MEETING DATE:	8 October 2015	NHS
AGENDA ITEM NUMBER:	Item 7.8.4	North Lincolnshire Clinical Commissioning Group
AUTHOR:	Liz Beecroft	5 .
JOB TITLE:	Human Resources Advisor	REPORT TO THE CLINICAL COMMISSIONING GROUP
DEPARTMENT:	Yorkshire and Humber	GOVERNING BODY
	Commissioning Support	

TEMPORARY PROMOTION POLICY

PURPOSE/ACTION REQUIRED:	Decisions for Approval
CONSULTATION AND/OR INVOLVEMENT PROCESS:	All staff have had an opportunity to contribute to the development of the policy. The policy has been approved by the Joint Trade Union Partnership Forum (JTUPF) on Wednesday 26 August 2015.
FREEDOM OF INFORMATION:	Public

1.	PURPOSE OF THE REPORT:
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To present the following new and/or revised Workforce policy for the approval of the Governing Body;

• Temporary Promotion Policy - The policy is to ensure a fair and equitable approach across the North Lincolnshire Clinical Commissioning Group (the CCG) to situations in which an individual may be asked to temporarily work, either wholly or partly, in a higher pay band.

2. STRATEGIC OBJECTIVES SUPPORTED BY THIS REPORT:

Continue to improve the quality of services	n/a
Reduce unwarranted variations in services	n/a
Deliver the best outcomes for every patient	n/a
Improve patient experience	n/a
Reduce the inequalities gap in North Lincolnshire	n/a
3. IMPACT ON RISK ASSURANCE FRAMEWORK:	
Yes No	x

4. IMPACT ON THE ENVIRONMENT – SUSTAINABILITY:				
	Yes		No	x
A sustainability assessment has been included within the policy and no speci	fic impac	ts have b	een ident	ified.
5. LEGAL IMPLICATIONS:				
	Yes		No	x
The policy is consistent with the principles set out under Agenda for Change	Terms an	d Condit	ions.	
6. RESOURCE IMPLICATIONS:		1		
	Yes		No	X
The North Lincolnshire Clinical Commissioning Group recognises that a Temp band should not normally last more than six months or less than one month, leave or long-term sickness absence, where a longer period may be known a	except in	n instanc		
7. EQUALITY IMPACT ASSESSMENT:		1	-1	
	Yes	X	No	
share Protected Characteristics and no further actions are recommended at t	this stage			
8. PROPOSED PUBLIC & PATIENT INVOLVEMENT AND COMMUNICATIONS	5:			
	Yes		No	x
Patient and/ or public involvement would not be required for the developm be noted that all CCG staff have had the opportunity to be involved in and opolicy.				
9. RECOMMENDATIONS:				
The CCG is asked to review and approve the following policies which accomp	any this i	report:		
1. Temporary Promotion Policy				
Appendices:				
1. Temporary Promotion Policy				

TEMPORARY PROMOTION POLICY

(October 2015)

Authorship:	Yorkshire and Humber CS Workforce Team adapted locally for use by North Lincolnshire CCG
Committee Approved:	
Approved date:	
Review Date:	
Equality Impact Assessment	Completed - Full/Completed - Screening [delete as required]
Sustainability Impact Assessment:	Completed
Target Audience:	
Policy Reference No:	Request from CCG Business Manager
Version Number:	

The on-line version is the only version that is maintained. Any printed copies should, therefore, be viewed as 'uncontrolled' and as such may not necessarily contain the latest updates and amendments.

POLICY AMENDMENTS

Amendments to the Policy will be issued from time to time. A new amendment history will be issued with each change.

New Version Number	Issued by	Nature of Amendment	Approved by & Date	Date on Intranet
1.0	North Lincolnshire Clinical Commissioning Group	New Policy for CCG		

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1 INTRODUCTION

- 1.1 The aim of this policy is to ensure a fair and equitable approach across the North Lincolnshire Clinical Commissioning Group (the CCG) to situations in which an individual may be asked to temporarily work, either wholly or partly, in a higher pay band.
- 1.2 Temporary movement into a new pay band should not normally last more than six months or less than one month, except in instances of maternity leave or long-term sickness absence, where a longer period may be known at the outset.

2 ENGAGEMENT

In developing this policy the following groups were consulted:

- Joint Trade Union Partnership Forum/ Policy Development Group;
- Senior Management Team; and
- NL CCG staff via the CCG newsletter and publishing the draft policy on the intranet for feedback/comment.

3 IMPACT ANALYSES

3.1 Equality

All policies require an assessment for their impact on people with protected characteristics (defined in the guidance document). An Equality Impact Analysis Toolkit is available for this purpose and is attached at Appendix 1.

As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share *Protected Characteristics* and no further actions are recommended at this stage.

3.2 Sustainability

Anyone developing a policy or procedural document is required to complete a Sustainability Impact Assessment. The purpose is to record any positive or negative impacts that the policy is likely to have on each of the CCG's sustainability themes. The Sustainability Impact Assessment form is attached at Appendix 2.

3.3 Bribery Act 2010

Under the Bribery Act 2010, it is a criminal offence to:

- Bribe another person by offering, promising or giving a financial or other advantage to induce them to perform improperly a relevant function or activity, or as a reward for already having done so; and
- Be bribed by another person by requesting, agreeing to receive or accepting a financial or other advantage with the intention that a relevant function or

activity would then be performed improperly, or as a reward for having already done so.

These offences can be committed directly or by and through a third person and, in many cases, it does not matter whether the person knows or believes that the performance of the function or activity is improper.

It is therefore, extremely important that staff adhere to this and other related policies and documentation (as detailed on the CCG's intranet) when considering whether to offer or accept gifts and hospitality and/or other incentives.

If fraud, bribery and corruption are particularly relevant to a policy, the section should be headed Anti-fraud, Bribery and Corruption and should include a cross reference to the Local Anti-fraud, Bribery & Corruption Policy. The following wording should also be included:

To raise any suspicions of fraud and/or corruption please contact the Local Counter Fraud Specialist (LCFS) or the Counter Fraud Manager at (for East Riding and North Lincolnshire – East Coast Audit Consortium, 01482 866800 email <u>fraud@humber.nhs.uk</u>

The LCFS will inform the Chief Financial Officer if the suspicion seems well founded and will conduct a thorough investigation. Concers may also be discussed with the Chief Financial Officer or the Audit Committee Chair.

If staff prefer, they may call the NHS Fraud & Corruption Reporting Line on 0800 028 40 60 between 8am-6pm Monday-Friday or report online at <u>www.reportnhsfraud.nhs.uk</u>. This would be the suggested contact if there is a concern that the LCFS or the Chief Financial Officer themselves may be implicated in suspected fraud, bribery or corruption.

Further information on the Bribery Act can be found at <u>www.opsi.gov.uk/acts</u>. A list of frequently asked questions is available from the CSU Corporate Strategy and Policy Manager.

4 SCOPE

This policy will apply to all employees on agenda for change terms and conditions

5 POLICY PURPOSE & AIMS

The aim of this policy is to ensure a fair and equitable approach across the CCG to situations in which an individual may be asked to temporarily work, either wholly or partly, in a higher pay band for a significant period of time.

6 ROLES / RESPONSIBILITIES / DUTIES

6.1 **The CCG Constitution**

The CCG Constitution, section 9, refers to the duties and responsibilities of the CCG as an employer that may be summarised as follows:

- the CCG recognises that its most valuable asset is its people and will seek to enhance their skills and experience;
- the CCG will seek to set an example of best practice as an employer and will ensure that employment practices are designed to promote diversity and to treat all individuals equally;
- the CCG will ensure that it employs suitably qualified and experienced staff who will discharge their responsibilities in accordance with the high standards expected of staff employed by the CCG;
- all staff will be made aware of the constitution and the relevant internal management and control systems which relate to their field of work;
- the CCG will maintain and publish policies and procedures on all aspects of human resources management, including grievance and disciplinary matters;
- the CCG will ensure that its rules for recruitment and management of staff provide for the appointment and advancement on merit on the basis of equal opportunity for all applicants and staff;
- the CCG will ensure that employees' behaviour reflects the values, aims and principles set out in the Constitution;
- the CCG will ensure that it complies with all aspects of employment law;
- the CCG will ensure that its employees have access to such expert advice and training opportunities as the Governing Body consider reasonable in order to exercise their responsibilities effectively and
- the CCG will adopt a Code of Conduct for staff and will maintain and promote effective 'whistleblowing' procedures to ensure that concerned staff have means through which their concerns can be voiced.

6.2 Chief Officer Responsibilities

The Chief Officer of the CCG is responsible for:

- Promoting a fair and equitable working environment
- Ensuring this policy is followed by all senior and line managers

6.3 Senior Officers and Line Managers

Senior Officers and line managers at all levels are responsible for:

- Acquainting themselves with the procedure
- Responsible for ensuring that this policy is implemented fairly within their teams.

6.4 All individuals

It is the responsibility of everyone covered by the scope of this policy to ensure they comply with this policy.

7 IMPLEMENTATION

- 7.1 It is the manager's responsibility to decide whether temporary promotion is appropriate and, in doing so, they should give consideration to the following:
 - Whether the work can be postponed until the absent employee returns/the vacancy is filled on a permanent basis.
 - Whether management objectives require that the work must be undertaken by a specified employee or whether it may be shared amongst others as part of their standard duties.
 - Whether there is an employee competent to take on the duties and responsibilities, as an internal development opportunity.
 - Standard recruitment processes should be followed to ensure equality of opportunity and the appointment of appropriately qualified staff. However there may be occasions when urgent organisational priorities require posts to be filled more quickly.
- 7.2 Training and support is available to all Line Managers in the implementation and application of this policy from the YHCS workforce team.

8 TRAINING & AWARENESS

A copy of the policy will be available on the CCG intranet and support is available from the YHCS Workforce Team. Training needs will be identified via the performance appraisal process and performance development plan.

9 MONITORING & AUDIT

The policy and procedure will be reviewed and audited three years from ratification by the YHCS Workforce Team in conjunction with the senior leadership team and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

10 REFERENCES

To ensure that this policy is viewed in context, it should be read in conjunction with other relevant CCG policies i.e.

• Recruitment and Selection

11 PROCEDURE

- 11.1 An opportunity for a temporary promotion into a higher pay band would occur, usually (but not exclusively) in the following circumstances:-
 - A vacancy has arisen that has not yet been filled but there is a requirement for the post to be covered more quickly than through standard recruitment processes
 - To cover a period of long term sickness absence
 - To cover a period of maternity/adoption leave
 - A member of staff has taken a career break
 - Short term increase in demand of work from customer
 - Urgent organisational priorities.
- 11.2 Temporary promotions are not to be used to cover annual leave.
- 11.3 Under normal circumstances, the post would be advertised internally across the CCG and a formal selection process would take place in order to select the appropriate candidate to move temporarily into the position.
- 11.4 There may be occasions where it is not appropriate to open up the opportunity to the whole CCG. This could be as follows:-
 - The duration of the temporary move is such that it would not be cost effective to open up the vacancy to staff not based in the current location.
- 11.5 In these cases, the post would be 'ring-fenced' to certain members of staff / locations.
- 11.6 In any case where a manager believes that a post should be ring-fenced or restricted in any way, they must discuss it with the Workforce Team in the first instance.

12 DURATION

- 12.1 A temporary promotion to a post in a higher pay band will normally last at least one month.
- 12.2 The period of the temporary promotion should not normally last more than six months, except in instances such as maternity leave, long-term sickness absence or a career break, where a longer period may be known from the outset.

13 **REMUNERATION**

- 13.1 Pay on promotion should be set either at the minimum of the new pay band or, if this would result in no pay increase, the first pay point in the band which would deliver an increase in pay (by reference to basic pay plus any recruitment and retention premium, if applicable). In circumstances where the individual is not required to carry out the full responsibilities of the post, refer to the agenda for change handbook.
- 13.2 For the duration of the temporary promotion, the individual will be entitled to all conditions of service and allowances for that post, to be paid at the higher rate.

14 INCREMENTAL DATE

- 14.1 Where the temporary promotion has resulted in the individual moving up only one extra pay point, there will be no change to their incremental date.
- 14.2 Should the individual subsequently be confirmed into this post there will be no change to their incremental date.
- 14.3 Where there has been more than one extra pay point awarded, then the incremental date for the period of the temporary promotion becomes the date that the appointment commenced.
- 14.4 Should the individual be confirmed into this post, they will retain the date their temporary promotion began as their incremental date.
- 14.5 When the temporary promotion period has ended, the individual will revert to their previous incremental date. The spine point they return to should take into account the time spent on the temporary promotion.
- 14.6 If at a later date the individual is then promoted into the same role, or another at the same level, on a permanent basis the period of temporary promotion will be taken into account and the incremental date either brought forward or deferred, depending on how long the individual had been temporarily promoted for. Where an individual has been temporarily promoted for more than one period, and is then promoted on a permanent basis to the same role or another at the same level, the periods of temporary promotion will be aggregated and the incremental date changed accordingly. Incremental credit will be awarded only once for each period of temporary promotion. Refer to Agenda for Change Handbook, Part 2, Section 6 Career Progression for further information.

15 CONFIRMATION INTO POST

- 15.1 Where an individual has been temporarily promoted into a post via a recruitment process and the post becomes available due to the substantive post holder not returning to work, a manager in conjunction with the CSU Workforce Team may agree to confirm the individual into the post with no further recruitment having to take place.
- 15.2 Where recruitment was limited due to the short term nature of the post, or no formal recruitment process took place and the post becomes available on a long term or permanent basis, a further recruitment should take place to open up the vacancy to the wider CCG and externally if required.

16 **PROTECTION ARRANGEMENTS**

16.1 Where an individual is currently under a pay protection arrangement and is then temporarily promoted into a role where protection is no longer required, the period of the temporary promotion will be deducted from the period of protection.

Example:-

An individual is a Band 2, protected on the top of Band 3. This period of protection is for 3 years. After 6 months, they are temporarily promoted into a Band 4 and this temporary promotion lasts for 8 months. They then revert back to Band 2 with protection with a further 22 months of protection left at the top of Band 3.

Appendix 1

Equality Impact Analysis:

For support with completion of this documentation, please see the accompanying guidance and/or contact the Equality Lead in the Yorkshire and Humber Commissioning Support

Equality Impact Analysis

	. Equality Impact Analysis
Policy / Project / Function:	Temporary Promotion Policy
Date of Analysis:	December 2014
This Equality Impact Analysis was completed by: (Name and Department)	Workforce Team
What are the aims and intended effects of this policy, project or function?	The aim of this policy is to ensure a fair and equitable approach across the CCG to situations in which an individual may be asked to temporarily work, either wholly or partly, in a higher pay band for a significant period of time.
Please list any other policies that are related to or referred to as part of this analysis?	Recruitment and Selection
Who does the policy, project or function affect? Please Tick v	EmployeesImage: Constraint of the PublicMembers of the PublicImage: Constraint of the Public
	Other (List Below)

2. E	quality Impac	t Analysis: Sc	reening		
		policy have a npact on…		oolicy have a mpact on…	Is there any evidence which already exists from previous (e.g. from previous engagement) to evidence this impact
	Yes	No	Yes	No	
Race		\square		\square	This has been considered and has a no impact
Age					This has been considered and has a no impact
Sexual Orientation					This has been considered and has a no impact
Disabled People					This has been considered and has a no impact
Gender					This has been considered and has a no impact
Transgender People					This has been considered and has a no impact
Pregnancy and Maternity					This has been considered and has a no impact
Marital Status					This has been considered and has a no impact
Religion and Belief				\square	This has been considered and has a no impact
Reasoning					
If there is	no positive or	negative impac	t on any of the	Nine Protected	d Characteristics go to Section 6

3. Equality Impact	t Analysis: Equality Data Available
Is any Equality Data available relating to the use or implementation of this policy, project or function? 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> '.	Yes employee data has been used to support the monitoring of the impact of this policy in the future. The employee data is not included due to the low number of CCG employees and concern around anonymity.
 Examples of <i>Equality Data</i> include: (this list is not definitive) 1. Application success rates <i>Equality Groups</i> 2. Complaints by <i>Equality Groups</i> 3. Service usage and withdrawal of services by <i>Equality Groups</i> 4. Grievances or decisions upheld and dismissed by <i>Equality Groups</i> 5. <i>Previous EIAs</i> 	No
List any Consultation e.g. with employees, service users, Unions or members of the public that has taken place in the development or implementation of this policy, project or function	North Lincolnshire CCG Employees Joint Trade Union Partnership Policy Group Joint Trade Union Partnership Forum
Promoting Inclusivity How does the project, service or function contribute towards our aims of eliminating discrimination and promoting equality and diversity within our organisation	This policy does not directly promote inclusivity, but provides a framework to settle grievances in the workplace. This should contribute towards eliminating discrimination

		· ·		lity Act 2010 ?
Protected Characteristic:	No Impact:	Positive Impact:	Negative Impact:	Evidence of impact and if applicable, justification where a <i>Genuine Determining Reason</i> exists
Gender (Men and Women)	✓			This has been considered and has a no impact
Race (All Racial Groups)	~			This has been considered and has a no impact
Disability (Mental and Physical)	✓			This has been considered and has a no impact
Religion or Belief	~			This has been considered and has a no impact
Sexual Orientation (Heterosexual, Homosexual and Bisexual)	~			This has been considered and has a no impact
What impact will the impleme users or other people who s Protected Characteristic:				
users or other people who si Protected Characteristic:	hare character	Positive	ed by <i>The Equa</i>	Evidence of impact and if applicable, justification
users or other people who si Protected Characteristic: Pregnancy and Maternity	hare character No Impact:	Positive	ed by <i>The Equa</i>	Evidence of impact and if applicable, justification where a <i>Genuine Determining Reason</i> exists
users or other people who si Protected	hare character No Impact: ✓	Positive	ed by <i>The Equa</i>	Evidence of impact and if applicable, justification where a Genuine Determining Reason exists This has been considered and has a no impact

5. Action Planning As a result of performing this analysis, what actions are proposed to remove or reduce any risks of adverse outcomes identified o				
employees, service users of Identified Risk:	or other people who share characteristics prote Recommended Actions:	ected by <i>The Equality Act</i> Responsible Lead:	Completion Date:	Review Date:

	6. Equality Impact Analysis Findings				
Analysis Rating:	□ Red	□ Red/Amber	□ Amber	□ <mark>Green</mark>	
		Actions	Wording for Policy	Wording for Policy / Project / Function	
Red Stop and remove the policy	Red: As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . It is recommended that the use of the policy be suspended until further work or analysis is performed.	Remove the policy Complete the action plan above identify the areas of discriminat and the work or actions which is to be carried out to minimise the of discrimination.	e to tion needs	No wording needed as policy is being removed	
Red Amber Continue the policy	As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . However, a genuine determining reason may exist that could legitimise or justify the use of this policy and further professional advice should be taken.	The policy can be published the EIA List the justification of the discrimination and source the evidence (i.e. clinical need as a by NICE). Consider if there are any poten actions which would reduce the discrimination. Another EIA must be complete policy is changed, reviewed or further discrimination is identified later date.	that a risk of discrimunintentional or oth groups of people w <i>Characteristics.</i> Ho reason exists which and further profess fill <i>[Insert what the of actions which con</i> d if the if	brming the analysis, it is evident mination exists (direct, indirect, nerwise) to one or more of the nine who share <i>Protected</i> bwever, a genuine determining h justifies the use of this policy sional advice. Iiscrimination is and the e discrimination plus any uld help what reduce the risk]	

	E	equality Impact Findings (continued)):
		Actions	Wording for Policy / Project / Function
Amber Adjust the Policy	As a result of performing the analysis, it is evident that a risk of discrimination (as described above) exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action</i> <i>Planning</i> section of this document.	 The policy can be published with the EIA The policy can still be published but the Action Plan must be monitored to ensure that work is being carried out to remove or reduce the discrimination. Any changes identified and made to the service/policy/ strategy etc. should be included in the policy. Another EIA must be completed if the policy is changed, reviewed or if further discrimination is identified at a later date. 	As a result of performing the analysis, it is evident that a risk of discrimination (as described above) exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action</i> <i>Planning s</i> ection of this document. [Insert what the discrimination is and what work will be carried out to reduce/eliminate the risk]
Green No major change	As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected</i>	The policy can be published with the EIA Another EIA must be completed if the policy is changed, reviewed or if any	As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected</i> <i>Characteristics</i> and no further actions are recommended at this stage.
	Characteristics and no further actions are recommended at this stage.	discrimination is identified at a later date	

Approved By				
Job Title:	Name:	Date:		

SUSTAINABILITY IMPACT ASSESSMENT

Staff preparing a Policy / Board Report / Committee Report / Service Plan / Project are required to complete a Sustainability Impact Assessment. Sustainability is one of the Trust's key Strategies and the Trust has made a corporate commitment to address the environmental effects of activities across Trust services. The purpose of this Sustainability Impact Assessment is to record any positive or negative impacts that this activity is likely to have on each of the Trust's Sustainability Themes. For assistance with completing the Sustainability Impact Assessment, please refer to the instructions below.

Policy / Report / Service Plan / Project Title:				
Theme (Potential impacts of the activity)	Positive Impact	Negative Impact	No specific impact	What will the impact be? If the impact is negative, how can it be mitigated? (action)
Reduce Carbon Emission from buildings by 12.5% by 2010-11 then 30% by 2020			✓	
New builds and refurbishments over £2million (capital costs) comply with BREEAM Healthcare requirements.			\checkmark	
Reduce the risk of pollution and avoid any breaches in legislation.			\checkmark	
Goods and services are procured more sustainability.			✓	
Reduce carbon emissions from road vehicles.			\checkmark	
Reduce water consumption by 25% by 2020.			\checkmark	
Ensure legal compliance with waste legislation.			\checkmark	
Reduce the amount of waste produced by 5% by 2010 and by 25% by 2020			\checkmark	
Increase the amount of waste being recycled to 40%.			\checkmark	
Sustainability training and communications for employees.			\checkmark	
Partnership working with local groups and organisations to support sustainable development.			~	
Financial aspects of sustainable development are considered in line with policy requirements and commitments.			✓	

INSTRUCTIONS FOR COMPLETING THE SUSTAINABILITY IMPACT ASSESSMENT

Sustainability is one of the Trust's key Strategies and consequently the Trust has made a corporate commitment to address the environmental effects of its activities across all service areas. The purpose of the Sustainability Impact Assessment is to record any positive or negative impacts that a Policy / Board Report / Committee Report / Service Plan / Project is likely to have on each of the Trust's sustainability themes. The Sustainability Impact Assessment enables any relevant impacts to be identified and potentially managed.

The Sustainability Impact Assessment is based on assessing the impact of the activity against a series of criteria covering environmental sustainability issues. It would be most desirable for activities to score positively in as many areas as possible, although it is likely that some areas will score positively against some themes, and negatively against others.

Using the Sustainability Impact Assessment template

To complete the Sustainability Impact Assessment template, you should consider whether the Policy / Board Report / Committee Report / Service Plan / Project will have a positive or negative impact on each of the themes by placing a mark in the appropriate column. When you think there is likely to be an impact, please provide some annotations regarding the nature of the impact, and any actions that will be taken to address that impact. Users should note that not every theme will be relevant. Where this is the case the 'No Specific Impact' column should be marked. Users should also consider the following tips:

- 1. Make relative not absolute judgements (e.g. a new energy efficient service would score positively even if it consumes more energy than if no service were provided).
- 2. Be aware that small positive changes could be outweighed by negative ones (e.g. new energy efficient lighting in the short term may outweigh the benefits of maintaining current lighting).
- 3. If there are both positive and negative impacts, these need to be recorded in order to give a balanced view. Be objective and unbiased.
- 4. Concentrate on the most key significant issues there is the potential to consider the appraisal in a very detailed way. This should be avoided at this stage.
- 5. Judge a proposal over its whole lifespan and remember that some impacts may change over different timescales.