure (Wales) 2011, and subsequent recommendations in the Williams Review, to consider opportunities for improvement to current collaborative scrutiny arrangements with partner organisations.
- Take forward the learning from Cardiff's participation in the 2013 Wales Audit Office *Improving Scrutiny Study*, especially by using the 15 characteristics in the newly developed "Framework for Effective Scrutiny in Wales" as a mechanism for self-evaluation of the quality of scrutiny in Cardiff, and the planning of future Scrutiny Work Programmes.

The Committee Chair worked with the other four Chairs to spearhead this Project within the Council since November 2014. The Project will culminate in 2015 with a Member workshop, a workshop with Cabinet Members, and the publication of a task and finish Inquiry report in September 2015.

Scrutiny and Regulation – Wales-wide Research Project

In June 2014 the Scrutiny Team bid to Welsh Government's Scrutiny Development Fund to manage a Wales-wide research project to develop credible areas for joint working between internal local government scrutiny functions and external Auditors, Inspectors and Regulators (AIRs). The Chair of this Committee was involved in shaping the proposal.

The bid was designed to shape Welsh Government policy in this area, and optimise the resources of scrutiny councillors and the three AIRs bodies (Wales Audit Office, Estyn and the Care and Social Services Inspectorate for Wales).

This involved working closely with the AIRs bodies and Wales 22 local authority scrutiny teams, and publishing a report that detailed four credible "interface areas" that were tested at the "*Many Hands...*" conference in Llandrindod Wells on 27 March, which brought together over 150 senior managers and Councillors to broadly agree how scrutiny and AIRs could best work together.

The work reinforced Cardiff Scrutiny Team's reputation as a professional unit that could be trusted to deliver nationally significant work. It netted over £35,000 of income for the Council, built in-house expertise and developed the relationship between Cardiff, and senior managers in Welsh Government and the three AIRs bodies.

During 2015 the Scrutiny Research Team will publish the Conference Report, which will feed into a further Welsh Government consultation later this year.

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WORK PROGRAMME OPPORTUNITIES FOR 2015/16

The Committee receives regular work programme updates at which Members have the opportunity to consider items received from members of the public, young people, organisations, Council Members and other Scrutiny Committees, for inclusion on the work programme. Committee Members can also suggest any new issues which may be of interest to the Committee.

The Committee will plan its 2015/16 Work Programming in June and July 2015. These are some of the issues stemming from this year's activity that might be considered for scrutiny in the year ahead

- **WAO Corporate Assessment and OD Programme** – WAO has promised to re-inspect Cardiff during the second half of 2015, and there will inevitably be a need to ensure that the Council's progress in implementing its Programme of Organisational Change will satisfy the Regulator.
- **Scrutiny in a Changing Landscape** - the piece of work detailed above is due to be presented to Cabinet in September 2015 via a joint task and finish Inquiry report, steered by this Committee.
- **Partnership Scrutiny** – The What Matters Strategy is due to Committee for a refresh, and this could provide an opportunity to re-examine roles and responsibilities for scrutiny of partnership governance in Cardiff.
- **Work with Internal Audit** - feedback from the WAO Corporate Assessment has suggested that greater co-ordination could be in place between this Committee and the Council's Audit Committee.

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**CITY & COUNTY OF CARDIFF COUNCIL
DINAS A SIR CAERDYDD**

**POLICY REVIEW & PERFORMANCE
SCRUTINY COMMITTEE**

2 June 2015

WORK PROGRAMME 2015/16

Purpose of Report

1. The Council's Constitution states that each Scrutiny Committee will set its own work programme for the forthcoming year (Scrutiny Procedure Rule 7). The Committee is now tasked with constructing a work programme for the year ahead that ensures the time available to the Committee is used most effectively, by considering items in a timely fashion that maximise the impact of scrutiny.
2. The purpose of this report is to invite Members to consider the approach they would like to take to setting the work programme for the municipal year 2015-16.

Background

3. This Committee's terms of reference give the Committee a corporate policy and performance overview responsibility. In its examination of service performance and policy development across a range of corporate services, it forms a central part of the Council's governance arrangements. The Committee's terms of reference are:
 - To scrutinise, monitor and review the overall operation of the Cardiff Programme for Improvement and the effectiveness of the general implementation of the Council's policies, aims and objectives;
 - To scrutinise, monitor and review the effectiveness of the Council's systems of financial control and administration and use of human resources;

- To report to an appropriate Cabinet or Council meeting on its findings and to make recommendations on measures, which may enhance Council performance in this area.
4. The Terms of Reference also allow for the Committee to consider certain specific areas of the organisation's current structure in depth. These include: Finance; Corporate Performance; HR People Services; Legal and Democratic Services; Estates and Land Strategy; Information Governance; Commissioning & Procurement; Customer Services; Communications; and Central Transport Services.
 5. The Committee's Terms of Reference also empower it to consider other areas including relations with the voluntary sector, equalities and citizen engagement.
 6. It is anticipated that the exact dates of Committee meetings will be confirmed at Full Council on 18 June 2015. Normally, Committee meetings are scheduled for each month, apart from August, meaning that there are eleven scheduled meetings. The holding of the National Assembly elections in May 2016 will mean that most Council meetings in April will be suspended. This Committee's April 2016 meeting is likely to be pencilled in, but will only be held if urgent Committee business needs to be transacted at that time.
 7. Members may also decide to hold task group meetings, where several Committee Members take on the work of scrutinising a specific area in-depth, on behalf of the whole Committee, with their report then considered by the whole Committee prior to approval.

Developing a work programme

8. The work programme is normally constructed at the beginning of the municipal year but can be updated during the year. There are many scrutiny approaches open to the Committee when constructing its work programme, including:

- a. **Policy Review & Development** – where the Committee contributes to the development of policy by scrutinising and making recommendations on proposals.
 - b. **Pre decision** - Where the Committee has evaluated and commented on proposals before they go to the Cabinet, giving the Cabinet the opportunity to know Scrutiny Members' views prior to making their decision.
 - c. **Inquiries** – where the Committee examines a clearly defined topic using a planned task group approach over a set period of time, resulting in a clear set of key findings and recommendations.
 - d. **Performance Review** – where the Committee regularly analyses key performance data from the service areas within its' remit in order to: highlight good performance; identify poor performance; examine trends over time; benchmark against other authorities; investigate management actions and examine the impact that initiatives and changes in resources have on performance and service delivery.
 - e. **Monitoring Reports** - Where the Committee undertakes monitoring of the Council's performance and progress in implementing actions previously agreed.
 - f. **Call In** – the Council's constitution allows for any Member to call-in a Cabinet decision prior to implementation. The Call-In period is set at seven working days after the publication of the decision on the Council's intranet site. For a decision to be valid for Call-In it has to comply with criteria and parameters set out in the constitution. A Scrutiny Committee may recommend that a decision be reconsidered.
9. Within the above approaches, Members can choose various methods of scrutiny and evidence gathering. Members can hear from relevant Cabinet Members and internal officers as well as external witnesses such as external inspectors, statutory partners, third sector organisations, service user representatives, and other relevant stakeholders. Members can choose to hear items at Committee, where all Committee Members have the opportunity to scrutinise the issues, and this can either be as a one-off item or as a series of items over time, focusing on the same topic, for example scrutinising policy development, undertaking pre-decision scrutiny of the

proposed policy and scrutinising the impact of the implementation of the policy. Members can also choose to consider items via short or long term task group inquiries.

10. Scrutiny Committees therefore have the opportunity to input into the development of policies and strategies, comment on operational and service delivery issues, identify potential improvements and savings, highlight good practice and reflect the voice and concerns of the public. However, given the range of subject areas covered by each Committee, Committee Members have to prioritise items. Normally, Members prioritise items where scrutiny can have most impact, so that the time and resources available to the Committee are most effectively used.

11. Over the years, Scrutiny Services has developed various tools that Members can use to assist them to develop and prioritise a work programme. The first stage is to identify potential work programme items for consideration and prioritisation by Committee Members by: seeking suggestions from Members and stakeholders; reviewing the items recommended by the previous Committee; reviewing corporate documents, forthcoming legislation, the work programmes of relevant auditors, inspectors and regulators and partnership, consortia and regional documents; and checking other relevant documentation to identify areas within the terms of reference for the Committee.

12. Following the preparation of a list of potential items, Committee Members will need to prioritise the items. A mechanism that has consistently been used by Cardiff Council Scrutiny Committees is known as PICK, which stands for:

- Public Interest
- Impact
- Council Performance and
- Keeping in context.

13. By using the PICK mechanism, Committee Members can be assured that they prioritise areas where Scrutiny can have most impact, that are of importance to the public, that will help to deliver improved performance and that are not being investigated by other routes.
14. When Committee Members decide to prioritise an area of task group inquiry, Scrutiny Services will work with them and other stakeholders to complete a scoping report that defines: the terms of reference for the inquiry; proposed timescales; involvement of other agencies; major constraints and resource issues; and the critical success factors that can be used to judge the success of the scrutiny exercise. This report is then brought to the whole Committee to discuss, amend as necessary and approve.

Way Forward

15. Members may wish to explore the best approach to developing the 2015/16 work programme, including agreeing the approach to take to generate the initial list of items and to prioritise items. In previous years Members have held a work programming forum to consider options for the work programme and prioritise topics for consideration. The forum's proposals are then presented to Committee for formal approval of the work programme.
16. Members may wish to raise particular issues of interest for inclusion in the Committee's work programming forum discussions.

Legal Implications

17. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural

requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

18. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATION

The Committee is recommended to:

- i. Discuss and agree the approach to developing the Committee's work programme for 2015-16, so that a final version of the programme can be brought back to the Committee for formal approval.

MARIE ROSENTHAL

County Clerk and Monitoring Officer

26 May 2015

CITY & COUNTY OF CARDIFF COUNCIL
DINAS A SIR CAERDYDD

POLICY REVIEW & PERFORMANCE
SCRUTINY COMMITTEE

2 June 2015

CORRESPONDENCE – INFORMATION REPORT

Background

1. Following Committee meetings, the Chair writes a letter to the relevant Cabinet Member or senior officer, summing up the Committee's comments, concerns and recommendations regarding the issues considered during that meeting. The letter usually asks for a response from the Cabinet Member to any recommendations made, and sometimes requests further information.

Issues

2. A copy of the Correspondence Monitoring Sheet detailing the Committee's correspondence and responses received following Committee's last three meetings including the Call-In of Glamorgan Cricket Club loan write off, is attached at **Appendix 1**. Attached to this report are copies of all relevant correspondence.

14 May

3. The Committee met to consider the Call –In of Decision CAB/14/105 in respect of the Glamorgan Cricket Club loan. Copies of the three Chair's letters following the scrutiny are attached at **Appendix 2 (a-c)**.

12 May

4. The Committee received the quarter 4 Performance Report 2014/15 (January – March); and received a presentation on the Financial Resilience of Cardiff. Copies of the two Chair's letters following the scrutiny are attached at **Appendices 3a & 3b**.

31 March

5. The Committee received a progress report on the Organisational Development Programme; considered the Council's response to the Welsh Government White Paper 'Reforming Local Government: Power to Local People'; and considered the Improving Scrutiny Project. Copies of the two Chair's letters following the scrutiny are attached at **Appendices 4a & 4b**. The Cabinet has responded to both and can be found at **Appendices 4c & 4d**.

Legal Implications

7. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

5. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that

goes to Cabinet/Council will set out any financial implications arising from those recommendations.

Recommendation

The Committee is recommended to note the content of this report and appendices, and decide whether it wishes to take any further actions, or request any further information.

MARIE ROSENTHAL

County Clerk and Monitoring Officer
27 May 2015

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Policy Review and Performance Scrutiny Committee

Correspondence update 2014 - 15

Committee date& topic	Recipient	Comments/Information requested	Response received	Response	Future Action
14 May Call-In	Cllr Hinchey	<ul style="list-style-type: none"> Following its scrutiny of call in procedure in relation to decision CAB/14/105 – Glamorgan County Cricket Club Loan Write-off and Re-structuring the Committee is not referring the decision back to Cabinet for further consideration. 	No response required		
12 May Performance	Cllr Bale	<ul style="list-style-type: none"> Members are seeking clarification of arrangements around the cost implications and selection process put in place for the appointment of the advisor to the Education Service. Members wish to have sight of the recommendations such specialist advisors present to the Council. Members look forward to meaningful pre-decision scrutiny of the Attendance & Well-Being 		On 2 June agenda.	

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[Type text]

		<p>Review at the forthcoming 2 June Committee</p> <ul style="list-style-type: none">• The Committee will be looking to invite service specific representatives to PRAP next time it scrutinises Performance• Members look forward to receiving copies of the minutes of the Challenge Forum• The Committee will be factoring the concerns, recommendations and requests of the four other scrutiny committees into its future consideration of Performance.			
12 May	Cllr Bale	<ul style="list-style-type: none">• Members suggest the Council asks its customers what services they need free of charge, and what they are prepared to pay for, with a view to increasing the Council's income from services.• Members ask that you place on record that libraries will be protected in the 2016/17 budget			

Financial Resilience

[Type text]

[Type text]

APPENDIX 1

		<p>round, as agreed at the 2015/16 budget meeting.</p> <ul style="list-style-type: none"> • Should there be a proposal to close Roath Library; Members ask that the proposal be presented to Full Council. • In light of the ongoing work around Alternative Delivery Models, Members urge that you build in realistic timescales for budgeting purposes • Members would be interested to hear of an example where a co-operative solution has resulted in financial savings in service delivery. • Members request that you bring a draft of any proposed Council support for the City Deal to Committee for pre-decision scrutiny. 			
31 March	Cllr Hinchey	<ul style="list-style-type: none"> • A cultural change is required to prevent directorates expecting the corporate centre to resolve 	18 May		
OD progress					

[Type text]

[Type text]

APPENDIX 1

<p>report</p>		<p>overspends.</p> <ul style="list-style-type: none"> • Support for a cross party scrutiny panel to monitor the budget monthly – to cabinet for discussion. • Progress report to come back to committee for deeper scrutiny, particularly of the financial position and resilience of the Council, achievements to date, and the speed and pace of change. 	<ul style="list-style-type: none"> • Listened to one Member’s interesting proposal to establish a cross-party budget monitoring scrutiny panel, but would suggest that this is something that scrutiny chairs should discuss further and seek to take forward jointly. • Corporate Director (Resources) to address directly the financial position and resilience of the Council in next progress report to the Committee. This will also include an overview of the planned new approach for the ODP. • Welcome the 	
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[Type text]

[Type text]

APPENDIX 1

		<ul style="list-style-type: none">• Hubs –meeting need ,reducing costs, avoid ‘welfare warehouse’• Would like a copy of the Council’s benchmarking strategy		<p>opportunity to bring proposals for a refreshed ODP to a future meeting of the Committee in advance of formal consideration by Cabinet, which is expected to be in July 2015. Effective engagement with your Committee, as well as with the Challenge Forum and Members more widely, will form an essential part of our work to update the ODP.</p> <ul style="list-style-type: none">• Welcome the opportunity to bring the Council’s benchmarking strategy to a future meeting of the	
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[Type text]

[Type text]

APPENDIX 1

		<ul style="list-style-type: none">• Wouldn't wish to restrict ADM's to 6 only.• Outstanding responses to letters as follows:<ul style="list-style-type: none">○ 21 Jan OD Programme/WAO Corporate Assessment.○ 12 March Q3 Performance		<p>Committee and discuss further our approach in this area</p> <ul style="list-style-type: none">• Committed to maintaining the momentum of engagement with staff and a continued programme of engagement has been put in place for 2015/16• The Council's Employee Survey is also due to commence during May 2015 <ul style="list-style-type: none">• Apologise for the delay in responding to these letters and will seek to ensure more timely replies are provided to the Committee in the future	
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[Type text]

[Type text]

<p>31 March</p> <p>WG White Paper 'Power to Local People'</p>	<p>Cllr Bale</p>	<ul style="list-style-type: none"> Disappointed to have only received Councils proposed response at 1pm on the day of committee. <p>Requested re-consideration of Councils proposed response as follows:</p> <ul style="list-style-type: none"> Call-ins – amend to reflect Members views that Call-ins should apply to any decision where these are sufficient grounds. <ul style="list-style-type: none"> Amend to reflect Members support for a Leaders Manifesto and Corporate Plan, Members do not accept that proposals will be unnecessarily bureaucratic. 	<p>30 April</p>	<ul style="list-style-type: none"> Apology received Council's response amended to press for the provisions and criteria for call-in to be a matter of local discretion for councils. However Cabinet believes any locally designed system must not be open to abuse. Cabinet supports improved accountability for performance improvement, but believes that the proposals in the White Paper will be particularly onerous in terms of the detailed technical information required, which will not 	

[Type text]

[Type text]

APPENDIX 1

		<ul style="list-style-type: none">• Devolution – amend to reflect Members support for the position as set out in White Paper.		<p>improve accessibility and public engagement with the Corporate Plan.</p> <ul style="list-style-type: none">• Council’s response has not been amended and continues to make the case for further devolution of powers to local government where appropriate.	
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My Ref: T: Scrutiny/PRAP/Com Papers/ Correspondence

Date: 19 May 2015

Councillor Graham Hinchey
Cabinet Member, Corporate Services & Performance
County Hall
Cardiff
CF10 4UW

Dear Councillor Hinchey,

**Policy Review & Performance Scrutiny Committee:
Call in of Cabinet Decision CAB/14/105**

Thank you for attending Committee on 14 May 2015, along with senior officers of the Council, to facilitate the Council's call in procedure in relation to decision CAB/14/105 – Glamorgan County Cricket Club Loan Write-off and Re-structuring.

As Chair, the Members of the Policy Review & Performance Scrutiny Committee have asked me to advise you that, following its scrutiny of the above decision, the Committee is not referring the decision back to Cabinet for further consideration.

Once again thank you for your co-operation in facilitating a frank and open discussion on the matter.

Yours sincerely



**COUNCILLOR NIGEL HOWELLS
CHAIR, POLICY REVIEW & PERFORMANCE SCRUTINY COMMITTEE**

Cc Christine Salter, Corporate Director Resources
Marcia Sinfield, Operational Manager, Technical Accountancy
Members of the Policy Review & Performance Scrutiny Committee
Cabinet Office

Contact Details: Cardiff Council, Atlantic Wharf, Cardiff Bay. CF10 4UW Email: nhowells@cardiff.gov.uk

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My Ref: T: Scrutiny/PRAP/Com Papers/ Correspondence

Date: 19 May 2015

Hugh Morris
CEO & Director of Cricket
Glamorgan Cricket
SWALEC Stadium
Cardiff
CF11 9XR

Dear Mr Morris,

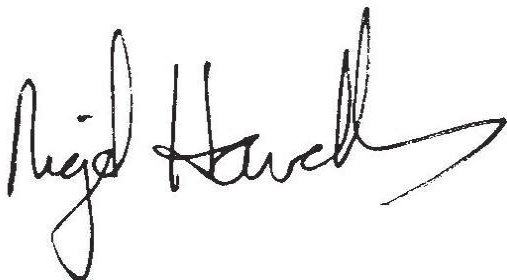
**Policy Review & Performance Scrutiny Committee:
Call in of Cabinet Decision CAB/14/105**

On behalf of the Policy Review & Performance Scrutiny Committee, thank you for attending Committee on 14 May 2015, along with your colleagues Barry O'Brien, Hamish Buckland and Simon White.

As Chair, the Members of the Committee have asked me to advise you that, following its scrutiny of Cabinet decision CAB/14/105 in respect of the Glamorgan County Cricket Club loan write-off and re-structuring, the Committee is not referring the decision back to Cabinet for further consideration. This means, therefore, that the Cabinet's decision made on 19 March 2015 will stand.

Once again thank you for attending, and for your co-operation in facilitating a frank and open discussion on the matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nigel Howells', with a long horizontal flourish extending to the right.

**COUNCILLOR NIGEL HOWELLS
CHAIR, POLICY REVIEW & PERFORMANCE SCRUTINY COMMITTEE**

Contact Details: Cardiff Council, Atlantic Wharf, Cardiff Bay. CF10 4UW Email: nhowells@cardiff.gov.uk

Cc Christine Salter, Corporate Director Resources.
Marcia Sinfield, Operational Manager, Technical Accountancy
Members of the Policy Review & Performance Scrutiny Committee

My Ref: T: Scrutiny/PRAP/Com Papers/ Correspondence

Date: 19 May 2015

Mike Barnes
Allied Irish Bank
1st Floor
61, Temple Row
Birmingham
B2 5LS

Dear Mr Barnes,

**Policy Review & Performance Scrutiny Committee:
Call in of Cabinet Decision CAB/14/105**

On behalf of the Policy Review & Performance Scrutiny Committee, thank you for attending Committee on 14 May 2015, alongside representatives of Glamorgan County Cricket Club.

Following the scrutiny of Cabinet decision CAB/14/105 in respect of the Cricket Club loan write-off and re-structuring, the Committee decided not to refer the decision back to Cabinet for further consideration. This means, therefore, that the Cabinet's decision made on 19 March 2015 will stand.

Once again my sincere thanks for attending, and for your contribution to scrutiny of the decision.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nigel Howells', with a long, sweeping horizontal stroke at the end.

**COUNCILLOR NIGEL HOWELLS
CHAIR, POLICY REVIEW & PERFORMANCE SCRUTINY COMMITTEE**

Contact Details: Cardiff Council, Atlantic Wharf, Cardiff Bay. CF10 4UW Email: nhowells@cardiff.gov.uk

Cc Christine Salter, Corporate Director Resources.
Marcia Sinfield, Operational Manager, Technical Accountancy
Members of the Policy Review & Performance Scrutiny Committee

Date: 28 May 2015

Cllr Phil Bale
Leader
County Hall
Cardiff
CF10 4UW.

Dear Cllr Bale,

Policy Review & Performance Scrutiny Committee: Performance Qtr 4 2014/15

The Policy Review & Performance Scrutiny Committee welcomed the opportunity to consider the Performance Quarter Four 2014/15 report on Tuesday 12 May 2015, and have asked that as Chair I thank you for representing Councillor Hinchey for this item. Members also request that you pass on their thanks to the officers for attending Committee.

The Committee were encouraged to hear that the Council is on target to secure the £3.3m Welsh Government Outcome Agreement Grant, that ESTYN consider there is evidence of improvement, and that the Corporate Plan 2015-17 has been signed off by the Wales Audit Office. They have, however, asked me to bring a number of concerns to your attention.

Members are concerned to hear that the Council has appointed an advisor within the Education and Lifelong Learning service area to address areas identified for improvement by Estyn. They would like clarification of the cost implications and selection process put in place for the appointment of the advisor. Members wish to point out that other service areas in the Council, such as Health and Social Care, are equally deserving of expert specialist assistance. The Committee therefore wish to express an interest in having sight of the recommendations the Council receives from such specialist advisors, and feel there is an opportunity for a value analysis / evaluation of the work they deliver. Members wish to reiterate that they feel it is important that service managers take full responsibility for delivering effective services, and where appropriate are paid by results.

Members note that sickness absence is still a significant concern for the Council. They accept that there is a great deal of work ongoing to hit sickness targets and that achieving the current level of performance has not been easily achieved, however Members consider that there are still several service areas with challenging levels of sickness absence. The Committee was pleased to hear of plans for those service areas to receive direct Human Resources intervention working alongside them in tackling attendance management. They acknowledge that this issue is very high on the agenda's of service area managers and that sickness absence is currently at its

lowest level within the Council. Members look forward to an opportunity for meaningful pre-decision scrutiny of the Attendance & Well-Being Review at the forthcoming 2 June Committee, at which it will seek to explore in more depth specific challenges faced by those services with notably high absence rates.

Members wish to draw your attention to Council performance in respect of the backlog of properties for let. Whilst they take on board your observation that the Council has had problems with contractors, and is now dealing with properties which by their nature are increasingly difficult to let, we shall be passing our concerns on this matter to the Community and Adult Services Scrutiny Committee for future reference in their scrutiny of Performance. Members will take on board your suggestion that it may be worthwhile inviting service specific representatives next time the Committee considers Performance.

Members are concerned that despite maintaining resources into schools the Council is still not making the progress it should in Education. They particularly wish to highlight that work is required to support school governors in their role, and welcome the creation of a Governor Panel.

Members welcome the Chief Executive's commitment to circulating the minutes of the Challenge Forum and look forward to this happening.

Members remain interested in agency spend, and would like to look in more detail at this. They are particularly interested in the rationale for using agency staff and whether there is an agency that is value for money.

Members feel there is scope to further upgrade the Councils website particularly around mobile communications and smartphone technology.

With regard to PPDRs, Members note that the Council's emphasis has now shifted from maximising the number of PPDR's carried out to ensuring the quality of the process. They concur that setting training objectives is an important part of the PPDR and recognise the challenge funding such training presents.

Members feel that in some areas progress is not good enough and that there is a need to revisit how we scrutinise the Council's Performance. The Committee feel it would be useful to factor the performance concerns raised by other scrutiny committees into their own consideration of Performance.

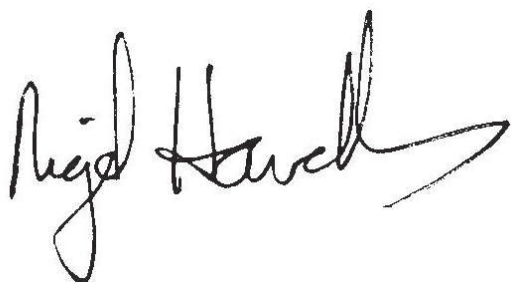
To recap, this letter requests several actions and pieces of information, as follows, and requires a response:

- Members are seeking clarification of arrangements around the cost implications and selection process put in place for the appointment of the advisor to the Education Service.

- Members wish to have sight of the recommendations such specialist advisors present to the Council.
- Members look forward to meaningful pre-decision scrutiny of the Attendance & Well-Being Review at the forthcoming 2 June Committee
- The Committee will be looking to invite service specific representatives to PRAP next time it scrutinises Performance
- Members look forward to receiving copies of the minutes of the Challenge Forum
- The Committee will be factoring the concerns, recommendations and requests of the four other scrutiny committees into its future consideration of Performance.

Once again, thank you for attending and facilitating the scrutiny of Performance Quarter 4 2014/15. I look forward to your response.

Yours sincerely,

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

**COUNCILLOR NIGEL HOWELLS
CHAIR, POLICY REVIEW AND PERFORMANCE SCRUTINY COMMITTEE**

Cc: Councillor Graham Hinchey, Cabinet Member Corporate Resources & Performance
Paul Orders, Chief Executive
Christine Salter, Corporate Director Resources
Martin Hamilton, Chief Officer, Change & Improvement
Cabinet Office

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Date: 28 May 2015

Councillor Phil Bale
Cabinet Member, Corporate Resources and Performance
City of Cardiff Council
County Hall
Cardiff
CF10 4UW

Dear Councillor Bale,

Policy Review & Performance Scrutiny Committee: Financial Resilience.

Thank you for attending this month's Policy Review and Performance Scrutiny Committee meeting to present Members with an opportunity to discuss the Council's current and projected financial position and resilience. The Committee is grateful that you stood in for Councillor Graham Hinchey who was unable to attend the meeting on this occasion.

The Committee recognises that the Council is facing a large funding gap as it develops the budget strategy for setting its 2016/17 budget. Members note that the scale of this gap, in quantum terms, presents the greatest budget challenge yet, and will mean a decrease in service delivery levels.

Members feel it is time to focus more on customer preferences rather than savings alone, and suggest the Council ask customers what services they need free of charge and what are they prepared to pay for, with a view to increasing the Council's income from services. Members note that target income levels will be revealed by Directors following the budget exercise currently underway in preparation for the budget strategy. The Committee considers this approach to delivering Council services will require strong leadership.

In respect of Cardiff's libraries, Members have asked me to reiterate their request at the meeting that you place on record that libraries will be protected in the 2016/17 budget round, as agreed at the 2015/16 budget meeting. Members highlighted the case of Roath library and would like reassurance that, should there be a proposal to close the Library, that proposal will be presented to Full Council. The Committee note current proposals have been withdrawn pending a more in depth review and it will monitor the Council's findings on this matter with interest.

Members are concerned that the Council may not be reporting overspending in some service areas. If this is the case they consider the Council is at risk of external

intervention and are particularly concerned about the reputational risk such intervention would create for the Council. They were interested to hear that you are currently in the process of a procurement operation to source a management operator for St Davids Hall. Whilst there is ongoing work around Alternative Delivery Models the committee urged that you build in realistic timescales for budgeting purposes. They note that Service Area Directors have been asked to consider the impact of reducing services to a statutory minimum, and consider options for the delivery of non-statutory services.

The Committee note that investigatory work into co-operative councils continues, and that it is difficult to quantify savings as this is a value based approach and visioning exercise. Members would therefore be interested to hear of an example where a co-operative solution has resulted in savings in service delivery, and wish to express their concern that this is not an evidence based approach to financial security.

Members are interested in the likelihood of further slippage within the Capital Programme. They note that the Schools Programme remains at biggest risk of slippage, and are pleased to hear that Central Square is currently forecast to be delivered on time, subject to the decision making process facilitating progress.

Members particularly wish to highlight their concern that the Council cannot afford the potential commitment of £8-10million to secure a City Deal. They note dialogue continues with Welsh Government and therefore the business case is still in preparation. They endorse your view that *all* Cabinet decision making must take particular notice of financial resilience, particularly around capital. Members request that you bring a draft of any proposed Council support for the City Deal to Committee for pre-decision scrutiny.

To recap for ease of reference, this letter requests several actions and pieces of information, as follows, which require a response:

- Members suggest the Council asks its customers what services they need free of charge, and what they are prepared to pay for, with a view to increasing the Council's income from services.
- Members ask that you place on record that libraries will be protected in the 2016/17 budget round, as agreed at the 2015/16 budget meeting.
- Should there be a proposal to close Roath Library; Members ask that the proposal be presented to Full Council.
- In light of the ongoing work around Alternative Delivery Models, Members urge that you build in realistic timescales for budgeting purposes

- Members would be interested to hear of an example where a co-operative solution has resulted in financial savings in service delivery.
- Members request that you bring a draft of any proposed Council support for the City Deal to Committee for pre-decision scrutiny.

Once again, my sincere thanks for your continued support of the Policy Review and Performance Scrutiny Committee, I look forward to your response.

Yours sincerely,

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

**COUNCILLOR NIGEL HOWELLS
CHAIR, POLICY REVIEW AND PERFORMANCE SCRUTINY COMMITTEE**

cc Councillor Graham Hinchey, Cabinet Member, Corporate Services & Resources
Paul Orders, Chief Executive
Christine Salter, Corporate Director Resources
Members of the Policy Review & Performance Scrutiny Committee

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Date: 02 April 2015

Cllr Graham Hinchey
Cabinet Member – Corporate Services & Performance
County Hall
Cardiff
CF10 4UW



County Hall
Cardiff,
CF10 4UW
Tel: (029) 2087 2087

Neuadd y Sir
Caerdydd,
CF10 4UW
Ffôn: (029) 2087 2088

Dear Cllr Hinchey,

POLICY REVIEW & PERFORMANCE SCRUTINY COMMITTEE 31 MARCH 2015

Members wish to pass on their thanks to you and officers for attending the above meeting to discuss the Organisational Development Programme Progress Report and to participate in the discussion with Barry Quirk, Peer Advisor.

Members found the presentation and discussion with Barry Quirk both interesting and thought-provoking. Members were reassured to hear Barry describe the challenge forum process as characterised by rigour, honesty and candour and to hear that he believes the Organisational Development process in place in Cardiff has ensured that management has a grip on the challenges facing the Council. Members note that Barry emphasised the need to have a balanced approach, using hindsight to learn lessons and foresight to ensure the direction of travel is appropriate. Another clear message Members heard from Barry is the critical need for speed in reframing local authorities, redesigning services, reprioritising and reallocating resources and revitalising staff.

With regard to the Organisational Development Programme Progress Report, Members note your comments that you believe it is leading to improved outcomes and the Chief Executive's comments that he is confident it is leading to progress. Members also note your statement that there will be a balanced budget for 2014/15, with circa £217,000 being rolled into next year. Following debate at the meeting about how this has been achieved, Members are clear that a major cultural change is needed so that directorates no longer expect the corporate centre to resolve overspends; Members were heartened to hear the Chief Executive agree with this and to hear that work is underway to enable budget monitoring to be more timely. On this note, Members were pleased to hear your personal support for the proposal to establish a cross-party, scrutiny panel to undertake monthly budget monitoring scrutiny and your agreement to take this proposal to Cabinet for discussion. We look forward to hearing from you in the near future on this matter as it would be beneficial for this panel to begin work early in the new municipal year.

As raised at the Committee meeting, Members do not feel in a position to comment in detail on the progress report as it was not explored in depth at the meeting. In addition, Members feel the progress report provided was incomplete, in that it did not fully address the financial position and resilience of the Council. Members were



pleased to hear the Chief Executive give his commitment to ensure that a future progress report would provide clarity about the financial position and resilience of the Council, as well as providing an overview of the new approach planned for Organisational Development Programme.

Therefore, as agreed at Committee, Members wish to scrutinise a further progress report at our next meeting, 12 May 2015. I therefore ask that you instruct officers to ensure that this report is available in time to go out with the meeting papers and is provided to scrutiny officers by 5 May 2015 at the latest. At this meeting, Members intend to explore in more detail the achievements to date and the speed and pace of change that is required going forward.

Finally, Members explored three specific issues at the meeting and have the following comments:

- Hubs – Members note that Lewisham Council is moving away from one-stop shops (due to declining footfall, a desire to avoid ‘welfare warehouses’ and the need to reduce costs and manage expectations) and towards on-line services complemented by work with social enterprises to provide alternative delivery of face to face services. Members note that, from Barry’s perspective, the three critical questions to ask with regard to hubs are: are they meeting needs?; are they reducing costs?; and what can be done to ensure hubs do not become welfare warehouses?
- Benchmarking – Members explored the relevance of benchmarking with core cities and note that Barry Quirk felt it was important to compare with the best in the world, regardless of where they were, as long as one is comparing similar sizes and demographics. Members would like to receive a copy of this Council’s benchmarking strategy and ask that this be supplied with your response to this letter.
- Alternative Delivery Models – Members questioned whether the Council was limiting ADMs to the 6 models outlined in the paper and were pleased to hear that this is not the case and that other suitable models will be considered as required.

To recap, this letter requests several actions and pieces of information, as follows, which require a response:

- Feedback from you on the view of Cabinet with regard to the proposal to establish a cross-party scrutiny panel to undertake monthly budget monitoring scrutiny
- A further progress report on the Organisational Development Programme that provides clarity about the financial position and resilience of the Council, as well as providing an overview of the new approach planned for Organisational Development Programme, to be provided by 5 May 2015
- A copy of the Council’s benchmarking strategy.

Finally, Members considered a correspondence report at this meeting, which showed that responses are still awaited for the letters that were sent to you, as listed below. I would be grateful if you could please arrange for the responses to these letters to be sent to me as soon as possible.

- Letter dated 21 January 2015 regarding the Organisational Development Programme/ WAO Corporate Assessment
- Letter dated 12 March 2015 regarding the Quarter Three Corporate Performance Report.

I look forward to hearing from you shortly,

Yours sincerely,



**COUNCILLOR NIGEL HOWELLS
CHAIR, POLICY REVIEW AND PERFORMANCE SCRUTINY COMMITTEE**

Cc: Paul Orders Christine Salter Sarah McGill Martin Hamilton
Matthew Swindell Rhian Jones Rita Rohman Liz Patterson

My Ref: T: Scrutiny/PRAP/Comm Papers/Correspondence

Date: 2 April 2015

Councillor Phil Bale
Leader
City of Cardiff Council
County Hall
Cardiff
CF10 4UW



County Hall
Cardiff,
CF10 4UW
Tel: (029) 2087 2087

Neuadd y Sir
Caerdydd,
CF10 4UW
Ffôn: (029) 2087 2088

Dear Councillor Bale,

POLICY REVIEW & PERFORMANCE SCRUTINY COMMITTEE 31 March 2015

Members wish to pass on their thanks to you and officers for attending the above meeting to discuss the Council's proposed response to the Welsh Government White Paper 'Power to Local People'.

Members are extremely disappointed to have only received the proposed response at 1.00pm on the day of Committee. This is unacceptable as it does not allow time for Members to consider the response or for there to be a meaningful examination of the issues detailed in the 28 page response. Whilst Members appreciate your apology for this, Members feel that it was possible for a response to have been provided in time to be included in the papers for this meeting, if there had been proper planning that took into account the scrutiny committee deadlines; the consultation from Welsh Government opened 3rd February 2015.

With the caveat that Members only had a limited time to consider the proposed response, Members have the following points to make:

- Members recognise that the White Paper deals with the landscape of local government across Wales and that, whilst there are Cardiff specific issues, the White Paper attempts to deal with Wales-wide issues.
- Members raise a note of caution that, inevitably, individual local authority responses will focus on issues that are specific to their area and needs and that this might not be the best way forward in designing Wales-wide policy, particularly as these local authorities may soon cease to exist in their current form.
- With regard to the proposed response to the White Paper suggestion that Call-Ins will only be permitted of Key Decisions, Members wish to express their opposition to this. Members believe the Call in process in Cardiff has worked well to date, enabling Members to call in issues that may not be counted as Key Decisions but which have great local significance. Members were interested to hear Marie Rosenthal's summary of the approach to Call in in England and believe that this approach merits further investigation.
- With regard to the proposals in the White Paper to have a Leader's Manifesto and Corporate Plan, Members wish to express their support for this proposal and for the suggestion that the Corporate Plan details how officers will



implement the wishes of the administration. Members do not accept that the proposals will become unnecessarily bureaucratic or resource intensive. Members believe that the linkages between these documents and the changes to the improvement environment has the potential to move the landscape to one where it is easier to hold responsible people to account, which is to be welcomed.


- With regard to the White Paper proposal to rule out further devolution of powers to local authorities until any structural reforms have been undertaken, Members agree that this is sensible from an all Wales perspective and therefore disagree with the Council's proposed response.

To re-cap for ease, the Committee therefore asks that you reconsider the Council's response to the White Paper, as follows:

- Call ins – amend the proposed response to reflect the fact that Members believe that these should apply to any decision where there are sufficient grounds for a call in and that the English approach to Call ins merits further investigation to see whether there are useful lessons that could be applied in Wales
- Corporate Planning, Review and Improvement – amend the proposed response to reflect the fact that Members agree with the proposal to have a Leader's Manifesto and revised Corporate Plan and do not agree that these will place an undue burden on local authorities.
- Devolution – amend the proposed response to reflect the fact that Members support the position as set out in White Paper.

Many thanks again for attending the meeting; I would be grateful for a response on the points raised above.

Yours sincerely,



COUNCILLOR NIGEL HOWELLS
CHAIR, POLICY REVIEW AND PERFORMANCE SCRUTINY COMMITTEE

cc Marie Rosenthal
Jayne Davis

Martin Hamilton
Debi Said

Dylan Owen

**CABINET SUPPORT OFFICE
SWYDDFA CYMORTH Y CABINET**



My Ref / Fy Ref: CM29730 / CM30738
Your Ref / Eich Ref: T: Scrutiny/PRAP/
Comm Papers/
Correspondence

Date / Dyddiad: 18 May 2015

Councillor Nigel Howells
Chair, Policy Review & Performance Scrutiny Committee
Scrutiny Services
Room 263
County Hall
Cardiff
CF10 4UW

Dear Councillor Howells

**POLICY REVIEW AND PERFORMANCE SCRUTINY COMMITTEE
06 January 2015 & 31 March 2015**

I am writing in response to your previous letters dated 21 January 2015 and 02 April 2015, which set out the Committee's comments and recommendations in relation primarily to the Council's Organisational Development Programme. I should like to apologise for the delay in responding to these letters and will seek to ensure more timely replies are provided to the Committee in the future.

As you know, in response to the points raised previously by the Committee in January 2015, a progress report on the Organisational Development Programme (ODP) was provided to the Committee on 31 March 2015, which was also attended by Barry Quirk as one of the Peer Advisors on the Challenge Forum. Opposition Group Leaders were also invited to attend the most recent meeting of the Challenge Forum, which was held on 09 April 2015. This is consistent with our commitment to ensuring greater openness about the work of the Challenge Forum and to providing Members with timely and relevant information in relation to its work.

I welcome your comments on Barry Quirk's presentation at the meeting on 31st March 2015 and agree that there is a critical need for speed in reframing local authorities, redesigning services, reprioritising and reallocating resources and revitalising staff. It is essential that the Council takes on board recommendations and learns from the expertise and critical friend approach of Peer Advisors, such as Barry Quirk, in order to reshape our approach to service delivery.

PLEASE REPLY TO / ATEBWCH I: Cabinet Support Office / Swyddfa Cymorth Y Cabinet,
Room / Ystafell 514, County Hall / Neuadd y Sir,
Atlantic Wharf / Glanfa'r Iwerydd, Cardiff / Caerdydd,
CF10 4UW Tel / Ffon (029) 2087 2479

In response to the Committee's recommendations following the ODP Progress Report that was considered at the meeting on 31 March 2015, I have asked the Corporate Director (Resources) to address directly the financial position and resilience of the Council in our next progress report to the Committee. This will also include an overview of the planned new approach for the ODP.

I further welcome the opportunity to bring proposals for a refreshed ODP to a future meeting of the Committee in advance of formal consideration by Cabinet, which is expected to be in July 2015. Effective engagement with your Committee, as well as with the Challenge Forum and Members more widely, will form an essential part of our work to update the ODP.

At the last meeting, I listened to one Member's interesting proposal to establish a cross-party budget monitoring scrutiny panel, but would suggest that this is something that scrutiny chairs should discuss further and seek to take forward jointly.

As I have indicated previously, I would also welcome the opportunity to bring the Council's benchmarking strategy to a future meeting of the Committee and discuss further our approach in this area.

I want to assure the Committee that staff morale and the positive management of change remain high on the agenda for both the Cabinet and Chief Executive. We are committed to maintaining the momentum of engagement with staff and a continued programme of engagement has been put in place for 2015/16 which builds on the success of last year's Employee Engagement Roadshows that were led by the Chief Executive. This process has helped to ensure that the Senior Management Team has a good appreciation of the main issues faced by employees and those that are most important to them, as well as providing a mechanism for ensuring that key strategic issues are communicated effectively. The Council's Employee Survey is also due to commence during May 2015.

I trust that this information addresses the points that you raised and as always I look forward to continuing to work with the Committee to bring about improvements in the performance of the Council.

Yours sincerely,
Yn gwyir,



Councillor / Y Cynghorydd Graham Hinchey
Cabinet Member for Corporate Services & Performance
Aelod Cabinet dros Wasanaethau Corfforaethol a Perfformiad

Cc Paul Orders
Christine Salter
Sarah McGill
Martin Hamilton

My Ref/Cyf MR0/10
Your Ref/Eich Cyf T: Scrutiny/PRAP/Comm Papers/Correspondence
Direct Line/ 02920 873860
Lein Uniongyrchol
Date/Dyddiad 24th April 2015

Councillor Nigel Howells,
Chair, Policy Review and Performance Scrutiny Committee,
City of Cardiff Council,
Atlantic Wharf,
Cardiff Bay.
CF10 4UW.

Dear Councillor Howells,

POLICY REVIEW & PERFORMANCE SCRUTINY COMMITTEE 3 MARCH 2015

Thank you for your letter dated the 12th March 2015.

I have passed on your sincere thanks and appreciation to Gill Nurton, Graham Porter and Kate Rees for their hard work in ensuring that Modern.Gov is operational. We plan to launch the new system to the public on Monday 25 March with a preview to all members on the 11 May 2015.

The 'Executive Decision Making Forward Plan' has been updated on the web-site for the period of April 2015 to June 2015.

As part of the 'Member Development and Engagement' project, web-casting will be made available on Members agreement for meetings taking place in Committee Room 4.

Also a Charing Skills Member Development Session was held on the 25th March, with Lord Lisvane - better known as Sir Robert Rogers from the recent BBC 2 "Inside the Commons" series.

The Welsh Government White Paper 'Reforming Local Government: Power to Local People' has been considered by members at a number of council committees including PRAP; the Constitution Committee on the 19th March and Democratic Services Committee on the 25 March. Cabinet have also arranged for all individual members to be consulted before formulating a final response on behalf of the whole council.

Yours sincerely,

**Marie Rosenthal,
County Clerk and Monitoring Officer,**

PLEASE REPLY TO: Marie Rosenthal, County Clerk & Monitoring Officer, Room 474,
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Clerc y Sir a Swyddog Monitro (Gwasanaethau Democratig)

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