

JOINT HUMAN RESOURCES COMMITTEE (HBC) AGENDA

Membership:	Councillor Carter (Chairman) Councillor Lloyd (Vice-Chairman)	
Councillors (EHDC) Glass, Evans and Noble	Councillors (HBC) Weeks, Branson, Lenaghan, Perry and Wade	

Meeting: Joint Human Resources Committee
Date: Wednesday 6 December 2017
Time: 10.00 am
Venue: Havant Borough Council, Public Service Plaza, Civic Centre Road, Havant, Hants PO9 2AX

The business to be transacted is set out below:

Nick Leach
Monitoring Officer

28 November 2017

Contact Officer: Jack Caine (HBC)/Harriet Freeborn (EHDC) 023 92446230/01730 234098
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To approve the Minutes of the last meeting of the Joint Human Resources Committee held on the 4 th July 2017	
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7 Strategic HR and OD Update	To Follow
Update on current work and future planned work	

8	EHDC Recruitment Procedure	To Follow
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9	Councillor Competency Framework	To Follow

GENERAL INFORMATION

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Internet

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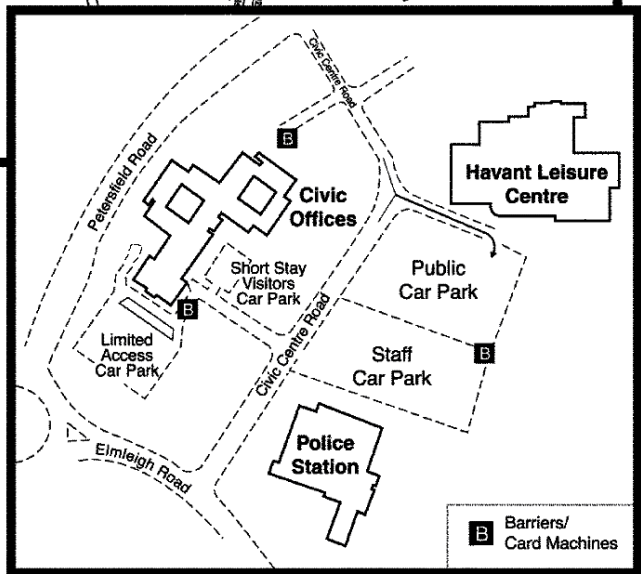
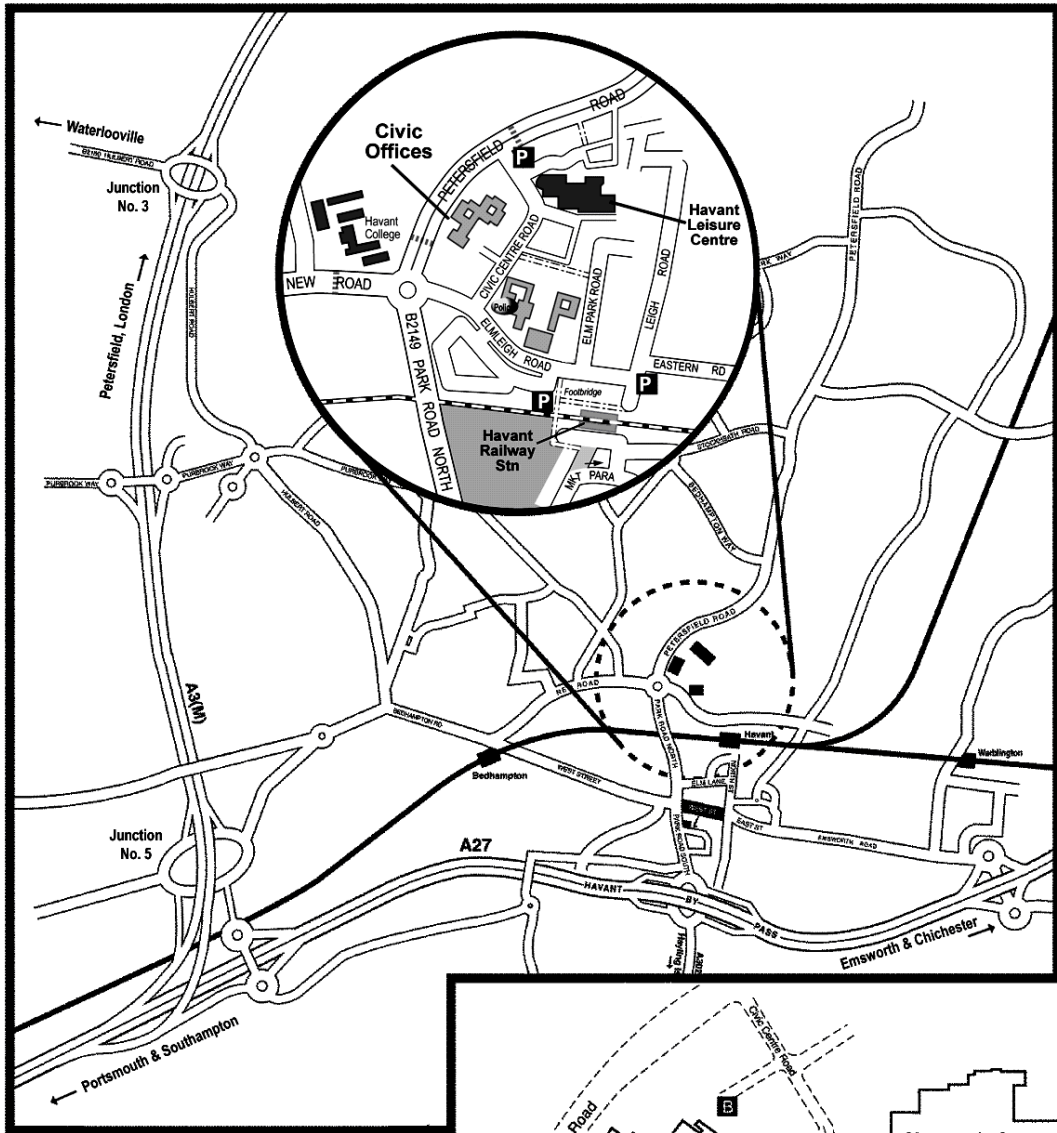
PROTOCOL AT MEETINGS – RULES OF DEBATE

Rules of Debate

- Councillors must always address each other as “Councillor ...” and must always address the meeting through the Chairman;
- A motion must relate to the business included on the agenda or accepted by the meeting as urgent business
- A motion must be proposed and seconded before it is debated until it is either accepted or rejected by a vote;
- An amendment can be proposed to the original motion and this must be seconded before it is debated;
- An amendment cannot be considered if it is inconsistent with an amendment previously adopted or repeats an amendment previously rejected;
- The mover of an original motion may, with the consent of the mover of an amendment, incorporate an amendment into the motion;
- Only one amendment may be moved at a time. No further amendments can be moved until the previous amendment has been dealt with;
- Each amendment must be voted on separately;
- If an amendment is carried, the amended motion becomes the substantive motion to which further amendments may be moved;
- If an amendment is lost, other amendments may be moved to the original motion.
- The mover may withdraw an amendment at any time
- After an amendment has been carried, the Chairman will read out the amended (substantive) motion, before accepting any further amendment, or if there are none, put it to the vote.

Voting

- Voting may be by a show of hands or by a ballot at the discretion of the Chairman;
- Councillors may not vote unless they are present for the full duration of the item;
- Where there is an equality of votes, the Chairman may exercise a second (casting) vote;
- Two Councillors may request, before a vote is taken, that the names of those voting be recorded in the minutes
- A recorded vote will always be taken in respect of approval of the Annual Budget
- Councillors may not vote unless they are in the meeting for the full debate on any particular item
- A Councillor may request that his/her vote be recorded in the minutes



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EAST HAMPSHIRE DISTRICT COUNCIL

At a meeting of the Joint Human Resources Committee held on 4 July 2017

Present

Councillor: K Carter (Chairman)

Councillors: Branson, A Glass, Lenaghan, Lloyd, Perry and Wade

1. Apologies for Absence

Apologies were received from Councillors Noble, Wade and Weeks.

2. Declarations of Interest

There were no declarations of interest from any of the members present.

3. Chairman's Announcements

4. Confirmation of Minutes

The minutes of the meeting of the Committee held on 21 March 2017 were approved as a correct record.

5. Human Resources Panel

RESOLVED that the following Councillors be appointed to sit on Appeals Panels to hear appeals against dismissal and Grievances in accordance with both Councils' Constitution:

- (A) EHDC – Councillor K Carter
- (B) HBC – Councillor J Perry

6. Organisational Development Action Plan

The Committee received a report giving an overview of the Organisational Development (OD) Action Plan which had been developed taking into account the strategic aims of both Councils and the key deliverables over the next 12 months.

The Committee was particularly keen to learn about the training programme in place over the coming months, focusing on developing managers' commercial and business skills to improve organisational performance in the context of a 'self-service' environment in the lead up to the outsourcing of the HR, finance and other Council functions later in the year. Officers took on board a suggestion by members of the Committee that this new approach be embedded within the performance management framework going forward.

RESOLVED

- (1) that the content of the report be noted; and
- (2) that the Committee receives an overview of progress at its next meeting and, in particular, delivery of the Business Skills Training Programme.

7. Culture Change Programme

The Committee received a report providing an overview of the Culture Change Programme for EHDC and HBC. The Committee was advised that the Culture Change Programme was an organisational development intervention designed to generate organisational cultures which matched the future strategies of the Council.

RESOLVED that the content of the report be noted.

8. Revisions to the suite of key HR Policies and Procedures

The Committee received a report giving an overview of the revisions to the suites of key HR policies and procedures prior to the outsourcing of the HR administration and advice service to CAPITA in October 2017 for EHDC and HBC.

The Committee was reminded that the terms of reference of the Joint HR Committee enabled it to adopt the policies set out in the appendices to the report without reference to full Council.

RESOLVED that the amended policies be approved and adopted.

9. Councillor Development

The Committee received a report providing an overview of Councillor Training and Development at both HBC and EHDC, designed to support Councillors in their role and in line with the Council's adopted Councillor Development Strategy.

The Committee was pleased to note the work being done by both Councils' Councillor Development Panels to develop and promote a training programme for Councillors focusing on the training needs identified by Councillors themselves. The Committee also received an update on the work being done by the two Panels to take forward each Council's bid for Charter for Elected Member Development accreditation.

RESOLVED that the content of the report be noted.

10. Fit for Future Programme

The Committee received a brief update on the Fit for Future Programme focusing on developing business and commercial skills across both organisations, with an interactive demonstration to be given to the Committee

at its next meeting. In the meantime, a link to the Council's intranet page would be forwarded to members of the Committee for their information.

RESOLVED that the update be noted and that the Committee receives an interactive demonstration at its next meeting.

The meeting commenced at 4.00 pm and concluded at 5.17 pm

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NON EXEMPT

EAST HAMPSHIRE DISTRICT COUNCIL/HAVANT BOROUGH COUNCIL

JOINT HUMAN RESOURCES COMMITTEE

6 Dec 2017

Reviewed Equality Policy Report by the Customer Inclusion Adviser

FOR APPROVAL

Key Decision: N/A

1.0 Purpose of Report

- 1.1 This report provides the Joint Human Resources Committee with an overview of the revisions to the Comprehensive Equality Policy.

2.0 Recommendation

- 2.1 That the Joint HR Committee recommend the changes for approval by the Cabinets of East Hampshire District Council and Havant Borough Council.

3.0 Summary

- 3.1 The Councils maintain an overarching Equality Policy that covers employment, service provision, working in partnership and community leadership. The policy reflects the Councils commitment to the Public Sector Equality Duty (PSED) and has been revised and streamlined to ensure roles and responsibilities are clearer with a greater emphasis on outsourcing employment and service provision. Revisions also include new Duties that have been recently placed upon the Councils.

4.0 Subject of Report

- 4.1 Changes have been made to the following key areas of the policy:

References to HR have been removed and replaced with "the Council"

Language has been simplified

Roles and responsibilities have been made clearer

Gender Pay Gap Reporting has been included

Due regard to the PSED rather than specifically Equality Impact Assessments

More robust policy for contractors/partners

The Inclusion of supporting schemes (for example the Disability Confident Scheme)

Clearer policy for the use of customer insight and engagement

A clear warning of potential disciplinary action for failing to comply.

NON EXEMPT

5.0 Implications

5.1 Resources:

No additional resources have been identified.

5.2 Legal:

The Councils are required to remain compliant to the Equality Act 2010 and the Public Sector Equality Duty.

5.3 Strategy:

The adoption of this revised policy supports the Councils commitment to public service excellence and equality.

5.4 Risks: (Environmental, Health & Safety and Customer Access Impact Assessment)

This can be found under IIA 5.7 below.

5.5 Communications:

The revised policy will be communicated to all staff, partners and Councillors and training and support will be provided.

5.6 For the Community:

This can be found under IIA 5.7 below

5.7 The Integrated Impact Assessment (IIA) has been completed and concluded the following:

No negative impacts have been identified as a result of this assessment.

Positive impacts identified include:

Health and Wellbeing

Protects and improves the Health & Wellbeing of the community (both staff and wider community)

Equality

Ensures it does not disadvantage any individuals on the basis of age, disability, gender reassignment, marriage/civil partnership, maternity/pregnancy, race, religion/belief, sex or sexual orientation.

Advances equality of opportunity between those who share the characteristics in and those who do not.

Promotes a vibrant, inclusive and cohesive community by: enabling and encouraging everyone to engage with the council and its partners and take part in community/voluntary activities.

Does not disadvantage current or former armed service personnel, their families or veterans

Economic

The policy doesn't specifically support the creation of job opportunities but clearly reinforces inclusive employment

Rural Communities

NON EXEMPT

Supports or enhances access to transport, public services, educational, leisure or recreational opportunities in rural areas - whilst the policy does not specifically support particular services the main driver is equality of access

Safeguarding

Promotes and complies with the safeguarding policy & procedures - The main driver of the policy is to protect people with protected characteristics including children and vulnerable people

6.0 Consultation

Unison and HR have been so far been consulted on the revised policy.

Appendices:

Appendix A Equality Policy
Appendix B Glossary of Terms

Background Papers:

[Public Sector Equality Duty | Equality and Human Rights Commission](#)

Agreed and signed off by:

Head of Legal Services: 22/11/2017

Head of Finance: 23/11/2017

Relevant Head of Service: Head of Customer Services 27/11/17

(Cabinet Reports Only)Portfolio Holder (EHDC) Cabinet Lead (HBC)

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Policy No:	Version 2
Applies to:	All employees, partners, customers, visitors and Councillors
Date created:	March 2017
Author:	Customer Inclusion Adviser
Authorised:	
Revision due:	2020

DRAFT Equality Policy

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Appendix – Glossary of terms and definitions of types of discrimination

1. PURPOSE

- 1.1. This policy sets out the Council’s commitment to the Public Sector Equality Duty. The overall aims of this policy are to:
- 1.1.1 Eliminate unlawful discrimination, harassment, victimisation (these terms are defined in the Appendix) and any other conduct that is prohibited by or under the Equality Act 2010.
 - 1.1.2 Advance equality of opportunity between persons who share a protected characteristic and those who do not.
 - 1.1.3 Foster good relations between persons who share a protected characteristic and those who do not share it.

- 1.2 The Council will pay due regard to these aims when we:
- provide services
 - buy goods and services
 - employ people
 - work in partnership and;
 - Through our role in community leadership.
- 1.3 The Council is committed to fair access and public service excellence. We are also committed to mainstreaming equality practices within our democratic activity, service planning and delivery and; all human resource processes.

2. SCOPE

- 2.1 The Protected Characteristics (as laid down in the Equality Act 2010) are: Age, Disability, Gender Reassignment, Marriage/Civil Partnership, Pregnancy and Maternity, Race, Religion/Belief, Sex and Sexual Orientation.
- 2.2 This policy applies to Councillors and employees, contractors and placements regardless of any protected characteristic, working arrangement, and membership of trade union or public interest disclosure status.
- 2.3 This policy also applies to the services the Council provides, including the treatment of our customers.

3. OVERALL POLICY STATEMENT

- 3.1 The Council's Statement of Commitment towards equal opportunities and diversity is as follows

We are committed to:

- Removing unfair treatment
- Promoting equality of opportunity and fair access;
- Fostering good relations between all people.

4. EMPLOYMENT

- 4.1 Vacancies for posts are normally concurrently advertised internally and externally and are placed on the Council's website and in media outlets considered reasonably accessible to all suitable candidates. Where the Council believes there is an internal recruitment pool, vacancies are advertised internally only. In all circumstances the Council is compliant with the Equality Act 2010.
- 4.2 Wherever possible, the Council will ensure job information is available in alternative formats (not language) if requested.

- 4.3. The Council will not request pre employment health checks prior to a job being offered.
- 4.4. Equality and Diversity awareness training will be available to all staff and elected members. All new members of staff are notified of their personal obligations to equality as part of the Council's Induction process.
- 4.5. The Council will apply the provisions in national and local conditions of service fairly. The Council will give fair consideration to all reasonable requests for adjustment of working arrangements, subject to the requirements of maintaining an effective public service.
- 4.6. The Council will ensure that due regard is paid to this policy in the development of employment policies, practices and/or working conditions to ensure there are no adverse impacts on protected characteristics amongst staff.
- 4.7. The Council will ensure all employment policies and practices are reviewed as necessary to ensure they are fair and lawful.
- 4.8. The Council will ensure the composition of the workforce is monitored, in accordance with the [Employment: Statutory Code of Practice | Equality and Human Rights Commission](#). The Council will analyse the results to detect any unhelpful trends, bias or discrimination. Workforce data will be published where appropriate, in line with the specific duties within the Public Sector Equality Duty.
- 4.9. Where under representation of any protected groups is identified, the Council may consider using positive action measures.
- 4.10. The Council will ensure that the gender pay gap is reported on, annually from 2017 data..
- 4.11. The Council will be positive in examining whether reasonable adjustments can be made to working practices to overcome the barriers presented by disability.
- 4.12. The Council will seek to ensure staff are engaged and consulted appropriately and proportionately.
- 4.13. The Council will not prevent employees from seeking to establish if differences in pay, related to protected characteristics exist.
- 4.14. The Council will monitor and fully investigate all complaints of discrimination, victimisation and harassment and take appropriate action.
- 4.15. The Council will, at its discretion, implement schemes that support our commitment to inclusivity and the Public Sector Equality Duty.

5. PROCUREMENT AND SERVICE PROVISION

- 5.1. The Council aims to ensure that all services are free from prejudice and discrimination and are accessible to all.
- 5.2. The Council will seek to ensure that all employees, contractors and partners have the information they need in order to provide equality of opportunity and that this is reflected in their conduct.
- 5.3. The Council will require partners and contractors to have equal opportunity policies, and will proportionately seek sufficient information and evidence that compliance with equal opportunities legislation is undertaken.
- 5.4. Any organisation working for the Council who commits an act of unjustified or unlawful discrimination, or allows discrimination to occur without taking appropriate action, may have their contract terminated.
- 5.5. The Council will ensure customer information is collected and analysed - where appropriate, to monitor customer satisfaction and representation in the take up of services, guided by the publication [“Equality Information and the Equality Duty: A Guide for Public Authorities | Equality and Human Rights Commission”](#).
- 5.6. The Council will ensure that due regard is paid to this policy in the development of services, policies and practices to identify potential impacts on protected characteristics. This will include using local and national demographic information (such as the Census, Indices of Multiple Deprivation, Labour Market Statistics) as well as local and national research reports.
- 5.7. The Council will seek to ensure customers are engaged and consulted (including minority groups) appropriately and proportionately to the function in question.
- 5.8. The Council will monitor and fully investigate all complaints of discrimination, victimisation and harassment and take appropriate action.

6. RESPONSIBILITIES OF COUNCIL MEMBERS

- 6.1. As decision makers, Councillors are responsible for discharging the Council’s Public Sector Equality Duty and paying due regard to the three aims of this policy (set out in the policy statement).
- 6.2. All Councillors are responsible for promoting this policy and treating everybody fairly, with respect and promoting equality of opportunity.

7. RESPONSIBILITIES OF MANAGERS AND STAFF

- 7.1 The Chief Executive is responsible for providing leadership in the overall implementation of this policy.
- 7.2 All Executive Directors and Heads of Service are responsible for implementing this policy in their service areas, allocating specific resources to ensure compliance.
- 7.3 Managers at all levels will set an example in non-discriminatory behaviour and are expected to ensure that staff are aware of the Council's policy and act in accordance with it.
- 7.4 All managers are responsible for implementing this policy and for addressing equality issues in their business planning and performance management activities in their areas.
- 7.5 All employees are responsible for ensuring they play their part in implementing this policy by treating all people fairly, with respect and promoting equality of opportunity.
- 7.6 All staff and managers are responsible in ensuring they make themselves available for mandatory equality training.
- 7.7 Officers responsible for advising Councillors in decision making are responsible for advising those decision makers of any impact on equality, to enable them to discharge the Council's Public Sector Equality Duty and make fully informed decisions.

8. FAILURE TO COMPLY WITH THIS POLICY

- 8.1 Any cases of unfair treatment, harassment or victimisation as a result of a protected characteristic, whether actual, perceived or as a result of the victim being associated with someone with a protected characteristic will be taken very seriously by the Council.
- 8.2 Job applicants, service users (customers), partners or anyone else who feel they have been subject to unfair discrimination can make a complaint under the Council's Complaints Procedure.
- 8.3 Employees who feel they have been subject to unfair discrimination can raise the issue informally with their line manager or any other senior manager or formally under the terms of the Council's Grievance Procedure.
- 8.4 Employees who are alleged to have committed an act of unfair discrimination or harassment may be liable to disciplinary action in accordance with the Council's Disciplinary Procedure, which may lead to the termination of employment.

- 8.5 Guidance and support will be available and provided to employees who are responsible for ensuring due regard to equality is paid through changes to, or the formation of new policies, services, functions, outsourcing or partnerships.

9. MONITOR AND REVIEW OF THIS POLICY

- 9.1 Workforce data will be collected, analysed and published annually inline with the Specific Duties of the Public Sector Equality Duty.
- 9.2 The Council will ensure that the gender pay gap is reported on annually from 2017 (first report will be published no later than 30th March 2018 and kept on the website for three years).
- 9.3 The Council will monitor and fully investigate all complaints of discrimination, victimisation and harassment and take appropriate action.
- 9.4 This policy will be monitored annually and reviewed every three years.

10. RELATED DOCUMENTS

- [Employment: Statutory Code of Practice | Equality and Human Rights Commission](#)
- [Equality Information and the Equality Duty: A Guide for Public Authorities | Equality and Human Rights Commission](#)
- [Gender Pay Reporting GUIDE3.pdf](#) Government Equalities Office
- Council Whistle Blowing Policy
- Council Members/Officers Relations Protocol
- Council Code of Conduct for Councillors
- Council Code of Conduct for Employees
- Council Grievance Procedure
- Council Complaints Policy
- Council Safeguarding Children and Vulnerable Adults Policy
- Procurement Guidelines

Equality Policy 2017 – 2010 Appendix

Types of unlawful discrimination

- Direct (including by Associative and Perceptive)
- Indirect
- Harassment
- Victimisation

Please see glossary below for definitions adopted by the Council.

Glossary of Terms

Alternative formats (usually) written materials available in other ways, such as braille, large print, but can also be audio/visual.

Age a person belonging to a particular age (for example 32 year olds) or range of ages (for example 65 to 80 year olds).

Associative discrimination is direct discrimination against someone because they associate with another person who possesses a protected characteristic. This already applies to race, religion or belief and sexual orientation. Now extended to cover age, disability, gender reassignment and sex.

Customer includes those receiving goods or services from the Council, our partners, Councillors and workforce. This includes all people and organisations that interact with the Council both internally and externally.

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have or because they associate with someone who has a protected characteristic.

Disability A person is disabled if they have a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day-to-day activities, which would include things like using a telephone, reading a book or using public transport. People who have had a disability in the past are also protected.

Disciplinary procedure is the process for employers to use in dealing with situations of employee misconduct and/or poor performance.

Diversity recognising and valuing people are different, from different backgrounds.

Due regard consciously considering the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations.

Ethnicity/ethnic minority community is an ethnic group that is numerically smaller than the predominant white group in Britain. This includes groups distinguished by

their skin colour, as well as those such as Irish, Turkish, Cypriot, Eastern European and Travelling people.

Eliminate completely remove something (such as discrimination).

Equality of opportunity ensuring people have fair access regardless of a protected characteristic.

Gender reassignment a transsexual person is someone who proposes to, starts or has completed a process to change his or her gender.

Grievance procedure is the process for concerns, problems or complaints that employees raise with their employer.

Harassment is 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'.

Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees can complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

Inclusivity means not excluding people, on the grounds of a protected characteristic.

Indirect discrimination can occur when there is a condition, rule, policy or even a practice in an organisation that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if you can show that you acted reasonably in managing your business, ie that it is 'a proportionate means of achieving a legitimate aim'. A *legitimate aim* might be any lawful decision you make in running your business or organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful. Being proportionate really means being fair and reasonable, including showing that you've looked at 'less discriminatory' alternatives to any decision you make. This already applies to age, race, religion or belief, sex, sexual orientation and marriage and civil partnership and is now extended to cover disability and gender reassignment.

Minority groups (see protected characteristics below).

Outsourcing means contracting out business.

Perceptive discrimination is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic. This applies to age, race, religion or belief and sexual orientation, disability, gender reassignment and sex.

Policy is a statement of intent adopted by the Council.

Prohibited forbidden, not allowed or band.

Protected characteristics are: Age, disability, gender reassignment, pregnancy & maternity, marriage & civil partnership, race, religion/belief, sex; and sexual orientation.

Race a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Racial incident In respect of race equality the Council has adopted the Macpherson definition of a racial incident, i.e. 'a racial incident is any incident which is perceived to be racist by the victim or any other person'.

Religion or belief includes any religion. It also includes a lack of religion, in other words people are protected if they do not follow a certain religion or have no religion at all. Additionally, a religion must have a clear structure and belief system. Belief means any religious or philosophical belief or a lack of such belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour. Denominations or sects within a religion can be considered a protected religion or religious belief. Humanism is a protected philosophical belief but political beliefs would not be protected. Discrimination because of religion or belief can occur even where both the Discriminator and recipient are of the same religion or belief.

Reasonable adjustments changing things to help someone overcome disadvantage, if someone is put at a substantial disadvantage due to a disability.

Sex is the biological difference between men and women.

Sexual orientation means an individual's sexual orientation towards:

- people of the same sex (gay or lesbian)
- people of the opposite sex (heterosexual) and;
- People of both sexes (bisexual).

Unjustified means something not right or reasonable.

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

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