



GOVERNANCE COMMITTEE

TUESDAY, 12 JULY 2016

12.30 PM (OR AT THE CONCLUSION OF THE GROUP LEADERS' MEETING, WHICHEVER IS THE LATER)
COMMITTEE ROOM, COUNTY HALL, LEWES

MEMBERSHIP - Councillor Keith Glazier (Chair)
Councillors Godfrey Daniel, David Elkin, Philip Howson and David Tutt

A G E N D A

- 1 Minutes of the meeting held on 3 June 2016 (*Pages 3 - 4*)
- 2 Apologies for absence
- 3 Disclosures of interests
Disclosures by all members present of personal interests in matters on the agenda, the nature of any interest and whether the member regards the interest as prejudicial under the terms of the Code of Conduct.
- 4 Urgent items
Notification of items which the Chair considers to be urgent and proposes to take at the appropriate part of the agenda. Any members who wish to raise urgent items are asked, wherever possible, to notify the Chair before the start of the meeting. In so doing, they must state the special circumstances which they consider justify the matter being considered urgent.
- 5 Attendance Management Procedure (*Pages 5 - 38*)
Report by Chief Operating Officer
- 6 Length of speeches at County Council and Cabinet meetings (*Pages 39 - 40*)
Report by Assistant Chief Executive
- 7 Future Operating Model - Finance (*Pages 41 - 52*)
Report by Chief Operating Officer
- 8 Amendments to the Constitution - Scheme of Delegation to Officers (*Pages 53 - 54*)
Report by the Assistant Chief Executive
- 9 Appointments to Outside Bodies - Hailsham Area Action Plan Steering Group (*Pages 55 - 56*)
Report by the Director of Communities, Economy and Transport
- 10 Local Managers' Pay 2016/17 (*Pages 57 - 60*)
Report by Chief Operating Officer
- 11 Chief Executive, Chief Officers' and Deputy Chief Officers' Pay 2016/17 (*Pages 61 - 66*)
Report by Head of Human Resources and Organisational Development

12 Any other items previously notified under agenda item 4

PHILIP BAKER
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4 July 2016

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GOVERNANCE COMMITTEE

MINUTES of a meeting of the Governance Committee held at County Hall, Lewes on 3 June 2016.

PRESENT Councillors Keith Glazier (Chair), Nick Bennett and Philip Howson

ALSO PRESENT Councillor Francis Whetstone

1 MINUTES OF THE MEETING HELD ON 26 APRIL 2016

1.1 RESOLVED – that the minutes of the last meeting of the Committee held on 26 April 2016 be confirmed as a correct record.

2 APOLOGIES FOR ABSENCE

2.1 Apologies for absence were received from Councillors Daniel, Elkin and Tutt. It was noted that Councillor Bennett was substituting for Councillor Elkin.

3 REPORTS

3.1 Copies of the reports referred to below are included in the minute book

4 EAST SUSSEX ELECTORAL BOUNDARY REVIEW

4.1 The Committee considered a report by the Assistant Chief Executive in relation to the County Council's submission to the Local Government Boundary Commission for England in respect of the review of East Sussex County Council electoral boundaries

4.2 The Committee RESOLVED - to approve the County Council's response to the Local Government Boundary Commission for England's proposals for East Sussex County Council electoral divisions as set out in the appendix to the report subject to the proposed county electoral division of Hartfield being named Forest Row and Groombridge

5 ORBIS PAY STRATEGY

5.1 The Committee considered a report by the Chief Operating Officer in relation to proposals for the development of a pay strategy to support Orbis

5.2 The Committee RESOLVED – to approve the Orbis Pay Strategy as set out on Appendix 2 of the report.

6 LOCAL MANAGERS' PAY 2016/17

6.1 The Committee considered a report by the Chief Operating Officer in relation to a pay offer for LMG Managers for negotiation with Unison

6.2 The Committee RESOLVED – to determine the pay offer for LMG Managers to be negotiated with Unison for 2016/17 as being equivalent to the National pay offer of 1%

Report to: Governance Committee

Date: 12 July 2016

By: Chief Operating Officer

Title: Revised Attendance Management Procedure

Purpose of report: To advise the Governance Committee on the revised Attendance Management Procedure

RECOMMENDATIONS

The Governance Committee is recommended to approve the revised Attendance Management Procedure as set out in Appendix 1.

1. Background

1.1 East Sussex County Council spends in the region of £5.1m in associated salary costs due to sickness absence, and an additional £1.9m in sickness-related agency costs, on an annual basis.

1.2 As part of the Council Plan we are committed to ensuring we are making best use of our resources. In line with this, we have a Council Plan target of 9.24 working days lost per FTE (Full Time Equivalent) employee due to sickness absence in non-school services.

1.3 In support of this, we have a range of mechanisms in place to both monitor and manage sickness absence levels, but our key tool to support managers is the Attendance Management Procedure itself.

2. Supporting Information

Revised Attendance Management Procedure and Toolkit

2.1 A formal Attendance Management procedure was first introduced in 2000 in response to the need to have in place a more formal and consistent approach to managing sickness absence across the Council. This was replaced in 2007 with a new policy which was then further updated and replaced with the current Attendance Management Policy in 2011. The 2011 policy sought to strike a more proportionate balance between the need to robustly manage attendance, whilst recognising that some staff are genuinely unwell.

2.2 Although this policy has served us well over the last five years, it is a very long and technical document, running to some 44 pages. Managers, staff and trade unions have all told us that they find it difficult to navigate and implement effectively.

2.3 In response to this feedback, a revised Attendance Management procedure has been developed; the process has been simplified and shortened, and the document reduced to 26 pages in length.

2.4 In developing the new procedure, account has been taken of our own experiences as well as best practice and experience from other public sector and private organisations.

2.5 The revised procedure and toolkit has been shared and discussed with Trade Unions, who have been positive in their response. A number of comments were made by the Unions and these have been incorporated where appropriate. In addition, it has also been reviewed by the Human Resources Management Board on two occasions and their comments and recommendations have also been incorporated.

2.7 In order to support managers and staff with the new procedure, a range of online resources have been developed including an e-learning module, short videos and interactive content, for example, hints and tips on running Return to Work discussions etc. These resources will be hosted on the new learning management system.

Attendance Management Procedure and Supporting Documentation

2.8 The revised procedure is attached at Appendix 1.

2.9 A summary of the proposed changes in the new procedure is attached at Appendix 2. This includes feedback from the Trade Unions and management's response in relation to this.

3. Conclusions and Recommendations

3.1 There is an organisational need for a compact and simplified, robust Attendance Management procedure in order to address and reduce absence levels. The new procedure and supported online training resources will provide an increased level of readily accessible support for managers.

3.3 Set against the above background, the Governance Committee is recommended to approve the revised Attendance Management procedure.

Kevin Foster
Chief Operating Officer

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Attendance Management Policy and Procedure



Date: June 2016

Document summary

The County Council believes that it is important to manage sickness absence in a fair, consistent and compassionate way and the policy sets out the agreed approach for doing so.

Attendance management is an important part of the manager's role and all managers should be familiar with the County Council's trigger points as cause to consider whether absence is an issue as well as the attendance management procedures.

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About this document:

<p>Enquiries: Attendance Management Author: Jessica Easterbrook Telephone: 01273 481300 Email: attendancemanagement@eastsussex.gov.uk</p> <p>Download this document From:</p> <p>Intranet: Personnel / Managing staff / Attendance management</p> <p>Czone: School Personnel / Managing staff / Attendance management</p>	<p>Version number: 1 Related information</p> <p>Management Toolkit Communication Record Health and Wellbeing Plan Stress Management Policy</p>
<p>Accessibility help</p> <p>Zoom in or out by holding down the Control key and turning the mouse wheel. CTRL and click on the table of contents to navigate. Press CTRL and Home key to return to the top of the document Press Alt-left arrow to return to your previous location. References shown in blue text are available on the Intranet and/or Czone. References shown in underlined blue text are hyperlinks to other parts of this document.</p>	

Attendance Management Policy and Procedure

Policy Aims

To support employees and managers in achieving a healthy and efficient workforce

Scope

The Attendance Management Policy and Procedure applies to all Council employees. This includes employees who:

- work on permanent and temporary contracts;
- work within schools where the Governing Body has adopted it;
- have a disability or medical condition which falls within the definitions set out in the Equality Act. However, managers will need to consider any reasonable adjustments to support them.

The policy does not extend to employees in their probationary period where the Supported Introduction to Employment Policy applies.

Part 1: Introduction

- 1.1 East Sussex County Council (ESCC) has a responsibility to provide a healthy place to work and equally employees have a responsibility to look after their own health.
- 1.2 Everyone gets ill from time to time, and most absences of this nature will only be a day or two due to for example, a cold or a stomach complaint. This means that the majority of staff will only ever be concerned with the first half of this policy, which explains who employees need to talk to when they are unwell and how to report their absence.
- 1.3 Sometimes people are ill more often and have serious health conditions. We want to support all our colleagues however, we also need to balance this against the responsibility we have for the service we provide for our community.
- 1.4 Every employee has an important role to play in supporting the provision of services and any long term or frequent absence will make it more difficult to plan and deliver this. The second part of this policy outlines how we deal with these situations fairly and consistently both for our colleagues and customers.

Part 2: What Everyone Needs to Know

2.1. Absence Recording

Step 1: Informing line manager of sickness

- 2.1.1 If an employee is not able to work because they are unwell they must inform their line manager as soon as possible, and within an hour of their normal start time wherever possible.

- 2.1.2 To ensure the line manager is clear about the absence the employee will need to let them know:
- The reason they are unwell (if possible)
 - How long they expect to be absent from work
 - Any work or meetings that will need to be covered
- 2.1.3 If the line manager is unavailable, they should contact an appropriate alternative manager.
- 2.1.4 In exceptional circumstances, if the employee is unable to call, then somebody else can make the call on their behalf.

Step 2: Telling the absence management provider, FirstCare (Non-Schools Based Staff Only)

- 2.1.5 Non-School based employees are also required to phone [FirstCare](#) on 08454 372 599 or 0207 538 6059. The absence line is open 24 hours a day throughout the year (including weekends and bank holidays).
- 2.1.6 On the first call the employee will be asked to complete a registration process.
- 2.1.7 Following this discussion FirstCare will record the absence and formally notify the employee's line manager. The case will remain 'open' until the absence is concluded.
- 2.1.8 If the employee is not well enough to return to work on the day they told their manager they would be back, they will need to call them again to let them know.
- 2.1.9 It is the employee's responsibility to make sure their line manager is up to date regarding their sickness absence and any changes.

2.2 Disciplinary Proceedings:

- 2.2.1 Employees should note that disciplinary proceedings may be considered by their line manager in the event that they (note that this list is not exhaustive):
- Fail to notify their manager of an absence
 - Fail to respond to reasonable communications from their manager during their absence
 - Falsify an absence
 - Work for another organisation whilst on sick leave from ESCC

2.3 What happens if a sickness absence is over 7 days?

- 2.3.1 If an employee needs to be absent from work due to an illness for more than 7 calendar days they will need to go and see their GP. The GP will provide them with a 'fit note' that states the length of time the employee will be unable to attend work.
- 2.3.2 When the employee gets the 'fit note' they should phone and let their manager know the details of this. The 'fit note' should then be posted or handed to the line manager as soon as possible in order to prevent any interruption with pay.

- 2.3.3 For employees in non-schools department (e.g. ASC, CSD, CET) FirstCare must also be notified as per 2.1.5.
- 2.3.4 If the employee feels able to return before their 'fit note' expires they can either visit their GP again or ask their manager to complete a [risk assessment](#). If there is concern regarding a return to work, medical advice should be sought.
- 2.3.5 If the employee does not feel well enough at the end of their 'fit note' they will need to arrange another appointment with their GP, so a further note can be provided. The employee will need to update their manager as soon as possible and send in the additional 'fit note'.
- 2.3.6 If the employee is sick when they are on annual leave they should meet with their GP as soon as possible to obtain a 'fit note'. Once the manager has received the 'fit note' the days that are covered by this will then be considered as sickness and the annual leave days will be reinstated.
- 2.3.7 If an employee is absent due to sickness they still accrue annual leave in line with statutory regulations.
- 2.3.8 Sometimes the GP may recommend the employee is fit to work in specific circumstances. In these situations they should discuss it with their manager as soon as possible to check if they can return on this basis. If this is not possible the employee will continue to be absent from work due to sickness for this period of time.

2.4 National Fit for Work Scheme

- 2.4.1 During 2015 the government commenced the 'roll-out' of the national Fit for Work (FFW) Scheme.

In situations where their patient has a period of continual absence from work for over 4 weeks a GP can (with the patient/employees's consent) refer them for an assessment by a Health Professional. A personalised Return to Work Plan (RTWP) will be produced and (again subject to the employee's consent) may be released to their employer.

In circumstances where a manager is in receipt of a RTWP they should contact the Attendance Management Team for advice on how to progress the case. For further information on the national Fit for Work Scheme please see Health and Wellbeing pages on the intranet.

2.5. Return to Work

- 2.5.1 After returning to work, the manager and the employee must have a Return to Work discussion. There is a joint responsibility for these meetings to take place.
- 2.5.2 Return to work conversations should take place within the first day of the employees return; these can be held, face to face, by telephone or Skype. At all times the confidential context of these meetings must be considered

2.5.3 The purpose of the discussion will be to:

- Welcome the employee back to work
- Ensure they are well enough to be back
- Check if there is any support that can be put into place for them
- Feedback on any key pieces of work they may have missed
- Update them on any relevant changes in the workplace.

2.5.4 A Return to Work form will be completed and signed by the employee and line manager during the meeting. Please refer to the [Managers' Toolkit](#) for guidance on these meetings.

Part 3: Support Measures Available

3.1. Wellbeing Conversations – ‘You don’t have to be sick to talk’

3.1.1 Wellbeing should inform part of the on-going conversations between the manager and employee.

3.1.2 These wellbeing conversations may be taking place already as part of your supervisory relationship however, you may find it helpful to use the ‘Wellness Plan’ to record these. The Template for this is available on the [Attendance Management Toolkit](#).

3.1.3 The ‘Wellness Plan’ can be used as an opportunity by either the manager or employee, to discuss on-going or potential health issues or something that is generally affecting the employee’s wellbeing.

3.1.4 The Wellbeing conversation could cover:

- any concerns the employee or manager may have, these could be around working conditions i.e. work station set up, work load concerns or if there is something affecting them that is outside of work
- developing a wellness plan; identifying any key areas and exploring solutions to address these.

If there are solutions which are longer term a meeting should be scheduled in to review how things are going and to discuss next steps.

3.2. Occupational Health

3.2.1 There are times when further medical support and advice is needed. This may be to support a return to work, to understand if there is anything further that can be done to improve attendance at work or to understand when an employee may be fit to return.

3.2.2 In these types of circumstances a referral will be made to the County Council’s Occupational Health provider. If a referral is needed this will be discussed between the manager and the employee. The employee will always see a copy of the referral and the written report.

3.2.3 Sometimes further specialist advice is needed and it is useful to have information from a doctor. The employee will be asked to complete a consent form and this will allow for their records to be released. In the event an employee is unable to

perform their duties due to ill health they are required to be referred to Occupational Health as directed.

3.2.4 Strict confidentiality applies to all medical information held by the Occupational Health provider. The referral is treated in accordance with the Data Protection Act 1998.

3.2.5 The Occupational Health practitioner will ask some questions that relate to the employee's health as part of the referral. These questions will aim to provide:

- Practical advice about fitness for the role
- If appropriate, detail on any personal limitations
- Details of adjustments which may be helpful to support the employee in undertaking their role
- Detail of how much time may be needed for a return and/or proposals for a phased return to work

3.3 Employee Assistance Programme

3.3.1 There are times when further support on life's events can be helpful. This may be for advice on relationships or legal matters. In addition to this there is a free and confidential counselling service.

3.4. Reasonable Adjustments

3.4.1 Where a manager believes that an employee may have a disability or an on-going medical condition they have a legal obligation to seek advice as appropriate in terms of support that can be put in place for the employee. The Occupational Health service can advise on what these adjustments might be.

3.4.2 These adjustments might include:

- the re-allocation of duties,
- the provision of physical aids, or
- permitting different patterns of work

3.4.3 The reasonableness of any adjustments should be assessed as 'reasonable' based on the needs of both the employee and the service. Reasonable Adjustments can be agreed on a long or short term basis however, they should always be subject to review.

3.4.4 If reasonable adjustments are requested or implemented a Reasonable Adjustment Statement should be completed and formally recorded. The form and further guidance on this can be found [here](#). If you require further guidance please call your HR advisor.

3.4.5 You must make reasonable adjustments to overcome the barriers to a disabled person caused by physical features of the working environment and working practices. Equally, you should also consider making adjustments to physical features and working practices for members of staff who, whilst not covered under the Equality Act 2010, require an adjustment to prevent a condition developing further

3.5 Stress

- 3.5.1 When stress hazards are suspected managers may find it helpful to complete the Stress Risk Assessment form. When a stress related absence has occurred this process must be followed. Any actions identified must be implemented monitored and reviewed as necessary.
- 3.5.2 The stress policy, risk assessment form and further guidance relating to it can be found [here](#).

Part 4: Formal Process for Managing Sickness Absence

4.1. Which Process should be followed?

- 4.1.1 As noted in paragraph 2.5 if an employee is absent from work a Return to Work conversation should always take place. If the absence is frequent or over 8 days in length a Health Review Meeting should also take place.
- 4.1.2 Sickness absence can be managed in two ways; either in the Short Term or the Long Term Procedure. If an employee is absent frequently or they have one absence over 8 days in length the Short Term Procedure should be followed. If the absence extends beyond 28 days the Long Term Procedure should be followed.

4.2. The Short Term Procedure

- 4.2.1 The short term procedure will apply when the following triggers are breached:
- 3 separate absences in a 6 month period (referred to as the 3:6 rule) on a rolling 6 month basis
 - 1 occasion of 8 working days or more continual absence
 - the frequency or pattern of absence causes concern for the manager.
- 4.2.2 When a short term absence trigger is breached, a Health Review Meeting to discuss the employees' health should be arranged.

The Short Term flow chart on Page 11 should be used as a reference guide.

4.2.3 Health Review Meeting

The Health Review Meeting (HRM) is the first formal stage of the Attendance Management Procedure. The meeting will be initiated by an Absence Trigger, alerting line managers of the need to meet with their employee to discuss their health and to find out what support can be put in place for them

- 4.2.4 The purpose of this meeting will be to engage in a meaningful discussion with the employee; exploring the reason for their absence(s) and identifying any relevant support mechanisms. Guidance on how to hold this meeting can be found in the Managers' Toolkit available on the [Attendance Management toolkit](#).
- 4.2.5 If reasonable adjustments are identified a 'Reasonable Adjustment Statement' should be completed and formally recorded. The form and further guidance on this can be found [here](#). The manager should meet with the employee at regular

intervals in order to review how effective these adjustments are in line with the employees needs and those of the service.

(See [Managers Toolkit](#): M1.1 Health Review Meetings: Short Term)

4.2.6 First Written Warning

If the manager is concerned regarding the level of absence First Written Warning can be issued at this meeting. The manager will need to show that reasonable adjustments have been explored and the employees absence is of concern.

(See Managers Toolkit: M1.2 Issuing a First Written Warning)

4.2.7 Communication Record

4.2.8 If an employee requires ongoing support for a medical condition, it is recommended best practice that the line manager maintains a record of conversations and actions that have taken place.

4.2.9 An example of a Communication Record is available to use as part of the [Attendance Management toolkit](#).

4.2.10 A 12 month monitoring period will be set following the First Health Review Meeting. If the employee has further period(s) of absence during this time that triggers under the short term procedure (in line with 4.2.1 above) a Health Review Meeting should be scheduled and a Final Written Warning should be considered.

4.2.11 Following the Health Review Meeting if the employee triggers again within a 12 month period a further Health Review Meeting will take place.

4.2.12 Final Written Warning

4.2.13 If the employee fails to improve their attendance level and a First Written Warning is live, the manager may issue a Final Written Warning at this meeting.

The manager will need to show that reasonable adjustments have been explored and the employees absence is of concern. Managers will have discretion in some circumstances to reissue the First Written Warning.

(See Managers Checklist: M1.3 Issuing a Final Written Warning)

4.2.13 A further monitoring period of 12 months should then be set and if the employee either triggers again or fails to improve their attendance levels, a further meeting will be convened and a referral to a dismissal hearing will be considered.

4.2.14 Following the Health Review Meeting if the employee triggers again within a 12 month period, a further Health Review Meeting will take place.

4.2.15 If the employee fails to improve their attendance level and a Final Written Warning is live, the manager may refer to a hearing to consider the continuation of their employment at this meeting. The manager will need to show that reasonable adjustments have been explored and the employees absence is of

concern and there are no exceptional circumstances

(Please refer to the Managers Checklist: Referring to a Continuation of Employment Hearing)

Continuation of Employment Hearing: Short Term

4.2.16 A referral to continuation of employment hearing will be considered when the employee has had a further trigger within a 12 month period of a Final Written Warning being issued.

4.2.17 The purpose of the formal hearing is to consider all the circumstances and whether any more can be done to support the employee's attendance at work. An outcome from the hearing can include dismissal on the grounds of incapability due to ill health.

Advice from HR should always be sought prior to any decision regarding the continuation of employment

(Please refer to Appendix C: Procedure for Consideration of Continuation of Employment)

Right of Appeal: Dismissal

4.2.18 If a recommendation for dismissal is upheld, the employee may appeal against the decision. Further detail on this procedure can be found in Appendix D.

Right of Appeal: Written Warnings

4.2.19 If the manager issues a First or Final Warning, the employee may appeal against the decision. Further detail can be found regarding the procedure for this in Appendix B.

Right to Representation: Short Term

4.2.20 The employee has a right to be accompanied by a Trade Union official or a current work colleague at any Health Review Meetings where a Final Written Warning or dismissal could be a potential outcome.

4.3. The Long Term Procedure

The Long Term flow chart on Page 16 should be used as a reference guide.

- 4.3.1 The long term procedure will apply when the employee has, or is likely to have 28 or more calendar days of continuous absence

Keeping in touch during a long term absence

- 4.3.2 If an employee is likely to be off sick for longer than one week their manager should contact them to discuss the situation and see how they are.
- 4.3.3 The type of contact will depend on the circumstances, initially the manager should contact the employee by phone. If this is not possible a letter or email may be appropriate. An informal meeting may follow and can be held somewhere away from the work place if appropriate. Visits will be pre-arranged.
- 4.3.4 If an employee is absent due to a reason related to work a meeting should be held as soon as possible. This allows for an early opportunity to resolve any issues and alleviate any concerns in a timely manner.
- 4.3.5 The County Council reserves the right to instigate an earlier discussion of an employee's sickness absence record if the situation would benefit from early intervention. Examples might be a work related injury, an accusation of bullying or harassment or where there is evidence that the employee is not ill.

4.3.6 Communication Record

- 4.3.7 If an employee is absent long term and/or requires ongoing support for a medical condition, it is recommend best practice that the line manager maintains a record of conversations and actions that have taken place.
- 4.3.8 An example of a Communication Record is available to use as part of the [Attendance Management toolkit](#).

First Health Review Meeting – Long Term

- 4.3.9 If an employee has an absence that exceeds 28 calendar days a Health Review Meeting should be held by week six of an employee's absence.
- 4.3.10 The purpose of this meeting will be to engage in a meaningful discussion with the employee; exploring the reason for their absences and identifying any support mechanisms that could aid a return to work. In the event an employee is unable to perform their duties due to ill health they are required to be referred to Occupational Health as directed.

(Please refer to Managers Toolkit: Health Review Meetings Long Term).

Interim Health Review Meetings – Long Term

4.3.11 If it appears that the employee looks unlikely to return to work within 28 days of the meeting taking place an Interim Health Review Meeting should be arranged.

4.3.12 This meeting is to review the progress of the employee's health and may involve:

- Reviewing Occupational Health advice
- Reviewing the time line for recovery
- Considering medical redeployment
- Considering ill health retirement

(Please refer to Manager's Checklist: Interim Health Review Meetings Long Term)

4.3.13 A minimum of one Interim Health Review Meeting needs to take place before week 15 of the employee's absence.

4.3.14 If the employee is unlikely to return to work before week 26, a Final Health Review Meeting should be scheduled.

Final Health Review Meeting – Long Term

4.3.15 A Final Health Review Meeting should be arranged when either:

- A return to work is planned
- or*
- If an employee is unlikely to return to work by week 26 of their absence

4.3.16 Within this meeting a decision needs to be made regarding future employment. Possible outcomes include:

- Agreed Return to work plan (within reasonable time scale)
- Ill Health Retirement
- Medical Redeployment
- Mutual termination of employment
- Referral to Health Review Hearing

4.3.17 In exceptional circumstances, the process may be extended beyond 32 weeks. To do this, a business case would need to be approved by the relevant Assistant Director or Headteacher. Such circumstances might include life-threatening or terminal illnesses where the employee is able to return to work and wishes to do so.

Continuation of Employment Hearing – Long Term

4.3.18 A Hearing will be held to consider the continuation of employment in the following circumstances:

- The employee is not expected to be back at work within the date set at the Health Review meeting or within 26 weeks of the start of the absence.

and

- All reasonable measures have been exhausted in order to support them back to work

4.3.19 The purpose of the formal hearing is to consider all the information available and whether any more can be done to support the employees attendance at work. Outcomes from the Hearing can include dismissal on the grounds of incapability due to ill health. (Please refer to Appendix C for further guidance).

Advice from HR should always be sought prior to any decision regarding the continuation of employment

Right to Representation

4.3.20 The employee has a right to be accompanied by a Trade Union official or a current work colleague at any Long Term Health Review Meetings.

Return to work: following a long term period of absence: Support Meetings

4.3.21 When the outcome of a Final Health Review Meeting is that the employee returns to work, Support Meetings should take place at regular intervals.

The purpose of these meetings will be to update the employee's Communication Record and will include:

- Reviewing any temporary adjustments to the employee's role
- Identifying any further reasonable support measures

These Support Meetings should continue until the employee is fully rehabilitated back into the role. It is recommended these meetings should be held weekly during the first four weeks of the employee's return to work.

4.3.22 The expectation is that the log will be signed off by both the manager and the employee no later than week six of an employee's return.

4.3.23 If there are further concerns following this and the return has not been successful alternative options may need to be explored which could include:

- Occupational Health review
- Contractual reduction in hours

- Medical redeployment
or, if these options are not viable,
 - reconvening a Final Health Review Meeting.
- Please contact your HR representative for further guidance.

Further Long Term absence within a 12 month period

4.3.24 A 12 month review period will be set following an employee's return to work. In the event the employee has a further long term period of absence a Final Health Review Meeting can be reconvened.

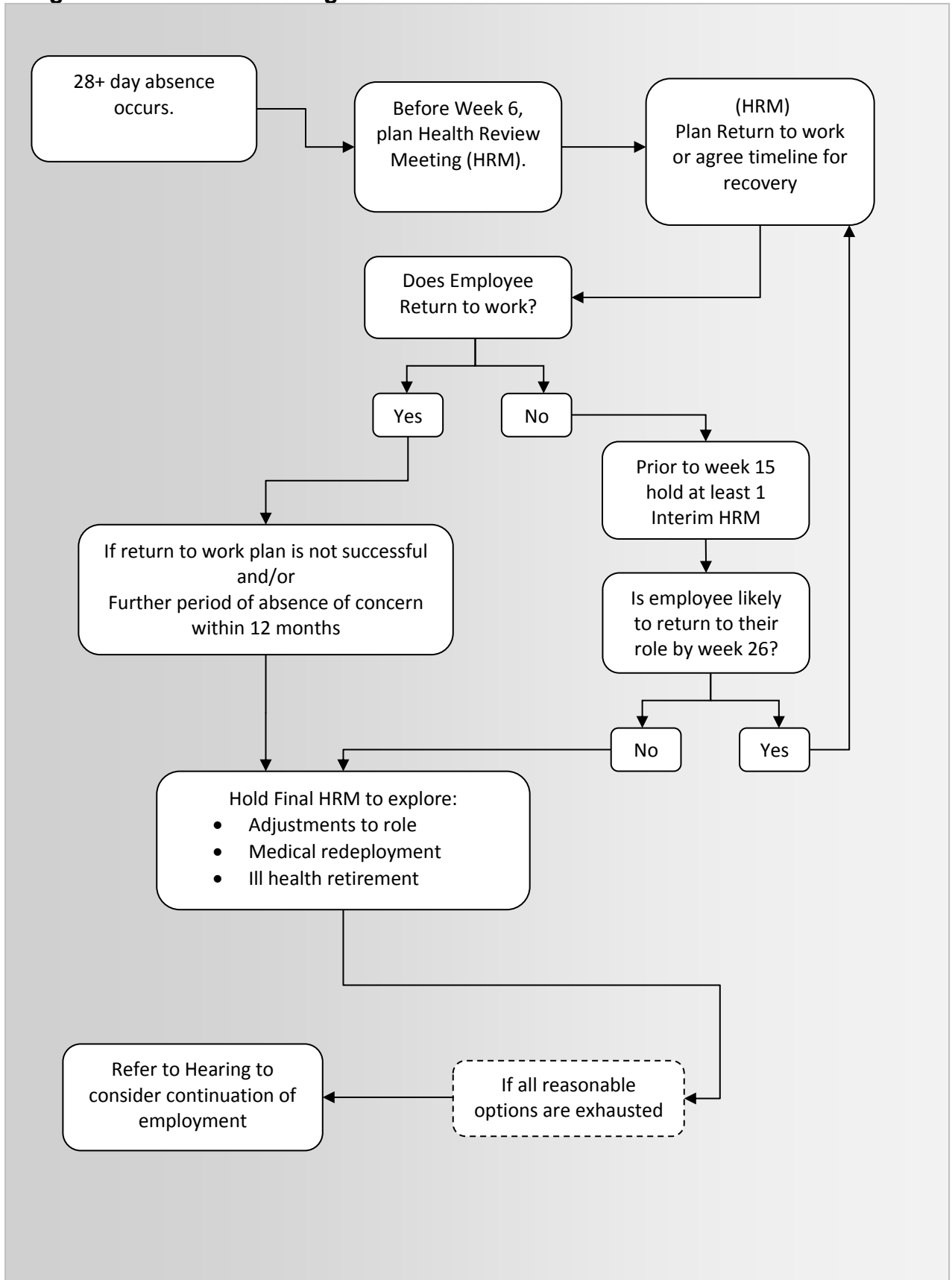
Further Short Term absence within a 12 month period

4.3.25 In the event the employee has a Short Term Health Review Trigger during the 12 month period for either:

- 3 separate absences in a 6 month period (referred to as the 3:6 rule) on a rolling 6 month basis
- 1 occasion of 8 working days or more continual absence
- the pattern or frequency of absence causes concern

A Health Review Meeting should be arranged under the Short Term Procedure and a written warning should be considered.

Long term attendance management flowchart



Part 5: Glossary and Appendices

Glossary of Terms

Communication Record
Wellness Plan
Health Review Meeting
Absence Trigger

Communication Record

If an employee is absent long term due to sickness or requires ongoing support for a medical condition, it is recommended best practice that the line manager maintains a record of conversations and actions that have taken place.

An example of a Communication Record is available to use as part of the [Attendance Management toolkit](#).

It is designed to be reviewed and updated at regular intervals in line with the Long Term Attendance Management Procedure or, in certain circumstances, the Short Term Attendance Management Procedure.

The Communication Record acts both as a live action plan to record and monitor any agreements that have taken place and as a historical log of any contact regarding the absence.

Wellness Plan

The plan does not need to be linked to any period of absence or medical condition; it is a proactive tool aimed to improve the wellbeing of an individual or team. The action points can be as simple as taking regular lunch breaks away from the desk or it could lead to consideration of a flexible working request.

The Wellness Plan should be regularly reviewed until the action points have been fully explored.

Health Review Meeting

The Health Review Meeting (HRM) is the first formal stage of the Attendance Management Procedure. The meeting will be initiated by an Absence Trigger, alerting line managers for the need to meet with their employee to discuss their health and to find out what support can be put in place for them.

The purpose of this meeting will be to engage in a meaningful discussion with the employee; exploring the reason for their absence(s) and identifying any relevant support mechanisms.

Final Health Review Meeting

Within this meeting a decision needs to be made regarding future employment.

Possible outcomes include:

- Agreed Return to work plan (within reasonable time scale)
- Ill Health Retirement
- Medical Redeployment
- Mutual Termination of Employment
- Referral to Health Review Hearing

Absence Trigger

The Absence Triggers are as follows:

Short Term:

- 3 separate absences in a 6 month period (referred to as the 3:6 rule) on a rolling 6 month basis
- 1 occasion of 8 working days or more continual absence
- a pattern or the frequency of absence causes concern

Long Term:

- 28 calendar days or more of continuous absence

When an absence trigger is breached, a Health Review Meeting must always be arranged.

Appendix A: Medical Redeployment

- A.1 If an employee is identified by Occupational Health as being unable to fulfil the duties of their current post due to ill health (on a long term or permanent basis) the manager should meet with the employee at a Health Review Meeting to discuss the option of appointment to a suitable alternative post i.e. redeployment.
- A.2 During this Health Review Meeting the employee will elect whether or not they wish to be placed on the redeployment register. In the event they do not wish to do this a Final Health Review Meeting may be convened. The outcome of this may be referral to a dismissal hearing. Please refer to your HR advisor for further guidance.
- A.3 If the employee agrees to be placed on the redeployment register, a redeployment form is completed with their skills and preferences. From the date the employee submits the form they will have the opportunity to apply for roles one week prior to them being advertised.
- A.4 The employee is made aware of all new roles on a weekly basis and a matching process is undertaken. If the employee's skill set is matched to a particular vacancy then advice must be sought from Occupational Health on the suitability of the post.
- A.5 Alternative positions will be considered if the employee meets the essential criteria and they are at the same grade, or within a ten percent margin of their current salary. Alternative positions must be advertised - posts cannot be created.
- A.6 The redeployment process is limited for a period of 12 weeks and if the employee has not secured a role during this period a Final Health Review Meeting will be convened. The outcome of this may be referral to a dismissal hearing to consider termination of employment on the grounds of ill health.

For details on redeployment please refer to the Managing Change suite of policies

Appendix B

B.1 The Appeal Process for First and Final Warnings issued under the Short Term Attendance Management Procedure

B.1.1 The line manager presents the case to another manager at the same level/Senior Manager/Headteacher/panel of Governors as appropriate. Personnel and Training (PAT) provide support and advice (usually a Personnel representative from the Attendance Management Team). The employee may be accompanied by a TU representative or a current work colleague.

B.1.2 If an employee exercises his/her right to appeal against a First or Final Written Warning, the manager should:

- Inform the employee of the formal meeting to consider the appeal within ten working days of receiving the written registration of appeal.
- Seek advice from the Attendance Management Team as required
- Give the employee written notice of the appeal hearing date, time and venue, along with the opportunity to bring a trade union representative or current work colleague and an opportunity for the employee to request any reasonable adjustments to enable them to attend.

B.1.3 Exchange of documents should occur within three working days of the date of the appeal hearing and this should be confirmed in the written notice of the appeal hearing

B.1.4 The conduct for the procedure of an appeal hearing is as follows:

- Senior Manager/Manager/Headteacher/Governors will reach their decision having listened to the case put by both sides and following an adjournment
- Senior Manager/Manager/Headteacher/Governors to notify the employee and manager of the decision, in writing, within five working days of the appeal. Senior Manager/Manager/Headteacher/Governors may choose to give an oral decision on the day but this must be confirmed in writing within five working days
- If the Senior Manager/Manager/Headteacher/Governors uphold the decision to issue the Warning, the employee must be informed that there is no further right of appeal within the County Council

Appendix C: Attendance Management Procedure for Consideration of Continuation of Employment

Advice from HR should always be sought prior to any decision regarding the continuation of employment

- C.1.1 In the event of the application of either the Short Term or Long Term Attendance Management Procedures resulting in the manager recommending that consideration should be given to terminating employment, a Senior Manager will present the case to either an appropriate delegated Senior Manager or the Chief Officer. In schools the case will be presented to either the Headteacher, or to a panel of Governors (if the Headteacher is the Senior Manager presenting the case). (See: [Delegating Personnel Functions](#) for a copy of the [Scheme of Personnel Delegations](#) document).
- C.1.2 Appropriate support from Personnel and Training (PAT) will be available to the Chief Officer/Senior Manager or Headteacher/panel of Governors.
- C.1.3 The employee may be accompanied by a TU representative or current work colleague.
- C.1.4 If termination of employment is to be recommended, the manager informs the employee in writing with details of the arrangements for the hearing including date, time venue, the right to representation and an opportunity to request reasonable adjustments if appropriate.

C.2 The conduct of a hearing to consider continuation of employment

The appellant, management and witnesses must exchange documents **not less than 5 working days** before the date of the hearing.

C.2 Introduction

- C.2.1 The chairperson will make introductions and outline the process to be followed to ensure that everyone present understands what is going to happen.
- C.2.2 The chairperson will normally be advised by an advisor from PAT who may take notes of the meeting which will then be available to all parties present. Sometimes a dedicated note-taker may be present.

C.3 Presentation of the employee's case

- C.3.1 The employee or their companion presents their case, referring to any relevant documents and calling any witnesses as appropriate.
- C.3.2 The manager and their advisor may question the employee or any of the witnesses on their evidence.
- C.3.3 The chairperson and their advisor may also question any person present.
- C.3.4 Each witness will join the hearing to give evidence and leave after doing so, although they may be recalled at any time if necessary.

C.4 Presentation of the employer's case

- C.4.1 The manager will present their case highlighting key points, referring to any relevant documents and calling any witnesses as appropriate.
- C.4.2 The employee and/or their companion may question the manager or any witnesses on their evidence.
- C.4.3 The chairperson and their advisor may also question any person present.
- C.4.4 Each witness will join the hearing to give evidence and leave after doing so, although they may be recalled at any time if necessary.

C.5 Summing up

- C.5.1 The employee or their companion summarises the main points of their case.
- C.5.2 The manager summarises the main points of their case
- C.5.3 At this stage no new evidence may be introduced.
- C.5.4 The hearing is then adjourned and both parties leave the meeting.

C.6 The decision

- C.6.1 The chairperson will consider whether, on the balance of probability, the employee's case was proven in full, in part or not at all.
- C.6.2 The chairperson should take into account any mitigating circumstances and if further clarification or information is required in order to reach a decision, all parties will be recalled and/or the hearing adjourned until the information is provided.
- C.6.3 Once the chairperson has reached a decision, all parties will be recalled to the meeting and the chairperson will read out their decision, including the reasons for it. In complex cases, deliberation may take some time. If this occurs a decision should be made within 2 working days of the conclusion of the hearing, and, in all situations the outcome of the hearing should be confirmed in writing within 5 working days.

Appendix D: Attendance Management Procedure for Appeals Process: Against Termination of Employment

- D.1.1 In the event of an appeal, the dismissing officer presents the management case to a panel (the appeal panel) of elected Members of the County Council, or panel of Governors if the employee works in a school.
- D.1.2 Appropriate Personnel and Training (PAT) support will be made available to the dismissing officer and to the appeal panel. Where the appeal panel comprises elected Members, an officer from the Legal Services Team will be present to advise them.
- D.1.3 The employee may bring a Trade Union (TU) representative or current work colleague.

D.2 The Appeal Procedure

- D.2.1 If an employee exercises their right of appeal, the Chief Operating Officer - Business Services Department (BSD), or the Clerk to the Governors in schools, will convene a formal appeal hearing, within the employee's period of notice if possible, but in all events within 2 months of receiving appeal notification.
- D.2.2 The Chief Operating Officer - BSD, or the Clerk to the Governors in schools, will give both the employee and management side written notice of the appeal date/time and venue. The employee will be notified of the right to bring a TU representative or current work colleague.
- D.2.3 The appellant, management and witnesses must exchange documents **not less than 5** working days before the date of the hearing, via the Chief Operating Officer- BSD or Clerk to the Governors as appropriate. The documents should be sent to the appeal panel members simultaneously.
- D.2.4 The formal hearing takes place and will normally re-hear the entire case. The dismissing officer presents her/his case and is questioned upon it. The employee then presents their case and is questioned upon it. The employee sums up after the manager. Both parties may call witnesses as part of their presentation.
- D.2.5 The appeal panel should notify both the employee and the dismissing officer of the decision, in writing, within 5 working days of the appeal. (In addition, the appeal panel may choose to give the decision orally following an adjournment on the day of the appeal, but this must be followed up in writing).
- D.2.6 If the appeal is not upheld, the decision is final with no further right of appeal within the County Council.

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Attendance Management Policy and Procedure Changes

Summary of Proposed Changes – Identified at meeting on 25 January 2016 and submitted by email on 18 and 21 March 2016: Area of TU Concern/Management Response

Proposed Change	TU Concern	Management Response
<p>The number of warnings prior to a dismissal has been reduced in line with the ACAS minimum; a first and final warning.</p>	<p>ACAS guidance does not specifically reference Attendance Management</p>	<p>Whilst we accept that Attendance Management does not naturally fall under the title 'conduct' for information, ACAS consider this under conduct it states:</p> <p><i>“Conduct issues include insubordination, negligence, using illegal practices, falsifying records, theft, bullying, dangerous behaviour, fighting or hostile behaviour, poor attendance record and/or poor time-keeping.”</i></p>
<p>The number of warnings prior to a dismissal has been reduced in line with the ACAS minimum; a first and final warning.</p>	<p>The process is 'accelerated' for employees</p>	<p>Policy amended to include the discretion for manager to 'reissue' the first warning if appropriate.</p> <p>N.B There is still an obligation on managers to explore reasonable measures prior to a warning being issued. There is still an opportunity for appeals at each warning.</p>

Proposed Change	TU Concern	Management Response
The number of warnings prior to a dismissal has been reduced in line with the ACAS minimum; a first and final warning.	The option for a manager <i>not</i> to issue a warning at HRM needs to be reflected in policy narrative in line with flowchart	Noted – policy updated to reflect this
The number of warnings prior to a dismissal has been reduced in line with the ACAS minimum; a first and final warning.	If there are unique/extraordinary general health occurrences e.g. a pandemic. Managers need to be mindful of how they are responding to staff absences	Noted – policy updated to reflect this
	Management should look at individuals records, e.g. absence history and long service	Noted
	Managers may not be equipped to have discussions on stress	Ensure procedure clearly signposts to stress policy
	Need to avoid confusion over school staff who do not need to phone FirstCare to report an absence	Management will amend wording Accordingly
4.2.13 A further monitoring period of 12 months should then be set and if the employee either triggers again or fails to their attendance levels, a further meeting will be convened and a referral to a dismissal hearing will be considered.	The term ‘dismissal’ hearing is used	In the spirit of being open and transparent it is important that staff are fully aware that the potential outcome of a continuation of employment hearing may result in a dismissal
4.3.3 The type of contact will depend on the circumstances, initially the manager should contact the employee by phone.	Meeting or contacting an employee by day 8 of an absence may cause additional stress	An extensive study carried out by the HSE illustrates that contact at the initial stage of an absence with an employee is vital in supporting them back to work ‘...nowhere

Proposed Change	TU Concern	Management Response
If this is not possible a letter may be appropriate. An informal meeting may follow and can be held somewhere away from the work place if appropriate. Visits will be pre-arranged.		is this more crucial than at the initial stage of a stress-related illness or absence. It is widely accepted that when an employee is first absent with illness due to work-related stress, they should be contacted by someone from the organisation within a week' as a supportive measure. The policy will coordinate this approach as in line with 'best practice'
2.1.2 To ensure the line manager is clear about the absence the employee will need to let them know: <ul style="list-style-type: none"> The reason they are unwell 	Employee may not yet have a diagnosis – suggestion for 'if possible' to be added	Noted – policy updated appropriately
2.3.4 If the employee feels able to return before their 'fit note' expires they can either visit their GP again or ask their manager to complete a risk assessment.	Managers are not qualified to make decisions around health assessments	Any medical concern will be deferred to clinical opinion. Policy updated to reflect.
4.1.1 As noted in paragraph 2.5 if an employee is absent from work a 'Return to Work' conversation should always take place. If the absence is frequent or over 8 days in length the formal procedure will also apply.	To be amended in line with the flowchart to ensure due consideration is given in respect of the issue of any potential warning	Agreed- policy updated
4.1.1 As noted in paragraph 2.5 if an employee is absent from work a	Managers will issue warnings without due consideration.	If an employee is absent either over 8 days or there is a 3:6 trigger, a health review meeting should always to take place in

Proposed Change	TU Concern	Management Response
<p>'Return to Work' conversation should always take place. If the absence is frequent or over 8 days in length the formal procedure will also apply.</p>	<p>Proposed for consideration to be given for RTW conversations to act as a triage for managers to determine whether a health review meeting should take place</p>	<p>order to ensure consistency and to fully explore and identify and support measures that may be needed. Warnings will be issued where a manager is concerned.</p> <p>Procedure and checklists updated to ensure this clear.</p>
<p>4.2.5 If reasonable adjustments are identified a 'Reasonable Adjustment Statement' should be completed and formally recorded. The form and further guidance be found here. The manager should meet with the employee at regular intervals in order to review how effective adjustments are in line with the employees needs and those of the service.</p>	<p>Medical intervention should be sought in order to qualify a reasonable adjustment</p>	<p>Employees have insight into their own conditions and will be aware of adjustments needed and we do not want to serve as a barrier to this by stating that only adjustments suggested by Occupational Health should be considered.</p>
<p>4.2.7 If an employee requires ongoing support for a medical condition, it is recommend best practice that the line manager maintains a record of conversations and actions that have taken place.</p>	<p><i>Typo</i> recommended</p>	<p>Wording amended</p>
<p>4.2.15 If the employee fails to improve their attendance level and a Final Written Warning is live, the manager may refer to a hearing to consider the continuation their employment at this meeting. The manager will need to</p>	<p>4.2.15 the suggested wording 'and there are no recognised exceptional circumstances' should be added</p>	<p>Agreed – policy updated accordingly</p>

Proposed Change	TU Concern	Management Response
show that reasonable adjustments have been explored and the employees absence is of concern.		
4.2.16 A continuation of employment hearing will be held when the employee has had a further trigger within a 12 month period of a Final Written Warning issued.	For it to be added that it is up to the Managers discretion as to whether a “dismissal hearing is held” as the absence may not be connected in any way to the sickness record that created the final warning and particularly around pandemic illnesses or problems with the buildings staff are working in that may add to the one off illness. Also this allows for someone for instance who may break a limb and therefore it is not a re-occurrence of previous absence.	Agreed – policy updated accordingly
	Under 3.4 we would ask that a further bullet point be added to that section to bring out the manager’s ability to have the discretion, under the public sector equality duty, to allow additional time off for those staff who fall under the Equality Act 2010	Whilst we recognise that reasonable adjustments should always be fully explored, allocating additional days for sickness is not considered to be a reasonable adjustment in line with recent case law.
2.2.1 Employees should note that disciplinary proceedings may be considered by their line manager in the event that they (note that this list is not exhaustive): <ul style="list-style-type: none"> • Fail to notify their manager of an absence 	What will happen to managers/Headteachers who don’t initiate/maintain reasonable contact? Both parties are responsible for regular contact.	The usual performance management standards will apply as needed to managers who do not adhere to the process

Proposed Change	TU Concern	Management Response
<ul style="list-style-type: none"> • Fail to respond to reasonable communications from their manager during their absence • Falsify an absence • Work for another organisation whilst on sick leave from ESCC 		
4.2.2 When a short term absence trigger is breached, a meeting to discuss the employees' health should be arranged.	As this is a 'HRM' can it be clarified in this paragraph.	Policy updated accordingly
4.2.9 If the manager is concerned regarding the level of absence and no support measures are identified, a First Written Warning can be issued at this meeting.	Clarify – if support measures are identified can a First Written Warning be issued?	Noted – policy updated accordingly
Related Issues		
Communication of new policy	It should not be presented as formally agreed by TU's	Noted – however, management will reference the collaborative nature of the process in any communications released.

Proposed Change	TU Concern	Management Response
Training for roll out of new policy	Managers will not be fully briefed	A range of resources will be available to support managers ranging from 'Brief Bites' training (2.5 hour sessions) guidance on the intranet and circulation of the policy to DMT, HRMB and Health and Safety steering groups

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Report to: **Governance Committee**

Date: **12 July 2016**

By: **Assistant Chief Executive**

Title of report: **Length of Speeches at County Council and Cabinet meetings**

Purpose of report: **To consider proposals from councillors regarding the length of speeches at County Council and Cabinet meetings**

RECOMMENDATION: The Committee is requested to:

- 1. consider whether to recommend to the County Council an amendment to the Constitution in relation to the length of speeches; and**
 - 2. consider whether to recommend to Council that be a time limit for speeches at Cabinet meetings**
-

1. Supporting Information

1.1 A request has been received from members of the Labour Group to consider:

(i) whether the length of time that councillors are allowed to speak at County Council should be reduced to two or three minutes on the basis that this is sufficient time for members to make their point and would keep meetings more focussed and relevant.

(ii) whether a time limit should be imposed for member speeches at Cabinet meetings on the basis that there is a time limit on speaking at County Council meetings; it would be conducive to the orderly conduct of meetings; and in the absence of a limit the Chair of Cabinet runs the risk of being accused of unfairly allowing some members to speak longer than others (a view, the Labour Group were keen to point out, was not held by them)

1.2 Any change to the time limits would require a change to the Constitution.

2. The current arrangements

2.1 County Council meetings

2.1.1 The Standing Order in relation to the length of speeches at County Council meetings states:

Length of speeches

23. *No speech shall exceed five minutes except where:*

- (1) *a Chair of a Committee (or other nominated member) or the Nominated Spokesperson of the East Sussex Fire Authority is exercising a right of reply;*

- (2) *the Leader of the Council and the Leaders of the Opposition Groups are speaking at the start of the debate at the annual meeting on the Cabinet's priorities. In this instance, each Leader shall be permitted to speak for up to 11 minutes – see Standing Order 45.*
- (3) *the Council (without debate) allows a member to continue his or her speech for a further period or periods, not exceeding three minutes each; or*
- (4) *the Council (without debate) consents.*

2.2 Cabinet meetings

2.2.1 The Cabinet Procedure Rules state:

With the agreement of the Chair, a councillor (who is not a member of the Cabinet) may speak at meetings of the Cabinet where a decision affects that member's division or known special interest.

2.2.2 Since the last election the Council has been no overall control but operating an executive system and so the Leader has allowed any member who wishes to speak to do so, and no time limit has been imposed.

2.2.3 It has also been suggested by a member of the Labour Group, that consideration should be given to having a time limit for speeches by non-Cabinet members at Cabinet meetings. The point has been made having a time limit would ensure that all non-Cabinet members received an equal time to speak and may provide a greater focus for contributions. The introduction of a time limit would also mirror the process adopted for Council meetings.

3. Recommendations

3.1 The Committee is asked to consider whether to recommend any changes to the length of speeches at meetings of the County Council and Cabinet.

PHILIP BAKER
Assistant Chief Executive

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Local Members: All

[Background Documents](#)

Report to: Governance Committee

Date of meeting: 12 July 2016

By: Chief Operating Officer

Title: Future Operating Model - Finance

Purpose: To advise the Governance Committee on the progress of the Orbis Partnership and proposals for the implementation of a single shared Orbis Finance lead as part of the Orbis partnership

RECOMMENDATIONS

The Governance Committee is recommended to note the progress on the Orbis Partnership and the establishment of a single integrated Orbis Finance lead.

1 Background

1.1 At their meetings of 24 February 2015 and 10 March 2015, the Cabinets of Surrey County Council and East Sussex County Council, agreed to the creation of a fully integrated business services partnership arrangement between Surrey County Council and East Sussex County Council, with effect from 15 April 2015. This partnership is known as Orbis.

1.2 The strategic business case supporting the creation of Orbis outlined the transformative arrangement that will deliver affordable services to each Council. Significant savings are to be achieved from integration, the adoption of common ways of working, management delayering, process improvement and a reduction in duplication.

1.3 The agreed governance structure for the operation of Orbis is that of a Joint Committee, comprising members of the Cabinets of both SCC and ESCC. Key to the governance arrangements is the principle of sovereignty, whereby each of the Councils will retain the overall decision making and accountability in relation to their core functions, for example, whilst the Joint Committee will have oversight of the Finance function, each Cabinet will continue to consider its own Medium Term Financial Plans and associated financial strategies.

1.4 The development of Orbis has been based on the principle of service and management integration. In support of this, an Orbis Target Operating Model (TOM) was developed and agreed by the Orbis Joint Committee, together with a range of design principles and parameters which have been used to establish coherent and consistent ways of organising and managing services. In order to deliver the required efficiencies, one of the first key milestones identified in the business plan was to put in place the necessary management arrangements. The future management structures for each of the six services within Orbis (HR&OD, Finance [including Audit], Procurement, Property, ICT and Business Operations [Transactional Services]) are being designed using the agreed design principles and parameters. This includes putting in place a single integrated Head of Service role.

2 Supporting Information

2.1 Significant progress has been made over the last 15 months since the partnership was formally launched. Examples of success to date include, but are not limited to:

- E-invoicing solution implemented across Surrey and East Sussex
- Pensions administration teams and business operations teams merged and integrated
- Joint temporary labour and Joint Occupational Health contracts awarded
- Joint procurement framework for Microsoft provision
- Joint SAP support contract awarded saving £200,000 per annum
- Joint Committee established and operating
- 3 year business plan approved and year 1 savings on track

- First phase of moving to common Microsoft Outlook platform that will enable visibility and scheduling of diaries across both partners
- Talent development programme and people strategy established
- IESE and PPMA award commendations
- Corporate Wifi solution in place
- Single Heads of Services appointed and service target operating models in design for:
 - Business Operations
 - ICT
 - Human Resources
 - Property
 - Procurement

2.2 The key headline areas of progress and plans to July 2016 at a service level are attached at Appendix 1

2.3 As can be seen, all services, with the exception of Finance, have now got in place a single integrated Head of Service role and are implementing new management structures to deliver partnership services. Set against this background, the time is now right to move to a single integrated Orbis Finance lead.

2.4 It is important that the postholder for the single integrated Orbis Finance lead is able to consider and propose the Finance Service structure they need in place in order to successfully deliver the service.

2.5 In order to inform, support and govern this consideration, the Orbis Partnership has:

- an agreed Target Operating Model that the service has to be designed to meet and accommodate;
- agreed to reference service structures for other Orbis services to both inform from experience and ensure appropriate consistency and commonality. By way of example, attached at Appendix 2 is the Property Service structure, and
- a financial savings target, as set out in the Business Case, that needs to be delivered

2.6 In respect of the Finance Service, a further pre-requisite design principle is that each partner will require, and will have, their own Section 151 Officer. It is for each Council to determine and agree their S151 arrangements.

2.7 In respect of the implementation of an integrated Finance Service for Orbis, the single integrated Orbis Finance lead will be the S151 Officer for one of the partners and a post within the Finance Leadership team will be the S151 Officer for the other partner. The S151 Officer posts will have direct access to their appropriate Councils. This principle will apply irrespective of the management lines within the Finance Service.

2.8 The proposed key principles for the design of the Finance Service have been successfully operating in other shared services.

2.9 In terms of next steps, in accordance with both Council's respective Managing Change policies, a consultation process with the two individuals directly affected is scheduled to take place between 13 July and 27 July 2016. The individuals affected are aware of these proposals.

2.10 Following the conclusion of the consultation process and subject to any comments received, as a senior leadership role, appointment to the new single integrated Orbis Finance lead will be achieved through an interview process. The two individuals affected will be ring-fenced to the new integrated Orbis Finance lead and in common with other Heads of Service appointments, there will be an Officer stakeholder panel and appropriate Member interview panel.

3. Conclusion and recommendations

3.1 The Orbis partnership will deliver resilient and affordable services for both East Sussex and Surrey County Councils. The partnership will deliver significant savings by taking advantage of economies of scale, streamlining processes and reducing duplication. The move to a single integrated Orbis Finance lead is a key element in realising these benefits.

3.2 The Governance Committee is recommended to note the progress on the Orbis Partnership and the establishment of a single integrated Orbis Finance lead.

KEVIN FOSTER
Chief Operating Officer

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Business Operations



Apr 15 - Jul 15

- Identified 'areas of search': Purchase to Pay – linked to Procurement
- Personnel Support Unit transitioned from HR to Business Ops
- Accounts Payable and Receivable transitioned from Finance to Business OPs

Aug 15 - Nov 15

- Initial baseline data collection
- Simon Pollock appointed Head of Business Operations
- Payroll teams moved from Uckfield and Eastbourne to Lewes
- Recruitment transitioned from HR to Bus.Ops

Dec 15 - Mar 16

- Preparation of consultation document, role profiles, job evaluation etc.

Apr 16 - Jul 16

- Consultation period for integrated Senior Leadership team
- Interviews for Senior Leadership team
- Senior Leadership Team to prepare integration plan for remaining functions



Finance



Apr 15 - Jul 15

- Identified 'areas of search' : 6 ways to reduce duplication; Increasing self sufficiency; Process improvement & simplification
- Accounts Payable and Receivable transitioned from Finance to Bus. Ops
- Monthly joint leadership team meetings commenced

Aug 15 - Nov 15

- Initial baseline data collection and current state assessment completed
- Initial contact with B&HCC made to identify collaborative opportunities within Audit

Dec 15 - Mar 16

- Pragmatic decision made to revisit any formal changes to the finance leadership in spring 2016. Decision made in recognition of the significant demands on the service as a result of the comprehensive spending review.

Apr 16 - Jul 16

- Decision regarding integration of strategic finance function to be made
- Plan for integrated Senior Leadership Team to be designed

HR & OD



Apr 15 - Jul 15

- HR/OD chosen as the 'proof of concept' for Orbis
- Identified 'areas of search' – Professional Advisory Casework: Disciplinary; Grievance; Poor performance; Attendance

Aug 15 - Nov 15

- Initial baseline data collection
- Series of workshops with HR Advisory to define future state
- Training and OD teams collaborating to identify early efficiencies i.e. procuring training jointly

Dec 15 - Mar 16

- Engagement with Brighton & Hove HR team
- Consultation period for integrated Senior Leadership team
- Heads of HR/OD appointed
- Integrated Senior Leadership Team meetings

Apr 16 - Jul 16

- Interview for Centre of Expertise post and HR Director post
- Customer insight work to commence
- Integration of HR Advisory to commence
- Senior Leadership Team to prepare integration plan for remaining functions

IT & Digital



Apr 15 - Jul 15

- Identified 'areas of search'
- Architecture Design Authority (ADA) – group reconstituted

Aug 15 - Nov 15

- Initial baseline data collection and current state assessment completed

Dec 15 - Mar 16

- Matt Scott appointed as CIO for Orbis
- Joint ICT/IMT Leadership meetings commenced
- B&HCC Enterprise architects working in the ADA

Apr 16 - Jul 16

- Interim Head of Projects and Transformation role commenced
- Develop a plan for integrated Senior Leadership Team

Procurement



Apr 15 - Jul 15

- Senior Leadership team roles and responsibilities reviewed to create integrated team
- Built new TOM and identified 'areas of search'- 4 key work streams : Sourcing & Purchasing; Contract Management; Category Management; SRM

Aug 15 - Nov 15

- Initial baseline data collection and current state assessment completed
- Chrysalis Programme set up to explore four core projects as per areas of search

Dec 15 - Mar 16

- Initial contact with B&HCC made to identify collaborative opportunities
- Outline design completed for the four key work streams
- Further review of Senior Leadership team commenced

Apr 16 - Jul 16

- Consultation and launch of revised Senior Leadership team structure
- Detailed design of four key work streams; including people, process and technology
- Senior Leadership Team to lead implementation of priority projects as part of Chrysalis

Property



Apr 15 - Jul 15

- Identified 'areas of search': Maintenance delivery; Helpdesk; Energy Management; Estates delivery; Facilities Management; Schools delivery; Development of ESCC Investment Strategy; Acquisitions and Disposals ; processes; Customer service improvement; Asset Strategy
- Weekly joint leadership team meetings commenced

Aug 15 - Nov 15

- Initial baseline data collection and current state assessment completed
- Series of workshops to define future state in relation to areas of search

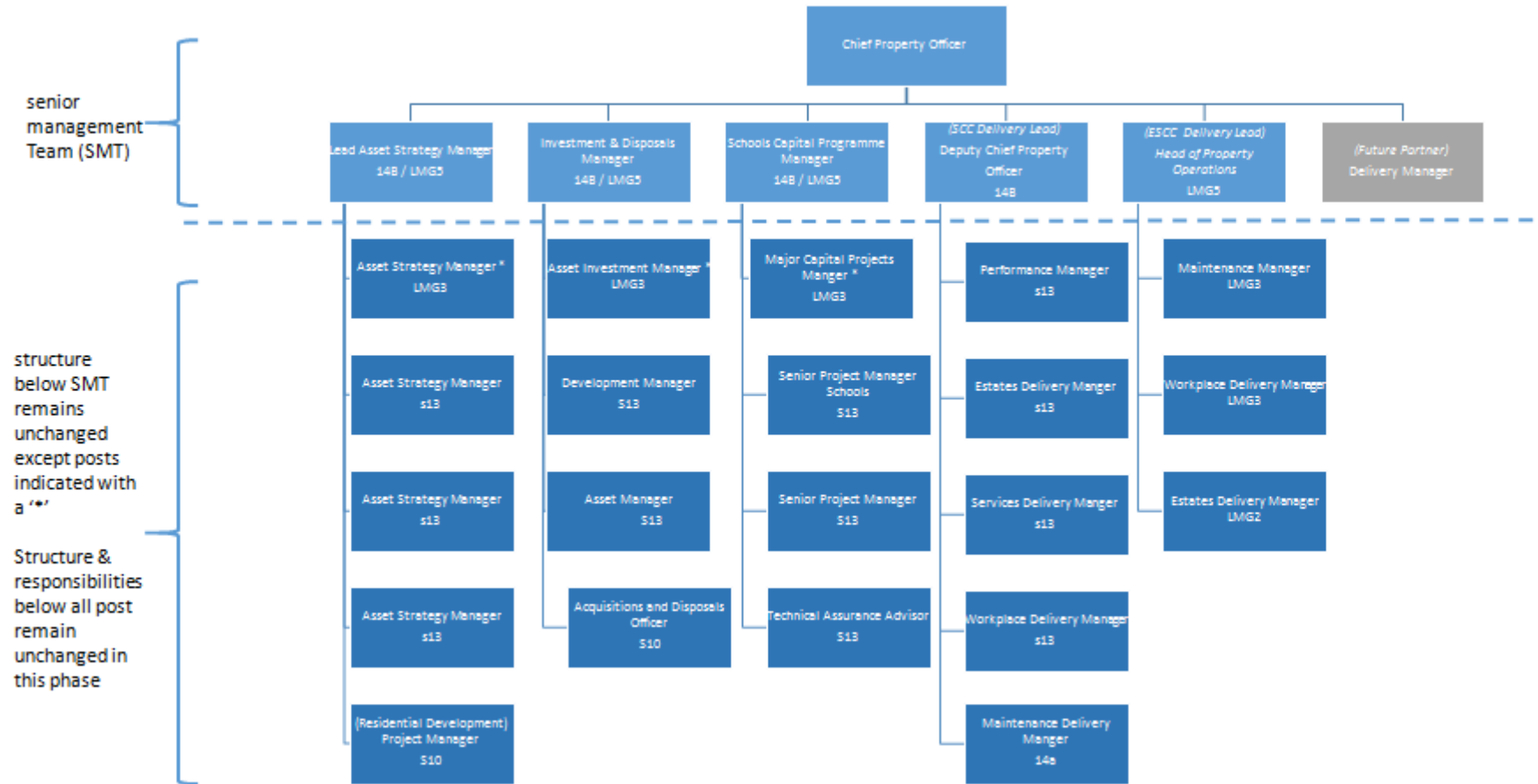
Dec 15 - Mar 16

- Preparation of consultation document, role profiles, job evaluation etc.
- Initial contact with B&HCC made to identify collaborative opportunities'

Apr 16 - Jul 16

- Consultation period for integrated Senior Leadership team
- Interviews for Senior Leadership team
- Senior Leadership Team to lead implementation of projects identified in areas of search

Figure 5 - Orbis proposed Property service –positions reporting to the senior management team



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Report to: **Governance Committee**

Date: **12 July 2016**

By: **Assistant Chief Executive**

Title of report: **Amendments to Constitution – Scheme of Delegation to officers**

Purpose of report: **To consider proposals to amend the Council’s Constitution in relation to the scheme of delegation to officers**

RECOMMENDATION: The Committee is recommended to recommend the County Council to agree to the Constitution being amended as set out in paragraph 1.2 below

1. Supporting Information

1.1 East Sussex Coroner: Responsibility for appointing coroners and their deputies was previously governed by the Coroners Act 1988 which required the approval to such appointment by the Chairman of the County Council. The coroner service was amended by the Coroners and Justice Act 2009 which is gradually being brought into force. The new act provides for the offices of Senior Coroner, Area Coroners and Assistant Coroners and when vacancies occur for these persons to be appointed by the County Council following consent to their appointment from the Chief Coroner and the Lord Chancellor. There is no longer a statutory requirement for the Chairman of the Council to approve such appointments and it is for each relevant authority to determine who should sign off coroner appointments for their area.

1.2 The scheme of delegation to officers: The County Council’s scheme of delegation delegates to officers particular powers. The Committee is recommended to amend the Constitution as set out below to permit the Assistant Chief Executive to appoint the Senior Coroner, Area Coroners and Assistant Coroners. It is therefore recommended that Part 3, of the Constitution; Responsibility for Functions, Assistant Chief Executive, is amended to include:

To discharge the County Council’s responsibilities for the Coroner service and for the provision of support for the administration of the Coroner’s Office, including the appointment of the Senior Coroner, Area Coroners and Assistant Coroners.

2. Recommendations

2.1 The Committee is asked to recommend the County Council to agree to the proposed amendments to the Council's Constitution as set out in paragraphs 1.2 above

PHILIP BAKER
Assistant Chief Executive

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Background Documents: None

Report to: **Governance Committee**

Date: **12 July 2016**

By: **Director of Communities, Economy and Transport**

Title of report: **Appointments to Outside Bodies – Hailsham Area Action Plan Steering Group**

Purpose of report: **To receive an update in relation to appointments to outside bodies**

RECOMMENDATIONS: The Governance Committee is recommended to appoint a Councillor as the Council's representative on the Hailsham Area Action Plan Steering Group for the period to May 2017

1. Supporting Information

1.1 The County Council is invited to appoint Members (and in some cases non-County Councillors are eligible) to serve on a wide range of outside bodies whose role has a relationship to a function of the County Council. The appointments are a vital part of the County Council's working in partnership with voluntary bodies, statutory agencies and the public and private sectors.

1.2 The Hailsham Area Action Plan (HAAP) is a local plan document that will provide specific policies for Hailsham and the surrounding areas, including Arlington and Polegate. It is being produced by Wealden District Council in parallel with the Wealden Local Plan. Once adopted it will be a development plan document.

1.3 A HAAP Steering Group has been established to oversee the development of the Plan. The role of the Steering Group is to promote the HAAP and provide two way communications to ensure the input of key organisations and communities. The aim of the group is also to remove obstacles and contribute constructively to the process. It supports the wider communication activities and working groups which include infrastructure, business and retail, developers and local agents and community including residents. Members of the group include town, parish and district council representatives and also environment (Environment Agency), health (Clinical Commissioning Group) and business representatives.

2. Recommendations

2.1 The Committee is asked to agree to the appointment of a Councillor as the Council's representative on the Hailsham Area Action Plan Steering Group for the period until May 2017.

RUPERT CLUBB
Director of Communities, Economy and Transport

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Background Documents

None

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Report to: Governance Committee
Date of meeting: 12 July 2016
By: Chief Operating Officer
Title: LMG Managers' Pay 2016/17
Purpose: To agree the pay award for LMG Managers for 2016/17

RECOMMENDATIONS

The Governance Committee is recommended to agree the pay award for LMG Managers for the financial year 2016/17 as being 1% (in line with the recent national NJC award)

1 Background

1.1 At its meeting on 3 June 2016, the Governance Committee received a report with regards to the 2016/17 pay offer for LMG Managers to be negotiated with Unison. Following due consideration the Committee agreed the offer to be made as 1%, in line with the recent national NJC award.

2 Supporting information

2.1 The annual Consumer Prices Index (CPI) inflation measures changes in the price level of consumer goods and services purchased by households. The CPI 12 month rate (the amount prices changed over the year between May 2015 and May 2016) stood at 0.3%. CPI is the inflation measure used in the Government's target for inflation and for purposes such as uprating pensions, wages and benefits.

2.2 For the three months ending 31 May 2016 the median pay settlement for the whole economy was 1.7%. The median pay settlement for the private sector was 1%, whereas in the public sector it was 2%.

2.3 Across the whole economy, between February to April 2015 and February to April 2016, in nominal terms, i.e. not adjusted for CPI, total pay (average weekly earnings including bonuses) increased by 2.0%. Comparing the 3 months to April 2016 with the same period in 2015, real average weekly earnings (total pay), adjusted for CPI, grew by 1.6%. (ONS, June 2016)

2.4 Total pay in the public sector (average weekly earnings including bonuses) grew by 1.7% when compared with a year earlier over the three months to April 2016. In contrast, total pay in the private sector rose by 2.1% over this period. (LGA June 2016)

2.5 The wastage figure for voluntary leavers among LMG Managers (e.g. resignations) for the half year period April to September 2015 is 3.6%. For comparison purposes, for the period April to September 2014 it was 3.58% and for April to September 2013, 4.87%.

Pay Negotiations 2015/16

2.5 Following the Governance Committee's decision on 3 June 2016 negotiations with UNISON have taken place and local managers have indicated their acceptance of the 1% pay offer, equivalent to the national pay offer for 2016/17.

2.6 Attached at Appendix A is a copy of the current LMG salary scales along with the impact of a 1% uplift.

3. Conclusion and reasons for recommendations

3.1 The Governance Committee is recommended to agree the pay award for LMG Managers for the financial year 2016/17 as being 1% (in line with the recent national NJC award)

KEVIN FOSTER
Chief Operating Officer

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Proposed Salary Scales 2016/17: LMG Managers

Grade	Current Salary	Plus 1%
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LMG 1	£ 36,417	£36,781
	£ 37,510	£37,885
	£ 38,634	£39,020
	£ 39,796	£40,194

LMG 2	£ 40,991	£41,401
	£ 42,224	£42,646
	£ 43,493	£43,928
	£ 44,800	£45,248

LMG 3	£ 46,145	£46,606
	£ 47,531	£48,006
	£ 48,962	£49,452
	£ 50,427	£50,931

LMG 4	£ 51,947	£52,466
	£ 53,505	£54,040
	£ 55,109	£55,660
	£ 56,766	£57,334

LMG 5	£ 58,475	£59,060
	£ 60,221	£60,823
	£ 62,040	£62,660
	£ 63,901	£64,540

LMG 6	£ 65,824	£66,482
	£ 67,796	£68,474
	£ 69,831	£70,529
	£ 71,922	£72,641

LMG 7	£ 74,083	£74,824
	£ 76,309	£77,072
	£ 78,607	£79,393
	£ 80,960	£81,770

LMG 8	£ 83,389	£84,223
	£ 85,896	£86,755
	£ 88,476	£89,361
	£ 91,137	£92,048

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Report to: Governance Committee
Date of meeting: 12 July 2016
By: Head of Human Resources and Organisational Development
Title: Chief Executive, Chief Officers' and Deputy Chief Officers' pay 2016/17
Purpose: To determine the pay award for the Chief Executive, Chief Officers and Deputies for 2016/17.

RECOMMENDATIONS

The Governance Committee is recommended to determine the pay award for the Chief Executive, Chief Officers and Deputy Chief Officers for the financial year 2016/17 as being equivalent to the national pay award for 2016/17 of 1%.

1 Background

1.1 At its meeting on 8 March 2016 the Committee received a report with regards to the pay award to be made to the Chief Executive, Chief Officers and Deputy Chief Officers for 2016/17.

1.2 At that time, the national NJC pay award had not been agreed and the Committee's decision therefore was to defer consideration of the pay offer until the level of the national pay award was known and for this to be on the basis that no obligation was given to accepting parity with the national award.

1.3 The national pay award is relevant to these local negotiations as the decision made regarding the local pay offer needs to take into account the impact on the wider workforce and organisation as a whole.

1.4 Set against this background, the local pay award for the Chief Executive, Chief Officers and Deputy Chief Officers has therefore historically mirrored the national award. Any consideration of a pay increase must, however, take into account the savings targets and significant financial challenges facing the Council, the Government's pay policy for the public sector, as well as the broader market position and comparability of our salaries in this context.

2 Supporting information

2.1 The annual Consumer Prices Index (CPI) inflation measures changes in the price level of consumer goods and services purchased by households. The CPI 12 month rate (the amount prices changed over the year between May 2015 and May 2016) stood at 0.3%. CPI is the inflation measure used in the Government's target for inflation and for purposes such as uprating pensions, wages and benefits.

2.2 For the three months ending 31 May 2016 the median pay settlement for the private sector was 1%, whereas in the public sector it was 2%. The median pay settlement for the whole economy was 1.7%. (ONS, June 2016)

2.3 Across the whole economy, between February to April 2015 and February to April 2016, in nominal terms, i.e. not adjusted for CPI, total pay (average weekly earnings including bonuses) increased by 2.0%. Comparing the 3 months to April 2016 with the same period in 2015, real average weekly earnings (total pay), adjusted for CPI, grew by 1.6%. (ONS, June 2016)

2.4 Total pay in the public sector (average weekly earnings including bonuses) grew by 1.7% when compared with a year earlier over the three months to April 2016. In contrast, total pay in the private sector rose by 2.1% over this period. (LGA, June 2016)

Pay Negotiations 2016/17

2.5 National negotiations for the NJC local government services pay award have now concluded and an agreement reached.

2.6 The award covers the two year period from 1 April 2016 until 31 March 2018 and essentially provides for a 1% increase each year. Higher increases are made at the bottom end of the pay spine to meet the requirements of the new National Living Wage. In light of this, at its meeting on 3 June 2016, the Committee agreed the pay offer for LMG Managers, for negotiation with Unison, as being equivalent to the national pay offer of 1%.

2.7 In addition, it is worth noting that the JNC for Local Authority Chief Executives also agreed a two year pay deal of 1% for April 2016 and 1% for April 2017.

Financial Implications

2.5 The Chief Executive, Chief Officer and Deputy Chief Officer pay bill is approximately £1.27m per annum including on-costs. If we were to mirror the current national NJC and LMG Managers offer, this would provide for an offer of 1%. A 1% increase would cost approximately £12.7k including on-costs. Revenue budgets for 2016/17 have been prepared with provision for a pay award of 1%, in line with the Government's pay policy for the public sector.

2.6 Appendix 1 provides high level benchmarking data in relation to key Chief Executive, Chief Officer and Deputy Chief Officer pay. Whilst it is difficult to compare on an exact 'like for like' basis given the very different organisational structures operating in Councils, it is worth noting that the benchmarking work undertaken has shown that in comparison with some Councils, there are fewer senior leadership roles in East Sussex with greater breadth of responsibility. Set against this background, our pay is broadly in line with our neighbours. It is also worth noting that both Brighton & Hove and Kent have determined their pay awards for posts at this level as 1% for this financial year.

2.7 Attached at Appendix 2 is a copy of the current Chief Executive, Chief Officer and Deputy Chief Officer salary scales along with the impact of a 1% uplift.

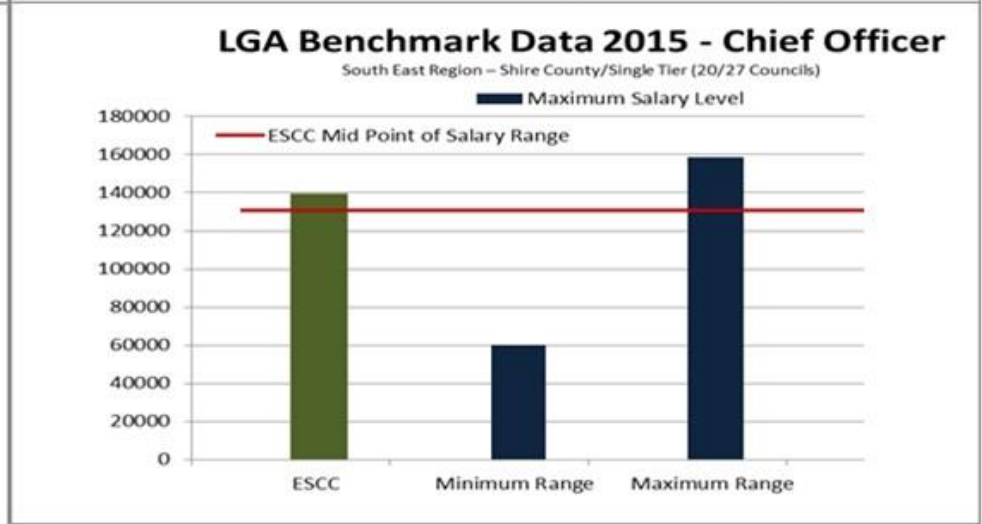
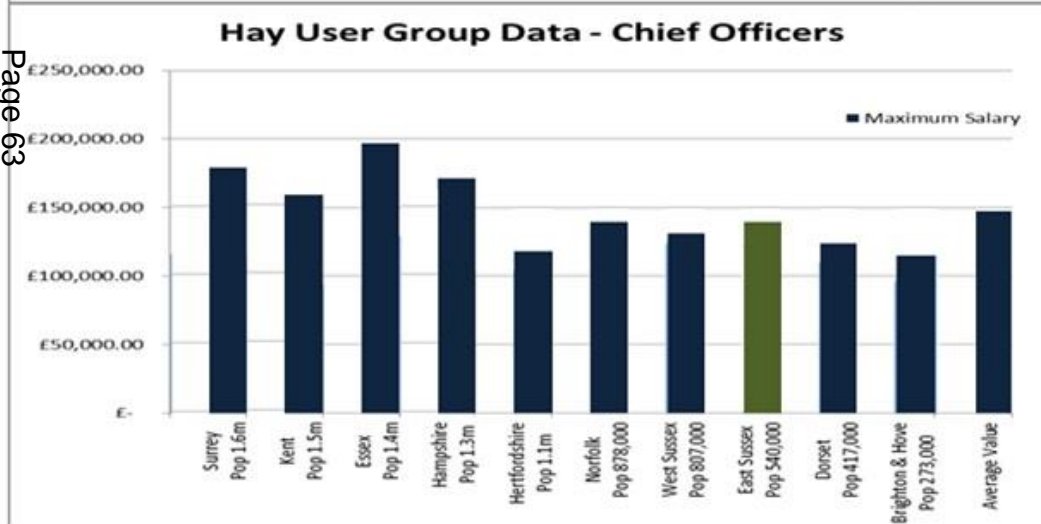
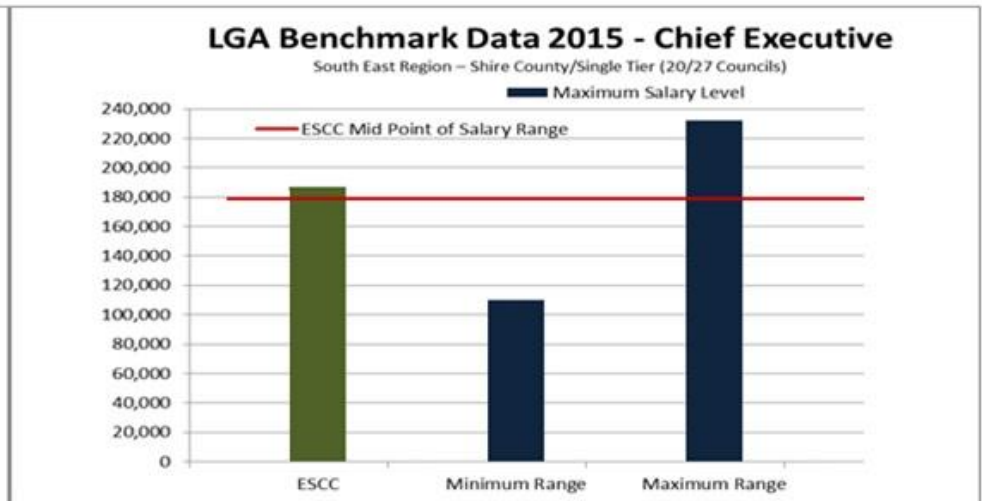
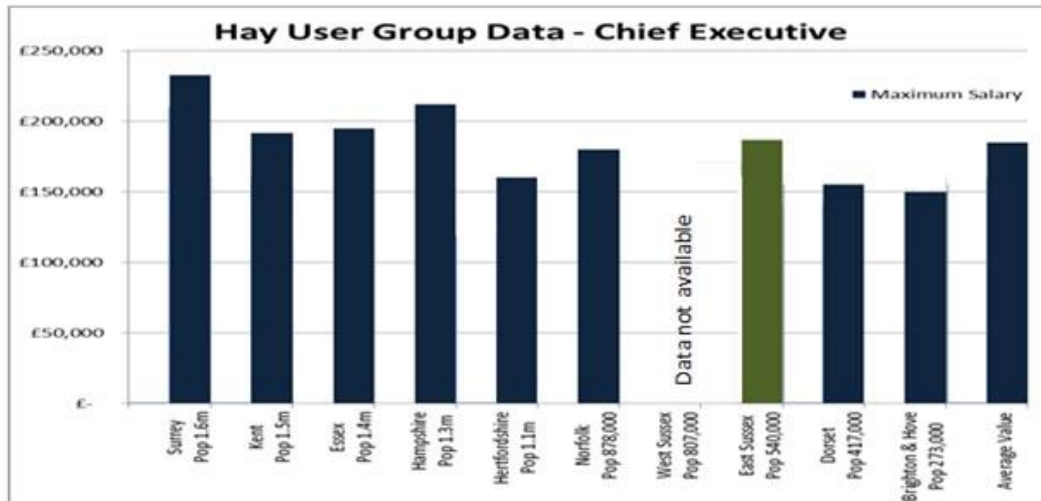
3. Conclusion and reasons for recommendations

3.1 The Governance Committee is recommended to agree the pay offer for the Chief Executive, Chief Officers and Deputy Chief Officers for the financial year 2016/17 as being equivalent to the national pay award for 2016/17 of 1%.

Sarah Mainwaring
Head of HR & OD, Personnel & Training

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Chief Officer Pay Benchmarking



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Average pay: Shire County/Single Tier with population >325,000:

Post	Lower Quartile (£)	Median (£)	Upper Quartile (£)	Post	Lower Quartile (£)	Median (£)	Upper Quartile (£)
Chief Executive	172,253	178,860	185,735	Chief Officer	120,492	125,957	130,787
ESCC Chief Executive	175,043	179,008	182,972	ESCC Chief Officer	131,439	134,098	136,756

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Current Salary Scales 2015/16: Chief Executive, Chief Officers and Deputy Chief Officers

Grade	Current Salary	Proposed Salary (with 1% uplift)
Chief Executive	£ 171,078	£172,789
	£ 176,206	£177,968
	£ 181,492	£183,307
	£ 186,936	£188,805
Chief Officer – Band B	£ 128,780	£130,068
	£ 132,326	£133,649
	£ 135,868	£137,227
	£ 139,415	£140,809
Chief Officer – Band A Currently not in use	£ 121,587	£122,803
	£ 125,231	£126,483
	£ 128,780	£130,068
	£ 132,326	£133,649
Deputy Chief Officer – Band B Currently not in use	£ 103,025	£104,055
	£ 105,859	£106,918
	£ 108,698	£109,785
	£ 111,531	£112,646
Deputy Chief Officer – Band A	£ 97,268	£98,241
	£ 100,185	£101,187
	£ 103,025	£104,055
	£ 105,859	£106,918

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