

Leicester
City Council

MEETING OF THE CABINET

DATE: MONDAY, 17 MAY 2010

TIME: 1PM

**PLACE: TEA ROOM, TOWN HALL, TOWN HALL SQUARE,
LEICESTER**

Members of the Cabinet

Councillor Patel (Chair)

Councillor Dempster (Vice-Chair)

Councillors Bhatti, Dawood, Naylor, Osman, Palmer, Russell, Wann and Westley

Members of the Cabinet are invited to attend the above meeting to consider the items of business listed overleaf.

for Director of Corporate Governance

MEMBERS OF THE PUBLIC:

YOU ARE VERY WELCOME TO ATTEND TO OBSERVE THE PROCEEDINGS. HOWEVER, PLEASE NOTE THAT YOU ARE NOT ABLE TO PARTICIPATE IN THE MEETING.

*Officer contact: Heather Kent/ Julie Harget
Democratic Support,
Leicester City Council
Town Hall, Town Hall Square, Leicester LE1 9BG
Tel: 0116 229 8816/8809 Fax: 0116 229 8819
email: Heather.Kent@Leicester.gov.uk*

INFORMATION FOR MEMBERS OF THE PUBLIC

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There are certain occasions when the Council's meetings may need to discuss issues in private session. The reasons for dealing with matters in private session are set down in law.

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If there are any particular reports that you would like translating or providing on audio tape, the Democratic Support Officer can organise this for you (production times will depend upon equipment/facility availability).

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General Enquiries - if you have any queries about any of the above or the business to be discussed, please contact Heather Kent or Julie Harget, Democratic Support on (0116) 229 8816/8809 or email heather.kent@leicester.gov.uk or call in at the Town Hall.

Press Enquiries - please phone the Communications Unit on 252 6081

PUBLIC SESSION

AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members are asked to declare any interests they may have in the business to be discussed and/or indicate that Section 106 of the Local Government Finance Act 1992 applies to them.

3. LEADER'S ANNOUNCEMENTS

4. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 19 April 2010 have been circulated to Members and the Cabinet is asked to approve them as a correct record.

5. MATTERS REFERRED FROM COMMITTEES

**6. LEICESTER NORTH-WEST PARK AND RIDE AND A50 [Appendix A](#)
BUS CORRIDOR IMPROVEMENTS**

Councillor Patel submits a report that provides a progress update on Park and Ride and seeks approval to jointly (with the County Council) prepare the Leicester North-West Park and Ride Project Full Business Case to Department for Transport Major Scheme Bid requirements. Cabinet is asked to approve the recommendations set out in Paragraph 3 of the report.

A minute extract from the meeting of the Overview and Scrutiny Management Board held on 13 May 2010 will be circulated as soon as it is available.

7. CONDUIT STREET HIGHWAY IMPROVEMENT LINE [Appendix B](#)

Councillor Patel submits a report that seeks Council approval to revoke the current Highway Improvement Line in Conduit Street and implement a new Highway Improvement Line following a six week consultation with every owner, lessee and occupier of land affected. Cabinet is asked to approve the recommendations set out in Paragraph 3 of the report.

**8. CORPORATE VOLUNTARY AND COMMUNITY [Appendix C](#)
SECTOR CONTRACTS**

Councillor Dawood submits a report that sets out the current arrangements that exist regarding a number of corporate contracts with voluntary and community sector organisations that currently sit within the remit of the Partnership Executive Team. The report puts forward proposals for clear reporting

arrangements and governance structures. Cabinet is asked to approve the recommendations set out in Paragraph 3 of the report.

9. EMPLOYEE WELLBEING STRATEGY AND ACTION PLAN **Appendix D**

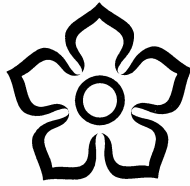
Councillor Dawood submits a report that seeks feedback on and support to the draft employee wellbeing strategy and action plan for the Council. Cabinet is asked to approve the recommendations set out in Paragraph 3 of the report.

10. NEW DISCIPLINARY PROCEDURE **Appendix E**

Councillor Dawood submits a report that presents Cabinet with a revised disciplinary procedure. Cabinet is asked to agree the revised disciplinary procedure.

11. ANY OTHER URGENT BUSINESS

APPENDIX A



Leicester
City Council

WARDS AFFECTED: All

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

OSMB
Cabinet

13 May 2010
17 May 2010

LEICESTER NORTH-WEST PARK AND RIDE AND A50 BUS CORRIDOR IMPROVEMENTS

Report of the Strategic Director Regeneration and Culture

1. PURPOSE OF REPORT

- 1.1 This report provides a progress update on Park and Ride and seeks approval to jointly (with the County Council) prepare the Leicester North-West Park and Ride project Full Business Case, to Department for Transport Major Scheme Bid requirements.

2. SUMMARY *General*

- 2.1 There is one Park and Ride service operating from Meynell's Gorse to Leicester city Centre, Monday to Saturday. A new Park and Ride service operating from Enderby to the city centre, including a small loop around part of the city centre, began on 16th November 2009. A Park and Ride service is programmed to be introduced from Birstall in early 2011. It is intended that the Enderby and Birstall services will be linked, with buses running from Enderby, through the City centre utilising the bus stops at St Nicholas Place and other bus stops, to Birstall and vice versa.

Enderby and Birstall Park and Ride

- 2.2 The current budget for constructing the 1000 space Birstall car park site on the A6 north of Birstall is £5.48m and is programmed to commence operation in early 2011. The project is being funded from Community Infrastructure Funding and New Growth Point allocations. A separate report, seeking approval of the proposed bus routing and business operating model for the linked service, will be presented to Cabinet in this summer. This report will include details of how

increased usage of the park and ride would be encouraged. It will also include details on measuring the anticipated increased usage and congestion reduction targets.

Leicester North-West Park and Ride

- 2.3 Provision of park and ride services and new sites will continue as part of Local Transport Plan 3, post 2011, subject to adoption of the third Local Transport Plan that includes Park and Ride, and funding availability. Leicester North-West Park and Ride has been included in the East Midlands Regional Funding Allocation programme 2011 to 2020 at an estimated cost of £24m. The scheme will be a major scheme funded 10% locally and 90% by the Department for Transport (DfT) subject to the DfT approving the Full Business Case. The scheme is being led by the county council and directed by a joint city/county project board.
- 2.4 The proposed location of the car park site is adjacent to the A50/A46 Junction (Appendix 1 - better map will be provided for the Cabinet meeting). The site has been chosen following site selection of part of then (2004) proposed Leicester West Transport Scheme. The proposed bus route is likely to be along the A50 to the city centre. Bus route option analysis work is currently in progress. The Project Initiation Document has been prepared and is to be approved by the city/county joint project board in March 2010.
- 2.5 The 10% local contribution to the capital cost of the scheme is proposed to be funded 50:50 city:county. The city council's share will be funded from the Integrated Transport Capital Programme and/or other sources, such as European Regeneration Development Funding, that can be secured over the next couple of years.
- 2.6 The business model for operation of the park and ride bus service and the car park site will be developed during preparation of the scheme Full Business Case. A further report will be presented to cabinet following confirmation of the business model and prior to submission of the Full Business Case. The Full Business Case is to be submitted to the DfT in May/June 2010. The current programme for the scheme is to start the site works in 2014 and open the site and commence the bus service in late 2015.
- 2.7 The Management Partnering Agreement covering the principal roles and responsibilities of the City and County Councils relating to the provision and operation of the park and ride sites and bus service will be in the next report to Cabinet.

3. RECOMMENDATIONS

Cabinet are requested to:

- 3.1 Approve the city council working with the county council in preparing the Leicester North-West Park and Ride Full Business Case to be submitted to the Department for Transport (paragraph 4.11).
- 3.2 Receive a further report seeking approval of the business operating model, heads of terms of the Management Partnering Agreement and Full Business Case prior to submission to the Department for Transport (paragraphs 4.11 & 4.12).
- 3.3 Receive a further report including details of how greater usage of the park and ride would be encouraged and how anticipated increased usage and congestion reduction targets would be measured (paragraph 4.4).

4. REPORT

Enderby and Birstall Linked Park and Ride

Background

- 4.1 At its meeting on 16th March 2006 the Council approved the proposed Leicester Park and Ride Scheme (now known as Enderby Park and Ride) as part of the Tackling Congestion Strategy of the Central Leicestershire Local Transport Plan 2006 to 2011. The scheme includes a 1000 space car park adjacent to Narborough Road, between Enderby and Fosse Park, and a ten minute bus service running into and out of Leicester via the outer ring road and Hinckley Road to St Nicholas Place and around a small city centre loop. The service commenced on 16th November 2009.
- 4.2 The Birstall Park and Ride Service park and ride site and bus priority measures along part of the A6 to the north of Red Hill Circle were secured through the planning process by the County Council. The provision of a 535 car parking space site and bus priority measures is a planning condition on the Hallam Fields housing development on the A6 north of Birstall. The bus priority measures are already in place. The County Council have modelled a park and ride service from Birstall and concluded that a 1000 space site and service is sustainable. However, the developer is not obliged to build the car park site until their 400th house is occupied. This could be as far away as 2016.
- 4.3 Negotiations between the County Council and the developer with the aim of securing a financial contribution from the developer were unsuccessful. Subsequently the county council, supported by the city council, have secured Community Infrastructure Funding and New Growth Points funding to bring the park and ride project forward.

Business model

- 4.4 Having assessed the viability of the two park and ride services separately the linking of the services has been considered. Linking the services provides a more commercially, in the medium term, option than operating the two services separately. The proposed bus route for the services and the detailed business

operating model are currently being developed and will be reported to Cabinet in the summer. This report will include details of how greater usage of the park and ride would be encouraged and how anticipated increased usage and congestion reduction targets would be measured.

Management Partnering Agreement

- 4.5 A Management Partnership Agreement has been agreed for the Enderby Park and Ride scheme. This agreement will be expanded to cover the addition of the Birstall car park site and bus operations. The agreement will set out the principal roles and responsibilities of the City and County Councils relating to the provision and operation of the park and ride sites and bus service.

Leicester North-West Park and Ride

- 4.6 Provision of park and ride services and new sites will continue as part of Local Transport Plan 3, post 2011, subject to adoption of the third Local Transport Plan that includes Park and Ride, and funding availability. Leicester North-West Park and Ride has been included in the East Midlands Regional Funding Allocation programme 2011 to 2020 at an estimated cost of £24m. The scheme will be a major scheme funded 10% locally and 90% by the Department for Transport subject to the DfT approving the Full Business Case. The scheme is being led by the county council and directed by a joint city/county project board. £200,000 has been included in the Integrated Transport Capital Programme 2010/11 to fund the city council's share of the project costs in 2010/11.
- 4.7 An outline bid titled 'Glenfield Park and Ride and A50 Bus Corridor Improvements' seeking funding prioritisation was submitted to East Midlands Regional Assembly (EMRA) in November 2008. On 6 February 2009, EMRA announced the inclusion of this scheme within their prioritised programme of transport measures for the East Midlands region. Subsequently, in their letter dated 22 July 2009, the Department for Transport announced that they are willing to accept Major Scheme Business Cases from the promoters of schemes included in EMRA's advice in accordance with the programme.
- 4.8 The proposed location of the car park site is adjacent to the A50/A46 Junction (Appendix 1 - better map will be provided for the Cabinet meeting). The site has been chosen following site selection of part of then (2004) proposed Leicester West Transport Scheme. The proposed bus route is likely to be along the A50 to the city centre. Bus route option analysis work is currently in progress. The Project Initiation Document has been prepared and is to be approved by the joint city/county project board in March 2010.
- 4.9 A number of the key junctions along the possible bus corridor routes from Glenfield experience congestion during peak times and consequently bus journey times are increased. This will affect the frequency and reliability of a park and ride service into the city centre. Consequently and under the 'Reducing Congestion' heading of their 2006-2011 Local Transport Plans, the County and

City Councils are committed to improving the selected bus corridor from the A50/A46 Glenfield interchange into Leicester (Appendix 1 - better map will be provided for the Cabinet meeting), thereby increasing journey time reliability.

- 4.10 The 10% local contribution to the capital cost of the scheme is proposed to be funded 50:50 city:county. The city council's share will be funded from the Integrated Transport Capital Programme and/or other sources, such as European Regeneration Development Funding, that can be secured over the next couple of years.
- 4.11 The business model for operation of the park and ride bus service and the car park site will be developed during preparation of the scheme Full Business Case. A further report will be presented to cabinet following confirmation of the business model and prior to submission of the Full Business Case. The Full Business Case is to be submitted to the DfT in May/June 2010. The current programme for the scheme is to start the site works in 2014 and open the site and commence the bus service in late 2015.
- 4.12 The Management Partnering Agreement covering the principal roles and responsibilities of the City and County Councils relating to the provision and operation of the park and ride sites and bus service will be included as an appendix to the next report to Cabinet.

5. FINANCIAL and LEGAL IMPLICATIONS

Financial Implications

- 5.1 £200,000 has been included in the Integrated Transport Capital Programme 2010/11 to fund the city council's share of the project costs for the Leicester North-West Park and Ride scheme in 2010/11. The financial implications of the capital investment and the revenue impact of operating the scheme will be included in the report to the Cabinet on the full business case.

Martin Judson – Head of Finance, Ext 297390

Legal Implications

- 5.2 Traffic Regulation Orders may be required to both revoke existing Traffic Regulation Orders and introduce new ones on the proposed bus route in the city.
- 5.3 The above revocation and introduction of new Traffic Regulation Orders will comply with the 1984 Road Traffic Regulation Act and The Local Authorities' Traffic Orders (Procedures) (England and Wales) Regulations 1996.
- 5.4 A Management Partnering Agreement covering the principal roles and responsibilities of the City and County Councils relating to the provision and operation of the park and ride sites and bus service will be required.

Jamie Guazzaroni – Legal Services, Ext 296350

6. OTHER IMPLICATIONS

OTHER IMPLICATIONS	YES/NO	Paragraph references within the report
Equal Opportunities	Yes	Yes All buses will be low floor buses to accommodate people in wheelchairs and parents with push chairs.
Policy	Yes	Various paragraphs Increasing the use of Public Transport, this can be achieved by providing more Park and Ride Services.
Sustainable and Environmental	Yes	Various paragraphs Promoting the use of Public Transport can lead to reduced car use, thus reduced congestion, reduced carbon emissions and improvements in air quality.
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	

7. RISK ASSESSMENT MATRIX

Risk	Likelihood L/M/H	Severity Impact L/M/H	Control Actions (if necessary/appropriate)
Failure to secure funding for the complete scheme	Medium	High	<ul style="list-style-type: none"> ▪ Identify other funding sources ▪ Carry out value engineering exercise ▪ Redesign scheme to fit available budget
Failure to meet programme deadlines	Low	Medium	<ul style="list-style-type: none"> ▪ Allocate adequate resources to the project ▪ Identify any interim solutions if necessary.
Need/Desire to use bus stops for commercial bus services	Medium	Medium	<ul style="list-style-type: none"> ▪ Ensure adequate provision of other city centre bus stops. ▪ Impose a Traffic Regulation Condition ▪ Redesign scheme
Exposure to financial risks associated with operating the	Medium	High	<ul style="list-style-type: none"> ▪ Sign Operating Agreement with County Council ▪ Develop robust business operating model with County

park and ride service			Council
Project is no longer supported by the East Midlands Regional Assembly	Medium	High	<ul style="list-style-type: none"> ▪ Take active part in Regional transport studies and strategic meetings to support promotion of the project
Project is not approved by the DfT	Low	High	<ul style="list-style-type: none"> ▪ Take active part in Regional transport studies and strategic meetings to support promotion of the project ▪ Ensure the Full Business Case is prepared in accordance with DfT Major Scheme Bid Guidance ▪ Ensure project meets Regional Funding Allocation Programme Project timescales

L – Low L – Low
 M – M –
 Medium Medium
 H – High H - High

8. BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972

- Report to Cabinet – Central Leicestershire Local Transport Plan 2006 to 2011 – Proposed Leicester Park and Ride Scheme November 2005
- Report to Cabinet – Central Leicestershire Local Transport Plan 2006 to 2011 Capital Programmes 2007/08 March 2007
- Leicester City Centre Public Realm Strategy. November 2005
- Report to Cabinet – Enderby and Birstall Park and Ride including St Nicholas Place Bus Stops July 2008
- Report to Cabinet – Central Leicestershire Local Transport Plan 2006 to 2011 Capital Programmes 2008/09/10/11 January 2009

9. CONSULTATIONS

- 9.1 Consultation will take place with key stakeholders during the preparation of the Full Business Case and subsequent design of the scheme.

10. REPORT AUTHORS

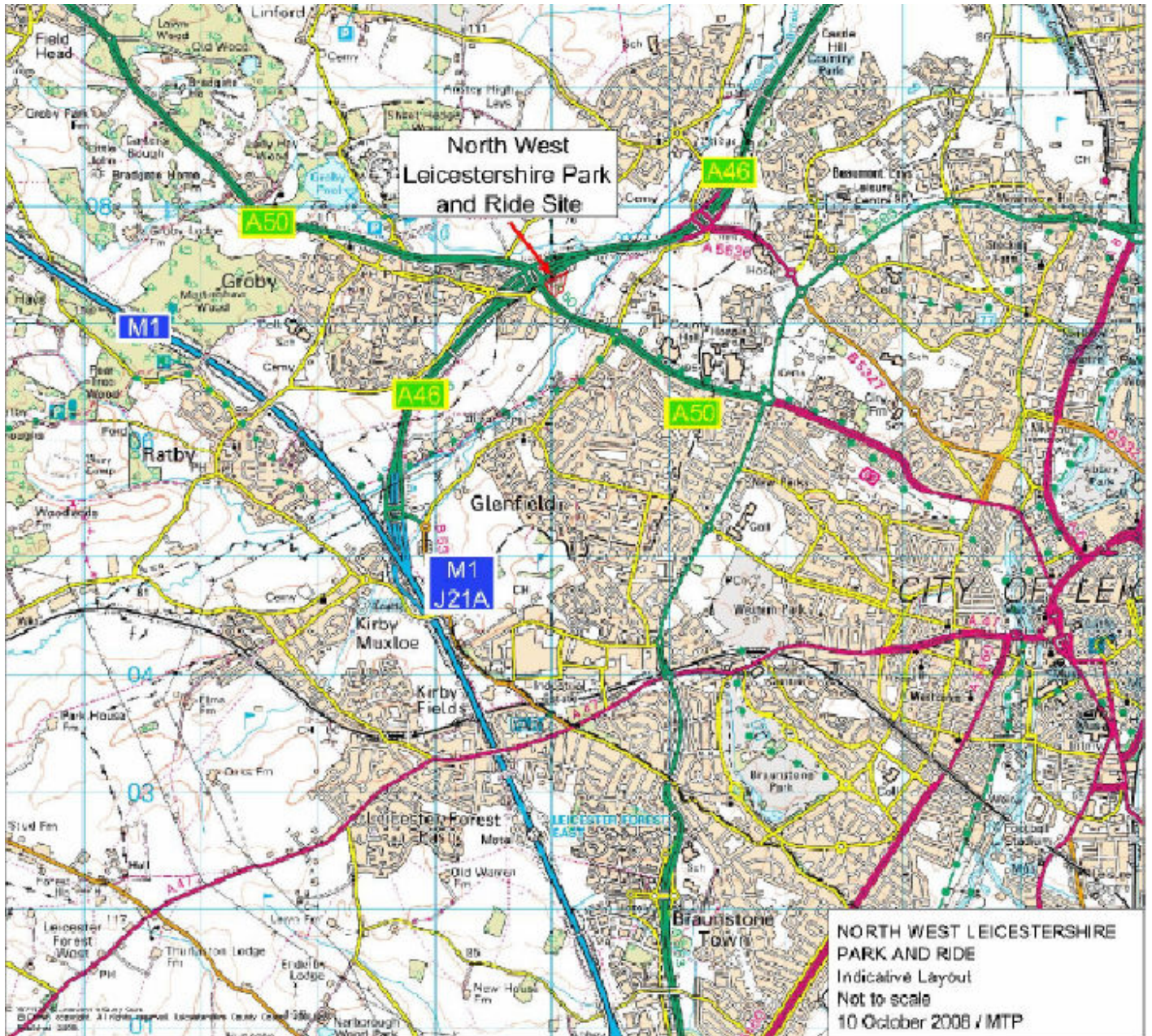
Name: Mark Wills
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Name: Satish Shah
Title: Interim Head of Highway Design
Email: satish.shah@leicester.gov.uk
Telephone: 0116 299 5699

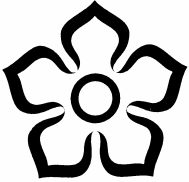
Key Decision	Yes
Reason	Is significant in terms of its effect on communities living or working in an area comprising more than one ward
Appeared in Forward Plan	Yes
Executive or Council Decision	Executive (Cabinet)

Appendix 1

PROPOSED LOCATION - LEICESTER NORTH-WEST PARK AND RIDE



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Leicester
City Council

WARDS AFFECTED
Castle

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

Cabinet
Council

17th May 2010
24th June 2010

CONDUIT STREET HIGHWAY IMPROVEMENT LINE

Report of the Director of Regeneration, Highways and Transportation

1. PURPOSE OF REPORT

- 1.1 This report seeks Council approval to revoke the current Highway Improvement Line in Conduit Street and implement a new Highway Improvement Line following a six week consultation with every owner, lessee and occupier of land affected.

2. SUMMARY

- 2.1 Following Full Council approval to revoke the current Highway Improvement Line (HIL) in September 2009, the Transport Strategy Team has undertaken statutory consultation which was required under the Highways Act 1980.
- 2.2 As a result of that consultation, one objection was received. The objection was based on the concern that the Dawn Centre and Health Centre in Conduit Street was given planning permission to build over an existing HIL. There was also concern that the revocation of the HIL and that the proposed implementation of a new HIL would lead to developments that would compromise the safety of drivers and pedestrians.
- 2.3 Officers are satisfied that the proposed HIL will still allow for developments which satisfy the Highway Transportation and Development guide.

3. RECOMMENDATIONS (OR OPTIONS)

- 3.1 Cabinet Members are asked to recommend that Council approves the following recommendations:
- 3.2 Agree to the Revocation of the current Conduit Street Highway Improvement Line agreed prior to 1997 as shown in red in Appendix A;
- 3.3 Agree to the Implementation of a new Highway Improvement Line in Conduit Street as shown in green in Appendix A; and

3.4 Agree to the retention of the existing Highway Improvement Line in Conduit Street / London Road as shown in blue in Appendix A.

4. REPORT

4.1 A report to Full Council on 3rd September 2009 approved to revoke the current Highway Improvement Line in Conduit Street and implement a new Highway Improvement Line.

4.2 Highway Improvement Lines (HIL) are established by the Highway Authority as a statement of future intent of carrying out improvements to the highway and to prevent other conflicting developments taking place. They are recorded on the Land Charges Register and therefore declared on local searches for properties within 200 metres of the Improvement Line boundary.

4.3 It is extremely important to properly consider HIL's and also Highway Improvement Schemes as they affect the potential for development. There is a presumption that only those schemes which have a reasonable chance of proceeding in a finite time period should be retained. Conversely it would be very difficult to resurrect improvement lines once revoked.

4.4 Leicester City Council has been approached by an agent acting for the proposed purchaser of the land between Andover Street, Conduit Street and Glebe Street. An HIL has been declared on a recent search. The proposed purchaser has made approaches to seek either the revocation or amendment to the Improvement Line to enable the submission of a planning application for housing. Appendix A presents the area showing the current highway improvement line (in red).

4.5 Under the procedures set out within The Highways Act 1980, the Council was required to consult with every owner, lessee and occupier of land affected of the proposed approval to revoke the current Highway Improvement Line. Following this, a letter of objection was received which the Council now needs to consider. Once this has been considered, the line may then be prescribed.

4.6 A copy of the objection letter received is presented in Appendix B. Paragraphs 4.6.1 to 4.6.2 provides the response given to the objections:

4.6.1 *'There has already been a serious violation of these lines by your planning department'.*

The Dawn Centre (planning application approved in 2003) and the Health Centre (temporary approval granted in 2004) was built over the existing Highway Improvement Line. There were no highway objections to the planning application as Officers had stated that the Highway Improvement Line was no longer required to allow for the widening of Conduit Street as it is not intended that Conduit Street be used to relieve traffic.

The original extent to widen Conduit Street has now changed since 2003. However, the Highway Improvement Line is still required to be retained for any junction improvements that would improve the safety of pedestrians and motorists.

The buildings stated 'Government Offices' shown on the map were built prior to the implementation of the Highway Improvement Line.

- 4.6.2 *'The proposed amendments would not be in the interests of either pedestrians or motorists travelling via Conduit Street and adjacent roads.'*

The Highway Transportation and Development (Htd) guide was adopted by the City Council in April 2009. It details the highway and transportation infrastructure required for new developments that would provide the safe and free movement of all road users. The guidance reflects the latest national design and policy guidance for suitable visibility splays at junctions for motorists whilst not jeopardising pedestrian safety.

- 4.7 The Htd states that if any proposed development is to take place on an existing road, it would be necessary to conduct a radar survey to measure the existing vehicle speed to determine the 85th ile (the speed which 85% of the vehicles are not exceeding). This would establish the visibility splays needed. Whilst traffic calming has already been implemented and it is now a 20mph zone, it was necessary to conduct a speed radar survey (carried out on 28th May 2009). The conclusion of the survey found the 85% ile to be 20mph. By referring to table DG4 of the Htd, the assessed vehicle speed of 20mph, should have a 25 metre visibility distance at a junction.
- 4.8 The Htd also states that a six metre corner radii radius should be provided for residential and B1 Class office developments.
- 4.9 If the existing Highway Improvement Line was revoked, and the proposed development was to proceed, this would not comply with the current Htd requirements.

Conclusion

- 4.10 Appendix A presents the proposed new HIL (in green) which has taken into account the guidance set out within the Htd. Appendix A is presented for illustrative purposes. The detailed specification of the new HIL is based on:
- a) A six metre radius at for both junctions at:
Glebe Street / Conduit Street; and
Andover Street / Conduit Street
 - b) A 25m visibility splay (2.4m by 25m) for both junctions at:
Glebe Street / Conduit Street; and
Andover Street / Conduit Street
 - c) A two metre width footway at Conduit Street (as shown within the green line). A two metre width footway has also been included at Glebe Street and Andover Street.
 - d) The retention of the current HIL (as shown in blue) at London Road / Conduit Street. This includes a two metre width footway.

5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

Financial Implications

- 5.1 There are no direct financial implications arising from this report.

Martin Judson, Head of Finance

Legal Implications

- 5.2 Section 73 of the Highways Act 1980 details the powers of the Highway Authority, the Council with regard to Highway Improvement Lines ("HIL"). The Council can prescribe and revoke HIL's and this must be done by resolution. Schedule 9 of the Act details the procedures that need to be taken for this and I have advised the Transport Strategy team accordingly of the procedures that need to be followed.

Jamie Guazzaroni, Solicitor- Legal Services

6. OTHER IMPLICATIONS

OTHER IMPLICATIONS	YES/NO	Paragraph references within the report
Equal Opportunities	4.6.2-4.8	Proposed junction layout improves facilities for people in wheelchairs and parents with push chairs and the safety of vehicle drivers.
Policy	4.6.2 -4.8	Adheres to the Highways Transportation and Development Guide as adopted by the City Council.
Sustainable and Environmental	4.6.2 -4.8	compliance with the Highways Transportation and Development Guide.
Crime and Disorder		
Human Rights Act		
Elderly/People on Low Income		
Corporate Parenting		
Health Inequalities Impact		

7. BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972

- 7.1 Full Council meeting – 3rd September 2009

8. CONSULTATIONS

- 8.1 Prospect Leicestershire and the Council's City Centre Development Manager have provided comments as stated in the report to Full Council (3rd September 2009).
- 8.2 Network Rail and East Midlands Trains, in their capacity as Leicester Railway Station owner / tenant, have been contacted, although no comments have been received.
- 8.3 The previous Cabinet Lead Member, Councillor Kitterick, has been briefed on the proposed revocation of the existing HIL and implementation of a new HIL.
- 8.4 The Council has completed a six week consultation period regarding the revocation of the existing line and implementation of a new line. The Highways Act 1980 states that, 'Where the local authority prescribe a line or revoke a line or any part thereof they shall do so by resolution'.

9. REPORT AUTHOR

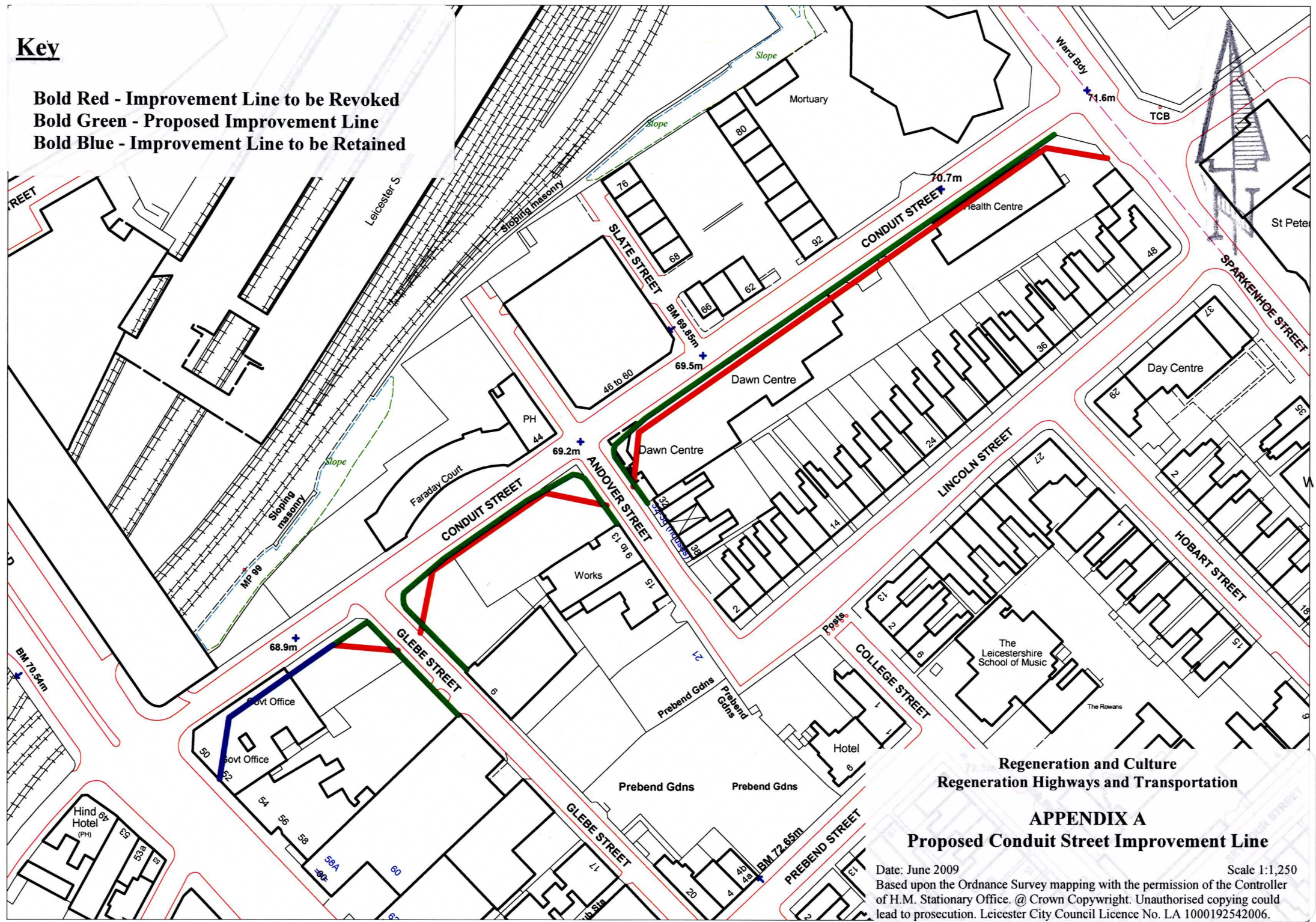
Name: Anthea Anderson
Title: Transport Strategy Officer
Email: Anthea.Anderson@leicester.gov.uk
Telephone: 0116 252 6537

Key Decision	Yes
Reason	Is significant in terms of its effect on communities living or working in an area comprising more than one ward
Appeared in Forward Plan	Yes
Executive or Council Decision	Executive (Cabinet)

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Key

- Bold Red** - Improvement Line to be Revoked
- Bold Green** - Proposed Improvement Line
- Bold Blue** - Improvement Line to be Retained



**Regeneration and Culture
Regeneration Highways and Transportation**

**APPENDIX A
Proposed Conduit Street Improvement Line**

Date: June 2009
 Scale 1:1,250
 Based upon the Ordnance Survey mapping with the permission of the Controller of H.M. Stationary Office. @ Crown Copyright. Unauthorised copying could lead to prosecution. Leicester City Council Licence No. LA 1000192542006.

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Welford Place
Leicester
LE1 6ZG

12th January 2010

Dear Sir

OBJECTION
S73 Highways Act 1980
Proposed Conduit Street Highway Improvement Line

When the Dawn Center was built the local residents were asked their opinion about having this facility on their doorstep. Myself and (as far as I can remember) the large majority of residents were adamantly opposed to the proposition. Nevertheless our objections were overridden by the planning department and it went ahead. With no prior notification, my employees arrived for work on the Monday that construction was to commence to discover that Andover Street had been closed and they could not get into our offices. On enquiry we discovered that the road would be closed for a full year, this would have meant that the company would have had to cease to trade and the staff were facing redundancy!! After a difficult 24 hours I managed to gain agreement with the builders to reluctantly create a small pedestrian access to the building, but no vehicular access to our car park was allowed that normally holds 14 employees cars.

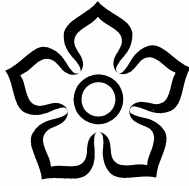
In order to report for work they had to pay for car parking off-site and walk to the offices. The road did stay closed for the year, we suffered a huge loss of business, the builders blamed the Council for not liaising with ourselves and the Council blamed the builders. Apart from a derisory small reduction in our rates we received no compensation what so ever. I have now received the attached correspondence from the Council which clearly shows that planning and building permission was granted for the Dawn Center in violation of their own Highway Improvement Lines. This is not "a minor infringement" but a substantial breach of their own regulations. As you can see from the plan the Highway Improvement Lines have not just been ignored by the planning department once, but on both sides of the Dawn Center and again in respect of the frontage of the Health Center and Government Offices. It appears to me that their request to now change the Lines is because either this serious mistake has just been discovered, or rather more cynically this screamingly obvious planning violation was known from outset and deliberately ignored at a political level to ensure that the Dawn Center was built, come what may!!

On a separate point I also feel that the existing lines allow better and safer junctions for traffic as it will provide improved driver visibility at the junctions, particularly now that the taxis have been given permission to park along the majority of Conduit Street by the Council. This was given again without any consultation that I am aware of with the local residents. I am beginning to wonder if the democratic process still exists where local Government is involved.

In summary, I am therefore writing to object to any proposal to amend the current Highway Improvement line on the following grounds :

1. There has already been a serious violation of these lines by your planning department
2. The proposed amendments would not be in the interests of either pedestrians or motorists traveling via Conduit Street and adjacent roads.

Yours sincerely



Leicester
City Council

WARDS AFFECTED
All Wards

CABINET

17th MAY 2010

CORPORATE VOLUNTARY & COMMUNITY SECTOR CONTRACTS

Report of the Director of Change and Programme Management

1. PURPOSE OF REPORT

- 1.1 This report sets out the current arrangements that exist regarding a number of corporate contracts with voluntary and community sector organisations that currently sit within the remit of the Partnership Executive Team. It seeks to clarify our approach to funding and managing these voluntary and community sector contracts. The report puts forward proposals for clear reporting arrangements and governance structures around these contracts which will be consistently applied in all cases.

2. SUMMARY AND CONTEXT

- 2.1 A number of voluntary and community sector organisations have historically received funding from Leicester City Council and in 2008 this funding was reviewed as part of a major review of all grant aided voluntary and community sector contracts with a view to putting new service contracts in place. The review was led and managed by Keith Murdoch and Joanna Bunting. Cabinet on 14th July 2008 approved the re-provision strategy in respect of the activities covered by former “grant aid contracts”.
- 2.2 Following this review it was agreed that 6 contracts that previously sat within the remit of the former Adults and Housing Department should be transferred to the Chief Executive’s Office as they were deemed to be of strategic importance and did not fit well with the remit of Adult Social Care services. These contracts are:
- Leicester Council of Faiths
 - African Caribbean Citizens Forum
 - Leicestershire Centre for Integrated Living
 - The Race Equality Centre
 - Somali Development Services
 - Voluntary Action Leicester

- 2.3 It was expected that new contracts were to commence from 1st April 2009 and specifications were to be negotiated on the basis of three year funding in order to give the organisations some stability.
- 2.4 Delays in negotiating the specifications meant that for some organisations the previous funding agreements were extended until such time as a new contract could be issued. Further it was agreed that 2 of these contracts (ACCF & LCIL) should continue to be grant funded rather than be issued with a service contract.
- 2.5 A further funding agreement with the Federation of Muslim Organisations, and not included in the review outlined in 2.1, is included as part of this report.
- 2.6 The table below gives a summary of the contracts held:

Organisation	Contract Type	Current Contract Period
African Caribbean Citizens Forum (ACCF)	Funding Agreement	1/04/09 – 31/03/12
Leicester Council of Faiths (LCoF)	Funding Agreement	1/04/09 – 31/03/12
Federation of Muslim Organisations (FMO)	Funding Agreement	1/04/07 – 30/06/10
Somali Development Services (SDS)	Service Contract	1/07/09 – 31/03/12
Leicestershire Centre for Integrated Living (LCIL)	Service Contract	Under negotiation
The Race Equality Centre (TREC)	Service Contract	Under negotiation
Voluntary Action Leicester (VAL)	Funding Agreement	Under negotiation

3. RECOMMENDATIONS

- 3.1 Cabinet is recommended to approve that:
- 3.2 Strategic ownership of these contracts sits within the remit of the Thriving and Safe Communities Priority Board and that all monitoring information and reporting is submitted to the Board quarterly, and reported upwards to Cabinet and is aligned to other quarterly performance reporting.
- 3.3 The agreement with FMO, currently extended until 30th June 2010, is renegotiated following the principles outlined in this report including identification of clear outcomes around supporting infrastructure between Muslim organisations in the city.
- 3.4 A strategic review is undertaken of all of these services as each of the contracts reach the end of their current funding term. The strategic review will determine the type and level of service required by the Council and the appropriate delivery options, and put in place agreements / contracts in each case which are consistent with the principles outlined in this report. It is proposed that the LCIL and TREC

strategic review will commence with immediate effect, and that new contracts with more robust specifications setting out clear outcomes are drawn up in consultation with the organisations. Agreements and contract specifications for the remaining contracts will be reviewed and performance measures agreed at the earliest opportunity allowed in relation to existing contract terms as recommended in the report below.

- 3.5 Should strategic reviews, evidence of underperformance or adverse impacts on outcomes result in a recommendation to withdraw funding, then this will be on the basis of a full report to Cabinet.

4. REPORT

4.1 Embedding a good practice approach

Many of the above organisations have been funded historically and as such the approach has not been as rigorous as it could be, and has typically focused on inputs / outputs rather than outcomes. This report seeks to rectify this and put both the contract infrastructure and monitoring arrangements on a tighter footing.

It is important that we have a consistent and transparent approach to the way we work with the Voluntary and Community Sector (VCS). We have now reviewed that approach to ensure a focus on how the work the VCS does improves outcomes for the people of Leicester and delivers the vision and priorities articulated in One Leicester. This requires us to define and measure activity in a way which is focused on the impact it will have on our communities, and to put in place a clear and consistent performance management framework which aligns outcomes and funding.

This is consistent with the way we are developing our approach to strategic commissioning, where we will commission on the basis of outcomes, and manage performance against these outcomes ensuring that there is clear accountability for achievement of targets. This applies as much to the City Council's own internal service delivery as to our contracts with other providers across all sectors.

We commenced the development of our approach to working with the VCS through work to establish a new service contract with Voluntary Action Leicester (VAL). The principles that emerged as a result of this and which will apply consistently in future to our service contracts with the VCS are:

- Each VCS organisation which is contracted by Leicester City Council will have a named individual who will oversee all activity that the organisation undertakes for us.
- We will have a clear framework for specifying and monitoring activity which makes clear what outcomes must be realised for the funding provided.
- Performance will be monitored quarterly to align with the Council's corporate performance monitoring timetable, for all service contracts and will be regularly reported through Cabinet.

- Strategic reviews will be undertaken for each of the currently provided services in line with the Council's commissioning framework to ensure that the services continue to meet Council priorities into the future and that the most appropriate delivery options have been considered.
- There will be close monitoring to ensure that where organisations apply for other sources of City Council funding, such as the Community Cohesion fund, that this is to achieve outcomes that are in addition to those specified in any existing funding agreement or contract with that organisation.
- Agreements will be year-on-year with appropriate break clauses. Funding will not be continued where there is clear evidence of underperformance or adverse impacts on outcomes, but this will be on the basis of a report to Cabinet.
- Organisations will be required to provide the City Council with fully audited accounts as part of the terms of any funding agreement / contract.

In putting in place agreements with these organisations we will seek to ensure where appropriate, organisations are supported to build their capacity so that they are not reliant on City Council funding to sustain their service delivery.

Reviews will commence as soon as is feasible in relation to existing contract terms. All organisations will therefore be treated consistently.

4.2 Contract Summary

Below is a summary position and recommendations for each contract. This is based on contract monitoring information that has been gathered since September 2009 when the contracts were transferred to the Partnership Executive Team. These contracts are deemed to be of strategic importance as they provide a gateway into a number of key communities within the city and help to support a range of outcomes including addressing inequalities and supporting the development and sustainment of strong, resilient communities in the city.

4.2.1 African Caribbean Citizens Forum (ACCF)

- The service aims to provide a voice for the African and Caribbean Community through the establishment of a 'Citizens' Forum. The Forum is required to establish close links with the City Council to ensure that effective communication and consultation channels are in place to enable an ongoing and constructive dialogue between the ACCF and the City Council.
- There is scope to tighten up the milestones and outcomes in this specification so that they are appropriately focused and aligned with the needs of the city.
- **Recommendation:** Draw up a new specification for 2010 which sharpens the objectives and outcomes. This should include consideration of the role of ACCF in relation to the recently agreed community cohesion strategy and potentially how they could support wider working with African communities, particularly new arrivals and development of new African communities in the city.

4.2.2 Leicester Council of Faiths (LCoF)

- The service aims to encourage and promote knowledge and understanding of, and between, the different faith communities in the city and works with Leicester City Council and the Leicester Partnership to achieve this. The LCoF has an important contribution to make to agendas such as Community Cohesion by providing a united voice across the faith communities in the city. This is a small organisation with limited capacity and all board members are volunteers.
- LCoF also receive funding to act as one of the 'host' organisations for the Leicester Partnership. (Host organisations are intended to strengthen representation across the different strands of equalities – there is a host for each strand). This is subject to a separate agreement recently negotiated with tight performance measures.
- **Recommendation:** No changes at the current time.

4.2.3 Federation of Muslim Organisations (FMO)

- This contract commenced in April 2007. The main objective of FMO has been to act as a 'gateway' into the Muslim community. This is another small organisation with limited capacity. There is scope to strengthen the outcomes in relation to our agreement with FMO.
- **Recommendations:** The original funding agreement expired on 31st March 2010 and has been extended for a further 3 months to 30/6/10 whilst contract negotiations are in progress. It is recommended that a new specification which identifies clear outcomes around supporting infrastructure between Muslim organisations in the city is drawn up in line with the principles outlined in this report which can form the basis of a future agreement.

4.2.4 Somali Development Services (SDS)

- The service provides a range of support and advice services to address the needs of the Somali Community in Leicester. It also undertakes general engagement and consultation with the Somali Community. SDS is expected to maintain good communication with the council to ensure ongoing and constructive dialogue between the Somali community and the Council is supported. Funding is used to deliver a range of popular drop in sessions and advice services from benefits advice to an employment and training service.
- The service also works with a diverse client base and not just the Somali Community - 40% of users are from Eastern European communities.
- **Recommendation:** No changes are recommended at the current time.

4.2.5 Leicestershire Centre for Integrated Living (LCIL)

- LCIL have historically provided services such as the provision of information and advice to individuals and organisations on disability issues and legislation. The contract remains to be negotiated at the current time.
- LCoF also receive funding to act as one of the 'host' organisations for the Leicester Partnership.
- **Recommendations:** It is recommended that a strategic review is undertaken to determine the type and level of service required by the Authority to be provided by LCIL. As part of the Personalisation agenda for Adult Social Care, the Authority is required to have a User Led Organisation (ULO) in operation. As the

LCIL is the designated ULO for Leicester, it is recommended that Adult Social Care to lead the review, because of its link to the transformation.

- Following the review a revised service specification and contract to cover service delivery on a year-on-year basis with appropriate break-clauses be put in place. However, if the review highlights major concerns or if there is no requirement for the service, then a further report will be submitted for Cabinet consideration.
- It is recommended that in the interim LCIL provide a summary report detailing key milestones and activity carried out during the period 01/04/09 – 31/03/10 to the Thriving and Safe Communities Priority Board.

4.2.6 The Race Equality Centre (TREC)

- TREC have historically provided services such as the provision of specialist support and advice around race equality issues including legislation and policy advice to individual's groups and organisations in the city. Neighbourhood Renewal Funding was also provided to support the refugee and asylum seekers project, which provided comprehensive support to refugees; from the point they receive a positive decision. The support offered included access to housing, benefits entitlement access to education and health care services. The contract at the remains to be negotiated at the current time.
- TREC also receive funding to act as one of the 'host' organisations for the Leicester Partnership.
- **Recommendations:** It is recommended that a strategic review is undertaken to determine the type and level of service required by the Authority to be provided by TREC.
- Following the review a revised service specification and contract to cover service delivery on a year-on-year basis with appropriate break-clauses be put in place. However, if the review highlights major concerns or if there is no requirement for the service, then a further report will be submitted for Cabinet consideration.
- It is recommended that TREC provide a summary report detailing key milestones and activity carried out during the period 01/04/09 – 31/03/10 to the Thriving and Safe Communities Priority Board.

4.2.7 Voluntary Action Leicester (VAL)

- The review of the contract with VAL is currently underway and is being led by the Head of Planning & Commissioning, Personalisation & Business Support. Discussions have been held with NHS Leicestershire, who also provide funding to VAL and the Leicestershire Constabulary, to develop a joint specification of activities, outcomes and outcome indicators that meet the requirements of all funding bodies. Leicester City Council will be the Lead Commissioner. Meetings have also been held with VAL to discuss this approach.
- The revised specification with VAL is now based on National Association for Voluntary and Community Action (NAVCA) Performance Standards for Local Infrastructure Organisations. The specification includes an outcomes framework which clearly identifies the outcomes that VAL are expected to deliver and the outcome indicators that will be used to measure performance. This work is close to being concluded but actual target numbers/percentages are still to be agreed. Further detail will be provided to Cabinet members in due course.

4.3 Future Governance & Monitoring Arrangements

Although these contracts are monitored in the Partnership Executive Team, ownership of them at strategic level is not clear and there is scope to strengthen the governance arrangements for reporting monitoring information and raising issues. Because of this lack of ownership the specifications are not as tight as they could be and it is not always clear how the outcomes achieved by these services are contributing to our One Leicester priorities or LAA indicators.

Contract monitoring currently takes place quarterly but the information collected is not currently reported to any Strategic Board. We need to have agreed monitoring which focuses on collecting information and feedback that is relevant and can clearly demonstrate the difference the service is making to our local communities. We are therefore recommending that the Thriving and Safe Communities Priority Board has the strategic oversight and ownership of this funding via quarterly reports and that these are reported to Cabinet on a quarterly basis in line with other quarterly performance monitoring.

5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

5.1. Financial Implications

5.1.1 There is currently budgetary provision for all seven of these organisations in the table at para 2.6 above. Any decisions on the future funding of these organisations need to be made with reference to the current budgetary provision.

5.1.2 The organisations generally receive funding quarterly in advance. For the three organisations that have simple funding agreements (ACCF, LCofF and FMO) there is provision for payments advanced to be clawed back in the event that the money is not being used in accordance with the agreement. For the other organisations the service contract arrangements provide for cessation of funding if services were not being provided as agreed.

5.1.3 All future service or funding contract arrangements should be in accordance with both Contract and Finance Procedure Rules.

Jon King, Accountancy Services
X297433

5.2 Legal Implications

5.2.1 The approach to former “grant aid contracts” (including the procurement approach) is underpinned by Cabinet decisions in March and April 2008. This has, subject to a handful of contracts being queried, been successful.

- 5.2.3 For ACCF and LCoF the decision was then taken, on further consideration, to continue a funding arrangement as the purpose of the relationship reflected more of a “grant in aid” (core funding) approach rather than the delivery of particular outputs.
- 5.2.4 It will be recalled that the procurement approach to the award of the VAL contract was subsequently based on the fact that, because VAL had been awarded the contract for voluntary infrastructure in Leicestershire and because of our MMA, they were in effect the body that could provide these services in Leicester.
- 5.2.5 The recommendations in this report are supported as they will lead to clarity about the nature of the arrangements and ownership of the outcomes. It is obviously in no-one's interest for arrangements to continue that have not been properly “closed”, where money is being paid on an inchoate basis. This means that neither party can be certain what the contractual arrangement is and this could lead to disputes and service failure.
- 5.2.6 Procurement principles and contract procedure rules still apply to the award of these contracts (unless the relationship is clearly one of grant funding – in which case the rules on State Aid may apply, but at these values and for these outcomes this should not be a barrier) The procurement approach approved in 2008 should therefore be reviewed on each renewal.
- 5.2.7 Equalities issues in contracting is a complex area and the most robust approach is to embed these in the service delivery requirements at a pervasive level. The proposed work on this issue is strongly supported.
- 5.2.8 The principal legal power used by the Council to enter into these arrangements are our “well being powers”. As ever regard must be had to our Sustainable Community Strategy in the exercise of these powers.

Joanna Bunting, Head of Commercial & Property Law
X 29 6450

5.2.9 **Equalities implications**

An equalities checklist for commissioning has been developed and will be piloted by the Strategic Commissioning Project Board. The checklist highlights the range of equalities considerations across the various phases of the commissioning cycle: clarifying customer needs (whether for individuals or communities), identifying an effective service offer, equality risk assessing any proposal, specifying equality outcomes and wider social benefits to be achieved by the service, and monitoring the outcomes and benefits realised. As an authority, we have been poor at specifying and demonstrating equality outcomes achieved through our service provision. The good practice approach recommended within this report will enable the Thriving and Safe Communities Priority Board to get a clearer picture of the individual and community benefits realised through its commissioning activities. This in turn, will inform the Priority Board's future commissioning decisions. Another challenge is the ongoing development of a local market of a diverse range of

potential providers, providers who know and are able to respond effectively to the needs of Leicester's communities. A larger pool of potential providers would stimulate entrepreneurship within the city, which is itself, a social benefit.

Irene Kszyk, Head of Corporate Equalities
Ext. 391624

5.3 Other implications

OTHER IMPLICATIONS	YES/NO
Policy	No
Sustainable and Environmental	No
Crime and Disorder	No
Human Rights Act	No
Elderly/People on low income	No
Corporate Parenting	No
Health Inequalities Impact	No

6. RISK ASSESSMENT MATRIX

Risk	Likelihood L/M/H	Severity Impact L/M/H	Control Actions (if necessary/appropriate)
1. Contracts don't deliver against agreed outcomes and don't demonstrate value for money	High	Medium	Clear outcome based specifications in place and rigorous quarterly monitoring and reporting undertaken
2. Not opening the funding/procurement process up to competition	Medium	Medium	Strategic review of contracts takes place in the longer term to assess future needs and priorities
3. Lack of strategic ownership of contracts	Low	Medium	Recommendation that the Strategic ownership of these contracts sits within the remit of the Thriving and Safe Communities Priority Board

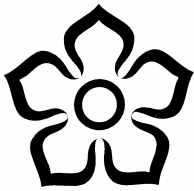
7. CONSULTATIONS

Miranda Cannon, Director of Change and Programme Management
Cathy Carter, Team Leader Partnership Team
Julie Morley, Team Leader Partnership Team
Tracie Rees, Director Adult and Social Care
Irene Kszyk, Head of Corporate Equalities
Joanna Bunting, Head of Commercial & Property Law
Jon King, Accountancy Services

8. REPORT AUTHOR

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Partnership Executive Team
Ext. 29 8640

Key Decision	No
Reason	N/A
Appeared in Forward Plan	N/A
Executive or Council Decision	Executive (Cabinet)



Leicester
City Council

WARDS AFFECTED
N/A

APPENDIX D

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

Cabinet

17th May, 2010

Employee Wellbeing Strategy and Action Plan

Report of the Director of HR and Director of Public Health & Health Improvement

1. Purpose of the report

To obtain feedback on and support to the draft employee wellbeing strategy and action plan for the Council.

2. Summary

The development of an employee wellbeing strategy for the Council links to the One Leicester priority of 'improving wellbeing and health', the CAA and the Council's Improving Attendance strategy.

3. Recommendations

Cabinet is asked to:

- Approve the strategy and its action plan (subject to further development to be agreed with the Cabinet lead for Finance, Community Cohesion & HR).
- Consider what other actions could help to promote an organisational culture of health and wellbeing.

4. Report

4.1. Background and linkages

One Leicester – strategy to reduce health inequalities

The development of a wellbeing strategy for the Council links to the One Leicester priority of 'improving wellbeing and health'. The City currently has a 'red flag' from the CAA in relation to tackling health inequalities.

Although life expectancy in the city is improving, Leicester is still in the bottom 20% of local authority areas. Just under 60% of our employees live within the city boundary, with approximately 23% of employees living in the 4 most deprived areas of the City. These areas are more likely to experience:

- Poor health and low life expectancy
- Social exclusion
- Low educational attainment with poor literacy levels
- High unemployment
- Low income

As an employer, the City Council has a key role in improving health and reducing health inequalities in the City through the systematic application of employee health and wellbeing policies and through the active engagement of staff, particularly those that have higher levels of health need.

CAA – Key Lines of Enquiry for HR

The CAA 'Key Lines of Enquiry' for HR includes a 'productive and skilled workforce' strand. The description of this strand includes the statement that 'it is about investing in developing people and skills, actively managing performance and supporting the health, safety and well-being of staff to get the best out of people'.

The self-assessment information for an organisation that performs well, includes the statement that 'the Council will be investing in the health, safety and well-being of its workforce with evidence of successful well-being initiatives which are optimising health outcomes and productivity through improved attendance rates'.

Because of the demographic make-up of the Council's employees, the Council is particularly well placed to contribute towards reducing health inequalities in Leicester. This strategy is one of a range of strategies that seek to embed work to reduce health inequalities into the mainstream activities of the City. In addition, the development of the wellbeing strategy and action plan links to the findings of the 2009 staff survey.

Improving attendance

Improving staff health and reducing staff illness will clearly result in a reduction in sickness absence, which is of benefit to both the individual and the organisation. One of the actions contained in the Council's Improving Attendance Strategy is to 'continue to sell the Council's existing interventions (rehabilitation, discounted leisure centre membership, smoking cessation, health cash plans, etc.) by developing a specific well-being strategy'. In addition, within the 'Our People' strand, the ODI Plan identifies reduced sickness absence levels as being an indicator of improved performance management.

4.2. What will success look like?

In addition to the health benefits for individuals and City more widely, there is growing evidence of the business benefits employee health and wellbeing, through:

- Reduced sickness absence (e.g. due to stress or musculoskeletal disorders).
- Improved recruitment and retention.
- Improved employee engagement (e.g. measured through staff survey results).

4.3. The strategy and action plan documents

A working group, led by Deb Watson, has developed the attached draft strategy and action plan. The document describes what the Council already has in place regarding employee wellbeing, including; discounted use of the Council's leisure facilities, musculoskeletal rehabilitation, confidential counselling, alternative ways to travel to work, etc. The finalised version will be published in hard and electronic formats, with relevant photographs, etc.

4.4. Employee focus groups

A series of six employee focus groups concluded on 26th March. The aim of the focus groups was to obtain engagement from staff in the development of the action

plan to implement and embed the strategy (e.g. identifying barriers and what different approaches may be needed in different parts of the organisation). The sessions were facilitated by the Engagement Team from NHS Leicester City and took place around the City to help ensure a wide range of staff were able to attend.

Feedback from the focus groups is currently being collated and analysed. However, it is likely that the feedback will result in additional information being included in the strategy document and additions to the strategy's action plan. Some of the recurring issues to emerge from the focus groups include:

- A need to improve awareness of what is already in place, including management understanding of what is in place (particularly as managers are gate-keepers for some interventions and support).
- A lack of break-out, welfare or eating space in many buildings.
- Concerns about levels of stress in the organisation and whether management processes are adequate to deal with this, including awareness of mental health issues.
- The Council's attendance management policy being perceived as punitive rather than supportive.
- A lack of opportunities for physical activity for staff working in the City centre, including a lack of Council leisure facilities in the City centre.
- Concerns about the adequacy of cycle routes around the City.
- The importance of visible support to health and wellbeing issues from senior management.

The above feedback indicates that directly and indirectly, managers at every level have a key role to play in improving the health and wellbeing of the workforce. For example; effectively supporting individuals, being fair and working within policies, providing good quality and structured supervision, as well as ensuring individuals are aware of and supported to take-up opportunities that will support their health. The City Council is already seeking to strengthen management skills through a range of management development programmes, which will underpin this agenda.

4.5. Workplace health champions

The strategy proposes establishing a network of 'workplace health champions' to act as internal ambassadors for the Council's health and wellbeing activities. The intended role of these 'champions' would include; organising and encouraging activities (e.g. at the Council's Sport Club or self-organised employee groups), being contacts to distribute information at a local level and potentially being recipients of 'brief intervention training' (on issues such as smoking cessation and alcohol). Operations Board has already agreed to support this role, by allowing champions up to 2 hours paid time each month (pro rata) to undertake that role (subject to normal arrangements regarding manager approval).

4.6. Launching the strategy

As part of the development of an ongoing communication strategy, drop-in events for staff are being planned to help launch the strategy. The events are planned to take place in different parts of the City and would provide an opportunity for staff to find out more about what the Council already has in place. For example, encourage employees to join the Council's leisure facilities, join the 3x30 pledge, etc. Operations Board has agreed to support these events by allowing staff time during work to attend. It is hoped to deliver these launch events to coincide with the Matt Hampson Trust's 'Walk4Matt' which is taking place 22nd to 29th May, 2010.

Recognising the key role of managers and the need for visible commitment from them, a copy of the finalised strategy will be issued to all managers for them to cascade to their staff. As part of this, managers will be provided with materials and information to assist in the communication of this issue to their teams.

4.7. Monitoring of the strategy

The strategy document identifies how impact can be measured. The Well-Being Strategy Group will continue to meet on a regular basis to monitor implementation of the action plan and the impact of the strategy (e.g. on sickness absence levels). Information on Wellbeing issues will be reported to senior management via the existing Corporate H&S Report & Plan. Periodic feedback will be provided to Cabinet.

5. Background Papers – Local Government Act 1972

N/A

6. Consultations

Director of HR, Director of Public Health & Health Improvement, Wellbeing Strategy Working Group, Trades Unions.

7. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

7.1. Financial Implications

Direct financial costs arising as a result of the implementation of this action plan include allowing employees paid time during work to attend the six focus group sessions (costs or opportunity costs for potentially 12x6x1.5 = 108 hours, equivalent to approx. £1,080 - based on average LCC salary), allowing ‘workplace health champions’ up to 2 hours (pro rata) paid time per month (equivalent to approx. £11,520 - based on average LCC salary) and the opportunity cost of allowing staff time during work to attend the series of launch events promoting the strategy. The planned production and distribution of an ‘employee benefits’ leaflet will also need to be costed and budgeted for.

However, one of the potential financial benefits arising from the implementation of this action plan is that by improving the health of staff and reducing illness there would be a corresponding reduction in sickness absence and thereby reducing the cost of sickness absence to the Council.

(Alison Greenhill, Interim Chief Accountant)

7.2. Legal Implications

There are no additional legal implications at this stage.

(Peter Nicholls, Director of Legal Services)

8. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph Within Supporting information	References
Equal Opportunities	No		
Policy	No		

Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	

9. Report author

James Royston
Head of Pay & Workforce Strategy
Ext. 29 8099

Key Decision	No
Reason	N/A
Appeared in Forward Plan	N/A
Executive or Council Decision	Executive (Cabinet)

One healthy workforce

- An employee health and well-being strategy for Leicester City Council

Foreword

We want everyone who works here at Leicester City Council to know that they are vital to the work we do for Leicester.

Giving everyone the opportunity to get involved in making their workplace a healthier place means that everyone can help to make a difference – for themselves and for each other. Health and wellbeing is our shared goal and this strategy document sets out policies and plans to achieve that goal.

We hope that there will be some quick wins resulting from this strategy – more employees finding out about health issues and getting involved in healthy activities, better health records and reduced staff illness.

However the real gains come further down the line. In five to ten years time we hope that improvements in health will lead to staff feeling and being healthier at home and at work. We also hope that by setting an example as a healthy employer, we will encourage other local employers to follow our lead.

Overall, we want to achieve a workplace where:

- We support the health and wellbeing of all employees
- Everyone knows how to improve and maintain their own health and wellbeing and to make healthy lifestyle choices
- Everyone enjoys healthy working conditions and practices
- People's health is improved through being at work

We hope that you can all help us to make this happen.

Contents

Page no.

Introduction	2
What support is available – an overview	3
Discounted Leisure Centre Membership	3
Outdoor activities	3
The City Council Sports Club	4
Confidential Counselling for Employees	4
Occupational Health – Advice on health and work	5
Our smoking policy - supporting employees to who want to quit	6
Healthier catering	6
Musculoskeletal rehabilitation – injuries, aches, pains and bad backs	7
Stress management	7
Breathing space - alternative ways to travel to work	8
Health cash plans	9
Other health and wellbeing policies	9
- Substance Misuse – alcohol and drugs	
- Domestic violence	
- Work-life balance	
- Harassment, Discrimination and Bullying	
- Sickness absence procedures	
- Violence and aggression at work	
Health and wellbeing action plan	10

Introduction

Improving wellbeing and health - A One Leicester Priority

Leicester must face up to some difficult issues if its people are to live longer, healthier and happier lives. Although life expectancy in Leicester is increasing, it's not increasing as fast as elsewhere.

People in Leicester can currently expect to live, on average, two years less than in the rest of the country. And this gap in life expectancy is widening over time; it's even worse for the city's poorer communities.

By developing and implementing our citywide 'One Healthy Leicester' strategy we can ensure that everyone has the ability and opportunity to participate actively in the life of the city

We will make it easier for people to adopt healthy lifestyles by investing in infrastructure that supports everyone's wellbeing, such as walking and cycling networks and community facilities for sports and physical activity.

Health and health inequalities in the City

- Although life expectancy on the city is improving, Leicester is still in the bottom 20% of local authority areas.
- Some areas of Leicester fall within the most deprived 5% of all areas in England and poor health is strongly associated with deprivation.
- Leicester has the worst death rates caused by coronary heart disease in the East Midlands with smoking, lack of physical exercise and poor diets being the major causes.
- It is estimated that in Leicester:
 - 1 in 4 adults smoke
 - 1 in 4 are obese, and only
 - 1 in 4 eats healthily

Leicester City Council - An employer of choice

As part of our 'One Healthy Leicester' commitment, we've also created this 'One Healthy Workforce' strategy. As the largest

employer in the city, our goal is to make it easier for all our employees to choose healthy lifestyles. By becoming a healthy organisation, we can also become an example for other local employers to follow.

We recognise that employees are our most valuable asset. So we are committed to ensuring that all employees are able to access health initiatives and information, regardless of age, gender, ethnic origin, disability, sexual orientation, religion or belief, abilities, job roles and work patterns. Where necessary, we will take specific actions to reach those employee groups who are likely to have higher levels of health need.

Just under 60% of the Council's employees live within the City boundary, with just under a quarter living in the four most deprived areas of the City. These areas are more likely to experience:

- Poor health and low life expectancy
- Social exclusion
- Low educational attainment with poor literacy levels
- High unemployment
- Low income

By helping our employees to make healthier lifestyle choices we can improve not only their lives, but also the health of their families and friends.

How will success be measured?

Success will be seen in improved health for individuals and in the City more widely. From an organisational perspective, the strategy's success will be seen in increased awareness and take-up of health and wellbeing interventions and support, and the changes that individuals or teams make to improve their health and wellbeing.

The longer-term organisational success measures would include:

- Reduced sickness absence, for example due to stress or musculoskeletal disorders.
- Improved recruitment and retention.
- Improved employee engagement, for example measured through staff survey results.

What support is available – an overview

We already have lots of things in place to support the health and wellbeing of our employees, including:

- Discounted leisure centre membership for our employees.
- A range of outdoor activities and facilities, including the City Council Sports Club.
- A counselling service for employees who want to access confidential help and support
- An occupational health service that provides advice on health and work
- A musculoskeletal rehabilitation service for employees with back pain or other musculoskeletal problems
- An alcohol and drugs policy to provide support to employees who want help
- A 'Breathing Space' strategy to encourage people to use alternatives to their car
- A violence and aggression policy that aims to reduce violence at work
- A domestic violence policy to support employees who experience domestic violence.
- A sickness absence procedure to reduce the impact of sickness absence on the individual and the organisation
- A smoking policy to support employees who want to quit smoking
- A stress management policy that aims to prevent stress happening and respond effectively when it does

Further information on all of the above and other health and wellbeing support is provided in this document.

Discounted leisure centre membership

Our employees can enjoy unlimited access to the council's gyms and swimming pools with the benefit of a corporate discount. For as little as £24 a month staff can access five different gyms and seven swimming pools across the city. The price also includes aerobics classes, badminton, squash and table tennis bookings.

For one-off activities, employees are charged the lowest concessionary rate and there are also staff reductions for using the fitness suites on a pay-as-you-go basis. Savings in excess of over £100 can be made when compared against other competitors in the city.

How to receive staff discount

To receive your discount, apply for 'The Card' at any of our leisure centres and take along your ID badge or current payslip.

Or you can apply for 'The Card' on-line by completing the application form. Your card will be available seven days later at any city council leisure centre – just take along your ID badge and current payslip.

For further information...

Please look on Insite, contact sports.services@leicester.gov.uk, or go into your local leisure centre.

Outdoor activities

In addition to the Council's leisure centres, there are plenty of outdoor activities including:

- Getting an allotment.
- Sports activities on parks – including free tennis and organised tennis coaching, bowls taster sessions, fun sports days, athletics, outdoor gyms, skateboarding and BMX.
- Free outdoor events such as the dawn chorus walk.
- Volunteer conservation days organised on the Riverside by the British Trust for Conservation Volunteers.

- Vehicle free environments for cycling on our parks.
- Free 'walking for health' self-guided walks developed in partnership with the Countryside Agency and NHS Leicester City, with organised walking groups every week at Braunstone and Spinney Hill Park.

For further information...

Please look on Insite, or contact Parks Services on (0116) 252 7003, or email: Parks@leicester.gov.uk

The City Council Sports Club

A city council sports club has existed since at least the 1970s. The focus of the club's activity is the Council sports ground on Braunstone Lane East.

The club already provides opportunities for teams to play in cricket and football leagues – but also wants to increase the range of sports that take place from the club's site.

As well as organised leagues and events, you can use the ground to organise and run your own events – even just for a one-off event.

We want to encourage (including through our proposed network of employee health champions) individuals and groups of staff to make use of this facility, whether by joining the existing leagues or organising their own activities.

For further information...

Please contact Andy Morley (29 7404) or Steve Hayden (29 7491).

Confidential counselling for employees

A free and confidential telephone and face-to-face counselling service is available to employees. The service is run by qualified counsellors, from 8.30am to 8.30pm, 365 days per year.

The service is provided by Amica Counselling and Psychological Support Services which is part of the University Hospitals of Leicester NHS Trust and is located at the Leicester Royal Infirmary.

Their services include counselling for:

- Abuse
- Anxiety and depression
- Bereavement
- Bullying and harassment
- Family/relationship issues
- Legal and debt counselling (signposting)
- Mental health
- Physical violence
- Psychological trauma
- Substance and alcohol misuse
- Work related stress

However, this list is not exhaustive.

How do employees access the service?

- Telephone counselling – by calling Amica direct on **(0116) 254 4388**
- Face-to-face counselling – employees can receive up to eight face-to-face counselling sessions, without seeking funding authorisation from their line manager.

Family members can also access Amica's services in the event of a major trauma/incident involving one of our employees, subject to agreement with the employee's manager.

Arrangements for school based employees

Arrangements differ for school-based employees:

- Telephone counselling – by calling Amica direct on **(0116) 254 4388**
- Face-to face counselling – self-referral is not currently available to school-based employees and therefore it cannot be accessed without approval of funding.

School-based employees should speak to their Head Teacher or HR team to obtain funding approval.

Support for managers

Amica can also provide support and advice to managers, including how to deal with a critical incident / adverse event.

Mediation

Mediation is about resolving conflicts in a structured, but informal basis. Mediation services are also available on request from Amica.

For further information...

Please look on Insite, the schools extranet, or contact Amica on (0116) 254 4388.

Occupational Health – advice on health and work

Occupational Health (OH) is about ensuring that individuals are fit and healthy and that their health is not adversely affected by their job (or vice versa). OH professionals work with staff and managers to improve the health and well being of staff at work. They do this by:

- Assessing whether people are fit enough to work.
- Suggesting improvements to the work environment.
- Developing return to work programmes to assist employees to return to their normal duties after illness.
- Promoting active participation of staff in health activities.
- Telling employees about other sources of support and advice.
- Providing health surveillance to employees who are exposed to particular hazards because of their work.

Our Occupational Health service is currently provided by an external specialist OH provider.

For further information...

Please look on Insite, the schools extranet or contact your HR team.

Our smoking policy

- supporting employees to who want to quit

One in every two life-long smokers is killed by tobacco and most smokers lose many years of active life. Smoking remains the largest preventable cause of death in England.

The Council's smoking policy is available via Insite and the Council's internet pages.

Support for employees

We want to support employees who wish to stop smoking. To do this we will allow any employee who joins a recognised smoking cessation schemes (e.g. the 'STOP!' scheme) up to five hours paid time-off (pro rata for part-time and job share workers) to attend smoking cessation schemes if the sessions occur during or impact on work time.

Smoking policies and schools

Staff in schools act as role models for pupils. Therefore, the council recommends that governing bodies and head teachers adopt smoking policies that are compatible with the smoking policy covering the rest of the council.

Where to get support

If you would like help to stop smoking, please ring the STOP! team on 0116 295 4141.

STOP! is the Leicester smoking cessation service, and anyone living or working in Leicester can get support to stop smoking. There are over 100 places throughout Leicester where advisors, including pharmacists trained to do smoking cessation, offer a treatment plan (up to 12 weeks' treatment, one-to-one). All evidence-based treatments, from nicotine replacement therapy to Champix, the very successful stop smoking treatment, are available through the scheme, as well as extra help and support. Those who do not pay prescription charges get the whole course free; others pay up to a maximum of 6 prescription charges.

It's a friendly helpful service. They will sort out the most convenient place for people to go and get the support they need to stop smoking.

The STOP! team would be happy to come to team meetings and explain how the service works, or to offer advice sessions to groups of smokers at their work areas. If you would like to take them up on this offer, please contact Louise.Ross@leicestercity@nhs.uk

For further information...

On the council's policy, please look on Insite, the schools extranet pages or contact the HR Admin Team (ext. 39 5003).

On STOP! - please look on Insite, the schools extranet pages or contact STOP! on 295 4141.

STOP! also runs a smokefree homes scheme which has already helped protect hundreds of children from second-hand smoke

Healthier catering

Nutritional standards were introduced into primary schools in September 2008 and into secondary schools in September 2009. The School Food Trust are supporting City Catering to increase the uptake of school meals, along with promoting healthier food choices.

In addition to providing catering to schools, luncheon clubs and numerous other services, City Catering also provides internal catering services for meetings and other events in the council.

As well as offering options relevant to all dietary needs and a locally sourced menu, City Catering also provides a range of healthier options.

For further information...

Please contact City Catering on ext. 39 3038

Please also see the Council's Catering Hospitality Policy which is available on Insite.

Musculoskeletal rehabilitation – injuries, aches, pains and bad backs

The musculoskeletal rehabilitation service assists employees with their recovery from musculoskeletal injuries and conditions.

In general terms, musculoskeletal injuries and conditions are those things that affect bones, muscles, ligaments, tendons, etc. These include conditions such as tennis elbow, lower back pain, dislocation, ligament damage, slipped disc, carpal tunnel syndrome and whiplash injuries. The programme is currently provided by an external company, IPRS.

The service is available free of charge to all employees (except agency employees and employees of those schools which have not opted to buy into the service) even if their injury was not sustained at work.

How to access the service

Individual employees are referred via their line manager, although in some cases HR or Occupational Health can also make this referral.

Once an employee is referred, the provider will carry out an initial physiotherapy assessment, and then provide a diagnosis and individual treatment plan.

For further information...

Please look on Insite, the schools extranet, or contact Health & Safety Services (ext. 29 8133).

Stress management

The Council's Stress Management Policy states that: 'The council aims to take positive measures to manage stress effectively and to create an environment where stress is prevented so far as is reasonably practicable; and that where it becomes an issue for individual employees, they are encouraged to seek support.'

Although our stress policy is primarily concerned with stress arising from work, it also recognises that events occurring in an employee's personal life may also lead to stress that may have an impact on their work. Therefore, employees will get appropriate assistance whatever the cause. The policy also contributes towards meeting the NICE guidelines on promoting mental wellbeing in the workplace.

As well as guidance for individual employees and managers on what they can do, our stress management policy includes tools for:

- Carrying out preventative team-based stress risk assessments.
- Carrying out individually based risk assessments where someone is experiencing stress.

For further information...

Please look on Insite, the schools extranet pages or contact your H&S team. Please also see the section on confidential counselling earlier in this document.

Breathing space – alternative ways to travel to work

Breathing Space is a campaign encouraging staff to try out an alternative to their car. It's part of city-wide efforts to create a cleaner, more pleasant environment and to promote good health.

Those who drive to work are asked to make a *travel to work pledge*, while others can make a *home travel pledge*. Your pledge can be for one return journey – or more if you'd like.

Environment network representatives are promoting the campaign in workplaces and your representative can answer any questions. A list of representatives by service and workplace is available on Insite.

Making a travel pledge

To make a travel pledge, use the online pledge form or download a Microsoft Word version from Insite.

Travel information for planning journeys

For information about bus and train services, cycle routes and facilities go to the lifestyle travel pages on Insite.

You can also contact Bal Minhas in the Travel Plans Team on extension 29 6523.

Lunchtime walks

For fresh air and healthy exercise to break up your working day, why not join our lunchtime walks programme? For details or to book a place please contact Richard Freeman. Telephone 29 6547 or email richard.freeman2@leicester.gov.uk

For further information...

Please look on Insite, contact your environment network rep or the Environment Team – emas@leicester.gov.uk or ext. 29 6775

Cycling to work

Bicycle loans

The council has a scheme whereby employees who use a bicycle on business can apply for a loan of up to £500 to buy a new or second-hand bicycle. The loan is repaid through salary deductions over a one to five year period.

Tax free bikes for work – Cyclescheme

Council employees can also purchase a bicycle tax-free through 'Cyclescheme'.

Bicycle mileage rate

If you use your bicycle on business, the council will also pay mileage for the business journeys you do.

Bicycle User Group

The Bicycle Users' Group (BUG) is open to all employees who cycle, or are interested in cycling, to or at work. BUG's aims include:

- Representing the views of bicycle users at the council
- Increasing the use of bicycles for commuting to council workplaces
- Increasing the use of bicycles for Council work journeys

For further information...

On bicycle mileage rate - please contact the HR Admin Team

On bicycle loans – please contact the HR Admin Team (ext. 39 5003)

On Cyclescheme – please contact the HR Admin Team (ext. 39 5003), or go to the Cyclescheme website – www.cyclescheme.co.uk

On BUG - please look on Insite

Health cash plans

For several years employees and their families have been able to access discounted membership to a health cash plan scheme. In return for a weekly subscription, the scheme provides its members with payments towards the cost of dentistry, opticians, chiropody, etc.

For further information...

Please contact the HR Payroll Team on ext. 39 5003.

Other health and wellbeing policies

We also have a number of other policies and measures in place that relate, directly and indirectly, to health and wellbeing. For further information on all of these policies please look on Insite or contact HR Admin Team (ext. 39 5003).

- **Substance misuse – alcohol and drugs**

The aim of the policy is to help employees to accept appropriate support and providing the correct atmosphere to assist their full recovery, including complete confidentiality.

- **Domestic violence**

We are committed to helping anyone who is, or has been, a victim of domestic violence. We can offer help, advice, support and guidance on how to deal with any instances of domestic violence.

- **Work-life balance policies**

We provide a range of flexible working options to enable employees to balance the demands of their work and personal lives (including caring responsibilities, educational commitments, voluntary work and personal interests).

- **Harassment, discrimination and bullying**

Employees who feel they have been harassed, bullied or discriminated against in relation to their employment have a right to raise their complaint under our formal procedures.

- **Sickness absence procedures**

Like any other employer, we want to minimise sickness absence and maximise attendance at work. Our attendance management policy provides a framework for managers to manage both long and short-term sickness absence.

Over time, people will inevitably be taken ill. However, recognising the strong link between work and health, when sickness absence does occur we want to ensure that employees are supported and encouraged to return to work as quickly as possible.

We want managers to make good use of the interventions available, including ensuring quick referral to occupational health and the musculoskeletal rehabilitation programme, seeking support and advice from HR and ensuring staff are aware of the confidential counselling service.

- **Violence and aggression at work**

As part of our health & safety duties, we have a specific policy on violence and aggression to employees. We recognise our responsibilities as an employer and will endeavour, as far as is practicable, to eliminate or reduce the risk of violence and aggression to employees during the course of their work.

For further information...

On any of the above policies please look on Insite or contact HR Admin Team (ext. 39 5003).

Health and Wellbeing Action Plan

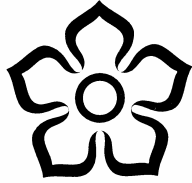
In addition to the health benefits for individuals and City more widely, from an organisational perspective the strategy's success will be seen in increased awareness and take-up of health and wellbeing interventions and support, and the changes individuals or teams make to improve their health and wellbeing. The longer-term success measures include:

- Reduced sickness absence, for example due to stress or musculoskeletal disorders.
- Improved recruitment and retention.
- Improved employee engagement, for example measured through staff survey results.

Action	Success measures	Lead officer(s)	Timescale
Ensure employees purchasing from City Catering are aware of the healthier eating options available.	Increased take-up of 'healthier options menu' by 10% in the first year.	Head of City Catering	Ongoing
Support a network of voluntary 'workplace health champions' (e.g. those organising events at the Council's sports club) to act as 'ambassadors' for the Council's well-being efforts. Including allowing the champions 2 hours paid time each month (pro rata) to undertake that role.	A network of champions is established across the organisation (e.g. at least two champions in each Division in the first year).	Head of Pay & Workforce Strategy	Ongoing
Provide every new employee with information on the Council's well-being strategy and initiatives. E.g. an 'employee benefits' leaflet, including information such as a membership form to join the Council's leisure facilities.	Improved awareness of the Council's strategy and use of the interventions and support available.	Head of Pay & Workforce Strategy	From May/June 2010
Undertake a series of health and well-being focus groups with employees.	A wide selection of employees are engaged in the development of the action plan and how to implement and embed the strategy, including front-line staff and how other hard-to-reach staff groups can be engaged.	Head of Pay & Workforce Strategy	March 2010

Undertake drop-in events around the City to support the strategy's launch. Including a presence from Sports Services, STOP, musculoskeletal rehabilitation provider, the Sports Club, Leics AIDS Support Services, etc.	Improved awareness of the Council's strategy and use of interventions and support available.	Head of Pay & Workforce Strategy	May/June 2010
Deliver ongoing programme of drop-in events (e.g. 2 to 3 times a year) at locations around the City.	Improved awareness of the Council's strategy and use of the interventions and support available.	Head of Pay & Workforce Strategy	Ongoing
Develop a communications plan to maintain awareness of well-being issues and what Council has available. Including promoting small changes that individuals can make in their everyday activities and lives.	Improved awareness of the Council's strategy and use of the interventions and support available.	Well-being strategy group	Jan/Feb 2010
Ensure employees are aware of and encouraged to take-up personal health checks available from NHS (aimed at 40 to 75 year olds). Including encouraging take-up by allowing attendance in work time, via existing provisions for 'time off for medical appointments'.	Groups targeted by the NHS take-up regular personal health checks.	Head of Pay & Workforce Strategy	To coincide with national public awareness campaign
Consider health and wellbeing implications as people management policies are reviewed and revised.	The Council's people management policies and processes contribute to the strategy's objectives. Employees and managers perceive the Council's people management policies as contributing to the health and wellbeing agenda.	Director of HR	On going
Monitor progress to implement the strategy and action plan, via 6 monthly meetings of the well-being strategy group.	Progress is monitored, gaps and issues identified and relevant feedback is provided to senior managers.	Well-being strategy group	Ongoing
Increase awareness and use of City Council's Sports Club.	Increased awareness and use of the Sports Club. Increase activity at the Sports Club by 10% in the first year.	Sports Club Committee	Ongoing

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Leicester
City Council

**WARDS AFFECTED
ALL**

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
CABINET**

17th May 2010

New Disciplinary Procedure

Report of the HR Director

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to present Cabinet with a revised disciplinary procedure.

2. SUMMARY

- 2.1 The City Council needs to adopt a new Disciplinary Procedure, following the repeal of the statutory disciplinary and grievance procedures, and their replacement by a revised ACAS Code of Practice.
- 2.2 The relevant trade unions, senior managers, and members of Cabinet were consulted on the development of this procedure.
- 2.3 The proposed procedure was presented to Cabinet Briefing. Following this, a working group of elected Members, drawn from Cabinet, met with the HR Director and HR Service Partner to shape the final proposal, as attached. The trade unions have been briefed on the changes.

3. RECOMMENDATIONS

- 3.1 That Cabinet agree the revised disciplinary procedure.

4. REPORT

4.1 Development of the New Procedure

- 4.1.1 The procedure is designed to be compliant with the new ACAS Code of Practice. Additionally, the procedure benefits from having been developed via consultation with the following stakeholders.

4.1.2 Trade unions were consulted to ensure that their perspective on disciplinary management had an influence on the proposed procedure.

4.1.3 Senior managers were also consulted to ensure that their accumulated experience had a bearing on the proposal.

5. Member Working Group

5.1 The proposal reflects the changes that elected Members wished to see; the amendments are represented in bold in the attached procedure document, cross referenced in the management guidelines and are summarised as follows:

- Greater clarity as to the difference between an informal oral warning and a formal oral warning
- Greater clarification of the employee's appeal rights
- Greater control of the circumstances where right of representation may be withdrawn
- Greater control of suspension, which should not normally exceed three months
- Facility for an employee to make written representation to a hearing
- Fast Track warnings, may be requested by the employee and only be refused by the manager in "exceptional circumstances"
- Where a character witness is to be called, a character statement should be sought rather than requiring the attendance of character witnesses
- The penalty of "disciplinary suspension without pay for up to four weeks" has been removed
- Appeal rights have been amended to include formal oral warnings.

6. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

6.1 Financial Implications

None

Author - Alison Greenhill –Interim Chief Accountant, Finance

6.2 Legal Implications

The new disciplinary procedure should comply with the new ACAS Code of Practice ('the Code'). Both the Code and the Employment Rights Act 1996 anticipate that in determining whether a fair procedure has been followed an

Employment Tribunal will take into account the size and resources of the employer. The Council, as an employer of approximately 15,000 employees, will therefore be expected to have sophisticated procedures in place to deal with disciplinary issues. A failure to follow a fair procedure in relation to disciplinary sanctions will be unlawful.

Author – Paul Atreides, Head of Employment Law

7 OTHER IMPLICATIONS

OTHER IMPLICATIONS	YES/NO	Paragraph references within the report
Equal Opportunities	NO	
Policy	NO	
Sustainable and Environmental	NO	
Crime and Disorder	NO	
Human Rights Act	NO	
Elderly/People on Low Income	NO	
Corporate Parenting	NO	
Health Inequalities Impact	NO	

8. BACKGROUND PAPERS - LOCAL GOVERNMENT ACT 1972

ACAS Draft Code Of Practice for Disciplinary and Grievance Procedures
LGE Advisory Bulletin 548, February 2009.

9. CONSULTATIONS

HR Service Partners
Strategic Management Board
Directors' Group
Joint Trade Unions
Craft Unions
Cabinet Working Group

10. AUTHOR OF THE REPORT

Name: Michelle Gordon/ Nim Rajagopalan
Title: HR Strategic Service Partner
Phone No: 0116 252 8360

Key Decision	No
Reason	N/A
Appeared in Forward Plan	N/A
Executive or Council Decision	Executive (Cabinet)

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LEICESTER CITY COUNCIL DISCIPLINARY PROCEDURE

1. Purpose

1.1 This procedure is designed to:

- help and encourage all employees to achieve and maintain appropriate standards of conduct
- resolve incidents of misconduct within the workforce.
- ensure prompt, fair and consistent treatment.

It supersedes all local protocols relating to the staff to which it applies.

2. Scope

2.1 This procedure applies to all employees of Leicester City Council who are employed under the terms and conditions of service of the following bodies:

- National Joint Council for Local Government Service Employees
- Joint Negotiating Committee for Local Authority Craft and Associated employees.

2.2 This policy does not apply to:

- Chief Officers,
- anyone employed by schools and colleges or
- teachers employed to work in any centrally managed service

2.3 This policy cross-refers to the following other City Council policies:

- Attendance Management Policy
- Code of Conduct and Behaviour at Work
- Harassment and Discrimination
- Policy on Substance Misuse
- Probationary Procedure
- Smoking Policy

3. Informal Action

- 3.1 Where appropriate, a manager should address minor misconduct by taking informal action, such as giving an informal reprimand to the employee, and keeping their own note of the action they have taken.**
- 3.2 If the manager feels that firmer action is required, but a formal hearing is not necessary, they can give an oral warning that is confirmed in writing, which they will put on the employee's file, with a six month life span. The employee has the right to be represented at the meeting at which an oral warning confirmed in writing is given. They also have a right of appeal against this action.**
- 3.3** If these actions do not bring about an improvement in conduct, or the manager judges that the alleged misconduct is more than minor, the manager should take formal action.

4. Formal Action

4.1 *Standards*

Formal action will meet the following standards:

- It will be confidential and non-discriminatory
- There will be no disciplinary action taken without investigation
- The employee will know the case against them and have the right to respond
- The employee will have the right to be represented at disciplinary hearings
- There will be no dismissal for a first offence, except in cases of gross misconduct

- **The employee will have the right to appeal against an oral warning confirmed in writing, a formal written warning, a final written warning, action short of dismissal and dismissal**
- All stages of this process will be managed to timescales which are fair and reasonable in the circumstances

4.2 *The Investigation*

- 4.2.1** The Investigating Manager will gather and evaluate all information relevant to the facts of the alleged misconduct. This may include interview evidence from witnesses, documents and other material evidence.
- 4.2.2** The Investigating Manager will interview the employee in order to understand their account of the alleged misconduct. The employee will have the right to be represented at this interview. **However, if the interview is delayed several times at the instigation of the employee, the Investigating Manager may give consideration to withdrawing the right of representation if this would mean that the investigation would be unreasonably delayed.**

4.3 *Suspension / temporary transfers during investigation*

- 4.3.1** At any point in cases of alleged misconduct, the manager may suspend or temporarily transfer the employee on full pay, if they judge this appropriate. These are not disciplinary sanctions but neutral acts, intended to protect the interests of both employer and employee.
- 4.3.2** The employee will have the right to be represented at the meeting where the manager tells them that they are to be suspended or temporarily transferred, subject to a representative being available at the time of the meeting and them not having a choice of representative.
- 4.3.3 The period of suspension will be kept to a minimum and should not normally exceed three months except in exceptional circumstances. If it is likely that the suspension will exceed three months, then the Manager will write to the employee providing them with the reason for the extension of the suspension period.**

4.4 *Formal Hearing*

- 4.4.1** If the Investigating Manager forms a reasonable belief that there has been misconduct, they will refer this in writing to a disciplinary hearing. This will be heard by a manager with no prior involvement in the case.

4.4.2 The Hearing Manager may call a pre-Hearing with all parties, in unusual or exceptional circumstances, in order to deal with any issues that could be resolved before the disciplinary hearing.

4.4.3 At the full hearing, the Hearing Manager will resolve any procedural issues raised by either side. The Investigating Manager will present their case, evidence and witnesses, and take questions from the employee, the Hearing Manager and the HR representative. The employee will have the right to respond, by presenting their case, evidence and witnesses, and taking questions from the Investigating Manager, the Hearing Manager, and the HR representative.

4.5 *Employee does not or cannot attend hearing*

4.5.1 Where the employee is unable or unwilling to attend the disciplinary hearing without good cause, the Hearing Manager may decide to make a decision on the evidence available, and in the absence of the employee.

4.5.2 If the employee becomes ill and is unable to attend either an investigation, or disciplinary or appeal hearing, they must provide a doctor's certificate for illness beyond the self-certification period.

4.5.3 **If the illness is of short duration, the hearing may be arranged for a later date. Where the illness may become long term, the employee will be referred to the Council's Occupational Health Service, to ascertain whether or not they are fit enough to attend a hearing. The employee will be advised that the hearing may proceed in their absence. They will be told that they can make written representation directly themselves, or through their representative if their representative agrees to this.**

4.6 *Fast-track action*

4.6.1 If the employee admits to their misconduct, and all parties agree, the case can proceed to outcome without the need for a hearing, though the employee must be allowed to account for their conduct and put forward any mitigating factors.

This practice

- will not apply to cases where allegations of potential

gross misconduct are made, or cases of repeated misconduct where the employee is already on a final written warning.

- will not allow negotiation for a lesser sanction
- **can be refused by the Hearing Manager in exceptional circumstances**
- will still give the employee the right of appeal against the sanction imposed.

4.7 Action against a trade union representative

4.7.1 Where this is proposed, the Hearing Manager will discuss the matter at an early stage with an official employed by the respective union, after obtaining the employee's agreement.

4.8 Witness statements

4.8.1 The Hearing Manager may decide that the attendance of witnesses is unnecessary, in cases where witness statements are agreed by all parties, and with the agreement of all parties. The Hearing Manager will, however, be able to require the attendance of witnesses even where their statements are agreed.

In cases where an employee wishes to use character witnesses, a character statement should be sought rather than requiring the attendance of character witnesses.

4.9 Representation

4.9.1 The employee has the right to be represented by a work colleague or trade union representative, or an official employed by the respective trade union. The employee has no right to legal representation, unless the alleged misconduct could lead to the employee's name being added to the register of those being unsuitable to work with children or vulnerable adults.

4.10 Counter grievances

4.10.1 The Hearing Manager will consider the substance of the employee's complaint as part of the employee's representation within the disciplinary hearing. In exceptional

cases, however, the Hearing Manager will have the discretion to allow a grievance to be separately heard where they feel it is appropriate.

4.10.2 Where the employee's grievance is not related to the disciplinary investigation, the normal Grievance Procedure will apply.

4.11 *Criminal charges or convictions*

4.11.1 Where employee conduct within the workplace has been referred for police investigation, it will also be subject to the normal City Council disciplinary investigation, and the disciplinary procedure will apply independently of any police investigation or outcome.

In Safeguarding cases, the City Council will work with all related agencies, and will take prompt, fair and reasonable steps to expedite the case.

4.11.2 Where an employee has been charged with or convicted of a criminal offence outside the workplace, their alleged conduct will need investigating to determine if it merits action because of its employment implications. If the conduct is judged sufficiently serious, the disciplinary procedure will apply. The City Council may take prompt, fair and reasonable action without awaiting the outcome of any prosecution.

5. Outcomes

5.1 *Sanctions*

5.1.1 The Hearing Manager will evaluate all information presented, and is empowered to determine an outcome, as follows:

- Disciplinary action is not justified, or
- Misconduct has been proved. The Hearing Manager will then apply one of the following,
 - First written warning (lifespan one year)
 - Final written warning (lifespan two years)
 - Final written warning plus an action short of dismissal
 - temporary demotion, without pay protection, for up to six months, or
 - withheld salary increment, or

- in exceptional circumstances, permanent demotion, with no pay protection. If no such post is found within three months, the Council will move to dismiss in the absence of such a post, or
- Dismissal

and inform the employee of their right of appeal.

5.1.2 Whatever the outcome, the Hearing Manager may make recommendations to help the employee re-establish acceptable behaviour or performance standards.

5.2 *Gross misconduct and summary dismissal*

5.2.1 Gross misconduct is generally seen as misconduct so serious that the Council may no longer be able to tolerate the presence of the employee, thereby justifying summary dismissal. Acts which constitute gross misconduct will be very serious, and will be determined by the Hearing Manager in the light of the particular circumstances of the case.

5.2.2 The following list, which cannot be considered exhaustive, provides some examples of actions which will normally be regarded as gross misconduct:

- theft or fraud
- physical violence or bullying
- deliberate and serious damage to property
- serious misuse of the City Council's property or name
- deliberately accessing internet sites containing pornographic, offensive, discriminatory, illegal or obscene material
- serious insubordination
- unlawful discrimination or harassment
- bringing the City Council into serious disrepute
- serious incapability at work caused by alcohol or illegal drugs
- causing loss, damage or injury through serious negligence
- serious breach of health and safety rules
- serious breach of confidence.

5.2.3 If the Hearing Manager, at the end of the full disciplinary procedure, is satisfied that the employee has committed an act of gross misconduct, the employee will normally be

summarily dismissed without notice or payment in lieu of notice.

6. Appeals

6.1 An employee who receives an oral warning confirmed in writing, a formal written warning, a final written warning, an action short of dismissal, or dismissal, will have the right to appeal. Appeals will be conducted in the manner of the first hearing, except that the appellant employee will state their case first, and the Hearing Manager will respond. The appeal will be heard by a senior manager not previously involved in the case, or elected Members in the case of dismissal, including dismissal as a result of no post being found after the sanction of permanent demotion is applied. An HR Adviser will also be present.

The Appeal Manager will have the power to:

- uphold the sanction
- overturn the sanction
- impose a lesser sanction

7. Records

7.1 The Hearing Manager will keep a written record of the case, to include:

- the allegation against the employee
- the employee's defence, findings made and actions taken
- the reason for decisions made and actions taken
- whether an appeal was lodged
- the outcome of the appeal
- any grievances raised during the disciplinary procedure,
- notes of any formal meetings.

7.2 In cases with Safeguarding implications, records must be sufficient to meet the formal guidelines for such cases.

7.3 The Hearing Manager will ensure that a formal record of the hearing is made, and will seek the employee's agreement that it presents a true and accurate record of what was said and agreed at the hearing.

8. Review

This policy will be reviewed and updated in line with relevant legislation, case law and emerging good practice.

AN OVERVIEW OF HANDLING DISCIPLINE

ALWAYS FOLLOW THE CITY COUNCIL PROCEDURE AND MANAGEMENT GUIDELINES
CONSIDER THE USE OF MEDIATION AT ANY TIME

