

# SECONDMENT POLICY

## August 2018

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Date Issued:	May 2019
Date to be reviewed:	3 years, or if statutory changes are required.

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<b>Supersedes: (Please List)</b>	Hull CCG Secondment Policy v1.1 GDPR and all previous.	
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<b>Author:</b>	HR Policy Lead - adapted for local use by eMBED Health Consortium on behalf of Hull CCG	
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	CCG Governing Body	
<b>Consultation:</b>	All Staff via intranet	
	SLT Members Consultation:	

## CONTENTS

	<b>Page</b>
1. <a href="#"><u>INTRODUCTION</u></a>	4
2. <a href="#"><u>SCOPE</u></a>	4
3. <a href="#"><u>ENGAGEMENT</u></a>	4
4. <a href="#"><u>GENERAL DATA PROTECTION REGULATION (GDPR)</u></a>	4
5. <a href="#"><u>POLICY PURPOSE AND AIMS</u></a>	4
6. <a href="#"><u>IMPACT ANALYSIS</u></a> 6.1 Equality 6.2 Bribery Act 2010	5
7. <a href="#"><u>DEFINITIONS</u></a>	6
8. <a href="#"><u>SECONDMENT PROCEDURE</u></a> 8.1 Identifying Secondments 8.2 Administration 8.3 Terms and Conditions 8.4 Communication 8.5 Termination or Extension of Secondment 8.6 Secondment resulting in Permanent Appointment 8.7 Appeal	7 7 9 10 10 10 11 11
9. <a href="#"><u>ROLES / RESPONSIBILITIES / DUTIES</u></a>	11
10. <a href="#"><u>IMPLEMENTATION</u></a>	12
11. <a href="#"><u>TRAINING AND AWARENESS</u></a>	12
12. <a href="#"><u>MONITORING AND EFFECTIVENESS</u></a>	12
13. <a href="#"><u>POLICY REVIEW</u></a>	13
14. <a href="#"><u>REFERENCES &amp; ASSOCIATED DOCUMENTATION</u></a>	13
<b>APPENDICES</b> <a href="#"><u>Appendix One – Application for Secondment Opportunity.</u></a> <a href="#"><u>Appendix Two - Equality Impact Assessment.</u></a>	14 17

## **1. INTRODUCTION**

- 1.1 This policy facilitates the secondment of NHS Hull Clinical Commissioning Group's staff (the CCG) both internally within the organisation and externally within the wider NHS and exceptionally with other non NHS Bodies. It is also designed to encourage staff from external organisations to take up a secondment where available within the CCG, for the mutual benefit of both organisations.
- 1.2 A secondment may be arranged to assist with individual development needs as a result of an appraisal or be specifically requested for project work where specific skills or specialist knowledge are required.

## **2. SCOPE**

- 2.1 All employees of the CCG.  
CCG Governing Body.  
Contracted third parties (including eMBED and agency staff).  
Students and trainees.  
Staff on secondment and other staff on placement with the CCG.

## **3. ENGAGEMENT**

- 3.1 This policy has been developed by the eMBED Health Consortium HR Team in partnership with employees, managers and trade unions and approved at the Social Partnership Forum.

## **4. GENERAL DATA PROTECTION REGULATION (GDPR)**

- 4.1 The CCG is committed to ensuring that all personal information is managed in accordance with current data protection legislation, professional codes of practice and records management and confidentiality guidance. More detailed information can be found in the CCG's Data Protection and Confidentiality and related policies and procedures.

## **5. POLICY PURPOSE AND AIMS**

- 5.1 The purpose of this policy is to provide a framework for managing internal and external secondments.

- 5.2 Secondment requests will be considered in line with business needs and may be refused on that basis.
- 5.3 Staff who enter into secondment agreements will be asked to sign a secondment agreement outlining the terms and parameters of the secondment.
- 5.4 Any individual who agrees to undertake a secondment will be expected to keep any information, which may be made available to them as a direct result of the secondment, (e.g. personnel, salary, business sensitive information) confidential.
- 5.5 Employees on secondment with an external organisation will retain all of their continuity of service rights with the CCG.
- 5.6 There will be explicit agreement of the grade and nature of post that a member of staff will return to upon completion of a secondment. Unless agreed otherwise, CCG employees will normally return to a post that is of the same grade and of a broadly similar function to their substantive post that they held prior to their secondment.
- 5.7 The duration of a secondment will vary depending on the circumstances. The minimum is 3 months and the maximum will be 12 months, however this may be extended by a further 6 months if agreed by the organisation and the individual. Any exceptions to this are to be arranged with the relevant line manager and support from Human Resources.
- 5.8 This policy will be communicated to staff via team meetings/team brief and will be available for staff on the intranet.
- 5.9 Training and support will be available to all Line Managers in the implementation and application of this policy.

## **6. IMPACT ANALYSIS**

### **6.1 Equality**

All policies require an assessment for their impact on people with protected characteristics. An Equality Impact Assessment has been undertaken for this policy and as a result of performing the analysis, it is evident that a risk of discrimination exists and this risk may be removed or reduced by implementing the actions detailed within the *Action Planning* section of the document. This screening can be found in Appendix 2.

In applying this policy, the CCG will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

## 6.2 Bribery Act 2010

NHS Hull Clinical Commissioning Group has a responsibility to ensure that all staff are made aware of their duties and responsibilities arising from The Bribery Act 2010.

The Bribery Act 2010 makes it a criminal offence to bribe or be bribed by another person by offering or requesting a financial or other advantage as a reward or incentive to perform a relevant function or activity improperly performed. The penalties for any breaches of the Act are potentially severe. There is no upper limit on the level of fines that can be imposed and an individual convicted of an offence can face a prison sentence of up to 10 years.

For further information see <http://www.justice.gov.uk/guidance/docs/bribery-act-2010-quick-start-guide.pdf>.

If you require assistance in determining the implications of the Bribery Act please contact the Local Counter Fraud Specialist on telephone number 01482 866800 or email at [nikki.cooper1@nhs.net](mailto:nikki.cooper1@nhs.net).

Due consideration has been given to the Bribery Act 2010 in the development of this policy (or review, as appropriate) of this policy document and no specific risks were identified.

## 7. DEFINITIONS

7.1 *Secondment*: A secondment is the temporary movement of an employee into a different role within the CCG or another employer for a defined period of time and for a specific purpose. Secondments are usually mutually beneficial and should bring benefits to the organisation(s)/ department(s) involved and the individual being seconded. There are 3 types of secondment covered by this policy;

6.1.1 *Internal Secondment* – this is where an individual is seconded into a different role within the CCG;

6.1.2 *External Secondment* – this is where an individual is seconded into a role within a different organisation

6.1.3 *Externally Sourced Secondment* – this is where an employee of a different organisation is seconded into a CCG role.

## 7.2 Additional Definitions

- *Secondee* – the person who is undertaking the secondment
- *Host* – the organisation or service to which employee is seconded to
- *Employer* – refers to the substantive employer of the secondee,

## 8. SECONDMENT PROCEDURE

### 8.1 Identifying Secondments

#### ***Requesting and organisation of Internal Secondments within the CCG.***

8.1.1 Where the CCG identifies that an internal secondment opportunity exists, consideration should be given to the length of the secondment, any training required and the skills set or specialist knowledge required of staff undertaking the secondment.

8.1.2 Depending on the nature of secondment, the vacancy will either be advertised in line with the CCG's recruitment policy, or, a request will be made directly to the relevant department if the secondment requires specialist skills or knowledge. Any secondment opportunity that exceeds 6 months must be advertised in line with the recruitment and selection policy.

8.13 Requests by an employee to take on a secondment opportunity must be recorded using the application form at *Appendix 1*. There is no explicit obligation on the manager to release an individual but proper consideration should be given to such a request. Any refusal to allow an individual to uptake a secondment opportunity should be carefully considered and the potential long term benefits to the CCG should not be overlooked. An explanation should be given to the employee if a request is turned down and must be documented using Appendix 1.

8.14 Any disputes between managers regarding the release of an individual should be escalated to the Senior Leadership Team to resolve.

### ***Requesting and organisation of Externally Sourced Secondments.***

- 8.1.5 Where the CCG identifies that a secondment opportunity exists which cannot reasonably or practicably be filled from within the CCG, they should seek to fill it from an external source.
- 8.1.6 In order to minimise risk to the CCG and safeguard the existing employment of an individual, where a short term vacancy arises, the CCG will seek to fill it through a secondment and will only offer a fixed term contract if a secondment is not possible.
- 8.1.7 Depending on the nature of secondment, the vacancy will either be advertised in line with the CCG's recruitment policy, or, a request will be made directly to the relevant department if the secondment requires specialist skills or knowledge. Any secondment opportunity that exceeds 6 months must be advertised in line with the recruitment and selection policy.
- 8.1.8 Depending on the nature of the secondment and the role, it may be necessary to carry out recruitment checks or seek assurance from seconding employers that such checks have been carried out. For example where the requirements of the secondee's role differ from their substantive post and a DBS check is required.

### ***Requests for CCG staff to undertake secondments in external organisations***

- 8.1.9 Any requests from an external organisation to release an employee on secondment should be discussed with the Senior Leadership Team. Where an individual has been specifically identified they should be made aware of the request. Where the CCG considers that they can support the request, agreement must be gained from the individual prior to making a final decision.
- 8.1.10 If an employee wishes to go on secondment to an external organisation they must discuss this with their line manager prior to making an application. The line manager must discuss the secondment with the Senior Leadership team at the earliest opportunity as early planning as to how cover will be provided will increase the possibility of the secondment being possible.
- 8.1.11 In circumstances where an employee takes a secondment with an external organisation it is expected that the employer would retain all equipment provided unless specifically agreed with their line manager.

## 8.2 Administration

- 8.2.1 Prior to the secondment taking place the appropriate manager(s) must liaise with the Finance team and the HR teams to agree who will be funding the secondment and how the payment arrangements are to be facilitated. Depending on the individual agreements it may be appropriate to submit a 'Variation form' (HR4) or arrange for invoices to be raised.
- 8.2.2 Agreement must be reached on how the secondee/placement individual's salary will be paid and which body will be responsible for meeting any additional expenses such as travel and subsistence allowances. Refer to agenda for change terms and conditions for further details.
- 8.2.3 Once a secondment has been agreed a signed agreement must be put in place to clarify the terms of the secondment. Contact should be made with the HR Team who will facilitate the production of the paperwork and advise as to which Payroll forms need completing.
- 8.2.4 Staff who enter into secondment agreements will be asked to sign a secondment agreement outlining the terms and parameters of the secondment.
- 8.2.5 Where the grade of the secondment post is higher than the grade of the employee's substantive post, the full salary cost will be paid by the CCG and recovered from the host organisation/department. On return to the substantive post the employee will revert to their substantive grade and salary (including any incremental increases which have occurred to their substantive role during their secondment).
- 8.2.6 The duration of a secondment will vary depending on the circumstances. However the minimum is 3 months and a maximum 24 months with exceptions to be arranged with the relevant line manager and with the agreement of the Senior Leadership Team and with advice from the eMBED HR Team.

## 8.3 Terms and Conditions

- 8.3.1 During the period of the secondment the individual's Terms and Conditions will remain the same and continue to be subject to CCG policies and procedures. Exceptions to this will be agreed in advance between the host organisation and the secondee/CCG and must be recorded in the Secondment Agreement.
- 8.3.2 Employees on secondment with an external organisation will retain all of their continuity of service rights with the Organisation

- 8.3.3 Secondees are responsible for reporting any reasons for absence directly to both the external organisation and the host organisation in accordance with their own absence management policies. Secondees on internal secondments must report their absences to their host line manager who will record the absence via the administration office.
- 8.3.4 Whilst on any secondment employees will continue to accrue annual leave entitlements and be permitted to take annual leave to their entitlement limit with the agreement of the host organisation. Where an employee takes a period of Maternity or Shared Parental Leave during the course of the secondment accrual of his or her annual leave entitlements will continue to apply. The substantive employers' policies will apply.
- 8.3.5 For the duration of the secondment or work placement the individual will be required to comply with the working/cover arrangements of the department or host employer. Any agreement to exceed/reduce their contractual working hours will be subject to agreement between all parties prior to any change taking place and is subject to the conditions of Working Time Regulations.

## 8.4 Communication

- 8.4.1 When a secondment is confirmed it must be agreed by all parties so that three way communication between the secondee, host organisation and the employer is maintained.
- 8.4.2 Any secondee should be kept informed of and consulted about any organisational change that takes place during their period of secondment.

## 8.5 Termination or Extension of Secondment

- 8.5.1 A request for an extension of an existing secondment should be considered in accordance with the needs of the service, and be mutually agreed by all parties and confirmed in writing. If an extension is refused, an explanation should be given to the employee.
- 8.5.2 The secondment may be terminated by either party in writing with the appropriate or previously agreed notice period.
- 8.5.3 Upon the termination of a secondment into another CCG department or external organisation the CCG employee will return to a post that is of the same grade and of a broadly similar function to their substantive post that they held prior to the secondment.

## **8.6 Secondment resulting in Permanent Appointment**

- 8.6.1 Where a full recruitment process was carried out for the secondment, the individual may be offered the post should it become permanent.
- 8.6.2 If a full recruitment process was not followed in securing the secondment then a recruitment and selection process will need to be carried out for the permanent appointment. Refer to the CCG's Recruitment and Selection Policy for further information.

## **8.7 Appeal**

- 8.7.1 An employee may use the Grievance Procedure if they feel that they have been treated unfairly in relation to the application of this policy.

## **9. ROLES / RESPONSIBILITIES / DUTIES**

### **9.1 Lead**

The Senior Leadership Team is responsible for:

- Ensuring the fair and equitable application of this policy
- Providing advice in relation to the application of this policy

### **9.2 Employees**

Employees are responsible for:

- Informing managers if they wish to apply for a secondment opportunity as soon as it arises
- Ensuring appropriate records are kept in relation to this policy
- Ensuring that information, which may be made available to them as a direct result of the secondment, is treated as confidential.

### **9.3 Line Manager**

Line Managers are responsible for:

- Seeking advice on the application of this policy from their senior managers and the HR Team
- Applying this policy in a fair and equitable manner

- Outlining at the start what the secondee's objectives are for the duration of the secondment.
- Conducting performance reviews of secondees in a post. The regularity of these reviews must be agreed with the secondee at the commencement of the secondment with the initial review being held no more than 4 weeks' into the secondment term.
- Ensuring appropriate records are kept in relation to this policy.
- Working with the HR Team to facilitate the production of a secondment agreement where a substantive employee has been successful in securing a secondment, ensuring that regular contact is maintained with their substantive employees on secondment in addition to their continued inclusion on appropriate circulation lists.

#### 9.4 HR Team

The HR Team are responsible for;

- Facilitating the production of a secondment agreement where the secondee is substantively employed by the CCG.
- Assisting in the provision of details for, and providing advice in relation to secondment agreements produced by the employer organisation.

### 10. IMPLEMENTATION

- 10.1 This policy will be published on the CCG website and all staff will be made aware of its publication through communications and team meetings.
- 10.2 Any deliberate breaches of this policy may be investigated and may result in the matter being treated as a disciplinary offence under the CCGs disciplinary procedure.

### 11. TRAINING AND AWARENESS

- 11.1 A copy of the policy will be available on the CCG website. Guidance and support will be provided to all Line Managers, by the HR Team, in the implementation and application of this policy upon request. Training needs will be identified via the appraisal process and training needs analysis.

### 12. MONITORING AND EFFECTIVENESS

- 12.1 Records will be kept by the HR Team of all secondment agreements made under this policy and any grievances raised in respect of it. This information will be audited on a

periodic basis. Records of declined requests will be maintained on personal files and can be audited where there is a specific requirement to do so.

- 12.2 The implementation of this policy will be audited on an annual basis by the CCG and reported to CCG Governing Body.

### **13. POLICY REVIEW**

- 13.1 The policy and procedure will be reviewed at least every three years by the CCG in conjunction with managers, and Trade Union representatives if appropriate, with changes made as required and the outcome published. Where review is necessary due to legislative change, this will happen immediately.
- 13.2 The Senior Management Team has delegated responsibility for monitoring and reviewing the policy and will report any concerns to the Governing Body.

### **14. REFERENCES & ASSOCIATED DOCUMENTATION**

For further information please refer to the following reference sources:

- NHS Agenda for Change Terms and Conditions of Employment.
- Recruitment and Selection policy.
- Secondment Agreement.

### **APPENDICES**

Appendix One – Application for Secondment Opportunity.  
Appendix Two - Equality Impact Assessment.

## APPENDIX ONE – APPLICATION FOR SECONDMENT OPPORTUNITY

### How to use this application form

Where an employee identifies a secondment opportunity, they should complete section one of this form and return to their line manager for consideration. A 1:1 meeting or conversation may take place but this form must also be completed for audit.

Line manager will confirm whether or not they support the secondment, recording their decision and rationale within section two of this form.

Where the line manager approves the secondment, this form will be submitted to the Senior Leadership Team for their final approval. The SLT decision will be recorded in section three and a rationale provided where the secondment is not approved.

Where the line manager does not support the secondment and the employee is dissatisfied with the rationale provided, the employee may request that this form is submitted to SLT for a final decision. The SLT decision will be recorded in section three and a rationale provided where the secondment is not approved.

For all outcomes, one copy of the completed request form will be shared with the employee and a second will be saved to the employee's personal file.

### SECTION ONE – TO BE COMPLETED BY THE EMPLOYEE

<b>Part A: Employee details</b>
Name:
Job Title:
Band:

<b>Part B: Secondment details</b>	
Organisation:	
Job Title:	
Band:	
Summary of objectives and responsibilities (please attach a JD/ other supporting information where available):	
Describe any benefits to the CCG/ department in undertaking this secondment, e.g. skills and knowledge gained:	
Describe any adverse impacts that your secondment may have on the CCG/ department and any ways that these can be managed or mitigated:	
Please provide any additional information below that you feel should be considered	
Employee signature:	Date:

**SECTION TWO – TO BE COMPLETED BY THE MANAGER**

<b>Part A: Line manager details</b>	
Name:	
Job Title:	

Do you support the secondment? YES / NO	
Please provide a rationale for your decision below:	
Please provide any additional information below that you feel should be considered:	
Line manager signature:	Date:

**SECTION THREE – TO BE COMPLETED BY SLT (WHERE APPLICABLE)**

Is the secondment approved? YES / NO	
Please provide a rationale for your decision below:	
Signed on behalf of SLT  Name:  Job Title:	Date:

## APPENDIX TWO – EQUALITY IMPACT ASSESSMENT

Please refer to the EIA Overview & Navigation Guidelines located in Y:\HULLCCG\Corporate Templates and Forms\Equality and Diversity Information before completing your EIA)

HR / Corporate Policy Equality Impact Analysis:	
<b>Policy / Project / Function:</b>	Secondment Policy
<b>Date of Analysis:</b>	August 2018 (reviewed)
<b>Completed by: (Name and Department)</b>	eMBED HR Team
<b>What are the aims and intended effects of this policy, project or function?</b>	<p>The purpose of this policy is to provide a framework for managing internal and external secondments.</p> <p>This policy will ensure that Secondment requests will be considered in line with business needs and decisions are made on this basis.</p>
<b>Are there any significant changes to previous policy likely to have an impact on staff / other stakeholder groups?</b>	No
<b>Please list any other policies that are related to or referred to as part of this analysis</b>	<ul style="list-style-type: none"> <li>• NHS Agenda for Change Terms and Conditions of Employment</li> <li>• Recruitment and Selection policy</li> <li>• Grievance Procedure</li> <li>• Disciplinary Procedure</li> </ul>
<b>Who will the policy, project or function affect?</b>	<ul style="list-style-type: none"> <li>• General public</li> <li>• Service Users</li> <li>• Employees</li> </ul>
<b>What engagement / consultation has been</b>	

<p><b>done, or is planned for this policy and the equality impact assessment?</b></p>	<ul style="list-style-type: none"> <li>• Social Joint Trade Union Partnership Forum/Policy Development Group</li> <li>• SRCCG staff via team meetings/team brief/internet</li> </ul>
<p><b>Promoting Inclusivity and Hull CCG's Equality Objectives.</b></p> <p>How does the project, service or function contribute towards our aims of eliminating discrimination and promoting equality and diversity within our organisation?</p> <p>How does the policy promote our equality objectives:</p> <ol style="list-style-type: none"> <li>1. Ensure patients and public have improved access to information and minimise communications barriers</li> <li>2. To ensure and provide evidence that equality is consciously considered in all commissioning activities and ownership of this is part of everyone's day-to-day job</li> <li>3. Recruit and maintain a well-supported, skilled workforce, which is representative of the population we serve</li> <li>4. Ensure the that NHS Hull Clinical Commissioning Group is welcoming and inclusive to people from all backgrounds and with a range of access needs</li> </ol>	<p>This Policy does not directly promote inclusivity, but provides a framework for all staff to take up secondment opportunities.</p>

Equality Data	
<p><b>Is any Equality Data available relating to the use or implementation of this policy, project or function?</b></p> <p>Equality data is internal or external information that may indicate how the activity being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as ‘<i>Equality Groups</i>’.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <ol style="list-style-type: none"> <li>1: Recruitment data, e.g. applications compared to the population profile, application success rates</li> <li>2: Complaints by groups who share / represent protected characteristics</li> <li>4: Grievances or decisions upheld and dismissed by protected characteristic group</li> <li>5: Insight gained through engagement</li> </ol>	<p>Yes <input checked="" type="checkbox"/></p> <p>Workforce profile data from ESR</p> <p>No <input type="checkbox"/></p> <p>Where you have answered yes, please incorporate this data when performing the <i>Equality Impact Assessment Test</i> (the next section of this document). If you answered No, what information will you use to assess impact?</p> <p><b>Please note that due to the small number of staff employed by the CCG, data with returns small enough to identify individuals cannot be published. However, the data should still be analysed as part of the EIA process, and where it is possible to identify trends or issues, these should be recorded in the EIA.</b></p>

## Assessing Impact

**Is this policy (or the implementation of this policy) likely to have a particular impact on any of the protected characteristic groups?  
(Based on analysis of the data / insights gathered through engagement, or your knowledge of the substance of this policy)**

Protected Characteristic:	No Impact:	Positive Impact:	Negative Impact:	Evidence of impact and, if applicable, justification where a <i>Genuine Determining Reason</i> <sup>1</sup> exists (see footnote below – seek further advice in this case)
<p><b>It is anticipated that these guidelines will have a positive impact as they support policy writers to complete meaningful EIAs, by providing this template and a range of potential issues to consider across the protected characteristics below. There may of course be other issues relevant to your policy, not listed below, and some of the issues listed below may not be relevant to your policy.</b></p>				
Gender	✓			
Age	✓			
Race / ethnicity / nationality	✓			
Disability			✓	<p>The policy does not specifically mention disabled staff. Where a seconded employee with a disability returns to the CCG, they will return to a 'broadly similar function'. It is important that HR and Occupational Health advice is taken to follow the requirements of the Equality Act and ensure secure management of individuals with</p>

1. <sup>1</sup> The action is proportionate to the legitimate aims of the organisation (please seek further advice)

				disabilities (see action plan). The CCG recognises in producing policies it should take account of circumstances where staff with disabilities may be appointed.
<b>Religion or Belief</b>	✓			
<b>Sexual Orientation</b>	✓			
<b>Pregnancy and Maternity</b>	✓			
<b>Transgender / Gender reassignment</b>	✓			
<b>Marriage or civil partnership</b>	✓			

### Action Planning:

As a result of performing this analysis, what actions are proposed to remove or reduce any risks of adverse impact or strengthen the promotion of equality?

<b>Identified Risk:</b>	<b>Recommended Actions:</b>	<b>Responsible Lead:</b>	<b>Completion Date:</b>	<b>Review Date:</b>
Employees with disabilities may return to a 'broadly similar function' which may require reasonable adjustments	HR and Occupational Health advice should be taken	Line Manager/HR Lead	As this arises	Ongoing

**Sign-off**

All policy EIAs must be signed off by Mike Napier, Associate Director of Corporate Affairs

I agree with this assessment / action plan

If *disagree*, state action/s required, reasons and details of who is to carry them out with timescales:



Date: 21.09.18

Signed: