

JOINT HUMAN RESOURCES COMMITTEE AGENDA

Membership: Councillor Crellin (Chairman) Councillor Carter (Vice-Chairman)	
Councillors (EHDC) Budden, Burns, Davies, Glass and Standish	Councillors (HBC) Howard, Lowe, Smith and Wade Standing Deputy Cllr Branson

Meeting: Joint Human Resources Committee
Date: Tuesday 23 March 2021
Time: 5.00 pm
Venue: Skype for Business - Skype for Business

The business to be transacted is set out below:

Gill Kneller
Chief Executive

15 March 2021

Contact Officer: Lauren Kennedy 02392 446233
Email: lauren.kennedy@havant.gov.uk

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PART 1 (Items open for public attendance)

- 1 Apologies for Absence, Confirmation of Attendance & Declarations of Interest
- 2 Minutes

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GENERAL INFORMATION

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EAST HAMPSHIRE DISTRICT COUNCIL AND HAVANT BOROUGH COUNCIL

At a meeting of the Joint Human Resources Committee held on 19 October 2020

Present

Councillor Crellin (Chairman)

Councillors

East Hampshire District Council: Councillors Carter, Budden, Davies and Glass
Havant Borough Council: Councillors Branson, Lowe and Scott

8 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Burns, Councillor Robinson, Councillor Smith and Councillor Standish.

9 MINUTES

The minutes of the meeting of the Joint Human Resources Committee held on 13th July 2020 were agreed as a correct record.

10 DECLARATIONS OF INTERESTS

There were no declarations of interest relating to matters on the agenda.

11 PAY AWARD

The Head of Organisational Development opened the item by explaining that the pay awards for both councils were negotiated differently. The pay award for Havant Borough Council was negotiated nationally in August, and the pay award for East Hampshire District Council was negotiated locally and agreed at the end of September.

This pay award was to be backdated to April, and Senior officers were negotiated separately to regular officers.

Members of the Committee took the opportunity to thank officers of both councils for their hard work in keeping the councils running, especially during a pandemic. They were pleased that the pay award was a negotiated settlement, and understood difficult conversations were probably held so were grateful for those responsible for handling them well.

The Joint HR Committee NOTED that:

(1) a 2.75% pay award for 2020-21 (backdated to 1st April 2020) for HBC employees and EHDC employees; and

(2) a 2.75% pay award for 2020-21 (backdated to 1st April 2020) for Chief and Deputy Chief Officers.

12 LEARNING & DEVELOPMENT OFFER

The Head of Organisational Development opened the item with a presentation. They explained that the 'Be the best you can be' programme was about enabling staff to take initiative with their own development. The programme would have different areas of development which stemmed from it, in order to benefit officers with their own progress. There would also be online libraries which could be accessed with the headings 'Power up your performance', 'Leadership learning', 'Virtual working' and 'Ways to wellbeing'.

The personal learning record could help officers with their career development.

A similar programme for Councillors was planned to be launched in the new year and would be looked at by the Councillor Development Panel.

The Human Resources team were working on performance management strategies and they were aware these needed to be updated for more current ways of working.

In response to questions put forward by the Committee, the Head of Organisational Development responded that:

- 1) it was intended to be embedded within the organisation and then rolled out to Councillors;
- 2) the HR team had liaised with the Data Protection Officer to ensure that this would not create any GDPR breaches, and it would be up to the individual officer to share their personal information if they wished to; and
- 3) whilst there was no current remuneration for excellent performance, an officer could have their pay increment held/given as appropriate depending on their overall performance.

Members of the Committee congratulated the HR Team for their work on the programme and the potential possibilities this could create in terms of career development and opportunities for staff.

The Joint HR Committee NOTED:

- a) the overall programme concept 'Be the best you can be' as detailed at Appendix A; and
- b) the revised L&D offer suitable for the virtual environment as detailed at Appendix B.

The meeting commenced at 3.00 pm and concluded at 3.48 pm
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Joint Human Resources Committee (19.10.20)

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Chairman

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NON-EXEMPT

EAST HAMPSHIRE DISTRICT COUNCIL/HAVANT BOROUGH COUNCIL

Joint HR Committee

23rd March 2021

Pay Policy Statement 2021

FOR DECISION

Portfolio Holder: Cllr Lulu Bowerman Cabinet Lead and Cllr Nick Drew
Portfolio Holder

Key Decision: No

1.0 Purpose

- 1.1. This report is submitted to Joint Human Resources Committee (JHR) in order to meet a statutory requirement to publish a Pay Policy statement annually.

2.0 Recommendation

- 2.1. JHR is recommended to approve the Pay Policy Statement for each Council, for approval at Full Council.

3.0 Executive Summary

- 3.1. The Localism Act 2011 places specific obligations on local authorities to be transparent and accountable for the way in which pay and awards are applied.
- 3.2. The Act requires each authority to produce a pay policy statement annually to ensure pay information is available to members of the public for all levels of staff from chief officer level to the lowest paid employee. Whilst salary is a central feature of the statement, there is also a

requirement for transparency on other types of remuneration such as fees, allowances, benefits in kind, termination payments etc.

3.3. The pay policy statement also requires each council to publish the relationship between the remuneration of “Chief Officers” and “employees who are not Chief Officers”. The recommended multiplier is that the ratio is no more than 20x the lowest paid employee¹. The councils are both significantly well below this multiplier and benchmarking with other similar councils would indicate that the councils are in step or below the multipliers of other councils.

3.4. The current pay policy statements for each council have been reviewed to ensure their accuracy for publication for 2020/21.

4.0 Additional Budgetary Implications

4.1. Nil

5.0 Background and relationship to the Corporate Strategy and Directorate Business Plan/s

5.1. The publication of pay policy statements is a statutory requirement under the Localism Act 2011.

6.0 Resource Implications

6.1. Financial Implications

None identified

6.2. Human Resources Implications

None identified

¹ The Hutton Review

6.3. Information Governance Implications

None identified

6.4. Other Resource Implication (*if appropriate*)

None identified

7.0 Legal Implications

7.1. The publication of the pay policy statements is a statutory requirement.

We are fulfilling all legal obligations by publishing the statements

8.0 Risks

8.1. There is a risk of non-compliance in respect of the authorities executing their statutory duties however by providing this statement of fact on pay, this is mitigated.

Monitoring Officer Comments:

12th March 2021

No further comment to the legal implications comments above

9.0 Consultation

9.1. Unison will be informed about the pay policy statements of each council.

10.0 Communication

11.1 The pay policy statements will be published on the respective council website and become available to the public following approval at Full Council.

11.0 Appendices:

Appendix A – East Hampshire District Council Pay Policy Statement 2021

Appendix B – Havant Borough Council Pay Policy Statement 2021

12.0 Background Papers: None

Agreed and signed off by:

Monitoring Officer:	Daniel Toohey	12.03.2021	
S151 Officer:	Matthew Tiller	11.03.2021	
Director:	Lydia Morrison	11.03.2021	
Portfolio Holder:	Cllr. Drew	11.03.2021	Cllr. Bowerman 15.03.2021

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PAY POLICY STATEMENT

Financial Year 2020-21

1. Purpose

This Pay Policy Statement is provided in accordance with Section 38(1) of the Localism Act 2011 and is updated annually from April each year.

This pay policy statement sets out East Hampshire District Council's policies relating to the pay of its workforce for the financial year 2020-21, in particular:

- a) the remuneration of its Chief Officers
- b) the remuneration of its "lowest paid employees"
- c) the relationship between
 - the remuneration of its Chief Officers and
 - the remuneration of its employees who are not Chief Officers

This Policy Statement is an annual revision. It is available on the Council's website. The Council's website also includes separately published data on salary information relating to Chief Officers.

2. Scope

This statement applies to all employees of the council employed under the conditions of service of the following bodies:

- National Joint Council for Local Government Services;
- Joint Negotiating Committee for Chief Officers of Local Authorities;
- Joint Negotiating Committee for Local Authority Chief Executives

3. Definitions

For the purpose of this Pay Policy the following definitions will apply: -

3.1 "Pay" In addition to salary includes charges, fees, allowances, increases in/ enhancements to pension entitlements, and termination payments.

3.2 "Day's Pay" The definition of a day's pay is the hours worked on the day multiplied by the employee's hourly rate of pay.

3.3 "Chief Officer" Refers to roles within East Hampshire District Council within the corporate leadership team, which comprises Statutory and Non Statutory Chief Officer posts;

- Chief Executive and Head of Paid Service
- Director for Regeneration & Place
- Director for Corporate Services & Chief Finance Officer (Section 151 Officer)
- Client Relationship Director
- Head of Legal & Democratic Services and Monitoring Officer

Officers within this Chief Officer group will normally hold Statutory functions (Head of Paid Service, S151 Officer, Monitoring Officer) unless delegated by exception.

3.4 "Deputy Chief Officer" i.e. all other Heads of Service and all senior managers if reporting directly to, or directly accountable to, a statutory or non-statutory Chief Officer in respect of all or most of their duties (excluding roles which are clerical or secretarial).

3.5 "Shared roles" - East Hampshire District Council has a partnership agreement with Havant Borough Council. Chief Officer/Deputy Chief Officer roles and shared employees are covered by an Inter Authority Agreement (IAA). This IAA is a S113 legal agreement between the two councils and ensures that issues around control, cost sharing, indemnity and transparency are all clearly captured within this formal agreement.

3.6 "Lowest paid employees" refers to those staff employed within grade 1 of the council's pay framework. The above definition for the "lowest paid employees" has been adopted because grade 1 is the lowest grade on the council's pay framework.

3.7 "Employee who is not a Chief Officer" refers to all staff who are not covered under the "Chief Officer and Deputy Chief Officer" group above. This includes the "lowest paid employees" i.e. staff on grades 1.

4. Pay and grading structure

4.1 General approach

Remuneration at all levels needs to be adequate to secure and retain high-quality employees dedicated to fulfilling the council's business objectives and delivering services to the public. This must be balanced by ensuring remuneration is not, nor is seen to be, unnecessarily excessive. Each council has responsibility for balancing these factors. Each council faces its own unique challenges and opportunities in doing so and retains flexibility to cope with various circumstances that may arise, including the use of market supplements or other such mechanisms for individual categories of posts where appropriate.

4.2 Responsibility for decisions on remuneration

It is essential for good governance that decisions on pay and reward packages for Chief Executives and Chief/Deputy Chief Officers are made in an open and accountable way and that there is a verified and accountable process for recommending the levels of top salaries.

A remuneration board is in place to formally ratify Chief/Deputy Chief Officer pay and pay progression. The remuneration board members are the Head of Paid Service, the Section 151 Officer, the Head of Organisational Development and a Director. Any decision by the remuneration board is documented for transparency purposes.

Pay for senior staff is determined by the JNC Chief Officer pay negotiations. Any award given is effective from April of the relevant year and is formally noted by JHR Committee in line with HR standing orders.

Pay for the "lowest paid employees" and "all other employees who are not Chief Officers" is determined by negotiation between UNISON and the senior management team through an annual pay claim instigated by UNISON at a local level.

The pay award for all staff is also formally noted at Joint Human Resources Committee. The committee comprises elected Councillors and has responsibility for local terms and conditions of employment for staff within the council's pay framework that falls outside the delegated powers of the Head of Paid Service and Head of Organisational Development.

4.3 Salary grades and grading framework

Salary grades for staff who are not Chief/Deputy Chief Officers and are not in shared roles is determined in line with the HAY job evaluation scheme, with the grade for each role being determined by a consistent job evaluation process. Where the role is shared, the job evaluation process is undertaken in line with the NJC Job Evaluation Scheme (using GAUGE). This approach follows a national requirement for all local authorities and other public sector employers to review their pay and grading frameworks to ensure fair and consistent practice for different groups of workers with the same employer.

As part of this requirement, East Hampshire District Council has a local pay framework in place which consists of an overall number of 11 grades on the pay spine with grade 1 being the lowest and grade 11 the highest. Each grade has a number of increments assigned to it which staff progress through. On average there are five increments per grade, although some grades have more or less this number. In 2021-22 we will be working to even out the number of incremental steps within each of the grades so that all grades have four increments wherever possible.

Each employee will be on one of the 11 grades based on the job evaluation of their role. Employees can progress to the salary range maximum of their grade subject to assessment of their performance in the annual performance appraisal process.

Pay awards are considered annually for staff in negotiation with the trade unions locally.

The rise in the National Living Wage rates, with effect from 1 April 2020 do not impact on the value of the council's lowest pay grades as the council pay is of a higher value. Annual pay awards for all employees will be noted by the Joint Human Resources Committee having regard to any agreement reached by the relevant national negotiating bodies.

The East Hampshire District Council pay framework was agreed and implemented on 1 April 1991.

In light of the partnership agreement with Havant Borough Council, work progressed during 2019-20 to align both councils pay scales to ensure consistency in pay across both councils. This is particularly important where roles are shared. This work will be built upon in 2021-22 to ensure that there is an even spread of points within each grade.

Details of senior management remuneration are published annually on the Council's website as part of this Pay Policy Statement and in the Council's Statement of Accounts.

4.4 Reward Principles

In order to fulfil the strategic priorities, set out within the Corporate Strategy, the council recognises that the approach to pay and reward needs to reflect modern employment practices and continuously keep abreast of the employment market.

The Council has a reward strategy in place which has three core aims:

- 1) to drive a culture which motivates reward,
- 2) to reduce and ultimately remove all barriers to a fair and attractive reward package and
- 3) to align reward with the Councils' resources and financial requirements. To achieve these aims we ensure that we review and continually develop reward practices to reflect modern and innovative trends in reward within the context of local and national collective agreements.

The outcomes of this reward strategy mean we have a reward package in place which is attractive to job seekers, helps the Council to retain talented employees, ensures managers reward staff and teams fairly and there is an ethical, open and transparent decision making relevant to reward.

5. Remuneration – level and element

5.1 Salaries

5.1.1 “Chief Officers”

Chief Officers are paid outside of the council’s pay framework. There is a specific senior pay policy in place which deals with Chief and Deputy Chief Officer pay. Broadly, the following principles are applied:

- Chief/Deputy Chief Officer pay is based on a broad band approach and is set at market rate plus. This means that the entry point of the pay scale is 15% below market rate plus and the top of the scale is 15% above market rate plus. The mid-point of the scale is set at market rate plus. Market rate plus means the council is committed to paying 5% above the market rate based on relevant market data
- There are different bands for senior roles based on hierarchy and each Chief/Deputy Chief Officer are paid a spot salary within the pay band described above,
- the Chief/Deputy Chief Officer pay band is benchmarked to ensure pay remains competitive in the market place. In determining Chief/Deputy Chief Officer pay, relevant available information, including the salaries of Chief/Deputy Chief Officers in other similar sized organisations is considered
- National and local pay awards which are applied across the Councils to all grades of staff below senior management do not apply to senior level roles. Pay for senior staff is determined by the JNC Chief Officer pay negotiations. Any award given is effective from April of the relevant year and is formally noted by Joint Human Resources Committee in line with HR standing orders.

5.1.2 Joint Chief Executive

The Joint Chief Executive is the council's Head of Paid Service. This is a joint post with Havant Borough Council. The remuneration for the Joint Chief Executive is paid outside of the council's pay framework. The level of pay for this role is determined by the Leaders of both councils considering salary benchmarking. There is a broad band of salaries in place which is reviewed each April and the Joint Chief Executive is paid a spot salary within this range.

The annual pay review for the Joint Chief Executive is considered by the Leaders of both councils. The annual pay review takes place annually each year from 1 April.

The performance award for the Chief Executive will be agreed by the Leaders of each Council via Leader delegated decisions and formally noted at Joint Human Resources Committee. Again, any award given will be effective from April of the relevant year.

5.2 "Lowest paid employees"

Each "lowest paid employee" is paid within the salary range for grade 1.

5.3 Other pay elements

"Chief/Deputy Chief Officers" are subject to the same performance management process as the "lowest paid employees" and "employees who are not Chief Officers".

Targets are set and performance against those targets is assessed. Chief/Deputy Chief Officers do not receive any incremental or step progression as they are on a spot salary.

An incremental pay award for any staff member may be withheld in exceptional circumstances due to poor performance. Separate capability processes are applied in such cases.

5.4 Charges, fees or allowances

Any allowance or other payments will only be made to staff in connection with their role or the patterns of hours they work and must be in accordance with the council's collective agreement and subsequent amendments.

Any honorarium that is paid will be paid in accordance with East Hampshire District Council's arrangements for such additional payments. Further details can be provided on request.

Any travel expenses reasonably incurred by an employee in the course of their duties will be reimbursed upon production of appropriate receipts and must be authorised by their line manager before payment will be made. Further detail can be provided on request.

Any subsistence allowance that is paid will be in accordance with the council's policy.

Further details on allowances and payments are available on request.

5.5 Electoral Duties

No fees for election duties are included in the salaries of Chief/ Deputy Chief Officers. Any additional fees payable for such responsibilities are calculated in accordance with the statutory rules and recommendations of the Hampshire and Isle of Wight Election Fees Working Party for all local government elections and by central government for Parliamentary elections. Special fees are paid for Returning Officer duties which are not part of the post holder's substantive role. These fees are payable as required and can be made to any senior officer appointed to fulfil the statutory duties of this role.

The Returning Officer is an officer of the District Council who is appointed under the Representation of the People Act 1983. Whilst appointed by the District Council, the role of the Returning Officer is one which involves and incurs personal responsibility and accountability and is statutorily separate from his/her duties as an employee of the District Council. As Returning Officer, he/ she is paid a separate allowance for each election for which he/she is responsible in accordance with accepted national and regional scales and criteria which is approved annually by the Home Office and Electoral Claims Unit.

5.6 Performance Management

High levels of performance are expected of all of our employees. Performance and contribution during the course of the year is reviewed within the annual appraisal process.

This process provides for the setting of targets on an annual basis and review of the employee's achievement against those targets.

Where a member of staff is employed within the salary and grading framework set out in 4.3, following assessment of the employee's achievement against targets the reviewing manager will recommend a rating for each employee. This will normally result in the progression of one incremental step but will not take the salary above the salary range maximum. If an employee is at the top of their grade there will be no further increase. Except in rare cases of poor performance, incremental progression will be applied where relevant.

The staff recognition scheme 'You're a Star' offers rewards to staff, one of which is a one-off payment as a reward for going above and beyond in their given role. A staff recognition panel awards payment.

Any salary changes following assessment under the Appraisal process will normally be effective from 1 April each year.

5.7 Other

- a) There is a formal provision for a payment to the Joint Chief Executive based on performance which is determined through the normal appraisal system conducted by the Leaders of both councils and is independently verified by the Head of Organisational Development.
- b) Staff members are entitled to access corporate rates for dental and health cash plans through a third-party supplier.
- c) A single financial benefit is payable upon death of any member of staff. The benefit is paid to either widows, widowers, civil partners, cohabiting partners without a legal status or dependent children under the age of 19 who are still in full time education. The benefit is equivalent to the greater of; one twelfth of one year's salary, or £1500 after five years' service, or £2,000 after ten years' service or £2,500 after twenty years' service.

5.8 Car, Motorcycle and Bicycle Loans

The current scheme offers car, motorcycle and bicycle loans up to a maximum of £20,000 and the total loan must be no more than 50% of the employee's gross salary.

These are only available to those staff who are deemed to be 'essential users' who have successfully completed their probationary period. The loan rate is in line with the HMRC official interest rate at the date the loan is taken out and is fixed for the period of the loan. The term of the loan is up to a maximum of five years.

5.9 Pension

All employees as a result of their employment are eligible to join the Local Government Pension Scheme. There are no increases or enhancement to pension entitlements.

5.10 Severance Payments

On ceasing to be employed by East Hampshire District Council, individuals will only receive compensation:

- a) in circumstances that are relevant (e.g. redundancy)
- b) that is in accordance with our published policy statement on how we exercise the various employer discretions provided by the Local Government Pension Scheme (LGPS), and/or
- c) that complies with the specific term(s) of a settlement agreement

We are already required to publish our policy on discretionary payments on early termination of employment as well as publishing our policy on increasing an employee's total pension scheme membership and on awarding additional pension.

It is important that the council has flexibility to respond to unforeseen circumstances as regards re-employing former employees as a Chief Officer.

If we re-employ a previous employee who received a redundancy or severance package on leaving, or if that person returns on a 'contract for services', or if they are in receipt of a Local Government Pension Scheme (with same or another local authority), then the decision to re-employ will be made on merit, taking into account the use of public money and the exigencies of the council. Decisions taken in respect of re-employment of former employees in receipt of a redundancy/severance package will be taken in line with legislation in force at that time.

5.11 New starters joining the Council

Employees new to the council and who are not Chief Officers will normally be appointed to the first point of the salary range for their grade. Where the candidate's current employment package would make the first point of the salary range unattractive (and this can be demonstrated by the applicant in relation to current earnings) or where the employee already operates at a level commensurate with a higher salary, a higher salary may be considered by the recruiting manager. This will be within the salary range for the grade. The candidate's level of skill and experience should be consistent with that of other employees in a similar position on the salary range.

Employees new to the council who are appointed to Chief/Deputy Chief Officer or posts outside of the salary and grading structure (see 4.3) will be paid a fixed salary for the post (see 5.1.1) within the appropriate band.

5.12 Apprenticeship Posts

The council employs apprentices through an approved Apprentice Framework. Apprentices are appointed onto the grade appropriate for the post.

6. Relationship between remuneration of “Chief Officers” and “employees who are not Chief Officers”

The Local Government Association has offered advice on the Government’s requirement in reporting remuneration relationships. The advice is that the measure of the relationship between Chief Officers and employees who are not Chief Officers be considered on the ratio between the highest paid employee and the median average earnings across the organisation as a multiple. This has been calculated as follows:

Mean calculation

Remuneration for the Chief Executive (excluding pension contributions)	£133,575
Mean average earnings for all employees at the Council (excluding pension contributions)	£30,794
Ratio	1:4.3

Ratio between the highest paid employee and the lowest paid employee

Remuneration for the Chief Executive (excluding pension contributions)	£133,575
Pay for the lowest paid employee at the Council (excluding pension contributions)	£18,199
Ratio	1:7.3

7. Review

The Localism Act 2011 requires relevant authorities to prepare a Pay Policy Statement for each subsequent financial year. East Hampshire District Council's annual statement is normally scheduled for approval by Full Council in advance of 1 April each year, unless there are exceptional circumstances.

If it should be necessary to amend this statement during this financial year, an appropriate resolution will be made by Full Council.

**PAY POLICY
STATEMENT**

Financial Year 2020-21

1. Purpose

This Pay Policy Statement is provided in accordance with Section 38(1) of the Localism Act 2011 and is updated annually from April each year.

This pay policy statement sets out Havant Borough Council's policies relating to the pay of its workforce for the financial year 2020-21, in particular:

- a) the remuneration of its Chief Officers
- b) the remuneration of its "lowest paid employees"
- c) the relationship between
 - the remuneration of its Chief Officers and
 - the remuneration of its employees who are not Chief Officers

This Policy Statement is an annual revision. It is available on the Council's website. The Council's website also includes separately published data on salary information relating to Chief Officers.

2. Scope

This statement applies to all employees of the council employed under the conditions of service of the following bodies:

- National Joint Council for Local Government Services;
- Joint Negotiating Committee for Chief Officers of Local Authorities;
- Joint Negotiating Committee for Local Authority Chief Executives

3. Definitions

3. Definitions

For the purpose of this Pay Policy the following definitions will apply: -

3.1 "Pay" in addition to salary includes charges, fees, allowances, increases in/ enhancements to pension entitlements, and termination payments.

3.2 "Day's Pay" The definition of a day's pay is the hours worked on the day multiplied by the employee's hourly rate of pay.

3.3 "Chief Officer" refers to roles within Havant Borough Council within the corporate leadership team, which comprises Statutory and Non Statutory Chief Officer posts;

- Chief Executive and Head of Paid Service
- Director for Regeneration & Place
- Director for Corporate Services & Chief Finance Officer (Section 151 Officer)
- Client Relationship Director
- Head of Legal & Democratic Services and Monitoring Officer

Officers within this Chief Officer group will normally hold Statutory functions (Head of Paid Service, S151 Officer, Monitoring Officer) unless delegated by exception.

3.4 "Deputy Chief Officer" i.e. all other Heads of Service and all senior managers if reporting directly to, or directly accountable to, a statutory or non-statutory Chief Officer in respect of all or most of their duties (excluding roles which are clerical or secretarial).

3.5 "Shared roles" - Havant Borough Council has a partnership agreement with East Hampshire District Council. Chief Officer/Deputy Chief Officer roles and shared employees are covered by an Inter Authority Agreement (IAA). This IAA is a S113 legal agreement between the two councils and ensures that issues around control, cost sharing, indemnity and transparency are all clearly captured within this formal agreement.

3.6 "Lowest paid employees" refers to those staff employed within grade A of the council's pay framework. The above definition for the "lowest paid employees" has been adopted because grade A is the lowest grade on the Council's pay framework.

3.7 "Employee who is not a Chief Officer" refers to all staff who are not covered under the "Chief Officer and Deputy Chief Officer" group above. This includes the "lowest paid employees" i.e. staff on grades A.

4. Pay and grading structure

4.1 General approach

Remuneration at all levels needs to be adequate to secure and retain high-quality employees dedicated to fulfilling the council's business objectives and delivering services to the public. This must be balanced by ensuring remuneration is not, nor is seen to be, unnecessarily excessive. Each council has responsibility for balancing these factors. Each council faces its own unique challenges and opportunities in doing so and retains flexibility to cope with various circumstances that may arise, including the use of market supplements or other such mechanisms for individual categories of posts where appropriate.

4.2 Responsibility for decisions on remuneration

It is essential for good governance that decisions on pay and reward packages for Chief Executives and Chief/Deputy Chief Officers are made in an open and accountable way and that there is a verified and accountable process for recommending the levels of top salaries.

A remuneration board is in place to formally ratify Chief/Deputy Chief Officer pay and pay progression. The remuneration board members are the Head of Paid Service, the Section 151 Officer, the Head of Organisational Development and a Director. Any decision by the remuneration board is documented for transparency purposes.

Pay for senior staff is determined by the JNC Chief Officer pay negotiations. Any award given is effective from April of the relevant year and is formally noted by JHR Committee in line with HR standing orders.

Havant Borough Council's pay framework was implemented in April 2007 in line with national guidance, with the grade for each role being determined by a consistent job evaluation process. This followed a national requirement for all Local Authorities, and a number of other public sector employers, to review their pay and grading frameworks to ensure fair and consistent practice for different groups of workers with the same employer. As part of this Havant Borough Council determined a local pay framework reducing the overall number of grades to 11.

Pay awards are considered annually for staff. For those staff up to and including grade K and senior Manager level posts, the outcome of the national consultations by the Local Government Employers in negotiation with the Trades Unions is applied.

The pay award for all staff is also formally noted at Joint Human Resources Committee. The committee comprises elected Councillors and has responsibility for local terms and conditions of employment for staff within the council's pay framework that falls outside the delegated powers of the Head of Paid Service and Head of Organisational Development.

4.3 Salary grades and grading framework

Salary grades for staff who are not Chief Officers are determined in line with the NJC job evaluation scheme (using GAUGE), with the grade for each role being determined by a consistent job evaluation process.

There are 11 grades (A-K) in the pay framework, grade A being the lowest and grade K the highest. Each employee will be on one of the 11 grades based on the job evaluation of their role. Grade A consists of two spinal column points. Grades B – E consist of between 3 and 7 incremental steps. Grades F – K consists of between 5 and 7 incremental steps. Employees can progress to the salary range maximum of their grade subject to assessment of their performance in the appraisal performance process.

In 2020-21 we were unable to even out the number of incremental steps within each of the grades. This will be considered again in 2021-22 as part of the pay review

The rise in the National Living Wage rates, with effect from 1 April 2020 do not impact on the value of the council's lowest pay grades as the council pay is of a higher value. Annual pay awards for all employees will be noted by the Joint Human Resources Committee having regard to any agreement reached by the relevant national negotiating bodies.

In light of the partnership agreement with East Hampshire District Council, work progressed during 2019-20 to align both councils pay scales to ensure consistency in pay across both councils. This is particularly important where roles are shared. This work will be built upon in 2021-22 to ensure that there is an even spread of points within each grade.

Details of senior management remuneration are published annually on the Council's website as part of this Pay Policy Statement and in the Council's Statement of Accounts.

4.4 Reward Principles

In order to fulfil the strategic priorities, set out within the Corporate Strategy, the council recognises that the approach to pay and reward needs to reflect modern employment practices and continuously keep abreast of the employment market.

The Council has a reward strategy in place which has three core aims:

to drive a culture which motivates reward,
to reduce and ultimately remove all barriers to a fair and attractive reward package and
to align reward with the Councils' resources and financial requirements. To achieve these aims we ensure that we review and continually develop reward practices to reflect modern and innovative trends in reward within the context of local and national collective agreements.

The outcomes of this reward strategy mean we have a reward package in place which is attractive to job seekers, helps the Council to retain talented employees, ensures managers reward staff and teams fairly and there is an ethical, open and transparent decision making relevant to reward.

5. Remuneration – level and element

5.1 Salaries

5.1.1 “Chief Officers”

Chief/Deputy Chief Officers are paid outside of the council’s pay framework. There is a specific senior pay policy in place which deals with Chief and Deputy Chief Officer pay. Broadly, the following principles are applied:

- Chief Officer pay is based on a broad band approach and is set at market rate plus. This means that the entry point of the pay scale is 15% below market rate plus and the top of the scale is 15% above market rate plus. The mid-point of the scale is set at market rate plus. Market rate plus means the council is committed to paying 5% above the market rate based on relevant market data
- There are different bands for senior roles based on hierarchy and each Chief/Deputy Chief Officer are paid a spot salary within the pay band described above,
- the Chief/Deputy Chief Officer pay band is benchmarked to ensure pay remains competitive in the market place. In determining Chief/Deputy Chief Officer pay, relevant available information, including the salaries of Chief/Deputy Chief Officers in other similar sized organisations is considered
- National and local pay awards which are applied across the Councils to all grades of staff below senior management do not apply to senior level roles. Pay for senior staff is determined by the JNC Chief Officer pay negotiations. Any award given is effective from April of the relevant year and is formally noted by Joint Human Resources Committee in line with HR standing orders.

5.1.2 Joint Chief Executive

The Joint Chief Executive is the council's Head of Paid Service. This is a joint post with East Hampshire District Council. The remuneration for the Joint Chief Executive is paid outside of the council's pay framework. The level of pay for this role is determined by the Leaders of both councils considering salary benchmarking. There is a broad band of salaries in place which is reviewed each April and the Joint Chief Executive is paid a spot salary within this range.

The annual pay review for the Joint Chief Executive is considered by the Leaders of both councils. The annual pay review takes place annually each year from 1 April.

The performance award for the Chief Executive will be agreed by the Leaders of each Council via Leader delegated decisions and formally noted at Joint Human Resources Committee. Again, any award given will be effective from April of the relevant year.

5.2 "Lowest paid employees"

Each "lowest paid employee" is paid within the salary range for grade A.

5.3 Other pay elements

"Chief/Deputy Chief Officers" are subject to the same performance management process as the "lowest paid employees" and "employees who are not Chief Officers".

Targets are set and performance against those targets is assessed. Chief/Deputy Chief Officers do not receive any incremental or step progression as they are on a spot salary.

An incremental pay award for any staff member may be withheld in exceptional circumstances due to poor performance. Separate capability processes are applied in such cases.

5.4 Charges, fees or allowances

Any allowance or other payments will only be made to staff in connection with their role or the patterns of hours they work and must be in accordance with the council's collective agreement and subsequent amendments.

Any honorarium that is paid will be paid in accordance with Havant Borough Council's arrangements for such additional payments. Further details can be provided on request.

Any travel expenses reasonably incurred by an employee in the course of their duties will be reimbursed upon production of appropriate receipts and must be authorised by their line manager before payment will be made. Further detail can be provided on request.

Any subsistence allowance that is paid will be in accordance with the council's policy.

Further details on allowances and payments are available on request.

5.5 Electoral Duties

No fees for election duties are included in the salaries of Chief/Deputy Chief Officers. Any additional fees payable for such responsibilities are calculated in accordance with the statutory rules and recommendations of the Hampshire and Isle of Wight Election Fees Working Party for all local government elections and by central government for Parliamentary elections. Special fees are paid for Returning Officer duties which are not part of the post holder's substantive role. These fees are payable as required and can be made to any senior officer appointed to fulfil the statutory duties of this role.

The Returning Officer is an officer of the District Council who is appointed under the Representation of the People Act 1983. Whilst appointed by the District Council, the role of the Returning Officer is one which involves and incurs personal responsibility and accountability and is statutorily separate from his/her duties as an employee of the District Council. As Returning Officer, he/she is paid a separate allowance for each election for which he/she is responsible in accordance with accepted national and regional scales and criteria which is approved annually by the Home Office and Electoral Claims Unit.

5.6 Performance Management

High levels of performance are expected of all of our employees. Performance and contribution during the course of the year is reviewed within the annual appraisal process.

This process provides for the setting of targets on an annual basis and review of the employee's achievement against those targets.

Where a member of staff is employed within the salary and grading framework set out in 4.3, following assessment of the employee's achievement against targets the reviewing manager will recommend a rating for each employee. This will normally result in the progression of one incremental step but will not take the salary above the salary range maximum. If an employee is at the top of their grade there will be no further increase. Except in rare cases of poor performance, incremental progression will be applied where relevant.

The staff recognition scheme 'You're a Star' offers rewards to staff, one of which is a one-off payment as a reward for going above and beyond in their given role. A staff recognition panel awards payment.

Any salary changes following assessment under the Appraisal process will normally be effective from 1 April each year.

5.7 Other

There is a formal provision for a payment to the Joint Chief Executive based on performance which is determined through the normal appraisal system conducted by the Leaders of both councils and is independently verified by the Head of Organisational Development.

Staff members are entitled to access corporate rates for dental and health cash plans through a third-party supplier.

A single financial benefit is payable upon death of any member of staff. The benefit is paid to either widows, widowers, civil partners, cohabiting partners without a legal status or dependent children under the age of 19 who are still in full time education. The benefit is equivalent to the greater of; one twelfth of one year's salary, or £1500 after five years' service, or £2,000 after ten years' service or £2,500 after twenty years' service.

5.8 Car, Motorcycle and Bicycle Loans

The current scheme offers car, motorcycle and bicycle loans up to a maximum of £20,000 and the total loan must be no more than 50% of the employee's gross salary.

These are only available to those staff who are deemed to be 'essential users' who have successfully completed their probationary period. The loan rate is in line with the HMRC official interest rate at the date the loan is taken out and is fixed for the period of the loan. The term of the loan is up to a maximum of five years.

5.9 Pension

All employees as a result of their employment are eligible to join the Local Government Pension Scheme. There are no increases or enhancement to pension entitlements.

5.10 Severance Payments

On ceasing to be employed by Havant Borough Council, individuals will only receive compensation:

- a) in circumstances that are relevant (e.g. redundancy)
- b) that is in accordance with our published policy statement on how we exercise the various employer discretions provided by the Local Government Pension Scheme (LGPS), and/or
- c) that complies with the specific term(s) of a settlement agreement

We are already required to publish our policy on discretionary payments on early termination of employment as well as publishing our policy on increasing an employee's total pension scheme membership and on awarding additional pension.

It is important that the council has flexibility to respond to unforeseen circumstances as regards re-employing former employees as a Chief Officer.

If we re-employ a previous employee who received a redundancy or severance package on leaving, or if that person returns on a 'contract for services', or if they are in receipt of a Local Government Pension Scheme (with same or another local authority), then the decision to re-employ will be made on merit, taking into account the use of public money and the exigencies of the council. Decisions taken in respect of re-employment of former employees in receipt of a redundancy/severance package will be taken in line with legislation in force at that time.

5.11 New starters joining the Council

Employees new to the council and who are not Chief Officers will normally be appointed to the first point of the salary range for their grade. Where the candidate's current employment package would make the first point of the salary range unattractive (and this can be demonstrated by the applicant in relation to current earnings) or where the employee already operates at a level commensurate with a higher salary, a higher salary may be considered by the recruiting manager. This will be within the salary range for the grade. The candidate's level of skill and experience should be consistent with that of other employees in a similar position on the salary range.

Employees new to the council who are appointed to Chief Officer or posts outside of the salary and grading structure (see 4.3) will be paid a fixed salary for the post (see 5.1.1) within the appropriate band.

5.12 Apprenticeship Posts

The council employs apprentices through an approved Apprentice Framework. Apprentices are appointed onto the grade appropriate for the post.

6. Relationship between remuneration of “Chief Officers” and “employees who are not Chief Officers”

The Local Government Association has offered advice on the Government’s requirement in reporting remuneration relationships. The advice is that the measure of the relationship between Chief Officers and employees who are not Chief Officers be considered on the ratio between the highest paid employee and the median average earnings across the organisation as a multiple. This has been calculated as follows:

Mean calculation

Remuneration for the Chief Executive (excluding pension contributions)	£133,575
Mean average earnings for all employees at the Council (excluding pension contributions)	£30,872
Ratio	1:4.3

Ratio between the highest paid employee and the lowest paid employee

Remuneration for the Chief Executive (excluding pension contributions)	£133,575
Pay for the lowest paid employee at the Council (excluding pension contributions)	£18,562
Ratio	1:7.2

7. Review

The Localism Act 2011 requires relevant authorities to prepare a Pay Policy Statement for each subsequent financial year. Havant Borough Council's annual statement is normally scheduled for approval by Full Council in advance of 1 April each year, unless there are exceptional circumstances.

If it should be necessary to amend this statement during this financial year, an appropriate resolution will be made by Full Council.

NON-EXEMPT

EAST HAMPSHIRE DISTRICT COUNCIL/HAVANT BOROUGH COUNCIL

JOINT HR COMMITTEE

23rd March 2021

Menopause Policy

FOR DECISION

Portfolio Holder: Cllr Lulu Bowerman Cabinet Lead and Cllr Nick Drew Portfolio Holder

Key Decision: No

1. Purpose

- 1.1. This paper is submitted to Joint HR Committee for agreement to introduce a policy which effectively supports employees experiencing menopausal symptoms in the workplace.

2. Recommendation

- 2.1. Joint HR Committee are asked to approve:
- a) The menopause policy for each Council which is set out at Appendix A.
 - b) The management guidance as set out at Appendix B.

3. Executive Summary

- 3.1. The Councils do not currently have a policy in place which specifically sets out our approach in supporting employees who are experiencing menopausal symptoms. Previous known instances of poor performance caused by menopausal symptoms have been dealt with through the Managing Sickness Absence and Capability procedures. This has created difficulties in the way the cases have been managed, due to a lack of clarity in the approach taken when supporting employees who are experiencing problems of this nature.

¹ <https://www.forthwithlife.co.uk/blog/menopause-in-the-workplace/#:~:text=Experiencing%20Menopause%20Symptoms%20At%20Work&text=73%25%20of%20women%20reported%20having,had%20trouble%20with%20their%20memory.>

² <https://www.peoplemanagement.co.uk/voices/comment/stigma-around-menopause>

³ <https://menopauseintheworkplace.co.uk/articles/menopause-and-the-health-and-safety-issue/>

- 3.2. As menopausal symptoms can have a major effect on an employee's life, it is essential that we have a policy in place which specifically sets out our approach to managing these types of issues in the workplace. Menopausal symptoms can result in ill-health and underperformance. There are varying statistics on the percentage of UK employees who have experienced these issues, but a recent survey of the impact of menopause on working life indicated that 63% of menopausal women had been negatively impacted by their symptoms and more than 58% of women continued to experience negative impacts of the menopause such as poor concentration, forgetfulness (increasing error rates) and loss of interest in their role¹.
- 3.3 Whilst menopausal symptoms mainly affect women, men can also experience these. The male menopause known as the 'andropause' can also cause a range of psychological and physical symptoms. These can impact on the working life for men too. Symptoms can include poor memory, irritability, poor concentration and fatigue. Whilst the male menopause is not as common as the female menopause, the approach in supporting employees who are affected does not vary and the principles of the policy apply to all.
- 3.4 The profile of the councils, (comprising 226 employees over the age of 40) would suggest that there may be up to 33% of employees at any one point in time who could be experiencing menopausal symptoms. Whilst the HR team are not aware of any cases, it is essential that we have a policy in place which effectively deals with these types of issues. In the last year there have been no known employee relations cases in the councils where menopausal symptoms have been cited. This could possibly be due to the stigma surrounding sharing issues of this kind².

¹ <https://www.forthwithlife.co.uk/blog/menopause-in-the-workplace/#:~:text=Experiencing%20Menopause%20Symptoms%20At%20Work&text=73%25%20of%20women%20reported%20having,had%20trouble%20with%20their%20memory.>

² <https://www.peoplemanagement.co.uk/voices/comment/stigma-around-menopause>

³ <https://menopauseintheworkplace.co.uk/articles/menopause-and-the-health-and-safety-issue/>

- 3.5 The development of this policy supports our duty of care under the Health & Safety at Work Act 1974 to ensure the health, safety and welfare of its staff, where reasonably practicable. This includes taking all reasonable steps to support employees with problems that are known within the workplace. The policy applies to all staff, many of whom will have characteristics that are protected under the Equality Act 2010, in which no employee should suffer detriment as a result – thus making a supportive policy framework important in avoiding risks of tribunal claims³.

4 Additional Budgetary Implications

- 4.1 None

5 Background and relationship to Corporate Strategy and/or Business Plans

- 5.1 This policy has been developed to promote the wellbeing of all employees and the councils are committed to providing confidential support and help where necessary. The policy supports each Council's pledge to make high quality information and interventions concerning health and wellbeing, offering both internal and external facilities and resources available to all employees.

6 Resource Implications

- 6.1 Financial Implications

None identified.

¹ <https://www.forthwithlife.co.uk/blog/menopause-in-the-workplace/#:~:text=Experiencing%20Menopause%20Symptoms%20At%20Work&text=73%25%20of%20women%20reported%20having,had%20trouble%20with%20their%20memory.>

² <https://www.peoplemanagement.co.uk/voices/comment/stigma-around-menopause>

³ <https://menopauseintheworkplace.co.uk/articles/menopause-and-the-health-and-safety-issue/>

S151 Officer comments

Date: 3.2.2021

Deputy S151 has reviewed the paper. No further comments to add.

6.2 Human Resources Implications

There are no direct HR implications. This policy will be updated in the suite of HR policies and will ensure that staff have an appropriate route to raise any issues and HR/Management/Safety and EP will have the appropriate tools to deal with the matter fairly and swiftly.

6.3 Information Governance Implications

None identified.

Other resource implications

There will be a requirement for communications support to implement the policy across the Councils. This has been factored into current resource levels.

¹ <https://www.forthwithlife.co.uk/blog/menopause-in-the-workplace/#:~:text=Experiencing%20Menopause%20Symptoms%20At%20Work&text=73%25%20of%20women%20reported%20having,had%20trouble%20with%20their%20memory.>

² <https://www.peoplemanagement.co.uk/voices/comment/stigma-around-menopause>

³ <https://menopauseintheworkplace.co.uk/articles/menopause-and-the-health-and-safety-issue/>

7 Legal Implications

- 7.1 Under the Health and Safety at Work Act 1974 employers are responsible for the health, safety and welfare at work of all employees. Under the Equality Act 2010, no employee should suffer detriment as a result of any protected characteristic(s). Although menopause itself isn't a protected characteristic, if a worker is treated unfairly because of the menopause, this may amount to discrimination which may link to one the protected characteristics under the Equality Act, and therefore give protection.

Monitoring Officer comments

Date: 29.1.2021

Legal have reviewed the paper and policy and provided information at 7.1

8 Risks

As detailed above, there are risks of challenges under the above legislative Acts in addition to the Health, Safety and Welfare of employees.

9 Consultation

- 9.1 Unison will be consulted on the policy in line with the usual consultation processes.

10 Communication

- 10.1 The policy will be communicated to all members of staff via internal channels.

¹ <https://www.forthwithlife.co.uk/blog/menopause-in-the-workplace/#:~:text=Experiencing%20Menopause%20Symptoms%20At%20Work&text=73%25%20of%20women%20reported%20having,had%20trouble%20with%20their%20memory>.

² <https://www.peoplemanagement.co.uk/voices/comment/stigma-around-menopause>

³ <https://menopauseintheworkplace.co.uk/articles/menopause-and-the-health-and-safety-issue/>

11 Appendices

Appendix A – Menopause Policy

Appendix B – Management Guidance

12 Background papers

12.1 None

Agreed and signed off by:

Portfolio Holder: Cllr. Drew 12.03.2021 Cllr. Bowerman 15.03.2021

Director: Lydia Morrison - 17.12.2020

Monitoring Officer: Daniel Toohey – 29.01.2021

Section 151 Officer: Matthew Tiller – 11.03.2021

Contact Officer:

Name: Victoria Nightingale

Job Title: HR Advisor

Telephone: 07720091837

E-Mail: Victoria.nightingale@havant.gov.uk

¹ <https://www.forthwithlife.co.uk/blog/menopause-in-the-workplace/#:~:text=Experiencing%20Menopause%20Symptoms%20At%20Work&text=73%25%20of%20women%20reported%20having,had%20trouble%20with%20their%20memory.>

² <https://www.peoplemanagement.co.uk/voices/comment/stigma-around-menopause>

³ <https://menopauseintheworkplace.co.uk/articles/menopause-and-the-health-and-safety-issue/>

Appendix A – Menopause Policy

Policy Date	March 2021
Review Date <i>when under review, this policy should continue to be used</i>	March 2024
Author	HR Dept
Version This policy may be amended prior to the review date to comply with any new, relevant legislation or organisational change that affects how this policy is used	1
Related Policies	Managing Sickness Absence Flexible Working Health & Safety

¹ <https://www.forthwithlife.co.uk/blog/menopause-in-the-workplace/#:~:text=Experiencing%20Menopause%20Symptoms%20At%20Work&text=73%25%20of%20women%20reported%20having,had%20trouble%20with%20their%20memory.>

² <https://www.peoplemanagement.co.uk/voices/comment/stigma-around-menopause>

³ <https://menopauseintheworkplace.co.uk/articles/menopause-and-the-health-and-safety-issue/>

1. Purpose

- 1.1 This policy sets out the approach to supporting employees experiencing menopausal symptoms.

2. Scope

- 2.1 This policy applies to all employees.

3. Principles

The council is committed to:

- 3.1 Ensuring that no employee suffers a detriment because of menopausal symptoms.
- 3.2 Recognising the menopause as a health matter and supporting employees in the same way as any other health condition.
- 3.3 Supporting and educating line managers in respect of the menopause, symptoms and their duty of care of employees.
- 3.4 Encouraging flexible working arrangements to meet the needs of those experiencing menopausal symptoms.
- 3.5 Ensuring that individuals feel confident in discussing menopausal symptoms and asking for support and adjustments in order to continue with their role within the organisation.
- 3.6 Ensuring that operating conditions in the workplace do not exacerbate menopausal symptoms and that appropriate adjustments and support are put in place.
- 3.7 Ensuring that in cases where underperformance is related to menopausal symptoms the capability process may be used after all other routes of support have been exhausted.
- 3.8 Ensuring that all individuals are treated fairly and with dignity and respect in their working environment.

¹ <https://www.forthwithlife.co.uk/blog/menopause-in-the-workplace/#:~:text=Experiencing%20Menopause%20Symptoms%20At%20Work&text=73%25%20of%20women%20reported%20having,had%20trouble%20with%20their%20memory.>

² <https://www.peoplemanagement.co.uk/voices/comment/stigma-around-menopause>

³ <https://menopauseintheworkplace.co.uk/articles/menopause-and-the-health-and-safety-issue/>

4. Definitions

Menopause

Is defined as a biological stage in a female's life and occurs when they stop menstruating and reach the end of their natural reproductive life. Usually, it is defined as having occurred when someone has not had a period for twelve consecutive months (for those reaching menopause naturally). The average age for this is 51, however, it can be earlier or later than this due to surgery, illness or other reasons.

Perimenopause

Is the time leading up to menopause when an individual may experience changes, such as irregular periods or other menopausal symptoms. This can be some years before menopause.

Postmenopause

Is the time after menopause has occurred, starting when an individual has not had a period for twelve consecutive months.

Andropause

This is sometimes known as a 'male menopause' in which some people develop depression, loss of sex drive, erectile dysfunction, and other physical and emotional symptoms when they reach their late 40's to early 50's. Other common symptoms are mood swings and irritability, loss of muscle mass and reduced ability to exercise, fat redistribution (gynaecomastia), a general lack of enthusiasm or energy, difficulty sleeping (insomnia) or increased tiredness, poor concentration and short-term memory.

5. Roles and responsibilities

5.1 All employees, regardless of whether they are experiencing menopausal symptoms or not, should:

- Take personal responsibility to look after their personal health and wellbeing
- Familiarise themselves with the Menopause Policy
- Contribute to a respectful and productive working environment
- Be willing to help and support their colleagues.

5.2 The menopause affects employees in different ways and can be a challenging and unsettling time. Employees experiencing menopausal symptoms are encouraged to:

- Inform their line manager that they are experiencing menopausal symptoms at an early stage. Early notification will help line managers to discuss an appropriate way

¹ <https://www.forthwithlife.co.uk/blog/menopause-in-the-workplace/#:~:text=Experiencing%20Menopause%20Symptoms%20At%20Work&text=73%25%20of%20women%20reported%20having,had%20trouble%20with%20their%20memory.>

² <https://www.peoplemanagement.co.uk/voices/comment/stigma-around-menopause>

³ <https://menopauseintheworkplace.co.uk/articles/menopause-and-the-health-and-safety-issue/>

of supporting an employee's individual needs. Employees who do not wish to discuss the issue with their direct line manager may find it helpful to have an initial discussion with a trusted colleague or another manager in the first instance.

- Be open and honest in conversations with managers and Occupational Health.

5.3 All line managers should:

- Familiarise themselves with the Menopause policy and manager's guidance (section 7)
- Be ready and willing to have open discussions with staff, treating any discussions sensitively and professionally and appreciating the personal nature of these discussions
- Treat menopause symptoms as an ongoing health issue rather than as individual instances of ill health.
- Ensure that strict confidentiality and discretion are maintained
- Bear in mind that staff may prefer to speak to a colleague of the same gender, and be willing to facilitate this if appropriate
- Review and agree with the individual how they can best be supported, and any adjustments they may require
- Record what support and adjustments have been agreed and any actions to be implemented
- Ensure ongoing dialogue with the employee.

If adjustments are unsuccessful or if symptoms are proving more problematic the line manager may discuss a referral to Occupational Health for further advice.

6. Available support

6.1 A variety of initiatives such as the council's Employee Assistance Programme Health Assured and mental health first aiders are on offer, information of which is available on the council's intranet.

6.2 External sources of help and support for employees include:

- Menopause matters, which provides information about the menopause, menopausal symptoms and treatment options;
- NHS website
- Male menopause, which provides information about the menopause, menopausal symptoms and treatment options.
- Healthtalk.org – <http://www.healthtalk.org/peoples-experiences/late-life/menopause/topics>

¹ <https://www.forthwithlife.co.uk/blog/menopause-in-the-workplace/#:~:text=Experiencing%20Menopause%20Symptoms%20At%20Work&text=73%25%20of%20women%20reported%20having,had%20trouble%20with%20their%20memory.>

² <https://www.peoplemanagement.co.uk/voices/comment/stigma-around-menopause>

³ <https://menopauseintheworkplace.co.uk/articles/menopause-and-the-health-and-safety-issue/>

- Women's Health Concerns – <https://www.womens-health-concern.org/help-and-advice/factsheets/focus-series/menopause/>
- The Menopause Exchange – <http://www.menopause-exchange.co.uk/>
- NICE Menopause: diagnosis and management – <https://www.nice.org.uk/guidance/ng23>

¹ <https://www.forthwithlife.co.uk/blog/menopause-in-the-workplace/#:~:text=Experiencing%20Menopause%20Symptoms%20At%20Work&text=73%25%20of%20women%20reported%20having, had%20trouble%20with%20their%20memory.>

² <https://www.peoplemanagement.co.uk/voices/comment/stigma-around-menopause>

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Appendix B - Managers' Guidance

- 1.1 The council recognises that the menopause is a very individual experience, that people can be affected in different ways and to different degrees and different levels and types of support and adjustments may be needed. It is therefore not feasible to set out a structured set of specific guidelines.
- 1.2 The menopause can cause a wide range of physical and psychological symptoms that can last for several years.
- 1.3 The majority of menopausal female's experience symptoms, but everyone is different. Symptoms can fluctuate and be felt to varying degrees. Some of the most typical symptoms of the menopause include:
 - psychological issues such as mood disturbances, anxiety and/or depression, memory loss, panic attacks, loss of confidence and reduced concentration
 - hot flushes (brief and sudden surges of heat usually felt in the face, neck, chest)
 - sleep disturbance that can make people feel tired and irritable
 - night sweats (hot flushes that happen during the night)
 - irregular periods and/or periods can become light or heavy
 - muscle and joint stiffness, aches and pains
 - recurrent urinary tract infections (UTIs) including cystitis
 - headaches
 - palpitations (heartbeats that become more noticeable)
 - skin changes (dryness, acne, general itchiness)
- 1.4 Menopause symptoms can affect an employee's comfort and performance at work. The council has a duty to provide a safe working environment for all employees and therefore commits to ensuring that adjustments and additional support are available to those experiencing menopausal symptoms.
- 1.5 The impacts of menopausal symptoms on performance may include, but not limited to; reduced speed of work, reduced quality of work, loss of concentration or focus, reduced decision-making ability, higher absenteeism.
- 1.6 If an employee wishes to speak about their symptoms or just to talk about how they are feeling, please ensure that you:
 - Allow adequate time to have the conversation
 - Find an appropriate room to allow confidentiality
 - Avoid interruptions – switch off phones, ensure colleagues can't walk in and interrupt
 - Encourage them to speak openly and honestly and show empathy and understanding.

¹ <https://www.forthwithlife.co.uk/blog/menopause-in-the-workplace/#:~:text=Experiencing%20Menopause%20Symptoms%20At%20Work&text=73%25%20of%20women%20reported%20having,had%20trouble%20with%20their%20memory.>

² <https://www.peoplemanagement.co.uk/voices/comment/stigma-around-menopause>

³ <https://menopauseintheworkplace.co.uk/articles/menopause-and-the-health-and-safety-issue/>

- Ask simple, open, non-judgemental questions and avoid judgemental or patronising responses
- Listen actively and carefully
- Suggest ways in which they can be supported (see symptoms support below)
- Agree actions, and how to implement them, keep a record and ensure they are treated as confidential and stored securely
- Agree if other members of the team should be informed and by whom
- Ensure that designated time is allowed for a follow up meeting

1.7 Managers support function via Health Assured

Managers can use the managers support function from Health Assured, the Councils Employee Assistance Provider if they would like to talk through how to approach a conversation with a member of staff.

1.8 Symptoms Support

Symptoms can manifest both physically and psychologically, including, but not exhaustively or exclusively; support for those experiencing these symptoms should be considered as detailed below:

Sleep disruption and/or night sweats

- Recognise someone may take more short-term absence if they've had a difficult night.
- Consider a change to shift patterns or the ability to swap shifts on a temporary basis
- Offer a flexible working arrangement, for example a later start and finish time.
- Allow someone to work from home on an ad hoc basis if they've had a rough night.

Hot flushes and/or daytime sweats

- Look at ways to cool the working environment, for example provide a fan, move a desk close to a window or adjust the air conditioning
- Provide easy access to cold drinking water and washrooms.

Heavy or irregular periods

- Allow someone to move around or stay mobile, if that helps.
- Provide easy access to washroom and toilet facilities.
- Allow for more frequent breaks to go to the toilet.
- Allow someone to temporarily work from home if they have very heavy bleeding.

Headaches and fatigue

¹ <https://www.forthwithlife.co.uk/blog/menopause-in-the-workplace/#:~:text=Experiencing%20Menopause%20Symptoms%20At%20Work&text=73%25%20of%20women%20reported%20having,had%20trouble%20with%20their%20memory.>

² <https://www.peoplemanagement.co.uk/voices/comment/stigma-around-menopause>

³ <https://menopauseintheworkplace.co.uk/articles/menopause-and-the-health-and-safety-issue/>

- Consider a temporary adjustment to someone's work duties.
- Provide a quiet area to work.
- Provide access to a rest room.
- Offer easy access to drinking water.
- Allow regular breaks and opportunities to take medication.

Muscular aches, and bone and joint pain

- Make any necessary temporary adjustments through review of risk assessments.
- Allow someone to move around or stay mobile, if that helps.

Psychological issues (for example loss of confidence, poor concentration, anxiety, etc)

- Encourage employees to discuss concerns at one-to-one meetings with you and/or occupational health.
- Discuss possible adjustments to tasks and duties that are proving a challenge.
- Offer closer supervision or a temporary redeployment into another role if operationally possible.
- Address work-related stress by carrying out a stress risk assessment
- Signpost employee to the Councils Employee Assistance Programme. Health Assured 0800 0305182 / <https://healthassuredeap.co.uk/>
- Identify a supportive colleague to talk to away from the office or work area, such as a well-being champion.
- Allow time out from others when needed, to have some quiet time or undertake relaxation or mindfulness activities.
- Provide access to a quiet space to work or the opportunity to work from home.
- Have agreed protected time to catch up with work.
- Discuss whether it would be helpful for the employee to visit their GP, if they haven't already. Or Occupational Health.
- Consistent with other policies, e.g. Fair treatment, supportive, as with other underlying health conditions.

- 1.9 Whilst the 'male menopause' (andropause) is not as common as the female menopause, the sympathetic fact-based approach in supporting employees who are affected does not vary and the principles of this policy apply to all.

¹ <https://www.forthwithlife.co.uk/blog/menopause-in-the-workplace/#:~:text=Experiencing%20Menopause%20Symptoms%20At%20Work&text=73%25%20of%20women%20reported%20having,had%20trouble%20with%20their%20memory.>

² <https://www.peoplemanagement.co.uk/voices/comment/stigma-around-menopause>

³ <https://menopauseintheworkplace.co.uk/articles/menopause-and-the-health-and-safety-issue/>

NON-EXEMPT

EAST HAMPSHIRE DISTRICT COUNCIL/HAVANT BOROUGH COUNCIL

Joint HR Committee

23rd March 2021

Alcohol, Substance Abuse and Addiction Policy

FOR DECISION

Portfolio Holder: Cllr Lulu Bowerman Cabinet Lead and Cllr Nick Drew Portfolio Holder

Key Decision: No

1. Purpose

- 1.1. This paper is submitted to Joint HR Committee for agreement to update and reintroduce a policy which effectively deals with instances of alcohol, substance abuse and addiction in the workplace.

2. Recommendation

- 2.1. Joint HR Committee members are asked to approve the Alcohol, Substance Abuse and Addiction Policy for East Hampshire District Council (EHDC) and Havant Borough Council (HBC. This is set out at Appendix A.

3. Executive Summary

- 3.1. The Councils currently have a policy in place which specifically deals with alcohol and substance abuse issues. Previous instances of alcohol and/or substance abuse which have been raised have been dealt with through the Managing Sickness Absence procedure. This is because the current policy does not treat these types of issues as an illness, is punitive in approach and does not provide a practical pathway for managers to deal with the resulting absence. This has created difficulties in the way the cases are managed particularly due to a lack of

¹ <https://alcoholchange.org.uk/alcohol-facts/fact-sheets/alcohol-in-the-workplace>

² <https://digital.nhs.uk/data-and-information/publications/statistical/statistics-on-drug-misuse/2019/part-3-drug-use-among-adults>

clarity in the approach taken when supporting employees and/or members of their family who are experiencing problems of this nature.

- 3.2. As alcohol, substance abuse and addiction can have a major effect on employee's lives, it is essential that we have a policy in place which specifically sets out our approach to managing these types of issues in the workplace. Addictive behaviours and/or the use of alcohol and substances can lead to ill-health and underperformance. There are varying statistics on the percentage of employees who have experienced these issues, but surveys indicate that more than 25 million adults regularly drink alcohol, and the cost of lost productivity due to alcohol consumption costs the UK economy more than £7 billion each year¹.
- 3.3. In the last year there has been one employee relation case where alcohol and/or drugs have been cited. Whilst the number of cases the HR team deal with is/has been extremely low over the years, 3-5% of UK work absence is estimated to be as a result of alcohol consumption so the impact of this type of absence on lost productivity is significant². Managers that are trained in being able to spot the signs and the patterns of absence coupled with a greater understanding of how employees can be supported will benefit the employee (mental and physical wellbeing) and the organisation.
- 3.4. The development of this policy supports our duty of care under the Health & Safety at Work Act 1974 to ensure the health, safety and welfare of its staff, where reasonably practicable. This includes taking all reasonable steps to resolve drug, alcohol and other substance misuse related problems known within the workplace.

¹ <https://alcoholchange.org.uk/alcohol-facts/fact-sheets/alcohol-in-the-workplace>

² <https://worksmart.org.uk/health-advice/employer-support/drugs-and-alcohol/how-much-problem-drug-and-alcohol-abuse-work>

¹ <https://alcoholchange.org.uk/alcohol-facts/fact-sheets/alcohol-in-the-workplace>

² <https://digital.nhs.uk/data-and-information/publications/statistical/statistics-on-drug-misuse/2019/part-3-drug-use-among-adults>

4. Additional Budgetary Implications

4.1. None

5. Background and relationship to Corporate Strategy and/or Business Plans

5.1. This policy aims to promote the wellbeing of all employees. The councils are committed to providing confidential support and help where necessary. The policy supports the Council's pledge to make high quality information and interventions concerning health and wellbeing, offering both internal and external facilities and resources available to all employees.

6. Resource Implications

6.1. Financial Implications

None identified.

S151 Officer comments

Date: 9th December 2020

Paper has been reviewed. No comments to add.

6.2. Human Resources Implications

There are no direct HR implications. This policy will be updated in the suite of HR policies and will ensure that staff have an appropriate route to raise any issues. HR/Management/Safety and EP will have the appropriate tools to deal with the matter fairly and swiftly.

6.3. Information Governance Implications

None identified.

Other resource implications

There will be a requirement for communications support to implement the policy across the Councils.

7. Legal Implications

¹ <https://alcoholchange.org.uk/alcohol-facts/fact-sheets/alcohol-in-the-workplace>

² <https://digital.nhs.uk/data-and-information/publications/statistical/statistics-on-drug-misuse/2019/part-3-drug-use-among-adults>

- 7.1. The Misuse of Drugs Act 1971 is in place to prevent the misuse of controlled drugs. It achieves this by imposing a complete ban on stipulated drugs. It outlines consequences and the fact that it is a criminal offence for any person to knowingly produce, supply or use controlled substances on premises unless specified (such as when prescribed).
- 7.2. Under the Health and Safety at Work Act 1974 employers are responsible for the health, safety and welfare at work of all employees. The Management of Health and Safety at Work Regulations say risk assessments should be conducted, which would include the use or presence of drugs at work if there appears to be a risk. Under the Road Traffic Act 1988 drivers must not be under the influence of drugs or alcohol while driving or when in charge of a vehicle.

Monitoring Officer comments

Date: 6th January 2021

Legal have reviewed the paper. Deputy Monitoring Officer sign off provided.

8. Risks

There is a risk that, if issues of this type are not handled in the correct way, this could lead to staff absence and loss of productivity. Ensuring that the council has the right policy approach in place will mitigate this.

There is a risk that managers will not be able to identify the warning signs of addictive behaviours/actions. Training will be provided by the HR team as part of the roll out of the revised policy to mitigate this.

There is a risk that staff who have an alcohol or substance addiction may be a hazard to themselves or others. The training to managers alongside a revised policy which treats the substance misuse as an illness should help in staff feeling more comfortable to ask for help.

¹ <https://alcoholchange.org.uk/alcohol-facts/fact-sheets/alcohol-in-the-workplace>

² <https://digital.nhs.uk/data-and-information/publications/statistical/statistics-on-drug-misuse/2019/part-3-drug-use-among-adults>

Consultation

- 8.1. Unison will be consulted on the policy in line with the usual consultation processes.

9. Communication

- 9.1. The policy will be communicated to all members of staff via internal channels.

10. Appendices

- 10.1. Appendix A – Alcohol, Substance Abuse and Addiction Policy.

11. Background papers

- 11.1. None

Agreed and signed off by:

Portfolio Holder: Cllr. Drew 8.3.2021 Cllr. Bowerman 15.03.2021

Director: Lydia Morrison - 17.12.2020

Monitoring Officer: Daniel Toohey – 10.03.2021

Section 151 Officer: Matthew Tiller – 10.03.2021

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¹ <https://alcoholchange.org.uk/alcohol-facts/fact-sheets/alcohol-in-the-workplace>

² <https://digital.nhs.uk/data-and-information/publications/statistical/statistics-on-drug-misuse/2019/part-3-drug-use-among-adults>

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ALCOHOL, SUBSTANCE ABUSE AND ADDICTION POLICY

Policy Date	March 2021
Review Date <i>when under review, this policy should continue to be used</i>	March 2024
This policy is non-contractual	
Version <i>This policy may be amended prior to the review date to comply with any new, relevant legislation or organisational change that affects how this policy is used</i>	1
Related Policies	Managing Sickness Absence Managing Change Protocols (Redeployment) Capability Disciplinary Health & Safety

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1. Purpose

- 1.1. Havant Borough Council and East Hampshire District Council are committed to providing a safe working environment ensuring the health, safety and welfare of all employees. This includes promoting good health and wellbeing for all our employees.
- 1.2. The Councils' will take all reasonable steps to reduce, if not eliminate, the risk of injuries or incidents occurring due to employees suffering from the effects of alcohol, substance abuse or addictive behaviours including but not limited to gambling.
- 1.3. This policy sets out how Havant Borough Council and East Hampshire District Council will manage incidents of alcohol and/or substance abuse in work (irrespective of work location). It also details the type of support available to staff who are or might be suffering from an alcohol or substance abuse issue.
- 1.4. The fundamentals within this policy will be applied to other addictive behaviours having an adverse effect on employees.

2. Scope

- 2.1. This policy applies to all employees of the council regardless of gender, gender reassignment, race, religion or belief, disability, sexual orientation, age, trade union membership or public interest disclosure status. It also applies to part time and fixed term employees.

3. Principles

- 3.1. Employees must not report to work whilst impaired through alcohol, drugs or other substances (whether illegal or not).
- 3.2. Employees must not be in possession of alcohol or illegal drugs on the Councils' premises.
- 3.3. Employees must not consume alcohol, illegal drugs or take or use any substances in a non-permitted way whilst at work or whilst representing the Councils'. Specific reference is made to those driving Council owned vehicles and those using their own vehicles on Council business.

In addition:

- 3.4. All employees must be made aware of their responsibilities regarding alcohol and substance misuse in the workplace. This will be done via the induction process for new starters, and via line managers raising awareness of this policy through internal health & wellbeing communications.
- 3.5. Employees who have an alcohol and/or substance related problem will be encouraged to seek help, in confidence, at an early stage.

3.6. Employees who volunteer an alcohol and/or substance related problem will be dealt with sympathetically, fairly and consistently.

3.7. The Councils' will where possible assist an employee with a drug and/or substance related problem back to the workplace, if appropriate.

4. Substance and Alcohol Abuse

4.1. The misuse of alcohol, drugs or substances by employees might become apparent in a variety of ways. The following could be an indication of a problem:

- Absenteeism/poor time keeping
- Change in appearance (unkempt)
- High accident levels
- Decline in work performance
- Mood swings
- Misconduct
- Hand tremor
- Weight loss
- Refusal to appear on screen in digital meetings

4.2. If a manager or employee has reasonable grounds to suspect that an individual has reported for work in an unfit state through the use of alcohol*, or illegal drugs that could cause harm to themselves and/or others in the course of their duties, they must immediately notify any available manager. The employee will be immediately instructed to stop work, and if appropriate sent home or suspended from their duties by the manager. The length of suspension will be determined by the available manager, in consultation with HR and Health & Safety.

*[*For alcohol, an unfit state will normally be defined as someone who is over the legal limit stipulated for driving i.e. 35mcg/100ml of breath alcohol concentration or in the opinion of management, the individual's performance is impaired, or their behaviour may cause embarrassment, distress or offence to others].*

4.3. Employees who behave in a manner contrary to normal standards of conduct due to occasional excessive use of alcohol, drugs or other substances will be dealt with under the relevant Councils' Disciplinary Policy.

4.4. Employees must inform their line manager if they are taking prescribed medication which may influence their ability to carry out their work safely and must follow any instructions subsequently given. In these circumstances, advice must be sought from the HR and Health & Safety Teams, with follow up from Occupational Health where relevant.

4.5. If a manager suspects an employee of having a long-term substance misuse problem, they must discuss this with a member of both the HR and Health & Safety teams before taking any action. It is likely that guidance will be sought from Occupational Health.

- 4.6. Health & Safety risk assessments are reviewed annually by all services, and due consideration is given to those services which employ members of staff who operate machinery and drive on Council business.

5. Sanctions

- 5.1. Convictions of employees for drug or alcohol offences can damage public confidence in the Council and its services, irrespective of the role performed by that member of staff and whether the offence was committed at work or not. Broadly we would look at each case to establish what the best course of action is when it comes to supporting the individual towards a healthy recovery.
- 5.2. Employees must not attempt to sell, distribute or supply alcohol whilst on Council premises or whilst representing the Council [this excludes licensed personal gifts between staff]. If an employee is found to be in possession of an illegal substance, the contravention will be reported to the Police.
- 5.3. Any breaches of the above will be viewed by the Councils' as gross misconduct and may lead to suspension and disciplinary action, which could result in dismissal.

6. Drug and/or Alcohol Dependency

- 6.1. An employee suffering from drug and/or alcohol dependency should declare this to their line manager or to HR. The Councils' will usually provide reasonable assistance if the employee acknowledges that they have a drug and/or alcohol dependency problem.
- 6.2. The Council's reserve the right to move to a disciplinary process if the employee is unwilling to engage with Occupational Health and any subsequent medical support that may be offered at cost to the employee's service area, with the aim of developing a plan for recovery.
- 6.3. Absences for treatment and/or rehabilitation will be treated in the same way as any other sickness absence. The provision of counselling and support can be accessed via the Employee Assistance Programme (EAP). Full details of external support organisations available, including the EAP are listed in Appendix 1. These organisations can help managers/staff/HR/Unison to support colleagues with these problems and/or support staff who are experiencing these issues with friends and family members.

7. Disqualification from Driving

- 7.1. Any employee who becomes disqualified from driving (and who drives as part of their job role) either temporarily or permanently, must let their line manager know immediately.
- 7.2. The line manager would then raise the matter in confidence with HR, who would look to approach redeployment on the basis of:
- The nature of the contravention
 - The likely duration of the disqualification
 - The needs of the service area
 - The employee's skillset

- Any vacant posts

7.3. If the disqualification is permanent and redeployment is not possible, the employee would be managed in line with the Council's Capability procedure.

8. If an accident occurs whilst Driving on Council business

8.1. Any accident that occurs whilst driving on Council business, resulting in damage to property and/or injury to persons – must be reported to the Police. The Police may take a sample of breath (to detect the presence of alcohol) at the scene of the incident, and the HR and Health & Safety teams may request that the employee's line manager refers the employee involved in the accident to Occupational Health.

Review of Policy

This policy will be reviewed every two years or earlier at the request of either UNISON or EHDC/HBC.

Appendix 1

External Agencies Contact Details for Employees dealing with Alcohol and Drug Related Problems

1. Occupational Health (Cordell Health)

Cordell Health is the councils' Occupational Health service, which is a service for staff and managers aimed at preventing ill health and supporting those with health conditions. Cordell Health provide independent, professional advice for work related concerns. Referrals can be made online by the Manager working with HR. Face to face, Skype, and telephone consultations are options for appointments.

<http://intranet/basic-page/occupational-health>

Access to Occupational Health is by management referral only.

2. Employee Assistance Programme (EAP)

This free and fully confidential service is available for any member of staff. There is a helpline and also a comprehensive website to help staff with the following areas;

- ☐ Work advice
- ☐ Counselling
- ☐ Financial wellbeing
- ☐ Legal information
- ☐ Family issues
- ☐ Childcare support
- ☐ Medical information
- ☐ Substance abuse

EHDC staff - username: Hampshire, password: EAP

HBC staff - username: Havant, password: EAP

Free 24-hour confidential helpline on 0800 030 5182

<https://healthassuredeap.co.uk/> (External website link)

<http://intranet/basic-page/employee-assistance-programme-0> (Intranet link)

3. Action on Addiction

Registered charity with treatment centres for all addictions, throughout England. They also provide support for families and children

- Tel: 0300 330 0659 or email: admin@actiononaddiction.org.uk
- Website: www.actiononaddiction.org.uk

4. Options Alcohol & Drug Counselling & Information Service

Free counselling, information and advice services for people over age 55 with substance misuse problems in the Southwest.

- Address: 147 Shirley Road, Southampton SO15 3FH
- Phone: 023 8063 0219
- Email: southampton@optionscounselling.co.uk

5. Drinkline

Helpline offering support to those worried about their own or others alcohol consumption

- Tel: 0800 7 314 314

6. Drinksmarter

Web resource offering advice and handy tools on sensible drinking

- Website: www.drinksmarter.org

7. AddAction

Nation-wide drug and alcohol treatment agency which provides links to local groups.

- Email: info@addaction.org.uk
- Website: www.addaction.org.uk

8. Alcoholics Anonymous

A fellowship who share their experience, strength and hope with each other that they may solve their common problem and help others to recover from alcoholism

- Confidential Helpline - 0845 769 7555
- Email: help@alcoholics-anonymous.org.uk
- Website: www.alcoholics-anonymous.org.uk

9. National Drugs Helpline

A free and confidential service available 24 hours, 7 days a week.

- Tel: 0800 77 66 00

10. Narcotics Anonymous

A confidential service, run by volunteers who are recovering addicts, available 24 hours, 7 days a week.

- Tel: 0300 999 1212
- Website: www.ukna.org

NON-EXEMPT

EAST HAMPSHIRE DISTRICT COUNCIL/HAVANT BOROUGH COUNCIL

Joint HR Committee

23rd March 2021

Bullying and Harassment Policy

FOR DECISION

Portfolio Holder: Cllr Lulu Bowerman Cabinet Lead and Cllr Nick Drew Portfolio Holder

Key Decision: No

1. Purpose

- 1.1. This paper is submitted to Joint HR Committee for agreement to implement a policy which effectively deals with instances of bullying and harassment in the workplace.

2. Recommendation

- 2.1. Joint HR Committee members are asked to approve the Bullying and Harassment Policy for East Hampshire District Council (EHDC) and Havant Borough Council (HBC). This is set out at Appendix A.

3. Executive Summary

- 3.1. The Councils do not currently have a policy in place which specifically deals with bullying and harassment. This has created difficulties in the way the cases are managed as there has been no clear statement to guide employees on acceptable behaviour. In turn the opportunity for poor working relationships have been increased along with time being spent by Managers on dealing with conflict.
- 3.2. As bullying and harassment is seen to be a major workplace problem in the UK that can make the daily working lives of many workers intolerable it is essential

that we have a policy in place which specifically deals with these types of issues. Workplace bullying can lead to ill-health and work-related stress, it affects morale and because workers affected by bullying may take long periods of sick leave or leave the organisation altogether it can be costly to the organisation too.

- 3.3. There are varying UK statistics on the percentage of employees who have experienced bullying but generally surveys indicate that between 25-30% of employees have experienced workplace bullying¹. In EHDC and HBC since the HR function has returned inhouse (Oct 2019) there have been 3 formal complaints where bullying and/or harassment have been cited. These complaints have been made against managers. Following investigation two of the allegations were unfounded and one was partially upheld. Whilst the Councils do not have a significant issue with workplace bullying, it is still very important that the Councils have a policy in place which deals effectively with these issues should they arise.
- 3.4. Bullying and harassment are often used as interchangeable terms and whilst there are similarities there are also differences. Bullying is defined as the 'offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient'. Harassment is defined in the Equality Act (2010) as the '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 individual²'.
- 3.5. The development of this policy supports the public sector equality duty and ensures that staff have a route to raise issues if they are feeling bullied and/or harassed. There is clear linkage to grievance, code of conduct and equality policies to provide clarity over the day to day expectations of behaviour. It

¹ <https://www.cipd.co.uk/knowledge/fundamentals/relations/disputes/managing-workplace-conflict-report>

² ACAS definition of bullying and harassment

provides a clear route to raise issues and address unacceptable behaviour and ensure unnecessary disengagement is minimised.

4. Additional Budgetary Implications

4.1. None

5. Background and relationship to Corporate Strategy and/or Business Plans

5.1. The policy supports the Councils' values to be a fair employer. The Corporate Strategies highlight the delivery of respect and support for each other, in addition to the wellbeing of our teams. This policy underpins this approach.

6. Resource Implications

6.1. Financial Implications

None directly identified, although robust policies and processes will ensure that any future claims can be managed, and potential costs minimised.

S151 Officer comments

Date: 9.12.2020

This report and policy have been reviewed. There are no further comments to add.

6.2. Human Resources Implications

There are no direct HR implications. This policy will be added to the suite of HR policies. It will ensure that staff have an appropriate route to raise any issues and HR/Management will have the appropriate tools to deal with the matter fairly and swiftly.

6.3. Information Governance Implications

None identified.

Other resource implications

There will be a requirement for communications support to implement the policy across the Councils.

7. Legal Implications

- 7.1. The Equality Act 2010 uses a general definition of harassment that requires the conduct in question to be related to a protected characteristic. Employees can complain of behaviour that they find offensive to an Employment Tribunal even if it is not directed at them as the Employment Tribunal will take into account the context in which the conduct takes place. Unless bullying amounts to conduct defined as harassment in the Equality Act 2010 it is not possible for an employee to make a complaint to an Employment Tribunal about it. If, however, an employee can demonstrate a breakdown in the mutual trust and confidence between employer and employee and as a result resigns, then they are able to make a claim for constructive dismissal on the grounds of breach of contract. For these reasons it is essential that a robust policy is in place which mitigates the risk of tribunal claims.

8. Risks

Monitoring Officer comments

Date: 8.12.2020

Legal have reviewed the attached policy and paper and are content with this. No further legal implications to add.

As detailed above, there are risks of challenges under the Equality Act 2010 if processes which are designed to reduce the risk of bullying and harassment are not sufficiently robust and transparent.

9. Consultation

- 9.1. Unison will be consulted on the policy in line with the usual consultation processes.

10. Communication

10.1. The policy will be communicated to all members of staff via internal channels.

11. Appendices

11.1. Appendix A – Bullying and Harassment Policy

12. Background papers

12.1. None

Agreed and signed off by:

Portfolio Holder: Cllr. Nick Drew 12.03.2021 Cllr. Lulu Bowerman 15.03.2021

Director: Lydia Morrison - 17.12.2020

Monitoring Officer: Daniel Toohey - 10.03.2021

Section 151 Officer: Matthew Tiller – 10.03.2021

Contact Officer:

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PREVENTION OF BULLYING AND HARASSMENT AT WORK

Policy Date	March 2021
Review Date <i>when under review, this policy should continue to be used</i>	March 2024
This policy is non-contractual	
Version <i>This policy may be amended prior to the review date to comply with any new, relevant legislation or organisational change that affects how this policy is used</i>	1
Related Policies	Grievance Policy Disciplinary Policy Health & Safety

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2. Scope	Error! Bookmark not defined.
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1. Purpose

- 1.1 We are committed to encouraging and maintaining good employee relations within a working environment which fosters team working and encourages employees to give their best. Everyone in the council and those who have dealings with the council has a responsibility to maintain good working relationships and not use words or deeds that may harm the wellbeing of others. In addition to the obligations placed upon both employers and employees by equality and human rights legislation, everyone has the right to be treated with consideration, fairness, dignity and respect. This contributes to a workplace environment in which individuals feel safe and can work effectively competently and confidently.
- 1.2 This policy applies to all staff working within the council and to all employees working off the premises. It extends to include non-permanent workers such as secondees, contractors, agency, temporary staff, consultants and any other workers. The policy, in addition, covers the behaviour of staff outside working hours which may impact upon work or working relationships.
- 1.3 We have a “zero tolerance” policy and will investigate vigorously any allegations of bullying or harassment, regardless of whether the matter has been raised formally or informally.

2. Scope

- 2.1 This policy applies to all employees of the council regardless of gender, gender reassignment, race, religion or belief, disability, sexual orientation, age, trade union membership or public interest disclosure status. It also applies to part time and fixed term employees.

3. Principles

- 3.1 The council will provide and sustain a safe working environment in which everyone is treated fairly and with respect. Those working or dealing with the council must not encounter harassment, intimidation or victimisation on the basis of gender, race, colour, ethnic or national origin, sexual orientation, marital status, religion or belief, age, trade union membership, disability, offending background or any other personal characteristic.
- 3.2 Everyone carries a personal responsibility for their own behaviour and for ensuring that their conduct is in accordance with the principles set out in this policy. In addition, each person has a responsibility to report any instance of

bullying or harassment which they witness, or which comes to their attention. Employees have a responsibility to act as role models, pro-actively addressing instances of bullying and harassment. Managers should also make themselves aware of their responsibility.

3.3 Harassment is generally defined in the Equality Act 2010 as any conduct which 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”

3.3 Harassment may be an isolated occurrence or repetitive; it may occur against one or more individuals. Harassment may be, but is not limited to:

- Physical contact – ranging from touching to serious assault, gestures, intimidation, aggressive behaviour
- Verbal – unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter, offensive language
- Non-verbal – offensive literature or pictures, graffiti and computer imagery, isolation or non-co-operation and exclusion or isolation from social activities.

3.4 Bullying is unlikely to be a single or isolated instance. It is usually, but not exclusively repeated and persistent behaviour which is offensive, abusive, intimidating, malicious or insulting or misuse of power through means that undermine, humiliate, denigrate or injure a recipient. Bullying includes but is not limited to:

- Conduct, which is intimidating, physically abusive or threatening
- Conduct that denigrates, ridicules or humiliates an individual, especially in front of colleagues
- Humiliating an individual in front of colleagues
- Picking on one person when there is a common problem
- Shouting at an individual to get things done
- Consistently undermining someone and their ability to do the job
- Setting unrealistic targets or excessive workloads
- “cyber bullying” i.e. bullying via e-mail or social media (This should be borne in mind where employees are working remotely and are managed through online means. Care and sensitivity should be practised regarding the choice of context and language)
- Setting an individual up to fail e.g. by giving inadequate instructions or unreasonable deadlines.

We believe bullying takes many forms such as physical, verbal, social exclusion and cyber, and can include the misuse of mobile phones, technical devices and Internet social networking websites. Cyber bullying can take on the form of text messages, emails, rumours or pictures/videos sent by electronic technologies or posted on social networking sites. It is everyone's duty to look out for all signs of bullying and to take the appropriate action to stop it. We will deal with all incidents of alleged bullying.

- 3.5 Harassment and bullying may be summarised as any behaviour that is unwanted by the person to whom it is directed. It is the impact of the behaviour rather than the intent of the perpetrator that is the determinant as to whether harassment or bullying has occurred.

4 PROCESS

4.1 INFORMAL STAGE

Any employee who wishes to make a complaint of harassment or bullying is encouraged to first discuss matters informally with their line manager, if they feel able to do so.

FORMAL STAGE

- 4.2 Should the issues not be resolved at this stage, or the employee feels unable to raise the issue informally, see Appendix I, then a formal resolution should be sought using the Grievance Policy.

When a complaint of harassment or bullying is brought to the attention of a manager at any level, whether informally or formally, prompt action must be taken to investigate the matter. Corrective action must be taken where appropriate and this may require an investigation under the council's Disciplinary Procedure.

- 4.2 If it is considered that one of the parties concerned in a harassment or bullying case should be moved from their current workplace, then as a matter of principle the council will normally remove the alleged perpetrator rather than the complainant. However, the final decision on who should be moved should reflect the circumstances of the case and advice from senior management. It should be noted and explained to those concerned that the moving of either party is not an implication of guilt or culpability and no detriment to either party will be construed as a consequence.
- 4.3 All matters relating to the investigation of complaints of harassment or bullying will be treated in strict confidence. Any breach of confidentiality in this regard may render those responsible liable to disciplinary actions. However, it will be

necessary that any alleged perpetrator is made aware of the allegations against them and the name(s) of those making the allegations together with the name(s) of any witnesses.

- 4.4 No employee will be victimised or suffer detriment for making a complaint of harassment or bullying and no manager shall threaten either explicitly or implicitly that an employee's complaint will be used as the basis for decisions affecting that employee. Such conduct will be treated as a very serious disciplinary offence. Similarly, managers are required to act on any complaint of harassment or bullying. Failure to do so will be regarded as misconduct which if proven, will result in disciplinary action.
- 4.5 All complaints of harassment or bullying whether raised formally or informally must be notified by the recipient of the complaint to HR.
- 1.
- 4.6 For allegations of bullying and/or harassment by a councillor to an officer a separate procedure is used which can be found at [insert details].

This policy and procedure will be reviewed periodically giving due consideration to any legislative changes.

APPENDIX 1

Informal Resolution

Very often people are not aware that their behaviour is unwelcome or misunderstood and an informal discussion can lead to greater understanding and agreement that the behaviour will cease.

Complainants are therefore encouraged to try, if they feel able to do so, to resolve the problem informally by making it clear to the alleged harasser that his/her actions are unwanted and should not be repeated. This may be done verbally or in writing in which case the complainant should keep a copy of the documentation and, where possible, the times and dates of incidents should be recorded.

If the complainant feels unable to approach the alleged harasser, a work colleague, or Trade Union representative could be asked to speak to the alleged harasser on the complainant's behalf. A note should be made of the action taken and the matter notified to senior management.

Where the employee's line manager is the subject of concern, the matter should be dealt with by the next level of line management. A manager from another service area can also be called upon if it is appropriate in the circumstances.

An individual who is made aware that their behaviour is unacceptable should:

- Listen carefully to the complaints and the particular concerns raised
- Respect the other person's point of view; everyone has a right to work in an environment free from harassment/intimidation
- Understand and acknowledge that it is the other person's reaction/perception to another's behaviour that is important
- Agree the aspects of behaviour that will change
- Review their general conduct/behaviour at work and with workplace colleagues.

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